

NEW YORK CITY  
BOARD OF CORRECTION

November 14, 2011

MEMBERS PRESENT

Hildy J. Simmons, Chair  
Michael J. Regan, Vice Chair  
Catherine M. Abate, Esq.  
Pamela S. Brier  
Robert L. Cohen, M.D.  
Stanley Kreitman  
Rosemarie Maldonado, Esq.  
Alexander Rovt, PhD  
Milton L. Williams, Jr., Esq.

DEPARTMENT OF CORRECTION

Dora B. Schriro, Commissioner  
Michael Hourihane, Chief of Department  
Lewis S. Finkelman, Esq., First Deputy Commissioner  
Thomas Bergdall, Esq., General Counsel  
Sara Taylor, Chief of Staff  
Martin Murphy, Deputy Chief of Staff  
Erik Berliner, Associate Commissioner  
Carleen McLaughlin, Legislative Affairs Associate

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Amanda Parsons, M.D., Deputy Commissioner  
Homer Venters, M.D., Assistant Commissioner, Correctional Health Services  
George Axelrod, Director, Risk Management  
Farah Parvaez, M.D., Public Health Services

OTHERS IN ATTENDANCE

Joseph Antonelli, Office of Management & Budget (OMB)  
Harold Appel, M.D., Doctors' Council  
Robert Calandra, Legislative Counsel, NYC Council  
Jay Cowan, M.D., Medical Director, Prison Health Services (PHS)  
Elizabeth Crowley, Member, NYC Council and Chair, Committee on Fire and Criminal  
Justice Services  
Susana Guerrero, State Commission of Correction  
Caitlin Hussey, student intern, Law Department  
Danielle Louis, OMB  
Jeff Mailman, Legislative Director, NYC Council  
Margaret Pletnikoff, OMB  
Phyllis Harrison-Ross, M.D., Commissioner, NYS Commission of Correction

Regina Ryan, Assistant Director, Finance Division, NYC Council  
Nashla Salas, Independent Budget Office (IBO)  
Emily Sweet, Esq., Assistant Corporation Counsel, Law Department  
Lane Thorson, student intern, Law Department  
Eisha Wright, Finance Division, NYC Council  
Milton Zelermyer, Esq., Legal Aid Society, Prisoners' Rights Project

Chair Hildy Simmons called the meeting to order at 9:07 a.m., noting the presence of Dr. Phyllis Harrison-Ross from the State Commission of Correction (SCOC). Chair Simmons introduced Dr. Amanda Parsons, Deputy Commissioner for Health Care Access and Improvement for the NYC Department of Health and Mental Hygiene (DOHMH). A motion to approve minutes from the September 12, 2011 Board meeting was approved unanimously.

Corrections Commissioner Dora Schriro reported on DOC's capital improvements to the Rikers Island visitor processing center, where exterior renovations have been completed to provide more protection from inclement weather. She said that interior lighting and ventilation are being enhanced, new signage is being posted, bathrooms are being renovated, and a children's play area is being constructed. Chair Simmons said she had recently inspected the visitor center with BOC Executive Director Richard Wolf and Deputy Executive Director Cathy Potler. She said the outdoor locker areas are vastly improved, and that her suggestions for improvements to the women's bathrooms were being implemented. Chair Simmons asked Commissioner Schriro and Dr. Parsons to replace high-caloric snack foods sold in vending machines with healthier snacks.

Commissioner Schriro reported on plans to reopen the Brooklyn Detention Complex (BDC), which had been scheduled for November, 2011. She said that in January 2012, the NYPD will vacate areas it currently is using, and that thereafter DOC will request permission from SCOC to reopen the jail. She also noted that as a result of litigation, a community advisory group will be convened to discuss issues of concern with DOC. BOC Vice Chair Michael Regan asked if the BDC beds were needed. Commissioner Schriro said they were, noting that this is the time of year when the prisoner census increases. She said that DOC has an aggressive schedule for abating *Benjamin* issues, and "swing" space is needed as housing areas are vacated for renovations, and to facilitate conversion of general population housing areas to punitive segregation areas. Chair Simmons asked if DOC intends to fill the BDC beds, and Commissioner Schriro said yes. She said BDC will provide good high-custody beds on the upper floors, and has the added advantage of being in the community. Member Catherine Abate said she assumes DOC has lost many beds due to construction. Commissioner Schriro said DOC has not yet begun significant demolition because of the need for "swing" space.

Commissioner Schriro next addressed renovation efforts at the North Infirmery Command (NIC). She said Deputy Mayor Linda Gibbs recently inspected the area. The Commissioner noted that DOC is closing one housing area at a time, and making all needed repairs simultaneously. She said this includes the dormitory with ADA compliance accommodations, where improvements will include installation of air conditioning. Chair Simmons reported on her recent inspection at NIC, noting some improvements, but adding that considerable work remains to be done. She asked that BOC Members and staff continue to monitor progress at NIC.

Chief of Department Michael Hourihane reported on footwear issues. He said that DOC will require that institutional footwear be worn by all adolescents, prisoners in

mental observation housing areas, and “special category” inmates. He said that fashions change frequently, so it is difficult to issue a list of acceptable footwear. He said that sneakers that are white or black are generally acceptable, so long as there are no red or blue markings which could denote “gang activity”. Chief Hourihane said DOC will be receiving a shipment of 50,000 pairs of sneakers in January, which are secured with Velcro and are sturdier than earlier institutional footwear. He said the “life” of the new sneakers is 6 to 8 months. First Deputy Commissioner Lewis Finkelman said the cost is \$3.80 per pair, as compared to \$1.80 for the earlier model. Ms. Abate asked if there was a plan to ensure that DOC does not run out of common sizes. Chief Hourihane said that to facilitate proper ordering, DOC records the shoe size of each incoming inmate. Member Dr. Robert Cohen noted that at the Board’s September meeting, DOC said that institutional footwear reduced violence and said it would provide data at this November meeting. The Chief responded that he did not have statistics with him, but violence is down because inmates are not fighting about personal footwear in the bullpens of the Manhattan and Bronx courts. Dr. Cohen asked Chief Hourihane to provide the data, and the Chief said it was “difficult to gauge” but he would see what he could find. Member Pamela Brier said the correlation was the point, and the effort to require inmates to wear institutional footwear has been a huge task. She asked that DOC provide data. Chair Simmons said that if DOC supplies better footwear and if it reduces violence, the effort will have been worthwhile.

Commissioner Schriro next reported on visiting issues. She said that the number of visitors being asked to wear the large tee-shirt cover-ups before attending a contact visit has decreased as the weather has gotten cooler. She said that at two facilities, the numbers are higher than expected and that this points to the need for wardens to supervise their staffs to ensure consistent results. She noted that numbers increase when visit captain assignments change, and this requires continuing attention. Mr. Wolf asked for the number of visitors who were asked to wear a coverup, refused to do so, and were denied a visit.

Commissioner Schriro distributed to the Members a two-sided chart summarizing current inmate classification assessment processes, and describing planned changes and improvements (copy attached). She said the revised procedures will better enable DOC to assign housing based on medical and mental health needs, and substance abuse intervention needs. Ms. Brier asked the Commissioner to explain the document, noting that it is difficult to understand. Commissioner Schriro said she would supply a guide to accompany the chart. Chair Simmons asked that DOC supply the materials before the January BOC meeting so that a fuller discussion could occur at that time.

Ms. Abate said it would be useful for DOC to present data each month on trends in uses of force and inmate-on-inmate violence. Commissioner Schriro said DOC also is finalizing a quarterly report which will be available on-line, and she will send this to BOC.

Regarding budget issues, Commissioner Schriro said DOC did not include in its proposed PEG cuts reductions that would impact safety and security. She said that the

Department will seek statutory changes and collective bargaining adjustments. Ms. Brier asked if proposed cuts are being asked of DOC in both the capital and expense budgets. Commissioner Schriro said the public discourse relates to the operating budget. She said that unlike prior cuts, this round includes uniformed agencies and a 2% cut is being sought for this fiscal year. She said this equals 246 full-time equivalent (FTE) positions. She said DOC could not find so many positions to cut. Commissioner Schriro said that for the next fiscal year, the City seeks a 6% reduction, the equivalent of 731 FTE positions. She said only 12% of the DOC budget is Other Than Personal Services. She added that the overtime budget continues to increase because for many years, some posts have been funded on overtime. The Commissioner noted that DOC has reduced the average number of hours worked by each employee, but overtime remains a problem because it increases fatigue and creates uncertainty, especially with respect to family obligations. Ms. Abate asked that the Commissioner keep the Board advised about overtime costs, noting that BOC might be helpful to DOC in the budget process. Ms. Brier agreed, noting that BOC should be advocating for “the greater good”.

Mr. Regan asked if the Department would be seeking variances from the Board to help address PEG cuts. Commissioner Schriro said it might happen, noting that prior to her arrival at DOC there had been BOC consideration of changes to the visiting and recreation minimum standards. She said she would prefer to discuss with the Board the impact of some standards on safety and security, which she said is a “different kind of cost”. Mr. Regan asked if, given the budget constraints, it makes sense to open BDC at this time. Commissioner Schriro said DOC is out of beds, and must accept all persons remanded to its custody. Chair Simmons said the City should continue to work for siting jails in the communities, close to the courts. Dr. Cohen noted that there are thousands of prisoners on Rikers Island with bails below \$2000, who could have their bails reevaluated. He added that the NYPD plans to conduct 350,000 stop-and-frisk actions, and 50,000 marijuana arrests. Chair Simmons said DOC does not control these matters. Dr. Cohen responded that officials who “control DOC” could adjust these practices. Commissioner Schriro said the revised classification assessment instrument will provide additional information for the court when a defendant-detainee returns to court, which could promote bail reconsideration. She added that cases are processed much more slowly by the courts. Mr. Wolf asked the Department to provide prisoner population projections to provide context for ongoing discussions.

Commissioner Schriro next discussed DOC’s TEAMS (Total Efficiency and Accountability Management System) procedures. She said the Department considers all reportable incidents, reviewing videos and written reports. She said that core competencies in security practices need to be maintained and reinforced. She reported that the DOC Training Academy provides on-site trainers for remediation. She said SCOC provides facility reviews and BOC staff are on site and provide ongoing feedback. The Commissioner said that the information is then assessed by internal auditing teams. Ms. Abate said data reviews point to areas in need of improvement. Commissioner Schriro said the areas of review change over time.

Chair Simmons introduced Council Member Elizabeth Crowley, who is Chair of the Committee on Fire and Criminal Justice Services. Council Member Crowley thanked everyone for their dedicated service, and said she would be an advocate for DOC at the Council. She said she wants to be certain the City's jails are as safe as possible. She said she hopes to attend future BOC meetings.

Dr. Cohen reported that, together with BOC staff, he inspected the Otis Bantum Correctional Center (OBCC) on November 3<sup>rd</sup>. He said that, as was the case a month or so earlier, he could find no prisoners who had pillows, which he noted are required by the Minimum Standards. He also reported that there had been a fight in a hallway, and the walls had blood on them. He said the facility did not have regular distributions of linen. He said linens were distributed every two weeks in some areas and every three weeks in others. Dr. Cohen said that he was told by staff that linens often were confiscated during searches and then laundered and returned hours later. He said he was told by staff that this was the practice because there are no linens available for replacement. He added that during the search process, clothing for court appearances that previously has been approved by the facility sometimes is confiscated. Dr. Cohen reported that there was no institutional footwear available in the intake area – other than a couple of pairs of size 12 sneakers – although he was shown an inventory list indicating that other footwear was on-hand. He added that he saw many inmates wearing personal footwear that is prohibited by DOC policies. He said he assumed this was because either the facility lacked institutional footwear or it was not implementing DOC policy. Finally, Dr. Cohen said he spoke with a 16-year-old detainee confined in the central punitive segregation unit. The detainee showed Dr. Cohen two lesson plans for “cell study”. Dr. Cohen said the detainee reported he had not spoken with a teacher, and had attempted to answer questions on one lesson plan, which Dr. Cohen described as complex and beyond the young man's abilities. Dr. Cohen noted that the young detainee had received 50 days of punitive segregation for fighting. He described the interaction as “very sad”. He said he intended to follow-up with the Department of Education.

Chair Simmons thanked Dr. Cohen for his report. She said the linens in the Infirmary sometimes do not fit the new hospital beds in the Infirmary. DOC Associate Commissioner said the new beds have thicker mattresses, and linen exchanges occur much more frequently in the Infirmary than in other facilities. He said the laundering process causes shrinking, and the Department replaces shrunken linens as needed. He said the problem has been largely abated. Mr. Regan asked that DOC be prepared to discuss linen exchanges throughout the system at the January BOC meeting. Chief Hourihane said linen exchanges are supposed to happen every week. He said he would examine practices at OBCC and other facilities.

Chair Simmons asked Dr. Parsons to report on DOHMH budget issues. Dr. Parsons said DOHMH also is expected to meet cuts of 2% in the current year and 6% next year. She said that even though the goal is to implement cuts having the least possible impact, some cuts will indeed impact health services. Dr. Parsons stated that DOHMH remains committed to providing to prisoner-patients good chronic care, acute care, and clinic preventive services. She added the providers use state-of-the-art

electronic medical records. Dr. Parsons said that she will provide more clarity when OMB determines which cuts it will accept. Mr. Wolf asked that DOHMH inform BOC at the earliest possible time should it appear that budget cuts could affect Minimum Standards requirements.

Mr. Wolf said that DOC has asked for a variance to alter the visit schedule on Thanksgiving Day to provide for daytime rather than evening visits, to enable DOC staff to celebrate the holiday with family and friends. A motion to authorize the variance was approved unanimously, as was a motion to renew existing variances.

Chair Simmons reported that signage in the facilities is “horrible”, making it very difficult for inmates to understand when services are available, and what the Department expects of the inmate population. Efforts with the previous DOC administration to improve signage were unsuccessful, and the problem persists. Hopefully the Board will continue to press DOC for improvements. [Photographs of signs posted in the jails were presented to Commissioner Schriro.]

Chair Simmons thanked Mr. Wolf, Ms. Potler, Laura Limuli and all BOC staff for their hard work and support. She said the staff has been diminished in size over the years, but continues to do valuable work. She thanked Commissioners Schriro and Farley, and former Commissioners Horn and Frieden, and noted that the relationship between BOC and DOHMH has improved substantially in recent years. She said that having Members who are knowledgeable in health matters – Ms. Abate, Ms. Brier and Dr. Cohen – has made a big difference. Chair Simmons thanked representatives from other City agencies and those representing advocacy organizations who attend Board meetings for their continuing interest. She thanked Council Member Crowley and members of SCOC, with whom BOC enjoys a reinvigorated relationship. Chair Simmons thanked her fellow Board members and said she was proud to have served as Chair. She said corrections has been an important part of her life for thirty years. She thanked especially those Members and staff who participated in the Minimum Standards review and revision process, which she described as a long, difficult and important task.

Chair Simmons said that locking people in jail is the most restrictive thing NYC government can do, and having “outside eyes” observing, monitoring and reporting on conditions in the jails is the highest mission the Board has. She said there is much more work to be done and urged the Members and staff to continue their work.

Commissioner Schriro presented Chair Simmons with a plaque expressing her and the Department’s appreciation for her service. Chair Simmons then announced that Board Members Rosemarie Maldonado and Stanley Kreitman are leaving the Board as well. She noted that Mr. Kreitman served as Chair with distinction, and helped lead the Standards review and revision effort.

A motion to convene in executive session to discuss matters under investigation was unanimously approved. The public meeting concluded at 10:10 a.m. The Board met in executive session from 10:20 to 10:35 a.m.