



STATE OF NEW YORK
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LITIGATION BUREAU

June 5, 2017

Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Peoples v. Annucci (11 Civ. 2694)
Annual Joint Report to Court

Dear Judge Carter:

Pursuant to the Settlement Agreement (“Agreement”) which went into effect on April 1, 2016, the parties met in New York City on May 16, 2017, and May 17, 2017, to discuss the first year of implementation. The meeting was positive and productive and the parties mutually agreed that meaningful changes have already begun.

The Department of Corrections and Community Supervision (“DOCCS”) has implemented the first-year changes laid out in the Agreement including, without limitation, the construction of capital improvements, the installation of rolling phone carts in all SHU cells, a tablet pilot program and, perhaps most importantly, the implementation of the Progressive Inmate Movement System (“PIMS”), a behavioral incentive program that provides inmates in special housing units with greater benefits and privileges that reduce isolation and improves SHU conditions. These first-year changes were implemented without delay, except for a few instances that, when brought to the attention of DOCCS, were resolved to the satisfaction of all parties.

In addition, DOCCS has provided training to all of its employees (including civilian staff) regarding the SHU environment, perceptions of SHU, implicit bias, and de-escalation techniques (which is provided on a recurring basis to security personnel). DOCCS has also revised its guidelines for disciplinary sanctions and has provided guidance to hearing officers that stresses the need to be fair and consistent when imposing sanctions and to consider lesser, non-SHU sanctions, especially for offenses that do not pose immediate or serious safety or security threats.

Though the first year of implementation generally focused on improving the conditions of SHU, current data reflects that there are fewer inmates being assigned to a SHU cell and, on average, they are staying in a SHU cell for shorter periods of time. It is the parties' mutual desire for this trend to continue and to work together to achieve this goal.

Given the parties' success in working together, the parties do not believe the Court's intervention is necessary at this time. Thank you for your time and consideration.

Respectfully submitted,

/s Rebecca Ann Durden
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