



CHAIRMAN'S MEMORANDUM

NO. 6-2014

April 4, 2014

TO: SHERIFFS, COMMISSIONERS OF CORRECTION, AND CHIEF ADMINISTRATIVE OFFICERS

RE: Amendment of Correction Law §500-b

Please be advised that, effective March 31, 2014, New York State Correction Law §500-b was amended to change the minimum age classification in local correctional facilities in order to make the NYS Correction Law consistent with the Prison Rape Elimination Act (PREA). Inmates under the age of eighteen (18) must now be separately classified from those inmates eighteen (18) years of age and older. For your convenience, a copy of the legislation is attached.

Correction Law §500-b previously mandated local correctional facilities to classify inmates under the age of nineteen (19) years separately from those nineteen (19) years and older, requiring an assignment of facility housing that provides a physical separation between the two groups. Recently made effective, the U.S. Department of Justice's Prison Rape Elimination Act (PREA) National Standards (Part 115 of Title 28 of the Code of Federal Regulations) generally require separate housing assignments for youthful inmates (under 18 years of age) from adult inmates (18 years and above). Due to the disparate thresholds at which inmates were considered an "adult," local correctional facilities were rendered incapable of simultaneously complying with the separation requirements of New York State Correction Law and PREA. Essentially, jails were forced to establish three separate age classifications, those being 16-17, 18, and 19 and above. Combined with further classification obligations requiring the separation of different genders and security risks, the overwhelming majority of local correctional facilities did not contain the number of housing units necessary to provide such division.

By aligning New York State Correction Law §500-b with the inmate age classifications set forth in PREA, local correctional facilities will be more capable of complying with both state and federal requirements. Although the amendment is effective immediately, the Commission recognizes that safe and responsible implementation requires the re-classification of a facility's entire 18 year old population which, taking into account the size of the facility and required programming, could take some time. Should you have any questions with regard to this issue, please feel free to contact the Commission of Correction's Office of Counsel at (518) 485-2463.

Thomas A. Beilein, Chairman

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