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March 22-23, 2023

Monitoring Visit to Eastern New York Correctional Facility

**Correctional Association
of New York**

Post-Visit Briefing and
Recommendations

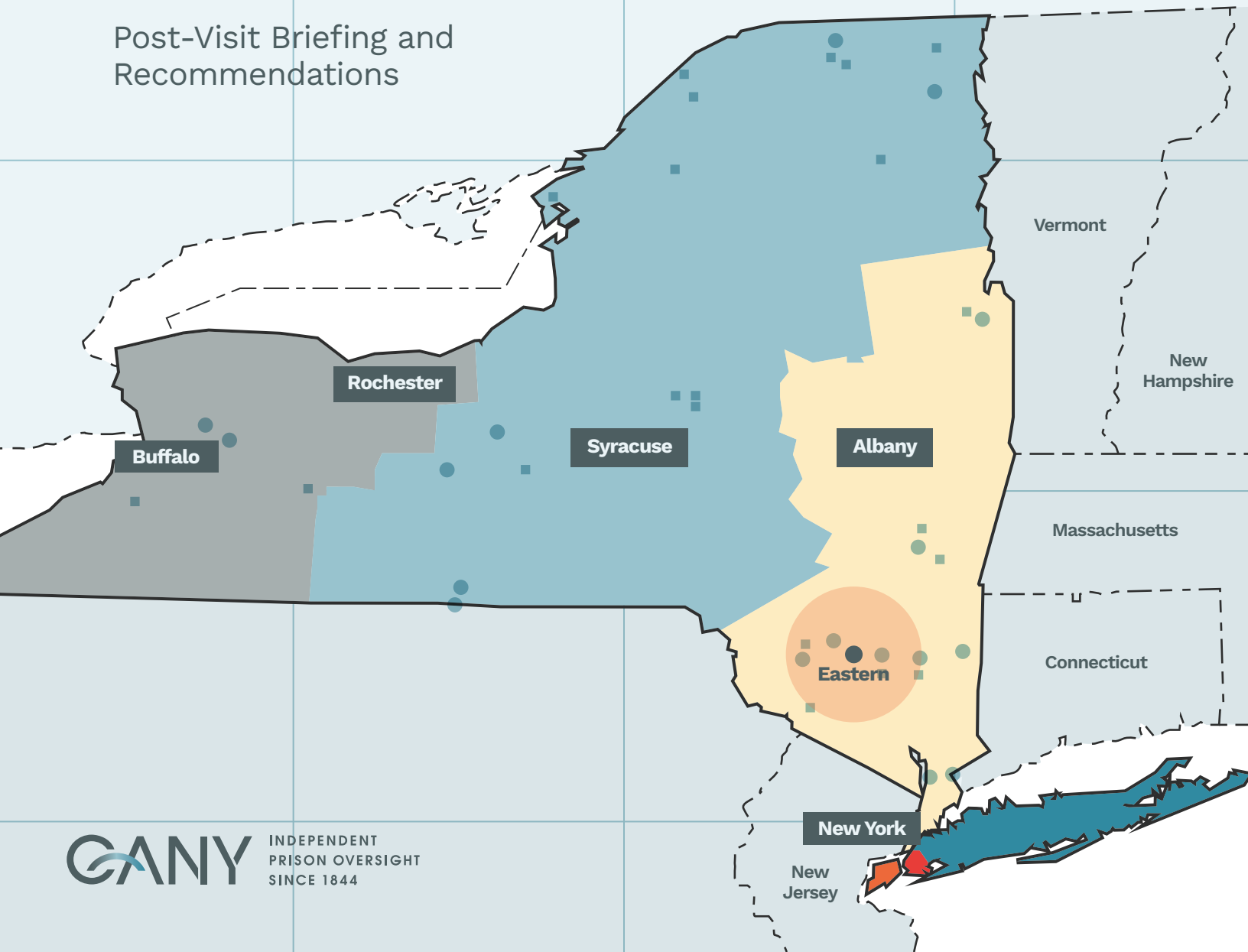


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Background

On March 22 and 23, 2023, the Correctional Association of New York (CANY) conducted a monitoring visit of Eastern New York Correctional Facility, a maximum-security facility for adult men in Napanoch, Ulster County NY. Eastern is the sixth oldest facility in NY. CANY’s monitoring visit to Eastern was conducted as part of its oversight mandate pursuant to Correctional Law §146(3).

During the monitoring visit, CANY representatives held meetings with the Department of Corrections and Community Supervision (DOCCS) Executive Team, the facility health service administrator, and staff from the State Office of Mental Health (OMH). CANY also held meetings with the Incarcerated Liaison Committee (ILC) and the Incarcerated Grievance Resolution Committee (IGRC), as well as representatives from the New York State Public Employees Federation (PEF), CSEA, Council 82 and the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA). CANY conducted visual observations of housing units, the infirmary, recreation yard and fitness rooms, mattress shop, mess hall, Catholic Chapel, and academic and vocational classrooms.

The CANY visiting party carried out interviews with incarcerated individuals in general population housing areas, the Special Housing Unit (SHU), and the Sensorially Disabled Unit (SOU).

Housing Unit	Interviewees
General Population	68
Sensorially Disabled Unit	15
Special Housing Unit	3
Total	86

Findings

Basic Provision of Services

1. Incarcerated people reported that items in commissary were inconsistently available and often unaffordable.
2. While a large portion of people at Eastern reported being afforded three meals a day, many people expressed dissatisfaction with the food quality.

3. Incarcerated people reported good access to phones and tablets in general population units.
4. Incarcerated people reported good access to visits in general population units.
5. Most incarcerated people reported that they were able to access items from packages in a timely manner; however, some experienced arbitrary denials of items.

Medical and Dental Health Care

6. Incarcerated people reported mixed experiences with the quality and accessibility of healthcare services.

Mental Health

7. Most people interviewed at Eastern were not on the OMH caseload. A smaller share of respondents reported being interested in mental health programs and unable to access them.

Programs and Recreation

8. There is a depth and breadth of program opportunities at Eastern that should serve as a model for other facilities across the state.

Staff Behavior

9. Many incarcerated people provided positive reports about treatment from staff at Eastern compared to other prisons. Despite that, some allegations of verbal, physical, and racialized abuse in general population units were still reported.

Grievances

10. Incarcerated people at Eastern expressed a lack of confidence in the grievance process.

Discipline

11. Incarcerated people reported an increase in loss of privileges as a discipline for misbehavior reports.

Material Conditions and Environmental Issues

12. People's perceptions of water as being unsafe to drink led many to rely on bottled water.

Methodology

CANY's findings for this report primarily draw from interview data. Throughout the visit, CANY representatives conducted one-on-one structured interviews with 86 incarcerated individuals and held semi-structured informational meetings with (1) incarcerated individuals serving on various committees, (2) the facility's executive team, (3) medical staff, (4) mental health staff, and (5) union representatives. To supplement the information gathered through these interviews, CANY representatives recorded notes ad hoc as they walked through housing units, the infirmary, and academic and vocational programming areas. The sections below contain additional details about CANY's interview methods.

One-on-One Interviews

CANY representatives interviewed 86 incarcerated individuals: 69 in general population housing, 15 in units for people with sensory disabilities (SDU), and three in the Special Housing Unit (SHU). Two protocols were used to guide these interviews: (1) a 29-question protocol for people in general population housing units and the SDU, and (2) a 59-question protocol for people in the (SHU). All protocols include open-ended and close-ended questions. Additionally, all interview protocols clarify that participation is voluntary and that respondents do not have to answer every question. Therefore, the number of respondents included in the summary tables in the following sections of this report may not correspond with the total number of respondents interviewed during the visit.

CANY representatives transcribed their interview notes in the week following the visit. Once the interview data is transcribed, CANY staff tabulated responses to closed-ended questions. To gauge whether the people's responses at Eastern mirror those at other maximum-security prisons, we compare close-ended responses collected on this visit to those collected at Elmira in April 2022, Cocksackie in July 2022, and Wende in June 2023. To identify prevalent themes, the open-ended interview data is coded using a combination of "top-down" and "bottom-up" approaches. Staff begin coding the data using a predetermined set of codes based on the topics outlined in our protocol forms, which include questions about key services and entitlements, as well as CANY's thematic analysis of past visit data. As staff conduct this initial round of coding, they keep notes to identify additional patterns that emerge from the data. Subsequently, staff re-code the data using the codes derived from the data. Counts of how often a particular theme or sub-theme up in the interview data and illustrative quotes appear throughout the report.¹

Informational Meetings

During the visit, CANY representatives held meetings with (1) Eastern's Executive Team, (2) the Nurse Administrator and other medical staff, (3) the ILC and the IGRC, (4) the Grievance supervisor, (5) representatives from New York State Law Enforcement Officers Union (Council 82), the New York State Public Employees Federation (PEF), the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), and the Civil Service Employees Association (CSEA), and

¹ Occasionally, a particular theme or sub-theme may come up repeatedly during a single interview.

(6) OMH mental health staff. These meetings followed semi-structured interview guides, with questions tailored to each stakeholder group.

Following the visit, CANY representatives transcribed their notes from the informational meetings. CANY staff reviewed meeting notes to gain a better understanding of the institution's policies, procedures, and practices.

Eastern New York Correctional Facility

Eastern New York Correctional Facility, a maximum-security facility² for adult men in Napanoch, Ulster County NY. Eastern is the sixth oldest facility in NY. During CANY's visit, the executive team shared information about Eastern's layout, capital projects, programs, and incarcerated population. CANY supplemented the information reported by the executive team by reviewing administrative datasets obtained via FOIL request. CANY uses these datasets to compare the (1) demographic characteristics of the Eastern population and (2) incidents reported in Eastern to those of the entire DOCCS system.

Physical Layout

There are a total of nine housing units, eight for general population, of which five units are cell blocks and three are small dormitories. There is a Sensorially Disabled Unit (SOU) to meet the needs of hearing and/or visually impaired incarcerated individuals. This is a 32-bed unit with its own program room. According to the executive team, Eastern provides sight guides and readers for people with vision impairments and an ASL instructor for people with hearing impairments.³ There is also one cell block unit used as a Special Housing Unit (SHU). Eastern has a video monitoring system covering only the facility's exterior perimeter, SHU and visiting room.

Capital Projects

To maintain the physical plant and comply with regulations, the executive team recently completed several capital projects and was working to initiate several others. Eastern was undergoing renovations in various wings of the prison to replace cell backs, toilets, sinks, showers, and lighting at the time of the visit. A new fence and water tower were installed in 2019. The executive team indicated that body worn cameras were coming soon and would be worn by all correction officers and sergeants. To comply with HALT one side of a gallery in the SHU was closed and RESTART chairs were installed.

Programs

The executive team described the academic, vocational, and industry programs available at the facility (see Table 2 below). Eastern also has an 850-seat auditorium which hosts various

² Eastern and Coxsackie are the only Maximum B facilities in the state, which according to the DOCCS security reclassification guideline means they house incarcerated individuals with a lower risk score for institutional risk and public safety risk. See [class-and-movement-manual-2018-part-2.pdf](#)

³ See Eastern New York Correctional Facility Directive 0049.pdf (ny.gov)

performances including debate competitions and graduations. The executive team reported that the week prior to our visit they had hosted the Bard College orchestra. Eastern has one large yard with gym, TV pavilion, weight room, and phones.

Staffing shortages are a concern at Eastern; on the day of our visit there were 45 civilian vacancies and 16 vacancies for correction officers.⁶ According to the executive team the 45 civilian vacancies include: an instructor for the Culinary Arts program, nine staff in the business office (only 6 of the 15 positions were filled), a dentist and hygienist. According to the executive team, staffing shortages impact all aspects of the operations of the prison including programming, and medical runs for outpatient care. Union representatives also reported concerns with recruitment of security staff and believed that salary was a major concern for some candidates.

Type	Programs	Comments
Education	Adult Basic Education (ABE)	11 enrolled
	Bard College ⁴	176 enrolled 111 FOR ASSOCIATES / 65 FOR BACHELOR
	Correspondence College	3 enrolled
	American Sign Language (ASL)	
	English as a Second Language (ESL)	
	High School Equivalency (HSE)	
	Pre-High School Equivalency (PRE-HSE)	
	Cell study	21 enrolled LANTERN PROGRAM ON TABLETS OFFERED IN SHU
	Multi-Level	9 enrolled FOR INDIVIDUALS WITH MOBILITY ISSUES
	Puppies Behind Bars	

4 Eastern Correctional Facility partners with the Bard Prison Initiative and provides associate's and bachelor's degree programs.
 5 The executive team said the CDL program will offer certificates that will be valid for one year; upon release the individual will need to qualify for the official license. The trucking simulator that will be used for this program reportedly cost \$100,000 and allows students to experience real-life scenarios virtually. This is one of five that exist across the state.
 6 According to DOCCS Biweekly Staffing Report from January 2023, there were 24 vacancies for supervision of inmates, 15 vacancies for support services, 10 vacancies for health services, 15 vacancies for program services. This data was obtained by CANY via FOIL.

Vocational	Welding	11 enrolled
	Masonry	22 enrolled
	Building Maintenance	22 enrolled
	Culinary Arts	0 enrolled DUE TO AN INSTRUCTOR VACANCY
	Puppies Behind Bars (new)	14 enrolled
	Commercial Driver's License (CDL) ⁵	8 waiting to start as the first cohort. <small>Some eligibility requirements for this program include being 2-3 years from earliest release, have no tier 3 ticket in the last sixmonths and pass physical and visual exams.</small>
Industry*	Mattress Manufacturing	
	Metal Shop	Produces road signs
Ministerial, Family and Volunteer	Religious	
	Family Reunion Program	14 religious groups
Therapeutic Programs	Aggression Replacement Training (ART)	Six units shared with Ulster Correctional Facility
	Alcohol and Substance Abuse Treatment (ASAT)	
<p><i>Source: CANY Representatives Notes from Meeting with Executive Team on March 22, 2023</i> <i>Note: "A total of 102 people were enrolled in the industry program.</i></p>		

Population

Before and after each visit, CANY reviews “Incarcerated Individuals Under Custody,” an administrative dataset that represents the individuals under the custody of DOCCS on a given day. Per the March 1st 2023 snapshot, there were 771 individuals incarcerated at Eastern. Ninety-seven percent (97%, N=771) of these individuals were assigned to general population units, and 3% (N=771) were housed in the SDU.⁷

The racial distribution of the Eastern population mirrored that of the statewide prison system, with some exceptions. The proportion of people identified as white was lower in Eastern compared to the statewide system. Additionally, there was a relatively high proportion of missing racial information.

⁷ DOCCS' under custody data does not account for SHU placements at Eastern. However, at the time of our visit there were three people in the SHU.

Unusual Incidents

CANY reviewed: (1) DOCCS’ unusual incident data for January through March of 2023 and (2) State Commission of Correction’s (SCOC) death data, which contains identifying information unlike DOCCS’ unusual incident data.

According to the SCOC data, there were no deaths so far in 2023 at the time of our visit. There was one death in 2022 and two deaths in 2021. Meanwhile, the unusual incident data indicates that the average monthly rate of unusual incidents reported at Eastern is generally lower than the system-wide average (see Table 3 below).

Type	Incident	Eastern		System Wide	
		Count	Avg. Monthly Rate 1K PPL. in Custody	Count	Avg. Monthly Rate 1K PPL. in Custody
Assaults	Assault on Incarcerated Individual	7	1.4	374	4.0
	Assault on Staff	4	0.8	270	2.9
	Other Assault	0	0.0	1	0.0
Contraband	Weapons	9	1.8	583	6.2
	Drugs/Alcohol	1	0.2	71	0.8
	Other	2	0.4	104	1.1
Disruptive Behavior	Refused Instruction/ Refused Strip Frisk	5	1.0	295	3.1
	Cell Extraction	0	0.0	51	0.5
	Other	1	0.2	2	0.6
Self-Harm & Suicide	Self-Inflicted Injury	0	0.0	14	0.1
	Suicide Attempts	1	0.2	31	0.3
	Suicides	0	0.0	1	0.0
Death in Custody	Deaths by Natural Causes	0	0.0	1	0.0
	Other Deaths, Excluding Natural Deaths	0	0.0	9	0.1

Source: DOCCS Unusual/ Incident Reports, January-March 2023

Impressions From Visit

Below are the initial impressions from the visit to Eastern that CANY representatives reported to the DOCCS facility executive team during a debrief meeting. A version of these impressions was also emailed to DOCCS' central office and mailed to the ILC and IGRCgroups following the visit.

Programming

- There is a depth and breadth of program opportunities at Eastern that should serve as a model for other facilities across the state. CANY representatives were particularly impressed by high enrollment in the Bard college program, the newly established COL program, and the reports of the Culinary Arts Program (not in operation during our visit due to staffing limitations).

Material Conditions and Environmental Issues

- Many individuals reported that when physical equipment in their living area is not working properly, it is addressed and fixed in a timely manner.
- It appeared that incarcerated people overwhelmingly did not trust the tap water and instead were relying on water they were buying at commissary. CANY was informed by the Executive Team that previously there was more iron in the water which gave it a brown tint. It was helpful to learn that as of 2019, the water tower has been renovated and a new filter added; that weekly samples are sent to a lab and the town conducts periodic certification; and that annual water testing results are posted in the housing units and made available in the law library.

Medical and Dental Health Care

- Many incarcerated individuals reported that they didn't have confidence in the dentist, and some had refused care for serious dental problems as a result of this. The executive team indicated that they are aware of the concerns and in conversation with Central Office about this situation.
- We heard from some individuals that they had experienced difficult conditions during medical transports, and that this has deterred some individuals from seeking care.

Discipline

- CANY raised concerns about anecdotal reports of a high rate of frivolous disciplinary tickets being issued, particularly in the academic building, and excessive loss of privilege sanctions.

Institutional Culture

- Overall, the CANY team found that the institutional culture at Eastern is far better than other prisons CANY has monitored recently. Some positive factors include the auditorium used to host orchestra performances and debates; the institutional radio channel that is produced by incarcerated people; the abundance of and commitment to programs; and other practices such as allowing conversation during movement (as distinct from practices at other maximum-security prisons that disallow talking in hallways or even on housing units).
- Many individuals reported that dividing the population into A and B groups for recreation in the yard has posed challenges for the ILC representatives to communicate with one another and made it difficult for individuals to maintain other important relationships.

Analysis Of Monitoring Data

Basic Provisions Of Services

CANY representatives asked incarcerated people in general population units about their access to services such as commissary, packages, food, phone calls and visits. Below are the findings and responses to those questions.

Questions	Responses					
	YES		NO		TOTAL	
	Percent	Count	Percent	Count	Percent	Count
Is the commissary adequately stocked with items on a regular basis?	26%	17	74%	48	100%	65
Are you able to access items from packages in a timely manner?	74%	43	26%	15	100%	58
Are you receiving three meals per day in adequate portions?	89%	58	11%	7	100%	65
Are you able to make phone calls, either by using the phones or through a tablet?	94%	60	6%	4	100%	64
Do you receive in-person visits ?	87%	55	13%	8	100%	63

Commissary

1 Incarcerated people reported that items in commissary were inconsistently available and sometimes unaffordable.

26% (N=65) of respondents in general population units at Eastern agreed that the commissary is adequately stocked on a regular basis. Concerns related to commissary are common across facilities. Eastern and Ulster share a commissary among other services.⁸ A greater share of respondents at other maximum-security prisons felt that the commissary was adequately stocked: 52% (N=44) at Elmira, 48% (N=58) at Coxsackie. Responses at Wende mirrored those at Eastern—22% (N=76) of respondents at Wende felt the commissary was adequately stocked.

Qualitative responses to open-ended questions provide further detail:

Prices, wages, and availability

Incarcerated individuals in general population reported concerns about the high cost of commissary items (21 instances) and fluctuating prices (6 instances). Many reported that wages for incarcerated people are not on par with rising inflation costs (7 instances) making it hard to afford buying items from the commissary. Many also reported items often being out of stock (23 instances).

- “terrible”; “prices are going up”
- “overpriced, always out of stock”
- “Something is always out of stock”
- “Prices are ridiculous”

Unhealthy food options

In addition to the concerns raised above, incarcerated people reported a lack of healthy food options in the commissary (11 instances). CANY representatives spoke with individuals with special diets (e.g., vegetarian or vegan) who rely on commissary for their meals and believed that the food options and portion servings provided to them do not fit their needs (5 instances).

- “Veggies and stuff are all rotten”
- “should be more healthy than just candies”

⁸ A similar share 21% (n=33) of incarcerated people at Ulster felt the commissary was adequately stocked.

Food

2 While a large portion of people at Eastern reported being afforded three meals a day, many people expressed dissatisfaction with the food quality.

89% (N=65) of respondents in general population units at Eastern said that they are being afforded three meals a day in adequate portions. This finding mirrors the responses of incarcerated people in other maximum prisons, like Coxsackie and Wende, where 76% (N=62) and 84% (N=74) of respondents, respectively, reported being afforded three meals a day in adequate portions.

- During the visit CANY representatives walked through the mess hall and were informed that the menu is on an 8-week cycle and the ILC is given the opportunity to provide input about the menu and share complaints. The executive team said they believed 40% of the food at Eastern was cook / chill.⁹
- CANY representatives learned that there were 150 people on the Ramadan list for special meals at designated times. The executive team also shared that mess hall workers have a locker room, shower and day room with games provided to them.
- ILC and IGRC members felt that food at Eastern is unhealthy and they believe it leads to medical issues because it comes in a plastic bag, pre-processed and frozen.¹⁰

Qualitative responses to open-ended questions provide further detail:

Mess Hall Participation

Incarcerated individuals reported that while food is afforded via the mess hall they choose not to participate (10 instances) and instead cook their own food from items bought via commissary or sent through packages.

- “I don’t go down there to eat that food”
- “mostly buy food from commissary”
- “I buy my own stuff”
- “I don’t go to meals, they’ve gotten shabby with the quick [sic] chill, too much soybeans”

⁹ Cook chill is a method of food preparation that prepares food and then stores then into bags and chilled. Food is held in refrigerators until ready to ship. Cook Chill Production Center - Customer Manual 2022 (ny.gov)

¹⁰ Ibid.

Quality and Unhealthy Food Options

While a high share of the respondents at Eastern reported being afforded access to three meals a day, many shared concerns about the quality and nutritional value of the meals offered (16 instances). Some believed the meals are high in carbohydrates, starch and sodium and include too many soybeans (9 instances).

- “Everything is processed”
- “terrible, not real cooked food, it’s quick chill”
- “Everything has soybeans”
- “nutritional value is horrible”

Phones

3 Incarcerated people reported good access to phones and tablets in general population units.

94% (N=64) of respondents in general population units at Eastern reported being able to use the phones to make calls. Similarly, a high proportion of respondents at other maximum-security prisons indicated that they were able to make calls: 89% (N=47) at Elmira, 92% (N=61) at Coxsackie, and 94% (N=88) at Wende.

- The executive team reported that a new policy for the yard had been implemented whereby the population is split into two groups, group A and B. Each group is afforded recreation at different times. They believe this allows for easier access to phones in the yard and addresses security concerns.
- ILC and IGRC reported that the new recreation schedule impacts people’s access to the phones in the yards because they are only able to access the yard once a day. They also reported the split negatively affects relationships among ILC members and others.

Qualitative responses to open-ended questions provide further detail:

- Incarcerated individuals reported concerns with accessing the phones in both the yard and the housing units (9 instances).
- Some people reported the elimination of late recreation has impacted their ability to access the phones (5 instances) due to the gangs controlling the phones in the yard (3 instances).
- People in general population units expressed a desire to make phone calls via the tablets and in their cells, noting that these options are available to people in the SHU (5 instances).

Visits

4 Incarcerated people reported good access to visits in general population units at Eastern.

87% (N=63) of respondents in general population units at Eastern reported having access to in-person visits, compared to 77% (N=86) at Wende.

- Visits occur daily and run from 9:00 am to 3:30 pm Mondays to Fridays, and 9:00 am to 3:00 pm on weekends and holidays.

Packages

5 Most incarcerated people reported that they were able to access items from packages in a timely manner; however, some experienced arbitrary denials of items.

74% (N=58) of respondents in general population units at Eastern reported being able to access items from packages in a timely manner, compared to 48% (N=29) at Wende. Although respondents generally indicated that packages are delivered in a timely manner, they also reported concerns about the arbitrary denial of items enclosed in the packages. The executive team said that package room attendants are consistent, and catalogues are available for people in the main and satellite libraries.

- ILC and IGRC members reported that people are only allowed two packages per month under the new package directive¹¹ but sometimes vendors like Walmart will send one purchase through multiple installment packages which then leads to items being denied.

Qualitative responses to open-ended questions provide further detail:

Overall, during our visit to Eastern, concerns about packages were one of the top concerns that CANY representatives heard (44 instances).

Denials of items

Incarcerated individuals shared the impression that items from packages are arbitrarily denied, even if items are purchased from what they believe is an approved vendor (6 instances). According to DOCCS policy if an item is denied there are two options for the incarcerated individual: 1) send it to a loved one at their own expense or 2) donate it to a charity of their choice. One individual said he had to pay \$16 to return his package.

¹¹ Many incarcerated individuals reported concerns about access to items from packages in most recent visits to Eastern, Ulster, Wende, Wyoming due to recent changes to the DOCCS' package policy. See Directive 4911.pdf (ny.gov). The directive includes a list of allowable articles as an attachment which outlines approved items for the following categories: food items, food utensils, tobacco products, toilet articles/ cosmetics, clothing, educational supplies, miscellaneous, recreational supplies, art & hobby supplies, and religious articles.

- “a lot of items they’ll deny us”
- “the package room is terrible, they say you can get something and they give it to you then you go back and they deny it”
- “they pick and choose when to abide by the rules”
- “It depends. They have all types of excuses”

Cost

CANY’s interviews with incarcerated people highlighted another issue regarding the recent rollout of the new package directive. People frequently reported concerns about the cost of items sold by vendors (15 instances). Some incarcerated people said they stopped receiving packages because they do not want to burden their families with the increased cost (10 instances).

- “vendors approved for here are outrageously expensive.”
- “Prices are ridiculous”
- “I was reluctant to have my family send me something”

Medical and Dental Health Care

6 Incarcerated people reported mixed experiences with the quality and accessibility of healthcare services at Eastern. Long wait times for treatment was a common concern.

Medical

92% (N=59) of respondents in general population units at Eastern reported receiving medical care when requested, compared to, 81% (N=73) at Wende, and 80% (N=46) at Coxsackie. Still, 66% (N=56) of respondents at Eastern still felt they had unaddressed medical and dental needs as compared to 50% (N=38) at Elmira, 46% (N=56) at Coxsackie, and 46% (N=69) at Wende.

45% (N=47) of respondents in general population units at Eastern believed the level of medical care received was adequate. A slightly higher share of respondents at Wende, 56% (N=52), felt the level of care was adequate. 42% (N=33) of respondents in general population units at Eastern who had received medical care waited one month or more to get treatment.

Questions	Responses					
	YES		NO		TOTAL	
	Percent	Count	Percent	Count	Percent	Count
If you requested medical care, have you received a response?	92%	54	8%	5	100%	59
If you requested dental care, have you received a response?	72%	34	28%	13	100%	47
Do you have unaddressed medical or dental needs?	67%	37	34%	19	100%	56

	YES		NO		N/A		TOTAL	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count
If you have received medical care, was the level of care adequate?	45%	21	45%	21	11%	5	100%	47
If you have received dental care, was the level of care adequate?	46%	13	39%	11	14%	4	100%	28
Are you receiving medication as prescribed, including scheduling and dosage?	58%	32	5%	3	36%	20	100%	55

	2 DAYS		1 WEEK		2 WEEKS		1 MONTH		>1 MONTH		TOTAL	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count
If you have received medical care, how long did it take to care?	30%	10	9%	3	3%	1	15%	5	42%	14	100%	33
If you <i>have not</i> received medical care, how long has your request been outstanding?	0%	0	50%	1	0%	0	0%	0	50%	1	100%	2
If you have received dental care, how long did it take to care?	11%	2	0%	0	0%	0	5%	1	84%	16	100%	19
If you <i>have not</i> received dental care, how long has your request been outstanding?	0%	0	0%	0	13%	1	13%	1	75%	6	100%	8

Dental

70% (N=44) of respondents in general population units at Eastern who requested dental care reported receiving care. 44% (N=25) of respondents at Eastern who received care believed the level of care was adequate. A much higher share of respondents, 72% (N=39) at Wende and 61% (N=44) at Coxsackie believed the level of care was adequate.

- CANY representatives met with medical staff who believed they were fairly well staffed and satisfied with their Budgeted Fill Level¹². At the time of our visit, Eastern had one full-time dentist, one per-diem dentist, and was in the process of hiring a dental hygienist. Additionally, medical staff reported an oral surgeon comes twice a month or when needed. The Nurse practitioner had recently resigned and DOCCS was hiring her replacement. Tele-health services are available for the population.
- Medical staff reported that medical emergencies that cannot be handled at the facility are treated at Ellenville hospital or the Albany Medical Center.
- CANY representative raised concerns reported by incarcerated people with the dentist, who reportedly had physical impairments due to advanced age. The executive team reported being aware of concerns with the current dentist and said they were working to address it and that the alternative would be to have no dentist since this is typically a role that is difficult to fill.
- Eastern has a Medication Assistance Program (MAT)¹³ with 41 individuals enrolled at the time of our visit. According to the medical team, Suboxone is the medication given for treatment, and individuals must get their medication daily. People participating in the program have to wait until the medication dissolves before returning to their housing unit. CANY representatives heard concerns from incarcerated individuals relating to stigma from officers for participating in the program. One individual said officers call people who participate “crackheads”.

Qualitative responses to open-ended questions provide further detail:

Incarcerated individuals expressed many concerns regarding their timely access to medical, dental, and specialty care services, as well as the quality of dental care at Eastern. Despite concerns about long wait times for healthcare services (24 instances), many believed that medical staff at Eastern were quick and responsive during medical emergencies (19 instances).

Mistrust in Dental Care

Many Incarcerated individuals said they did not trust the dentist (7 instances) or had been unable to get a dental cleaning (5 instances).

- “The guy that has to pull teeth has to hold his hand because it shakes”
- “I felt unsafe when I saw him.”
- “Dental here frightens me”

¹² Budgeted Fill Level refers to allocated personnel or the staffing level at the facility. See 9999.pdf (ny.gov)

¹³ On October 7, 2021, Governor Kathy Hochul signed multiple pieces of legislation intended to combat drug-related overdose deaths across New York State and to help people currently suffering from addiction to seek help. This included establishing programs for incarcerated individuals. Governor Hochul Signs Legislation Package to Combat Opioid Crisis | Governor Kathy Hochul (ny.gov)

- “I would never have him pull my teeth”
- “Dental is the worst, I’ll deal with it when I get home”

Long waits for Treatment

- Many incarcerated individuals, including those with chronic care needs (e.g. diabetes, cancer, and heart problems), said they were waiting several months to see a doctor or a specialist for their needs (16 instances). One individual said, “medical is terrible, they drag their feet.”
- Another individual with cancer said his disease “shouldn’t have gotten that far” and blames the progression on delays in treatment.

Mental Health Care

7 Most people interviewed at Eastern were not on the OMH caseload. A smaller share of respondents reported being interested in mental health programs and unable to access them.

Eastern is an OMH designation level 2 facility¹⁴. According to OMH staff there is no mental health programming or mental health crisis units at Eastern; incarcerated individuals in need of these services are sent to Sullivan or Fishkill Correctional Facilities.

88% (N=75) of respondents in general population units at Eastern were not on the OMH caseload. Only nine people out of the 75 (12% of respondents) we spoke with said they were on the OMH caseload. A larger share of respondents at Coxsackie (38%, N=64) were on the OMH caseload. Coxsackie is an OMH level 1 & 2 facility. 25% (N=89) of respondents at Wende were on the OMH caseload, which is an OMH level 1 facility.

¹⁴ Level 2 means an OMH staff person is assigned on a full-time basis and able to provide treatment to inmates with a major mental illness, but such disorder is not as acute as that of inmates who require placement at a level 1 facility. Mental Health Program Descriptions – 7/5/11 (nysed.gov)

Housing	Questions	Responses							
		YES		NO		N/A		TOTAL	
		Percent	Count	Percent	Count	Percent	Count	Percent	Count
General Population Units & SDU									
	Are you on the OMH caseload?	12%	9	88%	66			100%	75
	Are you getting the mental health programs you need?	21%	13	11%	7	68%	43	100%	63
	Have you attempted to hurt yourself in this prison?	0%	0	100%	68			100%	68
SHU									
	Are you on the OMH caseload?	0%	0	100%	1			100%	1
	Are you getting the mental health programs you need?	0%	0	0%	0	100%	1	100%	1
	Do you have unaddressed mental health needs?	0%	0	0%	0			0%	0
	Have you attempted to hurt yourself in this prison?	0%	0	100%	2			100%	2

- CANY representatives met with staff union representatives who expressed their belief that Eastern has a better work environment characterized by fewer fights and incidents. They attributed this environment to an incarcerated population with fewer people with mental health problems.
- According to Central New York Psychiatric Center data, only 10% (81 people) of the total population at Eastern were on the OMH caseload in March 2023.

Qualitative responses to open-ended questions provide further detail:

- Some incarcerated individuals reported limited access to mental health or anger management programs (3 instances).
- Some incarcerated people reported being interested in obtaining mental health services (8 instances). One individual said his ORC discouraged him from getting services by saying, “you’re not crazy.”

Programming and Recreation

8 There is a depth and breadth of program opportunities at Eastern that should serve as a model for other facilities across the state.

77% (N=74) of respondents in general population units at Eastern reported being able to enroll in academic and vocational programs, compared to, 69% (N=48) at Elmira, 54% (N=57) at Coxsackie, and 48% (N=89) at Wende respondents being able to enroll in the same services.

Housing	Questions	Responses					
		YES		NO		TOTAL	
		Percent	Count	Percent	Count	Percent	Count
General Population							
	Are you able to enroll in the academic and vocational programs you need?	77%	57	23%	17	100%	74
SHU							
	Do you have at least three hours of out of cell programming per day?	67%	2	33%	1	100%	3
	Do you have at least one hours of out of cell congregate recreation per day?	33%	1	67%	2	100%	3

- Eastern provides academic (GED, **ABE**¹⁵, ESL, ASL), vocational (welding, masonry, culinary arts, building trades), therapeutic programming (ASAT and ART), and ministerial, family, and volunteer programs like religious groups, Puppies Behind Bars¹⁶, and Family Reunion Program¹⁷, and a new CDL program. The facility also partners with Bard Prison Initiative. At the time of the visit, there were 11 people enrolled in welding, 22 enrolled in masonry, 22 enrolled in building maintenance, none enrolled in culinary due to an instructor vacancy, and 14 enrolled in Puppies Behind Bars.
- Industry shops (operated by Corcraft) produce mattresses¹⁸, sweatshirts, and road signs. People in these roles work from 7:40 am to 2:00pm. CANY representatives walked through both industry areas, the road sign shop which is a two-floor building and the mattress and sweatshirt shop.
- At the time of the visit, all programming at Eastern was running at 75% capacity, a decision instituted as a COVID protocol. There were 14 program staff vacancies.

¹⁵ Adult Basic Education (Department of Corrections and Community Supervision (ny.gov)

¹⁶ Puppies Behind Bars (Department of Corrections and Community Supervision (ny.gov)

¹⁷ At the time of the visit, there were 6 Family Reunion Program units that are shared with Ulster Correctional Facility. Family Reunion Program I Department of Corrections and Community Supervision (ny.gov)

¹⁸ This program is only operated at Eastern New York Correctional Facility. Mattress Manufacturing I Department of Corrections and Community Supervision (ny.gov)

According to the executive team, despite this, all but 67 people in the facility were participating in programs at the time of CANY's visit.

- The administration has implemented a new policy for recreation which splits the population into two groups for the yard.

Qualitative responses to open-ended questions provide further detail:

- Some incarcerated people expressed their frustration with accessing programs such as Alcohol and Substance Abuse Treatment¹⁹, Aggression Replacement Training,²⁰ which are some of the programs required if interested in participating in the Family Reunion Program (5 instances).
- Others said they were unable to participate in programs due to working multiple jobs or being medically idle (9 instances).
- One individual felt the new yard schedule limited yard time and free movement and had eliminated late recreation as an option. Others echoed this individual's concern regarding late recreation, noting that the change has impacted people's ability to access the phones (5 instances).

Staff Behavior

9 Many incarcerated people provided positive reports about treatment from staff at Eastern compared to other prisons. Despite that, some allegations of verbal, physical, and racialized abuse in general population units were still reported.

More than one third of respondents in general population and SDU units at Eastern (36%, N=76) reported seeing or experiencing verbal, physical or sexual abuse by staff. The share of respondents who reported exposure to verbal, physical, or sexual abuse was highest at Coxsackie, at 48% (N=58), and lowest at Elmira, at 23% (N=48).

27% (N=73) of respondents in general population units at Eastern reported having seen or experienced racialized abuse by staff. This was a smaller share compared to the 41% (N=59) at Coxsackie, and 33% (N=86) at Wende.

The executive team reported that Eastern was set to receive body cameras by the summer and that all officers and sergeants will wear them. The Executive Team indicated an eagerness for cameras to be implemented.

¹⁹ Alcohol and Substance Abuse Treatment (ASATI) | Department of Corrections and Community Supervision (ny.gov)

²⁰ Aggression Replacement Training (ART) Program | Department of Corrections and Community Supervision (ny.gov)

Housing Questions	Responses					
	YES		NO		TOTAL	
	Percent	Count	Percent	Count	Percent	Count
General Population						
Have you seen or been personally subject to verbal, physical, or sexual abuse by staff at this prison?	36%	27	64%	49	100%	76
Have you seen or experienced racialized abuse by staff at this prison?	27%	20	73%	53	100%	73
SHU						
Have you seen or been personally subject to verbal, physical, or sexual abuse by staff at this prison?	0%	0	100%	2	100%	2
Have you seen or experienced racialized abuse by staff at this prison?	0%	0	100%	2	100%	2

Qualitative responses to open-ended questions provide further detail:

Positive experiences

Other incarcerated people had positive experiences with staff (36 instances) saying staff at Eastern are better than staff at other prisons.

- “Guards here are a lot better than upstate.” “Most will listen.”
- “More manageable than Attica”

Negative experiences

Incarcerated people reported seeing or being subject to physical or racialized abuse carried out by staff (19 instances). For example, incarcerated people reported seeing staff call Black and Hispanic people racial slurs (5 instances).

- “There are a handful of CO’s that want to instigate”
- “If you can’t advocate for yourself, you become a victim.”
- One individual said an officer called him a “fucking beaner” and said he should slow down because there “isn’t a wall for you to climb up.”

Grievances

10 Incarcerated people at Eastern expressed a lack of confidence in the grievance process.

29% (N=34) of respondents in general population units at Eastern believed the grievance process to be fair. Of those respondents who had filed a grievance at Eastern, only 14 felt their grievance had been resolved. Mistrust of the grievance process is a common theme CANY representatives identify across facilities. A similar trend, 31% (N=35), was reported at Wende, and a far smaller share, 15% (N=41) of people in general population units at Coxsackie, believed the grievance process was fair.

Questions	Responses					
	YES		NO		TOTAL	
	Percent	Count	Percent	Count	Percent	Count
Have you filed a grievance at this prison?	47%	37	53%	42	100%	79
If yes, has your grievance been resolved?	44%	14	56%	18	100%	32
Is the grievance process fair?	29%	10	71%	24	100%	34

	2 DAYS		1 WEEK		2 WEEKS		1 MONTH		>1 MONTH		NO RESPONSE		TOTAL	
	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count
If you filed a grievance at this prison, how long did it take to get a response?	27%	8	10%	3	23%	7	10%	3	23%	7	7%	2	100%	30

- The IGRC reported common reasons for filing a grievance included health care, visiting process and treatment of family, access to programming (e.g., Family Reunion Program), and missing money in their account. According to the IGRC, at the time of the visit, 130 grievances had been received thus far in 2023 and 25-30% had been informally resolved. Other concerns reported by the ILC/IGRC included packages, wages, and programming not at full capacity. Problems with JPay were also raised.
- The grievance supervisor explained that grievances at Eastern are filed via the mail. There is a rotating group of civilians (group of 14 individuals including an ORC, education supervisor, and recreation person) who sit in the hearings.
- IGRC reported that grievance representatives were allowed to speak with people in other units using a pass, but this was discontinued during COVID and has not been

reinstated. The grievance supervisor is in support of restarting this practice.

- CANY representatives heard positive reports about the executive leadership making themselves available to discuss grievance concerns.
- Data from the DOCCS grievance program semi-annual report of 2021²¹ showed that incarcerated people filed 10,329 grievances in the first half of 2021 systemwide. During this period, Eastern received a total of 219 grievances (2% of the systemwide total²²). Most grievances filed at Eastern were related to facility operations (60), health services (31), and programming (44) with 13 grievances within this category being about the guidance unit and counseling.

Qualitative responses to open-ended questions provide further detail:

Biased system

Incarcerated individuals in general population units mistrust the grievance process, often believing the system to be biased and dysfunctional (23 instances). One individual said that the staff member he grieved was the one who conducted the grievance hearing.

- “They [the grievance office] automatically go against us. They always side against us”
- “it’s a standard template, what they decide they’re going to do, they’re going to do, nothing’s going to change”
- “I grieve for a paper trail”

Discipline

11

Incarcerated people reported an increase in loss of privileges as a discipline for misbehavior reports.

52% (N=71) of respondents in general population units at Eastern had been subject to discipline. 26% (N=42) of respondents in general population units at Eastern believed the system was fair. 57% (N=60) of people in general population units at Coxsackie and 39% (N=85) at Wende had been subject to discipline. The perception that the disciplinary system is unfair was evident in the other maximum-security prisons, 25% (N=32) of respondents at Wende, 23% (N=43) of respondents at Coxsackie, and 30% (N=20) of respondents at Elmira found the disciplinary system to be fair. Neither of the three people in the SHU who responded to this question reported receiving additional disciplinary tickets, sanctions or confinement time while in the SHU.

²¹ NYS DOCCS Grievance Program Semi Annual Report, 2021 incarcerated-grievance-program-semi-annual-report-2021-final.pdf Inv.gov}

²² In March 2023, the total incarcerated population was 31,385, Eastern was 2% (771) of the total population.

Housing	Questions	Responses					
		YES		NO		TOTAL	
		Percent	Count	Percent	Count	Percent	Count
General Population							
	Have you been subject to discipline at this prison?	52%	37	48%	34	100%	71
	Is the disciplinary system fair?	26%	11	74%	31	100%	42
SHU							
	Have you received additional disciplinary tickets while in SHU?	0%	0	100%	3	100%	3
	Have you received additional disciplinary confinement time and/or additional punishment in the SHU (e.g. loss of privileges)?	0%	0	100%	3	100%	3

- CANY raised concerns about anecdotal reports of a high rate of disciplinary tickets being issued, particularly in the academic building. Incarcerated individuals reported an incident that had occurred in the academic building the week before our visit, where an individual was alleged to have been assaulted by staff and received a disciplinary ticket.
- Another concern raised by CANY representatives was about individuals receiving lengthy loss of privilege sanctions. The executive team asserted that the loss of privilege sanctions administered were appropriate and consistent with departmental directives.

Qualitative responses to open-ended questions provide further detail:

Loss of privileges and unfair system

Incarcerated people reported experiencing loss of access to services and programming as a disciplinary measure (19 instances). Many incarcerated people received loss of commissary (10 instances), phone and packages (9 instances) for a period between 15 days and six months.

- “It went outside procedure. They gave me 30 days without commissary when that’s not allowed.”
- “always a new restriction.”

Frivolous or “Petty” Tickets

Incarcerated people believed that there is a lack of oversight for officers who issue frivolous tickets (11 instances).

Material Conditions and Environmental Issues

12

People’s perceptions of water as being unsafe to drink led many to rely on bottled water.

Temperatures

61% (N=57) of respondents in general population units at Eastern agreed that the prison had adequate temperature control for each season, compared to 54% (N=74) at Wende. Only 21% (N=61) of people at Coxsackie believed it was adequately cool in the summer.

Water

28% (N=69) of respondents in general population units at Eastern believed they had access to clean drinking water. A larger share of people in general population units at other maximum-security prisons believed they had access to clean drinking water, 71% (N=72) at Wende, and 59% (N=61) at Coxsackie.

Questions	Responses					
	YES		NO		TOTAL	
	Percent	Count	Percent	Count	Percent	Count
Do you have access to clean drinking water outside of the commissary?	28%	19	72%	50	100%	69
Does this prison have adequate temperature controls for each season?	61%	35	39%	22	100%	57

- The executive team reported that a water tower was renovated in 2019.²³ According to the executive team, weekly samples are sent to the lab for testing; water testing results are posted in the housing units and made available in the law library.

Qualitative responses to open-ended questions provide further detail:

Concerns about temperature, heat, and light were among the most common raised. Many incarcerated individuals in general population units reported concerns with the water at Eastern (50 instances). Many believed the water is unsafe to drink described changes in the color and smell of the water (16 instances). Many prefer to purchase water from the commissary (19 instances).

Many individuals reported that when physical equipment in their living area is not working properly, it is addressed and fixed in a timely manner (20 instances).

Unsafe to drink

²³ Eastern and Ulster share the same water supply. 59% (n=34) of people in general population at Ulster believed they had access to clean drinking water outside of the commissary.

- “water was brown like coffee, dark chocolate”
- “water comes out brown”
- “There is dirt when I boil it. I need to drink bottled water.”

Some improvements in the water

Some incarcerated people said they had seen an improvement in the water lately (7 instances).

- “it used to have residue, like a tint, you could see it”
- “It’s gotten better”
- “used to be bad, but it’s alright.”

Temperature controls and lighting

- Incarcerated people reported problems with hot temperatures during the warmer months (22 instances) and cold temperatures during winter months (12 instances).
- Concerns about the lights staying on all night were also raised (5 instances). One individual said “lights are like spotlights,” making it difficult to sleep. Another individual described the overnight lights as “torture.”

Conclusion

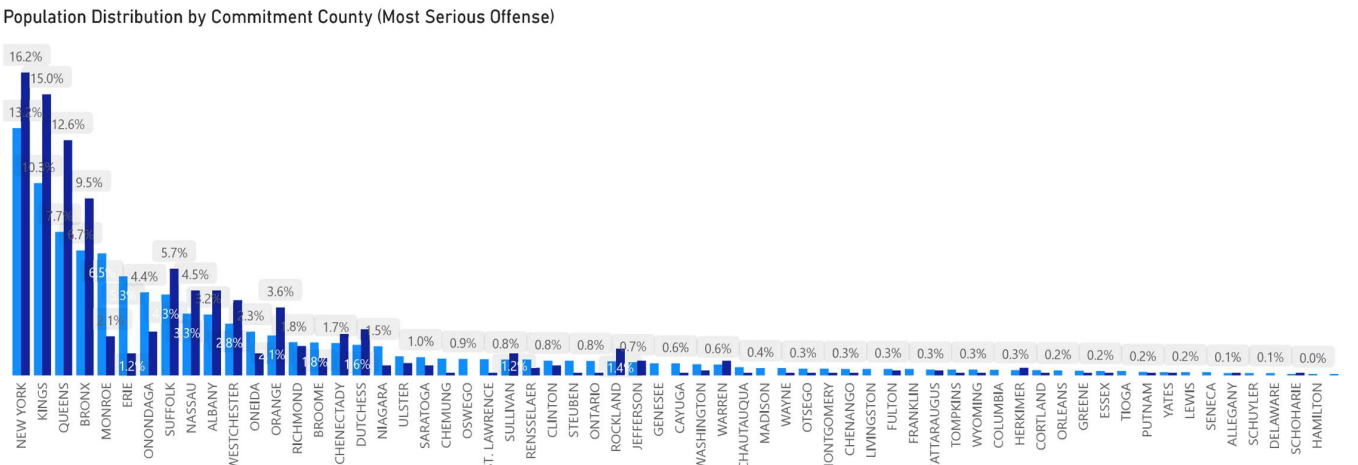
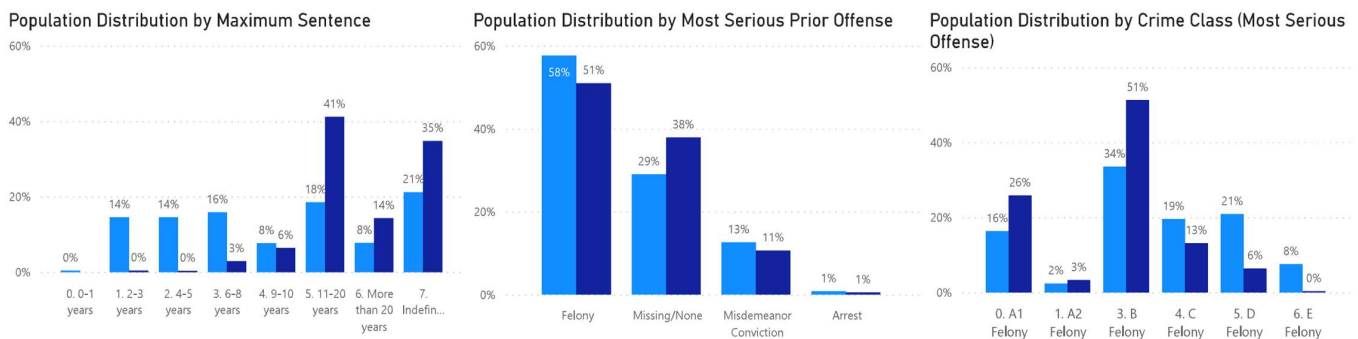
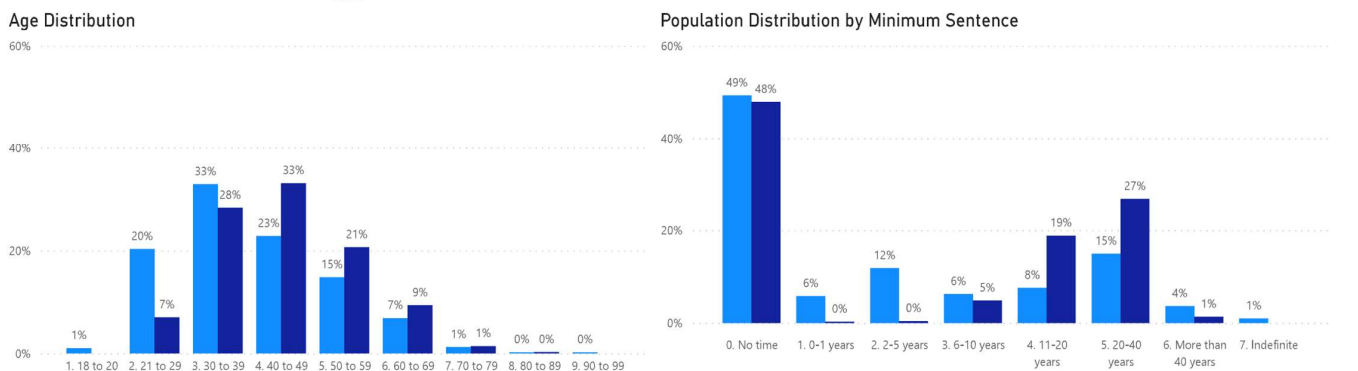
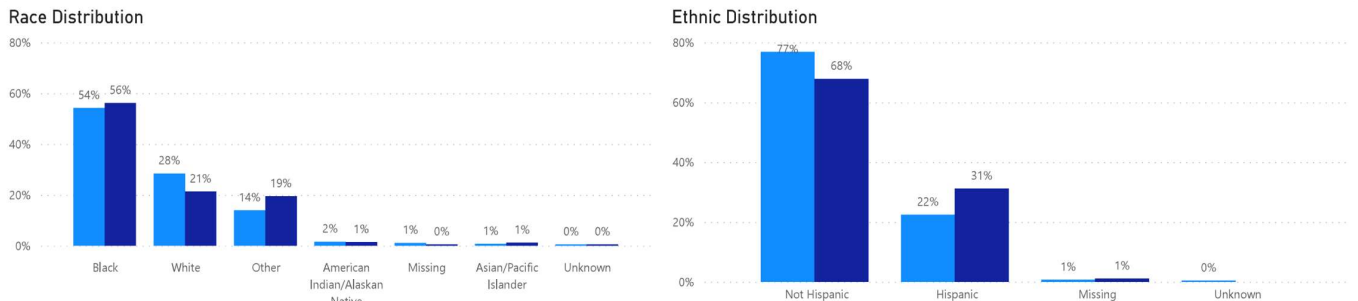
CANY thanks the Executive team and staff of the NYS Department of Corrections and Community Supervision, NYS Office of Mental Health, and incarcerated individuals for their knowledge and assistance in supporting our visit. CANY also acknowledges and thanks CANY representatives who contributed to this report and monitoring visit.

This report was provided to DOCCS and OMH for a 60-day review period prior to publishing it to provide both agencies with an opportunity to respond. Following this review period, both the report and any responses are published together.

To view other post visit briefs please visit CANY’s reports page.

Appendix A: Snapshot of Demographic Data

Population Demographics as of March 1, 2023 | Eastern Correctional Facility Systemwide Population 31385 Eastern Population 771



Population Demographics as of March 1, 2023 | Eastern Correctional Facility

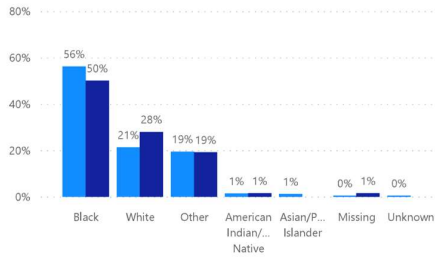
Eastern Population Interview Sample

771

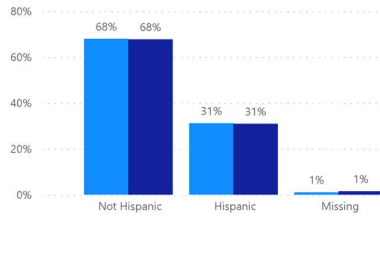
68

● Eastern ● Incarcerated People Interviewed by CANY (valid DINS only)

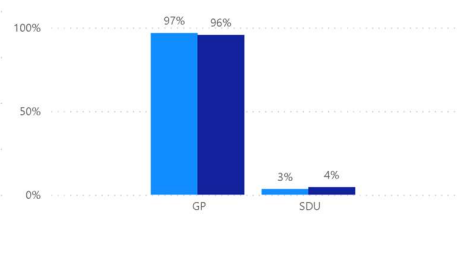
Race Distribution



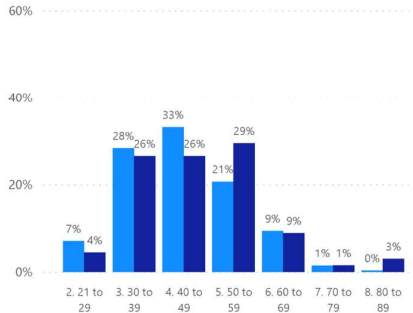
Ethnic Distribution



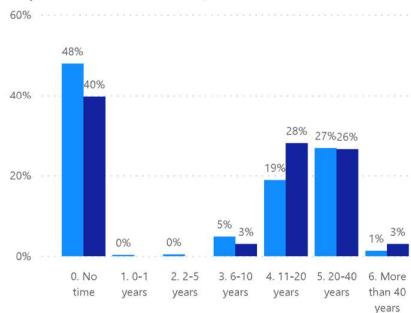
Population Distribution by Unit



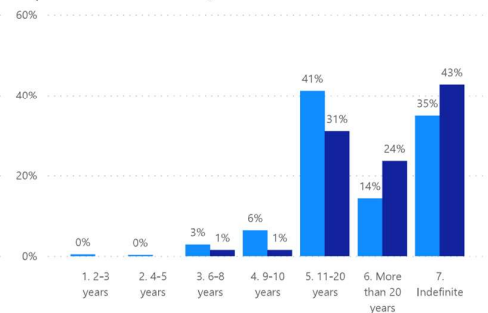
Age Distribution



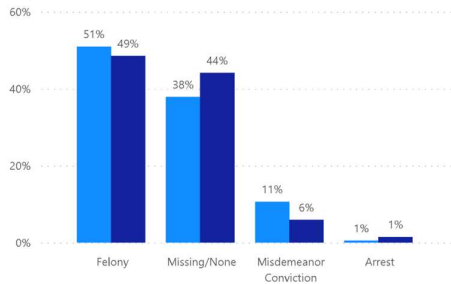
Population Distribution by Minimum Sentence



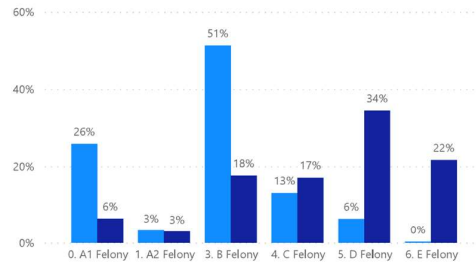
Population Distribution by Maximum Sentence



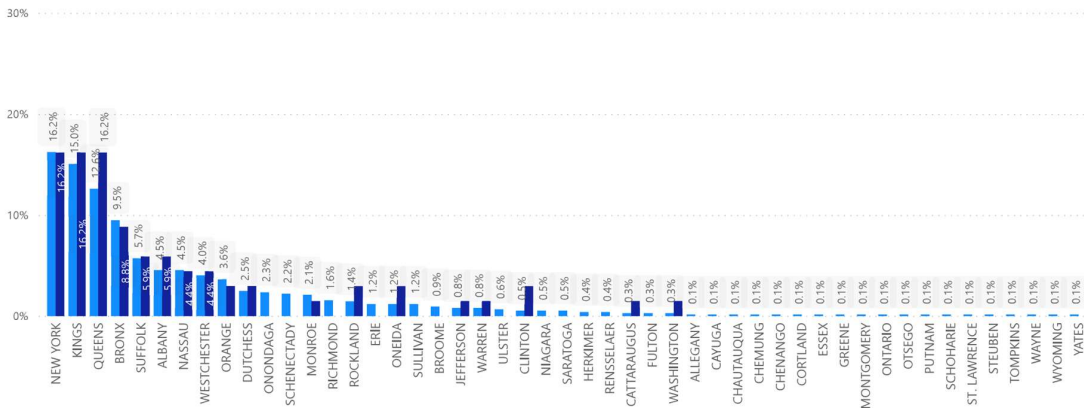
Population Distribution by Most Serious Prior Offense



Population Distribution by Crime Class (Most Serious Offense)

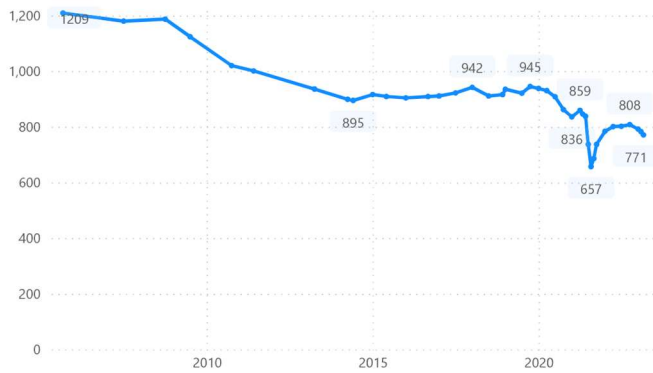


Population Distribution by Commitment County (Most Serious Offense)

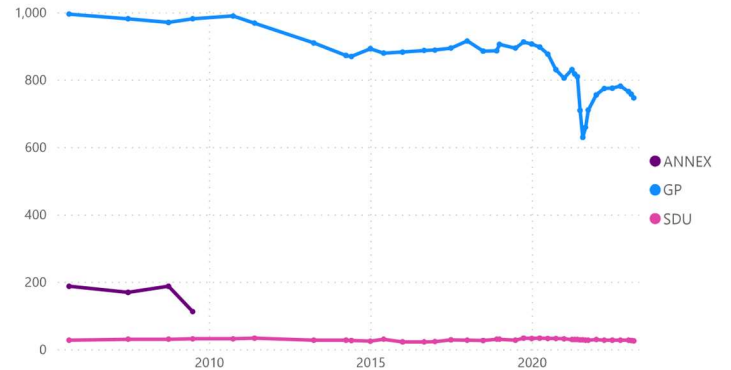


Population Demographics as of Mar. 1, 2023 | Eastern Correctional Facility

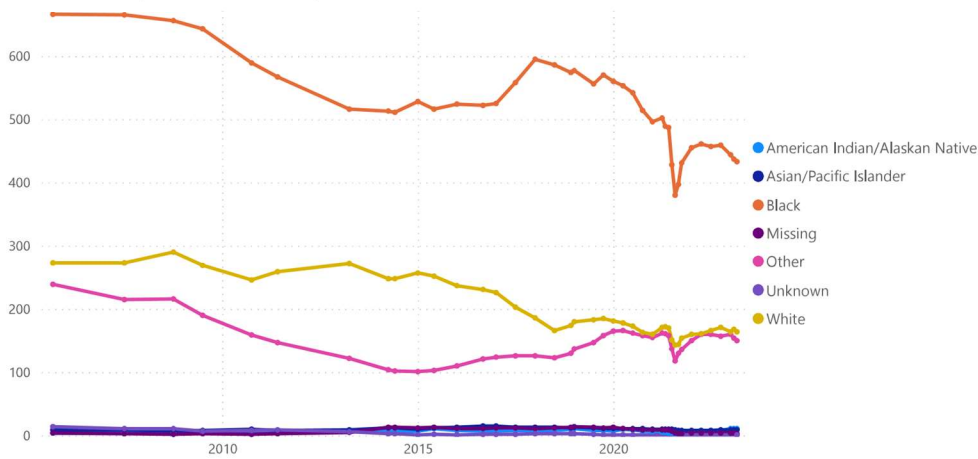
Incarcerated Population Over Time



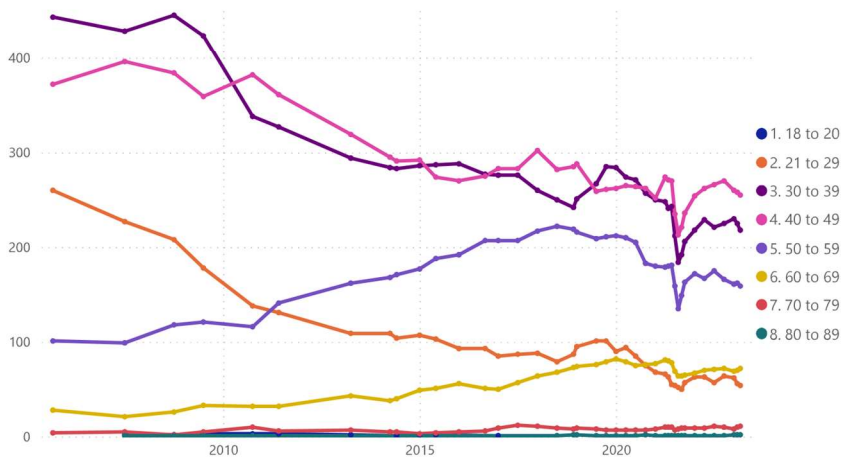
Incarcerated Population Over Time by Unit



Incarcerated Population Over Time by Race



Incarcerated Population Over Time by Age Range



Appendix B: Data Addendum

Question	Yes	No	Total
2m) If you have requested medical care, have you received a response?	54	5	59
	92%	8%	100%
2d) If you have requested dental care, have you received a response?	34	13	47
	72%	28%	100%
5) Do you have unaddressed medical or dental needs?	37	19	56
	66%	34%	100%
7) Are you on the OMH caseload?	9	66	75
	12%	88%	100%
10) Have you attempted to hurt yourself in this prison?	0	68	68
	0%	100%	100%
11) Have you experienced or witnessed an emergency medical or mental health situation in this prison?	43	33	76
	57%	43%	100%
12) Do you have access to the academic and vocational programs you need?	57	17	74
	77%	23%	100%
14) Have you seen or been personally subject to verbal, physical, or sexual abuse by staff at this prison?	27	49	76
	36%	64%	100%
15) Have you seen or experienced racialized abuse (slurs, stereotyping, discrimination) by staff at this prison?	20	53	73
	27%	73%	100%
17) Have you filed a grievance at this prison?	37	42	79
	47%	53%	100%
17c) If yes, has your grievance been resolved?	14	18	32
	44%	56%	100%
17d) Is the grievance process fair?	10	24	34
	29%	71%	100%
18) Have you been subject to discipline at this prison?	37	34	71
	52%	48%	100%
18b) Is the disciplinary system fair?	11	31	42

Question	Yes	No	Total
	26%	74%	100%
20) Is the commissary adequately stocked with items on a regular basis?	17	48	65
	267%	74%	100%
21) Are you able to access items from packages in a timely manner?	43	15	58
	74%	26%	100%
23) Are you receiving three meals per day in adequate portions?	58	7	65
	89%	11%	100%
24) Do you have access to clean drinking water outside of the commissary?	19	50	69
	28%	72%	100%
25) Does this prison have adequate temperature controls for each season (i.e. cooling in the summer, heat in the winter)?	35	22	57
	61%	39%	100%
26) Are you able to make phone calls, either by using the phones or through a tablet?	60	4	64
	94%	6%	100%
27) Do you receive in-person visits?	55	8	63
	87%	13%	100%
28) Since March 31 of this year, have you ever been locked inside your cell for more than 17 hours a day?	9	56	65
	14%	86%	100%

Question	Yes	No	N/A	Total
3m) If you have received medical care, was the level of care adequate?	21	21	5	47
	45%	45%	11%	100%
3d) If you received dental care, was the level of care adequate?	13	11	4	28
	46%	39%	14%	100%
4) Are you receiving medication as prescribed, including schedule and dosage?	32	3	20	55
	58%	5%	36%	100%

Question	Yes	No	N/A	Total
8) If yes, are you getting the mental health programs you need?	13	7	43	63
	21%	11%	68%	100%

Question	2 days	1 week	2 weeks	1 month	Longer than 1 month	Total
2a) (MEDICAL) If no, how long has your request been outstanding?	0	1	0	0	1	2
	0%	50%	0%	0%	50%	100%
2a) (DENTAL) If no, how long has your request been outstanding?	0	0	1	1	6	8
	0%	0%	13%	13%	75%	100%
2b) (MEDICAL) If yes, how long did it take to get care?	10	3	1	5	14	33
	30%	9%	3%	15%	42%	100%
2b) (DENTAL) If yes, how long did it take to get care?	2	0	0	1	17	20
	10%	0%	0%	5%	85%	100%

Question	2 days	1 week	2 weeks	1 month	Longer than 1 month	I have not received a response	Total
16b) (GRIEVANCE) If yes, how long did it take to get a response?	8	3	7	3	7	2	30
	27%	10%	23%	10%	23%	7%	100%

Question	Yes	No	Total
4) Are you in this unit because of a disciplinary sentence?	2	1	3
	67%	33%	100%
8) Have you been in a SHU or other form of segregated confinement for a total of more than 20 days in the last 60 days?	0	3	3
	0%	100%	100%
10) Besides the SHU unit at Ulster, have you been in any other disciplinary units here or at other prisons? (If yes, choose all that apply from the following):	1	1	2
	50%	50%	100%
10a) Residential Rehabilitation Units (RRUs)	0	0	0
	0%	0%	0%
10b) Protective custody	0	0	0
	0%	0%	100%
10c) Administrative segregation	0	0	0
	0%	0%	0%
10d) Keeplock	0	0	0
	0%	0%	0%
10e) Longterm Keeplock	0	0	0
	0%	0%	0%
10f) Step-down program	0	0	0
	0%	0%	0%
10g) Mental health or other alternative to solitary	0	0	0
	0%	0%	0%
11) Were you medically evaluated on arrival?	3	0	3
	100%	0%	100%
12) Did you receive a suicide prevention screening on arrival?	1	1	2
	50%	50%	100%
13) Did you receive clean clothing on arrival?	1	1	2
	50%	50%	100%
14) Did you undergo a mental health assessment within one day of your arrival?	1	1	2
	50%	50%	100%
15) Did you have a hearing where you were sentenced to this current bid in the SHU?	0	3	4
	0%	100%	100%
17) Were you told that you could have representation at your hearing by an attorney, paralegal, law student, or fellow incarcerated person?	2	1	3
	67%	33%	100%
18) Were you provided an opportunity to make a phone call to your family or an attorney, or to speak to a fellow incarcerated person, to request such representation?	3	0	3
	100%	0%	100%
21) Have you received additional disciplinary tickets while in SHU?	0	3	3
	0%	100%	100%

Question	Yes	No	Total
23) Have you received additional disciplinary confinement time and/or additional punishment (e.g., loss of privileges) in the SHU?	0	3	3
	0%	100%	100%
25) Do you have at least three hours of out of cell programming per day? (Can include individual or group programming)	2	1	3
	67%	33%	100%
26) Do you have at least one hour of out of cell congregational recreation per day (i.e., with other incarcerated people)?	1	2	3
	33%	67%	100%
34) Are you able to access phone calls, either through the tablet or other means while in the SHU?	1	0	1
	100%	0%	100%
36m) If you have requested medical care, have you received a response?	0	0	0
	0%	0%	0%
36d) If you have requested dental care, have you received a response?	0	0	0
	0%	0%	0%
37) If you received medical care, was the level of care adequate?	0	0	0
	0%	0%	0%
37) If you received dental care, was the level of care adequate?	0	0	0
	0%	0%	0%
39) Do you have unaddressed mental health needs?	1	0	1
	100%	0%	100%
41) Are you on the OMH caseload?	0	1	1
	0%	100%	100%
43) Do you have unaddressed mental health needs?	0	0	0
	0%	0%	0%
45) Have you attempted to hurt yourself in this prison?	0	2	2
	0%	100%	100%
48) Have you seen or experienced verbal, physical, or sexual abuse by staff in the SHU?	0	2	2
	0%	100%	100%
50) Have you seen or experienced racialized abuse by staff (slurs, stereotyping, discrimination, etc.) in the SHU?	0	2	2
	0%	100%	100%
52) Have you heard about the HALT Solitary Confinement Act?	1	1	2
	50%	50%	100%

Question	Yes	No	N/A	Total
8) If yes, are you getting the mental health programs you need?	0	0	1	1
	0%	0%	100%	100%

Question	Before	After	Total
16) If yes, did that hearing happen before or after you were placed in SHU?	0	2	2
	0%	100%	100%

Question	21 and younger	55 and older	Pregnant	Postpartum	With a mental health need	With a disability
19) Are you a member of any of the following populations? (Check all that apply)	1	0	0	0	0	0

*Respondents were able to select more than one options

Question	Hand shackles	Ankle shackles	Cages	RESTART chairs	Waist chains	No restraints
30) During programs, are any of these restraints used:	0	0	0	0	0	0

*Respondents were able to select more than one options

Question	Black or African American	American Indian or Alaskan Native	Total
56) Please describe your racial identity.	1	1	2
	50%	50%	100%

Question	Hispanic	Total
57) In your own words, please describe your ethnic identity.	1	1
	100%	100%

Question	Male	Total
66) In your own words, please describe your gender identity.	3	3
	100%	100%



Corrections and Community Supervision

KATHY HOCHUL
Governor

DANIEL F. MARTUSCELLO III
Acting Commissioner

The Correctional Association of New York's (CANY) visited Eastern NY Correctional Facility on March 22nd and 23rd of 2023 and issued a draft report. The Department responds to the draft report as follows:

Programming

The New York State Department of Corrections and Community Supervision (DOCCS) welcomes the positive feedback received regarding programming opportunities at Eastern NY Correctional Facility. This is one example of the efforts being taken state-wide that provide life-changing academic, vocational, and rehabilitative programs, highlighting opportunities that are not often seen behind prison walls, which also have made the Department a national leader in corrections. Some of the highlights of the programming available include Counseling, Aggression Replacement Training (ART), Substance abuse treatment including Alcohol and Substance Abuse Treatment (ASAT), Alcoholics Anonymous, and Narcotics Anonymous are available.

Additionally, there are vast and comprehensive educational opportunities available to provide incarcerated individuals with skills and/or competencies necessary to function successfully in contemporary society. This includes education resources to and instruction to assist students with earning a Pre-High School Equivalency and GED, as well as College level credited courses provided by Bard College. Qualified incarcerated individuals may obtain both Associate and Bachelor's degrees. A Bard Entrance Committee develops an entrance exam for those that want to participate in this full-time program. The committee decides who will be interviewed, and accepted for the academic year. Dating back to 2001, Bard has conferred 299 Associate of Arts, and 104 Bachelor of Arts Degrees for a total of 403. The Eastern Bard debate team has an impressive 12 wins out of 16 matches with notable wins against West Point, the University of Cambridge (UK) and Harvard. There are also opportunities for the incarcerated individuals to facilitate class instruction, which include: drawing, debate, civics, knitting, music theory, progressive transitioning and creative writing.

There are multiple vocational opportunities at Eastern NY Correctional Facility that provide marketable skills. The vocational programs offer a variety of disciplines for participants to obtain occupational titles in a trade that may bring value to themselves, their families, and to their returning communities. The programs offered include, but are not limited to, welding, masonry, building maintenance, commercial driver's license program, and a culinary arts program. The industrial program operates out of two multi-floored buildings and a warehouse. Notably, Eastern NY Correctional Facility operates a Puppies Behind Bars Program. After completing a 12-to-15-month training period of direct engagement and supervision by the incarcerated participants, the canines are transferred to qualified agencies that utilize the canine's unique skill sets to serve and protect their respective communities.

There is one large yard that contains an enclosed gym, an enclosed weight room, outside showers, phone banks, TV grandstands, game tables, ball field, a multi-faith building and Chapel. Sporting activities include softball, basketball, soccer, flag football, horseshoes, bocce, handball, and racquetball. There is also a movie program that is held in the auditorium.

There are seven incarcerated organizations that include Break-thru in the arts, Jaycess, European American Organization, NAACP, Lifers, Caribbean African Unity, and Latinos Unidos. Religious practicing groups include: Muslim, Nation of Islam, Shi'a, Catholic, Rastafarian, 7th Day Adventist, Protestant, Native American, Buddhist, Jewish, Nations of Gods and Earth, Santeria, Jehovah's Witness and Jedi.

Basic Provisions of Services

Commissary - This is a privilege that provides incarcerated individuals the means to supplement DOCCS provided meals and personal items. Commissary vendors are selected via a competitive bid process in compliance with New York State Finance Law. Eastern NY Correctional Facility has five major contract vendors, that offer a wide variety of goods and products that are sold through commissary. These items reflect items that are desired by the incarcerated population, while accounting for the cooler/freezer space available. DOCCS is aware of the effects of inflation on commissary items. Unfortunately, commissary vendors have been subject to the same inflationary pressures that have impacted the economy as a whole. In accordance with contracting requirements, as our staff are notified of documented item price changes by the vendor (due to manufacturer increases, increased shipping/freight costs, etc.), it is incumbent upon staff to update our for-sale prices accordingly so that items are not being sold at a loss. The bid process keeps the prices as low as possible.

The business office staff at Eastern NY Correctional Facility routinely make efforts to identify items from alternate vendors when certain items may remain "out-of-stock" for an extended period of time. Having a wide variety of vendors mitigates out of stock items. Currently there is a variety of fresh fruits and vegetables available for purchase, which include lettuce, tomatoes, green peppers, onions, garlic, and bananas. Further, the Incarcerated Individual Liaison Committee can request changes to the commissary offerings through regular meetings with local Executives/Business Office Staff. Changes are considered as can be best accommodated with the contracted vendors.

Packages - Directive #4911, "Packages & Articles Sent to Facilities," outlines procedures for processing, issuing, having item discrepancies reviewed and returning packages, as well as a listing of allowable items that can be received by incarcerated individuals through the package room. Eastern NY Correctional Facility package room has consistent staff coverage which helps in following the directive. Incarcerated individuals are encouraged to file a claim for any item(s) declared missing/damaged in accordance with Directive #2733, "Incarcerated Individual Personal Property Claim." Claims are then investigated per Department policy and the incarcerated individual is notified of the determination.

Nutrition

Eastern NY Correctional Facility staff and I/Is are thoroughly trained on the safe handling of all food. A food survey is filled out quarterly between the Food Service Administrator, IILC Reps, and Superintendent. Once signed by all parties, it is forwarded to the Correctional Food Nutritional Services Director and then to the Food Production Center. This process allows the population to share items they prefer, items they do not prefer, and items they would like to add to the menu. Medical diet ordered meals, religious holiday meals, organization sponsored meals and special event meals all contribute to the unique variety of meals available.

The DOCCS menu is created within the Nutritional Service office and approved by a registered dietician. The nutritional values and portions are adequate for healthy adult individuals. Special menus are created to address medical, allergic, and religious needs. The DOCCS Food Production Center is a USDA inspected facility that utilizes fresh ingredients in their bagged products. All packaging items used are certified to be food-grade. The menu is randomly sampled monthly at the Office of Nutritional Services to ensure quality and consistency. Additionally, the Regional Coordinator for Correctional Food Service (RCCFS) conducts site visits routinely. The food is observed to be stored, prepared, and served correctly, with correct utensils and portion sizes.

Phone Calls and Tablets

Incarcerated individuals have access to telephones and tablets in accordance with Directive #4423, "Incarcerated Individual Telephones," and Directive #4425, "Incarcerated Individual Tablet Program." Each yard group has two opportunities each day to go to the yard and access the phones. There is sufficient time during the yard periods for the incarcerated population to access the phones. In addition to the yard phones, the incarcerated population is afforded emergency phone calls when needed and justified. Incarcerated individuals within a Special Housing Unit (SHU) do have the ability to make calls via the tablets through Wi-Fi.

The Department recognizes the importance of family and the population being able to communicate with family and friends while incarcerated, and at reasonable rates. Accordingly, the Department has recently extended our current incarcerated phone contract and renegotiated the rates associated with the phone program. This process has reduced the total cost per minute for a domestic call from \$.0399 per minute to \$.035 per minute, and provides each incarcerated individual with two free 15-minute calls per week. Additionally, the Department has entered into a new tablet contract that has resulted in various cost reductions. This includes reducing the price of a single stamp from \$.20 per stamp to \$.15 per stamp for single purchases, with stamp bundles being similarly reduced from \$.15 to \$.12 per stamp, for a bundle of 100 stamps. Each incarcerated individual with access to a general confinement tablet and kiosk now receives eight (8) free stamps to use for secure messaging per month. The Department has successfully negotiated up to 15,000 free stamps annually that are allocated equitably to college in prison programs and other educational providers. This allows such providers to send and receive secure messages at no cost. A new reduced-price fee structure for online/phone money transfers has been negotiated for each amount category. There continues to be no cost for depositing

funds via the conventional visitor deposit lockbox located at each correctional facility, or by money order/personal check mailed to the JPay lockbox address.

The Department has also successfully negotiated the deployment of Wi-Fi technology that will allow for the installation of a phone application on all general population tablets, as well as the ability to send and receive secure messages and access additional services without connecting to the kiosk. The Department will begin with a pilot program and then move forward with installation in the remainder of the facilities.

Material Conditions and Environmental Issues

Eastern NY Correctional Facility is properly heated during the heating season months. Proper lighting is achieved with both lighting fixtures and natural light. Nighttime illumination is achieved through shutting of some lights, and dimming others, in order to allow for proper sleeping conditions while maintaining visual illumination for appropriate security. During the summer months, several areas are cooled through air-conditioning while all general areas and housing units are cooled through window ventilation, facility installed fans and personal fans purchased by incarcerated individuals through the commissary. These environmental conditions are monitored daily through general rounds and adhere to our State and National standards.

The drinking water at Eastern NY Correctional Facility is routinely tested in accordance with the New York State Department of Health regulations for several contaminants. These contaminants include: total coliform, turbidity, inorganic compounds, nitrite, lead and copper, volatile organic compounds, total trihalomethanes, haloacetic acids, radiological and synthetic organic compounds. There are no compounds that were detected above the regulatory limits. As a continual effort to maintain water quality, Eastern NY Correctional Facility has water filtration plant that is run by an outside company and monitored weekly. The filtration plant softens and disinfects the facility water which is then sent to a new 1.5-million-gallon storage tank that was installed in September of 2019. The 2022 annual water quality report is conspicuous posted in areas throughout the facility for review by facility staff, occupants, and visitors.

Professionalism

Allegations of unprofessional conduct by staff is taken very seriously. The Department of Corrections and Community Supervision (DOCCS) has zero tolerance for violence within our facilities and anyone engaged in misconduct will be disciplined, and if warranted, incidents will be referred for outside prosecution. DOCCS utilizes the Office of Special Investigations (OSI) to investigate allegations of staff misconduct and complaints of sexual abuse. Furthermore, allegations made regarding discrimination or racialized abuse are delegated to the Office of Diversity and Inclusion (ODI) for review. When facts indicate that staff have acted unprofessionally, the matter is forwarded to the Department's Bureau of Labor Relations for appropriate disciplinary measures. Facilities must also be in compliance with all Prison Rape Elimination Act (PREA) standards, which are audited on a regular basis.

Additionally, DOCCS has invested millions of dollars to implement pilot programs to improve safety within its facilities that includes deployment of body-worn cameras and accompanying policies for their use. Eastern NY Correctional Facility is in the process of having a camera system installed throughout the facility. In addition, the Department is currently working to upgrade our existing body-worn cameras and significantly expand the deployment of these devices in all facilities, including Eastern NY Correctional Facility.

The Department is committed to holding staff to the highest standards of public service. The Department takes pride in the degree of fairness, professionalism, integrity, and transparency expected of our staff in providing excellent service. As such, all allegations of an employee not meeting those standards are investigated thoroughly and are taken very seriously. The Department has several safeguards in place to prevent and report misconduct. The incarcerated population has been educated on the many avenues to report allegations of misconduct and incidents of abusive behavior directly to facility staff and the Office of Special Investigations (OSI), as well as outside agencies. The Eastern NY Correctional Facility Executive Team conducts daily rounds to observe facility operations and speak with staff and the incarcerated population by engaging with them directly. This is to ensure the Department's policies are administered in a fair, equitable and consistent manner, with compliance and quality, and to spot any other issues.

OSI serves as the Department's investigative body. The primary mission of OSI is to advance the mission and statutory mandates of the Department; vigorously pursue justice through fair, thorough, and impartial investigations; and foster accountability, integrity, and safety within the Department. The incarcerated population may write to any facility supervisory staff to report complaints. All complaints that are received by the facility are documented and investigated. This includes staff communications with incarcerated individuals. The incarcerated population have unrestricted access to OSI via the hotline and can report all alleged abuse.

As part of its functions, ODI reviews and monitors Incarcerated Individual Programs and Services for Fairness and Equity, as well as respond timely to complaints with allegations of discrimination. It is the policy of DOCCS to eliminate, mitigate, and respond to racial disparities to ensure a fair and equitable distribution of benefits and burdens in the placement of incarcerated individuals in housing unit assignments, institutional work assignments, and programs. ODI takes all allegations of racial slurs and misconduct seriously gives each incident the necessary time for a thorough review. The Department is committed to maintaining a respectful, positive and productive environment for the population under our care and supervision. Furthermore, all oral and written communications by employees to incarcerated individuals shall be accomplished in a professional, courteous and dignified manner. As such, conduct or language which violates the Employees' Manuals or fails to comply with direct orders it contains could result in administrative and/or disciplinary action. Any administrative processes associated with incarcerated individual who may be subject to discipline and grievances are conducted fairly and in an impartial manner, to ensure that decisions are not influenced by stereotypes or bias based on their membership in a protected class, which include: age, race, religion, national origin, sex, sexual orientation, gender identity, disability, marital or familial status, veteran's status, or criminal convictions history.

As discussed previously, the body worn camera systems bolster the efforts of investigators through objective and evidence-based examinations. Any substantiated case of misconduct by an employee is referred to the Department's Bureau of Labor Relations for consideration of disciplinary action, which may include termination of the employee. In addition, any misconduct, where there is evidence of criminality, will be referred to outside law enforcement authorities for potential criminal charges. The Department maintains a zero-tolerance policy regarding verbal or physical abuse.

All Unusual Incidents and Uses of Force are documented and reviewed by executive staff. Any concern that an application of force is inconsistent with Department policy is referred to OSI for examination. Further, all staff involved in an incident are required to provide written documentation of their involvement in the incident and supervisors are required to provide written documentation of their independent investigation of the incident. All video footage that is available is made part of the record along with any photographs of the incident to include incarcerated individuals and staff. Since the inception of Humane Alternatives to Long Term (HALT) Solitary Confinement Law, assaults on staff by incarcerated individuals have dramatically increased. Moreover, assaultive behavior amongst the incarcerated population has also increased. This behavior is directly related to gang activity, owed debts, and may be used as a tool by the incarcerated population to be transferred to another facility.

Visitation

The Department recognizes the importance of the visiting program for maintaining family relationships between individuals and their families. Appropriate participation in the visitor program provides incarcerated individuals with opportunities to maintain relationships with friends and relatives and to promote better community adjustment upon release. Contact with persons from the outside provides all offenders emotional support in adjusting to the prison environment. With that in mind we ensure that the space is accommodating and suitable for visits. Any issues that require attention regarding interactions with staff are shared and reviewed by the appropriate office. Eastern NY Correctional Facility has a bright, clean, and inviting space for family and friends to connect with the incarcerated individuals. Eastern NY visitation programs runs daily, including weekends, and the scheduled is posted on the DOCCS website.

Medical

With regards to accessibility of healthcare services, access to emergency medical care is available twenty-four hours a day, seven days a week. Scheduled sick call is available four days a week along with on-site clinical services five days a week. An incarcerated individual can request emergency sick call at any time during the day or night. Emergency Tele-med is always available as well. Eastern NY Correctional Facility has a twelve-bed infirmary with four isolation rooms. The facility also has designated cohorts for isolation for FLU, COVID and/or Contact traces. When incarcerated individuals are transferred to Eastern NY Correctional Facility, medical reviews with each incarcerated individual the sick call procedures, emergency sick call procedures, medication refill processing, how to access providers, and appointment processing so that the incarcerated individual is well informed and educated.

Regarding the Medication Addiction Treatment (MAT), as of October 13, 2023, Eastern NY Correctional Facility had 41 incarcerated individuals on either daily-dose or monthly injectable buprenorphine. Methadone and Naltrexone are also available MAT medication options. Regarding wait times for medical care, it should be noted that specialty care appointments are scheduled with community providers, not DOCCS providers. Appointments are prioritized and scheduled based on medical urgency. Eastern NY Correctional Facility is fully staffed with medical providers including: two full-time Physicians and one full-time Physician's Assistant. Eastern NY Correctional Facility dental staffing consists of one full-time Dentist, one Dental Assistant and one Dental Hygienist. Recruitment efforts for a second Dentist are ongoing. After hours emergent dental issues are seen by Medical for assessment and appropriate treatment. Outside dental referrals are scheduled as needed. Concerns identified in this report regarding the quality of dental care rendered at Eastern NY Correctional Facility have been shared with the statewide Acting Dental Director for appropriate review.

The healthcare and security staff in all DOCCS facilities receive initial and on-going training to respond to healthcare emergencies. Staff are trained on a variety of elements including, but not limited to, the recognition of signs and symptoms and knowledge of actions required in potential emergencies; administration of first aid, CPR and AED; and administration of Narcan to unresponsive persons. Additionally, to ensure staff can respond to a healthcare emergency anywhere in a facility within three minutes of being notified, each facility is required to conduct an annual emergency response drill on each shift. Documentation of this annual emergency response drill is required for ACA expected practice compliance.

Mental Health

The Department partners with the New York State Office of Mental Health (OMH) in providing special programs along a continuum of care for incarcerated individuals with a mental illness. Eastern NY Correctional Facility is classified as a Mental Health Level 2 facility, as defined in Correction Law § 2(28). Referrals to OMH can come from staff, other incarcerated individuals or by the incarcerated individuals themselves and will be scheduled to be seen. Any incarcerated individual in need of OMH services are sent to an appropriate facility in a timely fashion.

Grievances

The Incarcerated Grievance Program (IGP) is designed to provide each incarcerated individual with an orderly, fair, simple, and expeditious method for resolving their concerns. While incarcerated individuals are still expected to resolve problems on their own, through informal communication with staff, the IGP provides a formal structure to help incarcerated individuals peacefully address issues. This process also allows the Department the opportunity to correct problems internally, identify issues in need of administrative attention, and clarify policies and procedures. The IGP is a non-adversarial process designed to allow staff and incarcerated individuals the opportunity to mediate resolutions to problems in the facility. In addition to addressing formal grievances, IGP staff also interact with incarcerated individuals through non-calendared contacts, which assists them in resolving problems without a formal grievance being filed.

SHU confinement guidelines were modified to be in compliance with HALT. Those changes reflected the elimination of “Keeplock,” the elimination of prehearing confinement and confinement sanctions for Tier II incidents, and reduced confinement penalties for certain Tier III proceedings. Review Officers are expected to utilize the lowest appropriate tier level designation. Additionally, Hearing Officers must ensure they are progressive with the imposition of sanctions, dependent on articulable facts for the specific incident and circumstances at issue.

Where an incarcerated individual is subject to a Superintendent’s Hearing they are permitted to be represented by an attorney, law student, paralegal, or incarcerated individual contingent upon the representative satisfying the requirements established by the Department’s objective criteria. To ensure incarcerated individuals have the ability to contact their representative, direction have been issued to all facilities to accomplish this in an efficient and timely manner.

If an incarcerated individual believes a hearing was conducted unfairly or in violation of the HALT law, they are able to appeal its decision in accordance with Department policy dependent on the Tier level of the hearing.

The safety of staff and incarcerated individuals continues to be of primary importance. As such, the Department has closely monitored the activities within our RRUs and alternative units, monitored program participation, along with key violence indicators, and engaged Superintendents, staff, and the incarcerated population. Careful steps have been taken to methodically perform individualized assessments to determine if an individual should be restrained while participating in out-of-cell programming, consistent with HALT. Incarcerated individuals within RRU are escorted and programming unrestrained, unless, an individual assessment is performed that determines restraints are required due to a significant and unreasonable risk to the safety and security of other incarcerated individuals or staff.

Institutional Culture

DOCCS again welcomes the positive feedback received regarding the culture at Eastern NY Correctional Facility. This is an example of how the relationship between the Incarcerated Liaison Committee (ILC) and the executive team further the Department’s mission.

Regarding movement in separate groups, such activity is regulated in a consistent, secure, and orderly fashion based on infrastructure and security needs. Recreation schedules are determined in accordance with Department policy and in a manner that is fair and equitable to the incarcerated population, allowing equal access to telephones, kiosks, showers, and other services/amenities.

In conclusion, Eastern NY Correctional Facility staff continually demonstrate the ability to maintain care, custody, and the well-being of the individuals sentenced to State imprisonment.

CANY Post-Visit Briefing and Recommendations

Monitoring Visit to Eastern New York Correctional Facility

No. 23-04

March 22-23, 2023

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