



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 thirty percent (30%) percent, shortened the average length of stay in a SHU cell by thirty-one (31%) percent and consolidated or converted more than 1,100 SHU cells for alternate use.

In February 2014, an Interim Settlement was reached in Peoples v. Annucci (formerly captioned Peoples v. Fischer) 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.

Pursuant to the Agreement, the parties recently attended an annual meeting to discuss the comprehensive changes implemented by the Department of Corrections and Community Supervision ("DOCCS") in Year 2 and the objective impact of those changes on the SHU environment. The meeting and discussions were both positive and productive and are indicative of the parties' joint efforts and ongoing commitment to advancing the Agreement's objectives.

Some of the notable changes in Year 2 include the creation and commencement of several SHU-alternative programs which remove incarcerated individuals from SHU cells to less restrictive environments and provide them with programming, recreational and other activities intended to improve behavior, reduce future disciplinary infractions and prepare them for the transition back to the general population or release to the community. In order to accommodate these programs, and reduce the number of individuals assigned to SHU cells, DOCCS has consolidated or converted more than 1,100 SHU cells for alternate use and expects to convert additional cells in the upcoming year.

Other notable changes include DOCCS' adoption of new disciplinary policies which modified the sentencing guidelines and disaggregated certain charges to reduce the amount of time given for a confinement penalty for incidents occurring on or after April 1, 2017. The Department has also provided guidance and instruction to review officers to charge incidents at the lowest appropriate tier level and, although not required by the Agreement, DOCCS implemented an expedited appeal review for those individuals whose confinement sanctions are 60 days or less.

As a result of these, and other changes, DOCCS has reduced the number of incarcerated individuals serving a SHU sanction in a SHU cell by nearly 30% during the first two (2) years of implementation. DOCCS has also achieved, in part, a:

- (1) 31% reduction in the number of incarcerated individuals serving a Keeplock sanction in a SHU cell;
- (2) 47% reduction in the number of incarcerated individuals age 21 and younger housed in a SHU cell;
- (3) 31% reduction in the average length of stay in a SHU cell; and
- (4) 72% reduction in the number of incarcerated individuals serving over 365 days in a SHU cell.

These positive results have led to the Department's closing of three (3) Special Housing Units (Cayuga S-Block, Southport Block and Upstate Block).

The parties expect this positive trend to continue in Year 3 with the implementation of additional programs including the institution of the Lakeview Substance-Abuse Program.