



**NEW YORK CITY
BOARD OF CORRECTION**

January 10, 2023 PUBLIC MEETING MINUTES

ATTENDEES

MEMBERS PRESENT

Dwayne C. Sampson, Chair
Robert L. Cohen, M.D. Member
Felipe Franco, Member
Jacqueline Pitts, Member
Joseph Ramos, Member
Freya Rigterink, Member
Jacqueline Sherman, Esq., Member

Jasmine Georges-Yilla, Esq., General Counsel

DEPARTMENT OF CORRECTION

Louis Molina, Commissioner
Lynelle Maginley-Liddie, First Deputy Commissioner
James Boyd, Deputy Commissioner of Public Information
Paul Schechtman, General Counsel
Francis Torres, Deputy Commissioner of the Division of Programs and Community Partnerships
Philip Terwiel, Associate Commissioner
Nell McCarty, Assistant Commissioner
Chelsea Chard
Shayla Mulzae

NYC HEALTH + HOSPITALS —CORRECTIONAL HEALTH SERVICES (CHS)

Patsy Yang, DrPH, Senior Vice President
Bipin Subedi, MD, Chief Medical Officer

OTHERS IN ATTENDANCE

Ashaki Antoine, Correction Officers' Benevolent Association
Keisha Williams, Correction Officers' Benevolent Association

Kathleen McKenna, Brooklyn Defenders
Lucas Marquez, Brooklyn Defenders Services
Shayla Mulzae
Barbara Berger Optowsky, NYC Bar Corrections
Ryan Smith
Tadd Vassel, Bronx Defenders
Ashely Conrad, Freedom Agenda
Courtney Colwell, New York Civil Liberties Union
Jennifer Parish, United Justice Center; Jails Action Coalition; HALT
Chaplain Dr. Victoria A. Phillips, Jails Action Coalition/Visionary Ministries
Darren Mack, Freedom Agenda
Robert Willis, Latino Justice, PRLDEF
Rebecca Phipps, New York County Defender Services
Daniele Gerard, Children's Rights
Kelly Grace Price, Close Rosie's
Eileen Maher, Vocal-New York

Board of Correction Opening Remarks

Chair Dwayne C. Sampson called the meeting into session. The agenda was amended to remove the fourth item titled "Presentation, Public Comment and Votes—Department of Correction's Continuing Variance Request—Minimum Standard §§ 1-11(e)(1)(i) (mail) and 1-12(a) (packages)." The Board of Correction will establish a special internal committee on this issue. Board Members Joseph Ramos, Jacqueline Pitts, and Jacqueline Sherman will serve on the committee alongside the Chair.

Chair Sampson held a vote to approve the draft minutes for the November 21, 2022 meeting. Member Sherman moved to approve the minutes. Board Member Felipe Franco seconded the motion. The minutes were approved unanimously. Watch this portion of the video [here](#).

Board of Correction Updates

The Board of Correction's General Counsel (GC) Jasmine Georges-Yilla provided Board updates. GC Georges-Yilla congratulated Chair Sampson on his appointment. Chair Sampson gave his opening remarks and vision for his new position. Watch this portion of the video [here](#).

GC Georges-Yilla welcomed to the Board staff four new Level 2 Correctional Review Standard Specialists, and two Research and Compliance Associates. Since the last Board meeting, there was one death in custody: Edgardo Mejias, 39, who died on December 11, 2022 in AMKC General Population housing. His death is being investigated. GC Georges-Yilla acknowledged passing Department of Correction staff. As to the census, there are 5,911 people in custody as of January 9, 2023. Watch this portion of the video [here](#).

Correctional Health Service's Limited Variance Request

Correctional Health Services (CHS) requested a renewal of long-standing variances regarding psychotropic medication and tuberculous screening.

The Board first granted the variance on psychotropic medication in 2005. This variance allows psychiatrists to see and evaluate stable adult patients on psychotropic medication at least every 28 days instead of 14 days. The Board first granted the tuberculosis testing variance in July 2013. The variance allows CHS to use either interferon-gamma release assays (IGRA) or TST for tuberculosis screening, and to exempt from repeat screening those individuals who had a documented negative test in the six months prior to their admission.

Dr. Bipin Subedi presented both variances and clarified that CHS uses appropriate medications to treat ADHD and additional mood disorders.

Public comments went forward with only one speaker.

Board Member Robert Cohen moved to approve the variance on psychotropic medication with its associated conditions. Member Jacqueline Pitts seconded the motion. The variance was unanimously approved.

Member Jacqueline Sherman moved to approve the variance for tuberculosis testing. Jacqueline Pitts seconded the motion. The variance was unanimously approved.

Watch this portion of the video [here](#).

Department of Correction Updates

Commissioner Louis Molina stressed that overdoses are not a unique Department of Correction problem, and highlighted the issues worldwide with drugs and fentanyl in jails across the country. Commissioner Molina stated: “This is an American crisis. Not exclusively a New York City DOC crisis.”

Commissioner Molina stated that DOC is dealing with the contraband supply by stopping it from getting into the jails. They continue to work with CHS and expand Narcan within facilities. Early released persons are connected to recovery housing and case management so they do not recidivate.

According to Commissioner Molina, as of January 9, 2023—halfway through the fiscal year of 2023—slashings and stabbings department-wide were down 9%; use of force involving assaults on staff were down 23%; assaults on staff without serious injury were down 49%; slashing and stabbings at RNDC were down 57 %; slashing and stabbings at VCBC were down 60%; slashing and stabbings at AMKC were down 9%, and NIC and West Facility had a decrease in slashings and stabbings by 75%.

Commissioner Molina stated that, calendar year to date, violence at RNDC has decreased by 21%. NIC and West Facility had a decrease in slashings and stabbings by 71%. There was an increase in slashings and stabbings at AMKC by 7%. The Commissioner reminded the Board that AMKC is the largest facility and includes persons in custody suffering from several levels of mental illness.

There was a 62% decrease in slashings and stabbings department-wide in January 2023 to date. Commissioner Molina argued that there has been a continuous downward trend in violence at Rikers, and that these programs need time to take hold to be more effective.

700 new doors have been installed since the new door project began. An additional 250 doors are in the pipeline and in some stage of replacement.

Watch this portion of the video [here](#).

The Commissioner responded to questions from Board Members. He shared that the OMAP team is looking to enhance how to increase accountability and movement and tracking of individuals. There are several reasons why an individual might be in de-escalation for longer than six hours. Sometimes, according to the Commissioner, this is because of reasons outside of the department's control. The most recent data that the Board has analyzed showed that, in August of last year, 29% of all placements exceeded six hours. While 29% is not an acceptable number, the Commissioner argued it is not a big number in the totality of people that are in custody.

The Commissioner wanted to put the December uptick in slashing and stabbings into context. RNDC's uptick is not as high as it was in past years. Young adults are a challenging population, he insisted, and staff is doing all they can to engage with people in custody. Watch this portion of the video [here](#).

In July 2022, the Department implemented a Narcan policy that allows uniformed staff to administer Narcan in case of a suspected overdose. CHS has also trained people in custody to administer Narcan under this policy. Anytime Narcan is administered, DOC staff are to note it in a logbook. At this time, the Department does not track the number of Narcan that is administered. Narcan is now not only in "A" stations but in core command and transportation. A Narcan audit was conducted and found 97% of Narcan stations compliant according to Operations Order 2-22. DOC is looking to do a large purchase of Narcan to allow correction officers to carry it.

The Department is doing an internal discussion on whether to provide fentanyl test strips to people in custody and its capacity to create or provide high-end screening for drug contraband and weapons on civilians and staff. The Commissioner stated that since 2017, there have been 25 correctional officers arrested for bringing in contraband, but this is not a majority of the thousands of people at the DOC. Commissioner Molina stated: "I do not believe that the majority of contraband narcotics coming into our facility is uniform, or non-uniform contract provider problem."

Watch this portion of the video [here](#).

The Department is looking to bring on a program evaluator to determine the efficacy of the various programs on Rikers. The Commissioner recognized that maintaining relationships outside of Rikers is essential for the rehabilitation of people in custody, but at the same time it can be

toxic and may be the impetus behind why they are there in the first place. Various programs provide helpful shepherds for people in custody inside and outside of the facility. Commissioner Molina stated: “But the most critical actor in all of this is our uniformed officers.”

Deputy Commissioner Dr. Robert Gonzalez is tasked with improving academy training and professional development for staff. The Commissioner shared that the Department continually develops its leadership to improve the criminal justice system within Rikers.

The Commissioner discussed the Department’s efforts to lower staff absenteeism, stating that the Department has lowered the number of staff who are on medically moderated restrictive duties, disciplined staff with records of sick leave abuse, beefed up the CARE unit to support staff, redeployed staff, and more.

Watch this portion of the video [here](#).

DOC Division of Programs and Community Partnerships Presentation

Deputy Commissioner Torres, Associate Commissioner Philip Terwiel, and Assistant Commissioner Nell McCarty shared a presentation from the Division of Programs and Community Partnerships (DPCP). They have a staff of 241 as of January 2023. These staff members are assigned to 13 different units, and program implementation is conducted by DOC programs staff who have specific areas of focus.

The Counseling Service unit now has 39 program counselors. Education is provided at the general high school and post-secondary levels. They also offer horticulture therapy. Multi-year certifications are not possible considering every person in custody’s stay at Rikers is unknown. However, short-term industry-recognized credentials are taught. The Department’s full-scale workforce development is expected to go online by mid-February. The recreation team affords programming outside of housing units. Chaplaincy Services duties include religious programming, congregate services, individual religious counseling, spiritual support of staff, and the responsibility for notifying next of kin of issues. These services are supported by volunteers and outside organizations.

Member Franco called attention to the fact that breakfast is served before 6:00 am while school starts at 8:00 am. It is not uncommon for students to miss breakfast and become agitated during school because of it. DC Torres countered that as of last year, breakfast is served on the school floor at RNDC. Member Franco rebutted: “not in the last few weeks.”

Watch this portion of the video [here](#).

DPCP has been collaborating with contract providers and the Mayor’s Office of Criminal Justice to ensure transition planning as people in custody reenter the community. In 2022, the Department was successful in releasing 62 people through the 6A program. Since then, there has been a 96% program compliance success rate.

According to Assistant Commissioner McCarty, the Department brought back law libraries in a few facilities. There is a plan to bring back law libraries in every facility in 2023. For those locations that may not be going physically into the library, according to the Department, there are still legal coordinators assisting people. Tablets have been a “huge help” in bringing legal research access to people in custody.

Member Cohen noted that the Department has spoken to the Board regarding the limited access to law library, attributing it to the lack of assigned officers. “The lack of a law library continues to cause significant frustration among people in custody. You mention people have access to tablets and Lexus, but there were no tablets in the facilities for the past six months,” said Member Cohen.

DC Torres stated that is correct and that since the pandemic, the Department implemented a request slip system for law library services and other services. According to DC Torres, slips are collected daily. Those slips are given to legal coordinators assigned to commands, who assist people in custody. The challenges vary depending on the command. DC Torres stated: “These challenges are looked into on a daily basis, and on a weekly basis.”

DOC General Counsel Paul Shechtman called attention to the online development of legal materials in big law firms and how materials are becoming less analog. According to DOC GC Shechtman, tablets are important because they support this transition. He continued: “we are meeting with the Legal Aid Society to see if discovery material, which people are now reading in the library, can be just accessed on their tablets, which would be an enormous advantage to them and to the criminal justice system in general.” DOC GC Shechtman claimed he is unaware of other law materials on the tablets provided to people in custody. Board Member Cohen remarked that he does not see an analogy between attorneys in law firms and people in custody in this regard.

Watch this portion of the video [here](#).

Public Comment

People in Custody Comments

Watch this portion of the video [here](#).

Ashaki Antoine, COBA

Watch this portion of the video [here](#).

Tadd Vassel, Bronx Defenders

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