



**NEW YORK CITY
BOARD OF CORRECTION**

JULY 18, 2023 PUBLIC MEETING MINUTES

ATTENDEES

MEMBERS PRESENT¹

Dwayne C. Sampson, Chair
Robert L. Cohen, Member (remote)
Felipe Franco, Member (remote)
Jacqueline Pitts, Member (remote)
Jacqueline Sherman, Member
Rachael Bedard, Member

Jasmine Georges-Yilla, Esq., Interim Executive Director and General Counsel

DEPARTMENT OF CORRECTION

Louis Molina, Commissioner
Francis Torres, Deputy Commissioner of the Division of Programs and Community Partnership
Philip Terziel, Associate Commissioner
Nell McCarty, Assistant Commissioner
Allie Robertson, Executive Director of Intergovernmental Affairs
Ron Edwards, Deputy Commissioner of Administration

NYC HEALTH + HOSPITALS - CORRECTIONAL HEALTH SERVICES

Dr. Bipin Subedi, Chief Medical Officer
Jeanette Merrill, Director of Communications
Nancy Arias, Chief Nursing Officer

Meeting structure

Given that a quorum of Board members was not present in person pursuant to the Board's videoconferencing procedures and the New York State Open Meetings Law, the Board proceeded with the meeting without taking any votes, decision-making, or deliberations by the Board members. The purpose of the meeting is purely informational.

¹ Board members Cohen, Franco and Pitts attended remotely due to difficulties reaching the meeting location.

Board of Correction Updates

Interim Executive Director Jasmine gave her updates from the Board. A link with the description of committees (Committee on Deaths, Near Deaths, and Serious Injuries, the Committee on Women in City Jails, and the Committee on Programs and Education) has been added to the Board's website page.

Since the June 13 meeting, Felix Taveras, 40, died of a suspected overdose after being transported from AMKC to Elmhurst Hospital on July 4, 2023. Ricky Howell, 60, died on July 6, 2023. He was in DOC custody since September 3, 2022, and was placed in Bellevue Hospital Prison Ward from February to July 2023. His cause of death has yet to be determined. William Johnstone, 47, died on July 15, 2023, in Mt. Sinai Queens Hospital after being found unresponsive in his cell in GRVC. His cause of death has yet to be determined. These deaths are being actively investigated and the Board will give a report of its findings. The Board expressed condolences to the families and loved ones of Mr. Taveras, Mr. Howell, and Mr. Johnstone. The Board also expressed condolences for the Department of Correction staff who passed away since the last meeting.

As of July 17, 2023, the total census of people in custody is 6,216. The breakdown by facility is as follows: AMKC – 1,713; Bellevue Hospital – 56; EMTC – 1,174; GRVC – 684; NIC – 274; RESH – 135; RMSC – 376; RNDC – 993; VCBC – 743; and West Facility – 68. Watch this portion of the video [here](#).

BOC's Environmental Safety Team is monitoring DOC's heat mitigation protocol and policies to ensure safe and adequate conditions for all. BOC will issue a report on its findings in the coming months. There is a continuing investigation in North Infirmary Command fire that occurred on April 6, 2023. The BOC is awaiting DOC and FDNY full findings before issuing any report.

Chair Sampson delivered remarks on BOC and its onboarding of 10 interns this summer, considering the importance of the correctional oversight.

Board Members' questions for Commissioner Molina

Chair Sampson asked Commissioner Molina if there is a 2024 jail population forecast. Commissioner Molina stated that the Office of Analysis and Planning Team has been built and it is forecasted that, by July 2024, the detainee population will be 7,000.

Member Bedard asked if that number is caused by inflow or outflow. The Commissioner stated it is the outflow: "More than an abnormal length of stay issue, which escalated during the pandemic."

Member Sherman asked what efforts are being made to improve upon this record and forecast. Commissioner Molina said that his department has little influence over this issue, and it is up to the court system and district attorneys. State courts need to increase their bandwidth to oversee the judicial process of these cases.

Member Bedard asked about people in custody being moved upstate. The Commissioner said the New York State Department of Correction and Community Supervision has alleviated the slow process of transferring people upstate.

Member Franco asked about providing predictions to those in custody, especially longer stays, who have little to no understanding of when they will be released or their future. Commissioner Molina states that many of those in custody are charged with violent, serious crimes, which means they will most likely be transferred to upstate facilities. DOC tries to discuss issues such as staying in contact with families and investing in individuals through programs and engagement. Commissioner Molina emphasized a “continuum of care” for individuals who are transferred upstate. One form of investment is the GED program. Commissioner Molina stated that engagement for young adults in custody is important for investment and prevention of violence. The state prison system must also provide such vocational and educational services.

Although Correctional Health Services’ presentation was first in the agenda, Chair Sampson asked DOC to continue with their updates.

Board member Cohen asks about why DOC overrides the Board’s standards (using emergency executive orders) every 5 days. Commissioner Molina stated that it’s necessary for the *Nunez* action plan with the federal monitor, to ensure that DOC cooperates quickly. Board member Cohen asked which BOC rules impede upon DOC and its functioning. Commissioner Molina stated that he will answer those questions in a formal manner in a private setting.

Department of Correction Updates

Commissioner Molina stated that the issues plaguing the DOC under the prior administration such as staffing issues, excessive violence, lack of accountability, and rising use of force incidents were inherited by the current administration, and it worked to alleviate such issues.

According to Commissioner Molina, June 2023 had the highest number of call outs: 113; average per day: 72; and lowest number of call outs: 40. This highest number is an 81% decrease from January 2022. The average per day was a 70% decrease from January 2022. The lowest number of call outs was a 74% decrease from January 2022.

Staff absenteeism in January 2022 – highest number: 604; average per day: 242; and lowest number of call outs: 154

According to Commissioner Molina, calendar year to date, slashings and stabbings department-wide are down 36%; the Commissioner has signed off on the adjudication of over 3,000 staff disciplinary cases; use of force incidents are down 2.3%; assaults on staff without serious injury decreased about 23.3%; serious injuries to detainees decreased 24%.

According to Commissioner Molina, calendar year 2022 versus calendar year 2021, use of force incidents department-wide were down 14% despite a rise in detainee population.

According to Commissioner Molina, fiscal year 2023 – which ended a few weeks prior – slashings and stabbing decreased 21.5%; use of force incidents decreased 1.1%; assaults on staff without serious injury decreased 38.9%

The intake process has improved 99.5% of the time within 24 hours. All court productions have improved city-wide to 91%. In June 2023, there was a 98% success rate of presenting individuals to court. Dr. Robert Gonzalez, Deputy Commissioner of Training, developed a new field training program for the recent 85 academy graduates. This most recent class was the first class to use the NYPD's training center.

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

Member Bedard recused herself from programming discussions, as she is a member of the Osborne Association.

Commissioner Molina Opening Remarks Regarding \$17 Million Programming Cut

To comply with the mandated four percent city tax levy budget reduction, DOC had to create a savings proposal of \$47 million. DOC has suffered budget and headcount reductions in staffing. After careful review, the Division of Programs would have to reassign selected staff, increase delivery of service, expand partnerships with faith-based groups, and leverage technology. These services will be in-sourced to be provided adequately to people in custody. Commissioner Molina reminded the Board that mental health, substance abuse, and reentry services are not impacted by this cut. Original proposed reduction was \$21.1 million and was then lowered to \$17.1 million.

DOC Division of Programs and Community Partnership Presentation

Deputy Commissioner Torres, Associate Commissioner Philip Terweil, and Assistant Commissioner Nell McCarty prepared a presentation on this topic. DC Torres stated that the presentation is meant to: 1) provide the public with a scope of services by contracted providers compared to other program areas, 2) explain the transition of groups to counseling services, 3) explain unchanged services, and 4) explain new initiatives.

Philip Terweil presented and stated that DOC continues to offer integral services and counseling to people in custody, however, some of these programs are being in-sourced, as opposed to out-sourced with previously contracted partnerships. The counselors and staff being used for this insourcing are qualified in both civil, educational, and their field of services through training and experience. Staff members that are being insourced have educational credentials and relevant experience.

Nell McCarty presented and stated that the staff working in the Division of Programs is trained in the criminal justice system, development training, and educational curriculum. This staff leads group facilitation within specific housing areas: ESH, Secure Unit, and Adolescent and Emergent Adult. Program counselors have been working with DOC since 2015 with Adult and EHS units. Non-uniform staff have had training since around 2015 and continue to be integral to

the services and programs offered by DOC. McCarty stated that preparations are being made for staff being in-sourced, such as assessments, certifications of training, review of practices, and onboarding of five supervising counselors. The Counseling Services Unit has about 86 counseling professionals and the unit is comprised of correctional counselors, program counselors, reentry specialists, intervention specialists, and social workers. Correctional counselors, program counselors, and social workers for specific special populations are the team members who are providing group-based programs that were previously provided by contracted partners. McCarty clarified the shift that comes with this change – prior to the shift 1 on 1 format was offered by the associate correctional counselors, now it will be held in a group format as it had been held from 2015 to 2019.

Philip Terwiel presented the unchanged services and programs in light of the budget cut. The unaffected programs and services are recreation, law libraries, chaplaincy services, educational services (RNDC, RMSC, AMKC, GRVC), workforce development, fine and performing arts, transition planning, enrichment programs, Children’s Museum of Manhattan visits, child friendly visits, canine program, services for veterans, gender responsive programs, Rose Petal Boutique (RMSC) and gallery (recently expanded to RNDC), tablet operations, and counseling services.

Terwiel reported that more than 5,300 tablets are in circulation at EMTC when an individual is transitioning from new admission to general population. He further noted that incoming initiatives are a sober living dorm and reentry unit in OBCC. There are also initiatives to expand faith-based services and a new soccer program “twinning project” has rolled out in EMTC.

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

Member Pitts asked about the security staff and escorts being provided for these programs amidst these budget cuts. DOC staff stated that they have redefined what “programs” are: facility operations, programs operations and facility programs. Facility programs are assigned nonuniformed managers known as executive directors. Executive directors secure the escorts and security staff provided for these programs.

Member Sherman expressed concern about replicating the importance of hiring staff with lived experience on Rikers Island. She also asked about the programming being provided to make up for the level of service and staff offered prior to the budget cuts. There continues to be staff and volunteers with lived experience, as stated by Commissioner Molina. Effective July 5, counseling members have been working in housing areas where previously contracted providers services were offered.

Member Franco asked about transitioning services considering the budget cuts. Deputy Commissioner Torres stated that the contracted providers for transitional services since 2019 have not been changed.

Member Sherman inquired about programs that wrote letters to court for individuals involved in programs and engagement. DOC staff indicated that this initiative has continued, and letter templates are provided. Member Sherman asked about Department objectives regarding the level of service and how documentation (tracking) will take place for these changes in level of services. According to DOC staff, there is an internal data tracker for all services provided, whether they are through volunteers or contracted providers. The Department will follow up with objectives and goals in the future.

Chair Sampson asked about the forecasted areas of reduction in the coming year. Commissioner Molina said there are not any anticipated cuts as of right now.

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

Member Bedard returned.

DOC addressed recent reports concerning Nunez Monitor

Commissioner Molina stated that there are court-ordered meeting conferrals, and it would be inappropriate to discuss the *Nunez* consent judgment litigation in a public meeting prior to these meetings. There will be a joint letter to the court on August 7th. If there are concerns not being sufficiently addressed, the monitor will raise its concerns to DOC. The next court of conference is scheduled for August 10th.

Member Bedard asks about the rationale of no longer divulging the information of in-custody deaths with the public. Commissioner Molina stated that the NYS Attorney General, BOC, and other oversight bodies are notified of the deaths of people in custody and are not prevented from releasing such information. According to the Commissioner, DOC makes every effort to notify the next of kin and allows the next of kin to release this information. DOC will confirm this information if individuals reach out and inquire about these deaths. DOC has refrained from press releases following the deaths of people in custody.

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

DOC addressed Enhanced Supervision Housing (ESH)

The ESH population has transferred from GRVC to RMSC, referred to as RESH. This is separate command from the RMSC facility and transfer was completed on June 27, 2023. Male individuals in ESH cannot come into contact with women at RMSC after renovations of a separation section of the unit for the males in custody. As part of the plans to close AMKC and reopen OBCC, the former ESH units at GRVC will transition to become PACE, CAPS, and MO housing units. Restraints previously used in these units have been removed and the beds and security remain the same.

Member Sherman asked about the number of young adults in Level 1 units of RESH and the programs offered for the needs of these individuals. Commissioner Molina stated that young adults do not represent a large portion of ESH. When establishing restrictive housing to lower

violence, DOC has met with recommended expert, James Austin, on restrictive housing. McCarty stated that four hours of programming are offered per tier, conducted by program counselors. Components of these programs like anger management are modified for the curriculum and age of these groups.

Member Bedard asked about the solution and modifications to be made for the small spaces where these individuals are now shackled by the hand and feet to prevent violence. Commissioner Molina said the three-point restraints will hopefully not be a permanent solution and DOC is exploring environmental improvements that can be made. Repairs are being made for damaged doors in ESH and ongoing training for staff is conducted to ensure doors are closed properly. Facility maintenance have begun welding the lock mechanisms and ensuring food slots are operable. Phone jacks are being installed along the cells and locking mechanisms are being installed for dayroom phones.

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

DOC addressed visitation issues in West Facility

EMTC is undergoing construction in the visits area. Meanwhile, visits are to be conducted in West Facility. Completion of EMTC construction is expected within the next few weeks. To accommodate the visits for people in custody housed at West Facility, security teams are assessing if non-contact visit areas can become contact visit areas.

Member Sherman inquired about an exact date for when the Department expects visits to be resumed at EMTC. Allie Robertson stated that she will check in with the team and follow up, but as of right now maintenance is being prioritized toward the reopening of OBCC.

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

DOC addressed reopening of OBCC and closure of AMKC

Commissioner Molina stated that AMKC has many infrastructure issues and OBCC will provide a higher level of care for people in custody. City-sentenced individual and those with low security classifications will be moved from GRVC to the Annex at EMTC. This movement is scheduled to take place sometime around late July. People in custody will be transferred from AMKC MO, CAPS, and PACE units to GRVC, and individuals in AMKC's general population units will be transferred to OBCC. These movements are tentatively scheduled between July 24 and August 7. Maintenance and construction are ongoing at OBCC.

Member Bedard asked to confirm the movement and number of therapeutic units from AMKC to GRVC. DOC hopes to increase therapeutic bed availability by moving to GRVC. DOC is working with CHS to maintain and hopefully increase this number. Unless CHS says otherwise, each individual with a therapeutic bed at AMKC should be put into a therapeutic bed immediately on transfer.

Member Sherman asked for clarification of the meaning of “self-funded” construction of OBCC. According to DOC, capital improvement dollars cannot be used for these changes. The funding used to fix doors and issues at AMKC will be allocated to OBCC due to the time frame and changes needed. DOC can later follow up with the overall budget for this construction.

Member Bedard asked if there were physical plant modifications made at GRVC as well. Commissioner Molina stated that he believes the modifications are being made in accordance with CHS’s standards.

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

DOC addressed staffing concern and triple tours reporting

DC Ron Edwards presented on this topic, stating that “triple tour” is an ambiguous term. Morning tours are about four and a half hours. Staff sign in when they report to the facility rather than when they begin working. For monitoring purposes only, a triple tour shall be construed as any time worked in excess of 16 and a half consecutive hours.

Chair Sampson raised concern about the ambiguity of triple tour reporting, asking if there is a great degree of difference between Board staff reporting of these incidents versus DC Edwards’ understanding. DC Edwards stated that BOC Director of Violence Prevention, Mr. Bailly, recorded 104 sign-ins earlier than the start of a shift. In these instances, these individuals would have been recorded as working in excess of 16 and a half hours. These sign- ins are said to be erroneously recorded because individuals signed in earlier than the start of their shifts. Chair Sampson stated that BOC Interim Executive Director will work with the Commissioner to understand what reporting, and to create a clearer procedure. Commissioner Molina stated that DOC is working with a technology provider to evaluate the digitalization of the scheduling process. The digitizing of this system should aid these staffing concerns and triple tours. Assistant deputy wardens have been removed from their offices to the control rooms of the facilities to better navigate the day-to-day operations of the facilities, including staffing.

Member Bedard asked for clarification on those individuals working triples and doubles. Commissioner Molina stated that doubles are not scheduled and are responses to the operational needs of a particular facility.

Member Sherman asked that the BOC’s access to facility timekeeping records be restored, as the BOC relies on having access to such information to continue the discussion of staffing issues.

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

Correctional Health Services’ Presentation of the Simulation Center

CHS’ Simulation Center offers CHS medical and nursing staff learning opportunities to enhance their teamwork and clinical skills. It is designed to support and promote the highest quality of

care for CHS patients. It operates 7 days a week and is staffed by members of the Nursing Education Department. Some of its learning opportunities are emergency response scenarios, intravenous access skills, wound assessment and management, and catheterization skills. It provides educational environments with simulation labs/classrooms and “patient” care areas to simulate clinic treatment rooms in each of their facilities. Some of the on-site staff resources are EKG machines, crash carts, and part task trainers to focus on training for specific body parts. There is also a Portable Emergency Response Bag (PERK) similar to what EMS carries, which is equipped to perform the same provision of care, and there are trainings offered within facilities and the center to familiarize staff with the content and usage of this resource.

Patient simulators, fully interactive patient mannequins, are also available onsite. The Simulation Center and its Health + Hospital counterparts passed the Society for Simulation in Healthcare’s (SSH) accreditation process in January 2023. The CHS simulation team led a comprehensive review of its programs, system integration efforts, education work, and research and assessment initiatives. CHS medical staff also ensured that CHS met the standards of SSH. There have been 67 orientation session, 5 1:1 remediation session, 1 Simulation Day (multi-session event) between April 2022 and April 2023. Post-training surveys and mock drills are also employed to measure staff development. CHS is aiming to building out staffing, expanding provided services, and introducing new training opportunities. The center is in Trailer 3 on Rikers Island and BOC members are invited to visit, especially during CHS’s “Simulation Week” this coming September.

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

Public Comment

Testimony from people in custody was played for the public.

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

Christopher Boyle, New York County Defender Services.

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

Natalie Fiorenzo, New York County Defender Services.

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

Michael Klinger, Brooklyn Defender Services.

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

Chaplain Dr. Victoria Phillips, Visionary V Ministries

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

Lauren Stevens-Davidowitz, Legal Aid Society.

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

Antoinette Anderson, Correction Officers’ Benevolent Association.

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

Danielle Gerard, Children's Rights.
Watch this portion of the video [here](#).

Eileen Maher, Vocal – NY.
Watch this portion of the video [here](#).

Diana Griffith, the Bronx Defenders.
Watch this portion of the video [here](#).