



Commission of Correction

KATHY HOCHUL
Governor

ALLEN RILEY
Chairman

YOLANDA CANTY
Commissioner

ELIZABETH GAYNES
Commissioner

May 13, 2025

Hon. Julia Salazar
Chair, Senate Committee on Crime Victims, Crime & Correction
172 State Street
State Capitol Building, Room 514
Albany, New York 12247

Hon. Erik Dilan
Chair, Assembly Committee on Correction
Room 524
Legislative Office Building
Albany, New York 12248

Written testimony submitted by Allen Riley, Chair, New York State Commission of Correction, to the Senate Standing Committee on Crime Victims, Crime & Correction and the Assembly Standing Committee on Correction:

The New York State Commission of Correction (Commission) is an independent Executive agency providing correctional oversight, regulatory, investigatory, and technical services for all correctional facilities in New York. The Commission's organization, functions, authority, and duties are set forth in Article 3 of the New York State Correction Law. The Commission's jurisdiction extends to every correctional facility throughout the state, including facilities of the Department of Corrections and Community Supervision (DOCCS), county jails and penitentiaries, the New York City Department of Correction, specialized secure juvenile detention facilities for older youth (SSDs), secure juvenile facilities of the Office of Children and Family Services (OCFS), and every municipal and county police lockup and court detention facility. The Commission advises the Governor on correctional policy; promulgates and enforces standards and regulations for correctional facility management and operations; monitors, adjusts, and enhances prison and jail procedures and capacity; oversees new correctional facility development; and assists in facility and technology development. The Commission's mission is to provide for a safe, stable and humane correctional system by ensuring the delivery of essential services.

To this end, the Commission's yearly agency operations for local correctional facilities currently consist of:

- An on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with Commission regulations and applicable state statutes.
- The daily monitoring of county incarcerated populations and facility capacity. The Commission employs its statutory authority to set facility capacity limits and effectuate the legal transfer of incarcerated individuals from crowded facilities to those with available capacity.
- The provision of technical planning, capital project development and construction plan review services for the development of new correctional facilities and the improvement, rehabilitation and renovation of existing structures.
- The on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act and the publication of an annual report detailing its findings.
- The determination and enforcement of minimum facility staffing levels for each county jail to provide for adequate incarcerated individual supervision and for staff and public safety.
- In conjunction with its Medical Review Board (MRB), the investigation, review and reporting of every incarcerated individual mortality, the investigation and review of systems for the delivery of incarcerated health services, and the operation of a statewide incarcerated suicide prevention program in conjunction with the Office of Mental Health (OMH).
- The on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with statutory and regulatory requirements for the provision of medication assisted treatment (MAT) to incarcerated individuals, and the publication of an annual report detailing its findings.
- Participation in the state's juvenile justice system, including the oversight and regulation of juvenile secure facilities operated by the Office of Children and Family Services (OCFS), and federally required on-site inspection and monitoring of adult jails, lockups and juvenile detention facilities to ensure compliance with the requirements of the Juvenile Justice Delinquency Prevention Act (JJDP Act).
- In conjunction with its Citizen's Policy and Complaint Review Council, the review, deliberation and determination of 4,000 county jail and penitentiary incarcerated grievance appeals.
- The review and appropriate inquiry of approximately 30,000 reports of significant correctional facility incidents and events. Incidents of particular significance or concern are further investigated.
- The review, response and necessary investigation of approximately 600 written letters of complaint from incarcerated individuals, their families and other representatives.

As set forth above, the Commission undertakes extensive oversight efforts for local correctional facilities. However, with respect to state facilities, currently, the Commission's oversight activity is limited to the MRB investigation of every incarcerated death, the review and approval of plans and specifications for facility construction and renovation, and the receipt, review, and appropriate treatment of approximately 1,000 written letters of complaint from incarcerated individuals, their families, and other representatives.

This has been the case since the Commission incurred significant personnel reductions in the mid-1990s, which reduced the staff to levels below that which is necessary to conduct

regular visits and evaluations of Department of Corrections and Community Supervision (DOCCS) and provide oversight services comparable to those provided to local correctional facilities. In the mid-2000s, after the State comptroller issued a report criticizing the Commission for not evaluating DOCCS facilities, the legislature amended Correction Law §45(3) in 2009 to clarify that the Commission's visitation and inspection of correctional facilities did not need to cover every correctional facility in the state annually, but rather must be on a schedule that considers available resources, workload, and staffing.

Recent events, including tragic incidents, have underscored the urgent need for enhanced oversight of DOCCS facilities. Given the Commission's constitutional mandate, its experience regulating, assessing, and monitoring correctional facilities, and the existing statutory authority allowing for unlimited access to DOCCS facilities and records, Governor Hochul recognized that the Commission is the appropriate agency to provide such oversight. To reinforce and assist the Commission's duty and ability to provide sufficient oversight through regular site visits and evaluations of DOCCS facilities, the Governor has ensured the FY 2026 Enacted Budget includes the necessary funding and statutory changes for the Commission to annually visit, inspect, and appraise each DOCCS facility and establish a webpage that allows for the electronic submission of complaints regarding any correctional facility. Through the agreement with the legislature, these provisions are in the FY2026 enacted budget and the Commission will be able to leverage these new resources as soon as they become available.

Thank you for the opportunity to provide written testimony on this important topic. As the State's specialized correction oversight agency, the Commission remains dedicated to improving the safety of individuals incarcerated throughout the state and local correctional facilities across New York. With the anticipated appropriations and legislation provided in the budget, I am confident that the Commission will have the necessary resources to augment its oversight operations to include facilities operated by the Department of Corrections and Community Supervision, furthering the Commission's mission to provide for a safe, stable, and humane correctional system in New York State.