

**NEW YORK CITY
BOARD OF CORRECTION**

September 20, 2007

MEMBERS PRESENT

Hildy J. Simmons, Chair
Michael J. Regan, Vice Chair
Stanley Kreitman
Rosemarie Maldonado, Esq.
Richard Nahman, O.S.A.
Alexander Rovt
Milton L. Williams, Jr., Esq.

Excused absences were noted for Members Paul A. Vallone, Esq. and Gwen Zornberg, M.D.

DEPARTMENT OF CORRECTION

Martin Horn, Commissioner
Carolyn Thomas, Chief of Department
Stephen Morello, Deputy Commissioner for Public Information
Florence Hutner, General Counsel
Kim Stead, Assistant Commissioner, Discharge Planning
Judith LaPook, Chief of Staff
Mark Cranston, Deputy Chief of Staff
Ron Greenberg, Director, Office of Policy and Compliance (OPC)
Dennis Wall, Assistant Director, Investigations Division

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Louise Cohen, Deputy Commissioner
Jason Hershberger, M.D., Assistant Commissioner, Correctional Health Services (CHS)
Robert Berding, Director, Clinic Services, CHS
George Axelrod, Director of Risk Management, CHS

OTHERS IN ATTENDANCE

Harold Appel, M.D., Contract Administrator, Doctors Council
Komail Ayazuddin, Amnesty International (AI)
John Boston, Project Director, Legal Aid Society, Prisoners' Rights Project (PRP)
Robert Calandra, Esq., Governmental Affairs Division, City Council
Meera Cattefesta, Inspector General, Department of Investigation
Andy Grossman, Assistant Budget Director, City Council
Ariel Herrera, AI
Caroline Hsu, Fordham Law School
DeAvery Irons, Project Associate, Juvenile Justice Project, Correctional Association
Trevor Parks, M.D., Medical Director, PHS Medical, P.C.
Jennifer Parish, Urban Justice Center
Marianne Peterson, AI
Diana Sands, AI
Milton Zelermyer, Esq., PRP

Chair Hildy Simmons called the meeting to order at 9:30a.m. A motion to approve minutes of the June 14, 2007 Board of Correction meeting – a transcript of the proceedings – was approved without opposition.

Chair Simmons asked Member Stanley Kreitman to make a suggestion as to how the Board should proceed to consider proposed amendments to the Minimum Standards. Mr. Kreitman said the Board has spent many months on internal deliberations, has conducted a public hearing, and received many interesting comments, some of which caused him to change his mind on some proposals. He said that on August 20th BOC Executive Director Richard Wolf sent the Members a memorandum discussing each of the more than 40 proposed changes, which summarized the comments received by the Board from interested parties. Mr. Kreitman suggested that all Members read the memorandum very carefully, and at the November meeting the Board should consider each proposal and vote “yea” or “nay” on each. He said this will give everyone six or seven weeks to contemplate the proposals and have discussions among the Members prior to the votes. Chair Simmons thanked Mr. Kreitman for the suggestion. She agreed that the Members should review the memorandum, the transcripts, and the written comments. Chair Simmons said the Board will vote on each proposal separately, and there will be discussion. She said it is her understanding that “slight wording changes” might be appropriate and could be proposed by Board Members at the time of each vote. She noted that so long as the wording change does not substantively change the pending proposal, it can be approved in revised form. Chair Simmons noted that the Law Department must review the proposals adopted by the Board in final form. She said that complete re-writes of proposals or new proposals cannot be voted upon without prior publication and opportunity to comment. She said that a Member’s review of the comments may suggest the need to add clarifying language or additions, such as adding “gender” and “disability” to the nondiscrimination policy. Chair Simmons said that Mr. Wolf also provided the Members with a list of approximately twenty suggested additional standards that were submitted by various people and organizations. She suggested that at the November meeting the Board consider the already-published proposals, and that in January it begin a process of reviewing the proposals for additional standards. She said that some would address areas where City law already exists, so there would be no reason for the BOC to adopt a standard. Chair Simmons noted that others may not be within the Board’s purview, but that it should review each in January and decide whether there are items the Board wishes to pursue and, if so, begin a new process in 2008. She asked if there was general agreement among the Members to proceed in this fashion. There were no objections or comments from the Members. Chair Simmons urged the Members to ask BOC staff, the advocates and/or the Department of Correction for any additional materials or information they will need to make informed decisions. She added that if Members wish to revisit any DOC facility, they should do so before the November meeting.

DOHMH Assistant Commissioner Jason Hershberger, M.D. reported that in the Spring DOHMH issued an RFP seeking proposals from potential vendors on a facility-by-facility basis. He said the proposal period ended in mid-July, and senior officials have been reviewing the proposals. He said this includes site visits to potential vendors. Chair Simmons asked if DOHMH is encouraged by the fact that there have been multiple responses. Dr. Hershberger said yes. Board Member Michael Regan asked if the process could result in different vendors at different facilities. Dr. Hershberger said proposals are reviewed by facility, so it is possible that each facility could be run by a different vendor.

Mr. Regan said that the Department might lose leverage if it were to deal with five different vendors at five different facilities. DOHMH Deputy Commissioner Louise Cohen said the concept paper reflected DOHMH's view that separate vendors might make sense for the borough facilities and perhaps a couple of Rikers Island jails. Mr. Kreitman asked if the respondents were mostly for-profit medical groups. Dr. Hershberger said that bidding rules prevented him from discussing the potential vendors.

Dr. Hershberger said that DOHMH was requesting renewal of a continuing variance that authorizes procedures whereby stable mental health patients are seen every 28 days, rather than the Standards requirement of every 14 days. He said the variance has been in place for a year with great success, as it enables psychiatrists to spend more time with patients. He said the number of mental health hospitalizations has decreased during the period the variance has been in place. Dr. Hershberger said DOHMH also seeks renewal of the continuing variance changing the definition of "health record". He said that last April the Board granted a variance authorizing DOHMH to separate medical and mental health records, as part of DOHMH's roll-out of electronic health records. He said that in August the first module was instituted – the mental health discharge planning form is now in an electronic format and accessible to all providers at all times. Dr. Hershberger said other modules will be rolled out over the next year. Chair Simmons said that she assumes there is not yet much to report regarding the electronic record, and asked what the next module will be and the timing for it. Dr. Hershberger said DOHMH needs to first "work the bugs out" of the discharge planning module, but he said the next logical module might be the mental health treatment plan. He said it would be implemented within the next six months. Chair Simmons asked Mr. Wolf if the next module would be covered by the requested variance renewal. Mr. Wolf said that it would, and asked DOHMH to notify the Board if the next module is implemented during the variance period. Dr. Hershberger said DOHMH would do so. Motions to approve the renewal requests for another six months were approved without opposition.

At the request of the Department of Correction, a motion to renew existing variances was approved without opposition.

DOC Commissioner Martin Horn introduced Meera Cattafesta, Inspector General from the Department of Investigation whose portfolio includes DOC. Commissioner Horn said the IG investigates allegations of misconduct by DOC staff, and noted that the IG is separate and apart from DOC. He said the Investigations Commissioner is the only City agency head who is appointed by the Mayor and approved by the City Council. The Commissioner also introduced Dennis Wall, DOC's Deputy Director of Investigations, which is DOC's Internal Affairs Unit, and Kim Stead, DOC's new assistant commissioner for discharge planning. Commissioner Horn said Ms. Stead previously worked for the New Hampshire Department of Corrections, for twenty years. He then presented a report on discharge planning, as follows:

(Packets of materials were distributed to the Members.) Since 2004, more than 28,000 individuals who had been City-sentenced prisoners left DOC custody with discharge plans; 39% have been confirmed as engaged with services following release. More than 20,000 referrals to transitional employment have been made to the Center for Employment Opportunities (CEO); 36% have confirmed enrollment in

after-jail services. Prior to 2003, all sentenced inmates were discharged at Queens Plaza. By 2004, Queens Plaza releases had been reduced to 53.9%, and in fiscal year 2007, 38% were released there. Some inmates choose not to avail themselves of the offered services.

John Jay College just completed an evaluation of the impact of discharge planning on recidivism. 29% fewer Rikers Island Discharge Enhancement (R.I.D.E.) program completers did not return to jail within one year of release. That is, 41% of program completers returned compared to 70% of those who did not complete the R.I.D.E. program.

Post 9/11, possession of a birth certificate is more important than ever. DOHMH will not provide birth certificates to DOC for free, so DOC has been purchasing birth certificates for soon-to-be discharged inmates so that they are able to access employment opportunities and obtain benefits. DOC also has been working with the Social Security Administration to verify social security numbers for inmates on Rikers Island and, where time allows, to obtain new cards for inmates upon release. Since July, 2006 more than 1000 clients have verified numbers or received new cards. Jointly with DOHMH and the Human Resources Administration, DOC began in August 2006 a facilitated Medicaid enrollment program. More than 600 clients have been newly-enrolled in Medicaid or reconnected with a previously-active enrollment.

The Robin Hood Foundation has established “single-stop centers” at the Rose M. Singer Center (RMSC) and the Eric M. Taylor Center (EMTC) on Rikers Island. The Foundation pays for urban community services, and provide benefits counseling, rap sheet clarifications and civil legal assistance. Since January, 2007 services have been provided to 500 prisoners.

Chair Simmons asked if the Robin Hood funding is expected to continue. Commissioner Horn said Robin Hood has not discussed a time limit. He said the Foundation is very committed to the program, having approached the Department in the first instance. Chair Simmons noted that the Center for Urban Community Services won an award. Commissioner Horn said DOC has attracted more than \$8 million to augment its budgeted \$3 million, so approximately \$11 million is being spent on discharge planning. He said more remains to be done, adding that DOC’s FUSE initiative – an effort to obtain Section 8 housing vouchers for releasees – has been favorably evaluated, and DOC has fulfilled its commitment to the JEHT Foundation that the City absorb continuation funding for the initiative. Commissioner Horn expressed optimism that the Office of Management and Budget will approve funding for the coming year. He added that Chicago has begun a FUSE program modeled on New York City’s. Commissioner Horn noted that the City’s request of the New York State legislature resulted in a law this year requiring that Medicaid benefits be suspended, rather than terminated, during one’s incarceration. The Commissioner also reported that DOC established a day custody program. He said that in fiscal year 2007 there were 108,000 admissions, of whom 25% are in custody for three days or less. He said that a study group found that many of these individuals have been through the criminal justice system before, and have been sentenced to community service, a conditional discharge, restitution, or a fine. Commissioner Horn said day custody allows a judge to impose an intermittent sentence, whereby a misdemeanor is sentenced to three days and the person

spends the hours of 9 to 5 at the Manhattan Detention Complex, where they receive counseling and referrals, and some discharge planning services, and also perform some community service activities in and around the jail. Commissioner Horn said the City is discussing expanding the day custody program because if it no longer needed to house the short-stay prisoners, the Department could eliminate the need for 300 cells system-wide. Commissioner Horn said that at the most recent correction officer graduation, the Mayor mentioned that while riding on the subway he was approached by a man who said he had just been released from jail and needed help finding a job. Commissioner Horn said that, upon hearing this story, he handed the Mayor several cards and suggested that if this happened again, the Mayor should give the man a card and tell him to call 311. The Commissioner said that any person released from City jail or State prison may obtain jail release services by calling 311. He said that these calls and calls to arrange inmate property pick-up are the two fastest-growing 311 call categories. Commissioner Horn said the City's discharge planning collaboration is "vibrant", and noted that a meeting convened jointly with HRA Commissioner Robert Doar will be attended by 100 people from non-profits, advocacy groups and government. He said a meeting is scheduled with City and State agency officials to explore the relationship between successful reentry and housing. Board Member Father Richard Nahman told the Commissioner that what he has done is "tremendous". Commissioner Horn thanked Father Nahman, and noted that New York City is spending more money on discharge planning than any other city or state. Mr. Regan added that "this is the best news we've seen here," adding on behalf of Board Member Paul Vallone that the reduction of drop-offs at Queens Plaza is welcome news. Commissioner Horn said that the challenge of successful reentry and reduced recidivism is with private-sector providers. He said DOC is providing opportunities for Samaritan Village, Daytop, the Fortune Society, and Vera to establish connections with inmates prior to release. He said DOC then pays the providers to continue the relationship post-release. Commissioner Horn said clients who remain engaged for at least nine months post-release have a substantially greater chance for success. Board Member Rosemarie Maldonado asked what DOC does to encourage inmate participation. Commissioner Horn said there is extensive marketing at EMTC, and DOC creates incentives, such as requiring an inmate to sign up for discharge planning before he is eligible for a work assignment. He said inmates are given orientation, and even additional family visits for participants. He added that there are telephones in the visit area that connect directly to 311. Chair Simmons said this is a terrific story to tell, noting that the early planning was facilitated with some philanthropic money. Commissioner Horn said DOC received early assistance from the Fund for the City of New York and the David Rockefeller Fund. Chair Simmons noted that stories like this are wonderful for philanthropists, because it shows how a little bit of money at the right time strategically can lead to something much more substantial than any one philanthropic organization would do on its own. She offered to work with DOC staff to help tell the story.

Commissioner Horn then distributed to the Members copies of the pages of the Mayor's Management Report pertaining to DOC. He pointed out that although admissions had dropped from 109,000 in 2003 to 102,700 in 2005, in 2007 admissions increased to 108,000. He said this has resulted in an increase in the average daily census of 500 inmates as compared to one year ago. Commissioner Horn said there was a story in this morning's *Daily News* that DOC has experienced a 40% increase in overtime spending in FY 07. He said this has occurred for several reasons, including underfunding in the budget, new initiatives expanding MHAUII and opening the Intensive Treatment Unit, completion on

overtime of in-house air-conditioning projects at GRVC, and DOC's inability to meet correction officer recruitment targets.

Referring to page 134 of the Mayor's Management Report, Father Nahman observed that inmate health clinic visits were reported as lower than new admissions. He asked why there was a decline in clinic visits when there was an increase in admissions. Dr. Hershberger said the answer lies in how DOHMH counts visits. He said that in prior years, one finger stick or a flu shot would count as a separate clinic visit. He said that clinic visits now are defined as when an inmate sees a provider for problem assessment, more akin to what one would expect in a doctor's office. He confirmed Chair Simmons' observation that the reported number does not include intake examinations. Mr. Regan said that the number of weapons recovered increased significantly. Commissioner Horn said DOC is doing many more searches. Board Member Alexander Rovt asked about the type of weapons recovered. The Commissioner said commercially-manufactured weapons rarely are recovered. He said most weapons are pieces of plexiglass, sharpened toothbrushes, molding from lighting fixtures, pieces of razor melted into pens, and rods from toilet flushometers. He noted that more weapons are found in certain jails that are older and were poorly constructed, including RNDC, GMDC, and AMKC. Commissioner Horn said fewer weapons are found in newer jails, such as OBCC, GRVC and RMSC. He said inmates are literally ripping some buildings apart, citing asbestos floor tiles in RNDC and GMDC that are ripped up and sharpened. Commissioner Horn said the numbers of DOC's suicides and escapes compare favorably with any system in the country.

Chair Simmons asked for an update plans to add capacity to the Brooklyn Detention Complex. Commissioner Horn said that only one proposal was received in response to the Request for Expressions of Interest (RFEI). He noted that the RFEI called for responses from individuals interested in developing the site for commercial and residential use, as well as building additional jail capacity. He added that the response is with the Economic Development Corporation, but noted that he was disappointed that only one response was received. Commissioner Horn said that with respect to the plan to build a new jail at Oak Point, in the Bronx, DOC continues to be enjoined from taking any action to acquire the site. He said the bankruptcy proceeding in Connecticut will not move ahead until later October, or perhaps even later.

Noting that Chair Simmons asked him to discuss information in an article that appeared in the *Village Voice* in July, Commissioner Horn reported as follows:

The article was "hyperbole". It took some things that had some validity and combined them with other material. Do bad things happen in the City's jails? Of course. The question is: overall, how is DOC managing the levels of violence in the jails? The data is incontrovertible: DOC does a good job. Much like the stock and credit markets, there are peaks and valleys. One blip does not make a trend. In July and August, 2006, there was a tremendous spike. Since then, the subsequent months have been among the safest months on record, in particular the first eight months of calendar year 2007.

[Commissioner Horn distributed eight color charts to the Members.]

Charts compare the first eight months of each of the last four years. There were fewer serious injuries to inmates this year than last year, which was the highest of the

four years. If one uses 2006 as the benchmark year, one could conclude that DOC was becoming less safe. There were fewer inmates treated in a clinic following inmate-inmate fights in 2007 than in any year except 2003.

Mr. Wolf asked if the serious injuries to inmates information included accidents. Commissioner Horn said yes, and reminded the Board that following discussions with the Members, DOC broadened the definition of serious injuries several years ago. Commissioner Horn said that people say DOC should not use stabbings and slashings to measure violence, but just as uniform crime reports include homicides and car thefts, it is incontrovertible “what they are”. He said that the numbers fluctuate, from 33 to 37, from 20 to 33, and he is not sure the numbers are dispositive of anything. However, he noted that there were 15 reported stabbing and slashing incidents in the first eight months of 2007. Mr. Regan said that DOC says there is a correlation between searches and weapons recovered. Commissioner Horn said DOC identifies precursor behavior that may lead to stabbings and slashings. He said that whenever an inmate arrives in a clinic with a fractured orbital and says he slipped in the shower, or with a fractured nose and says he fell out of bed, the case is referred to DOC’s Investigations Division. He said if DOC can determine which inmates are fighting, and who the bullies are and remove them, all inmates are safer. Commissioner Horn said the number of uses of force has grown. He said that “A” uses of force are down in 2006, but “B” uses of force are up. He said “B’s” are up because DOC encourages its officers to use pepper spray (which is a “B” use of force), and its use has almost doubled in the last two years. He said that officers break up inmate-inmate fights by using pepper spray, which reduces injuries to inmates and to staff. Commissioner Horn said one of the allegations in the *Voice* article was that an officer “didn’t do anything”. He said this could be consistent with procedures. He said that if inmates are fighting, and there is a single officer in the dormitory, the officer is supposed to sound an alarm and call for back-up, because if the officer jumped in, who is watching the other 48 inmates, and what if the officer is taken down? Mr. Regan asked if DOC uses tasers. Commissioner Horn said no. He said DOC investigates every inmate fight it knows about, and every serious injury to an inmate. He said every “A” use of force is looked into by DOC’s internal affairs unit. Chair Simmons asked for definitions of “A” and “B” uses of force. Deputy Chief of Staff Mark Cranston said that a “B” use of force involves “basically no injury”, and an “A” involves sutures, broken teeth and bones, or anything that requires outside medical care or is beyond a simple bruise or scratch. Commissioner Horn said a contusion would not be an “A”. Mr. Cranston said that multiple contusions or lacerations would be reported as an “A” use of force. Commissioner Horn said DOC overcounts stabbings and slashings, citing incidents in which an inmate was scraped with a paper clip and another with staples removed from a legal document. He said that puncture wounds from a pencil are reported as stabbings. Father Nahman noted that the numbers in the charts, covering eight months, are consistently one-half the numbers in the Mayor’s Management Report. He asked if this means half the incidents happen in 8 months and the other half occur in four months. Mr. Wolf said that the Mayor’s Report covers fiscal years, and the charts cover calendar years. Commissioner Horn agreed, and added that there is some “seasonality” to the frequency of incidents. He said that the Mayor’s Report numbers include allegations of uses of force, all of which are investigated. Dennis Wall, Assistant Director, Investigations Division (ID), said that if an allegation is corroborated, ID makes a case. He said ID looks at every “A” use of force and 10% of the “B” uses of force. Commissioner Horn said inmates may report allegations through a hot line to the Department of Investigation (DOI). Mr. Wall said ID receives

allegations from DOI, 311, the Civilian Complaint Review Board, DOC's investigators, and the BOC staff.

Inspector General Meera Cattefesta presented a report, as follows:

Ms. Cattesfesta is Inspector General for the Departments of Correction and Probation as well as the Board of Correction. She receives very few allegations regarding the Board. The IG, with a staff of 16-20 people, has offices on Rikers Island and at 80 Maiden Lane, at the headquarters of the Department of Investigation. Most of the IG's work comes from DOC.

DOI's source documents are the *City Charter*, chapter 34, and Mayoral Executive Order 16, which sets forth the authority of DOI and required each IG to report to the agency head as well as the DOI Commissioner. The Order requires City employees and persons and entities doing business with the City to report corruption, criminality, conflicts of interest, and gross waste of assets to DOI. The Order also authorizes the IG to examine all City property and City documents, and to compel City employees and persons doing business with the City to testify and answer questions upon a grant of use immunity. If they refuse to do so, a City employee may be terminated and a person doing business with the City may have his/her contract terminated. In 1986, an amendment to Executive Order 16 – Executive Order 105 – changed the structure of DOI to make it more independent. Now, each IG reports only to the DOI Commissioner. Ms. Cattefesta reports to DOI Commissioner Rose Gill Hearn, and not to DOC Commissioner Horn. This restructuring caused agencies to establish or strengthen their internal investigative units. At DOC, the unit is IAD. Executive Order 105 also requires each IG to submit an annual corruption hazard report, which includes proposals to reduce risks of corruption. The report is reviewed with the agency that is overseen by the IG. Persons who report to DOI are given “whistleblower” protection under City law and New York Civil Service Law, and protected against adverse personnel actions taken against them.

The IG interacts with DOC as follows: DOC Directive 7000R describes to DOC employees the IG's authority, including that its employees may enter any facility at any time, that there is no need to notify the facility in advance, and that all DOC employees and persons doing business with DOC have an affirmative obligation to report criminality, waste, and conflicts of interest directly to the IG. Access to the IG is through a telephone number, 266-1900, that is posted prominently throughout all facilities. A supervisor is on-call at all times. If, for example, someone reports a sexual assault allegation, the allegation is reported to DOC's central Operations Desk (COD), which immediately notifies the IG. Thus, DOC is not investigating its own officers; DOI investigators conduct the investigation. The IG receives over 3000 allegations on the telephone. The IG is a “gathering point” for all complaints anyone has about DOC. DOI is an investigative agency, not a prosecuting agency. After gathering evidence and statements, it works closely with a prosecutor – usually the Bronx DA – and presents its findings, after which the case is “out of our hands,” and the prosecutor may choose to offer the person a deal, or to not take a case to trial. When a case is presented to a prosecutor, the IG does not discuss it with DOC.

Commissioner Horn said that if there is a determination that there is no criminality, disciplinary charges may be brought against the employee at the Office of Administrative Trials and Hearings (OATH). He said that even where DOC thinks there is wrongdoing, there must be evidence. Ms. Cattefesta said employees are represented by attorneys and union representatives. She said the test is a “preponderance of the evidence”, a lesser (but still significant) standard than the “beyond a reasonable doubt” standard required for a criminal conviction. Commissioner Horn said that recently DOI took a case, which was tried in the Bronx, in which evidence included a video that DOC believed showed an officer committing a criminal assault. He said the officer was acquitted. Ms. Cattefesta said the video had no sound, and the judge apparently accepted the defense’s argument that what was being said was a “perceived threat” that justified the officer’s actions. Mr. Regan asked what happened at OATH. Commissioner Horn said DOC is negotiating the officer’s separation from service. Ms. Cattefesta said negotiations are difficult after an employee has been acquitted at a criminal trial. Commissioner Horn cited a recent OATH decision that an officer used excessive force, and agreed with DOC’s recommendation of termination. He said employees may appeal OATH determinations to the New York City Civil Service Commission, and not infrequently the Civil Service Commission reinstates the employee.

Chair Simmons thanked Ms. Cattefesta for her presentation. Commissioner Horn said the article tried to make an unfair connection between two tragic incidents that occurred in the Spring, the deaths of inmates Oswald Livermore, who died in the Manhattan Detention Complex, and Jemele Kelly, who died at Bellevue Hospital Prison Ward. He said both matters were investigated by DOI and are pending in District Attorney’s offices. Commissioner Horn said the Office of the Chief Medical Examiner has filed an autopsy report in both cases. He said that Livermore’s cause of death was “cardiac arrhythmia complicating delirium tremors due to ethanol withdrawal, complicating chronic alcoholism. Contributing cause of death: hypertensive cardio-vascular disease. Manner of death: natural.” Commissioner Horn said that in the Kelly case, the ME wrote: “probable cardiac arrhythmia following struggle during agitated episode due to schizo-affective disorder. Manner of death: undetermined.” He said in both cases the inmates were acting bizarrely: Livermore was beating his head against a wall at MDC and when an officer opened his cell door, Livermore ran out and the officer took him to the ground; Kelly walked up to an officer and punched him in the throat, and two days earlier he had slashed a male nurse. Commissioner Horn said staff restrained Kelly, and it may be that in the course of doing so, something happened that caused the death. He said DOC must await a determination by the DA and a grand jury. Commissioner Horn said DOC does restrain inmates and use force, and tragedies happen. He said that “a lot different from purposeful brutality,” and the article’s inference was unfair.

Ms. Cattefesta said the IG has a special unit that tours the Central Punitive Segregation Unit (CPSU). She said inmates give these IG investigators information they are not comfortable giving to DOC staff. She said this is similar to a role performed by Board of Correction staff. Chair Simmons said the IG has more staff in CPSU than BOC. Mr. Wolf said BOC had one person, and the IG has three. Commissioner Horn said there also are internal affairs investigators on site.

Chair Simmons asked if any Member had additional questions. Father Nahman said he had many questions about the *Voice* article. Chair Simmons said the questions could not

be discussed in public session, and Father Nahman agreed. The Members agreed to go into executive session, the purpose of which Mr. Wolf described as to discuss current or future investigations or proposed, pending, or potential litigation. The public meeting was adjourned at 10:44 a.m.

The Board met in executive session until 11:05 a.m.