



New York City Board of Correction Monitoring Unit Quarterly Report¹

January 1, 2024, through June 30, 2024

Overview

The New York City Board of Correction (the “Board” or “BOC”) monitors conditions of confinement in New York City’s (“City”) jails daily through in-person tours and review of live footage from within New York City Department of Correction (“Department” or “DOC”) facilities. The Board also receives and reviews daily notifications from the Department, quarterly reports from Correctional Health Services (“CHS”) (the direct provider of health care in City jails), and occasional inquiries from other interested parties such as the Legal Aid Society and defender services across the five boroughs.

This report is the inaugural BOC quarterly monitoring public report. The report covers the first two quarters of 2024, with the aim of sharing the focus and goals of the Board’s monitoring unit and highlighting the Board’s commitment to transparency. BOC’s monitoring unit is the agency’s “eyes and ears” in the City’s jails, ensuring compliance with the Board’s rules set forth in Title 40 of the Rules of the City of New York (“minimum standards”) and enhancing transparency regarding conditions within correctional facilities. Members of the unit have unrestricted access to the jails and the individuals in custody, allowing them to observe and understand the operational dynamics closely. This comprehensive approach enables the unit to draft detailed memorandums, work on in-depth reports and special projects, and assess the status of the jails to inform the public during Board meetings. They meticulously identify and address areas of concern within each facility, all while making vital recommendations to protect the well-being of those residing and working in the jails. These ongoing reports will provide a quarterly snapshot of how the monitoring unit tracks complaints received by people in custody, staff, families, and interested stakeholders and will highlight the Department’s compliance with the Board’s minimum standards and other areas of concern.

¹ The Monitoring unit closely monitors conditions of confinement. The unit has eight monitors assigned to monitor the New York City jails.

Correctional Standards Review Specialists (“Board monitors”) resolve systemic complaints from the incarcerated population and DOC staff who work in the City’s jail system. Board monitors routinely observe, assess, report, and meet with facility leadership and DOC management to address these complaints on a daily and weekly basis. The first six months of 2024 presented challenges, most notably access to recreation (Minimum Standard §1-06), but monitoring staff reported all complaints amongst the agency and Board members and discussed the matter with the Department to close the gap on many of the needs identified.

Complaints

Board staff receive complaints through several avenues of communication across BOC’s two offices. Incarcerated individuals, families, and agencies can call or visit BOC’s Manhattan office and file a complaint. Emails can be submitted to BOC’s general email address or directly to the Executive Director through BOC’s website, which are then fielded to the assigned monitor of any jail. Lastly, but most importantly, incarcerated individuals’ communications with staff, and in-person observations by the monitors, are documented and investigated. All complaints are entered into BOC’s internal data management system. As reflected on the fact sheet below, during the first six months of 2024, the Board received 1,141 complaints across all jails under DOC’s jurisdiction. Notably, the highest number of complaints concerned incidents at the Otis Bantum Correctional Center (“OBCC”), with 247 complaints. In addition, the Board received 141 complaints across all facilities in the category of health (medical).

NEW YORK CITY BOARD OF CORRECTION

MONITORING UNIT – 2024 FIRST AND SECOND QUARTER REPORT

SUMMARY

1,141 COMPLAINTS

10 CSRSII
(INCLUDING 2 NEW HIRES)

10 RIKERS
FACILITIES

5 COURT FACILITIES

2 HOSPITAL
FACILITIES

FACILITY

OBCC	247
ARDC	227
GRVC	195
RMSC	153
EMTC	119
CDU	89
NIC	66
Unknown	23
NIC Inf	10
ESH	5
RESH	2
EHPW	1
VCBC	1
BHPW	1
AMKC	1
GMDC	1

Total 1,141

In the first and second quarters of 2024 (January – June), the monitoring unit managed 1,141 complaints in our data management system. The BOC monitoring staff provided oversight for all NYC DOC jails, with each facility assigned at least one monitor to ensure continuous coverage of issues.

Figure 1

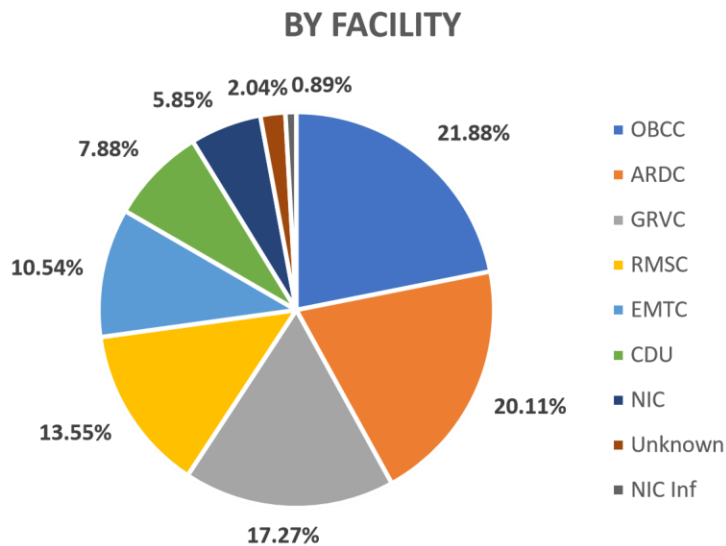
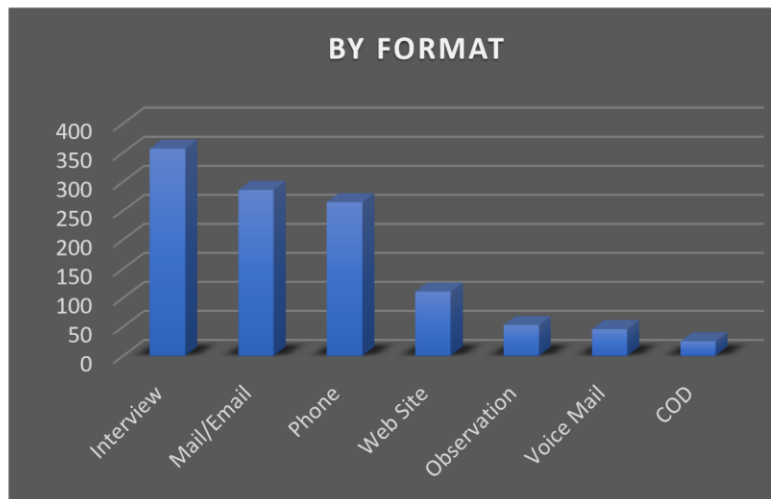


Figure 2



CATEGORY

Health (Medical)	141
Visiting	65
Other	54
Visit Appeal	47
Tablets	45
Environmental Health	43
Classification / Housing	41
Physical Plant	37
Food	36
Programs / Services	31
Fear for Safety	29
Commissary	28
Intake	28
Law Library	27
Recreation	26
Religion	24
Lock in/out	24
Telephone	23
Slashing/Stabbing	23
Bedding	23
Sexual allegation	22
Correspondence / Mail	21
Property	20
Harassment by Officer	19
Facility Clothing	17
Personal Hygiene	17
Mental Health	16
Barbershop	15
Infractions / Discipline	15
Alleg. of Asslt (Off. vs. Inm.)	14
Staff Misconduct	14
Packages	14
NY State Related	13
Dental	13
Overdue Discharge (Jail Time)	10
Visiting - Video	10
Access to Legal	10
Mail - Incoming	9
Alleg. of Asslt (Inm. vs. Inm.)	9
Work/Job-related	9
IGRP (Grievance Program)	8
Accounts (money)	8
Counseling / Social Services	6
Harassment by Inmate	6
Education Services	6
Access to Court	6
Serious Threat (Gang Related)	6
Wellness Check	5
Transfer to Upstate	3
Laundry - Bedding	3
Request for Information	3
Searches	3

Reports and Key Accomplishments

Assessments of Uniform/Linen Exchange and Recreation

During the first six months of 2024, in addition to its daily tours of the jails under the Department's jurisdiction, the monitoring unit conducted assessments and reported on several areas. The goal of the monitoring unit's assessments is to determine the Department's compliance or non-compliance with the Board's minimum standards, departmental directives, and operational orders, and to evaluate the Department's performance in the process. While assessments can provide the monitoring unit with measurable actions, the most informative approach has been through daily tours of the DOC facilities, speaking with staff, and incarcerated individuals. Our reports are guided by observations, interviews, and complaints submitted to BOC.

In January 2024, the monitoring staff assessed the Department's compliance with minimum standards concerning uniform and linen exchange. That same month, the monitoring staff conducted an assessment and reported on access to recreation with a primary focus on the Robert N. Davoren Center ("RNDC") and Eric M. Taylor Center ("EMTC"). During the Board's February 2024 public meeting, the Board's Executive Director reported that EMTC had not received outdoor recreation in more than one year, based on the monitoring unit's assessment. The Department reported they were constructing the recreation yard and its outside area for use and stated it would be ready for incarcerated individuals' use by June 2024. The recreation area was restored in June and has been in use by people in custody since its completion the same month.

Assessment of Ramadan Procedures – Access to Religious Services

During the first six months of 2024, in addition to daily tours of the jails and assessments concerning uniform and linen exchange and recreation, the monitoring unit has reported on access to religious services under the Board's Minimum Standard §1-07 (Religion).² Each year

<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-128273>

(a) *Policy.* People in custody have an unrestricted right to hold any religious belief, and to be a member of any religious group or organization, as well as to refrain from the exercise of any religious beliefs. A person in custody may change his or her religious affiliation.

(b) *Exercise of religious beliefs.*

(1) People in custody are entitled to exercise their religious beliefs in any manner that does not constitute a clear and present danger to the safety or security of a facility.

(2) No employee or agent of the Department or of any voluntary program shall be permitted to proselytize or seek to convert any person in custody, nor shall any person in custody be compelled to exercise or be dissuaded from exercising any religious belief.

(3) Equal status and protection shall be afforded to all people in the exercise of their religious beliefs except when such exercise is unduly disruptive of facility routine.

(c) *Congregate religious activities.*

(1) Consistent with the requirements of subdivision (a) of this section, all persons in custody shall be permitted to congregate for the purpose of religious worship and other religious activities, except for people confined for medical reasons in the contagious disease units.

(2) Each facility shall provide all persons in custody with access to an appropriate area for congregate religious worship and other religious activities. Consistent with the requirements of paragraph (b)(1) of this section, this area shall be made available to people in custody in accordance with the practice of their religion.

(d) *Religious advisors.*

(1) As used in this section, the term "religious advisor" means a person who has received endorsement from the relevant religious authority.

during the holy month of Ramadan, the Department issues a teletype to all Department staff and divisions outlining the expectations and processes for the detained Muslim population. Board staff monitored the Department's preparedness for congregant services according to Minimum Standard §1-07 and how it was afforded. This year, Ramadan commenced Sunday, March 10, 2024. During this time, the monitoring unit reported on meal preparation and prayer

(2) Religious advisors shall be permitted to conduct congregant religious activities permitted pursuant to subdivision (c) of this section. When no religious advisor is available, a person in custody belonging to the religious group may be permitted to conduct congregant religious activities.

(3) Consistent with the requirements of paragraph (b)(1) of this section, people shall be permitted confidential consultation with their religious advisors during lock-out periods.

(e) *Celebration of religious holidays or festivals.* Consistent with the requirements of paragraph (b)(1) of this section, people shall be permitted to celebrate religious holidays or festivals on an individual or congregant basis.

(f) *Religious dietary laws.* People in custody are entitled to the reasonable observance of dietary laws or fasts established by their religion. Each facility shall provide people with food items sufficient to meet such religious dietary laws.

(g) *Religious articles.* Consistent with the requirements of paragraph (b)(1) of this section, people in custody shall be entitled to wear and to possess religious medals or other religious articles, including clothing and hats.

(h) *Exercise of religious beliefs by people in restrictive housing.*

(1) People confined in restrictive housing shall not be prohibited from exercising their religious beliefs, including the opportunities provided by subdivisions (d) through (g) of this section.

(2) Congregant religious activities by people in restrictive housing as defined in 40 RCNY [Chapter 6](#) shall be provided for by permitting such individuals to attend congregant religious activities with appropriate security either with each other or with other people in custody.

(i) *Recognition of a religious group or organization.*

(1) A list shall be maintained of all religious groups and organizations recognized by the Department. This list shall be in Spanish and English, and shall be distributed to all persons entering custody or posted in each housing area.

(2) Each facility shall maintain a list of the religious advisor, if any, for each religious group and organization, and the time and place for the congregant service of each religion. This list shall be in Spanish and English, and shall be distributed to all persons entering custody or posted in each housing area.

(3) People in custody may make requests to the Department to exercise the beliefs of a religious group or organization not previously recognized by the Department.

(4) In determining requests made pursuant to paragraph (3) of this subdivision, the following factors among others shall be considered as indicating a religious foundation for the belief:

- (i) whether there is substantial literature supporting the belief as related to religious principle;
- (ii) whether there is formal, organized worship by a recognizable and cohesive group sharing the belief;
- (iii) whether there is an informal association of persons who share common ethical, moral, or intellectual views supporting the belief; or
- (iv) whether the belief is deeply and sincerely held by the person making the request.

(5) In determining requests made pursuant to paragraph (3) of this subdivision, the following factors shall not be considered as indicating a lack of religious foundation for the belief:

- (i) the belief is held by a small number of individuals;
- (ii) the belief is of recent origin;
- (iii) the belief is not based on the concept of a Supreme Being or its equivalent; or
- (iv) the belief is unpopular or controversial.

(6) Before the Department determines a request made pursuant to paragraph (3) of this subdivision, the requestor shall be permitted to present evidence indicating a religious foundation for the belief.

(7) The procedure outlined in paragraphs (1) and (3) of this subdivision shall apply when a request made pursuant to paragraph (i)(3) of this subdivision is denied.

(j) *Limitations on the exercise of religious beliefs.*

(1) Any determination to limit the exercise of the religious beliefs of any person in custody shall be made in writing, and shall state the specific facts and reasons underlying such determination. A copy of this determination, including the appeal procedure, shall be sent to the Board and to any person affected by the determination within one (1) business day of the determination.

(2) This determination must be based on specific acts committed by the person in custody during the exercise of his or her religion that demonstrate a serious and immediate threat to the safety and security of the facility. Prior to any determination, the individual must be provided with written notification of the specific charges and the names and statements of the charging parties, and be afforded an opportunity to respond.

(3) Any person affected by a determination made pursuant to this subdivision may appeal such determination to the Board.

(i) The person affected by the determination shall give notice in writing to the Board and the Department of the person's intent to appeal the determination.

(ii) The Department and any person affected by the determination may submit to the Board for its consideration any relevant material in addition to the written determination.

(iii) The Board or its designee shall issue a written decision upon the appeal within fourteen (14) business days after receiving notice of the requested review.

accommodations and confirmed Ramadan lists from each jail. A Ramadan list is verified by facility chaplains who confirm and identify the names and booking case numbers of Muslim individuals who actively practice their faith and are permitted to attend congregate services. The list is then shared with facility administration, particularly the programs and security staff responsible for ensuring safety and security. All concerns raised by people in custody and DOC staff during Ramadan were reported to and addressed by the facility's leadership to ensure continuity and not disrupt other services.

While at the George R. Vierno Center ("GRVC"), incarcerated individuals and DOC staff reported to BOC that Muslim detainees participating in Ramadan services were being strip-searched in intake areas before attending evening prayer. The initial concern was facilities did not typically strip-search individuals as a customary practice to attend religious services. The facility's security staff and a tour commander knew of the practice. Security staff shared that the practice was implemented for security reasons and to detect contraband. BOC staff made the Assistant Commissioner of GRVC aware of the practice, as they were unaware it was being conducted. After speaking with her team, the Assistant Commissioner suspended the practice of having Muslim detainees strip-searched before evening prayer. To ensure compliance, she immediately had security refrain from strip searches and conduct pat frisks of individuals participating in Ramadan services. Additionally, leadership agreed to only use a metal detector to check for contraband and that, if there were reasonable suspicion of contraband, an individual would go through the body scanner.

Ramadan's congregant services are mostly afforded to the general population of people in custody. There are times when the Department offers alternatives to various classifications. At OBCC, the incarcerated individuals who need protective custody cannot attend congregant services. However, the facility provides the population with Sahur bags, religious materials, and Imams touring the area. In restrictive housing areas, individuals are restricted from congregant services. However, the Department ensured that individuals in these housing areas who were in custody were afforded prayer mats, and an Imam toured the units and provided cell-side counseling and prayer to those who requested it.

Monitoring Pantry Issues

The monitoring unit also focused its efforts on institutional feeding, staffing, and security in the pantry areas of five housing areas at GRVC. During the Board's May 2024 public meeting, the monitoring unit raised concerns regarding pantry access for five housing areas in the maximum classification jail. Many of the unit's observations, interviews with incarcerated individuals and DOC staff, and complaints received raised immediate concerns about inadequate supervision of feedings, inconsistent or delayed food temperature readings, and unsanitary conditions in the pantry area such as dirty walls, presence of roaches, and general uncleanness. At the same meeting, the Department's Commissioner stated she would tour GRVC and follow up on some of the reported concerns. With the support and immediate action of GRVC's Assistant Commissioner, who promptly initiated the sanitation and restoration of the pantry areas, the facility's dedication to addressing the concerns was evident. By June 2024, the Assistant Commissioner and her team had fully sanitized the identified pantry areas, replaced inoperable equipment, and conducted extermination for rodents and insects. These areas were now

accessible to individuals in custody for institutional feedings, ensuring a safer and healthier environment.

Monitoring Involuntary Lock-ins

In October 2023, involuntary lock-ins were first reported and observed at RNDC. Monitoring staff assigned to RNDC focused on lockdowns in the young adult housing areas. The assigned monitor identified several instances when persons in custody were confined to their cells for multiple days. Time spent by people confined to their cells should be kept to minimum and required only when necessary for the safety and security of the facility³. These lockdowns were primarily due to improper housing assignments, affiliations with Security Risk Groups (“SRG”), and involuntary lock-ins stemming from safety concerns. The Mayor’s Emergency Executive Order (EEO) 279 suspends the Board’s minimum standard §1-05 (b), which typically mandates at least 14 hours of out-of-cell time for incarcerated individuals. While this suspension may limit those hours, the department is making efforts to provide as much out-of-cell time as possible under the current circumstances.

In response to these recurring issues, the Board monitor maintained close collaboration with RNDC leadership and the facility's security team. This partnership has been critical in addressing the systemic challenges contributing to prolonged lock-ins. A significant development in this effort was the issuance of a security memorandum by the then Assistant Commissioner of RNDC on March 26, 2024. This memorandum, which provided clear guidelines for managing both voluntary and involuntary lock-ins, played a crucial role in reducing the frequency of these

³ § 1-05 Lock-in.

(a) *Policy.*

(1) The time spent by people confined to their cells should be kept to a minimum and required only when necessary for the safety and security of the facility.

(2) Out-of-cell time must take place in a space outside of, and in an area away from a cell, in a group setting with other people all in the same shared space, without physical barriers separating such people, that is conducive to meaningful and regular social interaction and activity, or in any space while such incarcerated person receives medical treatment, individual one-on-one counseling, or an attorney visit or participates in a court appearance.

(3) Incarcerated persons may congregate with others and move about their housing area freely during out-of-cell time and have access to education and programming pursuant to § 9-110 of the Administrative Code.

(b) *Involuntary lock-in.*

(1) All incarcerated persons must have access to at least 14 out-of-cell hours every day. People shall not be required to remain confined to their cells except for the following purposes:

(i) At night for count or sleep, not to exceed eight hours in any 24-hour period;

(ii) During the day for count or required facility business that can only be carried out while people are locked in, not to exceed two hours in any 24-hour period.

(2) The provisions of this section apply to people confined in all housing units, except:

(i) During emergency lock-ins, subject to the requirements of 40 RCNY § 6-06;

(ii) De-escalation confinement units, subject to the requirements of 40 RCNY § 6-05.

(c) *Optional lock-in.*

(1) People shall have the option of being locked in their cells during lock-out periods. Individuals choosing to lock in at the beginning of a lock-out period of two (2) hours or more shall be locked out upon request after one-half of the period. At this time, people who have been locked out shall be locked in upon request.

(2) The Department may deny optional lock-in to a person in mental observation status if a psychiatrist or psychologist determines in writing that optional lock-in poses a serious threat to the safety of that person. A decision to deny optional lock-in must be reviewed every ten (10) days, including a written statement of findings, by a psychiatrist or psychologist. Decisions made by a psychiatrist or psychologist pursuant to this subdivision must be based on personal consultation with the person in custody.

(d) *Schedule.* Each facility shall maintain and distribute to all people in custody or post in each housing area its lock-out schedule, including the time during each lock-out period when people may exercise the options provided by paragraph (c)(1) of this subdivision. (Amended City Record 6/9/2021, eff. 7/9/2021; amended City Record 6/28/2024, eff. 7/28/2024)

incidents. The security memorandum was a direct result of monitoring staff meeting with the Assistant Commissioner about the violations related to unlawful lock-ins. The memorandum aimed to notify all uniformed staff to cease unlawful lock-ins and reduce the frequency of these incidents.

The BOC monitor observed a marked decline in involuntary lock-ins from the end of February through present. The drop from 67 lockdowns in January to just 17 in March⁴ suggests a substantial change in operational practices or circumstances within the facility. While the facility and the Department do not track involuntary lock-ins specifically, the correlation between the reduction in lockdowns and involuntary lock-ins might indicate improvements in overall management or security measures. This positive trend is a testament to the effectiveness of the measures implemented and the ongoing efforts of the BOC monitor. On May 14, 2024, the assigned monitor met with the current commanding officer of RNDC to inform him about the history of involuntary and voluntary lock-ins at the facility and to provide him with a copy of the security memorandum. During the meeting, the commanding officer emphasized the importance of notifying him immediately if a lock-in occurs, underscoring his commitment to addressing this issue. This engagement marks a positive step towards sustained improvement in monitoring and reducing unnecessary lock-ins.

The monitors have continued closely observing lockout times in the young adult housing areas, and the improvements have been significant. Indeed, in May 2024, the BOC monitor assigned to RNDC observed an individual with two ligatures inside of his cell and the cell door window covered. The monitor immediately notified security and facility leadership of her observations. Mental health staff were notified, and the individual was transferred to another unit. The monitor assigned to RNDC has been exceptionally proactive, regularly touring the young adult housing areas, sometimes multiple times a day. During these tours, the monitor meticulously checked each cell during lockout times, both on the day and evening shifts, to ensure that young adults were provided the minimum lockout time. This hands-on approach has played a crucial role in sustaining the improvements observed over the second quarter of 2024.

Minimum Standard Compliance and Main Concerns

Personal Hygiene. *Minimum Standard §1-03 (g)(6)(h)(1).*⁵ BOC monitoring staff conducted in-person observations and assessments of all laundry, uniform, and linen exchanges in January

⁴ Data provided by RNDC's Facility Information System (FIS) resource center.

⁵ [https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-78916\(g\) Clothing](https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-78916(g) Clothing).

(1) Prisoners shall be entitled to wear clothing provided by the Department as needed. Such clothing shall be laundered and repaired at Department expense and shall include, but is not limited to:

- (i) one shirt;
- (ii) one pair of pants;
- (iii) two sets of undergarments;
- (iv) two pairs of socks;
- (v) one pair of suitable footwear; and
- (vi) one sweater or sweatshirt to be issued during cold weather.

(2) The Department may require sentenced prisoners to wear facility clothing. Upon establishment and operation of clothing services described in paragraph (h)(2) of this section, the Department may require all prisoners to wear seasonally appropriate facility clothing, except that for trial appearances, prisoners may wear clothing items described in paragraph (3) of this subdivision. The facility clothing that is provided

2024. Findings indicated that the linen and uniform exchange did not comply with the Board's minimum standards. Additionally, Department staff and people in custody reported a low number or no footwear and detergent inventory. During the same time, four facilities reported inoperable washing and dryer machines. The Board's Executive Director shared these findings at the Board's January 2024 Board meeting. At the Board's meeting on January 10, 2024, the Department's Associate Commissioner of Facility Operations committed to conducting internal audits of linen, uniform, and laundry services.

The Department reported its internal findings of compliance at the Board's July 16, 2024 meeting. At the meeting, the Department reviewed grievances and complaints data and conducted an island-wide linen and uniform exchange audit from January 28, 2024, through February 3, 2024. DOC staff conducted logbook inspections for housing areas, clothes boxes, and control stations. The Associate Commissioner stated that all facilities were 81 percent compliant with linen exchange. Combined, all facilities were 63 percent compliant with the uniform exchange.

At the same meeting, the Department announced a pilot initiative of laundry services at EMTC, the new admission jail for males 18 years old and older. The Board requested findings from the full audit. According to the Department's internal audit, one facility, RESH, received 100% compliance with linen exchange and uniform exchange. Departmental-wide linen exchange was 81% compliant and uniform exchange was 63% compliant. None of the facilities fully adhered to their exchange schedules.

for detainees shall be readily distinguishable from that provided for sentenced prisoners. Facility clothing shall be provided, laundered and repaired at Department expense.

(3) Until the Department establishes and operates clothing services described in paragraph (h)(2) of this section, detainees shall be permitted to wear non-facility clothing. Such clothing may include items:

- (i) worn by the prisoner upon admission to the facility; and
- (ii) received after admission from any source. This clothing, including shoes, may be new or used.
- (iii) Detainees shall be permitted to wear all items of clothing that are generally acceptable in public and that do not constitute a threat to the safety of a facility.

(4) Prisoners engaged in work assignment or outdoor recreation requiring special clothing shall be provided with such clothing at Department expense.

(5) Upon establishment and operation of clothing services described in paragraph (h)(2) of this section and requiring all prisoners to wear facility clothing, the Department shall provide to all prisoners upon admission at least the following:

- (i) two shirts;
- (ii) one pair of pants;
- (iii) four sets of undergarments;
- (iv) four pairs of socks;
- (v) one pair of suitable footwear; and
- (vi) one sweater or sweatshirt to be issued during cold weather.

(6) Upon requiring all prisoners to wear facility clothing, the Department shall provide prisoners with a clean exchange of such clothing every four days.

(h) *Clothing services.*

(1) Laundry service sufficient to provide prisoners with a clean change of personal or facility clothing at least twice per week shall be provided at Department expense.

(2) Prior to requiring detainees to wear facility clothing, the Department shall establish and operate:

- (i) laundry service sufficient to fulfill the requirements of paragraphs (g)(5) and (6) of this section at Department expense, and
- (ii) secure storage facilities from which prisoners' personal clothing can be retrieved promptly and cleaned for trial court appearances, and retrieved promptly upon prisoners' discharge from custody.

(i) *Bedding.*

Access to Recreation. *Minimum Standard §1-06.*⁶ The monitoring unit reported on conditions in recreation areas, access to daily recreation, and accessibility to outer garments and equipment earlier in the year. Board monitors and directors addressed findings with facility leadership, and the Board's Executive Director shared the findings at the Board's February 2024 Board meeting. EMTC was the only facility offering only indoor recreation contrary to the Board's minimum standard during the assessment. EMTC was hindered with staffing, environmental, and physical plant issues and did not allow its more than 1,000 incarcerated individuals access to outdoor recreation. As of June 23, 2024, EMTC had a total population of 1,151 new admission and city-sentenced adult males; 559 incarcerated males were city-sentenced.

Board members and BOC staff continuously asked Department leadership to prioritize construction and staffing plans to resume outdoor recreation at the new admission jail. On June 18, 2024, EMTC resumed outdoor recreation for the detained and city-sentenced population. The Board recognizes there is a shortage of staff throughout the Department, however, having a regular schedule helps with structuring services for people in custody. A recreation schedule for people in custody plays a vital role in maintaining order within jails. It provides structure, which can reduce tension and behavioral issues. For officers, a clear schedule can enhance safety. The Board has requested the Department design a recreation schedule at EMTC and is awaiting a response.

Law Library. *Minimum Standard § 1-08 (f).*⁷ In October 2023, the Board's monitoring unit assessed law library services throughout facilities on Rikers Island. This initiative was led by the

⁶ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-128271>

- (a) *Policy.* Recreation is essential to good health and contributes to reducing tensions within a facility. People in custody shall be provided with adequate indoor and outdoor recreational opportunities.
- (b) *Recreation areas.* Indoor and outdoor recreation areas of sufficient size to meet the requirements of this section shall be established and maintained by each facility. An outdoor recreation area must allow for direct access to sunlight and air.
- (c) *Recreation schedule.* Recreation periods shall be at least one hour; only time spent at the recreation area shall count toward the hour. Recreation shall be available seven (7) days per week in the outdoor recreation area, except in inclement weather when the indoor recreation area shall be used.
- (d) *Recreation equipment.*
 - (1) The Department shall make available to people in custody an adequate amount of equipment during the recreation period.
 - (2) Upon request each facility shall provide people in custody with appropriate outer garments in satisfactory condition, including coat, hat, and gloves, when they participate in outdoor recreation during cold or wet weather conditions.

⁷ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-128274>

- (f) *Law libraries.* Each facility shall maintain a properly equipped and staffed law library.
 - (1) The law library shall be located in a separate area sufficiently free of noise and activity and with sufficient space and lighting to permit sustained research.
 - (2) Each law library shall be open for a minimum of five (5) days per week including at least one (1) weekend day. On each day a law library is open:
 - (i) in facilities housing more than six hundred (600) people, each law library shall be operated for a minimum of ten (10) hours, of which at least eight (8) shall be during lock-out hours;
 - (ii) in facilities housing six hundred (600) or fewer people, each law library shall be operated for a minimum of eight (8) and a half hours, of which at least six (6) and a half shall be during lock-out hours;
 - (iii) in all facilities, the law library shall be operated for at least three (3) hours between 6 p.m. and 10 p.m.; and
 - (iv) the law library will be kept open for people's use on all holidays which fall on regular law library days except New Year's Day, July 4th, Thanksgiving, and Christmas. The law library may be closed on holidays other than those specified provided that law library services are provided on either of the two days of the same week the law library is usually closed. On holidays on which the law library is kept open, it shall operate for a minimum of eight (8) hours. No changes to law library schedules shall be made without written notice to the Board of Correction and shall be received at least five (5) business days before the planned change(s) is to be implemented.

unit's Director of Public Accountability and Oversight. As background, on November 1, 2021, Emergency Executive Order 279 suspended the Board's minimum standard regarding law library access. Over the next two years, the Department offered variations of in-person and remote services for law library access. During BOC's assessment in the fourth quarter of 2023, staff found inoperable kiosks (which when operable allow people in custody to perform electronic research), inoperable typewriters, outdated schedules, and incarcerated individuals failing to sign in and out on logbooks to account for their presence in the law library. Over the first six months of the year, our staff monitored law library services through consistent tours and reviews of the Department's service desk complaints. During BOC staff tours, our office received multiple complaints from multiple facilities regarding:

- Lack of supplies
- Supplies not ordered before Central Storehouse ⁸inventory audit.
- Complaints about inoperable typewriters
- Complaints about inability to view discovery due to damaged/inoperable devices.
- Lack of legal coordinators leading legal research classes

On December 12, 2023, Board staff met with Department leadership to share the Board's findings and offer recommendations. At the same time, the Board's executive leadership urged DOC and City Hall to cancel the suspension of the Board's minimum standard concerning law library access.

The monitoring unit's assessment found that law library operations varied across each facility. As of September 2023, there were approximately 851 individuals at EMTC who were in various stages of the court process and required access to essential legal research resources, typewriters, motion slips, kiosks, notary services, a quiet and well-lit environment for concentration, opportunities for discovery review, copying services, and similar provisions. At that time, law library at EMTC was being serviced through paper request slips with no access to typewriters, kiosks, or independent legal research. In contrast, law library in other facilities was somewhat back to operating during hours that would meet compliance with BOC's standards.

(3) The law library schedule shall be arranged to provide access to people in custody during times of the day when other activities such as recreation, commissary, meals, school, sick call, etc., are not scheduled. Where such considerations cannot be made, people shall be afforded another opportunity to attend the law library at a later time during the day.

(4) Each person in custody shall be granted access to the law library for a period of at least two (2) hours per day on each day the law library is open. Upon request, extra time may be provided as needed, space and time permitting. In providing extra time, people who have an immediate need for additional time, such as people on trial and those with an impending court deadline shall be granted preference.

(5) Notwithstanding the provisions of paragraph (f)(4), people housed for medical reasons in the contagious disease units may be denied access to the law library. An alternative method of access to legal materials shall be instituted to permit effective legal research.

(6) The law library hours for people in restrictive housing as defined in 40 RCNY [Chapter 6](#) may be reduced or eliminated, provided that an alternative method of access to legal materials is instituted to permit effective legal research.

(7) Legal research classes for people housed in general population shall be conducted at each facility on at least a quarterly basis. Legal research training materials shall be made available upon request to people in restrictive housing.

(8) The Department shall report annually to the Board detailing the resources available at the law library at each facility, including a list of titles and dates of all law books and periodicals and the number, qualifications and hours of English and Spanish-speaking legal assistants.

⁸ Central Storehouse provides facilities with minimum standards related items such as uniforms, blankets, and mattresses. Additionally, Central Storehouse provides office supplies to each facility storehouse.

BOC urged that all people in custody receive the same level of access to law library required by the Board's minimum standards. On April 9, 2024, the Mayor issued Emergency Executive Order 579, terminating the provision of Emergency Executive Order 279 that suspended the Board's minimum standard regarding law library access. Department leadership informed its law library operations team and all law librarians that the Board's minimum standard on law library was no longer suspended Department-wide.

The Department expressed its commitment to working to ensure that law library services are provided to the population in line with the minimum standard requirements. Board staff conducted a second law library assessment in the summer of 2024, demonstrating the Board's dedication to ensuring continuous improvement in the City's jails. The second assessment was led by the monitoring unit's Director of Programming and Community Support. Findings from this second law library assessment will be shared with the Department and discussed at a future public Board meeting.

Staffing. While the Board's minimum standards do not speak directly to staffing of correction officers, captains, and other areas of uniformed management, these services significantly impact people in custody. Over the last six months of assessments, in-person observations, monitoring, and tours with Board members, the monitoring unit encountered DOC staff shortages in many areas, such as recreation, law library, clothes box, mailroom, and other essential areas in the jails. This highlights the need for a comprehensive approach to facility management.

The monitoring unit's Director of Mental and Physical Well-being met with then DOC Deputy Commissioner of Administration on several occasions about staffing levels in housing areas in mental observation units and clinics at two facilities, OBCC and GRVC. Our director collaborated with the BOC monitor assigned to OBCC to review logbooks and create a chart outlining the frequency of captains' tours in mental observation units. This collaboration also included the Director of Violence Prevention and Director of Public Accountability and Oversight, who supplied data and information regarding violence in the mental observation units and reported self-injurious incidents in the same areas.

The findings were presented to the Deputy Commissioner of Administration. BOC's Director of Mental and Physical Well-being urged him to assign additional captains in those areas. The Director of Mental and Physical Well-being also presented information to the Deputy Commissioner about reopening Harts Island, a medical and mental health clinic used for the mental observation population. At the time, the Department opted to close Harts Island due to staffing levels, but our director explained the dangers of closing the area, specifically the concerns of delaying psychological evaluations or mixing incarcerated individuals from mental observation units and general population in housing areas. The Deputy Commissioner reviewed staffing levels for the facility's area, additional information provided by the Board's director, and with support from GRVC's Assistant Commissioner, Harts Island was reopened. As of June 2024, the area is open and in use for high level mental observation individuals.