



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

Committee on

Correction

David I. Weprin

Chairperson





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MEMBER OF ASSEMBLY
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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
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COMMITTEES
Banks
Codes
Judiciary
Ways and Means

TASK FORCE
Puerto Rican/Hispanic Task Force
Asian Pacific American Task Force

December 15, 2018

The Honorable Carl E. Heastie
Speaker of the Assembly
Capitol, Room 346
Albany, NY 12248

Dear Speaker Heastie:

As Chairman of the Assembly Standing Committee on Correction, I am pleased to present to you the Annual Report for the 2018 Legislative Session.

The Annual Report continues the long-standing practice of highlighting the work of the Committee on Correction, as well as reviewing major aspects of state and local corrections by providing budgetary, workload and population data.

I would like to take this opportunity to acknowledge the hard work of the members of the Committee on Correction and all of the members of the Assembly for their continued commitment to the work of the Committee and to progressive correction legislation. As always, your continued support is deeply appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "David I. Weprin".

David I. Weprin
Chairperson
Standing Committee on Correction

2018 ANNUAL REPORT

STANDING COMMITTEE ON CORRECTION

David I. Weprin, Chair

Committee Members

Majority

Michael Blake
William Colton
Maritza Davila
Carmen N. De La Rosa
Walter T. Mosley
Felix Ortiz
Nily Rozic
Luis Sepulveda
Latrice Walker

Minority

Joseph M. Giglio, Ranking
Gary Finch
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Staff

Daniel Salvin, Assistant Secretary for Program and Policy
Cheyenne Burke, Associate Counsel
Tahirih Anthony, Legislative Analyst
Sumeet Sharma, Committee Clerk

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I. JURISDICTION

The Assembly Committee on Correction has jurisdiction over legislation affecting all aspects of the operations of both state and local correctional facilities. This responsibility includes 54 state correctional facilities and 62 local correctional systems, including all local jails and police lockups operated by municipalities across New York State. New York's correctional system is the third largest in the nation with approximately 47,000 inmates housed in state facilities and 24,271 inmates in local facilities. More than 40,000 correctional personnel combined are employed in all correctional facilities.

The Committee on Correction works closely with other committees of the Assembly, including the Committees on Alcoholism and Drug Abuse, Codes, Health, and Mental Health, regarding issues that affect correctional staff and inmates. Public hearings held by the Committee on Correction are reviewed in Section IV.

Assembly Member David I. Weprin was appointed Chair of the Committee on Correction in January 2017. Chairperson Weprin represents Assembly District 24 in Queens, New York, and has been a member of the Assembly since 2010.

NEW YORK STATE'S CORRECTIONAL POPULATION

A. State Correctional Facilities and Community Supervision

As of November 1, 2018, the prison population of the Department of Corrections and Community Supervision (DOCCS) was 47,093 inmates and 935 parolees under custody. This is 100 fewer inmates than at this time in 2017. The overall population has now declined 30% since the peak of 71,538 in 1999. The total under-custody population is 48.1% African American, 24.5% Caucasian, and 24.5% Hispanic as of November 1, 2018, approximately the same as in 2017. Additionally, there were 406 Native Americans, 281 Asians, and 866 individuals in the "other category." Females comprise 5% of the inmate population. There were 366 state-ready inmates (inmates held in a local correctional facility waiting transfer to state prison) as of November 1, 2018, and 22 state-ready parolees. Additionally, there were 145 sex offenders and 25 other offenders living in residential treatment facilities operated by the Department of Corrections and Community Supervision as of November 1, 2018.

There were 16,377 inmate admissions to state correctional facilities from January 1, 2018, through October 31, 2018, 794 more than in the same period in 2017, and 3,131 parolee admissions. New court commitments for this period were 9,799, including 649 judicially sanctioned admissions to DOCCS' facilities. There were 2,900 returned parole violators and 3,427 conditional release revocations, including 1,382 violators who were admitted into DOCCS-operated alternative-to-incarceration 90-day drug treatment programs. Additionally, 683 parolees were mandated to the Willard drug treatment

program and 112 parolees voluntarily went to Willard rather than face revocation. There were 1,101 people on parole returned to prison for new felony offenses.

B. Local Correctional Facilities

The total under-custody population among local correctional facilities as of October 2018 was 24,271. For the City of New York, there were 9,041 inmates under custody, a 702 population decrease compared to last year, while county correctional facilities outside of the City of New York had an under-custody population of 15,230 at that time about 446 population decrease compared to last year.

C. Community Supervision

The Department of Corrections and Community Supervision (DOCCS) is the sole agency responsible for the supervision of all persons under custody or released from the state correctional facilities and subject to a term of parole or post-release supervision. This responsibility includes efforts to ensure successful, law-obedient adjustment to community living and help with drug treatment, job training, job placement and other services to enhance the likelihood of a self-sufficient and crime-free lifestyle. DOCCS staff is also responsible for identifying violations of parole conditions that may result in the use of corrective measures, including revision of parole conditions and, in some cases, parole revocation. According to DOCCS, as of November 1, 2018, there were 36,967 individuals in New York State under parole supervision, which are 829 fewer parolees than at the same time last year.

Almost half, 48%, of the parolees under community supervision as of December 31, 2017, were African-American. The median age of these parolees was 37, with 51% from New York City, reflecting the continued decline among the inmate population of individuals committed from New York City. 93% of all parolees are male, 57% have a drug abuse history and 5% are sex offenders. Among all parolees, 53% are convicted of a statutorily-defined violent felony offense, and 20% are convicted for a drug offense. Only 2%, or 626, parolees have Youthful Offender status.

Currently 54% of the individuals on community supervision live in the five boroughs of New York City, while 46% reside outside of the city. Many ex-offenders have high educational and vocational needs, a history of substance abuse and problems maintaining stable housing and employment. The Correction Committee recognizes the importance of supportive reentry services and continues to advocate for increased funding and diversity of programming to help people coming out of prison successfully reintegrate into the community.

D. Board of Parole

The Board of Parole (Board) reviews the records of parole-eligible prison inmates sentenced to an indeterminate term of imprisonment and either denies or approves release on parole. This is separate and apart from the release mechanism for those inmates sentenced to a determinate term of imprisonment or those eligible for conditional release. The Board also sets conditions of release for anyone who is subject to a period of community supervision.

Between January and October 2018, there were 9,438 parole release interviews, which is 1,027 fewer hearings than in the same period in 2017. However, the release rates improved to 43% for initial appearances and 37% for reappearances. Initial release rates were 35% for A1 violent felony offenses, 21% for other violent felony offenses, 43% for drug offenses, 41% for other coercive offenses, 59% for major property offenses and 40% for youth offenses.

E. Community Corrections Programs

According to data obtained from the Office of Probation and Correctional Alternatives (OPCA), which is housed in the Division of Criminal Justice Services (DCJS), at the end of the SFY 2017-2018, there were 95,090 adults under probation supervision across New York State, a decrease of 3,454 since last year at the same time. The adult probation population includes 45,988 people on felony probation and 44,254 misdemeanor offenders on probation, as well as 4,848 people on probation for offenses other than felonies or misdemeanors, such as criminal mischief, crimes against public order and probations who transferred to New York after convictions in other states. In addition, local probation departments supervise youth placed under supervision by the family court, which includes approximately 2,546 juvenile delinquency cases (a decrease of 259 cases compared to the previous year), and 655 persons in need of supervision (PINS) cases (a decrease of 75 cases) in this last fiscal year.

Among specialized projects lead by OPCA is the Sex Offender Address Confirmation Project. Probation is the most frequently used disposition for defendants convicted of sex offenses in New York State. The supervision period for sex offenders under probation is longer than the supervision period for offenders convicted of other offenses. Probation officers regularly confirm offender addresses, comparing them to the State's Sex Offender Registry (SOR), require that offenders complete change of address forms, and file violations and request warrants on absconders. There are approximately 3,800 registered sex offenders under probation supervision, the same amount of offenders compared to the year of 2017.

III. STATE BUDGET IMPACT ON CORRECTIONAL AGENCIES

The SFY 2018-2019 Budget for DOCCS appropriates \$2.84 billion in state operations funding. The DOCCS budget represents funding for the operation of state correctional facilities as well as community supervision and the Board of Parole. Included within the DOCCS budget is \$136.9 million for the supervision of people released to parole and post release supervision, and \$7 million to support the functions of the Board of Parole. The Department possesses the largest state operations budget of any state agency and the average cost to house an inmate is approximately \$60,000 per year. The budget also includes approximately \$29.5 million in Aid to Localities funding.

A. Department of Corrections and Community Supervision

Facilities

For the fourth year in a row there were no correctional facilities closed in fiscal year 2018-2019. Previous facility closures have resulted in a number of property sales and conversions of such properties for new uses often benefitting the community at large.

As part of the Raise the Age legislation that passed during the 2017-2018 budget process, the Office of Children and Family Services (OCFS) took over the administration of programs at Hudson as of October 2018, although the Department will continue to provide security services.

During 2018, the Department continued to operate a portion of Hudson Correctional Facility, located in Columbia County, as a hybrid youth facility for 16- and 17-year old male and female inmates. As of October 1, 2018, all 16- and 17- year olds were moved off Rikers Island and moved to either Horizon Juvenile detention facility, or to Crossroads Juvenile center.

Prior to 2016, 16- and 17-year old offenders were housed in general population facilities across the state with other adult offenders.

Technology

In the aftermath of the high-profile escape of two inmates from Clinton Correctional Facility in 2015, and the high-profile death of a mentally ill inmate at Fishkill Correctional Facility, the Department announced an investment of \$25 million to enhance and upgrade technological resources that would improve prison safety for staff and inmates.

These initiatives include installation of fixed cameras, the deployment of thermal imaging and heartbeat detection devices, the installation of a rounds tracker system, the procurement of portable metal detectors, and the use of body cameras to be worn by staff. The Correction Committee has long supported the use of body cameras in correctional settings. In 2018, body cameras continue to be tested at Clinton and Bedford Hills Correctional Facilities.

In 2018, legislation permitting the use of non-medical low dosage ionizing radiation on inmates in local correctional facilities was passed and signed into law by Governor Cuomo (A.6838, Weprin/S.5337, Hannon, Chapter 313 of 2018 laws). This law allows correctional facilities to check inmates for weapons that may not be detectable to magnetometers such as plastic, titanium and ceramic. These machines will also serve as a deterrent and discourage inmates from carrying weapons.

Additionally, the Department has entered into a new contract with Securus Technologies to provide telephone services in its facilities. Securus will provide the Department with 12,000 shatterproof electronic tablets for use by inmates. The tablets will not have internet access, but will be preloaded with programs and entertainment approved by the Department. The rates under the new phone contract will be lower dropping from .047 per minute to .043 per minute, saving inmate families an estimated \$1.25 million per year and keeping NYS' rates among the lowest in the country. An individual email will cost less than a stamp at \$.35. Neither New York State nor DOCCS will make a commission on any inmate purchases or phone calls.

Prisoners Legal Services

The SFY 2018-2019 Executive Budget again included \$2.2 million for Prisoners Legal Services (PLS), which provides legal representation and assistance to indigent prisoners in civil cases. The Assembly was able to secure an additional \$750,000 for PLS, bringing the total funding for the organization up to \$2.95 million to match the funding amount that PLS received the prior year. The Committee believes that PLS is an important program that has played a vital role in making New York prisons safer and more humane. Its work has resulted in positive changes in prisoners' attitudes and behavior and has promoted constructive policy and programmatic modifications within DOCCS.

Security Staffing

As of November 1, 2018, there were 19,094 corrections officers, sergeants and lieutenants employed by the Department, a 14.9% reduction when compared to the number of such employees in 1999 when the state correctional population was at its peak. During this same time, the inmate population declined 30%. The ratio of inmates to officers in New York prisons is currently 2.7 to 1. The national average ratio of inmates to officers is around 4:1 in state correctional facilities, and 9:1 in federal prisons.

Board of Parole

Funding for the Board of Parole is separately appropriated and may not be decreased by interchange with any other appropriation in the DOCCS budget in order to ensure adequate funding to perform its mission with the required independence. The SFY 2018-2019 Board of Parole budget is \$7.1 million, an increase of \$200,000 from the prior year.

The Board of Parole is statutorily maintained as a 19-member appointed body with independent decision-making authority. There are 12 commissioners currently serving, down from 17 commissioners in 2017. There were no reappointments in 2018.

The Board of Parole is housed within DOCCS for administrative support and maintains its independence with its own counsel's office and cadre of Administrative Law Judges. The Board continues to make discretionary determinations regarding the release of indeterminately sentenced inmates, the setting of release conditions for all inmates, revocations of community supervision for individuals charged with violating conditions of release, and the three-year discharges of sentence for certain persons under supervision. Former Board functions of granting merit termination of sentences, granting certificates of rehabilitation and preparing parole summaries have been carried out by DOCCS since 2011.

Community Supervision

The DOCCS budget allocation for supervision of persons released to the community in SFY 2018-2019 is \$136.9 million, approximately the same as the prior year. Community Supervision is entirely separate from the Board of Parole budget, since community supervision is no longer a function of the Board following the merger with DOCCS in 2011.

Community supervision staff members oversee approximately 36,000 people on parole and post-release supervision out of seven regional offices around the state.

Many ex-offenders have high educational and vocational needs, a history of substance abuse and problems maintaining stable housing and employment. The Correction Committee recognizes the importance of supportive reentry services and continues to advocate for increased funding and diversity of programming to help people coming out of prison successfully reintegrate into the community.

B. Local Correctional Agencies

The DOCCS budget continues to include \$200,000 in aid-to-localities funding to local correctional facilities for reimbursement to counties for housing “state-ready” inmates. “State-ready” inmates are persons who have been sentenced to state prison and are being held in a county jail awaiting transport. The reimbursement for “state-ready” inmates was basically eliminated in the SFY 2009-10 Budget but the state is still liable to reimburse counties up to \$100 per day for each “state-ready” inmate who is not transferred to state prison within 10 days of the locality notifying DOCCS that the inmate is ready for transport.

C. Office of Probation and Correctional Alternatives

The SFY 2011-12 Budget restructured certain appropriations so that formerly separate programs within the Division of Criminal Justice Services (DCJS) such as the Office of Probation and Correctional Alternatives (OPCA), among other appropriations, have been consolidated. The new program structure of DCJS now consists of the offices of Administration, Crime Prevention and Reduction Strategies and separate programs for each of the newly merged agencies.

Thus, the appropriation for OPCA is unspecified within the Executive Budget and contained within a larger appropriation for DCJS Crime Prevention and Reduction Strategies Program covering additional programs for organizations and services such as Aid to Prosecution, Crime Labs, and Drug Diversion, among others.

The DCJS budget includes \$44.8 million for aid to local probation departments and additional federal funds are also directed to help offset probation aid cuts, the same amount was budgeted in the previous year. It should be noted that state aid to local probation departments represents only a small percentage (less than 20%) of the actual costs of these services.

D. State Commission of Correction

The State Commission of Correction is responsible for the regulation and oversight of all correctional facilities in New York State. This responsibility encompasses 54 state correctional facilities, 62 county jails and the New York City correctional system comprising 18 facilities and 200 police lockup facilities, and five secure centers operated by the Office of Children and Family Services. The Commission’s budget for SFY 2018-2019 is \$2.83 million.

In 2017, the last year for which data is available, the Commission’s Citizen Policy and Complaint Review Council reviewed 2,499 individual letters of complaints concerning state and local correctional facilities. The Commission handled 3,376 county facility grievances, a 468 decline since the last report in 2015. The Commission testified to

receiving 770 reported incidents from local police agencies with over 90% of the incidents falling into the *Inmate Injury/Illness Requiring Hospitalization* category. The Commission's Forensic Medical Unit investigated 70 inmate deaths, which were 25 more than were investigated the year prior. There were 170 inmate deaths in state and local facilities in 2017, 21 less than were reported in 2016. Of these, 143 occurred in a state correctional facility, a slight decrease of 4 from 2016. In state facilities, 13 deaths were from suicide, 29 were from causes unknown, and 2 were in the "other" category. Additionally, there was 1 death from HIV/AIDS and 1 death from homicide in a state correctional facility in 2017. The remaining 97 state inmates were reported to have died from natural causes. In total there were 19 suicides in state and local correctional facilities in 2017, which is four less than in 2016.

In the City of New York, there were 23 deaths in correctional facilities, 8 more than in 2016, and no deaths were the result of a homicide; 5 deaths were the result of a suicide, 0 from AIDS, 8 from natural causes, 7 from unknown causes, and 3 other deaths.

For the year 2017, the Commission received and responded to 165 Freedom of Information Law requests for records of the Commission on Correction.

During 2016, a change in Correction Law 611(1)(e) required an annual report on the shackling of pregnant female inmates for the first time. Five incidents were reported, one each out of Chemung, Livingston, Otsego and Schenectady Counties and one from the Rose M. Singer Center at Rikers Island in New York City. In two cases the women were alleged to be verbally abusive or acting out, one woman was in disciplinary segregation so staff decided to handcuff her for the duration of the time spent in the transport vehicle, one woman reportedly misreported the date of the end of her pregnancy so staff did not know she was within the eight-week postpartum period covered by the correction law and one woman was a federal detainee who was in handcuffs for five minutes while the transport team explained the change in law to the U.S. Marshall.

IV. COMMITTEE ACCOMPLISHMENTS

A. Significant Legislation Advanced by the Correction Committee in 2018

The Correction Committee advanced the following legislation which passed both houses in 2018.

Inmate Programs – requires the Department of Corrections and Community Supervision (Department) to prioritize program placement of an inmate who has been denied parole that has appeared before the Board of Parole (Board) without completing a program required by the Department through no fault of their own. (A.8958, Weprin / S.7305, Gallivan; Chapter 26 of 2018 laws)

Parole Appeal Findings – requires the board of parole administrative appeal findings and recommendations to be published on a website with a searchable database and provided to correctional facility law libraries on a quarterly basis. (A.8960, Weprin / S7333, Montgomery; Chapter 44 of 2018 laws)

Detained Individuals in Steuben County – permits Steuben County sheriff and correctional facility to hold detained persons prior to arraignment. (A.9069, Palmesano / S.6850-B, O’Mara; Chapter 334 of 2018 laws)

Detained Individuals in Tioga County – authorizes the Tioga correctional facility to be used for the detention of persons under arrest being held for arraignment in any court located in the county of Tioga (A.9859, Friend / S.7404, Akshar; Chapter 487 of 2018 laws)

Definitions/Technical Errors – requires that the correction law be updated to remedy inconsistent definitions and other technical errors. (A.10159, Weprin / S.8048, Gallivan; Chapter 247 of 2018 laws)

Detained Individuals in Wayne County – authorizes the Wayne County correctional facility to be used for the detention of persons under arrest being held for arraignment in any court located in the county of Wayne. (A.10248, Oaks / S.8092, Helming; Chapter 385 of 2018 laws)

In addition, the Assembly passed the following correction related bills:

Close To Home – requires the Department of Corrections and Community Supervision to place incarcerated parents at correctional institutions closest to their children’s home. (A.1272A, Rozic; Passed Assembly)

Segregated Confinement of Pregnant Inmates – requires that pregnant inmates be excluded from solitary confinement in all New York correctional facilities. (A.1610, Rozic; Passed Assembly)

Ban The Box – requires employers to make a conditional offer of employment before inquiring about any criminal convictions of a prospective employee. (A.2343, Aubry; Passed Assembly)

Parole Statistics – requires the Board of Parole to include demographic data of persons considered for release in their annual report. (A.2471, Sepulveda; Passed Assembly) Chapter 292

HALT – restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options. (A.3080B, Aubry; Passed Assembly)

Mental Illness Clarification – requires that the definition of serious mental illness in the correction law matches the definition in the mental hygiene law. (A.3206, Aubry; Passed Assembly)

Re-Entry Examination – requires the Department and the Office of Temporary and Disability Assistance to examine and make recommendations relating to current barriers to community re-entry for incarcerated individuals under state and local law and policy. (A.3975, Gottfried; Passed Assembly)

Re-Entry Programs – authorizes parolees who are gainfully employed to attend required programs outside of their work hours. (A.7605, Davila; Passed Assembly)

Housing for Transgender/Intersex Inmates – permits the sheriff to assign a transgender or intersex inmate to any facility housing unit which shall ensure the inmate's health and safety. (A.7653A, Davila; Passed Assembly)

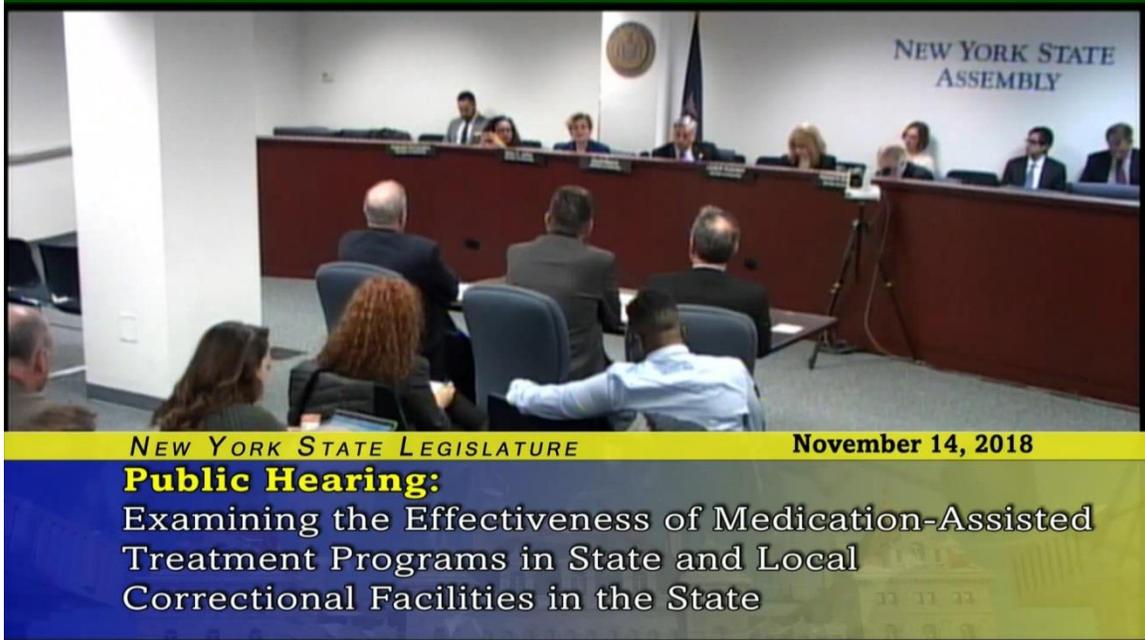
B. Public Hearing

Medication-Assisted Treatment in Correctional Facilities

On November 14, 2018, the Committee, in conjunction with the Assembly Committee on Health and Alcoholism & Drug Abuse, held a hearing to examine the need for medication-assisted treatment in state and local correctional facilities.

The Committee heard testimony from the DOCCS commissioner, the commissioner of the Office of Alcoholism and Substance Abuse Services, New York State Sheriff's Association, the deputy director for Drug Policy and Criminal Justice Reform and members from the Harm Reduction Coalition. Along with several advocacy groups including but not limited to: Drug Policy Alliance, The Osbourne Association, Legal Action Center, Exponents and a few medical directors.

The Committee will consider legislative and policy changes to improve and oversee health care in state and local correctional facilities.



C. Prison Tours

Since becoming Chair of the Correction Committee in January 2017, Assembly Member David I. Weprin has toured both local and state correctional facilities along with a number of re-entry and alternatives to incarceration programs and the DOCCS training center. In the year of 2017, he visited the following state correctional facilities: Bedford Hill, Otisville, Queensboro, Sing Sing, Taconic and Rikers Island. In 2018, he visited the following state correctional facilities: Otisville, Green Haven and Lincoln along with following local correctional facilities: Rikers Island, Albany and Orange County. At each correctional facility, Chairperson Weprin met with the superintendent, staff and members of the Inmate Liaison Committee and other inmates. During 2019, the Chair will tour more facilities throughout the State.

V. ISSUES TO BE ADDRESSED IN 2019

A. Solitary Confinement

1. Overuse of Solitary

At any given moment there are approximately 4,500 New York state prisoners, or approximately 9% of the prison population, being housed in segregated disciplinary units, known as Special Housing Units (SHU). An unknown number of inmates are also confined in keep-lock units or are keep-locked in their own cells. Inmates in keep-lock and SHU are locked into their cells 23 hours a day, with one hour of recreation time. Out-of-cell recreation is usually spent alone in a bare outdoor cage. Inmates in SHU are denied phone calls, most commissary privileges and personal property and most programming, including classroom-based educational programming. They have restricted visitation rights and are unable to attend religious services. There is no limit to the amount of SHU time an inmate may receive as a sanction for misbehavior in New York prisons and prisoners with serious or multiple infractions, as well as prisoners under “administrative segregation,” may stay in SHU for years. A few prisoners have been in SHU for decades. In 2014, over 45% of all suicides that occurred in prisons, took place in solitary confinement.

In December 2015, the Department entered into a settlement agreement in the federal civil rights case Peoples v. Fischer, which should reduce the number of people in SHU, increase their programming options and provide more SHU diversion units. It also will decrease or eliminate SHU time for first-time, non-violent offenses, among other important and welcome changes.

Heavy reliance on solitary confinement has not only been a state prison policy. In March 2012, the former Commissioner of the New York City Department of Correction testified at a city council budget hearing that the use of solitary confinement had increased 44% at Rikers Island over the previous two years. An October 2013 report by the New York City Board of Correction stated that 27% of the 16-, 17- and 18-year olds at Rikers Island were in punitive segregation and that 71% of all inmates in punitive segregation were mentally ill. Since that time Rikers has made enormous strides in removing young people from isolation and intends to divert all inmates under 21 from solitary confinement in the near future.

The Committee on Correction advanced two bills in the 2017-2018 legislative sessions (A.1905-A, O’Donnell; A.1610, Rozic) following guidelines recommended by the United Nations Committee Against Torture. The bills would limit the time an inmate could spend in solitary confinement and prohibit the use of solitary confinement for adolescent, developmentally and cognitively disabled and mentally ill inmates and pregnant women.

In 2018 the Assembly passed A.3080A, (Aubry) also known as HALT Act. HALT stands for the "Humane Alternatives to Long-Term Solitary Confinement" Act. This bill would limit the time an inmate can spend in segregated confinement, end the segregated

confinement of vulnerable people, and restrict the criteria that can result in such confinement, improve conditions of confinement, and create more humane and effective alternatives to such confinement. The Committee will again advance these bills for consideration in 2019 and will continue to consider other bills to limit SHU time in New York State.



Committee Chairman David I. Weprin and Assemblymember Victor Pichardo at a solitary confinement rally.

2. Prisoners with Mental Illness and Cognitive/Physical Disabilities

Correction Law § 137 (6) (d) and (e) was enacted in 2008, excluding “seriously mentally ill” prisoners from solitary confinement of more than 30-days duration. Eight years out, there are still 650 to 700 inmates in SHU who suffer from some form of mental illness. This year the Assembly once again passed a bill (A.3206, Aubry) which would conform the definition of serious mental illness to the definition used in the mental hygiene law, thereby increasing the number of inmates who are eligible for diversion from SHU to treatment units. The Committee will continue to examine the mental health SHU exclusion law to see if it should be amended to broaden the eligibility for SHU exclusion, including prisoners with cognitive impairment or physical disabilities. The Committee will also consider other needed changes to ensure that people who need mental health treatment or special accommodations do not have their conditions made worse by disciplinary segregation.

B. Parole

More than half a million people have been released from New York State prisons since 1985. Today we have fewer than 35,000 individuals on community supervision and 51,000 individuals in state prison, an approximately 26% decrease in the prison population since 1999. The declining population of people in custody and on community supervision indicates that most parolees successfully re-integrate back into the community. Only 8.6% percent of parolees return to incarceration within three years of their release for a felony new offense. Viewed in terms of total statewide arrests, parolees represent less than 5% of all felony arrests and just 2.5% of all misdemeanor arrests per year statewide.

Although New York has medical parole for inmates who are either terminally ill or medically incapacitated, the process has been so slow that nearly a quarter of the inmates who have sought medical parole die before they can be interviewed by the board. Additionally, eligibility for medical parole may be too restrictive and in need of expansion.

Given the importance of a successful parole system, we must ensure that we do everything we can to support the Department and the Board of Parole in its reentry mission. The Committee regularly consults with professionals, academics, law enforcement experts, advocates and the public to evaluate whether the practices and procedures in place today for both DOCCS and the Board of Parole are fair and effective, and to make recommendations to improve future outcomes. Due to the recent appointments, the Board of Parole is now more diverse including members of Haitian and Hispanic descent.

In 2018, the Committee on Correction moved several parole reform bills: A.4036, Weprin; A.6354A, Weprin; and A.10343, Weprin. These bills would provide medical parole for inmates physically or cognitively incapable of presenting a danger to society, establish parole eligibility for certain inmates who are fifty-five and older, and improve the medical parole and certification process.

In 2019, the Committee will continue to advance bills for needed parole reforms and will continue to support legislation to make sure that inmates who do not appear to pose a public safety risk are released to community supervision as quickly as possible.



Committee Chairman David Weprin at a parole reform rally.

C. Re-Entry

Legal disabilities and state or local policies can operate as barriers to re-entry after incarceration is long over. While such disabilities tend to be added piecemeal to statutes and regulations, the overall affect can be to stymie efforts by ex-offenders to find housing or jobs or to continue education and training programs. In 2010, the National Conference of Commissioners on Uniform State Laws recommended that all states enact their Uniform Collateral Consequences of Conviction Act. In 2006, the New York State Bar Association's report "Re-entry and Reintegration: The Road to Public Safety" made a number of specific recommendations for New York legislative reforms aimed at decreasing the collateral consequences of incarceration, including streamlining the process for ex-offenders to obtain a Certificate of Relief from Disabilities or a Certificate of Good Conduct and expanding Article 23-A of the Correction Law to prevent discrimination against persons with a criminal record who pose no threat to public safety. In 2018, the Committee has met with several Alternatives to Incarceration groups that specialize in re-entry to determine how the Assembly can aid in the crucial process. This year the Committee will again advance bills to help law-abiding formerly incarcerated people stabilize their lives by eliminating or reducing barriers to education, employment, housing and public benefits, and by supporting programs and initiatives to encourage successful re-entry into their home communities.



Chairman Weprin, Sumeet Sharma and Muhammad Rahman at John Jay College for a graduation ceremony for the Prison Reentry Institute.

D. Women in Prison

Women inmates have special needs, including hygiene, grooming and medical needs, and unique social and educational problems as well as family issues. Far more female prisoners than male prisoners were custodial parents prior to incarceration and more women than men were subject to sexual trauma at some point in their lives. It is estimated that nearly 75% of female inmates have at least one mental health problem compared to around 50% of incarcerated men. While the Legislature passed an amended law prohibiting the use of shackles on pregnant women, there are still many unmet needs among women prisoners.

In 2017, A.2534 (Rozić) was signed into law. The new law provides that female inmates must have equivalent rehabilitative programming to male inmates. The Assembly passed several other bills concerning women prisoners, including a bill to prohibit solitary confinement of pregnant inmates (A.1610, Rozić) and a bill to provide feminine hygiene products free of charge to all prison and jail female inmates (A.0588-B, Rosenthal). The Chairman also visited Bedford Hill and Taconic Correctional Facility this year to speak with women directly in order to draft legislation to help women in prison. In 2019, the Committee will explore further how to improve specialty programming and services to women in our state prisons.

E. Visitation

Visitation is the most important predictor of successful re-entry for people leaving prison. Visitation not only eases re-entry into society, but also promotes the adjustment and well-being of inmates during their incarceration. In the 2018-2019 state budget process, the Executive proposed reducing visitation in maximum security prisons to three days a week in order to save \$2.6 million. Committee Chairperson Weprin vigorously opposed the reduction of visitation and the item was removed from the final budget. The Committee strongly supports in-person visitation, supplemented where needed with video visitation in all correctional facilities. Accordingly, in 2017, the Assembly passed a new bill (A.7241-A Weprin) which would codify seven-day visitation in maximum security prisons and expand visitation to seven days a week in medium and minimum security prisons. In 2019, the Committee will continue to explore legislation in order to expand and strengthen visitation programs in state and local facilities where applicable.

F. Immigration

There have been several instances where undocumented immigrants and asylum seekers have been held for extended periods of time while awaiting court proceedings or additional instructions; despite either having demonstrated a credible fear and being deemed eligible for asylum, having already volunteered for deportation or being held as a result of administrative violations. Following visits to the Albany County Correctional Facility and Orange County Correctional Facility to meet with immigration detainees and local inmates, Chairman Weprin joined the New York Immigration Coalition, Legal Action Center, Chhaya CDC at the ICE Varick Street Detention Facility to call on U.S. Immigration and Customs Enforcement (ICE) and the United States Department of Justice (USDOJ) to end the indefinite detentions of asylum seekers and other immigrants being held on administrative violations in local jails in New York State. In 2019 the Committee will explore how New York State can reunite these individuals with their loved ones.



Chairman Weprin speaks at press conference outside the ICE Varick Street Detention Facility in Manhattan.

APPENDIX

2018 SUMMARY SHEET

**Summary of Action on All Bills
Referred to the
Committee on Correction**

Final Action on Assembly Bills

Bills Reported With or Without Amendment

| | |
|--------------------------------------|-----------|
| To Floor; Not Returning to Committee | 9 |
| To Ways and Means Committee | 12 |
| To Codes Committee | 15 |
| To Rules Committee | 3 |
| Total | 39 |

Committee Action

| | |
|--------------------------|----|
| Held For Consideration | 24 |
| Defeated | 0 |
| Enacting Clause Stricken | 8 |

Total Assembly Bills in Committee **187**

Total Number of Meetings Held **6**