

Correctional Association of New York Testimony

Joint Legislative Public Hearing on 2025 Executive Budget Proposal: Public Protection

February 13, 2025

About the Correctional Association of New York (CANY)

Under §146 of New York's Correction Law, the Correctional Association of New York (CANY) is charged with visiting and examining the state's correctional facilities to identify and report on prison conditions, the treatment of incarcerated individuals, and the administration of policy promulgated by the executive and legislature. For 180 years, CANY has been the singular organization with express authority to conduct independent oversight over New York's prisons.

In Fiscal Year 2024, CANY conducted 19 prison monitoring visits, interviewed over 1,000 incarcerated individuals and more than one hundred state employees who work in these facilities, received hundreds of phone calls, letters, and website inquiries from or on behalf of incarcerated people seeking assistance, distributed thousands of surveys, and published 15 public-facing work products, including reports on monitoring visits, dashboards of processed administrative data, data analyses, legislative testimony, and recommendations.

CANY's independent oversight activities provide lawmakers with a nuanced assessment of the greatest challenges the Department of Corrections and Community Supervision (DOCCS) faces in safely operating humane institutions that support rehabilitation and promote public safety. When taken seriously, CANY's reports can serve as an early warning system: the organization's 2023 monitoring report on Marcy Correctional Facility called upon DOCCS' Office of Special Investigations and the New York State Inspector General to investigate serious and pervasive allegations of abuse, misconduct, racial discrimination, and neglect at the facility.

CANY's on-the-ground monitoring activities have a direct impact on public policy. For example, CANY's monitoring of extreme heat conditions at Cossackie Correctional Facility informed legislation passed last session requiring the state to mitigate extreme heat in prisons (A. 9169 Burdick / S. 7781 Harckham). CANY's report on food and nutrition in New York's prisons was instrumental in informing the public of the need for establishing means to bring fresh produce from farms located in the state to correctional facilities, a bill signed into law in 2024 (A.6854 Gibbs / S.6810 Cleare).

These reports and our subsequent recommendations have demonstrably impacted policy change, leading not only to changes in law, but also to

changes in practice, including the implementation of Wi-Fi calling from tablets issued to incarcerated people, improvements to the Incarcerated Grievance Program, and increased transparency of DOCCS data and records. Oversight is not simply about identifying problems; it is about informing policy solutions and driving positive change.

A Clarion Call for Reform

In the weeks since Robert Brooks was killed by security staff at Marcy Correctional Facility, the pervasive violence and abuses of power which define incarceration in New York State have received sustained attention from policymakers, the media, and the public, forcing the Executive to contend with these long-running problems head-on.

CANY has repeatedly recommended that the state expedite the installation of stationary cameras and the deployment of body-worn cameras systemwide. And while the use of cameras in prisons may lead to fewer instances of extreme, life-threatening violence, they are not a cure-all. DOCCS must work with partners in and outside of government to address the systemic issues that allow brutality to flourish, many of which have been described in CANY's reporting following interviews with thousands of incarcerated people over the past few years alone. CANY has urged DOCCS to partner with external organizations focused on culture change within correctional facilities and to examine the underlying causes of violence by engaging a diverse array of stakeholders.

On December 30, 2024, Governor Kathy Hochul announced landmark commitments in response to these recommendations. These corrective actions represent a significant step toward bringing about accountability. The remainder of this testimony provides CANY's assessment of a subset of those corrective actions and a selection of the proposals in the Executive Budget.

Support for the Governor's Proposal to Enhance Independent Oversight:

Prisons are opaque institutions that exercise total control over the people housed in them;¹ operate at great taxpayer expense;² and produce poor outcomes.³ Independent oversight of prisons has tremendous and wide-ranging societal benefits. First, independent oversight offers incarcerated people the opportunity to voice concerns about treatment and provide candid feedback about services available to them. The external scrutiny of independent oversight benefits prison administrators by highlighting

¹ <https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts>

² https://www.vera.org/downloads/GJNY_DOCCS-Budget-Explainer_10.25.22.pdf

³ Clear, T. R. (2008). The Effects of High Imprisonment Rates on Communities. *Crime and Justice*, 37(1), 97–132. <https://doi.org/10.1086/522360>

failures early on and by identifying opportunities to adopt best practices. Oversight benefits policymakers and the courts by providing evidence of the impact of criminal justice reforms. And finally, oversight benefits the public by promoting transparency within closed public institutions.⁴

CANY strongly supports the Governor's commitment of \$2M in new funding to support expanding its partnership with DOCCS. CANY is currently severely limited by a lack of adequate funding for the essential services it provides. CANY's FY25 budget of \$1.9M supports 11 staff to carry out oversight of 42 correctional facilities which house 33,500 incarcerated individuals and employ 26,500 staff. Seventy-five percent of this year's budget is supported by private funding sources (i.e., foundations and individual donors).

CANY calls upon the Legislature to match the Governor's commitment for a total annual appropriation of \$4M in state funds starting with the FY26 budget. It is important to note that CANY has never received an annual appropriation to support carrying out its legislative mandate. For many years, the organization received an Assembly add of \$127K, which represented the entirety of its state funding. In FY25, CANY received a total of \$227K from the Assembly and \$50K in member discretionary funding from the Senate.

Even with an increase to \$4M annually, CANY's budget allocation would represent just 0.00092% of the FY26 DOCCS appropriation of \$4.337B. CANY's proposal for a formula-based budget is modeled (in principle, but not in number) on analogous oversight bodies in other jurisdictions, such as the Civilian Complaint Review Board in New York City⁵ and the new entity created by the Federal Prison Oversight Act,⁶ among many others.⁷ An increase to \$4M in state funds would allow the organization to expand its staff from 11 to 28, increase the number of comprehensive prison monitoring visits from 10 to 24 annually, conduct more "spot-check"

⁴ Michele Y. Deitch. "But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States." In 47 American Journal of Criminal Law, Page 207 (Summer 2020).

⁵ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-1641>

⁶ <https://www.congress.gov/bills/118/congress/senate/bills/1401/text#dca65bee0f3964e078b7cee5018a620ce:https://apnews.com/article/federal-prisons-congress-oversight-abuse-transparency-biden-397d95d00d507a95c58dc0f78ada0407>

⁷ See NYC Charter § 259(b) (allotting 10% of the Mayor's Office of Management and Budget to the Independent Budget Office (IBO)); NYS Edu. Law § 2590-u(2) (further increasing IBO's budget by 2.5%); Code of the City of Albany § 42-332 (designating at least 1% of the Albany Police Department Budget to the Community Police Review Board); Chicago MCC § 2-78 (designating 1% of the Chicago Police Department's budget to the Civilian Office of Police Accountability); Chicago MCC § 2-56-010 (designating 0.14% of the total funds appropriated by Chicago's City Council to the Office of Inspector General); New Orleans Home Rule Charter § 9-401(3) (allotting 0.75% of the General Fund operating budget to both OIG and the Ethics Review Board); Calif. Gov't Code § 83122 (appropriating an annual increase of one million dollars to the Fair Political Practices Commission's fixed budget, adjusted for cost-of-living changes); and Phil. Home Rule Charter § 2-300(4)(e) (securing a minimum budget for the Philadelphia Board of Ethics' first two years of operation and authorizing the Board to sue if it fails to receive adequate funding in subsequent years); City of Miami, Florida Charter and Code, Sec. 11.5-35 (requires that its Civilian Investigative Panel "be operated on an annual budget that shall be no less than one percent of the approved regular salaries and wages line item of the city's police department general fund budget."

follow-up monitoring visits, and double the number of published reports and data analysis from 10-15 to 30 publications annually.

“Correctional Facility Security” Initiatives

Cameras: CANY supports the proposed \$400M to accelerate installation of fixed cameras throughout facilities and \$18.4M to expand the use of body-worn cameras. CANY recommends that DOCCS issue regular, detailed reports of its progress installing and deploying cameras.

- According to a Prison Rape Elimination Act (PREA) audit⁸ of Mid-State Correctional Facility, only 14 out of 42 facilities, or 33%, had fixed cameras as of November 2024. CANY documented during its October 2022 monitoring visit to Mid-State Correctional Facility that a fixed camera installation project was in the capital project pipeline; during a follow-up visit on January 27, 2025, CANY representatives learned that that project had not yet begun. A 2020 settlement⁹ relating to the 2015 killing of Karl Taylor at Sullivan Correctional Facility included the stipulation that DOCCS install comprehensive video and audio recording equipment throughout the prison. According to the Mid-State PREA audit, camera installation was still underway at Sullivan when the facility was shuttered in November 2024.
- Again, according to the Mid-State PREA audit, which as of this writing is the most detailed source of public source of information CANY has identified about the status of camera installation in DOCCS facilities, body-worn camera programs are fully implemented at seven facilities (Bedford Hills, Fishkill, Franklin, Marcy, Mid-State, Sullivan, and Taconic) and four additional facilities have body-worn camera pilots underway or a subset of staff wear body cameras. On January 28, 2025, CANY representatives learned during follow-up visit to Mohawk Correctional Facility that body cameras are now fully in use at that facility.

Expand and Restructure Office of Special Investigations (OSI): CANY supports the restructuring of OSI to handle complaints more expeditiously, increase trust and accountability, and ensure that DOCCS can effectively carry out internal investigations. CANY urges the Legislature to seriously consider the three bills advanced by Senator Julia Salazar’s “Prison Safety is Public Safety” slate to ensure additional accountability and independent oversight.

⁸ <https://doocs.ny.gov/system/files/documents/2024/11/mid-state-cf-final-prea-audit-report-11.22.24.pdf>

⁹ <https://www.pbwt.com/news/firm-secures-unprecedented-settlement-on-behalf-of-deceased-inmate>

- CANY regularly speaks with incarcerated individuals who express distrust in OSI’s efficacy and independence. Specifically, individuals assert that numerous OSI staff are “former COs” who view complaints through the lens of their prior experience and are unable to hold their colleagues accountable. In expanding OSI, DOCCS must prioritize recruitment of individuals outside the field of corrections with specialized knowledge, including in forensic medicine.
- Despite widespread distrust, the OSI hotline took 44,625 calls in a recent 10-month period. Between January 2022 and January 2023, roughly 18,480 individual complaints were recorded. These figures suggest that there is a tremendous need for capacity to carry out internal investigations that resolve complaints and hold individuals accountable.

Public Protection and General Government Article VII Legislation:

“Eliminate Outdated Barriers in Public Safety Recruitment”: CANY supports innovative approaches to addressing the 11% system-wide security staff vacancy rate.¹⁰ In addition to eliminating residency requirements and increasing the mandatory retirement age, CANY has recommended¹¹ that DOCCS take additional steps to recruit, retain, and support staff, including by increasing trainings on staff wellness and expanding staff recruitment/retention activities like the CNY 200 Recruitment Initiative¹² and discretionary changes to the negotiated reassignment list. Vacancies and absences due to other factors, such as workers’ compensation claims¹³, are placing strain on the system in a variety of ways recently observed by CANY, including:

- Mandatory overtime: In January CANY representatives conducted monitoring at two facilities where some security staff are working 24-hour shifts due to staffing shortages. Staff are easily working at least 32 hours of overtime per pay period in a number of facilities. Overwork and mandatory overtime raise serious health and safety concerns for corrections staff and the facilities in which they work.¹⁴

¹⁰ <https://www.correctionalassociation.org/data/dashboard-staffing>

¹¹ https://static1.squarespace.com/static/62f1552c1dd65741c53bbc8/t/67802e0841cad052098abba3/1736453641486/CANY_Recommendations_010924.pdf

¹² https://www.wktv.com/career-fair/nys-department-of-corrections-community-supervision/article_67515134-58f5-11ef-8cdd-d31fa642f508.html

¹³ <https://www.correctionalassociation.org/data/dashboard-workers-compensation>

¹⁴ <https://www.uml.edu/research/cph-new/resources/corrections-officer-health-resources/>

- Closure of programs and delays in construction: While DOCCS' Annual Legislative Report of Security Staffing¹⁵ cited a 5% average post closure rate in 2023, CANY representatives have documented numerous instances of cancelled or reduced services. For instance, at Mohawk Correctional Facility, programs are being cancelled two days per week and construction is being cancelled on Fridays due to staffing shortages.

Prison Closures: CANY also supports the reauthorization of the traditional prison closure process, which is included as part of the “various criminal justice and public safety programs,” extended by the Governor in Part A of the Public Protection and General Government Article VII Legislation. Pursuing this process can help in addressing staffing shortages, excess capacity, and providing communities with adequate notice and support during deliberations over prison closures.

Closing Remarks

The killing of Robert Brooks demands a fundamental break from the culture of violence, contempt, and neglect that has for too long characterized New York’s prisons. CANY presents this testimony in the spirit of partnership with the State of New York so that this event is remembered not just as a tragedy, but as a watershed moment for transparency, accountability and lasting change at all levels within the state correctional system.

¹⁵ <https://doccs.ny.gov/system/files/documents/2024/03/2023-doocs-report-of-security-staffing-final.pdf#:~:text=In%20accordance%20with%20Correction%20Law,facility%20on%20a%20daily%20basis.>