



**Justice Center for the
Protection of People
with Special Needs**

KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

June 6, 2023

Dr. Li-Wen Lee
Associate Commissioner
Division of Forensic Services
NYS Office of Mental Health
44 Holland Avenue
Albany, NY 12229

Daniel F. Martuscello III
Acting Commissioner
NYS Department of Corrections
and Community Supervision
The Harriman State Campus-Building 2
1220 Washington Avenue
Albany, NY 12226-2050

Dear Dr. Lee and Acting Commissioner Martuscello:

The Justice Center for the Protection of People with Special Needs (the Justice Center) is required to oversee compliance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) legislation and monitor the quality of corrections-based mental health care for incarcerated individuals (Chapter 1 of the Laws of 2008).

As part of our HALT monitoring responsibilities, we are conducting a survey of incarcerated individuals throughout 2023 to solicit information about programming, recreation and tablet use in segregated confinement. The attached report is an analysis of the responses received during the first quarter of the year.

Please direct any correspondence or concerns related to this report to me at davin.robinson@justicecenter.ny.gov. Thank you for your continued cooperation.

Sincerely,

Davin Robinson
Deputy Director, Outreach, Prevention and Support

Cc: Denise M. Miranda, Esq., Executive Director, Justice Center
Robert Miller, Acting Executive Deputy Director, Justice Center
Nikki O'Meara, Director of Operations, Forensics
Melissa Finn, Director of Quality and Compliance, Forensics
Dr. Anne Sullivan, M.D., Commissioner, OMH
Danielle Dill, Executive Director, CNYPC
William Vertoske, Deputy Director Psychiatric Center, Corrections-Based Operations
Lisa Murphy, Acting Director of Quality Management, OMH
Maureen Morrison, Director of Suicide Prevention, OMH
Meaghan Bernstein, Advocacy Letter Coordinator, OMH
Jamie Donahue, Associate Commissioner, DOCCS

NOTE: All correspondence related to this matter will be available for public inspection under Article 6 of the Public Officers Law. Material which will be required to be kept confidential or which is protected from disclosure under the Public Officers Law or other laws will be redacted prior to such disclosure.



PROGRAMMING AND RECREATION SURVEY ANALYSIS 2023

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Introduction

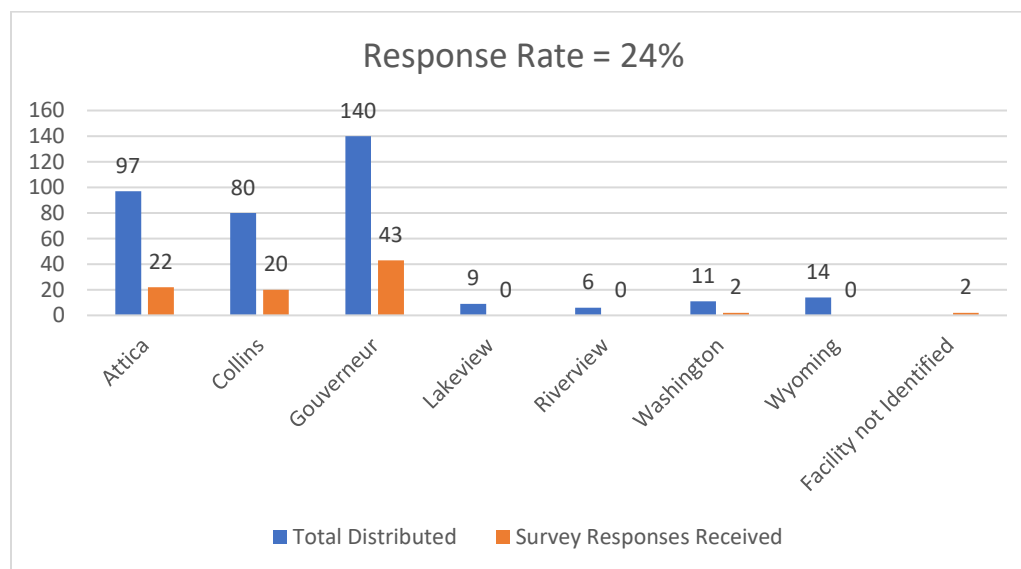
The Justice Center for the Protection of People with Special Needs is responsible for monitoring compliance with the Humane Alternatives to Long-Term Solitary Confinement Law (HALT) as well as the quality of mental health care provided to people who are incarcerated in New York State correctional facilities.

The HALT law limits the use of segregated confinement and requires that alternative rehabilitation measures, including the creation of residential rehabilitation units (RRUs) focused on therapy, treatment and rehabilitation be implemented. Further, the legislation outlines requirements for the programming and recreation that is offered in RRU and SHU.

The Justice Center created a survey¹ to obtain input directly from incarcerated individuals on the programming they receive in SHU, RRU, and other units housing individuals who received disciplinary sanctions. The survey is distributed directly to incarcerated individuals during cell-side interviews with Justice Center staff at all site visits conducted by the Justice Center in 2023. Individuals who choose to complete the survey mail them directly back to the Justice Center in the stamped and addressed envelopes that are provided. This report summarizes the input received from incarcerated individuals during the first three months of 2023. Quarterly survey result analysis will be conducted with a final report being issued in early 2024.¹

Survey Distribution and Response Rate

During the first quarter of 2022, the Justice Center distributed 357 surveys to incarcerated individuals at seven facilities and received 89 surveys back². This chart shows the breakdown of surveys distributed versus the responses received by facility.



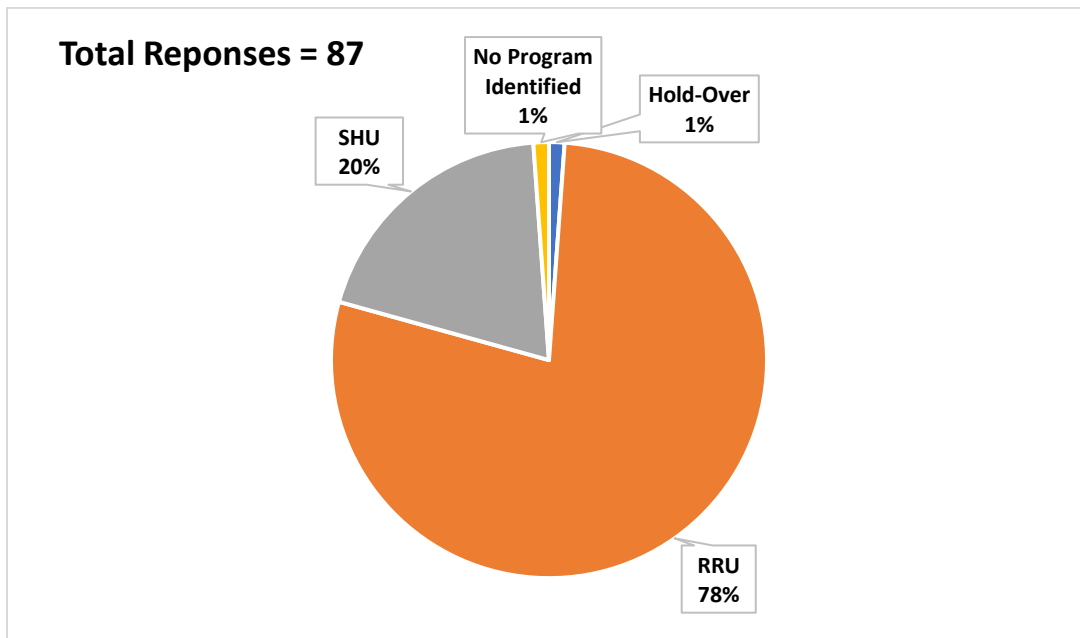
¹ A copy of the survey can be found in the appendix

² Eighty-nine surveys were received, however two were anonymous, with no facility identified and no questions answered. The rest of this report will be based on 87 completed surveys.

Response Rate by Facility

Facility	Number Distributed	Number of Responses	Response Rate
Collins	80	20	25%
Gouverneur	140	43	31%
Washington	11	2	18%
Attica	97	22	23%
Wyoming	14	0	0
Lakeview	9	0	0
Riverview	6	0	0
Totals	357	87	24%

This chart shows percent of responses by residential program area.



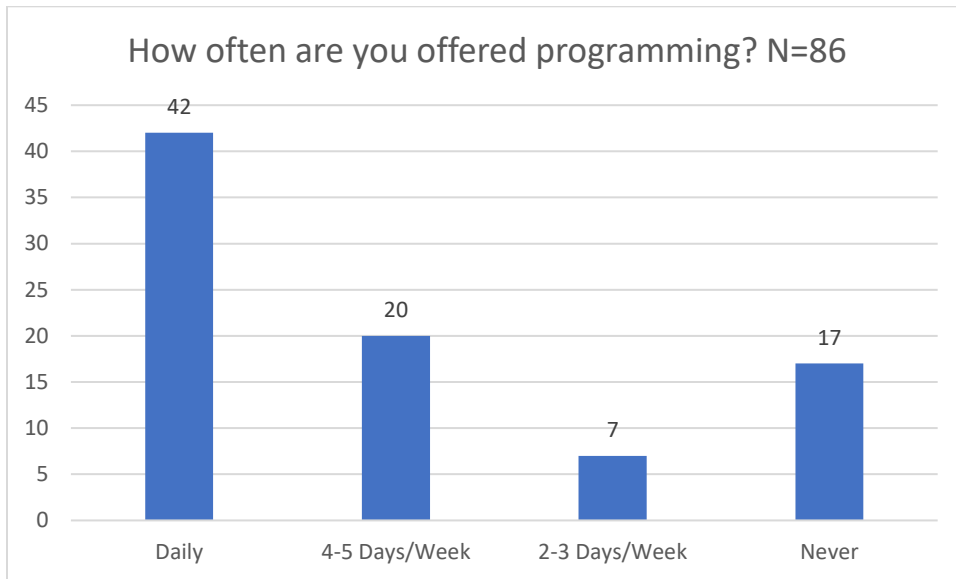
Programming

The HALT legislation requires DOCCS to offer six hours of daily out-of-cell congregate programming, services, treatment, recreation and/or meals to individuals housed in RRUs with an additional one hour of recreation. In segregated confinement, DOCCS is required to offer four hours of daily out-of-cell programming plus an additional hour for recreation.³

³ Correction Law §137(6) (j) (ii)

Program Frequency

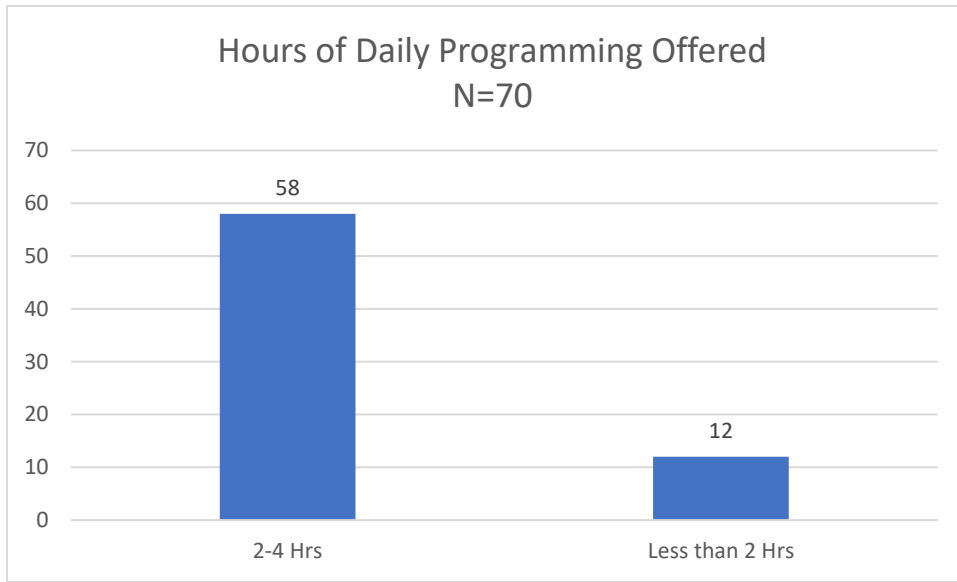
This chart shows the breakdown of how frequently programming is offered, based on the 86 responses to the question: During the average week, how often are you offered programming?



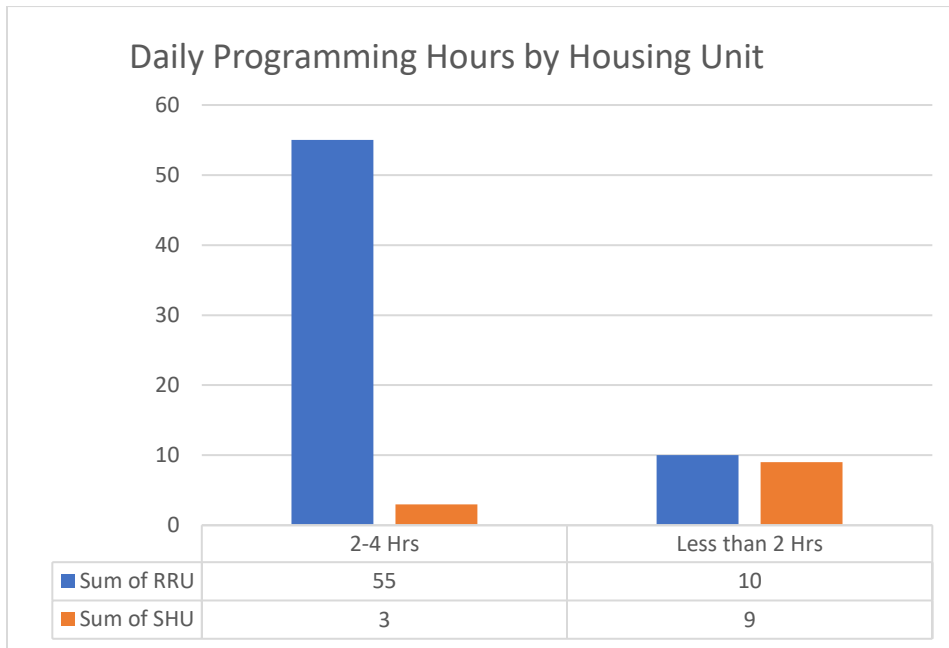
Frequency of Programming Offered by Facility

Facility	Daily	4-5 Days/Week	2-3 Days/Week	Never	Total Responses
Attica	5	11	2	4	22
Collins	9	2	0	8	19
Gouverneur	28	7	4	4	43
Washington	0	0	1	1	2
Totals	42	20	7	17	86

This chart shows how many hours programming is offered each day.⁴



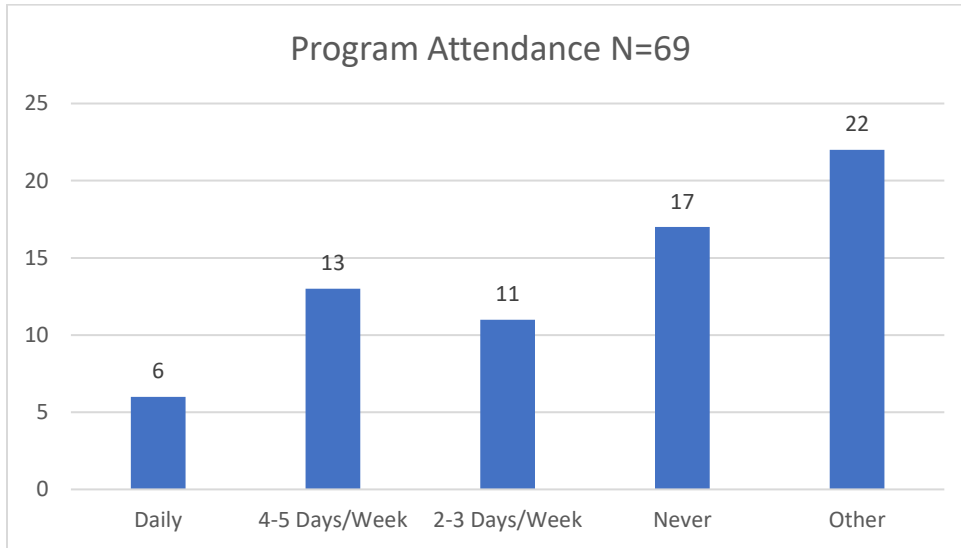
This chart shows hours of daily programming by residential housing unit.⁵



⁴ Includes the 70 responses of individuals who indicated that programming is offered. Excludes the 17 individuals who responded that programming is never offered.

⁵ One individual did not provide their residential program; therefore, they are not included in the total. N=69

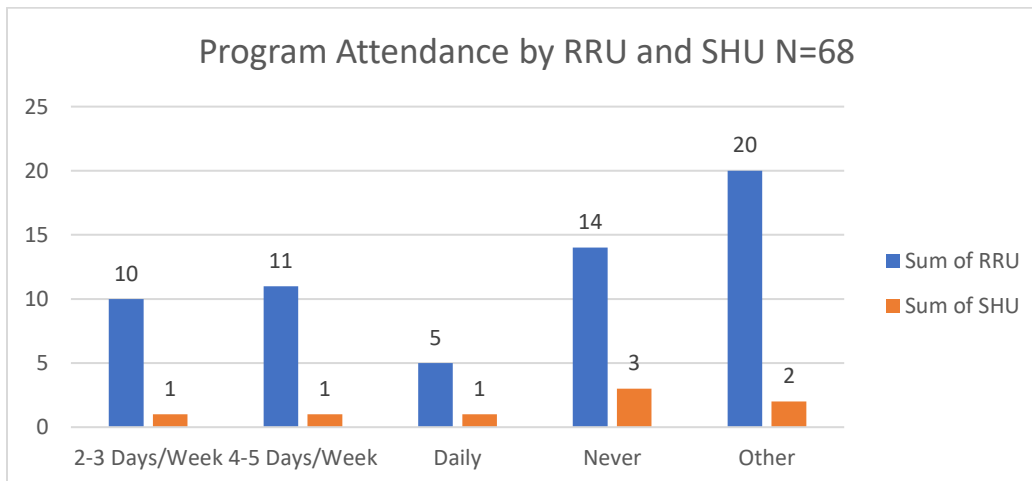
This chart shows how often incarcerated individuals reported that they are attending program during the average week.



Program Attendance by Facility

Facility	Daily	4-5 Days/Week	2-3 Days/Week	Never	Other	Total Responses
Attica	1	4	2	5	6	18
Collins	1	2	0	4	4	11
Gouverneur	4	7	8	8	12	39
Washington	0	0	1	0	0	1
Totals	6	13	11	17	22	69

This chart shows program attendance by residential housing unit.⁶

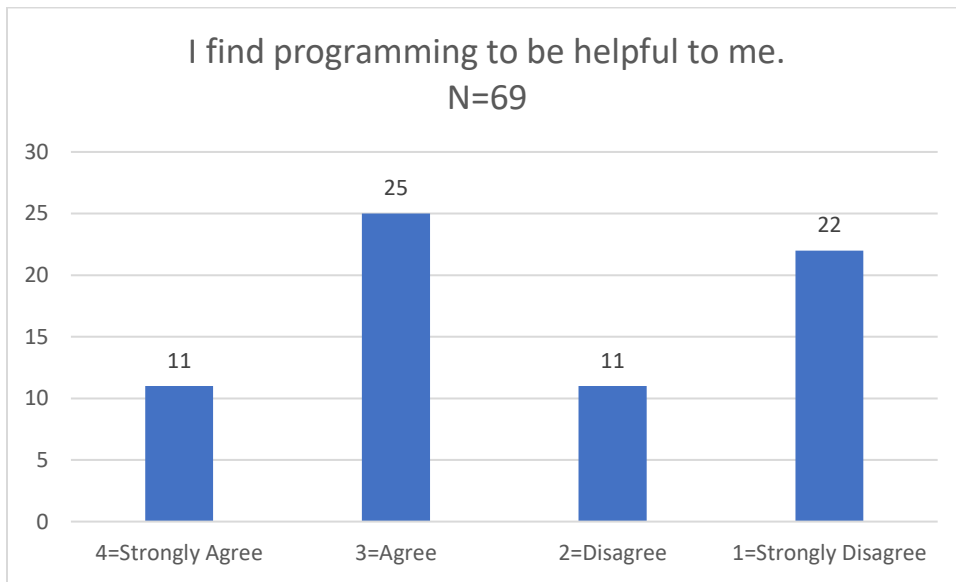


⁶ One respondent did not indicate the residential housing unit, therefore the number of responses to this question is 68.

When asked “How often do you attend programming,” one answer choice was ‘other’ with the option to add a comment. Twenty-two respondents indicated ‘other’ as their answer to this question. There were a range of comments. Some individuals indicated that they are not given the opportunity to attend programming, while others stated that they used to attend but stopped when they realized there were no time-cuts or incentives. Some also stated they choose not to attend programming due to officer harassment.

Program Helpfulness

Of the 69 incarcerated individuals who responded that they have attended programming at least once, a little over half (52%) felt the programs were helpful while the rest (48%) felt they were not helpful.



Program Helpfulness by Facility

Facility	Agree or Strongly Agree Programs are Helpful	Disagree or Strongly Disagree Programs are Helpful	Total Responses
Attica	8	10	18
Collins	5	6	11
Gouverneur	22	17	39
Washington	1	0	1
Totals	36	33	69

Thirty-six individuals at four facilities agreed or strongly agreed that programming was helpful to them. When asked what they liked best about programming offered, these were some of the comments:

Facility	What do you like best about the programming offered?
Attica	That you get to interact with others from different walks of life.
	It's informational.
	I like the purpose of assistance you need, as far as, for growth & development. Because a lot of us need help and don't have the courage to ask for help.
Collins	The thing I like best that the programming offer's is that it's the only time we get out of our cell to interact with each other (offender to offender).
	Having time out of the cell. Learning and practicing the skills offered.
	That I get to talk with other inmates and share things with them and learn a lot of stuff based on self-control, dieting, health, reasons to achieve your goals.
	To learn how control my anger and method.
	Time out of cell.
	To get to learn new skills and to get time with other people to talk and socialize.
	Speaking and interacting with people.
Gouverneur	Gives me a chance to get out of my cell and talk to other people.
	It gives you a chance to interact with the counselors and ask questions.
	The open conversation with the instructors and my peers.
	The general counseling, and at times, workbooks offer reasonable tools and ways to deal with crisis if not a better way of thinking and resolving conflict in more practical ways.
	Being social. The counselors are good at what they do by keeping my mind active and up to date about the changes that occur out in society and the world throughout. Also, by constantly reminding me of all the important factors of life in general. And exposing me to the depths of anger on different levels.
	Information and education.
	Being able to get out of the cell and interact with other people.
	The social worker and counselor offer a variety of topics that allow me to see things in a different perspective.
Washington	Tablets, opportunity to speak to loved ones, and get out my cell to interact with others.

Thirty-three individuals at three facilities indicated that they disagree or strongly disagree that programming is helpful to them. When asked what they liked least about the programming offered, these were some of the comments:

Facility	What do you like least about the programming offered?
Attica	I dislike that you cannot finish mandatory programs that you may need to go home such as ASAT/ART. I feel that some of the civilians are very lazy with the curriculum in that a person who is well read or further in formal education can't truly participate for lack of stimulation.
	I don't care for programming.
	There are no time cuts offered whether or not you attend program. Also, you are shackled in restraints to the floor like an animal, inhumanely. You can't use bathroom while attending program. No TV or news.
	They don't teach nothing.
	The fact that there is really no structure or blueprint to what lessons need to be taught at program. No sense of direction. Every day they just talk about nothing politics and things that do not help the rehabilitation process and they gave no time-cuts.
Collins	Everything. They do the same thing every day.
	Having inmates sit in chairs along a corridor is not HALT compliant. The staff are not RRU certified-Collins S-Block is the Box/ not RRU.
	I think that would be the fact that I've heard people do the program and still don't get time cuts nor do we get our evaluation every 30 days to possibly be let out of the box.
	That they only give us 5-day time cuts no matter what. They offer us incentives we already are supposed to have. The officers make it a hostile environment.
	The time cuts are small and commissary sucks.
Gouverneur	The books are old.
	They never know answers to my questions and on weekends we don't do anything.
	The staff are arrogant and nasty. They look at us all the same.
	They do not give ASAT/ART programming, mandatory programs through DOCCS.
	The lack of staff working the program and correction officer's attitudes.
	That there are no actual programs offered like they made everyone believe there was going to be. This was created so people in the SHU could get their programs done while they are in the SHU and that's not happening except in a couple facilities.
	Nothing to like about it.

Desired Programs

HALT requires that incarcerated individuals in residential rehabilitation units have access to programs and work assignments comparable to core programs and types of work assignments in general population.⁷

⁷ Correction Law §137(6) (j) (v)

This chart shows a breakdown of other types of programs incarcerated individuals would like to see offered.

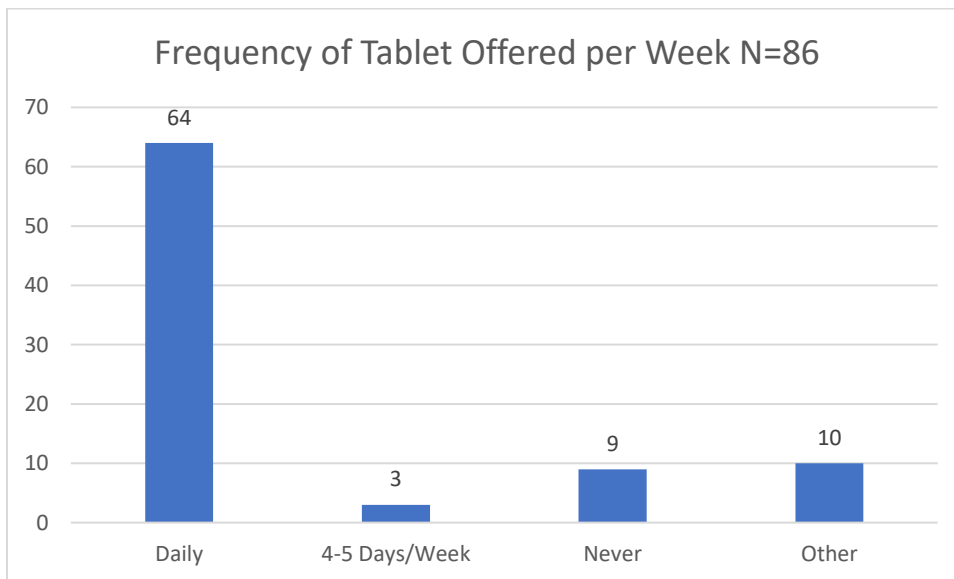
Category	Number who selected category	Examples provided by Incarcerated Individuals
Required Programs	37	ASAT, ART
Vocational	18	Barber shop, electrician, CDL
Educational	18	GED, college courses, languages, life skills
Programs with Incentives	7	Time cuts, commissary, tablet, more recreation
Mental Health Groups	5	
Other	10	Games, movies, yoga, meditation, gym

Tablets

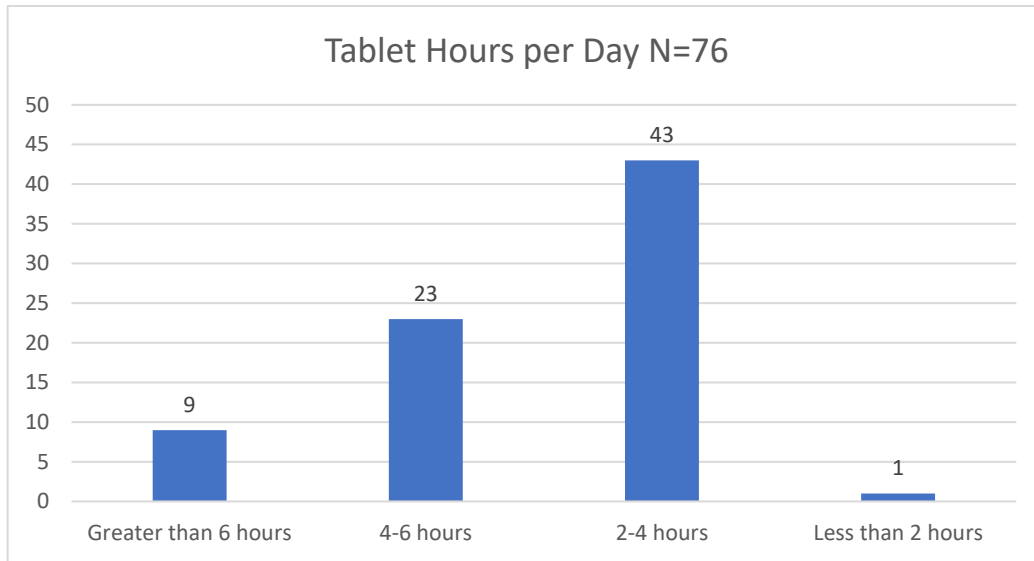
Incarcerated individuals are given access to static tablets, which they can use to keep in touch with family members and friends. Tablets also include multiple educational and self-help programs, suicide prevention programs, leisure reading, and games.

Tablet Frequency

This chart shows how often tablets are offered.



This chart breaks down how many hours per day tablets are used.⁸

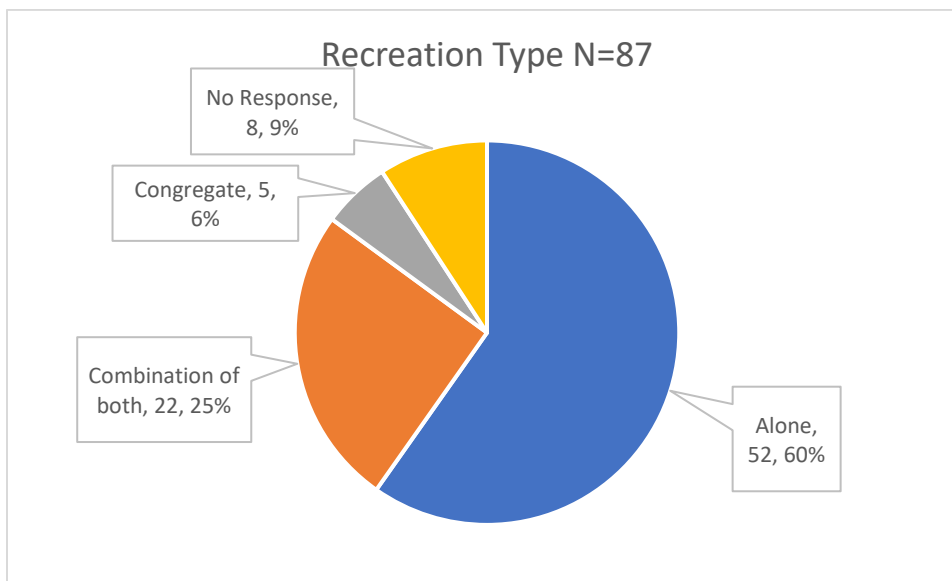


Recreation

HALT requires that DOCCS offer out-of-cell congregate recreation to all individuals in RRUs, unless exceptional circumstances exist. In both RRU and SHU, recreation must be offered for a minimum of one hour per day.⁹

Recreation Type

This chart shows the breakdown of recreation type; congregate, alone or combination of both.



⁸ Excludes the respondents who indicated that tablets are never offered, therefore N=76.

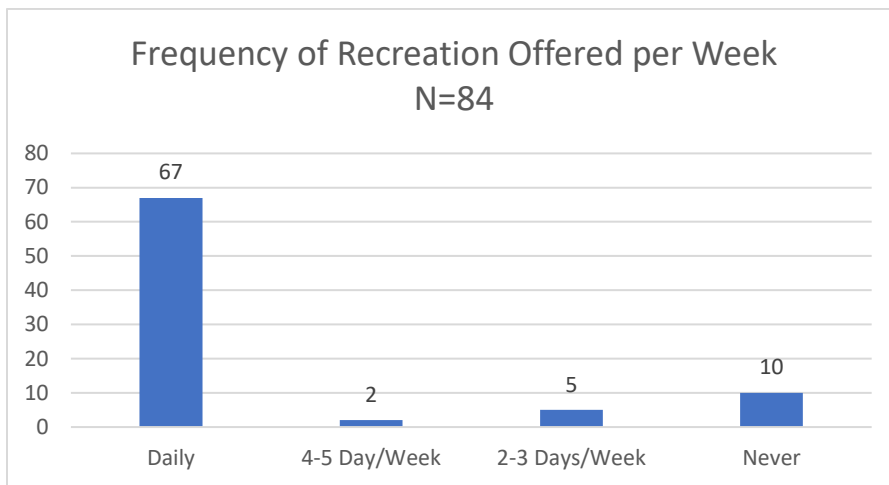
⁹ Correction Law §137(6) (j) (v)

Recreation Type by Facility.¹⁰

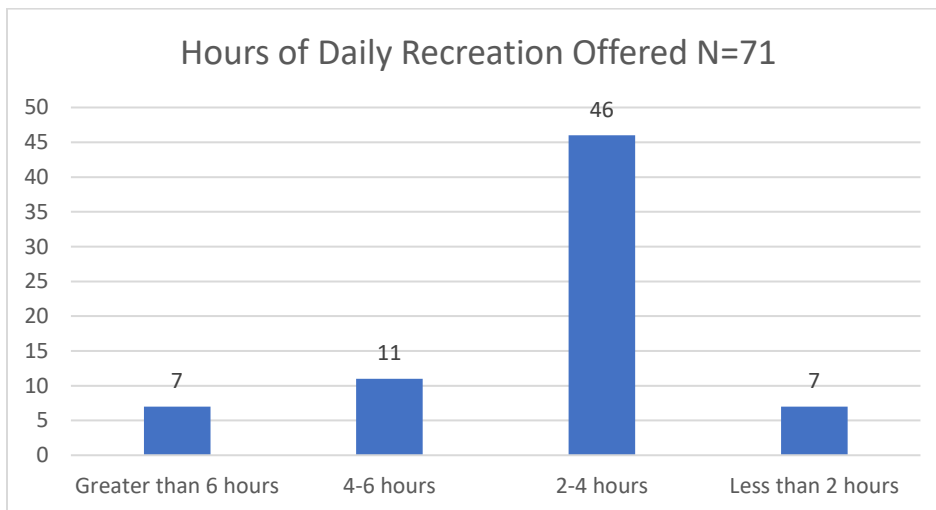
Facility	Alone	Congregate	Combination of both	Grand Total
Attica	11	0	5	16
Collins	11	1	8	20
Gouverneur	29	4	9	42
Washington	1	0	0	1
Grand Total	52	5	22	79

Recreation Frequency

This chart shows how often recreation is offered during the average week.



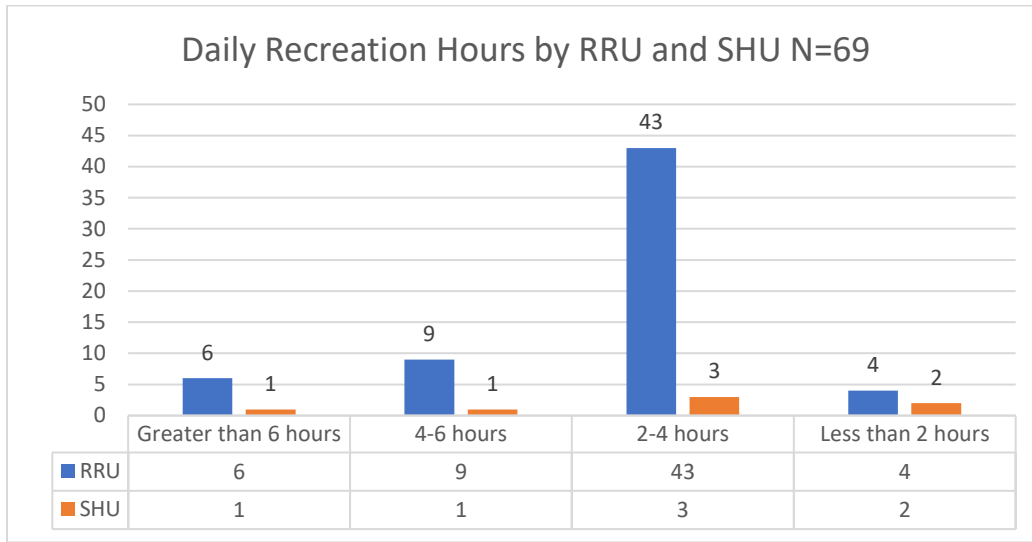
This chart shows how many hours per day recreation is offered.¹¹



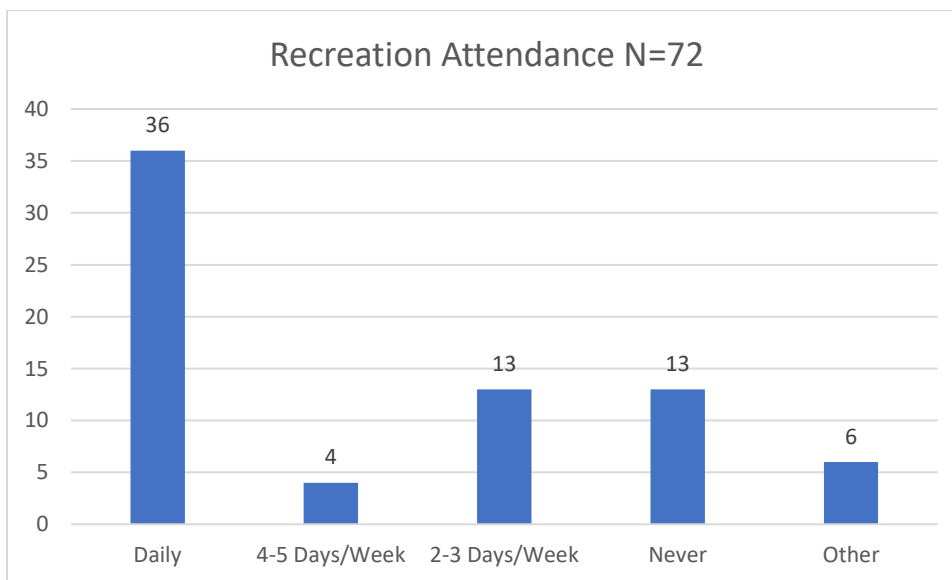
¹⁰ Excludes the eight people who did not respond to the question.

¹¹ Excludes two respondents who left this question blank and ten respondents who indicated that recreation is never offered therefore, N=71.

This chart show recreation hours offered by residential housing unit.¹²



This chart shows how often recreation was attended.¹³



After the question, “How often do you attend recreation,” there was a follow-up question: If less than daily, why don’t you attend recreation when it is offered?

The following is a sampling of the answers received:

- Our recreation is only in our rec pen during the week. On weekends our rec is 3 hours in a classroom with no T.V., movies, etc. I see no probable value in being in my cell calling it recreation or sitting in a room talking with no movement.
- Not much. Nothing to offer other than fresh air.

¹² Excludes responses who did not indicate a residential program, therefore N=69.

¹³ Excludes six respondents who left this question blank and the ten respondents that indicated recreation is never offered.

- I've been denied recreation, daily.
- Because I don't have the proper protection gear for bad weathers. Right now, it's too cold.
- I step outside to get some air, but the cameras make me feel uncomfortable.
- I love being in my cell alone. So, I can gather my thought and think of how I can prevent myself from ever coming back to the SHU again. I plan to make this my first and last time.
- I attend recreation about once or twice a week. Because most of my days I am attending RRU program.

Conclusion

Programming

According to the survey responses from the first three months of 2023, forty-two percent of respondents indicated that programming is offered daily. Eighty-five percent of respondents housed in an RRU, and 25 percent of respondents housed in a SHU indicated that programming is offered for between two and four hours daily.

Incarcerated individuals would like to see additional program options offered including educational classes such as GED, life skills and college courses, vocational classes, and mental health groups. Additionally, they have requested that DOCCS offer mandated programs such as Aggression Replacement Training (ART) and Alcohol and Substance Abuse Treatment (ASAT). Incarcerated individuals also indicated that they stopped attending programs because of the lack of incentives and poor treatment by DOCCS staff.

Recommendations

1. DOCCS should consider expanding therapeutic and educational programming options and incentives to increase participation.
2. DOCCS should train and support staff to encourage incarcerated individuals to attend programming.

HALT requires DOCCS to offer one hour of congregate recreation per day to incarcerated individuals housed in SHU and RRU. Only six percent of survey respondents indicate that recreation was congregate. Twenty-five percent indicated that recreation was a combination of congregate and alone. Eighty percent of respondents indicated that recreation is offered daily and nearly all respondents indicated that it is offered for greater than one hour per day.

Recommendation

3. While DOCCS appears to be offering daily recreation, they should make every effort to ensure that recreation is congregate to maintain compliance with HALT.

Appendix

Programming and Recreation Opinion Survey

The New York State Justice Center is an independent agency which is separate from DOCCS and OMH, and we are responsible for monitoring DOCCS and OMH compliance with the HALT legislation. We are seeking your voluntary input about the programming required under HALT in specialized units such as the RRU, SHU, RMHU, and any type of hold-over or step-down units. We value your opinion and encourage you to complete this survey, however there is no penalty if you choose not to respond. Your responses will inform us of your perspective about the programming and recreation that is available.

Your survey will not be shared with DOCCS or OMH, so once completed you can return it directly to the NYS Justice Center in the enclosed self-addressed envelope.

1. Name _____

2. DIN _____

3. Facility Name _____

4. Program (Circle one)

SHU RRU RMHU Hold-over Other (describe)

5. During the average week, how often are you offered programming? (Circle one)

Daily 4-5 Day/Week 2-3 Days/Week Never

6. If programs are canceled, what are the reasons for their cancelation?

7. When are you offered programming? (Circle all that apply)

Morning Afternoon Evening

8. When there is programming, on average, how many hours of programming are offered each day? (Circle one)

Less than 2 hours 2-4 hours 4-6 hours Greater than 6 hours

9. How often do you attend programming? (Circle one)

Daily 4-5 Days/Week 2-3 Days/Week Never Other (please explain)

If less than daily, why don't you attend programming that is offered?

10. How often are you offered a tablet? (Circle one)

Daily 4-5 Days/Week 2-3 Days/Week Never Other (please explain)

11. How many hours do you get to use your tablet per day? (Circle one)

Less than 2 hours 2-4 hours 4-6 hours Greater than 6 hours

12. Are you permitted to have access to a tablet on days when you attend programming?

Yes No

13. I find the programming to be helpful to me. (Rate your opinion on this statement - circle one)

1=Strongly Disagree 2=Disagree 3=Agree 4=Strongly Agree

14. What do you like best about the programming offered?

15. What do you like least about the programming offered?

16. What other types of programs would you like to see offered that would be helpful to you?

17. During the average week, how often are you offered recreation? (Circle one)

Daily 4-5 Day/Week 2-3 Days/Week Never

18. When are you offered recreation? (Circle all that apply)

Morning Afternoon Evening

19. When there is recreation, on average, how many hours of recreation are offered each day? (Circle one)

Less than 2 hours 2-4 hours 4-6 hours Greater than 6 hours

20. How often do you attend recreation? (Circle one)

Daily 4-5 Days/Week 2-3 Days/Week Never Other (please explain)

If less than daily, why don't you attend recreation when it is offered?

21. Recreation is: (circle one and explain)

Group Alone Combination of both