

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION
June 18, 1973

A regular meeting of the Board of Correction was held on Monday, June 18, 1973, in the Conference Room of the New York Correctional Institution for Women at Rikers Island.

Present at the meeting were Messrs. McKay, Dribben, Becker, DeMonte, Kirby, Mrs. Singer, and Rev. Wilson. Present by invitation of the Board were John M. Brickman, Executive Director of the Board, and Mary D. Pickman, Director of the Legal Advocate Program. Also present by invitation of the Board were Essie O. Murph, Superintendent of the CIFW; Gordon Chase, Health Services Administrator; Alan Gibbs, First Deputy Health Commissioner; and Frank Schneiger, Director of Prison Health Services.

Mr. McKay acted as Chairman and Ms. Pickman acted as Secretary of the meeting.

The meeting was called to order at 2:30 p.m. by the Chairman. Upon motion duly made and seconded, the minutes of the meeting of June 4, 1973, were approved. Requests for excused absences from Messrs. Schulte and Carrion were accepted.

At the Chairman's request, Mr. Brickman reported on the status of the Tyson case. Mr. Brickman stated that he had spoken with Edward Norton, recently appointed General Counsel for the Housing Authority, and that while Mr. Norton had not yet reviewed the matter, he did state that there was substantial feeling among the Authority's staff that its position in the matter was correct. Mr. Norton declared, said Mr. Brickman, that he would look into the matter and report back to Mr. Brickman. Mr. Brickman also reported that he had been advised by Burt Neuborne, the Tysons' attorney, that papers in the case had been filed and that the Board's amicus curiae brief should be filed before July 15. It was agreed that the brief will be filed once it is determined that the Authority has decided to maintain its present policy.

Mr. Brickman reported that copies of the draft report on the death of John Wayne Wilson had been circulated to Mr. Wilson's attorneys and to John Keenan, Chief of the Homicide Bureau of the New York County District Attorney's office. No response has been forthcoming from the defense attorneys. Mr. Brickman stated that Mr. Keenan had telephoned him to say that his response would be delayed because of his transfer to the Queens County District Attorney's office. Mr. Brickman reported that one of Mr. Wilson's attorneys, Aaron Jaffe, had recently been suspended from practice for nine months after pleading guilty to income tax violations. Mr. Becker suggested that in view of the defense attorneys' failure to respond, a letter should be sent to them stating the Board's intention to release the report without their comments. Mr. Brickman was directed to draft such a letter. At the Chairman's suggestion, it was agreed that the report would be released during the following week unless new issues are raised by the defense attorneys of Mr. Keenan.

Mr. Brickman stated that the Board's staff has prepared a report on the suicide of Fred Robinson at the Brooklyn House of Detention, which would be circulated to the Board and to the Department shortly. The Chairman stated that this report should not be released publicly, in view of the imminent release of the Wilson report.

Mr. Brickman reported on the status of the Inmate Liaison Committees. He stated that he had circulated to the Board members copies of a letter from Arnett Gaston, Executive Assistant to the Commissioner, setting forth the dates of scheduled meetings. Mr. Brickman stated that three of the meetings referred to in Mr. Gaston's letter had not been held. The Board agreed that the staff would continue to check whether the meetings are being held, and to make inquiries at the Department of Correction when meetings are cancelled.

Mr. Dribben reported that he had recently attended an Inmate Liaison Committee meeting at the Tombs. Deputy Warden Rubin had promised to attend the meeting to discuss food service on the sixth floor. However, Deputy Warden Rubin did not appear at the meeting, which caused some concern among inmate representatives. Mr. Dribben suggested that the Department be made aware of the importance of the meetings to the institutions. He also reported that several nurses appeared at the meeting to complain about the abusive treatment they are receiving from inmates on the floors. He stated that this issue was resolved when the floor representatives agreed to assume responsibility for the conduct of their fellow inmates.

Mr. DeMonte inquired whether Branch Queens had yet been converted into a facility for housing mentally disturbed inmates. Mr. Brickman said that the conversion was to take effect on July 15, 1973, and suggested that Mr. Chase be asked more specifically about the status of the facility. Mr. DeMonte asked about the use of the 18th floor at Bellevue for the treatment of inmates. Mr. Brickman stated that while a final decision had not been made, at a meeting with Administrator Chase and Commissioner Malcolm, it had tentatively been decided that the 18th floor would be devoted entirely to the medical and psychiatric treatment of inmates. He suggested that the Board ask Administrator Chase whether the decision had been finalized. Mr. Dribben asked whether inmates are allowed to receive aspirin when needed. It was agreed that the Board would discuss this question with Administrator Chase.

At the Chairman's request, Ms. Pickman reported on the status of the effort to secure additional private interview facilities for attorneys in the court detention pens. She stated that her staff was preparing a list of specific recommendations, which would be completed by the end of the week. She stated that she had met with William Gallagher, Assistant Attorney-in-Charge of Operations, The Legal Aid Society, Criminal Defense Division, who indicated a willingness to cooperate in this effort. After the recommendations are prepared, Ms. Pickman will arrange a tour of the facilities with Mr. Gallagher and Joseph D'Elia, the Department's Chief of Operations, in an attempt to secure the Department's approval of the Board's recommendations.

Regarding the matter of publicity for the Board's activities, Mr. Brickman reported that he has directed Gloria Bond of the Board's staff to arrange speaking dates for Board and staff members before community groups, beginning in the fall. He stated that he hopes to secure time on the smaller radio stations and space in neighborhood newspapers to publicize the Board's work. He reported that Channel 4 had filmed a report on the Board's Literacy Program at Rikers Island. Mr. Becker stated that Walt Frazier of the New York Knicks had agreed to put on a basketball demonstration at Rikers Island with other members of the Knicks team. He stated that Mr. Frazier would be back in New York City early in August and that his appearance could be scheduled for sometime thereafter.

Mr. Brickman reported that the opening of the new Adolescent Reception and Detention Center was scheduled for June 29. He stated that all the Board members would receive invitations shortly and asked members to provide him with names of friends of the Board to be included on the Department's guest list.

The Chairman then stated that it would be desirable to adopt a resolution giving the Board's Fiscal Officer authorization to pay expenses of the Legal Advocate Program (other than personnel expenses) incurred since February 1, 1973. Upon motion duly made and seconded, it was

RESOLVED THAT the Fiscal Officer is authorized to pay all Legal Advocate Program other than personnel expenses (OTPS) incurred since February 1, 1973, from Board of Correction funds, since such expenses were incurred by Board of Correction staff and resulted in a direct benefit to the Board of Correction program and activities.

Mr. Brickman reported on the status of the case of Nick Bagley, who faces extradition to Maryland. Mr. Brickman stated that through the efforts of Mr. Bagley's Legal Aid attorney, he had been released on bail. Mr. Brickman stated that he and Ken Nochimson plan to attend a meeting with an Assistant Attorney General in Maryland on July 2, where it will be decided whether the State of Maryland will pursue Mr. Bagley's extradition.

Mr. Dribben stated that Mr. Brickman had recently indicated to him an intention to leave his post as Executive Director at the end of 1973. Mr. Dribben suggested that the Board begin looking for a replacement as soon as Mr. Brickman's plans are definite. He also suggested that the Board encourage Mr. Brickman to remain. Mr. Brickman stated that he has not yet decided whether to remain in his post after the end of the year, but would notify the Board as soon as he had reached a decision.

Mrs. Murph was invited into the meeting room at 3:15 p.m.

At the Chairman's request, Mrs. Murph described the quality of medical services presently being provided at the CFW. She stated that in the past six months, there had been an improvement in medical services, due largely to changes in the medical staff and to staff enlargements. She stated that the CFW's greatest need is for gynecological services. In November 1972, through the efforts of Commissioner Malcolm, the CFW secured the services of Dr. Martin, for four days per week. Mr. DeMonte inquired as to the availability of emergency services. Mrs. Murph replied that if the house doctor is unavailable in an emergency, the inmate is sent to Elmhurst Hospital. She stated that the presence of Dr. Martin has reduced the number of emergencies.

Mrs. Murph asked whether, after the contract is signed with Montefiore Hospital, babies could be delivered at the CFW infirmary. Presently, mothers are transferred to Elmhurst Hospital for delivery. Mrs. Murph pointed out that the CFW infirmary would have to be designated as a branch of Montefiore Hospital for purposes of deliveries, so that birth certificates would show the children born in a hospital, rather than in a correctional institution. The Board agreed to raise this question with Mr. Chase.

Mr. Becker asked Mrs. Murph for her views as to HSA's performance since assuming responsibility for prison health care. Mrs. Murph replied that she has not seen great improvement in prison health services since responsibility was transferred to HSA. She stated that the recent improvements in the quality of medical personnel described earlier are due as much to the Department's efforts as to the efforts of HSA.

The Chairman asked what authority Mrs. Murph retains over HSA personnel working at the CFW. Mrs. Murph replied that she retains authority over the medical personnel except in purely medical matters.

Mr. Dribben asked Mrs. Murph to outline the procedure an inmate would follow to secure an aspirin during the evening hours. Mrs. Murph replied that the inmate must request the aspirin from a correction officer. If the correction officer determines that the inmate actually needs the aspirin, she then calls the nurse. Mrs. Murph stated that it is difficult for an inmate to secure an aspirin during the evening if she does not have an order for it.

Mr. Becker asked Mrs. Murph to describe the attitude of the nursing staff toward the inmates. Mrs. Murph stated that attitudes vary. She stated that the general attitude of both medical and correction staff is that inmates are there to be punished and that there are limits on the services to which they are entitled. Some of the medical staff believe chronic medical problems should be treated after inmates leave the institution.

Messrs. Chase, Gibbs, and Schneider arrived at 3:30 p.m.

At the Chairman's request, Mrs. Murph summarized for the HSA representatives her opinion of medical services at the CFW. She stated that medical services had not improved substantially since the HSA takeover.

Mr. Chase described the history of HSA involvement with prison health services. He stated that soon after he became Health Services Administrator in early

1970, he was made aware of serious problems in the administration of prison health services. He engaged a management expert to do a study of prison health. The study, completed in the fall of 1970, showed that prisoners were not receiving proper health care. An immediate problem was the overcrowded situation at the Bellevue psychiatric facility. HSA, together with the Department of Correction, responded to the crisis by establishing out-patient competency clinics around the City. In the fall of 1971, the sixth floor of Rikers Island Hospital was converted to a dormitory to house mentally disturbed inmates. After HSA took over responsibility for prison health services in the fall of 1971, an effort was made to increase the medical and mental health staffs. The number of mental health workers was increased from 34 to 182. Physician time in the prisons has increased from 7200 hours per month to over 8400 hours per month. The nursing staff has increased from 80 to over 135, and eight paramedics have been hired.

Mr. Chase stated that the most severe problem faced by Prison Health Services has been upgrading the quality of medical personnel. He reported that some headway has been made in this area; for example, in the fall of 1972 only two prison nurses were R.N.'s, whereas there are now over 35 R.N.'s working in the prisons. Mr. Chase stated that personnel quality will not reach acceptable levels until the prisons can associate with voluntary teaching hospitals. He stated that this fact led HSA to negotiate with Montefiore Hospital for its takeover of prison health care on Rikers Island. Mr. Chase stated that Montefiore is one of the foremost hospitals in the nation.

In response to a question from the Chairman, Mr. Gibbs described the provisions of the City's contract with Montefiore. Montefiore will have personnel assigned to the prisons on a full-time basis. There will be no rotation of nursing or clerical staff. There will be full-time salary lines provided for physicians, and a full-time work week for a doctor on Rikers Island will be 32 hours. Funds will be available for the hiring of specialists as needed.

Mr. Dribben asked whether an orientation program had been planned for the Montefiore staff. Mr. Gibbs replied that an orientation had not as yet been planned. He stated that a steering committee composed of high level representatives from Montefiore and the Department of Correction would have to be created to plan for the Montefiore takeover. In response to a question from Mrs. Singer, Mr. Gibbs stated that gynecology would be considered a speciality, but that gynecological services would be made available for a sufficient number of hours.

Mr. Chase stated that HSA is now negotiating with other City hospitals to affiliate with prisons. He stated that an agreement with Bellevue to take over health care for the Tombs may be worked out by next month. In addition, HSA is seeking an agreement from Cornell Medical Center to provide medical care to the Queens House of Detention.

Mr. Chase stated that the suicide problem of the inmates of the prisons is a serious one.

Mr. Chase stated that the suicide problem is one of the most difficult faced by Prison Health Services. He stated that potentially suicidal inmates must be housed differently; there must be more dormitory space and different types of facilities provided for them. Mr. Dribben stated that in his view identification of potentially suicidal inmates was more important than housing. He asked whether adequate means of identification have been developed. Mr. Chase replied that health and correction personnel are becoming more skilled at identification. He stated that suicides are occurring on mental observation floors and in hospitals more frequently than on regular housing floors. He reported that Branch Queens will begin to operate as a facility for mentally disturbed defendants in mid-July.

Mr. Kirby stated that the attitude of many correction officers assigned to mental observation floors is not satisfactory. He suggested that specially trained officers be assigned to these floors. Mr. Chase replied that HSA has been providing some instruction to new officers at the Correctional Academy. Mr. Schneider said that HSA has had good experience with training the correction personnel who will work at the new Adolescent Reception and Detention Center and at the Branch Queens facility. He said that the training was conducted over two full days, which accounted for its success. In other institutions, personnel cannot take the time for consecutive days of training.

Mrs. Singer inquired as to the timetable for the implementation of the Montefiore contract. Mr. Gibbs replied that under the terms of the contract, the City has the obligation to provide certain facilities and equipment for the Montefiore personnel. He said that Montefiore will begin to render medical services on a phased basis beginning 30 days after the City signs a contract for the planning and construction of the necessary facilities. The City's contract will be presented to the Board of Estimate on July 19. Thirty days after approval, Montefiore will begin servicing the CIFY. Mrs. Murph said that she had not been aware that the Montefiore contract had been signed and did not know that the services would begin this summer. The Chairman stated that in his opinion Mrs. Murph should be informed in some detail as to the timetable for the implementation of the Montefiore contract. Mr. Chase directed Mr. Schneider to meet with Mrs. Murph to describe more fully the Montefiore takeover.

Mr. Gibbs reported on plans to construct a health center on Rikers Island to render specialty medical services to ambulatory inmate patients. Rikers Island inmates will be serviced first, and other inmates will be admitted as space and personnel permit.

In response to a question from the Chairman, Mr. Gibbs stated that the Branch Queens facility will not be fully operational at mid-July, but that transfer of mentally disturbed inmates will begin at that time. He said that the rate of admissions will depend on the rate at which staff is acquired. When fully operational, the Branch Queens facility will house 230 to 270 mentally disturbed inmates. The facility should be at full capacity by the end of the calendar year.

The Chairman asked about the status of the 18th floor at Bellevue. Mr. Schneider declared that the hospital's Community Board favors the use of the 18th floor for both medical and psychiatric services to inmates, and that he believes the hospital's Medical Board will go along. He stated that a sub-committee of the Medical Board is now drafting a master plan for providing medical care to the Tombs.

Mr. Dribben inquired as to the procedure which inmates must follow to secure aspirin. Mr. Schneider replied that under State health laws, aspirin is medication which cannot be issued to inmates without a doctor's prescription. However, aspirin could be put into the commissaries for prisoners to purchase. Mr. Schneider stated that he had tried to arrange the sale of aspirin in the commissary but was unsuccessful. He declared that a blanket order for the dispensation of aspirin has been issued for each institution. However, nurses must still record individual dispensations, which can become a very cumbersome procedure. Mr. Chase said that the procedures regarding aspirin must be simplified and he promised to look into the matter.

Mr. Becker inquired as to what kind of training would be given to the Montefiore staff concerning problems they may encounter in treating inmates. Mrs. Murph suggested that nurses spend a day or two at the Correctional Academy. Mr. Chase agreed to look into this possibility.

In response to a question from Mr. DeMonte, Mr. Gibbs stated that after the Montefiore takeover, inmates' children would continue to be born at Elmhurst Hospital.

Mrs. Murph asked the HSA representatives for a definition of HSA's policy as to the quality of care provided to inmates. She inquired as to whether the goal of prison health care was merely to maintain inmates above the sick list level, and whether there was a policy of trying to deal with non-emergency health care situations. Mr. Chase said that with the Montefiore contract, prisoners will get the same care as is delivered by good voluntary hospitals to their patients. Mr. Schneider pointed out that in New York State it is illegal to perform elective surgery on detainees, although Bellevue and Kings County Hospital have been performing surgery. He noted that only limited space is available for non-elective surgery. He stated that the most progress was made in the area of eye and dental care. Presently, any detainee or sentenced inmate needing eyeglasses receives the glasses within two weeks after examination. He stated that the Health Department's Bureau of Dentistry has assumed professional responsibility for the delivery of dental care to inmates. He reported that 11 fillings are now performed for every five extractions, whereas before the Bureau of Dentistry assumed responsibility, there were ten extractions for every one filling.

Mr. Becker left the meeting at 4:15 p.m.

Ms. Pickman inquired whether health care services had been provided in the court detention pen facilities. Mr. Schneider replied that a licensed physician's associate had been assigned to the Manhattan court pens for the past three months. He screens arrestees as they are brought in by the police, and upon occasion advises correction officers to refuse to accept the arrestees and to arrange for them to be sent to the hospital. Mr. Schneider explained that HSA plans to expand this service to 16-hour coverage in the Manhattan, Queens, and Brooklyn court detention pens.

Mr. Chase stated that HSA is totally committed to improving Prison Health Services and encouraged further suggestions from the Board on prison health matters.

Upon motion duly made and seconded, the meeting was adjourned at 4:45 p.m.