



**NEW YORK CITY
BOARD OF CORRECTION**

June 14, 2022 PUBLIC MEETING¹ MINUTES

ATTENDEES

MEMBERS PRESENT

Julio Medina, Acting Chair
Robert L. Cohen, M.D., Member
Felipe Franco, Member
Jacqueline Pitts, Member
Joseph Ramos, Member
Freya Rigterink, Member
Steven M. Safyer, M.D., Member
Jacqueline Sherman, Esq., Member

Amanda Masters, Esq., Executive Director

DEPARTMENT OF CORRECTION (DOC)

Louis Molina, Commissioner
Melissa Guillaume, Deputy General Counsel
Francis Torres, Deputy Commissioner for Programs and Community Partnerships
Maureen Danko, Deputy Commissioner
Steven Kaiser, Executive Director of Policy and Intergovernmental Affairs
Marshall Volk, Assistant Commissioner of the Nunez Compliance Unit
Allie Robertson, Senior Policy Analyst of Special Projects
Nell McCarty, Executive Director of Counseling and Social Services
Michael Ford, Senior Counsel

NYC HEALTH + HOSPITALS - CORRECTIONAL HEALTH SERVICES (CHS)

Patsy Yang, DrPH, Senior Vice President
Ross MacDonald, MD, Chief Medical Officer, Sr. Assistant Vice President
Jeanette Merrill, MPH, Director of Communications and Intergovernmental Affairs
Carlos Castellanos, Chief Operations Officer/Deputy Executive Director
Nancy Arias, RN, Chief Nursing Officer/Deputy Executive Director

OTHERS IN ATTENDANCE

Lateesha Harris, NYC Department of Correction
Jeffrey Star, Urban Justice Center
Rachel Sznajderman, NYCDS

¹ Due to the extension of the governor's emergency disaster declaration allowing remote public meetings due to the COVIC-19 pandemic, this meeting was conducted virtually via WebEx.

Sarita Daftry, Freedom Agenda
Diana Griffith, Bronx Defenders
Chaplain Dr. Victoria A Phillips, Visionary V Ministries, Jails Action Coalition, Justice of Women Taskforce and the Mental Health Project, Urban Justice Center
Kayla Simpson, Legal Aid Society
Ashaki Antoine, COBA
Zachary Katz Nelson, Independent Commission of New York City Criminal Justice and Interactive Reform
Tanya Krupat, Osborn Association
Kelly Grace Price, Close Rosie's

Approval of May 10, 2022 Minutes

Board Member Jacqueline Sherman (Member Sherman) asked for a motion to approve the draft minutes of the Board's May 10, 2022 meeting. Board Member Bobby Cohen (Member Cohen) moved to approve the minutes, seconded by Board Member Jacqueline Pitts (Member Pitts). Minutes were unanimously approved. See this portion of the video recording [here](#).

Opening Remarks/Announcements

Executive Director Amanda Masters (ED Masters) gave an opening report. There have been three more deaths in custody since the last meeting: Dashawn Carter, Mary Yehudah, and Emanuel Sullivan. The Board of Correction is actively investigating these deaths. Anyone with information about these three persons in custody can email the executive director. Further, BOC is working on a report on the deaths in 2021. See this portion of the video recording [here](#).

ED Masters welcomed two new executive members to the BOC: General Counsel Jasmine Georges-Yilla, and Deputy Executive Director of Research Chai Park. See this portion of the video recording [here](#).

BOC will be forming a BOC Youth Board which will be comprised of young people who have been impacted by the criminal justice system, or whose family has been impacted. BOC will be hosting seven youth employment summer programs. Additionally, ED Masters expressed condolences for deaths of DOC staff. See this portion of the video recording [here](#).

PIC census figures are as follows at the time of the meeting: 2,044 at AMKC, 36 at Bellevue Hospital prison ward, 685 at EMTC, 510 at GRVC, 252 at North Infirmary and Command, 152 at OBCC, 292 at RMSC, 695 at RNDC, 676 at VCBC, and 87 at West Facility. ED Masters provided additional census data. See this portion of the video [here](#).

ED Masters read the proposed resolution prepared by the Board pursuant to amendments to the New York State Opens Meeting Law to allow hybrid public meetings. See this portion of the video recording [here](#).

Public Comments on Resolution

Chaplain Dr. Victoria A. Phillips - See this portion of the video [here](#).
Kelly Grace Price - See this portion of the video [here](#).

Vote on resolution

Member Cohen motioned to vote on the resolution. Member Freya Rigterink (Member Rigterink) seconded. Board unanimously approved the resolution. See this portion of the video [here](#).

Correctional Health Services Presentation on Outposted Therapeutic Housing Units (OTxHU)

OTxHU is a secure unit that serves PIC who have serious health conditions, following a jail-based therapeutic housing model. Three units are planned to be finished by 2024, with about 380 beds, increasing access to specialty care, improving continuity of care, and reducing visitation barriers. You can see this presentation [here](#).

Member Cohen mentioned how admissions and discharges in the infirmary are complex, asking who controls admissions and discharges and whether any persons will be housed in these units for the convenience of DOC, rather than for medical reasons. CHS stressed that everything they do is in partnership with the DOC. DOC has full appreciation for the mutual goal of the well-being of PIC. DOC needs to consider security issues, but clinical issues take priority in most cases. Regular communication with DOC will inform who gets placed in these units. Watch their exchange [here](#).

Member Rigterink wondered how these new units will affect mental health units on Rikers. CHS emphasized that OTxHU are not meant to supplant, but rather supplement mental health units at Rikers. Watch their exchange [here](#).

Member Franco asked if there is any focus on young adults and their mental health issues. CHS reminded BOC that this is on a case-by-case basis, and those who are placed into OTxHU have intense mental or comorbidity issues. There is no particular focus on anyone in a certain age group. Watch their exchange [here](#).

Department of Correction's Remarks

Commissioner Louis Molina (Commissioner Molina) expressed that failures in the jails is a failure of the whole system and their issues are deep-seeded. The Commissioner's goal is to lead a jail that serves the public's interests and deserves the public's trust. Calendar year to date, department-wide assaults on staff continue to be under 30 percent of what they were this time last year. Use of force has decreased 27 percent calendar year to date. From May of 2021 to May 2022, slashings and stabbings are down 44 percent department wide. To date, over 100 staff members have been suspended for sick leave abuse.

DOC's goal is to operationalize RMAS by July 1st. Watch the Commissioner's remarks [here](#).

Assistant Commissioner Steven Kaiser shared updates on RMAS. There are more finished buildings, 471 staff that have finished training, and policies are on track for July 1st. DOC is on track for creation of de-escalation units. Watch his update [here](#).

Michael Ford, Supervising Attorney for DOC's legal division, shared that they are still working out operational details when it comes to due process.

Member Rigterink asked if there will be any variance requests in order to get RMAS operational by July 1st. Mr. Ford said they will be maintaining the current Executive Orders to ensure the RMAS will be covered regarding any issues. DOC will be dropping the current EEO on de-escalation on July 1st. Member Rigterink asks if DOC anticipated being able to operationalize the representation effort of RMAS by July 1st. Mr. Ford said DOC is working through the operational details on that and will provide an update offline. You can watch their exchange [here](#).

Member Cohen asked if DOC will be requesting any variances from BOC about RMAS. Cohen stated how DOC refused today to use the variance system but will continue EEO system. DOC claimed they need a level of flexibility, so they are still in compliance. Member Cohen questioned why eliminating Board rules gives DOC flexibility. Commissioner Molina answered: "I don't know what I don't know." Watch their exchange [here](#).

Member Franco mentioned how in his most recent visit to Rikers, he noted that one of the biggest challenges is still giving PIC out of cell time. Molina assured they will be ready come July 1st and checks and balances will be in place to ensure out of cell time. DOC has also changed up management on housing. Watch their exchange [here](#).

Member Cohen marked that the issue isn't a lack of documentation of PIC getting out of their cells, it's the fact they're not getting out of their cells. DOC claimed they will provide programming that encourages PIC to spend time out of their cells, but also reminded the BOC that there is nothing that can force PIC to spend time out of their cells. Watch their exchange [here](#).

Member Franco asked what is happening during the summer for young adults. DOC continues to work with contract providers, and faith-based leaders to be more involved with their young adult units. Presently, they are identifying job placements for some of the young adult population. DOC will share their plans before they roll it out. Watch their exchange [here](#).

Discussions on EEOs

ED Masters explained BOC's mandate under the City Charter and the BOC's purpose in relation to DOC. The minimum standards do not hinder crisis resolution, rather they are the basis for preventing crisis escalation. Since last fall, EEOs have been put into practice to suspend certain minimum standards based on the DOC staffing crisis. ED Masters goes through the EEOs that are still in effect. The EEOs are a threat to the independence of the regulatory authority of the BOC. Watch her whole update [here](#).

Member Rigterink expressed concern that the BOC has still not received staffing data despite having requested said information several times. BOC is trying to look at how each facility can function and how each unit within each facility can function. Commissioner Molina responded that the request is noted. Scheduling is being transitioned from paper-based to technological-based. Once the transition is complete, it'll be easier to provide the information Member Rigterink is requesting.

Member Cohen rebutted that Commissioner Molina's response is inadequate when facilities are unstaffed, and PIC and correctional officers are harmed. The Commissioner should know the staffing issues and the data should exist. Member Cohen questioned how the Commissioner can claim a staffing emergency and use EEOs to supersede BOC minimum standards while at the same time claim that the staffing data is unavailable to provide to the BOC. Watch Member Rigterink's and Member Cohen's exchange [here](#).

Discussion on Enhanced Supervision Housing

Member Sherman shared some of BOC's findings in regard to ESH units not in compliance with BOC minimum standards. PIC are locked in ESH for 23 hours a day at a time. Units have not been operating within the rules governing ESH. Commissioner Molina responded that the violence reduction plan has helped curtail the violence at RND and due to its success, ESH will not be used for young adults. All ESH Level 2 units have been depopulated to gear up for RMAS. Total census for PIC in ESH is 48 as of the day of the meeting. PIC are afforded the opportunity of lockout, however, Commissioner Molina could not provide a count of how many PIC have taken

advantage of lockout. Member Sherman praised Commissioner Molina for officers wearing body cameras to document refusals of lockout. Currently Molina only has the logbook for lockout records. Deputy Warden Court will create a robust system to get a sense of why somebody did not want to lockout. Watch this part of the video [here](#).

ED Masters noticed that there were restraints and dividers in seating areas in small day rooms and questioned if PIC are given a choice to be in restraints and spaced apart, or whether it is the default. The Commissioner explained that a lower TC allows them to operate without restraint moving forward. ED Masters emphasized the rooms are rather small and are occupied with the restraint areas. Commissioner responded that those rooms are used for 1 on 1 engagements, not for the larger group engagement. Watch their exchange [here](#).

Violence Indicators

Member Rigterink shared information from EMTC, including insufficient staffing levels, escorts required to bring PIC to around, yet not enough staffing for those escorts, housing units without B Post officer, and PIC in the new admission housing areas longer than the minimum standard of 10 days. Further, mandated services are not provided. The intake space is too small to provide the numerous functions that are required for the space, resulting in an alarming level of violent episodes. Slashing/stabbings and use of force is higher at EMTC than in the department overall. Watch Rigterink's update [here](#).

Member Cohen spoke about his most recent visit to EMTC. He reported it was very frightening. Intake was packed with screaming people. The warden knew what was going on, but mainly wanted help to decompress the institution. The warden claimed people are finishing their intake quarantine but not being distributed to other facilities afterward. There were only 40 scans done in May. According to Member Cohen, EMTC receives about 40 people a day. Commissioner Molina states EMTC is the best facility in Rikers to process intake. CDC recommendations indicate that quarantine procedures should remain in place and remain nimble should a new variant occur. DOC is making improvements and will continue to reevaluate their practices. See this portion of the video [here](#).

The Commissioner stated the census has lowered at OBCC. OBCC and EMTC are defunded facilities. None of the staff at either facility is funded to be there. Staff from other facilities are pulled in to operate EMTC and OBCC. Commissioner responded: "It's a problem to run a jail that's not funded. And that's why we have unstaffed posts. It's a problem when you don't recruit for over three years to deal with your attrition, and that's why we have unstaffed posts." Member Rigterink responded: "If all the staff in the head count that is funded was active and not on modified duty, and coming to work, *that*, I'd imagine, would allow you to staff the B-posts, and to sufficiently staff intake one way or another." Watch their exchange [here](#).

Public Comment

Le Charles Bell, currently in custody, via voice recording
Watch this portion of the video [here](#).

Lateesha Harris of the NYC Department of Correction
Watch this portion of the video [here](#).

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