



New York City Board of Correction

Monitoring Unit Semi-Annual Report

July 1, 2024, through December 31, 2024

Overview

This is the New York City Board of Correction's (the "Board" or "BOC") second semi-annual Monitoring report. During the last six months of 2024, 1,229 complaints were entered into the Board's data management system, reflecting a 7.42% increase in complaints submitted to the Board in the first six months of 2024. This report underscores the Board's ongoing commitment to ensure transparency and compliance with the Board's minimum standards set forth in Title 40 of the Rules of the City of New York. The Monitoring unit continues its tireless efforts to monitoring conditions of confinement within New York City's jails through daily in-person tours and thorough examination of documents provided by the New York City Department of Correction ("Department" or "DOC") and Correctional Health Services ("CHS").

This report, similar to the Monitoring unit's previous quarterly report¹, includes information detailing the number of complaints received during the reporting period, actions taken by the Board staff to address and resolve issues in New York City jails, and responses from both DOC and CHS. The Monitoring unit focuses on identifying clear trends and patterns in the complaints received, as well as identifying areas where systemic issues persist. Consequently, this report highlights recurring issues observed during the reporting period, such as overcrowding, health/medical concerns, and tablets.

Complaints²

Between July 1, 2024, and December 31, 2024, the Board received 1,229 complaints. The Board's internal complaint system allows individuals to file complaints through various channels, including in-person interviews, telephone calls, mail, voicemail, or through staff observations.

Third Quarter of Calendar Year 2024

¹ New York City Board of Correction Monitoring Unit Quarterly Report:

https://www.nyc.gov/assets/boc/downloads/pdf/NYC-Board-of-Correction-Monitoring-Unit-Quarterly-Report-Final_2024.11.25.pdf

² Board staff receive complaints through several avenues of communication across BOC's two offices. Incarcerated individuals, families, and agencies can call or visit BOC's Manhattan office and file a complaint. Emails can be submitted to BOC's general email address or directly to the Executive Director through BOC's website, which are then fielded to the assigned monitor of any jail. Lastly, but most importantly, incarcerated individuals' communications with staff, and in-person observations by the monitors, are documented and investigated. All complaints are entered into BOC's internal data management system.

In the third quarter of 2024, between July 1st and September 30th, 575 complaints were recorded in the Board’s internal data management system, categorized as one of the 59 possible complaint types ³in the Board’s system. These entries reflect various issues reported by concerned constituents and people in custody. The top five categories of complaints received during this period were fear for safety, tablets, environmental health, access to medical care, and other unspecified types.

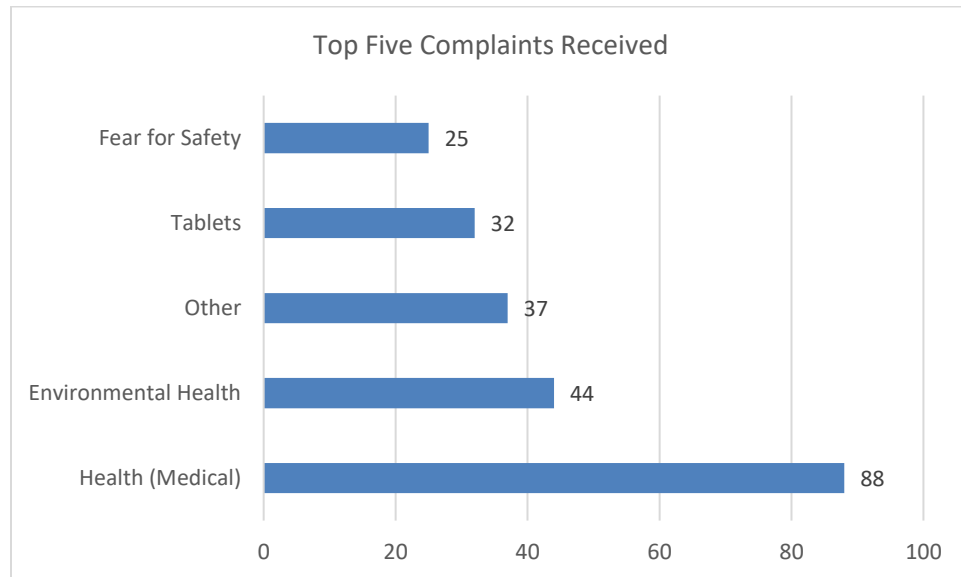


Figure 1

Fourth Quarter of Calendar Year 2024

In the fourth quarter of 2024, between October 1st and December 31st, the top five categories of complaints received by the Board included health (medical), fear for safety, tablets, other unspecified types, and bedding (specifically linen exchange). A total of 654 complaints were received, marking a 13.74% increase in the volume of complaints.

³ Complaint categories are listed on page 3 of the Monitoring Unit Quarterly Report covering the first six months of 2024.

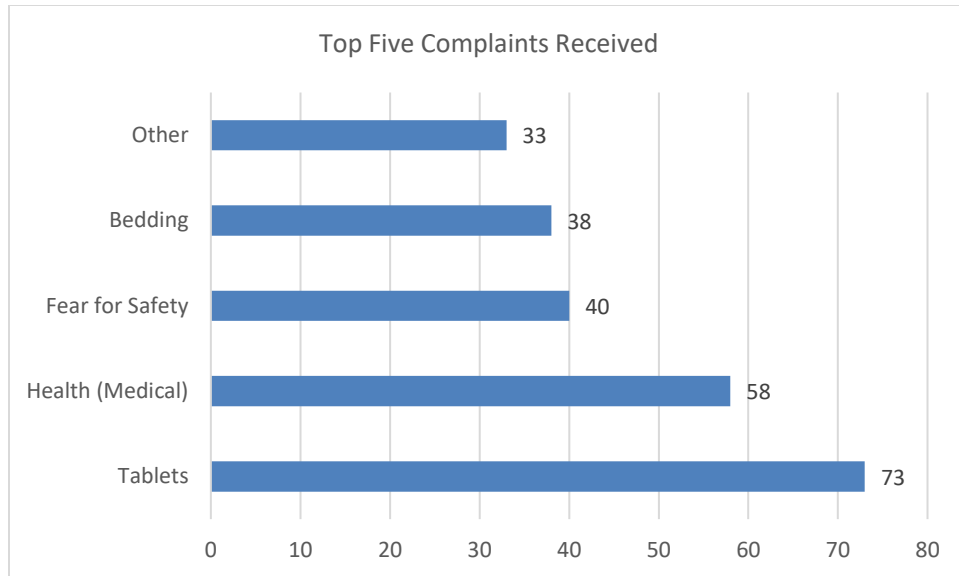


Figure 2

Minimum Standards and Main Concerns

Overcrowding

In October 2024, BOC staff assigned to three facilities on Rikers Island reported significant census population increases at the jails. Board staff reviewed the census data for October 23, 2024 to determine capacity across all open jails, focusing on the Eric M. Taylor Center (EMTC), Otis Bantum Correctional Center (OBCC), and West Facility (WF). According to census information provided to the Board, EMTC, the new admission jail for the male population had spiked one week during October 2024 and had only 18 available beds for the entire facility. According to the Department's census information provided for October 23, EMTC's census was 1,566, with the bed capacity at 1,586. Almost all the open dormitory housing areas were overcrowded with incarcerated individuals. They exceeded the allowed capacity of 50 beds per unit for detainees and 60 beds per unit for city sentenced people in custody.

At OBCC, the available bed space on that date was 79. OBCC had over 20 general population units and six mental observation housing units. The census for that day was 1,439, with a standard capacity of 1,245 beds. Continuing with the census tracking for October 23, West Facility's census was 659, with a standard capacity of 684 beds, resulting in available bed space of 25. In October 2023, West Facility expanded its housing capacity by opening 12 dormitory units housing males with minimum to medium classification scores.

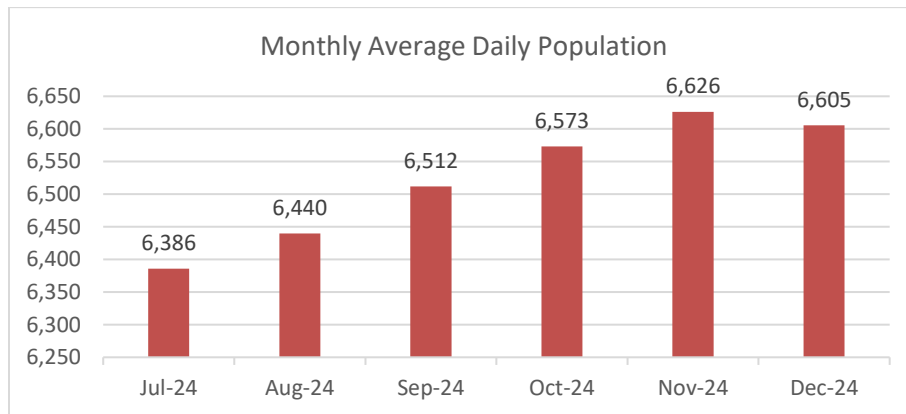
Both agencies recognized the rise in the jail population and worked together to find solutions to address the issue. On November 8, 2024, DOC requested a limited 4-month variance⁴

⁴ § 1-15 Variances.

(a) *Policy.* The Department may apply for a variance from a specific subdivision or section of these minimum standards when compliance cannot be achieved or continued. A "limited variance" is an exemption granted by the Board from full

regarding the Board's overcrowding standards (§§ 1-04(c)(2), 1-04(c)(3), and 1-04(c)(5)(i))⁵. The Department reported a 26% increase in the population since January 2022 and an ongoing staffing crisis as explanations for the request. The variance had four phases to address the increased population, specifically in dormitory areas at OBCC, increasing bed space from 50 to 60 beds per unit. The Board approved the variance request on November 12, 2024.

The Department's jail population continued to steadily increase over the last six months of 2024. Despite a slight ≈0.3% decrease in the census population between November and December, overcrowding remained an issue at the new admission jail, EMTC.



Source: DOC Data

compliance with a particular subdivision or section for a specified period of time. A "continuing variance" is an exemption granted by the Board from full compliance with a particular subdivision or section for an indefinite period of time. An "emergency variance" as defined in paragraph (b)(3) of this section is an exemption granted by the Board from full compliance with a particular subdivision or section for no more than 30 days.

(b) *Limited, continuing and emergency variances.*

- (1) The Department may apply to the Board for a variance when:
 - (i) despite its best efforts, and the best efforts of other New York City officials and agencies, full compliance with the subdivision or section cannot be achieved, or
 - (ii) compliance is to be achieved for a limited period in a manner other than specified in the subdivision or section.
- (2) The Department may apply to the Board for a continuing variance when despite its best efforts and the best efforts of other New York City officials and agencies compliance cannot be achieved in the foreseeable future because:
 - (i) full compliance with a specific subdivision or section would create extreme practical difficulties as a result of circumstances unique to a particular facility, and lack of full compliance would not create a danger or undue hardship to staff or prisoners; or
 - (ii) compliance is to be achieved in an alternative manner sufficient to meet the intent of the subdivision or section.

⁵ **§ 1-04 Overcrowding.**

(c) *Multiple occupancy.*

- (1) A multiple-occupancy area shall contain for each occupant a single bed, a closeable storage container for personal property and a table or desk space that is available for use at least 12 hours per day.
- (2) Multiple-occupancy areas shall provide a minimum of 60 square feet of floor space per person in the sleeping area.
- (3) A multiple-occupancy area shall provide a minimum of one operable toilet and shower for every 8 prisoners and one operable sink for every 10 prisoners. Toilets shall be accessible for use without staff assistance 24 hours per day.
- (4) A multiple-occupancy area shall provide a dayroom space that is physically and acoustically separate from but immediately adjacent and accessible to the sleeping area, except for cells designed or rated for two or more occupants, opened on or prior to January 1, 2000.
- (5) A multiple occupancy area shall house no more than:
 - (i) 50 Detainees
 - (ii) 60 Sentenced Prisoners. This subparagraph shall be applicable to all multi-occupancy areas opened after July 1, 1985.
- (d) *Decontamination showers.* The Department shall not maintain any locked decontamination showers.

Health/Medical

Adequate healthcare is a fundamental human right for incarcerated individuals. During the reporting period, 146 health and medical complaints were submitted to BOC by people in custody, loved ones, and other agencies reporting that people in custody were not afforded access to medical services. Many of the complaints were specifically about not being afforded sick call. In August 2024, the Board published a Utilization of Sick Call in New York City Jails (January 1 through December 31, 2023)⁶ report, in which key findings concluded that people in custody were not being escorted to the clinic for sick call. CHS developed the Health Triage Line in 2019 as its initiative and implemented it in 2020 so patients could contact CHS directly.

While CHS staff rely on DOC to escort patients to the clinics for production, DOC cannot rely on the triage line to meet the sick call requirements set forth in the Board's minimum standards. Indeed, the minimum standards require sick call to be available in each facility to all inmates at least five days per week within 24 hours of a request or at the next regularly scheduled sick call, and adequate records regarding sick call requests must be maintained collectively on a form to be developed by the Department—the format of which is at the discretion of the Department⁷. The Department has failed to comply with 40 RCNY § 3-02(c)(5)⁸ by not maintaining adequate daily records on a form developed by the Department reflecting the people in custody who make requests to access sick-call (including requests made directly to correctional personnel), arrive in the clinic for sick-call, and are seen by health care personnel once in the clinic. Adequate and accurate tracking of individuals who make requests to access sick-call services in the clinic is crucial to assessing the effectiveness of these services and identifying areas of improvement to ensure people in custody have timely access to health care.

Tablets

Electronic devices, or tablets, were introduced to the Young Adult population by DOC in January 2016 to incentivize positive behavior by rewarding young adults access to music and games, and other useful utilities on the devices. . Over the next few years, the tablet program expanded and subsequently, the Department entered into a new agreement with Securus Technologies⁹, which became the exclusive contractor for tablet services at that time. Tablets were distributed to people in custody to reduce idleness by offering entertainment options such as games and

⁶ <https://www.nyc.gov/assets/boc/downloads/pdf/2024-Board-of-Correction-Report-Utilization-of-Sick-Call-in-NYC-Jails-v23AUG2024.pdf>

⁷ **§ 3-02 Access to Health Care Services. (c) Sick-Call.**

(1) Sick-call shall be available at each facility to all inmates at a minimum of five days per week within 24 hours of a request or at the next regularly scheduled sick-call. Sick-call need not be held on City holidays or weekends. Facilities with capacities of over 100 people, must provide sick-call services on-site in medical treatment areas. (As defined in 40 RCNY § 3-06(b)).

⁸ **§ 3-02 Access to Health Care Services. (c) Sick-Call. (5)** Adequate records shall be maintained daily which are distinguishable by housing area on a form developed by the Department of Correction. These records shall be maintained for at least three (3) years. The form shall include the following:

- (i) the names and number of inmates requesting sick call;
- (ii) the names and numbers of inmates arriving in the clinic; and
- (iii) the names and number of inmates seen by health care personnel.

⁹ Securus Technology is a technology communication firm serving prisons across the United States.

movies. Over time, they have also become crucial means of communication for legal matters, statutory research, and maintaining family connections.

Additionally, tablets serve as a platform for filing grievances with the Department's Office of Constituent and Grievance Services (OCGS). In May 2024, the Incarcerated "Individuals Statement Form" was added to the tablets for incarcerated individuals to submit complaints. Although these multifunctional devices are intended to reduce idle time, assist with court case preparation, and facilitation communication with families and loved ones, the overall availability of tablets has wavered over the past few years, causing confusion regarding their distribution and eligibility for people in custody. The Department included tablet eligibility information in the revised June 2024 Handbook for Incarcerated Individuals¹⁰. The information is also available on the Department's website.

Tablets are not required by the Board's minimum standards; however, they serve as a vital connection for people in custody and surrounding communities who offer support and resources to them while incarcerated.

According to the Department, tablet eligibility is primarily determined by time in custody. However, prior incidents of tablet misuse or damage can delay the issuance of a tablet upon return to custody. Tablet privileges are typically revoked if an individual damages their device or engages in misconduct related to tablet use. The most common reason is tablet damage. However, other factors, such as security concerns or violations of tablet policies, can also lead to revocation. In general, reassessments are done for individuals who return to custody and are not immediately eligible due to a previous history of incarceration. Tablet access reassessments are conducted periodically, but the timeframe may vary based on individual circumstances, such as failure to return versus physical damage. In general, eligibility reviews occur approximately every six months.

During the last two quarters of 2024, the Monitoring unit received 105 complaints about tablets. Complaints ranged from needing a device as a new admission person in custody to issues involving defective, misplaced, and destroyed devices. A Directive on the distribution and purpose of tablets is required to fully understand the scope, effectiveness, and policy, and determine the initiative's success. The Board recommends that the Department issue a Directive concerning tablets forthwith.

¹⁰ https://www.nyc.gov/assets/doc/downloads/pdf/Handbook_Incarcerated_Individuals_English_V2_2024.pdf