

State of New York
Offices of the Inspector General



Racial Disparities in the Administration of
Discipline in New York State Prisons

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EXECUTIVE SUMMARY

The myriad manifestations of systemic racism in the complex web of social systems throughout New York State and America writ large are well-documented. Criminal justice systems in particular are rife with racial inequities at every stage, from initial contact to arrest, trial, and sentence, and through re-entry and beyond, which are themselves inextricably connected to devastating racial disparities in inter-related and surrounding systems including, for example, education, housing, and public health.

In December 2016, *The New York Times*¹ reported on a specific alarming instance of such disparities—those in the allocation of behavioral infraction tickets² and the attendant punishment by the New York State Department of Corrections and Community Supervision (DOCCS) to incarcerated individuals in the year 2015.³

Following publication of the *New York Times* findings, the then governor directed that the New York State Inspector General “investigate the allegations of racial disparities in discipline in State prisons” and recommend solutions.⁴ After an initial review, the Inspector General recommended that DOCCS engage the National Institute of Corrections (NIC)⁵, a federal agency that is part of the U.S. Department of Justice, to complete a comprehensive assessment based on their extensive national expertise. The Inspector General oversaw that process and the implementation of the accepted recommendations.

Over the following half-dozen years, with the cooperation of DOCCS, the Inspector General continued to monitor these trends to determine whether the NIC recommendations had the desired impact, to observe the impact of additional measures implemented by DOCCS to identify and address possible racial bias in its facilities, programs, and disciplinary actions, and

¹ <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>.

² DOCCS also refers to Misbehavior Reports as “tickets.”

³ In August 2021, then Governor Andrew Cuomo signed into law a bill requiring people serving time in prison in New York State to be referred to as “incarcerated individuals” rather than “inmates.” Although DOCCS has not updated all directives to reflect this mandate, this report will substitute “incarcerated individuals” for the term “inmate.”

⁴ The then governor, some media coverage, and the subsequent report by the National Institute for Corrections all at times use the terms “bias” and “disparity” interchangeably. “Bias” is defined in the Merriam-Webster Dictionary as “an inclination of temperament or outlook; especially a personal and sometimes unreasoned judgment: prejudice.” “Disparity,” on the other hand, is defined as “a noticeable and usually significant difference or dissimilarity.” This report focuses on measurable disparities in behaviors and outcomes, as compared to the subjective temperament that may motivate such behaviors, and thus will consistently use the term “disparity,” except where directly quoting another source.

⁵ The NIC was created in 1974 by the United States Congress in the aftermath of the Attica Uprising.

to gather more comprehensive data in hopes of conclusively identifying the root causes of the observed disparities.

As part of that effort, the Inspector General conducted its own comprehensive analysis of data maintained by DOCCS on the discipline of incarcerated individuals. This analysis expanded upon the methodology used by the *Times*⁶ by covering a broader period (2015-2020), using an alternate method of tallying of incarcerated populations⁷, and including reports of rule violations, which are known as Misbehavior Reports, that were ultimately dismissed.⁸ In addition, the Inspector General retained a professor who is an expert in statistics to review and comment on its analysis.

Regrettably, although this longitudinal analysis was able to eliminate some factors that might have contributed to said disparities, assigning the overall or specific cause of the disparities to explicit and implicit racial bias cannot be supported by data alone. Instead, this report articulates the breadth and depth of the Inspector General's analysis since the initial reporting, identifies the existence of continuing concerning trends, including an increase in racial disparities by some measures, and offers additional recommendations intended to evaluate the persistent disparities. Notably, one such recommendation calls for increased transparency of DOCCS infraction data to facilitate future expert analysis and additional remedial interventions to continue to address racial disparities in the issuance of infraction reports across DOCCS and eliminate some of the potential variables present for each of the 385,057 reports issued in the six-year period reviewed that make rendering a more conclusive verdict as to the causes impossible.

The Inspector General also reviewed many factors that may influence or contribute to such racial disparity within the New York State correctional system. These include the severity of and type of crimes for which people were incarcerated, time incarcerated, age of the

⁶ The New York Times' review of data was limited to substantiated Misbehavior Reports for 2015. These included both Tier II (moderate) and Tier III (severe) infractions in which an incarcerated individual was subsequently found to be guilty. The data reviewed by the Inspector General included all Tier II and III Misbehavior Reports for 2015 through 2020, regardless of the ultimate disposition of the infraction. As the Inspector General's review included charges that were ultimately dismissed, it provides a more comprehensive view of disparities. DOCCS does not maintain reviewable data on Tier 1 (minor) infractions.

⁷ As detailed further in [Appendix 2, item 4](#), the Inspector General identified the actual minimum number of individuals incarcerated each year based on their unique DOCCS-assigned identification numbers. The Times averaged two different "snapshots" of the incarcerated population taken in the middle and end of 2015 to estimate the incarcerated population.

⁸ See [Appendix 22](#) for DOCCS Misbehavior Report. Note, Misbehavior Reports, which are written by DOCCS staff for alleged rule violations, are adjudicated in hearings, the findings from which may be appealed.

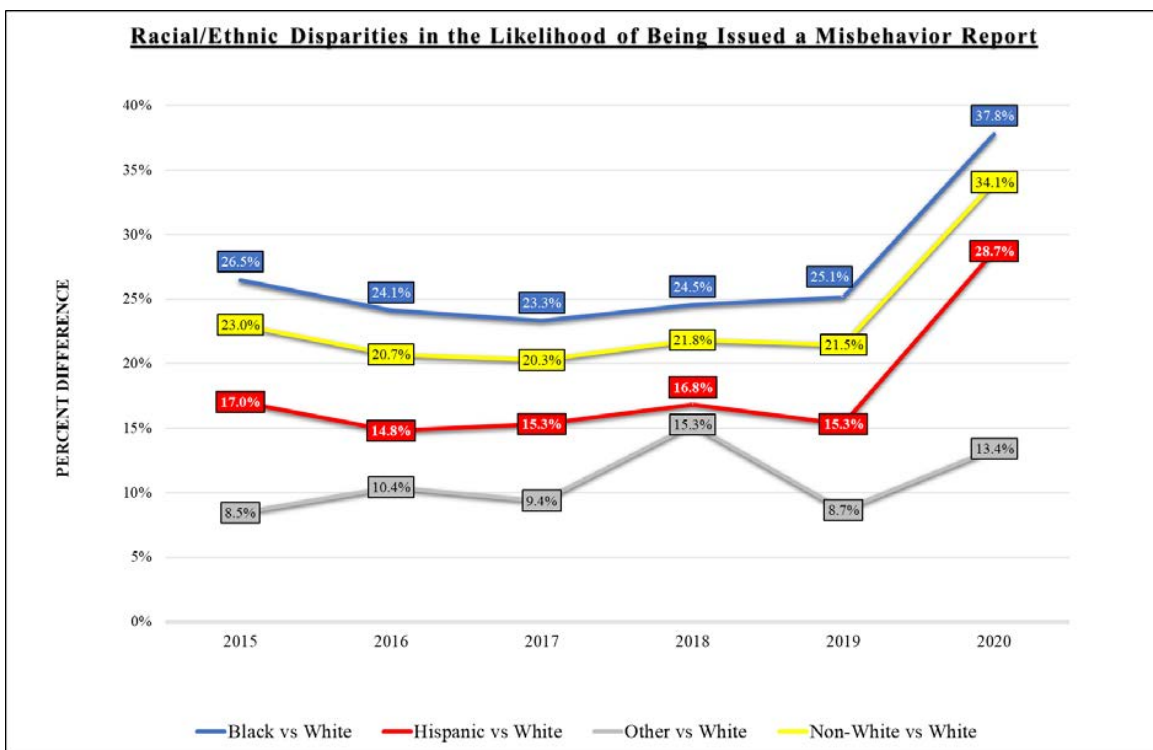
incarcerated population, facility of misbehavior, and corrections workforce demographics. The Inspector General further analyzed the disparity in rule violations issued by facility and issuing employee, and the disparity in the dismissal of rule violations by hearing officer, hearing facility, facility security level, and reporting employee. Grievances filed by incarcerated individuals alleging racial discrimination were also reviewed by the Inspector General.

The Inspector General's analysis confirmed that a significant disparity exists in the issuance of Misbehavior Reports to White, Black, Hispanic, and Other⁹ incarcerated individuals. In fact, the review found that during the six-year period examined:

- A Black incarcerated individual was nearly 22 percent more likely to be issued a Misbehavior Report than a White incarcerated individual; and
- A Hispanic incarcerated individual was 12 percent more likely to be issued a Misbehavior Report than a White incarcerated individual; and
- An incarcerated individual categorized as Other was nine percent more likely to be issued a Misbehavior Report than a White incarcerated individual; and
- Of DOCCS employees who issued 50 or more Misbehavior Reports during the period reviewed, 226 employees issued them to only non-White incarcerated individuals, including 114 employees who issued them to only Black or Hispanic incarcerated individuals.

The disparities increased slightly between 2017 and 2019, before increasing significantly in 2020, when Black and Hispanic incarcerated individuals were nearly 38 percent and 29 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report, respectively. Non-White incarcerated individuals also were issued more Misbehavior Reports, per person, than White incarcerated individuals. In addition, racial/ethnic disparities against non-White incarcerated populations were often more significant for Misbehavior Reports requiring less physical evidence, allowing for more discretion and possible bias by the reporting DOCCS employee.

⁹The racial categories referenced in this report are consistent with the categories referenced by DOCCS and the *Times*. The Inspector General obtained data from DOCCS that included the following racial/ethnic categories: White, African American, Hispanic, Native American, Asian, Other, and Unknown. Like the *Times*, the Inspector categorized incarcerated individuals based on their race and ethnicity as either non-Hispanic White (White), non-Hispanic Black (Black), Hispanic, or Other. The "Other" category includes incarcerated individuals that are Asian or Native American, those with no reported race or ethnicity, and other miscellaneous races and ethnicities. According to DOCCS, incarcerated individuals self-identify their race/ethnicity.



As noted above, during the investigation, DOCCS took steps to address possible inequities in the discipline of incarcerated individuals. Some were in response to recommendations made by the NIC that, at the recommendation of the Inspector General, in February 2017, reviewed DOCCS’s disciplinary policies, procedures, and practices. These actions included revising disciplinary policies, reducing discretion of hearing officers, and increasing the use of statewide commissioner’s hearing officers—trained attorneys working for DOCCS’s Central Office who are arguably less likely to be influenced by facility leadership—to conduct hearings for the most serious of rule violations. At its own initiative, DOCCS took other measures including clarifying Misbehavior Report sentencing guidelines, continuing the diversification of its workforce, and providing training by outside experts to all staff for three successive years (2019-2021) on recognizing and mitigating implicit bias.

Of particular significance, in 2017, DOCCS established the Commissioner’s Diversity Management Advisory Council (CDMAC), which includes an Incarcerated Individual Discipline and Grievance Subcommittee tasked with analyzing relevant data and strategizing ways to address incidences and/or trends that disproportionally affect incarcerated individuals. In furtherance of CDMAC’s and the subcommittee’s efforts, since 2018, DOCCS collects, tracks, and analyzes data on race and ethnicity of incarcerated individuals, including data related to the issuance of Misbehavior Reports and the subsequent disposition of disciplinary matters, among

other categories. This data analysis is summarized in quarterly “Race/Ethnicity Dashboards” and presented to CDMAC and the subcommittee for review and for the subcommittee to make remedial recommendations to DOCCS executive staff. The dashboards and a summary of observed trends are also provided directly to DOCCS executive staff for its review and consideration.

Unfortunately, since its inception, the Incarcerated Individual Discipline and Grievance Subcommittee has made no recommendations to DOCCS executive staff to further analyze and/or provide potential solutions to address negative trends revealed in the Race/Ethnicity Dashboard reports in the discipline of incarcerated individuals.¹⁰ Additionally, DOCCS executive staff have not formulated strategies to further delve into negative trends and racially disparate outcomes seen in the dashboard reports.

Indeed, DOCCS could have further analyzed its data on the discipline of incarcerated individuals as the Inspector General has done in this investigation and presented in this report. Such analyses might have provided further insight into the possible causation of such racial disparities and prompted corrective action.

The identification of the root causes of these trends in racial disparities remains elusive and many diverse factors beyond explicit and implicit racial bias may contribute to this outcome. For instance, the role played by the more than 41 percent decline in DOCCS’s prison population since 2015¹¹ and the now greater percentage of violent felony offenders among the prison population is unclear. Other considerations could include the age of the incarcerated population and their socioeconomic background, among other factors. The Inspector General determined that racial disparity trends are likely not directly linked to such factors as the severity of crimes leading to incarceration, how long an individual has been incarcerated, or the demographics of DOCCS’s workforce.

An expert¹² in statistical analysis and a professor of psychology who teaches graduate statistics courses at Columbia University was retained by the Inspector General to review and consult regularly on the data analyses described in the report. He advised, “I believe the findings

¹⁰ CDMAC and its subcommittees met infrequently in 2020 and 2021 due to shifting priorities during the height of the COVID-19 pandemic.

¹¹ According to DOCCS, between 2015 and July 2022, its incarcerated population decreased by 41.06 percent. *See*, <https://doccs.ny.gov/system/files/documents/2022/07/doccs-fact-sheet-july-2022.pdf>.

¹² *See* [Appendix 23](#) for Niall Bolger’s CV.

in this report are accurate and provide a detailed accounting of the prevalence and change in racial disparities in misconduct reports in NYS correctional facilities.” He further advised:

The results show that although racial disparities in misconduct reports display noteworthy variation (across facilities, [incarcerated individuals], and DOCCS employees), they are present on average and widespread in the NYS DOCCS system. Furthermore, except for 2020 (a COVID year), the racial disparities were largely stable over the six years examined. The obvious question arises: Are these disparities the result of racial bias, or do they reflect genuine differences in misconduct? Despite the thoroughness of the OIG analyses, the results do not allow us to say.

Some conclusions are nonetheless possible. Disparities were not confined to only a few facilities, nor were they confined to “a few bad apples” among DOCCS employees in any given facility. Of the characteristics of incarcerated persons examined by OIG, only offense severity [of the underlying crime for which someone was serving a sentence] predicted increased disparities. However, given that even less severe offenses were linked to marked disparities, offense severity cannot account for the main results. In sum, although this report cannot identify the underlying causes of racial disparities in misconduct reports, it provides an extensive and illuminating account of their prevalence in the DOCCS system.

As the root causes of these disparities remain unidentified, the Inspector General recommends that DOCCS:

- Further analyze these disparate outcomes and address any unequal application of disciplinary processes that may be revealed, particularly at the issuing employee and facility-levels. Specifically, these analyses should focus on determining if racial disparities and identified trends can be linked to certain employees who issued Misbehavior Reports and/or facilities. Any such analyses should be thorough and well documented, conclusions should be shared with CDMAC and executive management, and any actions taken or decisions not to act on findings should be documented and explained.
- Capture data on minor (Tier I) violations, as is already required pursuant to DOCCS policy, and incorporate such data in the analysis of racial disparities.
- Provide guidance to facility review officers on the tiering of violations.
- Clarify vague policy statements about when disciplinary action should be taken to lessen the opportunity for personal interpretation.
- Make the specialized training on implicit bias an annual requirement for all staff.
- Expand the use of statewide commissioner’s hearing officers for the most serious of rule violations (Tier III) hearings.
- Periodically publish anonymized disciplinary data and results of relevant analyses.

Notably, during the period of this review, DOCCS began a long-term capital project to overhaul existing fixed camera systems and install new cameras to provide broad coverage of all correctional facilities across the state. Also during this period, DOCCS implemented the utilization of wearable body cameras for staff members interacting with incarcerated individuals at a number of its facilities. This program, which will improve safety for DOCCS staff and incarcerated individuals alike, is ongoing with additional facilities awaiting deployment and necessary technical upgrades. There is reason to be hopeful that not only will the proliferation of cameras improve safety for DOCCS staff and incarcerated individuals alike, but also that the more frequent existence of surveillance video within the facilities will serve to reduce disputes about the factual underpinnings of disciplinary tickets going forward.

BACKGROUND

On December 3, 2016, *The New York Times* published an article on what it described as racial bias and racism in New York State correctional facilities operated by DOCCS. The article, entitled, “The Scourge of Racial Bias in New York State’s Prisons¹³,” resulted from interviews of incarcerated individuals, record reviews, and the analysis of data obtained from DOCCS disciplinary cases that occurred in 2015 in which an incarcerated individual was found guilty of violating a rule and punished.

The article reported on claims made by incarcerated individuals of systemic racism replete with disparaging epithets, threats, abuse, and disparate disciplinary treatment made by a largely White workforce against a population of incarcerated individuals that is mostly Black and Hispanic. The *Times*’ analysis of 2015 DOCCS disciplinary data revealed that in most New York State correctional facilities, Black and Hispanic incarcerated individuals were disciplined at a greater rate than White incarcerated individuals, and in some cases, at a rate double that of White incarcerated individuals. Additionally, the article reported that Black and Hispanic incarcerated individuals were sent to Special Housing Units (SHU, also known as solitary confinement) at a greater frequency and for longer durations than White incarcerated individuals.¹⁴ According to the article, Black incarcerated individuals in 2015 were 30 percent

¹³ <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>.

¹⁴ During the investigation, DOCCS implemented provisions of a settlement and consent decree stemming from litigation brought by the New York Civil Liberties Union (NYCLU) regarding SHUs and alleging, among other claims, concerns of disproportionate placement and confinement of Black and Hispanic incarcerated individuals in SHU. Additionally, at the end of March 2022, DOCCS began the implementation of the Humane Alternatives to

more likely to have been issued a Misbehavior Report than White incarcerated individuals and 65 percent more likely to be sentenced to time in SHU as punishment.

The article reported that disparities were found to be greatest for rule violations where correction officers have discretion to determine if a rule has been broken and where no production of physical evidence is required. For example, in 2015, 56 percent of Black incarcerated individuals were issued violations for refusing to obey a direct order—a violation initiated by a correction officer at his or her subjective discretion and not requiring the production of physical evidence—while only 32 percent of White incarcerated individuals were charged and found guilty of the same. Additionally, the article stated that DOCCS did not have systems in place to track racial trends and inequity in its disciplinary system.

The *Times*, in reporting on the limits of its data analyses, wrote, “The underlying data [obtained from DOCCS] . . . cannot fully explain the reasons for the disparities in discipline and parole beyond showing the extent to which the disparities exist.” The article noted that the *Times* did not review incarcerated individuals’ complete arrest, incarceration, and disciplinary histories and whether required programs had been successfully completed. The article also reported that DOCCS had advised that possible contributing factors to this skewed relationship might include the fact that a greater number of Black incarcerated individuals are jailed in New York State correctional facilities for violent offenses as opposed to White incarcerated individuals, and non-White incarcerated individuals are disproportionately younger, among other factors.

In the wake of this article, on December 5, 2016, then New York Governor Andrew M. Cuomo directed then Inspector General Catherine Leahy Scott to “investigate the allegations of racial disparities in discipline in State prisons and to recommend appropriate reforms for immediate implementation.”¹⁵

Long-Term Solitary Confinement Act (HALT), which further restricts the use of segregated confinement, limits its duration, establishes therapeutic and rehabilitative options to such confinement, and excludes certain persons from being placed in segregated confinement. Notably, in July 2022, DOCCS reported that 425 incarcerated individuals were then confined in SHU as a disciplinary sanction or pending a disciplinary hearing. This total represents an almost 75.8 percent reduction in the use of SHU since the beginning of the year. Given these ongoing and evolving efforts, the Inspector General did not review possible racial disparities in SHU confinement of incarcerated individuals.

¹⁵ Statement of then Governor Andrew Cuomo on December 6, 2016:

<https://blog.timesunion.com/capitol/archives/269913/cuomo-orders-investigation-into-alleged-racial-bias-in-prisons/>

FINDINGS OF FACT

DOCCS and the Discipline of Incarcerated Individuals

DOCCS¹⁶, which currently manages and operates 44 correctional facilities¹⁷ in New York State, also contains the Board of Parole, an independent body that makes release decisions for incarcerated individuals who are eligible for parole and supervises parolees. As of July 2022, DOCCS employed approximately 25,048 full-time staff members, including approximately 16,970 security staff and 7,086 civilians/administrative staff to oversee approximately 30,852 incarcerated individuals, and approximately 992 staff members to supervise approximately 28,825 parolees.¹⁸ DOCCS is governed by state law, administrative rules and regulations that it has promulgated, and directives and memoranda setting forth procedures.

DOCCS operates a three-tier disciplinary system to address misbehavior and unlawful conduct¹⁹ caused by incarcerated individuals: Tier I (minor infractions), Tier II (moderate), and Tier III (severe). DOCCS's disciplinary policy for incarcerated individuals is set forth in DOCCS Directive 4932—Standards Behavior & Allowances.²⁰

The directive's general policies on the discipline of incarcerated individuals states in part:

Disciplinary action shall be taken only in such measures and degree as is necessary to:

- Regulate an incarcerated individual's behavior within acceptable limits;
- Assist in achieving compliance by the entire incarcerated individual population with required standards of behavior; and
- Preserve the confidence of all concerned (*i.e.*, the incarcerated individual population and the staff) in the administration's sincere belief in and determination to maintain the required standards of behavior.
- All control of incarcerated individual activities, including disciplinary action, must be administered in a completely fair, impersonal and impartial manner and must be as consistent as possible (given the need for individualized decisions).²¹

¹⁶ In April 2011, the former New York State Department of Correctional Services and the New York State Division of Parole merged to form a single agency, the New York State Department of Corrections and Community Supervision (DOCCS).

¹⁷ During the course of this investigation, DOCCS closed ten correctional facilities.

¹⁸ See DOCCS Fact Sheet July 1, 2022, <https://doccs.ny.gov/system/files/documents/2022/07/doccs-fact-sheet-july-2022.pdf>.

¹⁹ For violations of New York State Penal Law, DOCCS may refer incarcerated individuals to law enforcement agencies for prosecution and, if convicted, sanctions may be imposed by DOCCS for the offense.

²⁰ New York State Department of Corrections and Community Supervision Directive 4932, Chapter V, Standards Behavior & Allowances, October 2, 2018. See [Appendix 22](#) for complete policy.

²¹ NYS DOCCS Directive 4932 § 250.2(c)(1-4).

DOCCS further directs that disciplinary measures should not be overly severe, arbitrary, or capricious, or administered for the purpose of retaliation or revenge.

Designation and Adjudication of Violations

Generally, rule violations must be reported in written Misbehavior Reports.²² Each correctional facility designates review officer(s) of the rank of lieutenant or above to conduct daily evaluations of all facility Misbehavior Reports and refer them to the “lowest appropriate” tier level for action.²³ Tier I violations are handled by a violation officer, Tier II by a disciplinary hearing officer, and Tier III are forwarded to the superintendent to assign a hearing officer to conduct a “Superintendent’s Hearing.” A review officer may also dismiss or return a Misbehavior Report for failure to state a valid charge and release incarcerated individuals that are in keeplock²⁴ due to pending Misbehavior Reports if they are no longer threats to the safety and security of the facility or themselves.²⁵

For Tier I (minor) violations, penalties may be imposed including counseling and/or reprimand, the loss of recreation or certain privileges (*e.g.*, television, commissary purchases, radio use, package receipt, etc.) for up to 13 days, or the imposition of a work task for up to one week. Tier I hearings (Violation Hearings) are usually conducted by a sergeant working in the facility and may involve offenses such as Disorderly Conduct, Creating a Disturbance, Disobeying a Direct Order, or being Out of Place or not in one’s Assigned Area, among other Tier I offenses. Records of Tier I offenses are removed from the incarcerated individual’s file two weeks after the disposition at which time the electronic data is no longer made readily available to DOCCS personnel for review.²⁶

²² See, DOCCS Directive 4932 § 251-3.1. In some instances, no report is required. Minor infractions or other violations of rules and policies governing the behavior of incarcerated individuals “that do not involve danger to life, health, security, or property” should be dealt with by an employee through counseling, warning, and/or reprimanding of an incarcerated individual and are not required to be reported. *See*, DOCCS Directive 4932 § 251-1.5.

²³ Directive 4932 § 251-2.2(a), (b).

²⁴ “Keeplock” is the term used to describe disciplinary confinement in one’s own cell, dorm, or in a housing unit separate from the general population.

²⁵ In some instances, incarcerated individuals may be immediately confined for observed misbehavior. When a correction officer has reasonable grounds to believe that an incarcerated individual presents an immediate threat to the safety, security, or order of the facility; is an immediate danger to other persons or property; or where such action appears reasonably necessary for protection of the incarcerated individual, the incarcerated individual may be immediately confined to a room or cell for up to 72 hours. Incarcerated individuals who refuse or are unable to participate in assigned activities may also be confined to a room or cell. *See*, Directive 4932 § 251-1.6(a), (b).

²⁶ According to DOCCS, this Tier I data is unreliable.

For Tier II (moderate) violations, a Disciplinary Hearing is conducted by a hearing officer of the rank of lieutenant or above. Offenses, including such conduct as Assault, Fighting, Sex Offenses, and Threats, among many others, may result in counseling/reprimand, the loss of certain privileges for up to 30 days, restitution for property damage, the imposition of a work task for up to one week, and/or confinement to a cell or special housing unit for up to 15 days.²⁷

Tier III (severe) violations are adjudicated in Superintendent's Hearings, which are conducted by either the facility superintendent, a captain, a Central Office commissioner's hearing officer, or another employee designated by the superintendent. Offenses include many of those listed above under Tier II violations as well as Escape, among others. Such hearings may result in dispositions including counseling/reprimand, the loss of certain privileges for a specified period, restitution for property damage, forfeiture of contraband money, the imposition of a work task for up to one week, and/or confinement to a cell for a specified period. Additionally, Tier III violations may lead to the recommended loss of good behavior allowances. DOCCS maintains information from Tier II and III disciplinary actions in electronic databases.

Disciplinary decisions may be appealed, and certain incarcerated individuals may receive good behavior allowances to offset a percentage of the term of their sentence.²⁸

DOCCS Commissioner's Diversity Management Advisory Council

In January 2017, DOCCS formed the Commissioner's Diversity Management Advisory Council (CDMAC) "to address a variety of topics to ensure diversity and inclusion permeates the entire agency." CDMAC consists of a steering committee, which is overseen by the commissioner, and several subcommittees that address distinct issues. Part of CDMAC's mandate is to review policies related to grievances, discipline, programming, and work assignments to ensure practices employed by DOCCS are fair and equitable.

²⁷ Of note, DOCCS advised that it is currently revising Directive 4932 and some provisions of this directive have been modified by other directives. Here, Directive 4933 (Special Housing Units) places a limit on SHU confinement to 15 consecutive days or 20 total days in any 60-day period, with some exceptions, and defines a number of incarcerated individuals who are ineligible for SHU (e.g., those 21 or younger and 55 or older, having a defined disability, pregnant, etc.). See, Directive 4933 § III(A), June 28, 2022. Directive 4933D (Residential Rehabilitation Units or RRUs), includes the same definition for incarcerated individuals ineligible for such confinement. RRUs, separate housing units used for therapy, treatment, and rehabilitative programming, are for those "determined to require more than 15 days of segregated confinement" See, Directive 4933D § II, June 29, 2022.

²⁸ Additionally, assistance is provided to illiterate and Limited English Proficient incarcerated individuals, and those that are sensorially disabled are provided with other reasonable accommodations.

One subcommittee, the Incarcerated Individual Discipline & Grievance Subcommittee, is charged with, among other things, “seek[ing] to analyze data and strategiz[ing] ways to address incidences and/or trends that disproportionately affect incarcerated and formerly incarcerated minority/protected class members.” According to the CDMAC Charter, this “may be accomplished, in part, by tracking and monitoring tickets (the writers, recipients, hearing officers, outcomes, etc.) and parole violations.” Another subcommittee, the Training & Development Subcommittee, “should seek to ensure that appropriate curriculum is in place to create awareness regarding implicit bias and reinforce the Department’s policies on diversity and inclusion.”

The National Institute of Corrections Technical Assistance Report

In February 2017, the Inspector General by letter recommended that DOCCS seek the assistance of the National Institute of Corrections (NIC) to address claims of racial disparity and discrimination in its disciplinary program for incarcerated individuals and conduct a review of relevant policies, procedures, and processes. As stated on its website, the NIC, a federal agency under the U.S. Department of Justice that delivers specialized services to federal, state, and local corrections agencies, “provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern . . . [and] practical assistance in planning and implementing improvements . . .”

Later that same month, DOCCS acting Commissioner Anthony J. Annucci requested of the NIC that it provide technical assistance to review the “policies, procedures, processes, appeals and outcomes of the [Incarcerated Individual’s] Discipline Program statewide and issue recommendations for improvement based on NIC’s experience.”

After meeting with DOCCS executive staff and Inspector General staff, on June 22, 2017, a consultant working for NIC released a Technical Assistance Report to DOCCS detailing the findings of his review of DOCCS’s Incarcerated Individual Discipline Program. According to the report, the purpose of the review was to “assess if there were any policies or procedures in place that may have contributed to racial bias” in DOCCS’s disciplinary system. The report noted that DOCCS’s policies were measured against American Correctional Association standards, United States Department of Justice Guiding Principles for Restrictive Housing, and nationally accepted correctional practices. In summary, the report concluded that DOCCS had opportunities to reduce possible racial biases in decision-making by providing clearer direction

to staff, reducing discretion, and increasing consistency and safeguards to ensure impartiality and accountability.

The report's central findings included: (1) DOCCS's disciplinary procedures are not centralized into a single policy; (2) DOCCS policies contain vague language and lack sufficient definition; (3) DOCCS policies allow for too much discretion and do not provide sufficient guidance for greater department-wide consistency in hearing decisions and time allowances; (4) The use of too many hearing officers could amplify inconsistencies in the disciplinary process that could impact perceptions of unfairness, and; (5) DOCCS lacks a gender responsive disciplinary management philosophy or sanctions for female incarcerated individuals.

The report also contained additional findings that: (1) Disciplinary policies do not state what will not be tolerated and do not establish clear performance expectations for staff; (2) Disciplinary policies lack a direct relationship to the actual flow of the disciplinary process; (3) Annual comprehensive training and testing of hearing officers is necessary; and (4) Time Allowance Committees, which make recommendations as to the amount of good time credits granted to incarcerated individuals, could "become an area where perceived or actual biases occur." The report also noted the strengths found in DOCCS's disciplinary policies, which included an excellent appeal process, supports for incarcerated individuals with physical and mental health disabilities, and notifications and time frames for disciplinary process that are consistent with nationally accepted practices.

In summary, the report recommended that DOCCS:

1. Promulgate a disciplinary policy statement that specifies fair disciplinary procedures and practices, clearly communicates DOCCS's values, and "succinctly states the zero tolerance of any personal bias in the application of the disciplinary program."
2. Consolidate the several relevant directives and memoranda addressing the disciplinary process into a single policy/directive to provide staff clear direction.
3. Clarify vague policy statements about when disciplinary action should be taken to provide for greater consistency and accountability and lessen the opportunity for personal interpretation.²⁹

²⁹ For example, one vague policy, Directive 4932, § 250.2(c)(1), reads, "Disciplinary action shall be taken only in such measures and degree as is necessary to . . . regulate an [incarcerated individual's] behavior within acceptable limits."

4. Track Tier I (minor) incidents and the informal resolutions that result. As DOCCS does not require that Tier I incidents be documented or tracked, patterns of behavior by incarcerated individuals and staff are not discoverable.
5. Disciplinary hearings should be conducted by hearing officers outside the regular chain of command at the facility where an incarcerated individual is housed to enhance consistency of application and impartiality.
6. Prohibit running disciplinary confinement sanctions consecutively (“stacking” of sanctions) for offenses arising out of the same incident and non-violent and non-dangerous offenses occurring while in disciplinary confinement. In addition to running sanctions concurrently, sanctions should not routinely exceed the initial placement sanction and alternative sanctions should be utilized when appropriate.
7. Reduce the wide range of days in disciplinary confinement that an incarcerated individual can receive as a sanction for a rule violation as this could lead to inconsistencies in the length of time imposed by hearing officers system-wide for the same offense. Tier II confinement sanctions should not exceed 30 days, while Tier III sanctions should be capped at 99 days.
8. Reconstruct Tier I, II and III matrices to list maximum allowable for Good Behavior Time, Loss of Privileges, Housing Restrictions, and confinement days for each sanction for transparency, consistency, and training purposes.
9. Revise a Hearing Officer Reference Book provision that allows for hearing officers to deviate from suggested incapacitation periods and impose longer periods when a determination has been made that “in order to keep staff and incarcerated individuals safe and/or correctional facilities secure, a longer period of incapacitation is needed.”
10. Amend disciplinary documentation to provide direction to staff on what will not be tolerated and to establish clear performance expectations.
11. Create a flowchart of the disciplinary process and provide supporting information for each step of the process so that a reader will understand the procedural and decision-making requirements of the policy.
12. Develop an annual curriculum-based training and proficiency testing for new and experienced hearing officers in conjunction with DOCCS attorneys that includes constitutional, legal and process issues and remedies.
13. Create a matrix to standardize the process for earning and losing Good Behavior Allowances rather than relying on discretionary recommendations made by a Time Allowance Committee so as to provide equal application and lessen possible biases.

DOCCS’s Response to the NIC Technical Assistance Report

After receiving the NIC Technical Assistance Report, DOCCS convened a workgroup to review the recommendations and consider remedial action. In February 2018, the workgroup issued a report to the acting commissioner on its recommendations. DOCCS advised that after discussions with the NIC consultant and internal review, some recommendations were

implemented while others were deemed either not applicable, operationally infeasible, or in conflict with an earlier settlement with the New York Civil Liberties Union (NYCLU).³⁰

Pursuant to the NIC report's first recommendation that DOCCS promulgate a disciplinary policy statement, DOCCS revised Directive 4932 to read, in part:

It is the policy of [DOCCS] to eliminate, mitigate, and respond to racial disparities so as to ensure a fair and equitable distribution of benefits and burdens in the placement of [incarcerated individuals] in housing unit assignments, institutional work assignments, and programs; and the proper post-release supervision of parolees to include, but not limited to, supervision level, violation processes, and early discharge/merit terminations. Moreover, it is our policy that any DOCCS administrative processes associated with any [incarcerated individuals] or parolee who may be subject to discipline and grievances are conducted fairly, to ensure that decisions are not influenced by stereotypes or bias based on race, color, ethnicity, or national origin. To do so, the Department shall provide ongoing staff training, monitoring, and auditing systems to ensure compliance with all provisions of this policy. The Department shall develop programs to help [incarcerated individuals] work and live together regardless of their identity and backgrounds.³¹

DOCCS also consolidated its relevant directives and memoranda addressing the disciplinary process into a single directive, further revised Directive 4932 to provide direction to staff on what will not be tolerated and to establish clear performance expectations, and articulated definitions for each sanction. In addition, DOCCS created a disciplinary process flowchart to be included in a booklet for hearing officers explaining the steps. DOCCS, in response to the NIC recommendation that it develop annual training and proficiency testing for hearing officers in conjunction with DOCCS attorneys, noted that it annually updates hearing officer training and works in conjunction with the Office of the New York State Attorney General, which represents DOCCS in these matters.

As for the NIC's recommendation that disciplinary hearings be conducted by hearing officers outside the regular chain of command at the facility where an incarcerated individual is housed, DOCCS implemented this in part. DOCCS advised that more disciplinary hearings for Tier III violations are now being conducted by commissioner's hearing officers. These trained

³⁰ See footnote 10 regarding the NYCLU settlement. DOCCS also advised the Inspector General that after consultation with the NIC consultant about two recommendations made in the NIC's Technical Assistance Report with which DOCCS disagreed, those recommendations were subsequently withdrawn by the consultant. In addition, DOCCS disagreed with a third recommendation and concluded that the NIC consultant was incorrect in his understanding of DOCCS policy. As such, those recommendations are not included in the enumerated list above.

³¹ NYS DOCCS Directive 4932, Chapter V, Standards Behavior & Allowances, § 250.1, Policy and Applicability (October 2, 2018).

attorneys operate outside each facility's chain of command and are therefore less likely to be susceptible to internal pressure at a facility. This contrasts with hearing officers who are not trained attorneys and who have other full-time duties in the same facility in which they also conduct hearings. In 2015, commissioner's hearing officers conducted approximately 15 percent of Tier III hearings. By 2020, commissioner's hearing officers were utilized more frequently, but still conducted less than 26 percent of all Tier III hearings. DOCCS, in noting that such a recommendation was difficult to implement in all its facilities spread across the State, generally does not utilize hearing officers outside the regular chain of command at each facility to conduct Tier II violation hearings.

DOCCS disagreed with many of the NIC consultant's recommendations. In response to the recommendation that DOCCS clarify vague policy statements about when disciplinary action should be taken to lessen the opportunity for personal interpretation, DOCCS advised that its hearing officers should have a certain degree of discretion and their decisions should be clearly articulated. DOCCS also disagreed that it should track Tier I (minor) incidents and resolutions to analyze trends. DOCCS reported that most informal resolutions result in the incarcerated individual complying with staff direction, and to track the same would be too labor intensive.

Additionally, DOCCS reported that it did not engage in "stacking"—running disciplinary confinement sanctions consecutively—for offenses arising out of the same incident (recommendation 6 above). When incarcerated individuals are charged with multiple rule violations arising from the same incident, DOCCS combines the charges into one hearing, and if the incarcerated individual is found guilty, he or she is only sanctioned for the most serious offense. However, if an incarcerated individual is later charged with a new offense while in disciplinary confinement, he or she may then be sentenced to new sanctions, which will run consecutively.

At the time, NIC also recommended that DOCCS reduce and cap the wide range of days in disciplinary confinement an incarcerated individual can receive for a rule violation (limit Tier II confinement sanctions to 30 days and Tier III to 99 days).³² Although DOCCS disagreed with this recommendation, stating it was acting pursuant to terms agreed upon in the NYCLU settlement, the subsequent HALT legislation resulted in limits on such confinement.

³² As noted earlier, HALT, which was implemented in late March 2022, placed greater restrictions on SHU confinement.

In addition, DOCCS disagreed with the recommendation that it reconstruct the Tier I, II and III matrices to list maximum possible days for good behavior time, loss of privileges, housing restrictions, and confinement. According to DOCCS, regulations for Tier I and II hearings (and for some Tier III hearings) already address this and to create such a matrix would tie the hands of hearing officers regarding loss of privileges. Further, DOCCS noted that any sanction for Loss of Good Time is merely a recommendation that is reviewed by the Time Allowance Committee. Lastly, regarding the NIC's recommendation that DOCCS create a matrix for earning/losing Good Behavior Allowances rather than relying on discretionary recommendations made by a Time Allowance Committee, DOCCS advised that this is too complex, and the committee must have independence to review each case on its own merit, documenting the reasons for its decisions.

THE INSPECTOR GENERAL'S ANALYSIS OF DOCCS'S DISCIPLINARY DATA

The Inspector General conducted a comprehensive analysis of selected aspects of the discipline of incarcerated individuals by DOCCS. The focus of this review was to determine whether racial disparities existed in the following steps in DOCCS's disciplinary process:

- Reporting violation of rules by incarcerated individuals
- Issuance of Misbehavior Reports for such rule violations
- Dismissal/overturning of violations and Misbehavior Reports

In many ways, the Inspector General's methodology mirrored that employed by the *Times*³³ for its 2016 article, which analyzed and reported on DOCCS's disciplinary data from 2015. The Inspector General obtained data from DOCCS on Misbehavior Reports, associated violations, and incarcerated populations and, like the *Times*, categorized incarcerated individuals based on their race and ethnicity as either non-Hispanic White (White), non-Hispanic Black (Black), Hispanic, or Other; and placed these individuals into one of the following age groups: under 25, 25 to 29, 30 to 39, or 40 and above.

The Inspector General reviewed a larger set of data than the *Times* in that it examined records for the six-year period from 2015 through 2020, as opposed to only 2015, and had access to review all Tier II and III Misbehavior Reports, regardless of the ultimate adjudication.³⁴

³³ The *Times*' methodology is available online at https://github.com/newsdev/nyt_incarcerated_individuals.

³⁴ The Inspector General did not analyze Tier I Misbehavior Reports as, according to a DOCCS representative, the data DOCCS has available for Tier I offenses is unreliable and likely incomplete.

In addition, rather than relying on an *estimated* average of the incarcerated population³⁵, the Inspector General was able to identify the *actual* minimum number of individuals incarcerated each year based on their unique DOCCS-assigned identification numbers.³⁶ The Inspector General’s methodology resulted in both a larger number of Misbehavior Reports and an increased incarcerated population. Specifically, for 2015, the *Times* reviewed 59,354 Misbehavior Reports issued to an estimated population of 51,329 incarcerated individuals. For the same year, the Inspector General reviewed 66,997 Misbehavior Reports issued to an incarcerated population of 63,328.³⁷ Further details on the Inspector General’s methodology is attached as [Appendix 2](#).

The Inspector General’s analysis identified numerous statistical disparities in the discipline of different races/ethnicities of incarcerated individuals. These racial/ethnic disparities existed in the issuance of Misbehavior Reports and charging of individual rule violations. In most cases, the disparities reflected a disproportionately higher likelihood of Black, and to a lesser extent, Hispanic and Other non-White incarcerated individuals being charged with violating rules compared to White incarcerated individuals. Some of the most noteworthy disparities are summarized below.

- Overall, Black incarcerated individuals were nearly 22 percent more likely to have been issued a Misbehavior Report than White incarcerated individuals. Hispanic and Other incarcerated individuals were 12 percent and nine percent more likely than White incarcerated individuals to have been issued a Misbehavior Report. Analyzed annually, these disparities were generally consistent each year until 2020, when disparities between non-White and White incarcerated individuals saw a significant increase. In 2020, Black and Hispanic incarcerated individuals were respectively nearly 38 percent and 29 percent more likely than White incarcerated individuals to be issued a Misbehavior Report.
- Black, Hispanic, and Other incarcerated individuals were issued approximately 57, 38, and 29 percent more Misbehavior Reports, on average, than White incarcerated individuals. Between 2015 and 2020, the average number of

³⁵ The *Times* averaged two different “snapshots” of the incarcerated population—one taken in the middle of 2015 and the other at the end of 2015. The combined total of 102,657 incarcerated individuals from these two snapshots was divided by two to calculate an estimated population of 51,329.

³⁶ DOCCS assigns each incarcerated individual a unique Departmental Identification Number (DIN). To calculate incarcerated populations, the Inspector General identified all unique DINs reported by DOCCS for a given year in either the incarcerated population data or Misbehavior Report data.

³⁷ Both methodologies relied on incarcerated populations reported by DOCCS as of the middle and end of each year. Because these sources were points in time as opposed to a cumulative list of all incarcerated individuals, it was not possible to identify the actual population of all individuals incarcerated at any point in a given year.

Misbehavior Reports issued to non-White incarcerated individuals increased at a rate more than 16 times greater than for White incarcerated individuals.

- The disparities in the average number of Misbehavior Reports issued to the non-White incarcerated population compared to the White incarcerated population decreased or remained relatively consistent from 2015 through 2017. In 2018 and 2019, these disparities steadily increased before increasing significantly in 2020. In 2020, Black incarcerated individuals, on average, were issued approximately 61 percent more Misbehavior Reports than White incarcerated individuals, while the disparities between Hispanic and Other incarcerated individuals compared to the White incarcerated population were 49 percent and 37 percent, respectively.
- Non-White incarcerated individuals were also generally more likely to have repeatedly been issued Misbehavior Reports and less likely to have never been issued a Misbehavior Report when compared to White incarcerated individuals. For example, Black and Hispanic incarcerated individuals were 89 percent and 61 percent more likely than White incarcerated individuals, respectively, to have been issued more than 10 Misbehavior Reports and 27 percent and 16 percent less likely to have never been issued a Misbehavior Report.
- Non-White incarcerated individuals were typically more likely than White incarcerated individuals to have been issued a Misbehavior Report for the same category of incident. Many of the largest disparities existed for incidents categorized as “Assaultive.” For example, Black incarcerated individuals were 185 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report categorized as “Assaultive.” Hispanic and other non-White incarcerated individuals were 158 percent and 98 percent more likely than a White incarcerated individual, respectively, to have been issued a Misbehavior Report for an “Assaultive” offense. When analyzed by DOCCS facility and Incident Category, these disparities were even larger. The largest disparity involved Downstate Correctional Facility, where Black and Hispanic incarcerated individuals were over five times more likely than White incarcerated individuals to have been issued a Misbehavior Report for an “Assaultive” incident.
- Black incarcerated individuals were charged with a disproportionately higher share of rule violations while White incarcerated individuals were charged with a disproportionately lower share of rule violations. Specifically, Black incarcerated individuals were charged with 56 percent of all rule violations despite representing under 47 percent of the incarcerated population, while White incarcerated individuals were charged with 18 percent of all rule violations despite representing over 27 percent of the incarcerated population.
- For nearly eight out of every nine DOCCS rules, the Black incarcerated population was more likely than the White incarcerated population to be charged with a violation. Black incarcerated individuals were at least 50 percent more likely than White incarcerated individuals to be charged with a violation for two-thirds of rules, and at least twice as likely for over 40 percent of rules. The largest disparities existed for assaults by incarcerated individuals on other incarcerated

individuals, engaging in gang activity, and involvement in a demonstration detrimental to facility order. Black incarcerated individuals were over five times more likely than White incarcerated individuals to be cited for violating these rules, while Hispanic incarcerated individuals were over three times more likely. Notably, many of the rules that the White incarcerated population was more likely to be charged by DOCCS with violating were less subjective, offering less opportunity for bias. Such rules included tattooing, which leaves physical evidence on the incarcerated individual, drug use, which is based on a failed urinalysis test, and possession of unapproved literature, which requires physical evidence. Conversely, many of the rules that the non-White incarcerated population was more likely to violate, such as engaging in gang activities, unauthorized assembly, and assault by an incarcerated individual, were arguably more subjective, offering more opportunity for bias.

The Inspector General also analyzed the dismissal of violations as a result of a hearing or appeal and again found racial/ethnic disparities. However, in many instances, these disparities contrasted those found for the issuance of Misbehavior Reports and actually favored non-White incarcerated populations over White incarcerated populations. Black incarcerated individuals were slightly more likely to have all charges associated with a Misbehavior Report dismissed and also had the highest rate of individual violations being dismissed at a hearing, whereas White incarcerated individuals had the lowest likelihood of having a violation dismissed at a hearing.³⁸ Notably, between 2015 and 2020, all races and ethnicities generally had a progressively larger portion of their violations dismissed, although dismissal rates for Black incarcerated individuals declined slightly in 2019 and 2020.

THE INSPECTOR GENERAL’S ATTEMPT TO IDENTIFY CONTRIBUTING FACTORS RESULTING IN THE DISPARITY

The Inspector General examined numerous variables in an attempt to ascertain the extent to which such factors may have contributed to these disparities. Two such factors, which were cited in the *Times* article and attributed to DOCCS, are the severity of the offense leading to imprisonment and the age of the incarcerated individual being issued a Misbehavior Report. According to the article, DOCCS claimed, “A greater share of black inmates are in prison for violent offenses, and minority inmates are disproportionately younger, factors that could explain why an inmate would be more likely to break prison rules.”³⁹ While the Inspector General’s

³⁸ All races/ethnicities had very similar rates of dismissal following an appeal. White incarcerated individuals had 1.6 percent of violations dismissed following an appeal, Hispanic and Other had 1.4 percent dismissed, while Black incarcerated individuals had 1.3. percent dismissed.

³⁹ The New York Times, “The Scourge of Racial Bias in New York State’s Prisons” (December 3, 2016), <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>.

analysis confirmed that non-White incarcerated individuals were more likely than White incarcerated individuals to be convicted of violent felony offenses, the Inspector General's analysis was unable to conclude that the severity of the underlying crime for which the person was incarcerated was linked to a greater likelihood of non-White incarcerated individuals being charged with violating prison rules. As DOCCS asserted, non-White incarcerated populations were generally younger than White incarcerated populations and the Inspector General found that disparities in the issuance of Misbehavior Reports were indeed larger for the younger incarcerated population.

While non-White incarcerated individuals were more likely to have been convicted of violent crimes and, once incarcerated, were much more likely to have been issued Misbehavior Reports, the extent to which crime severity contributed to racial/ethnic disparities in the issuance of Misbehavior Reports could not be determined from these analyses. Notably, the Inspector General compared the likelihood that different races/ethnicities of incarcerated individuals convicted of the same crime severity were issued Misbehavior Reports and found non-White populations were more likely than White populations to have been issued Misbehavior Reports across each crime severity type⁴⁰. These disparities were larger for incarcerated individuals convicted of violent offenses. For example, in 2020, Black violent felony offenders were 46 percent more likely to be issued a Misbehavior Report than White violent felony offenders, while Black coercive/violent offenders were 56 percent more likely to be issued a Misbehavior Report than White coercive/violent offenders.

However, this pattern did not consistently apply across all facilities. In some instances, facilities with the largest racial disparities for Misbehavior Reports had a higher population of violent felony offenders. Conversely, some facilities with relatively small racial disparities for Misbehavior Reports also had a high population of violent felony offenders. While the data suggests crime severity could contribute in some instances to these disparities, this could not be confirmed due to other possible causal factors.

Although younger incarcerated individuals of all races/ethnicities were disproportionately more likely than the rest of the prison population to have been issued Misbehavior Reports, such disparities were relatively minimal, and the extent to which they contributed to Misbehavior

⁴⁰ DOCCS categorizes incarcerated individuals into one of three groups based on their primary criminal conviction: violent felony offenders, other coercive/violent offenders, and property/drug/other felony offenders.

Report disparities could not be confirmed. These disparities were larger for non-White incarcerated individuals. For example, 79 percent of Black incarcerated individuals under 25 were issued a Misbehavior Report compared to 63 percent of White incarcerated individuals under 25.

The Inspector General considered the possible effect of numerous other variables on the above-described disparities. One such variable was the facility in which a Misbehavior Report was issued. In some instances, the facility where an individual was incarcerated may have factored into their likelihood in being issued a Misbehavior Report. Some of the most noteworthy findings from this analysis follow:

- When analyzed by facility, between 2015 and 2020, approximately 56 percent of incarcerated individuals were issued a Misbehavior Report. The facilities most likely to issue Misbehavior Reports were Auburn, Clinton, Great Meadow, Shawangunk, and Sullivan, with each issuing Misbehavior Reports to over 70 percent of their incarcerated population. Moriah, Rochester, Lincoln, and Hale Creek were the least likely to issue Misbehavior Reports, with each issuing Misbehavior Reports to less than 25 percent of their incarcerated population. Additionally, thirteen facilities issued an increasingly larger number of Misbehavior Reports despite seeing their incarcerated population decrease.
- The facilities with the largest racial/ethnic disparities in issuing Misbehavior Reports were Downstate, Clinton, Elmira, Attica, and Five Points.⁴¹ At Downstate, non-White incarcerated individuals were over 85 percent more likely to have been issued a Misbehavior Report and were issued, on average, 178 percent more Misbehavior Reports than White incarcerated individuals. At Elmira, non-White incarcerated individuals were over 102 percent more likely and were issued, on average, 164 percent more Misbehavior Reports than White incarcerated individuals.
- When facility disparities were further analyzed by the rule violated, two rules, engaging in gang activities and assaults by incarcerated individuals on other incarcerated individuals, stood out. Larger racial disparities also existed for engaging in lewd conduct and various violations pertaining to telephone use by incarcerated individuals. The largest overall disparity existed at Great Meadow for engaging in gang activities, where Black incarcerated individuals were over 14 times more likely to be cited than White incarcerated individuals. Similarly, at Washington, Black and Hispanic incarcerated individuals were over 10 times more likely than White incarcerated individuals to be cited for engaging in gang activities, while at Wende, Black incarcerated individuals were over 12 times more likely than White incarcerated individuals to be cited for assaults by incarcerated individuals on other incarcerated individuals and over nine times

⁴¹ Based on each facility's racial disparities in the likelihood of issuing Misbehavior Reports and average number of Misbehavior Reports issued. As noted later in this report, the Inspector General's ranking of facilities' racial disparities in issuing Misbehavior Reports was weighted to avoid skewed results for smaller facilities.

more likely than White incarcerated individuals to be cited for lewd conduct and engaging in gang activities.

The Inspector General also reviewed whether the racial demographics of DOCCS's workforce at each facility may have contributed to the Misbehavior Report disparities. The Inspector General compared the racial demographics of DOCCS's workforce to racial demographic data published by the US Census Bureau for the county, economic region, and DOCCS Hub (a regional cluster of facilities that share administrative, support and program services) and found the racial breakdown of DOCCS's facility staff was generally representative of the communities in which the facilities were located.

Conversely, the race/ethnicity of DOCCS workforce was often not representative of the facilities' incarcerated population and these racial disparities were typically significant.⁴² For example, approximately 58 percent of the incarcerated population at Upstate was Black compared to less than one percent of Upstate's workforce, while 27 percent of the incarcerated population at Ogdensburg was Hispanic compared to less than one percent of Ogdensburg's workforce. However, while racial disparities between DOCCS's workforce and the incarcerated population may have contributed to racial disparities in the issuance of Misbehavior Reports at some facilities, such workforce disparities did not appear to be a consistent factor contributing to the Misbehavior Report disparities.

The Inspector General further analyzed Misbehavior Reports by the DOCCS employees that issued the reports and identified a number of employees whose reports reflected significant racial/ethnic disparities. Most notable were 226 employees who only issued Misbehavior Reports to non-White incarcerated individuals, including 114 employees who only issued Misbehavior Reports to Black or Hispanic incarcerated individuals.⁴³ For many of these employees, the pattern of not issuing Misbehavior Reports to White incarcerated individuals occurred across multiple years and/or at multiple facilities, suggesting their disparities were not caused by singular incidents that skewed their results. DOCCS should further scrutinize the circumstances surrounding these disparities to identify potential causal factors. For example, the Inspector General's review found one DOCCS employee reported 88 violations at a single

⁴² In this context, the Inspector General subjectively considered a facility's staff to be representative of their community or incarcerated population if the difference between a race/ethnicity's percentage of a facility's workforce and that race/ethnicity's share of the community or incarcerated population was 10 percent or less.

⁴³ This review excluded DOCCS employees who issued fewer than 50 Misbehavior Reports in total during the period reviewed.

facility, all of which were against Hispanic incarcerated individuals. Further scrutiny revealed that this employee was an English as a Second Language (ESL) teacher whose classes were likely attended by non-White incarcerated individuals, which may explain the racial/ethnic disparities observed in this instance.

The Inspector General's review of grievances filed by incarcerated individuals revealed that less than one percent of all grievances alleged unlawful discrimination by a DOCCS employee, which encompasses all forms of discrimination including racial. While such grievances were relatively rare, they steadily increased between 2016 and 2021. Over 90 percent of the unlawful discrimination grievances were filed by non-White incarcerated individuals. Of these unlawful discrimination grievances, approximately 10 percent specifically alleged racial discrimination, with the majority filed by individuals incarcerated at Upstate or Attica. Additionally, a small number of DOCCS employees were subjects of multiple racial discrimination grievances. Ultimately, nearly 23 percent of grievances alleging racial discrimination resulted in a favorable outcome for the incarcerated individual. This is another area warranting additional review by DOCCS.

Despite these many analyses, the Inspector General was unable to determine the cause for the observed disparities as various factors beyond racial bias, including socioeconomic factors, could be to blame. Because of the numerous variables that could affect the behavior of incarcerated individuals and correction officers, other corroborating evidence would be necessary to draw a conclusion whether racial bias contributed to these disparities.

More detail pertaining to the Inspector General's analysis can be viewed in the [appendices](#) to this report.

THE INSPECTOR GENERAL'S DETERMINATIONS

DOCCS has Taken Some Steps to Mitigate Possible Racial Bias in the Discipline of Incarcerated Individuals

The investigation found that DOCCS has taken numerous significant steps to review racial disparity in its programs and update its disciplinary processes and policies to mitigate possible racial bias and ensure disciplinary decisions are not influenced by racial bias.

First, at the recommendation of the Inspector General, DOCCS had its incarcerated individual disciplinary policies reviewed by the NIC in 2017 and implemented a number of the NIC's recommendations including promulgating a policy statement of fair disciplinary

procedures free of personal bias, reducing discretion of hearing officers, and utilizing statewide hearing officers to conduct hearings of more Tier III violations, among other remedial actions.

Significantly, as part of these reforms, DOCCS required that all Misbehavior Reports be classified at the “lowest appropriate” tier level; however, DOCCS does not provide practical guidance to review officers on how to accomplish this. Additionally, DOCCS created a matrix with confinement guidelines for each offense thereby reducing discretion at the hearing level. Also notable, DOCCS increased its use of commissioner’s hearing officers, statewide officers working out of Central Office who are arguably not beholden to facility hierarchy. In 2020, these hearing officers conducted approximately 25 percent of all hearings involving the most serious of offenses (Tier III hearings), dismissing 5 percent of Misbehavior Reports and 18 percent of rule violations cited within those reports.

Second, in 2017, DOCCS established the CDMAC to advise its executive staff on diversity. A subcommittee of this group, the Incarcerated Individual Discipline & Grievance Subcommittee, was also established to review relevant policies to ensure DOCCS practices are fair and equitable and analyze data to strategize ways to address trends disproportionately affecting non-White incarcerated individuals.

In furtherance of this effort, in 2018, DOCCS adopted a quarterly Race/Ethnicity Dashboard Report to assist with its analysis of racial disparities (see relevant excerpts from one such report below). These reports are provided to executive staff, the CDMAC, and its Incarcerated Individual Discipline & Grievance Subcommittee for review. The reports, which track numerous statistics of incarcerated and paroled individuals by race/ethnicity, capture disciplinary incidents and Unusual Incidents⁴⁴ among many other categories.⁴⁵ They are a vital tool in understanding the scope of the issue and revealing both positive and negative trends.

⁴⁴ DOCCS files reports for “Unusual Incidents” (UIs) occurring at its facilities. According to DOCCS Directive 4004, an incident is reportable when it is a serious occurrence that may impact upon or disrupt facility operations, affect DOCCS’s public image, or arouse widespread public interest, and includes incidents involving the use of chemical agents, use of force, and contraband. A UI may be generated for a matter not involving the misbehavior of an incarcerated individual. See, Directive § 4004, Unusual Incident Report (May 2, 2022).

⁴⁵ The quarterly Race/Ethnicity Dashboard Reports also track categories including crime category and region of commitment, new court commitments, incarcerated individuals’ age, releases to parole and elsewhere, recidivism, segregated confinement counts and consecutive days, program attendance, education level, job wages, and parolee statistics, among other data. In other reports, DOCCS tracks preferred jobs for incarcerated individuals at its correctional facilities to ensure they are assigned in a manner representative of the race/ethnicity of the facility population.

DOCCS RACE/ETHNICITY DATA DASHBOARD - Q2 2020						
Data Category	% Black	% White	% Hispanic	% Native American	% Asian	% Other/Unknown
Custody Population (July 1, 2020)	49%	23%	25%	1%	1%	2%
Disciplinary Incidents (Q2 2020)	54%	18%	26%	1%	0%	1%
Number of Disciplinary Incidents	54%	18%	26%	1%	0%	1%
Tier 2 Guilty Incidents	52%	20%	25%	1%	1%	2%
Tier 2 Dismissed Incidents	53%	19%	27%	0%	0%	1%
Tier 3 Guilty Incidents	57%	14%	27%	1%	0%	1%
Tier 3 Dismissed Incidents	64%	14%	17%	1%	0%	3%
Tier 2 Avg. KL Sanction days	22.7	22.3	23.2	23.4	23.9	20.5
Tier 3 Avg. KL Sanction days	55.2	47.8	51.1	50.3		57.4
Tier 3 Avg. SHU Sanction days	101.1	87.3	113.1	56.0	96.2	109.4
Total Unusual Incidents	55%	17%	26%	1%	0%	1%
Disciplinary Incident Types (Most Serious Rule category)						
Penal Law	0%	100%	0%	0%	0%	0%
Escape	46%	21%	32%	0%	0%	0%
Assaults	59%	9%	31%	0%	0%	1%
Violent	55%	14%	28%	1%	0%	1%
Drugs and Alcohol	46%	28%	23%	1%	1%	1%
Potentially Violent	57%	15%	25%	1%	0%	2%
Life Safety	49%	25%	23%	2%	1%	2%
Non-Violent	53%	19%	25%	1%	0%	2%
UI Incidents (Race/Ethnicity of Perpetrators & Suspects)(Q2 2020)						
Total Unusual Incidents	55%	17%	26%	1%	0%	1%
Staff Assaults	58%	12%	28%	1%	1%	1%
Inmate Assaults	72%	5%	23%	0%	0%	1%
Contraband Incidents	46%	24%	27%	1%	1%	2%
Disruptive Behavior Incidents	61%	12%	25%	1%	0%	2%
Inmate Injuries*	56%	17%	25%	1%	1%	2%

* Injuries due to accidents, self-inflicted injury, or suicide attempts are excluded.

Color Coding Key

Comparison Numbers

Difference of 5% or 5 Units in Correct Direction

Difference of 5% or 5 Units in Wrong Direction

Difference of 6% or more or 6 or More Units in Wrong Direction

No Difference or within 5% or 5 Units of Comparison Group

Difference is reverse coded (e.g. disproportionately high=good)

No Color

Excerpts From DOCCS Race/Ethnicity Dashboard Report (2nd Quarter 2020)

Third, over a three-year period (2019 through 2021), DOCCS conducted targeted training of all staff on racial bias. These “Commissioner’s Initiative” trainings, which were provided by outside experts⁴⁶, focused on specific related topics including implicit bias (subjective, unconscious preferences that can lead to unfair treatment), racial anxiety (heightened stress/emotions when interacting with other races), and stereotype threat (an individual’s fear that their actions/behaviors will confirm negative images about a group to which they belong). Each approximately one-to-two-hour training included an interactive session. In addition to the

⁴⁶ This training was provided by the Perception Institute. See, <https://perception.org/>.

Commissioner's Initiative trainings, DOCCS recruits⁴⁷ and staff receive trainings on related topics including language access, diversity, cultural awareness, and equal employment opportunity.

Fourth, DOCCS continued its ongoing efforts to diversify its workforce. According to DOCCS, in 2015, its workforce was approximately 82 percent White, 10 percent Black, 5 percent Hispanic, and 3 percent Other or unknown. As of 2022, DOCCS reported that its workforce was 76.3 percent White, 11.7 percent Black, 6.3 percent Hispanic, and 5.7 percent Other or unknown. Notably, and as revealed in the Inspector General's analysis, although DOCCS's workforce, in many instances, aligns with the demographics of the regions in which a correctional facility is located, at most facilities, DOCCS's workforce does not reflect the racial composition of the incarcerated population at those facilities.

Racial Disparities in the Discipline of Incarcerated Individuals Increased Since 2018

Despite DOCCS's efforts to gather and present data on the discipline of incarcerated individuals and implement remedial actions if needed, the analysis conducted by the Inspector General revealed that since 2018, racial disparities have increased, with particularly significant increases occurring in 2020.

In 2017, non-White incarcerated individuals were over 20 percent more likely than White incarcerated individuals to be issued a Misbehavior Report and, on average, were issued approximately 30 percent more Misbehavior Reports than White incarcerated individuals. By 2020, non-White incarcerated individuals were over 34 percent more likely than White incarcerated individuals to be issued a Misbehavior Report. White incarcerated individuals, on average, were issued approximately 57 percent more Misbehavior Reports than White incarcerated individuals.

The CDMAC Incarcerated Individual Discipline & Grievance Subcommittee Has Failed to Address Racial Disparity in the Discipline of Incarcerated Individuals

DOCCS established the CDMAC in 2017 to provide the commissioner with recommendations to address issues of fairness in all areas of employment practices, policies, and operations. The CDMAC's Incarcerated Individual Discipline & Grievance Subcommittee was

⁴⁷ As of 2022, DOCCS reported that recruits receive 320 hours of "residential" and 160 hours of "field" training at its Academy. Included in this training is a four-hour submodule on "Diversity and the Workplace," an "interactive program focusing on the origin of core beliefs, avoiding cultural destructiveness, communication skills, and the benefits of workplace diversity."

also established around that time and tasked with reviewing relevant policies to ensure DOCCS's practices are fair and equitable and analyzing data to find ways to address trends disproportionately affecting incarcerated individuals. According to the CDMAC's charter, such analyses by the subcommittee may include the tracking and monitoring of Misbehavior Reports with respect to "the writers, recipients, hearing officers, outcomes, etc."

The Inspector General's investigation, however, found that the subcommittee, which understandably met infrequently during the COVID-19 pandemic due to shifting priorities of its members, conducted no analyses of observed racial disparities in discipline, and made no recommendations of possible corrective measures to the superintendent. In particular, the subcommittee did not pursue analyses based on the tracking and monitoring of Misbehavior Reports with respect to "the writers, recipients, hearing officers, outcomes, etc.," as is outlined in the CDMAC Charter.

And although since 2018, DOCCS's Research Department has gathered and analyzed disciplinary data on a quarterly basis, produced comprehensive and detailed Race/Ethnicity Dashboard Reports, and submitted these reports and a summary of findings (negative and positive trends) to DOCCS executive management and the CDMAC, this resulted in little follow through or corrective action by either the CDMAC or executive management. Further analyses were not conducted in an effort to determine the possible causes of observed trends in racial disparity in the issuance of Misbehavior Reports. Additional analyses would have revealed more specific evidence of disparities, enabling the creation of strategies to remedy them. Indeed, the Inspector General's analyses of DOCCS data found more than 200 staff members who issued Misbehavior Reports solely to non-White incarcerated individuals. Such a finding shows the value of conducting this type of analysis and the need for further review.

The DOCCS executive deputy commissioner advised the Inspector General that executive management reviews dashboard reports and compares them to Unusual Incident reports, and these reviews often show that negative trends are closely aligned with particular events, such as gang altercations. However, the Inspector General was not provided with documentation of these reviews and thus is unable to confirm any correlation between such activity and the issuance of infractions, or to confirm the extent or efficacy of such review.

The Inspector General recognizes the inherent difficulty of attempting to determine the causes of trends in racial disparity due to the numerous possible factors involved. Additionally,

the Inspector General recognizes the unprecedented demands and shifting priorities posed by the COVID-19 pandemic—both on staff and incarcerated individuals—and new responsibilities placed on DOCCS in the implementation of the NYCLU settlement and HALT. But these factors do not absolve DOCCS of its duty to uncover and address any racial bias in its incarcerated individual disciplinary system.

RECOMMENDATIONS TO DOCCS

Further Analyze Disciplinary Data and Evaluate Racial Disparities Found at the Facility and Issuing Employee Levels

The Inspector General recommends that DOCCS analyze its data on the discipline of incarcerated individuals at the facility and issuing employee levels, as the Inspector General has done in this review. The Inspector General also recommends that DOCCS expand on its current analyses of disciplinary data to identify whether racial disparities and identified trends can be linked to certain employees who issue Misbehavior Reports and/or facilities. Additionally, DOCCS should develop procedures to further investigate significant disparities for possible evidence of explicit or implicit bias. In furtherance of this, the Inspector General recommends that the Incarcerated Individual Discipline & Grievance Subcommittee meet regularly and strategize ways to further analyze racial Misbehavior Report data at the facility and issuing employee levels.

Include Data on Tier I Violations in Its Analysis of Racial Disparities

The Inspector General also recommends, as did the NIC, that DOCCS include data on minor (Tier I) violations, which must be captured pursuant to DOCCS policy, in its analysis of racial disparities. A more complete picture of discipline at all levels can only benefit analyses. To that end, DOCCS should implement procedures to ensure its Tier I violation data is complete and reliable.

Provide Guidance to Facility Review Officers on the Tiering of Violations

Each correctional facility designates review officer(s) to evaluate Misbehavior Reports generated at that facility and refer them to the “lowest appropriate” tier level for action. As many violations can be categorized as either Tier I, II, or III, the review officer’s determination, according to DOCCS directive, may be based on such subjective factors as “the particular circumstances involved,” the incarcerated individual’s “behavior pattern,” and “the atmosphere of the facility.” For example, “Interference with an Employee or Other Person” can be charged

as either a Tier I, II, or III offense, carrying sentences that run the gamut from verbal admonition (as a Tier I) to segregated confinement (as a Tier III). Currently, DOCCS provides no objective guidance to facility review officers on making tier determinations. To reduce this discretion afforded to review officers, DOCCS should provide guidance outlining the factors to consider and weight to be given to these factors.

Clarify Vague Policy Statements About When Disciplinary Action Should be Taken to Lessen the Opportunity for Personal Interpretation.

The Inspector General agrees with the NIC's recommendation that DOCCS clarify vague policy statements about when disciplinary action should be taken to lessen the opportunity for personal interpretation. DOCCS rejected this recommendation and advised that its hearing officers should have a certain degree of discretion and their decisions should be clearly articulated. However, this response does not speak to the NIC's recommendation.

Make Specialized Training on Implicit Bias an Annual Requirement for All Staff

Although DOCCS conducted Commissioner's Initiative trainings on implicit bias for a three-year period to address racial disparity issues, DOCCS should consider making such specialized training an annual requirement for all staff. Given the significance of this topic, the providing of annual training will demonstrate the agency's commitment to this issue.

Increase the Use of Statewide Commissioner's Hearing Officers for Tier III Hearings

The Inspector General also recommends that DOCCS consider increasing its use of statewide commissioner's hearing officers, who are arguably less likely to be influenced by facility leadership. The commissioner's hearing officers' separation from facility leadership helps to mitigate actual or perceived unfairness in the hearing process.

Periodically Publish Anonymized Disciplinary Data and Results of Relevant Analyses

In the interest of enhanced transparency and to facilitate additional analysis, the Inspector General recommends that DOCCS periodically publish anonymized disciplinary data and results of relevant analyses.

The Inspector General will continue to inspect DOCCS facilities, audit and monitor DOCCS's implementation of the reforms discussed in this report, provide training to DOCCS, and work toward the elimination of both explicit and implicit bias in DOCCS's disciplinary system for incarcerated individuals.

DOCCS'S RESPONSE TO THE INSPECTOR GENERAL'S INVESTIGATION AND REPORT

The Department of Corrections and Community Supervision would like to thank the Office of the State Inspector General (OSIG) for the detailed investigation and analysis of numerous complex data sets that comprise its findings. As outlined in the report, DOCCS recognizes that racial disparities exist in every layer of the criminal justice system; including the decision to initially arrest, the filing of indictments, representation by the defense bar, control of plea bargaining by district attorneys, the conduct of trials, sentencing by the judiciary, supervision by probation departments, incarceration at the state and local levels, and re-entry to and supervision within the community. Through continued analysis, education, and training, DOCCS will continue to emphasize our vision of a fair and just criminal justice system during the period of incarceration and when an individual is released to the community under supervision. DOCCS welcomes continued engagement in a continuous process of improving its services and methods for ensuring that environment.

Response to Recommendations

1. Further analyze disciplinary data and evaluate racial disparities found at the facility and issuing employee levels.

DOCCS Response: The complexity of attempting to link causal factors of racial disparity in the criminal justice system is well documented in the social science literature. As the report states, it is difficult to determine with confidence whether or not any particular racial disparity is the result of implicit or explicit bias or is the result of structural, legal, social, or environmental factors. DOCCS's Commissioner's Diversity Management Advisory Council (CDMAC) subcommittee on Individual Discipline & Grievance and the Office of Program Planning, Research, and Evaluation will identify ways to conduct such analysis with the available data.

DOCCS anticipates that unusual incident report data, governed by DOCCS Directive #4004, Unusual Incident Report will be one factor that will be used in this analysis. DOCCS Directive #4004 defines the types of incidents or behaviors that constitute an "unusual incident." The use of this policy limits subjectivity and the abuse of discretion in the reporting of unusual incidents by staff or management at a particular facility. The examination unusual incident report data will allow DOCCS to compare defined serious behavior with that of disciplinary infractions. In particular, this will allow compassion to Tier 3 disciplinary infractions, which are the only level that can result in disciplinary confinement.

For example, the unusual incident report data contained in the dashboard on page 26 of the report revealed disparities amongst groups of incarcerated individuals being reported for assaults on staff or other incarcerated individuals in Quarter 2 of 2020. This disparity indicates that behavior is likely a factor generating some of the disparity in the issuance of Tier 3 misbehavior reports. Additional study is required to examine rates of disciplinary charges relative to separate and previously substantiated incidents of misbehavior.

2. Include data on Tier 1 violations in its analysis of racial disparities.

DOCCS Response: While aggregate data about Tier 1 violations may exist, New York State Code, Rules and Regulations, Title 7, § 252.5 - Dispositions at Violation Hearing, part (d), requires that all misbehavior reports for violation hearings are to be destroyed 14 days after the hearing is held. This means that dispositions for violation hearings cannot be made part of any incarcerated individual's institutional records.

Without the information about individual Tier 1 violations, any substantive analysis of the remaining aggregate data may be of limited use in providing an analysis of general trends and is not currently maintained in a way that would allow for that analysis. However, we will explore ways this can potentially be included in our analysis.

3. Provide Guidance to Facility Review Officers on the Tiering of Violations.

DOCCS Response: DOCCS will issue a Review Officers Manual to all review and hearing officers. The manual will, among other things, provide guidance on the tiering of misbehavior reports. It will also reiterate DOCCS policy to eliminate, mitigate, and respond to racial disparities and ensure that any incarcerated individual subject to discipline in a DOCCS administrative processes has that hearing conducted fairly. The manual will also to ensure that decisions are not influenced by stereotypes or bias based on race, color, ethnicity, or national origin.

4. Clarify vague policy statements about when disciplinary action should be taken to lessen the opportunity for personal interpretation.

DOCCS Response: As outlined on page 15 of the report, DOCCS has already made efforts to clarify its policies about disciplinary action by consolidating its relevant directives and memoranda addressing the disciplinary process into a single directive and revising Directive 4932. These revisions provide direction to staff on what will not be tolerated, established clear performance expectations, and articulated definitions for each sanction. DOCCS will continue these efforts by issuing a Review Officers Manual to all review and hearing officers. Additionally, this manual will be available to all staff to provide clear understanding of when disciplinary action is appropriate and at what level.

5. Make specialized training on implicit bias an annual requirement for all staff.

DOCCS Response: Over a three-year period (2019-2021), DOCCS launched the "Commissioner's Training Initiative." This initiative included targeted training of all staff on racial bias and focused on the topics of implicit bias, racial anxiety, and stereotype threats.

DOCCS will consider the development and implementation of additional training on implicit bias to be provided to all staff on an annual basis.

6. Increase the use of statewide Commissioner's Hearing Officers for Tier III hearings.

DOCCS Response: DOCCS has recently established additional Commissioner's Hearing Officer positions and is in the process of filling the positions in various parts of the State. This hiring initiative faces challenges given the wide geographic scope of DOCCS's work.

7. Periodically publish anonymized disciplinary data and results of relevant analyses.

DOCCS Response: As part of the recently enacted Humane Alternatives to Long Term (HALT) segregated confinement, DOCCS publishes anonymized disciplinary data online on a monthly basis. If additional data sets are identified that may shed light on these trends, we will publish the analysis and the associated anonymized data.

Conclusion

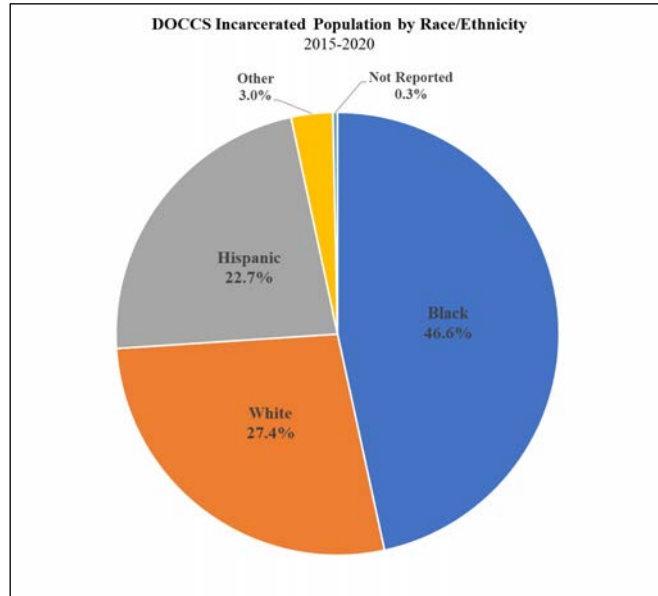
In order to meet the Department's mission to improve public safety we strive to ensure that we operate a fair system in all aspects, from program and work assignments to the disciplinary process. This includes providing a continuity of appropriate treatment services in safe and secure facilities where all incarcerated individuals' needs are addressed, and they are prepared for release. The discipline process is an important component of DOCCS's efforts to provide that safe environment and is one way in which we endeavor to foster an environment that prepares incarcerated individuals for release. DOCCS is happy to engage in a continuous process of improving its services and methods for ensuring that environment, including to the discipline process.

APPENDIX 1: DETAILS OF THE INSPECTOR GENERAL’S ANALYSIS

Analysis of Incarcerated Population

The DOCCS incarcerated population steadily decreased by a total of over 31 percent between 2015 and 2020 from approximately 63,328 to 43,220, with the White population declining the most (35 percent) followed by Black (31 percent), Hispanic (30 percent), and Other (24 percent).

During this period, approximately 47 percent of the incarcerated population was Black, 27 percent was White, 23 percent was Hispanic, and three percent was categorized as Other. Each race/ethnicity’s share of the total incarcerated population was relatively consistent between 2015 and 2020,



although in 2020, the population of Black incarcerated individuals increased slightly while the population of White incarcerated individuals decreased slightly.

Incarcerated Population									
Race/Ethnicity	2015	2016	2017	2018	2019	2020	Overall (*)	% of Total	% Change (2020 vs 2015)
Black	31,167	30,280	29,602	28,167	26,515	21,437	55,325	46.6%	-31.22%
White	16,166	15,999	15,630	14,934	13,980	10,563	32,487	27.4%	-34.66%
Hispanic	14,057	13,925	13,825	13,120	12,409	9,777	26,911	22.7%	-30.45%
Other	1,730	1,879	1,877	1,777	1,643	1,320	3,613	3.0%	-23.70%
Not Reported	208	178	169	183	156	123	391	0.3%	-40.87%
Total	63,328	62,261	61,103	58,181	54,703	43,220	118,727		-31.75%

(*) Overall numbers refer to the number of unique individuals incarcerated at any point between 2015 and 2020. Individuals incarcerated in multiple years are only counted once in these totals.

Percentage of Total Incarcerated Population							
Race/Ethnicity	2015	2016	2017	2018	2019	2020	Overall
Black	49.2%	48.6%	48.4%	48.4%	48.5%	49.6%	46.6%
White	25.5%	25.7%	25.6%	25.7%	25.6%	24.4%	27.4%
Hispanic	22.2%	22.4%	22.6%	22.6%	22.7%	22.6%	22.7%
Other	2.7%	3.0%	3.1%	3.1%	3.0%	3.1%	3.0%
Not Reported	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%

The age of the incarcerated population trended older during the period reviewed. In 2015, 32 percent of the population was under 30, with 68 percent 30 or older. By 2020, over 76 percent of the population was 30 or older. The largest changes occurred in the under-25 and 40-

and-older age groups. The non-White incarcerated population was, in general, slightly younger than the White incarcerated population. Approximately 11.4 percent of the non-White incarcerated populations were under 25, with 39.2 percent 40 or older. Comparatively, less than eight percent of the White incarcerated population was under 25, while 42 percent was 40 or older.

Percentage of Incarcerated Population (By Year and Age Group)							
Age Group	2015	2016	2017	2018	2019	2020	Overall
Under 25	14%	12%	12%	10%	10%	8%	10%
25 to 29	18%	18%	18%	17%	17%	16%	18%
30 to 39	29%	30%	31%	31%	32%	32%	32%
40 and Older	39%	40%	40%	41%	41%	44%	40%
Totals	100%	100%	100%	100%	100%	100%	100%

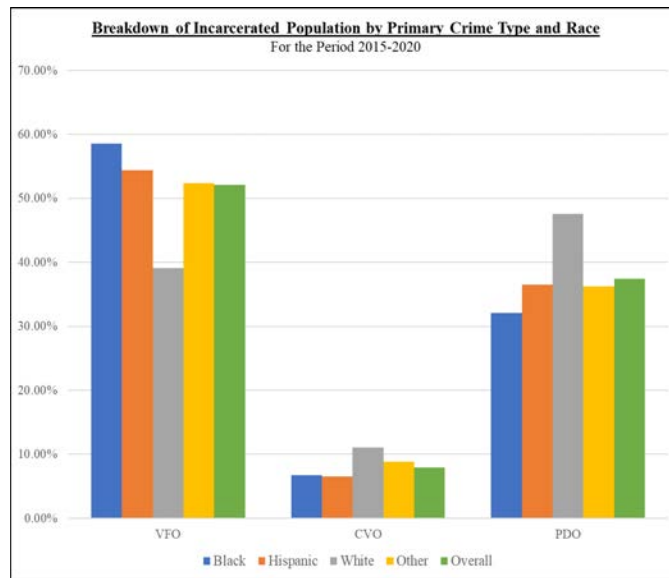
Percentage of Incarcerated Population (By Race/Ethnicity and Age Group)						
Age Group	White	Black	Hispanic	Other	Not Reported	Overall
Under 25	7.6%	11.8%	10.8%	11.2%	8.7%	10.4%
25 to 29	16.7%	18.3%	17.2%	19.2%	18.7%	17.7%
30 to 39	33.5%	30.9%	32.0%	32.4%	34.0%	31.9%
40 and Older	42.2%	39.0%	40.0%	37.2%	38.6%	40.1%
Totals	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The majority of incarcerated individuals served time for convictions of violent offenses and this majority consistently increased during the period reviewed, based on both the crime type and crime class of their primary offenses. Overall, roughly 52 percent of incarcerated individuals served time for statutorily defined violent felony offenses (VFO); 38 percent were incarcerated for property, drug, and other felonies (PDO); while eight percent were incarcerated for other coercive/violent offenses (CVO).⁴⁸ When analyzing each year independently, violent felony offenders represented an even greater share of the incarcerated population; between 61 and 69 percent. In 2020, the prevalence of individuals incarcerated for VFO crimes increased, while the share of individuals incarcerated for PDO crimes decreased.

⁴⁸ DOCCS categorizes incarcerated individuals into one of three groups based on their primary criminal conviction. See, <https://doccs.ny.gov/system/files/documents/2021/08/2020-court-commitments-final.pdf> One percent of the population had no reported primary crime type, as these were incarcerated individuals not included in DOCCS's incarcerated population data.

Primary Crime Type	Number of Incarcerated Individuals, By Primary Crime Type							Percentage of Incarcerated Population						
	2015	2016	2017	2018	2019	2020	Overall	2015	2016	2017	2018	2019	2020	Overall
VFO	38,989	39,006	38,011	36,749	35,124	29,758	61,917	61.6%	62.6%	62.2%	63.2%	64.2%	68.9%	51.8%
PDO	17,937	18,464	18,164	17,059	15,547	10,436	45,002	28.3%	29.7%	29.7%	29.3%	28.4%	24.1%	37.6%
CVO	4,388	4,448	4,472	4,204	3,851	2,926	9,521	6.9%	7.1%	7.3%	7.2%	7.0%	6.8%	8.0%
Unknown	2,014	343	456	169	181	100	3,123	3.2%	0.6%	0.7%	0.3%	0.3%	0.2%	2.6%
Totals	63,328	62,261	61,103	58,181	54,703	43,220	119,563	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The non-White incarcerated population was more likely to have been convicted of a VFO crime than White incarcerated individuals and less likely to have been convicted of a PDO crime. Indeed, over 58 percent of Black incarcerated individuals, 54 percent of Hispanic, and 52 percent of Other incarcerated individuals were convicted of VFOs, compared to only 39 percent of White incarcerated individuals. Conversely, over 47 percent of White incarcerated individuals were convicted of PDO crimes compared to less than 34 percent for the non-White incarcerated population.⁴⁹



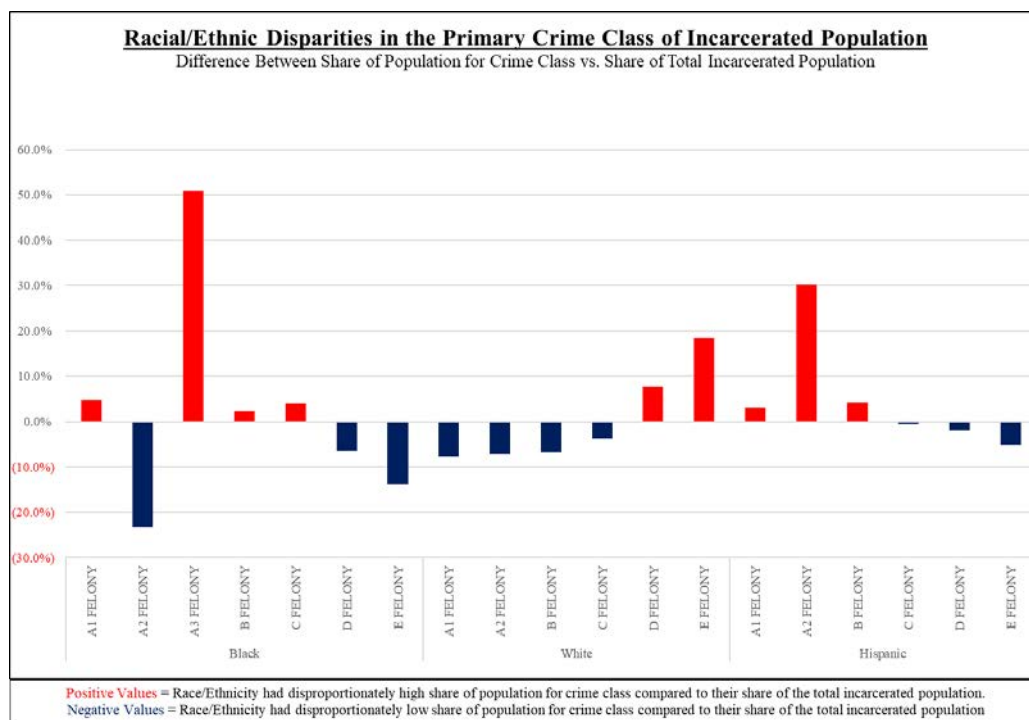
The primary crime class⁵⁰ for approximately 29 percent of incarcerated individuals was a class D felony, followed by class B felony (25 percent), and class C felony (20 percent). The annual breakdown by primary crime class was generally consistent, although in 2020, the percentage of individuals incarcerated for A1 and B felonies increased slightly while the percentage of individuals incarcerated for D and E felonies saw a slight decrease.

Black and Hispanic individuals were more typically incarcerated for higher-level felonies while White individuals were more commonly incarcerated for lower-level felonies. Specifically, Black incarcerated individuals represented a disproportionately high population of class A1, A3, B, and C felonies and a disproportionately low population for class A2, D, and E

⁴⁹ Approximately 11 percent of White incarcerated individuals were convicted of CVO crimes. All other groups had lower rates: Black (6.7 percent), Hispanic (6.6 percent), and Other (8.8 percent).

⁵⁰ Primary crime class refers to the level of an incarcerated individual's most serious felony conviction. These include the following felony crime classes: A1, A2, A3, B, C, D, and E, with "A" crimes as the most serious.

felonies. White incarcerated individuals had a disproportionately high population for class D and E felonies, while Hispanic individuals were disproportionately high for class A1, A2, and B felonies.⁵¹



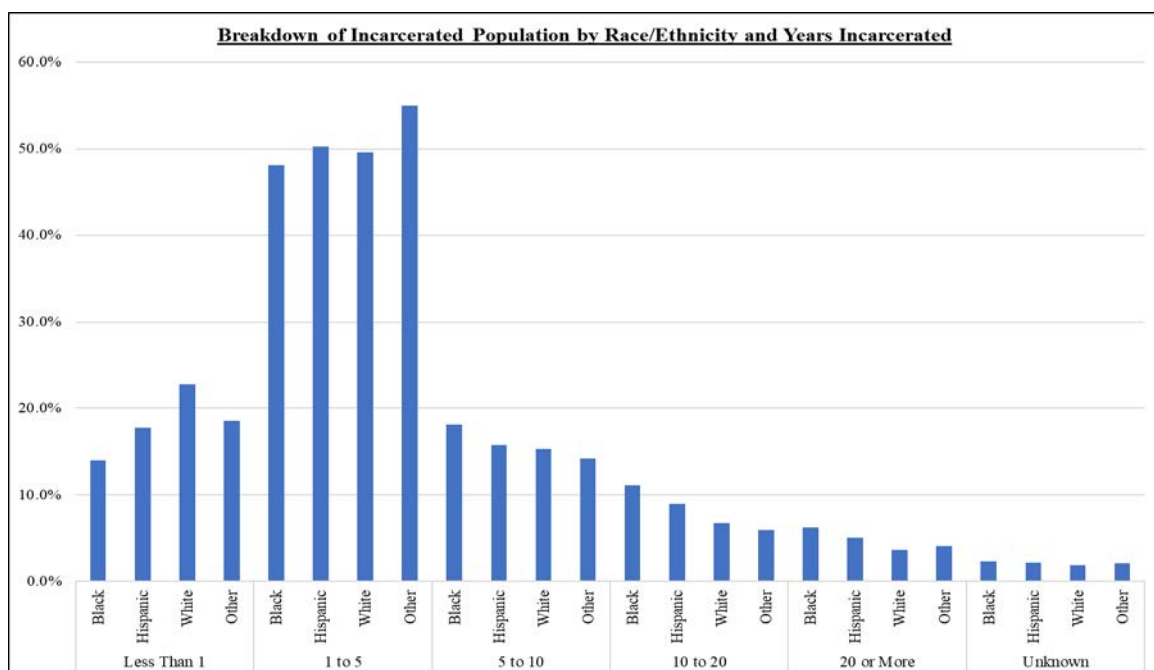
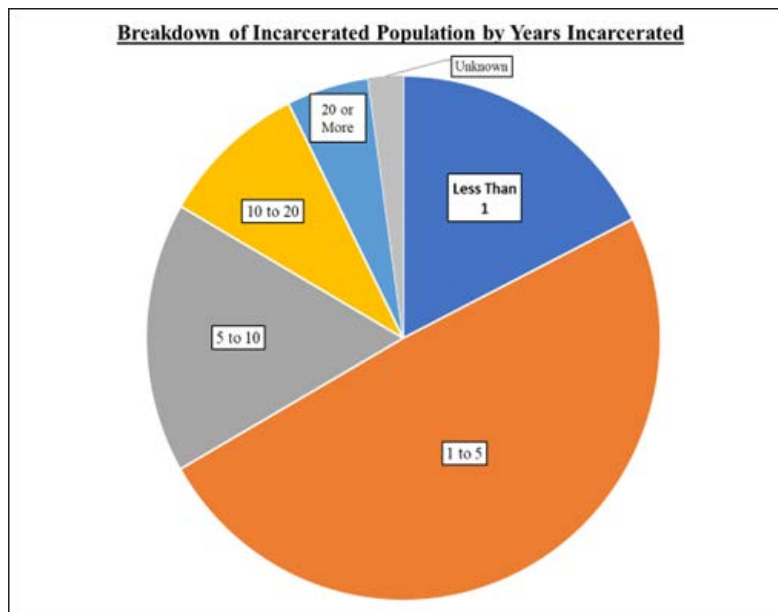
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Approximately 67 percent of the population had been incarcerated less than five years, while 83 percent of the population had been incarcerated less than 10 years at the time of this analysis. The length of incarceration across different races/ethnicities was generally consistent, although Black and Hispanic individuals were more likely to be incarcerated longer than White and Other individuals.⁵³

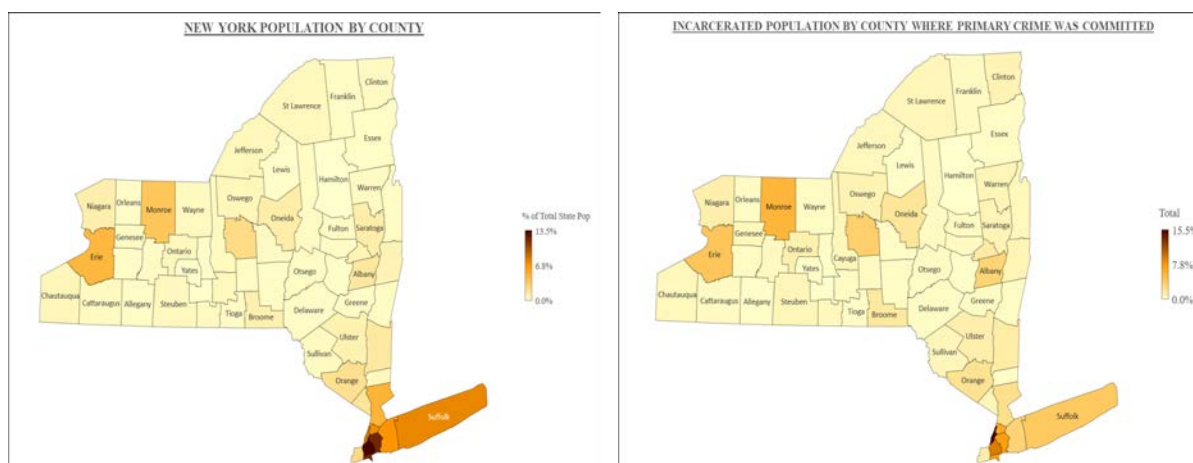
⁵¹ Individuals whose race/ethnicity was categorized as Other saw no significant disparities concerning primary crime class.

⁵² A3 felonies are only reported in the chart for Black incarcerated individuals because they were the only race/ethnicity with individuals incarcerated for such crimes (a total of three during the period reviewed).

⁵³ Over 17 percent of Black and 14 percent of Hispanic incarcerated individuals were incarcerated more than 10 years, compared to 10 percent of White and Other.



The primary criminal offenses causing incarceration most typically occurred in populated, urban areas of the State and the incarcerated population was generally representative of each region's share of the State population. For example, the primary crime committed by 40 percent of the incarcerated population occurred in New York City, where approximately 43 percent of the State population resides.⁵⁴ This same pattern existed for other regions of the State, with the only notable exception being Long Island, which has over 14 percent of the State population yet only seven percent of crimes leading to incarceration occurred there.



Analysis of Incarcerated Population by Facility

During the period reviewed, 54 DOCCS facilities⁵⁵ were operational at some point. Of those, 30 were medium security, 17 were maximum security, six were minimum security, and one was designated as a drug treatment center. Between 2015 and 2020, approximately 56 percent of incarcerated individuals were housed in medium-security facilities, while nearly 32 percent were in maximum-security facilities.⁵⁶ During this same period, incarcerated populations at minimum-security facilities decreased, on average, 44 percent, while medium- and maximum-security facilities saw average population decreases of 40 percent and 27 percent, respectively. The population at the drug treatment center decreased nearly 58 percent.

The facilities with the largest incarcerated populations were Clinton, Attica, Greene, Elmira, Gowanda, and Green Haven. All but one of the 54 facilities, Rochester, saw a decrease

⁵⁴ US Census Bureau: 2020 Decennial Census Data: <https://data.census.gov/cedsci/table?q=United%20States&t=Race%20and%20Ethnicity&g=0400000US36,36%240500000&tid=DECENNIALPL2020.P2>

⁵⁵ As of this writing, four of these facilities closed between 2019 and 2021, and six closed in 2022, leaving 44 still operational.

⁵⁶ Approximately nine percent were at minimum-security facilities while three percent were at the drug treatment center.

in their incarcerated population between 2015 and 2020, including 37 facilities that decreased more than 25 percent.

The Statewide incarcerated population analyzed at the facility level was categorized as 49 percent Black, 25 percent White, 23 percent Hispanic, and three percent Other.⁵⁷ When

compared to these Statewide figures, about half of the facilities had a disproportionately higher Black population while the other half had a disproportionately lower Black population. For example, 30 percent of individuals incarcerated at Albion were Black, which is nearly 19 percent lower than the Statewide average Black population of 49 percent. Conversely, Southport's and Sing Sing's 59 percent Black populations were 10 percent higher than the Statewide average. Of the 54 facilities, 31 had a disproportionately higher Hispanic population, including Lincoln, which

Largest Racial/Ethnic Disparities Compared to Statewide Average				
Facility	Race/Ethnicity	% of Incarcerated Population	Statewide Average	Disparity
Albion	Black	29.9%	48.8%	(18.9%)
Queensboro	White	8.1%	24.8%	(16.7%)
Albion	Hispanic	10.8%	23.1%	(12.4%)
Sing Sing	White	12.5%	24.8%	(12.4%)
Ulster	White	12.5%	24.8%	(12.3%)
Groveland	Black	36.9%	48.8%	(12.0%)
Upstate	White	13.2%	24.8%	(11.6%)
Southport	White	13.3%	24.8%	(11.6%)
Collins	Black	37.5%	48.8%	(11.3%)
Otisville	White	13.6%	24.8%	(11.3%)

Largest Reverse Racial/Ethnic Disparities Compared to Statewide Average				
Facility	Race/Ethnicity	% of Incarcerated Population	Statewide Average	Disparity
Albion	White	56.3%	24.8%	31.5%
Bedford Hills	White	46.1%	24.8%	21.3%
Groveland	White	44.9%	24.8%	20.1%
Rochester	White	44.7%	24.8%	19.9%
Collins	White	41.2%	24.8%	16.4%
Taconic	White	40.4%	24.8%	15.6%
Lincoln	Hispanic	38.1%	23.1%	14.9%
Moriah	White	39.2%	24.8%	14.4%
Gowanda	White	36.9%	24.8%	12.1%
Lakeview	White	36.3%	24.8%	11.5%

Largest Reverse Black and Hispanic Disparities Compared to Statewide Average				
Facility	Race/Ethnicity	% of Incarcerated Population	Statewide Average	Disparity
Lincoln	Hispanic	38.1%	23.1%	14.9%
Southport	Black	59.3%	48.8%	10.4%
Sing Sing	Black	58.5%	48.8%	9.7%
Queensboro	Hispanic	32.6%	23.1%	9.5%
Upstate	Black	58.1%	48.8%	9.3%
Green Haven	Black	57.0%	48.8%	8.2%
Great Meadow	Black	57.0%	48.8%	8.2%
Ulster	Hispanic	31.3%	23.1%	8.2%
Auburn	Black	56.8%	48.8%	8.0%
Attica	Black	56.7%	48.8%	7.8%

had a Hispanic population of 38 percent, nearly 15 percent higher than the Statewide average of 23 percent. Albion had a Hispanic population of 11 percent, over 12 percent lower than the Statewide average. Thirty-two facilities had a disproportionately lower White population, including Queensboro, whose White population was nearly 17 percent lower than average.⁵⁸

⁵⁷ As described in detail in [Appendix 2](#), the Inspector General separately identified the incarcerated population both overall and at the facility level. The facility-level incarcerated population accounts for each unique combination of DIN and facility, whereas the overall population simply accounts for each unique DIN.

⁵⁸ As noted in the accompanying charts in this paragraph and unless otherwise noted in this report, a racial/ethnic disparity refers to a situation in which a race/ethnicity is over-represented compared to Statewide averages or when non-White incarcerated individuals are more likely than White incarcerated individuals to experience a negative consequence (i.e., be issued a Misbehavior Report). A reverse disparity denotes a race/ethnicity is under-represented compared to Statewide averages or when non-White incarcerated individuals are less likely than White incarcerated individuals to experience a negative consequence.

Demographics of DOCCS's Workforce

Overall, approximately 79 percent of staff at DOCCS facilities were reported as White, with 11 percent Black, 5.5 percent Hispanic, and 1.5 percent Other.⁵⁹ While staffing at some facilities mirrored the Statewide numbers, the demographics at many facilities varied significantly from the overall averages. Staff at many facilities, particularly those located in upstate New York, were predominately White, with very few Black or Hispanic staff. Conversely, the majority of staff at some facilities in downstate New York were Black or Hispanic.

- At 29 of the 52 facilities reviewed, more than 90 percent of staff were White, including seven facilities with over 95 percent White staff. This included Ogdensburg⁶⁰ (99 percent), Riverview (97 percent), Watertown*, Clinton, Bare Hill, and Cape Vincent (96 percent), and Upstate (95 percent). At these same 29 facilities, plus one additional facility, less than five percent of staff were Black, including nine facilities with less than one percent of staff being Black. The nine facilities were Ogdensburg* (.2 percent); Upstate, Bare Hill, Riverview, and Cape Vincent (.4 percent); Gouverneur and Franklin (.5 percent); Clinton (.6 percent); and Watertown* (.9 percent). All these facilities are located in the North Country region of the State in DOCCS's Watertown* or Clinton Hubs.
- Conversely, more than 50 percent of staff at five facilities were Black, including Queensboro (63 percent), Edgecombe (56 percent), Sing Sing (54 percent), Bedford Hills (53 percent), and Taconic (50 percent). By the same token, each of these facilities had the lowest representation of White staff, ranging from 15 percent to 21 percent, far lower than the 79 percent Statewide average. Notably, each of these facilities is located in DOCCS's New York City Hub, which geographically includes the largest population of Black residents.
- Facilities with the largest Hispanic workforce included Sing Sing (22 percent), Downstate* (20 percent), Edgecombe (18 percent), Taconic (18 percent), Fishkill (17 percent), and Bedford Hills (16 percent). Twelve facilities located in DOCCS's Watertown*, Clinton, Central, Elmira, and Wende Hubs had less than one percent Hispanic staffing.

The following chart summarizes the racial breakdown of staffing at the 52 facilities reviewed:

⁵⁹ The race/ethnicity for three percent of staff Statewide was not reported. By facility, these exceptions ranged from .42 percent to 6.8 percent.

⁶⁰ Ogdensburg Correctional Facility was closed in 2022. Facilities closed at the time of this report will hereafter be designated by an asterisk.

RACIAL COMPOSITION OF FACILITY STAFF									
FACILITY	HUB	COUNTY	REGION	BLACK	HISPANIC	WHITE	OTHER	NOT REPORTED	TOTAL
Hale Creek	Central	Fulton	Mohawk Valley	4.8%	4.1%	87.0%	0.6%	3.5%	100%
Marcy	Central	Oneida	Mohawk Valley	2.2%	0.7%	92.5%	0.9%	3.7%	100%
Midstate	Central	Oneida	Mohawk Valley	2.7%	1.2%	91.9%	0.7%	3.6%	100%
Mohawk	Central	Oneida	Mohawk Valley	1.7%	0.8%	90.3%	0.4%	6.8%	100%
Adirondack	Clinton	Essex	North Country	1.1%	0.4%	93.1%	1.0%	4.4%	100%
Altona	Clinton	Clinton	North Country	1.8%	1.2%	94.7%	1.5%	0.9%	100%
Bare Hill	Clinton	Franklin	North Country	0.4%	0.4%	96.3%	1.8%	1.1%	100%
Clinton	Clinton	Clinton	North Country	0.6%	0.8%	96.4%	0.4%	1.8%	100%
Franklin	Clinton	Franklin	North Country	0.5%	1.2%	94.7%	1.1%	2.5%	100%
Upstate	Clinton	Franklin	North Country	0.4%	1.0%	95.1%	1.0%	2.5%	100%
Auburn	Elmira	Cayuga	Central	3.3%	1.7%	92.2%	1.3%	1.5%	100%
Cayuga	Elmira	Cayuga	Central	1.9%	1.0%	94.1%	1.0%	2.0%	100%
Elmira	Elmira	Chemung	Souther Tier	2.2%	1.7%	90.2%	0.8%	5.0%	100%
Five Points	Elmira	Seneca	Finger Lakes	3.1%	1.9%	90.6%	0.9%	3.6%	100%
Southport	Elmira	Chemung	Souther Tier	2.3%	0.8%	94.4%	0.3%	2.2%	100%
Willard	Elmira	Seneca	Finger Lakes	1.8%	1.8%	93.4%	0.9%	2.1%	100%
Coxsackie	Great Meadow	Greene	Capital District	6.4%	4.8%	83.2%	2.4%	3.2%	100%
Great Meadow	Great Meadow	Washington	Capital District	3.6%	1.9%	90.6%	0.9%	3.0%	100%
Greene	Great Meadow	Greene	Capital District	8.6%	5.4%	81.2%	1.2%	3.5%	100%
Hudson	Great Meadow	Columbia	Capital District	6.5%	4.4%	84.4%	1.0%	3.7%	100%
Moriah	Great Meadow	Essex	North Country	1.2%	2.2%	92.8%	0.0%	3.7%	100%
Washington	Great Meadow	Washington	Capital District	4.0%	2.3%	90.2%	0.6%	2.8%	100%
Downstate	Green Haven	Dutchess	Hudson Valley	32.2%	20.5%	42.2%	2.6%	2.6%	100%
Fishkill	Green Haven	Dutchess	Hudson Valley	30.9%	17.2%	46.4%	2.3%	3.2%	100%
Green Haven	Green Haven	Dutchess	Hudson Valley	22.8%	14.2%	57.4%	1.3%	4.3%	100%
Shawangunk	Green Haven	Ulster	Hudson Valley	6.6%	9.2%	79.2%	1.0%	4.0%	100%
Wallkill	Green Haven	Ulster	Hudson Valley	7.3%	11.2%	74.6%	1.6%	5.3%	100%
Bedford Hills	NYC	Westchester	Hudson Valley	53.2%	16.2%	19.4%	5.2%	6.0%	100%
Edgecombe	NYC	New York	NYC	56.1%	18.3%	15.5%	5.8%	4.3%	100%
Queensboro	NYC	Queens	NYC	63.2%	12.3%	17.1%	4.8%	2.5%	100%
Sing Sing	NYC	Westchester	Hudson Valley	54.0%	21.7%	17.5%	4.1%	2.7%	100%
Taconic	NYC	Westchester	Hudson Valley	50.5%	18.1%	21.7%	4.0%	5.6%	100%
Eastern	Sullivan	Ulster	Hudson Valley	7.9%	8.3%	80.6%	0.6%	2.6%	100%
Otisville	Sullivan	Orange	Hudson Valley	10.9%	14.2%	69.2%	1.0%	4.7%	100%
Sullivan	Sullivan	Sullivan	Hudson Valley	6.6%	7.9%	80.2%	0.8%	4.4%	100%
Ulster	Sullivan	Ulster	Hudson Valley	10.2%	11.7%	73.3%	1.0%	3.8%	100%
Woodbourne	Sullivan	Sullivan	Hudson Valley	8.7%	6.0%	79.0%	1.5%	4.9%	100%
Cape Vincent	Watertown	Jefferson	North Country	0.4%	0.3%	96.1%	1.1%	2.1%	100%
Gouverneur	Watertown	St. Lawrence	North Country	0.5%	0.7%	94.2%	1.3%	3.4%	100%
Ogdensburg	Watertown	St. Lawrence	North Country	0.2%	0.1%	99.1%	0.2%	0.5%	100%
Riverview	Watertown	St. Lawrence	North Country	0.4%	0.7%	97.0%	1.0%	1.0%	100%
Watertown	Watertown	Jefferson	North Country	0.9%	1.9%	96.4%	0.4%	0.4%	100%
Albion	Wende	Orleans	Finger Lakes	13.0%	3.0%	79.2%	0.8%	4.1%	100%
Attica	Wende	Wyoming	Finger Lakes	1.6%	1.4%	94.2%	0.6%	2.3%	100%
Collins	Wende	Erie	Western	1.9%	1.4%	94.0%	1.4%	1.3%	100%
Gowanda	Wende	Erie	Western	2.0%	1.1%	93.8%	1.6%	1.5%	100%
Groveland	Wende	Livingston	Finger Lakes	3.5%	1.0%	92.6%	1.0%	2.0%	100%
Lakeview	Wende	Chautauqua	Western	2.7%	3.5%	91.9%	1.0%	0.8%	100%
Orleans	Wende	Orleans	Finger Lakes	6.8%	2.2%	86.4%	0.8%	3.8%	100%
Rochester	Wende	Monroe	Finger Lakes	21.8%	6.7%	64.2%	2.6%	4.7%	100%
Wende	Wende	Erie	Western	20.4%	3.7%	73.0%	0.9%	1.9%	100%
Wyoming	Wende	Wyoming	Finger Lakes	4.2%	1.8%	90.5%	0.7%	2.9%	100%
OVERALL				10.9%	5.5%	79.2%	1.4%	3.0%	0%

Facility Staff vs. Community Population⁶¹

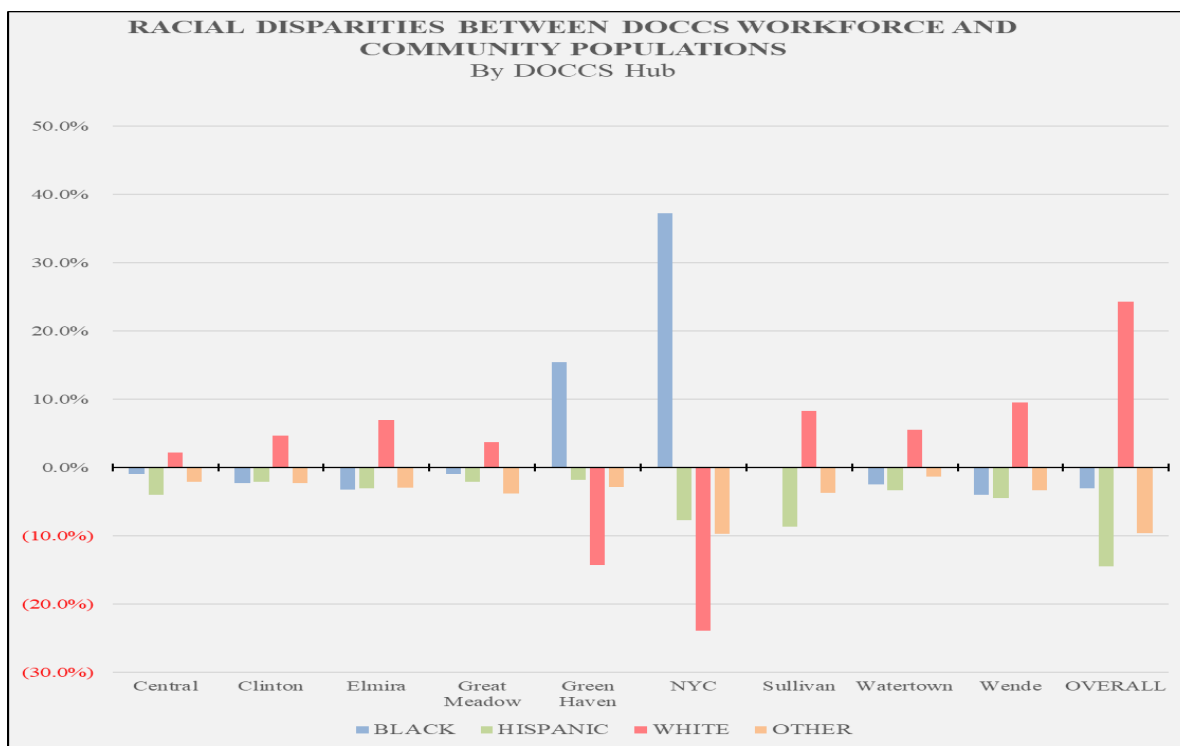
Statewide, DOCCS's facility staff, when compared to the community population in the DOCCS's Hub where the facilities were located, was overly White and under-representative of other races and ethnicities. Specifically, 79 percent of DOCCS workforce was White, despite the Statewide resident population being only 55 percent White. Conversely, only five percent of the DOCCS's workforce was Hispanic, and one percent was Other, despite those groups

⁶¹ Community population or resident population refers to the population in 2020, as report by the US Census Bureau, in the geographic area (county, region, DOCCS Hub) where a facility is located.

representing 20 percent and 11 percent of the State’s resident population, respectively. The divide with the Black population was relatively insignificant by comparison (11 percent of DOCCS’s workforce was Black vs. 14 percent of the State population).

This general pattern existed in all DOCCS Hubs with the exception of Green Haven and New York City. In those Hubs, the Black workforce significantly over-represented community populations while the White workforce was significantly under-represented. The following charts summarize this analysis by Hub:

COMPARISON OF RACIAL DEMOGRAPHICS OF DOCCS WORKFORCE TO COMMUNITY POPULATIONS (BY DOCCS HUB)												
HUB	BLACK			HISPANIC			WHITE			OTHER		
	DOCCS Staff	Community Population	DISPARITY	DOCCS Staff	Community Population	DISPARITY	DOCCS Staff	Community Population	DISPARITY	DOCCS Staff	Community Population	DISPARITY
Central	2%	3%	(0.9%)	1%	5%	(4.0%)	91%	89%	2.2%	1%	3%	(2.1%)
Clinton	1%	3%	(2.3%)	1%	3%	(2.1%)	96%	91%	4.7%	1%	3%	(2.3%)
Elmira	3%	6%	(3.3%)	2%	5%	(3.1%)	92%	85%	6.9%	1%	4%	(3.0%)
Great Meadow	6%	7%	(1.0%)	4%	6%	(2.1%)	86%	82%	3.7%	1%	5%	(3.8%)
Green Haven	24%	9%	15.4%	16%	17%	(1.9%)	55%	69%	(14.3%)	2%	5%	(2.8%)
NYC	55%	17%	37.2%	18%	26%	(7.7%)	18%	42%	(23.9%)	5%	14%	(9.7%)
Sullivan	9%	9%	0.1%	9%	18%	(8.7%)	77%	69%	8.3%	1%	5%	(3.7%)
Watertown	0%	3%	(2.5%)	1%	4%	(3.3%)	96%	91%	5.5%	1%	2%	(1.3%)
Wende	7%	11%	(4.0%)	2%	7%	(4.5%)	88%	78%	9.5%	1%	4%	(3.3%)
OVERALL	11%	14%	(3.1%)	5%	20%	(14.5%)	79%	55%	24.2%	1%	11%	(9.6%)



Of the 52 facilities reviewed, the Black workforce at 43 facilities was representative of the community population in the DOCCS Hubs where the facilities were located.⁶² Exceptions to this rule primarily existed for facilities in DOCCS's New York City and Green Haven Hubs⁶³:

- The community population in the New York City Hub was approximately 17 percent Black. However, 63 percent of the workforce at Queensboro was Black, while 56 percent of the workforce at Edgecombe was Black. Other facilities in that Hub also had significant over-representation of Black staff including Sing Sing (54 percent), Bedford Hills (53 percent), and Taconic (51 percent).
- In the Green Haven Hub, located in the Mid-Hudson region, only nine percent of the community population is Black. However, at Downstate*, Fishkill, and Green Haven, the workforce was between 23 and 32 percent Black.

The Hispanic workforce at 49 of the 52 facilities was representative of the community population in the DOCCS Hubs where the facilities were located. The three exceptions (Sullivan and Woodbourne, both in the Sullivan Hub, and Queensboro, in the New York City Hub) all had relatively low Hispanic staffing levels. For example, the community population in the New York City Hub was 26 percent Hispanic, yet Queensboro's workforce was only 12 percent Hispanic.

The White workforce at 32 of the 52 facilities was representative of the community population in the DOCCS Hubs where the facilities were located. Of the remaining 20 facilities, nine facilities had an under-representation of White staff while 11 had an over-representation. The nine facilities with an under-representation are the same as those described above with an over-representation of Black staff. The 11 facilities with an over-representation of White staff were in the Wende, Sullivan, Great Meadow, and Green Haven Hubs. For example, Attica, located in the Wende Hub, had a 94 percent White workforce, while the community population in that Hub was only 78 percent White. A chart summarizing this analysis for each facility is attached as [Appendix 15](#).

Facility Staff vs. Incarcerated Population

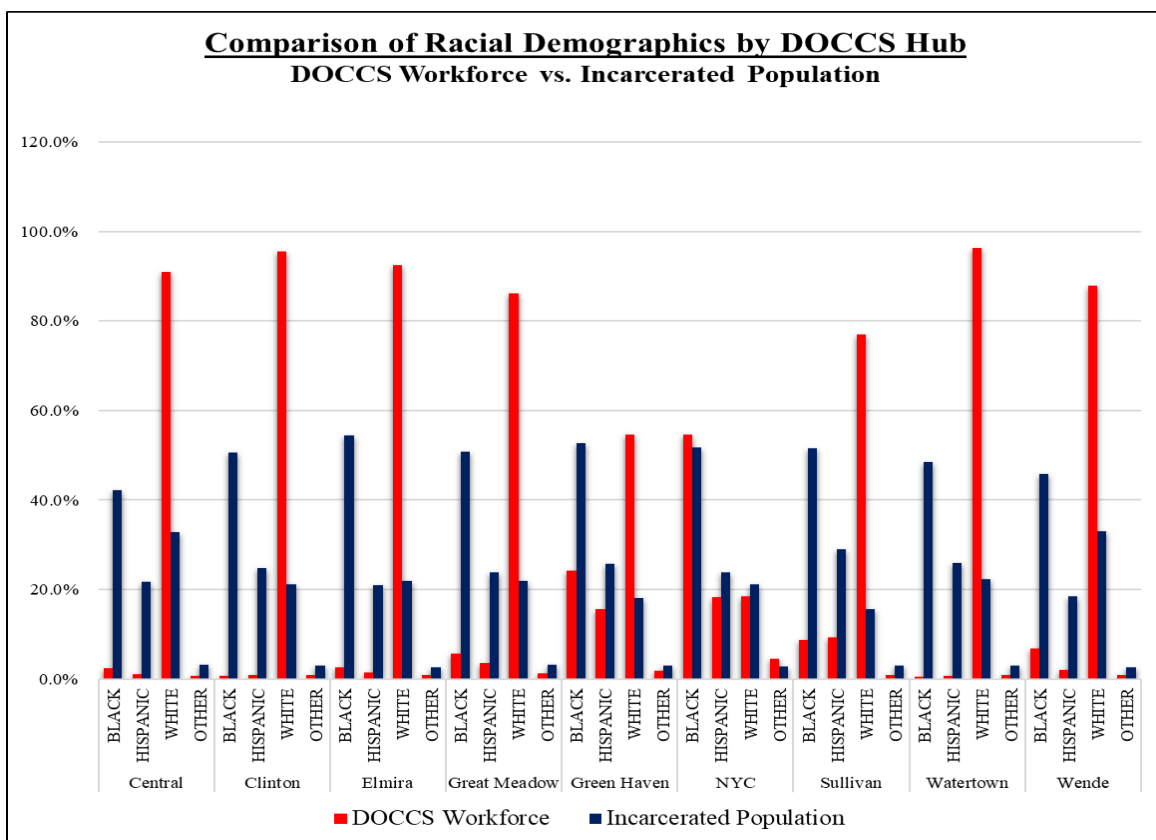
The race/ethnicity of facility staff was often significantly different than the race/ethnicity of the incarcerated individuals in the facilities. At almost every facility, the majority of the incarcerated population was Black or Hispanic, yet the workforce was overwhelmingly White.

⁶² As previously stated, the Inspector General subjectively considered a facility's staff to be representative of their community population if the difference between a race/ethnicity's percentage of a facility's staff and that race/ethnicity's share of the community population was 10 percent or less.

⁶³ In the Wende Hub, 11 percent of the community population is Black, yet Rochester's* workforce was 22 percent Black.

Overall, DOCCS's workforce was 79 percent White, while the incarcerated population was only 25 percent White. Conversely, 11 percent of DOCCS's workforce was Black, much lower than the facilities' incarcerated population, which was 49 percent Black. Similarly, five percent of DOCCS workforce was Hispanic compared to 23 percent of the incarcerated population.⁶⁴

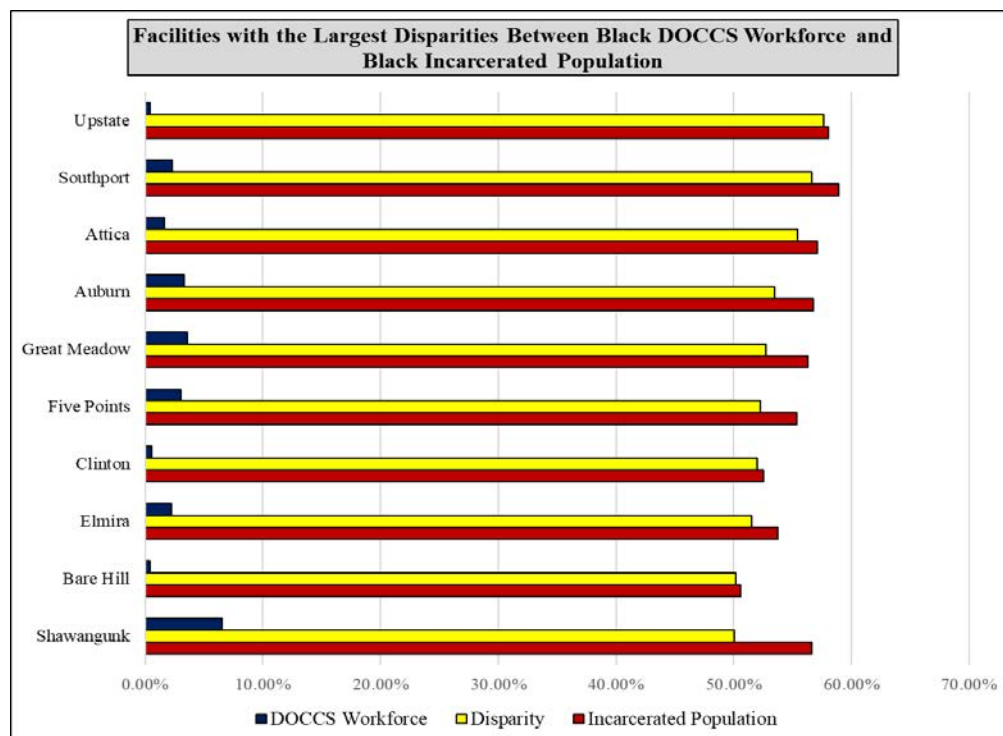
This racial disparity existed in all DOCCS Hubs other than New York City, where the DOCCS workforce generally mirrored the incarcerated population. In the New York City Hub, the DOCCS workforce was 55 percent Black, 18 percent Hispanic, 18 percent White, and five percent Other, whereas the incarcerated population was 52 percent Black, 24 percent Hispanic, 21 percent White, and three percent Other. By comparison, in the Elmira Hub, the incarcerated population was 54 percent Black, 21 percent Hispanic, 22 percent White, and three percent Other. Yet the workforce was only three percent Black, two percent Hispanic, and 92 percent White. The following charts summarize the racial disparities for each DOCCS Hub.



⁶⁴ About one and half percent of the workforce was Other compared to three percent of the incarcerated population.

COMPARISON OF RACIAL DEMOGRAPHICS OF DOCCS WORKFORCE TO INCARCERATED POPULATION (BY DOCCS HUB)												
HUB	BLACK			HISPANIC			WHITE			OTHER		
	DOCCS Staff	Incarcerated Population	DISPARITY	DOCCS Staff	Incarcerated Population	DISPARITY	DOCCS Staff	Incarcerated Population	DISPARITY	DOCCS Staff	Incarcerated Population	DISPARITY
Central	2%	42%	(39.8%)	1%	22%	(20.5%)	91%	33%	58.2%	1%	3%	(2.5%)
Clinton	1%	51%	(50.0%)	1%	25%	(24.0%)	96%	21%	74.3%	1%	3%	(2.1%)
Elmira	3%	54%	(51.7%)	2%	21%	(19.4%)	92%	22%	70.5%	1%	3%	(1.7%)
Great Meadow	6%	51%	(45.0%)	4%	24%	(20.2%)	86%	22%	64.3%	1%	3%	(2.0%)
Green Haven	24%	53%	(28.4%)	16%	26%	(10.0%)	55%	18%	36.4%	2%	3%	(1.2%)
NYC	55%	52%	2.8%	18%	24%	(5.5%)	18%	21%	(2.8%)	5%	3%	1.8%
Sullivan	9%	52%	(42.9%)	9%	29%	(19.7%)	77%	16%	61.4%	1%	3%	(2.1%)
Watertown	0%	48%	(48.0%)	1%	26%	(25.2%)	96%	22%	74.1%	1%	3%	(2.3%)
Wende	7%	46%	(39.0%)	2%	18%	(16.3%)	88%	33%	54.9%	1%	3%	(1.7%)
OVERALL	11%	49%	(38.5%)	5%	23%	(17.4%)	79%	25%	54.7%	1%	3%	(1.6%)

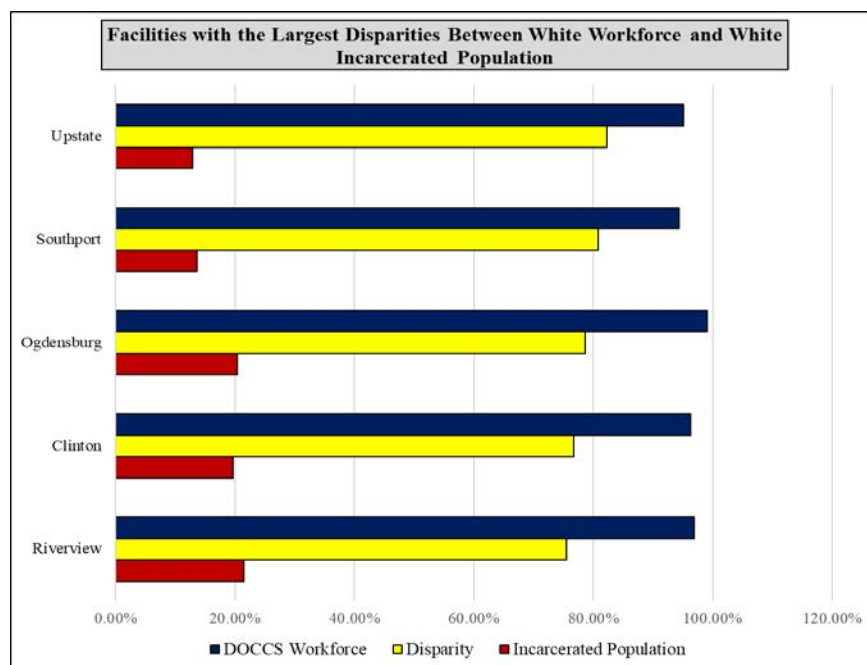
For the vast majority of DOCCS facilities, significant racial disparities existed between the DOCCS workforce and incarcerated population. The most significant disparities existed for Black populations. Specifically, at 43 of the 52 facilities reviewed, the Black workforce was more than 25 percent lower than the Black incarcerated population, including ten facilities where the difference was more than 50 percent, as reflected below.



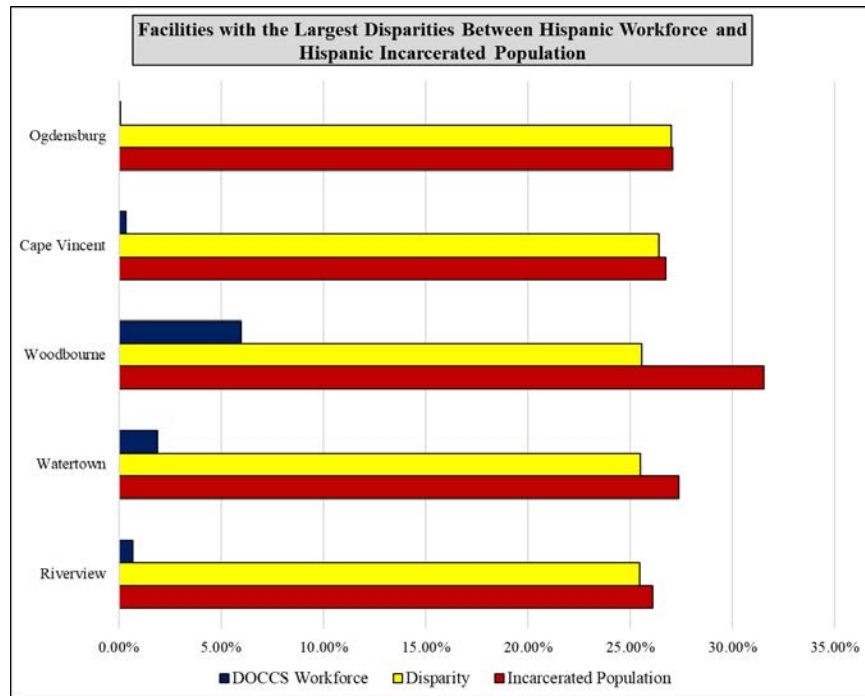
Upstate had the largest disparity between the Black DOCCS workforce and Black incarcerated population. Approximately 58 percent of the incarcerated population at Upstate was Black compared to less than one percent of Upstate's workforce. Next in line was Southport*

(DOCCS workforce 2 percent, incarcerated population 59 percent), Attica (DOCCS workforce under 2 percent, incarcerated population 57 percent), and Auburn (DOCCS workforce 3 percent, incarcerated population 57 percent).

Facilities with the largest disparities in Black populations typically had a workforce that was disproportionately White. For example, Upstate, which had the greatest under-representation of Black employees in its workforce, was 95 percent White, despite its incarcerated population only being 13 percent White. As reflected below, other facilities with the greatest over-representation of White employees in its workforce included Southport* (DOCCS workforce 94 percent, incarcerated population 14 percent), Ogdensburg* (DOCCS workforce 94 percent, incarcerated population 20 percent), and Clinton (DOCCS workforce 96 percent, incarcerated population 20 percent).



When examining the Hispanic populations, like with the Black population, the majority of facilities' Hispanic workforce was under-representative of their Hispanic incarcerated population, although the disparities were less significant than those for the Black population. The largest disparity existed for Ogdensburg*, whose incarcerated population was 27 percent Hispanic compared to a workforce that was 0.1 percent Hispanic. The following chart portrays the facilities with a Hispanic workforce that is most under-represented compared to their Hispanic incarcerated population.



A complete summary of each facilities' demographics is attached as [Appendix 16](#).

Disparities in the Issuance of Misbehavior Reports

Between 2015 and 2020, DOCCS issued 385,057 Misbehavior Reports. The number of Misbehavior Reports issued each year was relatively consistent before significantly decreasing in 2020. However, when coupled with the decreasing incarcerated population, there was a steady annual increase in the average number of Misbehavior Reports issued to each incarcerated individual.

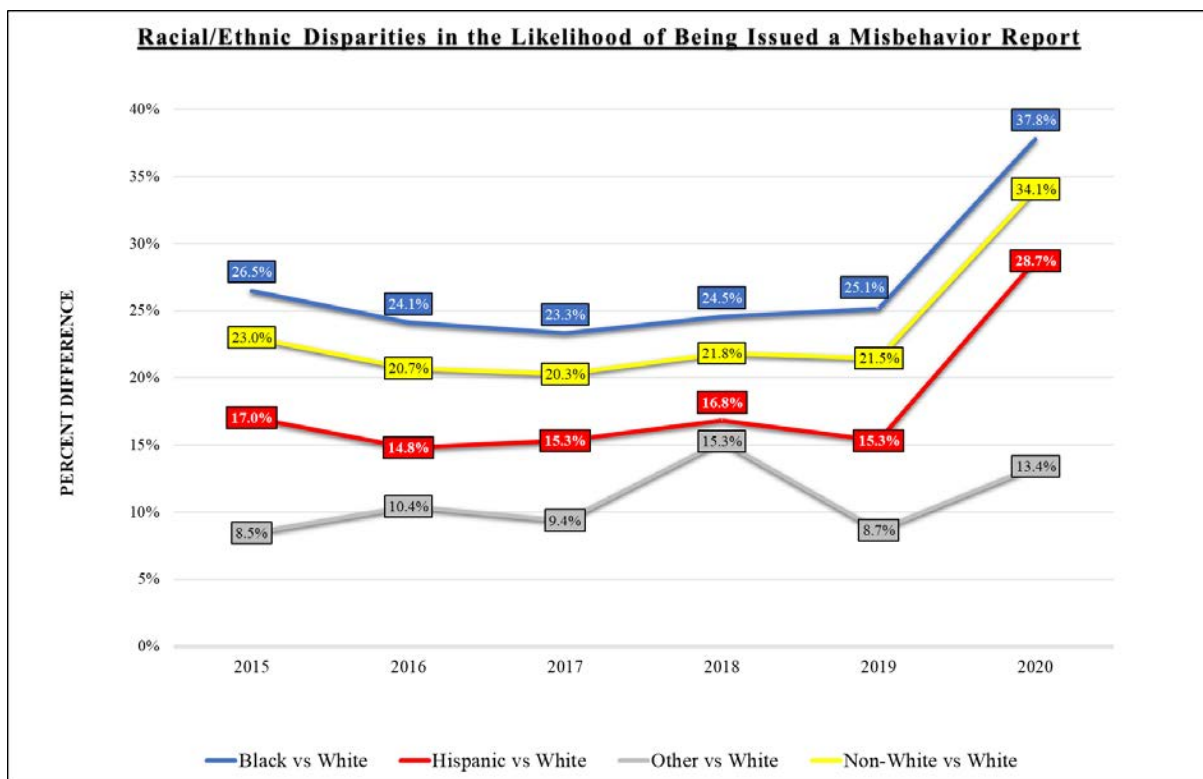
Number of Misbehavior Reports Issued, by Race/Ethnicity								
Race/Ethnicity	2015	2016	2017	2018	2019	2020	Total	% of Total
Black	36,298	35,039	35,973	35,759	35,032	29,022	207,123	53.8%
Hispanic	15,212	14,877	15,715	15,389	15,092	12,273	88,558	23.0%
White	13,621	13,834	14,224	13,928	12,977	8,883	77,467	20.1%
Other	1,683	1,876	1,955	2,130	1,959	1,522	11,125	2.9%
Not Reported	183	103	138	123	122	115	784	0.2%
Total	66,997	65,729	68,005	67,329	65,182	51,815	385,057	100.0%

Black incarcerated individuals were issued a higher share of Misbehavior Reports when compared to their share of the total incarcerated population. Specifically, Black incarcerated individuals were issued nearly 54 percent of all Misbehavior Reports while representing under 47 percent of the incarcerated population. Conversely, White incarcerated individuals' share of Misbehavior Reports issued was over seven percent lower than their share of the total incarcerated population. For other race/ethnic groups, this comparison resulted in only minimal disparity.

Racial/Ethnic Disparities Between Incarcerated Population and Misbehavior Reports Issued			
Race/Ethnicity	% of Overall Incarcerated Population	% of Misbehavior Reports Issued	Disparity
Black	46.6%	53.8%	7.19%
Hispanic	22.7%	23.0%	0.33%
White	27.4%	20.1%	-7.24%
Other	3.0%	2.9%	-0.15%
Not Reported	0.3%	0.2%	-0.13%

The Inspector General found the non-White incarcerated population was more likely to have been issued a Misbehavior Report than White incarcerated individuals. Overall, Black incarcerated individuals were nearly 22 percent more likely to have been issued a Misbehavior Report than White incarcerated individuals and eight percent more likely than Hispanic incarcerated individuals. Hispanic incarcerated individuals were over 12 percent more likely to have been issued a Misbehavior Report than White incarcerated individuals.⁶⁵ As reflected below, these disparities in Misbehavior Reports were generally consistent each year until 2020, when disparities between Black and Hispanic compared to White incarcerated individuals saw a significant increase.

⁶⁵ Other incarcerated individuals who were not reported as Black, Hispanic, or White were over nine percent more likely to have been issued a Misbehavior Report than White incarcerated individuals.



Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report							
Comparison	2015	2016	2017	2018	2019	2020	OVERALL
Black vs White	26.5%	24.1%	23.3%	24.5%	25.1%	37.8%	21.7%
Black vs Hispanic	8.1%	8.1%	6.9%	6.6%	8.5%	7.1%	8.2%
Black vs Other	16.6%	12.4%	12.7%	8.0%	15.1%	21.5%	11.3%
Hispanic vs White	17.0%	14.8%	15.3%	16.8%	15.3%	28.7%	12.5%
Hispanic vs Other	7.9%	4.0%	5.4%	1.4%	6.1%	13.5%	2.9%
Other vs White	8.5%	10.4%	9.4%	15.3%	8.7%	13.4%	9.4%
Non-White vs White	23.0%	20.7%	20.3%	21.8%	21.5%	34.1%	18.3%
Values represent the greater percentage likelihood that an individual in the first group was issued a Misbehavior Report compared to an individual in the second group							

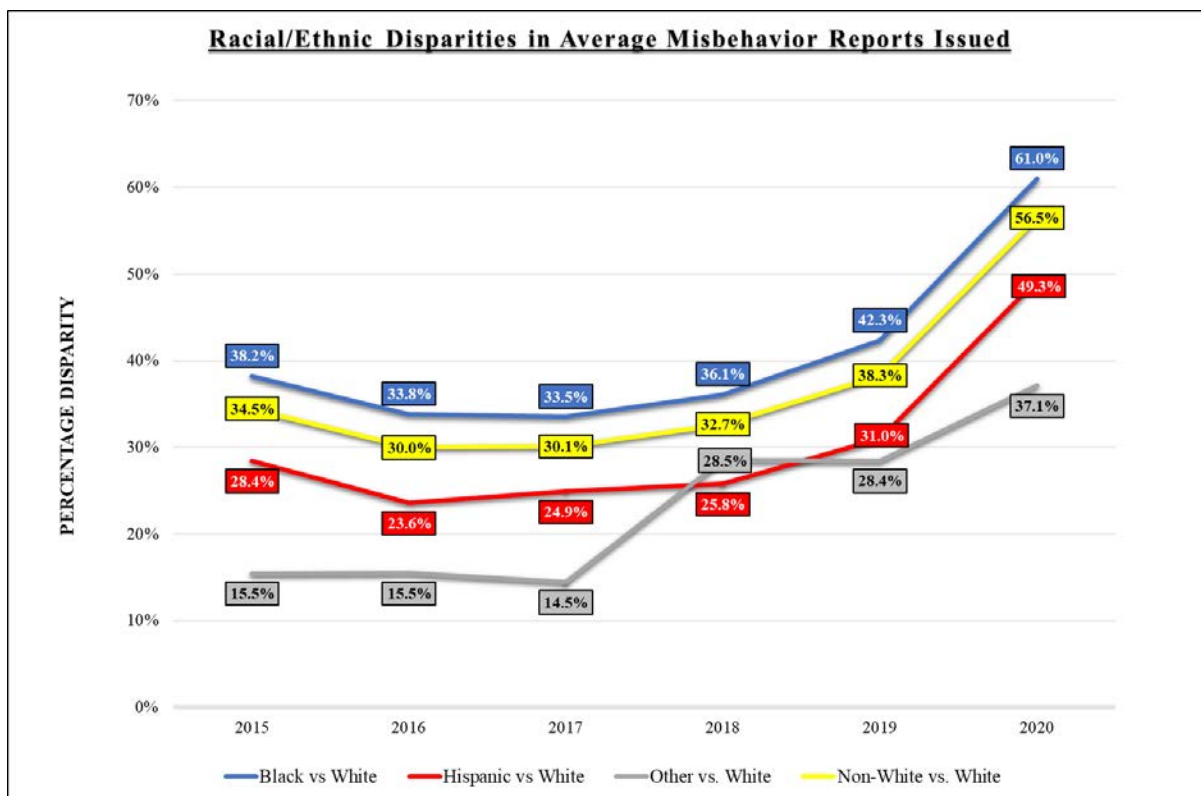
When analyzing the average number of Misbehavior Reports issued, the Inspector General again found disparities between the non-White and White incarcerated populations. Overall, Black incarcerated individuals were issued the largest average number of Misbehavior Reports, approximately 3.7 per individual, which was nearly 57 percent higher than White incarcerated individuals. Hispanic and Other incarcerated individuals were issued 38 and 29 percent more Misbehavior Reports, on average, than White incarcerated individuals, respectively. Between 2015 and 2020, the average number of Misbehavior Reports issued to Black, Hispanic, and Other non-White incarcerated individuals increased at a rate more than 16 times greater than for White individuals. By comparison, the average number of Misbehavior

Reports issued to White incarcerated individuals actually decreased slightly in 2020 compared to 2015.⁶⁶

Average Misbehavior Reports Issued per Incarcerated Individual, by Race/Ethnicity								
Race/Ethnicity	2015	2016	2017	2018	2019	2020	Overall (*)	% Change (2020 vs 2015)
Black	1.16	1.16	1.22	1.27	1.32	1.35	3.74	16.25%
Hispanic	1.08	1.07	1.14	1.17	1.22	1.26	3.29	16.00%
White	0.84	0.86	0.91	0.93	0.93	0.84	2.38	-0.19%
Other	0.97	1.00	1.04	1.20	1.19	1.15	3.08	18.52%
Not Reported	0.88	0.58	0.82	0.67	0.78	0.93	2.01	6.27%
Total	1.06	1.06	1.11	1.16	1.19	1.20	3.24	13.32%
(*) For overall rates, the denominator used was the number of unique individuals incarcerated at any point between 2015 and 2020. Individuals incarcerated in multiple years were only counted once for this calculation.								

The disparities in the average number of Misbehavior Reports issued to the non-White incarcerated population vs. the White incarcerated population decreased slightly between 2015 and 2017. Specifically, in 2015, Black, Hispanic, and Other incarcerated individuals were issued, on average, 38, 28, and 15 percent more Misbehavior Reports, respectively, than White incarcerated individuals. In 2017, these disparities lowered to 33.5 percent for Black individuals, 25 percent for Hispanic individuals, and 14.5 percent for Other incarcerated individuals. However, in 2018, 2019, and particularly in 2020, these disparities increased significantly: the disparity between Black and White incarcerated individuals increased to 61 percent, the disparity between Hispanic and White incarcerated individuals increased to 49 percent, while the disparity between Other and White incarcerated individuals increased to 37 percent. For each of these comparisons, the disparities were the largest for younger incarcerated individuals.

⁶⁶ Prior to 2020, the average number of Misbehavior Reports issued to White incarcerated individuals steadily climbed and were more in line with other races/ethnicities. Between 2015 and 2019, the average number of Misbehavior Reports increased as follows: Black – 13.4 percent, Hispanic – 12.4 percent, White – 10.2 percent, Other – 22.6 percent.



See [Appendix 3](#) and [Appendix 4](#) for more details on this disparity analysis.⁶⁷

Non-White incarcerated individuals were also generally more likely to be repeatedly issued Misbehavior Reports and less likely to have never been issued a Misbehavior Report when compared to White incarcerated individuals. For example, Black and Hispanic incarcerated individuals were 88 percent and 61 percent more likely than White incarcerated individuals, respectively, to have been issued more than 10 Misbehavior Reports and 27 percent and 16 percent less likely, respectively, to have never been issued a Misbehavior Report.

Racial/Ethnic Disparities in Misbehavior Report Recidivism Based on Quantity of Misbehavior Reports Issued					
Comparison	None	1	2 to 5	6 to 10	More than 10
Black vs White	(27.5%)	(5.8%)	19.4%	51.1%	88.8%
Black vs Hispanic	(13.8%)	2.4%	7.7%	11.6%	17.4%
Hispanic vs White	(15.9%)	(8.1%)	10.9%	35.4%	60.9%
Black vs Other	(17.7%)	5.4%	6.3%	15.1%	37.5%
Other vs White	(11.9%)	(10.7%)	12.3%	31.4%	37.3%

Above values represent the greater or (lesser) percentage likelihood that, overall between 2015 to 2020, an individual in the first race/ethnic group was issued the specified quantity of Misbehavior Reports compared to an individual in the second race/ethnic group

⁶⁷ For each comparison, a positive disparity means individuals in the first group were issued that percentage more Misbehavior Reports, on average, than the second group. Conversely, a negative disparity means individuals in the first group were issued that percentage fewer Misbehavior Reports, on average, than the second group.

The Inspector General further analyzed racial/ethnic disparities in the issuance of Misbehavior Reports using various other factors.

Severity of Underlying Offenses

DOCCS reports the severity of offenses two different ways. First, DOCCS assigns a severity score to each underlying rule violation and totals these individual scores to calculate an overall Incident Severity Score for each Misbehavior Report.⁶⁸ Secondly, DOCCS categorizes each Misbehavior Report into one of eight Incident Categories⁶⁹, based on the most severe violation. For both classifications, values are not assigned if either a hearing was not held, or the charges were dismissed.⁷⁰

Black incarcerated individuals had the highest average Incident Severity Score, which was approximately four percent higher than Hispanic and 22 percent higher than White incarcerated individuals, who had the lowest average Incident Severity Scores. The average Incident Severity Scores for all groups generally increased each year, with the overall Incident Severity Scores in 2020 being approximately 12 percent higher than in 2015.



Non-White incarcerated individuals were typically more likely than White incarcerated individuals to have been issued a Misbehavior Report for the same Incident Category. For example, Black incarcerated individuals were 185 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report categorized as “Assaultive.” Similarly, Hispanic and Other non-White incarcerated individuals were 158 percent and 98 percent more likely than White incarcerated individuals, respectively, to have been issued a Misbehavior Report for an “Assaultive” offense. These disparities were the largest in 2017 and 2018 before

⁶⁸ Each violation has a pre-determined severity score based on which rule was violated. The scores range from one to seven with seven being the most severe.

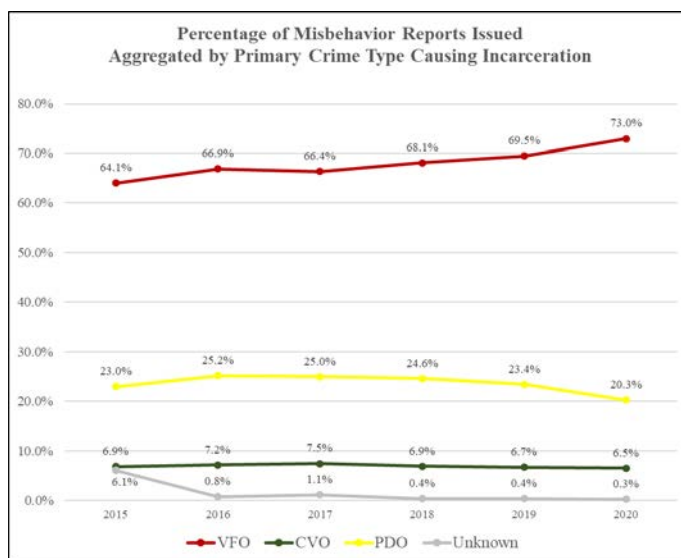
⁶⁹ Ranked from most severe to least severe, the categories are Penal Law (1), Escape (2), Assaultive (3), Violent (4), Drugs/Alcohol (5), Potentially Violent (6), Life/Safety (7), and Non-Violent (8).

⁷⁰ Of the 385,057 Misbehavior Reports, all charges were dismissed for 18,420, with the remaining 366,637 Misbehavior Reports resulting in at least one guilty charge.

generally declining in 2019 and 2020. For “Potentially Violent” offenses, Black and Hispanic incarcerated individuals were 72 percent and 45 percent, respectively, more likely to have been issued a Misbehavior Report than White incarcerated individuals. Overall, Black and Hispanic incarcerated individuals were more likely than White incarcerated individuals to have been issued a Misbehavior Report for seven of the eight incident categories. The only exceptions were Black incarcerated individuals being about three percent less likely than White incarcerated individuals to have been issued a Misbehavior Report for “Drugs/Alcohol” offenses, while Hispanic incarcerated individuals were nearly 14 percent less likely than White incarcerated individuals to have been issued a Misbehavior Report for “Penal Law” offenses.⁷¹ See [Appendix 5](#) for further details on this review.

Primary Crime Leading to Conviction

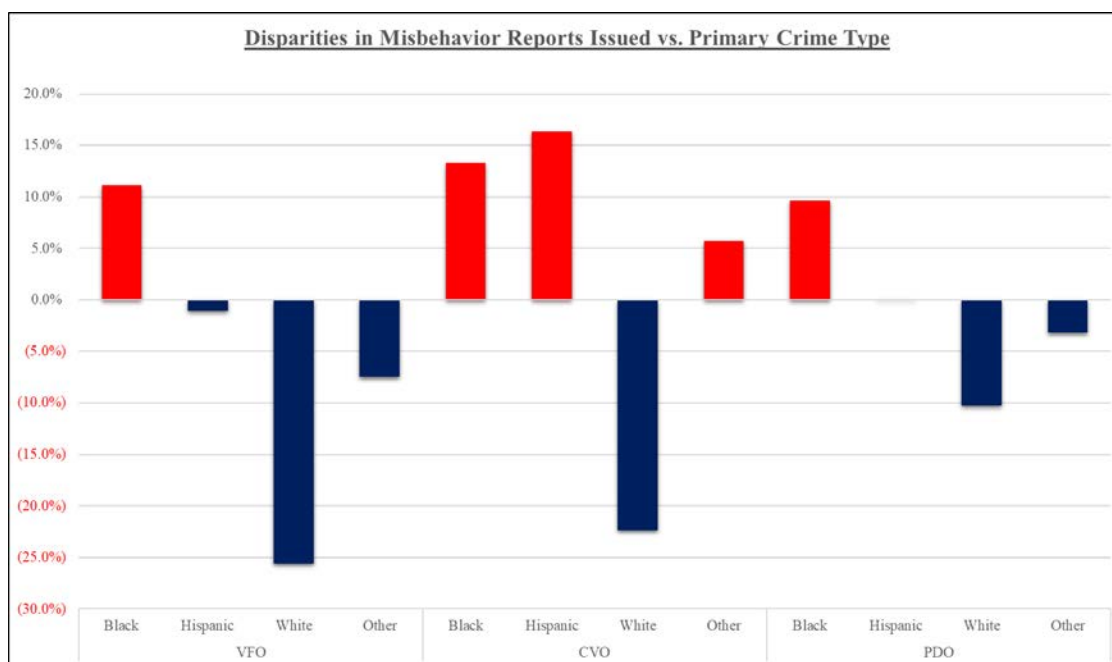
The Inspector General also examined the primary crime for which recipients of Misbehavior Reports were originally convicted. The vast majority of Misbehavior Reports were issued to those convicted of violent felony offenses (VFOs) and this correlation generally increased between 2015 and 2020. In 2020, nearly three-quarters of Misbehavior Reports were issued to those convicted of VFOs, with approximately 20 percent and six percent issued to those convicted of property, drug, and other felony offenses (PDOs) and coercive/violent offenses (CVOs), respectively.



When Misbehavior Reports issued to individuals within each of these three crime types were individually analyzed by race/ethnicity, Black and Hispanic incarcerated individuals were consistently found to have a disproportionately higher likelihood of being issued a Misbehavior Report when compared to their share of the incarcerated population, although such disparities

⁷¹ A total of only 28 Misbehavior Reports were issued for “Penal Law” offenses, including five to Hispanic incarcerated individuals and seven to White incarcerated individuals. As such, disparity analyses of such Misbehavior Reports are not statistically significant.

were relatively small. For example, while 53 percent of all individuals incarcerated for a VFO crime were Black, over 58 percent of all individuals convicted of a VFO crime that were issued a Misbehavior Report were Black. Conversely, White incarcerated individuals had a lower likelihood of being issued Misbehavior Reports for all three crime types when compared to their incarcerated population, and such disparities were more significantly favoring the White population.



Race/Ethnicity	Primary Crime Type	Share of Misbehavior Reports for Crime Type	Share of Incarcerated Population for Crime Type	% Disparity (Misbehavior Reports vs. Population)
Black	VFO	58.2%	52.4%	11.1%
	CVO	44.7%	39.5%	13.3%
	PDO	43.8%	40.0%	9.7%
	Unknown	52.4%	49.7%	5.4%
Hispanic	VFO	23.4%	23.7%	(1.1%)
	CVO	21.9%	18.8%	16.4%
	PDO	22.1%	22.1%	0.0%
	Unknown	23.4%	22.1%	5.8%
White	VFO	15.3%	20.6%	(25.6%)
	CVO	29.5%	38.1%	(22.4%)
	PDO	31.0%	34.6%	(10.3%)
	Unknown	20.8%	24.6%	(15.6%)
Other	VFO	2.8%	3.1%	(7.5%)
	CVO	3.6%	3.4%	5.7%
	PDO	2.9%	3.0%	(3.2%)
	Unknown	3.0%	3.1%	(3.5%)

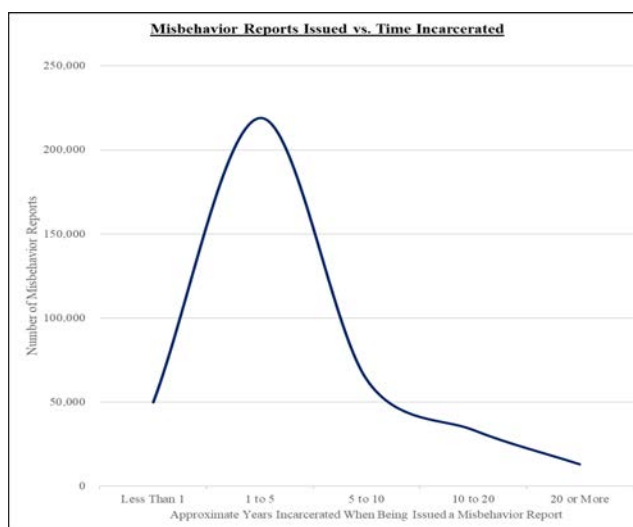
Overall, Black individuals incarcerated for a VFO crime were nearly 17 percent more likely to have been issued a Misbehavior Report than White individuals incarcerated for a VFO crime. Among individuals incarcerated for a CVO crime, Black and Hispanic individuals were

22 percent and 19 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report, respectively. Analyzed annually, the racial/ethnic disparities based on primary crime type were more significant. For example, Black incarcerated individuals convicted of a VFO crime were between 29 and 46 percent more likely to have been issued a Misbehavior Report than White incarcerated individuals convicted of a VFO crime. Disparities between Black and White incarcerated individuals were similar for individuals convicted of CVO crimes (between 21 and 56 percent).

Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, By Primary Crime Type							
Comparison	2015	2016	2017	2018	2019	2020	Overall
Black VFO vs White VFO	29.5%	29.3%	31.2%	32.0%	29.0%	45.9%	16.8%
Black CVO vs White CVO	36.4%	21.9%	25.4%	33.3%	41.4%	56.0%	22.3%
Black PDO vs White PDO	10.9%	9.0%	4.8%	5.0%	8.0%	13.8%	13.9%
Black VFO vs Hispanic VFO	9.4%	8.3%	6.2%	5.7%	8.3%	6.9%	5.6%
Black CVO vs Hispanic CVO	(2.7%)	1.0%	(1.2%)	4.9%	3.5%	6.4%	3.1%
Black PDO vs Hispanic PDO	5.8%	6.9%	8.6%	7.1%	7.9%	5.5%	10.6%
Hispanic VFO vs White VFO	18.4%	19.4%	23.6%	24.9%	19.1%	36.4%	10.6%
Hispanic CVO vs White CVO	40.2%	20.7%	26.9%	27.1%	36.6%	46.6%	18.7%
Hispanic PDO vs White PDO	4.9%	1.9%	(3.5%)	(1.9%)	0.2%	7.9%	3.0%
Other VFO vs White VFO	8.7%	14.5%	16.5%	20.8%	7.8%	18.5%	7.9%
Other CVO vs White CVO	10.0%	11.6%	4.5%	13.6%	26.1%	28.0%	7.1%
Other PDO vs White PDO	4.7%	0.1%	(3.9%)	4.3%	5.0%	(3.6%)	1.8%
Values represent the greater or (lesser) percentage likelihood that an individual in the first race/ethnic group was issued a Misbehavior Report compared to an individual in the second race/ethnic group							

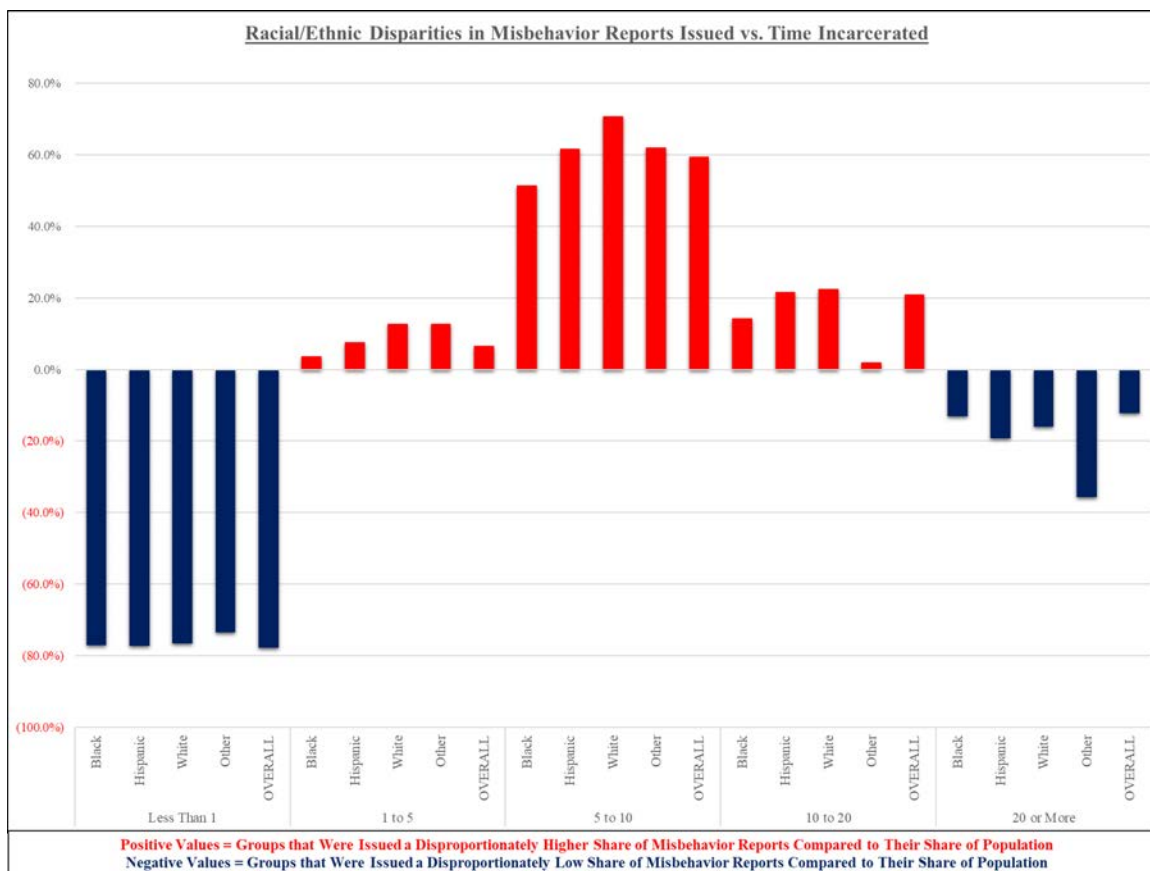
Length of Time Individuals Incarcerated

The Inspector General next considered the length of time individuals were incarcerated at the time they were issued Misbehavior Reports. Individuals who were incarcerated between one and five years, by far, were issued the most Misbehavior Reports, nearly 57 percent of all reports. The next largest group, issued 16 percent of all reports, were those incarcerated 5 to 10 years when they were issued a Misbehavior Report. Individuals incarcerated longer than 10 years progressively were issued a smaller number of Misbehavior Reports.



While the length of incarceration strongly correlated to the likelihood of being issued a Misbehavior Report, it's effect, if any, on racial/ethnic disparities in the issuance of Misbehavior

Reports was less evident. The majority (between 55 percent and 64 percent) of each race/ethnicity's incarcerated population were incarcerated between one to five years when they were issued a Misbehavior Report. When comparing this Misbehavior Report data to the total population of individuals incarcerated between one to five years, each race/ethnicity was issued a disproportionately higher share of Misbehavior Reports, but the associated disparities were generally consistent across race/ethnicities. As reflected below, this same pattern held across other incarceration lengths for recipients of Misbehavior Reports.



Age of Incarcerated Population

Over 70 percent of the incarcerated population during the period reviewed was 30 or older, including 40 percent being 40 or above. While the population of all age groups declined annually, the trend from 2015 to 2020 was towards an older population with those aged under 25 declining over 60 percent and those aged 25 to 29 declining 39 percent, compared to a decrease of approximately 24 percent for ages 30 and above.

The age group that saw the largest percentage of Misbehavior Reports was 30 to 39, which were issued approximately 30 percent of all Misbehavior Reports. This was nearly

identical to this age group's share of the total incarcerated population. Disparities existed for other age groups where younger incarcerated individuals were more likely and those 40 and older were less likely to have been issued Misbehavior Reports. Specifically, incarcerated individuals under 25 were issued 23 percent of all Misbehavior Reports despite representing only 10 percent of the total population. Those 40 and older were issued 23 percent of all Misbehavior Reports despite representing over 40 percent of the total population.

This same pattern applied to all races/ethnicities, however, the disparities in the younger population being issued Misbehavior Reports were most significant for the Black incarcerated population. For example, Black individuals under 25 represented six percent of the incarcerated population but were issued 13 percent of all Misbehavior Reports, a difference of approximately seven percent. Hispanic and White incarcerated individuals under 25 also were issued a disproportionately higher share of Misbehavior Reports, yet their differences were only 2.6 and 0.8 percent, respectively. See [Appendix 6](#) for a summary of this analysis.

Across all age groups, non-White incarcerated individuals were once again more likely than White incarcerated individuals to have been issued a Misbehavior Report. The largest disparities generally existed for the younger incarcerated population. For example, in the under 25 age group, Black, Hispanic, and Other incarcerated individuals were approximately 25 percent, 18 percent, and 14 percent more likely than White incarcerated individuals, respectively, to have been issued a Misbehavior Report. Relatively small annual fluctuations were common with these age-based disparities. However, in 2020, racial disparities across multiple age groups saw a significant increase. In 2020, all non-White incarcerated individuals under 25 were over 30 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report, while Black incarcerated individuals 40 and older were 36 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report, with the latter representing a near doubling of the prior year's disparity. The following chart summarizes the Inspector General's analysis of racial/ethnic disparities in the issuance of Misbehavior Reports by age group.

Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, by Age Group							
Comparison	2015	2016	2017	2018	2019	2020	Overall
Black vs White / Under 25	29.7%	21.1%	29.0%	27.3%	22.8%	37.3%	25.3%
Black vs White / 25 to 29	25.3%	27.0%	23.8%	23.9%	28.3%	29.9%	23.7%
Black vs White / 30 to 39	18.6%	17.0%	14.0%	15.7%	18.2%	27.1%	18.8%
Black vs White / 40 and Older	17.7%	17.8%	16.9%	20.8%	18.4%	36.0%	16.0%
Black vs Hispanic / Under 25	7.6%	7.6%	2.2%	11.1%	9.8%	5.2%	6.3%
Black vs Hispanic / 25 to 29	11.9%	9.9%	11.6%	8.4%	11.8%	6.1%	9.8%
Black vs Hispanic / 30 to 39	8.3%	10.3%	7.9%	9.0%	8.5%	9.4%	9.3%
Black vs Hispanic / 40 and Older	0.4%	1.0%	1.0%	(2.6%)	2.9%	3.7%	3.5%
Hispanic vs White / Under 25	20.5%	12.6%	26.3%	14.6%	11.9%	30.4%	17.8%
Hispanic vs White / 25 to 29	12.0%	15.5%	11.0%	14.4%	14.7%	22.4%	12.6%
Hispanic vs White / 30 to 39	9.5%	6.0%	5.7%	6.1%	8.9%	16.2%	8.6%
Hispanic vs White / 40 and Older	17.3%	16.7%	15.7%	24.0%	15.0%	31.1%	12.1%
Other vs White / Under 25	14.5%	8.8%	13.9%	6.1%	9.0%	30.8%	13.9%
Other vs White / 25 to 29	7.6%	15.2%	7.7%	16.0%	14.5%	10.7%	11.4%
Other vs White / 30 to 39	(4.7%)	(1.7%)	2.6%	14.1%	1.0%	5.4%	4.9%
Other vs White / 40 and Older	6.4%	4.7%	0.3%	4.0%	(1.1%)	2.0%	2.5%
Above values represent the greater or (lesser) percentage likelihood that an individual in the first group was issued a Misbehavior Report compared to an individual in the second group							

Misbehavior Reports Issued by Facility

Nearly 97 percent of all Misbehavior Reports were issued at DOCCS's 47 medium and maximum-security facilities. The individual facilities with the largest number of Misbehavior Reports issued were Clinton,

Gowanda*, Great Meadow, Auburn, and Midstate, while Rochester*, Lincoln*, Moriah*, Edgecombe, and Hudson issued

Security Level	Annual Percentage of Misbehavior Reports							% Change (2020 vs. 2015)
	2015	2016	2017	2018	2019	2020	Total	
Medium	58.4%	55.0%	53.5%	51.9%	51.4%	49.6%	53.5%	(15.0%)
Maximum	37.9%	41.5%	43.4%	45.2%	45.9%	48.1%	43.5%	26.9%
Minimum	2.5%	2.3%	2.3%	2.1%	1.5%	1.2%	2.0%	(51.2%)
DTC	1.2%	1.2%	0.9%	0.7%	1.1%	1.1%	1.0%	(10.9%)

the fewest. The annual number of Misbehavior Reports issued by each facility trended down, with 41 of the 54 facilities issuing fewer Misbehavior Reports in 2020 than 2015. Maximum-security facilities issued an increasing share of all Misbehavior Reports, while the portion issued by other facility types generally remained neutral or decreased. (See [Appendix 7.](#))

In the period reviewed, 13 facilities issued an increasingly larger number of Misbehavior Reports despite seeing their incarcerated population decrease. For example, Southport's* incarcerated population decreased 41 percent between 2015 and 2020 but Southport* issued over 20 percent more Misbehavior Reports. This equated to a doubling of the average number of Misbehavior Reports issued per incarcerated individual. Similarly, Gouverneur's incarcerated population decreased over 34 percent, yet 23 percent more Misbehavior Reports were issued at this facility. (See [Appendix 8.](#))

Maximum-security facilities issued the highest average number of Misbehavior Reports to each incarcerated individual. Between 2015 and 2020, minimum-security facilities were the only facility type that saw a decrease in the average number of Misbehavior Reports issued. The facilities that issued the highest average number of Misbehavior Reports were Sullivan, Sing Sing, Clinton, Shawangunk, and Great Meadow, while Moriah*, Rochester*, Lincoln*, Hale Creek, and Ulster had the lowest average. Thirty-two facilities issued more Misbehavior Reports on average in 2020 than in 2015, while 22 issued less. (See [Appendix 9](#).)

Trends by Facility Type, 2020 vs 2015			
Security Level	Change in Incarcerated Population	Change in Misbehavior Reports Issued	Difference
DTC	-57.92%	-31.07%	26.86%
Maximum	-26.87%	-1.88%	24.99%
Medium	-40.53%	-34.27%	6.26%
Minimum	-44.20%	-62.22%	-18.02%

Between 2015 and 2020, approximately 57 percent of incarcerated individuals across all facility types were issued a Misbehavior Report.⁷² Approximately 62 percent of individuals incarcerated at maximum-security facilities were issued a Misbehavior Report, while 30 percent of individuals incarcerated at minimum-security facilities were issued a Misbehavior Report.⁷³ The facilities most likely to issue Misbehavior Reports were Auburn, Clinton, Great Meadow, Shawangunk, and Sullivan, with each issuing Misbehavior Reports to over 70 percent of their incarcerated population. Conversely, Moriah*, Rochester*, Lincoln*, and Hale Creek were the least likely to issue Misbehavior Reports, with each issuing Misbehavior Reports to less than 25 percent of their incarcerated population. Overall, incarcerated individuals were progressively more likely to have been issued Misbehavior Reports each year, although this increasing likelihood was relatively small. (See [Appendix 10](#).)

The Inspector General once again found White incarcerated individuals were generally less likely to have been issued a Misbehavior Report than non-White incarcerated individuals. For example, at minimum-security facilities, Black, Hispanic, and Other incarcerated individuals were 67, 44, and 45 percent more likely, respectively, than White incarcerated individuals to have been issued a Misbehavior Report. Similar, although smaller, disparities existed at

⁷² This is based on analyzing data at a facility-level, where the population separately accounts for each unique combination of DIN and facility. When simply analyzing data by each unique incarcerated individual, and not factoring in where they were incarcerated, approximately 63 percent of incarcerated individuals were issued a Misbehavior Report.

⁷³ 59 percent of individuals incarcerated at medium-security facilities or DOCCS's drug treatment center were issued Misbehavior Reports.

maximum and medium-security facilities, while at DOCCS's drug treatment center, these disparities were generally insignificant and at times reflected the White incarcerated population being more likely to have been issued a Misbehavior Report.

Racial/Ethnic Disparities In The Likelihood Of Being Issued a Misbehavior Report By Facility Security Level								
Security Level	Comparison	2015	2016	2017	2018	2019	2020	Overall
Minimum	Black vs White	81.0%	58.5%	51.1%	67.4%	68.0%	92.7%	67.1%
Minimum	Other vs White	83.7%	(10.3%)	47.9%	76.9%	52.8%	(32.1%)	45.5%
Minimum	Hispanic vs White	56.4%	46.1%	35.2%	37.5%	47.8%	50.5%	44.4%
Maximum	Black vs White	29.3%	31.6%	27.0%	28.4%	31.8%	45.9%	41.0%
Maximum	Hispanic vs White	21.3%	23.7%	19.6%	24.6%	21.4%	42.4%	35.1%
Maximum	Other vs White	8.5%	23.2%	11.5%	21.8%	15.1%	24.1%	28.9%
Minimum	Black vs Hispanic	15.7%	8.5%	11.8%	21.8%	13.7%	28.0%	15.8%
Medium	Black vs White	14.6%	11.2%	11.6%	10.5%	8.5%	19.7%	13.4%
Medium	Black vs Hispanic	8.5%	8.7%	7.1%	7.9%	6.1%	7.6%	7.7%
DTC	Other vs White	2.4%	26.0%	3.3%	16.2%	2.3%	(4.0%)	6.6%
Medium	Hispanic vs White	5.7%	2.3%	4.2%	2.4%	2.2%	11.2%	5.2%
Maximum	Black vs Hispanic	6.6%	6.3%	6.2%	3.0%	8.5%	2.5%	4.4%
Medium	Other vs White	3.0%	2.3%	7.0%	5.5%	(0.8%)	6.1%	3.2%
DTC	Black vs Hispanic	(0.1%)	6.5%	(0.5%)	(2.1%)	2.1%	1.8%	0.8%
DTC	Black vs White	(17.6%)	5.4%	0.4%	(3.2%)	7.4%	(5.8%)	(2.8%)
DTC	Hispanic vs White	(17.5%)	(1.0%)	0.9%	(1.2%)	5.2%	(7.5%)	(3.5%)
Values represent the greater or (lesser) percentage likelihood that an individual in the first race/ethnic group was issued a Misbehavior Report compared to an individual in the second race/ethnic group								

Racial/ethnic disparities in issuing Misbehavior Reports were, in some instances, even more significant when analyzing data for specific DOCCS facilities. For example, at Elmira, Hispanic and Black incarcerated individuals were more than twice as likely as White incarcerated individuals to have been issued a Misbehavior Report. At Downstate*, Black and Hispanic incarcerated individuals were 90 and 78 percent more likely, respectively, and Other incarcerated individuals were 83 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report.

There were some exceptions to this general rule where White incarcerated individuals were more likely than other groups to have been issued a Misbehavior Report. However, such exceptions were typically insignificant and usually did not apply to comparisons of White incarcerated individuals against Black or Hispanic incarcerated individuals. For example, individuals categorized as Other incarcerated at Rochester* were 46 percent less likely than White incarcerated individuals to have been issued a Misbehavior Report, while at Adirondack, Hispanic incarcerated individuals were 14 percent less likely than White incarcerated individuals to have been issued a Misbehavior Report. Below are the top 20 racial/ethnic disparities and reverse racial/ethnic disparities identified by the Inspector General. (Complete results, broken down by year, are attached as [Appendix 11.](#))

Largest Facility-Level Racial/Ethnic Disparities in Issuing Misbehavior Reports (*)		
Comparison	Facility	% Disparity
Hispanic vs White	Elmira	116%
Black vs White	Elmira	100%
Black vs White	Downstate	90%
Other vs White	Downstate	83%
Black vs White	Moriah	79%
Hispanic vs White	Downstate	78%
Black vs White	Lakeview	67%
Other vs White	Lincoln	66%
Black vs White	Hudson	57%
Black vs White	Lincoln	53%
Other vs White	Hudson	53%
Other vs White	Lakeview	53%
Other vs White	Elmira	49%
Black vs White	Bedford Hills	49%
Black vs Hispanic	Lincoln	48%
Black vs White	Rochester	47%
Black vs Hispanic	Moriah	44%
Other vs White	Coxsackie	39%
Hispanic vs White	Bedford Hills	38%
Hispanic vs White	Hudson	37%

Largest Facility-Level Reverse Racial/Ethnic Disparities in Issuing Misbehavior Reports (*)		
Comparison	Facility	% Disparity
Other vs White	Rochester	(46.0%)
Other vs White	Otisville	(16.6%)
Other vs White	Sullivan	(16.4%)
Other vs White	Shawangunk	(16.0%)
Hispanic vs White	Adirondack	(14.2%)
Other vs White	Albion	(11.9%)
Other vs White	Orleans	(11.2%)
Other vs White	Cape Vincent	(10.9%)
Other vs White	Gowanda	(7.2%)
Black vs Hispanic	Elmira	(7.1%)
Other vs White	Cayuga	(6.8%)
Hispanic vs White	Hale Creek	(6.5%)
Black vs Hispanic	Groveland	(6.5%)
Other vs White	Fishkill	(6.4%)
Other vs White	Queensboro	(5.8%)
Black vs Hispanic	Wallkill	(5.5%)
Other vs White	Riverview	(5.5%)
Black vs Hispanic	Collins	(3.9%)
Black vs Hispanic	Midstate	(3.8%)
Hispanic vs White	Watertown	(3.6%)

(*) % Disparity represents the greater or (lessor) percentage likelihood that an individual in the first race/ethnic group was Issued a Misbehavior Report compared to an individual in the second race/ethnic group

The Inspector General ranked DOCCS facilities based on their overall racial/ethnic disparities in the likelihood of issuing a Misbehavior Report between 2015 and 2020 and adjusted those rankings to factor in each facility's share of the incarcerated population and Misbehavior Reports issued.⁷⁴ These weighted rankings showed the facilities with the largest racial/ethnic disparities in issuing Misbehavior Reports were Clinton, Downstate*, Lakeview, Five Points, and Coxsackie. Clinton had the third highest disparities between Black and White and Other and White, and the fourth highest disparities between Hispanic and White and Black and Hispanic incarcerated individuals. Downstate* had the largest disparity between Other and White, and the second largest disparity between Black and White and Hispanic and White incarcerated individuals.

The overall ranking for some facilities improved due to their having relatively small disparities between Black and Hispanic incarcerated individuals. When excluding this comparison and solely comparing non-White incarcerated populations to White incarcerated populations, Elmira was most disparate, followed by Downstate*, Clinton, and Attica. Elmira

⁷⁴ The Inspector General's ranking was based on its calculation of racial disparities in Misbehavior Reports issued by each facility between the following groups: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White. The Inspector General weighted the overall disparities to prevent skewing of rankings for facilities with smaller populations.

had the largest disparities between Black and White and Hispanic and White incarcerated individuals, and the second largest disparity between Other and White incarcerated individuals.⁷⁵ Facilities with the largest racial/ethnic disparities in issuing Misbehavior Reports tended to be higher security. While this variable could contribute to such disparities in some instances, the security level of facilities had no consistent correlation to racial/ethnic disparities in issuing Misbehavior Reports. A complete summary of the Inspector General’s ranking of DOCCS facilities is attached as [Appendix 12](#).

Racial/ethnic disparities in facilities’ issuance of Misbehavior Reports remained significant, and in many cases increased, when analyzed further by incident category. For example, Black and Hispanic individuals incarcerated at maximum and medium-security facilities were between 144 and 183 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report for an “Assaultive” incident.⁷⁶ Alarming, Black individuals incarcerated at minimum-security facilities were over eight times as likely to have been issued a Misbehavior Report for an “Assaultive” incident as White individuals incarcerated at those facilities.

Largest Overall Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report for a Specific Incident Category, By Facility Security Level			
Facility Security Level	Incident Category	Comparison	% Disparity
Minimum	Assaultive	Black vs White	745.4%
Maximum	Assaultive	Black vs White	182.8%
Maximum	Assaultive	Hispanic vs White	171.4%
Medium	Assaultive	Black vs White	156.3%
Medium	Assaultive	Hispanic vs White	143.6%
Maximum	Assaultive	Other vs White	112.7%
Maximum	Potentially Violent	Black vs White	104.8%
Maximum	Violent	Black vs White	96.8%
Minimum	Potentially Violent	Black vs White	91.7%
Minimum	Drugs/Alcohol	Hispanic vs White	87.5%
Maximum	Violent	Hispanic vs White	86.3%
Minimum	Assaultive	Black vs Hispanic	86.1%
Maximum	Potentially Violent	Hispanic vs White	83.5%
Medium	Assaultive	Other vs White	79.1%
Maximum	Non-Violent	Black vs White	70.5%
Minimum	Drugs/Alcohol	Other vs White	69.7%
Maximum	Escape	Black vs White	67.7%
Minimum	Non-Violent	Black vs White	66.2%
Minimum	Life/Safety	Black vs White	65.8%
Maximum	Life/Safety	Black vs White	64.5%

Above limited to incident categories for which a facility security level issued at least 50 Misbehavior Reports to incarcerated individuals from each race/ethnicity. % Disparity represents the greater or (less)er percentage likelihood that an individual in the first race/ethnic group was Issued a Misbehavior Report compared to an individual in the second race/ethnic group

⁷⁵ Elmira had the smallest disparity between Black and Hispanic incarcerated individuals.

⁷⁶ At DOCCS’s drug treatment center, the disparities still existed but were less significant (e.g., Black individuals were 41 percent more likely to have been issued a Misbehavior Report).

These disparities were more noteworthy at specific DOCCS facilities. Many of the largest disparities again existed for incidents categorized as “Assaultive.” For example, Black and Hispanic individuals incarcerated at Downstate* were more than five times as likely as White incarcerated individuals to have been issued a Misbehavior Report for an “Assaultive” incident. At Elmira, Black incarcerated individuals were 216 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report for an “Assaultive” incident and 180 percent more likely for “Potentially Violent” incidents. As discussed above in this report, an exception to this pattern existed for “Drugs/Alcohol” incidents. At multiple facilities, Black and Hispanic incarcerated individuals were less likely than White incarcerated individuals to have been issued a Misbehavior Report for “Drugs/Alcohol” incidents. The below charts summarize the facilities with the 20 largest and 20 smallest racial/ethnic disparities in the issuance of Misbehavior Reports for particular incident categories.

Largest Overall Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, By Facility			
Facility	Incident Category	Comparison	% Disparity
Downstate	Assaultive	Hispanic vs White	448%
Downstate	Assaultive	Black vs White	436%
Gowanda	Assaultive	Black vs White	389%
Ulster	Assaultive	Black vs White	386%
Albion	Assaultive	Black vs White	357%
Bedford Hills	Assaultive	Black vs White	340%
Elmira	Assaultive	Hispanic vs White	334%
Gowanda	Assaultive	Hispanic vs White	311%
Wyoming	Assaultive	Hispanic vs White	289%
Wyoming	Assaultive	Black vs White	262%
Livingston	Assaultive	Black vs White	246%
Groveland	Assaultive	Other vs White	241%
Livingston	Violent	Other vs White	235%
Orleans	Assaultive	Black vs White	230%
Five Points	Assaultive	Black vs White	230%
Franklin	Assaultive	Black vs White	223%
Gouverneur	Assaultive	Hispanic vs White	220%
Elmira	Life/Safety	Hispanic vs White	219%
Elmira	Assaultive	Black vs White	216%
Hudson	Potentially Violent	Black vs White	214%

Largest Overall <i>Reverse</i> Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, By Facility			
Facility	Incident Category	Comparison	% Disparity
Eastern	Drugs/Alcohol	Other vs White	(84.3%)
Sullivan	Drugs/Alcohol	Other vs White	(74.9%)
Willard	Drugs/Alcohol	Black vs White	(67.3%)
Watertown	Drugs/Alcohol	Black vs White	(66.4%)
Adirondack	Drugs/Alcohol	Black vs White	(61.7%)
Watertown	Drugs/Alcohol	Black vs Hispanic	(59.7%)
Willard	Life/Safety	Black vs White	(56.6%)
Ogdensburg	Drugs/Alcohol	Black vs White	(54.5%)
Franklin	Drugs/Alcohol	Black vs White	(53.5%)
Willard	Drugs/Alcohol	Hispanic vs White	(53.4%)
Sullivan	Violent	Other vs White	(52.3%)
Taconic	Drugs/Alcohol	Black vs White	(52.0%)
Livingston	Drugs/Alcohol	Black vs White	(51.8%)
Riverview	Drugs/Alcohol	Black vs White	(51.7%)
Wallkill	Drugs/Alcohol	Black vs Hispanic	(50.4%)
Orleans	Drugs/Alcohol	Black vs White	(49.3%)
Hale Creek	Drugs/Alcohol	Black vs White	(49.1%)
Taconic	Drugs/Alcohol	Hispanic vs White	(48.4%)
Bare Hill	Drugs/Alcohol	Black vs White	(47.9%)
Cape Vincent	Drugs/Alcohol	Black vs White	(47.6%)

Above limited to incident categories for which facilities issued at least 50 Misbehavior Reports to incarcerated individuals from one of the compared race/ethnic groups
 % disparity represents the greater or (lesser) percentage likelihood that an individual in the first race/ethnic group was Issued a Misbehavior Report compared to an individual in the second race/ethnic

Overall, for nearly 90 percent of DOCCS facilities, Black and Hispanic incarcerated individuals were at least 50 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report for an “Assaultive” incident, with these disparities being at least 100 percent for between half and three-quarters of DOCCS facilities. The largest disparities generally existed for incidents involving violence (Incident Categories of Assaultive, Violent, Potentially Violent).

Percentage of Facilities with Disparities > or = 25 percent			
Incident Category	Black vs White	Hispanic vs White	Other vs White
Drugs/Alcohol	7%	5%	0%
Violent	73%	73%	100%
Potentially Violent	95%	70%	83%
Penal Law	0%	0%	0%
Non-Violent	79%	40%	40%
Escape	0%	0%	0%
Assaultive	94%	88%	0%
Life/Safety	21%	14%	0%

Percentage of Facilities with Disparities > or = 50 percent			
Incident Category	Black vs White	Hispanic vs White	Other vs White
Drugs/Alcohol	0%	5%	0%
Violent	57%	43%	25%
Potentially Violent	66%	37%	17%
Penal Law	0%	0%	0%
Non-Violent	36%	17%	7%
Escape	0%	0%	0%
Assaultive	88%	88%	0%
Life/Safety	5%	8%	0%

Percentage of Facilities with Disparities > or = 100 percent			
Incident Category	Black vs White	Hispanic vs White	Other vs White
Drugs/Alcohol	0%	0%	0%
Violent	19%	19%	0%
Potentially Violent	14%	7%	0%
Penal Law	0%	0%	0%
Non-Violent	6%	4%	7%
Escape	0%	0%	0%
Assaultive	53%	75%	0%
Life/Safety	3%	3%	0%

The Inspector General also identified significant racial/ethnic disparities in the average number of Misbehavior Reports each facility issued. Specifically, the Inspector General aggregated the average number of Misbehavior Reports issued by each facility by race/ethnicity and age group and found, yet again, that non-White incarcerated individuals typically were issued a disproportionately higher share of Misbehavior Reports when compared to their share of each facility's incarcerated population. As with its above-described analysis of the likelihood that incarcerated individuals were issued a Misbehavior Report, the Inspector General ranked DOCCS facilities based on their overall racial/ethnic disparities in the average number of Misbehavior Reports issued to each race/ethnicity between 2015 and 2020 and weighted those rankings to avoid possible skewed results.⁷⁷

These weighted rankings showed the facilities with the largest racial/ethnic disparities in terms of the average number of Misbehavior Reports were Clinton, Downstate*, Cossackie, Gowanda*, and Lakeview. As with the above-described rankings, some facilities benefited from a small disparity between Black and Hispanic incarcerated individuals. When excluding this comparison from the ranking, the facilities with the largest disparities were Downstate*, Clinton, Attica, Elmira, and Five Points. Downstate* had the largest disparity between Other and White incarcerated individuals, and the second largest disparity between Black and White and Hispanic and White incarcerated individuals. Clinton had the largest disparity between Black and White incarcerated individuals, while Elmira had the largest disparity between Hispanic and White incarcerated individuals. A complete summary of the Inspector General's ranking of DOCCS facilities based on the average number of Misbehavior Reports is attached as [Appendix 13](#).

⁷⁷ The Inspector General's ranking was based on its calculation of racial disparities in the average number of Misbehavior Reports issued by each facility between the following groups: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White. The Inspector General weighted the overall disparities to prevent skewing of rankings for facilities with smaller populations.

The Inspector General combined its two racial/ethnic disparity rankings for facilities' issuance of Misbehavior Reports, likelihood of issuing Misbehavior Reports, and average number of Misbehavior Reports, and found the facilities that ranked the worst were Downstate*, Clinton, Elmira, Attica, and Five Points. When compared to White incarcerated individuals, Downstate* ranked the worst for Black and Other incarcerated individuals, while Elmira ranked the worst for Hispanic incarcerated individuals. Shawangunk, Fishkill, Rochester*, Willard*, and Watertown* had the best overall disparity rankings. The data suggests maximum-security facilities housing more incarcerated individuals may be more prone to racial disparities, although this does not apply to all facilities. Geography did not seem to implicate facility disparity rankings.

The above findings reflected that the facility where an individual was incarcerated may have factored into their likelihood in being issued a Misbehavior Report. The Inspector General combined these results with other data in an attempt to identify other possible causal relationships that may have contributed to these disparities. One such analysis examined the severity⁷⁸ of the primary crime committed by each facility's incarcerated population. The Inspector General analyzed each facility's incarcerated population by race and primary crime severity and compared this to the same breakdown of the population that were issued Misbehavior Reports at each facility.

The findings from this comparison suggest the primary crime committed by recipients of Misbehavior Reports may not be a consistent causal factor influencing racial/ethnic disparities in Misbehavior Reports. In some instances, facilities with the largest racial disparities had a higher population of individuals incarcerated for violent felony offenses (VFO). However, some facilities with small racial/ethnic disparities also had a high population of individuals incarcerated for VFOs. There were no trends whereby the population of facilities with the largest racial disparities consistently had an inordinately higher population of individuals incarcerated for any particular crime severity. For example, Elmira, which had the largest racial disparities in the likelihood of issuing Misbehavior Reports, had a population comprised of 65 percent violent felony offenders, seven percent CVO offenders, and 27 percent PDO offenders. Black and White individuals incarcerated for a VFO crime represented 38 percent and 12 percent

⁷⁸ In this context, severity refers to the primary crime type reported by DOCCS being either VFO, CVO, or PDO, as described earlier in this report.

of Elmira’s total population, respectively. Conversely, Adirondack, which had some of the smallest racial disparities for Misbehavior Reports, had a population comprised of 44 percent VFO, nine percent CVO, and 44 percent PDO⁷⁹ with Black and White individuals incarcerated for a VFO crime representing 21 percent and 10 percent of the total population, respectively. This comparison suggests a possible cause for larger disparities at Elmira is that its incarcerated population was comprised of a significantly larger share of violent felony offenders than Adirondack.

However, this pattern did not apply to all facilities, reflecting that the crime for which individuals were committed did not necessarily lead to increased disparities in the issuance of Misbehavior Reports. For example, Sing Sing, which had some of the smallest racial disparities, was comprised of 80 percent VFO, five percent CVO, and 14 percent PDO, with Black and White individuals incarcerated for a VFO crime representing 48 percent and 10 percent of the total population, respectively. Sing Sing’s population had a larger share of VFOs than Elmira yet far smaller racial disparities. The following chart shows that facilities with larger racial disparities often did have more violent felony offenders while many facilities with smaller racial disparities had fewer violent felony offenders. However, as with Sing Sing, other facilities like Lakeview, Downstate*, Shawangunk, and Fishkill, show this pattern was not consistent.

		Percentage Of Total Incarcerated Population By Race/Ethnicity And Primary Crime Type																			
		For Facilities with the Largest and Smallest Racial Disparities in Issuing Misbehavior Reports																			
		Black				Hispanic				White				Other				Total Incarcerated Population			
Facility	Disparity Ranking (*)	VFO	CVO	PDO	Unknown	VFO	CVO	PDO	Unknown	VFO	CVO	PDO	Unknown	VFO	CVO	PDO	Unknown	VFO	CVO	PDO	Unknown
Downstate	1	27%	4%	16%	2%	13%	2%	9%	1%	7%	3%	11%	0%	2%	0%	1%	0%	49%	10%	38%	4%
Clinton	2	42%	3%	8%	1%	19%	1%	4%	0%	13%	2%	3%	0%	2%	0%	0%	0%	77%	6%	16%	1%
Elmira	3	38%	3%	10%	1%	13%	1%	4%	0%	12%	3%	12%	0%	2%	0%	1%	0%	65%	7%	27%	1%
Attica	4	46%	2%	8%	1%	16%	1%	3%	0%	15%	2%	3%	0%	2%	0%	0%	0%	79%	5%	15%	1%
Five Points	5	44%	2%	9%	1%	18%	1%	4%	0%	11%	1%	5%	0%	2%	0%	1%	0%	74%	5%	19%	2%
Great Meadow	5	46%	3%	7%	1%	19%	1%	3%	0%	11%	1%	3%	0%	2%	0%	0%	0%	79%	6%	14%	1%
Lakeview	7	8%	2%	28%	1%	3%	1%	16%	0%	3%	2%	31%	0%	0%	0%	2%	0%	15%	5%	78%	1%
Coxsackie	8	40%	2%	9%	1%	20%	1%	4%	0%	14%	2%	3%	0%	3%	0%	0%	0%	77%	4%	16%	2%
Auburn	9	46%	2%	8%	1%	18%	1%	3%	0%	13%	1%	3%	0%	2%	0%	0%	0%	79%	5%	15%	1%
Washington	10	30%	3%	13%	2%	15%	2%	7%	1%	11%	3%	10%	0%	2%	0%	1%	0%	57%	9%	31%	3%
Hale Creek	45	19%	1%	25%	0%	9%	1%	15%	0%	11%	1%	15%	0%	1%	0%	1%	0%	39%	3%	57%	0%
Woodbourne	46	35%	2%	8%	1%	24%	1%	4%	0%	14%	2%	4%	0%	2%	0%	1%	0%	76%	6%	17%	1%
Queensboro	47	22%	6%	25%	3%	12%	3%	17%	2%	2%	1%	5%	0%	1%	0%	1%	0%	38%	10%	47%	5%
Eastern	48	49%	1%	4%	0%	26%	0%	2%	0%	13%	1%	1%	0%	3%	0%	0%	0%	90%	2%	7%	0%
Adirondack	48	21%	3%	19%	1%	11%	2%	10%	1%	10%	4%	13%	0%	2%	0%	2%	0%	44%	9%	44%	2%
Watertown	50	20%	4%	22%	1%	10%	2%	15%	0%	7%	2%	13%	0%	1%	0%	2%	0%	38%	8%	52%	1%
Willard	50	32%	2%	12%	4%	11%	1%	4%	2%	11%	2%	12%	4%	1%	0%	1%	0%	56%	5%	29%	10%
Rochester	50	15%	1%	23%	0%	3%	0%	11%	0%	15%	1%	29%	0%	0%	0%	1%	0%	34%	3%	63%	0%
Fishkill	53	33%	4%	10%	1%	17%	2%	6%	1%	12%	3%	8%	0%	2%	0%	1%	0%	64%	8%	25%	2%
Shawangunk	54	48%	2%	4%	0%	22%	1%	2%	0%	14%	2%	2%	0%	2%	0%	0%	0%	86%	5%	8%	0%

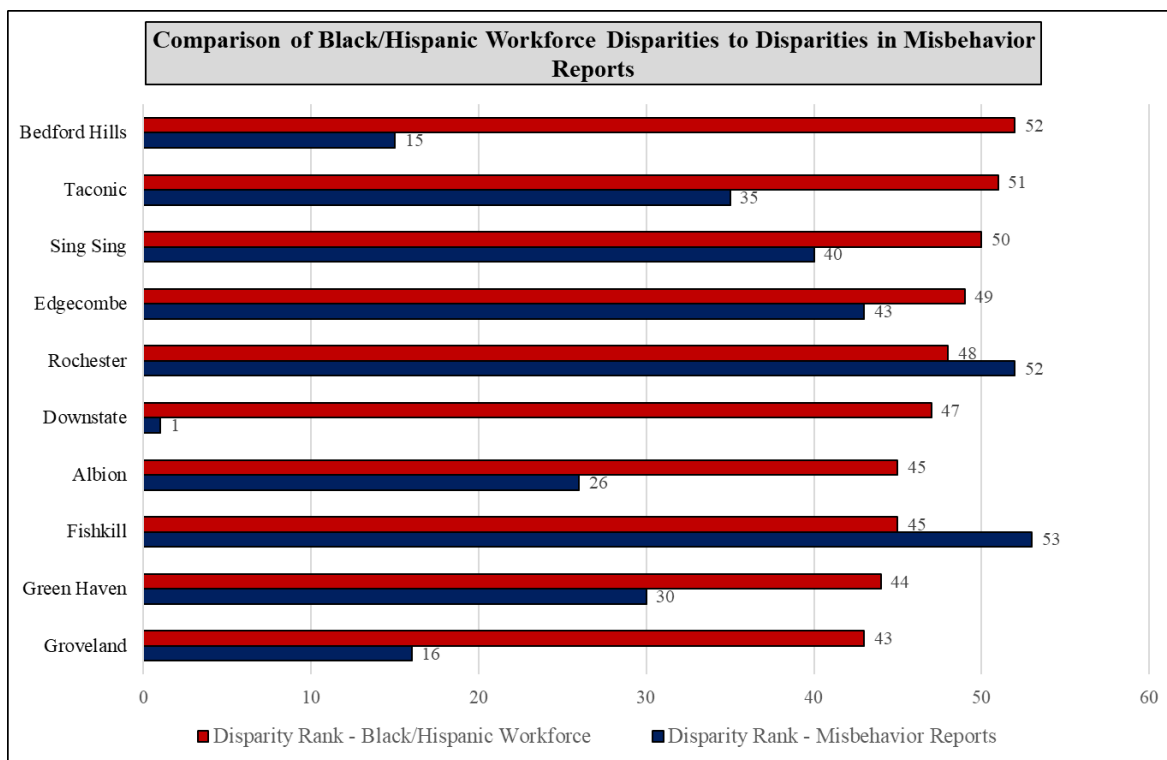
(*) Disparity Ranking from 1 to 54 based on each facility's racial/ethnic disparity in issuing Misbehavior Reports, with a ranking of 1 representing the largest disparity

⁷⁹ The primary crime type for the remaining three percent of Adirondack’s population was unknown.

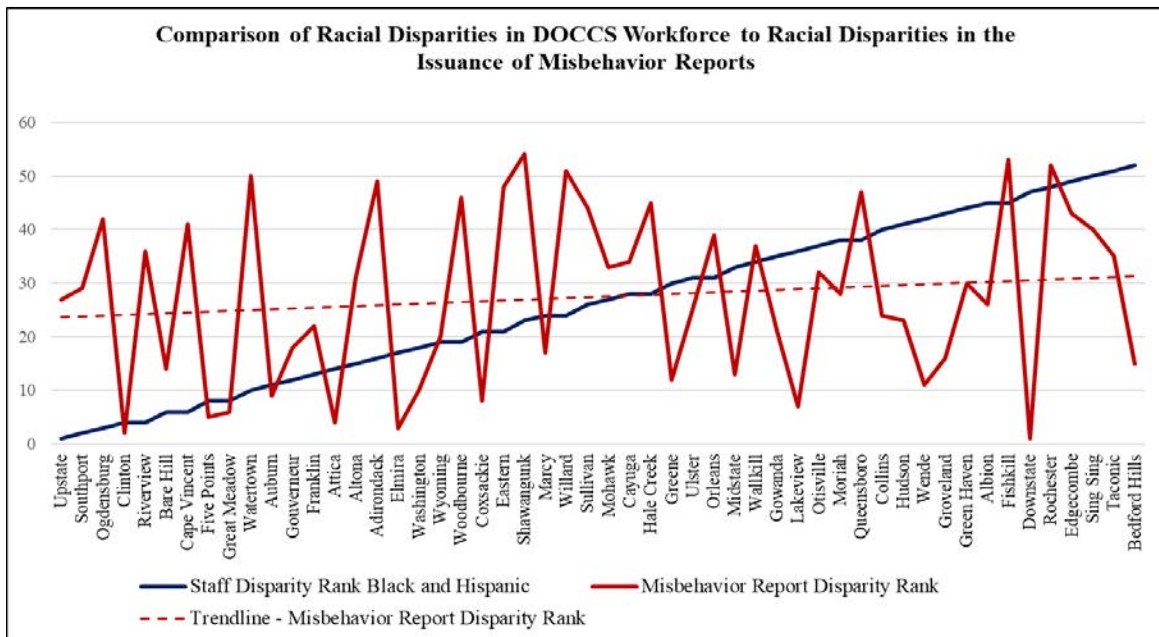
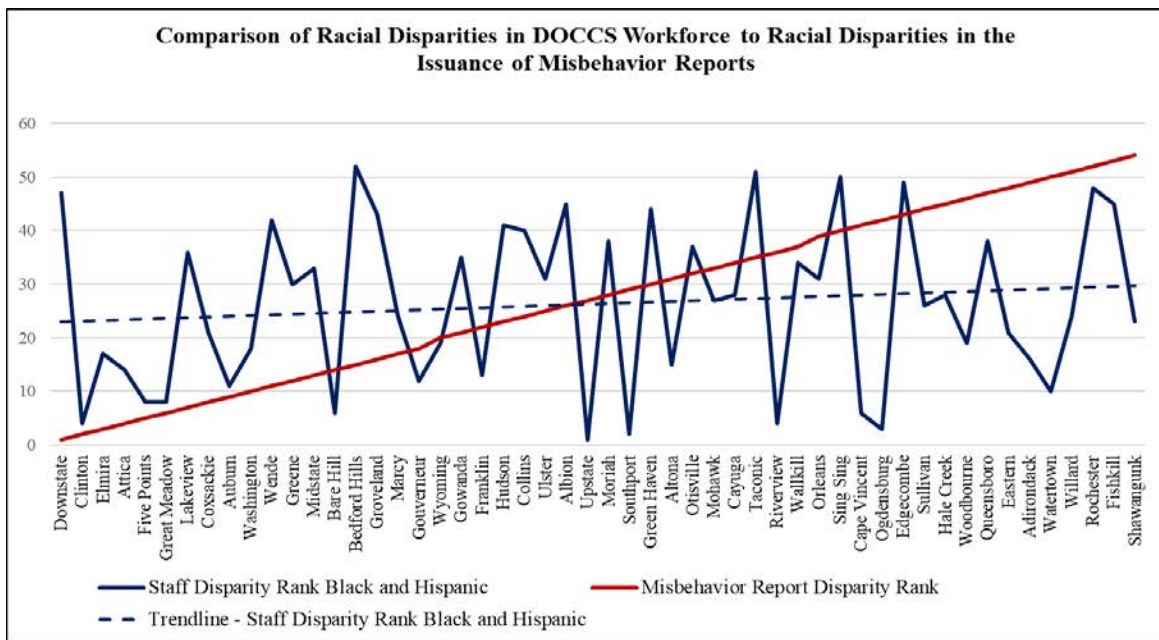
Demographics of DOCCS's Workforce

The Inspector General compared its ranking of each facility's racial disparity in issuing Misbehavior Reports to racial disparities identified between DOCCS's workforce and incarcerated population at each facility. The Inspector General identified that some facilities with the greatest racial disparity in their workforce also had some of the most significant racial disparities in issuing Misbehavior Reports.

Clinton, which had the second largest racial disparities pertaining to Misbehavior Reports, had the seventh greatest disparity between their Black populations (workforce vs. incarcerated population) and tenth largest disparity between their Hispanic populations. Six facilities among the top ten in terms of the largest racial disparities for Misbehavior Reports were also among the top ten in disparities between their Black workforce and Black incarcerated population. Similarly, four facilities among the ten facilities with the least racial disparities for Misbehavior Reports (Queensboro, Rochester*, Fishkill, and Edgecombe) were also among the facilities with the lowest disparities between their Black workforce and Black incarcerated population. Additionally, of the 10 facilities with the most diverse workforce with respect to Black and Hispanic employees, four were among those facilities with the largest Misbehavior Report disparities while six were among those facilities with the lowest Misbehavior Report disparities.



Overall, there was a trend suggesting the more diverse a facility's workforce was, the lower their racial disparities in issuing Misbehavior Reports. However, there was no consistent correlation between these two variables. For example, the facilities with the largest and second-largest racial disparities in their Black and Hispanic workforce, Upstate and Southport*, had lower racial disparities for Misbehavior Reports than 27 other facilities. Similarly, Downstate's* workforce was more diverse than most other facilities, yet Downstate* still had the largest level of racial disparities for Misbehavior Reports. The following charts reflect each facility's workforce disparity and Misbehavior Report disparity. The first chart is sorted from worst to best in terms of racial disparities in Misbehavior Reports while the second chart is sorted from worst to best in terms of the racial disparities in a facility's workforce. Additional details behind these charts can be viewed in [Appendix 17](#) and [Appendix 18](#).



Disparities in Rule Violations

Each Misbehavior Report is based on an incident in which an incarcerated individual allegedly violates one or more of approximately 123 DOCCS's rules.⁸⁰ Between 2015 and 2020, the 385,057 Misbehavior Reports issued by DOCCS were comprised of over one million rule violations.⁸¹ The most common reported violations were refusing to obey a direct order (18.5 percent of total), creating a disturbance (9.3 percent), and engaging in or threatening violent conduct (6.4 percent).

Similar to Misbehavior Reports, when compared to their share of the total incarcerated population, Black incarcerated individuals were issued a disproportionately higher share of violations while White incarcerated individuals were issued a disproportionately lower share of violations. These disparities overall were approximately 9.5 percent. A complete breakdown of rule violations by race/ethnicity and rule is attached as [Appendix 14](#).

Racial/Ethnic Disparities Between Incarcerated Population and Violations Issued				
Race/Ethnicity	Number of Violations	% of Total Violations	% of Incarcerated Population	Disparity
Black	610,489	56.2%	46.6%	9.6%
Hispanic	248,605	22.9%	22.7%	0.2%
White	193,695	17.8%	27.4%	(9.5%)
Other	30,885	2.8%	3.0%	(0.2%)
Not Reported	2,224	0.2%	0.3%	(0.1%)
TOTAL	1,085,898			

For the vast majority of DOCCS rules, non-White incarcerated individuals were more likely than White incarcerated individuals to have been issued a violation, and for many rules, these disparities were significant. For example, for nearly eight out of every nine DOCCS's rules, the Black incarcerated population was more

Extent of Racial/Ethnic Disparities in Rule Violations			
Disparity Threshold	Black vs White	Hispanic vs White	Other vs White
0%	87.8%	81.4%	83.3%
25%	81.6%	74.4%	61.9%
50%	67.3%	50.0%	36.9%
100%	40.8%	19.8%	11.9%
Above figures represent the percentage of applicable rules with disparities between the compared races/ethnicities that were greater than the listed disparity thresholds			
# of Applicable Rules (*)	98	86	84

(*) The review excluded rules if both compared races/ethnicities had fewer than 50 incarcerated individuals that reportedly violated the rule

likely than the White incarcerated population to be cited for a violation. Black incarcerated individuals were at least 50 percent more likely than White incarcerated individuals to have been issued a violation for 67 percent of rules, and at least twice as likely for over 40 percent of

⁸⁰ The individual rules are specified in 7 NYCRR 270.2: Standards of [Incarcerated Individual] Behavior – Behavior Prohibited in All Facilities and the Classification of Each Infraction.

⁸¹ For each Misbehavior Report, DOCCS reported up to 10 specific rules that an incarcerated individual violated. In some instances, DOCCS reported an incarcerated individual violated 11 or more rules but did not report details as to which rules were violated beyond the first 10 violations. Therefore, these additional violations could not be quantified or analyzed by the Inspector General.

rules.⁸² Similar although smaller disparities existed between other non-White groups and White incarcerated individuals.⁸³

The largest disparities existed for assaults by incarcerated individuals on other incarcerated individuals. Black incarcerated individuals were 447 percent, or more than five times more likely than White incarcerated individuals to be cited for violating this rule, while Hispanic and Other incarcerated individuals were 356 percent and 194 percent more likely, respectively. The next largest disparities existed for engaging in gang activities, involvement in a demonstration detrimental to facility order, failure to follow family reunion program rules, and unauthorized assembly. For example, the Black incarcerated population was over five times more likely to be cited for engaging in gang activities or for involvement in a demonstration detrimental to facility order. The Hispanic population was over four times more likely to be cited for engaging in gang activities and 282 percent more likely to be cited for an unauthorized assembly. The following charts summarize the top racial/ethnic disparities that were found for rule violations.

Top 10 Racial/Ethnic Disparities in Rule Violations					
Overall					
Rule No	Rule Desc	Comparison	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
100.1	Assault On Inmate	Black vs White	6.8%	1.2%	447%
105.13	Gangs	Black vs White	7.0%	1.4%	413%
104.12	Demonstration	Black vs White	3.4%	0.7%	403%
180.13	Family Reunion	Black vs White	0.1%	0.0%	376%
100.1	Assault On Inmate	Hispanic vs White	5.7%	1.2%	356%
105.13	Gangs	Hispanic vs White	5.8%	1.4%	324%
100.12	Assault On Other	Black vs White	0.1%	0.0%	317%
105.1	Unauth Assembly	Black vs White	0.7%	0.2%	300%
104.1	Rioting	Black vs White	0.2%	0.1%	285%
104.12	Demonstration	Hispanic vs White	2.6%	0.7%	282%

⁸² See [Appendix 2, step 13](#) for more details on what these findings represent and how they were calculated.

⁸³ For some rules, the incarcerated populations that were cited for violations were small, making it easier statistically for a disparity to exist. For example, Black incarcerated individuals were 340 percent more likely than White incarcerated individuals to be cited for failing to provide DNA. However, a total of only 15 Black incarcerated individuals were cited for this violation, compared to two White incarcerated individuals. To help avoid skewed results, the Inspector General's reported findings on disparities in rule violations, unless otherwise noted, were limited to rules reportedly violated by at least 50 individuals from either race/ethnicity being compared.

Top 10 Racial/Ethnic Disparities in Rule Violations				
Black vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
100.1	Assault On Inmate	6.81%	1.24%	447%
105.13	Gangs	6.96%	1.36%	413%
104.12	Demonstration	3.38%	0.67%	403%
180.13	Family Reunion	0.15%	0.03%	376%
100.12	Assault On Other	0.13%	0.03%	317%
105.1	Unauth Assembly	0.71%	0.18%	300%
104.1	Rioting	0.24%	0.06%	285%
124.11	Food Into Mess	0.09%	0.02%	274%
101.2	Lewd Conduct	3.14%	0.85%	270%
113.3	Poss Unauth UCC Mat	0.13%	0.04%	221%

Top 10 Racial/Ethnic Disparities in Rule Violations				
Hispanic vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
100.1	Assault On Inmate	5.67%	1.24%	356%
105.13	Gangs	5.76%	1.36%	324%
104.12	Demonstration	2.56%	0.67%	282%
105.1	Unauth Assembly	0.49%	0.18%	177%
113.1	Weapon	9.68%	3.90%	148%
119.1	False Alarm	0.39%	0.16%	141%
101.2	Lewd Conduct	1.99%	0.85%	134%
101.22	Stalking	1.37%	0.59%	132%
110.3	Unrpt Id Loss	0.24%	0.10%	131%
100.11	Assault On Staff	4.03%	1.81%	122%

Top 10 Racial/Ethnic Disparities in Rule Violations				
Other vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
104.12	Demonstration	2.08%	0.67%	209%
105.13	Gangs	4.15%	1.36%	206%
100.1	Assault On Inmate	3.65%	1.24%	194%
110.21	Unauthorized Id	0.55%	0.20%	181%
113.17	Unauth Jewelry	0.39%	0.16%	138%
101.2	Lewd Conduct	1.99%	0.85%	135%
100.11	Assault On Staff	3.96%	1.81%	118%
110.1	No Id Card	4.10%	1.95%	110%
119.1	False Alarm	0.33%	0.16%	108%
121.13	Unauth Phone Use	1.38%	0.67%	105%

In the above charts, % Disparity refers to the **greater** percentage likelihood that an individual in the first race/ethnic group being compared was issued a violation compared to an individual in the second race/ethnic group.

There were some exceptions where the non-White population was less likely than the White population to be cited for a particular rule violation (a reverse disparity), however, these exceptions were uncommon and generally less significant. These reverse disparities were greatest for tattooing, possession of unapproved literature, failing to timely return from a temporary release (abscondence), and failure to follow urinalysis instructions given by DOCCS staff. For example, Black incarcerated individuals were 69 percent less likely than White incarcerated individuals to be cited for tattooing, while Hispanic and Other incarcerated individuals were 39 percent and 34 percent less likely, respectively. Black and Hispanic incarcerated individuals were both 44 percent less likely than White incarcerated individuals to be cited for abscondence. The following charts summarize the top racial/ethnic reverse disparities for rule violations.

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations					
Overall					
Rule No	Rule Desc	Comparison	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
118.2	Tattooing	Black vs White	1.02%	3.34%	(69%)
113.21	Unauth Lit	Other vs White	0.08%	0.19%	(57%)
118.2	Tattooing	Black vs Hispanic	1.02%	2.05%	(50%)
180.17	Unauth Legal	Other vs White	0.11%	0.20%	(46%)
108.15	Abscondence	Hispanic vs White	0.09%	0.15%	(44%)
108.15	Abscondence	Black vs White	0.09%	0.15%	(44%)
180.14	Urinalysis Test	Black vs White	3.52%	5.87%	(40%)
118.2	Tattooing	Hispanic vs White	2.05%	3.34%	(39%)
113.18	Unauth Tools	Black vs Hispanic	0.15%	0.24%	(37%)
118.2	Tattooing	Other vs White	2.21%	3.34%	(34%)

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations				
Black vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
118.2	Tattooing	1.02%	3.34%	(69%)
108.15	Abscondence	0.09%	0.15%	(44%)
180.14	Urinalysis Test	3.52%	5.87%	(40%)
113.24	Drug Use	9.90%	14.15%	(30%)
118.23	Unreported Ill	3.05%	4.17%	(27%)
113.14	Unauth Medic	2.47%	3.24%	(24%)
101.21	Phys. Contact	0.43%	0.55%	(21%)
113.18	Unauth Tools	0.15%	0.19%	(19%)
122.1	Smoking	10.93%	13.01%	(16%)
180.12	Facil Packages	0.60%	0.66%	(9%)

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations				
Hispanic vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
108.15	Abscondence	0.09%	0.15%	(44%)
118.2	Tattooing	2.05%	3.34%	(39%)
122.1	Smoking	10.35%	13.01%	(20%)
101.21	Phys. Contact	0.44%	0.55%	(20%)
103.2	Soliciting	0.88%	1.05%	(16%)
113.14	Unauth Medic	2.76%	3.24%	(15%)
180.12	Facil Packages	0.57%	0.66%	(14%)
180.14	Urinalysis Test	5.21%	5.87%	(11%)
108.14	Temp Release	0.54%	0.59%	(9%)
120.2	Gambling	0.48%	0.51%	(7%)

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations				
Other vs White				
Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
113.21	Unauth Lit	0.08%	0.19%	(57%)
180.17	Unauth Legal	0.11%	0.20%	(46%)
118.2	Tattooing	2.21%	3.34%	(34%)
108.15	Abscondence	0.11%	0.15%	(28%)
180.14	Urinalysis Test	4.23%	5.87%	(28%)
113.14	Unauth Medic	2.71%	3.24%	(16%)
113.24	Drug Use	11.96%	14.15%	(16%)
105.1	Unauth Assmebly	0.17%	0.18%	(7%)
103.2	Soliciting	1.00%	1.05%	(5%)
101.21	Phys. Contact	0.53%	0.55%	(4%)

In the above charts, % Disparity refers to the **lesser** percentage likelihood that an individual in the first race/ethnic group being compared was issued a violation compared to an individual in the second race/ethnic group.

Notably, many of the rules that the White incarcerated population was more likely to violate were less subjective, offering less opportunity for bias. For example, tattooing leaves

physical evidence on the incarcerated individual, drug use is based on a failed urinalysis test, and possession of unapproved literature requires physical evidence. Conversely, many of the rules that the non-White population was more likely to violate, such as engaging in gang activities, unauthorized assembly, and assault by an incarcerated individual, were arguably more subjective, offering more opportunity for bias.

Disparities in Rule Violations by Facility

The Inspector General further examined disparities in rule violations by the DOCCS facility where the violation reportedly took place and found even larger disparities between non-White and White incarcerated populations. Two rules, engaging in gang activities and assaults by incarcerated individuals on other incarcerated individuals, stood out in terms of racial/ethnic disparities. Larger disparities also existed for engaging in lewd conduct and various violations pertaining to telephone use by incarcerated individuals. The largest overall disparity existed at Great Meadow for engaging in gang activities, where Black incarcerated individuals were over 14 times more likely to be cited than White incarcerated individuals (350 Black individuals, or 8.2 percent of the Black population at Great Meadow, were cited compared to only seven White individuals, or less than 0.6 percent of the White population). The following are other examples of some of the most significant disparities:

- At Washington Correctional Facility, Black and Hispanic incarcerated individuals were over 10 times more likely than White incarcerated individuals to be cited for engaging in gang activities (over 12 percent of the Black and Hispanic individuals incarcerated at Washington were cited compared to just over one percent of White incarcerated individuals). Black individuals incarcerated at Washington were more than 11 times more likely than White incarcerated individuals to be cited for assaults by incarcerated individuals on other incarcerated individuals.
- At Wende Correctional Facility, Black incarcerated individuals were over 12 times more likely than White incarcerated individuals to be cited for assaults by incarcerated individuals on other incarcerated individuals and over nine times more likely than White incarcerated individuals to be cited for lewd conduct and engaging in gang activities.

The following charts summarize the largest racial/ethnic disparities in rule violations at facilities:

Top 10 Racial/Ethnic Disparities in Rule Violations, by Facility						
Overall						
Facility	Rule No	Rule Desc	Comparison	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Great Meadow	105.13	Gangs	Black vs White	8.19%	0.58%	1,315%
Riverview	115.1	Search/Frisk	Black vs White	2.28%	0.17%	1,250%
Wende	100.1	Assault On Inmate	Black vs White	4.83%	0.39%	1,148%
Washington	100.1	Assault On Inmate	Black vs White	6.77%	0.58%	1,060%
Great Meadow	105.13	Gangs	Hispanic vs White	6.19%	0.58%	970%
Washington	105.13	Gangs	Hispanic vs White	12.41%	1.17%	963%
Washington	105.13	Gangs	Black vs White	12.32%	1.17%	956%
Gowanda	105.13	Gangs	Black vs White	1.95%	0.19%	949%
Five Points	105.13	Gangs	Black vs White	5.59%	0.55%	910%
Upstate	121.12	Phone Violation	Black vs White	2.05%	0.21%	880%

Top 10 Racial/Ethnic Disparities in Rule Violations, by Facility						Top 10 Racial/Ethnic Disparities in Rule Violations, by Facility					
Black vs White						Hispanic vs White					
Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity	Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Great Meadow	105.13	Gangs	8.19%	0.58%	1,315%	Great Meadow	105.13	Gangs	6.19%	0.58%	970%
Riverview	115.1	Search/Frisk	2.28%	0.17%	1,250%	Washington	105.13	Gangs	12.41%	1.17%	963%
Wende	100.1	Assault On Inmate	4.83%	0.39%	1,148%	Wyoming	100.1	Assault On Inmate	3.55%	0.44%	705%
Washington	100.1	Assault On Inmate	6.77%	0.58%	1,060%	Five Points	105.13	Gangs	4.45%	0.55%	703%
Washington	105.13	Gangs	12.32%	1.17%	956%	Washington	100.1	Assault On Inmate	4.39%	0.58%	652%
Gowanda	105.13	Gangs	1.95%	0.19%	949%	Five Points	100.1	Assault On Inmate	5.80%	0.83%	598%
Five Points	105.13	Gangs	5.59%	0.55%	910%	Franklin	100.1	Assault On Inmate	3.82%	0.57%	572%
Upstate	121.12	Phone Violation	2.05%	0.21%	880%	Great Meadow	100.1	Assault On Inmate	6.02%	0.91%	563%
Wende	101.2	Lewd Conduct	3.70%	0.39%	857%	Elmira	100.1	Assault On Inmate	7.95%	1.25%	538%
Wyoming	100.1	Assault On Inmate	4.22%	0.44%	855%	Downstate	113.1	Weapon	1.95%	0.33%	486%

Top 10 Racial/Ethnic Disparities in Rule Violations, by Facility					
Other vs White					
Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Gowanda	102.1	Threats	4.58%	1.61%	184%
Downstate	107.11	Harassment	8.89%	3.25%	174%
Downstate	107.1	Interference	6.91%	2.58%	168%
Marcy	113.1	Weapon	10.88%	4.08%	167%
Downstate	109.1	Out Of Place	6.17%	2.33%	165%
Gowanda	118.3	Untidy	5.63%	2.14%	163%
Downstate	109.12	Movement Vio	7.65%	2.92%	162%
Livingston	100.13	Fighting	14.78%	5.63%	162%
Groveland	107.11	Harassment	16.06%	6.18%	160%
Livingston	104.13	Create Disturb	20.00%	7.75%	158%

The following charts summarize the largest reverse disparities⁸⁴ in rule violations at facilities:

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations, by Facility						
Overall						
Facility	Rule No	Rule Desc	Comparison	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Watertown	113.24	Drug Use	Black vs White	1.15%	11.74%	(90%)
Fishkill	180.14	Urinalysis Test	Other vs White	0.39%	3.43%	(89%)
Cape Vincent	113.24	Drug Use	Black vs White	2.85%	19.18%	(85%)
Watertown	113.24	Drug Use	Black vs Hispanic	1.15%	7.48%	(85%)
Riverview	113.24	Drug Use	Black vs White	3.32%	20.72%	(84%)
Ogdensburg	113.24	Drug Use	Black vs White	2.77%	16.79%	(84%)
Riverview	180.14	Urinalysis Test	Black vs White	1.12%	6.57%	(83%)
Bare Hill	118.2	Tattooing	Black vs White	0.50%	2.82%	(82%)
Wyoming	180.14	Urinalysis Test	Black vs White	0.84%	4.71%	(82%)
Mohawk	113.24	Drug Use	Black vs White	2.27%	12.72%	(82%)

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations, by Facility						Top 10 Racial/Ethnic Reverse Disparities in Rule Violations, by Facility					
Black vs White						Hispanic vs White					
Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity	Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Watertown	113.24	Drug Use	1.15%	11.74%	(90%)	Albion	113.25	Drug Possession	0.42%	2.03%	(79%)
Cape Vincent	113.24	Drug Use	2.85%	19.18%	(85%)	Riverview	180.14	Urinalysis Test	1.83%	6.57%	(72%)
Riverview	113.24	Drug Use	3.32%	20.72%	(84%)	Bare Hill	118.2	Tattooing	0.92%	2.82%	(67%)
Ogdensburg	113.24	Drug Use	2.77%	16.79%	(84%)	Albion	113.24	Drug Use	2.08%	5.37%	(61%)
Riverview	180.14	Urinalysis Test	1.12%	6.57%	(83%)	Cape Vincent	180.14	Urinalysis Test	1.93%	4.84%	(60%)
Bare Hill	118.2	Tattooing	0.50%	2.82%	(82%)	Midstate	118.2	Tattooing	1.68%	4.09%	(59%)
Wyoming	180.14	Urinalysis Test	0.84%	4.71%	(82%)	Groveland	118.2	Tattooing	1.22%	2.88%	(58%)
Mohawk	113.24	Drug Use	2.27%	12.72%	(82%)	Ogdensburg	113.24	Drug Use	7.13%	16.79%	(58%)
Franklin	180.14	Urinalysis Test	0.81%	4.37%	(82%)	Fishkill	113.14	Unauth Medic	1.46%	3.26%	(55%)
Greene	113.24	Drug Use	1.03%	5.54%	(81%)	Franklin	180.14	Urinalysis Test	1.98%	4.37%	(55%)

Top 10 Racial/Ethnic Reverse Disparities in Rule Violations, by Facility					
Other vs White					
Facility	Rule No	Rule Desc	% of Group 1 with Violation	% of Group 2 with Violation	% Disparity
Fishkill	180.14	Urinalysis Test	0.39%	3.43%	(89%)
Franklin	180.14	Urinalysis Test	1.37%	4.37%	(69%)
Midstate	180.14	Urinalysis Test	1.09%	3.48%	(69%)
Great Meadow	180.14	Urinalysis Test	1.44%	4.55%	(68%)
Orleans	113.11	Altered Item	1.44%	4.17%	(65%)
Wyoming	118.2	Tattooing	1.21%	3.38%	(64%)
Sing Sing	114.1	Smuggling	4.48%	11.77%	(62%)
Collins	180.14	Urinalysis Test	1.18%	3.04%	(61%)
Gowanda	113.11	Altered Item	1.06%	2.64%	(60%)
Woodbourne	109.12	Movement Vio	3.61%	8.85%	(59%)

⁸⁴ Reverse disparities refer to disparities in which Black, Hispanic, and Other non-White incarcerated individuals are less likely than White incarcerated individuals to be cited for a particular rule violation.

Disparities in Rule Violations by Reporting Employee

Between 2015 and 2020, over 28,000 different DOCCS's employees reported a rule violation by an incarcerated individual. While the vast majority were reported by uniformed correctional officers, other DOCCS employees, including civilians, can and did report violations.

Reporting Employee Title	Number of Violations Reported By Reporting Employee Title and Race of Incarcerated Individual						% of Total Violations
	Black	Hispanic	White	Other	Not Reported	Total	
Correction Officer	488,634	197,802	151,791	24,668	1,795	864,690	79.6%
Sergeant	64,750	28,772	24,083	3,581	219	121,405	11.2%
Teacher	10,870	4,325	1,630	503	43	17,371	1.6%
Unknown	6,462	2,552	1,201	378	15	10,608	1.0%
Offender Rehabilitation Coordinator	5,675	2,284	2,045	312	20	10,336	1.0%
Nurse	4,748	1,886	2,958	296	20	9,908	0.9%
Other	5,353	2,028	1,832	324	26	9,563	0.9%
Investigator	4,610	1,563	1,634	149	7	7,963	0.7%
Cook	3,791	1,452	1,332	160	23	6,758	0.6%
Lieutenant	3,644	1,432	1,087	156	6	6,325	0.6%
Vocational Instructor	2,989	1,134	885	166	4	5,178	0.5%
Office of Mental Health	1,461	703	378	83	6	2,631	0.2%
Alcohol and Substance Abuse Treatment	1,454	504	581	64	17	2,620	0.2%
Food Service Manager	1,135	320	339	52	9	1,855	0.2%
Clerk	685	298	306	39	5	1,333	0.1%
Industrial Training Supervisor	713	176	267	39	2	1,197	0.1%
Supervising Offender Rehabilitation Coordinator	622	266	260	32		1,180	0.1%
Librarian	624	218	290	29	2	1,163	0.1%
All Other Titles	2,165	784	776	84	5	3,814	0.4%
Totals	610,385	248,499	193,675	31,115	2,224	1,085,898	

Most employees reported a relatively small number of violations. During the six-year period reviewed, 78 percent of reporting employees individually reported less than 50 violations, totaling 31 percent of all violations, while 91 percent reported less than 100 violations, totaling 55 percent of all violations. Sixty-one employees reported 500 or more violations, including four employees that reported over 1,000 violations. These four employees were correction officers that worked at Collins, Mohawk, Sing Sing, and Clinton.

Number of Violations Reported	Number of Reporting Employees	% of Reporting Employees	Total Violations Reported	% of Total Violations Reported
Less than 50	22,446	78.0%	331,873	30.6%
50 - 99	3,692	12.8%	257,845	23.7%
100 - 249	2,194	7.6%	324,763	29.9%
250 - 499	366	1.3%	120,407	11.1%
500 - 999	57	0.2%	35,973	3.3%
1,000 or More	4	0.0%	4,429	0.4%
Unknown (*)	Unknown (*)	Unknown (*)	10,608	1.0%
TOTALS	28,759		1,085,898	

(*) The reporting employee for 10,608 violations was not reported by DOCCS

The Inspector General aggregated each employee's reported violations by the race/ethnicity of the offending incarcerated individual to identify employees who had the largest racial disparities in reporting violations.⁸⁵ The majority of the largest racial disparities involved Black incarcerated individuals (of the top 20 racial disparities by reporting employee, 12 involved Black incarcerated individuals, six involved White incarcerated individuals, and two involved Hispanic incarcerated individuals).

The Inspector General's review found the largest disparity involved an employee at DOCCS (referred to as employee 2181 below) who lodged 112 violations against incarcerated individuals during the period reviewed. Of the violations reported by this employee, 89 percent were against Hispanic incarcerated individuals despite Hispanics only representing 23 percent of the incarcerated population. Further investigation into the circumstances surrounding this finding revealed that the staffer was an English as a Second Language (ESL) teacher whose classes were likely attended by non-White incarcerated individuals. Such additional information may explain the racial/ethnic disparities observed in this instance.

The following chart reflects the 20 DOCCS employees with the largest overall racial disparities in reporting violations:

⁸⁵ Unless otherwise specified, the Inspector General limited its analysis to employees who reported 50 or more total violations, which totaled 6,314 employees.

Top Overall Racial/Ethnic Disparities In Reporting Violations, By Reporting Employee					
Reporting Employee	Total # Of Violations Reported By Employee	Race/Ethnicity of Incarcerated Individual	Race/Ethnicity's % of Total Violations for Employee	Race/Ethnicity's % of Overall Population	Disparity
Employee 2181	112	Hispanic	89%	23%	67%
Employee 4171	72	White	85%	27%	57%
Employee 2716	97	White	85%	27%	57%
Employee 5734	54	Black	100%	47%	53%
Employee 6097	51	Black	100%	47%	53%
Employee 3350	85	White	79%	27%	51%
Employee 3842	76	Black	96%	47%	49%
Employee 3296	86	Black	95%	47%	49%
Employee 6186	50	White	76%	27%	49%
Employee 5392	57	Black	95%	47%	48%
Employee 4676	65	Hispanic	71%	23%	48%
Employee 6010	52	White	75%	27%	48%
Employee 5991	52	Black	94%	47%	48%
Employee 6102	51	Black	94%	47%	48%
Employee 6159	51	Black	94%	47%	48%
Employee 6079	51	White	75%	27%	47%
Employee 5106	60	Black	93%	47%	47%
Employee 3280	86	Black	93%	47%	46%
Employee 4311	70	Black	93%	47%	46%
Employee 4655	65	Black	92%	47%	46%

The above statistics compared the racial breakdown of employees' reported violations to the *overall* incarcerated population. For a more direct comparison, the Inspector General compared employees' reporting of violations to *the population of the facility* where they reported such violations and found four of the top 20 disparities were reported at Albion, three involved Bedford Hills, and two were at both Lakeview and Gowanda*. As summarized below, 17 of the 20 DOCCS employees with the largest racial disparities in reporting violations at a particular DOCCS facility pertained to Black incarcerated individuals, two concerned Hispanic incarcerated individuals at Five Points and Woodbourne, while one applied to White incarcerated individuals at Willard*.

Top Overall Racial/Ethnic Disparities in Reporting Violations, by Reporting Employee and Facility							
Reporting Employee	Incident Location	Total # of Violations Reported By Employee	Race/Ethnicity of Incarcerated Individual	# of Offending Incarcerated Individuals for Race/Ethnicity	Race/Ethnicity's % of Total Violations for Employee	Race/Ethnicity's % of Overall Population	Disparity
Employee 2181	Five Points	88	Hispanic	22	100%	23%	77%
Employee 4478	Albion	67	Black	10	87%	30%	57%
Employee 4655	Bedford Hills	64	Black	12	92%	38%	54%
Employee 4246	Gowanda	56	Black	12	89%	39%	51%
Employee 4852	Bedford Hills	56	Black	12	88%	38%	50%
Employee 6097	Wyoming	51	Black	12	100%	52%	48%
Employee 5734	Clinton	52	Black	14	100%	54%	46%
Employee 5392	Downstate	53	Black	13	94%	49%	45%
Employee 4345	Bedford Hills	62	Black	15	82%	38%	45%
Employee 3149	Albion	88	Black	26	74%	30%	44%
Employee 4041	Hudson	73	Black	9	89%	46%	43%
Employee 4005	Albion	74	Black	20	73%	30%	43%
Employee 3296	Sullivan	73	Black	12	95%	53%	42%
Employee 4054	Lakeview	73	Black	11	81%	39%	42%
Employee 1873	Lakeview	119	Black	28	81%	39%	41%
Employee 2017	Gowanda	118	Black	29	80%	39%	41%
Employee 6272	Willard	50	White	8	70%	29%	41%
Employee 4676	Woodbourne	65	Hispanic	9	71%	30%	41%
Employee 6035	Marcy	52	Black	12	83%	42%	40%
Employee 6183	Albion	50	Black	11	70%	30%	40%

The same DOCCS employee referenced above with the largest racial disparity compared to the overall incarcerated population (employee 2181) was again found to have the largest racial disparity at the facility-level and this disparity was actually more significant. In fact, all of the 88 violations reported by this civilian employee at Five Points were against Hispanic prisoners, even though Hispanics only represented 23 percent of the population at Five Points. The 88 violations were reported between 2015 and 2017 for 22 different incarcerated individuals and included 27 for obstructing or interfering with a DOCCS employee⁸⁶, 25 for failing to obey a direct order⁸⁷, and 24 for creating a disturbance⁸⁸. Notably, each of these rules are subject to the reporting employee's discretion, necessitating no physical evidence. Furthermore, of the 22 offending incarcerated individuals, 19 had not been found guilty of the same rule infraction within the prior 10 years. Ten of the 88 violations were either dismissed following a hearing held at Five Points or not considered at a hearing due to procedural violations. Fifty-four of the 88 violations occurred during or after June 2016, which is when DOCCS began tracking in a database all grievances alleging unlawful discrimination by DOCCS employees. During this

⁸⁶ 7 CRR-NY 270.2, Rule 107.1: An inmate shall not physically or verbally obstruct or interfere with an employee at any time.

⁸⁷ 7 CRR-NY 270.2, Rule 106.1: An inmate shall obey all orders of department personnel promptly and without argument.

⁸⁸ 7 CRR-NY 270.2, Rule 104.13: An inmate shall not engage in conduct which disturbs the order of any part of the facility. This includes, but is not limited to, loud talking in a mess hall, program area or corridor, talking after the designated facility quiet time, playing a radio, television or tape player without a headphone or through a headphone in a loud or improper manner, or playing a musical instrument in a loud or improper manner.

period, one grievance was filed accusing this DOCCS employee of unlawful discrimination. This employee subsequently transferred to Adirondack where they reported 24 violations in 2019 committed by four incarcerated individuals, half against Black and half against Hispanic incarcerated individuals. Adirondack's incarcerated population during the period reviewed was categorized as 45 percent Black, 23 percent Hispanic, 28 percent White, and four percent Other.

Further analysis of the 6,314 DOCCS employees that reported 50 or more violations revealed the following noteworthy findings:

- Twenty-three employees had over 90 percent of their total reported violations against Black incarcerated individuals despite Black prisoners representing only 47 percent of the overall incarcerated population.
- Two employees only reported violations against Black incarcerated individuals:
 - Employee 6097 was a sergeant who reported 51 violations against 12 Black incarcerated individuals at Wyoming. Notably, all of these violations were reported in 2015 and 2016 despite this employee remaining in the same position at Wyoming through at least 2018.
 - Employee 5734 was an offender rehabilitation coordinator who reported 54 violations against Black incarcerated individuals, including 52 against 14 prisoners at Clinton and two against one prisoner at Moriah*.
- 114 employees only reported violations against Black or Hispanic incarcerated individuals, including:
 - Employee 1094, a correction officer at Attica, who reported 125 violations against 30 Black incarcerated individuals and 39 violations against nine Hispanic incarcerated individuals between 2015 and 2020, and;
 - Employee 1908, a correction officer at Attica and Wende, who reported 83 violations against 24 Black incarcerated individuals and 38 violations against 10 Hispanic incarcerated individuals. The majority of this employee's reported violations were subjective in nature, including failing to obey a direct order, interfering with a DOCCS employee, creating a disturbance, and failing to follow directions when moving within the facility.
- 226 employees never reported a violation against a White incarcerated individual.
 - 27 employees reported a total of 100 or more violations, including three employees that reported a total of 200 or more violations, all of which involving non-White incarcerated individuals.

The Inspector General analyzed the percentage of the workforce at each DOCCS facility that had large racial disparities in reporting violations and identified some facilities that stood

out.⁸⁹ Hudson and Bedford Hills had the largest representation of staff with large disparities involving Black incarcerated individuals and Black or Hispanic incarcerated individuals. Indeed, nearly 43 percent of Hudson employees and 34 percent of Bedford Hills employees had a large disparity in reporting violations against Black incarcerated individuals, while approximately 51 percent of Bedford Hills employees and 43 percent of Hudson employees had a large disparity for Black or Hispanic incarcerated individuals. The percentage of facility staff with large disparities involving other races/ethnicities was much less significant. Hale Creek had the highest representation of staff with large disparities involving White incarcerated individuals, with just under eight percent of their staff meeting that threshold, while Clinton was the only facility with any staff having such disparities for Other incarcerated individuals, although it was only 0.2 percent of staff.⁹⁰

The Inspector General found that the facilities with the largest racial disparities in issuing Misbehavior Reports did not always have the largest representation of staff that individually had large disparities. For example, Clinton had some of the largest disparities in issuing Misbehavior Reports to Black incarcerated individuals, yet only six percent of staff had large disparities for Black incarcerated individuals. Similarly, Attica, Five Points, and Great Meadow were among the facilities with the worst racial disparities in issuing Misbehavior Reports to Black incarcerated individuals, yet each facility had less than five percent of its workforce with large disparities involving Black incarcerated individuals. This data suggests the disparities found at these facilities may more likely be systemic as opposed to an acute problem involving only a few staff.

Conversely, a number of facilities had a greater representation of individual staff with large disparities yet a relatively low rate of overall racial disparity. For example, Woodbourne was among the facilities with the lowest racial disparities in issuing Misbehavior Reports to Black incarcerated individuals yet had the fifth highest staff level with large disparities involving Black incarcerated individuals (over 13 percent of Woodbourne employees that reported a

⁸⁹ In this context, a large disparity refers to an employee whose share of total reported violations issued to a particular race/ethnicity was more than 25 percent greater than that race/ethnicity's share of the relevant facility's population. For example, 100 percent of the above-referenced employee 2181's reported violations involved Hispanic incarcerated individuals at Five Points. Approximately 23 percent of the population at Five Points was Hispanic. The disparity is simply the difference between these values (100 – 23 percent) or 77 percent.

⁹⁰ Facilities with staff having disparities involving solely Hispanic incarcerated individuals were few. Elmira had the highest representation of staff with such disparities for Hispanic incarcerated individuals at three percent.

violation met this threshold). This suggests racial disparities at facilities like Woodbourne may more likely be due to a subset of employees as opposed to a systemic problem.

Dismissal of Violations

The Inspector General also analyzed the dismissal of violations and again found racial/ethnic disparities. However, in many instances, these disparities contrasted those found for the issuance of Misbehavior Reports and actually favored non-White incarcerated populations over White incarcerated populations. Specifically, Black incarcerated individuals were slightly more likely than others to have all charges associated with a Misbehavior Report dismissed; 5.1 percent of Misbehavior Reports issued to Black incarcerated individuals were completely dismissed, followed by Hispanic (4.5 percent), Other (4.4 percent), and White (4.2 percent).

When narrowing the analysis to specific violations, 175,960 (16 percent) of all violations were dismissed at a hearing.⁹¹ All races/ethnicities saw similar violation dismissal rates during the period reviewed. Black incarcerated individuals had the highest rate of violations being dismissed at hearings (17 percent), whereas White incarcerated individuals had the lowest rate (14.5 percent). The rate at which all races/ethnicities had violations dismissed generally increased from 2015 to 2020.

Race/Ethnicity	Number of Violations							% Dismissed at Hearing						
	2015	2016	2017	2018	2019	2020	Overall	2015	2016	2017	2018	2019	2020	Overall
Black	99,717	98,817	104,672	107,654	107,251	92,378	610,489	14.8%	16.3%	16.9%	18.4%	17.9%	17.7%	17.0%
Hispanic	39,947	40,067	43,637	43,555	43,300	38,099	248,605	13.5%	14.8%	15.3%	16.5%	16.7%	16.5%	15.6%
White	32,570	33,391	34,818	34,619	33,179	25,118	193,695	13.8%	13.9%	14.3%	14.4%	15.3%	15.7%	14.5%
Other	4,417	5,149	5,199	5,871	5,717	4,532	30,885	13.7%	15.4%	14.8%	17.1%	16.6%	17.6%	15.9%
Not Reported	494	284	423	355	345	323	2,224	15.6%	16.9%	17.3%	22.8%	20.0%	17.6%	18.2%
Totals	177,145	177,708	188,749	192,054	189,792	160,450	1,085,898	14.3%	15.4%	16.0%	17.2%	17.2%	17.1%	16.2%

The rule violations most commonly dismissed were for rioting, penal law offenses, failing to follow program assignment procedures, failing to report the loss of identification, and causing a miscount. More than 50 percent of each of these rule violations were ultimately dismissed. The rule violations least commonly dismissed were for smoking, failing a urinalysis test, exceeding the time limit for a work release or furlough-type program, telephone violations,

⁹¹ 14,979 (1.4 percent) of violations were dismissed on appeal. Due to this being a relatively small number, unless otherwise noted, the Inspector General focused its analysis of dismissals on violations dismissed at a hearing.

and alcohol use, with each being dismissed less than 10 percent of the time. A complete summary of dismissal rates for each DOCCS's rule is attached as [Appendix 19](#).

Violation Dismissal by Hearing Officer

The Inspector General compared dismissal rates for Misbehavior Reports and underlying violations based on the type of hearing officer. For Tier II offenses, nearly all hearings officers were lieutenants working at a facility.⁹² Overall, those hearing officers dismissed 5.4 percent of Tier II Misbehavior Reports and 19 percent of violations. For Tier III offenses, commissioner's hearing officers were used the most: for 21 percent of Misbehavior Reports and 24 percent of violations. The utilization of commissioner's hearing officers for Tier III hearings steadily increased each year. Other titles utilized for Tier III hearings were supervising offender rehabilitation coordinators, captains, and lieutenants. The following chart provides a breakdown of Tier III hearings by year and the title of the hearing officer.

⁹² Lieutenants were hearing officers for 658,819 (96.7 percent) of the 681,479 Tier II violations. Approximately three percent of violations had no hearing, or the hearing officer was not reported. The remaining 0.2 percent of violations were heard by various titles including captains, correction officers, and education directors, among others.

Share of Tier III Hearings by Hearing Officer Title								
Title	Total Hearings	2015	2016	2017	2018	2019	2020	Overall
Commissioner's Hearing Officer	27,820	14.6%	19.9%	20.4%	21.3%	25.0%	25.5%	20.8%
Supervising Offender Rehabilitation Coordinator	20,014	15.4%	15.6%	15.1%	15.2%	14.0%	14.1%	15.0%
Captain	15,575	15.1%	11.3%	8.7%	11.5%	12.2%	10.8%	11.6%
Lieutenant	10,655	8.0%	7.1%	8.5%	7.8%	6.7%	10.1%	8.0%
Deputy Superintendent for Security	7,084	6.3%	6.0%	5.7%	5.0%	4.3%	3.7%	5.3%
Deputy Superintendent for Programs	6,230	5.4%	5.0%	4.5%	4.8%	4.1%	3.8%	4.7%
Food Service Manager	6,145	4.8%	5.0%	4.6%	4.2%	4.4%	4.6%	4.6%
Deputy Superintendent for Administration	6,144	5.4%	5.1%	4.4%	4.7%	4.3%	3.3%	4.6%
Education Director	5,779	4.2%	4.4%	4.6%	4.5%	4.2%	3.9%	4.3%
No Hearing Held or Hearing Officer Not Reported	5,561	2.8%	3.4%	6.8%	3.9%	3.9%	4.1%	4.2%
Steward	4,999	4.2%	3.8%	3.8%	3.6%	3.5%	3.2%	3.7%
Plant Superintendent	4,840	4.2%	3.6%	3.5%	3.7%	3.7%	3.0%	3.6%
Vocational Supervisor	4,440	3.9%	3.9%	3.2%	3.3%	2.8%	2.3%	3.3%
Assistant Deputy Superintendent	2,891	2.0%	2.4%	2.3%	2.2%	1.9%	2.0%	2.2%
Other	2,014	0.8%	0.7%	1.0%	1.6%	2.5%	2.9%	1.5%
Industrial Superintendent	1,542	1.4%	1.1%	1.2%	0.9%	1.0%	1.3%	1.2%
Deputy Superintendent for Health Services	1,019	0.5%	0.8%	0.7%	0.9%	0.9%	0.9%	0.8%
Assistant Industrial Superintendent	510	0.5%	0.5%	0.4%	0.4%	0.3%	0.2%	0.4%
First Deputy Superintendent	133	0.1%	0.1%	0.2%	0.2%	0.0%	0.0%	0.1%
Deputy Superintendent for Reception & Classification	119	0.2%	0.2%	0.1%	0.0%	0.0%	0.1%	0.1%
Recreational Leader	83	0.1%	0.0%	0.0%	0.1%	0.0%	0.0%	0.1%
Superintendent	61	0.0%	0.0%	0.1%	0.0%	0.1%	0.1%	0.0%
Senior Correction Counselor (now known as a SORC)	34	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Correction Officer	32	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
Vocational Instructor	25	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Offender Rehabilitation Coordinator	16	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Industrial Training Supervisor	12	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Cook	11	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Teacher	7	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Assistant Director	5	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Director of Special Housing	3	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Office of Mental Health	3	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dentist	2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Clerk	2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Sergeant	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Alcohol and Substance Abuse Treatment	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Totals	133,812	100%	100%	100%	100%	100%	100%	100.0%

Approximately 12 percent of all Tier III violations were dismissed. With regard to hearing officers who participated in a significant number of Tier III hearings, commissioner's hearing officers had the highest rate of dismissals.⁹³ Specifically, commissioner's hearing officers dismissed 5.7 percent of Misbehavior Reports and 17.3 percent of violations. The dismissal rates for commissioner's hearing officers increased significantly from 2015 to 2017, before leveling off in 2018 to 2020. As reflected below, the next highest dismissal rates of significance applied to captains, who dismissed five percent of Tier III Misbehavior Reports and 14.1 percent of violations.

⁹³ Dismissal rates were higher for some hearing officer titles; however, such results were greatly skewed by the very small number of hearings applicable to those titles.

Percentage of Tier III Violations Dismissed by Hearing Officer Title								
Title	Total Violations	2015	2016	2017	2018	2019	2020	Overall
Clerk	6	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	33.3%
Cook	43	0.0%	0.0%	100.0%	31.6%	50.0%	0.0%	27.9%
Senior Correction Counselor (now known as a SORC)	95	0.0%	42.9%	16.9%	0.0%	0.0%	0.0%	20.0%
Commissioner's Hearing Officer	96,283	11.6%	16.0%	19.2%	17.7%	19.1%	18.2%	17.3%
First Deputy Superintendent	443	12.5%	23.7%	15.3%	16.2%	16.7%	20.0%	16.3%
Offender Rehabilitation Coordinator	39	0.0%	21.7%	0.0%	0.0%	20.0%	0.0%	15.4%
Captain	50,530	11.7%	13.8%	14.3%	13.4%	14.9%	17.8%	14.1%
Other	6,168	11.5%	10.0%	16.5%	14.7%	13.8%	14.7%	14.0%
Deputy Superintendent for Reception & Classification	354	12.0%	17.2%	11.7%	0.0%	0.0%	14.7%	13.6%
Lieutenant	34,121	13.0%	12.5%	13.8%	14.2%	15.0%	12.6%	13.5%
Recreational Leader	179	6.8%	7.1%	33.3%	11.1%	0.0%	33.3%	13.4%
Deputy Superintendent for Security	21,811	11.2%	13.1%	12.5%	14.1%	13.8%	14.2%	13.0%
Deputy Superintendent for Administration	17,771	10.7%	13.1%	12.6%	11.9%	11.8%	10.9%	11.9%
Correction Officer	104	0.0%	16.7%	20.0%	0.0%	0.0%	14.6%	11.5%
Assistant Director	9	0.0%	0.0%	0.0%	33.3%	0.0%	0.0%	11.1%
Deputy Superintendent for Programs	18,034	11.3%	10.6%	11.0%	12.2%	9.5%	11.2%	11.0%
Assistant Deputy Superintendent	8,564	11.4%	12.8%	11.0%	9.0%	11.5%	9.4%	10.9%
Plant Superintendent	12,850	9.7%	10.9%	10.3%	10.7%	10.5%	11.8%	10.6%
Industrial Superintendent	4,402	8.7%	9.2%	9.6%	10.0%	12.0%	11.8%	10.2%
Food Service Manager	16,420	9.1%	9.3%	10.0%	10.8%	11.7%	9.8%	10.1%
Supervising Offender Rehabilitation Coordinator	54,464	9.4%	9.0%	9.7%	11.5%	10.7%	9.5%	10.0%
Steward	12,261	7.8%	9.3%	7.5%	9.1%	10.0%	11.5%	9.1%
Superintendent	191	0.0%	0.0%	11.9%	3.3%	9.0%	12.5%	8.9%
Education Director	15,133	7.2%	7.6%	8.1%	10.2%	8.8%	9.6%	8.6%
Vocational Supervisor	11,960	7.8%	8.9%	9.2%	8.7%	7.9%	8.7%	8.5%
Assistant Industrial Superintendent	1,403	4.3%	8.6%	9.9%	12.0%	5.4%	7.2%	7.9%
Deputy Superintendent for Health Services	2,900	8.5%	7.9%	8.4%	5.2%	6.4%	10.3%	7.7%
Teacher	22	0.0%	0.0%	0.0%	0.0%	6.3%	0.0%	4.5%
Industrial Training Supervisor	25	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	4.0%
No Hearing Held or Hearing Officer Not Reported	17,752	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Sergeant	4	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Vocational Instructor	55	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Director of Special Housing	5	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Office of Mental Health	5	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dentist	8	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Alcohol and Substance Abuse Treatment	5	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Totals	404,419	10.3%	11.8%	12.4%	12.9%	13.4%	13.4%	12.4%

To the extent possible, the Inspector General further analyzed violation dismissals by the specific hearing officer.⁹⁴ The Inspector General found some hearing officers had disparities in their dismissal of violations across race/ethnic groups, although, notably, in many instances these disparities favored Black and Hispanic incarcerated individuals.⁹⁵ The following are examples of some of the most significant disparities:

- Of 334 applicable hearing officers, 12 had dismissal rates for Black incarcerated individuals that were at least 10 percent higher than for White

⁹⁴ DOCCS reported over 2,400 different hearing officer names. DOCCS did not appear to enforce standard naming conventions to prevent the same hearing officer from being reported multiple ways. Therefore, the ability of the Inspector General to conduct this analysis was limited.

⁹⁵ To help reduce results being skewed due to hearing officers with a small number of hearings, the Inspector General focused its analysis on hearing officers who had hearings for at least 100 violations for both races/ethnicities being compared.

incarcerated individuals. The largest disparity involved a hearing officer at Sing Sing who dismissed over 41 percent of violations for Black incarcerated individuals, yet only dismissed about 16 percent of violations for White incarcerated individuals. Conversely, five hearing officers had disparities in dismissal rates of at least 10 percent favoring White over Black incarcerated individuals. The largest such disparity was a hearing officer at Bedford Hills who dismissed over 33 percent of violations for White incarcerated individuals while dismissing only 21 percent of violations for Black incarcerated individuals.

- Of the 292 applicable hearing officers, seven hearing officers had dismissal rates for Hispanic incarcerated individuals that were at least 10 percent higher than for White incarcerated individuals. The largest disparity involved a hearing officer primarily out of Auburn who dismissed over 37 percent of violations for Hispanic incarcerated individuals, yet only dismissed about 19 percent of violations for White incarcerated individuals. Conversely, two hearing officers had disparities in dismissal rates of at least 10 percent favoring White incarcerated individuals over Hispanic, with the largest involving a hearing officer at Marcy who dismissed approximately 20 percent of violations for White incarcerated individuals compared to under nine percent for Hispanic incarcerated individuals.

Violation Dismissal by Hearing Location

The Inspector General also analyzed violation dismissal rates based on the location of the associated disciplinary hearing. While disparities were found, many were statistically insignificant. The largest disparity based on the hearing location was a 7.7 percent higher likelihood at Hale Creek that a Hispanic incarcerated individual's violation would be dismissed compared to a White incarcerated individual. The largest disparity based on the facility where a violation occurred was a 10.3 percent greater likelihood at Rochester* that a Black incarcerated individual's violation would be dismissed compared to a White incarcerated individual.

Violation Dismissal by Facility

When dismissals were analyzed by the facility where a violation occurred, the Inspector General found the largest disparities involved minimum-security facilities. For example, at minimum-security facilities, Black and Hispanic incarcerated individuals were 30 percent and 21 percent more likely to have a violation dismissed, respectively, than White incarcerated individuals. At medium-security facilities, Black and Hispanic incarcerated individuals were 15 percent and seven percent more likely to have a violation dismissed, respectively, than White incarcerated individuals, while at maximum-security facilities, Black incarcerated individuals were nine percent more likely to have a violation dismissed than White incarcerated individuals.

At each class of facility, Black incarcerated individuals were between four and nine percent more likely to have a violation dismissed than Hispanic incarcerated individuals.

Narrowing the analysis to specific facilities where violations occurred revealed that most facilities followed the overall pattern and were more likely to dismiss violations for non-White incarcerated populations than for White incarcerated individuals. Rochester*, Lincoln*, Adirondack, and Hale Creek had the largest overall racial/ethnic disparities in the dismissal of violations.⁹⁶ For example, at Rochester*, non-White incarcerated individuals were 158 percent more likely than White incarcerated individuals to have their violation dismissed, while this disparity at Lincoln* and Adirondack was 72 percent and 32 percent, respectively. When compared to White incarcerated individuals, 78 percent of all facilities were more likely to dismiss a violation reported against a non-White incarcerated individual.⁹⁷

While rare and less significant, some facilities were more likely to dismiss violations reported against White incarcerated individuals. For example, at Moriah*, non-White incarcerated individuals were 27 percent less likely than White incarcerated individuals to have their violations dismissed. The next largest disparities occurred at Queensboro and Ogdensburg*, where the non-White incarcerated population was nine percent less likely than the White incarcerated population to have their violations dismissed.

⁹⁶ Each of these facilities reported a relatively small number of violations during the period reviewed. As such, their disparities were more easily skewed compared to facilities that reported more violations.

⁹⁷ 85 percent of all facilities were more likely to dismiss a violation reported against a Black incarcerated individual, two-thirds were more likely to dismiss violations against Other incarcerated individuals, and 56 percent were more likely to dismiss violations against Hispanic incarcerated individuals.

Facilities with the Largest Racial/Ethnic Disparities in Violation Dismissals (non-White vs White)					
Facility	Total # of Violations Reported at Facility	Black vs White % Disparity	Hispanic vs White % Disparity	Other vs White % Disparity	Non-White vs White % Disparity
Moriah	820	(27%)	(35%)	82%	(27%)
Queensboro	6,357	(3%)	(22%)	14%	(9%)
Ogdensburg	6,202	(8%)	(16%)	14%	(9%)
Altona	8,141	(4%)	(16%)	2%	(8%)
Lakeview	11,069	(7%)	(3%)	(5%)	(6%)
Sullivan	15,523	(1%)	(14%)	(23%)	(5%)
Riverview	15,612	(2%)	(9%)	6%	(3%)
Shawangunk	9,482	(3%)	(4%)	12%	(3%)
Wallkill	7,174	2%	(8%)	(20%)	(2%)
Five Points	41,533	1%	(8%)	3%	(2%)

Facilities with the Largest Reverse Racial/Ethnic Disparities in Violation Dismissals (non-White vs White)					
Facility	Total # of Violations Reported at Facility	Black vs White % Disparity	Hispanic vs White % Disparity	Other vs White % Disparity	Non-White vs White % Disparity
Rochester	335	199%	48%	(100%)	158%
Lincoln	1,013	80%	72%	5%	72%
Adirondack	4,835	36%	27%	14%	32%
Hale Creek	3,481	29%	32%	(4%)	29%
Wende	18,555	30%	27%	(6%)	28%
Gowanda	39,592	30%	25%	18%	28%
Coxsackie	18,412	31%	20%	26%	27%
Collins	25,490	25%	28%	10%	25%
Livingston	14,884	28%	18%	1%	25%
Woodbourne	9,437	21%	12%	29%	18%

% Disparity refers to the greater or (less) percentage likelihood that an individual in the first race/ethnic group would have a violation dismissed than an individual in the second race/ethnic group. Disparity in this context means non-White incarcerated individuals were less likely than White incarcerated individuals to have their violations dismissed, whereas a reverse disparity means the non-White incarcerated population was more likely to have their violations dismissed.

The largest individual disparity in violation dismissals between two races/ethnicities was identified at Rochester* where Black incarcerated individuals were nearly three times more likely than White incarcerated individuals to have their violations dismissed. Among larger facilities, Eastern had the most significant disparity, with Other incarcerated individuals being 45 percent more likely than White incarcerated individuals to have their violation dismissed. The most significant disparity favoring White incarcerated individuals occurred at Sullivan, where Other incarcerated individuals were 23 percent less likely than White incarcerated individuals to have their violations dismissed. The following chart summarizes the largest disparities and reverse disparities in violation dismissals between different races/ethnicities.

Top Racial/Ethnic Disparities in Violation Dismissals by Facility							
Facility	Comparison	Total # of Violations Reported at Facility	# of Violations - 1st Group	# of Violations - 2nd Group	% of Violations Dismissed - 1st Group	% of Violations Dismissed - 2nd Group	% Disparity
Rochester	Other vs White	335	4	110	0.0%	6.4%	(100.0%)
Edgecombe	Other vs White	1,174	21	172	9.5%	22.1%	(56.9%)
Moriah	Hispanic vs White	820	146	229	8.2%	12.7%	(35.1%)
Moriah	Black vs White	820	432	229	9.3%	12.7%	(26.9%)
Sullivan	Other vs White	15,523	185	2,369	9.7%	12.7%	(23.2%)
Queensboro	Hispanic vs White	6,357	1,986	482	14.4%	18.5%	(22.0%)
Wallkill	Other vs White	7,174	221	983	21.3%	26.6%	(19.9%)
Ogdensburg	Hispanic vs White	6,202	1,513	1,055	5.9%	7.1%	(16.3%)
Altona	Hispanic vs White	8,141	2,034	1,596	10.8%	12.8%	(16.2%)
Sullivan	Hispanic vs White	15,523	4,142	2,369	10.9%	12.7%	(13.8%)

Top Racial/Ethnic Reverse Disparities in Violation Dismissals by Facility							
Facility	Comparison	Total # of Violations Reported at Facility	# of Violations - 1st Group	# of Violations - 2nd Group	% of Violations Dismissed - 1st Group	% of Violations Dismissed - 2nd Group	% Disparity
Rochester	Black vs White	335	168	110	19.0%	6.4%	199.3%
Moriah	Other vs White	820	13	229	23.1%	12.7%	82.2%
Lincoln	Black vs White	1,013	536	107	21.8%	12.1%	79.7%
Lincoln	Hispanic vs White	1,013	311	107	20.9%	12.1%	72.0%
Rochester	Hispanic vs White	335	53	110	9.4%	6.4%	48.2%
Eastern	Other vs White	11,164	268	1,383	33.2%	22.8%	45.3%
Cayuga	Other vs White	9,787	270	2,179	23.7%	16.6%	42.7%
Hudson	Hispanic vs White	3,565	601	602	27.3%	19.9%	36.9%
Adirondack	Black vs White	4,835	2,329	1,140	13.1%	9.6%	36.2%
Hale Creek	Hispanic vs White	3,481	732	734	24.9%	18.8%	32.2%

% Disparity refers to the greater or (lesser) percentage likelihood that an individual in the first race/ethnic group would have a violation dismissed than an individual in the second race/ethnic group. Disparity in this context means non-White incarcerated individuals were less likely than White incarcerated individuals to have their violations dismissed, whereas a reverse disparity means the non-White incarcerated population was more likely to have their violations dismissed.

Notably, many of the facilities with the largest disparities favoring non-White incarcerated individuals in dismissing violations were also among the facilities with the smallest disparities in issuing Misbehavior Reports to non-White incarcerated populations. For example, in terms of having the smallest disparities against non-White incarcerated populations, Eastern had the 10th smallest disparity in issuing Misbehavior Reports and 11th smallest disparity in dismissing violations. Conversely, although to a lesser extent, there were some facilities that had among the largest racial/ethnic disparities favoring the White incarcerated population for both issuing Misbehavior Reports and dismissing violations. For example, Lakeview had the fifth largest disparity favoring White incarcerated populations for both issuing Misbehavior Reports and dismissing violations.

Violation Dismissals by Reporting Employee

The Inspector General further analyzed dismissals by the employee that reported the violations and found some employees stood out. Overall, 80 percent of employees had less than 25 percent of their reported violations dismissed, and almost all employees had less than 50 percent dismissed.⁹⁸ The exception was 39 employees who had 50 percent or more of their reported violations dismissed. The employee with the greatest dismissal rate was a correction

⁹⁸ This analysis excluded any employees who reported less than 50 violations in total during the period reviewed.

officer at Riverview who had 83 percent of their 89 reported violations dismissed, followed by a Sing Sing employee who had 69 percent of their reported violations dismissed. The third highest dismissal rate applied to a Clinton employee who reported 954 violations and had two-thirds of such violations dismissed. DOCCS reported several titles for this employee name including correction officer, vocational instructor, vocational supervisor, clerk, industrial training supervisor, and other. The following chart reflects the 20 DOCCS employees with the highest dismissal rates.

Top Dismissal Rates By Reporting Employee (Overall)			
Reporting Employee	Total # of Violations Reported By Employee	# of Violations Dismissed	% of Violations Dismissed
Employee 3129	89	74	83.1%
Employee 4704	65	45	69.2%
Employee 7	954	635	66.6%
Employee 5919	52	34	65.4%
Employee 5017	61	39	63.9%
Employee 5172	59	37	62.7%
Employee 3407	84	52	61.9%
Employee 4436	68	42	61.8%
Employee 2100	115	70	60.9%
Employee 6116	51	31	60.8%
Employee 3366	84	50	59.5%
Employee 2718	97	57	58.8%
Employee 4666	65	38	58.5%
Employee 4708	65	38	58.5%
Employee 5202	59	34	57.6%
Employee 548	225	128	56.9%
Employee 4011	74	42	56.8%
Employee 4728	64	36	56.3%
Employee 4548	67	37	55.2%
Employee 2730	97	52	53.6%

When employee dismissal rates are analyzed further by race/ethnicity, there were dismissal rates for DOCCS employees as high as 92 percent. The same employee with the highest overall dismissal rates (employee 3129) also had the highest dismissal rates for a particular race/ethnicity. In fact, this employee had the two highest race/ethnicity-based dismissal rates, with 92 percent of their reported Hispanic violations and 86 percent of their reported White violations dismissed. Employee 7, who had the third highest overall dismissal rates, had race/ethnicity-based dismissal rates of 69 percent for Hispanic violations, 66 percent for Black violations, and 65 percent for White violations, as reflected below.

Top Overall Racial/Ethnic Disparities in the Dismissal of Reported Violations, by Reporting Employee				
Reporting Employee	Race/Ethnicity of Incarcerated Individual	Total # of Violations Reported By Employee	# of Violations Reported for Race/Ethnicity	% of Violations Dismissed for Race/Ethnicity
Employee 3129	Hispanic	89	25	92.0%
Employee 3129	White	89	49	85.7%
Employee 5017	White	61	38	81.6%
Employee 2750	White	97	28	71.4%
Employee 3687	White	79	41	70.7%
Employee 4704	Black	65	49	69.4%
Employee 7	Hispanic	954	225	69.3%
Employee 3344	Black	85	39	69.2%
Employee 6377	Black	49	26	69.2%
Employee 4436	Black	68	32	68.8%
Employee 5225	Black	59	28	67.9%
Employee 610	White	213	27	66.7%
Employee 7	Black	954	512	66.0%
Employee 6116	Black	51	32	65.6%
Employee 7	White	954	173	65.3%
Employee 5202	Black	59	49	65.3%
Employee 5919	Black	52	37	64.9%
Employee 9770	Black	30	28	64.3%
Employee 4728	White	64	28	64.3%
Employee 9935	Black	30	25	64.0%

The Inspector General further analyzed race/ethnicity-based dismissal rates to identify employees with the greatest disparities in dismissal rates between different races/ethnicities. The largest such disparity was a 42 percent disparity between dismissal rates for Black and Hispanic incarcerated individuals. This employee had 46 percent of their reported violations against Black incarcerated individuals dismissed but only four percent of their violations against Hispanic incarcerated individuals dismissed. A relatively small subset of DOCCS employees stood out when comparing dismissal rates between White and non-White incarcerated individuals. Eighteen employees had a disparity of over 25 percent between Black and White incarcerated individuals while 13 employees had such a disparity between Hispanic and White incarcerated individuals.

Largest Racial/Ethnic Disparities In Violation Dismissal Rates By Reporting Employee and Race/Ethnicity of Incarcerated Individuals							
Reporting Employee	Comparison	Total # of Violations Reported By Employee	# of Violations Reported - 1st Group	# of Violations Reported - 2nd Group	% of Violations Dismissed - 1st Group	% of Violations Dismissed - 2nd Group	Disparity
Employee 2879	Black vs Hispanic	94	37	27	45.9%	3.7%	42.2%
Employee 1518	Hispanic vs White	139	28	51	57.1%	17.6%	39.5%
Employee 5608	Black vs Hispanic	55	28	27	42.9%	3.7%	39.2%
Employee 888	Hispanic vs White	182	26	36	46.2%	8.3%	37.8%
Employee 351	Black vs White	267	193	28	37.3%	0.0%	37.3%
Employee 3834	Black vs Hispanic	77	44	25	52.3%	16.0%	36.3%
Employee 2600	Hispanic vs White	100	26	32	42.3%	6.3%	36.1%
Employee 1114	Black vs Hispanic	162	51	43	58.8%	23.3%	35.6%
Employee 3239	Black vs White	87	40	27	52.5%	18.5%	34.0%
Employee 1165	Black vs Hispanic	158	112	25	37.5%	4.0%	33.5%
Employee 769	Black vs Hispanic	195	122	59	48.4%	15.3%	33.1%
Employee 1277	Black vs White	152	82	25	32.9%	0.0%	32.9%
Employee 773	Hispanic vs White	194	49	37	40.8%	8.1%	32.7%
Employee 314	Black vs White	281	197	32	32.5%	0.0%	32.5%
Employee 1443	Black vs Hispanic	143	103	29	35.9%	3.4%	32.5%
Employee 1112	Black vs Hispanic	162	90	36	37.8%	5.6%	32.2%
Employee 1112	Black vs White	162	90	35	37.8%	5.7%	32.1%
Employee 1285	Black vs Hispanic	151	93	30	45.2%	13.3%	31.8%
Employee 1171	Hispanic vs White	158	38	29	31.6%	0.0%	31.6%
Employee 888	Black vs White	182	111	36	39.6%	8.3%	31.3%

Grievances Filed by Incarcerated Individuals

The Inspector General also conducted an analysis of grievances filed by incarcerated individuals. This analysis was generally limited to grievances reported in DOCCS's Superintendent Grievance Tracking System (SGT) as code 49 "Staff Conduct" and subcategorized as "Unlawful Discrimination" during the period June 15, 2016 through April 30, 2022.⁹⁹ For context, the Inspector General also reviewed DOCCS's incarcerated grievance program annual reports for 2016 through 2021, which provide annual totals for all grievances as well as totals for code 49 "Staff Conduct" grievances.¹⁰⁰

Between 2016 and 2021, over 176,000 grievances were filed by incarcerated individuals. The number of grievances decreased every year by a total of 42 percent. Of the total grievances, 23,915 (14 percent) alleged staff misconduct, including 1,088 (0.6 percent), which alleged

⁹⁹ Prior to June 15, 2016, these types of grievances were not explicitly tracked by DOCCS and thus could not be analyzed.

¹⁰⁰ The Inspector General downloaded the annual reports for 2016 to 2020 off DOCCS's website. The Inspector General did not include 2015 in its analysis as complete grievance data was not available for that year. For 2021, the Inspector General relied on a December 2021 monthly grievance report provided by DOCCS that included 2021 year-to-date totals.

“Unlawful Discrimination.” A minimum of 109 of those grievances specifically alleged racial discrimination.¹⁰¹

Total code 49 grievances decreased by nearly 56 percent between 2016 and 2021, with the largest decreases occurring in 2019 to 2021. Code 49 grievances progressively represented a slightly smaller share of total grievances during this period. The number of grievances alleging unlawful discrimination increased over 62 percent between 2016 and 2021, while grievances specifically alleging racial discrimination decreased nearly 37 percent during that period. In 2021, total grievances, code 49 grievances, and racial discrimination grievances all decreased, while unlawful discrimination grievances remained flat compared to 2020.

Overall, approximately 148 grievances were filed for every 100 unique incarcerated individuals, or 1.5 per incarcerated individual.¹⁰² Among those, there was one unlawful discrimination grievance filed for every 100 unique incarcerated individuals and one grievance specifically alleging racial discrimination for every 1,000 incarcerated individuals.

Using incarcerated population data obtained for its analysis of disparities in Misbehavior Reports, the Inspector General analyzed trends in grievances between 2016 and 2020 and identified a downward trend in the average number of grievances filed by incarcerated individuals. This downward trend was modest between 2016 and 2018, before becoming more significant in 2019 and 2020. Specifically, between 2016 and 2018, there was a total of approximately 34,000 to 36,000 grievances each year, with roughly 58 for every 100 incarcerated individuals filing a grievance. In 2019, total grievances decreased over 20 percent to 27,327, or to roughly 50 for every 100 incarcerated individuals. In 2020, total grievances again decreased, by 21 percent, which appeared to directly correlate to a 21 percent decrease in the incarcerated population.

A similar trend occurred when narrowing the focus to grievances pertaining to staff conduct, which saw a decrease in the average grievances per incarcerated individual of about 28

¹⁰¹ DOCCS does not explicitly categorize grievances alleging racial discrimination in the SGT system. The data the Inspector General obtained included all grievances alleging any form of discrimination, including racial discrimination, by DOCCS’s staff. To identify which of those grievances alleged racial discrimination, the Inspector General reviewed the “Title” for each grievance (which is essentially a brief description of the allegations) and flagged grievances that mentioned race.

¹⁰² All annual analyses of average grievances were based on the population of unique DINs separately incarcerated each year. All overall analyses were based on the population of unique DINs incarcerated at any time between 2016 and 2020.

percent, or a reduction from 8.6 in 2016 to 6.2 in 2020 for every 100 incarcerated individuals. Conversely, there was a steady increase totaling over 132 percent in the average number of grievances alleging unlawful discrimination. Total grievances specifically alleging racial discrimination had no consistent pattern, fluctuating up and down between a total of 12 and 24 per year.¹⁰³ They were quite rare, with less than one filed each year for every 2,500 incarcerated individuals.

The following chart summarizes the Inspector General's analysis of trends pertaining to grievances.¹⁰⁴

Annual Trends in Grievances							
	2016 (*)	2017	2018	2019	2020	2021	Totals (2016-2021)
Total Grievances	36,173	35,868	34,198	27,327	21,559	20,929	176,054
% Change from Prior Year	3.2%	(0.8%)	(4.7%)	(20.1%)	(21.1%)	(2.9%)	(42.1%)
Total Code 49 Grievances	5,371	4,979	4,679	3,832	2,688	2,366	23,915
% Change from Prior Year	(1.0%)	(7.3%)	(6.0%)	(18.1%)	(29.9%)	(12.0%)	(55.9%)
Code 49 % of Total Grievances	15%	14%	14%	14%	12%	11%	14%
Total Code 49-Unlawful Discrimination Grievances (*)	130	167	182	188	210	211	1,088
% Change from Prior Year		28.5%	9.0%	3.3%	11.7%	0.5%	62.3%
Unlawful Discrimination % of Total Grievances	0.4%	0.5%	0.5%	0.7%	1.0%	1.0%	0.6%
Grievances Involving Racial Discrimination (#)	19	24	20	15	19	12	109
% Change from Prior Year		26.3%	(16.7%)	(25.0%)	26.7%	(36.8%)	(36.8%)
Racial Discrimination - Minimum % of Total Grievances	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
	2016	2017	2018	2019	2020	2021	Overall (2016-2020) (**)
Approximate Incarcerated Population	62,261	61,103	58,181	54,703	43,220		104,502
% Change from Prior Year	(1.7%)	(1.9%)	(4.8%)	(6.0%)	(21.0%)		(30.6%)
Average Grievances per 100 I/I	58.10	58.70	58.78	49.96	49.88		148.40
Average Code 49 Grievance per 100 I/I	8.63	8.15	8.04	7.01	6.22		22.88
% Change from Prior Year	0.7%	(5.5%)	(1.3%)	(12.9%)	(11.2%)		(27.9%)
Average Unlawful Discrimination Grievances per 100 I/I	0.21	0.27	0.31	0.34	0.49		1.04
% Change from Prior Year		30.9%	14.5%	9.9%	41.4%		132.7%
Average Racial Discrimination Grievances per 100 I/I	0.03	0.04	0.03	0.03	0.04		0.10
% Change from Prior Year		28.7%	(12.5%)	(20.2%)	60.3%		44.1%
(*) Data on Unlawful Discrimination grievances was not fully tracked until 6/15/16. (#) These numbers represent the minimum number of grievances alleging racial discrimination. Additional grievances alleging such may exist but could not be identified due to limitations in DOCCS data. (**) Overall incarcerated population figures correspond to the number of unique DINs between 2016 and 2020. I/I = Incarcerated Individual							

When adding in grievances filed between January 1, 2022 and April 30, 2022, there were a total of 1,146 unlawful discrimination grievances and at least 110 grievances alleging racial discrimination. The Inspector General further analyzed these grievances by facility, DOCCS employee (subject), and incarcerated individual (grievant). Over two-thirds of the unlawful

¹⁰³ As noted above, this is the minimum number of grievances alleging racial discrimination. Others likely were filed but could not be readily identified due to limitations in DOCCS data.

¹⁰⁴ Due to the relatively small numbers being analyzed in some instances, such as the number of racial discrimination grievances, the year-to-year percentage changes are more easily affected and somewhat less significant.

discrimination grievances were filed by Black incarcerated individuals, with 19 percent filed by Hispanic incarcerated individuals, and nine percent filed by White incarcerated individuals.

Summary by Race (Unlawful Discrimination Grievances Only)									
Race/Ethnicity	2016	2017	2018	2019	2020	2021	2022	TOTAL	% of Total
Black	85	107	128	137	152	128	40	777	68%
Hispanic	29	35	29	34	36	52	7	222	19%
White	14	20	19	11	14	22	8	108	9%
Other	2	4	5	6	8	9	3	37	3%
Not Reported	0	1	1	0	0	0	0	2	0%
Total	130	167	182	188	210	211	58	1,146	100%

Black incarcerated individuals filed nearly three-quarters of the known racial discrimination grievances, with Hispanic incarcerated individuals filing 18 percent. White incarcerated individuals filed six percent of such grievances.

Summary by Race (Racial Discrimination Grievances Only)									
Race/Ethnicity	2016	2017	2018	2019	2020	2021	2022	TOTAL	% of Total
Black	9	18	17	14	15	7	1	81	74%
Hispanic	7	4	2	1	4	2	0	20	18%
White	1	2	1	0	0	3	0	7	6%
Other	2	0	0	0	0	0	0	2	2%
Not Reported	0	0	0	0	0	0	0	0	0%
Total	19	24	20	15	19	12	1	110	100%

Nearly a third of the unlawful discrimination grievances involved individuals incarcerated at Green Haven. Combined, 60 percent of the unlawful discrimination grievances involved individuals incarcerated at Green Haven, Attica, or Upstate.

All Unlawful Discrimination Grievances by Facility		
Facility	Total	% of Total
Green Haven	359	31.3%
Attica	213	18.6%
Upstate	116	10.1%
Clinton	48	4.2%
Sing Sing	47	4.1%
Five Points	38	3.3%
Shawangunk	36	3.1%
Franklin	31	2.7%
Eastern	29	2.5%
Wende	21	1.8%
Woodbourne	13	1.1%
Mid-State	12	1.0%
Auburn	11	1.0%
Albion	11	1.0%
Great Meadow	11	1.0%
Coxsackie	11	1.0%
Elmira	11	1.0%
Livingston	10	0.9%
Groveland	10	0.9%
Bare Hill	9	0.8%
Adirondack	7	0.6%
Bedford Hills	7	0.6%
Greene	7	0.6%
Collins	7	0.6%
Fishkill	6	0.5%
Mohawk	6	0.5%
Cayuga	6	0.5%
Otisville	5	0.4%
Sullivan	5	0.4%
Watertown	5	0.4%
Downstate	4	0.3%
Altona	4	0.3%
Riverview	4	0.3%
Gouverneur	3	0.3%
Wyoming	3	0.3%
Lakeview	3	0.3%
Ulster	2	0.2%
Willard	2	0.2%
Southport	2	0.2%
Gowanda	2	0.2%
Cape Vincent	2	0.2%
Hudson	2	0.2%
Hale Creek	1	0.1%
Queensboro	1	0.1%
Not Reported	1	0.1%
Washington	1	0.1%
Orleans	1	0.1%

Approximately 61 percent of the racial-discrimination grievances involved Upstate (47 grievances/43 percent) or Attica (20 grievances/18 percent).

Racial-Discrimination Grievances by Facility		
Facility	Total	% of Total
Upstate	47	42.7%
Attica	20	18.2%
Five Points	6	5.5%
Mid-State	3	2.7%
Wende	3	2.7%
Franklin	2	1.8%
Eastern	2	1.8%
Greene	2	1.8%
Elmira	2	1.8%
Green Haven	2	1.8%
Woodbourne	2	1.8%
Bare Hill	2	1.8%
Otisville	2	1.8%
Clinton	2	1.8%
Great Meadow	2	1.8%
Orleans	1	0.9%
Riverview	1	0.9%
Sullivan	1	0.9%
Bedford Hills	1	0.9%
Lakeview	1	0.9%
Auburn	1	0.9%
Downstate	1	0.9%
Cayuga	1	0.9%
Collins	1	0.9%
Adirondack	1	0.9%
Groveland	1	0.9%

There were 31 DOCCS employees who were the subject in five or more unlawful discrimination grievances, with Employee 1326 from Green Haven having the most with 16.

Employees with 5 or More Unlawful Discrimination Grievances			
Employee Ref. #	Facility	Total Grievances	Unique Grievants
Employee 1326	Green Haven	16	14
Employee 439	Upstate	10	2
Employee 1734	Attica	10	8
Employee 3523	Green Haven	9	7
Employee 41	Upstate	9	5
Employee 1591	Green Haven	8	8
Employee 1181	Attica	8	7
Employee 2050	Green Haven	7	7
Employee 874	Upstate	7	5
Employee 171	Green Haven	7	6
Employee 5644	Attica	6	4
Employee 2266	Attica	6	5
Employee 4944	Upstate	6	1
Employee 3874	Green Haven	6	5
Employee 1339	Attica	6	5
Employee 14806	Green Haven	6	6
Employee 6163	Green Haven	5	5
Employee 12667	Upstate	5	4
Employee 9694	Attica	5	4
Employee 3343	Green Haven	5	4
Employee 1990	Green Haven	5	4
Employee 3400	Green Haven	5	5
Employee 2085	Green Haven	5	5
Employee 2307	Attica	5	5
Employee 25489	Green Haven	5	3
Employee 942	Upstate	5	2
Employee 2651	Green Haven	5	5
Employee 80	Upstate	5	4
Employee 1208	Green Haven	5	5
Employee 16420	Green Haven	5	2
Employee 14486	Green Haven	5	3

When narrowed to racial discrimination grievances, 22 DOCCS employees were subjects in more than one grievance. Of this total, 21 involved employees at Upstate, including Employee 439, who was targeted in five different racial discrimination grievances, the most of any DOCCS employee, all of which were filed by the same incarcerated individual. Like Employee 439, 13 other Upstate employees were subjects in multiple racial discrimination grievances filed by this same incarcerated individual. Notably, none of these 14 employees were subjects of racial discrimination grievances filed by any other incarcerated individual.

The Inspector General incorporated data from its separate analysis of violations and found six of the 22 employees were among the top five percent of employees in terms of the largest disparities in violations reported against Black incarcerated individuals. Five of the 22 were among the five percent of employees with the largest disparities against Hispanic incarcerated individuals, while four employees met this criterion for White incarcerated individuals and three employees met this criterion for Other incarcerated individuals.

The following chart summarize the results of this analysis.

Employees with Multiple Racial Discrimination Grievances												
Employee Ref. #	Facility	Total Grievances	Unique Grievants	Total Reported Violations	Violation Disparity- Black	Violation Disparity- Hispanic	Violation Disparity- White	Violation Disparity- Other	Disparity Percentile Black	Disparity Percentile Hispanic	Disparity Percentile White	Disparity Percentile Other
Employee 439	Upstate	5	1	247	13.9%	(11.3%)	(0.7%)	(1.7%)	96%	2%	12%	7%
Employee 4944	Upstate	4	1	62	(9.7%)	(0.0%)	12.6%	(2.5%)	1%	8%	99%	6%
Employee 630	Upstate	4	1	210	(1.9%)	0.8%	(1.3%)	0.8%	4%	93%	12%	95%
Employee 6807	Upstate	3	1	46	18.0%	(1.9%)	(13.2%)	(2.5%)	87%	91%	95%	92%
Employee 5156	Upstate	3	2	51	(3.2%)	5.5%	0.5%	(2.5%)	3%	96%	97%	6%
Employee 874	Upstate	3	3	184	(5.4%)	3.5%	4.7%	(2.5%)	2%	95%	98%	6%
Employee 2007	Upstate	2	1	76	5.5%	1.2%	(3.6%)	(2.8%)	91%	93%	10%	4%
Employee 4456	Upstate	2	2	65	(1.2%)	4.9%	(4.0%)	0.6%	4%	96%	10%	95%
Employee 41	Upstate	2	2	515	9.2%	(3.3%)	(5.9%)	0.2%	93%	6%	9%	94%
Employee 950	Attica	2	2	116	11.4%	(3.5%)	(5.2%)	(2.6%)	94%	6%	9%	5%
Employee 8556	Upstate	2	2	32	1.2%	8.5%	(7.0%)	(2.5%)	80%	84%	88%	85%
Employee 3549	Upstate	2	1	77	(2.3%)	(1.2%)	(4.2%)	7.9%	3%	7%	10%	99%
Employee 692	Upstate	2	1	135	26.3%	(14.7%)	(8.8%)	(2.5%)	99%	1%	7%	6%
Employee 800	Upstate	2	2	190	20.8%	(7.4%)	(10.6%)	(2.5%)	98%	3%	6%	6%
Employee 80	Upstate	2	1	342	15.8%	(7.7%)	(7.1%)	(0.8%)	96%	3%	8%	8%
Employee 1915	Upstate	2	1	110	25.5%	(14.9%)	(7.8%)	(2.5%)	99%	1%	8%	6%
Employee 806	Upstate	2	1	180	13.0%	(4.7%)	(5.5%)	(2.5%)	95%	5%	9%	6%
Employee 3599	Upstate	2	1	80	(5.6%)	12.9%	(4.5%)	(2.5%)	2%	99%	10%	6%
Employee 4580	Upstate	2	2	58	0.5%	8.6%	(6.4%)	(2.5%)	89%	97%	9%	6%
Employee 28761	Upstate	2	1	0	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A
Employee 28762	Upstate	2	1	0	0.0%	0.0%	0.0%	0.0%	N/A	N/A	N/A	N/A
Employee 18044	Upstate	2	1	10	1.9%	14.2%	(13.2%)	(2.5%)	52%	56%	60%	57%

Violation disparities presented above represent the disparity between the reporting employee's violations reported against a particular race/ethnicity and that race/ethnicity's share of the population in the relevant facility. Positive percentages mean the employee reported a disproportionately high share of violations against the particular race/ethnicity. (Negative percentages) mean the employee reported a disproportionately low share of violations against that particular race/ethnicity.

There were 16 incarcerated individuals who filed five or more unlawful discrimination grievances. One incarcerated individual greatly stood out from others. This individual filed 34

grievances alleging unlawful discrimination against 56 different DOCCS employees, with all but one taking place at Upstate. Two incarcerated individuals filed nine unlawful discrimination grievances, while two others filed eight.

At least six incarcerated individuals filed more than one racial discrimination grievance. The above referenced incarcerated individual once again stood out, filing 24 racial discrimination grievances against 43 different DOCCS employees at Upstate. Another individual incarcerated at Upstate filed eight racial discrimination grievances, while another incarcerated at Attica filed six.

The Inspector General requested DOCCS provide the outcomes for the 110 above-referenced grievances that specifically alleged racial discrimination. DOCCS reported that five of the 110 grievances resulted in a favorable superintendent decision, meaning the incarcerated individual “received the dominant action requested,” while 103 resulted in an unfavorable superintendent decision, meaning the incarcerated individual “did not receive the dominant action requested.” Results for one grievance was still pending a superintendent decision, while results from another grievance were not provided by DOCCS.¹⁰⁵

At least 59 of the 110 racial-discrimination grievances were appealed to the Central Office Review Committee (CORC). Of those, 22 were “Accepted in Part” by CORC, meaning part of the actions requested by the grievant were considered favorable to the incarcerated individual, while 34 appeals were denied by CORC. Results for two grievance appeals were still pending a CORC decision, while results from another grievance were not provided by DOCCS.

Ultimately, 23 percent of the racial-discrimination grievances resulted in a decision favorable to the incarcerated individual, while 74 percent resulted in an unfavorable decision for the grievant. Results for four percent were still pending. The following charts summarize the results for the 110 grievances specifically alleging racial discrimination.

¹⁰⁵ DOCCS claimed the records for this grievance, which was not appealed to the Central Office Review Committee, had been destroyed per their records destruction policy. Therefore, the ultimate outcome of this grievance could not be determined.

	Black	Hispanic	White	Other	Not Reported	Total	% of Total
Total Unlawful Discrimination Grievances (6/15/16 to 4/30/22)	777	222	108	37	2	1,146	
# of Grievances Referencing Racial Discrimination	81	20	7	2	0	110	10%
Results for Grievances Referencing Racial Discrimination:							
Superintendent Decisions:							
# with Favorable Superintendent Decision	5	0	0	0	0	5	4.5%
# with Unfavorable Superintendent Decision	75	20	7	1	0	103	93.6%
# with Pending Superintendent Decision	1	0	0	0	0	1	0.9%
# with Unknown Superintendent Decision	0	0	0	1	0	1	0.9%
CORC Decisions:							
# Appealed to CORC	52	5	1	1	0	59	54%
# Accepted in Part by CORC	21	1	0	0	0	22	20%
# Denied by CORC	30	3	1	0	0	34	31%
# Pending CORC Decision	1	1	0	0	0	2	2%

Superintendent Decisions

Favorable = The grievant received the dominant action requested, regardless if the grievance was appealed to CORC.

Unfavorable = The grievant did not receive the dominant action requested, regardless if the grievance was appealed to CORC.

CORC (Central Office Review Committee) Decisions

N/A = Not Appealed to CORC.

Accepted in Part = Part of the Actions Requested by the grievant were considered favorable.

*Facilities do not have the option to Accept In Part. This is only available at the CORC level.

Denied = All of the Action(s) Requested by the grievant were considered unfavorable.

Superintendent Decision	CORC Decision	Black	Hispanic	White	Other	Total
Favorable	Accepted In Part	2				2
	N/A	3				3
Unfavorable	Accepted In Part	19	1			20
	Denied	30	3	1		34
	N/A	25	15	6	1	47
	Pending	1	1			2
Pending	N/A	1				1
Unknown (Invalid Grievance #)	Unknown				1	1
Totals		81	20	7	2	110

Ultimate Result	Count	% of Total
Decision Favorable to I/I	25	23%
Decision Unfavorable to I/I	81	74%
Decision Pending Decision	3	3%
Result Unknown	1	1%
Total	110	100%

Appendix 2: Analysis Methodology

The specific data files used by the Inspector General and the methodology employed by the Inspector General to review such data is detailed below.

Incarcerated Population Data:

1. The Inspector General (OIG) obtained Under Custody Data files from DOCCS for 2015, 2016, 2017, 2018, 2019, and 2020. For each year, DOCCS provided data as of June 1 of that year and January 1 of the following year (e.g., for 2015, DOCCS provided data as of 6/1/15 and 1/1/16). The files were in text format. DOCCS provided a file layout that enabled OIG to interpret what the data represented.
2. OIG imported the two text files for each year into Microsoft Excel and Access. The combined data files totaled 558,218 rows of data.
3. For each row of data, OIG calculated the incarcerated individual's age as of the date of the data and categorized the individuals into four different age groups (Under 25, 25 to 29, 30 to 39, 40 and above). OIG also narrowed the reported race and ethnicities into four groups (White, Black, Hispanic, Other). If the data listed an incarcerated individual's ethnicity as Hispanic, OIG considered them Hispanic. If their ethnicity was something other than Hispanic, OIG defaulted to the incarcerated individual's reported race. *Note - In some instances, the data did not include the race and/or ethnicity of an incarcerated individual or listed different races/ethnicities for the same incarcerated individual. See "Notes on Data Quality/OIG Cleansing of Data" below for details on how OIG handled this data.*
4. OIG identified every unique incarcerated individual (based on reported DINs) both for each calendar year (Annual Incarcerated Population) and for the entire period reviewed (Overall Incarcerated Population). If an incarcerated individual was reported in both DOCCS datasets for a given year, OIG only counted this individual once using the demographic information from the more recent dataset. For example, for 2015, if an individual was incarcerated in only one facility during that year and was listed as under 25 according to 6/1/15 data and 25 to 29 according to 1/1/16 data, OIG defaulted to the 1/1/16 data and considered the incarcerated individual to be 25 to 29, ignoring the 6/1/15 data. Ultimately, OIG identified a population of 118,727 unique individuals who were incarcerated at any time between 2015 and 2020. Separately calculating each year's

incarcerated population by identifying all unique DINs for each individual year, and then totaling the populations for each year, resulted in a total of 342,796 rows of data. *See, “Notes on Data Quality/OIG Cleansing of Data” for more details.*

5. OIG separately identified every unique incarcerated individual (based on reported DINs) that was reported for each DOCCS facility each year (Facility-Level Incarcerated Population). For example, if an individual was incarcerated at two facilities in the same year, OIG separately accounted for that individual in the populations for both facilities. OIG did this for each year as well as for the overall 2015-2020 period. OIG identified 275,473 unique combinations of facility and DIN. When totaling each year’s population, OIG produced a file containing 459,489 rows of data. *See, “Notes on Data Quality/OIG Cleansing of Data” for more details.*
6. OIG created multiple queries in Access and Excel to analyze the incarcerated population by age group, race/ethnicity, and various other factors.

Disciplinary Incident Data (Misbehavior Reports and Violations):

7. For each year from 2015 to 2020, OIG obtained Disciplinary Incident files from DOCCS from their FIDS system.¹⁰⁶ DOCCS provided the data in a separate Excel spreadsheet for each year (in 2017, OIG received two spreadsheets; one covering 1/1/17 to 9/30/17 and the second covering 10/1/17 to 12/31/17; OIG combined these files into one spreadsheet). DOCCS provided a file layout that enabled OIG to interpret what the data represented. The combined data files totaled 385,057 rows of data, with each row representing a Misbehavior Report.

For the same time period, OIG subsequently received a second set of Disciplinary Incident files from DOCCS that included identifying information for the DOCCS employees that issued the Misbehavior Reports. DOCCS again provided each year of data in separate Excel spreadsheets, which OIG combined into one Excel file. The combined file included 381,572 Misbehavior Reports, or 3,485 records fewer than the original data file described above. OIG’s reconciliation of the two files found 3,696 Misbehavior Reports were included in the original data but not in the updated data, while 211 Misbehavior Reports were included in the updated data but not in the original data. It appeared at least some of the discrepancy was due to modifications made to the

¹⁰⁶ FIDS is the name of DOCCS’s disciplinary system for incarcerated individuals.

Misbehavior Reports subsequent to the date the original data was provided to OIG. OIG merged its original data with the updated data based on matching DIN, incident year, incident date, and incident time. The resultant file of 385,057 records included information on the reporting employee(s) for 381,361 Misbehavior Reports.

8. For each row of data (i.e., Misbehavior Report), OIG calculated the recipient incarcerated individual's age as of the date of the Misbehavior Report and categorized the individuals into four different age groups (Under 25, 25 to 29, 30 to 39, 40 and above). OIG also narrowed the race and ethnicities of the incarcerated individuals that were issued Misbehavior Reports into four groups (White, Black, Hispanic, Other). If an incarcerated individual's ethnicity was reported as Hispanic, OIG considered them Hispanic. If their ethnicity was reported as something other than Hispanic, OIG defaulted to the incarcerated individual's reported race. *Note - In some instances, the data did not include the race and/or ethnicity of an incarcerated individual or reported different races/ethnicities for the same incarcerated individual. See "Notes on Data Quality/OIG Cleansing of Data" below for details on how OIG handled this data.*
9. DOCCS disciplinary incident data grouped all rule violations associated with each Misbehavior Report into one row of data. To better analyze possible disparities in the issuance and dismissal of individual rule violations, OIG restructured the disciplinary incident data and created a separate violations file, which broke out each rule violation into a unique row of data. This file comprised 1,085,898 rows of data, with each row representing an individual violation.

As described above, the Inspector General subsequently received a second set of disciplinary incident files from DOCCS. OIG merged its violations file with the updated Misbehavior Report data that included the name of the reporting employee file based on matching DIN, incident year, incident date, incident time, and Rule Number. The resultant file of 1,085,898 records included information on the reporting employee, if reported, for each rule violation. DOCCS did not record the reporting employee for 10,608 of the 1,085,898 violations.
10. OIG created multiple queries in Access and Excel to analyze the Misbehavior Reports and violations by age group, race/ethnicity, and various other factors.

Likelihood of Issuing Misbehavior Reports/Violations (Overall):

11. OIG analyzed the Disciplinary Incident Data referenced in step 8 (for Misbehavior Reports) and step 9 (for violations) to identify all unique incarcerated individuals, based on DIN, who were issued a Misbehavior Report/violation. OIG did this individually for each year as well as for the entire period of 2015 to 2020. OIG then divided these results by the Overall Incarcerated Population data referenced in step 4 to determine the likelihood of Misbehavior Reports/violations being issued. OIG narrowed its analysis based on multiple factors such as race/ethnicity, age, incident category, and rule violated.

Likelihood of Issuing Misbehavior Reports/Violations (Facility-Level):

12. OIG analyzed the Disciplinary Incident Data referenced in step 8 (for Misbehavior Reports) and step 9 (for violations) to identify all unique incarcerated individuals, based on DIN, who were issued a Misbehavior Report/violation at each DOCCS facility. OIG did this individually for each year as well as for the entire period of 2015 to 2020. OIG then divided these results by the Facility-Level Incarcerated Population data referenced in step 5 to determine the likelihood of Misbehavior Reports/violations being issued by each facility. OIG narrowed its analysis based on multiple factors such as race/ethnicity, age, incident category, and rule violated.

Disparities in Likelihood of Issuing Misbehavior Reports/Violations:

13. Using the results from step 11, OIG used two different calculations. For calculation 1, OIG used the percentage change formula $((\text{rate 1} - \text{rate 2}) / \text{rate 2})$ to calculate the percentage difference that one race/ethnicity was more or less likely than another race/ethnicity to be issued a Misbehavior Report/violation. For calculation 2, OIG used the following formula $(\text{rate 1} / \text{rate 2})$ to calculate how many times one race/ethnicity was more or less likely than another race/ethnicity to be issued a Misbehavior Report/violation. OIG chose to focus most of its comparisons between the following four groups: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White. OIG calculated disparities individually for each year as well as for the entire period of 2015 to 2020. To illustrate these calculations, assume there are 100 Black incarcerated individuals and 100 White incarcerated individuals. Within those groups, 66, or 66 percent of Black individuals were issued a Misbehavior Report while 33, or 33 percent of White individuals were issued a Misbehavior Report.

Calculation 1: $(66\% - 33\%) / 33\% = 1$ or 100%, meaning Black incarcerated individuals were 100 percent more likely than White incarcerated individuals to be issued a Misbehavior Report.

Calculation 2: $(66\% / 33\%) = 2$, meaning Black individuals were twice as likely as White incarcerated individuals to be issued a Misbehavior Report. Stated differently, for every 100 incarcerated individuals in each race, there were twice as many Black incarcerated individuals that were issued a Misbehavior Report than White incarcerated individuals.

14. To calculate disparities at a facility level, OIG used the results from step 12 and the same percentage change formulas described in step 13 to calculate the extent to which a particular race/ethnicity population at a facility was more or less likely than another race/ethnicity at the same facility to be issued a Misbehavior Report/violation. OIG again chose to focus most of its comparisons between the following four groups: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White. OIG calculated disparities individually for each year as well as for the entire period of 2015 to 2020.
15. OIG ranked facilities based on their racial/ethnic disparities. Specifically, OIG individually ranked the overall disparities calculated for facilities in step 14 for each of the four comparisons: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White. Facilities were ranked from 1 to 54, with 1 being the facility with the largest disparity. OIG then combined the rankings for these four comparisons to compute a combined ranking score for each facility. The facilities with the smallest combined ranking score were those with the largest overall disparities. OIG separately ranked facilities based on their overall combined ranking score when excluding Black vs. Hispanic disparities.
16. OIG further analyzed these racial/ethnic disparities by age, incident category, and rule violation. To help limit the possible skewing of results, OIG excluded any disparities from its analysis in which both populations being compared were smaller than 50. For example, at Clinton, OIG calculated that Black incarcerated individuals were nearly 153 percent more likely than White incarcerated individuals to have been issued a Misbehavior Report for an incident related to an attempted escape. However, OIG excluded this finding from its analysis and did not factor it into its facility rankings

because there were only 45 Black incarcerated individuals and six White incarcerated individuals at Clinton that were issued such a Misbehavior Report.

Average Misbehavior Report/Violation Rates:

17. For each race/ethnicity (White, Black, Hispanic, Other) and age group (Under 25, 25 to 29, 30 to 39, 40 and above), OIG calculated an average rate of Misbehavior Reports issued and violations charged per incarcerated individual by dividing the number of Misbehavior Reports and violations reported for a particular race/ethnicity by the number of incarcerated individuals in that group, both overall and for each year. OIG separately calculated average Misbehavior Report and violation rates for each DOCCS facility, both overall and by year, by dividing the number of Misbehavior Reports and violations reported for each facility by each facility's population.

Disparities in Average Misbehavior Reports and Violations:

18. Using the average Misbehavior Report and violation rates described in Step 17, OIG used the percentage change formula $((\text{rate 1} - \text{rate 2}) / \text{rate 2})$ to calculate disparities between different race/ethnicities. OIG chose to focus most of its comparisons of these average rates between the following four groups: Black vs. White, Black vs. Hispanic, Hispanic vs. White, and Other vs. White.
19. To calculate disparities at a facility level, OIG first aggregated its results from step 8 by the facility where a Misbehavior Report was issued; and its results from step 9 by the facility where the reported violation occurred. OIG then followed the same methodology described in step 18 to compute percentage disparities in Misbehavior Reports and violations between different races/ethnicities.
20. To help limit the possible skewing of results by smaller facilities, OIG then weighted its results from step 19 utilizing two different statistics: a population factor and a misbehavior factor. OIG calculated two different weights, one for its analysis of Misbehavior Reports and one for its analysis of violations. Specifically:
 - a. Population Factor: OIG used the incarcerated population data results from step 5 and calculated each facility's percentage share of the total number of incarcerated individuals between 2015 and 2020.

- b. Misbehavior Factor (for Misbehavior Report analyses): OIG used the results from step 8 to calculate each facility's percentage share of the total Misbehavior Reports issued between 2015 and 2020.
- c. Misbehavior Factor (for violation analyses): OIG used the results from step 9 to calculate each facility's percentage share of the total violations reported between 2015 and 2020.
- d. Weight for Misbehavior Report Analyses: OIG averaged each facility's percentage share of the incarcerated population (from step 20a) with its percentage share of total Misbehavior Reports (from step 20b). The result was a numerical weight for each facility that OIG multiplied by each facility's calculated disparities from step 19 to compute weighted average disparities.
- e. Weight for Violation Analyses: OIG averaged each facility's percentage share of the incarcerated population (from step 20a) with its percentage share of total violations (from step 20c). The result was a numerical weight for each facility that OIG multiplied by each facility's calculated disparities from step 19 to compute weighted average disparities.¹⁰⁷

Analysis of Demographics of DOCCS's Workforce:

The Inspector General's analysis of the demographics of DOCCS's workforce was based on the following records:

- File provided to the Inspector General by DOCCS that listed annual racial/ethnic demographics for DOCCS's employees at 52 correctional facilities for the period 2015 to 2022 (Workforce Data).
 - *No staffing data was provided by DOCCS for Lincoln* or Livingston* Correctional Facilities.*
 - *Data for Elmira Correctional Facility was only provided for 2022.*
- US Census Bureau: 2020 Decennial Census Data which provided population estimates, by race/ethnicity, for each county in New York State as per the 2020 census (Census Data). [Link to Source Data](#)

¹⁰⁷ Notably, the resulting weighted average values calculated in step 13d and 13e have no significant utility in terms of their values. Instead, they are solely used to adjust the ranking of facility disparities to help reduce skewed results.

- DOCCS facility map as of April 2021 found on DOCCS's website. The map identified the county and DOCCS's hub where each facility was located. This map was updated subsequent to completing this analysis and is no longer available online.
- Map entitled "OSC ECONOMIC REGIONS* OF NEW YORK STATE" obtained off the Office of the New York State Comptroller's website. This map was used to associate each county with a particular region in the State. [Link](#)

Methodology:

1. Using the Workforce Data provided by DOCCS, the Inspector General identified the racial breakdown of staff at each facility and statewide.
2. Using the Census Data, DOCCS's facility map, and the Office of the New York State Comptroller's economic regions map described above, the Inspector General identified the racial breakdown of the population in each county, economic region, and DOCCS hub.
3. The Inspector General used the results from Step 1 and 2 to analyze racial disparities between DOCCS's workforce at each facility to the population in the county, region, and DOCCS's Hub in which the facilities are located. The Inspector General also compared the racial demographics of DOCCS workforce at each facility to the racial demographics of the incarcerated population at each facility.
4. The Inspector General compared the results from Step 3 to the facilities' racial disparities in issuing misbehavior reports.

Notes on Data Quality/OIG Cleansing of Data

In both the incarcerated population data and disciplinary incident data, OIG identified inconsistencies and omissions of data relevant to its analysis. To the extent possible, OIG manually updated the datasets to be more consistent and complete. Specifically:

Incarcerated Population (Overall):

- From the incarcerated population data provided by DOCCS, OIG identified 116,136 unique DINs across the review period of 2015-2020, representing the number of individuals who were incarcerated at any time during this period.

- When analyzed individually for each year and totaling the annual populations, OIG produced a file with 332,619 rows of data:

Number of Unique Individuals Incarcerated Each Year per Population Data	
Year	Unique DINs
2015	61,293
2016	60,712
2017	59,278
2018	56,468
2019	53,044
2020	41,824
Total	332,619

- OIG's analysis of the disciplinary incident data identified 9,728 individuals (based on DIN) that were issued a Misbehavior Report but were not included in DOCCS's incarcerated population data for the same year. Some of these individuals were issued Misbehavior Reports in multiple years, meaning they were not represented in DOCCS's population data for multiple years. When accounting for each of these additional individuals separately for each year, OIG added 10,177 rows to the total incarcerated population file, resulting in a total of 342,796 rows of data. (When not broken down by year, OIG identified 118,727 unique individuals incarcerated at any point between 2015 and 2020.):

Additional Incarcerated Individuals OIG Identified from Misbehavior Report Data	
Year	Unique DINs
2015	2,035
2016	1,549
2017	1,825
2018	1,713
2019	1,659
2020	1,396
Total	10,177

Minimum Number of Individuals Incarcerated Each Year	
Year	Unique DINs
2015	63,328
2016	62,261
2017	61,103
2018	58,181
2019	54,703
2020	43,220
Total	342,796

- OIG analyzed the reported race/ethnicity for all incarcerated individuals in each of the years of data and identified over 1,800 individuals for whom DOCCS reported inconsistent races/ethnicities (two to three different races/ethnicities were reported for the same DIN). To address this inconsistency, OIG modified the race/ethnicity for these individuals using two different methods. OIG first deferred to the race/ethnicity reported most frequently for that individual by DOCCS in its population data. When this method did not provide reliable results, OIG accessed DOCCS's online [Incarcerated Lookup](#), searched by DIN, and utilized the race/ethnicity reported by DOCCS on this site.

- OIG also found DOCCS did not fully report a race/ethnicity for some individuals in its population data. In such cases, OIG reviewed the disciplinary incident data to see if that individual was issued a Misbehavior Report, and if so, used the race/ethnicity reported in the disciplinary incident data for that individual. Ultimately, OIG did not identify a race/ethnicity for 1,017 of the 342,796 rows of data in its incarcerated population file. Since this number was relatively small compared to the total population (less than 0.3 percent of total) and therefore unlikely to significantly affect results, OIG chose to not manually search for each individual's race/ethnicity using DOCCS's Incarcerated Lookup and instead reported the race/ethnicity of these individuals as "Not Reported."

Incarcerated Population (Facility Level):

- Incarcerated individuals often move between facilities in a given year, sometimes multiple times. In such instances, they are part of the populations of multiple facilities during that year. The Overall incarcerated individuals population figures identified by OIG and described above only accounted for each individual once per year and do not take into account where they were incarcerated. To calculate accurate statistics for each facility, such as the average number of Misbehavior Reports, it was necessary to identify all individuals who were incarcerated at each facility each year. To do so, OIG aggregated its primary incarcerated population datafile of 558,218 records by DIN, facility, and year. The result was a total facility-level population file of 403,058 records.
- As described above, OIG's analysis of the disciplinary incident data identified individuals that were issued a Misbehavior Report but were not included in DOCCS's population data for the same year, resulting in OIG adding 11,083 to the total facility-level incarcerated population file and increasing it to 414,141. OIG's analysis of the disciplinary incident data on a facility level for each year identified an additional 27,434 individuals (based on DIN and facility where the Misbehavior Report was issued) that were issued a Misbehavior Report at a particular facility during a specific year, were included in DOCCS population data for that year, but were not included in DOCCS's population data for the facility where the individual was issued the Misbehavior Report that year. Accounting for each of these additional incarcerated individual-facility combinations for each year added an additional 45,348 rows to the total facility-level incarcerated population file, increasing the total to 459,489 records.

Number of Unique Incarcerated Individuals/Facility Combinations Each Year, per Population Data	
Year	Unique DINs
2015	77,104
2016	75,292
2017	74,040
2018	70,445
2019	66,326
2020	50,934
Total	414,141

Additional Incarcerated Individuals OIG Identified from Facility-Level Misbehavior Report Data	
Year	Unique DINs
2015	8,019
2016	8,456
2017	8,319
2018	8,582
2019	8,239
2020	3,733
Total	45,348

Minimum Facility-Level Number of Individuals Incarcerated Each Year	
Year	Unique DINs
2015	85,123
2016	83,748
2017	82,359
2018	79,027
2019	74,565
2020	54,667
Total	459,489

- Where necessary, OIG “cleaned” an incarcerated individual’s reported race/ethnicity for this facility-level data using the same procedures described above for the overall population data (deferred to most frequently reported information or searched DOCCS online Incarcerated Lookup system). OIG also “cleaned” the facility names to make them consistent and easier to analyze by standardizing (e.g., converting all variations of Clinton Correctional Facility including Clinton Annex, Clinton APPU, and Clinton Gen to simply Clinton) and converting locations reported as a number to their corresponding facility name (e.g., changing 276 to Hudson).

Disciplinary Incident Data (Overall):

- OIG identified 75,154 unique DINs across the review period of 2015-2020, representing the number of individuals who were issued a Misbehavior Report at any time during this period.
- When analyzed to separately identify all unique incarcerated individuals that were issued a Misbehavior Report each year and then totaling the results, OIG produced a file with 158,716 records:

Number of Unique Incarcerated Individuals/Facility Combinations that Received a Misbehavior Report Each Year, per Population Data	
Year	Unique DINs
2015	29,002
2016	28,199
2017	28,211
2018	27,104
2019	25,888
2020	20,312
Total	158,716

- There were over 500 DINs reported in the disciplinary incident data with inconsistent races/ethnicities reported by DOCCS (same DIN with two to three reported races/ethnicities). Where necessary, OIG “cleaned” individual’s reported race/ethnicity for this data using the same procedures described above (deferred to most frequently reported information or searched DOCCS online Incarcerated Lookup system).

- As reported above, OIG identified 9,728 individuals, equating to a total annualized population of 10,177, who were issued Misbehavior Reports but were not included in DOCCS's incarcerated population data.

Disciplinary Incident Data (Facility Level):

- OIG identified 75,154 unique DINs that were issued a Misbehavior Report across the review period of 2015 to 2020. When analyzed further by the facility where they were issued the Misbehavior Report and the year they were issued it and then totaling each year's results, OIG produced a file containing 200,247 records.
- As reported above, OIG identified over 27,000 individuals, equating to a total annualized population of 45,348, who were issued Misbehavior Reports at a facility in a specific year, were in DOCCS's incarcerated population for that year, but were not included in DOCCS's incarcerated population data for the facility where they were issued the Misbehavior Report.
- Where necessary, OIG "cleaned" an incarcerated individual's reported race/ethnicity for this facility-level data using the same procedures described above for the overall population data (deferred to most frequently reported information or searched DOCCS online Incarcerated Lookup system). OIG also "cleaned" the facility names to make them consistent and easier to analyze by standardizing facility names (e.g., converting all variations of Clinton including Clinton Annex, Clinton APPU, and Clinton Gen to Clinton) and converting locations reported as a number to their corresponding facility name (e.g., changing 276 to Hudson).

Appendix 3: Average Number of Misbehavior Reports by Race/Ethnicity and Age Group

Average Number of Misbehavior Reports Issued to Incarcerated Individuals												
2015	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	1,620	2,507	1.55	4,977	10,994	2.21	1,969	4,260	2.16	270	481	1.78
25 to 29	2,837	3,289	1.16	5,598	8,344	1.49	2,346	3,071	1.31	315	390	1.24
30 to 39	4,753	4,091	0.86	8,833	9,287	1.05	4,254	4,291	1.01	466	417	0.89
40 and Older	6,956	3,734	0.54	11,759	7,673	0.65	5,488	3,590	0.65	679	395	0.58
Total	16,166	13,621	0.84	31,167	36,298	1.16	14,057	15,212	1.08	1,730	1,683	0.97
2016	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	1,369	2,079	1.52	4,179	8,960	2.14	1,744	3,389	1.94	264	507	1.92
25 to 29	2,847	3,401	1.19	5,593	8,699	1.56	2,383	3,328	1.40	382	464	1.21
30 to 39	4,871	4,511	0.93	8,870	9,806	1.11	4,251	4,404	1.04	540	497	0.92
40 and Older	6,912	3,843	0.56	11,638	7,574	0.65	5,547	3,756	0.68	693	408	0.59
Total	15,999	13,834	0.86	30,280	35,039	1.16	13,925	14,877	1.07	1,879	1,876	1.00
2017	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	1,257	1,952	1.55	3,952	8,769	2.22	1,645	3,695	2.25	259	477	1.84
25 to 29	2,663	3,431	1.29	5,402	9,152	1.69	2,352	3,595	1.53	361	505	1.40
30 to 39	4,983	5,050	1.01	8,748	10,361	1.18	4,292	4,803	1.12	560	551	0.98
40 and Older	6,727	3,791	0.56	11,500	7,691	0.67	5,536	3,622	0.65	697	422	0.61
Total	15,630	14,224	0.91	29,602	35,973	1.22	13,825	15,715	1.14	1,877	1,955	1.04
2018	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	1,081	1,771	1.64	3,335	8,065	2.42	1,432	3,067	2.14	209	358	1.71
25 to 29	2,374	3,134	1.32	5,123	8,911	1.74	2,222	3,831	1.72	349	659	1.89
30 to 39	4,971	5,197	1.05	8,602	10,817	1.26	4,095	4,625	1.13	561	703	1.25
40 and Older	6,508	3,826	0.59	11,107	7,966	0.72	5,371	3,866	0.72	658	410	0.62
Total	14,934	13,928	0.93	28,167	35,759	1.27	13,120	15,389	1.17	1,777	2,130	1.20
2019	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	935	1,640	1.75	2,851	7,318	2.57	1,260	2,860	2.27	171	390	2.28
25 to 29	2,066	2,796	1.35	4,677	8,995	1.92	2,100	3,766	1.79	299	553	1.85
30 to 39	4,787	4,934	1.03	8,364	10,948	1.31	3,944	4,928	1.25	545	643	1.18
40 and Older	6,192	3,607	0.58	10,623	7,771	0.73	5,105	3,538	0.69	628	373	0.59
Total	13,980	12,977	0.93	26,515	35,032	1.32	12,409	15,092	1.22	1,643	1,959	1.19
2020	White			Black			Hispanic			Other		
Age	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate	Inc. Ind.	M/R	Rate
Under 25	639	1,082	1.69	1,919	5,338	2.78	788	2,013	2.55	114	326	2.86
25 to 29	1,352	1,938	1.43	3,582	7,355	2.05	1,630	3,221	1.98	214	402	1.88
30 to 39	3,466	3,406	0.98	6,850	9,781	1.43	3,155	4,161	1.32	427	498	1.17
40 and Older	5,106	2,457	0.48	9,086	6,548	0.72	4,204	2,878	0.68	565	296	0.52
Total	10,563	8,883	0.84	21,437	29,022	1.35	9,777	12,273	1.26	1,320	1,522	1.15
<i>Inc. Ind. = Number of Incarcerated Individuals M/R = Number of Misbehavior Reports Issued Rate = Average Number of Misbehavior Reports per Incarcerated Individual</i>												

ALL GROUPS		
Inc. Ind.	M/R	Rate
8,865	18,314	2.07
11,132	15,129	1.36
18,368	18,128	0.99
24,963	15,426	0.62
63,328	66,997	1.06

ALL GROUPS		
Inc. Ind.	M/R	Rate
7,578	14,956	1.97
11,232	15,927	1.42
18,584	19,244	1.04
24,867	15,602	0.63
62,261	65,729	1.06

ALL GROUPS		
Inc. Ind.	M/R	Rate
7,122	14,906	2.09
10,811	16,730	1.55
18,639	20,809	1.12
24,531	15,560	0.63
61,103	68,005	1.11

ALL GROUPS		
Inc. Ind.	M/R	Rate
6,068	13,265	2.19
10,102	16,575	1.64
18,291	21,395	1.17
23,720	16,094	0.68
58,181	67,329	1.16

ALL GROUPS		
Inc. Ind.	M/R	Rate
5,223	12,214	2.34
9,177	16,153	1.76
17,690	21,497	1.22
22,613	15,318	0.68
54,703	65,182	1.19

ALL GROUPS		
Inc. Ind.	M/R	Rate
3,462	8,759	2.53
6,800	12,947	1.90
13,936	17,911	1.29
19,022	12,198	0.64
43,220	51,815	1.20

Appendix 4: Racial/Ethnic Disparities in the Average Number of Misbehavior Reports

Racial/Ethnic Disparities in the Average Number of Misbehavior Reports Issued								
Year	Age Group	Black vs White	Black vs Hispanic	Black vs. Other	Hispanic vs White	Hispanic vs. Other	Other vs. White	Non-White vs. White
2015	<25	42.74%	2.10%	24.00%	39.81%	21.45%	15.12%	40.91%
	25-29	28.57%	13.86%	20.39%	12.91%	5.73%	6.79%	23.29%
	30-39	22.15%	4.23%	17.49%	17.19%	12.72%	3.97%	19.97%
	40+	21.56%	(0.25%)	12.17%	21.86%	12.45%	8.37%	21.15%
	Overall	38.22%	7.62%	19.72%	28.44%	11.24%	15.46%	34.45%
2016	<25	41.18%	10.33%	11.64%	27.96%	1.19%	26.46%	36.83%
	25-29	30.20%	11.37%	28.05%	16.91%	14.98%	1.68%	25.11%
	30-39	19.38%	6.71%	20.12%	11.87%	12.56%	(0.62%)	16.25%
	40+	17.05%	(3.89%)	10.54%	21.79%	15.01%	5.89%	18.09%
	Overall	33.83%	8.31%	15.90%	23.56%	7.01%	15.47%	29.97%
2017	<25	42.89%	(1.22%)	20.48%	44.65%	21.96%	18.60%	42.31%
	25-29	31.50%	10.84%	21.11%	18.63%	9.26%	8.58%	26.75%
	30-39	16.87%	5.84%	20.37%	10.42%	13.73%	(2.91%)	14.02%
	40+	18.67%	2.22%	10.46%	16.10%	8.06%	7.44%	17.43%
	Overall	33.53%	6.91%	16.67%	24.91%	9.14%	14.45%	30.11%
2018	<25	47.61%	12.91%	41.18%	30.73%	25.04%	4.55%	40.94%
	25-29	31.76%	0.89%	(7.88%)	30.60%	(8.69%)	43.03%	31.94%
	30-39	20.28%	11.34%	0.35%	8.03%	(9.87%)	19.86%	16.48%
	40+	22.00%	(0.36%)	15.10%	22.44%	15.52%	5.99%	21.52%
	Overall	36.12%	8.24%	5.91%	25.77%	(2.14%)	28.52%	32.65%
2019	<25	46.34%	13.08%	12.55%	29.41%	(0.48%)	30.03%	40.71%
	25-29	42.11%	7.24%	3.99%	32.51%	(3.04%)	36.66%	39.03%
	30-39	26.99%	4.76%	10.94%	21.23%	5.91%	14.47%	24.69%
	40+	25.58%	5.55%	23.16%	18.97%	16.68%	1.96%	22.61%
	Overall	42.33%	8.63%	10.81%	31.02%	2.00%	28.45%	38.31%
2020	<25	64.28%	8.89%	(2.73%)	50.87%	(10.67%)	68.88%	60.72%
	25-29	43.25%	3.91%	9.31%	37.86%	5.19%	31.05%	41.15%
	30-39	45.30%	8.27%	22.43%	34.21%	13.08%	18.68%	40.86%
	40+	49.77%	5.27%	37.56%	42.27%	30.67%	8.87%	45.82%
	Overall	60.99%	7.85%	17.41%	49.27%	8.87%	37.11%	56.50%
The above values represent the percentage difference in the average number of Misbehavior Reports each incarcerated individual in the first race/ethnic group was issued compared to each incarcerated individual in the second race/ethnic group. Results are further broken down by age group.								

Appendix 5: Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, by Incident Category

Racial/Ethnic Disparities in the Likelihood of Being Issued a Misbehavior Report, by Incident Category								
Incident Category	Comparison	2015	2016	2017	2018	2019	2020	Overall
Assaultive	Black vs White	198.6%	161.3%	185.9%	205.0%	150.3%	166.0%	184.8%
Assaultive	Hispanic vs White	180.2%	156.4%	171.3%	195.9%	146.9%	170.3%	158.7%
Assaultive	Other vs White	138.7%	73.9%	102.4%	129.7%	88.6%	67.1%	97.9%
Potentially Violent	Black vs White	76.4%	69.7%	70.7%	75.8%	85.6%	80.7%	72.5%
Violent	Black vs White	63.2%	70.7%	59.2%	63.6%	67.2%	74.3%	66.1%
Escape	Black vs White	(10.2%)	35.0%	72.0%	59.1%	81.1%	22.3%	55.8%
Violent	Hispanic vs White	58.1%	54.1%	54.9%	52.3%	52.6%	66.9%	54.1%
Potentially Violent	Hispanic vs White	46.2%	45.2%	42.2%	48.1%	55.2%	57.0%	44.7%
Non-Violent	Black vs White	44.9%	44.3%	45.5%	52.1%	48.7%	48.7%	44.2%
Escape	Black vs Other	79.5%	1.9%	80.7%	75.1%	22.4%	(17.5%)	43.9%
Assaultive	Black vs Other	25.1%	50.3%	41.3%	32.8%	32.8%	59.2%	43.9%
Violent	Other vs White	30.5%	43.7%	30.1%	40.8%	40.3%	40.3%	36.6%
Potentially Violent	Other vs White	48.5%	30.3%	21.5%	35.1%	51.0%	32.0%	34.0%
Escape	Hispanic vs White	(3.5%)	27.7%	32.4%	16.9%	51.8%	56.1%	33.0%
Assaultive	Hispanic vs Other	17.4%	47.4%	34.0%	28.8%	30.9%	61.8%	30.7%
Potentially Violent	Black vs Other	18.8%	30.3%	40.6%	30.1%	22.9%	36.9%	28.7%
Non-Violent	Hispanic vs White	20.4%	20.6%	24.1%	27.3%	26.4%	30.3%	23.4%
Escape	Hispanic vs Other	92.8%	(3.6%)	39.2%	28.7%	2.6%	5.3%	22.9%
Violent	Black vs Other	25.0%	18.8%	22.4%	16.2%	19.2%	24.3%	21.6%
Non-Violent	Other vs White	16.8%	10.0%	24.0%	27.8%	24.9%	30.9%	21.3%
Potentially Violent	Black vs Hispanic	20.7%	16.8%	20.1%	18.7%	19.6%	15.1%	19.2%
Non-Violent	Black vs Other	24.1%	31.1%	17.3%	19.1%	19.1%	13.6%	18.8%
Escape	Black vs Hispanic	(6.9%)	5.8%	29.9%	36.1%	19.3%	(21.6%)	17.1%
Non-Violent	Black vs Hispanic	20.3%	19.7%	17.3%	19.5%	17.7%	14.1%	16.9%
Violent	Hispanic vs Other	21.2%	7.2%	19.1%	8.2%	8.8%	19.0%	12.8%
Drugs/Alcohol	Hispanic vs Other	25.9%	16.4%	9.8%	0.4%	14.5%	22.4%	10.9%
Assaultive	Black vs Hispanic	6.6%	1.9%	5.4%	3.1%	1.4%	(1.6%)	10.1%
Life/Safety	Black vs White	(7.3%)	(11.2%)	(6.3%)	(3.9%)	(0.2%)	17.1%	9.7%
Life/Safety	Other vs White	(3.1%)	(4.4%)	0.3%	12.0%	13.4%	18.9%	8.7%
Escape	Other vs White	(49.9%)	32.4%	(4.8%)	(9.1%)	48.0%	48.2%	8.2%
Potentially Violent	Hispanic vs Other	(1.6%)	11.5%	17.1%	9.6%	2.8%	18.9%	7.9%
Violent	Black vs Hispanic	3.2%	10.8%	2.8%	7.4%	9.5%	4.4%	7.8%
Drugs/Alcohol	Hispanic vs White	6.7%	(7.1%)	(10.5%)	(13.3%)	(10.3%)	14.6%	5.9%
Life/Safety	Black vs Hispanic	0.1%	(0.3%)	2.1%	2.0%	(1.2%)	(2.1%)	5.3%
Life/Safety	Hispanic vs White	(7.3%)	(10.9%)	(8.3%)	(5.8%)	1.0%	19.7%	4.2%
Drugs/Alcohol	Black vs Other	9.5%	(4.4%)	(15.7%)	(25.3%)	(8.7%)	15.9%	1.9%
Non-Violent	Hispanic vs Other	3.1%	9.6%	0.1%	(0.4%)	1.2%	(0.5%)	1.7%
Life/Safety	Black vs Other	(4.2%)	(7.1%)	(6.7%)	(14.2%)	(12.0%)	(1.5%)	1.0%
Drugs/Alcohol	Black vs White	(7.2%)	(23.8%)	(31.3%)	(35.5%)	(28.5%)	8.5%	(2.7%)
Life/Safety	Hispanic vs Other	(4.3%)	(6.8%)	(8.6%)	(15.9%)	(10.9%)	0.6%	(4.1%)
Drugs/Alcohol	Other vs White	(15.2%)	(20.2%)	(18.5%)	(13.7%)	(21.6%)	(6.4%)	(4.5%)
Drugs/Alcohol	Black vs Hispanic	(13.0%)	(17.9%)	(23.2%)	(25.6%)	(20.3%)	(5.3%)	(8.2%)
Values represent the greater or (lesser) percentage likelihood that an individual in the first race/ethnic group was Issued a Misbehavior Report compared to an individual in the second race/ethnic group								

Appendix 6: Racial/Ethnic Disparities in the Issuance of Misbehavior Reports, by Age Group

	Racial/Ethnic Disparities in the Share of Misbehavior Reports Issued vs. Share of Incarcerated Population, by Age Group						
Race/Age Group	2015	2016	2017	2018	2019	2020	Overall
Black:							
Under 25	8.6%	6.9%	6.4%	6.2%	6.0%	5.9%	7.4%
25 to 29	3.6%	4.3%	4.6%	4.4%	5.3%	5.9%	4.8%
30 to 39	(0.1%)	0.7%	0.9%	1.3%	1.5%	3.0%	1.4%
40 and Older	(7.1%)	(7.2%)	(7.5%)	(7.3%)	(7.5%)	(8.4%)	(6.4%)
Hispanic:							
Under 25	3.2%	2.4%	2.7%	2.1%	2.1%	2.1%	2.6%
25 to 29	0.9%	1.2%	1.4%	1.9%	1.9%	2.4%	1.5%
30 to 39	(0.3%)	(0.1%)	0.0%	(0.2%)	0.4%	0.7%	(0.2%)
40 and Older	(3.3%)	(3.2%)	(3.7%)	(3.5%)	(3.9%)	(4.2%)	(3.5%)
White:							
Under 25	1.2%	1.0%	0.8%	0.8%	0.8%	0.6%	0.8%
25 to 29	0.4%	0.6%	0.7%	0.6%	0.5%	0.6%	0.1%
30 to 39	(1.4%)	(1.0%)	(0.7%)	(0.8%)	(1.2%)	(1.4%)	(2.1%)
40 and Older	(5.4%)	(5.3%)	(5.4%)	(5.5%)	(5.8%)	(7.1%)	(6.0%)
Other:							
Under 25	0.3%	0.3%	0.3%	0.2%	0.3%	0.4%	0.3%
25 to 29	0.1%	0.1%	0.2%	0.4%	0.3%	0.3%	0.2%
30 to 39	(0.1%)	(0.1%)	(0.1%)	0.1%	(0.0%)	(0.0%)	(0.1%)
40 and Older	(0.5%)	(0.5%)	(0.5%)	(0.5%)	(0.6%)	(0.7%)	(0.5%)
Not Reported:							
Under 25	0.1%	(0.0%)	0.0%	(0.0%)	(0.0%)	(0.0%)	0.0%
25 to 29	(0.0%)	0.0%	0.0%	0.0%	0.0%	0.0%	(0.0%)
30 to 39	(0.0%)	(0.0%)	(0.0%)	(0.0%)	(0.0%)	0.0%	(0.0%)
40 and Older	(0.1%)	(0.1%)	(0.1%)	(0.1%)	(0.1%)	(0.1%)	(0.1%)
All Races:							
Under 25	13.3%	10.6%	10.3%	9.3%	9.2%	8.9%	11.0%
25 to 29	5.0%	6.2%	6.9%	7.3%	8.0%	9.3%	6.6%
30 to 39	(1.9%)	(0.6%)	0.1%	0.3%	0.6%	2.3%	(1.0%)
40 and Older	(16.4%)	(16.2%)	(17.3%)	(16.9%)	(17.8%)	(20.5%)	(16.6%)

Above values represent the greater or (lesser) share of Misbehavior Reports each race/age group was issued when compared to that group's share of the total incarcerated population for that age group.

Appendix 7: Number of Misbehavior Reports Issued by DOCCS Facilities

Number Of Misbehavior Reports Issued, By Facility										
Facility	Security Level	2015	2016	2017	2018	2019	2020	Total	% of Total	% Change 2020 vs 2015
Clinton	Maximum	3,323	4,003	4,697	4,693	4,883	3,700	25,299	6.57%	11.3%
Gowanda	Medium	3,590	3,330	2,932	2,552	2,528	1,360	16,292	4.23%	(62.1%)
Great Meadow	Maximum	2,470	2,287	2,628	2,790	3,095	2,983	16,253	4.22%	20.8%
Auburn	Maximum	2,467	2,341	2,559	2,769	2,458	1,938	14,532	3.77%	(21.4%)
Midstate	Medium	2,654	2,735	2,411	2,626	2,430	1,468	14,324	3.72%	(44.7%)
Franklin	Medium	2,871	2,315	2,431	2,133	2,582	1,623	13,955	3.62%	(43.5%)
Attica	Maximum	1,550	2,174	2,833	2,792	2,481	1,903	13,733	3.57%	22.8%
Five Points	Maximum	1,795	2,095	2,457	2,560	2,162	2,322	13,391	3.48%	29.4%
Bare Hill	Medium	2,868	2,398	2,415	2,119	1,971	1,420	13,191	3.43%	(50.5%)
Sing Sing	Maximum	1,468	1,606	2,090	2,217	3,077	1,671	12,129	3.15%	13.8%
Mohawk	Medium	1,706	1,632	2,338	2,138	2,118	1,656	11,588	3.01%	(2.9%)
Wyoming	Medium	2,429	2,400	1,730	1,652	1,496	1,110	10,817	2.81%	(54.3%)
Fishkill	Medium	1,745	1,969	1,776	1,913	1,522	1,439	10,364	2.69%	(17.5%)
Marcy	Medium	1,898	1,621	1,938	1,882	1,489	1,437	10,265	2.67%	(24.3%)
Greene	Medium	1,893	1,420	1,639	1,636	1,802	1,787	10,177	2.64%	(5.6%)
Collins	Medium	1,641	1,811	1,621	1,608	1,729	1,726	10,136	2.63%	5.2%
Green Haven	Maximum	1,506	1,627	1,505	1,857	1,794	1,688	9,977	2.59%	12.1%
Elmira	Maximum	1,569	1,647	1,513	1,807	1,729	1,669	9,934	2.58%	6.4%
Washington	Medium	1,950	1,535	1,359	1,272	1,376	1,388	8,880	2.31%	(28.8%)
Albion	Medium	1,259	1,205	1,680	1,552	1,626	1,067	8,389	2.18%	(15.3%)
Upstate	Maximum	1,601	1,442	1,406	1,386	1,352	840	8,027	2.08%	(47.5%)
Groveland	Medium	1,215	1,426	1,328	1,536	1,332	1,167	8,004	2.08%	(4.0%)
Downstate	Maximum	1,507	1,828	1,575	1,495	948	624	7,977	2.07%	(58.6%)
Gouverneur	Medium	1,292	1,173	989	1,067	1,322	1,594	7,437	1.93%	23.4%
Wende	Maximum	971	1,034	1,189	1,189	1,081	1,003	6,467	1.68%	3.3%
Orleans	Medium	1,097	1,158	1,466	1,080	1,015	642	6,458	1.68%	(41.5%)
Bedford Hills	Maximum	1,071	1,139	1,041	1,021	1,337	829	6,438	1.67%	(22.6%)
Riverview	Medium	1,136	971	911	1,068	1,094	848	6,028	1.57%	(25.4%)
Coxsackie	Maximum	1,011	1,100	1,059	1,063	907	872	6,012	1.56%	(13.7%)
Livingston	Medium	1,314	1,210	1,338	1,082	390		5,334	1.39%	(100.0%)
Sullivan	Maximum	1,085	778	741	828	809	835	5,076	1.32%	(23.0%)
Cape Vincent	Medium	1,085	758	749	690	954	708	4,944	1.28%	(34.7%)
Southport	Maximum	686	897	763	624	581	824	4,375	1.14%	20.1%
Lakeview	Minimum	988	828	921	751	423	350	4,261	1.11%	(64.6%)
Eastern	Maximum	785	719	694	631	676	677	4,182	1.09%	(13.8%)
Watertown	Medium	757	606	635	946	792	364	4,100	1.06%	(51.9%)
Willard	DTC	824	767	621	478	706	568	3,964	1.03%	(31.1%)
Shawangunk	Maximum	518	533	737	716	568	527	3,599	0.93%	1.7%
Cayuga	Medium	837	666	746	472	441	410	3,572	0.93%	(51.0%)
Woodbourne	Medium	563	531	557	553	492	394	3,090	0.80%	(30.0%)
Ulster	Medium	585	638	561	462	407	339	2,992	0.78%	(42.1%)
Altona	Medium	497	590	484	555	473	385	2,984	0.77%	(22.5%)
Wallkill	Medium	347	456	425	450	422	326	2,426	0.63%	(6.1%)
Ogdensburg	Medium	479	377	404	492	397	275	2,424	0.63%	(42.6%)
Queensboro	Minimum	536	491	333	384	315	185	2,244	0.58%	(65.5%)
Adirondack	Medium	448	449	601	163	229	53	1,943	0.50%	(88.2%)
Taconic	Medium	273	267	200	355	371	251	1,717	0.45%	(8.1%)
Otisville	Medium	180	243	197	332	325	216	1,493	0.39%	20.0%
Hale Creek	Medium	299	166	227	281	132	172	1,277	0.33%	(42.5%)
Hudson	Medium	209	125	269	306	271	85	1,265	0.33%	(59.3%)
Edgecombe	Minimum	57	82	77	115	125	44	500	0.13%	(22.8%)
Moriah	Minimum	49	75	67	58	54	47	350	0.09%	(4.1%)
Lincoln	Minimum	25	33	100	98	81		337	0.09%	(100.0%)
Rochester	Minimum	18	22	42	34	12	6	134	0.03%	(66.7%)
Totals		66,997	65,729	68,005	67,329	65,182	51,815	385,057	100%	(22.7%)

Appendix 8: Facility Trends (2020 vs. 2015) – Misbehavior Reports Issued vs. Incarcerated Population

Facility	Security Level	Change in Incarcerated Population	Change In Number of Misbehavior Reports Issued	Difference
Southport	Maximum	(40.76%)	20.12%	60.88%
Gouverneur	Medium	(34.37%)	23.37%	57.75%
Moriah	Minimum	(50.33%)	(4.08%)	46.25%
Attica	Maximum	(22.04%)	22.77%	44.81%
Five Points	Maximum	(14.29%)	29.36%	43.65%
Great Meadow	Maximum	(19.59%)	20.77%	40.36%
Clinton	Maximum	(26.35%)	11.35%	37.70%
Green Haven	Maximum	(24.73%)	12.08%	36.81%
Sing Sing	Maximum	(22.88%)	13.83%	36.71%
Taconic	Medium	(44.69%)	(8.06%)	36.63%
Greene	Medium	(40.21%)	(5.60%)	34.62%
Otisville	Medium	(14.56%)	20.00%	34.56%
Elmira	Maximum	(27.43%)	6.37%	33.81%
Groveland	Medium	(36.55%)	(3.95%)	32.59%
Albion	Medium	(45.29%)	(15.25%)	30.04%
Wallkill	Medium	(35.06%)	(6.05%)	29.00%
Willard	DTC	(57.92%)	(31.07%)	26.86%
Altona	Medium	(47.56%)	(22.54%)	25.02%
Shawangunk	Maximum	(22.52%)	1.74%	24.26%
Wende	Maximum	(19.97%)	3.30%	23.26%
Riverview	Medium	(47.20%)	(25.35%)	21.84%
Collins	Medium	(16.08%)	5.18%	21.26%
Mohawk	Medium	(23.28%)	(2.93%)	20.35%
Fishkill	Medium	(32.17%)	(17.54%)	14.63%
Ulster	Medium	(53.21%)	(42.05%)	11.16%
Auburn	Maximum	(31.69%)	(21.44%)	10.25%
Cape Vincent	Medium	(43.85%)	(34.75%)	9.11%
Bedford Hills	Maximum	(31.39%)	(22.60%)	8.80%
Bare Hill	Medium	(53.46%)	(50.49%)	2.97%
Coxsackie	Maximum	(15.67%)	(13.75%)	1.92%
Ogdensburg	Medium	(44.46%)	(42.59%)	1.87%
Washington	Medium	(29.41%)	(28.82%)	0.59%
Livingston	Medium	(100.00%)	(100.00%)	0.00%
Lincoln	Minimum	(100.00%)	(100.00%)	0.00%
Orleans	Medium	(40.48%)	(41.48%)	(1.00%)
Marcy	Medium	(22.66%)	(24.29%)	(1.63%)
Upstate	Maximum	(45.35%)	(47.53%)	(2.18%)
Eastern	Maximum	(9.96%)	(13.76%)	(3.80%)
Franklin	Medium	(39.48%)	(43.47%)	(3.99%)
Wyoming	Medium	(49.97%)	(54.30%)	(4.34%)
Adirondack	Medium	(83.60%)	(88.17%)	(4.57%)
Watertown	Medium	(45.45%)	(51.92%)	(6.46%)
Woodbourne	Medium	(22.63%)	(30.02%)	(7.39%)
Hudson	Medium	(49.30%)	(59.33%)	(10.03%)
Cayuga	Medium	(40.79%)	(51.02%)	(10.22%)
Sullivan	Maximum	(11.95%)	(23.04%)	(11.09%)
Edgecombe	Minimum	(11.21%)	(22.81%)	(11.60%)
Downstate	Maximum	(46.55%)	(58.59%)	(12.05%)
Gowanda	Medium	(48.60%)	(62.12%)	(13.51%)
Midstate	Medium	(29.87%)	(44.69%)	(14.82%)
Lakeview	Minimum	(48.23%)	(64.57%)	(16.34%)
Hale Creek	Medium	(16.73%)	(42.47%)	(25.75%)
Queensboro	Minimum	(33.33%)	(65.49%)	(32.15%)
Rochester	Minimum	10.74%	(66.67%)	(77.41%)
Totals		(35.78%)	(22.66%)	13.12%

Appendix 9: Average Misbehavior Reports Issued by DOCCS Facilities

Average Misbehavior Reports Issued Per Incarcerated Individual, By Facility									
Facility	Security Level	2015	2016	2017	2018	2019	2020	Overall	% Change 2020 vs 2015
Sullivan	Maximum	1.64	1.20	1.16	1.29	1.25	1.43	2.94	(12.60%)
Sing Sing	Maximum	0.72	0.81	1.02	1.09	1.56	1.07	2.51	47.60%
Clinton	Maximum	0.89	1.04	1.18	1.22	1.37	1.34	2.39	51.18%
Shawangunk	Maximum	0.78	0.81	1.09	1.07	0.95	1.02	2.24	31.31%
Great Meadow	Maximum	1.00	0.95	1.14	1.20	1.30	1.50	2.17	50.19%
Bedford Hills	Maximum	1.01	1.02	0.96	0.97	1.40	1.14	2.14	12.82%
Five Points	Maximum	0.96	1.04	1.22	1.21	1.16	1.45	2.12	50.93%
Auburn	Maximum	1.04	1.01	1.04	1.20	1.17	1.19	2.07	15.01%
Wende	Maximum	0.81	0.88	0.99	1.03	0.93	1.05	1.89	29.07%
Albion	Medium	0.77	0.77	1.10	1.05	1.23	1.19	1.88	54.90%
Gowanda	Medium	1.30	1.21	1.13	1.09	1.12	0.96	1.87	(26.29%)
Green Haven	Maximum	0.60	0.65	0.61	0.79	0.78	0.90	1.85	48.91%
Eastern	Maximum	0.73	0.68	0.61	0.55	0.61	0.70	1.80	(4.22%)
Attica	Maximum	0.54	0.77	0.93	0.97	0.90	0.85	1.75	57.48%
Midstate	Medium	1.04	1.05	1.02	1.12	1.04	0.82	1.72	(21.13%)
Collins	Medium	0.96	1.08	1.01	0.98	1.01	1.20	1.72	25.34%
Franklin	Medium	1.07	0.95	1.01	0.94	1.13	1.00	1.63	(6.59%)
Washington	Medium	1.29	1.05	0.93	0.84	0.93	1.30	1.61	0.84%
Bare Hill	Medium	1.01	0.89	0.97	0.89	0.96	1.07	1.57	6.39%
Coxsackie	Maximum	0.83	0.84	0.80	0.85	0.77	0.85	1.52	2.28%
Marcy	Medium	0.98	0.85	0.98	0.98	0.77	0.95	1.49	(2.10%)
Mohawk	Medium	0.75	0.70	0.96	0.92	0.92	0.95	1.46	26.52%
Groveland	Medium	0.71	0.84	0.83	0.91	0.83	1.08	1.40	51.37%
Watertown	Medium	0.91	0.70	0.74	1.06	0.99	0.80	1.36	(11.85%)
Fishkill	Medium	0.69	0.82	0.75	0.77	0.65	0.84	1.32	21.57%
Livingston	Medium	0.87	0.83	0.92	0.78	0.46	0.00	1.31	(100.00%)
Adirondack	Medium	0.72	0.70	0.91	0.83	6.54	0.52	1.30	(27.86%)
Wyoming	Medium	0.85	0.84	0.75	0.77	0.70	0.77	1.28	(8.67%)
Gouverneur	Medium	0.75	0.67	0.58	0.65	0.82	1.40	1.22	87.99%
Orleans	Medium	0.73	0.73	0.97	0.76	0.72	0.72	1.22	(1.68%)
Southport	Maximum	0.56	0.83	0.78	0.86	0.83	1.13	1.16	102.78%
Riverview	Medium	0.70	0.61	0.60	0.73	0.84	0.99	1.13	41.37%
Altona	Medium	0.64	0.73	0.62	0.68	0.68	0.94	1.12	47.71%
Elmira	Maximum	0.62	0.65	0.57	0.71	0.71	0.91	1.12	46.59%
Upstate	Maximum	0.78	0.72	0.76	0.78	0.90	0.74	1.11	(4.00%)
Greene	Medium	0.68	0.56	0.61	0.60	0.71	1.07	1.08	57.90%
Woodbourne	Medium	0.51	0.49	0.53	0.51	0.47	0.46	1.07	(9.55%)
Cape Vincent	Medium	0.74	0.54	0.54	0.51	0.72	0.86	1.05	16.22%
Taconic	Medium	0.50	0.53	0.42	0.73	0.85	0.83	1.05	66.23%
Ogdensburg	Medium	0.67	0.51	0.58	0.63	0.62	0.69	0.96	3.37%
Hudson	Medium	0.37	0.50	0.92	1.21	1.40	0.30	0.83	(19.79%)
Wallkill	Medium	0.39	0.52	0.51	0.51	0.44	0.56	0.80	44.66%
Willard	DTC	0.67	0.61	0.58	0.68	0.83	1.10	0.77	63.83%
Cayuga	Medium	0.53	0.43	0.52	0.37	0.35	0.44	0.75	(17.26%)
Downstate	Maximum	0.58	0.72	0.64	0.65	0.46	0.45	0.72	(22.54%)
Otisville	Medium	0.23	0.32	0.26	0.40	0.41	0.33	0.69	40.46%
Edgecombe	Minimum	0.49	0.56	0.45	0.73	0.76	0.43	0.65	(13.06%)
Lakeview	Minimum	0.59	0.54	0.55	0.50	0.32	0.41	0.58	(31.57%)
Queensboro	Minimum	0.66	0.72	0.48	0.53	0.40	0.34	0.58	(48.23%)
Ulster	Medium	0.38	0.38	0.38	0.37	0.39	0.47	0.44	23.85%
Hale Creek	Medium	0.37	0.22	0.29	0.36	0.15	0.25	0.33	(30.92%)
Lincoln	Minimum	0.14	0.12	0.27	0.27	0.48	0.00	0.32	(100.00%)
Rochester	Minimum	0.15	0.16	0.31	0.25	0.12	0.04	0.21	(69.90%)
Moriah	Minimum	0.11	0.19	0.17	0.15	0.17	0.21	0.18	93.13%
Overall		0.79	0.78	0.83	0.85	0.87	0.95	1.40	20.43%

Appendix 10: Percentage of Incarcerated Individuals who Were Issued Misbehavior Report by DOCCS Facility

Percentage Of Incarcerated Individuals That Were Issued A Misbehavior Report, By Facility								
Facility	2015	2016	2017	2018	2019	2020	Overall	% Change 2020 vs 2015
Auburn	54.1%	53.1%	55.7%	57.7%	60.2%	59.4%	74.9%	9.8%
Clinton	49.3%	52.8%	56.5%	56.2%	59.5%	58.6%	74.8%	18.9%
Great Meadow	53.3%	52.3%	57.1%	57.0%	61.0%	59.7%	74.1%	12.2%
Shawangunk	44.9%	43.6%	52.0%	51.8%	46.6%	44.0%	72.2%	(2.0%)
Sullivan	49.0%	48.3%	49.3%	50.7%	52.2%	56.0%	71.1%	14.3%
Five Points	49.6%	50.9%	56.7%	56.4%	54.7%	62.9%	68.7%	26.9%
Bare Hill	52.8%	48.5%	52.0%	50.1%	51.9%	52.1%	66.8%	(1.4%)
Sing Sing	38.6%	39.6%	44.5%	48.3%	57.3%	47.3%	66.6%	22.5%
Green Haven	37.4%	39.7%	37.0%	41.7%	42.7%	39.6%	66.3%	5.9%
Gowanda	60.4%	56.8%	53.4%	52.1%	52.9%	44.5%	66.1%	(26.4%)
Wende	45.4%	45.2%	47.2%	50.8%	48.7%	50.0%	65.3%	10.0%
Washington	55.7%	50.0%	47.8%	45.6%	51.4%	56.8%	65.3%	2.1%
Eastern	40.5%	39.9%	32.5%	33.9%	36.9%	41.1%	64.9%	1.4%
Attica	34.1%	41.6%	47.2%	46.6%	46.5%	44.3%	63.2%	29.7%
Watertown	50.4%	44.9%	46.7%	53.7%	52.8%	43.4%	63.1%	(13.8%)
Franklin	52.7%	47.6%	48.9%	47.9%	51.8%	47.0%	63.0%	(10.9%)
Riverview	44.4%	42.0%	41.9%	45.9%	50.8%	54.3%	62.1%	22.1%
Mohawk	43.5%	40.7%	46.5%	47.2%	48.4%	48.5%	61.2%	11.6%
Marcy	46.7%	45.5%	48.0%	48.4%	44.3%	46.8%	60.0%	0.3%
Wyoming	46.3%	48.0%	42.8%	42.6%	41.7%	42.1%	59.9%	(9.0%)
Collins	44.8%	49.6%	43.9%	43.3%	46.1%	47.2%	59.3%	5.4%
Livingston	47.2%	47.0%	48.3%	41.9%	31.1%	0.0%	58.9%	(100.0%)
Coxsackie	42.8%	39.8%	40.4%	44.8%	41.2%	45.4%	58.6%	6.1%
Willard	54.7%	50.5%	50.6%	56.6%	63.2%	72.6%	58.5%	32.9%
Midstate	46.1%	47.4%	48.2%	46.6%	44.9%	39.9%	58.0%	(13.5%)
Orleans	42.1%	43.3%	53.1%	46.1%	43.4%	41.7%	58.0%	(0.8%)
Groveland	39.4%	41.5%	40.5%	45.2%	42.4%	45.7%	56.4%	16.2%
Gouverneur	40.0%	38.9%	37.6%	41.7%	46.8%	57.0%	55.7%	42.7%
Adirondack	44.1%	40.0%	47.7%	46.9%	94.3%	20.6%	55.2%	(53.3%)
Cape Vincent	41.5%	36.3%	36.4%	35.0%	43.7%	42.8%	54.5%	3.3%
Ogdensburg	41.7%	36.1%	39.9%	41.6%	38.9%	43.2%	54.5%	3.7%
Fishkill	35.6%	41.4%	40.1%	40.7%	35.9%	39.5%	52.4%	11.1%
Albion	34.2%	36.2%	44.8%	44.0%	47.6%	48.2%	52.3%	41.1%
Altona	37.1%	42.7%	36.5%	37.3%	39.4%	48.5%	52.1%	30.6%
Greene	40.3%	30.3%	36.0%	34.0%	39.2%	48.2%	50.4%	19.7%
Elmira	39.5%	40.3%	35.9%	42.6%	39.8%	47.2%	49.0%	19.5%
Woodbourne	30.0%	30.9%	31.0%	29.9%	28.0%	26.4%	47.8%	(12.0%)
Bedford Hills	38.4%	38.9%	41.2%	39.8%	47.6%	43.3%	47.5%	12.6%
Upstate	38.3%	37.3%	40.5%	39.1%	43.2%	36.2%	45.4%	(5.5%)
Edgecombe	37.1%	40.8%	32.9%	51.0%	52.7%	28.2%	45.0%	(24.0%)
Wallkill	26.2%	33.3%	31.1%	31.1%	29.4%	37.0%	43.9%	41.4%
Southport	31.8%	38.8%	35.5%	39.5%	37.3%	44.2%	43.8%	39.0%
Taconic	29.7%	30.1%	26.1%	36.6%	41.2%	37.4%	43.1%	26.1%
Downstate	40.9%	43.4%	40.9%	40.7%	33.5%	32.1%	41.7%	(21.4%)
Cayuga	31.8%	28.0%	30.0%	25.9%	25.0%	28.3%	40.0%	(10.9%)
Otisville	16.6%	22.6%	19.8%	27.3%	26.7%	24.0%	38.3%	44.5%
Queensboro	44.3%	43.1%	32.9%	33.0%	28.2%	22.5%	36.3%	(49.2%)
Ulster	31.8%	30.0%	31.5%	31.9%	33.4%	35.9%	35.0%	12.9%
Hudson	25.7%	22.6%	39.4%	40.7%	38.1%	21.9%	33.9%	(14.9%)
Lakeview	28.8%	24.4%	27.9%	27.9%	24.2%	21.9%	28.5%	(24.1%)
Hale Creek	25.6%	17.3%	21.7%	26.7%	13.6%	17.6%	23.7%	(31.3%)
Lincoln	13.6%	9.9%	21.3%	21.0%	30.6%	0.0%	23.1%	(100.0%)
Rochester	13.2%	14.4%	26.3%	23.4%	11.1%	4.5%	18.5%	(66.1%)
Moriah	10.0%	16.5%	15.6%	14.3%	16.5%	19.3%	16.3%	92.4%
Not Reported	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Overall	42.5%	42.3%	43.4%	44.0%	44.7%	45.3%	55.7%	6.5%

Appendix 11: Racial/Ethnic Disparities in Issuing Misbehavior Reports, by DOCCS Facility

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Elmira	Hispanic vs White	100.3%	122.6%	70.8%	90.8%	112.6%	112.2%	115.8%
Elmira	Black vs White	78.3%	104.3%	64.6%	84.0%	92.5%	107.2%	100.4%
Downstate*	Black vs White	75.0%	61.0%	90.9%	77.1%	107.3%	114.3%	90.0%
Downstate*	Other vs White	29.8%	70.0%	36.7%	142.1%	80.1%	103.5%	83.0%
Moriah*	Black vs White	34.4%	47.1%	90.9%	143.8%	81.5%	106.5%	79.2%
Downstate*	Hispanic vs White	70.1%	55.5%	78.6%	64.6%	94.8%	98.7%	78.1%
Lakeview	Black vs White	76.0%	48.7%	48.7%	63.8%	78.9%	96.7%	67.2%
Lincoln*	Other vs White	106.7%	14.3%	45.8%	51.6%	50.0%	0.0%	65.8%
Hudson	Black vs White	34.3%	203.1%	134.2%	43.0%	12.7%	57.1%	56.7%
Lincoln*	Black vs White	90.8%	77.8%	44.2%	84.7%	48.2%	0.0%	52.9%
Hudson	Other vs White	62.2%	180.0%	(6.3%)	51.9%	36.2%	10.0%	52.6%
Lakeview	Other vs White	83.1%	18.2%	23.5%	74.0%	43.7%	24.1%	52.5%
Elmira	Other vs White	19.3%	56.0%	(28.1%)	19.9%	51.7%	27.4%	49.2%
Bedford Hills	Black vs White	60.5%	65.1%	41.9%	46.6%	52.1%	89.1%	48.9%
Lincoln*	Black vs Hispanic	70.8%	4.0%	76.0%	92.7%	11.6%	0.0%	47.6%
Rochester*	Black vs White	126.2%	(8.2%)	33.6%	92.9%	138.9%	0.0%	46.5%
Moriah*	Black vs Hispanic	160.5%	7.8%	78.9%	22.2%	16.9%	63.0%	44.0%
Coxsackie	Other vs White	71.7%	55.7%	40.0%	37.5%	11.1%	73.7%	38.6%
Bedford Hills	Hispanic vs White	44.8%	43.7%	18.4%	38.2%	25.4%	95.9%	37.9%
Hudson	Hispanic vs White	37.7%	196.3%	97.2%	11.2%	25.2%	(6.4%)	37.3%
Edgecombe	Black vs White	46.8%	35.7%	121.8%	42.0%	(3.2%)	65.1%	36.8%
Attica	Hispanic vs White	65.5%	40.5%	68.6%	56.9%	73.7%	103.2%	36.1%
Taconic	Black vs White	23.5%	34.0%	30.3%	34.0%	54.4%	15.9%	35.9%
Lakeview	Hispanic vs White	28.4%	35.0%	35.1%	18.7%	47.7%	80.5%	35.4%
Attica	Black vs White	51.0%	48.5%	47.9%	48.6%	70.8%	92.5%	34.4%
Coxsackie	Black vs White	77.1%	77.5%	51.2%	26.3%	33.6%	53.8%	33.9%
Moriah*	Other vs White	30.6%	63.3%	77.8%	(100.0%)	72.0%	(100.0%)	32.0%
Otisville	Black vs White	66.1%	102.6%	23.4%	1.4%	32.2%	95.5%	31.1%
Edgecombe	Hispanic vs White	14.8%	11.6%	109.1%	60.8%	(6.0%)	90.5%	30.6%
Albion	Black vs White	58.0%	33.8%	27.1%	29.3%	36.1%	25.7%	29.1%
Five Points	Black vs White	40.1%	41.5%	43.2%	27.0%	50.8%	46.2%	28.0%
Taconic	Hispanic vs White	0.3%	44.9%	40.8%	50.8%	34.2%	23.2%	27.7%
Gowanda*	Black vs White	23.3%	45.8%	28.6%	25.3%	31.9%	56.2%	25.4%
Wende	Black vs White	31.8%	27.7%	62.4%	31.4%	45.9%	40.8%	25.4%
Clinton	Black vs White	50.7%	49.5%	47.1%	40.6%	24.3%	69.9%	25.3%
Hale Creek	Black vs Hispanic	45.6%	31.9%	23.5%	(11.9%)	6.0%	117.8%	25.2%
Rochester*	Black vs Hispanic	(19.2%)	108.5%	43.6%	(4.8%)	116.7%	0.0%	24.4%
Moriah*	Hispanic vs White	(48.4%)	36.5%	6.7%	99.5%	55.3%	26.7%	24.4%
Wyoming	Black vs White	20.4%	19.7%	19.8%	28.3%	24.2%	50.9%	24.3%

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Albion	Black vs Hispanic	25.2%	20.4%	26.9%	33.7%	20.1%	2.5%	23.7%
Lakeview	Black vs Hispanic	37.0%	10.2%	10.1%	38.0%	21.1%	9.0%	23.5%
Coxsackie	Hispanic vs White	60.3%	77.5%	35.2%	25.8%	10.5%	26.5%	23.5%
Altona	Black vs White	23.8%	26.5%	3.6%	63.5%	25.2%	39.9%	23.3%
Washington	Black vs White	37.5%	19.9%	34.6%	17.3%	6.4%	22.4%	22.9%
Otisville	Hispanic vs White	40.6%	42.5%	47.0%	(16.7%)	20.1%	144.1%	22.6%
Livingston*	Black vs White	48.6%	35.9%	22.5%	20.7%	23.9%	0.0%	22.5%
Gowanda*	Black vs Hispanic	25.9%	30.5%	32.4%	15.5%	14.3%	19.3%	22.0%
Washington	Hispanic vs White	33.9%	23.5%	49.4%	20.2%	6.5%	14.4%	21.6%
Five Points	Hispanic vs White	16.9%	29.3%	34.4%	29.8%	45.9%	45.8%	21.4%
Livingston*	Hispanic vs White	36.9%	30.3%	39.1%	24.1%	12.1%	0.0%	21.3%
Wende	Hispanic vs White	18.0%	25.3%	55.7%	53.0%	52.2%	34.4%	20.9%
Clinton	Other vs White	28.5%	51.9%	44.4%	10.5%	(1.4%)	28.8%	20.4%
Ulster	Black vs White	4.0%	41.4%	28.7%	31.3%	28.3%	30.8%	20.3%
Washington	Other vs White	31.3%	13.2%	61.2%	12.7%	11.0%	42.8%	20.0%
Greene	Black vs White	46.0%	43.6%	17.6%	0.8%	4.0%	19.1%	19.1%
Attica	Other vs White	13.9%	14.1%	23.3%	46.4%	82.4%	67.4%	18.8%
Five Points	Other vs White	52.3%	45.9%	37.4%	46.1%	20.0%	28.1%	18.7%
Wyoming	Hispanic vs White	11.1%	13.7%	0.8%	22.3%	17.7%	41.6%	18.6%
Wallkill	Other vs White	(7.7%)	(21.1%)	74.4%	73.7%	12.8%	(5.0%)	18.6%
Ulster	Black vs Hispanic	16.5%	34.1%	1.9%	7.2%	21.4%	25.8%	18.4%
Great Meadow	Black vs White	23.5%	24.4%	16.9%	41.2%	35.5%	46.5%	18.1%
Rochester*	Hispanic vs White	180.0%	(56.0%)	(6.9%)	102.5%	10.3%	0.0%	17.8%
Ogdensburg*	Other vs White	34.5%	34.4%	30.2%	31.1%	33.6%	(21.6%)	17.7%
Greene	Other vs White	21.9%	42.7%	15.5%	22.1%	8.0%	(5.5%)	17.6%
Hale Creek	Black vs White	23.9%	(1.1%)	7.7%	15.1%	19.5%	38.8%	17.1%
Clinton	Hispanic vs White	34.9%	33.6%	33.7%	23.1%	9.2%	54.2%	17.0%
Groveland	Hispanic vs White	6.1%	13.6%	12.6%	34.6%	15.5%	30.5%	16.6%
Auburn	Hispanic vs White	18.5%	28.2%	10.4%	38.8%	30.0%	41.4%	16.5%
Auburn	Black vs White	23.3%	32.4%	13.6%	24.1%	25.5%	27.9%	16.1%
Midstate	Hispanic vs White	23.0%	22.2%	15.7%	10.9%	30.8%	41.0%	15.9%
Gouverneur	Black vs White	30.3%	(3.3%)	25.2%	1.8%	21.6%	38.2%	14.9%
Great Meadow	Other vs White	14.6%	7.0%	(2.5%)	31.5%	12.4%	39.0%	14.9%
Altona	Hispanic vs White	4.8%	24.3%	(8.8%)	50.5%	3.5%	22.0%	14.8%
Great Meadow	Hispanic vs White	13.5%	23.8%	15.2%	30.5%	25.3%	42.0%	14.4%
Groveland	Other vs White	14.7%	14.5%	10.9%	20.1%	20.6%	38.0%	14.3%
Ulster	Other vs White	(9.0%)	38.5%	13.0%	44.9%	17.1%	19.9%	14.2%
Hudson	Black vs Hispanic	(2.4%)	2.3%	18.8%	28.6%	(10.0%)	67.9%	14.1%
Sullivan	Black vs White	9.0%	17.6%	2.7%	11.8%	11.2%	15.7%	14.0%
Wende	Other vs White	3.5%	7.2%	47.1%	45.1%	40.8%	30.9%	13.9%
Eastern	Black vs White	7.2%	11.0%	31.1%	50.3%	10.1%	37.1%	13.9%
Riverview	Black vs White	16.3%	7.3%	(0.6%)	32.8%	(1.0%)	46.4%	13.7%

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Woodbourne	Black vs White	20.3%	13.1%	0.2%	6.2%	(0.9%)	7.1%	13.7%
Shawangunk	Black vs White	(2.4%)	6.1%	(2.6%)	13.4%	28.1%	40.0%	13.5%
Green Haven	Black vs White	18.5%	1.4%	7.0%	17.5%	15.7%	11.2%	13.0%
Livingston*	Other vs White	48.5%	(6.6%)	20.1%	25.2%	(3.1%)	0.0%	12.8%
Bare Hill	Black vs White	12.0%	10.3%	14.7%	11.0%	19.7%	30.2%	12.7%
Adirondack	Black vs Hispanic	10.4%	1.5%	17.1%	12.2%	14.3%	(2.0%)	12.6%
Cayuga	Black vs White	45.8%	4.2%	(5.5%)	20.4%	47.1%	10.8%	12.6%
Wallkill	Hispanic vs White	30.6%	3.5%	4.6%	25.3%	8.0%	6.9%	12.4%
Cayuga	Hispanic vs White	21.2%	(2.9%)	3.0%	20.0%	33.3%	52.2%	12.1%
Gouverneur	Other vs White	34.5%	(2.6%)	33.5%	(7.3%)	4.1%	20.3%	11.9%
Midstate	Black vs White	19.3%	4.7%	10.7%	2.1%	12.8%	35.8%	11.6%
Queensboro	Black vs White	(0.7%)	(4.0%)	8.1%	11.3%	16.6%	28.8%	11.4%
Ogdensburg*	Black vs Hispanic	11.9%	(3.4%)	25.6%	34.1%	(6.1%)	(6.6%)	11.2%
Southport*	Hispanic vs White	4.9%	20.8%	(6.7%)	(7.9%)	7.8%	77.5%	10.6%
Marcy	Black vs White	21.5%	15.8%	7.1%	6.6%	26.7%	32.2%	10.4%
Shawangunk	Black vs Hispanic	1.4%	15.8%	23.7%	4.2%	(5.7%)	(18.7%)	10.4%
Midstate	Other vs White	18.8%	(6.4%)	20.5%	(7.0%)	12.9%	13.7%	10.3%
Greene	Hispanic vs White	35.5%	15.7%	15.1%	1.4%	(0.5%)	5.0%	10.2%
Collins	Hispanic vs White	1.8%	1.3%	17.8%	4.4%	10.2%	34.9%	9.9%
Queensboro	Hispanic vs White	8.3%	0.6%	23.7%	20.8%	4.4%	(18.2%)	9.9%
Franklin	Hispanic vs White	13.2%	4.9%	8.1%	6.1%	6.7%	7.3%	9.9%
Gouverneur	Hispanic vs White	9.7%	7.4%	16.9%	6.8%	9.1%	40.3%	9.8%
Auburn	Other vs White	24.5%	39.6%	3.4%	12.9%	21.3%	17.4%	9.8%
Sing Sing	Black vs Hispanic	5.5%	11.1%	32.8%	17.5%	5.8%	14.6%	9.7%
Franklin	Black vs White	17.2%	12.6%	1.0%	1.6%	8.8%	18.5%	9.4%
Green Haven	Black vs Hispanic	17.5%	14.8%	18.8%	9.2%	20.5%	4.2%	9.3%
Groveland	Black vs White	(5.4%)	(3.0%)	4.2%	19.6%	26.5%	16.6%	9.1%
Southport*	Black vs White	10.9%	13.7%	3.5%	(11.9%)	19.0%	50.9%	9.1%
Sullivan	Hispanic vs White	23.7%	17.3%	6.1%	7.3%	(1.7%)	0.6%	8.9%
Upstate	Hispanic vs White	3.1%	(0.8%)	2.9%	49.2%	10.5%	0.0%	8.8%
Hale Creek	Other vs White	25.4%	30.7%	22.6%	2.8%	(67.7%)	40.1%	8.8%
Woodbourne	Black vs Hispanic	53.2%	20.3%	(6.7%)	26.7%	6.2%	10.4%	8.6%
Coxsackie	Black vs Hispanic	10.5%	0.0%	11.8%	0.4%	20.8%	21.6%	8.5%
Southport*	Other vs White	(19.1%)	(10.4%)	79.2%	15.5%	64.0%	71.4%	8.5%
Greene	Black vs Hispanic	7.8%	24.1%	2.1%	(0.6%)	4.5%	13.5%	8.1%
Bedford Hills	Black vs Hispanic	10.8%	14.9%	19.9%	6.1%	21.3%	(3.5%)	8.0%
Marcy	Other vs White	24.5%	(9.3%)	21.4%	25.1%	55.6%	16.1%	7.7%
Bare Hill	Hispanic vs White	15.4%	(3.3%)	8.2%	5.2%	9.7%	20.2%	7.7%
Sing Sing	Black vs White	6.3%	26.3%	7.3%	17.2%	23.1%	17.4%	7.7%
Altona	Black vs Hispanic	18.1%	1.8%	13.7%	8.6%	21.0%	14.6%	7.5%
Watertown*	Black vs Hispanic	7.3%	6.4%	4.1%	25.6%	14.8%	16.2%	7.5%
Collins	Other vs White	(3.5%)	21.9%	(4.2%)	(5.1%)	9.5%	40.0%	7.4%

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Riverview	Black vs Hispanic	11.8%	(1.9%)	25.5%	18.7%	3.3%	19.8%	7.4%
Ogdensburg*	Black vs White	25.9%	3.5%	17.6%	11.4%	(5.2%)	(24.2%)	7.3%
Clinton	Black vs Hispanic	11.7%	11.9%	10.0%	14.2%	13.8%	10.2%	7.1%
Upstate	Other vs White	0.9%	(15.3%)	10.6%	83.2%	(7.4%)	(34.8%)	7.0%
Eastern	Black vs Hispanic	10.4%	(3.4%)	(7.8%)	24.6%	12.5%	21.2%	7.0%
Otisville	Black vs Hispanic	18.2%	42.2%	(16.1%)	21.8%	10.1%	(19.9%)	6.9%
Upstate	Black vs White	2.2%	(5.0%)	8.6%	42.6%	19.6%	7.0%	6.9%
Downstate*	Black vs Hispanic	2.9%	3.5%	6.9%	7.6%	6.4%	7.8%	6.7%
Willard*	Other vs White	2.4%	26.0%	3.3%	16.2%	2.3%	(4.0%)	6.6%
Eastern	Hispanic vs White	(2.9%)	14.9%	42.2%	20.7%	(2.2%)	13.1%	6.5%
Bare Hill	Other vs White	(1.1%)	(2.8%)	2.4%	14.8%	15.4%	19.0%	6.4%
Taconic	Black vs Hispanic	23.2%	(7.5%)	(7.4%)	(11.2%)	15.0%	(5.9%)	6.4%
Cape Vincent	Black vs White	15.8%	11.8%	0.7%	17.9%	(5.9%)	18.7%	6.3%
Wallkill	Black vs White	12.6%	(8.7%)	18.0%	11.9%	2.3%	(0.5%)	6.2%
Riverview	Hispanic vs White	4.0%	9.4%	(20.7%)	11.9%	(4.2%)	22.3%	5.9%
Collins	Black vs White	5.8%	6.5%	(0.1%)	(2.4%)	7.3%	29.4%	5.6%
Five Points	Black vs Hispanic	19.9%	9.5%	6.6%	(2.2%)	3.3%	0.2%	5.5%
Orleans	Hispanic vs White	20.5%	0.1%	19.1%	13.6%	3.1%	26.7%	5.5%
Cape Vincent	Black vs Hispanic	16.0%	24.8%	1.5%	20.8%	(3.1%)	(16.1%)	5.2%
Altona	Other vs White	21.1%	29.6%	(42.6%)	(35.6%)	(5.9%)	13.2%	5.2%
Marcy	Hispanic vs White	7.0%	0.2%	9.0%	9.2%	30.4%	29.6%	5.2%
Marcy	Black vs Hispanic	13.6%	15.5%	(1.7%)	(2.3%)	(2.8%)	2.0%	5.0%
Taconic	Other vs White	(26.2%)	106.7%	5.3%	(8.6%)	10.3%	(47.7%)	5.0%
Wyoming	Black vs Hispanic	8.3%	5.3%	18.9%	4.8%	5.5%	6.6%	4.8%
Edgecombe	Black vs Hispanic	27.9%	21.6%	6.1%	(11.7%)	3.0%	(13.3%)	4.7%
Woodbourne	Hispanic vs White	(21.5%)	(6.0%)	7.4%	(16.2%)	(6.7%)	(3.1%)	4.7%
Sullivan	Black vs Hispanic	(11.9%)	0.3%	(3.2%)	4.3%	13.2%	15.0%	4.7%
Bare Hill	Black vs Hispanic	(2.9%)	14.0%	6.0%	5.5%	9.1%	8.3%	4.6%
Gouverneur	Black vs Hispanic	18.8%	(10.0%)	7.1%	(4.6%)	11.5%	(1.4%)	4.6%
Wyoming	Other vs White	13.3%	(5.7%)	5.5%	13.6%	6.2%	(11.0%)	4.4%
Albion	Hispanic vs White	26.2%	11.1%	0.2%	(3.3%)	13.3%	22.6%	4.4%
Mohawk	Black vs White	12.7%	3.1%	9.8%	9.0%	10.0%	23.1%	4.3%
Franklin	Other vs White	13.7%	(11.3%)	(2.9%)	8.3%	21.0%	14.1%	4.1%
Green Haven	Other vs White	(30.7%)	(21.1%)	17.2%	(22.7%)	9.7%	(9.0%)	4.0%
Wende	Black vs Hispanic	11.7%	2.0%	4.3%	(14.1%)	(4.1%)	4.8%	3.8%
Fishkill	Black vs White	14.2%	4.9%	7.9%	(12.7%)	(9.9%)	25.9%	3.7%
Lincoln*	Hispanic vs White	11.7%	70.9%	(18.1%)	(4.2%)	32.8%	0.0%	3.6%
Watertown*	Black vs White	16.7%	0.3%	11.8%	1.3%	1.1%	(6.9%)	3.5%
Woodbourne	Other vs White	(46.2%)	0.0%	(17.5%)	(10.5%)	7.0%	(23.0%)	3.4%
Green Haven	Hispanic vs White	0.9%	(11.7%)	(9.9%)	7.6%	(4.0%)	6.8%	3.4%
Edgecombe	Other vs White	(100.0%)	(100.0%)	63.3%	85.2%	22.8%	(100.0%)	3.4%
Watertown*	Other vs White	14.1%	(3.2%)	33.1%	(8.5%)	23.4%	(4.9%)	3.4%

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Great Meadow	Black vs Hispanic	8.9%	0.5%	1.4%	8.2%	8.1%	3.1%	3.2%
Mohawk	Black vs Hispanic	2.5%	10.5%	2.1%	6.2%	4.6%	16.7%	2.9%
Shawangunk	Hispanic vs White	(3.7%)	(8.4%)	(21.3%)	8.8%	35.9%	72.2%	2.8%
Gowanda*	Hispanic vs White	(2.0%)	11.8%	(2.9%)	8.4%	15.4%	30.9%	2.8%
Orleans	Black vs White	9.9%	(4.4%)	15.9%	10.6%	1.2%	30.8%	2.8%
Mohawk	Other vs White	36.8%	(0.6%)	(5.0%)	17.4%	3.5%	6.2%	2.4%
Fishkill	Black vs Hispanic	2.2%	4.8%	3.1%	5.1%	(7.2%)	9.6%	2.2%
Ulster	Hispanic vs White	(10.7%)	5.5%	26.3%	22.5%	5.7%	4.0%	1.6%
Fishkill	Hispanic vs White	11.8%	0.1%	4.6%	(16.9%)	(2.9%)	14.9%	1.5%
Queensboro	Black vs Hispanic	(8.3%)	(4.5%)	(12.6%)	(7.9%)	11.7%	57.4%	1.4%
Mohawk	Hispanic vs White	10.0%	(6.7%)	7.6%	2.6%	5.1%	5.4%	1.4%
Washington	Black vs Hispanic	2.7%	(2.9%)	(9.9%)	(2.4%)	(0.1%)	7.0%	1.1%
Cape Vincent	Hispanic vs White	(0.2%)	(10.4%)	(0.7%)	(2.4%)	(2.9%)	41.6%	1.1%
Livingston*	Black vs Hispanic	8.6%	4.3%	(11.9%)	(2.8%)	10.5%	0.0%	1.0%
Willard*	Black vs Hispanic	(0.1%)	6.5%	(0.5%)	(2.1%)	2.1%	1.8%	0.8%
Cayuga	Black vs Hispanic	20.3%	7.3%	(8.2%)	0.3%	10.4%	(27.2%)	0.4%
Franklin	Black vs Hispanic	3.5%	7.4%	(6.6%)	(4.2%)	2.0%	10.5%	(0.4%)
Auburn	Black vs Hispanic	4.0%	3.3%	2.9%	(10.6%)	(3.5%)	(9.6%)	(0.4%)
Attica	Black vs Hispanic	(8.8%)	5.7%	(12.2%)	(5.3%)	(1.7%)	(5.3%)	(1.2%)
Southport*	Black vs Hispanic	5.7%	(5.9%)	10.9%	(4.4%)	10.4%	(15.0%)	(1.4%)
Upstate	Black vs Hispanic	(0.8%)	(4.2%)	5.5%	(4.4%)	8.3%	6.9%	(1.7%)
Sing Sing	Hispanic vs White	0.7%	13.7%	(19.2%)	(0.3%)	16.3%	2.5%	(1.9%)
Bedford Hills	Other vs White	(7.0%)	(3.3%)	(16.4%)	(2.5%)	(36.9%)	(7.0%)	(2.0%)
Adirondack	Other vs White	1.1%	(10.6%)	17.9%	(2.9%)	(33.3%)	380.0%	(2.5%)
Orleans	Black vs Hispanic	(8.8%)	(4.5%)	(2.7%)	(2.6%)	(1.8%)	3.2%	(2.6%)
Willard*	Black vs White	(17.6%)	5.4%	0.4%	(3.2%)	7.4%	(5.8%)	(2.8%)
Eastern	Other vs White	(29.3%)	(24.3%)	(49.7%)	5.3%	9.4%	32.9%	(3.1%)
Adirondack	Black vs White	(5.7%)	(10.7%)	(1.3%)	25.8%	0.0%	63.3%	(3.4%)
Ogdensburg*	Hispanic vs White	12.5%	7.1%	(6.4%)	(17.0%)	1.0%	(18.8%)	(3.5%)
Sing Sing	Other vs White	(12.4%)	20.5%	(32.9%)	25.4%	7.7%	(22.1%)	(3.5%)
Willard*	Hispanic vs White	(17.5%)	(1.0%)	0.9%	(1.2%)	5.2%	(7.5%)	(3.5%)
Watertown*	Hispanic vs White	8.8%	(5.8%)	7.4%	(19.4%)	(11.9%)	(19.9%)	(3.6%)
Midstate	Black vs Hispanic	(3.0%)	(14.3%)	(4.3%)	(8.0%)	(13.7%)	(3.7%)	(3.8%)
Collins	Black vs Hispanic	3.9%	5.1%	(15.2%)	(6.5%)	(2.7%)	(4.1%)	(3.9%)
Riverview	Other vs White	(22.1%)	(21.4%)	4.9%	35.3%	(3.4%)	(12.9%)	(5.5%)
Wallkill	Black vs Hispanic	(13.8%)	(11.8%)	12.8%	(10.7%)	(5.3%)	(7.0%)	(5.5%)
Queensboro	Other vs White	(1.0%)	(48.1%)	44.4%	(2.4%)	15.0%	(100.0%)	(5.8%)
Fishkill	Other vs White	(35.2%)	(3.0%)	8.3%	1.0%	(16.4%)	39.3%	(6.4%)
Groveland	Black vs Hispanic	(10.8%)	(14.6%)	(7.5%)	(11.2%)	9.5%	(10.7%)	(6.5%)
Hale Creek	Hispanic vs White	(14.9%)	(25.0%)	(12.8%)	30.7%	12.7%	(36.2%)	(6.5%)
Cayuga	Other vs White	14.3%	(2.6%)	4.2%	(43.0%)	(42.2%)	54.7%	(6.8%)
Elmira	Black vs Hispanic	(11.0%)	(8.2%)	(3.6%)	(3.6%)	(9.4%)	(2.3%)	(7.1%)

Facility	Comparison	2015	2016	2017	2018	2019	2020	Overall
Gowanda*	Other vs White	(30.6%)	(1.3%)	(12.6%)	4.7%	5.9%	(10.6%)	(7.2%)
Cape Vincent	Other vs White	(2.4%)	(8.4%)	11.2%	18.9%	(17.7%)	(27.6%)	(10.9%)
Orleans	Other vs White	(21.7%)	(13.6%)	22.4%	3.3%	(17.1%)	(1.6%)	(11.2%)
Albion	Other vs White	31.4%	11.3%	2.7%	(11.2%)	(12.5%)	(43.8%)	(11.9%)
Adirondack	Hispanic vs White	(14.6%)	(12.0%)	(15.7%)	12.1%	(12.5%)	66.7%	(14.2%)
Shawangunk	Other vs White	(27.7%)	(7.2%)	(51.5%)	6.3%	(10.5%)	46.0%	(16.0%)
Sullivan	Other vs White	(50.1%)	(17.2%)	(2.6%)	(20.6%)	(19.3%)	(40.8%)	(16.4%)
Otisville	Other vs White	(12.9%)	48.6%	6.1%	(19.2%)	(23.6%)	73.9%	(16.6%)
Above Values Represent the Greater or (Lesser) Percentage Likelihood that an Individual in the First Group was Issued a Misbehavior Report Compared to an Individual in the Second Group								

Appendix 12: Ranking of DOCCS Facilities Based on Racial/Ethnic Disparities in Likelihood of Issuing Misbehavior Reports

		FACILITY RACIAL/ETHNIC DISPARITY RANKING - LIKELIHOOD OF ISSUING MISBEHAVIOR REPORTS (Weighted Based on Facility's Share of Total Incarcerated Population and Misbehavior Reports)					
Facility	Security Level	Black vs White	Black vs Hispanic	Hispanic vs White	Other vs White	Combined Rank	Combined Rank (Excluding Black Vs Hispanic)
Elmira	Maximum	1	54	1	2	9	1
Downstate	Maximum	2	10	2	1	2	2
Clinton	Maximum	3	4	4	3	1	3
Attica	Maximum	5	47	3	5	10	4
Lakeview	Minimum	4	3	5	4	3	4
Five Points	Maximum	7	12	6	7	4	6
Great Meadow	Maximum	10	18	11	9	6	7
Coxsackie	Maximum	13	17	13	6	7	8
Greene	Maximum	11	6	16	8	5	9
Auburn	Maximum	14	44	10	12	14	10
Midstate	Medium	17	52	8	11	19	10
Washington	Medium	15	38	12	10	12	12
Wyoming	Medium	8	14	7	26	8	13
Bare Hill	Medium	16	13	19	17	11	14
Wende	Maximum	18	33	18	18	18	15
Groveland	Medium	29	53	14	13	27	16
Livingston	Medium	20	40	17	20	23	17
Bedford Hills	Maximum	9	20	9	41	13	18
Gouverneur	Medium	23	21	22	14	14	18
Franklin	Medium	21	45	15	24	26	20
Hudson	Medium	26	31	23	15	21	21
Marcy	Medium	25	15	26	19	17	22
Upstate	Maximum	34	48	21	22	30	23
Collins	Medium	37	51	20	21	33	24
Ulster	Medium	19	5	44	16	16	25
Moriah	Minimum	22	11	35	27	21	26
Altona	Medium	28	30	29	33	28	27
Green Haven	Maximum	24	9	38	30	24	28
Gowanda	Medium	6	1	32	54	20	28
Taconic	Medium	31	36	25	36	32	28
Southport	Maximum	43	46	27	28	38	31
Albion	Medium	12	2	37	53	25	32
Cayuga	Medium	33	43	24	45	39	32
Wallkill	Medium	50	50	30	23	43	34
Riverview	Medium	27	16	31	46	28	35
Otisville	Medium	32	35	28	47	37	36
Woodbourne	Medium	39	25	41	35	36	37
Mohawk	Medium	40	23	43	32	35	37
Queensboro	Minimum	42	39	33	43	45	39
Hale Creek	Medium	35	8	53	31	31	40
Eastern	Maximum	38	28	40	42	42	41
Sullivan	Maximum	36	34	36	49	44	42
Ogdensburg	Medium	49	22	49	25	39	43
Edgecombe	Minimum	47	42	39	37	48	43
Sing Sing	Maximum	30	7	51	44	34	45
Lincoln	Minimum	41	19	47	38	39	46
Rochester	Minimum	48	37	48	38	51	47
Willard	DTC	54	41	52	29	52	48
Watertown	Medium	52	24	50	34	46	49
Fishkill	Medium	44	32	42	51	49	50
Orleans	Medium	51	49	34	52	54	50
Shawangunk	Maximum	45	26	45	48	47	52
Cape Vincent	Medium	46	27	46	50	49	53
Adirondack	Medium	53	29	54	40	52	54

Rankings are based on a facility's disparity with a ranking of 1 being the largest disparity and 54 being the smallest disparity.

Appendix 13: Ranking of DOCCS Facilities Based on Racial/Ethnic Disparities in Average Misbehavior Reports

FACILITY RACIAL/ETHNIC DISPARITY RANKING - AVERAGE MISBEHAVIOR REPORTS (Weighted Based on Facility's Share of Total Incarcerated Population and Misbehavior Reports)						
Facility	Black vs White	Black vs Hispanic	Hispanic vs White	Other vs White	Combined Rank	Combined Rank (Excluding Black Vs Hispanic)
Downstate	2	25	2	1	2	1
Clinton	1	3	4	2	1	2
Attica	4	52	3	3	7	3
Elmira	3	51	1	10	9	4
Five Points	9	46	5	4	8	5
Great Meadow	8	33	6	5	6	6
Auburn	13	47	9	6	13	7
Coxsackie	10	13	12	7	3	8
Wende	12	40	10	11	12	9
Lakeview	7	15	8	19	5	10
Washington	15	39	13	9	15	11
Gowanda	5	1	14	28	4	12
Bare Hill	17	31	16	16	16	13
Bedford Hills	6	24	7	38	13	14
Marcy	18	20	21	12	11	14
Greene	16	11	23	17	10	16
Midstate	24	54	11	21	24	16
Gouverneur	21	29	22	15	21	18
Groveland	37	53	15	8	25	19
Livingston	20	35	19	23	23	20
Hudson	19	18	25	20	19	21
Franklin	28	49	20	18	27	22
Collins	27	48	17	27	30	23
Ulster	26	9	33	14	19	24
Wyoming	14	6	18	42	16	25
Albion	11	4	24	41	16	26
Mohawk	25	8	37	24	22	27
Otisville	32	44	26	31	37	28
Orleans	31	34	28	36	35	29
Southport	42	23	41	13	30	30
Cape Vincent	35	27	30	33	34	31
Lincoln	38	22	39	25	32	32
Moriah	30	14	38	35	29	33
Green Haven	22	5	42	44	25	34
Sing Sing	23	2	54	37	28	35
Cayuga	36	43	27	51	45	35
Altona	33	17	34	47	36	35
Upstate	34	21	32	48	38	35
Adirondack	50	45	40	26	46	39
Taconic	40	38	31	46	43	40
Riverview	29	7	45	43	32	40
Ogdensburg	48	32	48	22	41	42
Wallkill	54	50	35	29	49	42
Edgecombe	43	37	36	39	43	42
Sullivan	39	42	29	54	47	45
Watertown	45	16	50	30	40	46
Hale Creek	41	10	49	40	39	47
Fishkill	49	19	52	34	42	48
Willard	53	28	51	32	47	49
Rochester	46	36	43	49	53	50
Shawangunk	47	30	47	45	51	51
Eastern	44	26	46	53	51	52
Queensboro	52	41	44	50	54	53
Woodbourne	51	12	53	52	49	54

Rankings are based on a facility's disparity with a ranking of 1 being the largest disparity and 54 being the smallest disparity

Appendix 14: Rule Violations by Race/Ethnicity and Rule

Rule No	Rule Description	Incarcerated Population with Violations						Percentage of Incarcerated Population for Race/Ethnicity with Violation					
		Black	Hispanic	White	Other	Not Reported	Total	Black	Hispanic	White	Other	Not Reported	Overall
106.1	Direct Order	29,414	12,458	11,393	1,550	134	54,949	53.2%	46.3%	35.1%	42.9%	34.3%	46.3%
104.13	Create Disturb	22,533	9,078	7,109	1,101	94	39,915	40.7%	33.7%	21.9%	30.5%	24.0%	33.6%
104.11	Violent Conduct	17,582	7,579	5,927	887	70	32,045	31.8%	28.2%	18.2%	24.6%	17.9%	27.0%
109.1	Out Of Place	16,787	6,794	6,655	935	81	31,252	30.3%	25.2%	20.5%	25.9%	20.7%	26.3%
100.13	Fighting	15,243	6,842	5,463	790	57	28,395	27.6%	25.4%	16.8%	21.9%	14.6%	23.9%
107.1	Interference	15,077	5,898	4,197	708	70	25,950	27.3%	21.9%	12.9%	19.6%	17.9%	21.9%
109.12	Movement Vio	13,387	5,471	4,977	692	59	24,586	24.2%	20.3%	15.3%	19.2%	15.1%	20.7%
107.11	Harassment	12,596	4,640	3,548	604	48	21,436	22.8%	17.2%	10.9%	16.7%	12.3%	18.1%
114.1	Smuggling	9,810	4,402	4,105	555	45	18,917	17.7%	16.4%	12.6%	15.4%	11.5%	15.9%
113.23	Contraband	8,355	3,876	3,425	486	31	16,173	15.1%	14.4%	10.5%	13.5%	7.9%	13.6%
107.2	False Information	8,574	3,478	3,519	465	39	16,075	15.5%	12.9%	10.8%	12.9%	10.0%	13.5%
102.1	Threats	9,208	3,412	2,469	410	39	15,538	16.6%	12.7%	7.6%	11.3%	10.0%	13.1%
113.24	Drug Use	5,474	3,599	4,590	425	30	14,118	9.9%	13.4%	14.1%	11.8%	7.7%	11.9%
116.1	Loss/Damage Prop	6,922	3,332	3,183	408	37	13,882	12.5%	12.4%	9.8%	11.3%	9.5%	11.7%
122.1	Smoking	6,047	2,782	4,227	454	27	13,537	10.9%	10.3%	13.0%	12.6%	6.9%	11.4%
113.22	Prop Unauth Loc	5,879	2,691	3,484	392	22	12,468	10.6%	10.0%	10.7%	10.8%	5.6%	10.5%
112.21	Comp Count Procedure	5,788	2,295	1,696	300	33	10,112	10.5%	8.5%	5.2%	8.3%	8.4%	8.5%
113.25	Drug Possession	5,197	2,424	2,095	280	11	10,007	9.4%	9.0%	6.4%	7.7%	2.8%	8.4%
113.11	Altered Item	4,626	2,507	2,239	273	23	9,668	8.4%	9.3%	6.9%	7.6%	5.9%	8.1%
113.1	Weapon	5,500	2,608	1,263	263	17	9,651	9.9%	9.7%	3.9%	7.3%	4.3%	8.1%
181.1	Hearing Disp	5,035	2,186	1,972	300	22	9,515	9.1%	8.1%	6.1%	8.3%	5.6%	8.0%
113.15	Unauth Exchange	4,293	1,858	1,624	233	18	8,026	7.8%	6.9%	5.0%	6.4%	4.6%	6.8%
113.13	Alcohol/Intox	4,066	1,837	1,583	240	17	7,743	7.3%	6.8%	4.9%	6.6%	4.3%	6.5%
115.1	Search/Frisk	4,161	1,476	820	168	17	6,642	7.5%	5.5%	2.5%	4.6%	4.3%	5.6%
105.13	Gangs	3,852	1,549	439	151	8	5,999	7.0%	5.8%	1.4%	4.2%	2.0%	5.1%
100.1	Assault On Inmate	3,764	1,530	402	132	10	5,838	6.8%	5.7%	1.2%	3.7%	2.6%	4.9%
112.2	Delay Count	3,374	1,337	838	176	19	5,744	6.1%	5.0%	2.6%	4.9%	4.9%	4.8%
180.14	Urinalysis Test	1,947	1,403	1,908	152	7	5,417	3.5%	5.2%	5.9%	4.2%	1.8%	4.6%
112.22	Obstruct Visib	3,050	1,243	710	132	10	5,145	5.5%	4.6%	2.2%	3.7%	2.6%	4.3%
118.22	Unhygienic Act	2,579	1,240	904	152	11	4,886	4.7%	4.6%	2.8%	4.2%	2.8%	4.1%
100.11	Assault On Staff	2,922	1,079	588	143	10	4,742	5.3%	4.0%	1.8%	4.0%	2.6%	4.0%
110.1	No Id Card	2,872	991	634	147	13	4,657	5.2%	3.7%	2.0%	4.1%	3.3%	3.9%
118.21	Flammable Mater	2,088	1,066	1,169	127	8	4,458	3.8%	4.0%	3.6%	3.5%	2.0%	3.8%
118.23	Unreported Ill	1,690	1,172	1,358	159	11	4,390	3.1%	4.4%	4.2%	4.4%	2.8%	3.7%
116.11	Tamper With Prop	2,172	1,072	923	112	9	4,288	3.9%	4.0%	2.8%	3.1%	2.3%	3.6%
109.11	Assigned Area	2,410	891	766	111	14	4,192	4.4%	3.3%	2.4%	3.1%	3.6%	3.5%
116.13	Vandal/Stealing	2,130	967	938	126	10	4,171	3.8%	3.6%	2.9%	3.5%	2.6%	3.5%
100.15	Disorderly Cond	2,318	966	746	112	6	4,148	4.2%	3.6%	2.3%	3.1%	1.5%	3.5%
113.14	Unauth Medic	1,368	743	1,052	98	13	3,274	2.5%	2.8%	3.2%	2.7%	3.3%	2.8%
124.16	Comp Mess Hall Policy	1,880	678	448	76	5	3,087	3.4%	2.5%	1.4%	2.1%	1.3%	2.6%

Rule No	Rule Description	Incarcerated Population with Violations						Percentage of Incarcerated Population for Race/Ethnicity with Violation					
		Black	Hispanic	White	Other	Not Reported	Total	Black	Hispanic	White	Other	Not Reported	Overall
118.3	Untidy	1,674	664	568	99	7	3,012	3.0%	2.5%	1.7%	2.7%	1.8%	2.5%
180.1	Facil Visiting	1,920	595	352	65	7	2,939	3.5%	2.2%	1.1%	1.8%	1.8%	2.5%
180.18	Prog Committee	1,613	652	520	101	10	2,896	2.9%	2.4%	1.6%	2.8%	2.6%	2.4%
180.11	Facil Correspond	1,498	581	714	81	8	2,882	2.7%	2.2%	2.2%	2.2%	2.0%	2.4%
104.12	Demonstration	1,868	689	218	75	5	2,855	3.4%	2.6%	0.7%	2.1%	1.3%	2.4%
101.2	Lewd Conduct	1,739	533	276	71	6	2,625	3.1%	2.0%	0.8%	2.0%	1.5%	2.2%
124.15	Wasting Food	1,306	477	446	59	7	2,295	2.4%	1.8%	1.4%	1.6%	1.8%	1.9%
118.2	Tattooing	566	554	1,085	79	9	2,293	1.0%	2.1%	3.3%	2.2%	2.3%	1.9%
109.15	Refuse Dbl Celling	1,177	546	451	67	4	2,245	2.1%	2.0%	1.4%	1.9%	1.0%	1.9%
118.31	Tamper W/ Elec	1,089	539	510	57	5	2,200	2.0%	2.0%	1.6%	1.6%	1.3%	1.9%
121.14	Exchanging Pins	1,256	455	320	59	5	2,095	2.3%	1.7%	1.0%	1.6%	1.3%	1.8%
113.2	Excess/Altered CI	1,069	466	349	57	5	1,946	1.9%	1.7%	1.1%	1.6%	1.3%	1.6%
121.13	Unauth Phone Use	1,111	345	219	50	3	1,728	2.0%	1.3%	0.7%	1.4%	0.8%	1.5%
118.24	Safety Violation	836	386	404	52	5	1,683	1.5%	1.4%	1.2%	1.4%	1.3%	1.4%
101.22	Stalking	998	369	192	31	2	1,592	1.8%	1.4%	0.6%	0.9%	0.5%	1.3%
118.25	Littering	748	335	427	46	2	1,558	1.4%	1.2%	1.3%	1.3%	0.5%	1.3%
103.2	Soliciting	724	236	341	36	1	1,338	1.3%	0.9%	1.0%	1.0%	0.3%	1.1%
121.11	Unauth Call	833	241	165	34	1	1,274	1.5%	0.9%	0.5%	0.9%	0.3%	1.1%
124.13	Meal Absence	704	265	228	34	4	1,235	1.3%	1.0%	0.7%	0.9%	1.0%	1.0%
101.1	Sex Offense	761	260	174	26	3	1,224	1.4%	1.0%	0.5%	0.7%	0.8%	1.0%
103.1	Bribery/Extortion	758	265	170	28	2	1,223	1.4%	1.0%	0.5%	0.8%	0.5%	1.0%
116.12	Counterfeiting	566	257	219	33	1	1,076	1.0%	1.0%	0.7%	0.9%	0.3%	0.9%
118.33	Flooding	500	262	153	30	1	946	0.9%	1.0%	0.5%	0.8%	0.3%	0.8%
124.12	Utensils	568	214	136	24	0	942	1.0%	0.8%	0.4%	0.7%	0.0%	0.8%
118.1	Arson	434	259	143	23	0	859	0.8%	1.0%	0.4%	0.6%	0.0%	0.7%
113.16	Unauth Valuable	416	185	132	22	3	758	0.8%	0.7%	0.4%	0.6%	0.8%	0.6%
180.12	Facil Packages	333	153	216	23	2	727	0.6%	0.6%	0.7%	0.6%	0.5%	0.6%
111.1	Impersonation	438	136	118	25	1	718	0.8%	0.5%	0.4%	0.7%	0.3%	0.6%
108.14	Temp Release	336	144	193	26	2	701	0.6%	0.5%	0.6%	0.7%	0.5%	0.6%
120.2	Gambling	376	128	167	24	2	697	0.7%	0.5%	0.5%	0.7%	0.5%	0.6%
105.1	Unauth Assembly	395	133	58	6	0	592	0.7%	0.5%	0.2%	0.2%	0.0%	0.5%
112.1	Cause Miscount	308	142	103	18	1	572	0.6%	0.5%	0.3%	0.5%	0.3%	0.5%
101.21	Phys. Contact	240	118	178	19	2	557	0.4%	0.4%	0.5%	0.5%	0.5%	0.5%
110.21	Unauthorized Id	348	96	64	20	0	528	0.6%	0.4%	0.2%	0.6%	0.0%	0.4%
113.19	Excess Tobacco	255	112	90	18	1	476	0.5%	0.4%	0.3%	0.5%	0.3%	0.4%
119.1	False Alarm	251	104	51	12	0	418	0.5%	0.4%	0.2%	0.3%	0.0%	0.4%
105.14	Ua Organizations	253	80	52	7	0	392	0.5%	0.3%	0.2%	0.2%	0.0%	0.3%
113.17	Unauth Jewelry	181	90	53	14	1	339	0.3%	0.3%	0.2%	0.4%	0.3%	0.3%
113.27	Oth Inm Crim Info	176	71	64	7	1	319	0.3%	0.3%	0.2%	0.2%	0.3%	0.3%
110.3	Unrpt Id Loss	177	66	34	12	0	289	0.3%	0.2%	0.1%	0.3%	0.0%	0.2%
180.17	Unauth Legal	154	51	66	4	1	276	0.3%	0.2%	0.2%	0.1%	0.3%	0.2%
113.18	Unauth Tools	84	65	61	10	0	220	0.2%	0.2%	0.2%	0.3%	0.0%	0.2%

Rule No	Rule Description	Incarcerated Population with Violations						Percentage of Incarcerated Population for Race/Ethnicity with Violation					
		Black	Hispanic	White	Other	Not Reported	Total	Black	Hispanic	White	Other	Not Reported	Overall
113.21	Unauth Lit	99	49	63	3	0	214	0.2%	0.2%	0.2%	0.1%	0.0%	0.2%
104.1	Rioting	131	44	20	7	0	202	0.2%	0.2%	0.1%	0.2%	0.0%	0.2%
113.31	Alcohol Use	101	59	34	6	1	201	0.2%	0.2%	0.1%	0.2%	0.3%	0.2%
113.26	Employee Info.	119	36	32	10	0	197	0.2%	0.1%	0.1%	0.3%	0.0%	0.2%
110.2	Tampering With Id	92	42	38	4	1	177	0.2%	0.2%	0.1%	0.1%	0.3%	0.1%
110.31	Unrpt Id Change	75	29	28	2	0	134	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%
108.15	Abscondence	48	23	50	4	0	125	0.1%	0.1%	0.2%	0.1%	0.0%	0.1%
109.13	Assigned Area	65	31	21	6	0	123	0.1%	0.1%	0.1%	0.2%	0.0%	0.1%
110.33	Unfastened Hair	66	33	16	8	0	123	0.1%	0.1%	0.0%	0.2%	0.0%	0.1%
121.1	Call Employee	81	21	16	2	0	120	0.1%	0.1%	0.0%	0.1%	0.0%	0.1%
113.3	Poss Unauth UCC Mat	71	27	13	6	0	117	0.1%	0.1%	0.0%	0.2%	0.0%	0.1%
180.13	Family Reunion	81	22	10	3	0	116	0.1%	0.1%	0.0%	0.1%	0.0%	0.1%
100.12	Assault On Other	71	25	10	1	0	107	0.1%	0.1%	0.0%	0.0%	0.0%	0.1%
101.11	Forcible Touching	57	22	12	1	0	92	0.1%	0.1%	0.0%	0.0%	0.0%	0.1%
108.12	Exceed Time	45	24	23	0	0	92	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%
124.11	Food Into Mess	51	19	8	2	0	80	0.1%	0.1%	0.0%	0.1%	0.0%	0.1%
110.32	Beard/Mustache	31	16	25	1	0	73	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%
108.13	Escape Items	33	21	17	0	1	72	0.1%	0.1%	0.1%	0.0%	0.3%	0.1%
113.28	Poss Fac Document	43	8	14	3	0	68	0.1%	0.0%	0.0%	0.1%	0.0%	0.1%
113.34	Drug Use	45	10	10	3	0	68	0.1%	0.0%	0.0%	0.1%	0.0%	0.1%
119.11	Fire Extinguisher	43	17	4	4	0	68	0.1%	0.1%	0.0%	0.1%	0.0%	0.1%
1	Penal Law Offense	34	14	15	2	0	65	0.1%	0.1%	0.0%	0.1%	0.0%	0.1%
118.32	Fire Drill Viol	34	11	17	2	0	64	0.1%	0.0%	0.1%	0.1%	0.0%	0.1%
113.33	Drug Posses	32	11	15	2	0	60	0.1%	0.0%	0.0%	0.1%	0.0%	0.1%
124.1	Messhall Contain	43	8	8	1	0	60	0.1%	0.0%	0.0%	0.0%	0.0%	0.1%
108.1	Escape	22	16	20	0	0	58	0.0%	0.1%	0.1%	0.0%	0.0%	0.0%
107.21	Unauth Lien	27	9	7	0	0	43	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
105.11	Unauth Speech	25	10	3	2	0	40	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%
180.16	Sunglasses Unauth	23	9	4	1	0	37	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
111.11	Possess Emp Prop	17	8	5	1	0	31	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
109.14	Unauth Rel Garm	19	4	2	1	0	26	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
100.14	Practice Martial Arts	19	4	2	0	0	25	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
124.14	Headwear In Mess	17	5	2	1	0	25	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
108.11	Exceed Limits	16	2	5	0	0	23	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
106.11	DNA Refusal	16	1	2	0	2	21	0.0%	0.0%	0.0%	0.0%	0.5%	0.0%
113.32	Alcohol/Drug Dist	14	2	2	1	0	19	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
117.1	Explosives	4	1	9	2	0	16	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%
120.21	Lottery	8	0	2	0	0	10	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
180.19	Alcohol Testing	2	3	3	0	0	8	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
888.88	888.88	1	0	0	0	0	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Appendix 15: Racial Disparities Between DOCCS’s Workforce and Community Population in each DOCCS HUB¹⁰⁸

Facility	Hub	County	Region	Black			Hispanic			White			Other		
				DOCCS Staff	Community Population	Disparity	DOCCS Staff	Community Population	Disparity	DOCCS Staff	Community Population	Disparity	DOCCS Staff	Community Population	Disparity
Adirondack	Clinton	Essex	North Country	1%	3%	(1.8%)	0%	3%	(2.6%)	93%	91%	2.3%	1%	3%	(2.3%)
Albion	Wende	Orleans	Finger Lakes	13%	11%	2.2%	3%	7%	(3.6%)	79%	78%	0.9%	1%	4%	(3.5%)
Altona	Clinton	Clinton	North Country	2%	3%	(1.1%)	1%	3%	(1.8%)	95%	91%	3.9%	1%	3%	(1.8%)
Attica	Wende	Wyoming	Finger Lakes	2%	11%	(9.1%)	1%	7%	(5.3%)	94%	78%	15.9%	1%	4%	(3.7%)
Auburn	Elmira	Cayuga	Central	3%	6%	(2.6%)	2%	5%	(2.9%)	92%	85%	6.7%	1%	4%	(2.6%)
Bare Hill	Clinton	Franklin	North Country	0%	3%	(2.5%)	0%	3%	(2.6%)	96%	91%	5.4%	2%	3%	(1.5%)
Bedford Hills	NYC	Westchester	Mid-Hudson	53%	17%	35.8%	16%	26%	(9.8%)	19%	42%	(22.8%)	5%	14%	(9.1%)
Cape Vincent	Watertown	Jefferson	North Country	0%	3%	(2.6%)	0%	4%	(3.7%)	96%	91%	5.2%	1%	2%	(1.1%)
Cayuga	Elmira	Cayuga	Central	2%	6%	(4.1%)	1%	5%	(3.6%)	94%	85%	8.6%	1%	4%	(2.9%)
Clinton	Clinton	Clinton	North Country	1%	3%	(2.4%)	1%	3%	(2.1%)	96%	91%	5.5%	0%	3%	(2.9%)
Collins	Wende	Erie	Western	2%	11%	(8.9%)	1%	7%	(5.2%)	94%	78%	15.7%	1%	4%	(2.9%)
Coxsackie	Great Meadow	Greene	Capital District	6%	7%	(0.2%)	5%	6%	(1.0%)	83%	82%	0.7%	2%	5%	(2.7%)
Downstate	Green Haven	Dutchess	Mid-Hudson	32%	9%	23.3%	20%	17%	3.0%	42%	69%	(26.7%)	3%	5%	(2.2%)
Eastern	Sullivan	Ulster	Mid-Hudson	8%	9%	(0.7%)	8%	18%	(9.7%)	81%	69%	11.9%	1%	5%	(4.1%)
Edgecombe	NYC	New York	NYC	56%	17%	38.7%	18%	26%	(7.7%)	16%	42%	(26.7%)	6%	14%	(8.6%)
Elmira	Elmira	Chemung	Souther Tier	2%	6%	(3.7%)	2%	5%	(2.9%)	90%	85%	4.7%	1%	4%	(3.1%)
Fishkill	Green Haven	Dutchess	Mid-Hudson	31%	9%	22.0%	17%	17%	(0.3%)	46%	69%	(22.5%)	2%	5%	(2.4%)
Five Points	Elmira	Seneca	Finger Lakes	3%	6%	(2.9%)	2%	5%	(2.7%)	91%	85%	5.1%	1%	4%	(3.0%)
Franklin	Clinton	Franklin	North Country	0%	3%	(2.4%)	1%	3%	(1.7%)	95%	91%	3.9%	1%	3%	(2.2%)
Gouverneur	Watertown	St. Lawrence	North Country	0%	3%	(2.5%)	1%	4%	(3.3%)	94%	91%	3.3%	1%	2%	(0.9%)
Gowanda	Wende	Erie	Western	2%	11%	(8.8%)	1%	7%	(5.6%)	94%	78%	15.5%	2%	4%	(2.7%)
Great Meadow	Great Meadow	Washington	Capital District	4%	7%	(3.1%)	2%	6%	(3.9%)	91%	82%	8.1%	1%	5%	(4.2%)
Green Haven	Green Haven	Dutchess	Mid-Hudson	23%	9%	13.9%	14%	17%	(3.3%)	57%	69%	(11.5%)	1%	5%	(3.4%)
Greene	Great Meadow	Greene	Capital District	9%	7%	2.0%	5%	6%	(0.4%)	81%	82%	(1.3%)	1%	5%	(3.8%)
Groveland	Wende	Livingston	Finger Lakes	3%	11%	(7.3%)	1%	7%	(5.7%)	93%	78%	14.3%	1%	4%	(3.3%)
Hale Creek	Central	Fulton	Mohawk Valley	5%	3%	1.5%	4%	5%	(1.1%)	87%	89%	(1.8%)	1%	3%	(2.1%)
Hudson	Great Meadow	Columbia	Capital District	7%	7%	(0.1%)	4%	6%	(1.4%)	84%	82%	1.9%	1%	5%	(4.1%)
Lakeview	Wende	Chautauqua	Western	3%	11%	(8.1%)	4%	7%	(3.1%)	92%	78%	13.6%	1%	4%	(3.2%)
Marcy	Central	Oneida	Mohawk Valley	2%	3%	(1.1%)	1%	5%	(4.5%)	93%	89%	3.7%	1%	3%	(1.8%)
Midstate	Central	Oneida	Mohawk Valley	3%	3%	(0.6%)	1%	5%	(4.0%)	92%	89%	3.1%	1%	3%	(2.1%)
Mohawk	Central	Oneida	Mohawk Valley	2%	3%	(1.6%)	1%	5%	(4.4%)	90%	89%	1.5%	0%	3%	(2.3%)
Moriah	Great Meadow	Essex	North Country	1%	7%	(5.4%)	2%	6%	(3.5%)	93%	82%	10.3%	0%	5%	(5.1%)
Ogdensburg	Watertown	St. Lawrence	North Country	0%	3%	(2.8%)	0%	4%	(4.0%)	99%	91%	8.3%	0%	2%	(2.0%)
Orleans	Wende	Orleans	Finger Lakes	7%	11%	(4.0%)	2%	7%	(4.4%)	86%	78%	8.1%	1%	4%	(3.5%)
Otisville	Sullivan	Orange	Mid-Hudson	11%	9%	2.3%	14%	18%	(3.7%)	69%	69%	0.4%	1%	5%	(3.7%)
Queensboro	NYC	Queens	NYC	63%	17%	45.8%	12%	26%	(13.7%)	17%	42%	(25.2%)	5%	14%	(9.5%)
Riverview	Watertown	St. Lawrence	North Country	0%	3%	(2.6%)	1%	4%	(3.4%)	97%	91%	6.1%	1%	2%	(1.2%)
Rochester	Wende	Monroe	Finger Lakes	22%	11%	11.0%	7%	7%	0.1%	64%	78%	(14.1%)	3%	4%	(1.7%)
Shawangunk	Green Haven	Ulster	Mid-Hudson	7%	9%	(2.3%)	9%	17%	(8.3%)	79%	69%	10.3%	1%	5%	(3.7%)
Sing Sing	NYC	Westchester	Mid-Hudson	54%	17%	36.6%	22%	26%	(4.3%)	18%	42%	(24.7%)	4%	14%	(10.2%)
Southport	Elmira	Chemung	Souther Tier	2%	6%	(3.7%)	1%	5%	(3.8%)	94%	85%	8.9%	0%	4%	(3.6%)
Sullivan	Sullivan	Sullivan	Mid-Hudson	7%	9%	(1.9%)	8%	18%	(10.0%)	80%	69%	11.5%	1%	5%	(3.9%)
Taconic	NYC	Westchester	Mid-Hudson	51%	17%	33.1%	18%	26%	(7.9%)	22%	42%	(20.5%)	4%	14%	(10.3%)
Ulster	Sullivan	Ulster	Mid-Hudson	10%	9%	1.6%	12%	18%	(6.2%)	73%	69%	4.5%	1%	5%	(3.7%)
Upstate	Clinton	Franklin	North Country	0%	3%	(2.5%)	1%	3%	(2.0%)	95%	91%	4.3%	1%	3%	(2.2%)
Wallkill	Green Haven	Ulster	Mid-Hudson	7%	9%	(1.6%)	11%	17%	(6.3%)	75%	69%	5.8%	2%	5%	(3.1%)
Washington	Great Meadow	Washington	Capital District	4%	7%	(2.6%)	2%	6%	(3.5%)	90%	82%	7.8%	1%	5%	(4.4%)
Watertown	Watertown	Jefferson	North Country	1%	3%	(2.1%)	2%	4%	(2.1%)	96%	91%	5.6%	0%	2%	(1.8%)
Wende	Wende	Erie	Western	20%	11%	9.7%	4%	7%	(2.9%)	73%	78%	(5.3%)	1%	4%	(3.4%)
Willard	Elmira	Seneca	Finger Lakes	2%	6%	(4.1%)	2%	5%	(2.8%)	93%	85%	7.9%	1%	4%	(3.1%)
Woodbourne	Sullivan	Sullivan	Mid-Hudson	9%	9%	0.1%	6%	18%	(12.0%)	79%	69%	10.2%	1%	5%	(3.3%)
Wyoming	Wende	Wyoming	Finger Lakes	4%	11%	(6.6%)	2%	7%	(4.9%)	90%	78%	12.1%	1%	4%	(3.6%)
Overall				11%	14%	(3.1%)	5%	20%	(14.5%)	79%	55%	24.2%	1%	11%	(9.6%)

¹⁰⁸ Disparities highlighted in red represent races/ethnicities that were under-represented by more than 10 percent in a facility’s workforce, whereas values highlighted in green represent races/ethnicities that were over-represented by more than 10 percent in a facility’s workforce.

Appendix 16: Demographics of DOCCS Facilities (Workforce and Incarcerated Population)

Facility	HUB	DOCCS Workforce				Incarcerated Population				Disparity (Workforce vs. Incarcerated Population)			
		Black	Hispanic	White	Other	Black	Hispanic	White	Other	Black	Hispanic	White	Other
Adirondack	Clinton	1%	0%	93%	1%	45%	22%	29%	4%	(44.0%)	(22.1%)	64.5%	(2.8%)
Albion	Wende	13%	3%	79%	1%	31%	10%	56%	3%	(18.2%)	(7.4%)	23.6%	(1.7%)
Altona	Clinton	2%	1%	95%	1%	44%	26%	27%	3%	(42.1%)	(24.7%)	67.9%	(1.7%)
Attica	Wende	2%	1%	94%	1%	57%	19%	21%	2%	(55.5%)	(17.5%)	72.8%	(1.9%)
Auburn	Elmira	3%	2%	92%	1%	57%	22%	19%	3%	(53.5%)	(20.0%)	73.6%	(1.3%)
Bare Hill	Clinton	0%	0%	96%	2%	51%	24%	22%	3%	(50.2%)	(23.8%)	74.5%	(1.3%)
Bedford Hills	NYC	53%	16%	19%	5%	42%	13%	41%	3%	11.4%	2.9%	(21.8%)	2.0%
Cape Vincent	Watertown	0%	0%	96%	1%	48%	27%	22%	3%	(47.7%)	(26.4%)	74.2%	(1.9%)
Cayuga	Elmira	2%	1%	94%	1%	49%	18%	30%	3%	(47.5%)	(16.7%)	64.3%	(2.1%)
Clinton	Clinton	1%	1%	96%	0%	53%	25%	20%	3%	(52.0%)	(23.7%)	76.7%	(2.5%)
Collins	Wende	2%	1%	94%	1%	37%	18%	42%	3%	(34.9%)	(16.5%)	51.6%	(1.4%)
Coxsackie	Great Meadow	6%	5%	83%	2%	50%	26%	21%	3%	(43.1%)	(20.8%)	62.2%	(1.0%)
Downstate	Green Haven	32%	20%	42%	3%	51%	25%	20%	4%	(18.6%)	(4.5%)	22.0%	(1.1%)
Eastern	Sullivan	8%	8%	81%	1%	55%	27%	14%	4%	(46.6%)	(19.1%)	66.9%	(2.9%)
Edgecombe	NYC	56%	18%	16%	6%	51%	23%	24%	2%	5.3%	(5.0%)	(8.0%)	3.4%
Elmira	Elmira	2%	2%	90%	1%	54%	19%	24%	3%	(51.5%)	(17.7%)	66.0%	(1.8%)
Fishkill	Green Haven	31%	17%	46%	2%	48%	26%	23%	3%	(17.2%)	(8.7%)	23.8%	(0.9%)
Five Points	Elmira	3%	2%	91%	1%	55%	23%	18%	3%	(52.3%)	(21.6%)	72.5%	(1.8%)
Franklin	Clinton	0%	1%	95%	1%	45%	25%	27%	3%	(44.3%)	(23.7%)	68.2%	(2.4%)
Gouverneur	Watertown	0%	1%	94%	1%	49%	24%	24%	3%	(48.2%)	(23.1%)	69.9%	(1.8%)
Gowanda	Wende	2%	1%	94%	2%	40%	20%	37%	3%	(37.5%)	(19.1%)	57.0%	(1.7%)
Great Meadow	Great Meadow	4%	2%	91%	1%	56%	23%	17%	3%	(52.7%)	(21.6%)	73.6%	(2.1%)
Green Haven	Green Haven	23%	14%	57%	1%	58%	26%	13%	3%	(34.9%)	(11.6%)	44.2%	(1.6%)
Greene	Great Meadow	9%	5%	81%	1%	50%	25%	21%	4%	(41.2%)	(19.8%)	60.1%	(2.3%)
Groveland	Wende	3%	1%	93%	1%	37%	16%	45%	2%	(33.5%)	(14.7%)	47.6%	(1.3%)
Hale Creek	Central	5%	4%	87%	1%	46%	25%	27%	3%	(41.0%)	(20.5%)	60.4%	(2.2%)
Hudson	Great Meadow	7%	4%	84%	1%	45%	17%	34%	4%	(38.7%)	(12.3%)	50.4%	(2.8%)
Lakeview	Wende	3%	4%	92%	1%	39%	21%	36%	3%	(36.6%)	(17.7%)	55.9%	(2.0%)
Marcy	Central	2%	1%	93%	1%	42%	22%	33%	3%	(39.8%)	(21.1%)	59.3%	(1.8%)
Midstate	Central	3%	1%	92%	1%	41%	21%	34%	3%	(38.8%)	(19.7%)	57.9%	(2.8%)
Mohawk	Central	2%	1%	90%	0%	42%	21%	33%	3%	(40.0%)	(20.6%)	56.8%	(2.7%)
Moriah	Great Meadow	1%	2%	93%	0%	39%	19%	39%	2%	(38.1%)	(17.2%)	53.8%	(1.9%)
Ogdensburg	Watertown	0%	0%	99%	0%	49%	27%	20%	4%	(48.5%)	(27.0%)	78.7%	(3.4%)
Orleans	Wende	7%	2%	86%	1%	53%	20%	25%	2%	(46.2%)	(17.5%)	61.7%	(1.6%)
Otisville	Sullivan	11%	14%	69%	1%	54%	28%	15%	3%	(42.9%)	(13.7%)	54.4%	(1.8%)
Queensboro	NYC	63%	12%	17%	5%	56%	33%	8%	3%	7.6%	(20.6%)	8.9%	2.0%
Riverview	Watertown	0%	1%	97%	1%	49%	26%	21%	3%	(48.8%)	(25.5%)	75.5%	(2.0%)
Rochester	Wende	22%	7%	64%	3%	38%	13%	46%	2%	(16.7%)	(6.7%)	18.1%	0.6%
Shawangunk	Green Haven	7%	9%	79%	1%	57%	26%	16%	2%	(50.1%)	(16.5%)	63.5%	(0.6%)
Sing Sing	NYC	54%	22%	18%	4%	59%	26%	12%	3%	(5.3%)	(4.2%)	5.7%	1.5%
Southport	Elmira	2%	1%	94%	0%	59%	25%	14%	2%	(56.6%)	(24.6%)	80.8%	(1.7%)
Sullivan	Sullivan	7%	8%	80%	1%	53%	26%	19%	2%	(46.3%)	(17.7%)	61.6%	(1.6%)
Taconic	NYC	51%	18%	22%	4%	41%	17%	39%	3%	9.3%	1.5%	(17.5%)	1.4%
Ulster	Sullivan	10%	12%	73%	1%	53%	31%	13%	3%	(42.5%)	(19.0%)	60.4%	(2.2%)
Upstate	Clinton	0%	1%	95%	1%	58%	26%	13%	3%	(57.7%)	(25.2%)	82.3%	(1.7%)
Walkkill	Green Haven	7%	11%	75%	2%	54%	27%	16%	3%	(46.4%)	(15.6%)	58.5%	(1.1%)
Washington	Great Meadow	4%	2%	90%	1%	48%	23%	25%	3%	(44.2%)	(21.1%)	65.2%	(2.5%)
Watertown	Watertown	1%	2%	96%	0%	47%	27%	22%	3%	(46.3%)	(25.5%)	74.7%	(2.9%)
Wende	Wende	20%	4%	73%	1%	55%	20%	23%	2%	(34.3%)	(15.9%)	49.9%	(1.3%)
Willard	Elmira	2%	2%	93%	1%	51%	18%	28%	2%	(49.0%)	(16.5%)	65.0%	(1.5%)
Woodbourne	Sullivan	9%	6%	79%	1%	45%	32%	20%	3%	(36.2%)	(25.6%)	58.9%	(1.5%)
Wyoming	Wende	4%	2%	90%	1%	53%	21%	24%	3%	(48.3%)	(18.9%)	66.6%	(2.1%)
Overall		11%	5%	79%	1%	49%	23%	25%	3%	(38.5%)	(17.4%)	54.7%	(1.6%)

**Appendix 17: Comparison of Disparities in Facilities' Workforce and Issuance of
Misbehavior Reports – Sorted by Staff Disparity Ranks from Worst to Best**

Facility	Staff Disparity Rank Black	Staff Disparity Rank Hispanic	Staff Disparity Rank Black and Hispanic	Misbehavior Report Disparity Rank
Upstate	1	6	1	27
Southport	2	8	2	29
Ogdensburg	13	1	3	42
Clinton	7	10	4	2
Riverview	12	5	4	36
Bare Hill	9	9	6	14
Cape Vincent	16	2	6	41
Five Points	6	14	8	5
Great Meadow	5	15	8	6
Watertown	21	4	10	50
Auburn	4	22	11	9
Gouverneur	15	12	12	18
Franklin	23	11	13	22
Attica	3	32	14	4
Altona	29	7	15	31
Adirondack	25	13	16	49
Elmira	8	31	17	3
Washington	24	17	18	10
Wyoming	14	28	19	20
Woodbourne	39	3	19	46
Coxsackie	26	18	21	8
Eastern	18	26	21	48
Shawangunk	10	37	23	54
Marcy	33	16	24	17
Willard	11	38	24	51
Sullivan	20	30	26	44
Mohawk	32	19	27	33
Cayuga	17	35	28	34
Hale Creek	31	21	28	45
Greene	30	23	30	12
Ulster	28	27	31	25
Orleans	22	33	31	39
Midstate	34	24	33	13
Wallkill	19	40	34	37
Gowanda	37	25	35	21
Lakeview	38	29	36	7
Otisville	27	42	37	32
Moriah	36	34	38	28
Queensboro	50	20	38	47
Collins	40	36	40	24
Hudson	35	43	41	23
Wende	42	39	42	11
Groveland	43	41	43	16
Green Haven	41	44	44	30
Albion	45	46	45	26
Fishkill	46	45	45	53
Downstate	44	49	47	1
Rochester	47	47	48	52
Edgecombe	49	48	49	43
Sing Sing	48	50	50	40
Taconic	51	51	51	35
Bedford Hills	52	52	52	15

Appendix 18: Comparison of Disparities in Facilities' Workforce and Issuance of Misbehavior Reports – Sorted by Misbehavior Report Disparity Rank from Worst to Best

Facility	Staff Disparity Rank Black	Staff Disparity Rank Hispanic	Staff Disparity Rank Black and Hispanic	Misbehavior Report Disparity Rank
Downstate	44	49	47	1
Clinton	7	10	4	2
Elmira	8	31	17	3
Attica	3	32	14	4
Five Points	6	14	8	5
Great Meadow	5	15	8	6
Lakeview	38	29	36	7
Coxsackie	26	18	21	8
Auburn	4	22	11	9
Washington	24	17	18	10
Wende	42	39	42	11
Greene	30	23	30	12
Midstate	34	24	33	13
Bare Hill	9	9	6	14
Bedford Hills	52	52	52	15
Groveland	43	41	43	16
Marcy	33	16	24	17
Gouverneur	15	12	12	18
Wyoming	14	28	19	20
Gowanda	37	25	35	21
Franklin	23	11	13	22
Hudson	35	43	41	23
Collins	40	36	40	24
Ulster	28	27	31	25
Albion	45	46	45	26
Upstate	1	6	1	27
Moriah	36	34	38	28
Southport	2	8	2	29
Green Haven	41	44	44	30
Altona	29	7	15	31
Otisville	27	42	37	32
Mohawk	32	19	27	33
Cayuga	17	35	28	34
Taconic	51	51	51	35
Riverview	12	5	4	36
Wallkill	19	40	34	37
Orleans	22	33	31	39
Sing Sing	48	50	50	40
Cape Vincent	16	2	6	41
Ogdensburg	13	1	3	42
Edgecombe	49	48	49	43
Sullivan	20	30	26	44
Hale Creek	31	21	28	45
Woodbourne	39	3	19	46
Queensboro	50	20	38	47
Eastern	18	26	21	48
Adirondack	25	13	16	49
Watertown	21	4	10	50
Willard	11	38	24	51
Rochester	47	47	48	52
Fishkill	46	45	45	53
Shawangunk	10	37	23	54

Appendix 19: Violation Dismissal Rates by DOCCS Rule

Rule Number	Description	Charge Considered at Hearing	Charge Dismissed at Hearing	Charge Dismissed at Appeal	Total Violations Reported	% of Violations Dismissed at Hearing	% of Violations Dismissed at Appeal	Total Percent of Violations Dismissed
888.88	888.88		1		1	100.0%	0.0%	100.0%
104.1	Rioting	68	130	7	205	63.4%	3.4%	66.8%
1	Penal Law Offense	28	35	3	66	53.0%	4.5%	57.6%
180.18	Prog Committee	1,558	1,849	7	3,414	54.2%	0.2%	54.4%
110.3	Unrpt Id Loss	136	155	1	292	53.1%	0.3%	53.4%
112.1	Cause Miscount	295	290	3	588	49.3%	0.5%	49.8%
103.1	Bribery/Extortion	690	495	92	1,277	38.8%	7.2%	46.0%
121.14	Exchanging Pins	1,322	1,038	12	2,372	43.8%	0.5%	44.3%
107.21	Unauth Lien	33	24	2	59	40.7%	3.4%	44.1%
100.12	Assault On Other	60	43	4	107	40.2%	3.7%	43.9%
105.14	Ua Organizations	234	152	21	407	37.3%	5.2%	42.5%
101.11	Forcible Touching	54	34	5	93	36.6%	5.4%	41.9%
100.14	Practice Martial Arts	15	9	1	25	36.0%	4.0%	40.0%
113.21	Unauth Lit	132	84	4	220	38.2%	1.8%	40.0%
120.21	Lottery	6	4		10	40.0%	0.0%	40.0%
104.12	Demonstration	1,897	1,149	108	3,154	36.4%	3.4%	39.9%
109.13	Assigned Area	76	49		125	39.2%	0.0%	39.2%
180.17	Unauth Legal	187	114	5	306	37.3%	1.6%	38.9%
101.22	Stalking	1,215	656	113	1,984	33.1%	5.7%	38.8%
119.1	False Alarm	286	172	5	463	37.1%	1.1%	38.2%
117.1	Explosives	10	5	1	16	31.3%	6.3%	37.5%
180.19	Alcohol Testing	5	1	2	8	12.5%	25.0%	37.5%
110.2	Tampering With Id	112	67		179	37.4%	0.0%	37.4%
180.13	Family Reunion	76	29	16	121	24.0%	13.2%	37.2%
113.32	Alcohol/Drug Dist	12	6	1	19	31.6%	5.3%	36.8%
116.13	Vandal/Stealing	2,820	1,616	28	4,464	36.2%	0.6%	36.8%
113.28	Poss Fac Document	43	22	3	68	32.4%	4.4%	36.8%
108.13	Escape Items	50	28	1	79	35.4%	1.3%	36.7%
124.1	Messhall Contain	40	23		63	36.5%	0.0%	36.5%
124.14	Headwear In Mess	16	9		25	36.0%	0.0%	36.0%
113.18	Unauth Tools	144	74	6	224	33.0%	2.7%	35.7%
111.11	Possess Emp Prop	20	9	2	31	29.0%	6.5%	35.5%
113.26	Employee Info.	142	64	14	220	29.1%	6.4%	35.5%
121.1	Call Employee	79	42		121	34.7%	0.0%	34.7%
121.13	Unauth Phone Use	1,245	654	7	1,906	34.3%	0.4%	34.7%
110.31	Unrpt Id Change	90	45	1	136	33.1%	0.7%	33.8%
105.1	Unauth Assembly	398	176	27	601	29.3%	4.5%	33.8%
108.1	Escape	42	14	6	62	22.6%	9.7%	32.3%
113.27	Oth Inn Crim Info	227	97	6	330	29.4%	1.8%	31.2%
124.15	Wasting Food	1,865	832	10	2,707	30.7%	0.4%	31.1%
112.2	Delay Count	5,159	2,276	26	7,461	30.5%	0.3%	30.9%
110.32	Beard/Mustache	52	23		75	30.7%	0.0%	30.7%
101.1	Sex Offense	973	378	45	1,396	27.1%	3.2%	30.3%
105.11	Unauth Speech	28	12		40	30.0%	0.0%	30.0%
107.2	False Information	15,194	6,261	177	21,632	28.9%	0.8%	29.8%
108.11	Exceed Limits	17	7		24	29.2%	0.0%	29.2%
180.16	Sunglasses Unauth	27	11		38	28.9%	0.0%	28.9%
124.13	Meal Absence	1,142	451	5	1,598	28.2%	0.3%	28.5%
118.1	Arson	731	276	9	1,016	27.2%	0.9%	28.1%
100.1	Assault On Inmate	5,318	1,857	197	7,372	25.2%	2.7%	27.9%
100.15	Disorderly Cond	3,373	1,214	72	4,659	26.1%	1.5%	27.6%
102.1	Threats	20,511	7,364	426	28,301	26.0%	1.5%	27.5%
118.24	Safety Violation	1,322	493	6	1,821	27.1%	0.3%	27.4%


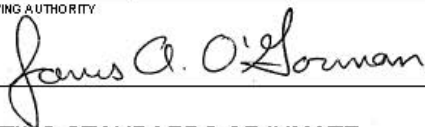
Rule Number	Description	Charge Considered at Hearing	Charge Dismissed at Hearing	Charge Dismissed at Appeal	Total Violations Reported	% of Violations Dismissed at Hearing	% of Violations Dismissed at Appeal	Total Percent of Violations Dismissed
116.11	Tamper With Prop	3,557	1,300	40	4,897	26.5%	0.8%	27.4%
107.1	Interference	40,379	14,116	929	55,424	25.5%	1.7%	27.1%
118.21	Flammable Mater	3,828	1,382	18	5,228	26.4%	0.3%	26.8%
106.11	DNA Refusal	22	8		30	26.7%	0.0%	26.7%
111.1	Impersonation	559	190	12	761	25.0%	1.6%	26.5%
113.34	Drug Use	51	17	1	69	24.6%	1.4%	26.1%
109.14	Unauth Rel Garm	20	7		27	25.9%	0.0%	25.9%
109.11	Assigned Area	3,590	1,213	15	4,818	25.2%	0.3%	25.5%
124.11	Food Into Mess	62	19		81	23.5%	0.0%	23.5%
110.1	No Id Card	3,990	1,199	8	5,197	23.1%	0.2%	23.2%
107.11	Harassment	31,193	8,797	393	40,383	21.8%	1.0%	22.8%
110.33	Unfastened Hair	107	30	1	138	21.7%	0.7%	22.5%
116.12	Counterfeiting	901	245	11	1,157	21.2%	1.0%	22.1%
116.1	Loss/Damage Prop	15,689	4,168	151	20,008	20.8%	0.8%	21.6%
113.33	Drug Posses	48	11	2	61	18.0%	3.3%	21.3%
113.2	Excess/Altered Cl	1,664	432	18	2,114	20.4%	0.9%	21.3%
118.31	Tamper W/ Elec	1,973	512	5	2,490	20.6%	0.2%	20.8%
180.12	Facil Packages	586	141	11	738	19.1%	1.5%	20.6%
110.21	Unauthorized Id	432	110	1	543	20.3%	0.2%	20.4%
118.25	Littering	1,365	342	7	1,714	20.0%	0.4%	20.4%
120.2	Gambling	591	141	5	737	19.1%	0.7%	19.8%
124.16	Comp Mess Hall Policy	2,896	689	12	3,597	19.2%	0.3%	19.5%
103.2	Soliciting	1,169	241	41	1,451	16.6%	2.8%	19.4%
118.32	Fire Drill Viol	52	12		64	18.8%	0.0%	18.8%
115.1	Search/Frisk	6,628	1,398	107	8,133	17.2%	1.3%	18.5%
114.1	Smuggling	22,736	4,411	513	27,660	15.9%	1.9%	17.8%
118.3	Untidy	2,835	589	15	3,439	17.1%	0.4%	17.6%
121.11	Unauth Call	1,107	215	14	1,336	16.1%	1.0%	17.1%
104.13	Create Disturb	84,336	16,013	1,133	101,482	15.8%	1.1%	16.9%
104.11	Violent Conduct	58,543	10,195	1,113	69,851	14.6%	1.6%	16.2%
113.17	Unauth Jewelry	294	54	2	350	15.4%	0.6%	16.0%
113.24	Drug Use	20,665	918	3,018	24,601	3.7%	12.3%	16.0%
106.1	Direct Order	168,399	30,735	1,272	200,406	15.3%	0.6%	16.0%
105.13	Gangs	6,833	1,102	190	8,125	13.6%	2.3%	15.9%
113.23	Contraband	19,011	2,863	591	22,465	12.7%	2.6%	15.4%
109.12	Movement Vio	36,523	6,410	191	43,124	14.9%	0.4%	15.3%
113.1	Weapon	11,255	1,670	346	13,271	12.6%	2.6%	15.2%
101.2	Lewd Conduct	4,250	672	84	5,006	13.4%	1.7%	15.1%
109.1	Out Of Place	53,864	9,237	211	63,312	14.6%	0.3%	14.9%
113.25	Drug Possession	11,165	937	1,020	13,122	7.1%	7.8%	14.9%
101.21	Phys. Contact	542	90	3	635	14.2%	0.5%	14.6%
113.15	Unauth Exchange	7,998	1,285	77	9,360	13.7%	0.8%	14.6%
113.11	Altered Item	10,709	1,614	182	12,505	12.9%	1.5%	14.4%
113.3	Poss Ua Ucc Mat	163	22	4	189	11.6%	2.1%	13.8%
113.14	Unauth Medic	3,114	463	28	3,605	12.8%	0.8%	13.6%
100.11	Assault On Staff	6,225	806	166	7,197	11.2%	2.3%	13.5%
180.1	Facil Visiting	2,982	382	56	3,420	11.2%	1.6%	12.8%
113.19	Excess Tobacco	427	51	11	489	10.4%	2.2%	12.7%
108.14	Temp Release	786	82	31	899	9.1%	3.4%	12.6%
180.11	Facil Correspond	3,023	376	58	3,457	10.9%	1.7%	12.6%
113.16	Unauth Valuable	678	91	6	775	11.7%	0.8%	12.5%
118.23	Unreported Ill	4,184	533	45	4,762	11.2%	0.9%	12.1%
181.1	Hearing Disp	14,339	1,930	31	16,300	11.8%	0.2%	12.0%
124.12	Utensils	1,157	148	9	1,314	11.3%	0.7%	11.9%
118.33	Flooding	1,108	141	8	1,257	11.2%	0.6%	11.9%

Rule Number	Description	Charge Considered at Hearing	Charge Dismissed at Hearing	Charge Dismissed at Appeal	Total Violations Reported	% of Violations Dismissed at Hearing	% of Violations Dismissed at Appeal	Total Percent of Violations Dismissed
118.22	Unhygienic Act	8,419	982	139	9,540	10.3%	1.5%	11.8%
100.13	Fighting	48,420	5,775	504	54,699	10.6%	0.9%	11.5%
108.15	Abscondence	113	12	2	127	9.4%	1.6%	11.0%
119.11	Fire Extinguisher	74	8	1	83	9.6%	1.2%	10.8%
113.13	Alcohol/Intox	9,330	818	271	10,419	7.9%	2.6%	10.5%
113.22	Prop Unauth Loc	14,861	1,566	71	16,498	9.5%	0.4%	9.9%
112.22	Obstruct Visib	7,042	684	44	7,770	8.8%	0.6%	9.4%
118.2	Tattooing	2,704	259	16	2,979	8.7%	0.5%	9.2%
112.21	Comp Count Procedure	13,027	1,249	39	14,315	8.7%	0.3%	9.0%
109.15	Refuse Dbl Celling	3,012	276	21	3,309	8.3%	0.6%	9.0%
113.31	Alcohol Use	195	18	1	214	8.4%	0.5%	8.9%
121.12	Phone Violation	11,582	968	57	12,607	7.7%	0.5%	8.1%
108.12	Exceed Time	92	7		99	7.1%	0.0%	7.1%
180.14	Urinalysis Test	7,084	431	87	7,602	5.7%	1.1%	6.8%
122.1	Smoking	18,826	1,233	23	20,082	6.1%	0.1%	6.3%
Totals		894,959	175,960	14,979	1,085,898	16.2%	1.4%	17.6%

Appendix 20: DOCCS Correctional Facilities

Facility Name	Security Level	Population	Hub	County	Region
Adirondack	Medium	Male	Clinton	Essex	North Country
Albion	Medium	Female	Wende	Orleans	Finger Lakes
Altona	Medium	Male	Clinton	Clinton	North Country
Attica	Maximum	Male	Wende	Wyoming	Finger Lakes
Auburn	Maximum	Male	Elmira	Cayuga	Central
Bare Hill	Medium	Male	Clinton	Franklin	North Country
Bedford Hills	Maximum	Female	NYC	Westchester	Mid-Hudson
Cape Vincent	Medium	Male	Watertown	Jefferson	North Country
Cayuga	Medium	Male	Elmira	Cayuga	Central
Clinton	Maximum	Male	Clinton	Clinton	North Country
Collins	Medium	Male	Wende	Erie	Western
Coxsackie	Maximum	Male	Great Meadow	Greene	Capital District
Downstate (#)	Maximum	Male	Green Haven	Dutchess	Mid-Hudson
Eastern	Maximum	Male	Sullivan	Ulster	Mid-Hudson
Edgecombe	Minimum	Male	NYC	New York	NYC
Elmira	Maximum	Male	Elmira	Chemung	Southern Tier
Fishkill	Medium	Male	Green Haven	Dutchess	Mid-Hudson
Five Points	Maximum	Male	Elmira	Seneca	Finger Lakes
Franklin	Medium	Male	Clinton	Franklin	North Country
Gouverneur	Medium	Male	Watertown	St. Lawrence	North Country
Gowanda (*)	Medium	Male	Wende	Erie	Western
Great Meadow	Maximum	Male	Great Meadow	Washington	Capital District
Green Haven	Maximum	Male	Green Haven	Dutchess	Mid-Hudson
Greene	Medium	Male	Great Meadow	Greene	Capital District
Groveland	Medium	Male	Wende	Livingston	Finger Lakes
Hale Creek	Medium	Male	Central	Fulton	Mohawk Valley
Hudson	Medium	Male	Great Meadow	Columbia	Capital District
Lakeview	Minimum	Dual	Wende	Chautauqua	Western
Lincoln (!)	Minimum	Male	NYC	New York	NYC
Livingston (!)	Medium	Male	Wende	Livingston	Finger Lakes
Marcy	Medium	Male	Central	Oneida	Mohawk Valley
MidState	Medium	Male	Central	Oneida	Mohawk Valley
Mohawk	Medium	Male	Central	Oneida	Mohawk Valley
Moriah (#)	Minimum	Male	Great Meadow	Essex	North Country
Ogdensburg (#)	Medium	Male	Watertown	St. Lawrence	North Country
Orleans	Medium	Male	Wende	Orleans	Finger Lakes
Otisville	Medium	Male	Sullivan	Orange	Mid-Hudson
Queensboro	Minimum	Male	NYC	Queens	NYC
Riverview	Medium	Male	Watertown	St. Lawrence	North Country
Rochester (#)	Minimum	Male	Wende	Monroe	Finger Lakes
Shawangunk	Maximum	Male	Green Haven	Ulster	Mid-Hudson
Sing	Maximum	Male	NYC	Westchester	Mid-Hudson
Southport (#)	Maximum	Male	Elmira	Chemung	Southern Tier
Sullivan	Maximum	Male	Sullivan	Sullivan	Mid-Hudson
Taconic	Medium	Male	NYC	Westchester	Mid-Hudson
Ulster	Medium	Male	Sullivan	Ulster	Mid-Hudson
Upstate	Maximum	Male	Clinton	Franklin	North Country
Wallkill	Medium	Male	Green Haven	Ulster	Mid-Hudson
Washington	Medium	Male	Great Meadow	Washington	Capital District
Watertown (*)	Medium	Male	Watertown	Jefferson	North Country
Wende	Maximum	Male	Wende	Erie	Western
Willard (#)	Drug	Dual	Elmira	Seneca	Finger Lakes
Woodbourne	Medium	Male	Sullivan	Sullivan	Mid-Hudson
Wyoming	Medium	Male	Wende	Wyoming	Finger Lakes
! - Closed in 2019 * - Closed in 2021 # - Closed in 2022					

Appendix 22: DOCCS Directive 4932—Standards Behavior & Allowances

 Corrections and Community Supervision DIRECTIVE	TITLE Chapter V, Standards Behavior & Allowances		NO. 4932
			DATE 10/02/2018
SUPERSEDES DIR# 4932 Dtd. 01/20/16	DISTRIBUTION A B	PAGES PAGE 1 OF 21	DATE LAST REVISED
REFERENCES (include date, not limited to) 7NYCRR Chapter V, Subchapters A and B Dir. #4403, #4933, #4944		APPROVING AUTHORITY 	

SUBCHAPTER A PROCEDURES FOR IMPLEMENTING STANDARDS OF INMATE BEHAVIOR

- Part 250 Scope and Interpretation of Rules and Regulations in this Chapter
- Part 251 Cases of Inmate Misbehavior
- Part 252 Violation Hearing
- Part 253 Disciplinary Hearing
- Part 254 Superintendent's Hearing

Part 250 Scope and Interpretation of Rules and Regulations in this Chapter

§ 250.1 Policy and Applicability

- (a) It is the policy of the Department of Corrections and Community Supervision (DOCCS) to eliminate, mitigate, and respond to racial disparities so as to ensure a fair and equitable distribution of benefits and burdens in the placement of inmates in housing unit assignments, institutional work assignments, and programs; and the proper post release supervision of parolees to include, but not limited to, supervision level, violation processes, and early discharge/merit terminations. Moreover, it is our policy that any DOCCS administrative processes associated with any inmate or parolee who may be subject to discipline and grievances are conducted fairly, to ensure that decisions are not influenced by stereotypes or bias based on race, color, ethnicity, or national origin. To do so, the Department shall provide ongoing staff training, monitoring, and auditing systems to ensure compliance with all provisions of this policy. The Department shall develop programs to help inmates work and live together regardless of their identity and backgrounds.
- (b) The rules and regulations set forth in this Chapter establish procedures to supplement the Department's ordinary programs for inmate indoctrination, guidance, counseling, and training. They are to be applied for the following purposes:
 - (1) Implementation of standards of behavior where an inmate:
 - (i) Violates a rule or regulation governing behavior;
 - (ii) Fails or refuses to comply with an instruction given by an employee of the Department acting within the scope of official duties in giving such instruction; or
 - (iii) Attempts to escape or escapes or engages in any other unlawful conduct; and
 - (2) Administration of procedures for granting good behavior allowances ("good time").
- (c) The provisions of this Chapter shall apply to all correctional facilities in the Department.

§ 250.2 General policies on discipline of inmates.

- (a) Disciplinary action is one of many essential elements in correctional treatment. When applied reasonably and with fairness it not only assists in protection of the health, safety, and security of all persons within a correctional facility, but also is a positive factor in rehabilitation of inmates and the morale of the facility.
- (b) Just as the sentencing of inmates by courts, and the techniques used for correctional treatment, must be appropriately varied to fit a complex matrix of individual circumstances and individual conditions, the disciplinary techniques within a correctional facility must be appropriately varied to fit such factors as:
 - (1) The particular circumstances involved;
 - (2) The overall behavior pattern of the inmate; and
 - (3) The problems in and the present atmosphere of the facility.Consequently, persons vested with responsibility for disciplinary measures in facilities of the Department should not establish rigid structures for disciplinary sanctions, but should consider each situation individually.
- (c) Disciplinary action shall be taken only in such measures and degree as is necessary to:
 - (1) Regulate an inmate's behavior within acceptable limits;
 - (2) Assist in achieving compliance by the entire inmate population with required standards of behavior; and
 - (3) Preserve the confidence of all concerned (i.e., the inmate population and the staff) in the administration's sincere belief in and determination to maintain the required standards of behavior.
 - (4) All control of inmate activities, including disciplinary action, must be administered in a completely fair, impersonal and impartial manner and must be as consistent as possible (given the need for individualized decisions).
- (d) Disciplinary measures should not be overly severe. A sound disciplinary program relies upon certainty and promptness of action rather than upon severity.
- (e) Disciplinary action must never be arbitrary or capricious, or administered for the purpose of retaliation or revenge.
- (f) Corporal punishment is absolutely forbidden for any purpose and under all circumstances.
- (g) Mechanical means of physical restraint must never be used for disciplinary purposes. Mechanical means of physical restraint may be used only when necessary while transporting inmates within or outside of the facility, or on orders of the facility Superintendent, and/or a physician when either deems it necessary to prevent injury to the inmate or to others.

Part 251 Cases of Inmate Misbehavior

- Subpart 251-1 Initial Actions in Cases of Inmate Misbehavior
- Subpart 251-2 Review Officer
- Subpart 251-3 Misbehavior Report
- Subpart 251-4 Inmate Assistant
- Subpart 251-5 Timeliness

Subpart 251-1 Initial Actions in Cases of Inmate Misbehavior

§ 251-1.1 General Policy

All incidents of inmate violations of rules and regulations, inmate misbehavior, and inmate failure or refusal to comply with an instruction given by an employee acting within the scope of his or her official duties shall be handled as quietly and routinely as possible, giving due regard to danger to life, health, security, and property.

Note: § 251-1.2 through § 251-1.4 have been omitted.

See Directive #4944, "Use of Physical Force," and § 251-3.1, "Misbehavior Report."

§ 251-1.5 Minor Infractions.

An employee should deal with minor infractions, or other violations of rules and policies governing inmate behavior, that do not involve danger to life, health, security, or property by counseling, warning, and/or reprimanding the inmate, and the employee need not report such minor incidents.

§ 251-1.6 Confinement

- (a) Where an Officer has reasonable grounds to believe that an inmate should be confined to a cell or room or housing area because he or she represents an immediate threat to the safety, security, or order of the facility or is an immediate danger to other persons or to property, such Officer shall take reasonable and appropriate steps to so confine the inmate.
- (b) An inmate also may be confined to a cell or room where such action appears reasonably necessary for protection of the inmate. In any such case, however, the inmate shall not be so confined for more than 72 hours, and within such time period the inmate shall either be:
 - (1) Transferred to another housing unit;
 - (2) Scheduled for transfer to another facility;
 - (3) Released from such confinement; or
 - (4) Placed in protective custody.
- (c) An inmate who is unable or who refuses to participate in an assigned activity may be confined to a cell or room and, if such inmate has not been excused for medical reasons, the Officer having charge of the inmate shall report such incident to the Superintendent.
- (d) If the Officer having charge of an inmate or if any superior Officer has reasonable grounds to believe that an inmate's behavior in a cell or room is disruptive or will be disruptive of the order and discipline of the housing unit, or is inconsistent with the best interests of the inmate or of the facility, such fact shall be reported to the Superintendent or the Officer in charge of the facility and the Superintendent or the Officer in charge of the facility may order confinement in a special housing unit. Any such order shall be in accordance with Directive #4933, "Special Housing Units."
- (e)
 - (1) An employee who places an inmate in confinement in a cell or room or who places an inmate in a special housing unit pursuant to the provisions of this Section shall report such fact, in writing, to the Superintendent as soon as possible, but in any event before going off duty.
 - (2) Reports of confinement shall be made even where confinement was authorized or directed by a superior Officer, but need not be made where confinement:
 - (i) Is necessitated by a medically excused inability to participate in an assigned activity; or

(ii) Was directed by a decision in a Disciplinary Superintendent's Hearing.

- (f) The provisions of this Section shall not be construed so as to prohibit emergency action by the Superintendent of the facility and, if necessary for the safety or security of the facility, all inmates or any segment of the inmates in a facility may, on the order of the person in charge of the facility, be confined in their cells or rooms for the duration of any period in which the safety or security of the facility is in jeopardy. In any such case the Superintendent shall immediately notify the Commissioner.

§ 251-1.7 Admission to Special Housing Units.

Admission of an inmate to a special housing unit shall be in accord with Directive #4933, "Special Housing Units."

Subpart 251-2 Review Officer

§ 251-2.1 Establishment of Review Officer

There shall be at each correctional facility one or more staff members of the rank of Lieutenant or above, to be known as the Review Officer, the number to be dependent upon the needs of the facility. The Superintendent may, if sufficient reason exists, designate some other employee to serve as the Review Officer.

§ 251-2.2 Function of the Review Officer.

- (a) The Review Officer shall receive, at least once daily, all misbehavior reports issued at the facility.
- (b) Except as provided in subdivision (d) below, the Review Officer shall review such reports and considering the seriousness of the alleged violations of the standards of inmate behavior, refer such reports to the lowest appropriate disciplinary body (Tier Level) for action indicated below. The review officer must document reasons for any decision to assign a disciplinary violation other than to the lowest possible tier in accordance with § 270.3 of Title 7:
- (1) Where the violation, if substantiated, would warrant only a penalty of loss of recreation for up to and including 13 days and including the loss of privileges, for a period up to and including 13 days, other than correspondence and visitation privileges, the report shall be referred to the Violation Officer.
 - (2) Where the violation, if substantiated, would warrant only a penalty of loss of privileges up to and including 30 days, and including confinement to a cell or room (keeplock) for a period up to and including 30 days, the misbehavior report shall be forwarded to the Disciplinary Hearing Officer for appropriate action.
 - (3) Where the violation, if substantiated, would warrant imposition of a penalty beyond that which may be imposed at a Disciplinary Hearing, the misbehavior report shall be forwarded to the Superintendent for designation of a Hearing Officer to conduct a Superintendent's Hearing.
- (c) The Review Officer may dismiss any misbehavior report which fails to state a valid charge, or may return it to be rewritten.
- (d) The Review Officer shall refer any report that includes a description that an inmate has engaged in an act of self-harm to the Deputy Superintendent for Security, who shall fulfill the function of the Review Officer and have the authority to dismiss the charge or charges if he or she believes, due to the inmate's mental state or for any other reason, that proceeding to a hearing would serve no useful purpose.

- (e) The Review Officer shall review the status of each inmate keeplocked pursuant to a misbehavior report under review, and may order the release of an inmate who is no longer a threat to the safety and security of the facility or to himself or herself.
- (f) The Review Officer shall not act as a Hearing Officer in any proceeding arising from misbehavior report which he or she has reviewed.

Subpart 251-3 Misbehavior Report

§ 251-3.1 Misbehavior Report

- (a) Every incident of inmate misbehavior involving danger to life, health, security, or property must be reported, in writing, as soon as practicable.
- (b) The misbehavior report shall be made by the employee who has observed the incident or who has ascertained the facts of the incident. Where more than one employee has personal knowledge of the facts, each employee shall make a separate report or, where appropriate, each employee shall endorse his or her name on a report made by one of the employees.
- (c) The misbehavior report shall include the following:
 - (1) A written specification of the particulars of the alleged incident of misbehavior involved;
 - (2) A reference to the inmate rule book number allegedly violated by the inmate, and a brief description of the rule;
 - (3) The date, time, and place of the incident.
 - (4) Where more than one inmate was involved in an incident, the report should, to the extent practicable under the given circumstances, indicate the specific role played by each inmate. Where two or more incidents are involved, all of them may be incorporated into a single misbehavior report. However, each incident must be separately stated.
- (d) All misbehavior reports shall also contain the following language:
 - (1) "You are hereby advised that no statement made by you in response to the charge, or information derived therefrom may be used against you in a criminal proceeding."
 - (2) "You will be permitted to call witnesses on your behalf provided that so doing does not jeopardize institutional safety or correctional goals."
 - (3) "If restricted pending a Hearing for this misbehavior report, you may write to the Deputy Superintendent of Security or designee prior to the Hearing to make a statement on the need for continued prehearing confinement."

NOTE: Paragraphs (2) and (3), above, shall not be included in misbehavior reports used in connection with Violation Hearings.
- (e) Employees of the Office of Mental Health may write misbehavior reports to the same extent as Department employees.

Subpart 251-4 Inmate Assistance

§ 251-4.1 Inmate Assistant.

- (a) An inmate shall have the opportunity to pick an employee from an established list of persons who shall assist the inmate when a misbehavior report has been issued against the inmate if:

- (1) The inmate is either illiterate or Limited English Proficient (LEP) (the list of persons who may assist an LEP inmate will only include qualified interpreters); or
 - (2) The inmate is sensorially disabled, in which case the inmate will be provided reasonable accommodations including, but not be limited to:
 - (i) The provision of a qualified sign language interpreter for a deaf and/or hard of hearing inmate who uses sign language to communicate; or
 - (ii) Provided all documentation in at least 18 fonts for inmates who are LB/SVI (Legally Blind or Severely Visually Impaired), including the use of adaptive equipment (i.e., magnifier, portable CCTV and/or scribe/reader, etc.) or
 - (3) The inmate is charged with drug use as a result of a urinalysis test; or
 - (4) The inmate is confined pending a Superintendent's Hearing to be conducted pursuant to Part 254.
- (b) In other cases where a misbehavior report has been issued, the Review Officer or Hearing Officer, in his or her absolute discretion, may offer an inmate the opportunity to pick an Inmate Assistant where such assistance would enable the inmate to adequately comprehend the case in order to respond to the charges.

§ 251-4.2 Assistant

The Assistant's role is to speak with the inmate charged, to explain the charges to the inmate, interview witnesses, and to report the results of those efforts to the inmate. He or she may assist the inmate in obtaining documentary evidence or written statements which may be necessary. The Assistant may be required by the Hearing Officer to be present at the Disciplinary or Superintendent's Hearing.

Subpart 251-5 Timeliness

§ 251-5.1 Timeliness

- (a) Where an inmate is confined pending a Disciplinary Hearing or Superintendent's Hearing, the Hearing must be commenced as soon as is reasonably practicable following the inmate's initial confinement pending said Disciplinary Hearing or Superintendent's Hearing, but, in no event may it be commenced beyond seven days of said confinement without authorization of the Commissioner or designee.
- (b) The Disciplinary Hearing or Superintendent's Hearing must be completed within 14 days following the writing of the misbehavior report unless otherwise authorized by the Commissioner or designee. Where a delay is authorized, the record of the Hearing should reflect the reasons for any delay or adjournment, and an inmate should ordinarily be made aware of these reasons unless to do so would jeopardize institutional safety or correctional goals.
- (c) Violation Hearings must be completed within seven days of the writing of the misbehavior report.

Part 252 Violation Hearing

§ 252.1 Violation Officer

- (a) There shall be in each correctional facility one or more Officers of the rank of Sergeant or above who shall function as a Violation Officer, the number to be dependent upon the needs of the facility.
- (b) The Violation Officer shall be responsible for conducting the Violation Hearing.

§ 252.2 Function of the Violation Hearing.

The purpose of the Violation Hearing shall be to hear and determine allegations of rule violations contained in the misbehavior reports referred for Violation Hearing.

§ 252.3 Procedure

- (a) Upon receipt of a misbehavior report from the Review Officer, the Violation Officer shall:
- (1) Give a copy of the misbehavior report to the inmate at the Violation Hearing;
 - (2) Allow the inmate to be present at the Violation Hearing, unless he or she refuses to attend; and
 - (3) Allow the inmate to present documentary evidence, to submit a written statement on his or her behalf, and to reply to the charge. The inmate shall not have the right to call witnesses.
- (b) The Violation Officer may allow any evidence necessary to aid in the decision.

§ 252.4 Inmates with Limited English Proficiency (LEP) and Sensorially Disabled Inmates.

- (a) An inmate with LEP who cannot read and understand English must be given a translated notice of the charges; an inmate with LEP who cannot speak and understand English must be provided with qualified interpretation services for the Hearing.
- (b) A deaf or hard of hearing inmate who uses sign language to communicate shall receive the assistance of a qualified sign language interpreter who shall be present at the Hearing. A hard of hearing inmate who uses an amplifier or other device as a reasonable accommodation must have the opportunity to use such device during the Hearing.
- (c) A LB/SVI inmate must be given all relevant documentation (at minimum of 18 font) prior to the commencement of the disciplinary proceedings, including but not limited to other adaptive equipment (i.e., magnifier, portable CCTV and/or scribe/reader, etc.), or other reasonable accommodations during the Hearing.

§ 252.5 Dispositions at Violation Hearing.

- (a) Upon affirming a charge, the Violation Officer may impose any two of the following penalties to be served within a 13-day period. Penalties may be suspended for a period of 13 days:
- (1) Loss of all or part of recreation (game room, day room, television, movies, yard, gym, special events) for up to 13 days;
 - (2) Loss of maximum of two of the following privileges; one commissary buy, excluding items related to the inmate's health and sanitary needs, withholding of radio for up to 13 days, withholding of packages for up to 13 days, excluding perishables that cannot be returned;
 - (3) The imposition of one work task per day, other than a regular work assignment for a maximum of seven days, excluding Sundays and public holidays, to be performed on the inmate's housing unit, or other designated area.
Inmates given such disposition, who are participating in a regular work assignment, shall not be required to work more than eight hours per day. The eight-hour limitation excludes such non-work assignments as educational or vocational school programming; and
 - (4) Counsel and/or reprimand.

- (b) Following the Violation Hearing, the inmate shall receive a written statement indicating the penalty imposed as soon as possible, but not later than 24 hours after the conclusion of the Hearing.
- (c) Records of disposition of Violation Hearings shall not be used for any purpose, except as follows:
 - (1) A Violation Officer shall have available records of an inmate's suspended and uncompleted dispositions when conducting a Hearing with regard to the inmate; and
 - (2) In determining the appropriate level at which an inmate's misbehavior report should be handled, a Review Officer may consider descriptions of an inmate's charges and dispositions of Violation Hearings dated within 14 days of the review.

All misbehavior reports for Violation Hearings are to be destroyed 14 days after the Hearing is held. Dispositions for Violation Hearings shall not be made part of any inmate's institutional records.

§ 252.6 Appeal Procedures.

Appeals must be submitted within 24 hours of receipt of the violation disposition to the Superintendent or designee. A decision shall be issued within seven days of receipt of the appeal.

§ 252.7 Discretionary Review by Superintendent.

At any time during which a penalty imposed pursuant to a Violation Hearing is in effect, the Superintendent may reduce the penalty.

Part 253 Disciplinary Hearing

§ 253.1 Establishment of the Disciplinary Hearing Officer.

- (a) There shall be at each correctional facility one or more Hearing Officers of the rank of Lieutenant or above who shall function as a Disciplinary Hearing Officer, the number to be dependent upon the needs of the facility. The Superintendent may, in his or her discretion, designate some other employee to conduct Disciplinary Hearings.
- (b) The Disciplinary Hearing Officer shall be responsible for conducting Disciplinary Hearings in an impartial manner. No person who has participated in any investigation of the acts shall be a Hearing Officer at a Hearing relating to those acts, nor shall any person who has prepared or caused to be prepared the misbehavior report on which a Hearing is held, act as the Hearing Officer on that charge.

§ 253.2 Inmates with LEP and sensorially disabled inmates.

- (a) An inmate with LEP who cannot read and understand English must be given a translated notice of the charges and statements of evidence relied upon and reasons for actions taken; an inmate with LEP who cannot speak and understand English must be provided with qualified interpretation services for the Hearing.
- (b) A deaf or hard of hearing inmate who uses sign language to communicate shall receive the assistance of a qualified sign language interpreter who shall be present at the Hearing. A hard of hearing inmate who uses an amplifier or other device as a reasonable accommodation must have the opportunity to use such device during the Hearing.

(c) A LB/SVI inmate must be given all relevant documentation (at a minimum of 18 font) prior to the commencement of the disciplinary proceedings, including but not limited to other adaptive equipment (i.e. magnifier, portable CCTV and/or scribe reader, etc.) or other reasonable accommodations during the Hearing.

§ 253.3 Formal Charge.

The formal charge shall consist of the misbehavior report which shall be prepared in accordance with the provisions of § 251-3.1 of this Chapter.

§ 253.4 Assistance

The inmate shall be provided with an Assistant in accordance with the provisions of Subpart 251-4 of this Chapter.

§ 253.5 Inmate Witnesses.

The inmate may call witnesses on his or her behalf provided their testimony is material, is not redundant, and doing so does not jeopardize institutional safety or correctional goals. If permission to call a witness is denied, the Hearing Officer shall give the inmate a written statement stating the reasons for the denial, including the specific threat to institutional safety or correctional goals presented.

- (a) Any witness shall be allowed to testify at the Hearing in the presence of the inmate unless the Hearing Officer determines that so doing will jeopardize institutional safety or correctional goals. Where an inmate is not permitted to have a witness present, such witness may be interviewed out of the presence of the inmate and such interview tape recorded. The recording of the witness' statement is to be made available to the inmate at the Hearing unless the Hearing Officer determines that so doing would jeopardize institutional safety or correctional goals.
- (b) An inmate may request a witness by either:
 - (1) Informing his or her Assistant or the Hearing Officer before the Hearing; or
 - (2) Informing the Hearing Officer during the Hearing.

§ 253.6 Method of determination.

Upon receipt of a misbehavior report from the Review Officer, the Hearing Officer shall commence the Disciplinary Hearing as follows:

- (a) The misbehavior report shall be served on the inmate at least 24 hours before the Disciplinary Hearing. If the inmate is confined and requests an Assistant, the Hearing may not be held until 24 hours after the Assistant meets with the inmate.
- (b) The inmate shall be present at the Hearing unless he or she refuses to attend, or is excluded for reason of institutional safety or correctional goals. The entire Hearing must be electronically recorded.
- (c) The inmate, when present, may reply orally to the charge and/or evidence and shall be allowed to submit relevant documentary evidence or written statements on his or her behalf.

§ 253.7 Dispositions and Mandatory Surcharge

- (a) Dispositions:
 - (1) Upon affirming a charge, the Hearing Officer may impose one or more of the following penalties:
 - (i) Counsel and/or reprimand;

- (ii) Loss of one or more specified privileges, for a period of up to 30 days, however, Correspondence and visiting privileges may not be withheld;
 - (iii) Confinement to a cell or room continuously or to a special housing unit under keeplock admission or on certain days during certain hours for a period of up to 30 days;
 - (iv) Restitution for loss or intentional damage to property up to \$100; or
 - (v) The imposition of one work task per day, other than a regular work assignment for a maximum of seven days, excluding Sundays and public holidays, to be performed on the inmate's housing unit, or other designated area. Inmates given such disposition who are participating in a regular work assignment shall not be required to work more than eight hours per day. The eight-hour limitation excludes such non-work assignments as educational or vocational school programming.
- (2) Any penalty imposed pursuant to this section shall run consecutively to any other like penalty previously imposed.
- (3) Whenever a confinement penalty is being served and a more restrictive confinement penalty is imposed as a result of another Hearing, the more restrictive penalty shall begin to be served immediately, and any time owed on the less restrictive penalty shall be served after completion of the more restrictive penalty period.
- (4) The Disciplinary Hearing Officer may suspend imposition of any penalty for a period of up to 90 days. Any such suspended penalty, from a Disciplinary Hearing, may be imposed by a subsequent Disciplinary Hearing or Superintendent's Hearing Officer upon substantiating a charge of misbehavior in a subsequent Hearing within a specific period.
- (5) As soon as possible, but no later than 24 hours after the conclusion of the Hearing, the inmate shall be given a written statement of the disposition of the Hearing. This statement shall set forth the evidence relied upon by the Hearing Officer in reaching his or her decision and also set forth the reasons for any penalties imposed.
- (b) Mandatory disciplinary surcharge. Upon the conclusion of a Disciplinary Hearing wherein the inmate admits the charges, or where the Hearing Officer affirms one or more of the charges, a mandatory disciplinary surcharge in the amount of five dollars (\$5.00) shall be assessed automatically against the inmate.

§ 253.8 Appeal Procedures.

The inmate shall be advised of his or her right to appeal the disposition of the Disciplinary Hearing to the facility Superintendent. Such appeal shall be submitted in writing to the Superintendent within 72 hours of the receipt of the disposition. The Superintendent or designee shall issue a decision within 15 days of receipt of the appeal.

§ 253.9 Discretionary Review by Superintendent.

At any time during which a penalty imposed pursuant to a Disciplinary Hearing is in effect, the Superintendent may reduce the penalty.

Part 254 Superintendent's Hearing

§ 254.1 Hearing Officer

The person appointed to conduct the Superintendent's Hearing shall be either the Superintendent, a Deputy Superintendent, Captain, or Commissioner's Hearing Officer employed by the Department's Central Office, but the Superintendent may, in his or her discretion, designate some other employee to conduct the proceeding. The following persons shall not be appointed to conduct the proceeding:

- (a) a person who actually witnessed the incident;
- (b) a person who was directly involved in the incident;
- (c) the Review Officer who reviewed the misbehavior report; or
- (d) a person who has investigated the incident.

§ 254.2 Inmates with LEP and Sensorially Disabled Inmates.

- (a) An inmate with LEP who cannot read and understand English must be given a translated notice of the charges and statements of evidence relied upon and reasons for actions taken; an inmate with LEP who cannot speak and understand English must be provided with qualified interpretation services for the hearing.
- (b) A deaf or hard of hearing inmate who uses sign language to communicate shall receive the assistance of a qualified sign language interpreter who shall be present at the Hearing. A hard of hearing inmate who uses an amplifier or other device as a reasonable accommodation must have the opportunity to use such device during the Hearing.
- (c) A LB/SVI inmate must be given all relevant documentation (at a minimum of 18 font) prior to the commencement of the disciplinary proceedings, including but not limited to other adaptive equipment (i.e. magnifier, portable CCTV and/or scribe/reader, etc.) or other reasonable accommodations during the Hearing.

§ 254.3 Formal Charge.

The formal charge shall consist of the misbehavior report which shall be prepared in accordance with the provisions of § 251-3.1 of Subpart 251-3 of this Subchapter.

§ 254.4 Notice and assistance.

The inmate shall be provided with an assistant in accordance with the provisions of Subpart 251-4 of this Subchapter.

§ 254.5 Inmate witnesses.

- (a) The inmate may call witnesses on his or her behalf provided their testimony is material, is not redundant, and doing so does not jeopardize institutional safety or correctional goals. If permission to call a witness is denied, the Hearing Officer shall give the inmate a written statement stating the reasons for the denial, including the specific threat to institutional safety or correctional goals presented.
- (b) Any witness shall be allowed to testify at the Hearing in the presence of the inmate unless the Hearing Officer determines that so doing will jeopardize institutional safety or correctional goals.

Where an inmate is not permitted to have a witness present, such witness may be interviewed out of the presence of the inmate and such interview tape recorded.

The recording of the witness' statement is to be made available to the inmate at the Hearing unless the Hearing Officer determines that so doing would jeopardize institutional safety or correctional goals.

- (c) An inmate may request a witness by either:

- (1) Informing his or her Assistant or the Hearing Officer before the Hearing; or
- (2) Informing the Hearing Officer during the Hearing.

§ 254.6 Method of determination.

- (a) Generally. Upon receipt of a misbehavior report from the Review Officer, the Hearing Officer shall commence the Superintendent's Hearing as follows:
 - (1) The misbehavior report shall be served on the inmate at least 24 hours before the Superintendent's Hearing. If the inmate is confined and requests an Assistant, the Hearing may not start until 24 hours after the Assistant's initial meeting with the inmate.
 - (2) The inmate shall be present at the Hearing unless he or she refuses to attend, or is excluded for reasons of institutional safety or correctional goals. The entire Hearing must be electronically recorded.
 - (3) The inmate when present may reply orally to the charge and/or evidence and shall be allowed to submit relevant documentary evidence or written statements on his or her behalf.
 - (4) When applicable, the information identified in subparagraphs (b)(1)(i)(ii)(v)(vi) and (b)(2)(i)(ii) of this Section, derived from the Department's electronic databases, shall automatically appear on a computer-generated Hearing record sheet that shall be provided to the Hearing Officer for use at the Hearing.
- (b) Mental state or intellectual capacity. When an inmate's mental state or intellectual capacity is at issue, a Hearing Officer shall consider evidence regarding the inmate's mental condition or intellectual capacity at the time of the incident and at the time of the Hearing in accordance with this Section.
 - (1) For the purposes of this Section, an inmate's mental state shall be deemed at issue when:
 - (i) The inmate is classified as level 1 by the Office of Mental Health (OMH), as indicated on the Hearing record sheet;
 - (ii) The inmate is designated as an "S" by OMH, as indicated on the hearing record sheet.
 - (iii) The inmate is described as engaging in an act of self-harm, as indicated on the misbehavior report;
 - (iv) The incident occurred while the inmate was being transported to or from the Central New York Psychiatric Center (CNYPC), as alleged in the misbehavior report;
The inmate was an inpatient at the CNYPC within nine months prior to the incident, as indicated on the Hearing record sheet;
 - (v) The incident occurred while the inmate was assigned to an OMH satellite unit or intermediate care program, as indicated on the Hearing record sheet;
 - (vi) The incident occurred while the inmate was being escorted to or from an OMH satellite unit or intermediate care program, as alleged in the misbehavior report;
The Hearing was delayed or adjourned, after an extension of time was obtained in accordance with § 251-5.1 of this Chapter, because the inmate became an inpatient at the CNYPC or was assigned to the OMH satellite unit; or

- (vii) It appears to the Hearing Officer, based on the inmate's testimony, demeanor, the circumstances of the alleged offense, or any other reason, that the inmate may have been mentally impaired at the time of the incident or may be mentally impaired at the time of the Hearing.
- (2) For the purposes of this Section an inmate's intellectual capacity shall be deemed at issue when:
 - (i) The incident occurred while the inmate was assigned to the Special Needs Unit (SNU) at Bedford Hills, Clinton, Wende, Woodbourne or Sullivan Correctional Facilities, as indicated on the Hearing record sheet;
 - (ii) The inmate has not scored above a sixty-nine (69) on any intelligence testing instrument administered to the inmate by the Department and has not scored above a 3.0 grade level in any reading comprehension testing instrument administered to the inmate by the Department, as indicated on the Hearing record sheet; or
 - (iii) It appears to the Hearing Officer, based on the inmate's testimony, demeanor, the circumstances of the alleged offense, or any other reason, that the inmate may have been intellectually impaired at the time of the incident or may be intellectually impaired at the time of the Hearing.
- (c) When an inmate's mental state or intellectual capacity is at issue, pursuant to subdivision (b) above, the Hearing Officer shall:
 - (1) Ask the inmate whether he or she understands the disciplinary charge, the purpose of the Hearing and the role of the participants in the Hearing;
 - (2) Inquire of other witnesses to the incident, as may be called in accordance with § 254.5 of this Part, concerning any observations that they may have regarding the inmate's mental condition or intellectual capacity at the time of the incident; and
 - (3) Where an inmate's mental state is at issue, out of the presence of the inmate and on a confidential tape, interview an OMH clinician as may be available concerning the inmate's mental condition at the time of the incident and the time of Hearing; or
 - (4) Where an inmate's intellectual capacity is at issue, out of the presence of the inmate and on a confidential tape, interview a Offender Rehabilitation Coordinator or Teacher as may be available concerning the inmate's intellectual capacity at the time of the incident and the time of the Hearing.
- (d) If it is determined that the inmate is unable to participate in the Hearing process because the inmate does not understand the disciplinary charge, the purpose of the Hearing and the role of the participants in the Hearing, the Hearing shall be adjourned until such time as the inmate is able to participate in the Hearing process and, if necessary, a request for a time extension shall be made in accordance with § 251-5.1 of this Chapter.
- (e) If it is determined that the inmate is able to participate in the Hearing process but is in need of assistance, the Hearing shall be adjourned and the inmate shall be offered an Assistant in accordance with § 251-4.1 of this Chapter.

Pursuant to § 251-4.2 of this Chapter, the Assistant may be required by the Hearing Officer to be present at the Hearing.

- (f) If it is determined that the inmate is capable of proceeding with the Hearing and a finding of guilt is subsequently made with regard to one or more of the charges, the Hearing Officer shall consider the inmate's mental condition or intellectual capacity at the time of the incident, if at issue in accordance with paragraphs (b)(1) or (2) above, respectively, in determining the appropriate penalty to be imposed under §254.7 of this Part. In addition, if in light of the inmate's mental condition or intellectual capacity, the Hearing Officer believes that a penalty with regard to one or more of the charges would serve no useful purpose, the Hearing Officer may dismiss the charge or charges altogether. The written statement of the disposition of the charges, if any, shall, in accordance with § 254.7(a)(5) of this Part, reflect how the inmate's mental condition or intellectual capacity was considered.
- (g) A copy of a written statement of the disposition of the charges issued in accordance with subdivision (f) above shall, if the disposition includes confinement to SHU and the inmate is housed in a correctional facility designated by OMH as level 1 or 2, be provided to the OMH unit at the facility for use in connection with any mental health assessments. In a correctional facility designated by OMH as level 1, the inmate's status shall also be the subject of the next scheduled meeting of the facility's Special Housing Unit Case Management Committee in accordance with Part 310 of Title 7.
- (h) Adolescent Offenders. When an inmate is under the age of 18 at the time of the incident, as indicated on the Hearing record sheet, the Hearing Officer shall consider the inmate's age as a mitigating factor. The written statement of the disposition of the charges, if any, shall, in accordance with § 254.7(a)(5) of this Part, reflect how the inmate's age affected the disposition (e.g., reduction of a penalty, alternative to a confinement penalty, dismissal of one or more charges).

§ 254.7 Dispositions and Mandatory Surcharge

(a) Dispositions:

- (1) Where the inmate admits the charges, or where the Hearing Officer affirms the charges on the basis of the evidence, the Hearing Officer may impose one or more of the following penalties:
 - (i) Counsel and/or reprimand;
 - (ii) Loss of one or more specified privileges, for a specified period.
Correspondence and/or visiting privileges may be withheld with a particular person (or persons) only where the inmate has been involved in improper conduct in connection with correspondence with such person(s).
 - (iii) Loss of visiting privileges for a specified period where the affirmed charges involve improper conduct as a result of the inmate's presence or conduct in connection with a visiting, family reunion or special events program, or processing before or after participation in such program;
 - (a) A loss of visiting privileges may be imposed under this subparagraph only where the affirmed charges involve the violation of any rule under rule series 100 assault and fighting; 101 sex offenses; 108 escape and abscondence; 113 contraband where such contraband consists of any weapon, narcotic, controlled substance or marijuana and/or paraphernalia, alcoholic beverage or intoxicant, electronic device, or money; 114 smuggling; or 115 searches and

frisks, including any attempt or conspiracy to violate any such rule; or a disposition under rule 1.00 for a criminal conviction relating to such conduct;

(b) A loss of visiting privileges with a specified visitor or visitors may be imposed where the misconduct involved only the inmate and the specified visitor or visitors. Where the misconduct was not limited to the specified visitor or visitors a loss of visiting privileges with all visitors may be imposed. Misconduct involving unacceptable physical conduct during which other visitors were subjected to exposure is misconduct which is not limited to only the inmate and the specified visitor or visitors. Misconduct involving an attempt to introduce money, alcohol, marijuana, narcotic and other dangerous drugs, any item which is readily capable of being used to cause death or serious injury, or any item which may be used to aid in escape is misconduct which is not limited to only the inmate and the specified visitor or visitors;

(c) A loss of visiting privileges may be imposed under this subparagraph only for the length of time specified in accordance with the provisions of the penalty chart contained in Directive #4403, "Inmate Visitor Program." Where the disposition imposes a loss of visiting privileges with all visitors for two years or more, a copy of the disposition shall be forwarded to the superintendent for a discretionary review under section 254.9 of this part. Where the disposition includes an indefinite suspension of visiting privileges and the inmate does not appeal the disposition pursuant to section 254.8 of this part, the visiting sanction shall nevertheless be reviewed by the Director of Special Housing and inmate disciplinary program within six months of the hearing date. An inmate subject to a disciplinary sanction imposing a suspension of visiting privileges for a term over two years or indefinite suspension of visiting privileges may request reconsideration of the suspension of visiting privileges for a term over two years in accordance with Directive #4403, "Inmate Visitor Program";

(d) The Hearing Officer may, within his or her discretion, limit an inmate to noncontact visiting in lieu of suspending all visiting privileges;

- (iv) Loss of visiting privileges for a specified period not to exceed six months for a first offense and one year for any repeat offense where the affirmed charges involve the violation of one of the following rules, regardless of the location of the rule violation: 113.24 (prohibiting the use of narcotics, controlled substances, or marijuana, e.g., positive urinalysis); 113.25 (prohibiting making, possessing, selling or exchanging any narcotic, narcotic paraphernalia, controlled substance or marijuana); or 180.14 (requiring an inmate to comply with instructions by staff regarding urinalysis testing);
- (v) Confinement to a cell or room continuously or to a special housing unit continuously or on certain days during certain hours for a specified period;
- (vi) Restitution for loss or intentional damage to property to be made from an inmate's existing and future funds;
- (vii) Forfeiture of money confiscated as contraband;

- (viii) Loss of a specified period of good behavior allowance ("good time"), subject to restoration as provided in Subchapter B of this directive;
 - (ix) The imposition of one work task per day, other than a regular work assignment for a maximum of seven days, excluding Sundays and public holidays, to be performed on the inmate's housing unit, or other designated area. Inmates given such disposition who are participating in a regular work assignment shall not be required to work more than eight hours per day. The eight-hour limitation excludes such non-work assignments as educational or vocational school programming; or
 - (x) Where applicable, removal from the elected Inmate Grievance Resolution Committee (IGRC) and/or loss of the privilege of participating as a voting member of the IGRC for a specified period of time.
- (2) Any penalty imposed pursuant to this Section shall run consecutively to any other like penalty previously imposed.
- (3) Whenever a confinement penalty is being served and a more restrictive confinement penalty is imposed as a result of another Hearing, the more restrictive penalty shall begin to be served immediately, and any time owed on the less restrictive penalty shall be served after completion of the more restrictive penalty period.
- (4) The Hearing Officer may suspend imposition of any penalty for a period of up to 180 days. Any such suspended penalty may only be imposed by a subsequent Superintendent's Hearing Officer upon substantiating a charge of misbehavior or in a subsequent Hearing within a specific period.
- (5) As soon as possible, but no later than 24 hours after the conclusion of the Hearing, the inmate shall be given a written statement of the disposition of the Hearing. This statement shall set forth the evidence relied upon by the Hearing Officer in reaching his or her decision and also set forth the reasons for any penalties imposed and, if applicable, pursuant to § 254.6(b) of this Part, reflect how the inmate's mental condition or intellectual capacity was considered; and, if applicable, pursuant to §254.6(h) of this part, how age affected the disposition.
- (b) Mandatory disciplinary surcharge. Upon the conclusion of a Superintendent's Hearing wherein the inmate admits the charges, or where the Hearing Officer affirms one or more of the charges, a mandatory disciplinary surcharge in the amount of five dollars (\$5.00) shall be assessed automatically against the inmate.

§ 254.8 Appeal Procedures.

Any inmate shall have the right to appeal the disposition of any Superintendent's Hearing to which he or she was a party, to the Commissioner within 30 days of receipt of the disposition. The Commissioner or designee shall issue a decision within 60 days of receipt of the appeal. The Commissioner or designee may:

- (a) Affirm the Hearing disposition;
- (b) Modify the Hearing disposition by dismissing certain charge(s) and/or reducing the penalty imposed;

- (c) Remand the Hearing back to the Hearing Officer to correct a procedural, technical or other error. Whenever the hearing is remanded back pursuant to this subdivision, the penalty imposed at the conclusion of the corrected hearing, if any, may not exceed the penalty imposed at the original hearing inclusive of subsequent reductions;
- (d) Reverse the Hearing disposition and order a new Hearing. Whenever a new Hearing is ordered pursuant to this subdivision, a new Hearing Officer shall preside over the Hearing, and the penalty imposed at the new Hearing, if any, may not exceed the penalty imposed at the original Hearing inclusive of subsequent reductions; or
- (e) Reverse the Hearing Disposition.

§ 254.9 Discretionary Review by Superintendent.

At any time during which a penalty imposed pursuant to a Superintendent's Hearing is in effect, the Superintendent may reduce the penalty.

SUBCHAPTER B PROCEDURES FOR GRANTING GOOD BEHAVIOR ALLOWANCES

- Part 260 General Provisions
- Part 261 Time Allowance Committees
- Part 262 Granting of Time Allowances
- Part 263 Stay of Good Behavior Allowance

Part 260 General Provisions

§ 260.1 Application of Good Behavior Allowances.

- (a) The opportunity to earn good behavior allowances offers inmates a tangible reward for positive efforts made during incarceration.
- (b) For those inmates serving indeterminate sentences imposed for crimes committed prior to September 1, 1967, good behavior allowances shorten the amount of time to be served prior to parole consideration.
- (c) For all inmates serving determinate or indeterminate sentences (other than life sentences) who are not granted parole or a reparole, but who nevertheless have performed well within the correctional facilities, good behavior allowances can be used to obtain release under supervision and to demonstrate prior to expiration of the term of the sentence that they can follow acceptable behavior patterns in the community as well as in a correctional facility.

§ 260.2 Nature of Allowances.

Good behavior allowances are in the nature of a privilege to be earned by the inmate and no inmate has the right to demand or to require that any good behavior allowance be granted.

§ 260.3 Criteria for Allowances.

- (a) All recommendations and decisions must be made through completely impersonal, impartial and fair and reasonable evaluations.
- (b) In evaluating the amount of allowance to be granted, the statutory criteria (i.e., good behavior, efficient and willing performance of duties assigned, progress and achievement in an assigned treatment program) shall be viewed in the light of the following factors:
 - (1) The attitude of the inmate;
 - (2) The capacity of the inmate; and

(3) The efforts made by the inmate within the limits of his or her capacity.

§ 260.4 Forfeitures and Disallowances.

An inmate shall not automatically forfeit or automatically be disallowed any good behavior allowance by reason of the fact that he or she has been confined to a cell or room or in a special housing unit for a period of time.

- (a) A disposition involving loss of a specified period of good behavior allowance made in a Superintendent's Hearing under Part 254 of this directive shall be deemed to be tentative until such time as it actually affects consideration for parole or for conditional or other release, and shall then either be confirmed or be modified by the Commissioner or designee.

Part 261 Time Allowance Committees

§ 261.1 Establishment of Time Allowance Committees.

- (a) There shall be in each correctional facility a committee to be known as the Time Allowance Committee.
- (b) Such Committee shall consist of at least three members designated by the Superintendent. The Superintendent shall appoint one of the members as Chairman. The members shall be selected from a list of eight employees preselected by the Superintendent and filed with the Deputy Commissioner for Correctional Facilities. The list of names filed by the Superintendent shall be deemed approved by the Deputy Commissioner for Correctional Facilities unless and until the Deputy Commissioner removes an individual from the list in writing.
- (c) Each such Committee shall have a Chairman designated by the Superintendent from among the members and the Chairman shall be responsible for the proper operation of the Committee.

§ 261.2 Role of Time Allowance Committees.

The purpose of the Time Allowance Committee shall be to make recommendations as to the amount of good behavior allowance to be granted to inmates who are eligible to be considered for such allowance.

§ 261.3 Procedure of Time Allowance Committees.

- (a) For inmates entitled to be considered for good behavior allowances, the file of each such inmate shall be considered in the fourth month preceding the month of the earliest possible date he or she would be entitled to consideration for release if that date depends on the amount of good behavior allowance to be granted.
- (b) The Committee shall consider the entire file of the inmate, and then shall decide upon a recommendation as to the amount of good behavior allowance to be granted, applying the principles set forth in § 260.3 and § 260.4 of this part. At such meetings, conducted in accordance with subdivision (a) of this Section, any inmate who has had a recommended loss of good behavior allowance from a Superintendent's Hearing shall appear before the Committee. The Committee shall consider whether, and set forth its recommendation as to whether, the inmate's subsequent behavior merits restoration of all or part of the lost allowance and its reasons therefor.

- (c) The Committee shall not recommend the granting of the total allowance authorized by law or the withholding of any part of the allowance in accordance with any automatic rule, but shall appraise the entire institutional experience of the inmate and make its own determination.
- (d) The Committee shall promptly report the results of its deliberations in writing to the Superintendent. Such report shall set forth its recommendation for the time to be allowed for the period under consideration and the reasons for the recommendation.
- (e) All recommendations of the Committee shall be pursuant to a decision of a majority of the members, but any member who disagrees shall note his or her recommendations and the reasons therefor on the report of the Committee. Where a majority of the members are unable to agree upon a recommendation, the Chairman shall report such fact and each member shall report his or her recommendation and reasons in the report made by the Chairman.
- (f) Where the Time Allowance Committee has recommended an allowance which will extend the period of incarceration beyond the earliest or any previously established release date, the inmate may be scheduled to reappear before another Time Allowance Committee in accordance with the direction of the Commissioner, Superintendent or Committee Chairperson.

§ 261.4 Time Allowance Hearing.

- (a) Where the Committee has determined that there may be sufficient reason present after a review of the file not to recommend the granting of the total allowance authorized, other than time lost as the result of a Superintendent's Hearing, or upon direction of the Superintendent pursuant to subdivision (b) of § 263.2, the Committee shall schedule a Time Allowance Committee Hearing to be held for the purpose of determining if sufficient reason is present not to recommend the granting of the total allowance authorized and to determine the amount of time to be recommended for allowance and the reasons for the recommendation.
- (b) At least 48 hours prior to the Time Allowance Hearing and for the purposes stated in subdivision (a) of this Section, the Chairman shall designate an employee to file and deliver to the inmate a formal notice of such Hearing. The formal notice shall contain a written specification of the particulars that caused the Time Allowance Committee to believe that there may be sufficient reason not to grant the total allowance authorized.
- (c) The Chairman of the Time Allowance Committee shall designate an employee to furnish assistance to the inmate. Such employee shall be of the inmate's choice selected from a list established by the Superintendent or any other employee upon approval of the Superintendent.
- (d) Such employee shall explain the nature of the Hearing and the particulars specified in the formal notice. The employee also shall ask the inmate whether there is any factual matter that can be presented in his or her behalf and shall investigate any reasonable factual claim that the inmate may make.

A written report of the action taken and the results of the investigation, if any, including documentary evidence and witness statements shall be delivered to the Chairman of the Time Allowance Committee prior to the commencement of the special meeting. The Time Allowance Committee shall reconsider the entire file of the inmate, shall interview the inmate, shall consider any factual matter brought to its attention by the inmate or the

person designated to provide assistance to the inmate, and may in the Committee's discretion interview any person who may have information relevant to the Hearing.

- (e) The Time Allowance Committee shall advise the inmate of any factual circumstances that appear to support a determination not to recommend the granting of the total time allowance authorized, and shall afford the inmate the opportunity to comment thereon and to make any statement he or she may care to submit in respect to his or her time allowance.
- (f) Where the Time Allowance Committee is satisfied, after hearing the inmate, that the record of the proceeding contains substantial evidence in support of a determination not to grant the total allowance authorized, they shall set the amount of time they will recommend to be withheld and shall so advise the Superintendent as provided for in § 261.3(d) of this Part.
- (g) In any case where the Time Allowance Committee is not satisfied, after considering all available evidence, that the record of the proceeding contained substantial evidence to support the determination not to grant the total allowance authorized, they shall recommend the granting of a total allowance authorized and shall so advise the Superintendent as provided for in § 261.3(d) of this Part.
- (h) A written report, including a statement of the reasons for the recommendation, shall be provided to the inmate following review by the Superintendent and by the Commissioner or designee.

Part 262 Granting of Time Allowances

§ 262.1 Procedure for Granting Good Behavior Allowances.

- (a) After consideration of the file by the Committee, and after fulfilling any other requirements set forth in this subchapter, the Committee shall make a recommendation to the Superintendent as to the amount of good behavior allowance to be accorded to the inmate.
- (b) The Superintendent shall promptly review the report of the Committee and shall endorse any comments he or she may deem appropriate thereon and immediately forward the report of the Committee and comments, if any, to the Commissioner or designee.
- (c) The Commissioner or designee will then transmit to the Superintendent an order either confirming or modifying the amount of time to be granted, or remand the matter back to committee for re-evaluation and a Hearing in accordance with § 261.4

The time allowance specified in the final order of the Commissioner or designee shall be the good behavior allowance to be granted to the inmate. The grant of the good behavior allowance shall be contingent on the inmate's continued good behavior, efficient and willing performance of duties assigned, and progress and achievement in an assigned treatment program. The inmate shall be given a copy of this determination promptly.

Part 263 Stay of Good Behavior

§ 263.1 Stay of Good Behavior Allowance.

Between the time a decision has been made with respect to good behavior allowance and the time that an inmate would be eligible for parole consideration or for conditional or other release, the award of any good behavior allowance that has been granted shall be stayed and such allowance shall be suspended as provided by § 263.2 of this Part.

§ 263.2 Procedure for Stay of Good Behavior Allowance.

(a) Superintendent's Hearing.

- (1) The decision directing that a misbehavior report be heard in a Superintendent's Hearing against an inmate shall stay the award of any good behavior allowance that has been granted such inmate, and such allowance shall be suspended and of no force and effect until a final decision has been made in the Superintendent's Hearing.
- (2) At the conclusion of the Hearing, if the disposition does not involve loss of good behavior allowance, the allowance previously granted shall be reinstated.
- (3) Where the disposition does involve loss of good behavior allowance, and the inmate has an approved conditional release date earlier than his or her maximum expiration date, the disposition shall automatically be reviewed by the Commissioner or designee.
- (4) If the Hearing decision is affirmed, the recommended loss of good behavior allowance shall be applied to the inmate's conditional release date. Any modification or other decision rendered by the Commissioner or designee shall be applied as specified in such decision. The inmate shall be given a copy of this determination promptly.

(b) Disregard for statutory criteria.

- (1) If an inmate who has been granted a good behavior allowance subsequently acts in disregard of the statutory criteria for good behavior allowances (i.e., good behavior, efficient and willing performance of duties assigned, and progress and achievement in an assigned treatment program), the Superintendent may direct the Time Allowance Committee to conduct a Hearing in accordance with § 261.4 of this Chapter to reconsider the amount of good time to be granted.
- (2) The provisions of Part 262 and 263 shall apply after any Hearing conducted pursuant to this subdivision.

Appendix 23: Expert's Vita

Vita

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Education

Postdoctoral Fellow	(1987-89)	University of Michigan
Ph.D. Psychology	(1987)	Cornell University
M.S. Psychology	(1984)	Cornell University
Diploma Statistics	(1981)	Trinity College Dublin
B.A. Psychology	(1980)	Trinity College Dublin

Employment History

Chairperson	Department of Psychology, Columbia University, 2010-2013
Professor	Department of Psychology, Columbia University, 2005-
Associate Professor	Social Psychology Program, Psychology Dept., New York University, 1997-2005
Assistant Professor	Social-Personality Program, Psychology Dept., New York University, 1991-97
Assistant Professor	Quantitative and Social-Personality Programs, Psychology Dept., University of Denver, 1989-91
Postdoctoral Fellow	Social Environment and Health Program, Institute for Social Research, University of Michigan, 1987-89
Research Assistant	Department of Social Psychology and Sociology, Economic and Social Research Institute, Dublin, 1980-82

Research Interests

Statistical Models for Intensive Longitudinal Data
Social Psychology of Close Relationships
Stress, Coping, and Adjustment
Personality Processes

Teaching Experience

Linear Models (Graduate)
Mixed Models (Graduate)
Laboratory in Personality and Social Psychology (Undergraduate)
Social Psychology (Graduate and Undergraduate)
Health Psychology (Graduate and Undergraduate)
Adult Relationships (Graduate)

Professional Service

Member, Publications Committee, Society for Personality and Social Psychology, 2020-
Executive Committee, Society of Experimental Social Psychology, 2017-2019
Member, Social Psychology Review Panel, National Science Foundation, 2010-2013
Member, Publications Committee, American Psychological Society, 1994-1998
Member, Social and Group Processes Review Panel, National Institute of Mental Health, 1994-97
Consultant, McArthur Foundation Panel on Health Behavior, 1994
Program Co-Chair, Div. 38 (Health Psychology), American Psychological Association Annual Convention, 1993

Editorial Service

Associate Editor: *Journal of Personality and Social Psychology: Interpersonal Relations and Group Processes* (1997-99)

Editorial Boards: *Psychological Review* (2001-2007)
Journal of Personality and Social Psychology: Interpersonal Relations and Group Processes (1993-1999; 2002-)
Personal Relationships (1993-)
Health Psychology (1990-1992)
Social Psychology and Personality Science (2016-)
Journal of Personality and Social Psychology: Attitudes and Social Cognition (2019-)

Professional Affiliations

American Statistical Association
American Psychological Society (Charter Member 1988; Fellow, 2003)
Society of Experimental Social Psychology (Fellow, 2009)
Society of Personality and Social Psychology (Fellow, 2014)
Society of Multivariate Experimental Psychology

Books

- Bolger, N., & Laurenceau, J.-P. (2013). *Intensive longitudinal methods: An introduction to diary and experience sampling research*. New York: Guilford.
- Bolger, N., Caspi, A., Downey, G., & Moorehouse, M. (Eds.) (1988). *Persons in context: Developmental processes*. New York: Cambridge University Press.

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- *Zee, K. S., Bolger, N., & Higgins, E. T. (2020). Regulatory effectiveness of social support. *Journal of Personality and Social Psychology*. doi:10.1037/pspi0000235
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