

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

ALFONSO SMALLS, KARIEM TOMLIN, JEROME
LESLIE, TARON JACKSON, SAIWON ROBBINS, and
MICHAEL WILLIAMS, on behalf of themselves and all
similarly situated individuals

AFFIRMATION

Index No. 903926-25

Plaintiffs-Petitioners,

-against-

DANIEL F. MARTUSCELLO III, as Commissioner of the
New York State Department of Corrections and Community
Supervision,

Defendant-Respondent.

Daniel F. Martuscello III, affirms the following under the pains and penalties of perjury:

1. I am employed as the Commissioner for the New York State Department of Corrections and Community Supervision (“DOCCS”). As such, I am fully familiar with the facts and circumstances to which I testify herein.

2. I make this Affirmation in response to the Court’s Decision and Order dated July 1, 2025 (NYSCEF No. 67) to detail my finding that a “facility-wide emergency” under Correction Law §2(23) continues to exist in DOCCS facilities.

3. This Affirmation is based upon my personal knowledge and/or my review of documents and records maintained in the normal and ordinary course of DOCCS’ business operations.

4. On the morning of Monday, February 17, 2025, DOCCS was made aware of an illegal job action taking place at Elmira Correctional Facility (“CF”) in Chemung County and Collins CF in Erie County.

5. The job action lasted twenty-two days and was initiated by correction officers and sergeants who are public employees and members of the New York State Correctional Officers and Police Benevolent Association, Inc. (“NYSCOPBA”) union. NYSCOPBA is the recognized bargaining agent for correction officers and sergeants in the state of New York.

6. On February 19, 2025, Governor Hochul issued Executive Order No. 47, declaring a disaster emergency in the State of New York and ordered into active service the New York National Guard to assist in guaranteeing public order and protection of public property at various correctional facilities. A copy of Executive Order No. 47 is attached as **Exhibit A**.

7. This executive order continues to be in force, as of July 7, 2025. The Governor reissued and extended the order since the strike ended, extending the facility-wide emergency due to the exceptional circumstances and continued risk to the safety and security of the incarcerated population and staff post-strike. Copies of Executives Orders Nos. 47.1 and 47.7, which renew Executive Order 47, are attached as **Exhibits B and C** respectively.

8. In response to the Governor’s Executive Order, more than 6,000 members of the National Guard were deployed to all DOCCS correctional facilities. The facilities operated with minimal staff and the assistance of the National Guard to keep our facilities afloat.

9. Due to the significant and ongoing safety and security risks, I made the decision to suspend the programming and recreation elements of HALT. I also suspended programming and recreation for *all* incarcerated individuals, as well as nearly all other elements of facility operations

beyond the bare minimum to maintain safety. This was a difficult but necessary decision. With as many as 75% of our security staff on strike, this was done in order to minimize the chance of a volatile situation growing worse. This was also done as a matter of practicality – these facilities simply did not have the staff to conduct anything beyond the bare minimum operations (e.g. food, medical care). For many facilities, this continues to be the situation post-strike. A copy of my February 20, 2025, Memorandum to all DOCCS facility superintendents concerning the temporary suspension of the programming and recreational elements of HALT is attached as **Exhibit D**.

10. The National Guard helped maintain order but were neither trained in a corrections environment nor capable of providing support around programming and recreation. Leadership's goal was simple: to avoid making an incredibly volatile and unsafe situation worse.

11. As of March 10, 2025, the strike was officially over. The strike lasted for 22 days. During that time DOCCS made four offers to end the strike. The fourth and final offer was made on Saturday, March 8, 2025.

12. The strike and the loss of employees further exacerbates a Departmental staffing crisis. DOCCS' pre-strike "fill level," the number of Correction Officers and Sergeants available to work shifts in the facilities or on approved leave, was 13,342. This put DOCCS approximately 2,000 staff below what is needed to safely manage our current facilities. At present, DOCCS is over 4,700 staff below where it needs to be to manage our facilities safely. This is double the pre-strike number and a significant and unreasonable fill-level for safely operating our facilities in the same manner as prior to the strike. While it is true that we had staffing shortages before the strike, the strike and the subsequent loss of staff has created both exceptional circumstances and an unreasonable risk to both the incarcerated population and the staff that did not exist before.

13. As part of the March 8, 2025, Memorandum of Agreement (“MOA”), DOCCS implemented a 90-day suspension of the programming elements of the HALT Act due to the ongoing emergency and exigent circumstances that exist within each facility and the significant staffing deficit. The purpose of this suspension was to allow facilities time to recover and resume their basic operations and for the leadership teams to assess what was operationally viable and could safely resume. Each facility was responsible for developing an operations re-opening plan that included re-opening programming under the HALT Act. The re-opening plans were updated and reviewed on a weekly basis, with additional calls specific to the re-opening of programming under the HALT Act occurring every 30 days with the DOCCS executive team to evaluate operational progress and review timelines. This included a review of all operations, from medical and trips, to showers, mental health and religious needs. While these reviews included all operations within each facility, including both general population and HALT programming, the review was holistic to ensure a safe reopening plan for the entire facility in a manner that ensured the safety and security of both the incarcerated population and the staff. Despite our best efforts, there are still some basic elements of operations that some facilities have been unable to resume due to these exceptional circumstances.

14. I have continued to conduct facility-by-facility reviews with all facilities that have not fully reinstated HALT programming. The purpose of this ongoing review is to ensure that facilities continue to make progress towards restoring services, including HALT programming as soon as practicable from a safety and operational perspective. As this Court concluded, there cannot be a one size-fits all approach to the re-opening plans. My reviews have been consistent

with the need to conduct a facility-by-facility analysis, taking into account operational and staffing limitations as well as safety and security risks.

15. The facility review process includes members of the executive team including the Deputy Commissioners for Security, Classification & Incarcerated Movement, Programming, Mental Health, and Legal, as well as the Superintendent from the relevant facility. Factors that were consider in making these individualized assessments include: (1) the safety and security impact of restarting HALT programming; (2) the operational impact of restarting (i.e. will we lose staff from other high-risk operational areas); (3) the impact on general population; (4) the staffing impacts on 1-3. My goal has been to move facilities towards re-instituting programming, and I believe this goal must be balanced with the realities of an exceptional circumstance and the ongoing risks to the facilities for both the incarcerated population and the staff. Simply put, the risk of re-opening programming too early is incredibly high.

16. Despite the staffing limitations, ongoing emergency, and exceptional circumstances, DOCCS facilities have made significant progress in re-opening operations and specifically resuming HALT programming. As described below, almost all of our facilities with either a Special Housing Unit (SHU) or Residential Rehabilitation Unit (RRU) (or both), have resumed some form of modified programming, right sized for the staffing and operational limitations they're experiencing due to the unlawful job action and significant loss of personnel.

17. I have launched an aggressive recruitment campaign, and continue to aggressively expand our recruiting, which is beginning to show positive results. The number of individuals taking the correction officer exam is 129% higher than the same time last year. As we begin to convert these individuals to correction officers, expand our applicant pool with 18–20-year-olds

and recruit in bordering states, we will begin to see our staffing improve. We have also brought nearly 600 officers back through the collective bargaining grievance process. Additionally, on Wednesday, July 9, 2025, I entered into Memoranda of Agreements with NYSCOPBA and other unions to authorize a \$3,000 sign on bonus for new correction officers, a bonus for new and current staff who have college degrees, a retention bonus of \$1,000 for security staff who have between 25 and 29 years of service, and a \$5,000 retention bonus for staff with 30 years or more service, along with a referral bonus of \$3,000 for any staff who refer a correction officer candidate who then completes their probationary period. These efforts are significant, however, will take some time to achieve.

18. Ultimately, my goal is to operationalize all elements of each facility, including HALT programming as soon as practicable, while always ensuring that the safety and security of the incarcerated and staff remains of paramount consideration in all decision.

Facility-by Facility Analysis

19. Below is a facility-by-facility analysis of the current staffing, operational capabilities and limitations, and security risks that were evaluated in determining what elements of programming could be reasonably resumed, the operational impacts of a full-reopening and a potential timeline for fully re-opening. Necessarily, these decisions and timelines are fluid and dependent on many factors, most notably the ability to increase staffing without the continued attrition of staff, population movement within each facility, and other factors that may impact operations in the short or long term.

20. To summarize the below, all Department of Corrections facilities remain under a Governor issued state of emergency due to the current conditions within these facilities.

21. DOCCS has (7) facilities do not have an RRU or SHU or the associated HALT programming requirements – Altona, Edgecombe, Hale Creek, Otisville, Queensboro, Taconic and Wallkill. There are fourteen (14) facilities that have completely restored the programming elements of HALT – Albion, Coxsackie, Elmira, Greene, Hudson, Bedford Hills, Bare Hill, Cape Vincent, Franklin, Green Haven, Riverview, Shawangunk, Ulster, and Woodburne. There are seventeen (17) facilities that have partially restored certain of the previously suspended elements of HALT as they are able to safely do so – Attica, Auburn, Cayuga, Collins, Fishkill, Five Points, Gouverneur, Sing Sing, Adirondack, Lakeview, Upstate, Eastern, Groveland, Marcy, Washington, Wende, and Wyoming. Finally, there are three (3) facilities, that have not yet restored any element of HALT due to safety and security concerns – Mid-State, Mohawk, and Clinton.

22. My overall goal is to have all facilities as close to fully operational with the applicable HALT programming requirements by early Fall. The ability to meet this goal will be impacted by many factors, foremost of which is ensuring the safety and security of all our incarcerated individuals and staff. This is of paramount importance. Staffing improvements and no additional loss of staff will also play a significant part in achieving this goal. I believe we are well on our way to achieving this goal but require additional time to ensure that each of these facilities is set up to succeed. We will continue to conduct a bi-weekly re-opening plan review with each facility around HALT programming implementation in an effort to achieve this goal across our facilities.

23. As explained below, I find that DOCCS facilities remain under a “facility-wide” emergency because they lack sufficient staffing to fully re-implement the suspended aspects of HALT while safely and securely operating the facility as a whole for the entire population. HALT programming does not occur in a vacuum and impacts a small percentage of the overall incarcerated population. The significant staffing shortfalls we face following the illegal job action forces each facility to make difficult choices about how to mobilize limited resources, making it impossible for some facilities to fully operationalize HALT programming without diverting staff at each facility from other vital functions, thereby jeopardizing the safe and secure operation of the facility as a whole. However, as detailed below, many facilities have made significant progress in fully or partially resuming suspended elements of HALT as their staffing allows.

Facilities with both an RRU and a SHU

Albion Correctional Facility

24. Albion CF is a medium-security female correctional facility located in Albion, NY. The current population is 521 individuals, with 5 currently in SHU and 7 currently in RRU. Staffing levels at Albion continue to be significantly lower than needed to fully restore pre-strike operations while maintaining the safety and security of both the incarcerated and the staff. The Security Authorized Staffing Level, or Budget Fill Level (“BFL”) is 435, with 290 currently filled (33% vacancy); the programs BFL is 68 with a 20% current vacancy and medical BFL is 31 with a 16% vacancy. The Budget Fill Level is the minimum number of officers a facility requires to safely operate. In addition, Albion has 19 staff on long term workers compensation, 10 staff on long-term sick leave and approximately 6-10 daily callouts.

25. With current staffing conditions, Albion CF has allocated security staff as follows: 13 staff in all housing units, 2 staff in medical and dental areas, and 4 staff in both SHU and RRU. On a daily basis, security staffing is also covering legal calls (requiring 4 staff), legal visits (requiring 2 staff); outside medical trips (on average there are 4 per day, each requiring a minimum of two staff, one being female); court trips (3-4 per day, each requiring a minimum of 2 officers, one being female). There has been a significant uptick in court trips, the facility has requested virtual court appearances, however, for the most part, courts have been unable to accommodate. In addition, staff are utilized to cover the recreation yard, walkway coverage during incarcerated movement, emergency response, emergency medical trips, mess hall coverage, 1:1 Office of Mental Health watches, contraband watches and weekend visits for both general population, SHU and RRU individuals. Unique to a female facility, we rely heavily on our female security staff for frisking, medical trip coverage and 1:1 watch; law library and grievance have been fully operational. Security staff are also utilized to cover program areas, including Aggression Replacement Training (“ART”), Sex Offender Counseling & Treatment Program (“SOCTP”), and Alcohol & Substance Abuse Treatment (“ASAT”), some of which are mandatory programs associated with liberty interests for early release or parole board consideration.

26. Areas currently not being covered due to the staffing crisis and operational risk include family events, holiday visitation, and summer school. In addition, Albion CF has closed sixteen security assignments, or posts, due to staffing limitations. These include trips, construction, dining room, school, chapel, Intermediate Care Program (“ICP”) escort and front gate escort.

27. The facility continues to rely on the support of the National Guard to ensure the operations of the facility. They currently have 30 members of the National Guard, who are used in

SHU, RRU, walkway coverage, or mess hall coverage. The National Guard cannot do 1:1 escort or response to incarcerated individual on incarcerated individual incidents, nor can female national guard perform pat frisking.

28. Due in part to the relatively low number of incarcerated individuals in SHU and RRU, as of June 23, 2025, Albion CF has fully restored HALT programming. However, because they are fully staffing the RRU, which is small compared to most facilities, there are days where general population may not receive outside recreation. For example, if there are a higher number of incarcerated individuals transferring into the facility, outside medical appointments or court trips, they won't have the staff to conduct outdoor recreation until later in the afternoon if, or when staff returns.

Attica Correctional Facility

29. Attica CF is a maximum-security prison located in Attica, NY. The current population is 1786 (31 in SHU, 49 in RRU, 19 in long term Protective Custody ("PC"), and 50 in IPC).

30. The overall security BFL is 662. The current fill is 516 (22% vacancy). The correction officer BFL is 596. The current fill is 453 (23% vacancy). Health services have a 34% vacancy and program services has a 17% vacancy rate.

31. Attica currently has 61 National Guard members assigned to the facility. Due to the limitations that the National Guard has (cannot escort incarcerated individuals alone, can only be a secondary response to incarcerated violence, cannot staff an armed post, must work with a correction officer if members of the incarcerated population are not behind a locked gate), they are

mostly utilized to assist with showers, general population programs, special watches, and cover interior gates. The number of National Guard members working in the facility varies daily due to days off, mandatory drills, training requirements, and command post coverage.

32. The majority of Attica CF correction officers are currently working 12-hour shifts. It was advantageous to utilize 14 correctional officers 8 hours per day, 5 days per week, for outside trips, etc. Most of the day shift works 7 AM until 7 PM; however, there are a few staff that work 5 AM to 5 PM and 6 AM to 6 PM for operational necessity. Day shift staffing consists of 175 correction officers. The utilization breakdown of these correction officers includes 85 to housing units, 6 to hospital and dental, 7 to mental health callouts/program, 5 to mess hall coverage, and 11 to wall towers that are used to secure the facility perimeter. The remaining staff cover program areas, gates, package room, and other security necessary posts. The night shift has 47 correction officers covering housing areas, medical, mental health, and wall towers. From April 1, 2025, through June 30, 2025, Attica staff facilitated 152 medical trips and 42 court trips. Additional staff are frequently needed for outside hospital coverage and special watches.

33. Given the limited staffing the facility has been unable to facilitate incarcerated individual family events, summer school, the family reunion program, and weekday/holiday visits. The Corcraft Industry program is limited to operating twice per week, however, daily staffing concerns frequently reduce the days of operation.

34. Overall, ensuring that the facility is operating in a safe and secure manner limits the program and out of cell opportunities for the population. Modifications to the facility schedule have been made to ensure that the population is offered recreation periods and that essential services are provided such as medical, mental health services, meals, packages and commissary.

Staffing is evaluated on a daily basis and redeployed as needed to ensure essential services are provided.

35. Attica has been running recreation in the RRU and recently extended the first recreation period to three hours. Attica adjusted staffing to begin running RRU programming, limited to one classroom operating two days per week, due to the location of the programming area and the additional security staffing resources needed. Recreation continues in the long-term protective custody unit and limited gallery programming has been recently added.

36. Moving forward, it is anticipated that Attica CF will continue to face limitations on their ability to increase programming opportunities due to high levels of resignations and retirements amongst security staff, further depleting already limited staffing options. Additionally, as the Department increases the transportation of incarcerated individuals, Attica CF should expect its incarcerated population to increase in the coming weeks. We remain committed to identifying creative solutions that will allow for expansion of HALT programming despite the combination of increases in the incarcerated population coupled with a decrease in working correction officers, which significantly limits the facility.

37. If Attica were to restart HALT programming in full today, the facility would have to offline many other essential services that are provided to the general population. The facility would not be able to run Corcraft Industry and continued operation of HALT programming in full could also result in the suspension of Transitional Services Programming, limited recreation time for general population, and officers and civilian staff would have to be diverted from other vital areas. With our current numbers, that would result in providing services to 109 incarcerated

individuals while lessening opportunities for the remaining 1,677 general population incarcerated individuals.

Auburn Correctional Facility

38. Auburn CF is a maximum-security facility located in Auburn, NY. The current population is 1104 in general population, 26 in SHU and 21 in RRU. The facility is currently involved in a capital improvement project approved to rehabilitate 432 cells. This will increase facility capacity to 1696 and require an additional 35-40 correction officers.

39. The correction officer BFL is 567 and the current fill is 397 (down 37%). In addition, the facility has 35 officers on long-term leave (workers compensation, military, etc.)

40. Auburn currently has 42 National Guard members assigned to the facility, and average 10 National Guard members on 7am-7pm shift, and 5 on 7pm-7am shift. Because the National Guard staff is limited in their ability to carry out the majority of Correction Officer duties (e.g., incarcerated individual escorts, when with the incarcerated population they require 2 National Guard members and a correction officer) the facility is currently utilizing them in roles of one-one watches, lobby posts, gate posts, visit room floor, lower control, and Mental Health Unit ("MHU") bubble control. A two-week mandatory National Guard Drill occurred in June, with another drill scheduled in August. During National Guard drills, the facility is limited to anywhere from 1 to 5 National Guard within the facility. This requires the facility to provide security staffing coverage for the posts the National Guard typically staffs. The facility anticipates that they will be limited to minimal facility operations during the 2-week August drill.

41. Currently, security staff is utilized to run general population mess hall and recreation. The facility utilizes additional staff for mental health programming including Intermediate Care Program (ICP) and Transitional Intermediate Care program (Tri-ICP). The facility partially staffs industry in order to continue making license plates for the Department of Motor Vehicle, and programs including Alcohol and Substance Abuse Treatment (ASAT), Transitional Services, Moderate Aggression, Trauma, Addiction, Mental Health, and Recovery (“TAMAR”), Law Library, and Religious Services. Currently they have 2 trip teams but staff 4 trips per day, and often go well beyond that number, with emergency medical trips, incarcerated individual fights, and security and/or mental health disturbances. These issues all pull security staff from their job duties and impact their ability to safely operate the facility.

42. Major program aspects that are not operating or operating on intermittent basis include: *Religious Services* – all faith group are scheduled weekly. Services are generally held unless emergency dictates need to cancel (i.e. emergency trip/major facility disturbance that requires additional staff); *Religious Study Classes* – Not operating; *Family Reunion Program* – Not operating; *Family Events* – Not operating; *Summer School/Summer Recreation* – Not operating; *College Programming* – Not operating; *Weekday & Holiday Visits* – Not operating; *Recreation* – limited to every other day, as opposed to every day; *Organized sports leagues* are Not operating; *Industry Programs* – Upholstery program suspended, Wood shop operation limited, plate shop operating daily – when staffing permits.

43. HALT Programming in SHU & RRU is limited to one program class per day. HALT programming requires correction officers to escort incarcerated individuals from their cells to the program areas (6 to 7 seats per program area). Minimally one civilian program staff and one

security staff remain with the incarcerated in each individual program area during program hours. Currently the facility is only able to escort and program one group of incarcerated individuals per day. Staffing is reviewed daily, and on a weekly basis the facility attempts to add more program areas as security staffing improves. Minimally, they will need to add one correction officer for each additional program area.

44. If they were to restart full HALT programming today, the impact on facility operations would be significant. The facility would have to cancel multiple daily court trips medical trips, as well as close the majority of general population program areas throughout the facility.

45. Every day they are faced with closing posts to respond to unexpected facility issues such as emergency medical trips, incarcerated individual fights, security and/or mental health disturbances, assaults on staff, aggravated harassment issues, 1:1 watches, increased medical/court appointments, etc. Ultimately, Auburn indicates that they will need to be back to pre-strike staffing levels, if not full staff (560 correction officers), to safely and securely operate the entire facility, including all programming.

Cayuga Correctional Facility

46. Cayuga CF is a medium-security facility located in Moravia, NY. The current population is 684 (8 in SHU, 129 in RRU, 8 in PC).

47. The security BFL is 306. The current fill is 172 (44% vacancy); there are an additional 11 out on leave including workers compensation and long-term sick

48. The facility is currently filling 80 total posts, 50 during the day shift and 30 on the evening. Staff is currently working 12-hour shifts, 5 days on and 2 rotating days off. They are filling posts for general housing, medical/dental, SHU, RRU, mess hall, recreation, activities, draft, trips, and rounds units.

49. The National Guard are serving in several integral posts as support for operation of facility programs. Current staffing is a total of 40, 30 for day shift and 10 for night shift. National Guard currently staff the facility RRU, Infirmary, Law Library, Recreation, Truck Trap, and School when in session. They also assist on weekends with processing visitors and monitoring the visit room. The facility has found that the National Guard provide the most assistance through these support roles due to the limitations that they are under as far as contact with the incarcerated population. The National Guard can operate best in conjunction with staff, they cannot have one on one contact with incarcerated individuals and are under orders to fill a post minimally with 2 national guard and 1 correction officer. The facility is also restricted with their use because of their weekend drill (once a month) and their two-week training (annually). Weekend drills typically run 4-5 days with travel days and mandatory time off which severely impacts staffing.

50. The Facility is currently operating with modified services due to their current staffing. The facility offers modified services to general population as well as special management population. Services have been modified, such as recreation, limited to two 1-hour recreation periods per day. Religious services are provided on a modified schedule, as well as law library services, provided we have sufficient staffing coverage. Legal calls and virtual court appearances are continuing to be scheduled but limited to two days per week due to staffing. Cayuga continues to provide commissary, packages, state shop and meals under normal operations. The Parole

Board is being accommodated and continues to run monthly. Medical and dental units are fully operational with necessary and urgent medical trips being accommodated. Medical trips of routine a nature may require rescheduling based on availability of staffing. Similarly, court trips are being accommodated as mandated by the courts. Programming such as ASAT, ART, Moderate Aggression, and Transitional Services continue to run with some modifications. Packets of educational materials are being utilized along with in person sessions in order to accommodate the programs due to security staffing. General library and Law library as well as religious services, grievance, ART, Moderate Aggression, and Transitional Services are being provided in the Activities building to consolidate the workforce. Visitation is being offered on the weekend only.

51. Currently Cayuga is not running summer school or the college program based on staffing. The facility has several construction projects that are on hold awaiting appropriate levels of staffing to ensure continuity of work. Family events are currently suspended until staffing levels increase. Cayuga is currently utilizing civilian staff to manage our lawns and grounds as well as trash pickup, caustics distributions, and a number of other tasks that would typically be performed by an officer and incarcerated individuals.

52. In the RRU, the facility is providing law library services, counselor rounds, program packets, chaplain rounds, medical rounds and sick call services, commissary, packages, 30 and 60-day reviews for release to general population, grievances, and regular supervisor rounds.

53. Modified RRU programming has resumed. Cayuga can accommodate 2 program modules per day for one classroom restricted to 10 incarcerated individuals per classroom. This is running Monday through Thursday and minimally allows the opportunity for all the incarcerated individuals who are interested in programs the chance to participate in class. They are tracking

program packets for participation in lieu of classroom time as well, since the option for either is given. Typically, pre-job action Cayuga would staff 15 officers in the RRU for classroom coverage and all other operations, they are managing with 7 plus National Guard. The facility is able to offer 7 plus hours out of cell recreation via the recreation areas.

54. Cayuga is offering out of cell programming for SHU, as well as program packets made available. Recreation is also offered; recreation space is limited in the small SHU and they are able to accommodate 2-hour blocks. The General Population Restricted Unit programming is also offered, as well as the 2-hour block of recreation. The confines of the small SHU are able to staff minimally with 3 officers. ORC staff provide programming.

55. With their current staffing at 53% Cayuga's overall operations have been severely hampered. With the current coverage, incarcerated individual movement and programming only happen during the 7AM to 7PM shift. All programming that they can offer is dependent on staffing, while running on an emergency staffing structure. National Guard have been helpful in ancillary roles, but they are limited based on their restrictions with incarcerated individual contact.

56. Prior to the job action the facility ran typically 151 security posts daily, multiple programs ran between tour 2 (7am-3pm) and tour 3 (3pm-11pm) with full services provided. Upon the return from the job action, they are currently staffing 80 security posts, services are condensed to the 7AM to 7PM time frame. Enough staff are being utilized to provide emergency response coverage, utilization of National Guard and a bare bones structure of staff has allowed some semblance of modified programming. Staffing shortages have affected summer school/vocational, college programming for general population: these programs are anticipated to resume in the fall, depending on staff. To accommodate as much programming and services as possible they are

running short handed in many areas, and staff is working minimally 20 hours overtime a week to be able to process the basic security tasks while keeping staff and the incarcerated population safe.

57. Overall staffing issues have greatly affected the safety and security of the facility. Doing more with less has been the standard operation over the last few years with the staffing issues they have faced. Post job action has exacerbated these issues, and the number of staff required for programming and regular operations is a long way away. The facility has successfully managed to provide a multitude of programming under these conditions, they are looking to open more programming as staffing increases. RRU programming to take precedence, their first steps have been successful to have at least a partial restoration of HALT programming. Without additional staff, if they were required to reinstitute full HALT programming, they would be required to pull staff from general population forcing us to close essential services to the general population. Closure of those posts would severely impact their ability to respond to incidents within the compound and would impact their ability to run full incarcerated movement. Restricting the general population could also have liberty implications as the population would not have the opportunity complete mandatory programs for merit time.

58. All programming, RRU included, is contingent on staff availability. For Cayuga, every step forward has been met with a step back. As some staff have returned to work, some have retired or resigned based on working conditions. Staffing has ebbed and flowed, they have been able to maintain and slightly gain on programming but without a large influx of staff, additional expansion will be difficult absent an increase in staff.

Collins Correctional Facility

59. Collins CF is a medium-security prison located in Collins, NY. The total current population is 646, with 10 in SHU and 76 in RRU/Stepdown/RMHTU.

60. The BFL for security is 453 and there are currently 224 open fills (40% vacant). In addition, they have 48% vacancy in medical, and 15% vacancy in programs. There are 21 individuals out on workers compensation, and 20 out on long-term sick leave.

61. Though varying per day, approximately 80 National Guard personnel are assigned to Collins CF. They are broken up into two shifts (6AM-6PM / 6PM-6AM), with the majority being assigned to 6AM.

62. In terms of current staff utilization, below is a breakdown of critical areas: Collins has 6 General Population Housing Units. Currently, National Guard and correction officers are responsible for the general population housing units. Staff are responsible for counts, regular rounds, ensuring the safety of incarcerated individuals, pack-ups (National Guard do not frisk cubes or the incarcerated population), common area frisks, supplies, cube searches, and a myriad of other tasks. Collins currently has 4 other housing units not in operation at this time as they do not have the staff coverage to reopen them. Specialized Units – Staff are on post and frequently escort Offender Rehabilitation Coordinators that arrive on the unit to conduct programs, assist with therapeutic community programming (i.e. community meetings, cube compliance). They also perform all of the other tasks listed above for general housing units. RRU/SHU staff also conduct escorts for medical, mental health, legal calls, disciplinary hearings, visits, programming, and any other reason an incarcerated individual would need to leave their cell. Collins CF has 6 specialized housing units along with the RRU/SHU, Sex Offender Counseling & Treatment program, 3 different Substance Abuse programs, Earned Housing, and Pawsatives for Heroes dog program;

Medical/Dental Area – Staff monitor the medication run in the clinic, ensuring safety of staff and incarcerated individuals that arrive in the area. In the infirmary, staff are responsible for the recreation/phone/meals of temporarily medically incapacitated incarcerated individuals; Court Trips – A minimum of two officers are deployed per court trip. If sentencing is required, a Sergeant is added to the trip. Five court trips have been required in the last 3 weeks, 2 that involved sentencing; Medical Trips - A minimum of 2 officers are deployed per medical trip but could require up to 3 depending on how many incarcerated individuals are having different procedures in varied locations. Collins CF has had 29 completed medical trips for the last three weeks, with 5 being cancelled due to lack of staff for transport; incarcerated Movement from Facility to Facility/Draft – A minimum of 2 officers are deployed per trip, and more if necessary to transport incarcerated individuals' property. Collins CF has been responsible for 6 transport trips out of the facility over the past 3 weeks. Draft is open during the day shift. As Collins has 2 sides, a 2-person transport team is needed to move incarcerated individuals from side 1 to side 2 when they are reached on the waiting list for a specialized program. A 2-person transport team is also required for transporting incarcerated individuals to SHU or RRU or if being released to general population from SHU or RRU; Mess Hall – Collins C. has two sides, which includes two mess halls. Each side requires two officers posted in the area, totaling four. Other officers report to the area when meals are being conducted to ensure coverage for safety & compliance; Limited Recreation – With two sides, Collins CF has two gyms, and two yards. Gyms are offered on day shift, requiring two officers for each side (4 officers). Yards are offered on evening shifts, requiring a total of six officers. The daily total for incarcerated individual recreation necessitates ten officers; Weekend Visits – Collins CF utilizes an even/odd system for incarcerated individual visits. The staff

required are two for processing, one for visit frisk, one for the front desk, one for the rear desk, and one for transport, totaling six officers. Whichever day RRU/SHU has visiting, it also requires 2 staff from the RRU to transport & assist in coverage of those visits in the visiting room; Mental Health Watches – As an OMH 2 facility, Collins typically has between 2-4 watches per week. National Guard & correction officers provide coverage for these watches; Emergency Response – The staffing levels have negatively impacted the amount of available responding staff. This will only continue to increase in risk as staff are lost to attrition. National Guard are authorized to assist officers with emergency responses, including the use of force.

63. In terms of areas of operations where they are not operating or are operating on a limited basis, below are the main areas: Volunteer Services - they have no volunteers in the facility, including college which is not be offered at this time; Religious services – religious services are only being held on individual housing units, congregate worship in designated worship spaces has not resumed; Family Events – Collins CF currently does not have the staff to accommodate family events; Summer School – Collins was given a very limited summer school budget to include 2 teachers in RRU and a supervisor; Family Reunion Program – is currently not being offered due to staffing; No Holiday Visit – Collins is not offering holiday visits due to current staffing levels as visits would be mandated on both Collins side 1 & Collins side 2 which would require 13 staff to operate; Law Libraries - Both side 1 & side 2 Law Libraries are being run by variance, with civilian assistance; Construction – construction is exceptionally limited at this time and is often covered/escorted by maintenance staff. Congregate recreation area construction has stopped since the strike as there is not enough staff for the required coverage; Outside crews_– Outside crews, solely for use in the immediate area of the facility, are not operational. Collins is responsible for

not only our outside grounds, but the grounds of the closed Gowanda CF, and the cemeteries associated with it from its previous use. This has led to civilian staff in various positions mowing lawns & providing other lawn care to these areas. Civilian staff is also handling the garbage and recycling duties around the facility.

64. Limited HALT programming is being offered at Collins' RRU at this time. All incarcerated individuals are afforded the opportunity to attend RRU programming once per week. All incarcerated individuals have access to in cell program packets upon request. Incarcerated individuals also have access to recreation areas 7 hours per day. This is being reviewed regularly and will be adjusted as staffing levels allow. On both A and B days, six officers are assigned to the RRU so that limited programming can be accomplished in the a.m. At 12:00pm, four of these officers leave the RRU to perform other assignments; Two are assigned to Law Library I/II, and two more for Gym I/II.

65. In order to further re-open RRU HALT programming to regular levels, at a minimum, these staff will be unable to provide the aforementioned services to the general population. The RRU, being an area with more potential for violence, force often becomes necessary. When this happens, it reduces the number of staff available to continue the RRU programming and will require the closing of posts in general population to ensure enough staff are available during these situations. The involved incarcerated individual may also require outside medical attention, requiring a minimum of two officers, and frequently requiring additional staff proportional to the violent act(s) of the incarcerated individual. If staff then require outside medical attention, yet even less staff are available to run daily required operations. Additional posts would then be shut down and deplete available staff, reducing the facility to an unacceptable

level of security and make operations for general population very difficult. Staffing levels are exhausted to maintain current programs, incarcerated individual recreation, and basic needs. Possible opening of additional areas for SHU/RRU/GP incarcerated individuals is addressed weekly at Executive Team Meetings.

66. With recent discussion with RRU/SHU civilian & security staff and looking at the number of incarcerated individual participants, it is thought that in the very near future the facility could expand programing to allow for 2 days out of cell programming. Collins can then look at participant numbers and see if they can incrementally increase the days out of cell throughout the next three months. Weekend out of cell time will be last to occur as staff in the RRU assist in visiting coverage for the weekend for all visits. Collins would require more staff for weekend coverage or if a larger number of incarcerated individuals want to take advantage of RRU out of cell programing.

67. If Collins had to restart HALT programming today, general population's access to various programing, recreation, and daily operations would suffer. Law library services and gyms would be affected on both sides, depriving the general population (approximately 550 incarcerated individuals) of these services. Package rooms and commissary areas would be closed often as there are limited areas that staff can be pulled from that do not interfere with direct safe operations. On days where a significant number of staff are absent, the closing of education and vocational programs would also be necessary to accommodate HALT programs. The continued effect of the general population program closures, as evidenced during the job action, will cause general population incarcerated individuals to become increasingly restless and disgruntled, causing a

greater security risk, as incarcerated individuals in general population are housed in an open dormitory setting and cannot be secured like as those in SHU/RRU.

Coxsackie Correctional Facility

68. Coxsackie Correctional Facility is a medium-security facility located in Coxsackie, NY. Coxsackie has a current population of 553 (9 in SHU and 48 in RRU).

69. Security BFL is 415, current fill is 276 (33% vacancy). Program services have a 27% vacancy and Health Services has an 18% vacancy. There are 41 staff out on workers compensation or long-term sick leave.

70. There are 47 National Guard supporting operations. They are operating secure posts i.e. Rotunda, RMU gates, RMU bubbles as well as supplementing non- incarcerated areas including package room. They are also assisting on housing units with officer presence in GP, RMU, infirmary and RRU. They cannot escort incarcerated individuals alone, and they must work in pairs on the housing units. They do not respond to incarcerated violence.

71. They are using security staff on 12-hour shifts to cover mass movements to chow and rec, movement to commissary, state shop and medical appts as well as medical trips. They also cover specialized units, rec and program movement, arsenal, perimeter, and truck trap. All housing units are supplemented with NG coverage. Weekend visits are covered by officers with NG assistance in the visiting room and COs at the front gate. Officers are covering all contraband watches.

72. They are not having family events at this time. They have religious service and a modified summer school schedule running. They have no weekday or holiday visits. The gym is closed except for barbershop which is being offered on a call out basis. Gym rec is closed as they are running yard recreation and do not have extra resources to run it. RMHU programming has been running on an intermittent basis because, due to its location, an increased number of staff are needed to get IIs to program area. It has been closed at times due to decreased staff because of emergency medical trips.

73. The facility is fully operational with HALT programming requirements. Programming is offered daily in all specialized housing areas.

74. Staffing with the National Guard support is adequate to provide most services, although modified, within the facility and offer programming and recreation to specialized areas. When staffing is affected by staff absences, they occasionally have to close industry or RMHU programming, in order to continue HALT requirements. An increase in emergency trips also affects our ability to run general population programming.

Elmira Correctional Facility

75. Elmira CF is a maximum-security prison located in Elmira, NY. The current population is 1401 (17 in SHU and 23 in RRU).

76. The BFL for correction officers is 528, the current fill is 381 (down 147). There are an additional 32 out on long-term disability, FMLA, and sick leave. Since March 10, 2025, the facility has lost 9 security staff members to retirement and 5 to resignation.

77. The facility's requested National Guard minimum force is 90, with the highest the facility ever achieved was 82, with the current target number having been reduced to 60. Requested staffing level is 25 during the day and 20 on nights. The National Guard duties include but are not limited to: escort medical and mental health staff on rounds, assist with providing commissary and packages by delivering to incarcerated individuals cell side in the blocks, escorting guidance staff in cell blocks, assisting with supervision of movement in block pivot areas, operating gates in areas of staff movement, assist with company rounds and assist with supervision of treatment groups in the ICP and the Tri-ICP.

78. Elmira CF operates as both a General Population Facility and as the main Reception Center for the Department. The Reception Center currently is processing 165 incarcerated individuals per week from county correctional facilities, which currently have a significant backlog. This increases demand on the draft area as the high number of individuals incoming is coupled with high draft numbers out of the facility following classification. All incoming incarcerated individuals must have an initial medical screening upon arrival and a full physical before transfer. They must also be evaluated by mental health staff upon arrival and for follow up, frequently requiring video conferencing appointments with psychologists outside of the facility. State shop staff must prepare and issue full clothing allotments for every newly received individual. Each individual brought through reception must meet with classification staff for interview and screening, have date computations completed, and records created that will be used for the duration of their incarceration. Completion of these processes is heavily security dependent due to the increased activity and movement in these areas. The Reception Center population also has increased numbers of outside court trips for ongoing cases.

79. Outside of the Reception Center, the facility operates 5 general population housing units and multiple specialized units including the Protective Custody Unit, Intermediate Care program, Transitional Intermediate Care Program, Special Housing Unit, Diversion Unit and Residential Rehabilitation Unit. Elmira is a level one OMH facility and operates a Residential Crisis Treatment Program Unit. The facility often receives emergency transfers of individuals in crisis to this unit. Elmira is a level 1 medical facility, operating a dialysis unit and inpatient hospital unit. The level of medical care the facility results in a large number of outside medical trips.

80. The facility is currently not offering ART or ASAT programing and is unable to offer weekday or holiday visits. Religious services are limited to group worship as the facility is unable to accommodate religious study groups. No family events are scheduled or anticipated in the near future. Educational and vocational programing will not be offered for the summer.

81. Due to the unpredictable nature of a correctional facility, any decrease in staff can impact safe and secure operations. Incidents such as assaults, cell extractions, and emergency medical trips can place unexpected strain on staffing by pulling multiple staff from their assigned areas to respond to an emerging issue. High numbers of missing staff have led to a restructuring of posts to ensure critical areas are provided coverage. This limits the staff available to respond to emergencies through the facility.

82. The facility resumed full SHU/ RRU programming on June 16th. However, serious staffing concerns remain and as a result this is reviewed daily. Reception intake from county correctional facilities has resumed and is gradually meeting pre-strike levels which requires 5-6 officers that previously were utilized to assist in the facility with recreation, call outs etc. This has also resulted in additional security staff required to cover OMH, classification and medical call

outs associated with incoming reception incarcerated individuals. In addition, the number of daily court trips and medical trips continues to be daunting. For example: there were eight scheduled trips for June 24th requiring 17 correction officers and on June 25th there were again eight trips requiring 18 correction officers. These are just scheduled trips this does not reflect the inevitable emergency trips that can occur daily. The facility is heavily dependent on overtime to assist in daily coverage to provide basic essential services to the population. This overtime resource has largely decreased with the summer months.

83. Incarcerated individual population movement is not back to normal; however, the facility continues to add additional services to what is occurring as they attempt to return to the pre-strike incarcerated individual schedule. In the first week of July, the facility began offering recreation daily to the general and reception population. Previously, this was being offered only every other day. The facility was able to adjust the recreation schedule due to the number of security staff that returned to duty last week.

Fishkill Correctional Facility

84. Fishkill CF is a medium-security facility located in Beacon, NY. The total population is currently 1183 (including 8 in SHU and 148 in RRU/Stepdown/RMHTU).

85. The Security BFL is 839 with current fills at 702 (16.3% vacant). However, an additional 101 officers are absent due to workers compensation and long-term sickness. The total available to work is 28.4% below BFL. Fishkill has 26% vacancy in medical, 10% in programming and 21% in administration.

86. Fishkill CF currently has a total of 173 assigned National Guard Members. National Guard are assigned to work a total of four 12 hours shifts per week with three days off per week. The daily average of National Guard staff physically present in Fishkill CF on a daily basis is 90 total with approximately 75 off daily and another 10 out sick, at appointments or training. Among the 90 National Guard working, approximately 10 are assigned to the command staff leaving approximately 50 who are assigned to work from 6:00 AM through 6:00 PM while the additional 30 work from 6:00 PM to 6:00 AM. National Guard staff at Fishkill work in pairs and do not work on Incarcerated Individual contact posts alone. They do not do escorts without a correction officer and are not part of the Facility Emergency Response plan. National Guard staff are currently being utilized to supplement the security staffing levels at Fishkill CF by assisting in posts such as suicide watches, monitoring classrooms for the Residential Rehabilitation Program, assisting on the Residential Rehabilitation and Special Housing Unit galleries with the distribution of meals, supplies and mail

87. Fishkill CF Security staff are currently assigned to work a 12-hour shift 5 days per week with their two assigned regular days off per week. Staff who elect to swap shifts are permitted to work two consecutive 8-hour shifts for a total of 16 hours per day. Security staff are assigned to fill the following essential functions: 35 General Population Housing Units, 7 Residential Rehabilitation Housing Units, 1 Special Housing Unit, 1 Intermediate Care Program Unit, 1 Infirmary, 1 Long Term Care Unit, 1 Unit for the Cognitively Impaired, 1 Transitional Intermediate Care Program Unit and 2 Work Release Units. Security staff are further utilized to ensure the operation of Regional Medical Unit to include specialty clinics, sick call, medication runs, dental, provider call outs, X-Ray and dialysis. Fishkill averages 7-10 scheduled medical trips

daily Monday through Friday with an additional 5-7 unscheduled emergency medical trips daily. There are several court and deathbed/funeral trips per week. Fishkill averages approximately 7 Incarcerated Individuals on suicide watches daily. Fishkill operates two mess halls and a kitchen to ensure that all meals are provided to population. Due to the unique layout of Fishkill CF a minimum of 12 staff members are dedicated to the supervision of movement throughout the facility. There are 2 Officers assigned to draft daily to effect transfers in and out of the facility. Fishkill CF operates up to 4 general population yards and 1 Residential Rehabilitation yard daily to ensure adequate availability of outdoor exercise for population. On weekends up to 15 staff members are dedicated to ensuring access to visits for general population and those housed in the RRU. An additional 10 staff members are designated to conduct rounds and respond to incidents throughout the facility. Fishkill CF currently has 77 security staff absent on Workers Compensation Leave, 17 Security Staff out daily due to Long Term Medical and another 7 Security Staff out on Military Leave. This is 101 additional staff out long-term bringing our security staffing levels to 28.4% below our BFL.

88. Fishkill CF is currently not operating Family Events or Indoor Gym. The Family Reunion Program will re-start the week of July 14, 2025. Summer school is being offered on a limited basis for only 4 educational classes and 1 vocational program. Volunteer led programming has not been fully implemented due to staffing shortages and the Bard College Program only operates on Monday, Wednesday and Friday. Based on staffing shortages, visits occur only on weekends and have not resumed on holidays. RRU and SHU programs are currently operational only on Tuesdays and Thursdays with a total of 4 classrooms per day in both RRUs.

89. The limited staffing coupled with the increased demands of additional services such as suicide watches and unscheduled emergency medical trips has severely limited the ability of Fishkill CF to operate all programs for general population and the RRU simultaneously. Due to the decreased available staffing, Fishkill CF has had to modify the availability of Academic and Vocational Programming to run on every other day basis with Academic running every Monday and Wednesday and Vocational running every Tuesday and Thursday with Academics and Vocational programming alternating every other Friday. Due to the shortage of staff, the gym at Fishkill has not resumed normal operations. To make up for the shortage of staff only one of the two mess halls in the Main Building has been operational. The majority of volunteer led programming, religious education/bible study groups, or visits on Holidays have not yet resumed.

90. For HALT programming, Fishkill currently offers all incarcerated individuals housed in the S-Block Special Housing Unit and Residential Rehabilitation Units a minimum of 7 hours of out of cell time daily through use of the recreation areas. The recreation areas are open for 3 hours during each module in the AM, PM and evening, affording each Incarcerated Individual the opportunity for 9 hours of recreation daily. Incarcerated Individuals in the 21A RRU are afforded 3 hours of congregate recreation in the 21A RRU yard on a daily basis. Both the S-Block and 21A RRUs have resumed offering out of cell programming on Tuesday and Thursdays for a minimum of 2 classrooms in each area for both the AM and PM modules bringing the total availability of RRU programming seats to 64 RRU Programming slots every Tuesday and every Wednesday.

91. Provided that the staffing levels at Fishkill CF continue to increase at the current rate it is anticipated that within 2 weeks Fishkill will be able to offer RRU and SHU out of cell

programming to every Incarcerated Individual housed in the SHU/RRU at Fishkill on Tuesdays and Thursdays. It is hoped that additional staff return from Workers Compensation and or transfer into Fishkill CF that by the end of the summer resulting in an ability to open up the SHU/RRU programming on a daily basis Monday through Friday with the potential to begin looking toward full implementation of the SHU/RRU programming by early fall. Any significant increase in retirements or a reduction in the number of staff transferring into Fishkill CF will negatively impact the plan of implementation.

92. If HALT programming restarted today, it would significantly inhibit the ability of Fishkill to provide services to general population incarcerated individuals as it would lead to the closure of all academic education, general library services, barber shop, college programming, industry and general population yards, other than in the evenings. The full implementation of HALT programming at this time would create an unsafe condition facility wide as it would increase the presence of Incarcerated Individuals on all General Population housing units with limited availability to work and attend educational and recreational activities. This increase in idle time would lead to an increase in the number of violent acts throughout the facility as well as an increase in the number of Incarcerated Individuals relying on substance abuse as a means of coping. Based on the current staffing of Fishkill with staff working 12-hour shifts the full implementation of HALT programming would significantly decrease the ability of staff to provide essential services to those individuals housed in General Population.

Five Points Correctional Facility

93. Five Points Correctional Facility is a maximum-security facility located in Romulus, NY. The Five Points current total population is 1,263 Incarcerated Individuals, with 19 of those housed in the SHU and 139 housed in the RRU/RMHTU.

94. Five Points current BFL is 453. At this time, there are 275 positions filled, with a 39.2% vacancy rate. Currently, Five Points is at 100% vacancy in the Educational Building where all Academic, Vocational and Transitional Services Programs are run, 75% vacancy in the RMHU and 50% vacancy in the RRU. There are 23 officers out on Workers Compensation, 5 officers out on long-term sick, 4 on parental leave, 1 on light duty and 1 out for disciplinary. This leaves them with 241 available correction officers out of a total BFL of 484

95. National Guard totals include 86 guardsmen with 26 assigned to day shift and 12 assigned to night shift for both the A and B team. These guardsmen are utilized in every housing area and comprise 50% of staff on the overnight shift. However, they are limited in their job functions. They can be utilized with 1 Correction Officer and 2 National Guardsmen when with an incarcerated individual, as they cannot escort an incarcerated individual alone. The guardsmen cannot respond to any violence that an incarcerated individual is involved in, they will assist Five Point Staff once the correction officer engages to stop the incident. Mandatory Drills for the National Guard are held monthly, leaving enough to utilize for the midnight shift only

96. Current staff levels allow us to utilize 64 officers in the General Population Housing Units, 20 officers in the Special Housing Unit/Residential Rehabilitation Unit, 14 in the Residential Mental Health Unit, 24 in the Intermediate Care Program, 4 in Medical/Dental and 2 designated for Court Trips and 8 for Medical Trips. Trip coverage for medical consists of the following: 2025: 264 regularly scheduled trips; 2025: 78 Emergency Room trips. Scheduled trips are currently

restricted to two trips per day. Typically, one medical trip and one court trip. Court trips cannot be rescheduled. Medical trips can be rescheduled, depending on the type of appointment. Death bed visits and Funerals are typically approved however both can be done virtually. Current staffing for trips is: 4 Officers per day (2 trip teams) Monday through Friday. There are currently 40 incarcerated individuals on the special travel list. Special travel requires increased staffing, typically 3 staff being assigned. The extra staff is usually a Sergeant. Going over the two trips per day impacts the ability to staff facility posts impacting services.

97. They also have 4 officers assigned to movement/draft between facilities, 10 in the mess hall, 24 for limited recreation, 12 for weekend visitation, an average of 4 for mental health watches, which can vary from the average of 4 to 14 on the weekends and will impact the ability to run recreation and the mess hall, 8 in the truck trap/tower/perimeter and 12 utilized for rotating programs in the RRU/RMHU/Main Yard.

98. Five Points is not conducting in-person programming for Religious Services, Family Events, Summer School, Weekday Visits. Grievance is running on a limited basis depending on staffing, the law library is open on a modified schedule for incarcerated individuals with pending litigation.

99. The RRU and RMHU are running limited HALT programming on a rotating basis. The rotating HALT programming schedule in the RRU and RMHU allows programs to be run in each area 1 or 2 days a week as staffing allows.

100. Limited Staffing has affected the entire operations of the facility. Staffing levels are looked at daily to determine what can be run without hindering the safety and security of the

facility. As staffing levels increase, they will look at how they can continue to facilitate and increase the HALT programming from what is currently being offered.

Gouverneur Correctional Facility

101. Gouverneur CF is a medium-security prison located in Gouverneur, NY. Overall population is 731, with 6 in SHU and 174 in RRU. BFL for Security is 300, with current fills at 230 (26% vacancy, not including long term sick and workers comp). The facility does not have any members of the National Guard in support roles.

102. Despite significant security staff limitations, staff are being utilized to ensure that the basic needs of the facility and the incarcerated individuals are being met. These include staffing the 12 general population housing units 24/7; staffing a 200 bed residential rehabilitation unit, staffing special housing unit and general population restricted housing unit, Medical/Dental Area; Court Trips; Scheduled Medical Trips; Emergency Medical Trips; Central Transportation Bus; Mess hall; Recreation; Weekend Visits; Mental Health Watches; Contraband Watches; Emergency Response; Religious Services; Construction of Outdoor Recreation areas in the Residential Rehabilitation Unit; Mandatory Range Training; Mandatory Civilian Training; Outside Hospital Coverage; Commissary, Law Library, Package Room, II Draft intake/outgoing

103. Major aspects of operations that are currently not occurring: family events, summer school, holiday visits and limited HALT programming.

104. Currently the facility is offering HALT programming in the Residential Rehabilitation Unit on a limited basis, one classroom (10 incarcerated individuals) in the morning and one classroom (10 incarcerated individuals) in the afternoon, for two hours each class, Monday

through Thursday on a rotating basis. Occasionally, the facility has not been able to offer the program because of lack of staff. The program is dependent on officers voluntarily working overtime to cover the program. The facility does not have enough regularly scheduled officers to cover the program. It is unclear when they will be able to expand the program. The facility reviews staffing levels on a weekly basis, resuming the program to full operational level depends on staff attrition, retirement and recruitment, population increases, staff workers compensation and long-term sick, and the number of unscheduled daily absences.

105. If the facility had to resume full HALT programming today, they would have to close incarcerated individual recreation areas for morning and afternoon recreation in general population, possibly mandatory training, facility maintenance, construction, and weekend visits would be limited. They have already canceled vacation periods for correction officers.

106. Although general population movement is back to normal, with the current staffing levels they are unable to offer much more than what is listed above without voluntary or mandated overtime.

Greene Correctional Facility

107. Greene CF is a medium security facility located in Coxsackie, NY. It has a current population of 1,178 incarcerated individuals, with the RRU population of 161 and a SHU population of 10. Greene has 27 general population housing unit dorms, 23 of which are currently operational 24/7 on two 12-hour shifts. The security BFL is 460. Greene currently has 333 roles filled, leaving the facility 28% understaffed. If you were to include Workers' Compensation and Long-Term Sick leave, there are— 46 on workers compensation leave and 4 on Long Term Sick —

the current security staffing would be 39% below the level at which they can safely operate. This also doesn't take into consideration retirements and resignations, which continue. The program services unit has a BFL of 102, and is currently filled at 72, leaving program services 30% understaffed. These numbers do not include additional unscheduled absences, PPL, FMLA, Military, or ADS.

108. The National Guard continues to support Greene CF. They currently have 96 National Guard. Their coverage includes walkways, yards, special watches, RRU/SHU supportive responsibilities, lobby, construction, truck trap, and package room. Some of the posts are non-contact but many responsibilities involve direct contact with incarcerated individuals where the guard remain in a supportive role only. The guard has evolved at this facility to adapt to our needs as well as our ability to train appropriately for the assigned job duties. Greene CF security has always taken a leading role for responses; however, the guard has had a separate response team for emergencies. With respect to responses the guard has always been supportive in controlling the population and giving direction during emergency situations when needed. Greene CF security takes lead on escorts, but they have utilized the guard as a back-up for escorting. Despite their ongoing support, the National Guard has other obligations, including their own training and mandatory drills, which has depleted the facilities support resources and left extremely low numbers of support in the facility at various points in time. Similarly, the turnover of personnel has been frequent, making it difficult at times for consistency of assignments and the constant retraining of their personnel.

109. With current staffing levels at Greene significantly lower than its BFL, staff is being utilized in areas of the highest need for operations and the population. This includes the following:

Staffing 23 separate housing dorms 24/7, Residential Rehabilitation Unit and Special Housing Unit are staffed to currently feed, provide mail, daily supplies, laundry services, commissary, tablets, phones, medical call-outs/emergency medical responses; Office of Mental Health call-outs, Disciplinary; Tier Hearings; Court and Legal Calls; Legal and Regular Visits; and currently a modified programming schedule for the RRU and full programming schedule for the SHU.

110. In addition, Greene prioritizes staff for the following high need and high risk areas: Medical/Dental Area – Staffed daily to ensure all medical needs are met which includes, medication runs, emergent medical needs, daily sick call, emergency sick call, MAT program, medical exams following an incidents; Court Trips; Medical Trips – Staffed daily to include specialty care and outside specialty clinics; Emergency Medical – Staffed as necessary to include additional staff needed and pulled to go to Albany Medical Center; Albany Medical Center Secure

111. Greene has responsibility of running both the Secure Ward at Albany Medical Center which is staffed 24/7 and a separate holding area which is open Monday-Friday for scheduled medical appointments/trips from all other correctional facilities; Incarcerated Movement from Facility to Facility - Staffed daily.; Mess hall – Staffed daily to ensure proper coverage for safety and security of the area; Limited Recreation – Staffed to ensure all population receive recreation and out of cell/dorm time; Weekend Visits – Staffed every weekend to ensure visitors are processed accordingly in their Visit Process Center, Front Lobby where they are screened, and in the visit room for security coverage during visits and after visit processing of both the Incarcerated and the visitors. In addition to General Population visits on both Saturday and Sunday, they staff a separate visit time for both the Residential Rehabilitation Unit and Special Housing Unit Populations on Saturday evening/night; Mental Health Watches – Staffed as needed;

OMH Callouts – Staffing escorts to ensure OMH callouts are completed in General Population, the Residential Rehabilitations Unit, as well as the Special Housing Unit.; Emergency Response – We have designated posts that are emergency responses. They are ancillary duties to designated posts. However, their primary post is affected each time there is a response; Programs – they are staffing and running mandatory programs and areas where liberty issues are paramount. Additionally, they are staffing and running the Departmental of Motor Vehicle Call Center program daily and special education services over the summer.

112. With approximately 30% less security staff than mandated to safely run Greene, there are major aspects of the facility that are either operating on a limited basis or have been canceled until their staffing and operations have stabilized. This includes: Religious services – religious services are running when they are able to staff but intermittently, they need to cancel services; Family Events – upcoming family events have been cancelled; Programs – some departmental programs which are not mandatory have been suspended until adequate staffing allows reopening; Summer School – in person summer school has been cancelled; No holiday Visit in Med – currently not operating weekday holiday visits as they are high impact days with low staffing levels’; Volunteer Programs – With the exception of our one volunteer at the visitor processing center opened on weekends and college program personnel, all other volunteer-based programs have been suspended until adequate staffing allows us to resume.

113. The impact of limited staffing and limited ability to run our operations impacts the entire population at Greene CF. Each incarcerated individual in this facility has unique needs and goals. With the paramount concern of safety and security of both the incarcerated and staff, we monitor staffing daily to see what we are able to run and run safely. Taking into consideration the

entire population as well as HALT requirements, we try to balance every incarcerated individual's needs and focus on necessities, liberty issues, and overall well-being. Due to the level of violence in the facility, we cannot jeopardize having staff for adequate responses to ensure the health and safety. We have over 1000 incarcerated in our general population where adequate supervision, response, and meeting the needs of medical and mental health are just as critical as our special population.

114. As of June 16, 2025, Greene is fully compliant with the HALT requirements in the Special Housing Unit. They are able to accomplish this with the small population in the area in addition to the support of the Nation Guard. HALT Programming is currently operating in the Residential Rehabilitation Unit on a rotational basis. As they begin to return to normalcy and full compliance of HALT requirements in the Residential Rehabilitation Unit, the staffing has limited this facility to incremental phases. They are currently offering a rotation to ensure every incarcerated individual receives programming bi-weekly and the under-22 population receive programming at minimum weekly. They are currently offering programs Monday through Friday. This was step one which began on June 23, 2025. As they assess program participation numbers and the need for additional resources, the next step is to add programming to weekly sessions for the entire population. Unfortunately, staff retirements, resignations, promotions, transfers, and unscheduled absences have left their reviews on progression to be daily. They anticipate being able to accomplish this in the upcoming weeks while still ensuring coverage and escorts for medical and mental health needs as well as hearings, legal and court calls. They are looking to roll out the next phase of programming on July 21, 2025, if staffing levels plateau.

115. If HALT programming were to be fully implemented in the Residential Rehabilitation Unit today, the impact would jeopardize the safe operations of the entire facility. Resources are spread thin, and it would completely change their ability to meet the basic needs of the rest of the population. The impact would be devastating as we would lose more staff to resignation and be right back in the situation where staff refuse to work. Our staffing levels remain critical and Greene Correctional Facility remains in a facility-wide emergency. Overall, across all major areas of facility operations, they are running the facility daily with approximately 51% of designated staffing. Despite these numbers, we are committed to restoring the facility to being fully operational as recruitment efforts and staffing levels increase. Until that time, they continue to run modified operations to the best of our abilities in both general population as well as our specialized programs.

Hudson Correctional Facility

116. Hudson Correctional Facility is a medium-security prison located in Hudson, NY. The current population is 134 (2 in SHU and 16 in RRU/Stepdown/RMHTU)

117. Security BFL is 182 and the current fill is 135 (26% vacant).

118. Due to its relatively small size, Hudson did not have any National Guard support.

119. Hudson is operating fully with no restrictions as a result of their small, incarcerated population.

120. Hudson RRU and SHU is operating normally with no restrictions and full programming.

Mid-State Correctional Facility

121. Mid-State Correctional Facility is a medium-security prison located in Marcy, NY. Current population is 1063 (includes 11 SHU and 16 RRU). The security staff BFL is 498 officers. Current fill is 290 (only 208 of which are working) which is 58% vacant including the 90 out on long-term disability and workers compensation. Civilian program staff have a 30% vacancy.

122. There are also 60 National Guard assisting in facility operations. These include non-contact posts, Body Worn Camera exchange and 101 building console; Contact posts include housing units, commissary, mess hall, supplementing security staff in Special Housing Unit and Residential Rehabilitation Unit and on walkways. National Guard operate in 3 person teams alone, 2 person teams when assigned to Correction Officer. National Guard do not escort incarcerated individuals but will respond to incidents of incarcerated violence at Midstate. During periods where the National Guard are required to attend training their available daily number falls to approximately 20.

123. Midstate security staff are currently being used to cover 20 housing units on days and 22 on nights, 6 specialized units, medical, 101 building, yard only recreation, weekend visits, and attempting 2 medical trips daily. Any staff absences, emergency response, unscheduled medical trips, court trips, mental health, medical or contraband watches necessitate the closure of posts. Civilian staff are working in the package room, visit process building, delivering legal mail, serving misbehavior reports, and supervising lawns and grounds work crews.

124. Currently the facility is unable to run academic or vocational programming, including summer school, family events, or HALT programming.

125. Due to staffing levels all facility movement/programming is conducted during the 7am to 7pm shift. Currently the facility can intermittently run yard recreation, religious services, ART, medical call outs, dental call outs, mental health call outs, guidance call outs, legal calls/visits, general library, grievance call outs and ASAT. Recreation is being afforded to incarcerated individuals in Step down 7 hours daily and in SHU/RRU 2 hours daily. Educational materials are being delivered to the incarcerated in their cells.

126. At the current staffing levels Midstate can continue to provide recreation and cell study packets in Step Down and SHU/RRU. Increasing programming in those areas at this time would cause the limited programs currently being offered in general population to be closed. If staffing levels increase the facility would balance using those staff members to begin offering limited HALT programming in classrooms and opening those services currently closed to those incarcerated in general population.

127. Midstate's deficient staffing levels have impacted the entire facility. As noted above, lack of security and civilian staff has necessitated the closure of all academic and vocational programs. All other services have also been impacted negatively, forcing a drastic change in how those services are provided to the incarcerated population. Offering even these limited programs places a strain on the safe operations of the facility. If it became necessary to provide HALT programming, all other programs even in their current limited capacity would have to be closed.

Mohawk Correctional Facility

128. Mohawk Correctional Facility is a medium security prison located in Rome, NY. The current population is 1038 (32 in SHU, 24 in RRU/Stepdown)

129. Our current Security BFL is 482. Current fill is 312 (35% vacancy). Our health department vacancy is 25% and our vacancy rate at Walsh is 44%.

130. They are supported by the National Guard, with a maximum number of 87 and a minimum of 63. They average around 30 per day. They are used in the package room, Walsh RMHU, point coverage, can't be in direct contact with incarcerated individuals unless with a CO, cannot escort incarcerated individuals alone and cannot respond to incarcerated violence without staff being with them. This is a support role than anything else. In addition, they have mandatory drills when we have zero National Guard, usually on the weekends.

131. The security staff focuses in the following areas of operation: 24 General Population housing units; Specialized Units – Walsh; RMHU – 4 wings; Medical/Dental Area; Court Trips; Medical Trips; Emergency Medical; incarcerated movement from Facility to Facility/Draft; Mess Hall; Recreation; Weekend Visits; Mental Health Watch; and Emergency Response

132. The major operations areas that are currently not operational or are happening on a limited basis include: family events; Sex Offender Counseling Treatment Program; volunteer program; work release; non-Driver ID program; no holiday visit; summer school – very limited

133. With limited staff it is hard to run the facility. They would need to shut down all programs, limit the movement to only essential. They often have to cancel recreation, and sergeants are doing point coverage or even coverage in the dorms.

134. Even running a partial RRU, would require more staff. On top of the running the RRU, they need staff to make 30-minute rounds, showers, tablet hand out and then running recreation and feed ups for the three meals.

135. With staff retiring or resigning in large numbers, and limited relief from recruitment coming, the partial restoration of HALT will lead to more staff leaving. With little movement of incarcerated out of facilities and the frequencies of incidents in the facility, the SHU has been at capacity. Incarcerated individuals are also scheduled to arrive from county jails, which will increase the incarcerated population with a decrease in staff that will only lead to a more dangerous setting in the facility.

136. In order for to restart HALT today the facility would need to close some programming for general population.

137. With limited staff and limited time off and no vacations that can be given, adding the restoration of RRU programming would be the tipping point for staff.

Orleans Correctional Facility

138. Orleans Correctional Facility is a medium security located in Albion, NY. The current population is 642 (3 in SHU and 137 in RRU/Stepdown/RMHTU).

139. The current security BFL for corrections officers is 282, with a current fill of 148 (52% filled). In addition, there are 19 staff members out on extended leave including workers compensation and long-term sick leave.

140. The facility has 40 members of the National Guard supporting operations. They are used in non-incarcerated contact areas such as the package room and facility entrance. When National Guard are with an incarcerated individual it is one CO to two National Guard. They cannot escort incarcerated individuals alone nor can they respond to incarcerated violence. They also have mandatory drills which frequently leave us with significantly fewer NGS for support.

141. At the present time they are fully staffed on the housing units. The specialized units are staffed, but at a reduced number since the job action. Other areas affected by staffing reductions are medical, trips and recreation. They currently provide one trip team for the day shift. This normally limits them to one trip per day with court trips taking precedence. They are currently closing the main yard for the afternoon to cover Residential Rehabilitation Unit program escorts and classrooms. If it is necessary to cover emergency medical trips, mental health watches, or contraband watches other posts are closed affecting programming or recreation. At the present time, mess hall, draft, and emergency response are covered.

142. The yard is closed in the afternoon to provide security coverage to run RRU programming. This occurs Monday through Thursday. The only exception would be on Fridays. RRU programming is offered on Fridays for any incarcerated individual who may have requested to attend RRU programming but was unable to attend due to unforeseen circumstances, medical callouts, etc.

143. Physical Education, which is provided by recreation staff, is often closed in the activities building. This has been done as needed, due to a lack of security staffing. The program is closed to provide security staffing to other areas of the facility, including the RRU.

144. They currently provide security coverage for religious services. They do not have any family events, or summer school. Grievances run as scheduled. Security is provided for weekend visits. Holiday visits are suspended. Afternoon yard recreation is closed.

145. Limited HALT programming is provided in the RRU. There are programming runs from Monday through Thursday. One gallery (A1, A2, C1, C2) is offered programming every day. with Friday designated as a catch-up day if prior programming was missed. This means that any

individual that requested to attend RRU programming but was unable to attend due to unforeseen circumstances, medical callouts, etc. will be provided the opportunity to attend RRU programming on Friday. This has occurred when a holiday falls on a Monday through Thursday. The most recent example of this was for Juneteenth. This day fell on a Thursday. As a result, RRU programming was offered on the following Friday. PM yard run for general population incarcerated individuals is cancelled to provide for the needed security staffing for RRU programming.

146. Despite fluctuating civilian staffing levels, currently, they can fully implement all aspects of the HALT requirements. They are unable to provide out of cell programming during the weekend, which would be facilitated by recreation staff. This is due to lower security staffing levels. In addition, one teacher has been approved to provide cell study material during the month of July in the RRU. This teacher has also been scheduled to provide holistic programming in the RRU on Tuesday's and Thursday's during the month of July. This will not affect cell study for participants in the RRU. There are no other summer school offerings for general population or RRU individuals.

147. If HALT programming fully restarted today, it would have an enormous impact on General Population. The officers needed to fully staff the Residential Rehabilitation Unit to provide programming, and all other services, would be provided at the expense of general population programming and services. They rely heavily on the National Guard to run the limited HALT program. Any loss of Guard staff would require the facility to pull from its limited staff to cover HALT programming. They currently run a normal movement schedule, but with a loss of staff to the Residential Rehabilitation Unit, they would move back to a limited movement schedule.

Some of the most affected would be, recreation in the AM and PM modules, Commissary, Packages, State Shop, and trips.

Sing Sing Correctional Facility

148. Sing Sing Correctional Facility is a maximum-security prison located in Ossining, NY. The total population is 1498 (25 in SHU, 24 in overflow cells, and 24 in RRU)

149. Security BFL is 696 with current fill of 592 (15% vacancy). Additionally, there are 102 staff out on worker's compensation, 28 out on long-term sick leave, and the daily number of staff calling out is in the low 100s. Program services have a 28% vacancy and health services has a 34% vacancy.

150. Currently they have a total of 101 National Guard assigned to the facility and were allotted to have 75 National Guard assigned to the facility on a daily basis. However, because of the National Guard schedules, they are normally provided with less than 55 on a daily basis. The guard are also limited in their assistance as they cannot escort an incarcerated individual or manage a gallery alone. They utilize the buddy system for any area which provides direct supervision (other than a mental health watch). Also, depending on the mandatory drill schedule, the assigned number of National Guardsmen gets reduced – which happens on a weekly basis.

151. Currently they are utilizing the correctional officers for coverage in the following areas: General Population Housing Units, Residential Rehabilitation Unit, Special Housing Unit, Intermediate Care Unit, Transitional Intermediate Care Unit, Community Orientation Re-Entry Program, Protective Custody movement to medical, yards or other callouts, Medical and Dental Clinic area, Infirmary, Court trips, medical trips – scheduled and emergency, incarcerated movement trips (facility to facility), draft, mess hall, commissary, recreation, weekend visits,

mental health/contraband watches, emergency responses, Special Housing and RRU movement to medical or yard, bathhouse, barbershop, package room, academic building, vocational building, and the chapel.

152. Due to staffing issues, the facility has been unable to provide daily coverage in the following areas: (1) Chapel – Religious services have been impacted and are run on an intermittent basis; (2) Academic Building – they are not running summer school this year since the building has only been opened intermittently, Law Library, Grievance, Academic classes, organizational meetings, volunteer service programs, transitional services – including Facility Orientation, and visit Room – we cannot accommodate weekday visits

153. The facility has been unable to provide HALT programming other than 3 hours of recreation. Currently, they are providing 3 hours of recreation for RRU and SHU incarcerated individuals. They are also providing cell study. The facility leadership is reviewing staffing on a weekly basis in order to determine when they could be able to provide additional limited programming on the housing units.

154. Transportation delays have impacted the facility's ability to transfer SHU overflow, PC and IPC status incarcerated individuals. This has necessitated the deployment of additional staff to housing units (that would typically not be utilized for these purposes) in order to provide the minimum required services. Also, an additional 15 beds were allotted for RRU purposes, and 15 additional beds were allotted for SHU purposes. This changed our RRU capacity from 15 – 30 and the SHU capacity from 15 to 30 beds.

155. In order to reinstitute HALT programming, they would need an increase in staff, increase budget fill level to accommodate the additional 30 incarcerated individuals that are

currently housed in the RRU and SHU temporary beds, decrease the amount of incarcerated individuals in SHU overflow, PC and IPC status in order to reduce the staff need to provide them with their minimum standards.

156. If the facility had to restart HALT programming today, it would likely cause mandatory 24-hour shifts in order to continue to provide minimum services to the general population and mental health populations. Reinstating HALT programming would require additional staff to meet the programming requirements which would continue to hamper their ability to open regular programming for general population incarcerated individuals. It would further hamper their ability to provide the minimal services to the incarcerated individuals who are in SHU overflow, PC and IPC status. It would limit the ability to run mental health programming in a safe and secure manner. They would have to continue with the messhall “grab and go” meals and they would continue to be backed up with package room and commissary areas. They would also have to stop the following: construction projects, security staff training, recreation for PC/IPC and SHU overflow incarcerated individuals, barbershop – which is already being impacted intermittently, religious services – which are already being impacted intermittently, and law library services – which are already being impacted.

Facilities with just an RRU

Adirondack Correctional Facility

157. Adirondack Correctional Facility is a medium security facility located in Ray Brook, NY. Total population is 285 (RRU is 14).

158. Security staff BFL is 169, current fill is 109 (36% vacancy). The security staff vacancy rate is 46% including Workers Compensation, Detached Assignments, Long-term absence, and Long-term Military Leave. Program services have a 10% vacancy; health services have a 33% vacancy.

159. National Guard: Adirondack Correctional Facility has an average of 16 National Guard on site daily. The National Guard assist with coverage in the General Population Yard/Recreation, Religious Services, Guidance area coverage, assist with Commissary escorts, assist with point sight coverage during incarcerated individual movement and assist with mess hall security coverage. They also escort vehicles into the facility and cover construction/contractor escorts; assist with 1:1 mental health watch, visit room security coverage, and trash removal. In the program area, they will assist with Alcohol Substance Abuse Treatment (ASAT) program, Aggression Replacement Therapy (ART), Phase I and Phase III program coverage, and general library coverage.

160. Currently, staff are being utilized at Adirondack Correctional Facility for the following: 6 General Population Housing Units; Residential Rehabilitation Unit, including limited HALT programming. 3 hours outdoor Recreation daily, cell study (Education); Medical/Dental Area; Law Library; Fire and Safety; Perimeter Patrol; Vehicle Entry Gate; Vehicle Entry Tower/Yard Tower; Walkway Coverage; Arsenal Coverage; Lobby Coverage; Commissary/Laundry/State Clothing Swap; Transitional Services, Programming Coverage, Alcohol and Substance Abuse Treatment (ASAT)/ Aggression Replacement Therapy (ART), Phase I Orientation, and Trauma, Addiction, Mental Health, and Recovery (TAMAR); Vehicle Entry Gate; Delivery Vehicle Escort Coverage; Legal Visit Coverage; Grievance Program;

Guidance Counselor Area Coverage; Legal Call Coverage; Religious Services; Package Room; Inside Lawn & Grounds (Limited to Trash Removal); Education and Vocational Program Coverage (No Coverage During Summer Months); Limited Yard/Gymnasium Recreation Coverage; Court Trips; Medical Trips; Emergency Medical; Incarcerated Movement from Facility to Facility/Draft; Mess hall; Weekend Visits Only; Mental Health Watches; Emergency Response; Outside Hospital Coverage.

161. Major aspects that are not operating or operating on a limited basis at Adirondack: Summer School; Religion Bible Studies; No Holiday Visits (currently); Intermittent Cognitive Behavior Therapy, Holistic Classes, recreation in 3-hour modules for Residential Rehabilitation Unit; General Library services intermittent; Volunteer Services – Alliance for Positive Health, Creative Writing, and North Country Community College (in person classes).

162. Limited staffing at Adirondack Correctional facility has impacted all areas and many services provided. Minimum staffing required to safely operate the facility from 7:00am to 7:00 pm is twenty-four correction officers, and from 7:00 pm to 7:00 am, fourteen correction officers are needed. These staffing numbers are a minimum that includes only essential services, such as housing unit coverage, dining hall coverage, emergency response coverage, and medical coverage. Augmentation by the National Guard and additional security staff available over minimums has provided intermittent incarcerated academic programing and vocational programing prior to the summer break, transitional programing, including Alcohol and Substance Abuse Treatment (ASAT), Aggression Replacement Therapy (ART), Trauma, Addiction, Mental Health, and Recovery program (TAMAR), Phase I, and Phase III programing is offered currently, although intermittently. General population recreation schedules (gymnasium and outdoor

recreation) have been altered, offering only 1-hour outdoor recreation, in some instances additional recreation is offered dependent upon available security staff.

163. HALT programing currently offered in the Residential Rehabilitation Unit includes: three hours out of cell outdoor recreation offered daily. Additionally, three hours out of cell classroom programing is offered to one half (approximately 8 individuals) of the Residential Rehabilitation Unit population, rotating daily on an intermittent basis, dependent upon security staff availability as of July 3rd. 2025. On any given day, security staff must be diverted to necessary coverage functions, such as emergency medical trips, outside hospital coverage, or disruptive incidents within the facility.

164. Any further restoration of HALT requirements at this time would jeopardize the safety and security of the facility. Additionally, civilian staff shortages such as medical staff often cause strain on security staff resources. For example, the lack of a medical provider to provide an in-house assessment can necessitate the need for a medical trip to an outside hospital, requiring additional security staff. Conversely, security staff shortages can cause the need for civilian maintenance staff to cover a contractor for emergency repairs, delaying completion of the assigned task/duties. A daily assessment by the superintendent and the facility leadership team is conducted regarding what services can and/or cannot be provided safely, including provisions of HALT.

165. A timeline and plan to further expand HALT programming is based on many factors, including staffing factors outside our control. This includes security staffing levels, attrition, resignations and retirements, long term absences, workers compensation leave, extended military leave, and daily unscheduled absences. Should the general population increase in size, additional housing units would be opened requiring additional security staff.

166. Should it be required to restart all HALT programing today, further interruptions in general population recreation, transitional programing, package room operation, and medical transportation for all incarcerated individuals, would occur.

Bedford Hills Correctional Facility

167. Bedford Hills Correctional Facility is a female-only maximum-security prison located in Bedford Hills, NY. The current population is 674 (13 in RRU).

168. The current security BFL is 479. The current fill is 365 (24% vacant); Programs has a 36% vacancy and Health has a 16% vacancy. There are 43 staff on workers compensation and 50 on long-term absences.

169. They have 140 National Guard are assigned to the facility. When with incarcerated, it is one CO to two National Guard. They are also utilized to escort incarcerated individuals with a CO during facility movement, to cover 1:1 watches as long as an officer is in the area, in Regional Medical Unit to supervise II's in the presence of an officer, as emergency response throughout facility. The number of national guards at the facility has been as low as 30 during training drills – extended absences for summer drills are anticipated for late July and early August.

170. Staff are being utilized to provide all essential services, including staffing housing units, staffing specialized programs including Department of Motor Vehicle Call Center, Regional Medical Unit callouts and clinics, Nursery, Court Trips, Medical Trips including unscheduled emergency trips, Reception and Classification intake, outdraft to Albion, Release transportation to train stations, transportation to Central New York Psychiatric Center, escorting incarcerated individuals on facility movements, supervising mess hall workers and population in dining room,

recreation services in gym and yard, mental health observation watches, supervising visiting room, emergency response throughout facility, supervising religious services

171. When staff numbers are low, posts are closed impacting availability of some services, such as less recreation time, rotating closure of package room, staff not available to supervise incarcerated work assignments, delays in running medication lines, and delays in general facility movement.

172. HALT programming is fully operational for the most part. At times of extreme staff shortages, they have to reduce outdoor recreation time and provide extended use of tablets.

173. Bedford Hill has resumed all normal facility programs, with the exception of summer school, and weekday visits.

Lakeview Shock Correctional Facility

174. Lakeview Shock is a minimum-security prison located in Brocton, NY. The total population is 341, with 71 in RRU/Stepdown/RMHTU.

175. The BFL for security services is 337; current fill is 189 (42% vacancy or 142 open positions). Additionally, there are 26 COs on workers compensation, 2 on military leave and 3 on personal sick. While not as drastic, program services have a 17% vacancy and support services has a 14% vacancy.

176. They currently have 26 National Guard. They are used in non-incarcerated contact areas such as Facility Entrance, Truck Trap coverage, Construction, Vocational/Academic Area supplemental coverage, Recreation/Program Area and supplemental coverage. When with

incarcerated, it is one CO to two National Guard (National Guard work in groups of 2 or more only). They cannot respond to incarcerated violence and cannot escort an I/I alone.

177. The current staff is utilized in the following ways: *Shock Incarceration Program*, Males and Females: Residential programming facilitated by both civilian and security staff 7 days a week. Security escorts all incarcerated to all programming and activities; *Drug Treatment Program*, Males and Females: Residential programming facilitated by both civilian and security staff 7 days a week. Security escorts all incarcerated to all programming and activities; *Step Down to General Population Programming*, Males: Residential programming facilitated by both civilian and security staff 7 days a week. Security escorts all incarcerated to all programming and activities; *C-Tran*: Runs Tuesdays and Thursdays, with Correction Officers and a Sergeant; *Academic/Vocational Programming*: 5 days a week, 4 modules a day facilitated by civilian staff. Security escorts all incarcerated to all programming and activities; *Legal Calls*; Escorting and Security Coverage for Shock, Drug Treatment and Step-Down Programming Incarcerated Individuals in School Building or SDP Building; *Law Library*: Escorting and Security Coverage; Distribution of Legal Mail, and Distribution of Legal Supplies in SDP Building; Court Trips: Male and Female Trips are completed by different trip teams.; Medical/Dental/OMH Area: security escorts all incarcerated to and from area for all appointments and callouts; Medical Trips: Male and Female Trips are completed by different trip teams; Incarcerated Transfers: Female incarcerated are transported by Lakeview security staff, not transported on C-Tran; Emergency Medical Trips: Male and Female Trips are completed by different trip teams; OMH Watches: completed in the infirmary and SDP; Emergency Responses: security staff are designated to respond; Weekend Visits: coverage for Visit Center, Visitor Processing, Front

Lobby, Visit Room and Incarcerated Individuals are escorted to and from the Visit Room by Security Staff; Recreation – Gym/Yard: Security staff escort I/I's to and from, as well as provide coverage of activities run by civilian staff; Incarcerated Movement: all incarcerated individuals move under escort at the facility; Caustics/Environmental Sanitation: security coverage of incarcerated workers throughout the facility; Lawns and Grounds: security coverage of incarcerated workers throughout the facility; Mess hall: security coverage of incarcerated workers. Civilian cooks are assigned to the area.

178. In terms of the impact on overall facility operations due to the ongoing staffing crisis, there are several areas where they are either not able to provide services or provide them on a limited basis: shock graduation ceremonies – no family visitors attending, as they do not have the staff to facilitate visits during the week; religious study groups; vocational school is not running this summer; Currently running HALT programming on an every other day basis; not able to staff three housing units, so they are currently closed; not able to staff the outside crews; not able to staff the SHU building.

179. On June 10th, they began in-person programming on an alternative schedule. They opened with each SDP group attending in-person programming for at least one session per week, while maintaining programming packets and 7+ hours of recreation on non-programming days. The week of June 16th, they began offering SDP groups in-person programming every other day (Monday through Friday), while maintaining programming packets and 7+ hours of recreation on non-programming days. The week of July 14th, they will begin offering SDP groups in-person programming 5 days a week, while maintaining the 4+ hours of recreation opposite their 3-hour program module. They will continue to work towards offering congregate recreation modules, as

well as, the 3-hour programming module offered on Saturdays and Sundays. The goal is to be fully operational with pre-job action protocols by the end of July 2025.

180. As long as staffing numbers do not go below where they are today, they should be able to maintain the HALT programming as outlined above. If staffing numbers go below current levels, then they will have to evaluate on a daily basis what will need to be closed to send staffing to SDP. This will adversely affect the Shock and DTP programs, as well as necessary trips out of the facility.

Upstate Correctional Facility

181. Upstate Correctional Facility is a maximum-security prison located in Malone, NY. The current population is 703 (447 RRU and 255 Gen Pop).

182. The security BFL is 405 correction officers, current fill is 242 (41% vacant); There are also 8 security staff out on workers compensation and 13 out on long-term sick leave

183. They are currently using 67 members of the National Guard. Areas of Utilization – Visit rooms, medical area, general population yard, commissary, general population housing, RRU housing. Their mandatory drills affected operations support levels.

184. Currently staff utilization is in these areas: general population housing, RRU housing, RRU programming, SHU, SHU programming, Court trips, medical trips, emergency medical, Incarcerated movement, mess hall, recreation, weekend visits, mental health watches and emergency response.

185. Currently not operating in the facility or operating on a limited basis: Religious services – All Religious services for general population are operational. Chaplain is making rounds

in RRU/SHU areas; Family Events – No events scheduled; Summer School – 2025 – 7 teachers, 2024- 10 teachers; Visitation – they currently offer visitation on weekends only; they do not have holiday visitation at this time.

186. HALT programming has been partially restored. They are currently providing RRU programming, in two classrooms daily in one of the 3 RRU Buildings. They rotate through the 3 buildings. They intend to continue to add to offerings based on security staffing levels. They also are actively working on restarting additional general population program opportunities. The overall operation plans have enabled the facility to maintain a safe and secure environment for both staff and incarcerated individuals. It is their intent to continue in this manner when adding to operations.

187. It would simply be impossible to return to normal RRU programming without severely jeopardizing the safety and security of incarcerated individuals and staff. They would have to re-direct existing staff from all aspects of general population programming and group recreation to RRU programming. This would still not safely staff RRU programming and greatly reduce the facility emergency response to an extremely unacceptable level. The mandating of security staff to 24-hour plus shifts would increase available bodies to man facility needs but reduce overall effectiveness and safety. The facility understands the importance of RRU programming and successfully provided such programming up until the staffing crisis. It is their full intent to aggressively work toward a 100% return to normal RRU operations, to include all aspects of RRU out of cell programming.

Facilities with only a SHU

Bare Hill Correctional Facility

188. Bare Hill Correctional Facility is a medium security prison located in Malone, NY. The current population is 556 with 9 in the SHU.

189. The correction officer BFL is 309 and the current fill is 167 (53% vacancy). Additionally, there are 27 security personnel out on long-term workers compensation or long-term sickness. The facility also has a 47% vacancy rate in education programming and 33% vacancy in recreation.

190. They currently have 42 National Guard supporting our operations. The Guard are available and used to assist coverage in walkway posts, main school, activity building, mess hall, Special Housing Unit (covering special watches & rounds) and visit room. There are a total of 7 posts that are covered by the guard, for a total of 14 guard required, it is 2 Guard to function as 1 correction officer. National Guard are limited assistance and primarily function as an “observe and report”. They do not escort incarcerated individuals alone, cannot respond to incarcerated violence and cannot be used to cover a housing unit alone, as they require security staff to be present. They do not supervise any incarcerated crews (without a corrections officer), so they do not assist in cleaning, mowing or maintaining the other needs of the facility. During their prior monthly mandatory drills in May and June, only 4-10 National Guard were available daily. This caused difficulty maintaining a stable work force, as the numbers on those days were not consistent. Beginning July 17-August 5, 2025, there will be 2-8 available on any given day, this has proven to be difficult because it varies based on the number of available guards for that day.

191. Security Staff are utilized as follows: all Housing Units, Special Housing Unit, General Confinement-Restricted Unit, Medical Building, Draft, Visit Room, Activity Building,

Daily delivery of Legal Mail, Lobby, Package Room, Mess Hall, Storeroom/Commissary Rounds, Medical Trips, Court Trips, HUB Bus, Recreation, Emergency Medical/Trips, Emergency Response Team, Perimeter, Mental Health & Contraband Watches, Truck Trap/Truck Escort and Main School coverage.

192. In terms of areas of operations that are currently not offering or that are offered on a modified schedule: they have a modified recreation schedule, all dorms are being offered one hour of recreation per day, in the am/pm modules on rotating schedule; as of this date, they are not offering any congregate religious service/study groups, family events, no summer school (Horticulture only), and no holiday visits. Prior to the end of the school year, education classes were held two times/week, and two vocational classes were operational (Horticulture & Custodial Maintenance). All programs cannot return to normal operation with current staffing levels. Civilian Staff are assisting security staff by operating the Law Library/Notary (modified schedule), Visit Process, Recycling Crew, Lawns & Grounds and Lobby on weekends to assist with visitor processing. Congregate ASAT program continues to run with one full dorm.

193. The concern with operating with limited security staffing is the need to account for staff that don't report to work as indicated on the schedule, primarily those employees who have Family Medical Leave or call in sick. In addition, it is difficult to control incidences within the facility that require emergency response, including the need to send out emergency medical trips. Many of the emergent medical cases, require trips to Albany Medical Center. Limited security staffing is the primary reason they are operating on a limited recreation schedule. Currently, civilians are assisting security with coverage in the visiting processing center, visit room and overall maintenance of the facility (mowing, cleaning, garbage removal). They are not able to run

incarcerated individual crews, like Recycling and Lawns and Grounds, because these crews require the supervision correction officer and to be frisked out after the work is completed.

194. HALT programming at Bare Hill CF is offered daily in the SHU and involves the offering of programming/recreation to incarcerated individuals within the Special Housing Unit and General Confinement-Restricted Unit daily. I/Is have and will continue to be offered programs/recreation each day. Guidance Staff continues to be responsible for programming in the area daily.

Cape Vincent Correctional Facility

195. Cape Vincent CF is a medium-security prison located in Cape Vincent, NY. The current population is 415 (11 in SHU and General Population Restricted Unit (“GPRU”))

196. Security BFL is 232 and the current fill is 147 (43% vacant).

197. 16 National Guard were initially assigned to Cape Vincent Correctional Facility. Daily, they have approximately 10 National Guard in the facility, but this includes administrative staff and food runners. Leaving 7 to 8 National Guard available to utilize within the facility. The National Guard are utilized in the mess hall, commissary, package room, visit room, sally port, construction, walkway coverage and cell searches. The National Guard ratio is 2 National Guard to one Correction Officer. National Guard cannot escort incarcerated individuals alone and they cannot respond to incidents involving incarcerated individual on incarcerated individual violence. Mandatory drills are conducted monthly. The number of National Guard available during their mandatory drills varies as they are not all assigned to the same units. An annual 14-day training will be required of all National Guard members during the summer

198. Staff are being utilized as follows: Correction Officers are being utilized to cover the 10-dormitories, special housing unit, infirmary, mess hall, arsenal, mobile, sally port, lobby, movement, recreation, rounds/response teams, transportation, training/weapons, package room, sanitation, draft, disciplinary, weekend visits, mental health watches; Maintenance Staff are being utilized for inside and outside lawn and grounds and construction. All other civilian workers are conducting their jobs as usual.

199. Major aspects of Cape Vincent are not operating or intermittently operating: Religious services are not congregated, and all prayer is done on the dorms, no family events, no holiday visits, no summer school, no barbershop services, law library services are limited, recreation for general population is based on number of staff and number of trips out of the facility, library services are provided on the dorms.

200. HALT programming and recreation is provided daily for incarcerated individuals in the SHU and GPRU. HALT programming is fully operational at Cape Vincent Correctional Facility to our 16-person SHU and GPRU. However, staff attrition, retirement, resignation and recruitment affect all aspects of the facility and must be closely monitored to maintain the safety and security of the facility. All movement among the general population has been normal with our limited offerings.

Clinton Correctional Facility

201. Clinton Correctional Facility is a maximum-security facility located in Dannemora, NY. The current population is 1496 (1357 general pop; 48 SHU; 24 in the infirmary; 72 in long term protective custody).

202. The security BFL is 737 with a current fill of 553 (31% vacancy). They also have 13 out on Workers Compensation, 2 FMLA, and 29 out for other reasons.

203. The facility currently has 29 National Guard members, of which 21 are assigned daily. Four (4) on the midnight shift and 17 on the day shift. Of the 17, 8 work in the office back at their location in Plattsburgh, leaving us with 9 on the day shift daily. They continue to perform duties such as contraband and suicide watches, construction, annex gate, annex lobby and truck rider. They are steadfast on not being able to do anything beyond what they already cover.

204. The facility has a large population of mentally ill incarcerated individuals with 129 beds (Intermediate Care Program) that are always filled. This program mandates 4 hours daily out of cell time. The facility is in compliance with this, which is staff intensive. They also have both a Long-Term Protective Custody Unit and the Assessment Program & Preparation Unit (similar to a protective unit as they live separate, eat separate and program separate). As such, the facility is mandated to run multiple units at once that must be kept separated from one another for security/safety reasons.

205. The facility has a large infirmary and offers daily clinics where local facilities come to. They are also the infirmary intake for local facilities, and currently average 3 outside medical trips per day. Some of these trips are up to 4 hours away. They average 27 monthly Emergency Room trips, of which an average of 5 will go to Albany Medical Center for further treatment. This requires around the clock security coverage in Albany, sometimes for days/weeks. They have

multiple medical and mental health medication runs, and a large number of incarcerated individuals who require frequent medical attention.

206. Due to a large number of Residential Crisis Treatment Program beds (30), the facility is also an intake for incarcerated individuals in crisis from other facilities. They have taken in approximately 40 incarcerated individuals from 12 different facility who were in a mental health crisis over the last 2 months. This is very staff intensive.

207. The facility must accommodate an average of 28 court trips per month, the majority being force orders. They also provide an average of 15 court videos and 170 legal calls per month.

208. The facility has a Central Transportation bus which runs 3 days per week and receives a draft 4 days per week. They also are tasked with many direct trips and drop off/pick up at Central New York Psychiatric Center monthly.

209. They currently offer weekend only visiting and continue to suspend the Family Reunion Program. They offer Religious Services but not study classes. They cannot accommodate Family Events. They currently do not have summer school, except in the Intermediate Care Program and Special Needs Unit. They run grievance hearings 2 or 3 days per week, depending on staff availability.

210. The facility runs all programming for the general population 2 days per week. These programs are academic and vocational (during the school year), as well as the Sex Offender Program and Alcohol & Substance Abuse Program. They supplement with in cell workbooks/activities. They run Transitional Services Programming (including Aggression Replacement Training) as needed, to include orientation. They also run groups for our 18

Transitional Intermediate Care Program participants and 18 Transitional Special Needs Unit participants.

211. The facility has a Corcraft Industry program where they make incarcerated green clothing and eco-mesh chairs. They currently run the cutting room and two shops for clothing (3 shops are closed) and run the chair shop when possible. They are currently offering daily meals in the mess hall and daily outdoor recreation. They offer monthly barbershop as well.

212. The facility has a 24 bed Special Housing Unit that remain close to full capacity at all times. Currently, they offer full out of cell recreation and in cell workbooks. They do not have the security staffing to offer out of cell programming for incarcerated individuals. Individuals stay here on average less than a month until they transfer to a Residential Rehabilitation Unit, which limits any ability to complete programming.

213. The facility has seen a significant rise in unusual incidents, uses of force, and contraband recovered. The facility has seen an increase in intoxicated behaviors, resulting in approximately 80 incarcerated individuals being under the influence of an unknown substance in the last month. These are medical emergencies that sometimes result in staff assault, incarcerated individuals needing Narcan, and an emergency trip to the local ER. They also have some form of incarcerated violence almost daily, and many weapons being recovered. They average 600 Unusual Incidents per year and 1000 Tier 3 misbehavior reports.

214. The facility was at 92% capacity for Correctional Officers BFL prior to the job action. With the current BFL of 75% (only 69% available to work), the facility had to rethink all jobs to ensure the safety of all. The reduced amount of staffing has led to a decreased ability to afford programming to the general population as most resources have been deployed to all

mandatory programming, medical, mental health and legal requirements the facility is obligated to provide. This has increased the in-cell time for those attempting to better themselves and are doing the right thing. The facility is also unable to meet the department's needs for incarcerated clothing and eco-mesh chairs, as they have in the past.

215. This is an old large maximum security single cell facility, where incarcerated movement is escorted everywhere. They have an expansive layout, and many stairs to navigate. There is no getting anywhere quickly, unless it is an emergency. Security staff are tasked with doing all security things required to run a safe and secure facility. These things have not stopped regardless of the number of staff, or the added requirements. They continue to keep the facility clean and safe.

Eastern New York Correctional Facility

216. Eastern New York CF is a maximum-security facility located in Napanoch, NY. The current population is 844, 12 in the infirmary, 6 in SHU and 6 in GPRU.

217. Eastern New York CF continues to operate with a security staffing crisis. The number of Correction Officers they budgeted for is 369, and currently they have 100 of those items vacant. Long-term absences for Correction Officers are 61, which includes Workman's Compensation, Personal/Family sick, and Military leave. The total number of Officers available to work is 208, which requires the facility to mandate Officers who are available, for 12-hour shifts to make up for the shortage of staff. Eastern is also short 1 Captain, 2 Lieutenants and 1 Sergeant.

218. Even with the daily mandates, the facility cannot open all programs or all recreational areas. Each day the staffing levels are evaluated, and it is determined what programs,

services, or recreation modules can be run safely. Security staff are primarily assigned to work in housing units where they assist with security checks, escorting to meals, laundry services, showers, daily mail issue, and providing minimum provisions for health and morale. They also provide security coverage for the outdoor recreation areas.

219. There are currently 34 National Guard staff assigned to assist with staffing at Eastern. They are used primarily in the Housing Units and their presence gives the appearance of having more staff. Their role is limited due to their lack of knowledge of facility operations. They work on a “buddy” system, two National Guard staff with at least one Officer. They have also provided coverage in our Package Room, Commissary and Facility entrances. A Correction Officer is still responsible for the general security of the National Guard’s job assignments.

220. While in the GPRU, population has been offered 2 hours of outdoor recreation, 3 hours of inside recreation during the day and another 2 hours of indoor recreation in the evening. Our Special Housing incarcerated individuals are offered 2 hours of outdoor recreation. Daily rounds are being made of both areas by their Counselor and a recreation specialist who provides workbooks and other materials to do in-cell programming. Weekly rounds continue for the Grievance Supervisor, Clergy, and Executive Team. Daily (Monday-Friday) and rounds are being done by the Office of Mental Health. The incarcerated individual tablet program allows the incarcerated to use the phone to call home, as well as watch movies or play games. The tablets are the most popular activity for population, both in the restricted units and in general population.

221. Religious services are being offered regularly, but we have had to cancel them on occasion due to the lack of staff. Holiday events for religious services are being held because of

their religious significance. All construction projects, Family Reunion visits, and summer school classes have been postponed. The Bard College master's degree program continues after it was moved from the school building to another area that would require less staff. The facility is completing required court trips; however, they have limited the number of scheduled medical trips to two a day. When an emergency trip is needed, they close the least valuable area to staff the trip. Funeral trips are evaluated and approved when staffing allows or the incarcerated is allowed to attend a virtual visit. Special watches, equipment repairs, responses to assaults or fights, are all additional services needs for security staff and are unpredictable.

222. Overall, the facility continues to compare staff available with the most pressing program and recreational needs for the population. When transportation resumes with drafts leaving our SHU before the 15 days, we will be more capable of fully implementing HALT programming.

Franklin Correctional Facility

223. Franklin CF is a medium security facility located in Malone, NY. Franklin has 1412 General Population beds which includes 12 GP Restricted beds in our SHU building. There are 19 SHU beds on-line at this point and 18 infirmary beds. Total capacity is 1449. There are currently 450 beds consolidated.

224. Overall, Franklin is at 68% of its BFL. The Security BFL is 380 which includes 20 above BFL due to re-opening of E1/E2 dorms during the strike to take Bare Hill incarcerated individuals. They currently have 236 employees which represents only 62% of their allotted BFL.

If you factor in Workers Compensation, Long Term Sick, Paternity Leave and Disciplinary Leave (which involves 17 employees), the facility is closer to 57% of our BFL.

225. Franklin currently has 31 national guard assigned to the facility. During the month of July, the National Guard will be doing mandatory drills so their number will be reduced drastically. The National Guard are being used for walkway coverage, mess hall coverage, additional recreation coverage, additional visit room coverage, truck escort from sallyport to storehouse and construction coverage.

226. Security staff is utilized to provide the following coverage: Coverage in all housing units; Coverage in SHU/GP RRU; Coverage in 18-bed infirmary; Coverage in the 2 annex tailor shops; Coverage in the mess hall; Coverage in package room; Coverage in disciplinary (c.o./lt.); Coverage for recreation; Coverage for visits; All emergency medical responses, including the abundance of intoxicated incarcerated individuals; Coverage for all scheduled medical trips; Coverage for all emergency medical trips; Coverage for court trips; Coverage for direct incarcerated individual transfer trips; Coverage for law library and barbershop; Coverage for religious services; Coverage in outside recycling; Coverage in sallyport and both yard and sallyport towers; Coverage in lobby and charts; Coverage in the main school for grievance, aggression program and orientation; Coverage in draft processing.

227. The major areas of operations that are either limited or not currently occurring: Vocational classes, with the exception of horticulture, due to the gleaning program; Academic classes, with the exception of cell-study for the under 21 population; No family events; No HALT programming for GP RRU incarcerated individuals; No religious study groups; No holiday visits; We have not opened our transitional services building due to staffing issues. This is usually where

phase III, orientation and aggression programs are held. We are doing a modified version in the main school; no incarcerated individuals in the maintenance area

228. For HALT programming, they only have a SHU and while they are offered programming, they have little to no response for programming because they are only in the SHU for 7-15 days before they go to an RRU. The incarcerated individuals are all getting out of cell time via recreation.

229. Limited staffing hampers the facility's ability to provide programming and recreation to incarcerated individual. Franklin has a limited number of staff on each shift to accomplish operations. Any medical emergency, red dot or intoxications affects what areas of the facility can run. If any of those incidents result in an incarcerated individual or staff having to go to outside hospital, it dwindles staff even more. Staff would love nothing more than to go back to normal and run everything as this leads to less issues with the incarcerated individuals in the long run.

Greenhaven Correctional Facility

230. Greenhaven Correctional Facility is a maximum-security facility located in Stormville, NY. The current population is 1,756 (26 SHU with an additional 24 SHU status in-transit). Greenhaven CF officers and sergeants did not substantially participate in the illegal job action that took place in February and March 2025.

231. Greenhaven has a total Security BFL of 652 with 608 being Correction Officers plus 45 approved Temporary Posts. They currently have 19 officer vacancies, with 54 officers out on Workman's Compensation with 8 additional on long-term sick leave. On July 8th alone there

were 41 officers out on sick leave. There are 13 vacancies in Health Services. There are 35 vacancies for Programs. Greenhaven does not have any National Guard support.

232. Green Haven is operational and utilizing staff as normal operations with 8-hour shifts. In addition to normal operations, they utilize on average 10 officers each day for outside hospital coverage. In addition to normal operations, they utilize on average 10 officers for Special Watches.

233. Green Haven did not suspend any HALT specific programming as a result of the illegal job action and the programming has continued uninterrupted.

Groveland Correctional Facility

234. Groveland Correctional Facility is a medium-security correctional facility located in Groveland, NY. The current population is 652 (8 in SHU).

235. For officers the BFL is 309 and they currently have 166 filled with 34 out on long term leave. This leaves them with 132 available to work or approximately 43% of BFL. There are a total of 18 vacancies in Program Staff as of today. Staffing Vacancies in Programs are as follows- (OA 1 kb-3 items, Library Assistant 1, Senior Librarian, ORC, OR Aide, Licensed Master Soc Worker 2-2 items, Teacher-elem. school subjects- 2 items, Teacher-spec. ed.-2 items, Chaplain, ASAT ORC, ASAT PA, RPL 1-2 items).

236. National Guard presence is still very heavy and necessary at Groveland. There are currently 125 assigned to this facility with 11 handling Command and administrative posts leaving 114 to fill in areas where needed. It has been explained that this level needs to be maintained in order to meet the requirements of their work/rest cycle.

237. Groveland is currently utilizing Security Staff to cover 12 General Housing Units, Special Housing Unit and Special Use General Population housing to include escorts to Visits, OMH and Med Call Outs, Monitoring Meal runs, Court Trips, Hospital Coverage, Medical Trips both Scheduled and Emergent, Draft, Mess Hall, Outdoor Recreation which is limited, Weekend Visitation, OMH Watches, Emergency Response, Contraband Watches, Package Room, ID, Inside Lawn and Grounds as well as Outside Lawns and Grounds, Commissary, Perimeter, Yard Tower, Arsenal/ Key Room, Infirmary, Clinic, Med/MAT Runs, Monitoring of I/I Movement, Truck Trap, BWC Issuance, Front Lobby visitor Processing and I/I Movement PK Office.

238. Currently Groveland is not running general population programming, Summer School, Family Events, or Holiday Visits; Intermittently Run Programs are Transitional Services I & III, Grievance IGRC, ASAT/DWI, Orientation, SOCTP (Moderate Sex Offender programming) and Moderate A.R.T.

239. Groveland offers programming daily and is able to provide HALT programming to any incarcerated individual who requests to participate, contingent upon security staff availability. They are only able to provide recreation to PC and IPC incarcerated individuals. Other programs and services however have also been greatly disrupted due to staff shortages. This situation is reviewed daily by the facility superintendent and facility leadership. The hope is that recruitment efforts will help to increase security staffing levels going forward and thus compliance with HALT programming as we move into the Fall. However, I also recognize that staff attrition and retirements are erasing gains that might be made short term.

240. The facility-wide impact has been immense. Many officer functions have been consolidated to cover areas as best they can. For instance, one mess hall officer will leave the mess

hall and monitor inside lawns and grounds crews/issue equipment. This of course is only possible when they have two Officers to run the Mess Hall which is not a constant. The Front Lobby Officer also covers Body Worn Cameras and Movement. To ensure that Female Staff are available to process visitors, civilians have been trained to run the body scanner. To fully staff Vocational Programs Bldg. which also houses caustics CCDC requires 2 Officers. In order to ensure caustics are being distributed, civilian staff have been utilized and Fire and Safety Officer has been utilized as well. Unfortunately, Fire and Safety is often needed for emergency trips. For the Academic Bldg. which is also normally used for orientation and transitional Services as well as Guidance Call-Outs & Court Calls & Houses IGRC (4 Floors) requires 4 total security staff. The building is often shut down save for one Officer to cover court calls and ORC Callouts. Orientation is now done weekly in a dorm rec room due to staff shortages. Activities Building which also houses Ministerial Services, General Library, and the Law Library requires 2 Security. Often the Law Library is staffed with National Guard. Regular Library and Barber Shop is staffed with Recreation Staff. Yard coverage and walkway coverage on day shift have some overlap due to physical plant of the facility but, in order to provide evening yard coverage requires a minimum of 4 Security (Tower Officer, 1 to man Gate that splits facility as well as 2 to monitor Yard). They are only able to offer evening outdoor recreation 3 nights a week and only if they can hire enough staff for 4 hours overtime to accommodate. On multiple occasions staff was hired for rec but had to be utilized for emergency medical trips instead or were tied up with intoxicated I/I escorts and other functions if I/I violence arises. Package Room closures due to lack of staff is an ongoing problem. Civilian staff have been utilized to help out when packages get backed up.

Marcy Correctional Facility

241. Marcy Correctional Facility is a medium-security prison located in Marcy, NY. The current population is 735 (12 in SHU and 97 in RMHTU).

242. The BFL for the facility is 329, with Current Fills at 228 (31% vacancy rate). There are also 35 Staff on Worker's Compensation, PPL, and APS Long-term.

243. They have 60 National Guard, including 7 in a command role and 5 reliefs so these are 12 we cannot assign to posts. They are utilized for the Residential Crisis and Treatment Program, suicide and contraband watches, dorm coverage, walkway coverage, yard and gym coverage, sick call coverage, limited RMHTU program coverage, and mess hall coverage. When they are utilized for the dorm, there are 3 assigned at a time per their policy, additionally they are unable to do II escorts or responses to emergencies. Additionally, the guard need ongoing training on staff accountability and facility/departmental rules as they did not undergo extended academy training, but only the 5-day orientation.

244. Staff are currently being utilized to man the housing units, Special Housing Unit (SHU), Residential Mental Health Unit (RMHU), RMHU programs, the Residential Crisis and Treatment Program, suicide watches, contraband watches, commissary, laundry and state shop, the mess hall, the law library, package room, our activities building (which includes Grievance, ministerial services, general library services), recreation, construction, trips (such as court appearances, medical trips, protective custody moves, disciplinary moves), outside hospital coverage, sick call, medication runs, medical/mental health/dental callouts, walkway coverage to supervise incarcerated individual movement, the school building which offers guidance callouts, legal calls, and Transitional Phases I and III, the visiting room, the ID office, Draft, Training,

Incarcerated Individual Movement, the Prison-Based Sex Offender Counseling and Treatment Program, the lobby, the Body-Worn Camera Room, and Visitor Processing on the weekends.

245. Due to the low staffing numbers, they are not able to accommodate family events, academic or vocational classes (summer school at this time), visits on holidays, Aggression Replacement Therapy, Sex Offender Programming in General Population, and Transitional Services Phase II. Intermittently, they have inside lawns and grounds, outside lawns and grounds, and recycling open.

246. They are currently operating with the minimal staff necessary to provide services as safely as possible. They often have to close posts/services on a rotating basis for reasons such as emergency trips, responses to emergencies, staff going out for medical evaluations due to work-related injuries, staff call-ins. Additionally, they have very limited walkway and mess hall coverage. They would not be able to safely run these services with much fewer staff, however weekly they are losing staff to retirement/resignations. They have less staff than we did once the strike ended due to attrition and resignations.

247. HALT programming is offered in the SHU as we are able to use the SHU officers as escorts. HALT programming is offered on a modified basis in RMHU – each incarcerated individual is offered two hours of programming weekly. That started July 1, 2025, however due to call-ins, they only offered programming one of the two scheduled days.

248. To run RMHTU programming daily where each I/I is offered 4 hours per day, 5 days per week of out-of-cell treatment, they would require 16 additional staff. As they are currently running the program, they only need two additional officers and two national guard. If they were to open RMHTU 4 hours per day, 5 days per week, they would be unable to run general population

recreation, the package room, and either the guidance activities or IGRC/religious services/library services. It would significantly take away from the offerings of general population.

Riverview Correctional Facility

249. Riverview Correctional Facility is a medium security prison located in Ogdensburg, NY. Total current population is 389, including 32 in SHU.

250. The facility has 30 National Guard available on rotation, but never 30 at one time. National Guard members are used to cover construction post(s), school building when security personnel are not available, walkway coverage, mess hall assistance, OMH watches and provide supplemental coverage in yard. NG members work in pairs. The facility does not have the need for NG members to cover areas where there is no incarcerated population contact.

251. Security staff operating on 12-hour shifts. Security personnel are currently staffing all housing units, dental/medical, any and all court and medical trips, and our facility emergency response team. They are currently conducting mandatory annual training with available Weapons Training Officers. With the assistance of National Guard members, security personnel are covering walkway movement, yard recreation, mess hall, weekend visits, mental health watches and programming.

252. The facility is not currently operating summer school, with exception of Horticulture and continues with no visits on legal holidays. General Library services are available Monday – Friday, 6 – 8 p.m. Law Library services are available by request only.

253. The facility did not pause HALT during strike as Riverview is not an RRU facility. They offer incarcerated individuals in SHU 3 hours of out-of-cell programming and 2 hours of recreation daily. The SHU remained fully staffed during the strike and continues to be.

254. The limited staffing forces us to prioritize our daily events, (i.e. covering construction to satisfy contractual obligations) and providing recreation as much as possible, placing safety and security first and foremost.

Shawangunk Correctional Facility

255. Shawangunk Correction Facility is a maximum-security prison located in Wallkill, NY. The total population is 468 with 5 in SHU and 5 in GPRU. Shawangunk does not have an RRU. However, incarcerated individuals housed in SHU and GPRU are offered programming daily. General population movement is back to normal.

256. Security BFL is 291, current fill is 240 (18% vacancy).

257. Shawangunk does not have National Guard present in the facility.

258. Shawangunk CF is filling all posts on all 3 tours. Staff is utilized in 8 blocks and 4 consoles, General Population movement is back to normal, Special Housing Unit, General Population Restricted Unit, Emergency Response, Corridors, Kitchen, Law library, Medical/Dental, Mental Health Watches, Maintenance, Draft, Industry, Commissary, Perimeters, Towers, outside clearance I/I coverage, lawns and grounds and recreation. 3 medical trips are conducted each day Monday through Friday. Court trips and Emergency medical trips are staffed as they arise. Staff are utilized to provide supervision for outside construction jobs at the facility.

Weekend Visits including outside visit area, enhanced visit room, and children's center are covered.

259. In terms of operational areas that are limited or not occurring these include: Family Events – Religious family event was cancelled during the job action. Therefore, no additional family events were offered to avoid any discrimination to other religious groups. A facility wide family day may be offered in the fall if staffing levels support; Summer School – Shawangunk was not given a summer school budget, however, staffing levels do support running summer school; Starting on 7/16 there will be weekday visits on Wednesdays; No Holiday Visit in Med.

260. In terms of HALT programming, incarcerated individuals in SHU are offered programming daily.

Ulster Correctional Facility

261. Ulster Correctional Facility is a medium-security prison, and the only medium security male reception center located in Napanoch, NY. Ulster currently has a population of 408. They have 5 in SHU and 3 in General Confinement Restriction (out of 10 SHU beds and 6 GCR beds).

262. The Correction Officers BFL is 253, and our current fill is 191, so we are down 62 officers. However, we have an additional 29 officers out long-term disability, 23 for Workers Comp, 2 for paternity leave, 3 Long term Sick, and 1 disciplinary suspension. Civilian staff are short approximately 5% in all areas including medical, programs and support services.

263. National Guard have provided augmentation of operations in many areas; however, their lack of Corrections training necessitates them being with an officer for most of their job

functions thus negating the ability to assist in a meaningful way with staffing. In addition, they have frequent training and drills which leaves us without their help.

264. In terms of current operations, they currently staff 11 housing units including one specialized Senior Living Program. They have medical and dental area but as a reception facility, most staff utilization at Ulster is for reception, transportation, and classification. Intake and outgoing of state ready incarcerated individuals and transportation of incarcerated individuals. These are both top priorities and staff intensive. This month alone they have had 11 one on one watches due to contraband and mental health concerns. In the past month they have had 70 court trips, 20 medical trips, 2 dental trips and 434 trips. Due to the job action, they currently have 14 incarcerated individuals that remain at Ulster that can't leave due to lack of availability of staff throughout the state to receive them. These incarcerated individuals have been problematic and staff intensive due to monitoring and addressing their issues.

265. Because they are so short staffed, they have had to condense their recreation schedule which would normally allow recreation 2x a day for a longer session. They have had to cut back to only 1x daily an hour maximum. This is problematic at times because if incarcerated individuals are working during their scheduled time, they could miss recreation. They frequently don't have staff for the outside clearance incarcerated individuals to do their jobs, potentially affected their merit time eligibility. Regularly our horticulture program is either monitored by civilian staff instead of security or closed when there is no security available. This is particularly troublesome as the Horticulture program provides a much-needed resource of produce to the community.

266. They have a 15-bed SHU and offer HALT programming daily. On days where staffing is extremely short (e.g. Week of June 30 they had 13 medical emergencies over the course of 3 days) the only way they could run HALT programming would be to compromise safety and security in another mandatory operation such as emergency medical responses, medical trips, contraband or suicide watches, or cancelling a parole board. These are the daily choices that are made, and it would create a dangerous hardship if they couldn't close HALT programming when necessary, during this crisis. The staff have attempted to always follow policy and laws, yet due to staffing restrictions, it is often impossible. As the priority to get the incarcerated individuals who are declared state ready out of the counties and into state custody, they are utilizing all available staff for trips and draft every day. The increase in intake has placed an increased burden on an already very short-staffed facility.

267. Beyond HALT, the limited staff impacts the facility in many ways. On the 7:00am to 7:00pm shift they require approximately 60 officers to run efficiently. With limited staff they must close several critical jobs in order to cover the necessary and mandatory positions. For example, they would close disciplinary (potentially affecting timeliness of hearings due to their 5-day completion requirement), fire & safety, SHU escort, lawn gang (affects merit requirement), caustics (affects facility cleanliness) and the package room (affects morale and potential waste of perishables). Other areas that are also affected by limited staff are, mess hall, programs, callouts, commissary and packages. They cannot run the operations of the facility as safely and securely as they should, and this impacts the entire facility.

Washington Correctional Facility

268. Washington Correctional Facility is a medium security facility in Comstock, NY. It has a total population of 600 individuals (SHU population is 12).

269. The total staffing BFL is 450, which includes 258 for security supervision, 26 for health and 52 for programming. Washington currently has 171 security staff, putting it at 34% below BFL. Total vacancies are 129. In addition, Washington has 14 individuals out on Workers Compensation and 33 staff on long-term absence, which brings the total to 41% vacancy rate.

270. Washington CF has leveraged the help of the National Guard to alleviate the operations and security risks caused by the staffing limitations. They have 89 National Guard. They are used in non-incarcerated contact areas such as Package Room, and Facility Entrance. When they are with an incarcerated individual, the facility requires, one CO to two National Guard. National Guard cannot escort incarcerated individuals alone and cannot respond to incarcerated violence. In addition, due to their own responsibilities and requirements, the actual number of National Guard they have at any time fluctuates. For example, during their mandatory drill schedule, the support was down significantly, to only 27.

271. Despite the significant staffing limitation, Washington continues to operate, utilizing staff to ensure critical operations continue. These include, staffing the general population housing units 24/7; staffing the Special Housing Unit, General Purpose Restriction Unit, Intermediate Care Program Unit 24/7; Medical/Dental Areas; Court Trips; medical trips; Emergency Medical Responses; Emergency Medical Trips to Outside Hospitals; incarcerated movement from Facility to Facility ; mess hall–Food Preparation–Deliveries to Restricted Housing Units & Supervision of Meals; Supervision of Recreation Areas; Full Religious Services and events; Weekend Visits; Mental Health Watches; Emergency Security Responses; Facility

Maintenance Needs; Coverage of Outside Contractors for Facility Repairs & Upgrades; Supervision of Educational & Vocational Areas; Processing of Incarcerated Packages; Coverage of Commissary for Incarcerated; Coverage of Incarcerated Legal Visits; Processing Incarcerated Mail; Mandatory MPTC Training; Corcraft Industries and Coverage of Assigned Incarcerated.

272. However, due to the staffing limitations and safety risks, there are several areas that are either not operating or operating on an intermittent basis. These include: no holiday visitation, educational services on a modified schedule (2xs per week); vocational training services on a modified schedule (2xs per week); and incarcerated college programs is on pause.

273. Washington Correctional Facility remains in a state of emergency due to the 41% facility-wide staffing deficit with no immediate cessation of such emergency in the foreseeable future. General population movement within Washington has been mitigated due to this emergency and only the basic provisions for health and morale of the incarcerated are able to be met. It should also be noted that the health and morale of all staff assigned to this facility has been, and continues to be, negatively impacted resultant to the scheduling changes required, lack of full ability to utilize annual accruals such as vacation periods, and the required shifts to meet the mandatory minimum standards for the incarcerated. The limited staffing levels have negatively impacted the overall operations of Washington Correctional Facility in that incarcerated programming has been reduced due to the modified schedules required to safely operate the facility. The safe operations of the facility have been impacted as the number of staff available to respond to medical incidents and incidents of violence has been reduced. Health care of the incarcerated has been challenging as any required transportation to outside hospitals necessitates the assignment of at least two security staff and at times, a security supervisor. Incarcerated

packages have been delayed during high-volume times when staff have not been available to assign to the processing. Incarcerated mental health programs have been impacted due to the reduced number of staff to provide security coverage for programming and transfer to appropriate facilities for a higher level of care when necessary. The relocation of incarcerated individuals requiring alternative facility placement due to protective custody needs has slowed to an almost stagnant pace due to the lack of transportation staff necessitating an extended stay at this facility in a restricted housing unit.

274. Washington is in compliance with HALT requirements absent the extended stays identified above for incarcerated individual in SHU. All provisions of HALT are afforded to the affected incarcerated at Washington daily with the exception of the extended stays identified above. I have no timeline for full implementation as this issue is contingent upon other operational limitations such as transportation and increased staff.

Wende Correctional Facility

275. Wende Correctional Facility is a maximum-security facility located in Alden, NY. The current population is 796 (7 in SHU, 5 in stepdown and 7 in diversion).

276. The security BFL is 510 with a current fill of 380 (down 25% or 130). In addition, there are 44 staff out of work due to workers' compensation and 24 staff out of work due to personal sick, family sick, paternity leave, or FMLA.

277. The Facility was granted a total of 65 National Guardsman, only 44 of which have assignments in the facility. On average, 22 National Guard are assigned to 7am-3pm and 12-14 are assigned 3pm-11pm. Most National Guard assignments are in the cell blocks. Two National

Guard typically run a floor of the cell blocks. They do not work the package room or front gate. National Guard do not escort alone, and they respond to Facility emergency levels (red dots) to provide a support role for staff dealing with incarcerated violence or who may have been assaulted. The monthly weekend National Guard drills leave the Facility with a reduction of 30 from the 44 available. The mandatory National Guard 2- week summer training will begin on the 14th of July. Wende will be reduced to 9 National Guard for the duration of the 2 weeks. Most operations (other than recreation and meal runs) will be suspended for the duration of the National Guard's absence.

278. Currently Staff are being utilized as follows: General population cell blocks (5) each requires 6 Officers to perform the basic operations 7am- 7pm. The basic operations consist of daily yard exercise offerings as well as 3 meal runs; RCPT/Office of Mental Health requires 3 Officers to facilitate programming; Step Down programming requires 3 Officers for escorts and to observe the classroom setting; The Special Needs Unit has one Officer assigned to the program area; Diversion HALT programming requires 2 Officers to facilitate; Resource room for blind/hearing impaired requires one Officer to provide coverage; Transitional Services also requires 2 Officers for coverage; Wende has a Regional Medical Unit which operates with a minimum number of 19 Officers and one Sergeant. This includes medical callouts, Dental, physical therapy, and Dialysis; Court trips; Medical trips; Emergency trips were taken; HUB trips were taken (a total of 169 trips were taken requiring 123 Corrections Officers to facilitate over the last 12 business days); 37 medical trips had to be cancelled due to lack of staff

279. Wende was operating using both "A" and "B" mess halls for 3 meals a day. Recently, operations have been cut back to one mess hall for evening meals due to lack of staff available to conduct escorts, seating and dismissing the II's at the mess hall tables.

280. The post job action schedule at Wende has reduced the number of yard runs for each block from 3 to 2 per day. Recently, the low staffing levels have required the Facility to split the yard runs only allowing for one yard run a day for the blocks.

281. They are offering weekend only visits which has helped the operations immensely. Running weekday/Holiday visits would require an additional 7 Officers per day.

282. The Family Reunion Program (FRP) is closed. Opening FRP would require one Officer on days for processing and one on 7p-7a for tower coverage.

283. Mental Health watches require numerous Officers 24/7 in order to provide coverage. Wende has 6 RCTP cells and an additional "overflow" area. The overflow areas require additional staff 1 on 1 special watches in the infirmary.

284. Emergency responses happen daily at Wende and many times they are for incarcerated individuals who are suspected of being under the influence of a contraband substance. Once staff respond, transportation to the Facility medical unit is required. The coverage is needed throughout the treatment and consequential escort to the infirmary for the night and many times transportation to outside hospital either via state van or ambulance. Due to the physical layout of Wende CF, (only one main corridor), these incidents suspend normal operations for the duration of the emergency.

285. Currently, Wende CF is not able to offer the following services: Religious services are sometimes not able to run. There is no bible study group since the illegal job action. All scheduled family events have been cancelled. Although a schedule has been prepared for summer school, they do not anticipate being able to open the school for classroom attendance. Rather program packets will be sent to the incarcerated individuals who have been programmed into the

classes. Wende is able to hold “in person” grievance hearings. If weekday visits were to be restored, operations would greatly be reduced. More medical trips would be cancelled and the package, commissary runs as well as legal mail would all be affected.

286. HALT programming is limited and currently consists of the HALT mandated out of cell exercise period being offered and cell side program packets are provided to the restricted population. ICP programming for the incarcerated individuals requiring OMH services is being run intermittently. Some cancellations occur and efforts are made to consolidate classrooms in order to continue the programming. This is due to lack of Security coverage.

287. Overall, general population movement is close to normal for the programs that they are able to facilitate.

288. Staff time off is very limited which leads to morale issues. Important life events for staff are being missed as they are not able to use the accruals that they have accumulated. The annual employee appreciation luncheon had to be suspended (most likely cancelled) due to not having staff to make reliefs. The annual wellness day will most likely be suspended as well. They continue to operate as close to normal as they can, however, they have provisions in place to greatly reduce what we run as staff continue to miss work. The Facility Honor Guard for funerals and special events has all but been eliminated as staff cannot be spared to attend the services and events. Each day considerations have to be given as to what operations can be facilitated so that they are not creating an unsafe environment for the incarcerated, as well as staff. The staffing levels at the facility are considered at such emergency levels that they are operating daily under the provisions of High Impact, meaning, that all unscheduled security time off requires a Physicians note or

AWOLs will be issued. There have been instances where they were not able to lend staff for Critical Incident deployments to other parts of the state also due to the lack of Staff.

289. Wende experienced an aggressive reopening after the illegal job action ended. Unfortunately, the staffing numbers have gotten worse since the initial reopening. After the first two rounds of grievance hearings for those employees that were dismissed, only a total of 4 Security staff returned to work at Wende. As the worker's compensation numbers decrease and staff return from APS/AFS, Wende CF will be more suited to restore HALT programming in its entirety. Additionally, a request has been made to increase the National Guard numbers at Wende. This was meant to help with the reopening of the daily HALT programming.

Woodburne Correctional Facility

290. Woodburne Correction Facility is a medium security prison located in Woodbourne, NY. The current population is 771 with 16 in SHU. The correction officer BFL is 283 and current fill is 192 (32% vacancy). Of the 192 Officers, 46 more are out on Workers Compensation and an additional 16 are out on long term leave. This leaves the facility with a working total of 130 Officers or 46% staffing level. They have an average of 10 daily callouts. Of the 16 sergeants, 4 are out on workers compensation, and 1 is out on long-term sick leave, leaving them with 11 sergeants (69%).

291. Woodbourne Currently has 106 National guards. They work in pairs when they work a post with incarcerated individual contact or when escorting an incarcerated individual. They are currently assigned to housing units with a Correction Officer providing supervision. The National Guard conduct escorts, work posts in the medical unit, respond to emergencies and are

permitted to provide assistance when their staff or DOCCS staff are involved. They are not permitted to respond to incarcerated on incarcerated assaults. The National Guard do not conduct counts nor hand out legal mail. Each month the National Guard has one drill weekend that they must attend. When they are on drill weekend, there has been times when only a handful of National Guard remain in the Facility to provide support. On average, only 30 remain within the Facility to provide support over 3 tours.

292. Security Staff are covering 22 Housing units. Of the 22 housing units 3 of them are specialized: A Special Housing Unit, Long term Protective Custody unit and a Special Needs Unit. Security staff are also utilized to cover the medical unit, medical trips (scheduled and unscheduled) Court trips, outside hospital coverage, movement within the Facility, draft processing, package room, yard recreation and Yard tower, mess hall, weekend visits, mental health watches, arsenal, front entrance, perimeter posts, receiving, storeroom, F-Wing (OMH/ORC Callouts and Law Library) and emergency responses. Civilian staff are covering some religious events, lawns and grounds maintenance and Facility garbage runs.

293. Currently, Woodbourne is not running congregate religious services, family day events, family reunion program, summer school, college programming, American Sign Language class, sensorial disabled programs, aggression replacement program, transitional services, 3-Hour SHU programming, general library services, sex offender treatment and counseling and gym recreation.

294. Due to current staffing limitations, there are several security posts that are left unstaffed or are covered by Civilian staff. Most posts have secondary or ancillary duties. Since these posts are not staffed, other posts must now cover two areas or duties or remain unsupervised.

As an example, the ID Officer provides coverage during movement. If this post is closed for the day, there is less supervision during movement times with larger distance between security personnel. With limited security staff, we are relying on civilian staff to cover security posts.

295. Woodbourne has a very small SHU. Programming is offered daily. They are able to offer 3-hour HALT programming in the Special Housing unit, however as no one signs up for programs due to their short stay in SHU, resulting in the facility regularly reassigning the officer to cover other critical posts. Programming is dependent on staffing. If Officers continue to retire or resign, they would not be able to sustain staffing HALT programming while also staffing critical security posts such as housing units and meeting operational needs such as medical. Receiving additional officers would help stabilize our staffing. They will continue to monitor our staffing levels on a weekly basis to see if they have to pullback or if they can expand and add more programming days.

Wyoming Correctional Facility

296. Wyoming Correctional Facility is a medium security prison located in Attica, NY. The current population is 952 (20 in SHU and 12 in GCRU).

297. The correction officer BFL is 348. 348 is based on 10.5 dorms online. On 2/21/25, an additional 1.5 dorms were brought online. With these additional dorms online an additional 24 COs would be added to the BFL of 348 (or 372 total). The current CO fill is 213 (40% vacant; 43% counting the additional dorms). They have 23 individuals out on long-term leave (bringing our effective vacancy rate to 49%). The support services are 25% vacant, health services are 29% vacant and program services are 14% vacant.

298. Wyoming is supported by up to 56 National Guard. However, they have not been provided the minimum number since early April. Wyoming deploys the daily available National Guard members entirely to staff the dorms. National Guard leadership requires 2 National Guard for every “post”, so each dorm requires 2 National Guard. As they are assigning National Guard to the dorms, a staff rover who is a correction officer floats between the two dorms to assist with counts, answer questions and respond to fights or incarcerated individuals with medical emergencies. National Guard are limited in terms of what support they can provide. National Guard cannot escort incarcerated individuals and cannot intervene with incarcerated-on-incarcerated violence. They observe and report, and COs intervene. During Father’s Day weekend (6/12-6/15/25) the average number of National Guard on site was 10.

299. In terms of how staff are utilized, the following identifies key areas of focus: General Population Housing Units: on days (7AM-7PM) one CO roves on each general population housing unit providing supervision and support to the two-man National Guard (NG) teams staffing each side of the dorm. On overnights (7PM-7AM) COs staff every housing unit; Specialized Units: The Special Housing Unit & General Confinement Restricted Unit – SHU/GCRU is staffed entirely with DOCCS personnel on both 12-hour shifts. 4 COs (7AM-7PM) 3 COs then 2 COs (7PM-7AM); Medical/Dental Area: the medical and dental unit is staffed entirely by DOCCS personnel on both 12-hour shifts. On days (7AM-7PM) there is a lobby CO and an ID/Urinalysis CO. On the overnight shift it goes down to the single lobby officer. With the increase in intoxicated I/Is this overnight staff is critical to be able to utilize one or both of our “isolation” rooms to house intoxicated I/Is while waiting for a medical provider to discharge them back to GP; Court Trips: Wyoming averages 3 court trips a week. Court trips for sentencing

requires a Sergeant to supervise the 2 CO trip team; Medical Trips: Wyoming averages 15 medical trips a week; Emergency Medical: Wyoming averages 7 emergency medical trips a week; Incarcerated Movement from Fac to Fac/Draft: Wyoming averages 10 trips per week; Mess Hall: Wyoming maintains 2 COs in the mess hall during dayshift non-meal times, and 6 additional COs & 1 Sgt. during the 3 meal runs; Limited Recreation: Wyoming needs 3 COs per yard, or 6 total for the West and East yards, plus an additional CO to man the Compound Gate Tower to open outdoor recreation yards. They provide recreation during AM and PM program modules and during early evening module with 4 COs on 4 hours of overtime; Weekend Visits: to conduct visitation at Wyoming CF they need a CO to staff the Visitor Hospitality Center, 4 additional COs in the lobby. 1 CO enters visitor data into the Visitor Inquiry & Sanction System, 1 CO runs the x-ray machine scanning shoes, coats, diaper bags, etc., and 2 COs operate the Body Scanner. Additionally, 6 COs staff the visit room. 5 COs are on the floor observing visits and 1 CO is admitting I/Is for their visits and logging their entry; Mental Health / Contraband watches: Wyoming averages 1 mental health / contraband watch a week. During these watches, which can last a few days at a time, 1 CO is required to staff the watch.

300. In terms of areas of operations that are occurring on a limited basis or not occurring at this time due to the ongoing crisis and staffing limitations: Religious services: currently Wyoming is conducting religious services during a modified weekday day shift schedule. Religious study groups are not occurring due to the shortage in security staff; Family Events: family events are not occurring, due to the shortage in security staff. These events typically occur on weekdays and require additional staff to process visitors in and supervise the event; Summer School: Wyoming's summer school has been greatly curtailed from what it has

looked like in previous years. Historically, Wyoming would have 10 academic teachers and 10 vocational instructors providing summer school programming to hundreds of I/Is, many of whom are under 21. This year, largely due to a lack of security staff, there are 2 academic teachers and 2 vocational instructors providing limited / remote summer school instruction to select I/Is; Grievances: Wyoming's grievance program has managed to achieve near normal operations through creative scheduling; No Holiday Visit in Med: Population have expressed their understanding and frustration with no holiday visitation. They understand that the current security staffing has limited this facility's ability to conduct visitation on a holiday.

301. For HALT programming they currently offer recreation, tablet distribution, property processing & inspection. They currently are not offering HALT out of cell programming which would require additional staff.

302. Currently each I/I housed in building 16 (SHU/GCRU) is offered and provided an hour of outdoor recreation a day. Staffing throughout the facility, often impacted by the National Guard's numbers and limited roles will impact any ability to implement HALT programming and other general population programming services, as well. An increase in population could also affect their ability to provide HALT programming and other programming.

Wyoming has made great strides to reopen after the end of the strike and now offers a modified schedule of programs and services. A fragile balance of limited security staffing and over promised National Guard allows them to provide this modified schedule of programs and services. DOCCS security staffing retirements, resignations, disciplinary suspensions, long-term sickness, worker's compensation, and FMLA, cripples their ability to maintain the reopening plan. Underscoring these challenges is the absolute randomness of these staffing

catastrophes. Security staff rarely call in sick days in advance, nor have they more recently given any warning when they plan to resign or even retire.

Facilities with no HALT Requirements

Altona Correctional Facility

303. Altona Correctional Facility is a medium-security facility located in Altona, NY. Altona does not have an RRU, SHU, or the associated HALT requirements.

Edgecombe Residential Treatment Facility

304. Edgecombe is a minimum-security facility located in Edgecombe, NY. focused on residential treatment, housing undomiciled parolees returning to NYC and female Work Release Incarcerated individuals. The facility does not have an RRU, SHU or the associated HALT requirements.

Hale Creek Correctional Facility

305. Hale Creek is a medium-security prison located in Johnstown, NY. Hale Creek does not have an RRU, SHU or the associated HALT requirements.

Otisville Correctional Facility

306. Otisville Correctional Facility is a medium-security facility located in Otisville, NY. Otisville CF does not have an RRU, SHU and no HALT programming requirements.

Queensboro Correctional Facility

307. Queensboro Correctional facility is a minimum-security facility located in Long Island City, New York. The facility does not have an RRU, SHU nor any HALT programming requirements.

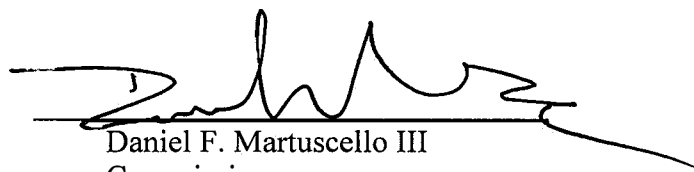
Taconic Correctional Facility

308. Taconic Correctional Facility is a medium-security facility located in Westchester County. The facility does not have an RRU, SHU nor any HALT program requirements.

Wallkill Correctional Facility

309. Wallkill Correctional Facility is a medium security facility located in Wallkill, NY. Wallkill does not have an RRU, SHU nor the associated HALT requirements.

I affirm this 14th day of July 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Daniel F. Martuscello III
Commissioner
NYS DOCCS

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July 21, 2025

Via NYSCEF

Hon. Daniel L. Lynch
Albany County Supreme Court
Albany County Courthouse
16 Eagle Street
Albany, New York 12207

Re: *Smalls v. Martuscello*, Index No. 903926-25

Dear Judge Lynch:

On behalf of Plaintiffs in this putative class challenge to Defendant's unlawful suspension of core protections of the Humane Alternatives to Long-Term Solitary Confinement Law, we write in light of Defendant's July 14, 2025 affirmation for two reasons: (1) to raise serious concern over Defendant's noncompliance with the Court's preliminary injunction; and (2) to preview further steps Plaintiffs intend to take to mitigate the resulting harm to thousands of class members who remain confined in dangerously and unlawfully restrictive conditions statewide.

1. Defendant's Failure to Comply with the Preliminary Injunction

The Court's preliminary injunction is clear: If Defendant invokes HALT's facility-wide emergency exception, he must file an affirmation "setting forth detailed facts describing the facility-wide emergency, including its scope and expected duration" (Decision and Order, NYSCEF Doc. No. 67, at 11 [Jul. 1, 2025] [hereinafter "PI Order"]). Defendant's affirmation fails to satisfy these requirements. Despite its length, the affirmation omits basic information without which the Court cannot meaningfully assess whether DOCCS's continued suspension of HALT is lawful. In effect, Defendant appears to contemplate continuing an indeterminate, statewide suspension of HALT.

A. Defendant fails to identify where HALT remains suspended.

Although Defendant provides narrative descriptions of conditions at each facility, he does not clearly state whether HALT's emergency exception is being invoked at any given location. In some cases—for example, at Bedford Hills, Green Haven, and Hudson—he reports near-normal operations yet provides no indication whether HALT's protections remain suspended at those prisons (Martuscello Aff., NYSCEF Doc. No. 69, ¶¶ 172–73, 199–20, 232–33 [Jul. 14,

2025]). Elsewhere, he references ongoing operational impacts from the strike but offers no explanation of whether, how, or why those conditions qualify as emergencies (*see, e.g., id.*, ¶¶ 63–64; 196–200; 157–165).

B. Defendant has failed to clarify which aspects of HALT remain suspended.

HALT’s core protection—the guarantee of minimum daily out-of-cell time—is central to this case and thus the Court’s preliminary injunction (*see* PI Order at 3–4). Yet Defendant focuses almost entirely on programmatic offerings, while saying almost nothing about whether HALT’s out-of-cell requirements are being met (*see, e.g., Martuscello Aff.*, ¶¶ 38–45, 138–47, 181–87 [describing programming availability at Auburn, Orleans, and Upstate Correctional Facilities while omitting description of out-of-cell time]). If DOCCS is now complying with those requirements systemwide, Defendant should say so. Otherwise, this omission obscures whether and where DOCCS continues to rely on the emergency exception to justify restricting out-of-cell time.

More troubling still, Defendant appears to suggest HALT’s out-of-cell requirements do not apply to individuals in general population. He offers no information about those conditions and omits seven facilities from his affirmation entirely based on the mistaken assertion that HALT imposes “no requirement” where there is no RRU or SHU (*id.*, ¶¶ 303–09).

C. Defendant has failed to provide a meaningful timeline for facility-wide emergencies to end.

Despite the Court’s explicit concern that DOCCS had “no date certain” for ending the suspension (PI Order at 8), Defendant provides no facility-specific timeline for restoring HALT’s protections. Instead, he offers only a generalized “goal” of resuming HALT *programming*—with no mention of HALT’s out-of-cell requirements—by “early Fall” (*Martuscello Aff.*, ¶ 22). This vague target, undifferentiated by facility, is particularly troubling given that Defendant relies solely on long-term recruitment and retention efforts to resolve the conditions he claims amount to an emergency—all but ensuring that the suspension will persist indefinitely (*see Martuscello Aff.*, ¶ 17).¹

D. Defendant treats current staffing levels as per se emergencies, without context.

In defending the continued suspension of HALT’s protections, Defendant relies heavily on the fact that staffing levels at many DOCCS facilities are currently below the Budgeted Fill Level (“BFL”)—the number of positions authorized by the State budget at each facility (*see, e.g., Martuscello Aff.*, ¶¶ 24, 30, 39, 47, 76). But Defendant fails to explain why staffing below BFL now constitutes an emergency, particularly when DOCCS has operated below BFL for

¹ Other, and likely faster, ways to improve staffing ratios include redeploying staff within and across facilities; closing underused facilities; certifying time served in local jails under Correction Law § 95; granting early release under Correction Law § 75; identifying candidates for medical parole or executive clemency; and expanding work release and other temporary release programs.

years without invoking HALT's emergency exception.² He provides no data comparing current staffing levels to those that existed before the strike and does not explain why current conditions should be treated differently.

Notably, just *one week* before the strike, Defendant proposed reducing target staffing levels across the prison system by 30%—a reduction that DOCCS itself presumably viewed as operationally feasible (*see* Exhibit, Commissioner's Memorandum on Security Staffing Review [Feb. 10, 2025]). DOCCS only later rescinded that proposal to appease striking officers (*see* Ex. D to Martuscello Aff., NYSCEF Doc. No. 56, Commissioner's Memorandum on Path to Restoring Workforce [Feb. 20, 2025]).³ And the "circuit breaker" provision in DOCCS's March 8, 2025 agreement with the corrections union—intended to take effect only after the original 90-day HALT suspension—would have permitted further suspension of HALT *only if* a facility's staff vacancy rate reaches at least 30% (*see* Ex. G to Martuscello Aff., NYSCEF Doc. No. 59, ¶ 1(b), Memorandum of Agreement between the State of New York and NYSCOPBA [Mar. 8, 2025]). That DOCCS has repeatedly treated vacancy levels at or below 30% as manageable critically undermines the claim that current vacancy rates—which are almost universally lower—warrant continued suspension of HALT's protections.

2. Plaintiffs' Intended Next Steps

Because Defendant's affirmation is facially insufficient to justify the ongoing suspension of HALT's protections, he must provide additional information for the Court to assess whether the statutory emergency exception has been properly invoked. To resolve these compliance concerns without immediate Court intervention, Plaintiffs have requested a meet-and-confer with Defendant this week to discuss the minimum information needed to assess compliance with the preliminary injunction. If the parties cannot reach agreement, Plaintiffs intend to move promptly for expedited discovery tailored to evaluating the legitimacy of Defendant's emergency assertions and adherence to the preliminary injunction.

We thank the Court for its attention to these issues. Should the Court wish, Plaintiffs are available to discuss them further at a conference.

Respectfully submitted,

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

² Defendant also cites routine operational demands—such as transporting incarcerated individuals to appointments, providing meals and showers, responding to medical issues, and routine attrition—as justifications for invoking HALT's emergency exception (*see, e.g.* Martuscello Aff., ¶¶ 62, 78–79, 82, 91, 96–97, 165, 205–08). But these are standard aspects of running a prison, not emergency conditions.

³ The memorandum was misdated: It was issued in February 2025, not February 2024.

/s/ Antony P. F. Gemmell

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