



**NEW YORK CITY
BOARD OF CORRECTION**

March 14, 2023 PUBLIC MEETING MINUTES

ATTENDEES¹

MEMBERS PRESENT

Dwayne C. Sampson, Chair
Dr. Rachel Bedard
Robert L. Cohen, M.D. Member
Felipe Franco, Member
DeAnna Hoskins, Member
Jacqueline M. Pitts, Member
Jacqueline Sherman, Member
Joseph Ramos, Member

Jasmine Georges-Yilla, Esq., Interim Executive Director, 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
Allie Robertson, Executive Director of Intergovernmental Affairs
Robert Gonzalez, Deputy Commissioner of Training and Development
Jacqueline Lachman, Acting Deputy Commissioner for Public Information
Nick Pauley, Senior Policy Analyst
James N. Saunders, Deputy Commissioner for Health Affairs
Howard Singer, Deputy Chief of Staff

NYC HEALTH + HOSPITALS—CORRECTIONAL HEALTH SERVICES

Patsy Yang, DrPH, Senior Vice President
Jeanette Merrill, MPH, Director of Communications, and Intergovernmental Affairs

¹ Board Members Felipe Franco and Jacqueline Sherman attended the meeting remotely due to difficulty attending the designated meeting location.

Carlos Castellanos, Chief Operations Officer
Bibin Subedi, M.D., Chief Medical Officer
Nancy Arias, Chief Nursing Officer
Nicole Levy, Deputy Director of Communications, and Intergovernmental Affairs
Elizabeth Ford

OTHERS IN ATTENDANCE

Solomon Acevedo
Malak Alsaynad, Columbia Journalism
Julianne Androshich, Just Leadership USA
Ashaki Antoine, Correctional Officers Benevolent Association
Maryam Aslavyad
Richie Azetimon, NY1
Marco Barrios, Urban Justice Center
Harry Breault, City Council
Colin Bobb-Semple, Saint Ann's School
Andrew Case, Latino Justice
Isabelle Chandler, City Council
Theo Cogan, Saint Ann's School
Courtney Colwell, NYCLU
Ashely Conrad, Freedom Agenda
Lionel Cumberbatch, Correctional Officers' Benevolent Association
Sarita Daftary, Freedom Agenda
Nola Difiore, Saint Ann's School
Rod Edwards
Leah Faria, Woman's Community Justice Association
Sylvie Fishman, Saint Ann's School
Ben Fractenberg, The City
Courtney Gross, NY1
Angelina Henry, Saint Ann's School
Jackson Heller, Saint Ann's School
Serrice Holman, Army of Diamonds
Matt Katz, WNYC/Gothamist
Michael Klinger, Bronx Defenders Services
Kathleen McKenna, Brooklyn Defenders Services
Milo McLaughlin, Saint Ann's School
Barbera Berger Optowsky
Scott Paltrowitz, HALT Solidarity
Anna Pastoressa, Freedom Agenda
Maxine Paulenile
Arrow Peretz, Saint Ann's School
Chaplain Dr. Victoria Phillips, Justice Action Committee
Nick Pinto, Hell Gate
Maia Reddy, Saint Ann's School

Ediin Santana, Freedom Agenda
Nate Schwartz
Jeffrey Sevee
Kirsten Spencer, New York County Defender Services
Stella Stuart-Burns, Saint Ann's School
Margot Syaraglino, Saint Ann's School
Rachel Sznajderman, New York County Defender Services
Jeremy Whiteman, City Council
Keisha Williams, Correctional Officer Benevolent Association
Che Woods, Saint Ann's School

Board of Correction Opening Remarks

Chair Sampson called the meeting into order. Chair Sampson held a vote to approve the draft minutes for the January 10, 2023 meeting. Member Cohen moved to approve the minutes. Jacqueline Sherman seconded the motion. The January 10, 2023 minutes were approved unanimously. Watch this portion of the video [here](#).

The Chair shared his opening remarks, discussing his vision for the future of the Board and the mechanisms for change. He welcomed Jasmine Georges-Yilla as the newly appointed Interim Executive Director (IED). Member Cohen thanked the former Executive Director, Amanda Masters, for her dedication and contribution to the Board throughout her career. Watch this portion of the video [here](#).

Board of Correction Updates

IED Georges-Yilla introduced the two newest Board members appointed by the New York City Council, Dr. Rachael Bedard and DeAnna Hoskins. Both shared their appreciation for their appointments and how they are honored to serve.

Since the last Board meeting, Marvin Pines died in custody on February 4th following a medical emergency. Mr. Pines is survived by his daughter. IED Georges-Yilla expressed condolences on behalf of the Board. Mr. Pines's death is under investigation by the Board.

Regarding Mr. Pines's death, member Cohen stated the following: "I cannot help but say, that the City of New York should reconsider the capability, capacity, and choice to put a 65-year-old man, with a non-violent offense, in the New York City jails. A place, according to the Mayor, and according to me, not safe for 65-year-old men."

IED Georges-Yilla expressed condolences for the deaths of Department staff since the January Board meeting.

IED Georges-Yilla provided updated jail census data. As of March 13, 2023, the total census of people in custody is 5,952. The census broken down by facility is as follows: AMKC, 1,969; Bellevue Hospital, 51; EMTC, 885; GRVC, 818; NIC, 188; RMSC, 347; RNDC, 799; VCBC, 722; and West Facility, 73. Watch this portion of the video [here](#).

Public Meeting Frequency Resolution

Chair Sampson introduced a resolution to amend the Board of Correction by-laws to reflect a decrease from nine annual meetings to six. According to the Chair, the resolution would minimize duplication in agenda topics, provide Board Members and staff more time to collaborate with stakeholders and incorporate more feedback from persons in custody, and reflect the Board's preference for public meeting frequency prior to a 2015 amendment (there were only six annual meetings at the time). Watch this portion of the video [here](#).

IED George-Yilla opened this portion of the meeting to public comment on the resolution. Public Advocate Jumaane Williams spoke virtually.

Chair Sampson and Member Cohen discussed whether it was acceptable to only have three available slots online for people to comment.

Chaplain Dr. Victoria A. Phillips of the Jails Action Coalition, Courtney Colwell of the NYCLU, and Andrew Case of Latino Justice commented in person. Lauren Stephens-Davidowitz of the Legal Aid Society and Daniele Gerard of Children's Rights commented virtually. Rachel Sznadjerman, who signed up to testify online, arrived to testify in person. Chair Sampson did not permit Ms. Sznadjerman to speak because she signed up online. Several members of the public spoke out to advocate for Ms. Sznadjerman's speaking in person. Chair Sampson called for order.

Chair Sampson asked for a motion for the resolution. There was none. No action was taken. Watch this portion of the video [here](#).

Department of Correction's Variance Requests on 1-11(e)(1)(i) Correspondence/Mail) & 1-12(a)(Packages)

The Department requested that it be allowed to open all non-privileged correspondence through a third-party vendor in an offsite location, scan the correspondence, and forward it to an incarcerated recipient's tablet. Regarding packages, the Department requested that it be allowed to require that the contents of any incoming package be purchased from, and mailed to the facility, by a company whose ordinary course of business includes the sale and shipping of items. The Department's stated goal for both requests is to keep contraband out of its facilities.

IED Georges-Yilla opened up the public comment section. The following people commented in person: Isabelle Chandler, the Legislative Director for City Council District 3, speaking on behalf of Council Member Carlina Rivera; Marco Barrios of Urban Justice Center; Anna Pastoressa of Freedom Agenda; and Chaplain Dr. Victoria A. Phillips, who ceded her time to Rachel Sznadjerman of New York County Defenders Services. Natalie Pacht of the Legal Aid Society; Bianca Tylek of Worth Rises; and Stephanie Krent of the Knight First Amendment Institute testified virtually. Watch this portion of the video [here](#).

Commissioner Louis Molina made a presentation in support of the variance requests. He shared information from the CDC regarding the dangers of fentanyl, which can be fatal in the smallest doses. The Commissioner presented several Central Operation Desk reports on incidents of the

discovery of fentanyl on letters or parcels coming into Rikers for persons in custody. According to the Commissioner, finding mail with fentanyl is challenging, given the volume of mail, and the current policy which forbids the Department from opening mail except in the recipients' presence. According to the Commissioner, 41 county jails in New York State have procedures in place so that original mail is not distributed to persons in custody. The Commissioner is aware that fentanyl enters through other means, but the Department is attempting to close other avenues. DOC began body scanning some staff before entering RNDC on March 14, 2023, and he stated that body scanning will be expanded. "I know that some of you believe that it is important that incarcerated individuals should receive original mail and packages from anyone sending them, but it is more important that we keep individuals alive."

Member Cohen asked what the rate of fentanyl getting through the Department's current scanning is. According to the Commissioner, out of the 500+ incidents of fentanyl discovery, 133 of them were contraband coming through the mail. 107 were through mail itself, and 37 were through packages. The volume of mail, which can be 250,000 – 300,000 letters a year, means some of the contraband is going to get through. The Commissioner stressed: "we don't have the bandwidth to inspect every single letter."

Member Cohen asked how many of the 250,000 was DOC inspecting. Commissioner Molina stated: "I'd have to find another way to quantify that to you. I couldn't tell you off the top of my head...this belief that the majority of drugs coming in through staff is just not borne out." According to the Commissioner, at RNDC, the Department randomly selects staff members to be body scanned for the day, to see how this impacts the day-to-day operations. The Commissioner did not provide a randomization percentage because he believed it was sensitive law enforcement information.

Member Bedard questioned the experimental integrity of the variance. She highlighted that there was no meaningful evaluation plan that would determine whether the variance request would be a success. She further pointed out that, because it is being rolled out across the system, there is no control group with which to compare the intervention.

Commissioner Molina argued that the mail variance is not the only mechanism the Department is attempting to mitigate the contraband issue, therefore the mail variance alone would not be the sole success indicator if the Department saw a decrease in overdoses and Narcan use. He hoped that the tactical search operations would find less contraband.

Member Bedard further noted: "I guess that gets at my point. Are there circumstances that you can envision at which you would decide to terminate this intervention, and allow mail back into the facilities if you do not have a way by which you're going to examine whether it succeeds or fails?" Commissioner Molina stated that he does not have an answer for that today.

Member Sherman questioned the Commissioner on whether the Department had the capacity to scan the mail in the first place, and if they understand what they might need. According to the Commissioner, the Department works with the Customs and Boarder Control K-9 unit,

which can detect fentanyl during an inspection. Mailroom staff have been sent advisories on how to catch fentanyl, among other techniques. The Commissioner believed that the human capital needed to inspect every letter would be significant.

The Commissioner argued that scanning by a third-party provider keep staff safe from being exposed to fentanyl, and eliminates any possibly of contraband coming through the mail.

Member Hoskins asked why Securus is necessary and whether the Department could manage digital mail through email or other means. According to the Commissioner, the Department chose Securus because of contract discussions and having Securus scan the mail adds no additional cost to the Department.

Member Hoskins stated: "It feels as if we're trying to automate human contact when we're talking about humans inside a correctional facility that have yet to be convicted...what other measures to eliminate entry point were considered...versus putting the blame on the people impacted and their families."

Commissioner Molina stated: "I am not putting the blame on people being impacted...fentanyl has killed two thirds of 100,000 people in America. And it is deadly. And I want people to be alive...having your loved one come home alive is much better... than having someone die because we shrugged our responsibility."

Member Ramos discussed the changes at the Department and praised its effort in finding contraband. An audience member shouted. Member Ramos and the audience member engaged in further exchanges. Chair Sampson called for order in the auditorium.

Chair Sampson asked for a motion to approve the variance request regarding mail. There is no motion. No action was taken. Watch this portion of the video [here](#).

The Department began its presentation of the variance regarding packages and answered clarifying questions from Board Members. Chair Sampson asks for a motion to approve the variance request regarding mail. There was no motion. No action was taken. Watch this portion of the video [here](#).

Department of Correction's Update

On January 18, 2023, the Department began vehicle check operations, now led by Rikers' Investigation Division. On March 13, 2023, the Department started body scanning at RNDC. Anyone entering that facility will be body scanned, with no exceptions. The number of staff trained to use Narcan, as well as Narcan access, has increased. Several different discoveries including contraband and weapons, have increased by several percentage points from July 2022 to the end of January 2023. The Commissioner listed the number of weapons, contraband and other prohibited items recovered by the Department.

Regarding violence (fiscal year to the date of the meeting), slashings and stabbings decreased by 14.4%. The past February was the lowest number of incidents reported going all the way back to January 2021. The Commissioner shared additional statistics on the decrease of violence indicators.

The Department has distributed 4,941 tablets to individuals. Some individuals have refused the tablets. Tablets can be used to make telephone calls. People in custody are ensured 21 minutes of free calls every 3 hours. Newly admitted individuals do not immediately get tablets. Tablets stay with individuals even if they are moved from one facility to another.

Member Cohen noted that the Board has spent a long time trying to end the arduous process of restraint chairs. Member Cohen is concerned that, while the Commissioner is reporting that violence is down, restraint chairs are being reinstated. The Commissioner shared that they use ESH in response to serious violence and the Department updates the Board on all ESH placements. According to the Commissioner, the Department uses restraint chairs because it was recommended when working with the Federal Monitor and James Austin.

Member Cohen highlighted how the Commissioner described a terrific ESH 1 program, with enough staff to protect everybody from each other. Commissioner Molina responded by sharing that people in ESH level 1 had such a high propensity to violence, it put everyone involved in danger. "I had to act," Molina said. Watch this portion of the video [here](#).

Correctional Health Services Updates

Beginning March 15, 2023, CHS will be relaxing many of its COVID-19 protocols. The positivity rate is now below 1% in the facilities. CHS will continue to vaccinate and offer vaccination and screening to everyone coming into facilities, and isolate people who are positive for COVID-19.

CHS uses four interventions for substance abuse: intake screening evaluations by nursing and medical staff, the Key Extending Entry Program (KEEP), harm reduction interventions, and integration into medical and mental health treatments.

CHS defines an overdose as individuals who are administered Narcan, or overdose as referenced in clinical notes. From 2020-2022, there have been an increase in Narcan usage, and a decrease in overdose events.

The RMSC PACE unit has three levels of mental health care: general population clinics, therapeutic housing units, and inpatient care. Rosie's PACE unit opened in 2017. Leadership is the same through general population, mental observation, and PACE. Max capacity is 25/28.

When an individual is on a behavioral plan and engaged in violent behavior unrelated to their mental illness, CHS first refers the individual to the hospital. The hospital then determines whether the individual meets the criteria for inpatient hospitalization. If not, CHS then works with DOC to create a behavioral plan to incentive positive behavior.

CHS focuses on early identification treatment, but sometimes individuals do not feel comfortable sharing their substance usage. CHS ensures there are referral pathways throughout incarceration.

CHS clarified that it does not direct individuals to be locked in. If there is a security issue, CHS staff is on-site and can check in with those who are locked in. Watch this portion of the video [here](#).

Department of Correction and Correctional Health Services Joint Update

The Department has strengthened the in-custody death Joint Action Review (JAR) process. The Department now conducts an executive-level JAR of any in-custody death two days after the event. The initial JAR is then followed up with a seven-day and a 30-day executive-level review. Reviews are done before a Law Department attorney.

Department staff works with the population to encourage clinical appointment attendance, however, persons in custody are allowed to refuse treatment. The Commissioner stated that the Department publishes a public report detailing the number of missed appointments and the reasons why.

Department and CHS staff work together to ensure priority cases are seen in the clinic. Individuals who miss an appointment due to lack of an escort often have their appointment rescheduled for the next day or sooner thereafter. CHS and the Department have developed many mechanisms to prevent missed appointments. Watch this portion of the video [here](#).

Public Comment

There were pre-recorded comments from the following people in custody: Kikiana Lloyd, Kerron Davidson, Jinja Johnson, Paul Alexander, Christopher Cano, and one anonymous person. Watch this portion of the video [here](#).

Ashaki Antoine of COBA

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

Lionel Cumberbatch of COBA

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

Kayla Simpson of the Legal Aid Society

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

Kelly Grace Price of Close Rosie's

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

Eileen Maher of Vocal New York

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