

**Testimony of Jennifer Scaife, Executive Director Correctional Association of New York
Before the Senate Standing Committee on Crime Victims, Crime & Correction and the
Assembly Standing Committee on Correction Joint Public Hearing on the Safety of Persons
in Custody, Transparency, and Accountability within State Correctional Facilities**

May 14, 2025

Greetings, Chairs Salazar and Dilan, and members of the Senate Committee on Crime Victims, Crime and Correction, and the Assembly Standing Committee on Correction. My name is Jennifer Scaife, and I am the Executive Director of the Correctional Association of New York, or CANY. I appreciate the opportunity to appear before you today to address the critical issues of safety, transparency, and accountability in correctional facilities operated by the Department of Corrections and Community Supervision (DOCCS).

CANY is charged under §146 of New York's Correction Law with carrying out oversight of New York State correctional facilities. In Fiscal Year 2024, CANY conducted 19 monitoring visits to state prisons, interviewed over 1,000 incarcerated individuals and hundreds of state employees, and addressed hundreds of inquiries from or on behalf of incarcerated individuals by mail, phone, and email. We also distributed thousands of surveys and issued 15 public-facing reports, data analyses, and legislative testimonies which seek to provide policy makers, prison administrators, and the public with a nuanced understanding of systemic issues and trends within the state's 42 prisons.

My testimony will respond to the following topics, which were articulated in the hearing notice: safety and security of incarcerated individuals; complaints, investigations, and oversight processes; data collection; programming opportunities; staffing ratios; screening processes; facility and equipment upgrades; and visitation and access to the facilities.

➤ **Safety and security of incarcerated individuals**

In 2024, DOCCS reported 143 deaths in custody, a 34% increase from the 107 deaths reported in 2023 and the highest number of in-custody deaths in the past five years – including the years during the COVID-19 pandemic. Similarly concerning is the rise in the proportion of deaths of incarcerated individuals under the age of 40. In 2024, 43 individuals under the age of 40 died in custody, compared to 18 individuals under 40 in 2023 – a 139% increase. As of May 1, there had been 47 deaths in custody, which suggests that the trend in number of deaths in custody is continuing in 2025. Eleven of those individuals were under the age of 40. There has also been a troubling increase in the number deaths by suicide. Twelve people died by suicide in 2023, and 26 did in 2024. At least three people died by suicide in April 2025.

While attention has rightly been focused on bringing about accountability and lasting change in response to the shocking murders of Robert Brooks and Messiah Nantwi at Marcy and Mid-State Correctional Facilities, we urge the Executive and the Legislature to take additional action to ensure the health, safety, and well-being of incarcerated people. These actions include increasing data collection, reporting, and transparency about deaths in custody; addressing delays in access to and quality of medical care, including specialty care; examining the root causes of suicides in prison and implementing evidence-based prevention measures; and reforming the processes by which elderly and gravely ill incarcerated individuals are evaluated for medical parole, compassionate release, clemency, or other release mechanisms.

Two pending bills would begin to address concerns related to limitations on medical parole:

- Provide for the release on medical parole for incarcerated individuals who require the level of care typically provided in a nursing home setting or those who, because of their physical or cognitive condition, are limited in their ability to perform basic life activities (Dilan).
- Provide medical parole and determinations of whether a person released on medical parole is physically or cognitively incapable of presenting a danger to society (Dilan / Sepulveda).

Additional actions needed related to safety and security of incarcerated people (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Replace all mental health and crisis bed capacity eliminated by the closure of Great Meadow and Sullivan Correctional Facilities.
- Include external stakeholders as permanent members of the Prison Violence Task Force.
- Engage research partners to study causes of violence and mechanisms for increasing safety and publish the results.
- Expand peer navigation programs, peer led facilitation opportunities, and the use of “credible messengers” for violence interruption and reduction.

➤ **Complaints, investigations and oversight processes**

DOCCS' Incarcerated Grievance Program (IGP) is the primary mechanism by which incarcerated people can seek resolution for complaints that cannot otherwise be resolved informally. According to DOCCS, the IGP “is intended to provide an orderly, fair, simple, and expeditious way of resolving problems that may arise within a correctional facility setting.”

CANY's oversight reveals that the grievance program is fundamentally failing those it is meant to serve. Our 2023 report, *“Smoke Screen”: Experiences with the Incarcerated Grievance Program in New York State Prisons*, found that 87% of respondents considered the IGP to be “not effective” or “seldom effective.” In spite of this low confidence score, incarcerated individuals file more than 20,000 grievances annually, which indicates that, absent other avenues for seeking recourse, there is a strong desire for mechanisms for effectively resolving problems.

Our prison monitoring activities and analysis of administrative records have identified systemic issues undermining the efficacy of the grievance process, including significant delays in processing grievances, inconsistencies in how the process is applied across different facilities, and a pattern of retaliation against individuals who file grievances. CANY's survey results and DOCCS' semi-annual reports consistently show medical concerns (Code 22) and staff misconduct (Code 49) to be the most commonly filed types of grievances by far. CANY urges DOCCS to overhaul the grievance system to restore public confidence in its ability to effectively resolve problems.

In New York, in addition to the monitoring and reporting which CANY has carried out since 1844, a patchwork of prison oversight is provided by various state offices and agencies, including the Commission on Correction (which has historically limited its oversight of prisons to reviews of deaths in custody); the Office of the New York State Inspector General (which has established a task force to investigate complaints against DOCCS); the Justice Center for the Protection of People with Special Needs (which monitors the quality of care provided to incarcerated individuals with serious mental illness and compliance with HALT); the Department of Health (which oversees the management of infectious diseases within prisons); and the Office of the State Comptroller

(which carries out audit functions). The Attorney General investigates deaths caused by corrections officers. DOCCS' internal investigative body, the Office of Special Investigations (OSI), is charged with "detecting and preventing criminal behavior, staff or incarcerated individual abuse, employee misconduct or corruption."

The Executive and the Legislature have recently taken significant steps to strengthen oversight of DOCCS. Additional action that could be taken by the Legislature includes the consideration of the following bills, which suggest considerable political appetite for even stronger oversight:

- Providing CANY with the authority to conduct unannounced inspections of state prisons and ensuring regular access to comprehensive data (Weprin / Salazar).
- Requiring the public notification of the death of any individual in the custody of the Department of Corrections and Community Supervision (Epstein / Salazar).
- Expanding the Department of Health's review of correctional health services to include a biennial study of healthcare staffing levels within DOCCS facilities (Gonzalez-Rojas / Rivera).
- Directing DOCCS to conduct a comprehensive study on the causes and circumstances surrounding deaths in correctional facilities within New York State (Dilan / Sanders).
- Establishing an independent office of chief medical examiner in the department of corrections and community supervision (Dilan).
- Increasing the number of members on the State Commission of Correction and establishing a clear process for their confirmation (Gallagher / Salazar).
- Establishing a temporary state commission to study and make recommendations on the causes and consequences of violence in state correctional facilities (Weprin / Sepulveda).
- Creating an independent Office of the Correctional Ombudsman to monitor prisons, investigate complaints, and report findings to the Governor, the Legislature, DOCCS, and the public (Walker / Salazar).
- Providing the Attorney General with the authority to transfer investigatory authority and criminal jurisdiction in cases involving the death of a person caused by an act or omission of a peace officer to an independent body (Solages / Cooney).
- Authorizing the State Inspector General to receive and investigate complaints of sexual assault in correctional facilities (Gibbs / Salazar).
- Creating a temporary state commission to study and investigate sexual misconduct in state correctional facilities among incarcerated individuals and employees, and to devise a reporting system for such misconduct (Bichotte Hermelyn / Sanders).

Additional actions needed related to complaints, investigations and oversight processes (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Make documents such as directives, policies, memoranda, and Central Office Review Committee (CORC) decisions readily accessible to incarcerated individuals and to the general public.
- Improve the Incarcerated Grievance Program (IGP) by making procedures for election of the Incarcerated Grievance Resolution Committee (IGRC) standard across facilities¹; allowing IGRC representatives to carry out meaningful investigations into grievances; providing additional detail about the roles of IGP supervisor and IGP sergeant in Directive 4040; and recording IGRC hearings.

¹ DOCCS reported to CANY on January 13, 2025, that this recommendation had been adopted.

- Create a task force comprised of relevant stakeholders, including incarcerated individuals and DOCCS staff, to identify and address systemic issues that lead to delays in grievance processing. Actively seek input from this group to understand the most common problems they encounter with the grievance process and collaborate on developing practical solutions.
- Expand annual public reporting on the IGP to include deidentified details of cases including the rate of acceptance, denial, and dismissal by category, as well as the length of time for resolution of each grievance at each stage; specific actions taken by the department to address the grieved issue; and disaggregated instances of “consolidated” grievances.

➤ **Data collection**

DOCCS currently requires CANY to use the Freedom of Information Law (FOIL) to gain access to administrative records for use in monitoring inspections, which is a cumbersome, time-consuming and resource-draining exercise. FOIL contemplates relatively prompt disclosure, but the department’s response time is often stretched by multiple extension requests, causing months of delays in accessing basic information about prison operations. CANY filed 173 FOIL requests between July 2023 and December 2024. With better access to information, CANY can better ensure the accuracy, timeliness, and rigor of its monitoring reports.

A.3781 Weprin / S.651 Salazar would provide CANY on a quarterly or yearly basis key records that the organization currently obtains through Freedom of Information Law (FOIL) requests, including:

- Information on individuals admitted into custody, including demographics, admission type, facility information, sentencing and crime details
- Information on individuals currently under custody, including facility and housing unit information, sentence information, parole eligibility dates
- Information on individuals released from custody
- Information on individuals on parole
- Information on programming, education, vocational and work assignment requirements
- Information on staffing levels
- Information on deaths in custody
- Information on unusual incidents
- Information on disciplinary charges and penalties
- Information on grievances and appeals
- Information on employee disciplinary records
- Information on parole eligibility and hearing outcomes
- Annual budget of correctional facilities

A.3781 Weprin / S.651 Salazar aims to improve transparency and accountability within the correctional system in New York State. This proposed provision is consistent with ABA Standard 23-11.3 (b)(iv), recommending that monitoring teams be given authority to “review all records, except that special procedures may be implemented for highly confidential information,” and would allow CANY to more effectively identify and report on issues regarding the treatment of incarcerated individuals, concerns of staff, and operations of the state’s prisons.

➤ **Programming opportunities**

Between January and April of 2024, there was a monthly average of 6,177 incarcerated people participating in secondary education programs; 6,776 participating in vocational education

programs; and 1,768 participating in college programs. In the same period, there was a monthly average of 3,503 people participating in substance abuse treatment; 1,673 participating in aggression treatment; and 542 people participating in sex offender treatment.

As of January 1, 2024, there were 1,254 individuals working in Corcraft industries. The facilities with the highest number of individuals in Corcraft industries include Clinton (184 individuals, primarily working in the Garment & Textile Shop), Auburn (158 individuals, primarily working in the License Plate Shop and Wood Furniture Shop), and Attica (130 individuals, primarily working in the Metal Shop). A total of 82 people work in Call Center Operations for the DMV, and 29 work in the Optical Shop in Wallkill.

Persistent staffing shortages are severely undermining programming opportunities for incarcerated individuals. A system-wide vacancy rate of 16.2% among program staff as of January 2024 diminishes the frequency, consistency, and diversity of available programs. The issue is most pronounced in maximum-security facilities, where the vacancy rate stands at 20.1%, while medium-security facilities fare slightly better at 13.5. Certain facilities, including Bedford Hills, Coxsackie, Eastern New York, Sing Sing, and Taconic, are facing vacancy rates above 30%, which has led to program cancellations, long waitlists, and restricted access for those seeking rehabilitative and educational opportunities.

These staffing shortfalls have significant consequences. Our interviews and direct observations reveal that many incarcerated individuals are unable to access the programs necessary for personal development and reentry preparation. Reports consistently describe frustration and setbacks due to cancelled classes, indefinite delays, and insufficient offerings. The problem has been further compounded by reduced access during and after the strike, revealing a crisis within a crisis.

Additional actions needed related to programming opportunities (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Provide robust support to and encouragement of incarcerated organizations at all facilities.
- Finalize agreement with the Office of Mental Health (OMH) on the delivery of programming in Residential Rehabilitation Units (RRU).
- Expand use of Trauma, Addiction, Mental Health, and Recovery (TAMAR) curriculum so that it is offered regularly in all facilities. Provide incentives for participation.
- Develop additional strategies for recognizing achievements and good conduct by issuing positive informational reports or commendations to incarcerated individuals.
- Expand earned housing opportunities as incentives for incarcerated people.
- Partner with SUNY to certify skilled trades and career training programs and provide opportunities to transfer credits earned through those programs.
- Expand partnerships with local animal shelters to provide additional dog training and rehabilitation programming.
- Make ASAT, ART, SOCTP, and other mandatory therapeutic programs available earlier in an individual's incarceration.
- Ensure that individuals with conditional release dates have the opportunity to complete mandatory programs before the Time Allowance Committee reviews their eligibility for release.

➤ **Staffing ratios**

Even before the unauthorized strike, DOCCS was facing critical staffing shortages that strained facility operations and undermined the delivery of essential services.

- As of January 25, 2024, 13.3% of all positions across the system were vacant, with the highest vacancy rates in health services (25%), support services (19%), and program services (17%). Security staff had a systemwide vacancy rate of 11%. As of January 2024, there were 2.2 incarcerated people for every uniformed security officer at DOCCS facilities in 2024, among the lowest staff to incarcerated individual ratios of any large state.
- As of January 17, 2025, 14.5% of all positions across the system were vacant, with the highest vacancy rates in health services (23%), support services (15%), and program services (14%). Security staff had a systemwide vacancy rate of 14%.

These vacancies are compounded by high rates of leave related to workers' compensation claims. According to data maintained by the New York State Insurance Fund (NYSIF), over 100,000 workdays were lost in 2024 due to work-related incidents—an average of five days per Full Time Equivalent (FTE). The incident rate has surged by 75% over the past five years; Marcy and Bedford Hills Correctional Facilities experienced the highest rates and costs per FTE. NYSIF paid out \$196 million in compensation to DOCCS employees in 2024 alone.

Additional actions needed related to staffing (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Continue and expand trainings on staff wellness for DOCCS employees.
- Partner with external organizations focused on culture change inside correctional facilities.
- Expand staff recruitment/retention initiatives like the Central NY 200 Recruitment Initiative and discretionary changes to the negotiated reassignment list.
- Highlight staff excellence through expanded train-the-trainer opportunities, profiles in the DOCCS Today newsletter, videos such as "Healing from the Inside Out," and other forums.

➤ **Screening processes**

In light of the alarming increase in suicides year over year – 12 incarcerated people died by suicide in 2023, and 26 did in 2024 – it is essential that the Executive and Legislature give greater scrutiny to screening processes related to mental health and suicide risk. The screening and assessment process to identify and manage suicide risk is outlined in DOCCS Directive 4101. On the day of arrival at designated reception centers (Bedford Hills, Elmira, Green Haven, and Auburn), incarcerated individuals are required to be screened by OMH for suicide risk. In addition to this screening, staff are required to conduct 30-minute observation rounds during the reception process, and health services staff are required to complete standardized health, mental health, and PREA screening forms. Each person also receives a suicide prevention pamphlet and an orientation about how to access mental health services.

The DOCCS directive states that suicide risk assessment is an ongoing process, with screenings required at key high-risk points during incarceration. The Directive includes additional protocols for screening on admission to SHU/RRU, post-parole board hearings, upon return from escape or absconding, and after a family member's death. Additional screenings are also mandated for individuals in Residential Crisis Treatment Program (RCTP) or therapeutic transitional units

following any outside trip, such as court appearances, hospital visits, or alternative RCTP placements.

CANY recommends that DOCCS publish findings and recommendations from Joint OMH/DOCCS Suicide Workgroup and the DOCCS Suicide Assessment/Mortality Review Committee.

➤ **Facility and equipment upgrades**

CANY has consistently reported the ways in which the aging infrastructure of many New York State prisons significantly compromises both the operations of these facilities and the safety of incarcerated individuals. A recent report on Wallkill Correctional Facility raised concerns about deteriorating material conditions, including disrepair in bathrooms, broken windows, and ineffective temperature controls, all of which hinder the ability to operate a modern correctional institution within a century-old building.

Similarly, CANY's report on Fishkill Correctional Facility highlighted a range of challenges linked to its aging infrastructure, including concerns about asbestos, peeling paint, and the inability to meet basic electrical demands. Incarcerated individuals at Fishkill also reported issues with inadequate temperature controls in housing areas, as well as broken fixtures and appliances that often went unrepaired due to delayed maintenance. These conditions not only make it difficult to provide safe, humane living and working environments but also create operational inefficiencies, further straining resources and exacerbating risks to safety and well-being.

CANY supports additional investments to accelerate installation of fixed cameras throughout facilities and to expand the use of body-worn cameras. CANY recommends that DOCCS issue regular, detailed reports of its progress installing and deploying cameras.

According to a Prison Rape Elimination Act (PREA) audit² of Mid-State Correctional Facility, only 14 out of 42 facilities, or 33%, had fixed cameras as of November 2024. CANY documented during its October 2022 monitoring visit to Mid-State Correctional Facility that a fixed camera installation project was in the capital project pipeline; during a follow-up visit on January 27, 2025, CANY representatives learned that that project had not yet begun. A 2020 settlement relating to the 2015 killing of Karl Taylor at Sullivan Correctional Facility included the stipulation that DOCCS install comprehensive video and audio recording equipment throughout the prison. According to the Mid-State PREA audit, camera installation was still underway at Sullivan when the facility was shuttered in November 2024.

Again, according to the Mid-State PREA audit, which as of this writing is the most detailed source of public source of information CANY has identified about the status of camera installation in DOCCS facilities, body-worn camera programs are fully implemented at seven facilities (Bedford Hills, Fishkill, Franklin, Marcy, Mid-State, Sullivan, and Taconic) and four additional facilities have body-worn camera pilots underway or a subset of staff wear body cameras. On January 28, 2025, CANY representatives learned during follow-up visit to Mohawk Correctional Facility that body cameras are now fully in use at that facility.

Additional actions needed related to facility and equipment upgrades (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

² <https://doccs.ny.gov/system/files/documents/2024/11/mid-state-cf-final-prea-audit-report-11.22.24.pdf>

- Expedite the installation of fixed cameras throughout all DOCCS facilities; expand the use of body cameras and their operating times; and make footage available to incarcerated individuals for the purposes of disciplinary hearings and grievances.
- Launch a multi-year plan to modernize record-keeping systems, spanning such services and operations as incarcerated individual property transfers, accounts, sick call requests, grievances, and program attendance; electronic medical records; and data management infrastructure to replace legacy systems.
- Modernize and upgrade technology equipment used by staff and incarcerated people in offices, libraries, law libraries, and computer labs across facilities.
- Publish five-year capital plans, annexing any portions that contain sensitive security information.

➤ **Visitation and access to facilities**

CANY generally receives positive feedback from incarcerated individuals about their ability to receive visitors: 89% of people interviewed during CANY's most recent seven monitoring visits reporting being able to access visits. On average, incarcerated people in New York are held in facilities that are located 140 miles away from the county in which they were sentenced to prison (which is used by CANY as a proxy for county of last residence).

Since the end of the unauthorized strike by correctional officers and sergeants, weekend visiting has resumed across the system but weekday visiting in maximum security facilities has not. Limiting visits to weekends has created barriers for families, especially those traveling long distances or with mobility challenges. Indeed, CANY has heard from family members who have been unable to see their loved ones since the strike. Suspending weekday visits also presents operational challenges by exacerbating crowding and waiting times for screening on the weekends. We encourage DOCCS to reinstate 7-day-a-week visiting at New York's maximum security prisons.

➤ **Conclusion**

We urge the Committees to recognize the critical need for a fundamental shift in the culture within the state's correctional facilities – a shift that prioritizes safety, transparency, and accountability at all levels. The legislative proposals we have highlighted offer concrete pathways towards achieving these goals. CANY remains steadfast in its commitment to independent oversight and stands ready to collaborate with the Legislature and the Executive to support vital reforms. By working together, we can improve the safety and well-being of incarcerated individuals and employees working in these facilities, enhance public trust in our correctional system, and ultimately strengthen public safety for all New Yorkers. Thank you for your time and consideration.