



NEW YORK CITY
BOARD OF CORRECTION

February 9, 2016 Public Meeting Minutes¹

MEMBERS PRESENT

Stanley Brezenoff, Chair
Derrick D. Cephas, Esq., Vice Chair
Gerard W. Bryant, PhD.
Robert L. Cohen, M.D.
Honorable Bryanne Hamill
Jennifer Jones Austin, Esq.

Michael Regan, Stanley Richards, Steven M. Safyer, M.D.: Absent

Martha W. King, Executive Director

DEPARTMENT OF CORRECTION

Joseph Ponte, Commissioner
Martin Murphy, Chief of Department
Cynthia Brann, Deputy Commissioner
Timothy Farrell, Deputy Commissioner
Peter Thorne, Deputy Commissioner
Winette Saunders, Deputy Commissioner
Dina Simon, First Deputy Commissioner
Heidi Grossman, Deputy Commissioner
Nora Reissig, Assistant Commissioner
Angela Tolosa, Assistant Commissioner
Errol Toulon, Jr., Deputy Commissioner of Operations
James Walsh, Deputy Commissioner of Adult Programming
Gregory Kuczinski, Acting Deputy Commissioner
Brenda Cooke, Executive Agency Counsel
Danielle Leidner, Director for Intergovernmental Affairs
Jeff Thamkittikasem, Chief of Staff
Karen Collins, Assistant Chief

¹ At its public meeting on March 8, 2016, the Board of Correction voted to approve these minutes

Marisa Alberti, Policy Analyst
America Canas, Senior Policy Advisor
Anna Marzullo, Senior Policy Advisor
Eve Kessler, Director of Public Affairs
Carleen McLaughlin, Director of Legislative Affairs and Special Projects
Faye Yelardy, Director of Special Projects
Frances Taormina, Project Management Analyst
Charlton Lemon, Warden
Marsha Elbourne, Captain
Leandro Callado, Correction Officer
Rina Desai, Grant Writer
Mackenzie Dancho, Intern

HEALTH AND HOSPITALS CORPORATION/CORRECTIONAL HEALTH SERVICES

Ramanathan Raju, President
Homer Venters, M.D., Assistant Commissioner, Bureau of Correctional Health Services
Ross MacDonald, M.D., Medical Director
Patsy Yang, DrPH, Executive Deputy Commissioner and Chief Operating Officer
Levi Fishman, Associate Director of Public Affairs
Ian Michaels, Director of Media Information
Eric Orner, Director of External Communications
Nathaniel Dickey, Special Assistant

OTHERS IN ATTENDANCE

Carly Baetz, Ph.D., Mount Sinai Beth Israel
Rolake Bambose, Brick City Journalist
Natalie Block-Levin, Jails Action Coalition (JAC)
Christopher Branson, New York University
Christina Bucci, Nunez Monitor
Gina Bull, Office of the Public Advocate
Dahiana Castillo, Office of Management and Budget (OMB)
Joyce Conley, The Moss Group
Laurie Davidson, Doctors Council SEIU
Kelsey De Avila, Brooklyn Defenders Services (BDS)
Riley Doyle Evans, Brooklyn Defender Services
Ellen Eng, Financial Analyst, New York City Council (NYCC)
Ruthie Epstein, New York Civil Liberties Union (NYCLU)
Cassandra Golden, OMB
Karen Imas, Doctor's Council
Sarah Kerr, Legal Aid Society (LAS)
Deandra Khan, NYCLU
Victoria Law, Independent
Laura Limuli, BOC Director of Research, Emeritus
Jeff Mailman, NYCC
Amanda Masters, NYC Public Advocate – Hon. Letitia James
Elizabeth Mayers, JAC

Kathleen McKenna, Bronx Defender Services
Jeanette Merrill, NYCC
Jennifer Parish, Urban Justice Center /JAC
Shevani Patel, Mayor's Office of Operations
Kathryn Pliml, BDS
Charlotte Pope, Children's Defense Fund-NY
Steve Riester, NYC Council, Finance Division
Marc Steier, Correction Officers' Benevolent Association
Michelle Zhang, Children's Rights

January 12, 2016 Meeting Minutes

The Chair asked for a motion to approve the January 12, 2016 Meeting minutes; a motion was made and seconded. Member Hamill voiced two corrections to the minutes: (1) the date by which the Department of Correction (“Department”) must present the Board with the details on the TRU and SCHU units is February 12, 2016, not February 16, 2016; and (2) the date by which the Department must eliminate punitive segregation for young adults was extended by three months, not six months. The Chair asked for a vote on approving the minutes as amended and they were approved unanimously (Chair Brezenoff, Vice Chair Cephas, and Members Jones Austin, Cohen and Hamill).

NYC Health+Hospitals (“H+H”) Update

Upon greeting the Board, H+H President and CEO, Dr. Ramanathan Raju, said that he and his team are working to ensure health care for patients in the Department’s custody is of the same quality as that provided in the community. He apologized that he could not stay for the entire meeting.

Dr. Patsy Yang provided the rest of H+H’s update, including the successful transition of correctional healthcare from Corizon Health to H+H.

Member Cohen asked Dr. Yang about the recent suicide of Mr. Perez-Rios — specifically, whether he had been afforded timely access to mental health care, and more broadly, whether there were a sufficient number of officers to escort inmates to scheduled health care appointments. Dr. Yang responded that H+H had initiated a review of Mr. Perez-Rios’ tragic death and later this week, would be meeting with the Department to share findings and discuss preventive measures going forward. Dr. Homer Venters added that H+H is increasing its efforts to reschedule missed appointments and also reviewing whether to make health care delivery less dependent on inmates being brought to the clinic for services.

Member Cohen asked Dr. Venters about the feasibility of mini clinics. In response, Dr. Venters said there are some mini clinics, but there are other important aspects of healthcare design to consider. He said that some facilities, such as EMTC, have implemented innovations on their own.

Dr. Venters provided an overview of the recently published article in the *International Journal of Environmental Research and Public Health* that he and his colleagues at H+H had authored. The article discusses the results of the authors’ study of the Clinical Alternatives to Punitive Segregation (CAPS) model at Rikers. The study concludes, among other things, that CAPS is a costly, but effective alternative to solitary confinement in jail settings.

Member Hamill asked whether the lessons learned through CAPS could be applied to young adults some of whom engage in challenging behavior. Dr. Venters responded affirmatively in that the CAPS study supports engagement and programming over punishment. In response to Member Hamill’s further inquiry, Dr. Venters said that Dr. Ford is working closely with the

Department on designing programs for young adults. He also opined that it is important to have some form of due process in place so that this age group understands why they were assigned to restrictive housing and what rules they must follow in order to return to the general population.

Member Cohen observed that there are not many inmates in CAPS and asked how utilization of this unit could be increased. Dr. Venters replied that one side of the unit was temporarily closed in order to re-train staff. H+H also wants to open up CAPS to people with lower levels of mental illness so that they can avoid committing infractions and stay mentally healthy while incarcerated.

Member Bryant asked if H+H had looked into how inmates released from CAPS were doing. Dr. Venters responded that one challenge confronting H+H is that many patients, whose mental health improved while in CAPS, do not want to leave the unit for fear that their condition will deteriorate once they are returned to general population.

Member Hamill asked what H+H is doing to reduce violence among adolescent inmates. Dr. Venters discussed addressing the persistently aggressive behavior of adolescents, who individually commit violence acts, by housing them together (e.g., in the Second Chance Housing Unit) and working with them as a group to improve their behavior.

Department of Correction Update

► Young Adult Plan Update

Chair Brezenoff asked for a report from the Department. After thanking H+H for its assistance with development of the Young Adult Plan, Jeff Thamkittikasem reported that the Department plans to transfer all young adults into GMDC by the end of May 2016. The Department is working on increasing the facility's camera coverage, providing additional training, including dialectical behavioral therapy (DBT), to staff who will be assigned to steady posts at GMDC, and adding three more programs (including one provided by the Horticultural Society) to the programs already operating in nine other housing areas.

Member Hamill thanked the Department for the progress it has made toward implementing its Young Adult Plan. She inquired about the new punitive segregation unit for young adults in OBCC and the challenges the Department faces once punitive segregation is eliminated for this age group. In response, Deputy Commissioner Saunders said the Department is working on anger management programming and involving service providers who have experience working with gang-affiliated youth. She also updated the Board on a new program pursuant to which electronic tablets are provided to adolescents as an incentive to engage in good behavior, for educational support, and as a way of reducing idleness. Currently, 75 tablets are circulating among male and female adolescents at RNDC, GMDC, and RMSC.

In response to Member Hamill's inquiry about escort staffing, Commissioner Ponte said his team would be studying staffing from the ground up, starting with GMDC, to make the most of

Department resources. Member Bryant asked when dialectical behavioral therapy would begin. Deputy Commissioner Saunders responded that training would likely commence in late March.

► **Discussion of Administrative Segregation**

Chair Brezenoff asked for a discussion of administrative segregation. Chief Murphy explained that administrative segregation is the same as general population, except that inmates are escorted to and from services. The Chief gave examples of inmates who might be placed in administrative segregation. Member Cohen asked whether the tracking form used in CPSU and other restrictive housing areas to track inmates' access to mandatory services should also be used to track and ensure access for inmates in administrative segregation. Mr. Thamkittikasem responded that the Department is working on an inmate tracking system that will use barcodes to track all inmates' access to services.

Member Hamill asked whether the Department has a written policy on administrative segregation; Chief Murphy responded that a description of it is set forth in the Department's housing classification directive. In response to Member Hamill's further inquiry, the Chief stated that (1) the Warden and the Operations Security Intelligence Unit (OSIU) decide who is placed in administrative segregation; (2) the goal is for inmates to improve their behavior, resulting in their eventual transfer to general population; (3) formal placement reviews are not conducted; nor is there a minimum or maximum length of stay; (4) and due process in connection with placement in the unit is not provided since inmates' movement or access to services is not in any way restricted; and (5) the Warden, in conjunction with OSIU, decide whether and when inmates can be transferred to general population.

Vice Chair Cephas asked whether inmates view placement in administrative segregation as punishment. Chief Murphy responded that some inmates may see it that way because there is more officer supervision. Member Cohen said that whenever he has visited these units, inmates ask him why they are there and object to being there. Member Hamill said that young adults in administrative segregation have been denied contact visits and access to the law library. The Chief responded that when that has occurred, he corrected it on the spot and informed the Warden that such across-the-board restrictions are prohibited.

► **Clinic Restraints Protocol**

Chair Brezenoff asked the Department and H+H for a report on the recently implemented clinic restraints protocol. Mr. Thamkittikasem reported that the Department's initial teletype embodying the protocol was an emergency response to an inmate's stabbing of an officer in the clinic. Since that incident, the Department had been working with H+H to clarify the protocol. Dr. Venters added that H+H and the Department had a productive discussion which led to their working together in editing the policy. He explained that H+H conducts a medical review of inmates in connection with their placement on enhanced restraint status; these inmates are among those subject to the clinic restraints protocol.

Member Hamill asked whether inmates placed on enhanced restraint status receive reviews of their status. Chief Murphy responded that health care providers review their status monthly and advise the Department whether their status should be modified. In addition, OSIU reviews their status every 28 days. Member Cohen said that inmates are not aware of this review or that they can seek a hearing. The Chief responded that inmates can appeal their placement on enhanced restraints and present evidence in support of their appeal.

Adolescent and Young Adult Committee Update

Chair Brezenoff asked Member Hamill to report on the ad hoc Young Adult and Adolescent Committee. Given the Department's earlier update on the Young Adult Plan and the ensuing discussion, Member Hamill stated that did not have anything to add.

Violence Committee Update

Chair Brezenoff asked Member Cohen to report on the ad hoc Violence Committee. Member Cohen reported that the Committee had met with the Department's Correctional Intelligence Bureau to gain an understanding of the Bureau's work. The Committee also met to review utilization of housing units such as administrative segregation.

Member Cohen added that he is a member of the Board's ad hoc Prison Rape Elimination Act (PREA) Committee whose work is related to that of the Violence Committee given that sexual violence is a subset of violence. He said the PREA Committee has met with many stakeholders, including the Department.

Member Cohen also noted that Board staff had published another report on punitive segregation overrides and that the Board would continue its discussions with the Department on this issue.

Discontinuing Variances

Chair Brezenoff said the Board would now vote on discontinuing variances that the Board's rule-making had rendered moot. Although the Board had invited the public to comment on this proposed action, no one elected to comment.

(1) Commingling of Adolescent Inmates at RNDC

The first variance concerns the commingling of sentenced and detainee inmates at RNDC. Vice Chair Cephas moved the item and Member Hamill seconded. All members present (Chair Brezenoff, Vice Chair Cephas and members Hamill, Cohen, Jones Austin, and Bryant (who entered the Meeting after it had commenced) voted in favor of discontinuing the variance. Accordingly, [the variance was discontinued](#).

(2) Commingling of Pregnant Inmates at RMSC

The second variance concerns the commingling of sentenced and detainee inmates, who are pregnant and housed at RMSC. Vice Chair Cephas moved the item and Member Jones Austin seconded. Thereafter, Member Cohen asked the Department to prepare for a discussion about the

care of pregnant inmates and those who have recently given birth while in DOC custody. All members present voted in favor of the motion. Accordingly, [the variance was discontinued](#).

(3) Variance re Limited Recreation for Inmates in the Communicable Disease Units at West Facility

The third and final variance concerns recreation for inmates in the communicable disease units at West Facility. Vice Chair Cephas moved the item and Member Bryant seconded. All members in attendance voted in favor of the motion. Accordingly, [the variance was discontinued](#).

General Comments

Chair Brezenoff opened the general public comment period. Comments were provided by Chris Branson (NYU). The public comment period can be viewed here: <https://youtu.be/gdMsEq0fNK0?t=4434>. At the completion of the general comment period, Chair Brezenoff announced adjournment of the Meeting.