

# 2017

# ANNUAL REPORT



New York State Assembly

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**Correction**

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**2017 ANNUAL REPORT**

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## **I. JURISDICTION**

The Assembly Committee on Correction has jurisdiction over legislation affecting all aspects of the operations of both state and local correctional facilities. This responsibility includes 54 state correctional facilities and 62 local correctional systems, including all local jails and police lockups operated by municipalities across New York State. New York's correctional system is the third largest in the nation with approximately 50,000 inmates housed in state facilities and 25,000 inmates in local facilities. More than 40,000 correctional personnel combined are employed in all correctional facilities.

The Committee on Correction works closely with other committees of the Assembly, including the Committees on Alcoholism and Drug Abuse, Codes, Health, and Mental Health, regarding issues that affect correctional staff and inmates. Public hearings held by the Committee on Correction are reviewed in Section IV.

Assembly Member David I. Weprin was appointed Chair of the Committee on Correction in January 2017. Chairperson Weprin represents Assembly District 24 in Queens, New York, and has been a member of the Assembly since 2010.

## **II. NEW YORK STATE'S CORRECTIONAL POPULATION**

### **A. State Correctional Facilities and Community Supervision**

As of November 1, 2017, the prison population of the Department of Corrections and Community Supervision (DOCCS) was 49,810 inmates and 859 parolees under custody. This is 1,093 fewer inmates than at this time in 2016. The overall population has now declined 30% since the peak of 71,538 in 1999. The total under-custody population is 48.1% African American, 24.5% Caucasian, and 24.2% Hispanic as of November 1, 2017, approximately the same as in 2016. Additionally, there were 411 Native Americans, 249 Asians and 944 individuals in the "other category." Females comprise 5% of the inmate population. There were 504 state-ready inmates (inmates held in a local correctional facility waiting transfer to state prison) as of November 1, 2017, and 27 state-ready parolees. Additionally, there were 139 sex offenders and 14 other offenders living in residential treatment facilities operated by the Department of Corrections and Community Supervision as of November 1, 2017.

There were 15,583 inmate admissions to state correctional facilities from January 1, 2017, through October 31, 2017, 2,501 fewer than in the same period in 2016, and 2,884 parolee admissions. New court commitments for this period were 10,224, including 549 judicially sanctioned admissions to DOCCS' facilities. There were 2,736 returned parole violators and 3,109 conditional release revocations, including 1,445 violators who were admitted into DOCCS-operated alternative-to-incarceration 90-day drug treatment programs. Additionally, 761 parolees were mandated to the Willard drug treatment

program and 142 parolees voluntarily went to Willard rather than face revocation. There were 1,106 people on parole returned to prison for new felony offenses.

## **B. Local Correctional Facilities**

The total under-custody population among local correctional facilities as of October 2017, was 24,827. For the City of New York, there were 9,743 inmates under custody, a 5.2% decrease compared to last year, while county correctional facilities outside of the City of New York had an under-custody population of 15,676 at that time, a 1.9% decrease compared to last year.

## **C. Community Supervision**

The Department of Corrections and Community Supervision is the sole agency responsible for the supervision of all persons under custody or released from the state correctional facilities and subject to a term of parole or post-release supervision. This responsibility includes efforts to ensure successful, law-obedient adjustment to community living and help with drug treatment, job training, job placement and other services to enhance the likelihood of a self-sufficient and crime-free lifestyle. DOCCS staff is also responsible for identifying violations of parole conditions that may result in the use of corrective measures, including revision of parole conditions and, in some cases, parole revocation. According to DOCCS, as of November 1, 2017, there were 36,138 individuals in New York State under parole supervision, which is 140 fewer parolees than at the same time last year.

Almost half, 48%, of the parolees under community supervision as of December 31, 2016, were African-American. The median age of these parolees was 37, with 51% from New York City, reflecting the continued decline among the inmate population of individuals committed from New York City. 93% of all parolees are male, 57% have a drug abuse history and 5% are sex offenders. Among all parolees, 53% are convicted of a statutorily-defined violent felony offense, and 20% are convicted for a drug offense. Only 2%, or 626, parolees have Youthful Offender status.

Currently 54% of the individuals on community supervision live in the five boroughs of New York City, while 46% reside outside of the city. Many ex-offenders have high educational and vocational needs, a history of substance abuse and problems maintaining stable housing and employment. The Correction Committee recognizes the importance of supportive re-entry services and continues to advocate for increased funding and diversity of programming to help people coming out of prison successfully reintegrate into the community.

In 2015, the Department released a recidivism report that showing that just 9% of prisoners released in 2012 were sent back to prison within three years for a new felony conviction, with an additional 33% returned to prison for technical parole violations.

#### **D. Board of Parole**

The Board of Parole (Board) reviews the records of parole-eligible prison inmates sentenced to an indeterminate term of imprisonment and either denies or approves release on parole. This is separate and apart from the release mechanism for those inmates sentenced to a determinate term of imprisonment or those eligible for conditional release. The Board also sets conditions of release for anyone who is subject to a period of community supervision.

Between January and October 2017, there were 10,465 parole release interviews. Release rates for initial appearances were 26% and 30% for reappearances. Initial release rates were 28% for A1 violent felony offenses, 11% for other violent felony offenses, 26% for drug offenses, 23% for other coercive offenses, 38% for major property offenses and 23% for youth offenses.

#### **E. Community Corrections Programs**

According to data obtained from the Office of Probation and Correctional Alternatives (OPCA), which is housed in the Division of Criminal Justice Services (DCJS), at the end of the SFY 2016-2017, there were 97,544 adults under probation supervision across New York State, a decrease of 3,869 since last year at the same time. The adult probation population includes 47,445 people on felony probation and 45,164 misdemeanor offenders on probation, as well as 4,935 people on probation for offenses other than felonies or misdemeanors, such as criminal mischief, crimes against public order and probationers who transferred to New York after convictions in other states. In addition, local probation departments supervise youth placed under supervision by the family court, which includes approximately 2,808 juvenile delinquency cases (an increase of 210 cases compared to the previous year), and 722 persons in need of supervision (PINS) cases (a decrease of 175 cases) in this last fiscal year.

Among specialized projects lead by OPCA is the Sex Offender Address Confirmation Project. Probation is the most frequently used disposition for defendants convicted of sex offenses in New York State. The supervision period for sex offenders under probation is longer than the supervision period for offenders convicted of other offenses. Probation officers regularly confirm offender addresses, comparing them to the State's Sex Offender Registry (SOR), require that offenders complete change of address forms, and file violations and request warrants on absconders. There are approximately 3,800 registered sex offenders under probation supervision, an increase of 300 compared to the preceding year.

### **III. STATE BUDGET IMPACT ON CORRECTIONAL AGENCIES**

The SFY 2017-2018 Budget for DOCCS appropriates \$2,845,953,000 in state operations funding, which is a \$3 million increase in state operations funding from the budget for the prior year. The DOCCS budget represents funding for the operation of state correctional facilities as well as community supervision and the Board of Parole. Included within the DOCCS budget is \$136.9 million for the supervision of people released to parole and post-release supervision, and \$6.8 million to support the functions of the Board of Parole. The Department possesses the largest state operations budget of any state agency and the average cost to house an inmate is approximately \$54,000 per year, a 9% increase from the year prior. The budget also includes \$29.5 million in Aid to Localities funding.

#### **A. Department of Corrections and Community Supervision**

##### **Facilities**

For the third year in a row there were no correctional facilities closed in fiscal year 2017-2018. Previous facility closures have resulted in a number of property sales and conversions of such properties for new uses often benefitting the community at large.

During 2017, the Department operated a portion of Hudson Correctional Facility, located in Columbia County, as a hybrid youth facility for 16- and 17-year-old male and female inmates. As part of the Raise-the-Age legislation that passed during the 2017-2018 budget process, the Office of Children and Family Services (OCFS) will take over the administration of programs at Hudson in October 2018, although the Department will continue to provide security services.

Prior to 2016, 16- and 17-year-old offenders were housed in general population facilities across the state with other adult offenders. Hudson Correctional Facility, along with a maximum security juvenile unit at nearby Coxsackie Correctional Facility, will be home to all 16- and 17-year-old offenders committed to the Department. As of November 1, 2017, there were 68 such offenders, including 3 females, housed in Hudson Correctional Facility, and 10 such offenders housed in the Coxsackie Correctional Facility juvenile unit. Aside from the adult work-release and industrial training program, which remains in an entirely separate and segregated part of the facility, there are no inmates other than 16- and 17-year-old offenders housed in Hudson Correctional Facility. Funding for Hudson's conversion comes from \$110 million in capital support through OCFS.

##### **Higher Education**

In an unprecedented decision, the Manhattan District Attorney announced he would provide \$7.5 million for the higher education of state prison inmates over a five-year period. Specifically, the initiative will fund educational programming at a number of New York State prisons to help qualifying inmates earn college degrees in order to support successful re-entry into the community and reduce recidivism. The District Attorney's Office is funding the college-in-prison program through the Criminal Justice Investment

Initiative (“CJII”), which was created to provide grants for programs improving public safety, crime prevention, and fairness in the justice system. The grants are expected to create 2,500 seats for participating individuals. Participants will have the opportunity to receive college-level instruction and earn college credits, associate degrees, bachelor’s degrees, and industry-recognized certificates. The CUNY Institute for State and Local Governance, technical assistance consultant for CJII, will manage the program on behalf of the District Attorney’s Office. No taxpayer funds will be used in this initiative.

The colleges chosen to participate in this program are: Bard College at Taconic, Coxsackie, Eastern, Fishkill, Green Haven, and Woodbourne correctional facilities; Cornell University at Cayuga, Auburn, Elmira, and Five Points correctional facilities; Jefferson Community College at Cape Vincent, Gouverneur, and Watertown correctional facilities; Medaille College at Albion Correctional Facility; Mercy College at Sing Sing Correctional Facility; Mohawk Valley Community College at Marcy Correctional Facility; and New York University at Wallkill Correctional Facility.

### **Technology**

In the aftermath of the high-profile escape of two inmates from Clinton Correctional Facility in 2015, and the high profile death of a mentally ill inmate at Fishkill Correctional Facility, the Department announced an investment of \$25 million to enhance and upgrade technological resources that would improve prison safety for staff and inmates. These initiatives include installation of fixed cameras, the deployment of thermal imaging and heartbeat detection devices, the installation of a rounds tracker system, the procurement of portable metal detectors, and the piloted use of body cameras worn by staff. The Correction Committee has long supported the use of body cameras in correctional settings. Body cameras are now being tested at Clinton and Bedford Hills correctional facilities.

Additionally, the Department has entered into a new contract with Securus Technologies to provide telephone services in its facilities. As a provision of the contract, Securus will provide the Department with 12,000 electronic tablets for use by inmates. The tablets will not have internet access, but will be preloaded with programs and entertainment approved by the Department.

### **Prisoners Legal Services**

The SFY 2017-2018 Executive Budget again included \$2.2 million for Prisoners Legal Services (PLS), which provides legal representation and assistance to indigent prisoners in civil cases. The Assembly was able to secure an additional \$750,000 for PLS, bringing the total funding for the organization up to \$2.95 million. The Committee believes that PLS is an important program that has played a vital role in making New York prisons safer and more humane. Its work has resulted in positive changes in prisoners’ attitudes and behavior and has promoted constructive policy and programmatic modifications within DOCCS.

## **Security Staffing**

As of November 1, 2017, there were 19,126 corrections officer, sergeants and lieutenants employed by the Department, a 14.9% reduction when compared to the number of such employees in 1999 when the state correctional population was at its peak. During this same time the inmate population declined 30%. The ratio of inmates to officers in New York prisons is currently 2.7:1. The national average is around 4:1 in state correctional facilities, with a current staffing ratio in federal prisons of around 9:1.

While the number of incarcerated felons in the State prison system continues to decline, the percentage of violent felons in the prison system has risen slightly. The increase in the percentage of violent felony offenders in the state's prison population is largely a result of the reduction in the number of drug offenders incarcerated in a state correctional facility due to the reform of the Rockefeller Drug Laws. The change in percentage of violent felony offenders in male medium and maximum security facilities in 2007 compared to 2017 rose from 49.7% and 76.2%, respectively, in 2007, to 55.2% and 81.1% in 2017. The total population of male violent felony offenders in medium and maximum security facilities was 34,549 in 2007 and is currently 31,066. While incidents of assault on staff increased from 2014 to 2016, the number of assaults in 2017 declined back down to 2013 levels. DOCCS reports that the vast majority of the assaults reported on staff do not involve any injury to staff members. While any assault of an inmate or staff member must be taken seriously, it does not appear that the problem requires an increase in security staffing at this time.

## **Board of Parole**

Funding for the Board of Parole is separately appropriated and may not be decreased by interchange with any other appropriation in the DOCCS budget in order to ensure adequate funding to perform its mission with the required independence. The SFY 2017-2018 Board of Parole budget is \$6.8 million, an increase of \$200,000 from the prior year.

The Board of Parole is statutorily maintained as a 19-member appointed body with independent decision-making authority. There are 17 commissioners currently serving, up from 13 commissioners in 2016. 2017 saw the reappointment of two of the Board's commissioners and the appointment of six new commissioners. Three commissioners remain in their seats without being reappointed even though their terms have expired.

The Board of Parole is housed within DOCCS for administrative support and maintains its independence with its own counsel's office and cadre of Administrative Law Judges. The Board continues to make discretionary determinations regarding the release of indeterminate sentenced inmates, the setting of release conditions for all inmates, revocations of community supervision for individuals charged with violating conditions of release, and the three-year discharges of sentence for certain persons under supervision. Former Board functions of granting merit termination of sentences, granting

certificates of rehabilitation and preparing parole summaries have been carried out by DOCCS since 2011.

### **Community Supervision**

The DOCCS budget allocation for supervision of persons released to the community in SFY 2017-2018 is \$136.9 million, a decrease of \$11.8 million from the prior year. Community Supervision is entirely separate from the Board of Parole budget, since community supervision is no longer a function of the Board following the merger with DOCCS in 2011.

Community supervision staff members oversee approximately 36,000 people on parole and post-release supervision out of seven regional offices around the state.

### **B. Local Correctional Agencies**

The DOCCS budget continues to include \$200,000 in aid-to-localities funding to local correctional facilities for reimbursement to counties for housing “state-ready” inmates. “State-ready” inmates are persons who have been sentenced to state prison and are being held in a county jail awaiting transport. The reimbursement for “state-ready” inmates was basically eliminated in the SFY 2009-10 Budget but the state is still liable to reimburse counties up to \$100 per day for each “state-ready” inmate who is not transferred to state prison within 10 days of the locality notifying DOCCS that the inmate is ready for transport.

### **C. Office of Probation and Correctional Alternatives**

The SFY 2011-12 Budget restructured certain appropriations so that formerly separate programs within the Division of Criminal Justice Services (DCJS) such as the Office of Probation and Correctional Alternatives (OPCA), among other appropriations, have been consolidated. The new program structure of DCJS now consists of the offices of Administration, Crime Prevention and Reduction Strategies and separate programs for each of the newly merged agencies.

Thus, the appropriation for OPCA is unspecified within the Executive Budget and contained within a larger appropriation for DCJS Crime Prevention and Reduction Strategies Program covering additional programs for organizations and services such as Aid to Prosecution, Crime Labs, and Drug Diversion, among others.

The DCJS budget includes \$44.9 million for aid to local probation departments and additional federal funds are also directed to help offset probation aid cuts, the same amount budgeted in 2016-2017. It should be noted that state aid to local probation

departments represents only a small percentage (less than 20%) of the actual costs of these services.

#### **D. State Commission of Correction**

The State Commission of Correction is responsible for the regulation and oversight of all correctional facilities in New York State. This responsibility encompasses 54 state correctional facilities, 62 county jails and the New York City correctional system comprising 18 facilities and 200 police lockup facilities, and five secure centers operated by the Office of Children and Family Services. The Commission's budget for SFY 2017-2018 is \$2.95 million.

In 2016, the last year for which data is available, the Commission's Citizen Policy and Complaint Review Council reviewed 3,769 individual letters of complaints concerning state correctional facilities (an increase of 39%) and 1,987 complaints regarding local correctional facilities (an increase of 33%). The Commission handled 3,844 county facility grievances, up from 1,766 in 2015. The Commission's Forensic Medical Unit investigated 45 inmate deaths, which was four more than were investigated the year prior. There were 191 inmate deaths in state and local facilities in 2016, 34 more than were reported in 2015. Of these, 147 occurred in a state correctional facility, an increase of 31 from 2015. In state facilities, 16 deaths were from suicide, 25 were from causes unknown, and 1 was in the "other" category. There were no deaths from HIV/AIDS or homicide in a state correctional facility in 2015. The remaining 105 state inmates were reported to have died from natural causes. In total, there were 23 suicides in state and local correctional facilities in 2016, which is one more than in 2015.

In the City of New York, there were 15 deaths in correctional facilities, 3 more than in 2015, and no deaths were the result of a homicide; 2 deaths were the result of a suicide, 1 from AIDS, 5 from natural causes, 5 from unknown causes, and 2 other deaths.

The Commission has reported no change to the 99 double-bunked cells resulting from variances that remain in the Department of Corrections and Community Supervision. Seventy-two of those cells are located in the Wallkill Correctional Facility and 27 in Clinton Correctional Facility.

For the year 2016, the Commission received and responded to 198 Freedom of Information Law requests for records of the Commission on Correction.

During 2016, a change in Correction Law 611(1)(e) required an annual report on the shackling of pregnant female inmates for the first time. Five incidents were reported, one each out of Chemung, Livingston, Otsego and Schenectady counties and one from the Rose M. Singer Center at Rikers Island in New York City. In two cases the women were verbally abusive or acting out, one woman was in disciplinary segregation so staff decided to handcuff her for the duration of the time spent in the transport vehicle, one woman misreported the date of the end of her pregnancy so staff did not know she was

within the eight-week postpartum period covered by the correction law and one woman was a federal detainee who was in handcuffs for five minutes while the transport team explained the change in law to the U.S. Marshall.

#### IV. COMMITTEE ACCOMPLISHMENTS

##### A. Significant Legislation Advanced by the Correction Committee in 2017

The Correction Committee advanced the following legislation which passed both houses in 2017.

**Appointment of Interpreters** - requires Department of Corrections and Community Supervision (DOCCS) to appoint interpreters for parole board proceedings. (A.368 /S.971; Chapter 9 of the Laws of 2017)

**Posting Parole Appeal Decisions on Website** - requires decisions from the Parole Appeals Unit to be published on the agency's website within 60 days of that decision (A.3053/ S.3982; Chapter 412 of the Laws of 2017)

**Enrollment of Inmates into Programs** - requires that incarcerated individuals are placed into mandated programs as soon as possible and if such an individual is denied parole release because of failure to finish such program, s/he will have priority placement into the program. (A. 6353B /S.5494A; Chapter 476 of the Laws of 2017)

**Transfer of Custody to the Office of Mental Health** - permits an agreement between OMH and a sheriff's department that allows the transfer of custody of an incarcerated person to OMH when such person is placed in a secure OMH facility while receiving necessary treatment. (A.7569/S5430; Chapter 196 of the Laws of 2017)

**Study of Employees of Community Supervision** - authorizes the study of parole officer staffing in order to determine adequacy of staffing. (A.7687/S.5987; Chapter 361 of the laws of 2017)

**Health Care for County Jails** - allows county jails to have contracts with medical professional corporations for the establishment of inmate health care services. (A.7985A/S.5409A; Chapter 122 of the laws of 2017)

In addition, the Assembly passed the following correction-related bills:

**Feminine Hygiene for Incarcerated Individuals** - provides incarcerated women in correctional facilities across New York State with feminine hygiene products at no cost to the individual. (A.588; Passed Assembly)

**Pregnant Women in Solitary Confinement** - prohibits the placement of pregnant inmates in a special housing unit. (A.1610; Passed Assembly)

**Recommendations made by the United Nations Committee Against Torture** - adopts UN recommendations relating to the use of solitary confinement in New York State prisons. (A.1905A; Passed Assembly)

**Bans Discriminatory Employment Practices** - requires that employers make a conditional offer of employment before inquiring about a prospective employee's criminal convictions. (A.2343; Passed Assembly)

**Reporting on Demographics by Board of Parole** - requires the state board of parole to track and report statistical information on the demographics of people appearing before the board, including age, gender, race, ethnicity, region of commitment and other factors. (A.2471; Passed Assembly)

**Evaluation of Sanctions for Re-entry** - requires DOCCS and the Office of Temporary and Disability Assistance to examine and make recommendations relating to current barriers to community re-entry for incarcerated individuals under state and local law and policy. (A.3974; Passed Assembly)

**Visitation Programs** - establishes a visitation program in state prisons and mandates daily visitation at all general confinement correctional facilities. (A.7241; Passed Assembly)

**Required Programs for Working Parolees** - permits parolees who are gainfully employed to attend required substance abuse treatment and other rehabilitative programs outside of their work hours. (A.7605; Passed Assembly)

## **B. Public Hearing**

### **Health Care in New York Correctional Facilities**

On October 30, the Committee, in conjunction with the Assembly Committee on Health, held a hearing to examine health care issues in state and local correctional facilities, including: adequacy of care, treatment of communicable diseases, women's health care, administering medication; long-term care; use of for-profit health care contractors; health care facility placements for inmates leaving incarceration; and potential Medicaid coverage for incarcerated individuals.

The Committee heard testimony from the DOCCS commissioner, the deputy commissioner in charge of the Department's medical budget and the chief medical officer, as well as the director of the AIDS Institute and the program director of Health Homes from the Department of Health. The commissioner and health commissioner of the New York City Department of Correction also testified with the senior vice president and the chief medical officer of the New York City Health and Hospitals Correctional

Health Services. Testimony was also taken from a member of the NYC Board of Correction, a law enforcement official, union representatives and advocacy groups.

The Committee will consider legislative and policy changes to improve and oversee health care in state and local correctional facilities.

### **C. Prison Tours**

Since becoming Chair of the Correction Committee in January 2017, Assembly Member David I. Weprin has toured five prisons, went to Rikers Island three times, and visited the DOCCS training center and a number of re-entry and alternatives to incarceration programs. This year, he visited the following state correctional facilities: Bedford, Otisville, Queensboro, Sing Sing and Taconic. At each correctional facility, Chairperson Weprin met with the superintendent, staff and members of the Inmate Liaison Committee and other inmates.

## **V. ISSUES TO BE ADDRESSED IN 2018**

### **A. Solitary Confinement**

#### **1. Overuse of Solitary**

Currently, approximately 2,900 New York state prisoners are housed in segregated disciplinary units, known as Special Housing Units (SHU). An unknown number of inmates are also confined in keep-lock units or are keep-locked in their own cells. Inmates in keep-lock and SHU are locked into their cells 23 hours a day, with one hour of recreation time. Out-of-cell recreation is usually spent alone in a bare outdoor cage. Inmates in SHU are denied phone calls, most commissary privileges and personal property and most programming, including classroom-based educational programming. They have restricted visitation rights and are unable to attend religious services. There is no statutory limit to the amount of SHU time an inmate may receive as a sanction for misbehavior in New York prisons and prisoners with serious or multiple infractions, as well as prisoners under “administrative segregation” may stay in SHU for years. A few prisoners have been in SHU for decades.

In recent years there has been a move to reform SHU practices in New York. In December 2015, the Department entered into a settlement agreement pursuant to Peoples v. Fischer, 1:11-cv-02694-SAS (S.D.N.Y.), agreeing to reduce SHU stays and decrease the number of disciplinary infractions resulting in SHU confinement, among other provisions. In the last few years, the number of inmates in solitary confinement has declined slightly faster than the inmate population has declined, dropping from around 8 percent of the population to under 6 percent.

Heavy reliance on solitary confinement has not only been a state prison policy. In March 2012, the former Commissioner of the New York City Department of Correction testified at a city council budget hearing that the use of solitary confinement had increased 44% at Rikers Island over the previous two years. An October 2013 report by the New York City Board of Correction stated that 27% of the 16-, 17- and 18-year-olds at Rikers Island were in punitive segregation and that 71% of all inmates in punitive segregation were mentally ill. Since that time, Rikers has made enormous strides in removing young people from isolation and intends to divert all inmates under 21 from solitary confinement in the near future.

The Committee on Correction advanced several bills that would limit the time an inmate could spend in solitary confinement and prohibit the use of solitary confinement for adolescent, developmentally and cognitively disabled and mentally ill inmates and pregnant women. The Committee will again advance these bills for consideration in 2018 and will continue to consider other bills to limit SHU time in New York.

## **B. Parole**

More than half a million people have been released from New York state prisons since 1985. Today we have fewer than 35,000 individuals on community supervision and 49,000 individuals in state prison, an approximately 30% decrease in the prison population since 1999. The declining population of people in custody and on community supervision indicates that most parolees successfully reintegrate back into the community. Only 9% percent of parolees return to incarceration within three years of their release for a felony new offense. Viewed in terms of total statewide arrests, parolees represent less than 5% of all felony arrests and just 2.5% of all misdemeanor arrests per year statewide.

Although New York has medical parole for inmates who are either terminally ill or medically incapacitated, the process has been so slow that nearly a quarter of the inmates who have sought medical parole die before they can be interviewed by the board. Additionally, eligibility for medical parole may be too restrictive and in need of expansion.

Given the importance of a successful parole system, we must ensure that we do everything we can to support DOCCS and the Board of Parole in its re-entry mission. The Committee regularly consults with professionals, academics, law enforcement experts, advocates and the public to evaluate whether the practices and procedures in place today for both DOCCS and the Board of Parole are fair and effective, and to make recommendations to improve future outcomes.

In 2017, the Committee will continue to advance bills for needed parole reforms and will continue to support legislation to make sure that inmates who do not appear to pose a public safety risk are released to community supervision as quickly as possible.

### **C. Higher Education in Prison**

Studies have consistently found that the higher the level of education attained, the more likely a former inmate will be to obtain gainful and stable employment, and the less likely he or she will be to engage in future criminal activity. However, in 1994, federal tuition assistance in the form of Pell Grants for individuals incarcerated in federal and state correctional facilities was terminated with the enactment of the Violent Crime Control and Law Enforcement Act. Then in 1995, New York prohibited inmates from accessing state funds through the Tuition Assistance Program (TAP) for post-secondary education. Most college programs operating in prisons throughout the state shut down after TAP was discontinued.

The benefits of post-secondary correctional education are clear. The New York State Commission on Sentencing Reform reported that post-secondary correctional education programs have been shown to reduce recidivism by up to 40%. The Bard Prison Initiative reports that while nearly 40% of inmates statewide return to prison within three years for a new crime or a parole technical violation, only 4% of students who have spent any time in the Bard College program return to prison within three years.

There are currently 16 degree-granting programs operating in 26 prisons, with over 1,100 enrolled students, in New York. While there is still great unmet need for college programs in New York correctional facilities, money from the Manhattan District Attorney's Office and from an Obama-era pilot Pell program should help increase enrollment in these vital rehabilitation programs. The Committee will continue to work for expansion of correctional college programs and urges the Governor to reinstate TAP grants for prisoners.

Additionally, in 2016, the State University of New York (SUNY) decided to join the City University of New York (CUNY) in dropping consideration of a prospective student's criminal history from his or her admission decision, eliminating a significant barrier to the enrollment of formerly incarcerated students. The Committee strongly supports CUNY and SUNY's decisions to ban the box for college admissions and asks private colleges in New York to follow their lead.

### **E. Re-Entry**

Legal disabilities and state or local policies can operate as barriers to re-entry after incarceration is long over. While such disabilities tend to be added piecemeal to statutes and regulations, the overall affect can be to stymie efforts by ex-offenders to find housing or jobs or to continue education and training programs. In 2010, the National Conference of Commissioners on Uniform State Laws recommended that all states enact their Uniform Collateral Consequences of Conviction Act. In 2006, the New York State Bar Association's report "Re-entry and Reintegration: The Road to Public Safety" made a

number of specific recommendations for New York legislative reforms aimed at decreasing the collateral consequences of incarceration, including streamlining the process for ex-offenders to obtain a Certificate of Relief from Disabilities or a Certificate of Good Conduct and expanding Article 23-A of the Correction Law to prevent discrimination against persons with a criminal record who pose no threat to public safety. This year the Committee will again advance bills to help law-abiding formerly incarcerated people stabilize their lives by eliminating or reducing barriers to education, employment, housing and public benefits and by supporting programs and initiatives to encourage successful re-entry into their home communities.

## **F. Women in Prison**

Women inmates have special needs, including hygiene, grooming and medical needs, and unique therapeutic, social and educational problems and family issues. Far more female prisoners than male prisoners were custodial parents prior to incarceration and more women than men were subject to sexual trauma at some point in their lives. It is estimated that nearly 75% of female inmates have at least one mental health problem compared to around 50% of incarcerated men. While the Legislature passed an amended law prohibiting the use of shackles on pregnant women, there are still many unmet needs among women prisoners.

In 2017, A.2534 (Rozic), was signed into law. The new law provides that female inmates must have equivalent rehabilitative programming to male inmates. The Assembly passed several other bills concerning female prisoners, including a bill to prohibit solitary confinement of pregnant inmates (A.1610, Rozic) and a bill to provide feminine hygiene products free of charge to all prison and jail female inmates (A.588A, Rosenthal). In 2018, the Committee will explore topics relating to the provision of specialty programming and services to women in our state prisons.

## **G. Health Care**

This year the Committee will examine health care in state and local correctional facilities, following up on our annual public hearing. The Committee may propose or advance legislation relating to the oversight of medical care in state and local correctional facilities, among other topics.



Public Hearing: Health Care in Correctional Facilities

*Assembly Members: John McDonald, Rocjard Gottfried, David Weprin and Phillip Steck*

## H. Visitation

Visitation is the most important predictor of successful re-entry for people leaving prison. Visitation not only eases re-entry into society, but also promotes the adjustment and well-being of inmates during their incarceration. In the 2017-2018 state budget process, the Executive proposed reducing visitation in maximum security prisons to three days a week in order to save \$2.6 million. Committee Chairperson Weprin vigorously opposed the reduction of visitation and the item was removed from the final budget. The Committee strongly supports in-person visitation, supplemented where needed with video visitation in all correctional facilities. Accordingly, the Assembly passed a new bill (A.7241, Weprin) which would codify seven-day visitation in maximum security prisons and expand visitation to seven days a week in medium and minimum security prisons. In 2018, the Committee will explore legislation to expand and strengthen visitation programs in state prisons.



Committee Chairperson David Weprin at a visitation rally

APPENDIX

**2017 SUMMARY SHEET**

**Summary of Action on All Bills  
Referred to the  
Committee on Correction**

**Final Action on Assembly Bills**

**Bills Reported With or Without Amendment**

To Floor; Not Returning to Committee	15
To Ways and Means Committee	15
To Codes Committee	13
To Rules Committee	3
<b>Total</b>	<b>46</b>

**Bills Having Committee Reference Changed** **3**

**Senate Bills Substituted or Recalled**

Substituted	5
Recalled	0
<b>Total</b>	<b>5</b>

**Total Assembly Bills in Committee** **205**

**Total Number of Meetings Held** **6**