

Annual Update

DOCCS' FIRST UPDATE ON THE IMPLEMENTATION OF THE HISTORIC SETTLEMENT TO IMPROVE THE CONDITIONS AND REDUCE THE USE OF SOLITARY CONFINEMENT IN ITS FACILITIES

Since the formal agreement went into effect in April, 2016, DOCCS has reduced the number of inmates serving sanctions in a Special Housing Unit ("SHU") by twenty-four (24%) percent and the average length of stay of an inmate in a SHU cell has decreased by over sixteen (16%) percent.

In February 2014, an Interim Settlement was reached in Peoples v. Annucci which was intended to advance a variety of policy initiatives, including reducing the reliance on, use and duration of confinement in special housing units, creating and implementing individual sanction guidelines, ending the practice of imposing solitary confinement on juveniles, instituting a presumption against solitary confinement for pregnant inmates, and providing an alternative placement for inmates with cognitive impairments. That Settlement Agreement ("Agreement") was finalized and approved by the United States District Court for the Southern District of New York on April 1, 2016.

Throughout the first year, and continuing on an ongoing basis, DOCCS has communicated with the New York Civil Liberties Union ("NYCLU") and provided NYCLU with data regarding matters germane to the settlement.

On May 16, 2017, and May 17, 2017, the parties met to discuss the first year of implementation. That meeting was positive and productive and the parties mutually agreed that meaningful changes have already begun including:

1. the construction of capital improvements including the design and setup of several new classrooms, recreation yards and units which are to be used in connection with programs outlined in the Agreement;
2. the creation of a Step-Down to Population Program at Mid-State Correctional Facility which provides up to seventy-five (75) inmates serving SHU sanctions with programming and other activities intended to improve their behavior, reduce future disciplinary infractions and prepare them for the transition back to the general prison population;
3. the creation of a Step-Down to Community Program at Green Haven Correctional Facility and Wende Correctional Facility which provides transitional programming to nearly thirty (30) inmates serving a confinement sanction that extends to their

release date; thereby allowing those inmates to be released from a less-restrictive environment;

4. the creation of two (2) new Keeplock Units at Fishkill Correctional Facility and Five Points Correctional Facility for the purpose of moving up to one hundred seventy-five (175) inmates out of SHU and into considerably less restrictive housing;
5. the installation of rolling phone carts giving phone access to all inmates in SHU cells statewide;
6. the commencement of a tablet pilot program which deployed ninety (90) tablet style computers to inmates housed in SHU cells at Upstate, Cayuga and Five Points Correctional Facilities. These tablets are preloaded with educational and recreational software and provide inmates with productive stimuli while, at the same time, offering staff an effective tool for incentivizing positive behavior;
7. the institution of the Progressive Inmate Movement System (“PIMS”) – a behavioral incentive program that provides inmates in SHU with greater benefits and privileges for the purpose of reducing isolation and improving SHU conditions;
8. the training of all employees (including civilian staff) regarding the SHU environment, perceptions of SHU, implicit bias, and de-escalation techniques. DOCCS has received positive reports from NYCLU that inmate class members wish to commend the Department for the manner in which its officers have handled potentially hostile and dangerous situations after de-escalation training;
9. the revision of guidelines for disciplinary sanctions and providing guidance to hearing officers that stresses the need to be fair and consistent when imposing sanctions and to consider lesser, non-SHU sanctions, especially for offenses that do not pose an immediate or serious safety or security threat;
10. the discontinuation of a restricted diet (“the loaf”) as a disciplinary sanction, and
11. providing inmates with location credits and time-cuts (e.g. inmates with Keeplock sanctions who are housed in a SHU cell are credited at the rate of 3 days for every 2 days served, inmates serving SHU sanctions less than 90 days can potentially earn a time-cut of 7 days after serving 30 days and then receive a further 7 day time-cut after serving 60 days, inmates serving sanctions of 90 days or more may, under certain circumstances, be awarded a time-cut of 25% of the original sanction after the inmate has served one-half of his or her SHU confinement sanction, etc.).

In addition to implementing the provisions set forth in the Agreement, DOCCS has taken other steps to increase the safety and security of its facilities and the welfare of all of those present therein. DOCCS has invested in fixed cameras in several of its facilities, has begun a body worn camera pilot program at two facilities and has implemented a pepper spray pilot program as a tool in the progression of force. DOCCS has initiated new front gate procedures and redefined its use of force policies and procedures. These are just some of the many steps DOCCS has taken over the last year to provide for a safer environment for inmates, staff and visitors.

The results of these new policies and procedures have been very positive, encouraging and effective. Even though the final Agreement has only been in effect since April, 2016, there has been **a twenty-four (24%) percent reduction in the number of inmates serving sanctions in a SHU cell over the past sixteen (16) months and the average length of stay of an inmate in a SHU cell has decreased by over sixteen (16%) percent.**

DOCCS remains committed to advancing the principles and goals espoused by the Agreement and looks forward to effecting further positive changes within our correctional system as we continue to implement its terms.