



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

**KATHY HOCHUL**  
Governor

**DENISE M. MIRANDA**  
Executive Director

June 2, 2022

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 incarcerated individuals (Chapter 1 of the Laws of 2008).

On February 24, 2022, the Justice Center's Forensic Unit conducted a site visit at the Groveland Correctional Facility Special Housing Unit (SHU) to review the quality of mental health care provided to incarcerated individuals 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 July 5, 2022. Please direct any correspondence or concerns related to this review to me at [davin.robinson@justicecenter.ny.gov](mailto:davin.robinson@justicecenter.ny.gov). Thank you for your continued cooperation.

Sincerely,

A blue ink signature of Davin Robinson, written in a cursive style.

Davin Robinson  
Deputy Director, Outreach, Prevention and Support

Cc: Denise M. Miranda, Esq., Executive Director, Justice Center  
Laura Darman, Esq., Executive Deputy Director, Justice Center  
Nikki O'Meara, Director of Operations, Forensics  
Melissa Finn, Director of Quality and Compliance, Forensics  
Kathryn Farley, Acting Supervising Facility Review Specialist, Forensics  
Jessica Benedict, Facility Review Specialist, Forensics  
Dr. Anne Sullivan, M.D., Commissioner, OMH  
Danielle Dill, Executive Director, CNYPC  
William Vertoske, Deputy Director Psychiatric Center, Corrections-Based Operations  
Lisa Murphy, Acting Director of Quality Management, OMH  
Maureen Morrison, OMH  
Meaghan Bernstein, Advocacy Letter Coordinator, 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.



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

On February 24, 2022, the Justice Center for the Protection of People with Special Needs (the Justice Center) Forensic Unit conducted a site visit to the Groveland Correctional Facility's (CF) Special Housing Unit (SHU) to review the quality of mental health care provided to incarcerated individuals, and determine compliance with the Special Housing Unit Exclusion Law, Office of Mental Health (OMH) policies, and Department of Corrections and Community Supervision (DOCCS) directives.<sup>1</sup> At the time of the site visit, there were 21 incarcerated individuals on the unit and 14 were on the mental health caseload.<sup>2</sup> There were no individuals in the Groveland Correctional Facility Special Housing Unit that met the Special Housing Unit Exclusion Law criteria for the definition of serious mental illness during our site visit.

In addition to reviewing the OMH clinical case record, DOCCS Special Housing Unit folders, and DOCCS guidance record, the Justice Center 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 toured the Special Housing Unit and spoke cell side with all 21 incarcerated individuals. We also reviewed the records of 20 incarcerated individuals to determine whether the facility was in compliance with the conditions of the Special Housing Unit 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;

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<sup>1</sup> Correction Law §§137(6)(d) and (e), 401.

<sup>2</sup> There was a total of 22 incarcerated individuals on the Special Housing Unit census at the time of the Justice Center site visit. One incarcerated individual was out to court during the Justice Center site visit. It should be noted that two individuals were not included in the sample as they were in Protective Custody status, but they were interviewed to cell-side.

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 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 incarcerated individuals placed on exceptional circumstances during the review period. Based upon our review, the Justice Center has made a determination that the Groveland Correctional Facility was NOT in compliance with the Special Housing Unit Exclusion Law for the following reasons:

- Incarcerated individual 1, a mental health service level (MHSL) 3, was transferred to the Special Housing Unit on January 31, 2022.<sup>3</sup> Their initial mental health assessment was completed on February 2, 2022 and it was noted that incarcerated individual 1 was "in hearing yesterday, not available for interview".<sup>4</sup>

### Quality of Mental Health Care

The Justice Center also reviewed the quality of corrections-based mental health care provided to 20 individuals in the Special Housing Unit. To complete a thorough evaluation, Justice Center staff requested private interviews and four individuals chose to speak with the Justice Center. The Justice Center also examined clinical documentation, DOCCS Special Housing Unit folders, Guidance Records, and reviewed the DOCCS Sign-In Logbook and Unit Activity Logbook. The findings from this review are outlined below.

### Justice Center Findings

- 1. Incarcerated individual 1 did not receive an initial mental health assessment because he was at his hearing and not available for an interview.**

Incarcerated individual 1, a mental health service level (MHSL) 3, was transferred to the Special Housing Unit on January 31, 2022. Their initial mental health assessment was completed on February 22, 2022 and it was noted that incarcerated individual 1 was "in

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<sup>3</sup> [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as **incarcerated individual 1**.

<sup>4</sup> CNYPC CBO Policy # 9.29 states, "Level 1 & 2 Mental Health Units require the Special housing Unit/Long Term Keep Lock Mental Health interview needs to be completed within one business day of placement in the SHU."

hearing yesterday, not available for interview.”<sup>5</sup> There is no time indicated on the form as to when the call out was attempted.

**2. Incarcerated individual 2, a MHSL 2, was not rescheduled for call outs in accordance CNYPC Corrections Based Operations (CBO) Policy #2.4.**<sup>6,7</sup>

Incarcerated individual 2 clinical case record indicates that they missed three callouts on October 4, 2021, December 15, 2021, and January 25, 2022. The progress notes state they were “not seen today as scheduled. Patient did not attend the clinic. He will be rescheduled within 2 weeks.” The rescheduled appointment for October 4, 2021 did not occur October 25, 2021. Per records following a callout on November 15, 2021, there is no documentation to indicate that incarcerated individual 2 received a clinical callout during the months of December and January or that there was an attempt for them to be seen within two weeks of their missed appointment on December 15, 2021. Incarcerated individual 2 was placed in Special Housing Unit on January 26, 2022 and received their intake Special Housing Unit Assessment on January 27, 2022.

**3. A Treatment Plan was due to be rewritten in September 2021 for incarcerated individual 2.**

Incarcerated individual 2’s treatment plan was created on September 25, 2019 while at the Midstate Correctional Facility. That plan was reviewed on April 7, 2020 and October 10, 2020 with no changes noted. An additional goal was created to address their Special Housing Unit admission on February 24, 2021 and the plan was reviewed on April 28, 2021 upon their transfer to the Groveland Correctional Facility. All the target dates for the treatment plan goals expired on August 24, 2021 and there is no indication that objective target dates were updated in the appropriate columns of the treatment plan as per policy.<sup>8</sup>

**4. Incarcerated individual 3, was considered an active screen at the time of the Justice Center’s site visit.**<sup>9</sup>

Incarcerated individual 3 was placed on active screen status on December 10, 2021 after making threats of self-harm after being told to move due to COVID contact and being upset about missing a visit with their family. They were transferred to the Special Housing Unit on January 14, 2022 as a mental health service level 4 active screen. It was noted they were upset because they have no history of tickets or placement in Special Housing Unit. The 14-day assessment also indicated they were still an active screen to further assess needs for mental health services.

## **Justice Center Recommendations**

1. To ensure that incarcerated individuals in the Special Housing Unit are adequately evaluated to assess their current mental status, Special Housing Unit Mental Health

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<sup>5</sup> CNYPC CBO Policy # 9.29 states, “Level 1 & 2 Mental Health Units require the Special housing Unit/Long Term Keep Lock Mental Health interview needs to be completed within one business day of placement in the SHU.”

<sup>6</sup> [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as **incarcerated individual 2**.

<sup>7</sup> CNYPC CBO Policy #2.4 states, “When Mental Health callouts are missed for any reason, the staff person with whom the patient missed the appointment will review the inmate-patient’s mental health record the next time they are on site and reschedule the callout for an appointment within two (2) weeks, or sooner if clinically indicated.”


<sup>8</sup> CNYPC CBO Policy #9.22 states, “Rewritten a minimum of every two years.”

<sup>9</sup> [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as **incarcerated individual 3**.

Interviews must be completed according to the time frames delineated in CNYPC Corrections Based Operations Policy. The Justice Center requests that DOCCS provide the details of incarcerated individual 1's hearing, such as when it began and concluded on February 1, 2022. In addition, please provide the SHU Sign In and Movement Log for that date. The Justice Centers also requests that OMH provide documentary evidence as to when the call out was scheduled and an explanation as to why additional attempts were not made on February 1, 2022.

2. To confirm that incarcerated individuals are adequately evaluated to assess their current mental status, time frames must be adhered to when an individual misses their call outs. Given the findings of our review, OMH should retrain clinical staff in CNYPC Corrections Based Operations Policy with a particular focus on seeing the individuals within two weeks of their missed call outs.<sup>10</sup>
3. In order to provide individualized mental health care, it is important that mental health staff update treatment plans according to the policy. This safeguards the incarcerated individual's current identified needs, assessments/evaluations, and prioritized problems, issues, and concerns. Please provide the Justice Center with incarcerated individual 2's most recent treatment plan and any reviews that may have been recorded since August 2021.<sup>11</sup>
4. Please provide the Justice Center with an update regarding incarcerated individual 3's mental health status as well as their current diagnosis. If they have since been admitted to OMH services or determined ineligible, please provide appropriate documentation.

Review Conducted by:

  
Jessica Benedict, Facility Review Specialist

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<sup>10</sup> CNYPC CBO Policy #2.4 states, "When Mental Health callouts are missed for any reason, the staff person with whom the patient missed the appointment will review the inmate-patient's mental health record the next time they are on site and reschedule the callout for an appointment within two (2) weeks, or sooner if clinically indicated."

<sup>11</sup> CNYPC CBO Policy #9.22 states, "Rewritten a minimum of every two years."

KATHY HOCHUL  
Governor

ANN MARIE T. SULLIVAN, M.D.  
Commissioner

MOIRA TASHJIAN, MPA  
Executive Deputy Commissioner

June 14, 2022

Davin Robinson  
Deputy Director of Outreach, Prevention and Support  
Justice Center for the Protection of People with Special Needs  
161 Delaware Avenue  
Delmar, New York 12054

Dear Ms. Robinson:

We received your letter dated June 2, 2022, in response to the Justice Center's February 24, 2022 site visit of the Groveland Correctional Facility (CF) Special Housing Unit (SHU) 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.

Below are the Justice Center's findings and recommendations from the above-referenced review, and OMH's response to each. The related documentation is enclosed. Please note that the documentation includes protected health information and thus should not be redisclosed.

Per your letter, you have determined that Groveland CF was **not** in compliance with the SHU Exclusion Law for the following reason:

1. "Incarcerated individual 1, a mental health service level (MHSL) 3, was transferred to the Special Housing Unit on January 31, 2022. Their initial mental health assessment was completed on February 2, 2022 and it was noted that incarcerated individual 1 was "in hearing yesterday, not available for interview"."

This finding also resulted in the Justice Center's first recommendation:

**Recommendation #1:**

"To ensure that incarcerated individuals in the Special Housing Unit are adequately evaluated to assess their current mental status, Special Housing Unit Mental Health Interviews must be completed according to the time frames delineated in CNYPC Corrections Based Operations Policy...The Justice Centers also requests that OMH provide documentary evidence as to when the call out was scheduled and an explanation as to why additional attempts were not made on February 1, 2022." <sup>1</sup>

**OMH Response:**

The clinician attempted to meet with incarcerated individual 1 around 1:30-2:00pm on 2/1/22. He has been retrained in CNYPC Corrections-Based Operations (CBO) Policy #2.4

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<sup>1</sup> At the end of Finding #1, the Justice Center erroneously indicated that this callout took place on "February 22, 2022" rather than "February 2, 2022."

Canceled/Refused/Missed Callouts which requires that a note be written for missed appointments. As an attempt was made to meet with incarcerated individual 1 per policy and he was seen the next day, earlier than is required per Policy #2.4, and as this issue was only found in one record, OMH disagrees with the Justice Center's finding of noncompliance.

**Recommendation #2:**

"To confirm that incarcerated individuals are adequately evaluated to assess their current mental status, time frames must be adhered to when an individual misses their call outs. Given the findings of our review, OMH should retrain clinical staff in CNYPC Corrections Based Operations Policy with a particular focus on seeing the individuals within two weeks of their missed call outs."

**OMH Response:**

CNYPC CBO Policy #2.4 was reviewed with the clinician responsible for meeting with incarcerated individual 2.

**Recommendation #3:**

"In order to provide individualized mental health care, it is important that mental health staff update treatment plans according to the policy. This safeguards the incarcerated individual's current identified needs, assessments/evaluations, and prioritized problems, issues, and concerns. Please provide the Justice Center with incarcerated individual 2's most recent treatment plan and any reviews that may have been recorded since August 2021."

**OMH Response:**

CNYPC CBO clinical staff attended a mandated training on completing Treatment Plans in March 2022. This particular clinician was also reminded of the importance of adhering to Treatment Plan timeframes given the Justice Center's finding. Incarcerated individual 2's current treatment team is working on a new Treatment Plan in the midst of completing his discharge planning.

**Recommendation #4:**

"Please provide the Justice Center with an update regarding incarcerated individual 3's mental health status as well as their current diagnosis. If they have since been admitted to OMH services or determined ineligible, please provide appropriate documentation."

**OMH Response:**

Incarcerated individual 3 was seen again on 6/2/22 and it was determined he was not in need of mental health services. The 6/2/22 progress note is enclosed with this response.

We thank you for bringing your concerns to our attention.

Sincerely,

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  
File





## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

June 7, 2022

Mrs. Davin Robinson  
Deputy 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 Mrs. Robinson:

This is in response to the New York State Justice Center's report of the site visit conducted at Groveland Correctional Facility ensuring quality of mental health care and compliance with the SHU Exclusion Law on February 24, 2022.

### **Recommendation #1:**

To ensure that incarcerated individuals are adequately evaluated to assess their current mental health status, special housing unit mental health interviews must be completed according to the time frames delineated in CNYPC Corrections Based Operations Policy. The Justice Center requests that DOCCS provide the details of incarcerated individuals 1's hearing, such as when it began and concluded on February 1, 2022. In addition, please provide the SHU Sign In and Movement Log for that date. The Justice Center also requests that OMH provide documentary evidence as to when the call out was scheduled and an explanation as to why additional attempts were not made on February 1, 2022.

### **Response:**

OMH arrived on the unit on February 1, 2022, at 1:25 pm., Deputy Superintendent arrived on the unit on 1:27 p.m., and began the hearing at 1:30 p.m. and concluded at 2:20 p.m. OMH staff at 2:15 p.m. Deputy Superintendent returned to the unit at continued with the hearing at 3:35 p.m. and concluded at 4:17p.m. OMH completed their assessment the following day. Superintendent was informed of the time frames per HALT. This appears to more of scheduling conflict and all efforts will be made in collaboration OMH to avoid future scheduling conflicts.

June 7, 2022

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

Sincerely,



Bryan Hilton  
Associate Commissioner

cc: Joey Clinton, Superintendent – Groveland Correctional Facility

NYS Justice Center

JUN 10 2022

Received