

FACTS ABOUT THE RISK MANAGEMENT ACCOUNTABILITY SYSTEM EXECUTIVE ORDER:

Emergency Executive Order 279 moves the deadline to end the practice of punitive segregation. It does NOT, however, change our fundamental mission to end punitive segregation and create a safer, more humane justice system. We know there has been concern that the Department will use Executive Order 279 to make changes to our current restrictive housing systems and add further restrictions for people in custody. We have no intention to do so. We hope the following FAQ clears up any concern about the impact of this Executive Order and the Department's Commitment to restrictive housing reform.

What does Emergency Executive Order 279 do?

Emergency Executive Order 279 moves the deadline to replace DOC's current restrictive housing system with a new disciplinary model known as Risk Management Accountability System (RMAS). This deadline was put in place by the Board of Correction through a rule change that created RMAS.

What was the deadline?

November 1.

If the Department is committed to restrictive housing reform, why is the Emergency Order needed?

Simply put, the current staffing crisis has impacted our ability to staff these new units. Our commitment to RMAS remains steadfast and we are working not just to implement this system but to address the upstream causes that create violence in our jails in the first place.

How far does the Executive Order move the deadline?

City regulations require Executive Orders must be renewed every 5 days, and we anticipate this EO will need to be regularly renewed over the coming weeks and months to ensure RMAS is implemented correctly and in a manner that honors the spirit of the Board's rules.

We will have RMAS in place well before New York State's HALT Act comes into effect on 4/1/21.

Is the entire effort on pause?

Absolutely not. The DOC is interviewing, hiring and training programmatic, legal, and uniform staff. The staffing crisis has slowed down our progress. It has not affected our commitment.

Does this Executive Order allow the Department to keep people in general population or people who are currently in restrictive housing in cell for 24 hours?

No.

Does the Executive Order impact the 14 hours out-of-cell requirement for people in general

population housing?

No.

Does the order deny people access to the Law Library?

No.

Even in restrictive housing units, access law library services continue to be provided. Nothing is changing as a result of this EO.

Does the Executive Order mean MORE people will be housed in punitive segregation?

Absolutely not. The Executive Order will not impact our current restrictive housing practices. In fact, beginning on September 1, the Department began an early release review process for every person housed in PSEG on or around their 15th day in the housing unit.

We remain as committed as ever to restrictive housing reform. Since 2014, the average daily population in punitive segregation has dropped from an average of around 600 per day to fewer than 100 on most days. As we work to implement RMAS, we intend to keep the number of people in PSEG low by utilizing existing alternatives to punitive segregation and addressing upstream causes of violence.

What is RMAS?

RMAS is a new restrictive housing system that fundamentally changes the way the Department of Correction responds to violence committed by people in custody, ensuring accountability for violent actions in a more humane and effective manner.

- The right to legal representation at the infraction hearing for any infraction that may result in placement in RMAS housing
- Minimum 10 hours out of cell, socializing with at least one other person
- A strong presumption of progression from Level 1 to Level 2 in 15 days, and out of Level 2 in 15 days
- The ability for the Department to extend placement in RMAS only when necessary; extension must be documented with a clear threat to safety; person in custody has ability to appeal with legal representation
- Individualized behavioral support plans
- Hiring experienced case managers
- Hours of daily programming, including required therapeutic programming in space outside the dayroom space; and
- Daily rounding by health and mental health staff
- Post-RMAS, step-down Restorative Rehabilitation Unit with 14 hours of lock out and a heavy focus on intensive programming.