

2023 Policy Agenda – New Proposals

The Correctional Association of New York (CANY), under §146, of New York's Correction Law, 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.

In 2022, CANY's seventy-two designees conducted in person monitoring of eleven state correctional facilities, completing over 700 structured interviews with incarcerated individuals, and meeting with hundreds of correctional employees on site. CANY's in person monitoring of the state's prisons is bolstered by administrative data released by the department and obtained through the Freedom of Information Law (FOIL) as well as significant contact with incarcerated individuals, family members and friends of incarcerated people, and advocate groups.

As a result of observations made through CANY oversight and findings released from reporting, CANY recommends the introduction of new legislation in line with the proposals below.

Oversight and Transparency

Expedite the installation of fixed cameras throughout all DOCCS facilities, expand the use of body cameras and their operating times, and make footage available to oversight bodies and the public

CANY identified several prisons in 2021 and 2022 with limited to no use of stationary cameras and body cameras, including Sing Sing, Bare Hill, Marcy, and Mid-State correctional facilities. At those prisons, installation plans to add cameras to certain prisons were in a design phase or had yet to be initiated, leaving the prospect of installation years away. This in effect, leaves investigatory bodies with little to no means of substantiating claims of abuse, harassment or assault on behalf of incarcerated individuals and staff.

This proposed legislation will mandate the installation and use of stationary and body cameras by DOCCS and allow the footage to be readily accessible by oversight entities, individual attorneys, and others to provide transparency about the daily life in prisons and allow for individuals committing harm to be held accountable.

Require DOCCS to notice the public, by issuing a public announcement and by announcement on its website, of a death in a correctional facility of incarcerated individuals, staff, and other individuals, or of any individual under DOCCS custody within 24 hours of a death.

DOCCS is one of three state correctional systems in the United States that does not issue a press release, nor any other notice, when an individual dies in a state correctional facility or otherwise if an individual under the custody of the Department of Corrections and Community Supervision dies while in transit or in a medical setting.

This proposed legislation would require the department notice the press and the public within 24 hours of the death of any individual in DOCCS custody or the death of any person in a correctional facility.

Medical and Mental Health Care

Expand approaches to peer support programs for health and mental health

The peer program operating at Green Haven, whereby individuals being discharged from RCTP are assigned a trained peer who provides support and assistance in reintroducing people into the general population, appeared to be providing some beneficial support for other groups of the population in crisis and follows a best practice, whereby community health workers and peers offer navigation support. Additionally, other peer support programs already in effect, such as to support the dissemination of health-related information related to infectious diseases, as DOCCS and DOH conducted as part of the successful AIDS Institute Criminal Justice Initiative.

This proposal would expand peer support programs in prisons to address a lack of trust in correctional healthcare staff from incarcerated individuals

Prison Work and Wages

Enable voluntary, private-sector, in-prison employment at the state minimum wage

Incarcerated individuals in New York receive between 10 cents and 65 cents per hour for industrial or other work for the state. In these jobs, incarcerated individuals use of heavy and/or industrial equipment to create license plates, grills, furniture for state offices, clothing for state institutions, and a host of other items for the state like the green garbage bins seen on NYC corners. Incarcerated Individuals also staff the state's DMV call centers, provide maintenance of prison facilities, and provide other services to the state of New York for minimal wages.

With the rising cost of goods in prison commissaries due to inflation, the introduction of new DOCCS policy to restrict the mailing of packages from family members and friends (essentially requiring incarcerated individuals to order packages by mail at a higher cost) and new costs borne by incarcerated people to communicate by email through tablets, incarcerated people have little to no money to afford basic needs like food and access to communication with current wages for prison jobs.

While the Governor's attempt to create a jail to jobs program in 2022 was a commendable start to a discussion in increasing prison wages, we encourage the legislature and governor to continue to support efforts to increase wages for incarcerated individuals working in New York's prisons without wage garnishments and with measures to ensure incarcerated individuals are electing to participate in any jobs program over being mandated to work. While CANY supports a minimum wage for all incarcerated professions, any increase from the pennies on the dollar received by incarcerated individuals currently would be a significant improvement and strongly benefit incarcerated individuals in New York. As a result, we very much encourage the legislature and governor to pass legislation to increase in wages for people in prison.

Access to Communication and Visiting

Allow free telephone calls to be made through tablets for incarcerated people

Individuals incarcerated in SHU and RRU units can access up to five hours of phone time each day through use of tablets and a wireless connection provided by the department. In comparison, individuals in other housing units only have access to phones by using physical phones installed in the housing units or yards for a maximum of 15 minutes per day. For example, at Albion, while 91.6% reported having access to phone calls, either by phone or tablet (n=59), and 64.3% of respondents reported being able to access the phones more than seven times per weeks (n=56); Open-ended data revealed long waits for phone calls and few phones available for use in the dormitories (23 instances). Several people CANY spoke with added to note that their dormitory of 40 to 50 incarcerated people relied on as few as three phones.

This proposal would require DOCCS to provide telephone access by use of tablets to all incarcerated individuals.

Prioritize proximity to an individual's home when making decisions about placements

Over the course of CANY's visits, the importance of proximity to their families in New York City and other urban areas in the state for many incarcerated people emerges as a central theme. Approximately 42.9% of incarcerated people in New York State are from the downstate counties in New York City, Long Island, or from Westchester. Many people from the New York City region held in prisons to the far north and west of the state express distress that they are unable to see their families regularly, and often explain that they tell their families not to visit because of the financial stress it causes and the amount of time a visit requires.

To address this issue, CANY recommends that the executive and legislature prioritize proximity of a county of residence for placement of an incarcerated individual.

Material and Environmental Conditions

Develop an action plan to address temperature regulation and exposure to extreme weather across facilities, including steps to install temperature control systems for cooling and heating

In 2022, CANY monitors received several reports about extreme heat and cold in correctional facilities. Furthermore, CANY monitors observed extreme heat and cold during several monitoring visits in 2021 and 2022, with temperature conditions affecting correctional staff, CANY monitors, and incarcerated people. For example, at Great Meadow in 2021, it was reported to CANY that the cause of fire on the visit was an attempt by an incarcerated individual to force staff to open windows in a housing unit on a hot day.

With climate change underway and exposure to extreme temperatures increasing, this proposed legislation would direct the department to develop and implement an action plan to address extreme heat and cold in state prisons.

Study and develop a multi-agency action plan with recommendations, specific to each state correctional facility, on material conditions and the maintenance of aging infrastructure

Prisons in New York, some of which were built in the 1840s and subsequently have received little to investment for improvement, suffer from a severe deterioration of infrastructure, with plumbing, heating, and electrical functions often failing or being unavailable. This proposed legislation would require the executive in consultation with DOCCS, OMH, and OGS, to conduct a study and develop an action plan on material conditions and aging infrastructure.