

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker

Erik M. Dilan, Chair



2023 ANNUAL REPORT

COMMITTEE ON CORRECTION



Erik Martin Dilan
Member of Assembly
54th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Corrections Committee

COMMITTEES
Corporations, Authorities & Commissions
Energy
Insurance
Ways & Means

December 15, 2023

The Honorable Carl E. Heastie

Speaker of the Assembly

932 Legislative Office Building

Albany, NY 12248

Dear Speaker Heastie:

As Chair of the Assembly Standing Committee on Correction, it is my great pleasure to submit to you the Annual Report for the 2023 Legislative Session. As the State and the nation continued returning to more traditional times after a global pandemic, the Committee on Correction continued in its commitment to serving the people of New York and listening to their concerns.

This Annual Report continues the longstanding practice of highlighting the work of the Committee on Correction, as well as providing valuable information and statistics regarding New York's correctional population and the state budget's impact on correctional agencies.

I would like to take this opportunity to acknowledge the hard work of the members of the Committee on Correction, all the members of the Assembly and staff for their continued commitment to the work of the Committee and to continuing to improve this State's legislation on corrections. As always, your continued support is deeply appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Erik Martin Dilan". The signature is written in a cursive style with a large initial "E".

Erik M. Dilan

Chair

Committee on Correction

2023 ANNUAL REPORT

STANDING COMMITTEE ON CORRECTION

Erik M. Dilan, Chair

Committee Members

Majority

William Colton
Harvey Epstein
Kenny Burgos
Chris Burdick
Anna R. Kelles
Edward Gibbs
Dana Levenberg
Demond Meeks

Minority

Joseph M. Giglio, Ranking
Philip A. Palmesano
David DiPietro
Joe DeStefano

Program and Counsel Staff

Sarah Klein, Assistant Secretary for Program and Policy
Thomas Smith, Associate Counsel
Joann Butler, Executive Secretary

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I. JURISDICTION

The Assembly Committee on Correction has jurisdiction over legislation affecting all aspects of the operations of both state and local correctional facilities. This responsibility includes 44 state correctional facilities and 62 local correctional facilities, including all local jails and police lockups operated by municipalities across New York State. New York's correctional system has approximately 32,613 incarcerated individuals housed in state facilities and 16,402¹ incarcerated individuals in local facilities. Approximately 15,395² correctional personnel combined are employed in all correctional facilities.

The Committee on Correction works closely with other committees of the Assembly, including the Committees on Alcoholism and Drug Abuse, Codes, Governmental Employees, Health, and Mental Health to discuss issues that affect correctional staff and incarcerated individuals.

Assembly Member Erik M. Dilan was appointed Chair of the Committee on Correction in January 2023. Chairperson Dilan represents Assembly District 54 in Brooklyn, New York, and has been a member of the Assembly since 2015.

II. NEW YORK STATE'S CORRECTIONAL POPULATION

A. State Correctional Facilities and Community Supervision

As of December 1, 2023, the incarcerated individual population of the Department of Corrections and Community Supervision (DOCCS) was 32,613 incarcerated individuals; 26,539 parolees were under custody as of August 1, 2023. The total under-custody population as of December 1, 2023, was 16,048 African American, 7,455 Caucasian, 7,731 Hispanic, 327 Native American, 255 Asian, and 797 individuals classified in the "other category."

There were 10,264 admissions to state correctional facilities between January and December 2022, or 1,129 more than over this same period in 2021. New court commitments for this period were 9,007, a number which is 2,720 more than such commitments over the same period the previous year.³

The total incarcerated releasee admissions for calendar year 2022 was 427, compared to 532 for 2021. Drug Treatment JS admissions decreased by 72 from 2021, whereas Drug Treatment PV admissions increased by 1. There were 102 participants admitted to Other DOCCS Programs during 2022, a decrease of 34 admissions.⁴

¹ As of August 2023.

² As of October 2023.

³ These are the most current numbers available as of the time of this report.

⁴ These are the most current numbers available as of the time of this report.

B. Local Correctional Facilities

The total under-custody population among local correctional facilities as of August 2023 was 16,402⁵. For the City of New York, there were 6,152⁶ individuals under custody, a population increase of 559 compared to last year. Correctional facilities outside of the city of New York had an under-custody population of 10,249⁷ at that time, which is a population increase of 225 compared to last year.

C. Community Supervision

The Department of Corrections and Community Supervision (DOCCS) is the sole agency responsible for the supervision of all persons under custody or released from state correctional facilities and subject to a term of parole or post-release supervision. This responsibility includes efforts to ensure successful adjustment to community living and assisting individuals with drug treatment, job training, job placement and other services to enhance the likelihood of a self-sufficient and crime-free lifestyle. DOCCS staff is also responsible for identifying violations of parole conditions that may result in the use of corrective measures, including revision of parole conditions and, in some cases, parole revocation. According to DOCCS, as of January 1, 2023, there were 26,539 individuals in New York State under parole supervision, which are 4,990⁸ fewer parolees than the same time last year.

D. Board of Parole

The Board of Parole (Board) reviews the records of parole-eligible individuals sentenced to an indeterminate term of imprisonment, and either denies or approves release on parole. This is separate and apart from the release mechanism for those sentenced to a determinate term of imprisonment or those eligible for conditional release. The Board also sets conditions of release for anyone who is subject to a period of community supervision.

Total Parole Board workload for Calendar Year 2021 was 6,665 interviews, including 206 administrative interviews/hearings; the Board of Parole and the Commissioner of the Department of Corrections and Community Supervision made determinations on 6,498 cases.⁹

⁵ As of August 2023.

⁶ As of August 2023.

⁷ As of August 2023.

⁸ These are the most current numbers available as of the time of this report.

⁹ These are the most current numbers available as of the time of this report.

E. Community Corrections Programs

According to data obtained from the Division of Probation and Correctional Alternatives (DPCA), which operates under the Division of Criminal Justice Services (DCJS), in 2022, there were 65,155 adults subject to probation supervision across New York State, a decrease of 4,002 compared to 2021. 33,618 of these adults were on felony probation, 27,812 on misdemeanor probation, with the conviction either being unknown or "other" with respect to the remaining adults on probation. The number of juvenile delinquent probation intakes opened in 2022 was 12,926, and the number of juvenile delinquent cases closed for such year was 13,280.¹⁰

In support of New York State's commitment to promote public safety and offender accountability, the DPCA works with the Board of Sex Offender Examiners and the DCJS to track and monitor sex offenders in the community. Probation is the most frequently used disposition for defendants convicted of sex offenses in New York State. There were approximately 3,500 registered sex offenders under probation supervision in 2022, a decrease of about 400 from the previous year.¹¹

III. STATE BUDGET IMPACT ON CORRECTIONAL AGENCIES

The FY 2023-24 Executive Budget for DOCCS appropriates \$3.02 billion for DOCCS in all state operations funding, reflecting an increase of \$60.7 million from the previous year. The DOCCS budget represents funding for the operation of state correctional facilities as well as community supervision and the Board of Parole. The SFY 2023-24 Budget for DOCCS includes money for the "Jails to Jobs" initiative, which provides incarcerated and formerly incarcerated New Yorkers opportunities to successfully re-enter the workforce and reduce recidivism. Included within the DOCCS budget is \$150.31 million in the general fund of DOCCS for community supervision, and approximately \$8.2 million to support the functions of the Board of Parole. The budget also includes approximately \$37 million in Aid to Localities funding, \$17.1 million of which is budgeted for the community supervision program.

A. Department of Corrections and Community Supervision

Prisoners' Legal Services

The SFY 2023-24 New York State Division of Criminal Justice Services Budget included \$4,150,000 for Prisoners' Legal Services of New York (PLS). The Committee believes that PLS is an important entity that has played a vital role in making New York prisons safer and more humane. Its work has resulted in positive changes in incarcerated individuals' attitudes and behavior and has promoted constructive policy and programmatic modifications within DOCCS.

¹⁰ These are the most current numbers available as of the time of this report.

¹¹ These are the most current numbers available as of the time of this report.

Board of Parole

The SFY 2023-24 budget for the Parole Board was \$8,184,000; this amount reflects an increase of approximately \$83,000 as compared to the previous year.

The Board of Parole consists of 17 members/commissioners. Each commissioner is appointed by the Governor and confirmed by the Senate for a six-year term. One commissioner is designated by the Governor to serve as Chair and Chief Executive Officer of the Board.

Of the 17 commissioners currently serving on the Board, 5 of these appointments took place in 2019, and four appointments were made by Governor Hochul in June of 2023. The 17 commissioners include eight men and nine women.

The Board of Parole is housed within DOCCS for administrative support and maintains its independence with its own counsel's office and Administrative Law Judges. The Board is responsible for discretionary release, parole conditions, and revocations, as well as receiving victim impact statements and clemency recommendations.

Community Supervision

The DOCCS budget allocation for supervision of persons released to the community in SFY 2023-24 is \$141,665,000, or \$5,626,000 more than the amount budgeted for Community Supervision in the previous year. 834 community supervision staff members, including parole officers, supervise approximately 49,747 people on parole and post-release supervision in New York.

Many ex-offenders have high educational and vocational needs, a history of substance abuse, and problems maintaining stable housing and employment. The Correction Committee recognizes the importance of supportive reentry services and continues to advocate for increased funding and diversity of programming to help people leaving correctional facilities to successfully reintegrate into the community.

B. Local Correctional Agencies

The SFY 2023-24 Budget includes an appropriation of \$8,810,000 for services and expenses relating to jail-based substance use disorder treatment and transition services. Local correctional agencies develop these programs with participating local governmental units in collaboration with county sheriffs. These programs provide participating individuals with support, services, and medication assisted treatment.

C. Office of Probation and Correctional Alternatives

The Office of Probation and Correctional Alternatives (OPCA) is now part of New York's Division of Criminal Justice Services (DCJS). The OPCA is committed to improving practices that promote public safety, ensure offender accountability, provide restitution to victims, and reduce recidivism. In this regard, the OPCA provides the tools necessary to enable local jurisdictions to make the best use of their staff and programs. The programs funded through OPCA enhance New York's criminal justice and juvenile justice policies and offer specialized services that are supported by research including employment, training, and treatment -- all with the goal of contributing to successful and longstanding outcomes.

The FY 2023-2024 DCJS budget includes \$44,876,000 for payment of state aid for probationary services to New York's counties and New York City pursuant to a plan prepared by the commissioner of the DCJS and approved by the director of the budget.

The DCJS budget for FY 2023-2024 also includes \$11.5 million for services and expenses related to programs aimed at reducing the risk of re-offending.

D. State Commission of Correction

The State Commission of Correction is responsible for the regulation and oversight of the 44 state correctional facilities, and 62 local correctional facilities, including all facilities in the New York City correctional system. The Commission is also responsible for the three secure centers operated by the Office of Children and Family Services located in Columbia, Orange, and Tompkins counties. The Commission's budget for SFY 2023-24 was \$3,861,000.

In the State of New York, according to the most recent annual mortality report issued by DOCCS available for purposes of this report, there were 137 deaths in correctional facilities, 9 of which were accidental, none of which were homicides, 98 of which were natural deaths, 16 of which were the result of suicide, and 14 of which the cause of death was unknown.¹²

¹² These are the most current numbers as of the time of this report.

IV. COMMITTEE ACCOMPLISHMENTS

A. Significant Legislation Advanced by the Correction Committee in 2023:

The Correction Committee advanced the following legislation which passed both houses in 2023:

Voting Information Upon Release from Jail – This law requires that the chief administrative officer of a local correctional facility, upon an individual's discharge or release from custody of that facility, distribute certain material relating to voting unless this duty is specifically excused by law. (A.4009-A, Gibbs / S.5965-A, Bailey); Chapter 473 of the Laws of 2023

Religious Dietary Food Options at Correctional Facilities – This law requires that the commissary at all State correctional facilities, as well as food in vending machines located in the visitor's area of these facilities, to make food available for purchase that satisfies the requirements of the purchaser's religious dietary needs, including but not limited to Kosher & Halal products. (A.5939, Eichenstein / S.4748-B, Ramos); Chapter 687 of the Laws of 2023

Permissive boarding of out of state incarcerated individuals – This law extends certain provisions of the Correction Law that permit the official in charge of a local correctional facility to enter into an agreement with a facility located in another state to provide for the custody in that local correctional facility of persons sentenced in the other state to a period of imprisonment of no more than one year. (A.7189, Dilan / S.7373, Salazar); Chapter 302 of the Laws of 2023

In addition, the Assembly passed the following bills:

Reading proficiency assessment and dyslexia screening – Would require that, at intake, any incarcerated individual who does not have a high school diploma or its equivalent receive a reading proficiency level assessment and dyslexia screening administered by DOCCS (unless the person chooses to self-administer such a test). This would also provide intervention services to incarcerated individuals who need them by licensed professionals employed by DOCCS. (A.1645-A, Simon (MS) / S.2304-A, Myrie)

Enhanced internet search features for locating incarcerated individuals – Would require DOCCS to modify the public search feature on its website to allow a person using it to search for an incarcerated individual using that person's current name, any former legal name, or any known alias of the person. (A.4763, Peoples-Stokes / S.4061, Mannion)

Information regarding Medicare Part B coverage – Would require DOCCS to inform individuals of their continued Medicare Part B coverage upon incarceration, and provide them with information regarding their ability to terminate their Medicare coverage for the duration of their incarceration. (A.5396 Gunther / S.3175 Cleare)

B. Budget Highlights from State Fiscal Year 2023-2024

The SFY 2023-24 enacted budget included, among other budgetary items:

- \$31,420,000 for payment to not-for-profit and government operated entities, including residential centers providing services to individuals on probation, programs providing alternatives to incarceration, and community supervision and/or employment programs
- \$ 2,788,000 for grants to rape crisis centers to provide services to rape victims and programs to prevent rape
- \$31,063,000 for services and expenses related to state and local crime reduction, youth justice and gang prevention programs, including but not limited to street outreach, crime analysis, research, and shooting/violence reduction programs, with up to \$2,500,000 of this amount to be made available for the Office of Gun Violence Prevention
- \$7,200,000 for services and expenses of community safety and restorative justice programs that include, but are not limited to, support for survivors of sexual assault, domestic violence, gun violence prevention, legal services, alternatives to incarceration, community supervision and re-entry initiatives, and gang and crime reduction strategies managed by local governments and/or community-based not-for-profit service providers
- \$5,217,000 for payment of State aid to New York counties and the city of New York for local alternatives to incarceration, including those that provide alcohol and substance abuse treatment programs, and other related interventions

V. ISSUES TO BE ADDRESSED IN 2024

A. Programs for incarcerated individuals to gain skills and decrease recidivism

The vast majority of incarcerated individuals will one day re-enter society. The Assembly therefore realizes the benefits of legislation that supports and facilitates the development of training, educational, and other programs through which incarcerated individuals can acquire and gain the skills and knowledge that will facilitate and support the successful reentry of individuals leaving facilities and returning to their communities. These programs help such people make a smooth transition back into society once they are released. This reintegration is a crucial part of assisting people with their post-incarceration reentry efforts and may be enhanced by facilitating their access to drug-free, stable housing, assisting with

job placement, offering other supportive services, and allowing these people to give back to their communities.

B. Conditions of Confinement of Incarcerated Individuals

It is important that the conditions of confinement of incarcerated individuals in both state and local facilities be geared to preparing such individuals for their future release from custody. In this regard, the Assembly Committee on Correction should strive to make sure that learning and educational needs of incarcerated individuals are addressed to increase the likelihood that, upon release, these individuals will become productive members of society and not engage in the same conduct that would cause them to be re- incarcerated. New York must also make sure that officials in state facilities continue to implement and comply with New York's HALT Solitary Confinement Act and continue to look for innovative ways to reduce violence in our correctional facilities.

APPENDIX

2023 SUMMARY SHEET

**Summary of Action on All Bills
Introduced in the
Committee on Correction**

Action on Assembly Bills

Bills Reported With or Without Amendment

To Codes	2
To Judiciary	0
To Ways and Means	10
To Rules	4
To the Floor	6
Enacted	3
Vetoed	0
Total	25

Committee Action

Held For Consideration	4
Defeated	0
Enacting Clause Stricken	2

Total Assembly Bills Introduced in Committee **168**

Total Number of Meetings Held **4**