

RECYCLED & INSUFFICIENT: DOC ACTION PLAN BREAKDOWN

Many of the previous Commissioner Vincent Schiraldi's plans were halted when Molina came into office. This plan details a restarting of these plans, and calling them progress (which by halting them for 6+ months caused more damage). **THIS IS NOT PROGRESS.**

Judge Swain gave the Department Of Correction **3 weeks to develop a plan.** The Monitor is circumventing her wishes by developing a plan that, if approved, **gives the Department of Correction their desired 6 months.** People are dying at Rikers Island. **THIS IS NOT ACCEPTABLE.**

1. Security

Continue to implement the Commissioner's violence reduction plan at Robert N. Davoren Complex and expand it.

NOT NEW: This plan precedes Molina.

Improved Routine Tours: including the use of the "tour" wand (which records when and where officers have toured) by Correctional Officers during each tour conducted.

NOT NEW: This is already required, however, correctional officers routinely ignore it.

Detailed Responsibilities of the Security Operations Manager.

NOT NEW: The entire section details the First and Second Remedial Orders, which were required of DOC as of December 2020 and June 2021. However, they have not been followed to-date with full compliance.

Initiatives must be developed and implemented by the Security Operations Manager within first 150 days.

NOT GOOD ENOUGH: This is unacceptable to have a manager on payroll who is **not mandated to begin security reforms for 5 months.**

By August 1, 2022 the department will have sufficient staff to implement initiatives in the plan.

NOT GOOD ENOUGH: How does the department not know the sufficient number of staff needed? At the current rate of deaths this year, this is essentially stating that **it is okay with more deaths until the plan is implemented.**

2. Staffing

Interim Post-Priority List: Within 30 days, the Department must develop a plan to ensure posts most directly related to the safety of the incarcerated population are prioritized and designated as mandatory.

NOT GOOD ENOUGH: This is an acknowledgement of having **consistently unstaffed posts**, yet now the standard is not to fill them all but to prioritize/guess which posts are most needed to be staffed, leaving others unstaffed. So that as long as "priority" posts are staffed, DOC will be in compliance with this measure, while other posts remain unstaffed. **The standard should be 100% posts covered, not to lower standards so DOC can meet them.**

Interim List of Uniform Staff Available to work: within 60 days of the Order, the Department must develop a list of staff available to work.

NOT GOOD ENOUGH: It is shocking that the Department of Correction does not already have a list of staff available to work, and is presenting this as if it is an ambitious solution.

Revised Policies to Address Staff Absenteeism, Restricted Duty, and Abuse

Within 30 Days: Implement revised policies and procedures for home confinement visits & within 90 days: The Dept, in consultation with the Monitor, shall revise its policies and procedures regarding sick leave and absence control.

NOT NEW: Draft revisions exist from a year ago under the previous Commissioner. **It does not take 9 months** to review these revisions for implementation.

Within 60 days: implement a process to eliminate the abuse of the policies and procedures and limit the use of Medically Modified/Restricted Duty status.

NOT GOOD ENOUGH: If it only takes 60 days to implement this process, **why is this just now happening 6 months in?** Mayor Adams has granted almost 600 more Correctional Officers to fill in these "sick" people's spots, before it has even been attempted to implement a process to get people back to work and avoid abusing sick leave policies.

Within 90 days: Assessment of the Health Management Division (HMD).

NOT GOOD ENOUGH: This department has been continuously flagged as troublesome and should have been done at the beginning of the current Administration. It should not have had its first assessment conducted after 9 months.

Expedited Discipline: By May 23rd, 2022 the Department shall seek expeditious processing of at least 20 medical incompetence cases before OATH.

NOT NEW: This was successfully started in 2021. Was this not occurring during the last 6 months?

Hire staffing manager within 90 days, and within 90 days of their hiring must develop strategies and initiatives in consultation with the monitor in order to address the requirements of this Order.

NOT GOOD ENOUGH: **This means that discussions with the monitor will be put on a timeline that begins in 2023.** This is unacceptable and a staffing manager should have been hired immediately in January.

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Critical Areas NOT Addressed in the Plan:

- **NOTHING** about the **Investigation Division**—plans to expedite those cases, or any initiatives on that front.
- **NOTHING** about **medical appointments**. This omission is unacceptable after the data they have on missed medical appointments—including 12,745 in March 2022—and recent deaths, which have amounted to 5 this year.

- **NOTHING** on **getting people to court for their court dates**. As a pre-trial detention facility, this obstructs the central goal of Rikers Island.
- **NOTHING** to address **contraband**.
- **NOTHING** to address **training**.
- **NOTHING** about increased/better **programming**.

3. Citywide Initiatives to Support Reform

Citywide Task Force: the City shall routinely convene representatives from all City agencies.

NOT NEW: The mayor already has had the authority and power to convene representatives from all agencies. This should already have been happening.

Launch a full scale recruitment campaign for Department of Correction.

NOT NEW: This has been attempted before unsuccessfully and the plan does not detail what will be different about this effort to make it successful.

Hiring and onboarding new staff is refined and improved to ensure an efficient hiring process (eg. waiving certain requirements such as residency requirements).

NOT NEW: This is not new and the plan does not detail what will make this successful against previous or existing efforts.

Expediting Case Processing of Individuals incarcerated 365 days or more.

MISLEADING: **The Department of Correction cannot promise this**, as the Courts and attorneys must be ready to proceed to trial in order for a case to be moved.

4. Management

Re-balancing Housing Units: reduce practice of concentrating SRG-affiliates in certain housing units.

NOT NEW & NOT GOOD ENOUGH: Molina has implemented this plan, which caused **an enormous spike in stabbings and slashings**.

Process incarcerated individuals through intake within 24 hours.

NOT NEW: This has been required since June 2021.

Reduce reliance on intake.

NOT NEW: The monitor has been demanding this in his reports for years.

Within 60 days, develop a housing and management strategy that will safely and adequately manage incarcerated individuals that have engaged in serious acts of violence and pose a heightened security risk to the safety of other incarcerated individuals and staff (which must comply with the HALT act).

NOT NEW & NOT GOOD ENOUGH: According to DOC's comments at the last Board of Correction Hearing, they stated that they were in compliance with HALT—this clearly indicates that Molina's statement was a lie. They also said they'd have this plan up and running (which was introduced by the previous Commissioner) by 7/1/22. Here, the Monitor is only requiring the **development** NOT the implementation of a plan by 7/16/22.

5. Accountability

By July 29th 2022, defendants must assign at least 13 additional agency attorneys, two additional legal coordinators, four additional support staff and two additional directors to the trials division.

NOT NEW: The Monitor has been asking for this for years and seems extremely unlikely for this to occur within the time frame.

Expeditious resolution of egregious conduct and/or multiple serious violations.

NOT NEW: This has been happening for some time.

Plan to refer cases to the Department for resolution in an expedited manner.

NOT NEW: This was **developed by previous Deputy Commissioner Sarena Townsend, who was unlawfully fired**. After it was developed, it was not utilized by the Monitor except in two cases.

Maximize the use of a Command Discipline for lower level misconduct.

MISLEADING & NOT GOOD ENOUGH: This is **lowering punishment for staff**. Command Disciplines are typically only used for informal discipline, which is removed from a Correctional Officers record after 1 year. **This is a circumvented way to get rid of discipline cases.**

Continue to implement:

- Immediate corrective action
- Responding to monitor recommendations
- Disciplinary manager
- Streamlined OATH process

NOT NEW: None of this is new, but a mere continuation of the same.