



**NEW YORK CITY
BOARD OF CORRECTION**

September 10, 2019 PUBLIC MEETING MINUTES

MEMBERS PRESENT

Jacqueline Sherman, Interim Chair
Robert L. Cohen, M.D.
Hon. Bryanne Hamill
Florentino Hernandez
James Perrino
Steven M. Safyer, M.D.

Michele M. Ovesey, Acting Executive Director

MEMBERS ABSENT

Stanley Richards, Vice-Chair
Jennifer Jones Austin, Esq.
Michael J. Regan

DEPARTMENT OF CORRECTION (DOC)

Cynthia Brann, Commissioner
Brenda Cooke, Chief of Staff
Hazel Jennings, Chief of Department
Heidi Grossman, Deputy Commissioner for Legal Matters/General Counsel
Peter Thorne, Deputy Commissioner of Public Information
Kwame Patterson, Assistant Commissioner
Patricia Feeney, Deputy Commissioner of Quality Assurance and Integrity
Dana Wax, Deputy Chief of Staff
Steven Kaiser, Executive Director of Policy and Intergovernmental Affairs
Justin VonBujdoss, Executive Director of Chaplaincy and Staff Wellness
Diana Gutierrez, Executive Director
Joseph Caputo, Acting Warden
Kenneth Stukes, Bureau Chief
Becky Scott, Bureau Chief
Nancy Li, Policy Analyst
Julia Szendro, Policy Analyst
Shayla Mulzac, Press Officer

NYC HEALTH + HOSPITALS (H+H)-CORRECTIONAL HEALTH SERVICES (CHS)

Patsy Yang, DrPH, Senior Vice President
Ross MacDonald, MD, Chief Medical Officer, Assistant Vice President
Benjamin Farber, Chief of Staff
George Axelrod, MD, Director of Health Information & Risk Management

OTHERS IN ATTENDANCE

Keith Zobel, NYS Commission of Correction (SCOC)
Allen Riley, SCOC
Tim Roche, Administration for Children's Services (ACS)
Zandra Graham, ACS
Stephanie Gendell, ACS
Charles Parkins, ACS
Nora Daniel, ACS
Joan Tannenbaum, ACS
Max Cantarero, ACS
Jennifer Neal Clark, ACS
Misaël Syldor, Independent Commission on NYC Criminal Justice and Incarceration Reform
Jennifer Parish, Urban Justice Center (UJC)
Nikki Tourigny, UJC
Victoria Phillips, UJC/Jails Action Coalition (JAC)
Elizabeth Meyers, JAC
Kayla Simpson, Legal Aid Society Prisoners' Rights Project (LAS)
Mary Lynne Werlwas, LAS
Nancy Ginsburg, LAS
Kelsey De Avila, Brooklyn Defender Services (BDS)
Simone Spirig, BDS
Irene Cedano, BDS
Julia Solomons, Bronx Defenders
Jane Stanicki, Hour Children
Julia Davis, Children's Defense Fund
Elias Husamudeen, Correction Officers' Benevolent Association (COBA)
Marc Steier, COBA
Fredrick Fusco, COBA
Britton Alston, COBA
Tyson Jones, COBA
Mark Mack, COBA
Peter Butler, NYC Council
Alana Sivin, NYC Council
Abigail Besler, NYC Council
Christopher Boyle, New York County Defenders Services
Andrea Nieves, New York County Defenders Services
Caroline Shea, New York Criminal Justice Agency
Freya Rigterink, NYC Mayor's Office
Wendell Walters, Osborne Association
Winston Nguyen, Independent
Chavell Robinson, Independent
Valentina Morales, Fedcap Rehabilitation Services, Inc.
Dana Rand, Fedcap Rehabilitation Services, Inc.
Charles Fenimore, NY Campaign for Alternatives to Isolated Confinement (CAIC)
Ryan Brown, HALT Solitary Campaign
James Meagher, Safe Horizon
Vidal Guzman, Just Leadership USA
Harvey Murphy, Just Leadership USA
Sarita Daftary-Steel, Just Leadership USA
Ben Fractenberg, THE CITY
Courtney Gross, Spectrum News NY1

Approval of July 9, 2019 Minutes

Dr. Cohen requested an amendment to the draft July 9, 2019 Board Meeting minutes to reflect his comment that it is important for DOC to investigate all serious injuries. The Interim Chair asked for a motion to amend the minutes as indicated by Dr. Cohen. After Judge Hamill moved the item and Member Perrino seconded, the amended minutes were unanimously approved (Interim Chair Sherman and Members Cohen, Hamill, Hernandez, and Perrino).

Announcements and Updates

► Introduction of Acting Executive Director

The Interim Chair introduced Acting Executive Director, Michele M. Ovesey (“Acting ED Ovesey”), explaining that she has been the Board’s General Counsel since 2015 and continues in that role as well. Prior to joining the Board, Acting ED Ovesey was General Counsel and then Commissioner of the NYC Department of Homeless Services. Interim Chair Sherman expressed the Board’s gratitude to Michele for stepping into this role, saying that she has already provided the Board’s exceptional staff with strong leadership and that the Board is confident that she will continue to do so as it undertakes a national search for the next Executive Director. On August 21, the Board publicly posted the job description for Executive Director on its website. The posting seeks an accomplished leader with a demonstrated commitment to criminal justice to play a significant role in efforts to reform the City’s correctional system at a time of unprecedented visibility and urgency.

► Heat Emergency Report¹

Acting ED Ovesey stated that on September 9, 2019, the Board published its final report and recommendations on jail conditions and operations during the July 2019 heat emergency. This report is a follow-up to the July 22, 2019 preliminary findings,² and recommends improvements in four key areas: (i) daily temperature monitoring; (ii) heat-sensitive people in custody; (iii) restrictive housing areas such as Punitive Segregation (PSEG) and Enhanced Supervision Housing (ESH); and (iv) short- and long-term action to mitigate heat risks.

The Board’s ultimate conclusion is that the problem is one of infrastructure. There is a lack of capacity to ensure humane conditions for all people in custody and people who work in the jails during hot weather. The report recommends the City intensify its already-impressive efforts to decrease the jail population, while exploring capital spending now to expand air conditioning in the jails. Acting ED Ovesey thanked the Department of Correction (“DOC” or “Department”) and Correctional Health Services (“CHS”) for their dedicated efforts during the heat emergency and their responsiveness to the Board’s questions and concerns.³ She also thanked the Board’s staff – Bennett Stein, Emily Turner, Sherie Tripp, Katrina Blackman, and Christin Harris – for assisting in this effort.

► Update on Punitive Segregation (“PSEG”) Overrides

¹ The Board’s report titled, *NYC Jail Conditions and Operations during July 2019 Heat Emergency Final Report and Recommendations* (September 2019) is published here: <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/BOC-Heat-Report-and-Recommendations-2019-09-09.pdf>

² The Board’s press statement titled, *NYC Jail Conditions and Operations During Heat Emergency* (July 2019) is published here: <https://www1.nyc.gov/assets/boc/downloads/pdf/News/Final%20Public%20Statement%20re%20Heat%20Emergency%20-%20Released%207.22.19.pdf>

³ The Department’s Response to the Board’s Report on NYC Jail Conditions and Operations During July 2019 Heat Emergency is available here: <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/BOC-Heat-Report-DOC-Response.pdf>

Acting ED Ovesey stated that since the 2015 amendments to the Board's Minimum Standards, the number of 60-day overrides requested and approved has decreased substantially. From fiscal year 2016 to fiscal year 2019, the number of overrides requested declined by 80%, from 168 to 34 requests. In the last year (fiscal year 2018 to fiscal year 2019) there was a 53% decrease, from 72 to 34 requests. In the first quarter of 2019, the Department approved only 2 override requests, the lowest number since it began using overrides.

► Task Force on Issues Facing Transgender, Gender Non-Conforming, Non-Binary, and/or Intersex People

Acting ED Ovesey announced that the Board is convening a task force on issues facing transgender, gender non-conforming, non-binary, and/or intersex people in the jails. The Board is honored that the City Council selected it to lead this important effort. The task force will include government and community representatives. Board staff has done significant outreach work already, and the Board is accepting taskforce member nominations from the community until September 15, 2019. More details on how to apply are available on BOC's website.

► Update on Restrictive Housing Rulemaking

Interim Chair Sherman reported that Board staff has engaged in productive discussions with DOC and CHS throughout the summer on restrictive housing rulemaking. The Board's rulemaking committee also convened several times to discuss drafts of the proposed rules. While the Board was not in a position to publish the proposed rules prior to this meeting, it anticipates publishing a draft of proposed rules prior to the October meeting. As a reminder, the initial vote anticipated at the October meeting will start the City Administrative Procedure Act (CAPA) rulemaking process, which will include a comment period and a hearing on the proposed rules in which the public will have a full opportunity to submit written comments and testify. Following the comment period and hearing, the Board will vote on final rules.

Commissioner Brann's Remarks Re PREA Audit

DOC Commissioner Cynthia Brann ("Commissioner Brann") announced that the Department recently achieved Prison Rape Elimination Act ("PREA") compliance after passing an official audit at Rose M. Singer Center ("RMSC") conducted by a Department of Justice-certified PREA auditor. She reported that this is the first time a DOC facility has passed an audit and achieved PREA compliance. The auditor determined that DOC exceeded standards in four critical areas: 1) Ensuring individuals with disabilities or limited English proficiency have equal access to PREA related materials and initiatives; 2) Educating all detained persons about their right to be free from sexual abuse through the Department's zero tolerance policy; 3) Providing multiple safe avenues for the reporting of sexual abuse; and 4) Investigating all incidents of sexual abuse thoroughly, promptly, and objectively. Commissioner Brann said that in the report, the auditor repeatedly highlighted the knowledge and dedication of RMSC staff—in particular the facility Warden—and the PREA Investigations Division team. She said that RMSC's successful audit is a direct reflection of DOC's commitment to meaningful and sustained sexual safety in all its jails.

Commissioner Brann stated that achieving PREA compliance has been a long-standing goal of DOC, and that since late 2014, the Department has worked with The Moss Group, Inc. to improve sexual safety across all facilities. Important initiatives have included: 1) Creation and full staffing of a PREA investigation and compliance team within the Investigations Division; 2) Implementing a comprehensive PREA policy focused on inmate safety; 4) Delivering initial and refresher PREA training to all uniformed, non-uniform volunteer, and provider staff; 5) Providing all individuals in custody with internal and external confidential methods of reporting sexual abuse allegations; and 6) Implementing unannounced rounds of housing areas by facility leadership to identify and prevent sexual abuse and sexual harassment.

She said the Department remains committed to preventing sexual abuse through proper risk assessment and the provision of safe housing, explaining that every individual who enters DOC's

custody goes through an intake process that includes a sexual safety risk assessment. In accordance with Executive Order 16, the Department said it is committed to housing individuals by gender identity, evidenced by its first-of-its-kind transgender housing model. As noted in the PREA audit, the Department has expanded this housing unit to include individuals who are intersex and individuals who are gender non-binary. Though the name of this unit has been amended to reflect the expanded population it houses, there has been no substantive change to the operation of the unit or the services offered. Transgender, intersex, and non-binary individuals have access to the same programs, education, and health care as anyone else housed at RMSC. Commissioner Brann stated that transgender female, intersex, and non-binary individuals can also elect to be housed in male facilities as long as such housing poses no security threat.

The Department heralded the success of the PREA audit at RMSC as part of an ongoing list of PREA-related accomplishments, including a 24% decrease in the total number of sexual abuse and sexual harassment allegations in the last six (6) months, as well as successfully meeting Minimum Standard reporting requirements on the Board's public compliance dashboard. Commissioner Brann commended RMSC's hard work, and in particular Warden Suarez, who did an amazing job leading her team through this audit. She also thanked Deputy Commissioner Serena Townsend, Assistant Commissioner Faye Yelardy, Senior Correctional Administrator Prechelle Shannon, the PREA and Investigations Division units, and DOC's leadership for the ongoing commitment to sexual safety within the facilities. DOC will be sending the Board's Chair and legal counsel an email containing the PREA audit for distribution to the Board members.

Public Comment on Body Scanners and Separation Status Variance Request

On August 20, 2019, the Department submitted a variance request to the Board regarding its use of separation status housing after a body scan indicated the presence of contraband on a person or a person refused a body scan. Interim Chair Sherman said the Board considered the variance request and proposed conditions to the variance. She reported that the Department expressed concerns with some of the conditions proposed by the Board, and as of today, both agencies were unable to resolve their concerns. Accordingly, the Department withdrew its variance request this morning and said it will instead continue to issue emergency declarations and advise the Board of placements in separation status. Interim Chair Sherman said the Board will continue to post this information on its website, and that the Board looks forward to continuing its discussion with the Department.

Public comment on the withdrawn variance request was heard from Marc Steier (COBA), Elias Husamudeen (COBA), Jennifer Parish (UJC), Charles Fenimore (CAIC), Kayla Simpson (LAS), Kelsey De Avila (BDS), Victoria Phillips (UJCJAC), Winston Nguyen (Independent), Harvey Murphy (Just Leadership USA), Vidal Guzman (Just Leadership USA), and Fredrick Fusco (COBA). The public comments are available here: <https://youtu.be/hEtXB5ZsXU?t=4065>.⁴

The Interim Chair thanked the commenters and also acknowledged that DOC provided the Board with a proposed rule on body scanning and separation status. She said that as the Board considers the Department's proposal, the Board will seriously consider the public's remarks and will work to put in place a variance with conditions, including data reporting, to inform its rulemaking. Ultimately, the Board's objective is to develop a rule that acknowledges the importance of body scanners as a tool to promote safety while also protecting critical rights of people in custody.

Body Scanners and Separation Status Housing

⁴ Letters and written testimonies received by the Board are available here: <https://www1.nyc.gov/site/boc/meetings/sept-10-2019.page>

► Background

In the absence of a variance request, Acting ED Ovesey presented on the Department's use of body scanners and separation status. She described body scanners as a security tool that utilizes a low dose of ionizing radiation to conduct full body scans capable of detecting objects placed on, attached to, or secreted within a person's body. In October 2018, Governor Cuomo signed a law that allowed DOC to use body scanners in jails; they may only be used on people in custody, not staff or visitors. At the time, the Board joined DOC, City Council leaders, COBA, and a number of community-based organizations to support passage of the law, citing body scanners as an additional, necessary tool to prevent violence in the jails. In supporting the legislation, the Board said the body scanners would only be effective if used alongside the Department's other violence prevention initiatives, such as increased programming, additional staff training, further reforms to restrictive housing, and a continued city-wide commitment to reducing the jail population.

In July 2019, the Department began using body scanners on people in custody, and they are now in operation at four facilities. Everyone entering DOC custody must be scanned, and scans can also be used to detect contraband after other events. If DOC identifies contraband on a body scan (i.e., a positive scan) or a person refuses a body scan, DOC places the person into Separation Status where people are then held until they receive a negative body scan or are released from custody. Separation Status involves 24-hour lock-in, except for the offer of a daily shower. CHS conducts daily medical rounds on the Separation Status Unit. Following discussion between DOC and CHS, DOC says that it is mitigating potential health risks of Separation Status placement by requiring uninterrupted supervision of each person in this status by one correction officer at all times.

Board staff has closely monitored the Separation Status Unit since it opened on July 18, 2019, and has so far discovered the following:

- There have been 26 placements into Separation Status. Each has been documented on the Board's website, including date of placement and date of release.
- The Board reviewed placements between July 18 - August 28, 2019. Of the 19 placements, 6 (or 32%) resulted from individuals refusing to be scanned, while 13 (or 68%) were positive scans.
- Stays in Separation Status have been between 1 - 3 days, with 13 people (or 68%) having stayed for only 1 day.
- Eleven (11) (or 58%) of the 19 placements were Young Adults (ages 18 to 21).
- Nine (9) (or 47%) had a Brad-H designation, including 1 person who was placed twice.
- The unit does not have air-conditioning; however, none of the placements were of heat sensitive individuals.
- Ten (10) (or 56%) of the 18 people placed into Separation Status were Black, and the other 8 (or 44%) were Hispanic.
- According to DOC's variance request, six (6) pieces of contraband were recovered from people in Separation Status between July 15 - August 20.

DOC officers and captains who use the body scanner receive training on use of the scanner and interpretation of images. Rules of the City's Department of Health and Mental Hygiene (DOHMH) require DOC to post specific signage at all machines in English, Spanish, and any other languages DOC deems appropriate or necessary. In three (3) of the facilities, Board staff found the signage was not clearly visible to people entering the scanner, and none of the areas had visible signs in Spanish.

Acting ED Ovesey thanked the Board's Monitoring staff, in particular Sherie Tripp, and Dilcio Acosta for his tireless efforts in monitoring the day-to-day operations of the separation unit. She also thanked the Research team's Kate Horton for her excellent and informative analysis of the data the Board has gleaned so far.

► Board Discussion

Dr. Cohen recounted that he had lobbied in support of the scanners, and believes this technology is very important. However, he felt the Department's variance request involved an extreme amount of deprivation. He said the policies surrounding this practice must ensure that people are not languishing in Separation Status.

Judge Hamill said she also supports the use of the scanners and believes DOC needs this tool. However, she expressed concern that the separation process is overly restrictive and lacks due process. She remarked that she would like the Board to work closely with DOC to develop a variance with conditions that ensure the safety of everyone involved, providing dignity and due process to people in Separation Status. She said she also hopes the Board and DOC come to an agreement that includes access to daily scans if someone wants to prove they are not in possession of a weapon (e.g., if the scanner produces a false positive). She noted that she is troubled by DOC's practice of requiring another incarcerated person to search the waste of someone alleged to be in possession of contraband, as it is degrading and may preclude people from being able to work if they refuse. She suggested that this task is assigned to prison employees in the NY State system, and requested that DOC look into this issue. She also requested to hear more about how NY State and other jurisdictions use body scanners, and what their procedures are when contraband is detected.

DOC and CHS Update on Implementation of BOC Injury Reporting Rules

► Introduction

Interim Chair Sherman explained that in January 2019, the Board published a report finding an 81% discrepancy between the number of serious injuries diagnosed by CHS in 2017 and the number of serious injuries reported by DOC. The report also found systemic problems in investigating, monitoring, and preventing injuries in the jails. At its July 2019 meeting, the Board approved new rules which address deficiencies identified in its report by requiring DOC and CHS to comply with surveillance and reporting requirements. The rules took effect on August 21, 2019 and the Board requested that DOC and CHS provide an update on the implementation of these rules at this meeting.

► CHS Presentation

Benjamin Farber, CHS's Chief of Staff ("COS Farber") said that CHS has been reporting serious injuries to the Department for many years to aid DOC's investigations into serious incidents. On January 1, 2019, CHS implemented a new definition of serious injuries to support a more consistent and less subjective classification. This new definition is represented in the data that CHS has been sending to the Board. CHS also began a new coordinated electronic injury reporting protocol with the Department on August 14, 2019. Beginning in October, CHS will begin reporting to the Board using the table structure outlined in the Board's rules.

► DOC Presentation

Dana Wax, DOC's Deputy Chief of Staff, reported that in the months following the January Board meeting, the Department worked closely with CHS to revise the Injury-to-Inmate form and develop a shared protocol for the reporting and capturing of serious injuries. The revised form includes nine check boxes for the nine serious injury categories defined by CHS; it also includes a box for certain significant injuries that do not fall under CHS's "serious injury" definition, as well as a box that practitioners can mark as "pending" to convey to DOC that the individual may have a serious injury, but the disposition requires further testing. The updated form and revised directive were rolled out in August following review and input from the federal *Nunez* Monitor.

Ms. Wax said the Department has worked to implement all the Board's recommendations. As requested by the Board, the Department will begin reporting jointly with CHS on serious injuries

in October 2019. She said that on the 15th of the month, the Department will also begin giving copies to the Board of all Injury-to-Inmate forms that describe a serious injury. Lastly, she reported that DOC has evaluated its internal process for reviews, developed an electronic tracking system to better review Injury-to-Inmate investigations, and has taken steps to review and reduce the incidents of serious injuries at AMKC.

► **Board Discussion**

Dr. Cohen asked what percentage of CHS's clinicians and site medical directors have been trained on the new injury reporting policies and procedures, and what the timeline is for completing the training. COS Farber did not have this information on hand and said he would provide it to the Board later. He noted that CHS's on-site medical directors are providing this information and training through regular in-servicing and morning huddles.

Administration for Children's Services ("ACS") Update on Services for Young Mothers

► **Introduction**

Acting ED Ovesey explained that in July 2019, the Board approved a variance that allows DOC to house young people at Horizon Juvenile Center, which does not have child care or a nursery program for those who give birth while in custody. The variance includes a condition that the City present a full report at a fall Board meeting regarding the provision of contract services for young mothers with their children. For context, Acting ED Ovesey reported that there have been three pregnant youth in custody since Horizon opened, though each person was released significantly in advance of their due date.

► **ACS Presentation**

Tim Roche, Senior Policy Advisor at ACS's Division of Youth and Family Justice, said that youth at Horizon can access a portfolio of portable parenting services designed to afford a wraparound model of support that follows them back to the community. These services include a nurse-family partnership, parent coaching, a fatherhood program, sexuality education, and consultation. Case management staff also coordinate parent-child visits for parenting youth.

Mr. Roche explained that ACS conducts individualized assessments that are similar to the assessments DOC makes for mothers at Rikers Island when determining whether it is safe for the baby to be with the mother at the RMSC nursery. In June, BOC asked ACS to formalize the process for individualized assessments. He said that by working with its partners at CHS and DOC, ACS has developed the following process for working with pregnant youth and their support networks:

- When a young woman enters Horizon and is pregnant, ACS and DOC will notify BOC within three (3) business days of admission or of learning of the pregnancy, whichever is sooner.
- All pregnant youth will receive prenatal care and postpartum care. Such care must be consistent with the NY State Department of Health's Prenatal Care Assistance Program regulations.
- Immediately following pregnancy confirmation, a medical provider shall meet with the youth to ensure the youth is given the opportunity to be adequately educated and informed about all pregnancy options. Discussion and counseling regarding all available options must be provided as soon as possible, but no more than 72 hours after pregnancy confirmation, and ongoing as needed throughout the pregnancy.
- For pregnant youth who are considering termination, CHS will provide non-judgmental, unbiased information about abortion and access to services, and/or make alternative referrals to providers who offer these services. Following termination of a pregnancy, the medical team will follow closely and provide any necessary post-termination medical care.

- Throughout the youth's experience related to pregnancy, regardless of whether the youth decides to maintain, terminate, or loses the pregnancy due to natural causes, ACS will offer trauma-informed counseling and support by a licensed mental health or social work practitioner. If the young woman decides to maintain the pregnancy, the assigned ACS case manager will speak with health services and the child's criminal attorney to assess the likelihood that the young woman will remain at Horizon when she is due to deliver.
- The ACS case manager will convene a planning meeting within two weeks of entry if the young woman is less than twenty (20) weeks pregnant, and as soon as possible if the young woman is further along in her pregnancy. The case manager will speak to the young woman about who she would like to have at the meeting. This could include her parents, other family members, the father of the baby, and anyone else the youth would like to invite. The meeting will also include the ACS case manager, the young woman, a health services representative, and the ACS Executive Director of Juvenile Justice Behavioral Health Services or their designee. This meeting will focus on developing a plan for the baby and hearing the youth's wishes for where the baby should reside after the baby is born (e.g., with the baby's father, grandparents, another kinship resource, or with her in a mother-child facility, if possible).
- If the young woman develops a plan for the baby to be in the care of a resource, this can be arranged by the young woman and the resource without child welfare involvement.
- If the young woman is unable to identify a resource and would like to involuntarily place her child into foster care, the ACS case manager will contact the ACS Division of Child Protection and conduct a child safety conference to discuss this arrangement.
- If the young woman would like to be placed with her baby and it is possible that the young woman will still be detained at Horizon when she gives birth, the following steps will be taken: 1) The case manager will make an assessment of the safety of the baby in the care of the mother; 2) If the case manager's assessment is that the baby would be safe with the young mother, they will speak to the young woman about working with her criminal attorney to convince the court to either release the young woman to her family or to release the young woman to a foster care mother-child program, possibly through a voluntary placement agreement signed by the young woman's parents; and 3) If the judge decides to release the young woman on the condition that a voluntary placement agreement is signed by the young woman's parents, the case manager will contact the ACS Division of Child Protection to arrange for the voluntary placement of the young woman.

► Board Discussion

Judge Hamill thanked ACS and DOC for the thoughtful, detailed, and comprehensive plan.

DOC Staff Wellness

► Introduction

Acting ED Ovesey said Board member interest and concern about staff wellness prompted the Board to request DOC to present on this important issue today. She introduced the presentation by saying that Correction officers face significant and daily occupational stressors and trauma as a result of their very difficult jobs. If not properly managed, stress increases the risk for correctional officers to suffer from heart disease, hypertension, diabetes, and other physical illness. Stress also negatively impacts mental health. She noted that the research in this area shows that the effects of stress extend to and impact the jail environment through reduced work performance, absenteeism, employee turnover, and replacement costs for new employees; stress and its consequences also negatively impact safety inside jails. The Board commended the Department for addressing these issues and investing in this area.

► DOC Presentation

Justin VonBujdoss, DOC's Executive Director of Chaplaincy and Staff Wellness, explained that in March 2018, Commissioner Brann created the Division of Chaplaincy and Staff Wellness. In addition to ensuring a high level of spiritual care for all in DOC's system, this Division is tasked with developing and implementing wellness mechanisms to expand services for DOC staff. DOC renovated the visits house at GMDC to build a Wellness Center, which includes a staff fitness center; multi-faith chapel and mosque space for staff to attend scheduled faith services; treatment rooms; program and counseling areas for group therapy; trauma debriefing, critical incident response; wellness programming; and expanded training modalities to help staff cope with stress. He said the Wellness Center seeks to promote a culture of self-care, and is open 24 hours a day Monday through Friday, 9AM - 5PM on Saturday, and 1PM - 9PM on Sunday. It is available to uniform and non-uniform staff, as well as staff from partner agencies, such as CHS. From April 9 - September 4, 2019, there were 4,098 visits to the Wellness Center and around 227 visits to the mosque. Mr. VonBujdoss reported that DOC currently holds mindfulness trainings in the multi-faith Chapel on Mondays, Wednesdays, and Fridays, and there is also a reading room and a business center available.

After assessing staff wellness needs, DOC determined that it needs to continue working toward mitigating the long-term effects of trauma, stress, and long hours on its staff. Mr. VonBujdoss expressed that programming can also play an important role in increasing staff resilience, coping skills, and violence reduction in the facilities. This is predicated on the fact that when staff are less stressed, they can react more appropriately to situations in the jails. Part of DOC's longer-term focus is on PTSD and critical incident trauma debriefing, which has been informed by a study from Washington State in 2018 that suggests prison employees have a PTSD rate equivalent to Iraq and Afghanistan war veterans. Similarly, a study published by Desert Waters in 2012 surveyed prison employees and found 27% to be suffering from PTSD from exposure to incidents involving violence, injury, or death. Additionally, the negative effects of stress include increased contentious relationships (at work or home); decreased work performance; distraction on the job; burnout; depersonalization; emotional exhaustion; decreased commitment to work; and in rare cases, increased perception of danger. DOC is looking at ways to increase awareness about how stress affects people and to define coping strategies that work for everyone. Part of this involves teaching people about self-care in the form of exercise, meditation, yoga or peer support.

DOC also hired two social workers and two psychologists to support staff and develop preventive services and programs. Since April 2019, there were 365 visits to wellness staff, which includes peer counselors, psychologists, and social workers. In June 2019, DOC launched support groups for staff who are facing cancer, staff who are caregivers, LGBTQ staff, victims of domestic violence, and bereavement support.

► Board Discussion

Interim Chair Sherman thanked Mr. VonBujdoss for the presentation and asked what feedback DOC has received from staff and how is it assessing impact of the initiative. Mr. VonBujdoss responded that he has instituted an informal survey of people who access the Wellness Center, asking about frequency of use, what was used, and suggestions for improvement. Among the suggestions were requests for personal trainers and more spiritual programming – all of which will be taken into consideration. Commissioner Brann added that DOC will begin incorporating visits to the Wellness Center when new employees enter the agency. DOC believes the way it treats its staff will positively affect how staff treat others and foster a culture shift across the jails.

Member Hernandez congratulated DOC on establishing the Wellness Center. He asked how DOC is promoting the Wellness Center to existing staff. Mr. VonBujdoss said DOC promotes it primarily through its Division of Public Information, which is responsible for publicizing and sharing information across the agency (e.g., agency-wide emails). Mr. VonBujdoss' staff also try to tour every facility on a weekly basis, but he acknowledged it is a challenge for staff in the boroughs in access the Wellness Center. Member Hernandez asked if the psychologists and social workers

are DOC employees; Mr. VonBujdoss said yes. He confirmed that everything communicated to Wellness staff is confidential, however, staff are mandated to report if somebody expresses suicidality or the intent to harm themselves.

Dr. Cohen was impressed by the number of people visiting the Wellness Center and anticipates this number expanding. He inquired about the Department's plan for the Wellness Center when Rikers Island closes and the City establishes borough-based jails. Mr. VonBujdoss said he is included in meetings about the borough-based jails and staff wellness and staff resources have been a big part of these discussions.

Member Perrino asked if there is a designated shuttle transporting staff to the Wellness Center. Mr. VonBujdoss said staff can take the router buses available on Rikers Island to access the Wellness Center. DOC is also looking into developing a shuttle specifically for transportation to the Wellness Center.

Voting in the Jails

► Introduction

Acting ED Ovesey said that pre-trial detainees and those serving time for misdemeanors in the City's jails are eligible to vote. In recent years, voter enfranchisement has become a national issue as well as a local issue, with the City Council passing legislation in 2016 to promote absentee voting among people in custody; Mayor de Blasio launching an initiative in 2018 to increase civic engagement in the jails; and Governor Cuomo issuing an executive order in 2018 to restore voting rights to approximately 36,000 people on parole. In June 2019, the Jails Action Coalition submitted a written request to the Board that it add jail voting to a public meeting agenda.

Acting ED Ovesey applauded the Department's recent work to decrease barriers to voting while in jail. She said the Board looks to and is inspired by Illinois, which last month passed legislation expanding voter access and education efforts in jails throughout the state – most notably, making Cook County the first jail in the country to become an official polling place with voting machines. That jail's polling place will operate similarly to an early voting site, where all ballot styles will be available for any eligible voter, regardless of the person's home address. It will also allow people in custody to both register and vote on the same day. Now required by law, Cook County jail oversaw in-person voting for the first time in November 2018, and 760 ballots were cast. The Board encouraged the City to explore the possibility of in-person voting in NYC jails. Acting ED Ovesey thanked the Board's Legal Associate Navi Bains for her excellent research about voting in Cook County and other jurisdictions. She asked DOC to update the Board on its impressive work in this area.

► DOC Presentation

Stephen Kaiser, DOC's Executive Director of Policy and Intergovernmental Affairs, said that prior to 2018, the Department was compliant with local voting laws by maintaining a stock of voter registration and absentee ballot materials to be accessed in law libraries. In 2018, the Department launched its first efforts to expand voter registration, education, and assistance. To do so, DOC partnered with the NYC Campaign Finance Board, the Mayor's Public Engagement Unit, and several community organizations who provided volunteer support. The Department posted over 1,200 informational fliers across the facilities and high traffic areas and units. NYC Campaign Finance Board voter registration and civic engagement training was provided to all law library staff, and the Mayor's Public Engagement Unit provided similar training focused on outreach and human-to-human interaction to DOC program staff who work in restrictive housing areas. DOC's Program Division coordinated the effort for volunteer-led in-unit voter registration, education, and assistance to people in custody. In addition, the Mayor's Public Engagement Unit worked with staff in central visits to conduct similar outreach to visitors in the run-up to the 2018 general election. Through this coordinated effort, DOC submitted 897 completed voter registration forms

(624 of which were for incarcerated individuals and 273 of which were for visitors) and 547 absentee ballot application forms in that election.

For the June 2019 primary election, DOC expected slightly less volunteer interest than for the general election and so, to counter this, printed approximately 45,000 voting information brochures and placed them in high-traffic areas and law libraries; voting information was also given to individuals upon discharge. These brochures contain information about registering to vote, voter assistance, and voter election information to assist people with voting once they return to the community and while they're incarcerated in DOC's custody. The Department partnered again with the NYC Campaign Finance Board to provide voter registration training to 22 law library coordinators, and the Finance Board also created DOC-specific materials specific for over 100 program counselor, staff, and external service providers who were willing to assist in this effort. Along with some volunteer support, DOC program staff conducted in-unit efforts leading up to the June primary. DOC collected 465 voter registration forms and submitted those by hand to the Board of Election.

For the upcoming general election, DOC will build upon its 2019 efforts and conduct training again for program staff on absentee ballot assistance, collection, and submission. DOC will also review its operational procedures to ensure forms received from the Board of Election are provided to individuals as expeditiously as possible, and are collected and returned by hand to the Board of Election. DOC is in the process of planning volunteer engagement to begin next week and it is partnering with the Mayor's Office of Public Engagement Unit to conduct visitor outreach beginning this week.

► **Board Discussion**

Member Hernandez asked what address a person in custody lists when voting by mail. Mr. Kaiser said people are provided information to complete their forms so the Board of Election can distribute the forms back to them while they are in custody. He noted that DOC also helps people register to vote before they leave detention.

Public Comment

The Board heard public comment from Simone Spirig (BDS), Jennifer Parish (UJC), Winston Nguyen (Independent), Mary Lynne Werlwas (LAS), and Victoria Phillips (UJC/JAC). The public comments are available here: <https://youtu.be/hEtxB5ZsXU?t=10823>.

Following public comment, Interim Chair Sherman adjourned the meeting.