



## Justice Center for the Protection of People with Special Needs

ANDREW M. CUOMO  
Governor

DENISE M. MIRANDA  
Executive Director

April 1, 2021

Dr. Li-Wen Lee  
Associate Commissioner  
Division of Forensic Services  
NYS Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

Anthony J. Annucci  
Acting Commissioner  
NYS Department of Corrections  
And Community Supervision  
The Harriman State Campus-Building 2  
1220 Washington Avenue  
Albany, NY 12226-2050

**Re: [REDACTED] Justice Center Oversight Action**

Dear Dr. Lee and Acting Commissioner Annucci:

The Justice Center for the Protection of People with Special Needs (the Justice Center) is required to oversee compliance with the Special Housing Unit (SHU) Exclusion Law and monitor the quality of corrections-based mental health care for inmate/patients (Chapter 1 of the Laws of 2008). To meet this mandate, we are conducting ongoing quality of mental health care reviews as well as SHU Exclusion Law compliance reviews to assess if the Office of Mental Health (OMH) programs within the Department of Corrections and Community Supervision (DOCCS) facilities conform to the requirements of the SHU Exclusion Law.

On December 7, 2020, the Justice Center's Forensic Unit initiated a remote review of the Eastern Correctional Facility's Special Housing Unit (SHU) to review the quality of mental health care provided to inmate/patients in accordance with the SHU Exclusion Law, OMH policies, and DOCCS directives. The attached review details the Justice Center's findings and recommendations.

The Justice Center looks forward to your response to the attached findings and recommendations by May 3, 2021. Please direct any correspondence or concerns related to this review to me at [denise.miranda@justicecenter.ny.gov](mailto:denise.miranda@justicecenter.ny.gov). Thank you for your continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DMiranda', with a long horizontal flourish extending to the right.

Denise M. Miranda, Esq.  
Executive Director

Cc: Davin Robinson, Deputy Director, Outreach, Prevention & Support  
Melissa Finn, Unit Director, Forensics  
Dr. Anne Sullivan, M.D., Commissioner, OMH  
Danielle Dill, Executive Director, CNYPC  
William Vertoske, Deputy Director Psychiatric Center 2, OMH  
Laurie Turnbull, OMH  
Maureen Morrison, OMH  
Meaghan Bernstein, Director of CBO Risk Management OMH  
Bryan Hilton, Associate Commissioner, DOCCS

NOTE: All correspondence related to this matter will be available for public inspection under Article 6 of the Public Officers Law. Material which will be required to be kept confidential or which is protected from disclosure under the Public Officers Law or other laws will be redacted prior to such disclosure.



## Justice Center for the Protection of People with Special Needs

ANDREW M. CUOMO  
Governor

DENISE M. MIRANDA  
Executive Director

### Review of Justice Center Oversight Action Eastern Correctional Facility – Special Housing Unit (SHU) Compliance/ Quality of Care JC#: [REDACTED]

The Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a review of the Eastern Correctional Facility (CF) to review the quality of mental health care provided to inmates, and determine compliance with the SHU Exclusion Law, Office of Mental Health (OMH) policies, and Department of Corrections and Community Supervision (DOCCS) directives.<sup>1</sup> The census of the SHU at the time of the review was 25 inmates and only one inmate was on the mental health caseload.<sup>2</sup> There were no inmate-patients in the Eastern CF SHU that met the SHU Exclusion Law criteria for the definition of serious mental illness during our review.

In addition to reviewing the OMH clinical case record, DOCCS SHU folders, and the DOCCS guidance records, Justice Center staff members also requested any exceptional circumstances documentation for the current census for a time-period of six months.

#### Compliance Determination:

To assess compliance, the Forensic Unit reviewed the records of 16 inmates and/or patients to determine whether the facility was in compliance with the conditions of the SHU Exclusion Law:

1. *Upon placement of an inmate into segregated confinement at a level one or level two facility, a Suicide Prevention Screening Instrument shall be administered by staff from the Department or the Office of Mental Health who has been trained for that purpose;*
2. *Within one business day of the placement of such an inmate into segregated confinement at a level one or level two facility, the inmate shall be assessed by a mental health clinician;*
3. *If an inmate with a serious mental illness is not diverted or removed to a residential mental health treatment unit, such inmate shall be reassessed by a mental health clinician within fourteen days of the initial assessment and at least once every fourteen days thereafter;*
4. *Inmates with serious mental illness who are not diverted or removed from segregated confinement shall not be placed on a restricted diet, unless there has been a written determination that the restricted diet is necessary for reasons of safety and security. If a restricted diet is imposed, it shall be limited to seven days, except in the exceptional circumstances where the joint case management committee determines that limiting the restricted diet to seven days would pose an unacceptable risk to the safety and security*

<sup>1</sup> Correction Law §§137(6)(d) and (e), 401. Due to COVID, the Justice Center did not visit the CF.

<sup>2</sup> Nine inmates in the SHU were excluded from the Justice Center's sample as they were considered under protective custody or involuntary protective custody.

*of inmates or staff. In such case, the need for a restricted diet shall be reassessed by the joint case management committee every seven days; and,*

- 5. All inmates in segregated confinement in a level one or level two facility who are not assessed with a serious mental illness at the initial assessment shall be offered at least one interview with a mental health clinician within fourteen days of their initial mental health assessment, and additional interviews at least every thirty days thereafter, unless the mental health clinician at the most recent interview recommends an earlier interview or assessment.*

The Justice Center's review found there were no inmate-patients on exceptional circumstances during the review period.<sup>3</sup> Based upon our review, the Justice Center has made a determination that the Eastern CF is in compliance with the SHU Exclusion Law.

### **Quality of Mental Health Care**

The Justice Center also reviewed the quality of corrections-based mental health care provided to 16 individuals in the SHU. To complete a thorough evaluation, Forensic Unit staff requested private interviews and one individual chose to speak with the Justice Center. The interview was conducted remotely via a private telephone call. In addition, we examined clinical documentation, DOCCS SHU folders, Guidance Records, and reviewed the DOCCS Sign-In Logbook and Unit Activity Logbook.

The Justice Center found no issues of concerns related to the quality of mental health care provided to the inmates and/or patients at the Eastern CF.

Review conducted by: Melissa Finn

Melissa Finn, Forensic Unit Director

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<sup>3</sup> Justice Center's review period: June 8, 2020 – December 7, 2020.



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

April 1, 2021

Denise M. Miranda, Esq.  
Executive Director  
NYS Justice Center for the Protection  
of People with Special Needs  
161 Delaware Avenue  
Delmar, NY 12054

Re: [REDACTED] Justice Center Oversight Action

Dear Ms. Miranda:

This is in response to the New York State Justice Center's review of the quality of corrections-based mental health care at Eastern Correctional Facility's Special Housing Unit (SHU) on December 7, 2020.

It is noted that there were no recommendations directed toward the Department of Corrections and Community Supervision and that Eastern Correctional Facility's Special Housing Unit (SHU) is in compliance with the Special Housing Unit (SHU) Exclusion Law.

Thank you for the opportunity to comment on your report. I look forward to continue working productively with the Justice Center to improve the services for our population.

Sincerely,

Bryan Hilton  
Associate Commissioner

cc: Melissa Finn, LMSW, Justice Center



Office of  
Mental Health

ANDREW M. CUOMO  
Governor

ANN MARIE T. SULLIVAN, M.D.  
Commissioner

CHRISTOPHER TAVELLA, Ph.D.  
Executive Deputy Commissioner

April 6, 2021

Denise M. Miranda, Esq.  
Executive Director  
Justice Center for the Protection of People with Special Needs  
161 Delaware Avenue  
Delmar, New York 12054

Dear Ms. Miranda:

I am in receipt of your letter dated April 1, 2021 regarding the Justice Center's remote review of the Eastern Correctional Facility Special Housing Unit (SHU) on December 7, 2020.

The visit was to determine the quality of mental health care provided to inmate-patients, and determine compliance with the SHU Exclusion Law, the Office of Mental Health's (OMH) policies, and the Department of Corrections and Community Supervision's (DOCCS) directives.

We are pleased to hear of the Justice Center's findings that there were no issues or concerns identified, and Eastern Correctional Facility was found to be in compliance with the SHU Exclusion Law.

Sincerely,

A handwritten signature in black ink, appearing to read "Li-Wen Lee".

Li-Wen Lee, M.D.  
Associate Commissioner  
Division of Forensic Services

cc: Danielle Dill, Psy.D., Executive Director, CNYPC  
William Vertoske, Deputy Director, Corrections Based Operations, CNYPC  
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