



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

KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

July 18, 2023

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

Daniel Martuscello
Acting Commissioner
NYS Department of Corrections
and Community Supervision
The Harriman State Campus-Building 21220 Washington Avenue
Albany, NY 12226-2050

Dear Dr. Lee and Acting Commissioner Martuscello:

Thank you for your responses to the Justice Center for the Protection of People with Special Needs (the Justice Center) review of the programs, treatment and conditions of confinement for incarcerated individuals placed in segregated confinement in the Wyoming Correctional Facility.

Based upon the responses from the Department of Corrections and Community Supervision (DOCCS) and the Office of Mental Health (OMH), the Justice Center considers this report to be final and maintain our finding of non-compliance with the HALT law because one individual spent more than 15 consecutive days in segregated confinement.¹

Please direct any correspondence or concerns related to this review to me at davin.robinson@justicecenter.ny.gov. Thank you for your continued cooperation.

Sincerely,

Davin Robinson
Deputy Director, Office of Outreach, Prevention & Support

¹ OMH response dated and received on June 26, 2023 and DOCCS response dated June 14, 2023, with a postage date of July 14, 2023 and received by the Justice Center on July 17, 2023

Cc: Denise M. Miranda, Esq., Executive Director, Justice Center
Robert Miller, Acting Executive Deputy Director, Justice Center
Nikki O'Meara, Director of Operations, Forensics
Melissa Finn, Director of Quality and Compliance, Forensics
Kathryn Farley, Supervising Facility Review Specialist, Forensics
Dr. Anne Sullivan, M.D., Commissioner, OMH
Danielle Dill, Executive Director, CNYPC
William Vertoske, Deputy Director Psychiatric Center 2, OMH
Lisa Murphy, Acting Director of Quality Management, OMH
Maureen Morrison, Director of Suicide Prevention, OMH
Meaghan Bernstein, Advocacy Letter Coordinator, OMH
Jamie Donahue, 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.



KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

**Wyoming Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Final Compliance and Quality of Care Review**

JC#: [REDACTED]

On March 1, 2023 the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Wyoming Correctional Facility (CF) to review the programs, treatment, and conditions of confinement for incarcerated individuals placed in segregated confinement in that facility. The Justice Center also assessed compliance with the implementation of the HALT law.¹

The Justice Center reviewed policies and practices concerning:

- a) Placement of persons in segregated confinement and residential rehabilitation units (RRU);
 - b) Placement and treatment of persons meeting the “special population” definition in the HALT legislation;²
 - c) Length of time spent in segregated confinement or residential rehabilitation units;
 - d) Hearings and procedures;
 - e) Assessments and rehabilitation plans, procedures, and discharge determinations.
- Since the facility does not have a Residential Rehabilitation Unit (RRU), the Justice Center toured the Special Housing Unit (SHU) and spoke cell side with 14 incarcerated individuals.³ To complete a thorough evaluation, Justice Center staff requested private interviews and 1 individual accepted. The interviews were all conducted in a private room.

In addition to reviewing the Office of Mental Health (OMH) clinical case record and the Department of Corrections and Community Supervision (DOCCS) guidance record, the Movement Logs and Programming Logs, the Justice Center also requested any Exceptional Circumstances documentation for a time-period of six months.⁴ The Justice

¹ Correction Law §§137(6)(d)(e) (h), (i), (j), (k), (l), (m), (n), and (o) and §§138 (7), 401.

² Section 2 of the Correction Law, subdivision 33 defines Special Population as any person twenty-one years of age or younger; fifty-five years or older; with a disability; pregnant, in the first 8 weeks of post-partum recovery or caring for a child in a correctional facility.

³ Six incarcerated individuals were not included in the Justice Center’s sample as they were in the General Population Unit (GPU) and not currently serving sanctions

⁴ September 1, 2023- March 1, 2023

Center's review found that there were no incarcerated individuals placed on exceptional circumstances during this review period.

Justice Center Findings

Treatment and Conditions:

1. Incarcerated individuals were not participating in out of cell programming.

At the time of the Justice Center's site visit, programming/tablet time occurred from 8 a.m. to 11 a.m. then an hour lunch and recreation from 12:30 p.m. to 1:30 p.m. There were no incarcerated individuals observed participating in out of cell programming however, two individuals were noted to be using static and/or law tablets. A programming space was located on each wing and consisted of a row of restart chairs. The Justice Center received eight weeks of programming attendance from Wyoming CF SHU indicating that all individuals were offered out of cell programming in the SHU. During that time, no incarcerated individuals were documented as accepting and participating in programming.⁵

The incarcerated individual who accepted a private interview with Justice Center staff denied being offered out of cell programming every day. They also noted that they would like core DOCCS programming in the SHU however, they had already completed required programming like Aggression Replacement Training (ART) and Alcohol and Substance Abuse Treatment (ASAT).

Requests and Recommendations:

The Justice Center recommends that DOCCS security staff actively encourage participation in out of cell programming to assist the incarcerated individuals in facilitating behavioral changes and learning appropriate coping strategies.

The Justice Center requests the most recent programming schedule as well as programming attendance for Wyoming CF SHU from May 10, 2023, and May 24, 2023.

Special Populations

2. There were no incarcerated individuals considered to be special population during the Justice Center's site visit.

Length of time spent in segregated confinement

3. One incarcerated individual on the Justice Center's review sample spent more than 15 consecutive days in segregated confinement.

⁵ SHU Programming attendance was dated January 1, 2023-February 25, 2023

On February 12, 2023, incarcerated individual 1, a mental health service level (MHSL) 6, was involved in a physical altercation with a peer.⁶ Their disciplinary hearing was completed on February 14, 2023, and they were found guilty of Violent Conduct, Creating a Disturbance, Fighting, Refusing a Direct Order and Out of Place. They received 118 days of SHU time, and 118 day loss of packages, commissary, and phone. According to the DOCCS Chronological Record, the individual was not transferred out of the Wyoming CF SHU until 18 days later on March 2, 2023, when they were transferred to the Orleans CF RRU.

Request:

Please provide the Justice Center with an explanation as to why this incarcerated individual was not transferred to a RRU within the time frame set forth by the HALT legislation.

Hearings and procedures

- 4. The Justice Center reviewed disciplinary hearing documentation for all 8 incarcerated individuals and found that all engaged in behaviors that warranted placement in segregated confinement, such as violent conduct and attempting to smuggle in contraband through the facility visiting program.**



Review conducted by: _____
Kathryn Farley, Supervising Facility Review Specialist

⁶ [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as **incarcerated individual 1**



KATHY HOCHUL
Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

MOIRA TASHJIAN, MPA
Executive Deputy Commissioner

June 26, 2023

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 May 24, 2023, in response to the Justice Center's March 1, 2023 site visit of the Wyoming Correctional Facility (CF) Special Housing Unit (SHU) to determine the quality of mental health care provided to incarcerated individuals and determine compliance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) legislation, the Office of Mental Health's (OMH) policies, and the Department of Corrections and Community Supervision's (DOCCS) directives.

We would like to acknowledge there were no recommendations made pertaining to OMH.

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

KATHY HOCHUL
Governor

DANIEL F. MARTUSCELLO III
Acting Commissioner

June 14, 2023

Davin Robinson
Deputy Director, Office of Outreach, Prevention & Support
NYS Justice Center for the Protection of People with Special Needs
161 Delaware Avenue
Delmar, NY 12054

Re: [REDACTED] Justice Center

Dear Ms. Robinson:

This is in response to the New York State Justice Center's visit at the Wyoming Correctional Facility on March 1, 2023, to review the quality of corrections-based mental health care for incarcerated individuals in SHU in accordance with the HALT Legislation, OMH policies and DOCCS directives.

Requests and Recommendations:

The Justice Center recommends that DOCCS security staff actively encourage participation in out of cell programming to assist the incarcerated individuals in facilitating behavioral changes and learning appropriate coping strategies.

The Justice Center requests the most recent programming schedule as well as programming attendance for Wyoming CF SHU from May 10, 2023, and May 24, 2023.

Response:

At Wyoming Correctional Facility, our administration continues to emphasize the benefits of rehabilitative and therapeutic programming in SHU to all staff through trainings and various meetings. Incarcerated individuals in SHU are encouraged by security staff during Go-Rounds to participate daily in out-of-cell programming and work on identifying the behaviors that led to their disciplinary confinement and take necessary steps to engage in behavior modification. Most incarcerated individuals in SHU prefer to focus on preparing for their disciplinary hearing for the two weeks they are placed in that setting.

The programming schedule and attendance records from May 10, 2023, and May 24, 2023, are as follow:

Building 16 Programming & Recreation Schedule:

- SHU (A & C wing) 7:30AM–10:30AM – Program / 1:00PM-2:00PM – Recreation
- GPU (B-wing) 7:30AM-10:30AM – Program / 12:00PM-4:00PM – Recreation
 - Program and recreation in B-wing is for special population and PC I/Is
- Building 16 programming & recreation schedule is subject to change based on how many I/Is participate.
- Between the dates of 5/10/23 and 5/24/23 no I/Is chose to participate in programming.

Request:

Please provide the Justice Center with an explanation as to why this incarcerated individual was not transferred to a RRU within the time frame set forth by the HALT legislation.

Response:

Incarcerated Individual 1's, Unscheduled Transfer Review (UTR) was submitted on 2/14/23 following his misbehavior report issued on 2/12/23. Classification & Movement approved UTR to RRU on 2/27/23 and he was moved to Orleans RRU on 3/2/23.

The delay in movement was mainly due to the need for the office of Classification and Movement to review, approve the transfer and find an available RRU program bed. This process will be discussed to ensure that transfers to RRU are scheduled in accordance with HALT. A timeline for the transfer of incarcerated individual 1 is attached.

Requests:

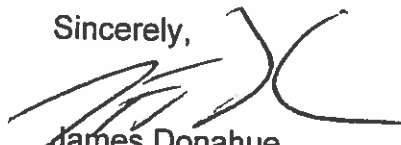
The Justice Center requested the Suicide Prevention Screening forms for the incarcerated individuals on two separate occasions.⁸ To determine that all of the #3152's were completed in the appropriate timeframe required by HALT, please provide clear legible copies with your response. In addition, the Justice Center requests that DOCCS Central Office stresses the importance to facility staff of providing legible documents so others can read the important information they contain.

Response:

We regret that the qualities of the copies provided for the 3152's were not legible. This has been discussed with our staff. We have attached copies of the originals for all 8 incarcerated individuals for your review.

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

Sincerely,



James Donahue
Associate Commissioner

cc: Michael Hill, Acting Superintendent–Wyoming Correctional Facility
Kathryn Farley, Supervising Facility Review Specialist