

State agency reverses itself on missing records; data confirm nursery's decline

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New York State corrections officials reversed course and released more than 200 pages of documents detailing operations at a prison nursery program after claiming earlier that only a single page could be located in response to a New York World records request.

The documents were provided on March 2, weeks after the state Department of Corrections and Community Supervision (DOCCS) provided only a single page of records in response to a records request filed in July 2014.

The additional documents were discovered after the World appealed the department's original response.

The nursery at Bedford Hills Correctional Facility for Women in Westchester allows inmates to keep their newborns with them behind bars for up to a year and a half. The nursery has also served as a model for programs in 10 other states.

The World first reported on dwindling use at the state nursery and a similar city-operated program at the Rikers Island jail in [October 2014](#).

The newly released records confirm that nursery usage at Bedford Hills has declined by 55 percent in the past seven years, despite research from academics and DOCCS that revealed that participation in the program can significantly cut recidivism. The overall female prison population declined by 16 percent over that time period.

While none of the records cover the full decade requested and are largely incomplete and heavily redacted, they do provide a glimpse into dwindling participation at the nursery.

In the late 1990s, an average of nearly 100 inmates participated in the state nursery program annually at Bedford Hills and at the now defunct nursery at neighboring Taconic Correctional Facility. By 2014, that figure dropped to 22.

DOCCS officials have still not provided responses to basic questions such as how many inmates were accepted or denied admission into the state's nursery program, or how many inmates were removed from the program for punitive reasons.

Some records refer to inmates being discharged from the nursery for "disciplinary sanctions," but none offered a running tally of how many times this occurred or what kinds of infractions were committed.

One June 2014 report states that three inmates were removed from the Bedford Hills nursery for unspecified disciplinary reasons and makes no note of what ultimately happened to their infants. The same report states that the nursery, which is equipped for 27 mother-baby pairs, had only 11 participants at the end of that quarter.

The department has still not provided a comprehensive figure for how many inmates appealed their denials and how many of those appeals were ultimately successful, or how long the agency took to process applications. Both of those issues arose in lawsuits filed in court to contest inmates' rejections to participate in the nursery program.

In addition to the newly discovered documents the DOCCS press office also provided responses to questions submitted by the World back in August 2014 regarding the nursery program.

While Taylor Vogt, a DOCCS spokeswoman, did not provide comment specifically on the nursery's decline or the nature of denials, she wrote, "the number of admissions is reflective of the number of women who are pregnant at the facility" and that "guidelines dictate who is admitted."

State law mandates women accepted into the program only be physically fit and that participation be in the best interests of the child, but correction officials have typically exercised more discretion based on subjective factors.

Vogt provided a page from a prison manual outlining additional criteria such as an inmate's past parenting history, "the number of opportunities she has had to better her situation, and her expressed attitudes toward her unborn child.'

A long sentence and any disciplinary sanctions while incarcerated can also lead to denials and noted officials will place "great scrutiny" on "arson, assault and child abuse" as well as "prior incarceration with poor adjustment."

Vogt did not offer an explanation as to why it took the department 7 months to respond to questions from the World.

Records show the agency granted physical access to the nursery to six different media outlets in 2013 alone, resulting largely in positive stories. Among them was ABC's "Nightline," which featured interviews with nursery mothers inside the facility.