



Corrections and Community Supervision

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DOCCS CONTINUES TO IMPROVE THE CONDITIONS AND REDUCE THE USE OF SOLITARY CONFINEMENT IN ITS FACILITIES

Since the historic agreement in Peoples v. Annucci went into effect in April, 2016, DOCCS has reduced the number of inmates serving sanctions in a Special Housing Unit (“SHU”) by nearly forty-two (42%) percent and shortened the average length of stay in a SHU cell by thirty-one (31%) percent

Pursuant to the Settlement Agreement (“Agreement”) which took effect on April 1, 2016, the parties met to discuss the comprehensive changes implemented by the Department of Corrections and Community Supervision (“DOCCS”) in Year 3, the objective impact of those changes on the SHU environment, and the findings of NYCLU’s expert from his tours of several facilities. The meeting and discussions were both positive and productive and are indicative of the parties’ joint efforts and commitment to advancing the Agreement’s objectives.

One of the notable changes in Year 3 was the creation and commencement of the Lakeview Substance Abuse SHU-Alternative Program, which provides a six-month intensive alcohol and substance abuse treatment (“I-ASAT”) program to inmates at high risk for continued drug and alcohol abuse. Participating inmates are housed in single cells and receive several hours of classroom programming five (5) days per week, that includes, in part, cognitive behavioral therapy, withdrawal and craving management, relapse prevention strategies and the development of skills to avoid disciplinary infractions and promote positive engagement with general population programming. Participants are also offered two (2) hours of recreation seven (7) days a week and can earn their choice of extra incentives including, for example, additional congregate leisure activities (movies, games, etc.), increased access to personal property, additional showers, additional commissary purchases and recommendations for time-cuts.

In addition to the commencement of the Lakeview I-ASAT program, DOCCS has continued to develop several of its other SHU-alternative programs and converted the Mid-State Step-Down to General Population Program (“Mid-State Program”) to all single cells, in an effort to further enhance and promote participation. Although not required by the Agreement, DOCCS also created a Reinstatement Policy for the Mid-State Program, that gives individuals the ability to seek reinstatement if they had previously been removed for unsatisfactory behavior. DOCCS also adopted a Voluntary Status Policy,

which gives participants the ability to remain in the program beyond their expired sanction time.

Other notable changes include DOCCS' recent implementation of a monthly review process for providing time-cuts to inmates with Keeplock sanctions, including those serving their sanction in a SHU cell, and the creation of a formal policy which credits pre-hearing confinement time to determinant confinement sanctions.

When the final Agreement took effect in April, 2016, there were 2533 incarcerated individuals serving a SHU sanction in a SHU cell. **During the first three years of implementation, DOCCS reduced that number by 1057 to 1476 individuals – a reduction of nearly 42%.** There have been several other significant improvements including the following:

1. Total number of individuals housed in a SHU cell – reduced by 35% (3,631 to 2,377)
2. Individuals serving a Keeplock sanction in a SHU cell – reduced by 28% (664 to 479)
3. Individuals aged 18-21 housed in a SHU cell – reduced by 60% (394 to 156)
4. Average length of stay in SHU cell – reduced by 35% (108 to 70 days)
5. Median length of stay for individuals serving a SHU sanction in a SHU cell – reduced by 27% (59 to 43 days)
6. Median length of stay for individuals serving a Keeplock sanction in a SHU cell – reduced by 24% (25 to 19 days)
7. Individuals with over 365 days in SHU cell – reduced by 85% (100 to 15)
8. Number of releases from a SHU cell to the community – reduced by 26%

The parties expect this positive trend to continue in Year 4, given the new policies discussed above and the anticipated opening of the Southport Step-Down to General Population Program. At full capacity, this program will divert up to 252 individuals from SHU cells to a less restrictive and more program-rich environment, including programming focused on managing aggression and improving social skills.

The Department also continues to deploy tablets to all incarcerated individuals in SHU cells who are at or above Level 2 in the Progressive Inmate Movement System (PIMS). When fully implemented, these tablets will not only provide these individuals with academic, vocational, entertainment (music, books and games), ministerial, general

library and law library materials, but they will also have phone capability for greater access to support from family and friends.

Finally, the Department has published proposed regulations that are expected to further reduce the use of solitary confinement and address inequities and inhumane practices within the criminal justice system. These proposed regulations will, among other things, prohibit the placement of vulnerable incarcerated individuals in special housing units, divert individuals with serious mental illness to residential mental health treatment units and ultimately limit the duration an incarcerated individual can spend in a special housing unit to thirty (30) days.

The Department has posted a complete set of the proposed regulations on its website at: http://www.doccs.ny.gov/RulesRegs/20190828_CCS-35-19-00001.html.