

NEW YORK CITY BOARD OF CORRECTION

Notice of Adoption of Rules

Notice is hereby given in accordance with section 1043(f) of the New York City Charter that the Board of Correction is adopting rules relating to visitation, packages, classification, recreation, and punitive segregation in facilities operated by the New York City Department of Correction.

These rules are promulgated pursuant to sections 1043 and 626 of the New York City Charter.

On October 16, 2015, a public hearing on these rules was held by the Board of Correction at 455 1st Avenue, New York, New York. These rules were approved at the public meeting of the Board of Correction held on December 16, 2015.

Statement of Basis and Purpose

These rule revisions amend the Minimum Standards adopted by the Board of Correction (“the Board”) relating to correctional facilities, set forth in Chapter 1 of Title 40 of the Rules of the City of New York. Specifically, the revisions:

- amend the Minimum Standards set forth in Chapter 1, Sections 1-09 (Visiting), 1-12 (Packages), and 1-17 (Punitive Segregation), and
- make permanent a number of continuing variances that the Department of Correction (“the Department”) has repeatedly sought and received from the Board relating to Sections 1-02 (Classification of Prisoners) and 1-06 (Recreation).

These changes were requested by Commissioner Joseph Ponte in a petition for rulemaking submitted by the Department on May 26, 2015. In the petition, Commissioner Ponte suggested the rule changes for the purpose of allowing the Department to more effectively address violence in City jails, including slashings and stabbings. The Department believes this violence is linked, in part, to the proliferation of dangerous contraband, including small, hand-to-hand weapons, such as scalpels and razor blades. The Board accepted this petition at its July 14, 2015 meeting, but has since made a number of revisions to the rule changes initially suggested by the Department and removed a number of the rule changes initially suggested by the Department.

Visitation

New language has been added to state explicitly the Board’s strong belief in the great value of visitation, and, specifically, contact visitation. To accomplish the goal of reducing violence and stemming the flow of contraband, the rule changes redefine the scope of physical contact that the Department is required to permit during contact visits. These changes mirror the definition of “contact” under the New York State standards. However, the rules changes expand upon the State’s definition by making clear that visitors and inmates are permitted to hold hands

throughout a visit and inmates are permitted to hold children ages 14 and younger in their families throughout a visit. The changes further note that the term “family” should be construed broadly to reflect the diversity of familial structures for the purposes of the Department’s implementation of visitation rules. These changes are intended to limit the opportunities to pass weapon and drug contraband during visits, while continuing to ensure that important contact between inmates and visitors may still occur.

The visitation section of the Minimum Standards has additionally been modified to make clear that the existing prohibition against limiting visitation rights on the basis of an inmate’s or a visitor’s gender includes gender identity, self-image, appearance, behavior and expression. This language closely mirrors similar provisions in New York City’s Human Rights Law.

Finally, the process for appealing visitation restrictions has been modified. The Board must still decide visitation appeals within 5 business days, but now may issue a single extension of 10 business days when there exists good cause to do so.

Packages

An additional change has been included to make it easier for the Department to prevent the introduction of dangerous contraband through packages. The change provides the Department with 72 hours rather than 48 hours, to search packages.

Punitive Segregation

In addition to the amendments aimed at reducing contraband, other changes allow the Department to sentence inmates infracted and sentenced for a serious assault on staff – i.e., those resulting in serious injury – to receive a higher maximum sentence in punitive segregation than is allowed for other infractions. The changes provide that an inmate infracted for committing a serious assault on staff may be sentenced to up to 60 days in punitive segregation for that single infraction. When an inmate is serving such a sentence, the changes provide that the Department need not release the inmate from punitive segregation for 7 days after the inmate has served 30 consecutive days in punitive segregation, which is required for all other punitive segregation sentences. However, any sentences for serious assaults on staff that exceed 30 days must be approved by the Chief of Department or a designee. Additionally, the Chief of Department or a designee must complete a review 45 days after commencement of the sentence to determine whether the inmate could safely be placed in an available alternative housing unit for the remainder of the sentence.

The changes to the punitive segregation section additionally clarify the meaning of the 60-day limit on punitive segregation within any 6-month period and impose additional reporting requirements when an inmate is held beyond the 60-day limit. Finally, the revisions require the Department to provide the Board with a report detailing the Department’s efforts to reduce violence without resorting to increasing the time inmates spend in punitive segregation housing.

Classification and Recreation

Finally, the rule changes amend Minimum Standards Sections 1-02 (Classification of Prisoners) and 1-06 (Recreation) to make permanent certain continuing variances that the Department has repeatedly sought and received from the Board.

Set forth below is a section-by-section description of the rule amendments.

Section 1-02 (“Classification of Prisoners”)

This revision amends paragraph (1) of subdivision (b) to make permanent a long-standing variance that enables the Department to comingle city-sentenced inmates and detainees within the following housing areas: (1) adolescent housing areas, (2) housing areas designated for inmates ages 18 to 21, and (3) housing areas for pregnant inmates. It additionally replaces close custody housing with enhanced supervision housing on the list of housing types in which such comingling is permissible, as the Department no longer uses close custody housing and recently implemented the new enhanced supervision housing unit. Finally, a new paragraph is added to provide that where inmates are comingled in such housing areas, the Department is required to treat sentenced inmates as inmates awaiting trial or examination for all purposes other than housing.

Section 1-06 (“Recreation”)

This revision amends subdivision (f) to make permanent a long-standing variance that enables the Department to provide in-cell recreation to inmates confined for medical reasons in the contagious disease units and requires the Department to provide such inmates with various recreation materials in the most prevalent languages among the inmate population.

Section 1-09 (“Visiting”)

This revision amends subdivision (a) to state explicitly the Board’s strong belief in the great value of visitation, and, specifically, contact visitation. The changes further note that the term “family” should be understood to reflect the diversity of familial structures for the purposes of the Department’s implementation of visitation rules.

The revisions also amend subdivision (f) to redefine the scope of the type of physical contact that the Department must allow during contact visits by conforming the Board’s definition of “permitted contact” to the definition provided under New York State law. However, the revisions additionally expand the State law definition of permissible contact to provide that inmates must be permitted to hold children ages 14 and younger in the inmates’ families throughout visits and hold visitors’ hands throughout visits.

A new paragraph is added to subdivision (h) to make clear that visitation restrictions must be narrowly tailored to the threat posed by the visitor or the inmate’s access to visitation.

Subdivision (h) is additionally amended to clarify certain aspects of the Minimum Standards that bar the use of certain characteristics as a basis to restrict visitation. Namely, the changes clarify that “gender” includes “gender identity, self-image, appearance, behavior or expression.”

Finally, the changes modify the procedures by which visitation limitations are imposed and by which inmates and visitors may appeal such limitations. The Board must still decide visitation appeals within 5 business days, but now may issue a single extension of 10 business days when there exists good cause to do so.

Section 1-12 (“Packages”)

The change provides that the Department must deliver packages to inmates within 72 hours, rather than 48 hours.

Section 1-17 (“Punitive Segregation”)

The revisions amend paragraphs (1) and (2) of subdivision (d) and add a new paragraph (4) to subdivision (d) to allow the Department to sentence inmates who have committed a serious assault on staff to up to 60 days in punitive segregation. The Department would not be required to provide those inmates with a 7-day break after 30 consecutive days in punitive segregation, as is required for all other punitive segregation sentences. The Chief of Department or a designee is required to approve sentences exceeding 30 days, with notification sent to the inmate, the Board, and the relevant Correctional Health Authority. Additionally, the Chief of Department or a designee is required to complete a review 45 days after commencement of the sentence to determine whether the inmate can safely be placed in an available alternative housing unit for the remainder of the sentence.

The revisions to subdivision (d) also amend paragraph (3) to clarify the meaning of the provision that allows the Department to keep inmates in punitive segregation for longer than 60 cumulative days within a 6 month period. The revisions further impose additional reporting requirements when the Department takes such action.

The changes expand mental health protections to require that daily mental health rounds be required for all inmates who have been held in punitive segregation for longer than 30 consecutive days. Additionally, starting in August 2016, the Department is required to offer inmates held in punitive segregation longer than 30 consecutive days, as well as those held more than 60 days within 6 months, cognitive behavioral therapy or equivalent therapeutic programming aimed at addressing the root causes of the behavioral issues that led to the inmates’ extended stays in punitive segregation.

Finally, a new report is required in subdivision (h). That report, due no later than June 1, 2016, requires the Department to analyze and recommend options for reducing persistent violence committed by inmates housed in or released from punitive segregation using means other than

extending punitive segregation confinement. Additionally, new reporting requirements are added to a previous report related to the Department's use of punitive segregation.

Final Rule

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Board of Correction, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Paragraph (1) of subdivision (b) of section 1-02 of Title 40 of the Rules of the City of New York is amended, paragraph (2) is renumbered as paragraph (3), and a new paragraph (2) is added, to read as follows:

- (1) [Prisoners serving sentence] Sentenced inmates shall be housed separate and apart from [prisoners] inmates awaiting trial or examination, except when housed in:
 - (i) punitive segregation;
 - (ii) medical housing areas;
 - (iii) mental health centers and mental observation cell housing areas;
 - (iv) [close custody housing areas] enhanced supervision housing; [and]
 - (v) nursery[.];
 - (vi) adolescent housing areas;
 - (vii) housing areas designated for inmates ages 18 to 21 inclusive; and
 - (viii) housing areas for pregnant inmates.

(2) Where sentenced inmates are housed with inmates awaiting trial or examination in the housing areas listed in subparagraphs (i) through (viii) of paragraph (1) of this subdivision, the sentenced inmates shall be treated as inmates awaiting trial or examination for all purposes other than housing.

§ 2. Subdivision (f) of section 1-06 of Title 40 of the Rules of the City of New York is amended to read as follows:

(f) *Recreation for [prisoners] inmates in the contagious disease units.*

[The Department shall not be required to provide an indoor recreation area for use during inclement weather by prisoners confined for medical reasons in the contagious disease units] In place of out-of-cell recreation, the Department, in consultation with medical providers, may provide inmates confined for medical reasons in the contagious disease units with

appropriate recreation equipment and materials for in-cell recreation. The Department must provide such inmates with daily access to publications, such as newspapers, books, and magazines, which shall be made available in the six (6) most common languages spoken by the inmate population.

§ 3. Subdivision (a) of section 1-09 of Title 40 of the Rules of the City of New York is amended to read as follows:

(a) *Policy.*

[Prisoners] All inmates are entitled to receive personal visits of sufficient length and number. Maintaining personal connections with social and family networks and support systems is critical to improving outcomes both during confinement and upon reentry. Visitation with friends and family plays an instrumental role in an inmate's ability to maintain these connections and should therefore be encouraged and facilitated by the Department. Additionally, the Board recognizes that an inmate's family may not be limited to those related to the inmate by blood or by legally-recognized bonds, such as marriage or adoption. Therefore, the term "family" as it is used in this subdivision should be construed broadly to reflect the diversity of familial structures and the wide variety of relationships that may closely connect an inmate to others. This should include, for example, but may not be limited to: romantic partners; godparents and godchildren; current and former step-parents, children, and siblings; and those connected to the inmate through current or former domestic partnerships, foster arrangements, civil unions, or cohabitation.

§ 4. Subdivision (f) of section 1-09 of Title 40 of the Rules of the City of New York is amended to read as follows:

(f) *Contact visits.*

Physical contact shall be permitted between every [prisoner] inmate and all of [his or her] the inmate's visitors [throughout the visiting period, including holding hands, holding young children, and kissing]. Permitted physical contact shall include a brief embrace and kiss between the inmate and visitor at both the beginning and end of the visitation period. Inmates shall be permitted to hold children in the inmate's family who are ages fourteen (14) and younger throughout the visitation period, provided that the Department may limit an inmate's holding of children to one child at a time. Additionally, inmates shall be permitted to hold hands with their visitors throughout the visitation period, which the Department may limit to holding hands over a partition that is no greater than six (6) inches. The provisions of this subdivision are inapplicable to [prisoners] inmates housed for medical reasons in the contagious disease units. The Department may impose certain limitations on contact visits for inmates confined in enhanced supervision housing in accordance with the procedures and

guidelines set forth in section 1-16 of this chapter.

§ 5. Paragraph (1) of subdivision (h) of section 1-09 of Title 40 of the Rules of the City of New York is renumbered as paragraph (4) and amended, paragraphs (2), (3), and (4) are renumbered as paragraphs (1), (2) and (5) and amended, a new paragraph (3) is added, a new subdivision (i) is created, and paragraph (5) of subdivision (h) is renumbered as paragraph (1) of the new subdivision (i) and amended, to read as follows:

(h) [*Limitation on visiting*] Restrictions on visitation rights.

[(2)](1) The [visiting] visitation rights of [a prisoner] an inmate with a particular visitor may be denied, revoked or limited only when it is determined that the exercise of those rights constitutes a serious threat to the safety or security of a facility, provided that [visiting] visitation rights with a particular visitor may be denied only if revoking the right to contact visits would not suffice to reduce the serious threat.

This determination must be based on specific acts committed by the visitor during a prior visit to a facility that demonstrate [his or her] the visitor's threat to the safety and security of a facility, or on specific information received and verified that the visitor plans to engage in acts during the next visit that will be a threat to the safety or security of the facility. Prior to any determination, the visitor must be provided with written notification of the specific charges and the names and statements of the charging parties, and be afforded an opportunity to respond. The name of an informant may be withheld if necessary to protect [his or her] the informant's safety.

[(3)](2) [A prisoner's] An inmate's right to contact visits as provided in subdivision (f) of this section may be denied, revoked, or limited only when it is determined that such visits constitute a serious threat to the safety or security of a facility. Should a determination be made to deny, revoke or limit [a prisoner's] an inmate's right to contact visits in the usual manner, alternative arrangements for affording the [prisoner] inmate the requisite number of visits shall be made, including, but not limited to, non-contact visits.

This determination must be based on specific acts committed by the [prisoner] inmate while in custody under the present charge or sentence that demonstrate [his or her] the inmate's threat to the safety and security of a facility, or on specific information received and verified that the [prisoner] inmate plans to engage in acts during the next visit that will be a threat to the safety or security of the facility. Prior to any determination, the [prisoner] inmate must be provided with written notification of the specific charges and the names and statements of the charging parties, and be afforded an opportunity to respond. The name of an informant may be withheld if necessary to protect [his or her] the informant's safety.

(3) Restrictions on visitation rights must be tailored to the threat posed by the inmate or prospective visitor and shall go no further than what is necessary to address that threat.

[(1)](4) [Visiting] Visitation rights shall not be denied, revoked, limited or interfered with based [upon a prisoner's] on an inmate's or a prospective visitor's actual or perceived:

- (i) sex;
- (ii) sexual orientation;
- (iii) race;
- (iv) age, except as otherwise provided in this section;
- (v) nationality;
- (vi) political beliefs;
- (vii) religion;
- (viii) criminal record;
- (ix) pending criminal or civil case;
- (x) lack of family relationship;
- (xi) gender, including gender identity, self-image, appearance, behavior or expression;
or
- (xii) disability

[(4)](5) Any determination to deny, revoke or limit [a prisoner's visiting] an inmate's visitation rights pursuant to paragraphs [(2)] (1) and [(3)] (2) of this subdivision shall be in writing and shall state the specific facts and reasons underlying such determination. A copy of this determination, including a description of the appeal procedure, shall be sent to the Board and to any person affected by the determination within 24 hours of the determination.

(i) Appeal procedure for visitation restrictions.

[(5)] (1) Any person affected by [a] the Department's determination [made pursuant to paragraphs (2) and (3) of this subdivision] to deny, revoke or limit access to visitation may appeal such determination to the Board[.], in accordance with the following procedures:

- (i) The person affected by the determination shall give notice in writing to the Board and the Department of [his or her] intent to appeal the determination.
- (ii) The Department and any person affected by the determination may submit to the Board for its consideration any relevant material in addition to the written determination.
- (iii) The Board or its designee shall issue a written decision upon the appeal within five (5) business days after receiving notice of the requested review, indicating whether the visitation determination has been affirmed, reversed, or modified.

- (iv) Where there exists good cause to extend the time period in which the Board or designee may issue a written decision beyond five (5) business days, the Board or designee may issue a single extension not to exceed ten (10) business days. In such instances, the Board shall immediately notify the Department and any persons affected by the extension.

§ 6. Paragraph (1) of subdivision (d) of section 1-12 of Title 40 of the Rules of the City of New York is amended, to read as follows:

- (1) Incoming packages shall be delivered within [48] 72 hours of receipt by the Department, unless the intended [prisoner] inmate is no longer in custody of the Department.

§ 7. Paragraphs (1), (2), and (3) of subdivision (d) of section 1-17 of Title 40 of the Rules of the City of New York are amended, and new paragraphs (4) and (5) are added, to read as follows:

- (1) [No] Except where an inmate has committed a serious assault on staff as described in paragraph (4) of this subdivision, no inmate may be sentenced to punitive segregation for more than thirty (30) days for any single infraction. [In no event may an inmate be held in punitive segregation longer than thirty (30) consecutive days.]
- (2) Except where an inmate is serving a punitive segregation sentence for a serious assault on staff as described in paragraph (4) of this subdivision, in no event may an inmate be held in punitive segregation longer than thirty (30) consecutive days. [An] Except where an inmate is serving a punitive segregation sentence for a serious assault on staff as described in paragraph (4) of this subdivision, an inmate who has served thirty (30) consecutive days in punitive segregation [must] shall be released from punitive segregation for at least seven (7) days before that inmate may be returned to punitive segregation.
- (3) An inmate may not be held in punitive segregation for more than a total of sixty (60) days within any six (6) month period, unless, upon completion of or throughout the sixty (60) [days] day period, the inmate [continues] has continued to engage in persistent acts of violence, other than self-harm, such that [placement in enhanced supervision housing, provided for in section 1-16 of this chapter,] any placement other than punitive segregation would endanger inmates or staff.
- (i) In such instances, the Department shall not be required to release the inmate from punitive segregation after sixty (60) days have elapsed.
- (ii) [the] The Chief of Department must approve such [extension] extensions of [the inmate's] punitive segregation placement[, and the Department must provide the Board and the Department of Health and Mental Hygiene with immediate

notification containing an explanation of the security concerns presented by the inmate] in writing and state: (1) the reasons why placement in a less restrictive setting has been deemed inappropriate or unavailable, and (2) why retaining the inmate in punitive segregation is necessary to ensure the safety of inmates or staff. [Daily mental health rounds must be provided to inmates who serve more than sixty (60) days within a six (6) month period, and such rounds must be documented in writing.]

(iii) The Department must immediately provide the Board and the relevant Correctional Health Authority with a copy of the Chief of Department's written approval.

(4) Inmates sentenced to punitive segregation for an assault on staff that causes staff to suffer one or more serious injuries, as listed under the Department's definition of "A" Use of Force Incidents, may receive a punitive segregation sentence of up to sixty (60) days for that single infraction.

(i) The Chief of Department or a designee must approve or disapprove in writing any punitive segregation sentence for a serious assault on staff that exceeds thirty (30) days. The written approval or disapproval shall be sent immediately to the inmate, the Board, and the relevant Correctional Health Authority.

(ii) While an inmate is serving a punitive segregation sentence for a serious assault on staff that exceeds thirty (30) days, the Department shall not be required to release the inmate from punitive segregation housing after thirty (30) consecutive days.

(iii) Where an inmate's punitive segregation sentence for a serious assault on staff exceeds forty-five (45) days, the Chief of Department or a designee shall complete a review of the sentence forty-five (45) days after its commencement to determine whether the inmate could safely be placed in an available alternative housing unit for the remainder of the sentence. The decision, and the reasoning supporting it, shall be stated in writing and immediately sent to the inmate, the Board, and the relevant Correctional Health Authority.

(5) Daily mental health rounds must be provided to inmates housed in punitive segregation who have been held there longer than thirty (30) consecutive days or have served more than sixty (60) days within a six (6) month period. Such rounds must be documented in writing. Beginning August 1, 2016, the Department shall additionally offer such inmates cognitive behavioral therapy or a similar evidence-based intervention aimed at addressing the root causes of the behavior that led to the inmates' extended stays in punitive segregation. Such programming shall be developed in consultation with the relevant

Correctional Health Authority.

§ 8. Subdivision (h) of section 1-17 of Title 40 of the Rules of the City of New York is amended, to read as follows:

(h) Reports on punitive segregation.

(1) No later than sixty (60) days after implementation of enhanced supervision housing provided for in section 1-16 of this chapter and every sixty (60) days thereafter, the Department shall submit to the Board information related to implementation of required changes to punitive segregation. This information shall include, but shall not be limited to:

- (i) the number of inmates held in punitive segregation and the number of inmates waiting to be held in punitive segregation;
- (ii) data related to the length of punitive segregation sentences and the frequency of the types of offences resulting in punitive segregation sentences;
- (iii) the status of the reduction of punitive segregation sentences from ninety (90) to thirty (30) days and any other efforts to reduce the use of and length of stay in punitive segregation;
- (iv) the status of implementation of the Department's planned policy to require that an inmate be released from punitive segregation for a minimum of seven (7) days before returning to punitive segregation;
- (v) the number of punitive segregation sentences of thirty-one (31) to forty-five (45) days in duration given to inmates for a serious assault on staff, disaggregated by whether the sentence was approved or disapproved by the Chief of Department or a designee;
- (vi) the number of punitive segregation sentences exceeding forty-five (45) days in duration given to inmates for a serious assault on staff, disaggregated by whether the sentence was approved or disapproved by the Chief of Department or a designee;
- (vii) the number of punitive segregation sentences the Chief of Department or a designee reviewed forty-five (45) days after commencement and the number of instances where, as a result of this review, an inmate was placed in an alternative housing unit for the remainder of the sentence;
- (viii) the number of requests submitted to the Chief of Department to hold an inmate in punitive segregation for more than a total of sixty (60) days within a six (6) month period, disaggregated by whether the request was approved or disapproved by the Chief of Department;
- (ix) the number of inmates who received two (2) or more placements in punitive segregation pursuant to section 1-17(d)(3);
- (x) the number of inmates currently in Department custody who have, during their current incarceration, been housed in punitive segregation a total of: one (1) to thirty (30) days, thirty-one (31) to sixty (60) days, sixty-one (61) to ninety (90)

days, ninety-one (91) to one-hundred-twenty (120) days, and more than one-hundred-twenty (120) days;

- (xi) the number of inmates currently housed in punitive segregation, who have been held there, consecutively, for: one (1) to thirty (30) days, thirty-one (31) to sixty (60) days, sixty-one (61) to ninety (90) days, ninety-one (91) to one-hundred-twenty (120) days, and more than one-hundred-twenty (120) days;
- (xii) [(v)] a plan and timeline detailing steps necessary to reduce the length of punitive segregation sentences and to reduce the number of inmates housed in punitive segregation;
- (xiii) [(vi)] data related to the amount of recreation and out-of-cell time provided to inmates housed in punitive segregation; and
- (xiv) [(vii)] any other information the Department or the Board deems relevant to the Board's assessment of punitive segregation in Department facilities.

(2) No later than June 1, 2016, the Department shall submit to the Board a report analyzing and recommending options to reduce persistent violence committed by inmates housed in or released from punitive segregation that use means other than extending punitive segregation confinement. The report shall:

- (i) detail how its recommended solutions would support the goals of protecting the safety and wellbeing of staff and inmates, promoting the security of Department facilities, and facilitating successful reentry of inmates;
- (ii) describe the measures the Department has already implemented or plans to implement, including programming and housing, as well as other measures it has considered;
- (iii) include an assessment of the pros and cons of each option, and the various potential impacts of implementing each option, including any resources that may be needed; and
- (iv) include a description of research conducted by the Department on effective disciplinary systems and alternatives to punitive segregation and the progress of Department efforts to identify viable alternative programs and locations to safely house and treat violent offenders.



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

STEVEN GOULDEN
Division of Legal Counsel
Room 6-231
Tel: (212) 356-4028
Fax: (212) 356-4019
sgoulden@law.nyc.gov

Hon. Stanley Brezenoff
Chair
Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Amendment of Certain Minimum Standards for City Correctional Facilities

No. 2015 RG 096

Dear Commissioner Brezenoff:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

STEVEN GOULDEN
Senior Counsel
Division of Legal Counsel

cc: Martha King
Michele Ovesey