



**Franklin Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Final Compliance and Quality of Care Review
JC#: 77010165865**

On October 2, 2024, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Franklin 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, 2022.¹

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) and the General Population Unit (GPU) and spoke cell-side with fifteen incarcerated individuals; nine individuals in the SHU and six individuals in the GPU.³ Justice Center staff offered private interviews to all fifteen incarcerated individuals and three individuals accepted, while twelve declined.⁴ The Justice Center also distributed fifteen surveys to solicit information about programming, recreation, and tablet use in segregated confinement and one was returned.

In addition to reviewing OMH clinical case records, DOCCS SHU Folders, DOCCS guidance records, and the DOCCS Sign-In Logbook and Unit Activity Logbook, the Justice Center requested any Exceptional Circumstances documentation for a time-period of six months.⁵ The Justice Center’s review found that there were no individuals placed on exceptional circumstances during this review period. 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 The GPU is also referred to as a General Confinement- Restricted (GC-R) unit.

⁴ Two individuals in the SHU and one individual in the GPU accepted private interviews.

⁵ April 2, 2024, to October 2, 2024

Justice Center Findings

Treatment and Conditions:

1. During the Justice Center's site visit, there were no incarcerated individuals attending programming in the SHU or GPU.

The SHU and the GPU was contained in a standalone building and comprised of three galleries, North, East and South with a total of sixteen single-occupancy cells. There was a ten bed SHU and six bed GPU. The census on the day of the visit was six in GPU and nine in SHU. The programming areas consisted of rows of Reduced Security Therapy and Recreation Tables (RESTART) within each gallery. The East gallery contained six RESTART chairs, South gallery contained four RESTART chairs and the North gallery contained six RESTART chairs. No one was observed in programming at the time of the visit and during cell-side interviews individuals expressed no desire to attend. According to security staff programming for individuals in GPU and SHU is offered at the same time, beginning from 7:45 a.m. throughout 2:45 p.m. daily, and all individuals have the opportunity to attend. Additionally, any individuals under the age of twenty-one with an unmet academic need are offered three hours of academic programming.

Recreation for both the SHU and GPU is offered at various times throughout the day and occurs out of cell in two single outdoor recreation pens at the end of each galley. There are also pull-up bars installed in the rec pens. Though the Franklin program manual states individuals in SHU receive one hour of recreation, security staff on-site shared that they run the SHU and GPU on the same schedule therefore individuals in both units are offered one to four hours of recreation time per day. At the time of the Justice Center's visit, tablets were available daily on a rotating schedule due to a shortage of tablets.⁶ Individuals may receive tablets from 7:00 a.m.-11:00 a.m. or 5:00 p.m.-9:00 p.m.

The Justice Center requested programming attendance records for the SHU and GPU for the month of November 2024. In their response, DOCCS informed the Justice Center that although all incarcerated individuals in SHU and GPU were offered programming daily, there were no participants in out of cell programming that month.⁷

Recommendation and Requests:

The Justice Center commends Franklin staff for offering individuals in SHU more than the required out-of-cell time by allowing them additional programming and recreation. Following a May 24, 2023, site visit to the Franklin SHU, DOCCS responded that DOCCS administration continues to emphasize the benefits of rehabilitative and therapeutic programming in SHU to all staff through trainings

⁶ There were only eight tablets available at the time of the Justice Center's visit.

⁷ DOCCS January 31, 2025, response to the Justice Center's Franklin CF Draft Report

and various meetings.⁸ The Justice Center recommends that both OMH and DOCCS work collaboratively to create a plan to educate individuals about the benefits of rehabilitative and therapeutic programming for individuals in the SHU in an effort to increase out-of-cell programming.

The Justice Center recommends that tablets not be offered at the same time as out of cell programming as it could discourage attendance. In addition, an update was requested on whether additional tablets have been obtained. In their response, DOCCS reported that they had not received additional tablets.

2. The Justice Center received one survey out of the fifteen that were distributed to incarcerated individuals at the time of the site visit.

According to the survey response received, the individual reported that they are never offered programming, nor are they encouraged to attend programming. When questioned about recreation, the individual stated they are offered two to four hours of recreation and attend daily. They would also prefer the opportunity to have congregate group recreation.

Special Populations:

3. At the time of the Justice Center’s visit, there wasn’t anyone under the age of 21, over the age of 55, pregnant or with any disability in the SHU, except for four incarcerated individuals with a diagnosed mental illness on the mental health caseload.

- Incarcerated individual 1, a MHSL 3, is diagnosed with adjustment disorder with mixed disturbance of emotions and conduct, severe cannabis use disorder and severe amphetamine-type substance use disorder.⁹ After a psychiatric call out on September 13, 2024, the individual’s medications were discontinued because they had been refusing to take medications. The individual received a Tier 3 ticket on September 20, 2024, for creating a disturbance in the dorm unit and then hitting a staff member. The individual had form 3152 completed on September 23, 2024, in the SHU. They were seen for a cell side intake Mental Health Assessment on September 26, 2024. They were irritable towards staff and had DOCCS related complaints.
- Incarcerated individual 2, a MHSL 4, is diagnosed with adjustment disorder, severe cannabis use disorder, severe opioid use disorder, and severe hallucinogen disorder.¹⁰ This individual was screened at Green Haven OMH Satellite Unit on July 11, 2024, and was originally designated as a MHSL 3. However, due to reporting improved adjustment to the facility, improved coping skills and continuing to deny a need for psychiatric medications their

⁸ DOCCS January 24, 2024, response following the Justice Centers May 24, 2023, site visit.

⁹ (██████████) (#██████████) will hereafter be referred to as incarcerated individual 1

¹⁰ (██████████) (#██████████) will hereafter be referred to as incarcerated individual 2

MHSL was changed to a 4 on August 21, 2024. The individual appeared to be functioning well during the Justice Center's review period. They were transferred to the SHU on September 24, 2024, after security staff found a weapon on their person. The individual was on their way to an interview with a Sergeant about an OSI call in which they claimed they feared for their life from other incarcerated individuals and admitted that they carried the weapon with the intention to go to the SHU. They were seen cell side on September 26, 2024, for an intake Mental Health Assessment and reported doing okay.

- Incarcerated individual 3, a MHSL 3, was diagnosed with adjustment disorder with mixed anxiety and depression.¹¹ During a psychiatric call out on May 29, 2024, the individual reported a history of anxiety and an increase in anxiety since incarceration. They began a trial of a psychiatric medication for anxiety, depression, and insomnia. The individual was seen as an emergency DOCCS referral on June 27, 2024, for thoughts of wanting to hurt others but later denied this and reported instead feeling anxious in a new setting due to court transfer. The individual had no other mental health concerns leading up to when they were transferred to the SHU on September 17, 2024, after a weapon was found in their cube during a "cube frisk". Security staff was anonymously informed the individual had a weapon in their cube. They were seen cell side for an intake Mental Health Assessment on September 20, 2024. They reported some difficulty adjusting to the SHU and staff discussed coping skills with them.
- Incarcerated individual 4, a MHSL 3, is diagnosed with adjustment disorder with depressed mood, severe opioid use disorder, and severe cannabis use disorder.¹² They were screened and admitted to mental health services on April 6, 2024, as a MHSL 3. During a psychiatric call out on June 21, 2024, the individual requested an increase in their psychiatric medications due to anxiety. The individual had no other mental health concerns leading up to the incident to their transfer to the SHU on September 28, 2024, after they could not pass a walkthrough metal detector and security staff found two weapons on their person. They were seen cell side for an intake Mental Health Assessment on October 1, 2024, and denied any mental health concerns.

Recommendation and Request:

Segregated confinement poses serious risks to a person's mental health. The Justice Center recommends that those with ongoing mental health needs be diverted as soon as possible from segregated confinement and placed in programs that have ongoing therapeutic and beneficial programming.

¹¹ [REDACTED] (# [REDACTED]) will hereafter be referred to as incarcerated individual 3

¹² [REDACTED] (# [REDACTED]) will hereafter be referred to as incarcerated individual 4

Please provide the Justice Center with an update regarding incarcerated individual's 1-4. This update should include their MHSL, housing status, current confinement sanctions, any additional misbehavior reports or tickets, and the number of times the individuals were transferred to the RCTP.

Length of time spent in segregated confinement:

- 4. All incarcerated individuals in the SHU were held for less than fifteen consecutive days or twenty days in a sixty-day period in segregated confinement.** ¹³

At the time of the Justice Center visit, the nine individuals in the SHU sample spent an average of eight days in segregated confinement. The lowest amount of time spent in SHU was 1 day and the highest number of days was 15.

Hearings and procedures:

- 5. According to the documentation provided to the Justice Center, 17 security staff were up to date on the Tier III Hearing Officer Training.**
- 6. Two individuals requested and received Tier Assistance for their most recent Tier III tickets.**
- 7. A review of Tier Hearing materials for all incarcerated individuals on the Justice Center's sample at Franklin CF determined that they were appropriate for criteria justifying Tier 3 confinement and engaged in behaviors that warranted placement in segregated confinement including charges for violent conduct, assault on staff, assault on inmate, weapons, contraband, smuggling, threats, and bribery or extortion.**

Assessments, rehabilitation plans and discharge procedures:

- 8. Most recent GPU admission date for incarcerated individual 6 is unclear.** ¹⁴

According to a September 28, 2024, DOCCS Unusual Incident Report, incarcerated individual 6, a MHSL 6, assaulted another individual throwing closed fists at the individual's neck and head. The report noted no injuries to incarcerated individual 6 who "was placed in SHU GP designated infirmary cell #5 pending disciplinary." The report also indicated that the sergeant "completed form 3152 with no triggers noted." Following their hearing on October 1, 2024, the individual was transferred to the GPU.

¹³ One incarcerated individual was on their fifteenth day in the SHU on the date of the site visit

¹⁴ () will hereafter be referred to as incarcerated individual 6

Request:

Please forward the Justice Center the Suicide Prevention Screening Guidelines form that was completed on September 28, 2024, following the individual SHU GP Designated Infirmary admission. In addition, please provide an explanation as to why the individual was not immediately transferred to the GPU.

Review conducted by: *Doniesha Marshall*
Doniesha Marshall, Facility Review Specialist



January 6, 2025

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 17, 2024, in response to the Justice Center's October 2, 2024 site visit of the Franklin Correctional Facility (CF) Special Housing Unit (SHU) and General Population Unit (GPU) 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 commends Franklin staff for offering individuals in SHU more than the required out-of-cell time by allowing them additional programming and recreation. Following a May 24, 2023, site visit to the Franklin SHU, DOCCS responded that DOCCS administration continues to emphasize the benefits of rehabilitative and therapeutic programming in SHU to all staff through trainings and various meetings. The Justice Center recommends that both OMH and DOCCS work collaboratively to create a plan to educate individuals about the benefits of rehabilitative and therapeutic programming for individuals in the SHU in an effort to increase out-of-cell programming. Please forward the attendance for out of cell programming in the SHU and GPU for November 2024.

The Justice Center requests an update on whether additional tablets have been obtained. Additionally, the Justice Center recommends that tablets not be offered at the same time as out of cell programming as it could discourage attendance."

OMH Response:

OMH defers to DOCCS as they are responsible for providing programming in the SHU and GPU and providing tablets. OMH staff continue to remind incarcerated individuals about the importance of participating in the offered programming.

Recommendation and Request #2:

"Segregated confinement poses serious risks to a person's mental health. The Justice Center recommends that those with ongoing mental health needs be diverted as soon as possible from segregated confinement and placed in programs that have ongoing therapeutic and beneficial programming.

Please provide the Justice Center with an update regarding incarcerated individual's [sic] 1-4. This update should include their 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]."

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 3. He resides in Upstate CF's Residential Rehabilitation Unit (RRU), as of 10/5/24. He has not required RCTP admission since 2010.

Incarcerated individual 2 remains a MHSL 4. He resides in Washington CF's General Population (GP), as of 11/26/24. He has not required RCTP admission while incarcerated.

Incarcerated individual 3 remains a MHSL 3. He was discharged from Franklin CF's SHU on 10/2/24 and transitioned to their General Population (GP) where he continues to reside. He has not required RCTP admission while incarcerated.

Incarcerated individual 4 remains a MHSL 3. He resides in Fishkill CF's RRU, as of 12/5/24. He has not required RCTP admission while incarcerated.

OMH defers to DOCCS regarding information on current confinement sanctions and any additional misbehavior reports or tickets.

Request #3:

"Please provide an update as to when incarcerated individual 3 transferred from the SHU, and include their housing status, current confinement sanctions, and any additional misbehavior reports or tickets they have received since October 2, 2024."

Request #4:

"Please forward any Misbehavior Report and Disciplinary Ticket packets for individual 5 that were received after July 27, 2024. In the future, please ensure that all Misbehavior Reports, which includes both Tier II and Tier III tickets, for the six-month review period are included with the information provided to the Justice Center, as this is one of the factors we use to determine compliance with the HALT Act."

Request #5:

Please forward the Justice Center the Suicide Prevention Screening Guidelines form that was completed on September 28, 2024, following the individual SHU GP Designated Infirmary admission. In addition, please provide an explanation as to why the individual was not immediately transferred to the GPU."

OMH Response to Requests #3-5:

OMH defers to DOCCS as they are responsible for the matters in these findings.

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 31, 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

**Franklin Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Draft Compliance and Quality of Care Review
JC#: 77010165865**

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Franklin Correctional Facility on October 2, 2024, to review the quality of Mental Health Care provided to incarcerated individuals in the Special Housing Unit (SHU) and General Population Unit (GPU) 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#: 77010165865.

1. Recommendation and Requests:

The Justice Center commends Franklin staff for offering individuals in SHU more than the required out-of-cell time by allowing them additional programming and recreation. Following a May 24, 2023, site visit to the Franklin SHU, DOCCS responded that DOCCS administration continues to emphasize the benefits of rehabilitative and therapeutic programming in SHU to all staff through trainings and various meetings.⁷ The Justice Center recommends that both OMH and DOCCS work collaboratively to create a plan to educate individuals about the benefits of rehabilitative and therapeutic programming for individuals in the SHU in an effort to increase out-of-cell programming. Please forward the attendance for out of cell programming in the SHU and GPU for November 2024.

The Justice Center requests an update on whether additional tablets have been obtained. Additionally, the Justice Center recommends that tablets not be offered at the same time as out of cell programming as it could discourage attendance.

Response:

Our staff at Franklin Correctional Facility recognizes the value of daily out of cell therapeutic programming in SHU and has done a great job engaging incarcerated individuals to participate daily. Staff continues to utilize the standardized incentive program implemented by the Department with the expectation of universal

application statewide. Incentives are provided to reinforce positive behavioral changes, improved progress and participation in program.

Incarcerated individuals in SHU and GPU are offered daily out of cell programming by DOCCS Security and Guidance Staff. OMH has not been involved in any aspect of programming in SHU or GPU. DOCCS has continued to discuss with OMH any security concerns they may have but their position has been the same. DOCCS will defer to OMH on additional comments.

For the month of November 2024, all incarcerated individuals in SHU and GPU were offered programming daily. There were no participants in out of cell programming for that month.

Our administration at Franklin Correctional Facility continues to look at ways to improve and increase participation in out of cell programming while affording incarcerated individuals tablet and recreation opportunities. Incarcerated individuals in SHU and GPU are offered daily out-of-cell programming, but if they decline, they are able to have access to a tablet. If an individual refuses programming, it is beneficial to provide them with some form of tool, such as a tablet, to have access to programs and increase connectedness. In addition, providing access to the tablet allows those incarcerated individuals that requested legal representation at their hearings the ability to seek legal representation during normal business hours.

The facility has not yet received the additional tablets ordered.

2. The Justice Center received one survey out of the fifteen that were distributed to incarcerated individuals at the time of the site visit.

3.Recommendation and Request:

Segregated confinement poses serious risks to a person's mental health. The Justice Center recommends that those with ongoing mental health needs be diverted as soon as possible from segregated confinement and placed in programs that have ongoing therapeutic and beneficial programming.

Please provide the Justice Center with an update regarding incarcerated individual's 1-4. This update should include their MHSL, housing status, current confinement sanctions, any additional misbehavior reports or tickets, and the number of times the individuals were transferred to the RCTP.

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 twenty-one 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 to expand the definition of persons with disability for purposes of the definition of special populations. The proposal was to include all individuals on the OMH caseload; however, this bill was recently vetoed by the Governor.

Incarcerated Individual 1 is assigned an OMH Level 3. He is currently programming at Upstate Correctional Facility's RRU since October 5, 2024. He has confinement sanctions until April 4, 2025. Since the Justice

Center's visit on October 2, 2024, he did not receive any additional misbehavior reports or confinement sanctions. He did not have any RCTP admissions.

Incarcerated Individual 2 is assigned an OMH Level 6. They are currently housed in general population at Washington Correctional Facility. Their confinement sanctions ended on November 26, 2024. Since the Justice Center's visit on October 2, 2024, they did not receive any additional misbehavior reports or confinement sanctions. They did not have any RCTP admissions.

Incarcerated Individual 3 is assigned an OMH Level 3. They do not have any confinement sanctions and is currently housed in General Population at Franklin Correctional Facility. Since the Justice Center's visit on October 2, 2024, they did not receive any additional misbehavior reports or confinement sanctions. They did not have any RCTP admissions.

Incarcerated Individual 4 is assigned an OMH Level 3. They are currently housed in General Population at Greene Correctional Facility. Their confinement sanctions ended on December 31, 2024. Since the Justice Center's visit on October 2, 2024, they did not receive any additional misbehavior reports or confinement sanctions. They did not have any RCTP admissions.

4. All incarcerated individuals in the SHU were held for less than fifteen consecutive days or twenty days in a sixty-day period in segregated confinement.

5. Request:

Please provide an update as to when incarcerated individual 3 transferred from the SHU, and include their housing status, current confinement sanctions, and any additional misbehavior reports or tickets they have received since October 2, 2024.

Response:

Incarcerated Individual 3 was transferred from SHU to Franklin Correctional Facility's General Population on October 2, 2024. They did not receive any additional misbehavior reports or confinement sanctions since October 2, 2024.

6. According to the documentation provided to the Justice Center, 17 security staff were up to date on the Tier III Hearing Officer Training.

7. Two individuals requested and received Tier Assistance for their most recent Tier III tickets.

8. A review of Tier Hearing materials for all incarcerated individuals on the Justice Center's sample at Franklin Correctional Facility determined that they were appropriate for criteria justifying Tier 3 confinement and engaged in behaviors that warranted placement in segregated confinement including charges for violent conduct, assault on staff, assault on inmate, weapons, contraband, smuggling, threats, and bribery or extortion.

9. Request:

Please forward any Misbehavior Report and Disciplinary Ticket packets for individual 5 that were received after July 27, 2024. In the future, please ensure that all Misbehavior Reports, which includes both Tier II

and Tier III tickets, for the six-month review period are included with the information provided to the Justice Center, as this is one of the factors we use to determine compliance with the HALT Act.

Response:

DOCCS aims to forward all requested information to the Justice Center in a timely manner. As incarcerated individuals can sometimes transfer in the time frame that is being reviewed, extra steps must be taken to locate documents.

Since July 27, 2024, Incarcerated Individual 5 received one (1) pending Tier 2 misbehavior report on January 28, 2025, and one (1) Tier 3 misbehavior report. Their hearing packet for the Tier 3 is attached.

10. Request:

Please forward the Justice Center the Suicide Prevention Screening Guidelines form that was completed on September 28, 2024, following the individual SHU GP Designated Infirmary admission. In addition, please provide an explanation as to why the individual was not immediately transferred to the GPU.

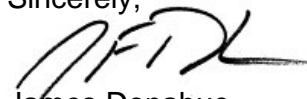
Response:

DOCCS staff at Franklin Correctional Facility were unable to locate the Suicide Prevention Screening Guidelines form 3152 for Incarcerated Individual 6 that was completed on September 28, 2024. Our staff is making every effort to locate the form and forward to the Justice Center as soon as possible.

Incarcerated Individual 6 was placed in the infirmary at Franklin Correctional Facility on SHU status due to a lack of available beds in GPU at the time. They were transferred to GPU on October 1, 2024, as soon as a bed was available.

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: Sandra Danforth, Superintendent - Franklin Correctional Facility
Doniesha Marshall, Facility Review Specialist, NYS Justice Center