



**Shawangunk Correctional Facility  
Humane Alternatives to Long-Term Solitary Confinement (HALT) Act  
Final Compliance and Quality of Care Review  
JC#: 77010164873**

On July 31, 2024, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Shawangunk 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.<sup>1</sup>

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<sup>2</sup>.
- 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 spoke cell side with three incarcerated individuals. Justice Center staff offered private interviews to all three incarcerated individuals and two individuals accepted. The Justice Center also distributed three surveys to solicit information about programming, recreation and tablet use in segregated confinement and no surveys were returned.

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.<sup>3</sup> The Justice Center’s review found that there were no individuals placed on exceptional circumstances during this review period.

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

<sup>2</sup> 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.

<sup>3</sup> January 1, 2024 to July 31, 2024

## **Justice Center Findings:**

### **Treatment and Conditions:**

**1. During the Justice Center’s site visit, there were no incarcerated individuals from the SHU attending programming.**

The Shawangunk CF SHU has an eight-bed capacity. Programming is conducted in a classroom setting with three total Reduced Security Therapy and Recreation Table (ReSTART) chairs. Programming is held in the morning from 9:00 a.m. to 11:00 a.m. and in the afternoon from 12:30 p.m. to 3:00 p.m.

Individuals had access to their tablets, as witnessed during cell side interviews and as Justice Center staff were informed during private interviews. They did, however, mention that tablets are distributed during program hours and if you choose the tablet, you do not go out to program. Tablets are also distributed in the evening from 6:00 p.m. to 10:00 p.m.

As per the Justice Center’s request, DOCCS provided the SHU programming schedule and attendance records for the month of November.<sup>4</sup> The Shawangunk CF has a clear documentation system for program attendance, recreation, and congregate meal attendance and no one from the SHU attended out-of-cell programs the entire month of November 2024.

### **Recommendation and Requests:**

The Justice Center encourages staff at the Shawangunk CF SHU to promote out-of-cell programming. It is 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. If individuals are consistently refusing program, DOCCS Central Office should be continually encouraging security staff in facilities to document the reason the individual is refusing, what they are choosing to do instead, and what they as staff have done to encourage attending programming. For individuals who will be transferring from the SHU to a Residential Rehabilitation Unit (RRU), security staff should use this opportunity to educate the individual about the RRU, as well as the expectations in that program, at all facilities.

**2. Incarcerated individuals in the Shawangunk CF SHU have access to congregate recreation.**

There are two recreation areas in the SHU, both of which are off a classroom. There are two recreation pens in what is referred to as “North” and two recreation pens in what is referred to as “South,” with a total of four recreation pens. One incarcerated individual is permitted in one recreation pen, with a maximum of four individuals allowed outside at once.

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<sup>4</sup> 7:00- 7:30 am- Breakfast, 8:00- 11:00 am- AM Programming (Discussions, Ted Talks, Holistic for Disciplinary), 8:00- 9:00 am- Outdoor Recreation (if not programming in AM), 10:30- 11:30 am- Lunch (can start later if attending AM program), 12:00- 3:00 pm- PM Programming, 4:00- 4:45 pm- Dinner, 6:00- 10:00 pm - Tablets, and 10:15 pm- Count.

### **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 except for one incarcerated individual in the SHU who had a diagnosed mental illness and was on the mental health caseload.**

Incarcerated individual 1, a mental health service level (MHSL) 3, is diagnosed with adjustment disorder with anxiety.<sup>5</sup> They attended both psychiatric and mental health appointments consistently and adhered to their mental health treatment. On July 22, 2024, they were placed on one-on-one watch in the infirmary due to threats of self-harm after being found in possession of a weapon. The individual had recently been refusing their medication and it was discontinued. They stated they were not a threat to themselves or anyone else and was then admitted to the SHU. Their medication was restarted by psychiatric staff. Upon their entry to the SHU, they refused a private interview for their intake and seven-day SHU Mental Health Assessment, stating they were doing okay and the “pt. did receive his medication and reported it is helpful.”

#### **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 time period. 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.

### **Length of time spent in segregated confinement:**

- 4. There were no incarcerated individuals held in the Shawangunk CF SHU for over 15 consecutive days or 20 days in a 60-day period.**

Per the documentation received by the Justice Center, the three individuals spent an average of 9 days in the SHU. The lowest being 6 days and the maximum days were 13.

### **Hearings and procedures:**

- 5. The Justice Center was never provided with proof that all hearing officers completed the additional HALT required training.**

On August 6, 2024, the Justice Center submitted an email request documenting the site visit and DOCCS guidance records for the three individuals in the SHU on July 31, 2024. In addition, the proof of the additional HALT required training for all hearing officers was requested and never received.

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<sup>5</sup> [REDACTED] (DIN # [REDACTED]) is hereinafter referred to as incarcerated individual 1.

**Recommendation and Request:**

To ensure that all hearing officers complete the required HALT Training, please provide an update to the Justice Center about the training status of hearing officers at Shawangunk.

**Assessments and rehabilitation plans, procedures and discharge determinations:**

- 6. All DOCCS Suicide Prevention Screening Guidelines #3152 forms were completed upon admission in accordance with the HALT Act.**

Review conducted by:   
Angelina LoCascio, Supervising 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 9, 2024, in response to the Justice Center's July 31, 2024 site visit of the Shawangunk Correctional Facility (CF) Special Housing Unit (SHU) to determine the quality of mental health care provided to incarcerated individuals and determine compliance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) legislation, the Office of Mental Health's (OMH) policies, and the Department of Corrections and Community Supervision's (DOCCS) directives.

There was one request/recommendation in the report that pertained to OMH, which is below along with OMH's response.

**Recommendation and Request for Finding #3:**

"...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 regarding incarcerated individual 1. 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 RRU, as of 8/12/24. He required one RCTP admission from 8/6/24-8/9/24 for expressing thoughts of self-harm after he received sanctions for his 7/19/24 Tier 3 misbehavior report. He was able to process his frustration with staff and has not required RCTP services since.

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 3, 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

**Shawangunk Correctional Facility  
Humane Alternatives to Long-Term Solitary Confinement (HALT)  
Draft Compliance and Quality of Care Review  
JC#: 77010164873**

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Shawangunk Correctional Facility on July 31, 2024, to review the quality of mental health care provided to incarcerated individuals in the Special Housing Unit (SHU) 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#: 77010164873:

**1. Recommendation and Requests:**

The Justice Center encourages staff at the Shawangunk CF SHU to promote out-of-cell programming. It is 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. If individuals are consistently refusing program, DOCCS Central Office should be continually encouraging security staff in facilities to document the reason the individual is refusing, what they are choosing to do instead, and what they as staff have done to encourage attending programming. For individuals who will be transferring from the SHU to a Residential Rehabilitation Unit (RRU), security staff should use this opportunity to educate the individual about the RRU, as well as the expectations in that program, at all facilities.

Lastly, the Justice Center requests the SHU program schedule and SHU attendance records for the month of November.

**Response:**

Incarcerated individuals in SHU are offered daily out-of-cell programming. Incarcerated individuals are provided with information regarding the schedule, including program, tablet, and recreation schedule.

One component of SHU programming consists of providing information pertaining to RRU, which includes the expectations of that program. It is our experience in SHU that most individuals, given their relatively short stay, would rather focus on their hearing.

Incarcerated individuals in SHU are offered 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, for example. 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.

Compliance with offering therapeutic programming in SHU is monitored by members of the Executive Team at the facility level, as well as Central Office staff through routine site visits.

The SHU program schedule and SHU attendance records for the month of November are attached.

2. Incarcerated individuals in the Shawangunk CF SHU have access to congregate recreation.

### **3. 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 time period. 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 regarding incarcerated individual 1. 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 is to include all individuals on the OMH caseload; however, this Bill was recently vetoed by the Governor.

Incarcerated Individual 1 is assigned a mental health service level 3 and is currently housed at Upstate Correctional Facility's Residential Rehabilitation Unit (RRU). Since the Justice Center's visit on July 31, 2024, the incarcerated individual received 280 days of confinement sanctions on August 5, 2024, for the Tier 3 incident on July 19, 2024. The incarcerated individual received one (1)



additional Tier 2 misbehavior report. The incarcerated individual has current confinement sanctions until May 12, 2025. The incarcerated individual was in RCTP once: from August 8, 2024, to August 9, 2024.

4. There were no incarcerated individuals held in the Shawangunk Correctional Facility SHU for over 15 consecutive days or 20 days in a 60-day period.

Per the documentation received by the Justice Center, the three individuals spent an average of 9 days in the SHU. The lowest being 6 days and the maximum days were 13.

#### **5. Recommendation and Request:**

To ensure that all hearing officers complete the required HALT Training, please provide an update to the Justice Center about the training status of hearing officers at Shawangunk.

#### **Response:**

The records for the hearing officer training are attached. Please note, one Lieutenant has not yet completed the required HALT Training due to a family emergency, however the staff person will be scheduled to attend the next available training.

#### **6. Request**

The Justice Center requests that DOCCS provide the disciplinary hearing packets for all three individuals. In addition, please provide their current confinement sanctions and any disciplinary tickets that each may have received since July 31, 2024.

#### **Response:**

The requested documentation pertaining to disciplinary packets is attached. Please note, the disciplinary packets for Incarcerated Individual 3 were provided to the Justice Center in an email on August 23, 2024, however, are also included in the attachments.

Incarcerated Individual 1 has confinement sanctions until May 12, 2025. The incarcerated individual has received one (1) additional Tier 2 misbehavior report since the Justice Center's visit on July 31, 2024.

Incarcerated Individual 2 has no current confinement sanctions. The incarcerated individual has received one (1) additional Tier 2 misbehavior report since the Justice Center's visit on July 31, 2024.

Incarcerated Individual 3 has no current confinement sanctions. The incarcerated individual has received one (1) additional Tier 2 misbehavior report since the Justice Center's visit on July 31, 2024.

**7. Request:**

Please provide the Justice Center with the DOCCS Suicide Prevention Screening Guidelines #3152 for the individual's July 22, 2024, admission to the SHU.

**Response:**

The requested DOCCS Suicide Prevention Screening Guidelines #3152 form is attached.

**8. Request:**

Please provide the Justice Center with the DOCCS Suicide Prevention Screening Guidelines #3152 for incarcerated individual 3's admission to the Washington CF SHU and the Greene Correctional Facility SHU.

**Response:**

The requested DOCCS Suicide Prevention Screening Guidelines #3152 forms are attached. Please note, Incarcerated Individual 3 was admitted to Greene Correctional Facility RRU on May 20, 2024.

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: Bennie Thorpe, Superintendent - Shawangunk Correctional Facility  
Angelina LoCascio, Supervising Facility Review Specialist, NYS Justice Center