



Bedford Hills Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT) Act
Final Compliance and Quality of Care Review
JC#: 77010160448

On May 16, 2024, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Bedford Hills Correctional Facility (CF) to review the programs, treatment, and conditions of confinement for incarcerated individuals placed in the Special Housing Unit 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.

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.
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 Special Housing Unit (SHU), Residential Rehabilitation Unit (RRU), and the Therapeutic Behavior Unit (TBU) and spoke with all incarcerated individuals' cell-side. In addition to reviewing clinical case records and guidance records, the Movement Logs and Programming Logs, the Justice Center also requested any Exceptional Circumstances documentation for a time-period of six months. Three incarcerated individuals were placed on exceptional circumstances during the review period per documentation received by the Justice Center.

On the day of the site visit, there were no incarcerated individuals in the SHU, eight individuals were in the RRU, and twelve individuals were in the TBU. To complete a

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 Review period November 16, 2023, through May 16, 2024.

4 The following incarcerated individuals were placed on exceptional circumstances during the Justice Center's review period between October 1, 2023, and April 9, 2024: (DIN: ), (DIN: ) and (DIN: ) were all placed on exceptional circumstances from March 16, 2024, to March 22, 2024, for making threats towards other I/I's and displaying violent behavior during programming. Only (DIN: ) was in the TBU at the time of the Justice Center's site visit and included in the sample.

thorough evaluation, Justice Center staff requested private interviews in the SHU, RRU, TBU and six incarcerated individuals from the TBU accepted. In lieu of private interviews, all eight incarcerated individuals in the RRU preferred speaking about concerns as a group in the classroom. The TBU interviews were conducted in private rooms and the RRU interview was completed in a classroom.

The Justice Center also distributed twenty surveys to solicit information about programming, recreation, and tablet use in segregated confinement and two surveys were returned. The Justice Center's findings, recommendations and requests follow below.

## **Justice Center Findings**

### Treatment and Conditions:

- 1. All eight incarcerated individuals in the RRU were observed participating in programming during the Justice Center visit.**

The RRU had a total of sixteen cells and three classrooms with eight Reduced Security Therapy and Recreation Table (RESTART) chairs each. The Justice Center observed eight individuals participating in programming and all eight were unrestrained. Out of cell programming is held from approximately 8:30 a.m. to 11:30 a.m., and outside recreation is offered between 1:30 p.m. through 2:30 p.m. Congregate recreation is held on the unit from 3:30 p.m. through 5:30 p.m. and 6:00 p.m. through 7:00 p.m. and static tablets are handed out between 6:00 p.m. and 10:00 p.m. During the interview, the individuals said that several individuals are receiving disciplinary sanctions for violent conduct and would benefit from an ART or anger management programming but that was not offered. All eight incarcerated individuals said that if you use the bathroom during programming, security staff returns you back the cell and not to programming.

According to the November 2024 program attendance, incarcerated individuals participated in programming on 21 days. The highest participation rate was on November 20, 2024, and November 21, 2024, with 10 participants. The lowest number of individuals attending programming was on November 10, 2024, with 2 participants. The average daily participation for the RRU was 7 participants.

### **Request and Recommendation:**

DOCCS should allow incarcerated individuals to use the restroom when needed and be returned to programming, not to their cell. This will continue to motivate and encourage incarcerated individuals to engage in programming and increase attendance consistency.

**2. All incarcerated individuals indicated they participate in congregate activities in the TBU.**

The TBU had a total of sixteen cells and two classrooms. During the Justice Center's site visit, one incarcerated individual was observed in out of cell programming. Out of cell programming is held from approximately 8:30 a.m. through 11:30 a.m., outside recreation between 1:30 p.m. through 2:30 p.m., congregate recreation is held on the unit from 3:30 p.m. through 5:30 p.m. and 6:00 p.m. through 7:00 p.m. and static tablets are handed out between 6:00 p.m. and 10:00 p.m. During private interviews with the Justice Center, individuals discussed concerns such as screaming, throwing feces on the unit and other disruptions, due to people psychiatrically decompensating. Individuals also reported ART and/or anger management materials would be helpful in the TBU programming schedule. The interviews were unanimous that congregate recreation was enjoyed because they have opportunities to play cards, basketball, or board games.

According to the November 2024 program attendance, incarcerated individuals participated in programming on 19 days. The highest participation rate was on November 25, 2024, with 10 participants. The lowest number of individuals attending programming was on November 14, 2024, and November 22, 2024, with 4 participants. The average daily participation for the TBU was 7 participants.

**Request and Recommendations:**

The Justice Center recommends that OMH and security staff at the Bedford Hills CF TBU encourage program attendance to give individuals the opportunity to openly discuss frustrations, identify triggers, and learn healthy coping mechanisms in a safe environment to address anger management concerns. Whenever possible, OMH staff should be actively involved in the development and delivery of programs in the TBU. In addition, DOCCS should continue to provide congregate activities to promote a therapeutic and rehabilitative environment.

**3. The two survey responses received by the Justice Center indicated that out of cell programming and congregate recreation is offered regularly at Bedford Hills CF.**

According to the survey responses received, one individual reported that they are offered out of cell programming daily and one reported it was offered 4-5 days a week. If a program is cancelled it is because of staffing or security issues. One of the individuals attends programming daily and the other individual only goes 2-3 times a week due to issues with another peer. The individuals reported wanting to see trauma and family/children focused programs offered in the SHU, RRU and TBU.

One individual reported preferring congregate recreation while the other individual reported preferring a combination of group and individual recreation.

**4. A total of 61% of the informational reports completed in the TBU were positive.**

According to 114 informational reports received for 12 incarcerated individuals reviewed by the Justice Center, 69 were positive and 45 were negative. The positive reports were issued for consistently engaging in programming, helping other incarcerated individuals during programming, positively contributing during group topics and discussions, phasing, and volunteering to clean on the unit. The negative reports involved using racial slurs, arguing with peers, making threatening statements, and calling civilian staff by their first name

**Recommendation:**

The Justice Center recommends that DOCCS and OMH staff continue to work on completing positive informational reports to encourage and support desired behaviors from individuals housed in the Bedford Hills TBU.

**5. Individuals in the RRU had an average time cut of 126-days and those in the TBU had an average time cut of 42-days.**

The individuals in the RRU received a total of 1,008 days in time cuts. The individuals in the TBU received a total of 503-days in time cuts. These time cuts were provided for positively engaging in programming, consistent attendance, and volunteering to help with various tasks. These included cleaning the classroom, the unit and painting.

**Recommendation:**

The Justice Center recommends Bedford Hill CF staff continue providing incarcerated individuals with time cuts to help promote positive and productive behavior and minimize the amount of time an individual spends in solitary confinement.

Hearings and procedures:

**6. Upon review of Tier Hearing materials for all twenty individuals in the sample at Bedford Hills, it was determined they were appropriate for criteria justifying Tier 3 confinement and had engaged in behaviors that warranted placement, including violent conduct, fighting, harassment, threats, weapons, assaults on staff and incarcerated individuals.**

**7. According to the documentation provided to the Justice Center, twenty-five security staff were up to date on the Tier III Hearing Officer Training.<sup>2</sup>**

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<sup>2</sup> According to the DOCCS Tier III Hearing Officer Training Record.

Assessments, rehabilitation plans and discharge procedures:

**8. 40 SHU/RRU/Special Population Diversion Mental Health Interviews Assessments completed in the Bedford Hills CF RRU had no useful information provided in the recommendation section.**

The Justice Center reviewed 40 SHU/RRU/Special Population Diversion Mental Health Interviews Assessments that were completed for 8 incarcerated individuals in the RRU.<sup>5</sup> All the assessments had the following in the recommendation section: “for admitted/active incarcerated individuals in RRU, proceed to RRU Group Placement Checklist-109 MED CNYPC.” All 8 individuals were on the OMH active caseload at the time of the completion.

**Request and Recommendations:**

OMH staff members at Bedford Hills Correctional Facility should be retrained in CNYPC Corrections Based Operations Policy to ensure the recommendations section accurately reflects the “mental health service status of the incarcerated individual or incarcerated patient upon completion of the mental status.”<sup>6</sup> These recommendations should prioritize what the individual needs to focus on to attain their goals, memorialize concerns that an incarcerated individual may have, and help identify ways to engage the individual. It also provides an opportunity for staff to communicate concerns regarding an incarcerated individual’s current mental health status.

Review conducted by: Jessica A. Benedict  
Jessica Benedict, Facility Review Specialist

<sup>5</sup> ██████████ (██████████) 11 Assessments, ██████████ (██████████) 6 Assessments, ██████████ (██████████) 1 Assessment, ██████████ (██████████) 1 Assessment, ██████████ (██████████) 6 Assessments, ██████████ (██████████) 2 Assessments, ██████████ (██████████) 10 Assessments, ██████████ (██████████) 3 Assessments

<sup>6</sup> CNYPC CBO Policy #2.12 - Special Housing Unit/Residential Rehabilitation Unit Mental Health Interview Recommendations section



December 16, 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 December 2, 2024, in response to the Justice Center's May 16, 2024 site visit of the Bedford Hills Correctional Facility (CF) Special Housing Unit (SHU), Residential Rehabilitation Unit (RRU), and the Therapeutic Behavioral Unit (TBU) 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.

**Request and Recommendation #1:**

"DOCCS should allow incarcerated individuals to use the restroom when needed and be returned to programming, not to their cell. This will continue to motivate and encourage incarcerated individuals to engage in programming and increase attendance consistency.

In addition, please supply the Justice Center with the program schedule and attendance records for the RRU for November 2024."

**OMH Response not indicated, as this is directed to DOCCS.**

**Request and Recommendation #2:**

"The Justice Center recommends that OMH and security staff at the Bedford Hills CF TBU encourage program attendance to give individuals the opportunity to openly discuss frustrations, identify triggers, and learn healthy coping mechanisms in a safe environment to address anger management concerns. Whenever possible, OMH staff should be actively involved in the development and delivery of programs in the TBU. In addition, DOCCS should continue to provide congregative activities to promote a therapeutic and rehabilitative environment. Please provide the Justice Center with the program schedule and attendance records for the TBU for November 2024."

**OMH Response:**

According to the Bedford Hills CF Unit Chief, the information in the finding associated with this request/recommendation is incorrect. Programming runs from 9am – 11am and 12:30pm – 2pm; outdoor recreation is from 3:30pm – 4:30pm; and on unit recreation occurs from 6:30pm – 9:30pm.

With regards to programming, OMH staff are responsible for providing 60% of the groups in the TBU, which are more therapeutic in nature such as Coping Skills, Process of Change, Dialectical Behavioral Therapy (DBT) Skills, and Mindfulness. Programs such as Aggression Replacement Training (ART) are run by DOCCS. OMH, in conjunction with DOCCS, develops the quarterly group calendar.

All incarcerated individuals are encouraged to attend programming as well as their regularly scheduled callouts so that they can discuss their concerns with mental health staff as needed. In addition, OMH and DOCCS hold monthly TBU Community Meetings which provides incarcerated individuals the opportunity as a group to express any concerns. Staff further utilize these meetings to ask the incarcerated individuals for group topic suggestions for the next quarter.

**Recommendation #3:**

“The Justice Center recommends that DOCCS and OMH staff continue to work on completing positive informational reports to encourage and support desired behaviors from individuals housed in the Bedford Hills TBU.”

**OMH Response:**

OMH staff will continue their use of informational reports to encourage positive behavior.

**Recommendation #4:**

“The Justice Center recommends Bedford Hill CF staff continue providing incarcerated individuals with time cuts to help promote positive and productive behavior and minimize the amount of time an individual spends in solitary confinement.”

**Recommendation #5:**

“Please ensure that Hearing Officers receive the training required by the HALT Act.”

**OMH Response to Requests/Recommendations #4-5:**

OMH defers to DOCCS as they handle all matters discussed in these findings and requests/recommendations.

**Request and Recommendation #6:**

“OMH staff members at Bedford Hills Correctional Facility should be retrained in CNYPC Corrections Based Operations Policy to ensure the recommendations section accurately reflects the “mental health service status of the incarcerated individual or incarcerated patient upon completion of the mental status.”<sup>6</sup> These recommendations should prioritize what the individual needs to focus on to attain their goals, memorialize concerns that an incarcerated individual may have, and help identify ways to engage the individual. It also provides an opportunity for staff to communicate concerns regarding an incarcerated individual’s current mental health status. In addition, please forward the RRU Group Placement Checklist-109 MED CNYPC for the 8 referenced individuals for review.”

**OMH Response:**

As also indicated on all SHU/RRU/Special Population Diversion progress notes, “Recommendations: Complete if admitted to services.” As none of the eight individuals cited were being admitted to the caseload from the RRU and were already active, staff were not required to fill out this section.

A copy of the RRU Group Placement Checklist is enclosed with this response. However, as the Justice Center is aware, OMH is not currently providing programming in the RRUs as

conversations between OMH and DOCCS are ongoing to seek interagency agreement that the proposed program areas are safe for both incarcerated individuals and staff. As such, this checklist is not currently in use but is referenced on the progress notes in preparation for when they can be implemented.

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





January 2, 2025

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

**Bedford Hills Correctional Facility  
Humane Alternatives to Long-Term Solitary Confinement (HALT) Act  
Draft Compliance and Quality of Care Review  
JC#: 77010160448**

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Bedford Hills Correctional Facility on May 16, 2024, to review the quality of mental health care provided to incarcerated individuals in the Residential Rehabilitation Units (RRU) and Special Housing Unit (SHU) and Therapeutic Behavior Unit (TBU) in accordance with the HALT Act, OMH policies, and DOCCS directives.

The following is a response to each of the items raised in the Draft Compliance and Quality of Care Review JC# 77010160448.

**1. Request and Recommendation:**

DOCCS should allow incarcerated individuals to use the restroom when needed and be returned to programming, not to their cell. This will continue to motivate and encourage incarcerated individuals to engage in programming and increase attendance consistency.

In addition, please supply the Justice Center with the program schedule and attendance records for the RRU for November 2024.

**Response:**

Incarcerated individuals are aware that if they need to utilize the restrooms during program time, they will be escorted back to their cells. To avoid disruption to the program, all participants are encouraged to take the necessary precautions prior to attending program daily as there are no restrooms in the program areas. Escorting incarcerated individuals to their housing units and back to program is not only disruptive but is also not feasible given staffing.

OMH and DOCCS medical continue to alert security staff when an incarcerated individual has a medical condition or is taking medication that will require them to have frequent bathroom breaks. Security staff continues to accommodate incarcerated individuals in those exceptional situations.

The program schedule and attendance records for the RRU for November 2024 are attached.

## **2. Request and Recommendations:**

The Justice Center recommends that OMH and security staff at the Bedford Hills CF TBU encourage program attendance to give individuals the opportunity to openly discuss frustrations, identify triggers, and learn healthy coping mechanisms in a safe environment to address anger management concerns. Whenever possible, OMH staff should be actively involved in the development and delivery of programs in the TBU. In addition, DOCCS should continue to provide congregate activities to promote a therapeutic and rehabilitative environment. Please provide the Justice Center with the program schedule and attendance records for the TBU for November 2024.

### **Response:**

DOCCS staff at Bedford Hills Correctional Facility recognizes the value of daily out of cell therapeutic programming in TBU and has continued engaging incarcerated individuals to participate in programming. DOCCS staff continue to make mental health referrals to OMH staff for incarcerated individuals who appear to be psychiatrically decompensating or are engaging in inappropriate behaviors. Security measures are taken to ensure that all individuals attend program in a safe and secure environment. Programming in TBU is provided by both OMH and DOCCS staff.

DOCCS staff at Bedford Hills Correctional Facility continues to encourage congregate recreation to foster socialization in a rehabilitative environment.

The program schedule and attendance records for the TBU for November 2024 are attached.

## **3. The two survey responses received by the Justice Center indicated that out of cell programming and congregate recreation is offered regularly at Bedford Hills CF.**

### **4. Recommendation:**

The Justice Center recommends that DOCCS and OMH staff continue to work on completing positive informational reports to encourage and support desired behaviors from individuals housed in the Bedford Hills TBU.

### **Response:**

DOCCS staff in Bedford Hills Correctional Facility TBU recognizes the value of acknowledging desired behaviors through positive informational reports. We continue to encourage program attendance and participation, positive behavioral changes by using positive informational reports, incentives, and positive reinforcement of socially appropriate behaviors.

### **5. Recommendation:**

The Justice Center recommends Bedford Hill CF staff continue providing incarcerated individuals with time cuts to help promote positive and productive behavior and minimize the amount of time an individual spends in solitary confinement.

### **Response:**

All incarcerated individuals in RRU and TBU are reviewed routinely during PMT and treatment team meetings for time cut eligibility based on their behavior, participation in program and progress. The staff continues to support pro social behaviors that can lead to less SHU time and programming in a less restrictive environment.

**6. Upon review of Tier Hearing materials for all twenty individuals in the sample at Bedford Hills, it was determined they were appropriate for criteria justifying Tier 3 confinement and had engaged in behaviors that warranted placement, including violent conduct, fighting, harassment, threats, weapons, assaults on staff and incarcerated individuals.**

**7. Recommendation:**

Please ensure that Hearing Officers receive the training required by the HALT Act.

**Response:**

All hearing officers receive the mandatory training required by HALT. Please see attached records from our Human Resources Training System (KHRT) for the hearing officers currently at Bedford Hills Correctional Facility.

**8. Request and Recommendations:**

OMH staff members at Bedford Hills Correctional Facility should be retrained in CNYPC Corrections Based Operations Policy to ensure the recommendations section accurately reflects the “mental health service status of the incarcerated individual or incarcerated patient upon completion of the mental status.”<sup>6</sup> These recommendations should prioritize what the individual needs to focus on to attain their goals, memorialize concerns that an incarcerated individual may have, and help identify ways to engage the individual. It also provides an opportunity for staff to communicate concerns regarding an incarcerated individual’s current mental health status. In addition, please forward the RRU Group Placement Checklist-109 MED CNYPC for the 8 referenced individuals for review.

**Response:**

DOCCS will defer to OMH for this 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

**Attachments**

cc: Eileen Russell, Superintendent Bedford Correctional Facility  
Jessica Benedict, Facility Review Specialist, NYS Justice Center