



**BOARD OF CORRECTION
CITY OF NEW YORK**

**RESOLUTION OF THE BOARD OF CORRECTION
NOVEMBER 12, 2024 PUBLIC MEETING**

WHEREAS, New York City Charter § 626(e) authorizes the New York City Board of Correction (“BOC” or “Board”) to “establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction” of the New York City Department of Correction (“DOC” or the “Department”);

WHEREAS, New York City Charter § 626(c)(4) authorizes the Board to evaluate the Department’s performance;

WHEREAS, Section 1-05(b) of Title 40 of the Rules of the City of New York (“RCNY”), regarding involuntary lock-in, provides that people in custody shall not be required to remain confined to their cells except for at night for count or sleep, not to exceed eight hours in any 24-hour period, or 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;

WHEREAS, Emergency Executive Order No. 279, first issued by former Mayor Bill de Blasio on November 1, 2021, suspended 40 RCNY § 1-05(b) to “address the effects of excessive [DOC] staff absenteeism and in order to address the conditions at DOC facilities;”

WHEREAS, Emergency Executive Order No. 279 has been renewed every five days since November 1, 2021 and remains in effect;

WHEREAS, despite the suspension of 40 RCNY § 1-05(b), the City Charter bestows a broad mandate upon the Board to evaluate the Department’s performance, enabling the Board to carry out its core mission of supporting safer, fairer, smaller, and more humane New York City jails;

WHEREAS, Department Directive 4009-R-C “Lock-In/Lock-Out” (effective October 2, 2020) authorizes Department staff to involuntarily lock-in individuals in custody for a number of reasons, including “threats of violence” against staff or other people in custody, or incidents that “pose a serious and ongoing threat to the safety and good order of the Department,” and provides that involuntary lock-ins should be lifted as soon as possible and only be used as a last resort when all other alternatives have been exhausted;

WHEREAS, while Department Directive 4009-R-C includes reporting requirements on the frequency and duration of involuntary lock-ins, these reporting requirements are specific to emergency lock-ins of housing areas or facilities, and are not explicitly required when specific individuals in custody are involuntarily locked-in, and as a result, systemic reporting of individualized lock-ins is limited;

WHEREAS, at the October 8, 2024 public Board meeting, former Correctional Health Services social worker, Justyna Rzewinski testified about frequent and arbitrary individualized involuntary lock-ins or “deadlocking” of people in custody with mental illness in mental observation units, Program to Accelerate Clinical Effectiveness (“PACE”) units, and Clinical Alternative to Punitive Segregation (“CAPS”) units;

WHEREAS, Board staff have investigated and addressed complaints from people in custody regarding the use of individualized involuntary lock-ins system-wide and at all jails in the past;

WHEREAS, the frequent use of individualized involuntary lock-ins in mental observation, CAPS and PACE units, even if authorized by Emergency Executive No. 279 of 2021 or Directive 4009-R-C, creates an atmosphere of permissibility, which can lead to patterns of inappropriate use cases, such as retaliatory or punitive lock-ins, or arbitrary lock-ins, and runs counter to the principle of humane jails;

NOW, THEREFORE, BE IT RESOLVED that the Board condemns the use of frequent, arbitrary, and unreported individualized involuntary lock-ins and urges the Department to take all steps necessary, including training, re-training, and disciplinary action, to address any instances of inappropriate individualized involuntary lock-ins going forward;

IT IS FURTHER RESOLVED that the Board recommends that the Department implement robust reporting requirements across all facilities by recording each instance of individualized involuntary lock-ins via logbook entries and Central Operations Desk notifications;

IT IS FURTHER AND FINALLY RESOLVED that a copy of this resolution be posted conspicuously on the Board website.

At the Board’s November 12, 2024 meeting, the Board voted to approve the Resolution by a unanimous vote of 8 in favor and no opposition.