

***Joint Public Hearing: To discuss the overall mission, goals, and economics of Corcraft (aka the Division of Correctional Industries within the New York State Department of Corrections and Community Supervision)***

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

**February 12, 2024**

About the Correctional Association of New York

Established in 1844, the Correctional Association of New York (CANY) is a vital oversight agency for New York's prison system. Granted authority under §146 of the State's Correction Law, CANY provides oversight of state correctional facilities to identify and report on living and working conditions, the treatment of incarcerated individuals, and the status of policy implementation. In 2021, state law strengthened CANY's authority to visit and report on prisons, which provides for access to any facility with 72-hour notice, confidential communication with staff and incarcerated individuals, an ability to operate a hotline for reporting conditions, and the authority to gather information from incarcerated people about their experiences through surveys.

CANY's impact in 2022 and 2023 includes:

- In-person monitoring at 25 facilities, interviewing over 1,400 incarcerated individuals and meeting with hundreds of security, program, medical, mental health, executive, and other staff members.
- 13 Post-Visit Briefing reports on specific facilities and issue-based reports on the HALT Solitary Confinement Law, the grievance process in prisons, and COVID-19 and vaccine hesitancy (see [www.correctionalassociation.org/reports](http://www.correctionalassociation.org/reports)).
- Dashboards on incarcerated individuals under custody, unusual incidents in prisons, and deaths in custody (see [www.correctionalassociation.org/data](http://www.correctionalassociation.org/data)). This data is processed from 42 administrative datasets accessed through FOIL and seeks to empower policymakers, advocates, staff, and families to better understand conditions in prison.
- Comprehensive policy recommendations submitted to the Department of Corrections and Community Supervision and a policy agenda for new and existing legislation presented to

the legislature and executive (see [www.correctionalassociation.org/recommendations](http://www.correctionalassociation.org/recommendations), <https://www.correctionalassociation.org/testimony-current-year/2023-policy-agenda-existing-legislation>, and <https://www.correctionalassociation.org/testimony-current-year/2023-policy-agenda-new-proposals>).

- Engagement with more than 500 individuals by phone or written correspondence about conditions inside prisons.

While CANY does not provide oversight of state procurement processes or governmental operations at large, our oversight of the state's prisons offers context and insight into the history and current functioning of prison industry or Corcraft, whose stated mission is to "to employ incarcerated individuals in real work situations, produce quality goods and services at competitive prices and deliver on time at a minimal cost to the taxpayer."<sup>1</sup>

### History of Correctional Industries in the State's Prisons

Established in 1893 as the Division of Industries at Auburn Correctional Facility, which is the oldest continually operating prison in North America, the program was designed to "manufacture articles and goods using incarcerated individual labor" for public entities and charitable organizations in New York. Originally intended as a reform that went hand in hand with a constitutional amendment banning so-called convict leasing in New York, part of the program's purpose was to allow incarcerated individuals a chance to learn marketable skills and work habits for re-entry and release, while preserving the ability of local manufacturers and others to compete with the cheap products and services provided by the low cost of labor afforded by convict leasing.<sup>2</sup>

Despite prohibiting the practice of convict leasing for private entities in 1883, the state preserved its ability to use incarcerated labor for state and public institutions. This practice, described as "slave" labor by the Correctional Association in 1885,<sup>3</sup> allowed Auburn to be the first prison in the country to turn a profit by leasing the labor

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<sup>1</sup> "About Us: Mission and Goals." Corcraft Products, New York Department of Corrections and Community Supervision (DOCCS). HYPERLINK "<https://corcraft.ny.gov/about-us>"<https://corcraft.ny.gov/about-us>

<sup>2</sup> DOCCS Directive 6922. "Division of Correctional Industries (Corcraft)." April 15, 2022. [https://doccs.ny.gov/system/files/documents/2022/04/6922\\_1.pdf](https://doccs.ny.gov/system/files/documents/2022/04/6922_1.pdf)

<sup>3</sup> Berrigan, James. "The End of Contract Labor and its Effects on the New York State Legal System in the Nineteenth Century." The NYC Criminal. November 15, 2015. <https://nyccriminal.ace.fordham.edu/?p=78>

of incarcerated people to local manufacturers.<sup>4</sup> The state extended the exception to include nonprofit organizations in 2009.<sup>5</sup>

### Industry in Prisons Today: Corcraft

Corcraft operates industry programs at 16 state prisons and pays incarcerated individuals wages ranging from at most 65 cents an hour and the lowest 16 cents per hour, with the possibility of bonus pay for meeting production targets as a unit. According to a report by the Legal Aid Society, Corcraft collected \$65 million in annual revenue in FY 2018, and \$340 million in revenue from state agencies from FY 2010 – FY 2018.<sup>6</sup>

In addition to manufacturing a wide range of goods for the state, including the state's license plates, road signs, textiles, and furniture for schools and government offices, Corcraft's incarcerated workers also perform a range of services for the state and localities including the operation of recycling facilities for certain municipalities, asbestos abatement services for other state agencies, and call centers for the state's Department of Motor Vehicles.<sup>7 8</sup>

Corcraft goods and services produced across the state include:

- Textile: manufacturing incarcerated individuals' clothing, mattresses, pillows, and other specialty items (Clinton, Coxsackie, Eastern, Franklin, and Shawangunk)
- Metal: fabricating a variety of steel and aluminum products such as road signage, shelving, waste receptacles, desks, fireplace grills, lockers, security products, fire hydrant caps, and historical markers (Albion, Attica, Eastern, Fishkill, and Elmira)
- Wooden: creating wooden goods such as furniture and pallets (Auburn and Otisville)

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<sup>4</sup> Auburn Prison. "Auburn Prison Ledgers." 1904-1905, 1920. Syracuse University Library. [https://library.syracuse.edu/digital/guides/a/auburn\\_prison.htm](https://library.syracuse.edu/digital/guides/a/auburn_prison.htm)

<sup>5</sup> NY Const art III § 24. <https://law.justia.com/constitution/new-york/article-iii/section-24/>

<sup>6</sup> DOCCS Responsive Records." The Legal Aid Society. <https://legalaidnyc.org/wp-content/uploads/2020/03/DOCCS-19-09-243-Responsive-Records.pdf>

<sup>7</sup> DOCCS Directive 6922. "Division of Correctional Industries (Corcraft)." April 15, 2022. [https://doccs.ny.gov/system/files/documents/2022/04/6922\\_1.pdf](https://doccs.ny.gov/system/files/documents/2022/04/6922_1.pdf)

<sup>8</sup> "Price and Specification Guide." Corcraft Products, New York Department of Corrections and Community Supervision (DOCCS). October 2023. <https://shop.corcraft.ny.gov/corcraftassets/Brochures/Price%20Guide.pdf>

- Chemical: producing a variety of cleaning products including floor wax, bus wash, neutral cleanser, and degreaser (Great Meadow)
- DMV Call Center: operating customer service call center for DMV concerns such as license insurance and car registration (Greene and Bedford Hills)
- License Plates: producing the license plates for NYS DMV as well as other municipalities like police and sheriff departments (Auburn)
- Other Specialized Shops: engraving of signs and badges (Albion), printing of forms and logbooks (Elmira), manufacturing prescription eyewear (Walkill), and creating NYC Police Department road barricades (Otisville)<sup>9</sup>

CANY observes industry programs in operation during monitoring visits to the state's prisons. During one such visit to Eastern New York Facility in March 2023, CANY representatives observed bustling factory-like settings where incarcerated workers manufactured mattresses used in college dormitories across the state. When CANY visited Great Meadow in 2021, monitors took note of the Corcraft factory that produced hand sanitizer for the state during the COVID-19 emergency. At Auburn, in October 2023, a CANY monitor noted observations of the license plate factory at the prison:

*The industry building is old and antiquated and the industry shops are operating dated machinery to create items for the state, including license plates for vehicles and state furniture. The team observed the use of a machine made to imprint letters and numbers on license plates, which required the plate to be inserted by one individual, stamped (using plates that must be changed rapidly during the process) by another individual and then removed from the machine by a third individual. A fourth individual ensures that there are enough new plates on hand to feed the process. The work was repetitive and seemed to have little application or use outside of the prison. The machine was believed to be 90 years old.*

*Incarcerated individuals who were working on the machine noted several concerns with the nature of being in an industry job – low wages with the highest being \$1.20 an hour if granted a bonus – a lack of regular bonus for meeting target assignments with little*

<sup>9</sup> DOCCS Directive 6922. "Division of Correctional Industries (Corcraft)." April 15, 2022. [https://doccs.ny.gov/system/files/documents/2022/04/6922\\_1.pdf](https://doccs.ny.gov/system/files/documents/2022/04/6922_1.pdf)

*explanation given for when a bonus is not met – a lack of being able to participate in other programs, because of being assigned to industry and industry counting as the satisfaction of a “program.”*

### Prison Wages and Mandatory Program Assignments

As of January 2022, there were approximately 1,100 incarcerated individuals assigned to a Corcraft job in a prison in New York State, representing about 3.5% of the total prison population, which was 30,479 in January 2022.<sup>10</sup> The vast majority of incarcerated individuals do not participate in Corcraft programs and instead access other mandatory and voluntary programs – academic, vocational, therapeutic, and other job assignments - offered in the prisons. As of January 2022, there were roughly 3,000 incarcerated individuals enrolled in vocational programs, 6,000 in educational programs, and almost 14,000 individuals with other job assignments which support the operations of the prison itself – for example, working in the mess hall, providing maintenance of the facility, assisting with the cleaning and upkeep of the prison, and providing support for the operation of prison grievance processes and law libraries.<sup>11</sup>

Placement in these programs is determined by the procedure outlined in DOCCS’ Guidance and Counseling Directive, #4401. Program assignments are made based on assessed need. If an incarcerated individual refuses an assignment to a program, they are advised that the refusal can result in the denial of Parole, the loss of Good Time, denial of Limited Credit Time Allowance (LCTA), denial of a Merit Time, Presumptive Release, and/or Earned Eligibility Program certificate, ineligibility for an area of preference transfer, or continued placement in Proximity to Minor Child. In addition, refusal to participate may affect placement in a program and/or reduction in pay/grade assignment, earned housing, and the Family Reunion Program.<sup>12</sup>

Pay rates are determined by DOCCS Directive #4802 - Incarcerated Payroll Standards, which sets wages for industry, food service and non-industry jobs, as well as the parameters for pay raises based on experience and longevity. Overall, the pay rates range from 10 cents an hour to 65 cents an hour.<sup>13</sup>

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<sup>10</sup> DOCCS Program Enrollment, Acquired by CANY via the Freedom of Information Law

<sup>11</sup> DOCCS Program Enrollment, Acquired by CANY via the Freedom of Information Law

<sup>12</sup> DOCCS Directive #4401, Guidance and Counseling

<sup>13</sup> DOCCS Directive #4802, Discipline, Incarcerated Payroll Standards

Incarcerated individuals in Corcraft programs can also receive pay bonuses for productions, that are calculated as multiplier to an individual's set wage. As a result, many view participation in Corcraft programs as an incentive as they provide the highest possible wages in prison and serve as a bulwark against the rising cost of living in prison.<sup>14</sup> At Albion CF, which CANY visited in June 2022, one incarcerated worker expressed appreciation for being paid a higher wage as a welder for Corcraft as well as access to an industry certification from the program. She was assembling metal grills that would be installed in city and state parks.

### Cost-Benefit

Taken holistically, certain industry programs can provide some value for incarcerated individuals and might provide some cost savings for the state and local governments. Policymakers would benefit from an in-depth analysis of the costs associated with operating Corcraft programs to understand the extent to which the goods they produce actually confer savings to the state, and whether the skills they provide the incarcerated workforce are transferable to the modern-day labor market.

CANY urges the legislature to act in the short term to help alleviate long-stagnant prison wages by supporting any increase in prison wages for incarcerated individuals – including measures like the “Prison Minimum Wage Act” to increase wages to a minimum of \$3 per hour<sup>15</sup> and the Jails to Jobs measure introduced by the Governor in the past year to improve re-entry into the workforce and reduce recidivism.<sup>16</sup> CANY also supports the initiative in this year's executive budget to increase the amount of funds, or “gate money,” provided to incarcerated individuals from \$40 to \$200. At the very minimum, New York State should pay incarcerated people a fair wage for their work.

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<sup>14</sup> Inflation is putting food out of reach in New York Prisons. New York Focus. (2023, April 11). <https://nysfocus.com/2023/04/11/prison-package-ban-inflation-hunger>

<sup>15</sup> New York State Senate. (2023, January 20). An act to amend the correction law, in relation to enacting "the prison minimum wage act" (S.2345). Retrieved from <https://www.nysenate.gov/legislation/bill/2023-S2345>

<sup>16</sup> "2023 Joint Legislative Budget Hearing on Public Protection." Correctional Association of New York. February 7, 2023. [https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63ebc1760c658627f530c938/1676394870883/2023\\_Testimony-NewYorkLegislativeBudgetHearingonPublicProtection.pdf](https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/63ebc1760c658627f530c938/1676394870883/2023_Testimony-NewYorkLegislativeBudgetHearingonPublicProtection.pdf)