

Official Transcript

Virtual Public Hearing re: 103 CMR 55.00 - Use of Force

Date: December 19, 2022, at 10:00 AM

Atty. Heidi Handler: Good morning, everyone. We are going to wait right until 10 o'clock to begin. I just want to let you know that we are here.

[Pause]

Good morning, everyone. We're just gonna wait about one more minute to see if anybody else is joining us, and then I will begin. We are recording now.

[Pause]

Good morning, everyone. My name is Heidi Handler, and I am the Regulations Counsel for the Massachusetts Department of Correction. Welcome to the virtual public hearing for 103 CMR 505.00 – Use of Force.

Present with me today and listening to your comments, are:

Charles Primack, Assistant Deputy Commissioner of Field Services. The Field Services Division oversees the Department's Special Operations Division, which is the body within the Department that reviews all uses of force.

ADC Primack began his career with the Department as a correction officer in 2000, and was promoted to Sergeant in 2005, Lieutenant in 2011, and began working with the Special Operations Division in 2011. He was promoted to Director of the Special Operations Division in 2016, where he remained until his promotion to Assistant Deputy Commissioner. ADC Primack reports directly to Robert Higgins, the Deputy Commissioner of Prisons. ADC Primack is the Reviewing Authority for 103 CMR 505.00 – Use of Force. It is his responsibility to conduct annual reviews and monitor the application of the Use of Force Regulation, to assess its effectiveness, and determine whether the regulation is meeting its purpose.

ADC Primack is here today, representing Deputy Commissioner Higgins, and he will listen to all comments and report back to DC Higgins and Commissioner of Correction, Carol Mici.

Also present, is Timothy Gotovich, the Director of the Policy, Development, and Compliance Unit for the Department. Director Gotovich has held his current position since January, 6 of 2020. Before becoming Director of PDCU, he held the position of Deputy Director of PDCU from 2012 to January, of 2020. He was also an auditor within PDCU from 2000 to 2012. And before his assignment to PDCU, he held various positions within the Department, including, Director of Security and Correctional Program Officer. Director Gotovich and ADC Primack are pinned on the screen, and you will see them both in a conference room on the screen.

In addition, with me today is Michele Dupuis-Clarke, Program Coordinator III. She will be assisting me in conducting this virtual hearing and acting as an administrator for the hearing.

For those of you who may not be aware, in Massachusetts, pursuant to the Administrative Procedures Act, whenever an agency promulgates or makes changes to an existing regulation, it is required to first submit the regulation, with proposed changes, to a public comment period.

We are here today to receive public comments on proposed amendments to 103 CMR 505.00 – Use of Force.

The Department of Correction has engaged in extensive review of its practices over the past several years, as this regulation has not been updated since 2009.

These proposed changes reflect the DOC's increased focus on training in de-escalation as a first measure in any situation potentially calling for use of force. The revised regulation also clearly establishes the duty to intervene, should a staff person reasonably believe they are witnessing an excessive use of force.

The revised regulation also formalizes the DOC's partnership with the Municipal Police Training Committee, or MPTC, to certify all of DOC's defensive tactics instructors, and the adoption of the MPTC 's Use of Force Model, for all DOC staff.

In making the proposed amendments, the Department worked closely with the MPTC to align its policies and procedures with the Commonwealth's standards relating to policing. The Department continues to work with the MPTC Defensive Tactics Coordinator and MPTC Firearms Coordinator, both of whom are recognized by the Massachusetts Trial Court as subject matter experts, in order to stay up to date with and make any changes to curriculum based on recent case law.

As a result of this partnership the Department now has several instructors who have been certified by the MPTC, in both defensive tactics and firearms qualifications, and as a result, are transitioning the Department's training curriculum to closely mirror MPTC standards. This provides for both an externally monitored and approved training plan, as well as better cross-agency alignment for similar subjects.

Subject matter experts from the Department have also attended numerous Use of Force trainings, seminars, courses, and conferences, and plan to continue attending future course offerings. Two of the most noteworthy are the Use of Force Summits hosted by the Daygo Law Group and the Force Science Institute's Instructional Courses.

The Force Science Institute's Instructional courses focus on scientific research understanding and training of the actual physical and psychological dynamics of use of force encounters.

The Department also has had several staff members certified in Crisis Intervention, or CIT, training and has brought the CIT training model to the

Department called the “Memphis Model” for its origins from the Memphis Police Department. CIT changes an officer's perspective when interacting with individuals in crisis, focusing on mental illness. It is a forty-hour training focused on various de-escalation skills, including adaptation of the Force Science Institute’s Realistic De-escalation Course, identifying various mental illnesses and personality disorders, active listening skills, developing empathy, and self-care. These CIT-trained officers work across all Department institutions and are designated as the go to individuals as their skill set may help to avoid the use of force on an inmate experiencing crisis.

The Department also examined use of force policies from many different states, and regarding many different topics, such as duty to intervene, the use of OC, and the use of K-9 units.

The Department is accredited by the American Correctional Association, the oldest and largest worldwide accrediting body for the corrections industry. Many Department staff members are members of the ACA and attend annual conferences, training seminars, and expositions. This is another way that the Department has been able to network and bring back best practices and apply them to policies and procedures in the Commonwealth.

I would like to briefly run through the process for how the hearing will run today. First of all, as you are all aware, the Department began accepting public comments on Friday, November the 25, 2022. To ensure that all who wish to comment may do so, we will continue to accept any written comments that you may wish to submit until 5 p.m. today, December 19<sup>th</sup>, 2022. Today, we will also accept oral comments from those of you who may wish to offer them.

As you may note, all of your audio and video is currently muted. The Administrator, Mrs. Dupuis-Clarke, has muted all audio for persons attending this public hearing and will unmute individuals when it is their time to offer comments. It's the same with regard to the individuals identified as panelists, ADC Primack and Director Gotovich, will remain on screen the whole time. If you are going to speak, you will be promoted to panelist and you will appear on screen at that time. As attendees, you will not otherwise be seen on video, and will not have the ability to mute or unmute or screen share.

If you have notified us that you wish to speak, Mrs. Dupuis-Clarke will activate your video and your audio when you are called to speak, and this will allow everyone on the webinar to hear you and see you. This change will also allow you to screen share. Once you have finished speaking, you will be returned to the webinar, and will no longer be visible or audible to others. Please note, however, the presentation or screen sharing of any inappropriate material will result in your video and screen sharing privileges being terminated.

In addition, you will note that there is a list of speakers on the screen. This is a dynamic list of individuals who wish to speak in this hearing. Individuals will be listed in the order they are received, and attendees will be able to view the dynamic list and know who is in line to speak, and in what order. We will begin with those individuals who have notified the Department prior to this hearing

that they wish to speak. The additions from the video webinar will be next in order. If you are on this webinar, and you wish to speak, please click on the raise hand feature that is on the bottom of your screen, if you are watching on a computer or on the more button, if you are viewing this webinar on a cell phone. If you click the raise hand feature, you will be added to the list.

Lastly, you may also speak, if you wish, via telephone. The call-ins from telephones will be added last. Mrs. Dupuis-Clarke will unmute all audio callers at the end of the video speakers and allow any caller wishing to speak at that time to express their interest in doing so. Then that individual caller will be unmuted, and they will be permitted to speak one at a time.

With regard to time limitations, please limit your comments to 5 minutes, so that all who wish to be heard may have an opportunity to speak.

Lastly, if you have any issues with this Webinar, please call 617-727-3300 extension 1124 and we will try our best to assist you.

As I mentioned before, ADC Primack and Director Gotovich are present and listening to your comments. They will also be reading all your written comments, but they will not be answering any questions today.

They will accept whatever oral and written comments and submissions you may wish to provide and bring those back to Deputy Commissioner Higgins and the Commissioner of Correction. But no one from the Department will be answering your questions today.

I would like to turn this over at this point in order to call the list or excuse me one more - Lastly, I want to thank each of you in advance for any comments that you will make today, or have made in writing, as your participation in the regulations process and public comment is integral to the establishment of an effective regulation.

As I indicated previously, following this hearing, the Department will take all the comments that we have received both orally, and in writing back to Deputy Commissioner Higgins and Commissioner Mici, and after considering them the Department may make any further revisions to these regulations as appropriate. We will then publish a final version of the regulation in the Massachusetts Register where it will be promulgated and become effective.

At this time, I am going to turn the video over to Mrs. Dupuis-Clarke, who will call the list. Thank you.

Michele Dupuis-Clarke: Good morning. As Attorney Handler stated, my name is Michele Dupuis-Clarke and I'll be promoting you to panelist today if you wish to speak. The only thing I would add is that if you do wish to speak, please raise your hand at any time. You don't have to wait. As stated, your name will be added to the dynamic list, and you'll be called in the order in which it appears.

Promoting Attorney Kristen Huey to speak, one moment, please. Attorney Huey, you've been promoted to panelist and may speak at this time.

Please be certain that you've unmuted your audio.

Kristyn J.E. Huey: Yes, can you hear me?

Michele Dupuis-Clarke: Yes, we can.

Kristyn J.E. Huey: All right. Thank you. Good morning. My name is Kristen Huey, and I am The Brutality Project Director and a senior staff attorney at Prisoners' Legal Services of Massachusetts. Thank you for this opportunity to testify regarding the proposed changes to 103 CMR 505 – Use of Force. I testify today, based on my knowledge of our clients' experiences through processing hundreds of requests for assistance and investigation after the use of force by Department of Correction staff against them.

As a preliminary matter, PLS strongly recommends that the Department of Correction take into account the unique needs and vulnerabilities of prisoners of color, prisoners with disabilities, and prisoners with mental health concerns, making changes in amendments where necessary and appropriate in disseminating use of force regulations, standards, and training.

Additionally, we encourage the Department to begin using people first language. We have heard from numerous currently, and formally incarcerated people, that the language of "inmate" is dehumanizing and degrading, and that they prefer use of terms like "prisoner" or "incarcerated person".

There is no penological purpose served by utilizing language that dehumanizes the people in the care, custody, and control of our state prisons, and we suggest that it's time to move forward to using language that will uplift the humanity of those who are incarcerated. During my testimony, I will use person first terminology as much as possible and will only use the term "inmate" when quoting current or proposed DOC regulations that use that term.

Now, starting with proposed changes to 103 CMR 505.07 definitions of reasonable force. This proposed definition replaces the definition of reasonable force in the current regulations. The new definition removes the least amount of force necessary standard and replaces it with force that is proportionate to accomplish various purposes. PLS strongly opposes this change, which by its terms, permit officers to use more force than may be necessary to accomplish legitimate ends, as long as the force is proportionate. The Department should maintain the current regulation, deeming all unnecessary force per se unreasonable.

For the same reason, the Department should also keep the language in the current philosophy section where it states it's the Department's philosophy to train staff, to use only the amount of force necessary to gain control of an inmate, to protect and ensure the safety of all inmates, staff, and others, to prevent significant property damage, and to ensure institution, safety, security, and good order.

The proposed regulations delete this critical limitation on the use of force, as the proposed changes to 103 CMR 505.08 philosophy de-escalation

requirement, PLS encourages the Department to add into the regulation a requirement, that de-escalation, prior to the use of force, shall include intervention by a qualified staff person, who shall actively seek to resolve the issue without the use of force; consider whether a cooling off period may assist in avoiding the use of force; and make recommendations to supervisory staff regarding how force could be avoided. And before any correctional officer enters the cell, supervisory staff shall implement any and all recommendations made to avoid the use of force, unless implementation of such recommendations would place a person at risk of harm.

We recognize that the proposed regulations include some additional language regarding the use of de-escalation that may be intended to strengthen its use and we believe that in order for de-escalation to provide a meaningful potential for avoiding force, the regulation should include a staff member's proactive attempt to resolve the situation within the bounds of the prison's rules and regulations.

As to the proposed changes to 103 CMR 505.09 – Use of Force, PLS encourages the Department to add a requirement for adequate policies governing the use of force and monitoring of the use of force, including the use of body worn cameras by all correctional officers on a permanent basis.

PLS is aware that the Department is currently in a trial period tested testing various kinds of cameras, and that there may be a need for union negotiating; but we anticipate and encourage further changes to solidify a permanent body worn camera program, as well as the way in which the Department will enforce those requirements.

PLS also encourages the Department to add a requirement for appropriate selection and supervision of staff involved in tactical and special operations teams, including, barring all officers found to have engaged in excessive force from being a part of those teams.

As to the proposed changes to 103 CMR 505.11 – Use of Force, PLS encourages the Department to maintain the previous definition of planned use of force in the definitions section, as the proposed definition is less clear because of the removal of the illustrative examples of what constitutes a threat that's not immediate and it makes it easier to justify a use of force under the regulations.

We support the addition of an evaluation by a qualified mental health professional in proposed CMR 505.12 for all planned uses of force against a person on therapeutic seclusion, or in a specialized mental health unit. However, we believe it's critical that the evaluation specifically address whether the person is able to understand and follow orders at the time, and if they are not, that force not be used absent risk of imminent death.

As to propose changes to 103 CMR 505.13 prohibitions on the use of excess of force, PLS encourages the DOC to add into proposed Section 3 a statement that a staff member's failure to report an excess of use of force will subject them to discipline. As the Department knows, it's difficult for an officer or any staff person to report a co-worker's misconduct and doing so has historically

subjected staff persons to negative repercussions from fellow staff and officers. And given that reality, the failure to accurately report must carry significant consequences if it's truly expected for staff to do it.

In Section 4, PLS is pleased to see the language prohibiting staff from kneeling on or placing sustained body weight on sensitive areas of a person's body like their neck and head during uses of force. In our Brutality Project, we've heard of this type of force happening far too often; particularly during the hundreds of publicized uses of force that occurred at Souza-Baranowski in January and February of 2020. We hope that with appropriate focus the Department on training and enforcement of this prohibition, future tragedies will be avoided. This prohibition is important, and we really encourage the Department to ensure that training gives sufficient attention to it, given that it's a change from both current policy and current practice.

In Section 5, PLS encourages the Department to remove the ability for correctional staff to use lethal force on an incarcerated person to prevent serious bodily injury to any person. Instead, PLS encourages the Department to allow for the use of lethal force, only to prevent imminent death of another person. Permitting lethal force for serious bodily injury introduces ambiguity into the determination of when such force is permitted, because serious bodily injury is open to varying interpretations, and to avoid potential tragic outcomes, only in the rare, clearly definite situation of imminent death should lethal force be allowed.

As to the proposed changes to 103 CMR 505.14, specifically, with the use of chemical agents, PLS encourages the Department of Corrections to prohibit the use of chemical agents against any person on therapeutic seclusion, or any person who a qualified medical or mental health professional determines is unable to understand and comply with the orders being given. PLS notes that the use of chemical agent often produces common reactions that are counterproductive to de-escalating situations involving a person in distress, such as heightened panic, anxiety, and difficulty breathing.

As to the proposed changes to 103 CMR 505.15 requirements governing the use of instruments of restraint, in Section 5, PLS encourages the DOC to include the prohibitions on using restraints on a pregnant or postpartum person consistent with Mass General Laws, Chapter 127 Section 118. The proposed language leaves the decision about the use of restraint on such persons up to the judgment of an individual officer, which may not be consistent with the mandates of the statute.

As to the proposed changes to 103 CMR 505.17 requirements governing the use of K-9 units, PLS encourages the Department to eliminate the use of K-9 units for tactical purposes, with their use being limited to contraband detection only. It's our opinion that K-9 units are terrorizing, a barbaric and unnecessary means of subduing people.

As to the proposed changes to 103 CMR 505.21 staff misconduct and inmate allegations or complaints, we encourage the Department to add a requirement

for adequate unbiased investigation of all use of force incidents which include the following requirements: that investigations are performed by personnel that are unconnected to the incident under investigation; that officers are forbidden from conferring with one another; that all witnesses identified by the prisoner subject to the force are interviewed and or permitted to testify; and that officers believe to have engaged in criminal activity are referred to the District Attorney for prosecution.

As to the prohibition of officers reviewing videos of incidents before writing an incident report, PLS strongly encourages the Department to strictly enforce this regulation. Based on our experience in investigating hundreds of these cases, we are aware that it's more common than not, the videos are reviewed by correctional staff before writing their reports. This practice invites at best, the possibility that a staff person will recount what they perceive from the video rather than what they remember from their personal perception at the time of the incident, and at worst, collusion, where abuses and excess of force have occurred. It unnecessarily undermines the investigation process and serves no legitimate purpose.

PLS also encourages the Department to add a requirement for adequate discipline of staff members found to be involved in improper uses of force, threats of violence, use of racist slurs, or other language indicating racial bias, racial profiling and bias in identifying those potentially involved in an incident; particularly where the incident is getting related, failure to report use of force, making false reports concerning the use of force or retaliation against prisoners who have reported staff misconduct.

As to the proposed changes to 103 CMR 505.23 medical treatment, PLS encourages the Department to require the prisoners subject to uses of force, be examined by medical staff outside the presence of correctional staff, or at the very least outside the presence of correctional staff that was involved in that use of force, and also the prisoners can call for emergency, medical and mental health assistance through the use of their tablets, and that all prisoners injuries be photographed upon consent of the prisoner.

As to propose changes to 103 CMR 505.25 training in the use of force, PLS encourages the Department to add a requirement for adequate policies and training, governing racial bias and misconduct, as it pertains to the use of force, including use of racist slurs or other language indicating racial bias, prohibiting racial, profiling and bias in identifying those potentially involved in an incident; particularly where the incident is gang related investigation and as warranted discipline of all officers alleged to have engaged in racist or discriminatory actions, including verbal abuse of prisoners.

PLS also encourages the Department to require clarification in written training materials given to the DOC staff in use of force, that the level of force must be dictated by the actual risk presented by the prisoner on whom force is being used. And I note that we have additional comments and concerns about the proposed changes to this section in this policy that we've addressed in our written comments, and lastly, as to the proposed changes to 103 CMR 505.26



data collection and tracking, PLS encourages the Department to retain the existing requirement for quarterly reports about the use of force throughout the Department to be generated by the responsible division in order for the Department to consistently track how force is being used, and whether policy changes are needed, regular reporting and consideration of the information such reports reveal is required.

It is my hope that the Department of Corrections will consider PLS's comments, and further alter the proposed regulations to take into account the observations and suggestions that we have made.

Additionally, we want to emphasize that these proposed changes will only be meaningful if they are rigorously enforced by administration and those in a supervisory capacity, ensuring that these regulations are consistently followed, and taking swift action when the rules are violated by staff.

Thank you for your time and consideration.

Michele Dupuis-Clarke: Attorney Huey, thank you for your comments and participating in this process. You're going to be returned to attendee at this time.

Kristyn J.E. Huey: Thank you.

Michele Dupuis-Clarke: Joel Thompson, you are being promoted to panelist and may begin your comments when you're ready.

Joel Thompson: Good morning. Can you hear me okay?

Michele Dupuis-Clarke: Yes.

Joel Thompson: Thank you. Thank you for your time. My name is Joel Thompson. I'm the managing attorney at Harvard Prison Legal Assistance Project. We're a law school clinic where students represent clients in the DOC in prison disciplinary hearings and parole hearings, primarily, among other things.

I appreciate the opportunity to comment today. I hope to get written comments to you by day's end, and we'll leave a lot of our comments for there. But I did want to raise the couple of points here in the hearing and appreciate the opportunity to do so. First, I appreciate and I think it's commendable the level of detail that has been added to this regulation. These are obviously critical events, you know, any use of force in the Department, and to the extent that we can provide a more detailed, more predictable roadmap for what happens, how it happens, why, and when, I think everybody will benefit from that.

So, I appreciate some of the specificity, particularly, for instance, around planned versus spontaneous use of force. That is something we have seen in our work quite a bit over the years, with, you know, certainly occasions arising where there's a greater or lesser degree of game playing, I think, with the definition, and that is harder to do when the definition is more specific as it appears to be here. So, and I can point to other areas where I feel like a lot of specificity has been added, I think, in the reporting requirements, you know, is

another area where what is required to go into those reports as they move up the chain of command, I think that is important and ultimately will serve everybody, everyone's interest well.

I want to flag just a couple of comments here today, and I'll leave the rest for written comments. First, that the definition's section defines "employee" to be an employee, staff member and then in the body of the regulation itself, the term "staff or staff member" is used a lot, and I would just encourage the Department to sort of go back and look because the definition of employee is pretty expansive, right, it includes contractors and others associated who may not be DOC employees, and I think there may be areas where the regulation ought to say employee rather than staff member, just to avoid any confusion about who has the responsibility in that particular section.

In section 505.10, the duty to intervene, I'd encourage the Department to think about adding to that duty, a duty to de-escalate or to prevent escalation. I think everybody engaged in this area understands how difficult it is to intervene in another person's use of excessive force, and by the time someone thinks to do that it might well be too late anyway. The greater opportunity might be the opportunity to de-escalate, and while there is obviously the de-escalation requirement for all employees, it may be worth adding that that duty to intervene extends to de-escalation; because we're where everyone might really benefit is if a third party is able to step in and do that, you know deescalate a situation between a prisoner and a staff member such that it doesn't evolve into a use of force.

With respect to section 505.18, I want to echo Ms. Huey's comments, cannot stress enough how important it is to have this requirement that participants in a use of force for us to write their reports before they see the video. And I think that is fair, and I think it's frankly essential to the integrity of the process, that that system be in place.

And as a result, I want to flag in Section 505.22 subsection one the debriefing, the debriefing section makes reference to you know, each employee's ability to watch the video with their supervisors. I think it would be useful to allude back to Section 505.18, in other words, that yes, you will be able to watch the video, but subject to the reporting requirement which requires that you write the report first. I think that could be clearer in the debriefing section, that you write the report and then at, because the debriefing discusses ideally having the debriefing happen by end of shift and then it moves into this discussion of the video, and so I think it could be clear to say that you know the debriefing might happen by end of shift, and hopefully the report is getting written, you know, end of shift, or immediately thereafter, but the video review comes sometime after that.

Lastly, with respect to Section 505.21 allegations of staff misconduct and investigations thereof, I'd encourage the Department to look at whether it's in this regulation or in the professional standards regulation, or in training or otherwise, adding language about interviewing bystanders. There are not always bystanders, and sometimes there are bystanders who do not want to be

interviewed, who do not want to discuss what they might have seen, but in our work, we've certainly seen plenty of incidents where there were either staff or prisoners in the area who were not participants, and who do not appear to have been interviewed over something, you know either a use of force, review, or an allegation of staff misconduct related to that use of force. I think it'd be beneficial to make it clear that that that should be one step in the process. Certainly, in the investigation process, if not in the review, is to figure out who was in the area, who might have seen heard something, but who was not a participant, and then, and then, see if they will agree to be interviewed.

And with that I thank you for your time, and I'll leave the rest for our written comments. Thank you.

Tim Gotovich: Michele. You're on mute. You're muted, Michele.

Michele Dupuis-Clarke: Thank you for alerting me to that.

Attorney Thompson, thank you for your comments and for participating in this process.

I invite any of our attendees who would like to speak to please raise your hand at this time and your name will be added to the dynamic list of speakers, and I'll promote you to panelists so that you may share with us.

Again, if you've spoken, and you've stated that you'll be submitting written comments. Please get them over to us by email by the end of the day. We will be accepting comments as Attorney Handler stated, through 5 p.m.

I thought I saw a hand raised there was- I do not now. Again, if you'd like to speak, I encourage you to raise your hand. I'll be happy to promote you to panelists and hear your thoughts.

Okay, seeing no hands raised at this time. I'm going to turn things back over to Attorney Handler.

Atty. Heidi Handler: Okay, thank you, everyone. We are going to wait about 4 or 5 more minutes just to see if anyone else is joining in late or wishes to speak.

Again, as Ms. Dupuis-Clarke indicated, we will accept written comments, if someone attempts to join in later in the webinar has been closed, we will accept those written comments through the end of the day today. We truly do want to allow every person that wishes to offer public comment the opportunity to do so.

If you are, if you wish to leave the webinar, you may do so. There's no requirement that you remain if you've already spoken, but feel free to wait. We are going to wait for about 5 more minutes, but after that we are going to close the webinar. So, it may be silent for a little bit, but do not think that means we are not still here.

[Pause]

Okay, I'm just making one more announcement, this is sort of a last call for comments. We do truly want everybody that wishes to offer comment, either orally or in writing to have the opportunity to do so, so we'll wait about one more minute online.

[Pause]

Okay, I did want to just close this out and thank everyone for their participation in this process. Again, it is - your comments are essential to the Department developing the best and most comprehensive regulation. So, we do really appreciate your contributions.

I want to reiterate that you may send us your written comments by 5 p.m. today via email, or you, if you do not have access to email, you may post- you may put them in the mail so long as they are postmarked by 5 p.m. today. The email address for Ms. Dupuis-Clarke, it should be on the notice, or actually it's- if you could hold on one moment I will read out and place in the Chat section, Ms. Dupuis-Clarke's contact information.

Okay, for anyone wishing to send comments, I have put Ms. Dupuis-Clarke's email address in the chat box to everyone. And again, if you are unable to, or if you prefer to send written comments via the US Mail, you may do so, so long as they are postmarked by today.

With that I am going to indicate that it is currently 10:44 we have not had anyone for the last 10 to 15 minutes indicating that they wish to offer comment, and we are going to close this webinar. I do appreciate your all of your contributions, and they will be, as I indicated, taken into consideration by the Department in its entirety.

ADC Primack and Director Gotovich will be reviewing all comments and bringing them back to Deputy Commissioner Higgins and Commissioner Mici and further revisions may be as appropriate, maybe, made prior to promulgation.

Thank you.

**END**