

2024 Joint Legislative Budget Hearing on Public Protection - Testimony by the Correctional Association of New York

January 25, 2024

About CANY

The Correctional Association of New York (CANY) is a vital oversight agency for New York's prison system. Granted authority under §146 of the State's Correction Law, CANY provides oversight of state correctional facilities to identify and report on living and working conditions, the treatment of incarcerated individuals, and the status of policy implementation. In 2021, state law expanded CANY's authority to visit and report on prisons, which provides for access to any facility with 72-hour notice, confidential communication with staff and incarcerated individuals, an ability to operate a hotline for reporting conditions, and the authority to gather information from incarcerated people about their experiences through surveys.

CANY's impact in 2022 and 2023 includes:

- In-person monitoring at 25 facilities, interviewing over 1,400 incarcerated individuals and meeting with hundreds of security, program, medical, mental health, executive, and other staff members.
- 13 Post-Visit Briefing Reports on specific facilities and issue-based reports on the HALT Solitary Confinement Law, the Grievance Process in Prisons, and COVID-19 and Vaccine Hesitancy (see www.correctionalassociation.org/reports).
- Dashboards on incarcerated individuals under custody, unusual incidents in prisons, and deaths in custody (see www.correctionalassociation.org/data). This data is processed from 42 administrative datasets accessed through FOIL and seeks to empower policymakers, advocates, staff, and families to better understand conditions in prison.
- Comprehensive policy recommendations submitted to the Department of Corrections and Community Supervision and a Policy Agenda for new and existing legislation presented to the legislature and executive (see www.correctionalassociation.org/recommendations, <https://www.correctionalassociation.org/testimony-current-year/2023-policy-agenda-existing-legislation>, <https://www.correctionalassociation.org/testimony-current-year/2023-policy-agenda-new-proposals>).
- Engagement with more than 500 individuals by phone or written correspondence about conditions inside prisons.

CANY's work continues to influence reform efforts. In the past year:

- CANY's reporting on universal shackling in the program areas of Special Housing (SHU) and Residential Rehabilitation (RRU) units was followed by a change in policy to limit the use of shackles in program areas.
- CANY's recommendation to allow access to phones via tablets for all incarcerated individuals was taken up by the department and is being introduced as a pilot program in certain facilities.
- CANY's findings have been cited in human rights centered legislation, as evidence of real-time conditions in the state's prisons ([S7772/A8364](#)).
- CANY's recommendations to the Department of Corrections and Community Supervision in November 2023, including to expand access to college programs and support investments in transitional housing, were partially included in the Governor's FY 2025 State Budget proposal.
(<https://www.correctionalassociation.org/recommendations>)

Investing in Independent Oversight: CANY's Budget Request

CANY is requesting \$500,000 to conduct effective oversight and monitoring of facilities operated by the Department of Correction and Community Supervision (DOCCS), an agency with an appropriation of \$3.56 billion in FY2024 and \$3.58 billion FY2025. DOCCS is responsible for the custody of 32,361 incarcerated individuals as of December 1, 2023 and employs 21,582 facility staff as of January 1, 2023. (see www.correctionalassociation.org/data)

In the past year, the Department of Corrections and Community Supervision has made some progress in implementing a range of reforms initiated by the legislature and Governor, including measures to limit the use of solitary confinement, locate parents of young children in prisons proximate to their home county, and provide for access to medications for opioid use disorder in all prisons.

Although the implementation of each of these initiatives has come with challenges, the state, including the legislature, executive, and agencies should be commended for taking these steps to improve conditions in the state's prisons. It is a step in the right direction when incarcerated individuals access programs with regularity, are able to receive treatment for opioid use disorders, and are located closer to their families.

In the new year, CANY encourages the executive and legislature to continue down this path of change, by continuing to support re-entry programs and transitional housing opportunities, by expanding college programs, and by closing state prisons – moving

away from a system that isolates incarcerated individuals in remote regions of the state where local economies rely on prisons as primary employers.

CANY stands ready to inform this shift and encourages policymakers to consider our comprehensive recommendations from November 2023, including scaling existing programs, targeting needs effectively, piloting incentive-based initiatives to combat violence, forging innovative workforce partnerships, and surpassing DOCCS Transparency Plan goals.

CANY also encourages legislators to invest in CANY, a crucial independent oversight agency, as an investment in accountability and humanity. By supporting our \$500,000 FY2025 funding request, CANY can continue to monitor reforms like the HALT Solitary Confinement Act and medication-assisted treatment for opioid use disorder, while ensuring transparency in areas like prison violence, deaths in custody, and staffing challenges.

Article VII / Policy in the Budget

Correctional Facility Closures

CANY strongly endorses the Executive Budget's proposal to close up to five correctional facilities within 90 days. Due to decreases in the state prison population, driven by the success of criminal justice reforms over the past 20 years, the system is well under its rated capacity: prisons are 70% full when considering total beds versus total population. As of December 2023, the five prisons with the highest number of empty beds were:

- Great Meadow CF - 943 empty beds, 41% full
- Auburn CF - 736 empty beds, 57% full
- Franklin - 620 empty beds, 57% full
- Clinton - 614 empty beds, 69% full
- Bare Hill - 594 empty beds, 58% full

In addition to considering utilization, CANY urges the executive and legislature to prioritize proximity to major population centers when evaluating which prisons to close and to simultaneously invest in strategies for attracting and retaining qualified staff in the remaining facilities. During monitoring visits to prisons across the state, CANY identified critical staff shortages for medical and dental staff, program staff for academic and vocational programs, civilian administrative staff, and security staff. As of January 1, 2023, across all facilities and all positions, 9% of DOCCS' positions were vacant. These vacancies were concentrated in health services with 25% positions vacant, support services with 19% positions vacant, and program services with 17% positions vacant. In comparison, staff required for the direct supervision of incarcerated individuals had a

vacancy rate of 5%, indicating a shortage of security staff, but less so than the need for health, support, and program services staff systemwide.

These vacancies were concentrated in certain prisons over others.

- Sullivan Correctional Facility reported a medical services staff vacancy rate of 56%, the highest in the system, with 22 of 40 positions in medical vacant as of January 1, 2023.
- Bedford Hills Correctional Facility reported a program staff vacancy rate of 59%, the highest in the system for program staff, with 43 of 73 positions vacant as of January 1, 2023.
- Sing Sing Correctional Facility reported a support staff vacancy rate of 36%, the highest in the system for program staff, with 23 of 64 positions vacant as of January 1, 2023.

CANY's Post-Visit Briefings from monitoring visits to Sing Sing, Bedford Hills and Clinton illustrate the issue at hand. At Sing Sing, a shortage of administrative staff and program staff affected operations at large:

General observations and conversations with members of the Sing Sing administration indicated that negative factors, such as inconsistent application of rules and poor material conditions, among others, may be heightened by the large number of staffing shortages. The Sing Sing executive team reported that openings for security positions were to be filled as of February 16, but that 25 out of 71 program staff positions remained vacant. They also reported that four out of seven positions on the administrative staff remained vacant.

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At Bedford Hills, a shortage of program staff resulted in incarcerated individuals unable to access and complete required programs in advance of scheduled parole board hearings:

Many individuals we spoke to at Bedford Hills, including especially those with long sentences, reported being "program satisfied" (i.e., having taken all the mandatory programs); others reporting failing to meet their programming requirements because of long wait lists. One individual said, programs are "terrible. I was sent here for eight months to complete a program. But I spent two months here before I even saw a counselor. It's six months before my board and I haven't even done the program. Sometimes people are criticized at their board for not doing their programs, and they didn't even let me start my program. I've

been here for two months, and they drafted me to leave tomorrow, so I didn't do anything here."

https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63f29d2e341b0b52494678c3/1676844336588/2022_PVB-04-BedfordHills.pdf

At Clinton CF, in the state's North Country, a shortage of dental staff resulted in incarcerated individuals waiting long periods for access to a dental healthcare:

Incarcerated people reported extensive issues with medical, dental, and mental health services caused by critical staff shortages with interviewees indicating that requests for medical and dental care are frequently not addressed within 24 hours, or at all, and the level of treatment offered is often inadequate. 34% (n=28) of incarcerated individuals noted waiting a month or longer for a response to a request for medical care, 40% (n=31) of incarcerated individuals noted waiting a month or longer for a response to a request for dental care.

https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63f29ce144751e3cee543e66/1676844259058/2022_PVB-02-Clinton.pdf

Beyond healthcare, chronic program staffing shortages cripple rehabilitation efforts. Recruiting and retaining qualified staff for academic, vocational, and even mandatory programs like ASAT and ART remains a persistent challenge. This lack of resources hinders progress towards addressing the root causes of violence and preparing people for successful re-entry.

Expand Transitional Housing Opportunities

CANY's recent monitoring of special programs including the temporary release programs at Edgecombe and Queensboro and the Edgecombe transitional housing program revealed both promise and untapped potential. While residents and participants praised the value of these initiatives, their current capacity limits cause the initiative to fall short of its full potential.

Although the men's transitional housing program at Edgecombe has increased enrollment in recent months, the program currently does not include women. Combined with low enrollment numbers in work release programs for women systemwide, it is imperative that the legislature support the Governor's initiative to invest in transitional housing for women as well as men in this year's budget.

This investment would be well spent. There is strong evidence supporting the value of these programs. A National Institute of Justice (1) study found significantly lower recidivism rates among individuals participating in work-release programs, highlighting their effectiveness in reducing future reincarceration. Similarly, research published in the

International Journal of Prisoner Health (2) underscores the need for specialized programs geared towards older incarcerated individuals approaching reentry, acknowledging the unique health and safety concerns they face.

Given these findings, CANY urges the legislature to support the Governor's initiative to expand transitional housing opportunities to improve reentry outcomes, reduce recidivism, and ultimately, create a more effective system to support people before and through the re-entry process.

1 See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10123961>

2 See

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/assessment-effectiveness-prison-work-release-programs-post-release>

Expand College Programming to All State Prisons

CANY urges the legislature to support the Governor's proposal to make college education universally available to all eligible incarcerated individuals. This expansion would not only be an investment in individual success but also yield significant benefits for improving reentry outcomes. Despite offering live-instruction college programs at 36 out of 44 prisons, the Department of Corrections (DOCCS) has an untapped opportunity to further its stated commitment to expanding post-secondary education within the system. Notably, certain facilities like Upstate Correctional Facility, where "cadre" workers play a crucial role and others are incarcerated because of a disciplinary ticket, currently lack access to these valuable programs.

CANY's 2009 report, "Education from the Inside, Out," (4) highlighted research showing that access to college programs can decrease recidivism rates by up to 43%. A RAND Corporation study (5) echoed this finding, pointing to a similar reduction in recidivism among participants in correctional education initiatives. Additionally, studies indicate that prison-based education programs can generate significant cost savings for the state by reducing recidivism and its associated expenses. Every dollar invested in education can yield four to five dollars in savings, according to the RAND Corporation.

By making college programs universally accessible, DOCCS can unlock the potential of incarcerated individuals, strengthen communities, and contribute to a more just and equitable society.

(4) See

<https://www.correctionalassociation.org/other-reports/2009-report-education-from-the-in-side-out>

(5) See <https://www.rand.org/pubs/research-reports/RR564.html>

Independent Oversight for a Stronger New York

New York's prison system holds immense responsibility for fostering rehabilitation and upholding human dignity and rights. To ensure these goals are met, New York needs transparency and accountability. For 180 years, CANY has conducted independent prison oversight, holding the state to the standards of fairness, transparency, and humanity. But the work is far from over. New challenges and opportunities emerge constantly, demanding attention from the public and policymakers. CANY is committed to monitoring the implementation of critical reforms like the HALT Solitary Confinement Act and the expansion of medication-assisted treatment for opioid use disorders. CANY will also shine a light on areas where transparency is crucial, like reports of violence, deaths in custody, and challenges in staffing state facilities.

To do this effectively, CANY requires state funding to ensure independence and sustainability. A \$500,000 investment in CANY's FY2025 budget represents just 25% of CANY's annual expenses, but its impact will be far-reaching.

By investing in independent oversight, the state invests in a prison system that upholds human dignity, fosters rehabilitation, and ultimately, strengthens communities.