



**NEW YORK CITY
BOARD OF CORRECTION**

MARCH 12, 2024 PUBLIC MEETING MINUTES

ATTENDEES

MEMBERS PRESENT

Dwayne C. Sampson, Chair
DeAnna Hoskins, Vice Chair
Robert L. Cohen, M.D., Member
Jacqueline Miriam Pitts, Member
Joseph Ramos, Member
Jacqueline Sherman, Esq., Member
Jude Torchenaud, Member

Jasmine Georges-Yilla, Executive Director

DEPARTMENT OF CORRECTION

Francis Torres, First Deputy Commissioner
Charles Daniels, Senior Deputy Commissioner
Patrick Benn, Deputy Commissioner of Facilities and Fleet Administration
James Boyd, Deputy Commissioner of Strategic Operations
Frank Dwyer, Deputy Commissioner for Public Information
Sherrie Rembert, Assistant Chief of Administration
Charlton Lemon, Acting Assistant Chief
Allie Robertson, Senior Policy Analyst of Special Projects
Jeremiah Johnson, Assistant Commissioner
Kimberly Joyce, Nunez Manager
Mark Pauley, Senior Policy Analyst
Annais Morales, Press Secretary

NYC HEALTH + HOSPITALS

Patsy Yang, DrPH, Senior Vice President
Jeanette Merrill, MPH, Director of Communications and Intergovernmental Affairs
Carlos Castellano, Chief Operations Officer/Deputy Executive Director

Nancy Arias, RN, Chief Nursing Officer/Deputy Executive Director
Bipin Subedi, Chief Medical Officer/Senior Assistant Vice President
Nicole Levy, Director of Communications and Intergovernmental Affairs

OTHERS IN ATTENDANCE

Michael Kingler, Brooklyn Defenders
Gifty Boanoh, NYCDS
Tashan Rivers, Women's Community Justice Association
Dov Nowak, Saint Ann's School
Casey Dalporto, NYCDS
Antoinette Anderson, COBA
Sharon Nelson, Women in Correction
John Griffin, NYCDS
Ben Fractenberg, The City
Jennifer J. Parish, Urban Justice Center, Jails Action Coalition, HALT
Natalie Fiorenzo, NYCDS
Lionel Cumberbatch, COBA
Mogammat Akter, NYCDS
Chaplain Dr. Victoria A. Phillips, Jails Action Coalition and Visionary V Ministries
Tashoy Miller, Women's Community Justice Association
Christopher Miller, Queens Defenders
Saira Khan, Office of the Deputy Mayor for Public Safety
Rachel Sznajderman, NYCDS

Vote on the Agenda

Chair Dwayne Sampson called a vote for the Board to approve the March 12, 2024 agenda. Board Member Pitts moved for approval of the meeting agenda, which was seconded by Board Member Jude Torchenaud. The motion was seconded. Chair Sampson asked whether there were any edits or comments regarding the agenda in question. Board Member Cohen raised that the agenda did not recognize the establishment of a rulemaking committee to incorporate City Council's Local Law 42 of 2024 on solitary confinement. Board Member Cohen requested the Board vote on a resolution.

The March 12, 2024 agenda was approved by six board members. One board member opposed the agenda. Accordingly, the agenda was approved by the majority of the board. See this portion of the recording [here](#).

Approval of February 28, 2024 Board Meeting Minutes

Chair Dwayne Sampson called a vote for the Board to approve the February 28, 2024 minutes. Board Member Jacqueline Sherman moved for approval of the February Board meeting minutes and Board Member Pitts seconded the approval. Board members

unanimously voted in support of approving the February 2024 meeting minutes without comments or edits. See this portion of the recording [here](#).

Establishing the Board's Rulemaking Committee

Chair Dwayne Sampson suggested reaching out to Board Members after the Board meeting to address which members would serve on all committees, including the Rulemaking Committee. Board Member Cohen expressed concerns over communications and committee decision-making based on his prior experience and recommended the Rulemaking Committee be decided at the Board's March 2024 public meeting.

Chair Sampson called a vote on a resolution to establish the Board's Rulemaking Committee. The Chair read the resolution, acknowledging the Board's authority under City Charter 626(e) to "establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the [Department of Correction]." The Chair then provided historical context, stating that on June 8, 2021, the Board promulgated rules to eliminate punitive segregation and replace restrictive units with the Risk Management Accountability System ("RMAS").

The New York City Council passed Local Law 42 of 2024, banning the use of solitary confinement in City jails, on January 30, 2024. Local Law 42 permits the Board to take actionable steps toward the implementation of the Council's law prior to its effective date. The resolution before the Board was to establish a Rulemaking Committee to effectuate the Council's rule. Chair Sampson called for approval of the resolution. Board Members Pitts and Torchenaud approved discussion of the resolution.

Board Member Sherman expressed that the resolution is appropriately before the Board and that there is urgency to conduct rulemaking that Local Law 42 requires the Board to engage in. Board Member Sherman called for the composition of the committee to be added to the resolution.

Board Member Cohen seconded Board Member Sherman's comments and stated that the committee should be chosen by the Board members according to the Board's bylaws. General Counsel Melissa Cintrón Hernández publicly read the relevant provisions of the bylaws regarding the Board's committee selection process.

Vice Chair Hoskins emphasized the need for expertise to serve on the committee to be taken seriously given the nature of the Rulemaking Committee's task in carrying out Local Law 42. After consideration and amendment of the resolution, Executive Director Georges-Yillas read the newly revised resolution, naming Vice Chair Hoskins as Chair, Board Members Sherman and Torchenaud, and Chair Sampson (serving as *ex officio*) as the final makeup of the Board's Rulemaking Committee.

The Rulemaking Committee was approved without objection. See this portion of the recording [here](#).

NYC Board of Correction Executive Director Updates

Jasmine Georges-Yilla, Executive Director, provided updates regarding Board staff promotions and external hires. The Board of Correction staff promotions and hires cover disciplines across the agency's legal, monitoring, and research teams.

Executive Director Georges-Yilla acknowledged recent deaths in the NYC Department of Correction ("DOC" or "the Department"), the total census of incarcerated individuals in City jails, including a substantial increase in the male new admission facility.

As of March 10, 2024, there were approximately 6,301 individuals in the Department's custody. Over the past year, there has been an approximate 5.65% increase of total people in custody. Specifically, the Eric M. Taylor Center ("EMTC"), there has been a 23.81% increase at this facility from January 1, 2024 to March 10, 2024.

Additionally, the Board will explore opportunities on the staff level for collaborative reporting on the impact of violence on Department staff and people in custody. Separately, the Board has acknowledged the concerns regarding the anonymity of its comment line and will be modified. Anonymous recordings from people in custody will resume in the Board's May meeting. See this portion of the recording [here](#).

Findings of the Board's Assessment of the Use of Chemical Agents in NYC Jails

Executive Director Georges-Yilla and General Counsel Melissa Cintrón-Hernandez provided an overview of the Board's published report on February 21, 2024. Below is a snapshot and key takeaway of the report's findings.

The use of oleoresin capsicum ("O.C.") can be an effective way to prevent violence in City jails, but the Board's report found that the use of OC is happening significantly even when there is no interpersonal violence happening. The Board reviewed 50 incidents in October 2023 where chemical agents were used and found that zero incidents were designated as anticipated use of force by the Department. Additionally, OC was used from unsafe distances, and there were inconsistent verbal warnings given prior to using chemical agents. The report also highlights the Department's heavy reliance on chemical agents, inconsistent use of body-worn cameras, false statements made in completed reports by DOC staff, and the fact that no verbal or written statements were collected from people in custody regarding all the reviewed cases.

See this portion of the recording [here](#).

NYC Department of Correction Updates:

- 1) DOC's plan to address concerns outlined in the Board's reports on the use of chemical agents in the City's jail

- a. Kimberly Joyce, the Department's Nunez Manager, stated DOC is promulgating an updated Rapid Review Form with the projected rollout date of April 1, 2024. The form will require facility leadership to note whether use of force was anticipated. The Department will revise its training regarding the use of chemical agents, which will require approval by the Nunez monitor. Additionally, the Department is in the process of reviewing the mountings and backings body worn cameras to ensure they are properly utilized by uniformed staff.
- 2) Presentation on planned programming initiatives for people in custody
- a. Frances Torres, First Deputy Commissioner ("FDC"), stated that the Division of Programs and Community Partnerships recently prepared and submitted financial statements to the New York City Mayor's Office of Management and Budget. FDC Torres explained the elimination of 17.1 million dollars significantly impacted Department contracted vendors who provide programming services for people in custody. DOC staff members were insourced to provide those impacted program services.
 - b. FDC Torres provided an updated on how the Department intends to spend 14 million dollars recently awarded from the Mayor's Office.
 - i. One area of programming focus is transitional planning, which typically targets sentenced people in custody. However, according to FDC Torres, approximately 70 percent of people remain in the Department's custody for extended period of time, so more programming facilitators are needed to focus on transitional planning. The Department has hired 37 facilitators who work with detained and sentenced populations at intakes, new admission, general population, and program housing now called an "Achiever's Unit."
 - ii. The Department is analyzing substance misuse from a programming lens, not clinical.
 - iii. The Department can conduct and afford supplemental educational programming. The East River Academy provides academic services to students who are detained or serving time on Rikers Island. Those students must be 18 to 21 years old. However, people in custody aged 22 years old and older do have access to academic services. The Department aims to provide general education and English as a second language classes.
 1. The Department has acknowledged the need for tutoring for the 18 to 21 years old population, but also has identified space constraints in its facilities to provide this necessary service.
 - iv. There is a need for post-secondary education and the Department plans to continue collaborating with academic institutions, including Manhattan College, Columbia University, John Jay College, St. John's University, and LaGuardia Community College.
 - v. Trauma-informed programming will be afforded and will target specific populations such as individuals residing in protective

- custody, civil custody, and other restrictive or structural supportive units. This is still being worked out.
- vi. Transportation was provided by contracted providers; however, the Department is exploring how to transport people in custody from discharge to community organizations and transitional housing.

See this portion of the recording [here](#).

Correctional Health Services (“CHS”) Updates

- 1) CHS’s plan to address concerns outlined in the Board’s reports on the use of chemical agents in the City’s jail
 - a. CHS’s Chief Medical Office, Dr. Bipin Subedi stated that, clinically, there may have been areas where identifying acute medical and mental health concerns in anticipation of a use of force, as well as officer education on this subject, would be helpful in reducing the use of chemical agents.
 - b. CHS has recommended that the Department should utilize the serious medical conditions list prior to deploying chemical agents.
- 2) Proposed plans for outposted therapeutic housing units
 - a. Dr. Patricia Yang, Senior Vice President at Health + Hospitals for CHS, stated the Mayor’s Office approved plans to proceed with therapeutic housing units at Woodhull Hospital and North Central Bronx Hospital to improve access to care for people in custody with complex medical, mental health, and substance abuse needs.
 - i. Completion of both sites would bring approximately 360 beds online, but is subject to final designs by the State.
 - b. The anticipated completion of therapeutic housing units at Bellevue Hospital is December 2024, pending State approval. The anticipated completion of the Woodhull and Bellevue sites is September 2027.

See this portion of the recording [here](#).

Correction Officers’ Benevolent Association (“COBA”) – Correction Officers’ Concerns

Ashaki Antoine, Third Vice President of COBA, and Antoinette Anderson, COBA’s Corresponding Secretary, spoke about violence and sexual harassment against correction officers by people in custody, and the need for accountability and public conversations about safety concerns regarding Department staff. See this portion of the recording [here](#).

General Public Comment Period

The Board heard public comment from Lionel Cumberbatch (COBA), Michael Klinger (BDS), Tashoy Miller (Women’s Community Justice Association), Natalie Fiorenzo

(NYCDS), Chaplain Dr. Victoria A. Phillips (Jails Action Coalition and Visionary V Ministries), Lauren Stephens-Davidowiz (Legal Aid Society), and Eileen Maher (VOCAL-NY). See this portion of the recording [here](#).