

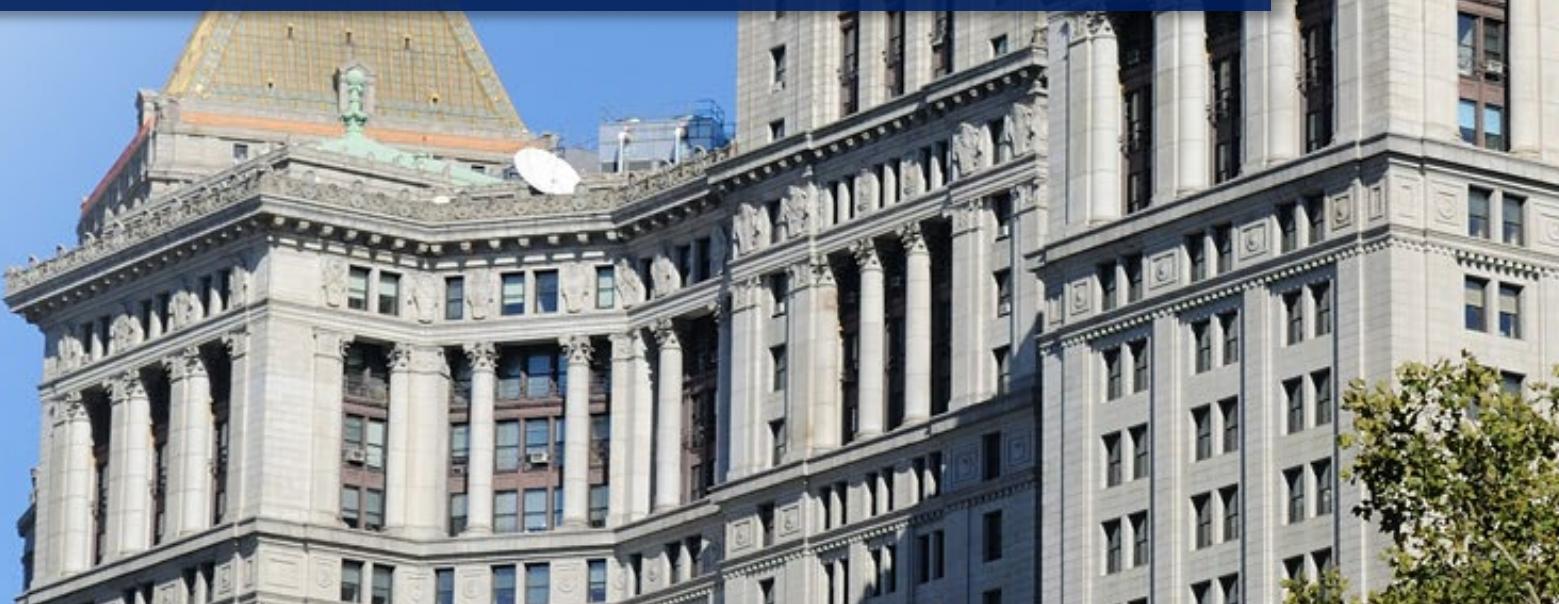


NEW YORK CITY COMPTROLLER
BRAD LANDER

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Audit of the New York City Board of Correction's Governance Structure and Accessibility of Public Meetings and Website

SR25-059A | December 31, 2025







THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

December 31, 2025

To the Residents of the City of New York,

My office has audited the New York City Board of Correction (BOC) to assess the adequacy of the Board's governance structure and determine whether the Board complied with its laws and rules and applicable accessibility laws and regulations that govern its proceedings.

The audit found several issues with BOC's governance. BOC did not open committee meetings to the public and did not post meeting minutes or records online, in violation of the law. BOC does not have formal rules that define each committee's scope of authority or that govern their operations, and committee meetings lack structure and consistency. The audit also found that recent amendments to the BOC Rules have increased the Board Chair's control over committees that focus on critical issues occurring in the City's correctional facilities, at the expense of the collective Board.

In addition, one Board member may have been improperly removed, and the Board has not consistently operated with a full slate of nine members due to delays in appointments. The absence of full membership reduces the diversity of viewpoints and diminishes the comprehensive oversight envisioned in BOC's governance framework.

The audit also found that BOC does not comply with certain laws and its own goals related to the accessibility of Board meetings, digital content, and effective communication with people with disabilities.

The audit makes eight recommendations to BOC. The Board agreed with two recommendations, partially agreed with another two, did not expressly agree or disagree with two recommendations, and did not agree with the remaining two recommendations. The audit also made one recommendation to the Mayor's Office of Appointments, which did not respond.

The results of the audit have been discussed with BOC officials, and their comments have been considered in preparing this report. BOC's complete written response is also attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

Brad Lander
New York City Comptroller

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Audit Impact

Summary of Findings

The audit found that the Board of Correction (BOC) did not open committee meetings to the public and did not post meeting minutes or records online, as required by law. The audit also found that BOC has no formal rules that define each committee's scope of authority or govern their operations, and Board committee meetings lack structure and consistency. The audit also found that recent amendments to the BOC Rules have increased the Board Chair's control over committees that focus on critical issues occurring in the City's correctional facilities, at the expense of the collective Board.

In addition, the audit found that one Board member may have been improperly removed, and the Board has not consistently operated with a full slate of nine members due to delays in appointments. The absence of full membership reduces the diversity of viewpoints and diminishes the comprehensive oversight envisioned in BOC's governance framework.

Finally, the audit found that BOC does not comply with certain laws and its own goals related to the accessibility of Board meetings, digital content, and effective communication with people with disabilities.

Intended Benefits

This audit assessed the adequacy of BOC's governance structure and compliance with laws, rules, and regulations regarding the Board's proceedings and accessibility of digital content, meetings, and communications. The audit found that improvements are needed to ensure that BOC operations are balanced and transparent and that people with disabilities have equal access to Board meetings and hearings, publications, and digital content.

To that end, the report recommends that BOC conduct committee meetings in accordance with the New York State Open Meetings Law, codify rules for committees, and consider reinstating collective decision-making by the full Board for the establishment of committees. In addition, BOC should work with the appointing authorities to ensure vacancies are filled promptly.

BOC should also review digital content, immediately transition to a more accessible virtual meeting platform, update the board's digital accessibility policy, and ensure that staff and officials attend training to support effective communication.

Introduction

Background

BOC is an independent agency charged with overseeing the Department of Correction (DOC). Under the New York City Charter, BOC is responsible for establishing minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons under DOC's jurisdiction; establishing procedures for grievances, complaints, and requests for assistance; and reporting on issues with DOC's grievance process. In addition, BOC is authorized to evaluate DOC's performance, inspect DOC's facilities, and investigate any matter within DOC's jurisdiction.

In its oversight capacity, BOC may conduct hearings, studies, or investigations, compel the attendance of witnesses, and require the production of books and records. In addition, BOC may submit reports of its findings and make recommendations to appropriate authorities.

Board Composition and Rules of Procedure

The City Charter states that BOC must consist of nine members who are appointed to serve six-year terms—three appointed by the Mayor, three by the City Council, and three by the Mayor on the joint nomination of certain Presiding Justices of the Appellate Division of the New York State Supreme Court.¹ Board vacancies must be filled to cover the remainder of any unexpired term. The Mayor appoints one of the Board's members to serve as the Chair, and the Board elects one of its members to serve as the Vice Chair for a one-year term. The Mayor appointed the Board Chair in January 2023, and the Board re-elected the Vice Chair in June 2025 to serve another one-year term starting July 2025.

In addition, the City Charter requires BOC to adopt rules to govern the Board's proceedings and allows BOC to appoint an Executive Director and other staff. BOC established the *Rules of Procedure of the New York City Board of Correction* (BOC Rules) and last amended them on October 8, 2024.

¹ Three of the Board's members are appointed by the Mayor on the joint nomination of the Presiding Justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. The First Judicial Department has jurisdiction over the Bronx and New York counties, and the Second Judicial Department has jurisdiction over Richmond, Kings, Queens, Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties.

Board Meetings and Hearings

The BOC Rules require the Board to hold nine regular meetings each calendar year in January, February, March, May, June, July, September, October, and November. Additionally, the Board Chair or Vice Chair may call special meetings at any time and must call special meetings upon the request of four Board members. The Board or its committees may also hold hearings on matters within its City Charter authority.

Committees

The BOC Rules require the Board to establish committees as it deems necessary. Between January 2023 and October 2025, BOC had numerous standing and ad hoc committees that were formed to examine critical issues occurring within the City's correctional facilities and to represent the Board's priorities. BOC committees inform the Board's policy decisions and rule-making processes and include five standing committees, listed below:

- **Committee on Death, Near Death, and Serious Injuries:** examines the circumstances surrounding deaths, near deaths, and serious injuries in City jails under DOC's jurisdiction.
- **Committee to Review the Board's Minimum Standards:** evaluates and proposes amendments to the Board's Minimum Standards to reflect best medical and mental health practices and accurately represent the current state of operations in correctional facilities.
- **Committee on BOC Personnel Practices:** periodically reviews the Board's personnel organizational and management.
- **Committee on Programs & Education:** examines program administration and educational opportunities available to individuals in custody and makes recommendations to improve service delivery for programming that reduces violence, improves rehabilitation, and minimizes drug use among individuals in custody.
- **Committee on Women in City Jails:** focuses on conditions experienced by women who are incarcerated or work in DOC correctional facilities.

In addition, BOC had four ad hoc committees which were dissolved after fulfilling their stated purpose. These included:

- **Mail and Packages Committee:** reviewed DOC's request for variances to the Board's Minimum Standards regarding the receipt of physical mail and packages. Under the proposed variances, all mail would be sent to an off-site facility, scanned, and read on tablets by people in custody, and all packages would be sent from a limited list of vendors. This committee was dissolved in March 2023.
- **Rulemaking Committee:** reviewed the requirements of Local Law 42 of 2024, which called for banning solitary confinement and providing individuals in custody due process protections prior to their placement in restrictive housing. This law limited DOC's use of

emergency lock-ins and required regular reporting on the Department's use of de-escalation confinement, restrictive housing, and emergency lock-ins. The committee also drafted amendments to the Board's restrictive housing rules. This committee was dissolved in May 2024.

- **Rules of Procedure (Bylaws) Committee:** reviewed proposed amendments to the BOC Rules. This committee was dissolved in September 2024.
- **Committee to Review the 6-A Early Release Program:** evaluated the program to determine whether DOC was optimizing early release to address overcrowding in City jails. This committee was dissolved in September 2025.

The BOC Rules state that each committee must determine when and where it will meet.

Open Meetings Law Requirements

The Board and its committees are public bodies subject to New York State Public Officers Law, Article 7, known as the Open Meetings Law.² The law states that it is essential that "public business be performed in an open and public manner" and that people "be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy." In addition, the Open Meetings Law states that meetings of public bodies must be open to the public, the time and place of meetings must be posted in advance, and minutes must be taken that summarize the motions, proposals, resolutions, and any other matter formally voted upon, as well as the results of the vote. The law further requires public bodies that maintain websites to post proposed resolutions, laws, rules, regulations, policies, or amendments at least 24 hours in advance of meetings and to post meeting minutes within two weeks.

Accessibility Requirements

BOC is required to ensure that its meetings, website, and all public-facing communications are accessible to people with disabilities and comply with the requirements of Title II of the Americans with Disabilities Act (ADA), New York State Open Meetings Law, and the New York City Administrative Code, as amended by Local Laws. This includes Local Law 12 of 2023, which requires City agencies to develop and annually report their progress on implementing a five-year accessibility plan, outlining steps to ensure accessibility of services, programs, and digital and physical environments.

² Section 102 of the Open Meetings Law defines a public body as any entity that requires a quorum to take agency action, consists of two or more members, and performs a governmental function, or a committee or subcommittee consisting of members of such public body.

DOC Oversight

As previously mentioned, BOC is charged with overseeing DOC and establishing minimum standards for the care, custody, correction, treatment, supervision, and discipline of individuals in the Department's custody.

DOC operates eight correctional facilities located on Rikers Island, court holding facilities located in each of the five boroughs, and two hospital wards. Individuals in the Department's custody include adults (18 years of age or older) who are either awaiting trial, have been convicted and sentenced to less than one year of incarceration, or held on State parole warrants.

Since 2015, DOC has been under a federal monitorship in connection with a lawsuit alleging that it engaged in a pattern and practice of unnecessary and excessive force against incarcerated individuals. DOC has repeatedly been cited for failing to comply with the terms of a consent decree. Furthermore, while the population of incarcerated individuals decreased from Fiscal Year 2016 to FY2025, the number of use-of-force incidents increased.

Further details follow regarding these issues to provide context and perspective concerning BOC's oversight responsibilities and the findings and significance of the issues discussed.

Consent Decree, Court Order, and Remediation Manager

During the audit scope period, DOC was repeatedly cited by the United States District Court for the Southern District of New York (the Court) for failing to comply with the terms of a federal consent decree.

A class-action lawsuit filed in 2011 alleged that DOC engaged in a pattern and practice of unnecessary and excessive force against incarcerated individuals. In October 2015, the parties entered into a settlement agreement, known as the Nunez Consent Judgment (consent decree). This agreement requires DOC to develop new practices, systems, and policies and procedures to protect the constitutional rights of incarcerated individuals, reduce violence in jails, and provide a safer and more secure environment for both incarcerated individuals and correction officers.

The consent decree includes requirements for developing a new use-of-force policy, reporting and investigation of use-of-force incidents, comprehensive video surveillance, and a court-appointed federal monitor to oversee and assess DOC's compliance, among other things.

Based on Monitoring Team reports, DOC repeatedly failed to comply with the terms of the consent decree as well as with court orders, including three Remedial Orders issued in August 2020, September 2021, and November 2021, and an Action Plan issued in June 2022. This plan was designed to prioritize reform efforts in four areas: staffing practices, security practices, management of people in custody, and timely staff accountability.

Furthermore, in 2023, the Monitoring Team raised concerns about DOC's ability to accurately and promptly report serious injuries and DOC's failure to consult with the Monitor prior to opening a new housing unit.

In response to DOC's longstanding history of non-compliance with Nunez Court Orders and the more recent failure to cooperate with the Monitor, the Court ruled in May 2025 that a Nunez Remediation Manager would be appointed. The parties to the lawsuit and the Monitoring Team were required to submit no more than four recommendations for individuals to be appointed as the Remediation Manager to the Court by August 29, 2025. The Court may interview proposed candidates and consider other candidates at its discretion.

The City filed a motion to reconsider the appointment of a Remediation Manager, requesting either that a Remediation Manager not be appointed or, in the alternative, that the DOC Commissioner be appointed as Compliance Director. This motion was denied on October 16, 2025. To date, the Court has not selected a Remediation Manager.

Once appointed, the Remediation Manager will have the authority to take all steps necessary to promptly achieve substantial compliance with Nunez Court Orders. This includes implementing changes to DOC policies, procedures, protocols, and systems; reviewing, investigating, and taking disciplinary actions related to use-of-force violations; and taking personnel actions to provide effective coverage in housing areas. While the Remediation Manager will be answerable only to the Court, they are expected to work with the DOC Commissioner and leadership.

Increases in Use-of-Force Incidents, Violence, and Serious Injuries and Deaths in Custody

While the average daily population of individuals in custody (ADP) has decreased while DOC has been under federal monitorship, the Department reported a significant increase in the number of use-of-force incidents.³ From Fiscal Year 2016 to FY2025, ADP decreased from 9,790 to 6,823 (30%), while the number of use-of-force incidents increased from 4,756 to 7,044 (48.1%).

In addition, the rates of violent incidents among individuals in custody and serious injuries resulting from those incidents increased dramatically. From FY2016 to FY2025, the monthly rate

³ The Mayor's Management Report defines a use-of-force incident as an instance where custodial staff use force against one or more individuals in custody to enforce DOC policy. The report also defines physical contact employed by DOC staff in a non-confrontational manner to apply mechanical restraints or to guide the individual in custody as not a reportable use-of-force.

of violent incidents per 1,000 ADP increased from 47.8 to 104.2 (118%), and the rate of serious injury per 1,000 ADP increased from 2.5 to 13.5 (440%).⁴

Furthermore, according to reports published by BOC, there have been between five and 19 deaths in custody, including deaths related to confirmed or suspected suicides or drug overdoses, during Calendar Years 2021 through 2025. In CY2025 (year-to-date as of December 2025), 14 individuals have died in DOC's custody.

Objectives

The objectives of this audit were to assess the adequacy of BOC's governance structure and determine whether the Board complied with its laws and rules and applicable accessibility laws and regulations which govern its proceedings.

Discussion of Audit Results with BOC

The matters covered in this report were discussed with BOC officials during and at the conclusion of this audit. An Exit Conference Summary was sent to BOC on November 5, 2025, and discussed with BOC officials at an exit conference held on November 14, 2025. On December 2, 2025, we submitted a Draft Report to BOC with a request for written comments. We received a written response from BOC on December 9, 2025. In its response, BOC agreed with two recommendations, partially agreed with another two, did not expressly agree or disagree with two recommendations and did not agree with the remaining two recommendations made to the Board. The report also made one recommendation to the Mayor's Office of Appointments (MOA) but the Mayor's Office did not respond to this recommendation.

In its written response, BOC raised several issues that were also raised at and following the Exit Conference and were addressed in the Draft Report. BOC stated that there is no legal requirement to establish formal rules for the Board's committees and that the existing framework already provides for appropriate oversight, consistency, and accountability. BOC also stated that the Board provided the audit team with all resolutions forming committees or meeting minutes or correspondence. However, as detailed in the report, the BOC Rules and documents related to committee formation do not detail each committee's scope of authority, roles and responsibilities

⁴ The Mayor's Management Report defines the rate of violent incidents as the monthly rate (per 1,000 individuals in custody) of incidents of reported violence by an individual(s) in custody against another individual(s) in custody. These include physical fights, assaults, slashings, and stabbings. Further, the rate of serious injury is defined as the monthly rate (per 1,000 individuals in custody) of incidents of reported violence by an individual(s) in custody against another individual(s) in custody that result in an injury to an individual in custody requiring medical treatment beyond the prescription of over-the-counter analgesics.

of committee Chairs and members, how often they should meet, or requirements for meeting agendas, notice, and minutes. During the audit scope period, BOC committees did not meet or take minutes consistently. In addition, BOC stated that the findings related to the removal of a Board member and the Board operating with fewer than nine members are outside the control of BOC and its staff. BOC also reiterated a request that the audit team contact MOA regarding “the two purported appointment letters” issued to a Board member who may have been improperly removed. As detailed in the report, the two appointment letters were provided to the audit team by BOC staff. On November 19, 2025, the audit team asked the Mayor’s Office why the Board member had two differing appointment letters and why this member was not reappointed to the Board after she was jointly nominated by the Presiding Justices, but the office never responded.

With regard to accessibility issues, BOC stated that the Board has been working on updating the BOC website and transitioning to a more accessible virtual meeting platform for nearly a year or more, but they were delayed due to external factors, including coordination with other City agencies or technical issues. BOC also stated that if members of the public requested assistive listening devices, the Board would procure and install them and maintained that the Board implemented Telecommunications Relay Service (TRS) for people with hearing or speech disabilities. However, BOC provided only federal and New York State guides or brochures on TRS and did not provide evidence that staff received training on this service, such as attending webinars available to agencies working with people who have disabilities to learn about New York Relay service and state programs.

BOC’s written response has been fully considered and, where relevant, changes and comments have been added to the report.

The full text of the BOC’s response is included as an addendum to this report.

Detailed Findings

The audit found numerous issues with BOC's governance. First, BOC did not open committee meetings to the public and did not post meeting minutes or records online, as required. Because of this, public access to BOC committee proceedings was very limited and opaque, contravening the purpose of the Open Meetings Law.

The audit also found that there are no formal rules that define each committee's scope of authority, or which govern their operations, and Board committee meetings lack structure and consistency. Additionally, recent amendments to the BOC Rules have increased the Board Chair's control over committees that focus on critical issues occurring in the City's correctional facilities, at the expense of the collective Board. In effect, these amendments concentrate control of the Board's priorities and DOC oversight with a single person.

In addition, the audit identified issues with the Board's composition that were attributable to the three appointing authorities. One Board member may have been improperly removed by the Mayor. Further, the Board has not consistently operated with a full slate of nine members due to delays in appointments. The absence of full membership reduces the diversity of viewpoints and diminishes the comprehensive oversight envisioned in BOC's governance framework.

The audit also found that BOC does not comply with certain laws and its own goals related to the accessibility of Board meetings, digital content, and effective communication with people with disabilities. These deficiencies may limit public access to the Board's work and exclude individuals with disabilities from meaningfully participating in its proceedings.

BOC Committees Do Not Comply with Open Meetings Law

BOC does not make any of its committee meetings open to the public or post meeting minutes, recordings, or materials discussed at meetings on its website, as required by the Open Meetings Law. Further, BOC committees do not consistently take meeting minutes.

The Board has numerous standing and ad hoc committees that examine critical issues occurring within the City's correctional facilities. According to BOC officials, four committees—the Committee on Death, Near Death, and Serious Injuries; the Committee to Review the Board's Minimum Standards; the Committee to Review the 6-A Early Release Program; and the

Committee on Programs and Education—met between two and eight times during CY2025 (year-to-date through October).⁵

However, none of those meetings were open to the public. Consequently, members of the public were unable to observe committee proceedings. This included, for example, discussions, deliberations, and decision-making related to the investigation of deaths, access to medical records, and DOC staffing issues (Committee on Death, Near Death, and Serious Injuries), as well as consideration of possible actions the Board might take to address the continued emergency suspension of lockdown standards, restrictive housing practices, and DOC's failure to comply with standards regarding access to counsel, law library, and recreation and decision-making (Committee to Review the Board's Minimum Standards).

In addition, the Ad Hoc Committee to Review the 6-A Early Release Program was also closed to the public. This committee assessed whether DOC is optimizing the 6-A program—a City initiative that addresses overcrowding in City jails—and submitted a report to the full Board for its consideration and approval. The report included four recommendations for DOC regarding the criteria the department considers when determining admission to the work release program.

Prior to issuing its report, the committee reviewed the 6-A Work Release Program directive; requested information and documentation from DOC regarding statistics on early releases since 2015, eligibility criteria used by DOC when considering early release, and eligibility screening. The committee also met with DOC officials and stakeholders from other City agencies. However, the Committee's meetings with DOC and other City agencies and discussions, deliberations, and decision-making regarding proposed recommendations to DOC were not open to the public.

BOC officials stated that committee meetings are not subject to the Open Meetings Law, because all Board committees are made up of four or fewer members and the Open Meetings Law is only triggered when a majority of Board members meet (five or more) to discuss Board business.

At and following the exit conference, BOC officials stated that board committees are not subject to Open Meetings Law because both standing and ad hoc committees are advisory bodies and do not have “any independent authority to take final action on behalf of the Board.” According to BOC, committees make recommendations to the full Board, which are discussed at general board meetings where the full Board votes on actions. These meetings are publicly noticed, open to the public, and documented in accordance with the Open Meetings Law. BOC officials stated that they would provide case law in support of the Board’s position. In addition, officials stated that the Board contacted the New York City Law Department about this matter.

Nevertheless, BOC officials stated that they recognize the importance of transparency and would review and carefully evaluate the Board’s current practices and make any necessary changes to

⁵ The Committee on BOC Personnel Practices and Committee on Women in City Jails did not meet during Calendar Year 2025.

ensure that “official meetings of Board committees for the purpose of conducting public business are open to the public” and comply with the Open Meetings Law.

Section 102 of the Open Meetings Law clearly defines public bodies as “any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function [...] **or committee or subcommittee** [...] **consisting of members of such public body.**” [Emphasis added.] BOC officials acknowledged that the Board itself is a public body and, based on documentation provided during the audit and the BOC website, all standing and ad hoc committees are comprised of two or more members of the Board.

The New York State Committee on Open Government (COOG), which issues advisory opinions on the Open Meetings Law, stated that when the core of a committee consists solely of members of a public body (such as BOC), the committee itself is a public body subject to the Law.⁶ In support of its opinion, COOG referred to the legislative intent of amendments to the Open Meetings Law enacted in 1979. Those amendments changed the definition of a public body to include committees or subcommittees of public bodies.

In addition, BOC’s assertion that the Board’s committees are not subject to the Open Meetings Law because they do not take formal action is contrary to the Law’s legislative declaration which states that it is essential that the public “be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.” Furthermore, this is contrary to a Court of Appeals decision which states that any gathering or meeting of a quorum of a public body for the purpose of transacting public business is a “meeting” that must be open to the public, whether or not there is an intent to have action and regardless of the manner in which the gathering is characterized.⁷ The Open Meetings Law was intended to cover the entire decision-making process and not just the formal act of voting or formal execution of a document. In its formal written response, BOC stated that the report mischaracterizes communication following the exit conference and that BOC officials did not state that Board committees are not subject to the Open Meetings Law. However, at the exit conference, an email from BOC dated November 19, 2025, reiterated the Board’s position that committees do not possess independent authority to take final action and historically have operated in a purely advisory capacity. BOC officials informed the audit team that the Board was in communication with the Law Department and expected to receive written response from the department by November 21, 2025. Officials stated that **BOC** would carefully evaluate the

⁶ COOG Open Meetings Law Advisory Opinion 4158 (OML-AO-4158)

⁷ Orange County Publications v. Council of the City of Newburgh, 60 AD 2d 409, 415, affirmed 45 NY2d 947 (1978)
COOG Open Meetings Law Advisory Opinion 4158 (OML-AO-4177)

operations of its committees to ensure that any gatherings that meet the definition of a “meeting” under the Open Meetings Law are open to the public, but, notably, did not concede that the Open Meetings Law applies.

BOC Committees Not Governed by Formal Rules

The BOC Rules state that the Board shall establish such committees as it deems necessary and that committee members and committee chairs will be appointed by the Board Chair. However, there are no formal rules or regulations that govern BOC committees or detail their scope of authority, roles and responsibilities of committee Chairs and members, how often they should meet, and requirements for meeting agendas, notice, and minutes.

In January 2025, BOC issued a *Guide to New York City Board of Correction Committees* that Board officials stated “reflects recommended best practices for Board members’ consideration when working in committees.” However, this document is not binding and provides only limited guidance on the responsibilities of committee Chairs and members and committee governance. In the absence of formal rules, BOC committees lack structure and do not operate consistently; time, location, and frequency of meetings vary, and documentation is inconsistent.

At the exit conference, BOC officials stated that the BOC Rules govern the committees and there is no requirement in the rules or the City Charter to have additional formal rules. Following the exit conference, BOC officials further stated that each committee’s composition, purpose, and reporting obligations are defined in the BOC Rules and by formal Board resolutions, and somewhat reluctantly agreed to “consider whether additional documentation of committee procedures could further enhance clarity and public understanding of the Board’s work.”

Contrary to BOC’s assertion, there are no governing documents for BOC committee operations. The BOC Rules state only that the Board shall establish committees and that the Board Chair shall appoint committee members and Chairs. Further, BOC generally did not provide the audit team with formal Board resolutions. While not mandated by law, BOC should codify each committee’s purpose, scope of authority, and meeting requirements, among other things.

Amendments to BOC Rules Consolidate Control of Board Committees under the Board Chair

In September and October 2024, the Board voted to approve amendments to the BOC Rules proposed by the Board Chair. While the amendment process followed procedural rules, the new rules gave the Board Chair more control over the establishment and composition of Board committees. These changes modified the rules for who may propose committees, who may serve

on and lead them, and the number of committees on which a Board member may simultaneously serve.

Under the previous BOC Rules, any Board member could propose a committee directly to the Board, and committee member and Chair appointments were made by the full Board based on members' expertise and interest. The current BOC Rules now require that committee proposals be submitted to the Board Chair, who now holds sole authority to appoint committee members and designate committee Chairs. Additionally, prior limits that prevented members from serving on more than two committees were removed.

When the Board Chair proposed the amendments in September 2024, he stated that the current committees were ineffective and that the revised procedure would be more effective than having nine members choose the members of each committee.

As previously stated, BOC committees examine critical issues occurring within the City's correctional facilities and represent the Board's oversight priorities. Committee Chairs are responsible for establishing objectives, working with members to develop projects and assigning tasks to them, setting meeting agendas, and providing updates to the Board. Allowing the Board Chair to control which committees are established, and who leads and serves on them, effectively allows the Board Chair to control the Board's priorities and oversight of DOC.

After the BOC Rules were amended, a Board member proposed establishing a committee to address matters related to the Prison Rape Elimination Act (PREA) and another member agreed that this was a good idea. The two Board members stated that a PREA Committee was needed because the Board's PREA Officer left and there were recent changes to the law. However, the Board Chair did not address the Board members' requests for unclear reasons.

At the exit conference, BOC officials disputed that the BOC Rules consolidate control under the Board Chair because the power to establish committees lies with the Board.

BOC officials also noted that the amended BOC Rules were voted on and ratified by the full Board, which indicates all members agree with the current practice for establishing committees.

Contrary to BOC's assertion, it does not appear that Board members may propose committees directly to the full Board. The BOC Rules, amended as of June 5, 2023, stated that "[a]ny Board member may propose establishment of a committee of the Board," while the current rules state that members may propose committees to the Chair. As previously stated, two Board members proposed establishing a PREA committee to the Board Chair at the September 2024 general board meeting (after the BOC Rules were amended). One of the Board members asked the Board Chair whether he would act on this matter. However, the Board Chair did not respond and did not propose a PREA committee to the full Board at this meeting or the next public meeting.

In its formal written response, BOC stated that any Board member can make a formal motion at a Board meeting to establish a committee and if seconded, the Board would vote on this motion. BOC stated that a formal motion was not made to establish a PREA committee at the Board

meeting held in September 2024. Since proper procedure was not followed, the Board Chair moved to the next topic on the meeting agenda.

However, contrary to BOC's assertions, the BOC Rules do not permit Board members to propose committees directly to the full Board by making a formal motion at a Board meeting. As detailed above, the BOC Rules were amended to state that "Any Board member may propose establishment of a committee of the Board to the Chair." [Emphasis added.] The BOC Rules do not state that Board members must make a formal motion to propose a committee to the Board Chair or that another Board member must second the motion to propose a committee. In accordance with the BOC Rules, a Board member proposed the establishment of a PREA committee to the Board Chair and a second member agreed this was a good idea but the Chair took no action. The Board Chair did not bring the matter to the full Board or respond to either Board members' comments regarding formation of a PREA committee to advise either member that a formal motion must be made to bring that matter to a vote.

Board Member May Have Been Improperly Removed

The City Charter states that the Board shall consist of nine members who are appointed for six-year terms. Previously, the Mayor appointed all nine Board members, but to promote independent oversight of DOC, the City Charter was revised to require that three members be appointed by the Mayor, three by the City Council, and three by the Mayor on the joint nomination of the Presiding Justices of the First and Second Departments of the Appellate Division of the Supreme Court. The Mayor has the sole power to remove a Board member for cause, following a hearing at which they are entitled to representation.

In July 2018, a Board member was appointed by the Mayor on the joint nomination of the Presiding Justices to serve the remainder of a six-year term. BOC provided two appointment letters for this Board member, one dated July 9, 2018, with a term expiration date of October 13, 2023, and another dated July 16, 2018, with an expiration date of July 8, 2024. Current BOC staff were not employed in 2018 and could not explain why there were two appointment letters with different term expiration dates.

In October 2023, the Presiding Justices jointly nominated the Board member for reappointment. The Board member informed BOC that the Mayor's Office of Appointments (MOA) stated that she would have to be vetted and that she did not hear anything further until she received a letter from the Mayor stating that her tenure concluded effective May 23, 2024. This letter did not explain why the Board member was not reappointed by the Mayor and no further information was communicated to the Board member by the Mayor, MOA, or the Presiding Justices.

Due to the two appointment letters with differing term expiration dates, it is unclear whether the Board member was removed by the Mayor prior to the expiration of her term, and, if so, whether this was done without cause.

Following the exit conference, BOC officials stated that this matter is outside of the Board's purview and advised the audit team to contact MOA. On November 19, 2025, the audit team asked MOA why the Board member had two differing appointment letters and why this member was not reappointed to the Board after she was jointly nominated by the Presiding Justices. MOA has not yet responded.

BOC Operating with Fewer Than Nine Members

The City Charter states that BOC must have nine members and that any vacancies must be filled for the remainder of the unexpired term. However, from September 2024 through November 13, 2025, the Board had seven to eight members. When Board members resigned, appointing authorities did not promptly fill vacancies, and Board member seats were vacant for approximately six to 11 months.

When the Board has fewer than nine members, the three appointing authorities (Mayor, City Council, and Mayor upon the nomination of the Presiding Justices) are not equally represented, which can affect the diversity of viewpoints and balance intended by revisions to the City Charter.⁸

The Board operated with only seven members from November 14, 2024 through March 31, 2025 (approximately four-and-a-half months), and from July 14, 2025 through November 13, 2025 (four months). During these periods, the Board was comprised of three members appointed by the Mayor, two appointed by the City Council, and two by the Mayor on the joint nomination of the Presiding Justices. While the Mayor was fully represented, both the City Council and Presiding Justices were underrepresented.

In addition, the Board operated with eight members from September 30, 2024 through November 13, 2024, and April 1, 2025 through July 13, 2025. During these periods, either the City Council or the Presiding Justices were underrepresented.

Operating with fewer than nine members also increases the risk that the Board may fail to meet the required quorum of five members, which is needed to conduct official business and vote on matters. While quorum was maintained at all meetings held in Calendar Years 2024 and 2025, additional vacancies or absences could disrupt the Board's ability to act, delaying decisions and weakening oversight functions.

⁸ Previously, the Mayor appointed all nine Board members. Effective 1977, the City Charter was revised to enhance independent oversight of DOC by having three members appointed by the Mayor, three by the City Council, and three by the Mayor upon the joint nomination of the Presiding Justices.

BOC officials stated that the appointment of Board members is outside of their control and under the jurisdiction of the three appointing authorities. In addition, BOC officials stated that quorum was maintained at meetings held during 2024 and 2025, and so long as quorum is met, the Board can vote on matters.

However, BOC officials also stated that the Board is now at a critical stage because another Board member resigned in November 2025. Since BOC is currently operating with only six members, officials acknowledged that the Board may not be able to meet quorum requirements at the next meeting which will be held in January 2026.

Non-Compliance with Accessibility Laws and Goals

BOC's meeting notices, meetings, and website do not comply with certain federal, State, and City accessibility requirements and its own stated goals, potentially limiting equitable access to Board publications and proceedings. People with disabilities may not be able to access or may be limited in their access to BOC's digital content including Board reports and meeting minutes. In addition, people with disabilities may not be able to attend or may be discouraged from attending BOC meetings or hearings, either in-person or virtually, and may not be able to effectively communicate with BOC staff and officials.

BOC Website Does Not Comply with Accessibility Standards

The BOC website does not comply with accessibility standards adopted by the City pursuant to Local Law 26 of 2016.⁹ Widespread accessibility issues could significantly affect the ability of people with disabilities to navigate and use the website effectively; based on the audit team's review in August 2025, the BOC website had 656 accessibility errors.¹⁰ This includes errors related to unlabeled or incorrectly labeled form fields, structural problems, and poor contrast between text and background elements that can make it difficult for people with vision disabilities. Users who depend on screen readers or other assistive tools to read and navigate digital content may be especially impacted.

People with disabilities may not be able to fill out, understand, or accurately submit forms without clear instructions and labels for each field that screen readers can convey to users (such as text that reads "first name," "last name," or "email address," where contact information should be entered). In addition, missing or incorrect heading structures make it difficult for people who use

⁹ In July 2021, the City adopted the Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standard.

¹⁰ The audit team was not able to test the accessibility of the WebEx registration form for general board meetings.

screen readers to navigate website content, and without sufficient contrast between the text and the background, people with low vision or color blindness cannot read text. The BOC website states that users who encounter accessibility issues may provide feedback by clicking a link for the Website Accessibility Feedback Form hosted on the nyc.gov website. However, separate testing of this form found 23 accessibility errors.¹¹

In the Website Accessibility Statement dated February 22, 2023, and posted on its website, BOC acknowledged that its digital content does not fully conform to the City's accessibility standards. In its *Accessibility Progress Report 2024-2025*, BOC reported that staff attended multiple training sessions held by the Mayor's Office for People with Disabilities (MOPD) to learn about digital accessibility laws and standards. In addition, BOC reported that by May 2026, the Board will develop a process to review digital content and ensure accessibility. This process will include auditing mechanisms, ensuring that all images posted on the website include meaningful alternative text descriptions, and ensuring that videos posted on the website include audio descriptions, among other things.

BOC officials stated that the Board is redesigning its website in collaboration with the NYC Office of Technology and Innovation (OTI). In November 2025, OTI informed the Board that website redesigns are paused due to an upcoming transition from Teamsite to Adobe Experience Manager and there is no timeline for this transition.

BOC Did Not Transition to a More Accessible Virtual Meeting Platform

Local Law 12 of 2023 requires City agencies to develop and implement a five-year accessibility plan to ensure that their workplace, services, programs, and activities are accessible to people with disabilities, and to annually report on their progress. In its Five-Year Accessibility Plan, dated June 2024, BOC committed to changing the platform the Board uses for virtual meetings within one year from WebEx to Microsoft Teams (which offers enhanced accessibility features).

BOC initially expected to transition to Microsoft Teams in March 2025. In its *Accessibility Progress Report 2024-2025*, BOC reported that the Board encountered challenges but expected to transition by July 2025. However, as of October 2025, BOC is still hosting virtual meetings on WebEx because the Board is awaiting a Teams license.

BOC officials stated that the Board's videography team met with Microsoft Teams employees in December 2024 and hosted the Board's January 2025 meeting in Microsoft Teams. However, there were multiple technical issues, so the Board reverted to using WebEx. To address these

¹¹ <https://www.nyc.gov/main/forms/website-accessibility-feedback>

issues, the Board has obtained a Teams Premium license and plans to test the new platform in December 2025 and implement it in January 2026.

General Board Meeting Notices Do Not Include Required Information about Accessibility and Accommodations

BOC general board meeting notices posted in the City Record Online (CROL) do not include any information required by Local Law 28 of 2016 for events that are open to the public. Specifically, the auditors found that CROL notices do not include information about reasonable accommodations, wheelchair accessibility, or communication access real-time translation (CART), sign language interpretation, or any other technology, service, or assistive devices for people who are deaf or hard of hearing.¹² CROL notices provide only the meeting date, time, and location, and state that more information is available on the Board's website.

Further, while the BOC website provides information about reasonable accommodations and wheelchair accessibility, it does not include information regarding CART, sign language interpretation, or any other technologies or services available for people who are deaf or hard of hearing. In addition, information about the location of accessible bathrooms on the BOC website is incorrect.¹³

In its Five-Year Accessibility Plan, BOC stated that the agency would ensure that all promotional materials for public events comply with Local Law 28 of 2016 within one year. To ensure compliance with accessibility laws and standards, in July 2025, BOC implemented a Digital Accessibility Policy for all BOC employees involved in creating, reviewing, or distributing public-facing content in digital formats. However, this policy states only that promotional materials for public events must include a contact for accessibility information and a deadline for submitting reasonable accommodation requests; the policy does not specify additional information that must be included.

BOC officials stated that going forward, they will ensure the CROL and BOC website meeting notices include required accessibility information, and that the notices for their next meeting (scheduled for January) will go out in December. BOC also stated that the meeting notices on the BOC website from May 2024 onward have been retroactively corrected to reflect the correct location of the accessible bathrooms.

¹² CART (also known as real-time captioning) is a service that assists people with hearing disabilities who do not use sign language. A transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen.

¹³ The BOC website incorrectly states that there are accessible bathrooms on the second floor of 125 Worth Street in Manhattan, the same floor as the auditorium where BOC general board meetings are held. However, the bathrooms on the second floor are not accessible. Accessible bathrooms are located on the ground floor.

BOC Did Not Implement Certain Initiatives Related to Effective Communications

The ADA requires state and local governments to communicate effectively with people with disabilities. The goal of this act is to ensure that people with vision, hearing, or speech disabilities can communicate with, receive information from, and convey information to government entities, and that communication with people with these disabilities is equally effective as communication with people without disabilities. State and local governments must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities. Aids and services include assistive listening systems and devices for people with hearing disabilities and Telecommunications Relay Service (TRS) for people with hearing or speech disabilities, among other things.¹⁴

In its Five-Year Accessibility Plan, BOC stated that within one year, the Board would train staff on assistive listening systems and devices and decide whether they should purchase any such systems or devices, and ensure that BOC staff and officials know how to respond to telephone calls made through TRS so that the calls are responded to in the same manner as other telephone calls. However, BOC did not implement these initiatives as planned. In its *Accessibility Progress Report 2024-2025*, BOC reported that “the Board determined that the agency has no need for such [assistive listening] systems or devices at this time,” and that the TRS initiative was still pending. BOC is awaiting the onboarding of a new Deputy Executive Director of Administration who will be responsible for ensuring that employees and officials know how to respond to telephone calls made through TRS.

BOC officials stated that the Board hosts its public meetings in a space managed by the New York City Department of Administrative Services and assistive listening devices (ALD) are not installed at this location. In addition, BOC officials stated that it had assessed the needs of the public attending meetings and the Board’s needs and resources over the years and determined that ALDs were not necessary or “budgetarily tenable.” However, should a member of the public request ALDs, the Board would procure and install them.

With regard to TRS, BOC officials stated that the Board onboarded a new Deputy Director of Administration in August 2025, and staff responsible for answering phone calls received information about TRS in October 2025.

¹⁴ TRS is a free service reached by calling 7-1-1. Communications assistants (also known as relay operators) serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

Recommendations

To address the above-mentioned findings, the auditors propose that BOC should:

1. Conduct Board committee meetings in compliance with the New York State Open Meetings Law. This includes making committee meetings open to the public, providing notice of meetings, and preparing and posting meeting minutes or recordings within prescribed timeframes.

BOC Response: BOC agreed with the recommendation in principle, stating that “meetings of Board committees that are officially convened for the purpose of conducting public business will be open to the public and comply with all applicable requirements of the New York State Open Meetings Law.”

Auditor Comment: Notably, the response does not concede that committee meetings held to date should have complied with the Open Meetings Law and does not commit to ensuring that all committee meetings comply in future. A Court of Appeals decision states that any gathering or meeting of a quorum of a public body for the purpose of transacting public business is a “meeting” that must be open to the public “whether or not there is an intent to have action and regardless of the manner in which the gathering is characterized”. All committee meetings held by BOC fall within this definition and therefore BOC should conduct all Board committee meetings in accordance with the Open Meetings Law and not just those meetings that are “officially convened for the purpose of conducting public business.”

2. Codify rules for each standing and ad hoc committee detailing the scope of their authority, roles and responsibilities of members and officers, how often they should meet, and requirements for meeting agendas, notices, and minutes.

BOC Response: BOC did not expressly agree or disagree with this recommendation, but asserted that the Open Meetings Law, New York City Charter, and BOC Rules and internal policies already govern committee conduct, reporting relationships, and transparency requirements. BOC agreed to consider whether additional documentation of committee procedures would further enhance clarity and public understanding of the Board’s work. This includes the potential formal adoption of the Board’s *Guide to New York City Board of Correction Committees*.

Auditor Comment: As detailed in the report, New York State and New York City laws and the BOC Rules do not detail each committee’s scope of authority, roles and responsibilities of committee Chairs and members, how often they should meet, or requirements for meeting agendas, notice, and minutes and the BOC committee guide provide only limited guidance on the responsibilities of committee Chairs and members and committee governance.

Therefore, we reiterate our recommendation and urge BOC to develop committee rules that codify each committee’s purpose, scope of authority, responsibilities of members and officers, and meeting requirements.

3. Revisit the BOC Rules for establishing committees and appointing committee members and officers, and consider reinstating collective decision-making by the full Board, to ensure that each of the appointing authorities is involved in setting Board priorities.

BOC Response: BOC did not expressly agree or disagree with this recommendation, stating that it will continue to review and update the BOC Rules “as appropriate” to ensure effective involvement of all appointing authorities in setting Board priorities.

Auditor Comment: We urge BOC to revisit the BOC Rules for establishing committees and appointing committee members and officers and consider reinstating collective decision-making when new Board members are appointed and vacancies are filled.

4. Work with appointing authorities to ensure that Board vacancies are filled promptly so that each of the authorities is equally represented on the Board.

BOC Response: BOC disagreed with this recommendation on the basis that the appointment of Board members “lies wholly outside the purview of the Board or Board staff.”

Auditor Comment: We urge the Board to work with the appointing authorities to the extent possible by proactively informing the appointing authorities of upcoming term expirations and promptly informing appointing authorities of resignations, among other things.

5. Review digital content and coordinate with the Mayor’s Office of People with Disabilities (MOPD) and the City’s Office of Innovation and Technology to remediate accessibility errors and ensure compliance with City standards.

BOC Response: BOC partially agreed with this recommendation, stating that the recommendation is duplicative and overlooks the Board’s past and existing efforts and commitments.

Auditor Comment: This recommendation is not duplicative. As detailed in the report, the BOC website had 656 accessibility errors which may limit access for people with disabilities, particularly for people who depend on screen readers or other assistive tools to read and navigate digital content.

6. Immediately transition to an accessible virtual meeting platform.

BOC Response: BOC partially agreed with this recommendation, stating that the recommendation is duplicative and overlooks past and existing efforts undertaken by staff to transition to Microsoft Teams.

Auditor Comment: This recommendation is not duplicative. As detailed in the report, BOC committed to changing the platform the Board uses for virtual meetings from WebEx to Microsoft Teams, which offers enhanced accessibility features, and initially expected to transition in March 2025. This initiative was delayed because BOC did not have the appropriate Microsoft Teams license. Therefore, the Board continued to host meetings using WebEx. In its formal written response, BOC reported that the Board would begin using Microsoft Teams for the January 2026 Board meeting “barring any unforeseen issues with the Microsoft Teams livestreaming feature.”

7. Update its Digital Accessibility Policy and ensure that meeting notices posted on its website and in the City Record Online (CROL) include all information required by Local Law 28 of 2016, and accurate information regarding accessibility of meeting locations.

BOC Response: BOC agreed with this recommendation.

8. Ensure that staff and officials complete training and know how to respond to calls made through Telecommunications Relay Service (TRS) and periodically reassess the Board's need for assistive listening systems or devices.

BOC Response: BOC disagreed with this recommendation, stating that the TRS initiative was completed in October 2025, and asserting that the BOC already committed to reassessing the Board's need for assistive listening systems as staffing and resources evolve, and if a member of the public requests it.

Auditor Comment: As detailed in the report, BOC did not provide evidence that staff completed training on TRS (such as attending webinars available to agencies working with people who have disabilities) to learn about New York Relay service and state programs. BOC provided staff with federal and New York State guides and brochures on the TRS.

In addition, the Mayor's Office of Appointments (MOA) should:

9. Share vetting results with Board nominees and allow them the opportunity to respond.

MOA Response: The Mayor's Office did not respond to this recommendation.

Recommendations Follow-up

Follow-up will be conducted periodically to determine the implementation status of each recommendation contained in this report. Agency reported status updates are included in the Audit Recommendations Tracker available here: <https://comptroller.nyc.gov/services/for-the-public/audit/audit-recommendations-tracker/>

Scope and Methodology

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS requires that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions within the context of our audit objective(s). This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period of this audit was Calendar Year 2023 through September 2025.

To gain an understanding of the rules, laws, and policies and procedures related to BOC's governance structure and the accessibility of its proceedings, the auditors obtained and reviewed the following documentation:

- NYC Charter Chapter 25 Section 626
- NYS Open Meetings Law Public Officers Law, Article 7
- Rules of Procedure of the New York City Board of Correction dated June 5, 2023; September 10, 2024; and October 8, 2024
- NYC Administrative Code, Section 23-802
- NYC Administrative Code, Section 23-1004
- Title II of the Americans with Disabilities Act (ADA)

To gain an understanding of how members are appointed to the Board, as well as how the Board creates and oversees its committees, processes reimbursements for Board members, and ensures their website and public meetings are accessible to people with disabilities, auditors interviewed BOC's Executive Director and General Counsel, and Assistant Executive Director of Intergovernmental Affairs and Communications.

The auditors reviewed the documentation for the general board meetings for CYs 2023 and 2024 to ensure that meetings were held each required month in accordance with the BOC Rules and that for each meeting BOC posted a notice in the City Record, had an agenda, had a quorum of at least five Board members, took attendance, approved the meeting minutes from the previous meeting, and posted the minutes of the meeting on the BOC website.

The auditors also assessed the composition of the Board to ensure it has the required number of members from each appointing authority, and that the Board appointed the Executive Director in accordance with the BOC Rules.

To determine whether BOC's committees operated in accordance with the BOC Rules and other relevant regulations, the auditors requested and reviewed documentation related to each committee's mission, meeting announcements, and meeting minutes or other report of what was discussed at the meetings for CY2024.

The auditors reviewed the BOC Rules dated June 5, 2023; September 10, 2024; and October 8, 2024, and documented the revisions. The auditors also reviewed general meeting minutes,

resolutions, and other correspondence to determine whether the revisions of the BOC Rules were discussed and voted on by the Board. The auditors also determined whether any provisions of the BOC Rules violated the Charter or other applicable laws.

To determine whether BOC's public meetings are accessible to people with disabilities, the auditors reviewed the meeting notices to determine whether they included information about whether the facility is wheelchair accessible, and instructions on how to request a reasonable accommodation or interpreter. In addition, the auditors reviewed the reasonable accommodation requests for CY2024. The auditors also attended one of BOC's public meetings to observe whether the facility is accessible to people with disabilities. The auditors also tested BOC's website accessibility with the WAVE Web Accessibility Evaluation Tool from the MOPD website in March, July, and August 2025.

To ensure that BOC complied with Local Law 12 of 2023, the auditors reviewed BOC's Five-Year Accessibility Plan, *Accessibility Progress Report for 2024-2025*, and Accessibility Plan Progress Tracker to assess whether BOC has made progress in ensuring that the agency's workplace, services, programs, and activities are accessible to people with disabilities.

The auditors also requested a schedule of all reimbursements made to Board members in CYs 2023 and 2024 and verified the amounts against Checkbook NYC. Due to the minimal amount of reimbursements to Board members, the auditors did not perform further testing in this area.

The results of the above tests provide a reasonable basis for the audit team to assess the adequacy of the Board of Correction's governance structure and determine whether the Board complies with its laws and rules and applicable accessibility laws and regulations which govern its proceedings.



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December 9, 2025

Via email

Maura Hayes-Chaffe
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Office of NYC Comptroller Brad Lander
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New York, NY 10007

Re: Draft Report - Audit of the New York City Board of Correction's Governance Structure and Accessibility of Public Meetings and Website SR25-059A

Dear Ms. Hayes-Chaffe,

The New York City Board of Correction (“Board” or “BOC”) appreciates the opportunity to respond to the above-referenced draft report. Below please find our response to the audit findings and recommendations.

Findings:

Finding: BOC Committees Do Not Comply with Open Meetings Law

Board Response: We agree that the Board’s committees are subject to the Open Meetings Law. However, we disagree with the general characterization that the Board contravened the purpose of the Open Meetings Law or limited public access to decision-making.

The report mischaracterizes BOC’s communication following the exit conference that took place on November 14, 2025. The report states on page 9 that “[f]ollowing the exit conference, BOC officials stated that board committees are not subject to Open Meetings Law because both standing and ad-hoc committees are advisory bodies and do not have ‘any independent authority to take final action on behalf of the Board.’” This is wrong. BOC officials did not state that board committees are not subject to the Open Meetings Law. Rather, following the exit conference, BOC informed the audit team that we will carefully evaluate the operations of our committees and make any necessary

changes to ensure that official meetings of Board committees for the purpose of conducting public business are open to the public and comply with other applicable requirements of the Open Meetings Law.

BOC officials informed the audit team about the advisory nature of the Board's committees in response to the inaccurate description of the Board's committees in the Exit Conference Summary. The Exit Conference Summary improperly stated that BOC's committees require a quorum to take agency action. The summary further concluded that *because* of that function, and *because* BOC's committees conduct public business regarding City correctional facilities and are comprised of two or more of its Board members, the committees are public bodies and therefore subject to the Open Meetings Law.

Contrary to the description in the Exit Conference Summary, BOC's committees are not authorized by the Board's bylaws to take agency action on behalf of the Board. While the committees are public bodies because they are committees of the Board, they function in an advisory capacity. All formal final actions by the Board—such as votes, policy adoptions, and rulemakings—occur solely at meetings of the full Board, which are publicly noticed, open to the public, and documented in accordance with the Open Meetings Law. The work of these committees is often substantially supported by the work of Board staff who perform their work in the normal course, outside of meetings that are held for the purpose of conducting public business.

During the Exit Conference, BOC officials mentioned caselaw to clarify the misunderstanding in the Exit Conference Summary regarding the function of BOC committees. While the Board's committees are public bodies as defined in the Open Meetings Law, none of the Board's committees possess any independent authority to take final action on behalf of the Board. As a factual matter, both standing and ad hoc committees of the Board operate in a purely advisory capacity. Nevertheless, we informed the audit team that we were still reviewing and considering our response.

As reiterated to the audit team following the Exit Conference—and prior to the issuance of the draft audit report—the Board recognizes the importance of transparency and will review its current practices to ensure meetings of the Board and its committees operate in compliance with all applicable legal requirements.

Finding: BOC Committees Not Governed by Formal Rules

Board Response: We disagree. The Board appreciates the audit's attention to the governance and procedural structure of the Board's committees. However, the Board's existing framework already provides for appropriate oversight, consistency, and accountability in committee operations. Moreover, the adoption of formal rules or regulations specific to Board committees is not required under applicable law.

Under the New York City Charter and the Board's bylaws, the full Board of Correction retains ultimate authority over policy, rulemaking, and oversight functions. Committees are established by the Board to support this work through targeted review, research,

and recommendations. Because the committees serve in an advisory capacity—and do not have independent authority to take final action, adopt policy, or promulgate regulations—they operate under the general governance provisions that apply to all Board activities. The Open Meetings Law, the New York City Charter, the Board's bylaws and internal policies govern committee conduct, reporting relationships, and transparency requirements. This approach is consistent with both municipal governance practice and the Board's statutory responsibilities under the New York City Charter.

Contrary to the statement on page 11 of the audit report that "BOC, generally did not provide the audit team with formal Board resolutions," staff provided all resolutions forming committees requested by the audit team, including the 2024 Rulemaking Committee, the Bylaws Amendments Committee, and the Minimum Standards Review Committee. Furthermore, the Board's bylaws do not require that all committees be established via resolution. Accordingly, meeting minutes were also provided for committees that were formed at a public meeting by Board vote without a resolution, such as the 6-A Work Release Program Committee, as well as communications reflecting the establishment of older committees.

The Board believes that this governance structure is compliant with relevant law. Nevertheless, the Board remains committed to continuous improvement and will consider whether additional documentation of committee procedures could further enhance clarity and public understanding of the Board's work. While the audit report erroneously opines that we "somewhat reluctantly" agreed to consider the above, the Board is indeed dedicated to fulfilling its mandate under the City Charter while addressing areas where improvement is warranted.

Finding: Amendments to BOC Rules Consolidate Control of Board Committees under the Board Chair

Board Response: We disagree. The establishment and operation of committees remain a Board-wide prerogative. Section 1 of Article VI of the current bylaws, as amended on October 8, 2024, states that the **Board** shall establish such committees as it deems necessary. As explained to the audit team during the Exit Conference, any Board member can make a formal motion at a public Board meeting to establish a committee. If seconded, said motion would move forward to a vote. If a quorum of the Board approves a motion for the creation of a committee, the committee would be created. The Chair of the Board would then have the responsibility of appointing members to the committee and designating a committee chair.

A formal motion to establish a PREA committee was not made at the September 2024 public meeting referenced in the audit report. A Board member suggested that a committee "should be established" to review the Department's functions regarding PREA following testimony from the Public Advocate. In response, a second Board member stated that "it would be a good idea." The Chair was asked if he would act on "anything that was just talked about" as part of the Public Advocate's testimony. The Chair moved to the next topic on the agenda – the establishment of two Board

committees via resolution – as neither Board member who previously spoke presented a motion to establish a PREA committee, which is the proper procedural vehicle.

The New York City Charter expressly vests upon the Board the authority to “adopt rules to govern its own proceedings.” The Board acted well within its discretion to delegate to the Chair responsibility for selecting committee members and receiving proposals for establishment of new committees. *See Suffolk Cnty. Builders Ass’n v. County of Suffolk*, 46 NY2d 613 (1979). Thus, although the Board appreciates recommendations to improve its internal processes, these actions comply with the City Charter and the Board’s own rules.

Finding: Board Member May Have Been Improperly Removed

Board Response: This finding is outside the scope of the audit, the objectives of which are to “assess the adequacy of BOC’s governance structure and determine whether the Board complied with its laws and rules and applicable accessibility laws and regulations which govern its proceedings.” The appointment of Board members by the Mayor, the City Council, and by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the first and second Judicial Departments lies wholly outside the purview of the Board or Board staff.

The Board advised the audit team that it may contact the Mayor’s Office of Appointments (“MOA”) regarding the two purported appointment letters issued to a Board member in 2018.

Finding: BOC Operating with Fewer Than Nine Members

Board Response: We agree in part. The Board appreciates the audit’s attention to this matter. However, appointments of Board members fall squarely under the jurisdiction of the appointing authorities and is outside Board control. As Board staff explained to the audit team at one of the in-person meetings held at the Board’s office, the only degree of participation Board staff have in the appointment process is responding to City Council vetting requests on whether a potential Board member has business dealings with the Board. These vetting requests are always responded to expeditiously. In any event, as the draft audit report notes, a quorum of Board members was maintained at all Board meetings held in calendar years 2024 and 2025. Courts have held that votes by boards and commissioners are valid where a quorum exists, even if there are vacancies. *See Stop Irresponsible Frick Dev. v. Landmarks Preserv. Comm’n*, 2019 Misc. 2d LEXIS 1071, at *22 (2019) (citing *Matter of Empire State Rest. & Tavern Assn. v Rapoport*, 240 AD2d 576, 577 (2d Dep’t 1997)) (rejecting an argument to set aside a vote for approval of a project by the Landmarks Preservation Commission because there was a vacancy).

Finding: BOC Website Does Not Comply with Accessibility Standards

Board Response: We agree to the extent of recognizing the importance of ensuring that the Board’s website complies with City accessibility standards. However, this finding largely overlooks our past and present efforts to address accessibility issues, as

well as future commitments that predate the Exit Conference and the draft report, and external factors outside of Board control that impact our completion deadlines.

As this audit finding notes, the Board's Website Accessibility Statement publicly acknowledges that its website digital content does not fully conform with the City's accessibility standards. Since 2024, before the commencement of this audit, Board staff has been working diligently on fulfilling the many mandated and self-imposed accessibility goals in our ambitious Five-Year Accessibility Plan. The Plan outlines the accessibility goals the Board intends to achieve across the next three years. Although these goals could have been spread out across five years, the Board recognized the urgency of implementing these measures to ensure all New Yorkers have the same level of access to digital content; therefore, the Board committed to fulfilling all of its accessibility goals within three years.

The Accessibility Plan was published in June 2024 and an Accessibility Progress Report was issued in May 2025. The Board's Digital Inclusion Officer, Disability Service Facilitator, and General Counsel meet every two months to monitor the agency's progress in achieving each of these goals, which is tracked on an internal spreadsheet to ensure accountability.

The audit finding itself highlights some of the work done by Board staff to improve digital accessibility, including ensuring that employees who create digital content are aware of laws and standards relating to digital accessibility by attending training sessions with staff from the Mayor's Office for People with Disabilities ("MOPD"). The audit further notes that the Board has committed to developing a process to review digital content and ensure accessibility by May 2026. From June 2024 through May 2025, the Board also made the following strides to improve digital content accessibility:

- Ensured those who run virtual, or hybrid, public meetings are aware of the accessibility best practices for virtual meetings.
- Created specific policies and procedures related to the creation of accessible digital content.
- Ensured that all creators of electronic records are aware of, and follow, the principles of accessible documentation as outlined by MOPD.

The Board intends to redesign its website, not only to improve accessibility, but to streamline its content and ensure that information is up-to-date, easily searchable, and organized. This is a massive undertaking that will be done collaboratively with the New York City Office of Technology and Innovation ("OTI"). The Board's Digital Inclusion Officer began this process in early 2025 by drafting new potential webpage layouts and meeting with OTI to chart next steps. On November 18, 2025, OTI advised the Board that they currently have a pause on website redesigns due to an upcoming website migration.

We appreciate the audit's recognition that the Board has already committed and is working towards complying with digital accessibility standards to ensure seamless access to all members of the public.

Finding: BOC Did Not Transition to a More Accessible Virtual Meeting Platform

Board Response: We agree in part. We acknowledge that this transition is vital for our accessibility efforts. However, the inclusion of this finding in the draft report erroneously implies that the delay in transitioning to a more accessible virtual meeting platform was due to Board inaction.

Months before the Board published its 5-Year Accessibility Plan, Board staff and MOPD met to discuss accessibility best practices. One of the outcomes of that meeting was the decision to transition from using WebEx for hybrid and virtual public meetings to Microsoft Teams, which has enhanced accessibility features. The Board incorporated this decision into the Five-Year Accessibility Plan thereafter and committed to completing this task by June 2025.

Board staff met with Microsoft employees and the Board's videography team in December 2024 to prepare for the transition. The Board initially rolled out the transition to Microsoft Teams at its January 2025 Board meeting, well ahead of the June 2025 goal. Multiple technical issues ensued in the build-up and during the meeting with the Microsoft Teams platform, which meant the Board had to revert to using WebEx while troubleshooting this issue. After discussions with OTI and Microsoft, it was discovered that the issue was due to a missing Teams Premium license. Over the course of the following months, Board staff, OTI and the Office of Management and Budget ("OMB") worked together to approve and purchase the necessary license. Board staff and the videography team will test the new Teams license on December 16. Barring any unforeseen issues with the Microsoft Teams livestreaming feature, the goal is to roll out the new platform at the January 2026 Board meeting.

The audit finding notes that Local Law 12 of 2023 requires City agencies to develop and implement a 5-year accessibility plan to ensure that their workplace, services, programs, and activities are accessible to people with disabilities, and to annual report on their progress. The Board has complied with the requirements of Local Law 12 of 2023 by developing and implementing its accessibility plan and annually reporting on its progress. Unforeseen circumstances can delay implementation; however, the Board continues to make all efforts to transition to Microsoft Teams and expects to achieve this in January 2026.

Finding: General Board Meeting Notices Do Not Include Required Information about Accessibility and Accommodations

Board Response: We agree. The Board appreciates the audit's recommendation on including information on reasonable accommodations, wheelchair accessibility, CART, assistive listening devices, and other technologies or accommodations for people with disabilities on the City Record Online notice of public Board meetings. The Board will

ensure that the information required by Local Law 28 of 2016 is reflected on the City Record Online notice starting with the notice for the January 2026 meeting, which will be issued in the coming weeks. All notices for Board meetings going forward will include information regarding the availability of:

- wheelchair accessibility at the venue, designated by the symbol provided for in Section 101 of the Executive Law;
- CART and sign language interpretation, designated by the international symbol to indicate the availability of sign language interpretation, or any other technology or service for persons who are deaf or hard of hearing, at the venue;
- assistive listening systems for people with hearing loss at the venue and the specific kind of system when available, designated by the international symbol of access for hearing loss; and
- any other accommodations for people with disabilities that will be available at the venue.

The Board already includes some of this information on its public meeting notices on its website and communications sent to interested parties, including the location of the wheelchair accessible entrance at the venue, a contact email and phone number to request reasonable accommodations or a language interpreter, and the deadline for requesting such accommodations. The Board has updated the existing notices on the website to reflect that the accessible bathroom at 125 Worth Street is on the ground floor rather than the second floor. This corrected language will be on all notices going forward.

Finding: BOC Did Not Implement Certain Initiatives Related to Effective Communications

Board Response: We disagree that the Board did not implement the TRS initiative. We further disagree with the implication that the Board does not comply with ADA requirements on effective communications with people with disabilities.

This audit finding notes that the Board did not implement its Five-Year Accessibility Plan goal to train Board staff on assistive listening systems and devices and ascertain whether any such systems or devices should be procured by the agency. The Board's internal accessibility plan tracking spreadsheet, which was shared with the audit team on April 3, 2025 and August 21, 2025, notes that this service is "available upon request" and "**[i]f Board staffing or needs changes, the Board will explore installation of assistive listening systems and train staff accordingly.**" No such needs exist at this time." The 2024 Five-Year Accessibility Plan cast a wide net to ensure the agency explored and undertook as many measures as possible to improve accessibility. The Board assessed its needs and resources, and the needs of the public attending our meetings across the years and determined that it was not budgetarily tenable or necessary to implement this initiative at that point. However, were a member of the

public to request them, the Board would procure and install these devices. The Board hosts its public meetings in a DCAS-managed space where assistive listening systems are not currently installed. As reflected in the internal accessibility plan tracking spreadsheet, the Board already committed to continue reassessing the need for assistive listening systems or devices.

The Board's implementation of an initiative to ensure that staff know how to respond to telephone calls made through the Telecommunications Relay Service (TRS) was temporarily delayed as we awaited the onboarding of a new Deputy Executive Director of Administration, who would be responsible for ensuring this task was completed. The Board successfully onboarded a new Deputy Executive Director of Administration in August 2025. On October 8, 2025, Board staff charged with answering phone calls from the public received information on TRS, its different features, how it works, and how these calls are received to ensure staff can recognize when a TRS call comes in. This initiative has been completed. Supporting documentation was shared with the audit team following the Exit Summary Conference and before the issuance of this draft report.

Recommendations:

BOC should:

1. Conduct Board committee meetings in compliance with the New York State Open Meetings Law. This includes making committee meetings open to the public, providing notice of meetings, and preparing and posting meeting minutes or recordings within prescribed timeframes.

Board Response: We agree that meetings of Board committees that are officially convened for the purpose of conducting public business will be open to the public and comply with all applicable requirements of the New York State Open Meetings Law.

2. Codify rules for each standing and ad hoc committee detailing the scope of their authority, roles and responsibilities of members and officers, how often they should meet, and requirements for meeting agendas, notices, and minutes.

Board Response: The Open Meetings Law, the New York City Charter, and the Board's existing bylaws and internal policies already govern committee conduct, reporting relationships, and transparency requirements. Nonetheless, the Board is committed to continuous improvement and will consider whether additional documentation of committee procedures—including potential formal adoption, by resolution, of the Board's *Guide to New York City Board of Correction Committees*—would further enhance clarity and public understanding of the Board's work.

3. Revisit the BOC Rules for establishing committees and appointing committee members and officers, and consider reinstating collective decision-making by the

full Board, to ensure that each of the appointing authorities is involved in setting Board priorities.

Board Response: The Board will continue to review and update its bylaws as appropriate, including those sections related to committees and appointing committee members and officers, to ensure effective involvement of all appointing authorities in setting Board priorities.

4. Work with appointing authorities to ensure that Board vacancies are filled promptly so that each of the authorities is equally represented on the Board.

Board Response: While we agree that the appointing authorities should work expeditiously to fill vacancies on the Board, the appointment of Board members by the Mayor, the City Council, and by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the first and second Judicial Departments lies wholly outside the purview of the Board or Board staff.

5. Review digital content and coordinate with the Mayor's Office of People with Disabilities (MOPD) and the City's Office of Innovation and Technology to remediate accessibility errors and ensure compliance with City standards.

Board Response: We agree in part. Complying with City accessibility standards and ensuring all New Yorkers have equal access to the Board's website and materials is crucial and the Board is committed to this work, as evidenced by the progress we have made in accomplishing our accessibility goals since 2024. However, this recommendation is duplicative and overlooks our past and existing efforts and commitments, which this audit highlighted and we expanded upon in our response above.

6. Immediately transition to an accessible virtual meeting platform.

Board Response: We agree in part. Transitioning to an accessible virtual meeting platform has been a priority for the Board since 2024. Technical and licensing issues have delayed the implementation of this initiative, which the Board expects to roll out at the January 2026 Board meeting barring any unforeseen issues with the Microsoft Teams livestreaming feature. Therefore, this recommendation is duplicative and overlooks past and existing efforts undertaken by staff to transition to Microsoft Teams.

7. Update its Digital Accessibility Policy and ensure that meeting notices posted on its website and in the City Record Online (CROL) include all information required by Local Law 28 of 2016, and accurate information regarding accessibility of meeting locations.

Board Response: We agree. All CROL notices and meeting notices posted on the Board's website going forward will include information required by Local Law 28 of 2016.

8. Ensure that staff and officials complete training and know how to respond to calls made through Telecommunications Relay Service (TRS) and periodically reassess the Board's need for assistive listening systems or devices.

Board Response: We disagree, in that both recommendations have already been implemented. As the audit team is aware, the TRS initiative was completed on October 8, 2025. As to assistive listening systems or devices, the Board's internal accessibility plan tracking spreadsheet reflects our prior and existing commitment to reassessing our need for these systems as our staffing and resources evolve, and if a member of the public requests it. Therefore, this recommendation is moot.

The Mayor's Office of Appointments should:

9. Share vetting results with Board nominees and allow them the opportunity to respond.

Board Response: This recommendation to the Mayor's Office of Appointments seems misplaced in an audit to "assess the adequacy of BOC's governance structure and determine whether the Board complied with its laws and rules and applicable accessibility laws and regulations which govern its proceedings." The appointment of Board members by the Mayor, the City Council, and by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the first and second Judicial Departments lies wholly outside the purview of the Board or Board staff.

Sincerely,



Jasmine Georges-Yilla
Executive Director

cc: Dwayne C. Sampson, Chair
Helen Skipper, Vice Chair
Hon. Barry A. Cozier (Ret.)
Felipe Franco
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