

## **Written Testimony of the Correctional Association of New York**

Senate Standing Committee on Alcoholism & Substance Use Disorders Public Hearing  
on The Treatment Court Expansion Act, S.4547.

The purpose of this testimony is to address the proposed establishment of judicial diversion parts in each county. This testimony will discuss related issues surfaced during monitoring activities and reporting carried out by the Correctional Association of New York (CANY).

### **Legislative Authority**

CANY is an independent, non-profit organization with a legal mandate to monitor and report on conditions in New York State prisons. CANY was founded in 1844 and deputized by the state to provide monitoring and oversight of the state's prisons in 1846, making it one of the first organizations in the country to administer civilian oversight of prisons. Under current law (New York Correction Law §146), CANY monitors prisons, publishes reports, and informs policy change to improve conditions in New York State prisons.

### **Scope of CANY's Work**

Since January 1, 2025, CANY has conducted 12 monitoring visits to state prisons, interviewed hundreds of incarcerated individuals, held stakeholder meetings with dozens of state employees, and addressed numerous inquiries from or on behalf of incarcerated individuals by mail, phone, and email. CANY's public-facing reports, data analyses, and legislative testimony provide policy makers, prison administrators, and the public with a nuanced understanding of systemic issues and trends within the state's 42 prisons.

### **Historical Background: The Judicial Diversion Program**

In 2009, as part of the Rockefeller Drug Law Reforms, New York State created a pathway for a subset of people with substance use disorders to avoid prison and potentially have their charges reduced or dismissed after engaging in a course of treatment. Judicial diversion, sometimes known as "drug court" or "treatment court," has enabled thousands of New Yorkers to avoid incarceration and receive lifesaving treatment for substance use disorders. Judicial diversion has also saved millions in tax dollars, from both reductions in reoffending and the cost of community-based treatment versus incarceration.

Eligibility for judicial diversion is limited to people with substance use disorders. The current law leaves behind people who have mental health challenges and others who do not fit the narrow charge-based eligibility criteria. To fill this void, many counties have developed mental health courts, opioid courts, or various other ad hoc treatment courts. However, the programs vary widely, and participation is limited.

## **Prison Monitoring Findings: Mental Health and Substance Use Disorders**

In the effort to foster transparency and accountability within New York's prisons, CANY publishes dashboards of processed administrative records. One such dashboard contains information obtained by Freedom of Information Law (FOIL) from the NYS Office of Mental Health (OMH) depicting prison-based mental health caseload and program census figures. According to the data published, between January 2022 and January 2025, while the year over year percentage change of DOCCS' population has risen three percent, the OMH caseload percentage change has been four percent. In other words, the proportion of people in state prison with mental health diagnoses is increasing at a higher rate than the population under custody. As of January 2025, 29% of DOCCS population was on the OMH caseload.<sup>1</sup> Another trend demonstrates not just increasing needs, but a mental health crisis in prisons: between 2023 and 2024, the number of suicides in state prison increased by 108%, from 12 in 2023 to 25 in 2024.<sup>2</sup> These trends suggest missed opportunities to divert people with mental health problems from prison and raise questions about whether the state's prisons are equipped to respond to the level of mental health needs among the under custody population.

In 2024, CANY published a report on the implementation of the Medication Assisted Treatment (MAT or MOUD) program in DOCCS. Analyzing available data, CANY learned that between July 1, 2022, and July 1, 2023, there had been a 552% increase in participation rate in the program. The following year, between July 1, 2023, and March 1, 2024, there had been an additional 19% increase in participation rate. More telling, data from DOCCS shows that on January 1, 2023, 1282 people participated in the MAT program and on March 1, 2024, that number had ballooned to 3568 people—greater than 10% of the under custody population.<sup>3</sup> These figures indicate the state's successful implementation of MAT for people with opioid use disorders in prison, following the enactment of legislation mandating the use of this evidence based public health intervention. And yet, the trends highlight the need for additional community-based treatment for OUD and again suggest missed opportunities for judicial diversion of people suffering from treatable substance use disorders.

Finally, access to treatment programs, including for mental health, substance use disorders, and other programs are also heavily affected by staffing shortages in state prisons, with 19% of Office of Mental Health (OMH) staff positions vacant as of April 2025, 23% of DOCCS health services positions vacant as of April 2025, and 14% of DOCCS program services positions vacant as of April 2025. These staffing gaps raise additional questions about the suitability of prison for people with treatment needs that are better met in the community.

These challenges and barriers to appropriate medical and mental health care and substance use treatment in New York State's correctional facilities underscore the need for community-based programming and additional diversion options.

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<sup>1</sup> [CANY Data Portal — Correctional Association of New York](#)

<sup>2</sup> [CANY Data Portal — Correctional Association of New York](#)

<sup>3</sup> [CANY MATReporting 12132024.pdf](#)