

Recommendations to the Department of Corrections and Community Supervision Across Five Key Domains

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Correctional Association of New York

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.

CANY carries out in-person monitoring state correctional facilities roughly monthly, during which representatives meet with prison administrators, elected representatives of the incarcerated population and employee unions, and medical and mental health staff; conduct confidential structured interviews with incarcerated individuals; and observe living conditions, programming areas, and clinical settings. CANY’s oversight is additionally informed by its legal authority to send and receive surveys by mail to and from the incarcerated population; by administrative data released by the department and obtained through the Freedom of Information Law (FOIL); by significant contact with incarcerated individuals through privileged correspondence and calls to CANY’s “hotline”; and by family members and friends of incarcerated people, advocacy groups, and members of the press.

As a result of observations made through these monitoring and reporting activities, CANY recommends the advancement of the following initiatives by DOCCS.

1. **Bring existing program initiatives to scale.**

Expand special programs and initiatives such as work release, educational release, transitional housing and senior living programs to include the maximum eligible population and maximize enrollment.

CANY has recently monitored a number of special programs and initiatives offered by the department. These include temporary release programs, the transitional housing program at Edgecombe, and the Senior Living Program at Ulster.

Participants in these programs provided positive feedback about their experiences. For instance, individuals taking part in the Senior Living Program at Ulster spoke highly of the therapeutic community created in their unit. Those enrolled in the work release program at Orleans emphasized the benefits of gaining work experience while participating in the program. Residents at Edgecombe praised the available programs and services for reentry at the facility.

CANY also discovered that these valuable programs are not fully utilized. There were vacant spots in work release programs, transitional housing programs, and senior living programs. CANY's monitoring reveals limited participation in work release programs across the system. This raised concerns about whether all eligible individuals had been assessed for program participation. This issue was particularly noticeable in women's prisons. For instance, during a CANY visit in June 2022, only two women were enrolled in work release programs at Albion correctional facility. Additionally, in December 2022, fewer than 10 individuals were enrolled in work release programs at Edgecombe. Given positive reports from incarcerated individuals participating in these programs, the department should aim to maximize program enrollment and extend these initiatives to other prisons.

These special programs and initiatives are grounded in evidence and best practice. A National Institute of Justice-sponsored assessment¹ of work release programs in Florida concluded that "released individuals who took part in work-release programs exhibited significantly lower recidivism rates compared to a control group of released individuals who didn't participate in such programs." A paper² published in the International Journal of Prisoner Health (IJPH) documents numerous health and safety needs among older incarcerated adults as they prepare for reentry, suggesting that specialized programming in custody will improve reentry outcomes.

Restore classroom capacity/utilization to pre-pandemic levels.

In 2022 and 2023, CANY monitored several prisons where programs were not operating at full capacity, despite the department instituting a return to full capacity for programs as the state eased its way back from the COVID-19 pandemic. Several prisons monitored by CANY in 2022 had an enrollment cap of 50%, and Eastern Correctional Facility, which CANY monitored in March 2023, was operating programs at a 75% cap, despite there being no social distancing limits in place in other areas of the prison.

The pandemic-era limitation on classroom capacity at certain prisons reduces overall access to educational, vocational, and therapeutic programs for incarcerated individuals, and as a result can have adverse effects on the mental health of people

¹ See <https://www.ojp.gov/ncjrs/virtual-library/abstracts/assessment-effectiveness-prison-work-release-programs-post-release>

² See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10123961>

in prison. For example, a 2022 study³ published in the International Journal of Prison Health points to how “COVID-19 mitigation strategies may result in more incarcerated people developing anxiety, depression and other mental health diagnoses.”

By restoring classroom capacity and utilization to pre-pandemic levels, the department can not only make headway towards increasing program enrollment in the state’s prisons to better support reentry outcomes for people being released from prison, but also mitigate anxiety, depression, and other mental health challenges that can result from a lack of access to programs and services.

Establish a college program with live instruction at every facility.

DOCCS currently provides live instruction college programs at 36 out of 44 prisons, offering associate’s, bachelor’s, and master’s degree programs at various institutions. CANY’s monitoring of these programs has revealed that they are highly valued by incarcerated individuals. However, at certain prisons, especially those like Upstate Correctional Facility which rely on a “cadre” of incarcerated workers to perform basic functions in the facility, cadre workers do not have access to college programming. The department should expand its considerable commitment to post-secondary education in prison by making these programs universally available to every eligible incarcerated person.

In 2009, CANY issued a report⁴ titled “Education from the Inside, Out: The Multiple Benefits of College Programs in Prison,” outlining how access to college programs can reduce recidivism rates, enhance employment prospects, foster cognitive skill development, and even positively impact the prison environment while generating cost savings for the state. According to an evaluation⁵ by the RAND Corporation titled “How Effective Is Correctional Education, and Where Do We Go from Here?,” individuals who engage in college and postsecondary education initiatives while incarcerated experience a 43 percent decrease in the likelihood of returning to prison compared to non-participants. The study also notes that each dollar allocated to prison-based education generates savings of four to five dollars in terms of incarceration expenses.

Establish a Commercial Driver’s Licenses (CDL) training program at every facility.

At Eastern and Sing Sing, CANY monitors observed and in one instance operated, new training equipment designed to provide instruction to individuals seeking to gain driving experience to obtain a commercial driver’s license following release. Staff at the prison also noted how incarcerated individuals enrolled in the program would, through a partnership with the Department of Motor Vehicles (DMV), receive a learners permit while participating in the program which can then be converted to a license upon passing a driving test after release.

This program, part of the Governor’s Jails to Jobs initiative and driven by a unique partnership between DOCCS and another state agency, will allow incarcerated individuals to gain a path to employment following incarceration. By providing people in prison with a state ID prior to release and training, pending the passing of a driver’s test, the department is making it easier for incarcerated individuals to establish a career after release.

3 See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10129363/>

4 See <https://www.correctionalassociation.org/other-reports/2009-report-education-from-the-inside-out>

5 See https://www.rand.org/pubs/research_reports/RR564.html

In 2022, Connecticut began offering all incarcerated individuals, barring those with driving related license suspensions and revocations, an opportunity to enroll in a CDL program⁶ towards the end of a sentence. As of 2022, the Bureau of Prisons is also expanding its offering of CDL training in federal prisons.

2. Address needs at the right time and the right place.

Make ASAT, ART, SOCTP, and other mandatory therapeutic programs available early on in an individual's incarceration.

Presently, DOCCS enrolls incarcerated individuals in mandatory therapeutic programs, such as alcohol and substance abuse treatment (ASAT) or Aggression Replacement Training (ART), as they approach their earliest release dates. DOCCS typically times this placement so that individuals can complete the program requirements before their initial release date, but not necessarily before their first appearance before the Parole Board. Consequently, some incarcerated individuals find themselves facing the Parole Board for the first time while still participating in these programs, rather than after completing them. This circumstance can result in the Parole Board denying their release. Additionally, there are instances when an incarcerated individual is unable to enter a mandated program due to their first parole board appearance being scheduled before the program's completion. In such cases, the individual appears before the board without having begun the program.

Incarcerated individuals, front-line staff, and executive leadership at various prisons visited by CANY throughout the state, including Marcy, Upstate, Albion, and Sing Sing, have expressed support for the concept of "front-loading" these therapeutic programs so that individuals in prison could access and engage in the program as soon as feasible. This approach would allow incarcerated individuals to learn and apply the tools and lessons from the program earlier in their incarceration. Simultaneously, it ensures sufficient time to complete the mandated program before a scheduled parole hearing.

Under state law⁷, the department is obligated to place individuals in programs as promptly as possible and without unnecessary delays. By implementing this recommendation, DOCCS will not only gain compliance with the law but will also ensure that incarcerated individuals receive the necessary tools to manage the prison environment and prepare for parole eligibility.

Finalize agreement with OMH on the delivery of programming in RRUs.

In its response to CANY's report⁸ on the Implementation of the HALT Solitary Confinement Law issued in March 2023, the State Office of Mental Health (OMH) acknowledged that, "Since the passage of the HALT statute, OMH has engaged in ongoing discussions with DOCCS regarding the additional staffing requirements necessary to offer mental health programming in RRUs. OMH is ready to initiate group programming for OMH caseload patients in selected RRUs once concerns about security monitoring of RRU classrooms are resolved."

⁶ See https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2022&bill_num=334

⁷ See https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A06353&term=2017&Summary=Y&Actions=Y&Memo=Y &Text=Y

⁸ See https://static1.squarespace.com/static/62f1552c1dd65741c53bbc8/t/641a1aa0c4f82202db41f-cf0/1679432372691/20_23_ImplementationofHALT.pdf

Given the department's efforts to enhance the safety of RRU classrooms for both incarcerated individuals and staff by implementing an emergency alert system for instructors and revising the practice of restraining only those who pose a security and safety risk in RRU classrooms, the department is positioned to finalize and execute an agreement with OMH to develop and provide mental health programs to individuals with mental health conditions in RRU units.

A study⁹ conducted on Therapeutic Diversion Units in North Carolina, which are defined as alternative disciplinary units for individuals diagnosed with mental health conditions, discovered significant benefits from the incorporation of evidence-based treatments tailored to each individual's diagnosis. The introduction of programs designed to address specific mental health needs led to reductions in infractions, inpatient mental health admissions, and self-harm injury rates among individuals in these units.

Expedite MAT assessment to enroll all eligible patients.

During a CANY visit to Green Haven Correctional Facility in December 2022, CANY representatives learned that despite the implementation of the Medication Assisted Treatment (MAT) program across the system, the program's enrollment at Green Haven was fewer than 25 incarcerated individuals on the date of the visit. Likewise, during a 2023 visit to Marcy, CANY representatives were informed that although approximately 50 incarcerated individuals were enrolled in the MAT program on the visit date, a planned expansion to accommodate 200 patients was still in the planning stages.

MAT is an evidence-based public health intervention embraced by Governor Hochul¹⁰: "Expanding medication assisted treatment, MAT, across state and local facilities will allow incarcerated individuals access to medications and therapies to provide them the opportunity to overcome substance use and lessen the likelihood that they may suffer drug-related overdoses upon their reentry into society." CANY recommends its full implementation across all DOCCS facilities.

3. Pilot incentive-based initiatives to test impact on institutional violence and safety.

Allow general population incarcerated individuals to make phone calls using tablets.

Superintendents in facilities across the state have reported their support for expanded use of tablet technology for phone calls. Individuals held in SHU and RRU units can utilize tablets and a wireless connection provided by the department to access up to five hours of phone time each day. By comparison, those residing in other housing units access phones via physical installations within housing units or recreation yards for a much more limited amount of time. In several facilities, CANY observed that dormitories accommodating 40 to 50 individuals often had as few as three phones per housing unit. These limitations and the disparity in access cause unnecessary frustration among incarcerated people and tension between incarcerated people and staff.

Expand earned housing opportunities.

CANY has monitored a number of earned housing units across the state, and while

⁹ See [https://www.ajpmonline.org/article/S0749-3797\(21\)00354-8/fulltext](https://www.ajpmonline.org/article/S0749-3797(21)00354-8/fulltext)

¹⁰ See <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-package-combat-opioid-crisis>

the amenities and protocols vary from one facility to another, incarcerated individuals interviewed in these units express marked differences in the level of tension and the livability of these units.

By contrast, numerous incarcerated individuals speak to overriding feelings of punitiveness in most prisons. One incarcerated individual¹¹ interviewed by CANY put it this way: “The system isn’t focused on rehabilitation; it’s centered around restriction and punishment. They force you to choose between programs and spending time in the yard. There’s no motivation to improve oneself when faced with such choices.” Expanding incentive-based opportunities such as earned housing is one way to address this issue. The United Kingdom’s HM Prison and Probation Service has established a comprehensive framework¹² for an incentive-based system, predicated on evidence which suggests that incentives are more effective at driving desired behavior than punishment.

Allow incarcerated individuals enrolled in horticulture and culinary arts programs to provide vegetables/meals to individuals in their facility.

As part of its monitoring efforts, CANY observed horticulture programs at Marcy, Mid-State, Albion, Elmira, Bare Hill, and Bedford Hills, as well as culinary arts programs at Downstate, Albion, Coxsackie, and Eastern. CANY monitors identified a demand for access to vocational programs in their monitoring, noting a waitlist for the horticultural program at Marcy (alongside other programs) and expressed interest in the program at Albion. CANY also discovered that the culinary arts programs at Downstate, Albion, and Coxsackie are highly regarded, as these programs offer industry certifications that can facilitate employment opportunities.

Additionally, concerns about access to healthy, fresh, and nutritious food are widespread among incarcerated individuals in New York’s prisons. Mess hall food is reportedly inadequate in quantity or lacking in nutritional value. Food purchased through mail orders or in the commissary can be unaffordable, particularly given that prison wages can be as low as 16 cents per hour. In recent years, rising costs have further impacted incarcerated individuals who supplement provided food and hygiene products with additional purchases, which are now more costly than ever before. During a visit to Albion in 2022, incarcerated individuals voiced concerns about insufficient availability of staple food items like fruits and vegetables, resulting in limited options for healthier choices. “They add fruits and vegetables, but they’re out of stock the day after the order,” one person stated. At Fishkill, incarcerated individuals lack access to refrigerators for storing perishables due to the facility being a non-cooking prison. This means that produce received through packages or purchased at the commissary quickly spoils.

The National Commission on Correctional Health Care, which establishes standards for Nutritional Wellness in Correctional Settings, emphasizes¹³ that “Access to a nutritious, palatable diet is essential to personal well-being, a medical necessity, and a fundamental human right.” A survey administered by CANY in 2021 revealed that 74.6% of incarcerated individuals reported that healthy food options cost more than less

11 See https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63f29d4f10658476fec2f378/1676844371129/2022_PVB-05-Singsing.pdf

12 See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105714/incentives-policy-framework.pdf

13 See https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63f29d4f10658476fec2f378/1676844371129/2022_PVB-05-Singsing.pdf

healthy alternatives, and 37.9% reported having the ability to purchase healthy food options at the commissary.

Expanding the horticultural program and culinary arts programs to allow incarcerated individuals to take part in food grown and cooked at the facility would provide a means to expanding the impact of these important programs and providing better food quality for incarcerated individuals.

4. Address workforce challenges through innovative partnerships.

Leverage the opportunities presented by the Medicaid waiver to access resources and build partnerships with community-based providers.

The proposed 1115 Waiver, if approved, offers an opportunity to connect incarcerated individuals with Medicaid-funded services prior to their release. This will address the healthcare coverage gaps that incarcerated individuals often experienced post-release due to the administrative and financial burdens of current Medicaid re-enrollment requirements. These gaps create and exacerbate existing health disparities at a time when people are most vulnerable. Indeed, research has shown that during the first 14 days post-release, the risk of death is over 12 times that of the general population.¹⁴ Continuity of care is particularly critical for incarcerated individuals, who experience a variety of chronic health issues at higher rates than the rest of the population.

This initiative also gives the department a chance to establish expanded partnerships with community-based providers, supporting successful reentry planning, as well as increased access to quality services pre-release.¹⁵ The advice from the Center for Medicaid Services (CMS)¹⁶ suggests that funds from the waiver can be used to fund physical and behavioral health clinical consultation services provided through telehealth or in person in prisons, to diagnose health conditions, provide treatment as needed and support pre-release case managers' development of a post-release treatment plan. This approach is in alignment with the California Department of Health Care Services (DHCS) plan¹⁷, which seeks to collaborate with local partners and stakeholders in California to establish a comprehensive community reentry process, including a targeted set of in-reach medical services including case management and discharge planning, and the provision of physical and behavioral health services upon release.

14 Widra, Emily. "Why states should change Medicaid rules to cover people leaving prison." Prison Policy Initiative, 28 November 2022. <https://www.prisonpolicy.org/blog/2022/11/28/medicaid/>

15 Wang, Sarah. "Prison Health Care is Broken Under the Medicaid Inmate Exclusion Policy." The Petrie-Flom Center, Harvard Law School, 26 January 2022. <https://blog.petrieflom.law.harvard.edu/2022/01/26/medicaid-in-mate-exclusion-policy/>.

16 Lav, Jennifer. CMS Establishes Guardrails for Section 1115 Demonstrations for Justice-Involved Individuals in California Waiver. National Health Law Program, 7 March. 2023, at <https://healthlaw.org/resource/cms-establishes-guardrails-for-section-1115-demonstrations-for-justice-involved-individuals-in-california-waiver/>

17 See <https://www.dhcs.ca.gov/formsandpubs/publications/oc/Documents/2023/23-02-Justice-Involved-Initiative-1-26-23.pdf>

Partner with community colleges and SUNY to develop career pathways and trainee positions for security, clinical, academic, vocational, and administrative roles within DOCCS.

During monitoring visits to Marcy, Mid-State, Coxsackie, Albion, Elmira, Bare Hill, Bedford Hills, Clinton, Upstate, Eastern, and Green Haven, CANY identified concerning low fill rates for medical and dental staff, program staff for academic and vocational programs, civilian administrative staff, and, in certain instances, security staff. Leaders in corrections agencies across the country have raised the alarm that challenges in recruitment and retention threaten their ability to appropriately staff their facilities.

By partnering with community colleges and SUNY campuses to establish career pathways and apprenticeship positions for security, clinical, academic, vocational, and administrative roles within DOCCS, the department could enhance its ability to attract and retain staff from regions across the state. This strategy could capitalize on the state's existing workforce development initiatives¹⁸ offered by SUNY and community colleges.

Expand peer-based programming within facilities by building on existing pilot programs.

CANY has become aware of several small pilot initiatives throughout DOCCS facilities in which trained peers offer assistance and guidance to other incarcerated individuals. In one such program at Green Haven, peers help reintegrate individuals transitioning out of mental health crisis beds into the general population, showcasing the potential to expand this model to other populations. Furthermore, existing peer support programs, such as those aimed at disseminating health-related information pertaining to infectious diseases, have been successfully conducted by DOCCS and DOH under the auspices of the AIDS Institute Criminal Justice Initiative.

The Bureau of Justice Assistance has published a document¹⁹ with implementation tools and guidance for establishing peer-based support services in correctional settings, which serves as a resource that the department can utilize to build upon existing pilot programs.

5. Exceed goals articulated in Government Transparency Plan.

Contribute additional datasets to Open Data NY.

As part of its transparency plan²⁰, DOCCS has made several datasets available to the public through the Open Data NY webpage. This initiative enables the public to gain a better understanding of trends within the population of incarcerated individuals over time. DOCCS should go further by releasing additional data sets to Open Data NY, including data relating to unusual incidents, the disciplinary process, grievances, and staffing levels.

¹⁸ See <https://system.suny.edu/communitycolleges/business/>

¹⁹ See [https://www.cossapresources.org/Content/Documents/Publications/Altarum PRSS in Correctional Settings.pdf](https://www.cossapresources.org/Content/Documents/Publications/Altarum_PRSS_in_Correctional_Settings.pdf)

²⁰ See <https://doccs.ny.gov/system/files/documents/2021/10/doccs-government-transparency-plan.pdf>

Notify the press and the public about deaths in DOCCS custody.

DOCCS is one of three state correctional systems in the United States that does not issue a press release or other notice when an individual dies in custody. Ensuring prompt and transparent public notification of such incidents represents a significant stride toward fostering an accountable and responsible correctional system. This approach empowers the public to engage with matters concerning health and safety within the system.

By taking the initiative to inform the public about deaths in custody, DOCCS can align itself with states such as Pennsylvania, Vermont, Arizona, Wisconsin, and Delaware, among others. These states issue press releases²¹ to communicate information regarding deaths occurring within their correctional facilities.

Issue press releases and notify a distribution list about newly released publications.

A component of the DOCCS transparency plan includes a proposal to publish annual legislative reports and discretionary reports online. Over the past several months, the department has made public its reports from the Prison Violence Task Force, the Report on Sexual Victimization, Proximity to Minor Children, and Reentry Planning and Access to Social Services. These transparency initiatives have granted the public visibility on some of DOCCS' initiatives. To further enhance transparency, DOCCS should adopt measures such as issuing press releases and establishing an email distribution list to proactively inform the public about the release of these important reports.

²¹ See <https://doc.delaware.gov/assets/documents/newsroom/2023/23press0811.pdf>, <https://doc.wi.gov/Documents/AboutDOC/PressReleases/23.07.20%20TCI%20Investigation.pdf>, <https://doc.vermont.gov/press-release/doc-reports-death-incarcerated-individual-st-albans>, https://www.media.pa.gov/pages/corrections_details.aspx?newsid=614, <https://corrections.az.gov/news>