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Decarceration Means Funding the Incarcerated

David Campbell

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DECARCERATION MEANS FUNDING THE INCARCERATED

David Campbell†

Payday for those inmates who work on Rikers Island is Friday.¹ They normally find out when they have been paid when they make phone calls. Before each outgoing call, an automated female voice rattles off the balance in their account. By midday Friday, this number is usually higher than the day before, reflecting the deposit of the week's wages.² When I started my sentence in October 2019, I made \$1 an hour, or \$40 a week.³ It had been almost a year of these regular weekly deposits when on Friday, July 31, 2020, many of us noticed that money was not deposited into our accounts. In fact, nobody was paid for the previous week's work that day, that weekend, or through the next week.⁴ When the jail finally made the deposits, most inmates were understandably up in arms: they were paid \$10 instead of the usual \$40.⁵ Even a frugal commissary shopper spends \$20–\$30 a week on hygiene products and food to supplement the skimpy institutional meals.⁶ As the vast majority of inmates come from and return to impoverished communities,⁷

† David Campbell is a writer, translator, funeral director/embalmer, and former antifascist political prisoner. A PEN America Writing for Justice 2021 Fellowship finalist, he is currently pursuing a Master's in translation at the École Supérieure d'Interprètes et Traducteurs. His writing has been featured in Huffington Post, Hard Crackers, and the Certain Days: Freedom for Political Prisoners 2021 Calendar. His translations have been featured in *Barricade: A Journal of Antifascism & Translation*, *Post-[blank]*, and the 2021 NYC Antifascist Film Festival.

¹ See *infra* Appendix A.1.

² See *infra* Appendix A.3.

³ See *infra* Appendices A.1, A.2.

⁴ Though I have reached out to a number of people I was incarcerated with at this particular time, I could not locate an inmate account statement for the week in question. Getting an account statement is itself a herculean feat of bureaucracy, and any request made by a prisoner may or may not be fulfilled by New York City Department of Correction (DOC) staff. For example, I requested my entire financial history as an inmate multiple times in my last month on Rikers Island and I finally received a printout of the most recent four weeks - nothing more. Further, many inmates do not take any of the paperwork they accumulate behind bars home with them when they leave. They prefer to leave everything associated with Rikers on the island itself.

⁵ See *supra* note 4.

⁶ See, e.g., Appendix B.

⁷ *The Relationship Between Poverty & Mass Incarceration*, CTR. FOR CMTY. CHANGE 1, <https://perma.cc/5UX6-Z9S9> (last visited Oct. 7, 2021) (noting that people who enter the

many rely on the money they earn in jail, meager as it may be, for their families or themselves when they get out.

This diminution in pay happened around the same time the hotly contested 2021 municipal budget went into effect.⁸ After a great deal of public back-and-forth on the heels of the George Floyd protests, including an occupation of City Hall demanding the defunding of the New York Police Department (hereinafter NYPD) and high-stakes negotiations that ran into the early morning on July 1, 2020, the City Council passed a budget that ostensibly cut nearly \$1 billion from the NYPD budget.⁹ Much has already been written on how this was a shallow gesture to steal wind from the sails of the abolition movement without doing anything to fundamentally reshape the scope or function of policing,¹⁰ so I won't get into that here.

Many inmates, myself included, suspected that the reduction of our pay by a factor of four—or, for certain jobs, eight or even more¹¹—was tied to this same faux-defunding municipal budget.¹² Meanwhile, the Correction Officers (hereinafter CO), were busy celebrating their purported 3% *increase* in pay.¹³ When I asked the CO who served as my

criminal justice system are overwhelmingly poor: “Two-thirds detained in jails report annual incomes under \$12,000 prior to arrest.”); Tara O’Neill Hayes & Margaret Barnhorst, *Incarceration and Poverty in the United States*, AM. ACTION F., (June 30, 2020), <https://perma.cc/YH3D-4WVL>; Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned*, PRISON POL’Y INITIATIVE (July 9, 2015), <https://perma.cc/F8XY-7T8M>.

⁸ See *The Budget Process*, N.Y.C. COUNCIL, <https://perma.cc/W82T-D4MK> (last visited Sept. 30, 2021).

⁹ COUNCIL OF THE CITY OF N.Y., REPORT OF THE FINANCE DIV. ON THE FISCAL 2022 PRELIMINARY BUDGET AND THE FISCAL 2021 PRELIMINARY MAYOR’S MANAGEMENT REPORT FOR THE N.Y. POLICE DEPARTMENT 2 (2021), <https://perma.cc/CV36-XYC8> [hereinafter COUNCIL]; see generally, Robert Pozarycki, *Not Even Close: NYC Shifting Far Less than a Billion from NYPD in Budget, Report Finds*, AMNY (Aug. 18, 2020), <https://perma.cc/XG2F-548J>; Bernard O’Brien & Jonathan Rosenberg, *How Much Did the 2021 Adopted Budget Reduce Spending For the New York City Police Department?*, N.Y.C. INDEP. BUDGET OFF., <https://perma.cc/Q688-G378> (last visited Sept. 30, 2021).

¹⁰ Jeffery C. Mays & Dana Rubinstein, *Nearly \$1 Billion is Shifted from Police Budget That Pleases No One*, N.Y. TIMES (Aug. 10, 2020), <https://perma.cc/DX8L-2QV2>; Jen Kirby, *Inside the Fight to “Defund” the NYPD*, VOX (June 19, 2020), <https://perma.cc/27FZ-APXR>.

¹¹ See *infra* Appendix C.5.

¹² Despite my best efforts at research and a Freedom of Information Law (FOIL) request to the DOC, I cannot prove this. All I can say for sure is that many of us who were incarcerated at the time strongly suspected it.

¹³ See generally COUNCIL OF THE CITY OF N.Y., REPORT TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON CRIMINAL JUSTICE ON THE FISCAL 2020 EXECUTIVE PLAN, THE TEN-YEAR CAPITAL STRATEGY FOR FISCAL 2020-2029, AND FISCAL 2020 EXECUTIVE CAPITAL COMMITMENT PLAN (2019), <https://perma.cc/F5N2-A7S8> (The DOC allocations listed in the NYC budget report note the “DOC increased its overall budget for salaries beginning in

supervisor at my forced-labor kitchen job about this, he responded, “Do you know how little money 3% of my salary is?” To which I responded, “Enough to pay me more than \$10 a week.” He said nothing.

Despite my best efforts since my release, including extensive research and multiple Freedom of Information Law (FOIL) requests to the New York City Department of Correction (hereinafter DOC), I am unable to confirm that this simultaneous pay cut for incarcerated workers and pay raise for their turnkeys came out of the same budget that somehow dressed itself up as abolitionist in nature.¹⁴ In any case, the origin of the simultaneous pay cut and pay raise matters less to me than their taking effect at the same time as the “defunding” of the NYPD. This juxtaposition, for me, perfectly encapsulates the difficulty inherent to pursuing abolition through reform, and the dilemma abolition often finds itself in. How do we attain a society without police or prisons when each piecemeal reform seems to be too narrow or too mild to be effective? Even the most radical, holistic proposals seem to get gobbled up and co-opted by the state, the capitalists, and the sheer force of social inertia.

The answer is that abolition and reform must exist in the form of a dialogue—a fluid movement that continues to push for non-reformist reforms and continually scrutinizes them once they’re instituted.¹⁵ It makes for tiresome work that requires constant pressure, reinvestigation, and reprioritizing. It is shifting terrain, but it may well be the only terrain we can actually build something new upon. It means that though we will suffer constant disappointments, we cannot abandon the reform path completely. It also means that if we can’t envision entirely new policies

2015,” but nothing more. At any rate, this was an extremely popular conversation topic among COs for a few days in early August 2020, always with the same figure cited: 3%).

¹⁴ See, e.g., *infra* Appendices C.2, C.3, C.4. I first filed a FOIL request with the DOC on May 17, 2021, and the very next day I received a form letter from the Legal Division confirming receipt of my request and notifying me that, “The Department expects to notify you within twenty (20) business days of this letter whether it will grant or [sic] your request either in whole or in part, pursuant to the New York State Public Officers Law, Section 89 (3).” N.Y. PUB. OFF. § 89(3). However, the letter continued, “Due to COVID-19 emergency measures, the Department’s response to your FOIL request may be delayed. We will advise you as to any revisions to the date of our response.” Nearly five months later, after multiple follow-up calls and emails, I was finally provided with a number of documents, none of which were relevant to my request, and advised by the DOC to file a new FOIL request.

¹⁵ Marina Bell, *Abolition: A New Paradigm for Reform*, 46 L. AND SOC. INQUIRY no. 1, 2021 at 45.; Mariame Kaba, *Yes, We Mean Literally Abolish the Police: Because Reform Won’t Happen*, N.Y. TIMES (June 12, 2020), <https://perma.cc/24MA-CJ3P>; Faiola Cineas, *What the Public is Getting Right—and Wrong—About Police Abolition*, VOX, (Oct. 30, 2020), <https://perma.cc/X9XS-WSRA>; Mariame Kaba & John Duda, *Towards the Horizon of Abolition: A Conversation with Mariame Kaba*, NEXT SYS. PROJECT (Nov. 9, 2017), <https://perma.cc/V5CB-D4LX>; Angela Y. Davis & Dylan Rodriguez, *The Challenge of Prison Abolition: A Conversation*, 27 SOC. JUST. 81, no. 3, 215-217 (2000).

and practices, we have no right to expect anything other than the same old results. We must imagine radical new ways of doing things, things that seem entirely counterintuitive to us now.

Even if the defunding of the NYPD were a real step towards abolition, it would still leave us moving backwards on other terrain. For example, a report published by the Vera Institute in May on the allocation of funds for NYC's correctional facilities makes no mention of inmate wages.¹⁶ It does, however, note that "although city leaders last year voiced commitments to reduce the police department's budget and reallocate investments to communities most harmed by over policing and mass incarceration, they have remained mute on the [DOC] bloat."¹⁷ Though the number of DOC staff is slowly trending downward,¹⁸ Rikers remains one of the most overstaffed jails in the country with approximately 1.4 COs per inmate.¹⁹ During my twelve months inside, I never met a single inmate who thought the COs deserved a pay raise. In 2020, the [DOC] spent 86% of its budget on staff wages and benefits,²⁰ money that would be better suited paying inmates for their labor. If an increase in inmate pay appears outrageous to some, it is only because it entails beginning to treat inmates as full-fledged human beings, and in doing so upsets the power dynamic between the incarcerated and their keepers.

While there are varied assertions as to what "defunding the police" and "reinvesting in communities" mean,²¹ I propose that one step towards this goal would be to redistribute the funds from COs and bureaucratic management to incarcerated workers to ensure they are paid a suitable wage. After all, the federal monitor that has audited the abysmal management of the City's jails since 2015 specifically addresses the "dysfunctional deployment and overstaffing" in its 2021 report, which raises the question of whether funds are being properly allocated in the

¹⁶ The report states:

In 2020, the Department of Correction spent 86 percent of its budget on staff wages and benefits. Consequently, out of the \$438,000 spent to jail a single New Yorker for one year, \$379,216 went to personnel costs. Less than 5 percent of the DOC's annual expenditures are allocated to programming, nutrition, substance use treatment, and other services.

VERA INST. OF JUST., A LOOK INSIDE THE NEW YORK CITY CORRECTION BUDGET 4 (May 2021), <https://perma.cc/T5X2-E884>.

¹⁷ *Id.* at 16.

¹⁸ COUNCIL *supra* note 9, at 4-5.

¹⁹ Reuven Blau, *City Jails Roiled by 'Disorder and Chaos,' Feds Say as Correction Boss Quits*, CITY (May 11, 2021, 10:05 PM), <https://perma.cc/SA93-R333>.

²⁰ VERA INST. OF JUST., *supra* note 16, at 4.

²¹ Josiah Bates, *How Are Activists Managing Dissension Within the 'Defund the Police' Movement?*, TIME (Feb. 23, 2021, 3:45 PM), <https://perma.cc/4V4C-CBPH>.

first place.²² Moreover, the idea of paying those who are incarcerated a living wage is not so different from the Mayor’s Office of Criminal Justice’s Jails to Jobs reentry program.²³ The program claims to offer those released from Rikers short term jobs and wages funded by the City rather than their employers.²⁴ The DOC itself—which, of course, makes the implicit claim of “correcting” people by its name alone—outlines in its Fiscal 2021 Preliminary Mayor’s Management Report three “service goals” one of which is to “prepare individuals in custody for return (sic) to their neighborhoods (sic) as contributing members of society.”²⁵ One can only wonder how this is achieved by taking money away from people in their custody.

The DOC is now handing its leadership from Cynthia Brann to Vincent Schiraldi, a progressive carceral reform advocate Mayor de Blasio claims will make the system “smaller, safer, and more humane,”²⁶ even as he pushes for greater funding for the DOC²⁷ and the NYPD.²⁸ I cannot help my skepticism. One concrete and budget-friendly way, however, to lessen the impact of incarceration and make the system more humane without expanding the reach of the carceral state is to freeze DOC salaries, significantly reduce DOC staff numbers, and pay inmates a living wage (minus the obvious minimal deductions for food and housing).

It doesn’t take an economist to suspect that this would amount to something more than \$10 or even \$40 a week. The Vera Institute report also highlights that a “staff reduction of 10% should save the City \$221.5 million” that could be reinvested elsewhere.²⁹ Not all those housed on Rikers Island work,³⁰ but if they did, that would still be more

²² Blau, *supra* note 19; NUNEZ MONITORING TEAM, ELEVENTH REPORT OF THE NUNEZ INDEPENDENT MONITOR 8 (2021), <https://perma.cc/24ET-9RZ4>.

²³ See *Jails to Jobs Reentry*, NYC MAYOR’S OFF. OF CRIM. JUST., <https://perma.cc/VA8K-CR7X> (last visited Oct. 7, 2021).

²⁴ Tom Hays, *Jail to Job: NYC to Give Jobs to Released Inmates*, AP NEWS (Apr. 22, 2017), <https://perma.cc/BXF9-M5ZF>.

²⁵ COUNCIL OF THE CITY OF N.Y., REPORT OF THE FINANCE DIVISION ON THE FISCAL 2022 PRELIMINARY PLAN FOR THE DEPARTMENT OF CORRECTION 8 (2021), <https://perma.cc/2FN6-SAYW>.

²⁶ See Press Release, *Mayor de Blasio Appoints Vincent Schiraldi as Commissioner of the Department of Correction* (May 12, 2021), <https://perma.cc/J5QK-H6V2>; see also Chelsia Rose Marcus, *Vincent Schiraldi Appointed as New Correction Department Commissioner*, DAILY NEWS (May 12, 2021, 9:56 AM), <https://perma.cc/VXP8-N3JL>.

²⁷ VERA INST. OF JUST., *supra* note 16, at 4-5.

²⁸ Fola Akinnibi, *NYC’s Violent Crime is Up; So Is the City’s Police Budget*, BLOOMBERG CITYLAB (May 6, 2021, 12:05 PM), <https://perma.cc/76GN-SSXK>.

²⁹ VERA INST. OF JUST., *supra* note 16, at 6.

³⁰ N.Y.C. DEP’T OF CORR., INMATE HANDBOOK 16-17 (2007) (“If you are a sentenced inmate, you are required to work. Detainees who desire to work may be considered for em-

than enough to pay every person in the 2020 average daily jail population over \$700 a week for the entire year.³¹ Simply keeping inmates' wages at \$40 a week instead of dropping them to \$10 would have amounted to little more than \$12 million, a cost that could be easily absorbed by the much-needed downsizing.³²

Furthermore, forced labor without proper compensation for the incarcerated is a direct outgrowth of chattel slavery, made legal and defined as such by the 13th Amendment.³³ Not only would something approaching a living wage break this direct link with slavery, it would drastically reduce the emotional and financial strain on the friends and family of those incarcerated. Lack of funds for commissary, bail, a better lawyer, or for loved ones to take time off from work to visit was a recurring topic of conversation among many of the guys I was locked up with. A living wage could also empower those behind bars to plan for their lives after release. Many of those who had jobs waiting for them outside spoke of returning to work their first day free. Those who did not often spoke of applying to work in kitchens or construction sites the day they left the island. We must try to think of those separated from their communities by stone, steel, and paperwork as still part of those communities. This is especially true for Rikers, where the average stay is only about two and a half months, and though detainees may occasionally be held for as long as a few years, no sentenced inmate is serving more than sixteen months, usually much less.³⁴

Slashing inmate pay is a prime example of a step backwards in our fight for decarceration. We should absolutely continue to push for de-

ployment.”). The math was calculated by the author based on figures in the Vera Institute Report on page 6 and page 3. 221.5 million is the potential savings from reducing staffing in New York City Jails by 10%. Dividing that by the average daily number of people detained in NY in 2020 (5,841) results in \$37,921.59 in excessive funds. Dividing that amount by 52 weeks will result in a potential payout of \$729.26 per week for each inmate.

³¹ The math was calculated by the authors based on the amount of savings from a 10% reduction in DOC staff of \$221.5 million, *supra* note 16, at 6, divided the average daily number of people detained in New York City jails (5,821), *supra* note 16, at 3, resulting in approximately \$38,051 in annual pay, or about \$731 per week.

³² COUNCIL OF THE CITY OF N.Y. *supra* note 26, at 1. The math was calculated by the author based on the average daily number of people detained in NY in 2020 (5,821). \$40 per week multiplied by 52 weeks is \$2080. \$2080 multiplied by 5,841 is \$12,149,280.

³³ U.S. CONST. amend. XIII, § 1 (“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”); see Angela Chan, *America Never Abolished Slavery*, HUFFPOST (May 2, 2015, 1:15 PM), <https://perma.cc/D34M-53SS>; cf. James Gray Pope, *Mass Incarceration, Convict Leasing, and the Thirteenth Amendment: A Revisionist Account*, 94 N.Y.U. L. REV. 1465, 1499 (2019).

³⁴ NYC Department of Correction at a Glance, N.Y.C. DEP’T OF CORR., <https://perma.cc/Y4PE-AY8V> (last visited October 23, 2021).

funding the police and investing in communities in the form of healthcare, education, housing, jobs, and non-police community interventions. Added to those advocacy efforts should be a push to defund jails and prisons, with the one caveat that this not mean defunding the people trapped inside them. Decarceration must not entail taking more money from incarcerated pockets. Rather, reinvesting in communities must include those community members behind the walls.

Appendix A.2: New York City Department of Correction Inmate Transactions

04/22/2020 New York City Department Of Correction IFCAIT01
 View/Print Inmate Transactions 148700
 BAC Number : [REDACTED] [REDACTED]

| Date | Description | Notes | Reference | Amount | Balance |
|----------|--------------------|-----------------------|------------|----------|---------|
| 03/05/20 | MANDATORY_SURCHARG | 1387/19 IND#04316/18 | 1345257193 | (115.00) | 3.79 |
| 03/04/20 | COMMISSARY | | 1345251912 | (13.81) | 118.79 |
| 02/28/20 | PAYROLL | 07774CIFM02/17-02/23 | 1345234320 | 40.00 | 132.60 |
| 02/28/20 | PAYROLL | 07774CIFM02/17-02/23 | 1345236894 | 40.00 | 92.60 |
| 02/27/20 | HAIRCUT/HAIRSTYLE | | 1345235020 | (2.00) | 52.60 |
| 02/27/20 | PAYROLL | 07763CIFI02/17-/02/23 | 1345234022 | 47.20 | 54.60 |
| 02/26/20 | MANDATORY_SURCHARG | 1387/19 IND#04316/18 | 1345229446 | (180.00) | 7.40 |
| 02/25/20 | 3RD PARTY DEPOSITS | JPAY01 REMOTE DEP 0 | 1345226765 | 20.00 | 187.40 |

| | | | | |
|---------------------|---|-----------|-----------------------|---|
| Available Balance | : | 81.57 | Unpaid Restitutions | : |
| Total Balance | : | 81.57 | Held Check Balance | : |
| Current Facility ID | : | ARDC | Surcharge Balance | : |
| Status | : | SENTENCED | Uncollected Surcharge | : |
| Filing Fee Balance | : | | Funds in Escrow | : |

<Next>=Down Page
 <F17>=Restitutions

<Prev>=Up Page
 <F18>=Phone Calls

<F2>=Print Report
 <F20>=Date

<F11>=Exit

APPENDIX B: NEW YORK CITY DEPARTMENT OF CORRECTION PRISON
COMMISSARY RECEIPTS

02/06/20

13:08

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

ARDC

[REDACTED]
ID # [REDACTED]

COMMISSARY PURCHASE

REFERENCE NUMBER : 1345163892

| ITEM | PRICE | # | TOTAL |
|---------------------|---------|-------|-------|
| BOTTLED WATER | \$ 0.99 | 3 \$ | 2.97 |
| REGAL BAR-B-QUE CHI | \$ 0.55 | 4 \$ | 2.20 |
| BUMBLE BEE TUNA | \$ 2.02 | 3 \$ | 6.06 |
| DOVE | \$ 1.86 | 1 \$ | 1.86 |
| HALAL LS RAMEN CHIC | \$ 0.51 | 5 \$ | 2.55 |
| MACKEREL | \$ 1.09 | 3 \$ | 3.27 |
| REGAL COFFEE | \$ 0.54 | 5 \$ | 2.70 |
| CHOCOLATE CHIP | \$ 1.97 | 1 \$ | 1.97 |
| AAA BATTERY | \$ 0.23 | 2 \$ | 0.46 |
| SENTRYINBUDEARPHONE | \$ 2.26 | 1 \$ | 2.26 |
| TOTAL | ----- | -- \$ | 26.20 |

Spending Limit is \$125 per week

APPENDIX C: FOIL LETTERS REGARDING INMATE WAGES

Appendix C.1: Request for Inmate Wages from July 24 to August 7, 2020

From: DA Campbell [REDACTED]
Sent: Wednesday, October 6, 2021 2:53 PM
To: Records Access
Subject: [EXTERNAL] FOIL request for records

TimeMattersID: [REDACTED]
TM Matter No: [REDACTED]
TM Matter Reference: Campbell, [REDACTED] re: Inmate Wages

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

To:
Records Access Officer
New York City Department of Correction
Legal Division
75-20 Astoria Blvd
East Elmhurst, New York 11370
Re: Freedom of Information Law Request for Records

Dear Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of records or portions thereof pertaining to (or containing the following): how much money inmate workers were paid per hour worked between July 24, 2020 and August 7, 2020. I understand there is a fee of \$.25 per page for duplication of the records requested. If the fee exceeds \$10, please contact me before duplicating the records.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

David Campbell

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



NEW YORK CITY DEPARTMENT OF CORRECTION
Vincent Schiraldi, Commissioner

Stephane L. Plantin
Assistant General Counsel | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718-546-0952
Fax 718-278-6001

October 7, 2021

████████████████████ Campbell
██

Re: FOIL Request (Inmate Wages)
FOIL #: 2022FR0566

Dear Mr. Campbell:

This letter is to acknowledge the record request you submitted to the New York City Department of Correction (copy enclosed). The Department expects to notify you within twenty (20) business days of this letter whether it will grant or deny your request either in whole or in part, pursuant to the New York State Public Officers Law, Section 89 (3).

Due to COVID- 19 emergency measures, the Department's response to your FOIL request may be delayed. We will advise you as to any revisions to the date of our response.

Very truly yours,

Stephane L. Plantin / amt

Stephane L. Plantin
Assistant General Counsel

Enclosure
SLP/amt



NEW YORK CITY DEPARTMENT OF CORRECTION
Vincent Schiraldi, Commissioner

Stephane L. Plantin
Agency Attorney | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718-546-0952
Fax 718-278-6001

October 15, 2021

████████████████████ Campbell
██

Re: FOIL Request (Inmate Wages)
FOIL #: 2021FR0566

Dear Mr. Campbell:

This is a final response to your request for records (copy enclosed) made pursuant to the New York State Freedom of Information Law. Enclosed please find a spreadsheet of the amount of money incarcerated individuals were paid per hour worked between July 24, 2020 to August 7, 2020.

Very truly yours,

Stephane L. Plantin / amt

Stephane L. Plantin
Associate General Counsel

Enclosure
SLP/amt

The following pay rates were paid to inmates through various work the inmates performed during the requested times of July 24, 2020 through August 7, 2020.

| RATE | |
|------|----|
| 17 | /H |
| 22 | /H |
| 24 | /H |
| 25 | /H |
| 27 | /H |
| 28 | /H |
| 32 | /H |
| 37 | /H |
| 39 | /H |
| 50 | /H |
| 59 | /H |
| 100 | /H |
| 150 | /H |
| 275 | /H |
| 500 | /D |
| 500 | /H |

Note: /H = Per Hour
/D = Per Day
Amount is in cents.

*Appendix C.2: Request for Policy Changes Regarding Inmate Wages
and Inmate Work Assignments*

From: [DA Campbell](#)
To: [Records Access](#)
Subject: FOIL request for records
Date: Monday, May 17, 2021 10:49:32 AM

To:
Records Access Officer
New York City Department of Correction
Legal Division
75-20 Astoria Blvd
East Elmhurst, New York 11370
Re: Freedom of Information Law Request for Records

Dear Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of records or portions thereof pertaining to (or containing the following): any policy changes in inmate wages for inmate work assignments made between June, 2020 and August, 2020.

I understand there is a fee of \$.25 per page for duplication of the records requested. If the fee exceeds \$10, please contact me before duplicating the records.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

David Campbell

██████████
██████████████████
██████████
██████



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

Laura S. Mello
Senior Counsel | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718 546 0952
Fax 718-278-6001

May 18, 2021

David Campbell
[REDACTED]

Re: FOIL Request
FOIL #: 2021FR1813

Dear Mr. Campbell:

This letter is to acknowledge the record request you submitted to the New York City Department of Correction (copy enclosed). The Department expects to notify you within twenty (20) business days of this letter whether it will grant or your request either in whole or in part, pursuant to the New York State Public Officers Law, Section 89 (3).

Due to COVID- 19 emergency measures, the Department's response to your FOIL request may be delayed. We will advise you as to any revisions to the date of our response.

Very truly yours,

Laura S. Mello/amt

Laura S. Mello
Records Access Officer

Enclosure
LSM/amt



NEW YORK CITY DEPARTMENT OF CORRECTION
Vincent Schiraldi, Commissioner

Stephane L. Plantin
Agency Attorney | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718-546-0952
Fax 718-278-6001

October 4, 2021

DA Campbell
[REDACTED]

Re: FOIL Request (Inmate Wages)
FOIL #: 2021FR1813

Dear Mr. Campbell:

This is a final response to your request for records (copy enclosed) made pursuant to the New York State Freedom of Information Law. Enclosed please find the most up-to-date Directives and forms pertaining to inmate wages and inmate work assignments.

Very truly yours,

Stephane L. Plantin / amt

Stephane L. Plantin
Associate General Counsel

Enclosure
SLP/amt

From: [DA Campbell](#)
To: [Records Access](#)
Subject: FOIL request for records
Date: Monday, May 17, 2021 10:49:32 AM

To:
Records Access Officer
New York City Department of Correction
Legal Division
75-20 Astoria Blvd
East Elmhurst, New York 11370
Re: Freedom of Information Law Request for Records

Dear Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of records or portions thereof pertaining to (or containing the following): any policy changes in inmate wages for inmate work assignments made between June, 2020 and August, 2020.

I understand there is a fee of \$.25 per page for duplication of the records requested. If the fee exceeds \$10, please contact me before duplicating the records.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.



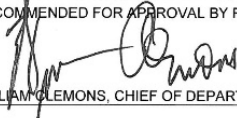

Sincerely,

David Campbell

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Appendix C.3: New York City Department of Correction, Assignment of Inmate Work Details

415R

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|---|---------------------------|---|---|---|-------------------------|
|  | | THE CITY OF NEW YORK DEPARTMENT OF CORRECTION | |  | |
| | | DIRECTIVE | | | |
| <input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED | | SUBJECT ASSIGNMENT OF INMATES TO WORK DETAILS | | | |
| EFFECTIVE DATE 06/18/14 | | *TERMINATION DATE / / | | | |
| CLASSIFICATION # 3255R | SUPERSEDES 3255 | DATED 06/29/87 | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | DISTRIBUTION A | PAGE 1 OF 5 PAGES |
| RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER  WILLIAM CLEMONS, CHIEF OF DEPARTMENT SIGNATURE | | | AUTHORIZED BY THE COMMISSIONER  JOSEPH PONTE SIGNATURE | | |

I. PURPOSE

The purpose of this directive is to institute procedures and guidelines for the selection, supervision, and rotation of sentenced inmates and pre-trial detainee work details.

II. POLICY



- A. Detention and Sentenced inmates in the department's custody are eligible to apply for a work detail.
- B. Uniformed employees shall be the only persons authorized to supervise inmate work details.
- C. Inmates applying for the Inmate Observation Aide Program must also be evaluated and cleared by Mental Health prior to being approved for the program.
- D. The Deputy Warden for Security shall be responsible for affecting the security screening of each applicant prior to approval/endorsement of the Deputy Warden for Programs.
- E. All inmate job assignments to work details must have prior approval and endorsement of the Deputy Warden for Programs.

III. GENERAL RESPONSIBILITIES

A. SUPERVISION OF INMATE WORK DETAILS

The Correction Officer assigned or other department employee designated to supervise the work detail(s) is responsible for monitoring each inmates work performance. In no situation shall an inmate be permitted to direct other inmates or to exercise authority or supervision over other inmates. The designation of an inmate as "captain" or "head" inmate of the work detail, or the use of any such

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|  | EFFECTIVE DATE 06/18/14 | SUBJECT | |  |
| | CLASSIFICATION # 3255R | ASSIGNMENT OF INMATES TO WORK DETAILS | | |
| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 2 OF 5 PAGES | |

III. GENERAL RESPONSIBILITIES (Cont.)

terminology that would imply or give a particular inmate the impression that he or she has authority over inmates assigned to the work detail is strictly prohibited.

B. FACILITY PROGRAMS – ROTATION OF INMATE WORK DETAILS

1. Inmates assigned to work details shall be rotated as follows:
 - a. Pre trial detainees every 60 days
 - b. Sentenced inmates every 90 days
2. Work detail rotation does not preclude inmates with special skills or those with mitigating circumstances from remaining in the same job assignment. Approval to remain in any job assignment beyond the specified time frame must be authorized by the Deputy Warden for Programs or in his/her absence, a person designated by the Programs Deputy Warden to make such authorizations.

This provision is not intended to preclude any inmate from being removed from a job assignment because of poor performance, infraction of inmate rules of conduct, or where it has been determined that the inmate is a threat to the safety, security, and good order of the facility.
3. Upon reaching a determination that an inmate should involuntarily be removed from a job assignment, the reasons for such determination should be set forth in writing and submitted to the Deputy Warden for Programs or his/her designee.



C. MEDICAL / MENTAL HEALTH

1. Mental Health evaluates all inmates who apply for Observation Aide Program assignments including inmates classified as Mental Observation and Brad H. Each candidate must have clearance from the Deputy Warden for Security prior to being evaluated by Mental Health. Mental Health must evaluate each inmate's suitability on a case by case basis.
2. Medical evaluates all inmates who apply for Food Service assignments. Each candidate must be cleared by the medical staff and have been issued a food handlers certificate prior to being considered for approval for this work detail.

D. DEPUTY WARDEN FOR SECURITY

When determining the eligibility of an inmate for a work detail, the Deputy Warden for Security shall be exhaustive in citing tangible security risks prior to affecting a

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| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 3 OF 5 PAGES | |

III. GENERAL RESPONSIBILITIES (Cont.)

denial. Being identified as members of a Security Risk Group or Watch Group, as an Intended Contraband Recipient, or as a Parole Violator cannot be the sole reason for an inmate's denial for placement on all work details.

E. DEPUTY WARDEN FOR PROGRAMS

The Deputy Warden for Programs shall affect the posting of written notices in each inmate housing area (including those areas specified in Section IV.A.2.) outlining the procedures for inmates to request employment and/or assignment to work details.

IV. PROCEDURES

A. INMATE JOB APPLICATION



1. Whenever an inmate desires to be employed or have a change in assignment during his/her incarceration, the inmate shall be directed to complete Section #1 of Form #3255, "Inmate Job Application" (Attachment A).
2. Inmate job applications are to be made available in all areas where inmates are processed for admission to the facility, inmate housing areas, libraries, social service areas, inmate orientation areas, and other inmate congregate areas as appropriate. Inmate job applications should also be made available to inmate grievance representatives within the respective housing areas.

NOTE: If the inmate is ineligible for the job requested and may qualify for another job assignment, direct the inmate to resubmit a new application or assign the inmate to another job if appropriate.

B. PROCESSING OF INMATE JOB APPLICATIONS

1. Inmates must:
 - a. Complete section #1 of the job application; and
 - b. Submit the completed application to the Correction Officer or other support staff person as specified in Section IV.B.2. of this Directive.
2. Correction Officers must:
 - a. Review section #1 of the application for completeness; and
 - b. Forward the application to the Inmate Assignment Office.

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IV. PROCEDURES (Cont.)

3. The Inmate Assignment Office must:
 - a. Complete section #2 of the job application and forwards same to the Office of Deputy Warden for Security;
 - b. File a copy of the completed job application in the inmate's Record Envelope/Inmate Folder when received from the Deputy Warden for Programs; and
 - c. Affect job assignments of all applicants whose job applications have been approved.
4. The Deputy Warden for Security must:
 - a. Review the job application;
 - b. Conduct a security investigation of the applicant;
 - c. Complete section #3 of the application; including:
 - i. Recommend approval/disapproval;
 - ii. Endorsement of the application; and
 - d. Forward the endorsed application to the Deputy Warden for Programs.
5. The Deputy Warden for Programs must:
 - a. Review and evaluate the job application, and either approve or disapprove the request;
 - b. Endorse Section #4 of the application;
 - c. Forward a copy of the completed endorsed application to the requesting inmate; and
 - d. Forward the completed endorsed application to the Inmate Assignment Office for processing.

*Note: Inmate is not to receive a copy of an application that contains confidential security information. USE GENERAL TERMS.

C. RECOMMENDATIONS FOR ASSIGNMENT TO WORK DETAILS

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|  | EFFECTIVE DATE 06/18/14 | SUBJECT | |  |
| | CLASSIFICATION # 3255R | ASSIGNMENT OF INMATES TO WORK DETAILS | | |
| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 5 OF 5 PAGES | |

IV. PROCEDURES (Cont.)

Non-supervisory personnel may recommend an inmate for a particular job assignment; however, the final determination shall be made in accordance with the procedures specified herein.

D. SELECTION OF INMATES FOR WORK DETAILS

In order to maximize the effectiveness of the Inmate Incentive Wage Program, a supervisory officer designated by the Facility Commander may direct the assignment of an inmate to a work detail. However, no such assignment shall be effected until the Deputy Warden for Programs or a designee has approved the Inmate Job Application.

V. ATTACHMENTS

Attachment A – Inmate Job Application, Form #3255 (English)

Attachment B – Inmate Job Application, Form #3255 (Section 1 - Spanish)

VI. REFERENCE

1. Directive #4017R-A entitled "Inmate Observation Aide Program, dated 06/18/14.
2. Rules and Regulations 6.15.020, chapter 6, "Emergencies", dated 06/18/14.

VII. SPECIAL INSTRUCTIONS

- A. Within ten (10) calendar days of the effective date of this order, all Commanding Officers shall generate a Command Level Order incorporating the policy and provisions outlined herein and send to their respective Division Chief for approval prior to implementation.
- B. All facility managers and supervisors shall ensure strict enforcement of the policy, guidelines and procedures noted herein

Appendix C.4: Inmate Job Application

ATTACHMENT A

NEW YORK CITY DEPARTMENT OF CORRECTION
INMATE JOB APPLICATION

=====
1. TO BE COMPLETED BY INMATE (CHECK THE APPROPRIATE BOX)

NAME _____ NUMBER _____
LOCATION _____ JOB REQUESTED _____
DO YOU HAVE A FOOD HANDLERS CERTIFICATE [] YES [] NO
DO YOU HAVE AN INMATE OBSERVATION AIDE CERTIFICATE [] YES [] NO
DO YOU HAVE A LAW LIBRARY CERTIFICATE [] YES [] NO
DO YOU HAVE ANY MONEY IN YOUR COMMISSARY ACCOUNT [] YES [] NO
REQUESTING CHANGE OF ASSIGNMENT FROM: _____ TO _____
SPECIAL SKILLS OR TALENTS _____

INMATE'S SIGNATURE: _____

=====
2. TO BE COMPLETED BY INMATE ASSIGNMENT OFFICE

BAIL _____ WARRANTS _____ [] YES [] NO CHARGE(S) _____
JOB CATEGORY/CLASSIFICATION _____ INDIGENT [] YES [] NO
PROPOSED HOURS _____

=====
3. TO BE COMPLETED BY DEPUTY WARDEN FOR SECURITY

NUMBER OF INFRACTION(S) _____ TYPE: CONTRABAND [] ASSAULT []
POSSESSION OF WEAPON [] FIGHTING [] DISOBEYING ORDER []
INMATE HAS A HISTORY OF VIOLENCE []
OTHER: _____
SIGNATURE _____ DATE _____

=====
4. TO BE COMPLETED BY D/W FOR PROGRAMS [] APPROVED [] DISAPPROVED

REASON/DISAPPROVAL _____
SIGNATURE _____ DATE _____

=====
FORM #3255

SECTION #1- PRINTED IN SPANISH ON THE REVERSE SIDE -ATTACHMENT B

ATTACHMENT B

NEUVA YORK DEPARTAMENTO DE CORRECCION
APPLICACION DE TRABAJO

=====

1. SER COMPLETADO POR RECLUSO

NOMBRE _____ NUMERO _____

LOCACION _____ TITULO DE TRABAJO _____

MARQUE SI O NO

TIENE USTED CERTIFICADO DE MANEJAR COMIDA [] SI [] NO

TIENE USTED CERTIFICADO DE AYUDANTE OBSERVADOR
DE REDUSOS [] SI [] NO

TIENE USTED CERTIFICADO DE LIBRERIA DE LEYES [] SI [] NO

TIENE USTED DINERO EN LA COMISARIA [] SI [] NO

DESEO UN CAMBIO DE TRABAJO DE _____ PARA _____

HABILTIADES ESPECIALES O TALENTOS _____

FIRMA DE PRISONERO _____

=====

2. TO BE COMPLETED BY INMATE ASSIGNMENT OFFICE

BAIL _____ WARRANTS _____ [] YES [] NO CHARGE(S) _____

JOB CATEGORY/CLASSIFICATION _____ INDIGENT [] YES [] NO

PROPOSED HOURS _____

=====

3. TO BE COMPLETED BY DEPUTY WARDEN FOR SECURITY

NUMBER OF INFRACTION(S) _____ TYPE: CONTRABAND [] ASSAULT []

POSSESSION OF WEAPON [] FIGHTING [] DISOBEYING ORDER []

INMATE HAS A HISTORY OF VIOLENCE []

OTHER: _____

SIGNATURE _____ DATE _____

=====

4. TO BE COMPLETED BY D/W FOR PROGRAMS [] APPROVED [] DISAPPROVED

REASON/DISAPPROVAL _____

SIGNATURE _____ DATE _____

ATTACHMENT A - "P" SHEET

CERTIFICATE NO. 1
(To be signed by person preparing and computing payroll)

I hereby certify that the accompanying payroll consisting of sheets No. to was prepared and computed by me; that the amounts shown thereon are correct and that no part of the several amounts charged on this payroll has been included and paid on any other payroll or voucher.

Signature
 Title
 Date

CERTIFICATE NO. 2
(To be signed by Cashier)

I hereby certify that on
 (Date)
 the amounts shown on this payroll were properly posted on the Individual Inmate Account Cards of prisoners named thereon.

Signature
 Title
 Date

CERTIFICATE NO. 3
(To be signed by the Head of Institution)

I hereby certify that I have personally examined the foregoing certificates and that to the best of my knowledge information and belief, that payroll is correct and that the prisoners named thereon have performed the services for the rates indicated and are entitled to the amounts shown.

Total Amount of this Payroll \$.....
 Forwarded to Fiscal Control Division.....
 (Date)
 Signature
 Title
 Date

ATTACHMENT C

54-A

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION
Cashier's Daily Statement Of Inmate Cash Fund

Institution _____ as of _____ 19__

| Balance In Bank From Previous Day | | \$ Daily | | | |
|-----------------------------------|---|----------|-----|-----|--------|
| ITEM NO. | Receipts | | | | |
| 1 | Admissions (Receipt Nos.) | | | | |
| 2 | Inmate Mail (Receipt Nos.) | | | | |
| 3 | Visitors (Receipt Nos.) | | | | |
| 4 | From Other Institutions (Sheet Nos.) | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | TOTAL RECEIPTS | | | | |
| 9 | GRAND TOTAL RECEIPTS AND BANK BALANCE | | | | |
| ITEM NO. | Disbursements (Checks Only) | | | | |
| 10 | Discharged Inmates (Sheet Nos.) | | | | |
| 11 | Transfers To Other Institutions (Sheet Nos.) | | | | |
| 12 | Commissary (Sheet Nos.) | | | | |
| 13 | Telephone Calls (Check No.) | | | | |
| 14 | Reimbursement To Inmate Imprest Fund (Check No.) | | | | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | Other | | | | |
| 18 | TOTAL DISBURSEMENTS | | | | |
| 19 | CASH AND BANK BALANCE AT CLOSE OF DAY | | | | |
| ITEM NO. | Analysis Of Inmate Cash Fund Balance | | | | |
| 20 | Cash And Bank Balance (Item 19) | | | | |
| 21 | Balance In Inmate Imprest Fund (Item 35) | | | | |
| 22 | Less Telephone Calls Payable | | | | |
| 23 | | | | | |
| 24 | Add CNR's | | | | |
| 25 | TOTAL INMATE CASH FUND BALANCE | | | | |
| 26 | Trial Balance (Active and Inactive Accounts). Explain discrepancies on separate sheet | | | | |
| Record Of Checks Issued | | | | | |
| No. | FOR | AMOUNT | No. | FOR | AMOUNT |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| ITEM NO. | Statement Of Inmate Imprest Fund | | | | |
| 27 | Cash Balance Brought Forward From Previous Day | | | | |
| 28 | Plus Reimbursement (Item 14) | | | | |
| 29 | TOTAL CASH | | | | |
| ITEM NO. | Disbursements | | | | |
| 30 | Cash To Discharged Inmates (Sheet Nos.) | | | | |
| 31 | Cash For Telegrams | | | | |
| 32 | | | | | |
| 33 | | | | | |
| 34 | TOTAL DISBURSEMENTS | | | | |
| 35 | CASH BALANCE ON HAND AT CLOSE OF DAY | | | | |

Prepared by Cashier's Signature _____ Date _____
Reviewed by Warden's Signature _____ Date _____

Form A-24 (Comp.) 300M-1004418(72) 346 ATTACHMENT D - PERSONAL EXPENSES (EXAMPLE)
PERSONAL EXPENSE SEP 01 1994
 THE CITY OF NEW YORK NEW YORK CITY DEPARTMENT OF CORRECTION BRONX HDM INMATE FUND ACCOUNT
 Department, Bureau or Agency: BRONX HOUSE OF DETENTION FOR MEN
 Bureau or Division: Address: 653 RIVER AVENUE BRONX NY 10451

For amounts disbursed as follows:

| Mo. | Day | PARTICULARS | | | Car-fare | Auto Expenses | Tel. | Supper Money | Travel Expenses | Misc. |
|-------------|-----|----------------|-------|-------------|------------------------------|---------------|------|--------------|-----------------|-------|
| RATE | | NO. OF INMATES | HOURS | AMOUNT | THE FOLLOWING AMOUNTS WERE | | | | | |
| 20¢ | | 75 | 2 051 | \$ 410.20 | EARNED BY THE INMATES OF THE | | | | | |
| 25¢ | | 87 | 3 112 | \$ 778.00 | BRONX HOUSE OF DETENTION FOR | | | | | |
| 30¢ | | 8 | 240 | \$ 72.00 | MEN FOR INMATES IN THE WAGE | | | | | |
| 35¢ | | 50 | 2 336 | \$ 817.60 | INCENTIVE PROGRAM FOR THE | | | | | |
| | | | | | WEEK OF: | | | | | |
| | | | | | AUG 01 1994 | | | | | |
| | | | | | AUG 07 1994 | | | | | |
| TOTALS | | 220 | 7,739 | \$ 2,077.80 | THE REFERENCES USED FOR THE | | | | | |
| | | | | | PAYROLL ARE FROM: | | | | | |
| | | | | | # 1221 # 1260 | | | | | |
| GRAND TOTAL | | | | | | | | | | |

I hereby certify that the above account of expenditures is a true and correct statement of disbursements actually made by me; that the allowance for supper money included in this account was for services required after regular business hours and authorized by my supervisor; and that the expenditures of the above sums were necessary in the performance of my official city duties; and further certify that no part thereof has been paid to me except as stated thereon, and that the balance as shown therein is actually due me.

Date: **SEP 01 1994**

APPROVED BY



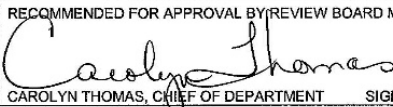
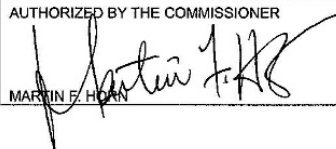
Signature

Supervisor or Chief

Title

Appendix C.5: New York City Department of Correction, Inmate Incentive Plan

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|---|---------------------|--|---|----------------------------------|-----------------------|---|
|  | | THE CITY OF NEW YORK DEPARTMENT OF CORRECTION | | | |  |
| | | DIRECTIVE | | | | |
| <input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED | | SUBJECT | | | | |
| EFFECTIVE DATE 04/11/07 | | *TERMINATION DATE / / | | INMATE INCENTIVE PAY PLAN | | |
| CLASSIFICATION # 4014R-A | SUPERSEDES 4014R | DATED 04/23/91 | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | DISTRIBUTION A | PAGE 1 OF 15 PAGES | |
| RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER | | | AUTHORIZED BY THE COMMISSIONER | | | |
|  CAROLYN THOMAS, CHIEF OF DEPARTMENT SIGNATURE | | |  MARTIN F. HORN SIGNATURE | | | |

I. PURPOSE

To delineate policy and procedures for an inmate work incentive pay plan.

II. POLICY

A. The inmate pay plan has been implemented Department-wide for sentenced inmates and pretrial detainees.

B. Detainees will be paid for working a maximum of forty (40) hours per week with the exception that Inmate Observation Aides may voluntarily work and be paid for a maximum of fifty-six (56) hours per week. No detainee other than Inmate Observation Aides will be paid for working more than forty (40) hours during any one (1) week.

C. All inmate work assignments, including the Riker's Island Discharge Enhancement (RIDE) program, will be made by a supervisory officer. These inmate assignments may be referred by both Discharge Planning service providers and civilian Department of Correction (DOC) staff assigned to RIDE. However, supervisory officers are the ultimate authority for authorizing inmate job assignments.



D. Job assignments will be classified in one of the following categories: unskilled, semi-skilled, skilled and special. These classifications shall be in accordance with the attached Job Classification Listing (Section III. D) except those jobs which fall under Support Services Division, School, RIDE and Inmate Observation Aides.

III. PROCEDURE

A. Wages Rules/Regulations

1. The wage scale for inmates assigned to work details shall be according to the following pay schedule:

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|---|------------------------------------|---|-------------------------------------|---|
|  | EFFECTIVE DATE 04/11/07 | SUBJECT INMATE INCENTIVE PAY PLAN | |  |
| | CLASSIFICATION # 4014R-A | | | |
| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 2 OF 15 PAGES | |



III. PROCEDURE (cont.)

- | | |
|--|--------------------|
| a. Skilled (A) | .28 - .39 per hour |
| b. Semi-skilled (B) | .20 - .28 per hour |
| c. Unskilled Rate (C) | .17 - .27 per hour |
| d. Special * (see III.D.) | .39 per hour |
| e. Support Services Division: (Construction, Burial, and Rodman's Neck details), RIDE, Inmate Grievance Representative, Inmate Observation Aides | .50 per hour |
| f. Punitive Segregation Unit Observation Aides | \$1.00 per hour |
| g. School | .30 per day |

Note: The Assistant Commissioner for Contracts and Financial Services is authorized to grant variances in the per hour / school day wage, as deemed necessary.

- The Office of the Deputy Commissioner for Programs and Discharge Planning Services shall be notified of newly created jobs that do not appear in the Job Classification Listing (Section III.D).
- The hourly pay rate for each job will be determined according to the skill level associated with the job as noted in the Job Classification Listing (Section III. D.). For example, housekeeping aide is classified "C" and considered unskilled; kitchen service is classified "B" and considered semiskilled; cooking is classified "A" and considered skilled. However, in certain situations, the "Special Rate" category may be applied to a particular job classification or skill, at the discretion of the Deputy Commissioner for Programs and Discharge Planning Services.
- Refer to the hourly pay schedule (Section III. A) to determine the hourly wage for each skill category. Each skill category (A, B and C) has an hourly pay range to accommodate the length of time someone has served on the job.
- Detainees willing to work must sign a release, in duplicate, to work.
- Inmates enrolled and attending a Department of Education (DOE) school within:
 - The Island Academy at RNDC, EMTC, RMSC;
 - The Horizon Academy at AMKC, GMDC, GRVC, NIC, and OBCC; and/or
 - Adult Education (basic literacy, GED preparation, ESL or College Preparation);
 - Vocational Education (Custodial Maintenance, Computer Skills, Computer Repair, Automotive, or Pest Control).

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|---|------------------------------------|---|-------------------------------------|---|
|  | EFFECTIVE DATE 04/11/07 | SUBJECT INMATE INCENTIVE PAY PLAN | |  |
| | CLASSIFICATION # 4014R-A | | | |
| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 3 OF 15 PAGES | |

III. PROCEDURE (cont.)



will be paid on a daily basis at the rate of thirty (.30) cents per day. Inmates who attend and receive payment for educational classes will also be allowed to be employed and receive pay.

7. Inmates are not permitted to hold more than one (1) job at a time (with the exception of inmate council representatives and inmates receiving thirty (.30) cents per day for educational classes), nor be employed by more than one facility.
8. Inmates will not be paid for serving as inmate council representatives. They will be permitted to hold other jobs in addition to being council representatives, for which they will be paid.
9. Inmates are paid for each hour worked (except those participating in educational classes, as explained in Section III.A.6).
10. Working inmates will be paid for hours actually worked; i.e., inmates will not be paid for holidays, court appearances, medical absences, or if they are prevented from working for administrative reasons.
11. Inmate work performance must meet with the approval of the work supervisor, who will report poor performance to the job assignment officer.
12. Inmates incurring institutional infractions while on the job may be subject to loss of pay or change of work assignment as determined by the Commanding Officer or designee. Institutional disciplinary procedures will be followed in these cases. In the case of inmates assigned to a DOE school, the school principal will discuss such infraction with the Commanding Officer or designee to ensure that DOE Rules and Regulations have been considered prior to enforcing disciplinary actions.
13. Earned wages will be credited to each inmate's account by the appropriate Cashier's Office (borough facility) or by the Rikers Island Central Cashier's Office for all Rikers Island facilities.

B. PROCEDURES FOR PROCESSING PAYROLL FORMS

1. In order to properly process the Inmate Incentive Pay Plan, a number of forms must be completed within the time schedule outlined and in accordance with a specific procedure. There will be no deviation from this procedure without the approval of the Commanding Officer (borough facilities) or the Rikers Island Central Cashier's Office for all Rikers Island facilities.



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|---|------------------------------------|---|-------------------------------------|---|
|  | EFFECTIVE DATE 04/11/07 | SUBJECT INMATE INCENTIVE PAY PLAN | |  |
| | CLASSIFICATION # 4014R-A | | | |
| | DISTRIBUTION A | APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PAGE 4 OF 15 PAGES | |

III. PROCEDURE (cont.)

2. Preparation of the Inmate Weekly Work Record and Payroll Form #77 (in duplicate) will be the responsibility of five (5) specific areas.
 - a. The Deputy Warden of Administration's Office or designee will prepare Form #77 for the following areas:
 - i. Barber Shop;
 - ii. Clothes Box;
 - iii. All Clerks;
 - iv. Clinic;
 - v. Deputy Warden's Office;
 - vi. Recreation;
 - vii. All Housekeeping Aides;
 - viii. Classification;
 - ix. Education; and
 - x. Manhattan Court Division (MDC only).
 - b. The Food Service Captain shall ensure that Form #77 is prepared for the following areas:
 - i. Mess Hall; and
 - ii. Kitchen.
 - c. Maintenance will prepare Form #77 for the following areas:
 - i. All Shop Workers;
 - ii. All Outside Work Details (if any);
 - iii. Maintenance; and
 - iv. Supply.
 - d. It shall be the responsibility of the supervisor of the work detail in the following commands to complete Form #77. Upon completion, the sheets shall be forwarded to the Cashiers Office (borough facilities) or the Rikers Island Central Cashier's Office for all Rikers Island facilities and those areas not connected with a borough facility, such as:
 - i. Bellevue Hospital Prison Ward;
 - ii. Elmhurst Hospital Prison Ward;
 - iii. Transportation Division;
 - iv. Brooklyn Detention Complex/Court Division;
 - v. Bronx Detention Complex/Court Division; and
 - vi. Queens Detention Complex/Court Division.
 - e. Inmate Grievance Coordinators will prepare Form #77 for the following:
 - i. Inmate Grievance Representatives;
 - ii. Inmate Clerks; and
 - iii. Inmate Housing Aides.

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III. PROCEDURE (cont.)

3. The five (5) areas previously mentioned in Section III B.2.d. will type or print the following information on Form #77:
 - a. Facility;
 - b. Name of work detail;
 - c. Week ending the following Friday, with date included;
 - d. Pay rate;
 - e. Inmate names in chronological order as assigned to work detail; and
 - f. Inmate number.

4. Form #77 (Inmate Weekly Work Record and Payroll Form) will be distributed to the respective work detail or housing officer at the beginning of each week.
 - a. Staff assigned to supervise work details are responsible for completing Form #77. Inmates shall sign the form in the appropriate section on the day worked. Staff shall enter the hours worked daily and the total hours worked weekly.
 - b. In the event an inmate is not available for work that day, a line will be drawn diagonally through the designated area for the signature of the inmate. Upon completion of each workweek, all copies of Form #77 will be returned to the designated facility staff.
 - c. At the end of each workweek, the designated facility staff will compute the "total hours" (not to exceed forty [40] hours except for Inmate Observation Aides) worked, from the "Inmate Weekly Work Record," which will be multiplied by the "pay rate" to determine the weekly earnings which will be entered in the "total earned" column.
 - d. The designated facility staff will run an adding machine tape of all columns and insert the total figures in the spaces allocated. The adding machine tapes will be affixed to the completed sheets.
 - e. After the payroll sheets have been computed they will be numbered in consecutive order by the designated facility staff. The numbers will be placed at the bottom of the form beginning with Sheet No. 1.
 - f. After the payroll sheets have been computed and numbered, the designated facility employee will sign his/her name on the back of the last "P" (pink payroll) sheet in the space designated as Certification No. 1. (see Attachment A, "Payroll Certification" ["P" Sheet]).

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III. PROCEDURE (cont.)

5. The designated facility staff responsible for preparing the payroll forms for processing will forward the payroll forms for posting as follows:

A. Borough Facilities

1. The payroll forms shall be forwarded to the facility Cashier's Office for posting.
2. The cashier will run an adding machine tape of all payroll figures as submitted to him/her and verify all totals.
3. The cashier will post the payroll to the appropriate inmate accounts via the IFCOM system and the Payroll Entry screen.
4. The payroll total figure and the sheet numbers (refer to Section III.B.4.e and f) will be inserted in the space provided on the last Payroll Certification "P" sheet.
5. The cashier will affix his/her signature in the space indicated on the back of the last "P" sheet in the box designated as Certification No. 2, and in the body of Form #A-24 (Attachment D, Personal Expense).
6. The cashier will forward the posted payroll and Form #A-24 to the Commanding Officer for his/her signature.
7. The Commanding Officer will affix his/her signature on the back of the last "P" sheet in the box designated as Certification No. 3. The amount of the payroll and the date forwarded to the Financial Services Division will also be entered in the box designated as Certification No. 3 (see Attachment A).
8. The cashier will prepare a cover report using Form #A-24, "Personal Expense" (Attachment "D"). Form #A-24 must be signed by the cashier and the Commanding Officer. A copy of the cover report, original payroll sheets and any duplicate copies of the Inmate Payroll will be retained as a permanent record in the Cashier's Office. The records will be filed weekly, in numerical sequence, and be available for auditing purposes.

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III. PROCEDURE (cont.)

9. The IFCOM computer printout which is automatically generated once the cashier completes posting the inmate payroll and a copy of Form #A-24 of the inmate payroll along with a Certification Memorandum (Attachment B) and a copy of the last "P" sheet used will be promptly forwarded to the Financial Services Inmate Wage Unit for processing to the N.Y.C. Department of Finance (DOF) for the purpose of reimbursement.
10. Upon receipt of the reimbursement check from the Department of Finance in the total amount of the weekly payroll, the check will be posted via the IFCOM system against the corresponding receivable. The check should be included in the normal end-of-day deposit to the Inmate Fund Bank Account.

B. Rikers Island Facilities

1. After affixing his/her signature in the box designated as Certification No. 1 on the back of the last "P" sheet, the designated facility employee will forward the payroll to the Commanding Officer for review.
2. The Commanding Officer will prepare a cover memo detailing the specific payroll period (i.e., Inmate Wage Week Ending MM/DD/YY) that is being forwarded to the Rikers Island Central Cashier's Office for posting.
3. The Commanding Officer will ensure that the previous week's payroll is hand delivered to the Rikers Island Central Cashiers office for posting by 1200 hours each Tuesday.
4. The cashier will run an adding machine tape of all payroll figures as submitted to him/her and verify all totals.
5. The cashier will post the payroll to the appropriate inmate accounts via the IFCOM system and the Payroll Entry screen.
6. The Payroll total figure and the sheet numbers will be inserted in the space provided on the last "P" sheet used.

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III. PROCEDURE (cont.)

7. The cashier will prepare a cover report using Form #A-24. Form #A-24 must be signed by the cashier and the Rikers Island Central Cashier's Office Manager. A copy of the cover sheet and the original payroll sheets will be returned to the facility as proof that the payroll has been posted. A copy of the IFCOM computer printout, Personal Expense Voucher and Certification Memorandum will be retained at the Rikers Island Central Cashier's Office for their records in numerical order for auditing purposes.
8. The cashier will affix his/her signature in the space indicated on the back of the last "P" sheet in the box designated as Certification No. 2. The cashier will also affix his/her signature in the body of Form #A-24.
9. The cashier will forward the posted payroll and Form #A-24 to the Rikers Island Central Cashier's Office Manager for his/her signature.
10. The Rikers Island Central Cashier's Office Manager will affix his/her signature on the last page of the "P" sheet in the box designated as Certification No. 3. The amount of the payroll and the date forwarded to the Financial Services Division will also be entered in the box designated as Certification No. 3.
11. The IFCOM computer printout and Personal Expense voucher (Form #A-24) of the inmate payroll, along with a Certification Memorandum (Attachment B), and a copy of the last "P" sheet used will be promptly forwarded to the Financial Services Inmate Wage Unit for processing to the N.Y.C. Department of Finance for the purpose of reimbursement.
12. Upon receipt of the reimbursement check from the Department of Finance in the total amount of the weekly payroll, the check will be posted via the IFCOM system against the corresponding receivable. The check shall be included in the normal end-of-day deposit to the Inmate Fund Bank Account.

C. PAYROLL VOUCHERING

1. Upon receipt of the IFCOM computer printout and personal expense voucher by the Financial Services Division the documents must be immediately checked and prepared for vouchering. Immediately thereafter, a check in the full amount of the payroll will be forwarded

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III. PROCEDURE (cont.)

to the Commanding Officer (borough facilities) or the Rikers Island Central Cashier's Office Manager for all Rikers Island facilities.

2. The Commanding Officer (borough facilities) or the Rikers Island Central Cashier's Office Manager for all Rikers Island facilities will be directly responsible for the proper and efficient handling of this fund at the facility level.



D. JOB CLASSIFICATION LISTING:

A = SKILLED
B = SEMISKILLED
C = UNSKILLED
* = SPECIAL RATE

1. SANITATION

- C- HOUSEKEEPING AIDES - Sanitation of housing areas, tier and dorm cleaning.
- C- GARBAGE DETAIL - consolidation and processing of garbage for entire facility; heavy sanitation handling.
- C- MESS HALL - cleaning floors and work areas throughout the food service area.
- C- CLINIC & HOSPITAL CORRIDOR - sweeping and mopping of clinic areas within the North Infirmary Command.
- C- GENERAL SANITATION - cleaning main halls, stairways, elevators and other non-specific sections of the facility.
- C- RECREATION - cleaning gym and yard as well as recreational equipment.
- C- STOREHOUSE - maintaining cleanliness of storehouse and stock area.
- C- COMMISSARY - cleaning floors and counters in commissary area.



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III. PROCEDURE (cont.)

- C- BARBER SHOP – general sanitation.
- C- CHAPEL - cleaning of chapels.
- C- TIER FEEDING AND SANITATION - cleaning housing area and feeding inmates from carts.
- C- COURT PEN WORKERS - food serving to inmates awaiting court appearances, sanitation of pens.
- C- INTAKE - cleaning and maintenance of intake area.
- C- LAW LIBRARY – general sanitation.
- C- LAUNDRY - area sanitation.
- C- CLOTHES BOX - sanitation of area where civilian and institutional clothes are stored.
- C- SOCIAL SERVICE AREA - cleaning counseling area.
- C- SCHOOL SANITATION - general sanitation.
- C- GENERAL OFFICE - cleaning of General Office, Deputy Warden's offices, classification and assignment officer's stations.
- C- MANUFACTURING INDUSTRIES - cleaning the out areas presently used for industries.
- C- YARD SANITATION - exterior sewer flushing and cleaning of grounds.
- C- PEN SANITATION - cleaning and inspection of locker rooms and lockers, and of empty pens.
- C- ELEVATOR CLEANER
- C- SPECIAL DETAIL - specific cleaning under the direction of supervising correction officer.

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III. PROCEDURE (cont.)**2. KITCHEN WORKERS (NON SANITATION)**

- B- SERVER - take orders, serve food in staff dining areas.
- B- SHORT ORDER COOK - prepares meals to order as a service to staff dining areas.
- A- COOKS - food preparation for the main meals (lunch and dinner) includes main line and staff cooks, salad cooks.
- B- DINING HELP - picking up trays, running dishwashers.
- B- FOOD PREPARERS - serve as assistant cooks in that they peel potatoes and otherwise prepare food for cooking.
- B- COUNTERPERSON - serve food over the counter and clean steam tables after use.
- B- BEVERAGE PREPARATION - prepares beverages and oversees upkeep of beverage machines.
- B- SANDWICH PREPARATION - prepares sandwiches, either for dining room service or the inmates appearing in court.
- C- POTATO PEELER - peeling potatoes.
- C- POT WASHERS - clean pots by hand.
- C- VAT CLEANER - washes out large cooking vats.
- B- FOOD WAGON - delivery of food to housing areas.

3. TECHNICAL HELPERS

- A- MAINTENANCE - general facility maintenance including wiring, plumbing, etc.
- A- ELECTRICAL - electrical work (done under civilian supervision).

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III. PROCEDURE (cont.)

- A - GLAZIERS - repair and replace windowpanes in various areas of institution.
- B- PLUMBER'S HELPER - assist in pipe soldering, cutting, etc.
- B- CARPENTER'S HELPER - help with minor construction work and the finishing of wooden office equipment.
- A- CONSTRUCTION DETAIL - handy person working in Correction Industries and Support Services Division.

4. OTHER INSTITUTIONAL JOBS

- B - PAINTERS - painting of walls, bars, ceilings, etc. within the facility.
- A - BARBERS - hair cutting.
- A- BEAUTY PARLOR - hair pressing, curling, wet sets and hair cutting.
- B- COMMISSARY - counterpersons and stock keeping.
- C- LINEN ROOM - distributing new linen in exchange for dirty linen.
- A- SEWING FACTORY - R.M.S.C. production of facility clothing.
- B- INFIRMARY - making of beds for patients, food serving and/or sanitation.
- A- LIBRARY CLERK - typing, categorization of books.
- B- LIBRARY ASSISTANTS - shelving and stenciling, book cart operation.
- B- PROGRAMS OFFICE - assistance to Program Deputy Wardens. Typing and clerical work.
- A- OFFICE WORKER - clerical and typing work.



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III. PROCEDURE (cont.)

- B- VISIT HELPERS - expedite processing of visits in various capacities as assistants to correction officers.
 - B- CLOTHES BOX - help organize civilian and/or institutional clothing distribution, washing linen, sanitizing mattresses and pillowcases.
 - B- STORE HOUSE WORKERS - transporting equipment and unloading trucks.
 - B - SIGN PAINTERS - painting of temporary and permanent signs used both indoors and outdoors.
 - E- INMATE GRIEVANCE COMMITTEE REPRESENTATIVE – responsible for assisting in fact finding, mediation and resolution of grievances, as well as the implementation of resolved grievances. The inmate representative is a voting member at the IGRP Hearings.
 - E- INMATE CLERK – responsible for all clerical functions of the IGRC.
 - E- INMATE HOUSING AIDES – responsible for explaining the IGRC to inmates in the housing areas. Assists with the identification and verification of problem areas related to specific grievances within assigned areas.
 - B- INMATE MUSICAL ENTERTAINER - applies only to inmates who rehearse a minimum of 20 hours in a given week, subject to the Commanding Officer's approval.
 - A- SCHOOL TUTORS - teaching assistants.
 - A- INMATE OBSERVATION AIDES - monitors inmates in housing areas.
5. INDUSTRIES & NON-HOUSING FACILITY WORK DETAILS
- A - TAILOR SHOPS - production of institutional sheets, towels, and blankets.

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III. PROCEDURE (cont.)

- A - MAINTENANCE ENGINEER - works on technical engineering concerns for Rikers Island Security.
- B- LANDSCAPE CREW - work on beautification of landscape, tree nursery, shrubbery, and farming.
- *B- LAUNDRY - operators of washing and drying machines, pressing and folding washed clothes.
- A- BAKERY- production of baked goods.
- *A- BURIAL DETAIL- digging graves and burying indigents
- A- PRINT SHOP -print setters, writers and distributors of institutional newspapers.
- B- MANUFACTURING INDUSTRIES WAREHOUSE- fill supply requisitions.
- B- GARAGE WORKERS- maintenance of area.
- B- SANITATION SUPPLY- issuing equipment for sanitation workers, some inventory work.
- B- FIRE DETAIL- clean fire engines and other fire equipment at Rikers Island Firehouse.
- C- WORK DETAIL- a varied labor force which does miscellaneous work for Rikers Island Security. (i.e., loading trucks, unloading books and the like.)
- B- RODMAN'S NECK- clean shooting range area.

IV. REFERENCE

Directive #3255, ASSIGNMENT OF INMATES TO WORK DETAILS, dated 6/29/87.

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V. ATTACHMENTS

- A. Payroll Certification, ("P" Sheet)
- B. Sample, Certification Memorandum
- C. Form #54AR- Cashier's Daily Statement of Inmate Cash Fund
- D. Form #A-24, Personal Expense
- E. Form #77, Inmate Weekly Work Record and Payroll

VI. SUPERSEDES

Directive 4014R, INMATE INCENTIVE PAY PLAN, dated 04/23/91 (as amended).