

New York State Assembly

Annual 2024 Report

Committee on
Correction



Speaker Carl E. Heastie
Erik M. Dilan, Chair



Erik Martin Dilan
Member of Assembly
54th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Corrections Committee

COMMITTEES
Corporations, Authorities & Commissions
Energy
Insurance
Ways & Means

December 15, 2024

The Honorable Carl E. Heastie

Speaker of the Assembly

526 Legislative Office Building

Albany, NY 12248

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Correction, it is my great pleasure to submit to you the Annual Report for the 2024 Legislative Session. As the State and the nation continued returning to more traditional times after a global pandemic, the Committee on Correction continued in its commitment to serving the people of New York and listening to their concerns.

This Annual Report continues the longstanding practice of highlighting the work of the Committee on Correction, as well as providing valuable information and statistics regarding New York's correctional population and the state budget's impact on correctional agencies.

I would like to take this opportunity to acknowledge the hard work of the members of the Committee on Correction, all the members of the Assembly and staff for their continued commitment to the work of the Committee and to continuing to improve this State's legislation on corrections. As always, your continued support is deeply appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Erik Martin Dilan". The signature is written in a cursive style.

Erik M. Dilan

Chair

Committee on Correction

2024 ANNUAL REPORT

STANDING COMMITTEE ON CORRECTION

Erik M. Dilan, Chair

Committee Members

Majority

William Colton
Harvey Epstein
Kenny Burgos
Chris Burdick
Anna R. Kelles
Edward Gibbs
Dana Levenberg
Demond Meeks

Minority

Joseph M. Giglio, Ranking
Philip A. Palmesano
David DiPietro
Joe DeStefano

Program and Counsel Staff

Jennifer Ashley, Assistant Secretary for Program and Policy
Tyler Cooper, Associate Counsel
Sujaya Balachandran, Analyst
Joann Butler, Executive Secretary

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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 44 state correctional facilities and 62 local correctional facilities, including all local jails and police lockups operated by municipalities across New York State. New York's correctional system has approximately 33,544¹ incarcerated individuals housed in state facilities and 17,060 incarcerated individuals in local facilities. Approximately 14,331 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, Governmental Employees, Health, and Mental Health to discuss issues that affect correctional staff and incarcerated individuals.

Assembly Member Erik M. Dilan was appointed Chair of the Committee on Correction in January 2023. Chairperson Dilan represents Assembly District 54 in Brooklyn, New York, and has been a member of the Assembly since 2015.

II. NEW YORK STATE'S CORRECTIONAL POPULATION

A. State Correctional Facilities and Community Supervision

As of October 1, 2024, the incarcerated individual population of the Department of Corrections and Community Supervision (DOCCS) was 33,544 incarcerated individuals; 24,624 parolees under custody. The total under-custody population, was 16,545 African American, 7,644 Caucasian, 7,949 Hispanic, 317 Native American, 271 Asian, and 818 individuals classified in the "other category."

There were 10,905 admissions to state correctional facilities in January 2023, or 217 more than over this same period in 2022. New court commitments for this period were 9,156, which is 149 more than such commitments over the same period the previous year.

The total incarcerated releasee admissions for calendar year 2023 was 400, compared to 425 for 2022. Drug Treatment JS admissions stayed the same as 2022, whereas Drug Treatment PV admissions decreased by 3. There were 78 participants admitted to Other DOCCS Programs during 2023, a decrease of 22 admissions.

¹ Statistics provided in this report are the most current available as of the date of this report.

B. Local Correctional Facilities

As of September 2024, the total under-custody population among local correctional facilities was 17,060. For the City of New York, there were 6,498 individuals under custody, a population increase of 352 compared to last year. Correctional facilities outside of the city of New York had an under-custody population of 10,563 at that time, which is a population increase of 243 compared to last year.

C. Community Supervision

The Department of Corrections and Community Supervision (DOCCS) is the sole agency responsible for the supervision of all persons under custody or released from state correctional facilities and subject to a term of parole or post-release supervision. This responsibility includes efforts to ensure successful adjustment to community living and assisting individuals 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 October 1, 2024, there were 24,624 individuals in New York State under parole supervision, which are 415 fewer parolees than the same time last year.

D. Board of Parole

The Board of Parole (Board) reviews the records of parole-eligible individuals 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 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.

Total Parole Board workload for Calendar Year 2023 was 11,851 interviews, including 6,919 board interviews.

E. Community Corrections Programs

According to data obtained from the Division of Probation and Correctional Alternatives (DPCA), which operates under the Division of Criminal Justice Services (DCJS), in 2023, there were 64,904 adults subject to probation supervision across New York State, a decrease of 251 compared to 2022. 32,473 of these adults were on felony probation, 28,462 on misdemeanor probation, and 3,969 convictions either being unknown or "other" with respect to the remaining adults on probation. The number of juvenile delinquent probation intakes opened in 2023 was 15,645, and the number of juvenile delinquent cases closed for such year was 16,172.

In support of New York State's commitment to promote public safety and offender accountability, the DPCA works with the Board of Sex Offender Examiners and the DCJS to track and monitor sex offenders in the community. Probation is the most frequently used disposition for defendants convicted of sex offenses in New York State. There were approximately 2,735 registered sex offenders under community supervision in 2023, a decrease of about 345 from the previous year.²

III. STATE BUDGET IMPACT ON CORRECTIONAL AGENCIES

The FY 2024-25 Executive Budget for DOCCS appropriates \$3.6 billion in all state operations funding, reflecting an increase of \$23.3 million from the previous year. The DOCCS budget represents funding for the operation of state correctional facilities as well as community supervision and the Board of Parole. The SFY 2024-25 Budget includes money for the "Jails to Jobs" initiative, which provides incarcerated and formerly incarcerated New Yorkers opportunities to successfully re-enter the workforce and reduce recidivism. Included within the DOCCS budget is \$155 million in the general fund of DOCCS for community supervision, and approximately \$8.3 million to support the functions of the Board of Parole. The budget also includes approximately \$40 million in Aid to Localities funding, \$19.1 million of which is budgeted for the community supervision program.

A. Department of Corrections and Community Supervision

Prisoners' Legal Services

The SFY 2024-25 New York State Division of Criminal Justice Services Budget included \$4,150,000 for Prisoners' Legal Services of New York (PLS). The Committee believes that PLS is an important entity that has played a vital role in making New York prisons safer and more humane. Its work has resulted in positive changes in incarcerated individuals' attitudes and behavior and has promoted constructive policy and programmatic modifications within DOCCS.

Board of Parole

The SFY 2024-25 budget for the Parole Board was \$8,291,000; this amount reflects an increase of approximately \$107,000 as compared to the previous year.

The Board of Parole consists of 16 members/commissioners. Each commissioner is appointed by the Governor and confirmed by the Senate for a six-year term. One commissioner is designated by the Governor to serve as Chair and Chief Executive Officer of the Board.

² These are the most current numbers available as of the time of this report.

Of the 16 commissioners currently serving on the Board, 5 of these appointments took place in 2019, 3 took place in 2023, and one appointment was made by Governor Hochul in June of 2024. The 16 commissioners include seven men and nine women.

The Board of Parole is housed within DOCCS for administrative support and maintains its independence with its own counsel's office and Administrative Law Judges. The Board is responsible for discretionary release, parole conditions, and revocations, as well as receiving victim impact statements and clemency recommendations.

Community Supervision

The DOCCS budget allocation for supervision of persons released to the community in SFY 2024-25 is \$155 million, or \$4.8 million more than the amount budgeted for Community Supervision in the previous year. 834 community supervision staff members, including parole officers, supervise approximately 49,747 people on parole and post-release supervision in New York.

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 reentry services and continues to advocate for increased funding and diversity of programming to help people leaving correctional facilities to successfully reintegrate into the community.

B. Local Correctional Agencies

The SFY 2024-25 Budget includes an appropriation of \$8.9 million for services and expenses relating to jail-based substance use disorder treatment and transition services. Local correctional agencies develop these programs with participating local governmental units in collaboration with county sheriffs. These programs provide participating individuals with support, services, and medication assisted treatment.

C. Office of Probation and Correctional Alternatives

The Office of Probation and Correctional Alternatives (OPCA) is now part of New York's Division of Criminal Justice Services (DCJS). The OPCA is committed to improving practices that promote public safety, ensure offender accountability, provide restitution to victims, and reduce recidivism. In this regard, the OPCA provides the tools necessary to enable local jurisdictions to make the best use of their staff and programs. The programs funded through OPCA enhance New York's criminal justice and juvenile justice policies and offer specialized services that are supported by research including employment, training, and treatment – all with the goal of contributing to successful and longstanding outcomes.

The FY 2024-2025 DCJS budget includes \$44.9 million for payment of state aid for probationary services to New York's counties and New York City pursuant to a plan prepared by the commissioner of the DCJS and approved by the director of the budget.

The DCJS budget for FY 2024-2025 also includes \$11.5 million for services and expenses related to programs aimed at reducing the risk of re-offending.

D. State Commission of Correction

The State Commission of Correction is responsible for the regulation and oversight of the 44 state correctional facilities, and 62 local correctional facilities, including all facilities in the New York City correctional system. The Commission is also responsible for the three secure centers operated by the Office of Children and Family Services located in Columbia, Orange, and Tompkins counties. The Commission's budget for SFY 2024-25 was \$4.1 million.

In the State of New York, according to the most recent annual mortality report issued by DOCCS available for purposes of this report, there were 107 deaths in correctional facilities, none of which were accidental, 1 of which was a homicide, 68 of which were natural deaths, 8 of which were overdoses, 11 of which were the result of suicide, and 19 of which the cause of death was unknown.³

³ These numbers are based on data on file as of June 17, 2024.

IV. SUMMARY OF LEGISLATIVE ACCOMPLISHMENTS

The Correction Committee advanced the following legislation in 2024:

A. Promoting Maternal and Reproductive Health

Prohibition of use of restraints on incarcerated individuals

A.2155-A (Rosenthal L.) / S.9186 (Salazar) – Referred to Rules

This bill would prohibit the use of restraints on incarcerated individuals during labor, absent extraordinary circumstances, and on pregnant persons during a custodial interrogation.

Providing breast pumps to incarcerated nursing birthing parents

A.3483-B (Rosenthal L.) / S.9817 (Salazar) – Referred to Ways & Means

This bill would provide incarcerated parents the ability to breastfeed their newborn child and express breast milk in a comfortable and private area. Additionally, correctional facilities shall provide breastfeeding parents with breast pumps. Incarcerated parents would be entitled to keep all health and newborn-related supplies provided to them by a hospital or the medical facility upon their return to a correctional facility.

Promoting the health, safety, and human rights of incarcerated pregnant individuals

A.7630-A (Kelles) / S.7132-A (Salazar) – Referred to Codes

This bill would establish a comprehensive human rights-based statutory policy relating to incarcerated pregnant or postpartum individuals and their children in New York State.

B. Expanding Oversight and Promoting Transparency

Increasing the number of members on the State Commission of Correction

A.5709-A (Gallagher) / S.5877-A (Salazar) – Ordered to Third Reading

This bill would expand the membership of the state Commission of Correction from three to nine members, add requirements for certain types of professional expertise among members, and reapportion the nominations of members between the legislature, governor, and correctional association.

Authorizing the Correction Association to visit correctional facilities without advance notice

A.6489-B (Weprin) / S.312-B (Salazar) – Amended on Third Reading

This bill would authorize the correctional association to visit correctional facilities at any time and without advance notice and grant the correctional association access to certain records and information of correctional facilities.

Publication of the notice of death of an incarcerated individual

A.7854-B (Epstein) / S.7607-B (Salazar) – Referred to Rules

This bill would require the publication of notice within twenty-four hours of the death of an incarcerated individual or any other individual occurring in the custody of the

Department of Corrections and Community Supervision by department press release by posting on the department's public website.

Authorizing the Correctional Association to inspect residential juvenile detention facilities

A.7261 (Aubry) / S.600 (Salazar) – Referred to Ways & Means

This bill would allow the correctional association to have unrestricted access to juvenile placement facilities to monitor and report on residential juvenile detention facilities. Additionally, the bill would allow the Prisoners Legal Services of New York to provide legal representation to juveniles and would establish a hotline by which youth in OCFS facilities could report instances of maltreatment or abuse.

C. Promoting the Welfare of Incarcerated Individuals

Conforming the definition of an incarcerated individual with a serious mental illness to the definition of "person with a serious mental illness" in the mental hygiene law

A.1300 (Aubry) / S.4621 (Sepulveda) – Passed Both House, Veto Memo 57

This bill would change the definition of “serious mental illness” in the correction law to match the definition of a “serious mental illness” as found in the mental hygiene law.

Providing voice communication service to incarcerated people at no cost

A.2164-A (Epstein) / S.1942-A (Bailey) – Reported to Ways & Means

This bill would provide voice communication services to incarcerated individuals in state correctional facilities at no cost.

Providing rules and regulations for strip searches in correctional facilities

A.4904 (Gibbs) / S.9350 (Salazar) – Passed Both Houses, Veto Memo 111

This bill would direct the state commission of correction to promulgate rules and regulations for strip searches in correctional facilities which at a minimum include a requirement that no fewer than two staff members shall be present for any strip search.

Establishing a program to purchase fresh produce from farms in the state for incarcerated individuals

A.6854 (Gibbs) / S.6810 (Cleare) – Chapter 468 of the Laws of 2024

This bill would direct the commissioner of Corrections and Community Supervision to establish a program to purchase fresh produce from farms located in the state and distribute such fresh produce to correctional facilities in the state to be utilized in the provision of wholesome and nutritious food to incarcerated individuals.

Religious dietary food options at correctional facilities

A.8626 (Eichenstein) / S.8091 (Ramos) – Chapter 85 of the Laws of 2024

This law amends Chapter 687 of the Laws of 2023 to extend the effective date to 270 days.

Establishing an annual heat mitigation plan and directing the extreme heat action plan work group to analyze the impact of extreme heat on incarcerated individuals and people working in prisons

A.9169-A (Burdick) / S.7781-A (Harckham) Chapter 561 of the Laws of 2024

This bill would require Department of Corrections and Community Supervision to establish an annual heat mitigation plan and direct the extreme heat action plan work group of the Department of Environmental Conservation to analyze the impact of extreme heat on incarcerated individuals and people working in prisons.

Requiring notification of an incarcerated individual's emergency contacts when such incarcerated individual attempts suicide or is hospitalized

A.9678 (Dilan) / S.9056 (Sanders) – Chapter 490 of the Laws of 2024

This bill would require that the Department of Corrections and Community Supervision, within twenty-four hours of the attempted suicide or hospitalization of an incarcerated individual or any other individual occurring in the custody of the department, to notify the emergency contacts of such incarcerated individual or other such individual.

D. Parole and Probation

Expanding the eligible pool of candidates for the parole board

A.586 (Burgos) / S.126 (Ryan) – Chapter 499 of the Laws of 2024

This bill would provide that parole board members can have either a degree and at least five years of experience in several fields or at least ten years of experience in such fields.

Making the statutes governing the issuance of certificates of relief from disabilities and certificates of good conduct consistent

A.7194 (Dilan) / S.3176 (Cleare) – Passed Both Houses

This bill would amend the Correction Law to require the court to issue certificates of relief from disabilities and require the Department of Corrections and Community Supervision to issue certificate of relief from disabilities when certain criteria are met.

E. Supporting Formerly Incarcerated Individuals

Certain entities may not require a person to provide a copy of his or her criminal history record under certain circumstances

A.6637, (Septimo, MS) / S.940 (Bailey) – Chapter 501 of the Laws of 2024

This bill would make it an unlawful discriminatory practice for an employer to require a job applicant to disclose his or her criminal history record obtained from the Division of Criminal Justice Services as a requirement for consideration of employment.

Providing for the return of any identification materials to an individual upon release from custody

A.9186-A (Dilan) / S.5092-A (Cleare) – Chapter 485 of the Laws of 2024

This bill would require the return of any identification materials to an individual upon release from custody to prevent any individuals from experiencing unnecessary hardship after release from custody of the state.

F. Promoting the Welfare of Special Populations

Authorizing a study by the Department of Corrections and Community Supervision pertaining to the treatment of aging prison populations

A.9171 (Dilan) / S.6011 (Parker) – Passed Assembly

This bill would require the Department of Corrections and Community Supervision to undertake a study of the treatment, conditions and prevalence of aging prison populations and what plans, if any, such department has to provide for this increasing segment of incarcerated individuals.

Directing the commissioner of Corrections and Community Supervision to study gender disparity in resources provided to incarcerated individuals

A.9586 (Levenberg) / S.7936 (Harckham) – Reported to Rules

This bill would direct the Commissioner of Corrections and Community Supervision to study gender disparity in resources provided to incarcerated individuals and make a report to the governor and the legislature of their findings, conclusions and recommendations.

G. Promoting Public Safety

Requiring that sex offenders register with the sex offender registry no later than five days after any change of address

A.10200 (Dilan) / No Same As – Reported to Rules

This bill would reduce the length of time, from ten (10) calendar days to five (5) calendar days, in which a registered sex offender must register any change of address with the Division of Criminal Justice Services (DCJS).

H. Native American Law

County-tribal detention agreements between Madison and Oneida counties and the Oneida Indian Nation

A.9441-A (Hunter) / S.8692-A (Griffo); Chapter 213 of the Laws of 2024

This law allows the counties of Madison and Oneida to enter into county-tribal detention agreements with the Oneida Indian Nation to house in their county correctional facilities inmates remanded by the Oneida Indian Nation court, and to ratify any such agreements.

I. Budget Highlights from State Fiscal Year 2024-2025

The SFY 2024-25 enacted budget included, among other budgetary items:

- \$31.4 million for payment to not-for-profit and government operated entities, including residential centers providing services to individuals on probation, programs providing alternatives to incarceration, and community supervision and/or employment programs

- \$6.6 million for grants to rape crisis centers to provide services to rape victims and programs to prevent rape
- \$31.1 million for services and expenses related to state and local crime reduction, youth justice and gang prevention programs, including but not limited to street outreach, crime analysis, research, and shooting/violence reduction programs
- \$7,200,000 for services and expenses of community safety and restorative justice programs that include, but are not limited to, support for survivors of sexual assault, domestic violence, gun violence prevention, legal services, alternatives to incarceration, community supervision and re-entry initiatives, and gang and crime reduction strategies managed by local governments and/or community-based not-for-profit service providers
- \$5,217,000 for payment of State aid to New York counties and the city of New York for local alternatives to incarceration, including those that provide alcohol and substance abuse treatment programs, and other related interventions

V. ISSUES TO BE ADDRESSED IN 2025

A. Re-entry Services for Formerly Incarcerated Individuals

Most incarcerated individuals will one day re-enter society. The Assembly therefore realizes the benefits of providing continuity of services and care that will facilitate and support the successful re-entry of individuals leaving facilities and returning to their communities. Formerly incarcerated individuals often struggle to obtain access to medical care, particularly drug treatment and mental health care, as well as stable housing and assistance with job placement. Housing and employment discrimination are often barriers to sustainable reintegration. The Assembly Committee on Correction recognizes how successful re-entry can prevent recidivism, benefit public safety, and reduce the costs associated with incarceration.

B. Support for the Elderly Incarcerated Population

While the total incarcerated population in New York State has declined over the course of several decades, the number of elderly people in New York State correctional facilities has significantly increased. One in every four people in New York State correctional facilities is over the age of fifty. Because elderly incarcerated people have serious health issues, incarcerating them can be extremely costly, with some estimates in billions of dollars. Further, inadequate medical care leaves elderly incarcerated individuals vulnerable to a litany of serious health issues. Additionally, the phenomenon of “accelerated aging” among elderly incarcerated individuals means that individuals are physiologically older than their chronological age. The Assembly Committee on Correction must prioritize the needs of the elderly incarcerated population and continue to look for ways to mitigate the impact of aging on incarcerated individuals.

2024 SUMMARY SHEET
SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON
CORRECTION

TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 6

ASSEMBLY	SENATE	TOTAL
BILLS	BILLS	BILLS

BILLS REPORTED FAVORABLE TO:

Codes	2	0	2
Judiciary	0	0	0
Ways & Means	7	0	7
Rules	7	0	7
Floor	6	0	6
TOTAL	22	0	22

COMMITTEE ACTION

Held for Consideration	2	0	2
Defeated	0	0	0
Enacting Clause Stricken	5	0	5
REMAINING IN COMMITTEE	150	15	165

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
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