



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

KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

March 13, 2024

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

Jamie Donahue
Associate Commissioner
NYS Department of Corrections
And Community Supervision
The Harriman State Campus-Building 2
1220 Washington Avenue
Albany, NY 12226-2050

Dear Dr. Lee and Associate Commissioner Donahue:

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 Elmira Correctional Facility (CF).

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 maintains our finding that the Elmira CF was not in compliance with the HALT Act because multiple incarcerated individuals on the mental health caseload were placed in segregated confinement and three individuals were placed in segregated confinement past the 15-day requirement as required by the HALT Act.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,

A handwritten signature in blue ink that reads "Davin Robinson".

Davin Robinson
Deputy Director, Outreach, Prevention and Support

¹ DOCCS response March 8, 2024, and OMH response dated February 13, 2024

Cc: Denise M. Miranda, Esq., Executive Director, Justice Center
Robert Miller, Executive Deputy Director, Justice Center
Melissa Finn, Director, Forensics
Kathryn Farley, Supervising Facility Review Specialist, Forensics
Roberta Murell, RN, 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, Director of Quality Management, OMH
Maureen Morrison, Director of Suicide Prevention, OMH
Meaghan Bernstein, Advocacy Letter Coordinator, OMH
Daniel Martuscello, Acting 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

**Elmira Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement Act
Final Compliance and Quality of Care Review
JC#: [REDACTED]**

On October 5, 2022, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Elmira Correctional Facility (CF) to review the programs, treatment and conditions of confinement for incarcerated individuals placed in the Special Housing Unit (SHU) in that facility. The Justice Center also assessed compliance with the implementation of the Humane Alternatives to Long Term Solitary Confinement (HALT) Act that went into effect on March 31, 2022.¹

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 Act.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.

The Justice Center toured the SHU and spoke with all 24 incarcerated individuals cell side. In addition to reviewing the OMH clinical case record and 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.³ The Justice Center’s review found that there were no individuals placed on exceptional circumstances and there were no incarcerated individual(s) who met the SHU Exclusion Law criteria for the definition of serious mental illness (S-Designated) in the SHU at the Elmira CF during our site visit.

Justice Center staff requested private interviews and 10 incarcerated individuals accepted. The Justice Center’s findings, recommendations and requests follow below.

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 April 5, 2022 – October 5, 2022

Justice Center Findings

Treatment and Conditions:

1. Incarcerated individuals preferred to utilize their tablet instead of attending programming daily.

At the time of the Justice Center's site visit, incarcerated individuals were offered to attend out-of-cell programming for 3 hours from approximately 8:00 a.m. to 11:00 a.m. Monday to Friday and one hour of recreation daily from 1:00 p.m. to 2:00 p.m. Incarcerated individuals stated during their private interviews that they rarely attended programming or went out for recreation. They reported that they preferred having access to tablets. Static tablets were passed out at 8:00 a.m. and collected at 2:30 p.m. Law Library tablets were distributed from 8:00 a.m. to 10:00 a.m. The individuals that were interviewed said that if programming included required programs for release, they would attend more frequently. The programming space for the SHU was located on the block and consisted of a row of desks Reduced Security Therapy and Recreation Tables (RESTART) chairs in the block hallway that faced a TV mounted on the wall.

There was no congregate recreation option available in the Elmira SHU; incarcerated individuals each have an attached recreation pen that is accessed through a door in the back of their cells.

The Justice Center requested the programming attendance for the month of December 2023. According to the DOCCS response, six incarcerated individual's attended programming in the Elmira CF SHU, including one individual that attended five times.⁴

Recommendations and Request:

The Justice Center recommends that DOCCS create more incentives to encourage greater program participation in the SHU, such as a pay by module initiative. In addition, every effort should be made to offer programming seven days a week as required by the HALT Act. The individuals interviewed by the Justice Center also stated that they would attend programming on writing, science and art.

Special Populations:

2. 16 incarcerated individuals who were housed in the SHU during the Justice Center's visit were on the mental health caseload. 11 of these individuals had

⁴ DOCCS response dated March 8, 2024

a mental health level of one or two indicating that they had a major/serious mental illness.⁵

A review of the OMH clinical case records found that 16 of the 24 incarcerated individuals in the SHU were on the mental health caseload with a mental health service level (MHSL) between 1-4.⁶

Request:

The Justice Center requests an update on all 16 incarcerated individuals, including their current housing status, disciplinary status, and mental health service level. In addition, please include whether any of the individuals have been transferred to an RCTP between our site visit and this report.

Length of time spent in segregated confinement:

3. At the time of the Justice Center's site visit, there were 3 incarcerated individuals that had spent more than 15 consecutive days in segregated confinement.

- Incarcerated individual 1, a MHSL 2, reported that they had a weapon on their person on August 17, 2022 and was placed in the Residential Crisis Treatment Program (RCTP) after making threats of self-harm.⁷ Following their release from the RCTP on August 23, 2022, they were transferred to the Elmira SHU. The Tier 3 Hearing was held on August 31, 2022 and the individual received 90 days confinement time and had not yet been transferred to an RRU at the time of the Justice Center's site visit on October 5, 2022.

⁵ See CNYPC CBO Policies: Assessments, Policy 1.12, Mental Health Service Level, and Uniform Case Record, Policy 9.12, Treatment Needs/Service Level Designation Form. Factors considered for a Level 1 designation include being diagnosed with schizophrenia or schizoaffective disorder or another serious mental illness or significant behavioral disorder with less than 6 months of clinical stability and medication compliance, or having been discharged from CNYPC within the past 6 months, or have engaged in a verified serious suicide attempt/significant SIB within the past 1 year, or if prescribed Clozaril, or if there is a COPM order, or if they are prescribed an injectable antipsychotic, or requires ICP/TRICP services, or has a validated psychiatric decompensation resulting in multiple RCTP admissions. A Level 2 designation includes being diagnosed with SMI with at least 6 months of stability and continuous psychiatric medication compliance and no inpatient admissions, or an unconfirmed/inconsistent psych history, or if someone is not SMI, and does not meet MHSL 1 criteria but requires MH services beyond those available at a Level 3 facility.

⁶ (3), (2), (2), (3), (2), (2), (3), (3), (2), (2), (1), (1), (3), (2), (2), (2)

⁷ hereafter will be noted as incarcerated individual 1.

- Incarcerated individual 2, a MHSL 1, was placed in the SHU on August 16, 2022, after receiving a tier 3 ticket for gang activity.⁸ The sanction was for 90 days. He remained in the SHU until an RCTP admission on September 23, 2022, where they reported that they were angry and frustrated that they had been in the SHU for over 30 days. . The individual was returned to the SHU on September 27, 2022 and was still there at the time of the Justice Center's site visit, 46 days after their initial placement in SHU.
- Incarcerated individual 3, a MHSL 1, was placed in the SHU on August 8, 2022, after engaging in a fight in the mess hall with another individual.⁹ The sanction was for 150 days. The individual was still in the SHU during the Justice Center's site visit, 58 days after their placement in SHU.

Requests:

Please provide the Justice Center explain why incarcerated individuals 1 - 3 were not transferred to a RRU in a timely manner. In addition, the Justice Center requests an update on all three individuals' status including any additional misbehavior reports, RCTP admissions, mental health status as well as their current housing units.

Hearings and procedures:

- 4. The Justice Center reviewed disciplinary hearing documentation for all incarcerated individuals and found that they engaged in conduct that warranted placement in segregated confinement including assaults on staff, weapons, assaults on incarcerated individuals, violent conduct, imminent threats of serious physical injury or death, fighting, gangs, arson, harassment, stalking, and smuggling . There were three documented requests for representation and assistance for disciplinary hearings which were granted.**

Assessments, rehabilitation plans and discharge procedures:

- 5. Incarcerated Individual 3's OMH Diagnosis Record differs with the mental health diagnosis indicated on their Treatment Plan.**

According to the incarcerated individual 3's August 6, 2022 Diagnosis Record and Initial Psychiatric Progress Note, their primary diagnosis is noted as persistent depressive disorder. On their Treatment Plan, created on August 15, 2022, completed at Elmira, their primary diagnosis is noted as dysthymic disorder.

⁸ [REDACTED] hereafter will be noted as incarcerated individual 2.

⁹ [REDACTED] hereafter will be noted as incarcerated individual 3.

Request and recommendation:

Please provide the Justice Center with an updated Treatment Plan to reflect incarcerated individual 3's current mental health diagnosis. If their diagnosis has changed, please provide an updated Diagnosis Record. In addition, the Justice Center recommends that OMH staff should be retrained in CNYPC CBO Policy 9.22 Treatment Plan to ensure clinical reviewing diagnoses with available databases so that the information transcribed is accurate.

Review conducted by: 
Roberta Murell, RN, Facility Review Specialist

KATHY HOCHUL
Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

MOIRA TASHJIAN, MPA
Executive Deputy Commissioner

February 13, 2024

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 January 25, 2024, in response to the Justice Center's October 5, 2022 site visit of the Elmira 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.

Below are the Justice Center's requests from the above-referenced review, and OMH's response.

Recommendation and Request #1:

"The Justice Center recommends that DOCCS create more incentives to encourage greater program participation in the SHU, such as a pay by module initiative. In addition, every effort should be made to offer programming seven days a week as required by the HALT law. The individuals interviewed by the Justice Center also stated that they would attend programming on writing, science and art.

The Justice Center requests all programming and attendance records for the SHU for December 2023."

OMH Response not indicated as this is directed to DOCCS.

Request #2:

"The Justice Center requests an update on all 16 incarcerated individuals, including their current housing status, disciplinary status, and mental health service level. In addition, please include whether any of the individuals have been transferred to an RCTP [Residential Crisis Treatment Program] between our site visit and this report."

OMH Response:

- [REDACTED] (3): Remains a mental health service level (MHSL) 3 and now resides in Attica CF's General Population (GP). He has not required RCTP admissions since 2020.
- [REDACTED] (2): Remains a MHSL 2 and now resides in Auburn CF's GP. Since the Justice Center's 10/5/22 visit, he was admitted to RCTP from 1/23/23-1/27/23 and

4/12/23-4/17/23 due to threats of self-harm and psychiatric decompensation, respectively.

- [REDACTED] (2): On 2/23/23, he was made a MHSL 3. He now resides in Sing Sing CF's GP. He required an RCTP admission from 6/12/23-6/14/23 due to threats of self-harm.
- [REDACTED] (4): On 1/12/24, he was made a MHSL 3. He now resides in Attica CF's SHU. He was admitted to RCTP from 12/12/23-12/13/23, 1/4/24-1/5/24, and 1/18/24-1/19/24 due to threats of self-harm.
- [REDACTED] (2): Of note, [REDACTED] was a MHSL 3 at the time of the Justice Center's visit and remained so until his release from DOCCS on 3/30/23 via Five Points CF's GP. After the Justice Center's visit, he required one RCTP admission from 1/13/23-1/17/23 for threats of self-harm.
- [REDACTED] (2): Remained a MHSL 2 until his release from DOCCS on 5/25/23 via Wende Reception. After the Justice Center's visit, he required one RCTP admission from 1/12/23-1/13/23 due to non-suicidal self-injury.
- [REDACTED] (3): Remains a MHSL 3 and now resides in Five Points CF's RRU. He required an RCTP admission from 1/18/24-1/19/24 due to flagging on the DOCCS Form 3152.
- [REDACTED] (3): Of note, [REDACTED] was a MHSL 2 at the time of the Justice Center's visit and remains such. He currently resides in Great Meadow CF's RRU. He required an RCTP admission from 1/11/23-1/12/23 due to threats of self-harm.
- [REDACTED] (1): On 3/30/23, he was made a MHSL 2. He now resides in Five Points CF's GP. He has not required RCTP since the Justice Center's visit.
- [REDACTED] (3): [REDACTED] was discharged from the mental health caseload on 3/17/23. He currently resides in the Eastern CF SHU. He was screened, but not admitted on 7/11/23, 9/11/23, and 10/24/23. He was admitted to RCTP from 1/4/23-1/5/23 and 7/11/23-7/12/23 for psychiatric decompensation and threats of self-harm, respectively.
- [REDACTED] (2): On 6/5/23, he was made a MHSL 3. He released from DOCCS custody on 10/19/23 via Green Haven CF's GP. After the Justice Center's visit, he was admitted to RCTP from 11/15/22-11/16/22 and 6/15/23-6/16/23 due to flagging on the DOCCS Form 3152 and threats of self-harm, respectively.
- [REDACTED] (1): Remains a MHSL 1 and now resides in Clinton CF's Transitional Intermediate Care Program (TrICP). He was admitted to RCTP from 9/30/23-10/12/23 and 10/13/23-10/25/23 for non-suicidal self-injury and threats of self-harm, respectively.
- [REDACTED] (1): On 1/20/23, he was made a MHSL 2; then on 2/17/23 he was made a MHSL 3 and remains so at this time. He now resides in Midstate CF's GP. He was admitted to RCTP from 10/14/22-10/24/22, 12/7/22-12/9/22, 12/14/22-12/15/22, 12/28/22-1/3/23, and 1/15/23-1/19/23 due to threats of self-harm.
- [REDACTED] (2): Remains a MHSL 2 and now resides in Fishkill CF's RRU. He was admitted to RCTP from 2/7/23-2/8/23, 9/8/23-9/14/23, 9/27/23-9/28/23, 10/7/23-10/10/23, and 1/2/24-1/3/24 due to threats of self-harm.
- [REDACTED] (2): On 3/30/23, he was made a MHSL 3; he was discharged from the mental health caseload on 5/10/23. He now resides in Cape Vincent CF's GP. He has not required RCTP since the Justice Center's visit.
- [REDACTED] (2): Remains a MHSL 2 and now resides in Clinton CF's GP. He required an RCTP admission from 12/16/22-12/19/22 due to threats of self-harm.

OMH defers to DOCCS regarding the request for disciplinary statuses.

Request #3:

"Please provide the Justice Center explain [sic] why incarcerated individuals 1 - 3 were not transferred to a RRU in a timely manner. In addition, the Justice Center requests an update on all three individuals' status including any additional misbehavior reports, RCTP admissions, mental health status as well as their current housing units."

OMH Response:

OMH defers to DOCCS regarding this request as they are responsible for facility movement. Mental health related updates on incarcerated individuals 1-3 are provided in OMH's response to Request #2.

Of note, the summary for incarcerated individual 1 erroneously states he was released from RCTP in August of 2023; the year should be 2022.

Recommendation and Request #4:

"Please provide the Justice Center with an updated Treatment Plan to reflect incarcerated individual 3's current mental health diagnosis. If their diagnosis has changed, please provide an updated Diagnosis Record. In addition, the Justice Center recommends that OMH staff should be retrained in CNYPC CBO Policy 9.22 Treatment Plan to ensure clinical [sic] reviewing diagnoses with available databases so that the information transcribed is accurate."

OMH Response:

Staff were reminded of the importance of using the most up to date diagnoses names in documentation, as Dysthymic Disorder from the DSM-IV was moved to the category of Persistent Depressive Disorder in the DSM-V. As incarcerated individual 3 is still diagnosed with Persistent Depressive Disorder, only an updated Treatment Plan is enclosed with this response.

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

March 8, 2024

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

Elmira Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Draft Compliance and Quality of Care Review
JC#: [REDACTED]

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Elmira Correctional Facility on October 5, 2022, where the Justice Center made a determination that the Elmira Correctional Facility was not in compliance because no one was attending programming when it was offered, multiple incarcerated individuals on the mental health caseload were placed in solitary confinement and three individuals were placed in segregated confinement past the 15-day requirement as required by the HALT law.

Regarding your finding of the Department's noncompliance due to no incarcerated individuals attending programming when it was offered; per the HALT legislation "persons in segregated confinement shall be offered out of cell programming at least four hours a day, including at least one hour of recreation". DOCCS maintains its compliance, as programming was offered daily. However, participation is not mandatory and though encouraged, incarcerated individuals have the option to decline when offered.

Your finding of the Department's noncompliance to multiple incarcerated individuals on the mental health caseload that were placed in solitary confinement is a result of DOCCS understanding Correction Law Section (2) Subdivision 33 – Special populations to mean incarcerated individuals that are twenty-one years of age or younger; fifty-five years of age or older; with a disability as defined in paragraph (a) of subdivision twenty-one of Section 292 of the Executive Law: such as a Serious Mental Illness (SMI), developmentally disabled, sensorially disabled or physical disabilities.

Furthermore, Senate Bill S6977 was recently introduced to update the definition of persons with a disability, for the purpose of defining special populations. The proposal is to include all individuals on the OMH caseload. However, this bill has not yet passed, therefore, DOCCS maintains its compliance.

Regarding your finding of the Department's noncompliance due to three incarcerated individuals being placed in segregated confinement past the 15-day requirement it is noted that DOCCS is determined to meet the 15-day requirement for all incarcerated individuals and works continuously to ensure that space is available in the Residential Rehabilitation Unit (RRU).

The following is a response to each of the items raised in the Draft Compliance and Quality of Care Review.

1. Recommendations and Request:

The Justice Center recommends that DOCCS create more incentives to encourage greater program participation in the SHU, such as a pay by module initiative. In addition, every effort should be made to offer programming seven days a week as required by the HALT law. The individuals interviewed by the Justice Center also stated that they would attend programming on writing, science, and art.

The Justice Center requests all programming and attendance records for the SHU for December 2023.

Response:

Our staff at Elmira Correctional Facility continues to encourage all incarcerated individuals in the Special Housing Unit (SHU) to participate in daily out of cell therapeutic programming. Program attendance and participation is reinforced using incentives, positive informational reports, and positive reinforcement of socially appropriate behaviors. DOCCS continues to review participation as well as the efficacy of the program and how to increase attendance through various incentives.

DOCCS continues to recognize the benefits of therapeutic programming in SHU and RRU and in compliance with HALT, our staff will continue to offer daily out of cell program and utilize incentives to motivate participation.

The programming attendance records for the SHU for December 2023 are attached.

2. Request:

The Justice Center requests an update on all 16 incarcerated individuals, including their current housing status, disciplinary status, and mental health service level. In addition, please include whether any of the individuals have been transferred to a Residential Care Treatment Program (RCTP) between our site visit and this report.

Response:

■■■■■ DIN# ■■■■■, is an OMH service level 3, who is currently housed at Auburn Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received four (4) additional Tier 2 misbehavior reports and no additional confinement sanctions. He did not have any RCTP admissions.

■■■■■ DIN# ■■■■■, is an OMH service level 2, who is currently housed at Auburn Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 3 misbehavior report. His confinement sanctions ended on October 20, 2023. He was placed in RCTP from January 24 to January 27, 2023, and again from April 12 to April 17, 2023.

■■■■■ DIN# ■■■■■, is an OMH service level 3, who is currently housed at Sing Sing Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received three (3) additional Tier 2 and two (2) Tier 3 misbehavior reports. His confinement sanctions end on August 19, 2024. He did not have any RCTP admissions.

■■■■■ DIN# ■■■■■, is an OMH service level 3, who is currently programming at Upstate Correctional Facility's RRU. Since the Justice Center's visit on October 5, 2022, he has received three (3) additional Tier 2 and two (2) Tier 3 misbehavior reports. His confinement sanctions end on April 18, 2024. He has had three (3) RCTP admissions for one day each time: December 12 to December 13, 2023; January 4 to January 5, 2024, and January 18 to January 19, 2024.

■■■■■ DIN# ■■■■■, was an OMH service level 3, prior to discharge, and was paroled from Five Points Correctional Facility on March 30, 2023.

■■■■■ DIN# ■■■■■, was an OMH service level 2, prior to discharge, and was paroled from Wende Correctional Facility on May 25, 2023.

■■■■■ DIN# ■■■■■, is an OMH service level 3, who is currently programming at Five Points Correctional Facility's RRU. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 2 and one (1) Tier 3 misbehavior report. His confinement sanctions end on May 7, 2024. He was placed in Residential Crisis Treatment Program (RCTP) from January 18 to January 19, 2024.

■■■■■ DIN# ■■■■■, is an OMH service level 2, who is currently programming at Great Meadow Correctional Facility's RRU. Since the Justice Center's visit on October 5, 2022, he has received two (2) additional Tier 2 and three (3) Tier 3 misbehavior reports. His confinement sanctions end on July 23, 2025. He was placed in RCTP from January 11 to January 12, 2024.

■■■■■ DIN# ■■■■■, is an OMH service level 2, who is currently at Five Points Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received four (4) additional Tier 2 and three (3) Tier 3 misbehavior reports. He did not have any RCTP admissions.

■■■■■ DIN# ■■■■■, is an OMH service level 6, who is currently at Eastern NY Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received six (6) additional Tier 2 and three (3) Tier 3 misbehavior reports. His confinement sanctions ended on January 23, 2024. He had two (2) RCTP admissions from July 11 to July 12, 2023, and from January 4 to January 5, 2023.

■■■■■ DIN# ■■■■■, was an OMH service level 3 prior to discharge and was paroled from Green Haven Correctional Facility on October 19, 2023.

■■■■■ DIN# ■■■■■, is an OMH service level 1, who is currently at Clinton Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 2 and one (1) Tier 3 misbehavior reports. His confinement sanctions ended on June 30, 2023. He had

three (3) RCTP admissions from April 28 to May 4, 2023; September 30 to October 12, 2023, and October 16 to October 19, 2023.

█████ DIN# █████, is an OMH service level 3, who is currently at Mid-State Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has not received any additional misbehavior reports. His confinement sanctions ended on November 7, 2022. He has had five (5) RCTP admissions: from October 14 to October 24, 2022, December 7 to December 9, 2022; December 14 to December 15, 2022; December 28 to January 6, 2023; and January 15 to January 19, 2023.

█████ DIN# █████, is an OMH service level 2, who is currently programming at Fishkill Correctional Facility's RRU. Since the Justice Center's visit on October 5, 2022, he has received two (2) additional Tier 2 and two (2) Tier 3 misbehavior reports. His confinement sanctions end on June 26, 2024. He had three (3) RCTP admissions from February 7 to February 8, 2023; September 8 to September 14, 2023, and September 27 to September 28, 2023.

█████ DIN# █████, is an OMH service level 6, who is currently at Cape Vincent Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 2 and one (1) Tier 3 misbehavior report. His confinement sanctions ended on December 02, 2023. He did not have any RCTP admissions.

█████ DIN# █████, is an OMH service level 3, who is currently at Clinton Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 2 and three (3) Tier 3 misbehavior report. His confinement sanctions ended on January 16, 2024. He has had one (1) RCTP admission from December 16 to December 19, 2022.

3. Request:

Please provide the Justice Center explain why incarcerated individuals 1 - 3 were not transferred to a RRU in a timely manner. In addition, the Justice Center requests an update on all three individuals' status including any additional misbehavior reports, RCTP admissions, mental health status as well as their current housing units.

Response:

Incarcerated individual 1: █████ DIN# █████, was placed in Elmira Correctional Facility's SHU on August 23, 2022. His hearing was completed on August 31, 2022, and he was transferred to Attica Correctional Facility's RRU on October 6, 2022. His delay in transfer was due to a shortage of RRU beds at the time. He is an OMH service level 2, who is currently housed in Auburn Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 3 misbehavior report. His confinement sanctions ended on October 20, 2023. He was placed in RCTP from January 24 to January 27, 2023, and again from April 12 to April 17, 2023. Incarcerated individual 2: █████ DIN# █████, was placed in SHU on August 16, 2022.

He remained in SHU until October 10, 2022, and received a time cut. He is an OMH service level 2, who is currently at Five Points Correctional Facility's general population. Since the Justice Center's visit

on October 5, 2022, he has received four (4) additional Tier 2 and three (3) Tier 3 misbehavior reports. He did not have any RCTP admissions.

Incarcerated individual 3: [REDACTED] DIN# [REDACTED], was placed in SHU on August 8, 2022. His hearing was completed on August 12, 2022. He received 125 days of confinement sanctions. An Unscheduled Transfer Review (UTR) was submitted on August 8, 2022, a Transfer Order (TO) was issued on August 8, 2022, and he was transferred to Five Points Correctional Facility's RRU on October 13, 2022. The delay in his transfer was due to a lack of RRU beds at the time. He is an OMH service level 1, who is currently at Clinton Correctional Facility's general population. Since the Justice Center's visit on October 5, 2022, he has received one (1) additional Tier 2 and one (1) Tier 3 misbehavior report. His confinement sanctions ended on June 30, 2023. He had three (3) RCTP admissions from April 28 to May 4, 2023; September 30 to October 12, 2023, and October 16 to October 19, 2023.

DOCCS will defer to OMH for the three individuals' mental health status.

4. Hearings and Procedures were found in compliance.

5. Request and recommendation:

Please provide the Justice Center with an updated Treatment Plan to reflect incarcerated individual 3's current mental health diagnosis. If their diagnosis has changed, please provide an updated Diagnosis Record. In addition, the Justice Center recommends that OMH staff should be retrained in CNYPC CBO Policy 9.22 Treatment Plan to ensure clinical reviewing diagnoses with available databases so that the information transcribed is accurate.

Response:

DOCCS will defer to OMH on this request and recommendation.

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

Attachment(s)

cc: Kevin McCarthy, Superintendent- Elmira Correctional Facility
Roberta Murell, RN, Facility Review Specialist, NYS Justice Center