



**Washington Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT) Act
Final Compliance and Quality of Care Review
JC#: 77010164251**

On August 28, 2024, the Justice Center for the Protection of People with Special Needs (the Justice Center) conducted a site visit at the Washington 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 Act².
- 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 eight incarcerated individuals. The Justice Center also toured the General Confinement-Restricted Unit (GC-R)³ and spoke cell side with four individuals.⁴ Justice Center staff conducted private interviews with four individuals. The Justice Center also distributed 12 surveys to solicit information about programming, recreation, and tablet use in segregated confinement and no surveys were returned at the time of this draft report.

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.⁵ The Justice

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 GC-R is an overflow unit at medium security facilities and used for overflow used for special population and PC/IPC that cannot be housed in SHU.

⁴ There were 4 incarcerated individuals in GC-R; three of these individuals were excluded from our sample due to being considered PC/IPC, which is out of our purview. They were, however, provided with surveys. Only one individual in the GC-R was serving a disciplinary sanction and they were included in our sample.

⁵ February 1, 2024, to August 28, 2024.

Center's review found that there were no individuals placed on exceptional circumstances during this review period.

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 Washington CF SHU has a 12-bed capacity split into two galleries: A and B. Programming is conducted on both galleries with six Reduced Security Therapy and Recreation Table (ReSTART) chairs for A-Gallery and six ReSTART chairs for B-Gallery. Programming is held in the morning from 8:00 a.m. to 11:00 a.m. on the unit. Individuals in the SHU are provided one hour of recreation, which occurs prior to programming hours. There are two recreation pens of A and B galleries, which makes a total of four for the SHU. During the site visit, there were no individuals attending programming or recreation in the SHU.

The GC-R program is in the C-gallery. During our visit, one individual on the unit was serving disciplinary sanctions. The other three individuals were considered Involuntary Protective Custody (IPC) or Protective Custody (PC) and were not serving disciplinary sanctions. Programming is conducted on the gallery, and they are entitled to seven hours of programming. There were two congregate recreation pens in C-gallery, and individuals are offered up to four hours of recreation. During our site visit, there were no individuals attending programming or recreation in the GC-R program.

Tablets are offered daily and distributed in the morning, collected during mealtimes and change of shift and re-distributed thereafter. The staff at the Washington CF stated most individuals opt to use their tablet rather than attend programming.

Per the Justice Center's request, DOCCS provided the SHU/GC-R program schedule and attendance records for November 2024. The program schedule consisted of courses such as Health- Bio/Psycho/Social, Current Events and Community, Soft Skills or Life Skills, Stress Management- Physical or Spiritual, Individual and Group Incentives, and Self-Regulation Activities.

While the Washington CF has a clear documentation system for program attendance, recreation, and congregate meal attendance, the attendance record indicated that no one from the SHU or GC-R attended program the entire month of November 2024.

Recommendation and Requests:

The Justice Center encourages staff at the Washington CF SHU and GC-R to promote programming. If individuals are consistently refusing program, DOCCS Central Office should ask 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 program attendance. 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. Tablets are offered during morning and afternoon shifts; the facility should consider not offering tablets at the same time as programming and they should be distributed at a different time to encourage participation in programming.

Special Populations:

2. At the time of the Justice Center’s visit, there was no one under the age of 21, over the age of 55, pregnant or with a disability, except for five 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) 3, is diagnosed with antisocial personality disorder, adjustment disorder with anxiety, opioid use disorder severe, cannabis use disorder severe, and other hallucinogenic use disorder severe.⁶ They were designated a MHSL 6 until April 2024, when they were admitted to the Residential Crisis Treatment Program (RCTP) at the Mid-State CF due to threats of self-harm and were designated a MHSL 4 Active Screen. They were admitted to mental health services on April 30, 2024, which is when they were designated a MHSL 3. Psychiatric staff in the RCTP did not believe they should be prescribed medication, but when they met with psychiatric staff on June 11, 2024 at the Upstate CF, they were prescribed Zoloft as well as Trazadone. In the months leading up to their transfer to SHU, the individual was refusing private call outs, stating they were “good” and maintaining contact with their family for support. The individual was transferred to the SHU on August 20, 2024 after they were found in possession of a weapon consisting of a toothbrush sharpened to a point.
- Incarcerated individual 2, a MHSL 3, is diagnosed with persistent depressive disorder, and cannabis use disorder moderate.⁷ They had a history of receiving inpatient mental health treatment and community outpatient treatment. They attended both psychiatric and mental health appointments consistently and adhered to their mental health treatment. The individual was transferred to the SHU on August 22, 2024, after engaging in a fight with another individual where the individual had to be evaluated at an outside hospital.
- Incarcerated individual 3, a MHSL 3, is diagnosed with adjustment disorder with Mixed Disturbance of Emotions and Conduct.⁸ Records indicate that they had received mental health treatment beginning as a child. They were admitted to mental health services on May 28, 2024. When they met with psychiatric staff on August 7, 2024, they requested that they be removed from the caseload, as they did not want psychotropic medication or counseling services. It was noted they would be followed up with within four to six weeks. The individual was transferred to the SHU on August 24, 2024, after being found with a weighted sock containing two padlocks.

⁶ [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as incarcerated individual 1
⁷ [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as incarcerated individual 2
⁸ [REDACTED] (DIN: [REDACTED]) is hereinafter referred to as incarcerated individual 3

- Incarcerated individual 4, a MHSL 3, is diagnosed with persistent depressive disorder, cannabis use disorder severe, and cocaine use disorder severe.⁹ They have a history of receiving outpatient services and vague visual hallucinations. They attended both psychiatric and mental health appointments consistently and adhered to their mental health treatment. The individual was transferred to the SHU on August 18, 2024, after assaulting another individual in the dorm bathroom.
- Incarcerated individual 5, a MHSL 4, was placed on Active Screen Status on August 7, 2024, at the Bare Hill CF due to the stress of losing their conditional release date and symptoms of depression.¹⁰ The individual was transferred to the SHU on August 20, 2024, after they assaulted another individual and were found in possession of a weighted sock weapon.

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 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 individuals 1-5. 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:

3. **Per documentation received by the Justice Center, there were no incarcerated individuals held in the Washington CF SHU or GC-R for over 15 consecutive days or 20 days in a 60-day period.**

Per the documentation received by the Justice Center, the eight individuals spent an average of 7 days in the SHU. The lowest being 1 days and the maximum days were 11.

Hearings and procedures:

4. **Eight staff at the Washington CF are up to date with DOCCS Hearing Officer’s Training.**
5. **Upon review of Tier Hearing materials received by the Justice Center, all individuals in the sample at Washington CF had committed acts that met the criteria for segregated confinement, including possession of weapons (gloves containing pad locks, assaults that required medical attention).**

⁹ [REDACTED] (DIN [REDACTED]) is hereinafter referred to as incarcerated individual 4

¹⁰ [REDACTED] (DIN [REDACTED]) is hereinafter referred to as incarcerated individual 5

Assessments and rehabilitation plans, procedures and discharge determinations:

- 6. Upon review of the incarcerated individuals in the Washington CF sample, all individuals received a DOCCS Suicide Prevention Screening Guidelines #3152 upon their admission to disciplinary confinement.**

Review conducted by: 
Angelina LoCascio, Supervising Facility Review Specialist



January 6, 2024

Davin Robinson
Deputy Director of Outreach, Prevention and Support
Justice Center for the Protection of People with Special Needs
161 Delaware Avenue
Delmar, New York 12054

Dear Ms. Robinson:

We received your letter dated December 17, 2024, in response to the Justice Center's August 28, 2024 site visit of the Washington Correctional Facility (CF) Special Housing Unit (SHU) and General Confinement- Restricted (GC-R) 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 encourages staff at the Washington CF SHU and GC-R to promote programming. 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 program attendance. 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. Tablets are offered during morning and afternoon shifts; the facility should consider not offering tablets at the same time as programming and they should be distributed at a different time to encourage participation in programming.

Lastly, the Justice Center requests the SHU program schedule and attendance records for the month of November for both the SHU and GC-R."

OMH Response:

OMH defers to DOCCS as they are responsible for providing programming in the SHU and GC-R and providing tablets.

Recommendation and Request #2:

"...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 individuals 1-5. 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 Midstate CF’s General Population (GP), as of 10/25/24. He has not required RCTP admission since the April 2024 admission noted by the Justice Center.

Incarcerated individual 2 remains a MHSL 3. He resides in Five Points CF’s RRU, as of 12/2/24. He required one RCTP admission from 11/14/24-11/19/24. He was transferred to the Attica CF RCTP from Groveland CF after he reported thinking of harming himself. Upon assessment, he shared with Attica CF mental health staff that he had been having difficulties with security staff at Groveland CF. He was able to process his concerns and return to Groveland CF without issue.

Incarcerated individual 3 remains a MHSL 3. He resides in Greene CF’s GP, as of 11/1/24. He has not required RCTP admission while incarcerated.

Incarcerated individual 4 remains a MHSL 3. He resides in Greene CF’s GP, as of 9/5/24. He has not required RCTP admission while incarcerated.

Incarcerated individual 5 remains a MHSL 4 Active Screen. He resides in Greene CF’s RRU, as of 9/3/24. 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:

“The Justice Center requests that DOCCS provide the disciplinary hearing packet for incarcerated individual 4. In addition, please provide their current confinement sanctions, transfer dates, and any disciplinary tickets that they may have received since August 28, 2024.”

OMH Response not indicated as this request is directed to DOCCS.

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



December 30, 2024

Davin Robinson
Deputy Director, Office of Outreach, Prevention & Support
NYS Justice Center for the Protection of People with Special Needs
161 Delaware Avenue
Delmar, NY 12054

**Washington Correctional Facility
Humane Alternatives to Long-Term Solitary Confinement (HALT)
Draft Compliance and Quality of Care Review
JC#: 77010164251**

Dear Deputy Director Robinson:

This is in response to the New York State Justice Center's visit at the Washington Correctional Facility on August 28, 2024, to review the quality of mental health care provided to incarcerated individuals in the Special Housing Unit (SHU) and General Confinement-Restricted (GC-R) 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#: 77010164251:

1. Recommendation and Requests:

The Justice Center encourages staff at the Washington CF SHU and GC-R to promote programming. 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 program attendance. 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. Tablets are offered during morning and afternoon shifts; the facility should consider not offering tablets at the same time as programming and they should be distributed at a different time to encourage participation in programming.

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

Response:

Incarcerated individuals in SHU and GC-R are offered daily out of cell programming. Staff have been encouraged by DOCCS Central Office and the facility Executive Team to promote program participation overall. Both security and civilian staff in SHU and GC-R complete rounds in the morning prior to

program to ensure the incarcerated individuals are offered the opportunity to participate in daily out of cell programming. It is our experience in SHU that most individuals, given their relatively short stay, would rather focus on their hearing.

Incarcerated individuals in SHU and GC-R 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 request legal representation at their hearings the ability to seek legal representation during normal business hours. The Executive Team at Washington Correctional Facility will review the schedule to determine if the recommendation regarding tablets could be accommodated.

Compliance with offering therapeutic programming in SHU and GC-R is encouraged and 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 and GC-R attendance records for the month of November are attached.

2. 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 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 individuals 1-5. 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 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 passed yet.

Incarcerated Individual 1 is assigned a Mental Health Service Level 3 and is currently housed in general population at Mid-State Correctional Facility. The incarcerated individual does not currently have confinement sanctions. Since the Justice Center's visit on August 28, 2024, the incarcerated individual

received one (1) additional Tier 2 misbehavior report. The incarcerated individual did not have any RCTP admissions.

Incarcerated Individual 2 is assigned a Mental Health Service Level 3 and is currently housed at Five Points Correctional Facility RRU. Since the Justice Center's visit on August 28, 2024, the incarcerated individual received one (1) additional Tier 3 misbehavior report and two (2) additional Tier 2 misbehavior reports. The incarcerated individual has current confinement sanctions until November 10, 2025. The incarcerated individual had one RCTP admission from November 14, 2024 to November 19, 2024.

Incarcerated Individual 3 is assigned a Mental Health Service Level 3 and is currently housed in general population at Greene Correctional Facility. The incarcerated individual does not currently have confinement sanctions and has not incurred any additional misbehavior reports since the Justice Center's visit on August 28, 2024. The incarcerated individual did not have any RCTP admissions.

Incarcerated Individual 4 is assigned a Mental Health Service Level 3 and is currently housed in general population at Greene Correctional Facility. Since the Justice Center's visit on August 28, 2024, the incarcerated individual received one (1) additional Tier 3 misbehavior report and one (1) additional Tier 2 misbehavior report. The incarcerated individual does not currently have confinement sanctions; however, does have two (2) pending Tier 2 misbehavior reports. The incarcerated individual did not have any RCTP admissions.

Incarcerated Individual 5 is assigned a Mental Health Service Level 4 and is currently housed at Greene Correctional Facility RRU. Since the Justice Center's visit on August 28, 2024, the incarcerated individual received 137 days of confinement sanctions on August 29, 2024 for the Tier 3 misbehavior report on August 20, 2024. The incarcerated individual received one (1) additional Tier 2 misbehavior report and currently has one (1) pending Tier 2 misbehavior report. The incarcerated individual has current confinement sanctions until January 13, 2025. The incarcerated individual did not have any RCTP admissions.

3. Per documentation received by the Justice Center, there were no incarcerated individuals held in the Washington CF SHU or GC-R for over 15 consecutive days or 20 days in a 60-day period.

4. Eight staff at the Washington CF are up to date with DOCCS Hearing Officer's Training.

5. Upon review of Tier Hearing materials received by the Justice Center, all individuals in the sample at Washington CF had committed acts that met the criteria for segregated confinement, including possession of weapons (gloves containing pad locks, assaults that required medical attention).

6. Request:

The Justice Center requests that DOCCS provide the disciplinary hearing packet for incarcerated individual 4. In addition, please provide their current confinement sanctions, transfer dates, and any disciplinary tickets that they may have received since August 28, 2024.

Response:

Incarcerated Individual 4 transferred to Greene Correctional Facility RRU on August 30, 2024, and subsequently transferred to general population at Greene on September 5, 2024, and currently remains housed there. The incarcerated individual does not currently have confinement sanctions; however, does have two (2) pending Tier 2 misbehavior reports for alcohol/intoxicant use. Since the Justice Center's visit on August 28, 2024, the incarcerated individual received one (1) additional Tier 3 misbehavior report on September 29, 2024 for violent conduct, alcohol/intoxicant use, and refusing direct order; sanctioned to 15 days loss of recreation, package, commissary, and phone at the hearing on October 10, 2024. The incarcerated individual also received one (1) additional Tier 2 misbehavior report on November 15, 2024 for alcohol/intoxicant use; sanctioned to 30 days loss of recreation, package, and commissary at the hearing on November 26, 2024.

The disciplinary packet for Incarcerated Individual 4 is attached.

7. Upon review of the incarcerated individuals in the Washington Correctional Facility sample, all individuals received a DOCCS Suicide Prevention Screening Guidelines #3152 upon their admission to disciplinary confinement.

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: Christopher Collins, Superintendent - Washington Correctional Facility
Angelina LoCascio, Supervising Facility Review Specialist, NYS Justice Center