

 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Legislative Inquiries and Visits</p>		<p>NO.</p> <p>0415</p>
			<p>DATE</p> <p>10/23/2020</p>
<p>SUPERSEDES</p> <p>DIR #0415 Dtd. 10/08/19</p>	<p>DISTRIBUTION</p> <p>A B</p>	<p>PAGES</p> <p>PAGE 1 OF 3</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>Correction Law Section 146(1); ACA Expected Practice 5-ACI-1A-21; Directives #2917, #4900, #4935, #9710</p>		<p>APPROVING AUTHORITY</p> 	

- I. **PURPOSE:** To establish a formal procedure in which all legislative inquiries, including requests for information from any member of the Legislature or their staff, are processed and reviewed by Central Office to ensure that the Department's responses accurately reflect DOCCS' policies, are responded to promptly and properly, and are reported centrally. This directive establishes the policy and procedures to accomplish this goal.
- II. **POLICY:** It is the policy of the Department that any inquiries, either written or verbal, from any member of the Legislature or their staff shall be referred to the Assistant Commissioner/Executive Assistant to the Commissioner at (518) 457-1281 or by email, except as noted in Section III-A of this directive. Any routine legislative matters may be directed to the Commissioner's Executive Secretary at (518) 457-8134 or by email.
- III. **PROCEDURES:**
 - A. Rudimentary inquiries or requests for factual information about the particular facility or area office, such as what are the days and the hours that the visiting room or area office is open, can be answered by the facility/area office itself, without any need to involve or report to Central Office.
 - B. When referring any other inquiries pursuant to this policy to the Assistant Commissioner/Executive Assistant, all pertinent information should be included to ensure that the Department responds accurately and in a timely manner. This information should include, at a minimum, the following:
 1. The name of the person(s) who made the inquiry;
 2. The individual's title and office (e.g., who they are representing);
 3. A means to contact the person (telephone number, email address, etc.);
 4. A detailed description of the inquiry; and
 5. If practicable and relevant, a proposed response to the inquiry.
 - C. Staff will follow instructions from the Assistant Commissioner/Executive Assistant regarding follow-up and handling of the inquiry. Any follow-up action taken by a Department employee in response to such an inquiry shall also be provided to the Assistant Commissioner/Executive Assistant. Additionally, the below procedures shall be adhered to whenever relevant to the particular inquiry.
- IV. **VISITS**
 - A. Legislators, who may be accompanied by their aides, are to be permitted to make visits to a correctional facility, area office, or other Department office, which may include an unannounced visit.

- B. In accordance with Correction Law Section 146(1), a legislator is authorized to request to be accompanied by their staff and any Department employee during a tour, which may include a union representative, provided that such request does not impact upon the Department's ability to supervise, manage, and control its facilities, as determined by the Commissioner.

For example, if an employee is suspended, they would not be approved to be part of a tour. In addition, if the number of employees being requested to be part of the tour is too large and could negatively impact facility operations, then the number might have to be reduced to be approved. Per Section IV-D, the Deputy Commissioner for Correctional Facilities must be contacted whenever a Department employee is requested to be part of a pre-arranged tour.

- C. Consistent with Department policy (see Directive #2917, "Cellular Telephones and Pagers"), cellular phones, wireless phones, pagers, laptop computers, personal digital assistants, any devices with global positioning (GPS) capabilities, any device with audio or video recording capabilities, radios, cameras, or other similar electronic devices are prohibited by any legislative visitors and their aides or staff. In the absence of exigent circumstances, legislators and their aides should neither be processed through the walk-through metal detector, nor scanned with a hand-held metal detector at the front gate (see Directive #4900, "Security in Gate Areas/Secure Posts," Directive #4935, "Outsiders Visiting or Applying to Visit Facilities," and Directive #9710, "Magnetometers (Metal Detectors) Community Supervision").
- D. Any DOCCS facility or office, upon contact by a member of the Legislature in connection with a visit request or upon arrival by a member of the Legislature for an unscheduled visit, shall immediately notify the Executive Deputy Commissioner, Deputy Commissioner for Correctional Facilities, or Deputy Commissioner for Community Supervision via email or the Communications Control Center during non-work hours.
- E. During a legislative visit, no media representatives shall be permitted.
- F. The Superintendent, Bureau Chief, or designee should escort the member of the Legislature at all times while they are in the facility or area office. If a significant number of legislators visit at one time, they may be broken into groups. Ensure that each group is escorted by an Executive staff member.
- G. Legislators with aides may, upon request, visit Special Housing Units (SHU) and all other areas of the facility.
- H. Legislators with aides shall be permitted to talk with inmates, but only in the presence of the Superintendent or the Executive team member conducting the tour.
- I. If a group discussion is requested, encourage a dialogue with the Inmate Liaison Committee (ILC), Inmate Grievance Resolution Committee (IGRC), or other existing approved organization. The Superintendent or Executive staff member conducting the tour should be present at all such meetings with an appropriate number of uniformed staff to maintain a controlled and safe atmosphere.

If a specific request is made to meet with the ILC, IGRC, or other approved organization without the Superintendent or any member of the Executive team or staff being present, the request should be accommodated, but appropriate security safeguards shall be maintained (e.g., observation through windows, etc.).

- J. Meetings with groups other than the ILC and IGRC may be limited to no more than 15 minutes in the interest of safety and security.
- K. Members of the Legislature are prohibited from reviewing inmate or parolee records or other business records without prior written approval by the Deputy Commissioner responsible for the type of record sought for review.
- L. Upon completion of the visit (no later than the next business day), an email must be sent to the appropriate Deputy Commissioner outlining the visit and issues that were discussed, with a copy to the Executive Deputy Commissioner, Assistant Commissioner/Executive Assistant, and the Supervising Superintendent or Regional Director.

V. INVITATIONS TO TOUR CORRECTIONAL FACILITIES AND AREA OFFICES

- A. The Commissioner, Executive Deputy Commissioner, Deputy Commissioner for Correctional Facilities, or Deputy Commissioner for Community Supervision must pre-approve all prospective invitations to any legislative member or their staff to visit a correctional facility or area office.
- B. Requests by employees to extend invitations to state legislators to visit correctional facilities or area offices must be submitted for approval one week prior to the prospective visit. Requests must include the name(s) or the person(s) requesting such approval, the purpose of the visit, name(s) of the invitees and visit participants, the group or organization they represent, and the date and time of the requested visit.
- C. Upon completion of the visit (no later than the next business day), an email must be sent to the Executive Deputy Commissioner, appropriate Deputy Commissioner, and Assistant Commissioner/Executive Assistant outlining the visit and issues that were discussed, with a copy to the supervising Superintendent or Regional Director.

VI. REPORTING LEGISLATIVE INQUIRIES AND VISITS

- A. The Assistant Commissioner/Executive Assistant will prepare and send a report of all legislative inquiries weekly to the Commissioner's Office. The report will include:
 - 1. The name(s) of the person(s) who made the inquiry;
 - 2. The individual's title and office (e.g., who they are representing);
 - 3. A detailed description of the inquiry; and
 - 4. The response to the inquiry.
- B. The Assistant Commissioner/Executive Assistant will prepare and send a report of all legislative visits weekly to the Commissioner's Office. The report will include:
 - 1. The name(s) of the person(s) who visited;
 - 2. The individual's title and office (e.g., who they are representing);
 - 3. Facility, satellite office, and/or regional office visited; and
 - 4. Questions, comments, and/or general tone of the visit.