



**Coxsackie Correctional Facility
Final Humane Alternatives to Long-Term Solitary Confinement (HALT) Act
Compliance and Quality of Care Review
JC#: 77010162477**

On July 10, 2024, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Coxsackie 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 Humane Alternatives to Long-Term Solitary Confinement (HALT) Act.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 Special Housing Unit (SHU), Residential Rehabilitation Unit (RRU) and Residential Mental Health Unit (RMHU) and spoke cell side with 82 incarcerated individuals.³ In addition to reviewing Office of Mental Health (OMH) clinical case records, Department of Corrections and Community Supervision (DOCCS) SHU Folders, DOCCS guidance records, and the DOCCS Sign-In Logbook and Unit Activity Logbook, the Justice Center also requested any Exceptional Circumstances documentation for a time-period of six months.⁴ According to the documentation received, there were no individuals placed on exceptional circumstances during this review period.

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 The Justice Center spoke cell side with 9 incarcerated individuals in the SHU, 52 incarcerated individuals in the RRU, and 21 incarcerated individuals in the RMHU. One incarcerated individual housed in RMHU was not seen cell side because they were moved off the tier.

⁴ Review period: February 1, 2024, to July 10, 2024.

To complete a thorough review, Justice Center staff requested private interviews and eleven incarcerated individuals accepted.⁵ Three individuals from the SHU, six individuals from the RRU, and two individuals in the RMHU accepted a private interview. The Justice Center also distributed 82 surveys to solicit information about programming, recreation, and tablet use in segregated confinement and 19 surveys were returned.⁶ The Justice Center's findings, recommendations, and requests follow below.

Justice Center Findings:

Treatment and Conditions:

1. There were no incarcerated individual's participating in out-of-cell programming in the SHU at the time of the site visit.

The Coxsackie CF SHU consists of three tiers identified as South, East, and West, housing a total of 16 cells. Each tier consists of a linear row of perpendicular cells, with a wall in the center. One side of each tier consists of housing cells, while the opposite side consists of unused cells with a linear programming area on the gallery with six Reduced Security Therapy and Recreation Table (ReSTART) chairs. The census in the SHU was nine incarcerated individuals, and none were participating in out-of-cell programming at the time of the Justice Center's visit. Per security staff, out-of-cell programming is scheduled to take place from 8:00 a.m. to 11:00 a.m. incarcerated individuals had not been attending programming recently. When interviewed by Justice Center staff, two individuals reported that they were not aware of what programming was available in the SHU and were unaware of how many hours of programming were available. According to the SHU Incarcerated Individual Orientation Manual, there is no documented set times for programming other than at least three hours for programs and one hour for exercise are to be offered.

The incarcerated individuals have access to tablets from 8:00 a.m. to 11:00 a.m., and again at approximately 4:00 p.m. SHU recreation occurs in individual rec pens off each tier. The East tier has two individual rec pens, the South tier has four individual rec pens, and the West tier has 2 individual rec pens. There were no individuals participating in recreation at the time of the Justice Center site visit.

According to SHU program participation records received with the DOCCS response, only one incarcerated individual requested and attended out of cell programming three times during the month of October 2024.⁷

⁵ The Justice Center offered private interviews to five incarcerated individuals in the SHU, eight incarcerated individuals in the RRU, and seven incarcerated individuals in the RMHU.

⁶ One incarcerated individual refused to accept a survey.

⁷ Dates of attendance: October 25, 2024, October 30, 2024, and October 31, 2024.

Requests and Recommendations:

The Justice Center recommends DOCCS update the SHU Incarcerated Individual Orientation Manual to include the times that programming is available in the SHU. It is also recommended that out-of-cell programming and static tablets not be offered during the same or overlapping times so that individuals do not have to choose between the two activities. Programming in segregated confinement should be encouraged, and offering these activities at the same time is a disincentive for program participation.

2. 13 incarcerated individuals were attending programming in the RRU at the time of the Justice Center's site visit.

The Coxsackie RRU consists of two linear galleries identified as F2 and F3. At the time of the site visit there were 29 incarcerated individuals housed in F2 and 23 housed in F3. Each gallery has its own open programming area, ReSTART chairs and three televisions. At the time of the site visit, Justice Center staff observed seven individuals participating in out-of-cell programming on F3, and six individuals participating in on F2. They were observed to be restrained during programming. Security staff explained that should one incarcerated individual be placed on a restraint order and attend programming; all incarcerated individuals are restrained during programming. In addition, there is a classroom with nine ReSTART chairs in the basement area that is used for the RRU GED class. At the time of the Justice Center site visit, five individuals were in the GED class, and were mechanically restrained by leg shackles.

Per the RRU Orientation Manual program schedule, programming is offered in the RRU from 8:00 a.m. to 10:00 a.m., and 12:45 p.m. to 4:00 p.m. Security staff told the Justice Center that tablets are made available to the incarcerated individuals from 6:30 p.m. to 9:30 p.m. The RRU Orientation Manual program schedule indicates that tablets are provided from 5:00 p.m. to 9:30 p.m.

The Coxsackie RRU and RMHU share a recreation area that consists of four congregate recreation pens and eleven single recreation pens. During the Justice Center's tour, there were no incarcerated individuals in the congregate recreation pens and nine individuals in single recreation pens. Individuals reported that their only concern was not having access to water during extreme heat while outside. Security staff reported plans to install water spickets in each of the recreation pens, as water bottles are a security risk but did not provide a timeframe for when the water installation will occur. Per the RRU Orientation Manual program schedule, recreation is provided to incarcerated individuals in the RRU from 7:30 a.m. to 11:30 a.m., and 12:30 p.m. to 4:30 p.m.

The Justice Center received the attendance for out of cell programming in RRU-2 and RRU-3 from October 1, 2024, to October 31, 2024, from DOCCS. In RRU-2, incarcerated individuals participated in the morning and afternoon programming modules every day during the month. Attendance at both sessions peaked at 19 on October 24, 2024, and only one person attended any of the sessions on

October 13, 2024. The average daily participation for RRU-2 for the month of October 2024 is approximately 13 participants.

For the RRU-3, the Justice Center was only provided *Coxsackie Correctional Facility RRU Program Accountability* sheets and *Single Cell Housing Activity Logs* for 20 days in October 2024. According to the documentation provided, in RRU-3, individuals participated in the morning and afternoon programming modules on 11 days, and participants only attended one module (either morning or afternoon) for 9 days. Attendance at both sessions peaked at 19 on October 4, 2024, and October 27, 2024. The lowest number of individuals attending sessions was 4 participants on October 19, 2024. The average daily participation for RRU-3 was approximately 12 participants. It is unknown if programming was offered and accepted for the 11 days that documentation was not received provided.⁸

3. Three incarcerated individuals were attending programming in the RMHU at the time of the Justice Center's site visit.

The Coxsackie RMHU unit consists of two tiers identified as North Tier and South Tier, containing a total of 42 housing cells, and two crisis cells. At the time of the Justice Center's site visit there were 22 incarcerated individuals housed in the RMHU, and Justice Center staff met with 21 incarcerated individuals cell side.⁹

The RMHU programming area consists of four classrooms in the basement area of the building that houses both the RRU and RMHU. As outlined in the RMHU Orientation Manual, programming occurs in two groupings; AM program and PM program. AM Program is scheduled to take place from 8:00 a.m. to 10:30 a.m. and PM programming is scheduled to take place from 12:00 p.m. to 2:30 p.m. Classrooms are identified as 18.1, 18.2, 18.3, and 18.4. Classroom 18.1 consisted of nine Reduced Security Therapy and Recreation Table (ReSTART) chairs and was empty at the time of the site visit. Classroom 18.2 consisted of twelve Reduced Security Therapy and Recreation Table (ReSTART) chairs and three incarcerated individuals were mechanically restrained with leg shackles. Classroom 18.3 consisted of eight Reduced Security Therapy and Recreation Table (ReSTART) chairs and one incarcerated individual was waiting to return to their cell following a scheduled call out.

Per the RMHU Orientation Manual, tablets are provided to the incarcerated individuals from 3:00 p.m. to 9:30 p.m. As previously stated, the Coxsackie RRU and RMHU share a recreation area. Per the Orientation manual, recreation is provided to incarcerated individuals in the RMHU for 3 hours from 5:00 p.m. to 8:00 p.m.

The Justice Center received the attendance for out of cell programming in the RMHU from October 1, 2024, to October 31, 2024. The average daily participation in the morning programming is 9 incarcerated individuals, and 8 incarcerated individuals in the afternoon program. According to the documentation provided, programming was noted as "closed", "closed due to

⁸ October 3, 2024, October 7-9, 2024, October 11-12, 2024, October 14-15, 2024 and October 20-22, 2024

⁹ One incarcerated individual was in RCTP for observation at the time of the site visit.

staffing shortage”, “no programs”, or left blank on 13 days.¹⁰ On October 22, 2024, the morning program block had the highest attendance rate with 16 incarcerated individuals in attendance, and its lowest attendance rate with one incarcerated individual in attendance on October 16, 2024. On October 21, 2024, the afternoon program block had the highest attendance rate with 16 incarcerated individuals in attendance, with its lowest attendance rate with one incarcerated individual in attendance on October 16, 2024.

Request:

The Justice Center appreciates that incarcerated individuals do not need to make a choice between attending programming and using the tablets in the RRU and RMHU at Coxsackie and this helps increase attendance in out-of-cell programming.

4. The Justice Center received 19 out of 82 surveys distributed to incarcerated individuals at the time of the site visit.¹¹

According to the responses received, 11 incarcerated individuals reported that they were offered programming daily and 7 individuals reported that programming was offered 4-5 days per week. One individual reported that they were never offered programming. It was reported that if programs are cancelled it is because of security concerns or short staffing.

Only 9 individuals reported attending program daily and 2 individuals stated they never attend programming. Individuals indicated in their responses that they would prefer vocational programs, parenting groups, and groups to address emotions. When questioned about their recreation opportunities, 8 individuals would rather attend congregate recreation, however, only 2 individuals reported that their recreation is congregate.

5. At the time of the site visit, Coxsackie CF was experiencing a shortage of DOCCS staffing.

At the time of the Justice Center’s site visit, we were informed there were 61 DOCCS staff positions open. Nine incarcerated individuals who returned the Justice Center’s survey reported that programming is often canceled due to staffing shortages.

Request:

Please provide the Justice Center with an update on current open positions within DOCCS staffing at Coxsackie CF, and whether the number of open positions has decreased.

¹⁰ There was no information provided about programming on October 29, 2024

¹¹ 11 incarcerated individuals in the RRU, six incarcerated individuals in the RMHU, and two incarcerated individuals in SHU returned their survey.

6. Incarcerated Individuals reported not being offered congregate recreation.

At the time of the Justice Center's site visit, Justice Center staff observed multiple congregate recreation pens, however, the incarcerated individual's engaging in recreation at that time were in individual pens. When touring the recreation space, security staff mentioned that congregate recreation had previously been used as an incentive. Individuals in both cell side and private interviews expressed that they were not able to engage in congregate recreation.

Requests and Recommendations:

The Justice Center recommends that requests that congregate recreation be used as the first choice for recreation. If congregate recreation is not being provided despite larger recreation pens being available, please provide an explanation for this.

Special Populations:

7. At the time of the Justice Center's visit, there were no individuals under the age of 21, over the age of 55, pregnant or with any disability within the Justice Center's sample, except for two incarcerated individuals in the SHU who had a diagnosed mental illness and were on the mental health caseload.

- Incarcerated individual 1, a mental health service level (MHSL) 4, is diagnosed with adjustment disorder with mixed disturbance of emotions and conduct.¹² They were admitted to the OMH caseload on May 8, 2024 after it was determined they "would benefit from verbal therapy processing situations faced since incarceration."¹³ The individual was transferred to the SHU on June 25, 2024, after they required an escort from the yard and made verbal threats. The individual became physically combative, and use of force became necessary. On June 26, 2024, they were placed in observation at their own request. The individual was observed to be hyper focused on perceived issues with security staff and requested placement in 1:1 observation in the infirmary to "take some time to calm down." The individual further stated that should they be released back to a SHU cell; they would hurt themselves. The individual received an additional Tier III ticket on June 27, 2024, when the individual failed to comply with verbal direction to exit the infirmary, to return to the SHU, ultimately requiring an extraction team. During the extraction, they became physically combative toward security staff. Mental health assessments were completed on June 28, 2024, and July 2, 2024 when the individual was preoccupied with security concerns. On July 5, 2024, the individual reported to security staff "get me OMH or I will say the magic words, alluding to threatening SI."¹⁴

¹² [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as incarcerated individual 1

¹³ Treatment Needs/Service Level Designation form dated May 9, 2024

¹⁴ SHU Mental Health Interview dated July 5, 2024 at 8:50 a.m.

- Incarcerated individual 2, a MHSL 4, is diagnosed with persistent depressive disorder and antisocial personality disorder.¹⁵ On May 28, 2024, during a cell side interview the individual reported no concerns They were transferred to the Coxsackie SHU on July 7, 2024 and their hearing was pending at the time of the Justice Center’s visit. According to their July 8, 2024 SHU Mental Health Interview, the disciplinary infractions included interference, harassment, and direct order. They appeared to be stable within the immediate time frame of receiving their ticket, and a mental health assessment was completed on July 8, 2024.

Recommendation and Request:

Segregated confinement poses serious risks to a person’s mental health and people with ongoing mental health needs should be provided with access to ongoing therapeutic programming instead of placement in solitary confinement for any length of time. The Justice Center continues to recommend that all individuals on the mental health caseload be immediately diverted from segregated confinement and placed in a therapeutic milieu, such as an RRU.

Please provide the Justice Center with an update for incarcerated individual’s 1 and 2. This update should include their current MHSL, housing status, current confinement sanctions, any additional misbehavior reports or tickets, and the number of times the individuals were transferred to the RCTP, if applicable.

Length of time spent in segregated confinement:

- 8. All incarcerated individuals on the Justice Center’s sample were diverted out of the Coxsackie CF SHU within the timeframes designated by the HALT Act.**

Hearings and procedures:

- 9. Despite two requests, disciplinary documentation was not received by the Justice Center.**

The Justice Center sent an initial records request to DOCCS Central Office on July 11, 2024, and a secondary request for records on August 26, 2024. According to the DOCCS Incident Summary, incarcerated individual 2 received a Tier II ticket on April 27, 2024, for tampering with electricity/property and loss/damage to property while at Auburn CF. DOCCS informed the Justice Center that they were “unable to locate” the disciplinary packet.¹⁶

Assessments and rehabilitation plans, procedures, and discharge determinations:

- 10. Approximately 51% of the total Informational Reports received by the Justice Center for the review period were positive.**

¹⁵ [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as incarcerated individual 2

¹⁶ Secondary record request, DOCCS response dated September 17, 2024.

(1) business day of an incarcerated individual's placement in a SHU or an RRU. This also applies to Special Populations that were diverted from the SHU environment.

A six-month review of DOCCS and OMH records often includes records of treatment that an incarcerated individual received at another correctional facility before being transferred to the correctional facility reviewed. The findings below do not pertain to the Coxsackie CF:


14. Incarcerated individual 2, a MHSL 3 at the time, was not afforded the opportunity to meet with mental health staff within two weeks of their transfer.²²

On January 11, 2024, incarcerated individual 2 was an active transfer from the Attica CF RRU to the Auburn CF, both level 1 facilities. Per the information received by the Justice Center, the individual did not have a call out with mental health staff until January 29, 2024. The individual reported being "alright" and asked what their diagnosis was. A Patient Safety Screener 3-Modified was also completed that day and the individual reported that they had felt down, depressed, or hopeless over the past two weeks.²³

Request and Recommendations:

Please provide the Justice Center with documentation indicating whether incarcerated individual 2 met with OMH staff following the facility transfer as outlined in OMH policy #1.2. If incarcerated individual 2 did not meet with OMH staff, please provide an explanation for such, and retrain clinical staff on the importance of meeting with incarcerated individuals within the outlined timeframes in CNYPC CBO Policy 1.2 following a facility transfer.

Review conducted by:


Stephanie Diamond, Facility Review Specialist

²² Per OMH Policy 1.2 for Active Transfers, incarcerated individuals are to be "scheduled to be evaluated within two (2) weeks of transfer into Level 1 and 2 facilities."

²³ PSS-3M dated January 29, 2024



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 November 27, 2024, in response to the Justice Center's July 10, 2024 site visit of the Coxsackie Correctional Facility (CF) Special Housing Unit (SHU), Residential Rehabilitation Unit (RRU), and the Residential Mental Health Unit (RMHU) 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:

"The Justice Center recommends DOCCS update the SHU Incarcerated Individual Orientation Manual to include the times that programming is available in the SHU. It is also recommended that out-of-cell programming and static tablets not be offered during the same or overlapping times so that individuals do not have to choose between the two activities. Programming in segregated confinement should be encouraged, and offering these activities at the same time is a disincentive for program participation. In addition, please forward the SHU daily programming schedule and attendance records for October 2024."

Request #2:

"...Please forward the attendance and scheduled for programming in the RRU and RMHU for October 2024."

Request #3:

"Please provide the Justice Center with an update on current open positions within DOCCS staffing at Coxsackie CF, and whether the number of open positions has decreased."

Request and Recommendation #4:

"The Justice Center recommends that requests that congregate recreation be used as the first choice for recreation. If congregate recreation is not being provided despite larger recreation pens being available, please provide an explanation for this."

OMH Response to Requests/Recommendations #1-4:

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

Request and Recommendation #5:

"...Please provide the Justice Center with an update for incarcerated individual's 1 and 2. This update should include their current MHSL [Mental Health Service Level], housing status, current confinement sanctions, any additional misbehavior reports or tickets, and the number of times the individuals were transferred to the RCTP [Residential Crisis Treatment Program], if applicable."

OMH Response:

OMH continues to work with DOCCS to ensure all incarcerated individuals on the mental health caseload are appropriately housed not only in accordance with their diagnoses and MHSL, but also in accordance with their assessed treatment needs. For those individuals who remain in SHU for 15 days or less, OMH offers mental health callouts per policy and also more frequently if needed. All individuals, regardless of caseload status, are also assessed cellside during regular rounds.

Incarcerated individual 1 remains a MHSL 4. He resides in Attica CF's RRU, as of 10/8/24. Since the Justice Center's visit, he has been admitted to the RCTP five times for thoughts of self-harm (9/8/24-9/9/24; 9/9/24-9/10/24; 9/19/24-9/23/24; and 10/24/24-10/28/24) and non-suicidal self-injury (9/18/24-9/19/24). When asked about the incident on 9/18/24, where he tied a sheet around his neck and the cell bars, he denied having intended to harm himself and cited issues with officers.

Incarcerated individual 2 was made a MHSL 3 on 8/13/24 after he spoke with psychiatric staff about wanting to restart medications. His current symptomology and history were explored with him, and he was started on Remeron. He required one RCTP admission from 9/27/24-9/30/24 after he expressed thoughts of self-harm. During assessments with OMH, he advised that his concerns pertained to his medical treatment and not wanting to be double bunked. He resides in Upstate CF's RRU, as of 10/7/24.

OMH defers to DOCCS regarding information about any additional misbehavior reports or sanctions.

Request #6:

"The Justice Center requests that DOCCS forward the disciplinary hearing packets and disciplinary history for the incarcerated individuals that were pending. In addition, please provide their current confinement sanctions, transfer dates, current housing unit and any additional disciplinary tickets that each may have received since July 10, 2024."

Request #7:

"The Justice Center requests that all disciplinary ticket documentation be forwarded for review. Timely receipt of all requested documentation allows for a comprehensive review."

OMH Response to Requests/Recommendations #6-7:

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

Recommendation #8:

“The Justice Center commends the staff at Coxsackie CF in both the RRU and RMHU for utilizing informational reports as a method for positive reinforcement, specifically providing time cuts. The Justice Center recommends the continued use of informational reports along with incentives to encourage positive behavior.”

OMH Response:

The Justice Center’s recognition of efforts to provide positive reinforcement to program participants is appreciated. OMH staff will continue their use of informational reports to encourage positive behavior.

Request #9:

“...Please explain how programming goals, discharge plans, and underlying behavior is addressed with incarcerated individuals in the RRU when they refuse to engage in their IRP. Since seven out of eight individuals in the RRU refused to engage in the IRP, but were documented as ‘willing to change’, it is recommended that DOCCS staff provide an explanation as to why they believe a person is willing to change when they do not participate in this process.”

Recommendation #10:

“The Justice Center recommends that Supervising ORC at the Coxsackie CF RRU review all eight individual’s plans to ensure that goals are therapeutic, individualized, and measurable. Per HALT, any individual can be released from the RRU to general confinement when they successfully complete their plan. Goals that begin with ‘continue’ and ‘improve’ are not measurable therefore early release would not be foreseen as attainable. In addition, please retrain all DOCCS staff in the importance of setting realistic goals that are measurable and attainable.”

OMH Response to Requests/Recommendations #9-10:

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

Request and Recommendation #11:

“Contemporaneous completion of an individual’s chronological record should be ensured, given the amount of movement from facility to facility. Please retrain clinical staff at the Coxsackie CF about the proper completion of the chronological record as per CNYPC CBO Policy #1.4, specifically updating time of admission, discharge, screening, and active screening.

The Justice Center also requests an explanation regarding the May 1, 2024, mental health assessment documentation, specifically the discrepancy between the two assessments or if two separate assessments were completed on the same day. In addition, provide the time that the assessments occurred.”

OMH Response:

An updated Chronological Record was provided to the Justice Center on 9/10/24, as requested. All appropriate actions were taken to create this new Chronological Record; it was not “edited.” Staff are not required to document every SHU/RRU screening on the Chronological Record for individuals active on the mental health caseload. Incarcerated individual 5 had been active on the caseload since 5/10/24; therefore, the 6/3/24 and 7/1/24 SHU/RRU screenings did not need to be entered onto the Chronological Record.

There were two different attempts by OMH staff to meet with incarcerated individual 5 on 5/1/24. The first attempt occurred cellside as staff were not able to offer a private interview due to time.

However, they made a second attempt later in the day when time allowed and were able to see him in private. The exact times of the callouts cannot be ascertained as the clinician no longer works with CNYPC.

Request and Recommendation #12:

“Per documentation, the individual was ultimately transferred to the RRU, therefore, please make the appropriate corrections to the OMH chronological record for accuracy. If the individual was indeed admitted to the RMHU, please provide an explanation for that admission.

Please retrain mental health staff per CMYPC [sic] CBO Policy #1.0, specifically that intake mental health interviews will be completed by CBO clinical staff within one (1) business day of an incarcerated individual’s placement in a SHU or an RRU. This also applies to Special Populations that were diverted from the SHU environment.”

OMH Response:

The notation that incarcerated individual 6 was transferred to the RMHU was made in error; he was transferred to the RRU. A corrected Chronological Record is enclosed with this response. As he was admitted to the RRU on Friday, 6/14/24, the intake admission completed on Monday, 6/17/24 was within one business day, per policy.

Request and Recommendation #13:

“Please provide the Justice Center with documentation indicating whether incarcerated individual 2 met with OMH staff following the facility transfer as outlined in OMH policy #1.2. If incarcerated individual 2 did not meet with OMH staff, please provide an explanation for such, and retrain clinical staff on the importance of meeting with incarcerated individuals within the outlined timeframes in CNYPC CBO Policy 1.2 following a facility transfer.”

OMH Response:

The circumstances of this callout cannot be ascertained as it has been almost a year since this occurred. The Auburn CF Unit Chief has reviewed callout timeframes with staff.

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

**Coxsackie Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Draft Compliance and Quality of Care Review
JC#: 77010162477**

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Coxsackie Correctional Facility on July 10, 2024, to review the quality of corrections-based mental health care for incarcerated individuals in the Special Housing Unit (SHU), Residential Rehabilitation Unit (RRU), and the Residential Mental Health Unit (RMHU) in that facility in accordance with the HALT Legislation, OMH policies, and DOCCS directives.

1. Request and Recommendation:

The Justice Center recommends DOCCS update the SHU Incarcerated Individual Orientation Manual to include the times that programming is available in the SHU. It is also recommended that out-of-cell programming and static tablets not be offered during the same or overlapping times so that individuals do not have to choose between the two activities. Programming in segregated confinement should be encouraged, and offering these activities at the same time is a disincentive for program participation. In addition, please forward the SHU daily programming schedule and attendance records for October 2024.

Response:

The Coxsackie Correctional Facility SHU programming schedule and attendance for the month of October is attached. In response to the Justice Center's recommendations, the Coxsackie SHU Orientation Manual has been updated to include programming hours. The SHU Orientation Manual is reviewed with each incarcerated individual upon admission to the SHU and a copy is provided to them.

It is our experience that most individuals in SHU, given their relatively short stay, would rather focus on their hearing. Furthermore, our Directive for SHU does not outline that a tablet cannot be distributed during program hours. Incarcerated individuals in SHU are offered out-of-cell programming, but if they decline, they are able to have access to a tablet.

2. Thirteen incarcerated individuals were attending programming in the RRU at the time of the Justice Center's site visit.

3. Request:

The Justice Center appreciates that incarcerated individuals do not need to make a choice between attending programming and using the tablets in the RRU and RMHU. Please forward the attendance and scheduled for programming in the RRU and RMHU for October 2024

Response:

The program schedules and attendance records for the RRU and RMHU for the month of October 2024 are attached.

4. The Justice Center received 19 out of 82 surveys distributed to incarcerated individuals at the time of the site visit

5. Request:

Please provide the Justice Center with an update on current open positions within DOCCS staffing at Coxsackie CF, and whether the number of open positions has decreased.

Response:

There is currently one (1) vacant Office Assistant 1 position in the Coxsackie Correctional Facility RRU and one (1) vacant Offender Rehabilitation Coordinator (ORC) position in the Coxsackie RMHU. The facility has a total of 217 vacant positions inclusive of security and civilian staff. The agency is continuing to focus its efforts on recruitment and retention of staff in all correctional facilities.

6. Request and Recommendation:

The Justice Center recommends that congregate recreation be used as the first choice for recreation. If congregate recreation is not being provided despite larger recreation pens being available, please provide an explanation for this.

Response:

All incarcerated individuals are offered the opportunity to attend congregate recreation. Each participant can make the request through the area supervisor who conducts a brief background investigation to rule out any safety or security concerns, separatees, history of assaultive behaviors prior to approving the requests. Individuals who do not qualify are still offered recreation separately.

7. Recommendation and Request:

Segregated confinement poses serious risks to a person's mental health and people with ongoing mental health needs should be provided with access to ongoing therapeutic programming instead of placement in solitary confinement for any length of time. The Justice Center continues to recommend that all individuals on the Mental Health caseload be immediately diverted from segregated confinement and placed in a therapeutic milieu, such as an RRU. Please provide the Justice Center with an update for incarcerated individual's 1 and 2. This update should include their current MHSL, housing status, current confinement

sanctions, any additional misbehavior reports or tickets, and the number of times the individuals were transferred to the RCTP, if applicable.

Response:

DOCCS understands 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, have a disability as defined in paragraph (a) of subdivision 21 of section 292 of the Executive Law: such as a Serious Mental Illness (SMI), developmental disability, sensorial disability or physical disabilities.

Furthermore, Senate Bill S4621 was introduced recently to expand the definition of persons with disability for purposes of the definition of special populations. The proposal is to include all individuals on the OMH caseload; however, this bill has not been passed yet.

Incarcerated Individual 1 is assigned a Mental Health Service Level 4 and is currently housed at Attica Correctional Facility RRU. Since the Justice Center’s visit on July 10, 2024, the incarcerated individual received three (3) additional Tier 2 misbehavior reports. The incarcerated individual is serving SHU sanctions through April 17, 2025. The incarcerated individual had three (3) RCTP admissions since the Justice Center’s visit.

Incarcerated Individual 2 is assigned a Mental Health Service Level 3 and is currently housed at Upstate Correctional Facility RRU. Since the Justice Center’s visit on July 10, 2024, the incarcerated individual received two (2) additional Tier 2 misbehavior reports and two (2) additional Tier 3 misbehavior reports. The incarcerated individual is serving SHU sanctions through March 19, 2025. The incarcerated individual did not have any RCTP admissions.

8. All incarcerated individuals on the Justice Center’s sample were diverted out of the Coxsackie CF SHU within the timeframes designated by the HALT Act.

9. Request:

The Justice Center requests that DOCCS forward the disciplinary hearing packets and disciplinary history for the incarcerated individuals that were pending. In addition, please provide their current confinement sanctions, transfer dates, current housing unit and any additional disciplinarily tickets that each may have received since July 10, 2024.

Response:

The requested hearing packets for Incarcerated Individuals 1, 2, and 3 are attached. Incarcerated Individual 1 was initially transferred to Great Meadow Correctional Facility RRU on July 12, 2024. The incarcerated individual is currently at Attica Correctional Facility RRU and is serving confinement sanctions through April 17, 2025. The incarcerated individual has received three (3) additional Tier 2 misbehavior reports since the Justice Center’s visit.

Incarcerated Individual 2 was initially transferred to Five Points Correctional Facility RRU on July 19, 2024. The incarcerated individual is currently at Upstate Correctional Facility RRU and is serving confinement sanctions through March 19, 2025. The incarcerated individual has received two (2) additional Tier 2 and two (2) additional Tier 3 misbehavior reports since the Justice Center’s visit.

Incarcerated Individual 3 was initially transferred to Coxsackie Correctional Facility RRU on July 19, 2024. The incarcerated individual is currently housed in general population at Coxsackie and is not serving any disciplinary sanctions. The incarcerated individual has received one (1) additional Tier 2 misbehavior report since the Justice Center's visit.

10. Request:

The Justice Center requests that all disciplinary ticket documentation be forwarded for review. Timely receipt of all requested documentation allows for a comprehensive review.

Response:

DOCCS continues to ensure that all documentation requested by the Justice Center is forwarded in a timely manner. In some instances, incarcerated individuals may transfer to another facility and extra steps may be required to locate the requested documents. DOCCS continues to emphasize to all staff the importance of all Justice Center requests.

The disciplinary packet for incarcerated individual 2 from the misbehavior report received on April 27, 2024, is unable to be located. This packet will be forwarded when it is located.

Incarcerated Individual 4 received one (1) Tier 2 misbehavior report at Green Haven Correctional Facility on May 16, 2024, and two (2) Tier 3 misbehavior reports on May 17, 2024. These hearing packets are attached. There is no misbehavior report on record in our records for the date of May 6, 2024. We have attached the May 16, 2024, misbehavior report for your review.

11. Recommendation:

The Justice Center commends the staff at Coxsackie CF in both the RRU and RMHU for utilizing informational reports as a method for positive reinforcement, specifically providing time cuts. The Justice Center recommends the continued use of informational reports along with incentives to encourage positive behavior.

Response:

Thank you for your acknowledgement of DOCCS staff at Coxsackie Correctional Facility RRU and RMHU regarding utilizing informational reports and incentives. The informational reports are an effective communication tool used in our programs. The Department's policy includes a standardized incentive program with the expectation of universal application statewide.

12. Requests:

The RRU should be therapeutic, trauma-informed, and aim to address individual treatment and rehabilitation needs, and underlying causes of problematic behavior. Please explain how programming goals, discharge plans, and underlying behavior is addressed with incarcerated individuals in the RRU when they refuse to engage in their IRP. Since seven out of eight individuals in the RRU refused to engage in the IRP, but were documented as "willing to change", it is recommended that DOCCS staff provide an explanation as to why they believe a person is willing to change when they do not participate in this process.

Response:

The RRU at Coxsackie Correctional Facility offers programming that is both therapeutic and trauma informed. When an incarcerated individual refuses to participate in the development of their IRP, the ORC, Social Worker, and SORC, along with other program staff continue to encourage them during rounds, individual callouts, and out of cell programming. DOCCS understands that there are various stages involved in the process of change. While some individuals may verbally state that they want to engage in that process, they may not be willing to participate in the development of the IRP for various reasons. The RRU staff are trained to evaluate and document the programming needs of an individual after gathering information.

13. Recommendations:

The Justice Center recommends that Supervising ORC at the Coxsackie CF RRU review all eight individual's plans to ensure that goals are therapeutic, individualized, and measurable. Per HALT, any individual can be released from the RRU to general confinement when they successfully complete their plan. Goals that begin with "continue" and "improve" are not measurable therefore early release would not be foreseen as attainable. In addition, please retrain all DOCCS staff in the importance of setting realistic goals that are measurable and attainable.

Response:

DOCCS staff continue to work on individualizing goal planning for each person participating in out of cell programming. All RRU staff are provided annually with specialized training that include how to formulate individualized therapeutic goals. Quality assurance checks are conducted weekly by the Program Management Team (PMT) to ensure records reflect the individualized and collaborative goals of each participant. Some individuals in RRU are engaged in behavior modification that is an ongoing process with different levels of improvement. DOCCS will offer additional training on an ongoing basis that addresses goal setting that is realistic, measurable, and attainable.

14. Requests and Recommendations:

Contemporaneous completion of an individual's chronological record should be ensured, given the amount of movement from facility to facility. Please retrain clinical staff at the Coxsackie CF about the proper completion of the chronological record as per CNYPC CBO Policy #1.4, specifically updating time of admission, discharge, screening, and active screening. The Justice Center also requests an explanation regarding the May 1, 2024, mental health assessment documentation, specifically the discrepancy between the two assessments or if two separate assessments were completed on the same day. In addition, provide the time that the assessments occurred.

Response:

DOCCS will defer to OMH for this request and recommendation.

15. Request and Recommendation:

Per documentation, the individual was ultimately transferred to the RRU, therefore, please make the appropriate corrections to the OMH chronological record for accuracy. If the individual was indeed admitted

to the RMHU, please provide an explanation for that admission. Please retrain mental health staff per CNYPC CBO Policy #1.0, specifically that intake mental health interviews will be completed by CBO clinical staff within one (1) business day of an incarcerated individual's placement in a SHU or an RRU. This also applies to Special Populations that were diverted from the SHU environment.

Response:

Per DOCCS records, incarcerated individual 6 was placed in RRU for pre-hearing confinement on June 14, 2024. He was never placed in the RMHU. DOCCS will defer to OMH regarding the updating of their records and retraining of staff.

16. Request and Recommendations:

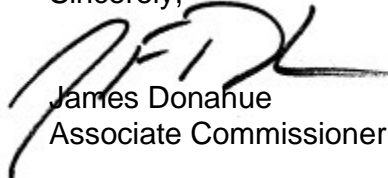
Please provide the Justice Center with documentation indicating whether incarcerated individual 2 met with OMH staff following the facility transfer as outlined in OMH policy #1.2. If incarcerated individual 2 did not meet with OMH staff, please provide an explanation for such, and retrain clinical staff on the importance of meeting with incarcerated individuals within the outlined timeframes in CNYPC CBO Policy 1.2 following a facility transfer.

Response:

DOCCS will defer to OMH for 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

Attachments

cc: Brooke Blaise, Superintendent - Coxsackie Correctional Facility
Roberta Murell, RN, Facility Review Specialist