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## **Q&A: Anthony J. Annucci**

John Caher, New York Law Journal

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To insiders in the arena of New York corrections, Anthony Annucci is the go-to guy.

Annucci, a Brooklyn native and attorney with a bachelor's degree in psychology and a master's in criminal justice, has worked for the corrections department for nearly 30 years. His appointment by Gov. Andrew Cuomo as acting commissioner was widely viewed as a no-brainer since in his decades in the field, Annucci has been at the forefront (or in the cross-hairs) of emerging issues in corrections.

He was a key negotiator with the New York Civil Liberties Union (NYCLU) in stipulating that the state prison system would not discipline inmates under the age of 18 by placing them in "special housing"—what used to be called "solitary confinement"—and will use alternative sanctions to deal with developmentally disabled offenders.

He has guided the agency's efforts to comply with the Prison Rape Elimination Act, negotiated and implemented a programming protocol for the treatment of mentally ill prisoners, served as the main contact with the Legislature and as acting extradition secretary to the governor, and has executed programs designed to decrease recidivism by increasing evidence-based rehabilitative programming.

Additionally, Annucci has drafted legislation signed into law by five different governors, wrote the original shock incarceration law and helped draft and implement legislation ranging from Rockefeller Drug Law reform to Jenna's Law, which eliminated parole for first-time violent felons.

Annucci, a graduate of Brooklyn Law School, joined what was then the Department of Correctional Services and is now the Department of Corrections and Community Supervision, in 1984, as deputy counsel. Five years later, he was promoted to deputy commissioner and counsel. Cuomo named him acting commissioner in May 2013.

An accomplished pianist, Annucci, 62, is a member of the Legal Issues Committee of the American Correctional Association. He has been honored twice by the New York State Bar Association, once for Outstanding Contribution in the Field of Correction and once for Excellence in Public Service.

**Q: How does the Department of Corrections and Community Supervision, created through the merger of the Department of Correctional Services and the Division of Parole, differ from the old paradigm? What has been the practical result of the 2011 merger?**

**A:** Former Commissioner Brian Fischer started, and I continued, the effort to give community supervision the appropriate seat at the table, and not make it a hostile takeover, but rather, a full and welcoming merger with the vision of public safety for all New Yorkers. Following the legislative intent of the merger, the combined responsibilities of both agencies are providing a seamless transition from sentence to discharge back to the community. In other words, our overriding goal is to deliver the right programs while incarcerated leading to the right programs while under supervision leading to a greater chance of success in the community.

**Q: There was concern that the parole board would sacrifice its independence after the merger. What has been the result?**

**A:** Several provisions of the original merger legislation mandate that the new agency provide the necessary administrative support for the Board of Parole, while also preserving its independent decision-making authority, as well as that of the administrative law judges. The record to date amply demonstrates full compliance with the law.

**Q: What is DOCCS doing to reduce recidivism?**

**A:** Our continuing efforts at reducing recidivism are wide-ranging, and always evolving to keep pace with the latest evidence-based practices.

We utilize a risk and needs instrument to facilitate a comprehensive case plan that is fundamental to ensuring offender success. DOCCS employs a sex offender management strategy that includes specialized training of supervising parole officers, requires teamwork in verifying the parolee's compliance with his or her conditions of parole, and uses specialized tools such as polygraph examination, surveillance, electronic monitoring (GPS), and computer and internet restrictions.

GPS devices are also important case management tools in the supervision of high-risk and high-need releasee' movements.

The Work for Success and Pay for Success initiatives are proving valuable, as is our continued emphasis upon higher education opportunities.

These programs focus on the right people with the right training, giving them the tools to turn their lives around and reduce the likelihood that they will reoffend.

**Q: What are the major New York corrections issues at this moment?**

**A:** First there is the successful implementation of the interim special housing unit stipulation with NYCLU, and the continuing negotiations toward a final resolution of the lawsuit. Second, there is the responsibility for maintaining safe and secure institutions, regional offices and working and living conditions for the approximately 29,000 employees, 54,000 inmates and 35,000 parolees. Third, there is the on-going challenge of decreasing recidivism with the goal of safer streets and increased savings for New York taxpayers.

**Q: The inmate population has dropped from a peak of nearly 72,000 to about 54,000. Is the decrease due to drug law reform?**

**A:** Drug law reform certainly is one of the primary reasons, but not the exclusive reason. I would also include a significantly lower crime rate, the waning crack epidemic, and early release programs for non-violent offenders such as the Shock Incarceration Program, the Willard Drug Treatment campus and the merit time program, where certain non-violent inmates who have exhibited an acceptable disciplinary history and have achieved significant programmatic benchmarks, can shorten their sentences.

**Q: Prison rape has been a major concern for a number of years. What is New York doing to comply with the federal Prison Rape Elimination Act (PREA)?**

**A:** We continue to be a national leader in policy enhancements to address sexual victimization in prison.

Just over one year ago, DOCCS created a new associate commissioner position and a new Sexual Abuse Prevention & Education Office to focus on obtaining PREA compliance and to enforce the department's zero tolerance policy for sexual abuse and sexual harassment. Since the creation of this office, we have revised a host of policies including the issuance of a new employees' manual with updated policies addressing sexual abuse; added criteria to our staffing audit to include review of the staffing in areas with multiple complaints; enhanced our personnel policies with respect to screening for sexual abuse and sexual harassment complaints for all new hires and promotions; modified our grievance procedures to make it easier for inmates to file sexual abuse and sexual harassment complaints; expanded inmate reporting avenues; improved multi-disciplinary coordination of responses to reports; and implemented required sexual abuse incident reviews.

We are most proud of our work to build a network of community-based confidential support services and our current work to develop comprehensive inmate education materials that far exceed what is required under the PREA Standards.

**Q: Can you address the issue of mentally ill inmates and how the state is dealing with that large population?**

**A:** The number of inmates in DOCCS who are receiving mental health services (8,974) represents 16.6 percent of the overall under-custody inmate population. The New York State Office of Mental Health (OMH), through its Central New York Psychiatric Center (CNYPC), provides prison-based mental health services. OMH screens all inmates upon admission for mental illness. That screening results in each inmate in need of services being assigned an OMH level of mental illness and associated needs.

Specialized programming for individuals with mental illness in prison varies in intensity from ambulatory care provided in clinical settings to daily programming of inmates with mental illness in residential mental health treatment units. There are also special observation beds in mental health satellite units for inmates who are in crisis and inpatient services at CNYPC.

OMH develops discharge plans and makes aftercare arrangements for those inmate-patients who are receiving mental health services at the time of their release. Those plans are based on the level of mental illness and associated needs, clinical recommendations, entitlement or

program eligibility criteria and community resources. Thus, anything from civil commitment in a psychiatric hospital to an appointment with a clinic in the community is possible.

**Q: Cuomo recently indicated that in light of the Legislature's refusal to re-implement college educational programs for inmates, non-profits will be used to restore those programs. How will that work?**

**A:** All of the college programs being offered in 19 DOCCS facilities are still active and privately funded. There is an on-going effort to seek additional sources of private funding. I am a strong believer in college programs for inmates. In addition to lowering recidivism, I believe these programs also lead to a safer prison environment. Instead of gang leaders, I want classroom leaders to serve as role models for other inmates to follow.

**Q: There is plenty of prisoner litigation, mainly challenges to disciplinary sanctions. Are prisoners more litigious?**

**A:** I was the department's counsel from 1989 to 2007, and in addition to death and taxes, one other constant was inmate litigation. We deal with it the only way we know how: one lawsuit at a time.

**Q: You recently challenged the inmate population to try and put you out of business. What would you do if they succeed?**

**A:** I would get a job playing piano. It would be less lucrative, but definitely less stressful.

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