

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF DECEMBER 9, 1992

MEMBERS PRESENT

William H. Booth, Chair
Reverend Irvine Bryer, Jr.
Stanley Kreitman
David Lenefsky
Barbara A. Margolis
David A. Schulte

Excused absences were noted for Vice-Chair John R. Horan and Board members Louis Cruz and Peter J. Johnson, Jr..

REPRESENTATIVES OF THE DEPARTMENT OF CORRECTION

Catherine Abate, Commissioner
James Shine, First Deputy Commissioner
Antonio Figueroa, Deputy Commissioner
Lacy Johnson, Deputy Commissioner
Amy Singer, Deputy Commissioner
Vito Turso, Deputy Commissioner
Robert Daly, General Counsel
Robert DeRosa, Chief of Compliance
Reginald W. Allen, Deputy Chief

OTHERS IN ATTENDANCE

David Parmet, Analyst, City Council
Kevin McGrath, Director, Department of Health/CHS

The meeting began at 2:05 p.m.. Chairman William H. Booth welcomed all attendees and called for a motion to adopt the minutes of the Board meeting of November 12, 1992. The motion was made by Board member Stanley Kreitman, seconded by Board member Barbara Margolis, and approved by all present.

Chairman Booth stated that the only topic in his report was an incident that occurred today. He stated that one of the Board's field staff representatives had performed admirably in rectifying a situation that took place at MTF III. The Chair requested that Board Executive Director Richard Wolf report on the situation. Mr. Wolf reported that presently there are 116 Federal detainees housed in the barge. He explained that when Board Correction Standards Review Specialist Sherie Brown visited their housing areas today, she was told by the Federal inmates that they were on a hunger strike because they were not getting access to the law library and other basic services. Mr. Wolf said that Ms. Brown was successful in calming the prisoners and in arranging for access to these services through discussions with the facility managers. He stated that for now the matter appeared to have been stabilized.

Board member David Schulte asked if issues involving Federal prisoners were within the jurisdiction of the Board. Commissioner Abate responded that the Board has jurisdiction over all Departmental work whether it involved the housing of Federal,

State or City prisoners. The Commissioner said that she was unaware of the problems cited by Mr. Wolf, and would call the Warden of the facility to make sure that all mandated services are provided.

Mr. Wolf stated that there may have been some confusion at the facility level because of the wording of Departmental Institutional Order #A009/92, entitled "Federal Detainees - Policy and Procedures".

Commissioner Abate stated that because the Federal detainees had been in the City system for only a short time, it would take several months for the staff to become accustomed to the operating procedures at the Barge.

The Chair requested that Board members present their reports. Board member David Schulte reported that on Tuesday, December 8, 1992, he and Mr. Wolf were provided a tour by the Substance Abuse Intervention Division (SAID) Chief Nelson and attended four sessions of the SAID program at the George Motchan Detention Center (GMDC) and the Adolescent Reception and Detention Center (ARDC). He described the program as being a basic therapeutic program for adolescents and adults. He stated that he was impressed with the program and the group leaders and urged that other members of the Board observe the program. Mr. Schulte congratulated the Commissioner on continuing the program

and suggested that she approach the new administration in Washington for funding for a pilot program to provide community services for released inmates who participated in the S.A.I.D. program and to monitor for recidivism.

Commissioner Abate stated that The New York Times had recently published an article that supported the assessment made by Mr. Schulte regarding the SAID program. In addition, she stated that the Department had reached out to the State Director of the Division of Alcoholism and Alcohol Abuse, Marguerite Saunders, in attempts to improve the Department's discharge planning. Commissioner Abate also stated that she spoke with the Mayor's Office of Substance Abuse Policy to see if they could change the contracting for the drug treatment programs so that a percentage of the beds that are provided within the community could be targeted for releasees. She reported that in addition to developing a strategy with Department staff to go to Washington in January for drug treatment slots dedicated to people who have graduated from the SAID program, she has communicated with Congressmen Schumer and Rangel.

Mr. Schulte requested that the Commissioner also include in her efforts the STEP (Self Taught Empowerment and Pride) program for women at the Rose M. Singer Center (RMSC). Commissioner Abate informed the Board that with the STEP program the Department has already provided a hot-line for the women who have

graduated from the program and have been released. She stated that though they have only begun to address some of the problems with women in the community they can call the hot-line and speak with an officer who can assist them with referrals.

Mr. Schulte began discussions on the issue of the magnetometers. He explained that in entering ARDC, before passing through the magnetometer, he was approached by an officer who asked if he had a gun. He stated that when he responded to the officer that he did not have a gun he was permitted to walk through the magnetometer. Mr. Schulte noted that as he walked through the magnetometer the lights began to flash and bells went off and nothing happened. He stated that although the machines are in place and working, no one is paying any attention to them.

Mr. Schulte then addressed the issue of the broken panel locks located in 1 Top, A post control room in GMDC. He stated that the locks had been broken for over a year and had asked Mr. Wolf to have field staff investigate the situation. Mr. Schulte explained that the electric door panel of each cell could not be opened or closed from the officers' station, and that each had to be opened or closed manually with a key. He stated that when he last visited that particular area it was being operated as a dormitory, with cell doors remaining in the open position at all times. Mr. Schulte said he was informed that the area is now being run as a cell area. Mr. Schulte stated that if indeed that

was the case, in an emergency situation it is hazardous to open 62 cells individually.

Acting Chief of Department Reginald Allen responded that the Department was aware of the problem with door panels in GMDC. He reported that the Department had been trying to correct the problem for approximately a year. Chief Allen said that the problem was not a maintenance issue, but a defect in the design. Deputy Commissioner Antonio Figueroa noted that this particular problem exemplifies why the Department is wary of new technology. He stated that the problems with the computer-operated panels originated when they were first defectively installed. He reported that the Department was in the process of suing the contractor and the designer of the panels.

Mr. Wolf clarified for the Board that there are two different inoperable cell door situations at GMDC. First, the older ones in 1 Top and second, the newer ones in building 7 & 8 which are the chevrons that came on-line in 1988. He stated that the Board's current concern is with the panels in buildings 7 & 8. Mr. Figueroa stated that although he was not familiar with the problem in 1 Top, the Department is evaluating GMDC and proposing to repair the panels that were deficiently installed.

Chief Allen stated that 1 Top was constructed as part of the initial facility, but that it was not completed until after

building 7 & 8 were finished. The contractors went back and installed the same panels in 1 Top as in buildings 7 & 8.

Mr. Schulte asked Chief Allen if he thought it was safe to manually lock and unlock 57 inmates into and out of the cells. Chief Allen agreed that it is unsafe to manually lock and unlock 57 inmates into cells.

Mr. Schulte suggested that the Department utilize the area, as in the past, as a dormitory if necessary. Chief Allen explained that in the past the Department was able to use the area as a dorm because extra staffing was available, and agreed to look into the staffing situation.

Mr. Schulte stated that at the last meeting the Department informed the Board that in order to resolve the heating situation in Lower 1 and 3 and Lower 2 and 4 at the Anna M. Kross Center (AMKC), it would have to await the arrival of a part from the manufacturer. Mr. Schulte stated that it was his understanding that to date the part had neither been received nor installed and that there still was no heat in the aforementioned areas. Mr. Figueroa stated that the part was both received and installed. He stated, however, that it is possible that there is another steam problem because the facility contains steam tunnels that are 50 to 60 years old. He stated he would investigate the situation and report back to the Board.

Chairman Booth requested that other members present their reports. Board member David Lenefsky requested that the Department provide an update on the pending issues of the Brooklyn House of Detention for Men (BkHDM). With respect to the HIV counseling, Chief DeRosa reported that on Tuesday, December 8, 1992 the Warden of the facility identified an appropriate area on the sixth floor to conduct confidential HIV counseling. He stated that the 8 by 17 foot area has been approved by the health care provider and is now being painted and having a telephone installed. Mr. Lenefsky asked when the room would be ready for use. Chief DeRosa stated that the room will be operable as of next week.

Mr. Lenefsky stated that he had been informed that AMKC Deputy Warden Schram had responded on December 7, 1992 to the Board's health survey findings, which had been sent to him on November 12, 1992. Mr. Lenefsky stated that the response included both correctional issues and health issues. Mr. Lenefsky stated that the Board would have to discuss with the Department of Health some of its responses to the survey, as the response was neither timely, having been received late last evening, nor substantively adequate.

Commissioner Abate then addressed an issue of concern to both the Department and the Board - the conditions of Modular 1

in AMKC. She reported that the Department will relocate the inmates in Modular 1 by Monday, December 14, 1992 so as to completely close down the deteriorated area.

Deputy Executive Director Cathy Potler asked if a decision had been made with respect to the two-story trailer for the Brooklyn clinic extension. Commissioner Abate responded that no decision had been made.

Board member Stanley Kreitman stated that since October, 1992 he had noticed an increase in violence. He stated that a computer analysis done by Board staff supported the Commissioner's past statements that violence had indeed decreased. However, he stated that the statistics are somewhat misleading because even though the overall rate of violence has gone down, the rate of violence within ARDC has continued to increase. Mr. Kreitman stated that he will continue to bring up discussions on violence until the entry of weapons ceases and there is a substantial decrease in stabbing and slashing incidents. He stated that the Department should try to improve the system and if new techniques are to be tried out, they should aim these tests at ARDC.

Commissioner Abate stated that over the past two years there has been a substantial decrease in stabbings, slashings and inmate assaults. However, she stated that the Department is not

satisfied with the rate of violence within the facilities. She reported that the ARDC Warden and staff have made attempts to expand various violence reduction programs. Commissioner Abate said that the magnetometers are functioning and a pilot project is under way at the North Infirmary Command (NIC) and the Correctional Institution for Men (CIFM), where everyone entering must go through the magnetometers. She reported that the Department would evaluate these two pilots to see whether they should be implemented system-wide. She noted that funding would be an issue because arsenals needed to be relocated.

Mr. Kreitman asked what is being done to prevent contraband such as razor blades placed in shoes from being brought into the facilities. Commissioner Abate responded that the Department has implemented extensive search procedures for visitors and inmates, and of trash. She said that in the visit area the canine unit is being used more frequently. The Commissioner also noted that programs result in reductions in violence levels. She stated that the Department needs to figure out a way to increase the programs, particularly in ARDC.

Deputy Commissioner Amy Singer stated that ARDC staff are at the Academy receiving special training on working with adolescents. She said that the Department was seeking to start an ecumenical housing unit and an Explorer's group within the next month.

Mr. Schulte stated that he would be interested in knowing the stabbing/slashing rates among those adult/adolescent inmates housed in A.R.D.C. who are involved in therapeutic programs as opposed to inmates who are not participants in such programs. Ms. Singer stated that the Department already had some of that information. However, she stated that many of the inmates entering the Sprungs have low classifications so low levels of violence are expected. Mr. Schulte suggested that the Department test group therapy among high level classifications.

Commissioner Abate stated that in the SAID program there has not been any major slashing or stabbing incident in the last year.

Mr. Schulte asked how many inmates participated in the SAID program. Commissioner Abate responded that approximately 10,000 or one-tenth of the intake population have participated in the SAID program within the year.

Mr. Schulte suggested that the Commissioner seek the support of the Board in any attempts to expand the SAID program in ARDC. He stated that although it may be costly, it would be worth it in the long run. In agreement, Commissioner Abate stated that the ultimate goal of the Department was to make sure every adolescent inmate has access to some kind of program.

Mr. Lenefsky asked approximately how many adolescents go through the system each year. Commissioner Abate estimated 8,000 and stated that she would report back with the actual figure.

Board member Barbara Margolis asked what was the average length of stay for the adolescent detainees. Commissioner Abate stated that the average length of time spent is 51 to 55 days.

Mr. Lenefsky commented that he thought the Commissioner had articulated a very good theme, namely, that all adolescents going through the system should be provided with some sort of program. He suggested that 10 to 15 minutes be put aside for the next Board meeting to discuss this issue further.

Mr. Kreitman noted that his concerns with the increase in violence and the presence of weapons in the jails reflected his concerns about the safety of the correctional staff.

Commissioner Abate stated that at the January Board meeting she will have Chief Wangenstein present to the Board the enhancements on search procedures.

Chairman Booth asked Mr. Wolf to present the staff report. Mr. Wolf requested that the Department update the Board on the issue of the State prisoners. Commissioner Abate reported that

as of November, 1992 the Department had vacated the Ogdensburg upstate facility and will be vacating Cape Vincent by the end of May, 1993. She stated that to date there are 298 overdues and by Monday, December 14, 1992 there should be a zero balance. Commissioner Abate informed the Board that the Department has implemented a state-ready automated tracking system that went into effect in November and will allow the Department to be in compliance with the Calvin case.

Mr. Schulte asked who is presently occupying the space at the Ogdensburg upstate facility. Commissioner Abate reported that the facility is being operated by the State and housing state inmates.

Mr. Schulte asked if the State was funding the operation of the facility. General Counsel Robert Daly explained that there is a debt service on the bonds that were floated to build the jails and as part of the State taking over those facilities it will be picking-up the debt service. He further explained that when the City cross-claimed the State it was because the City no longer wanted to use the two upstate jails. He stated that the City was paying 40 to 50 million dollars a year to operate these jails, plus an additional 10 million in debit service. He stated that as a result of the lawsuit, the state has until December 14th to purge themselves of its contempt and remove the final 300 overdue state-readies from the City's jails.

Mr. Wolf then reported that on December 2, 1992 there was an escape of a pregnant female detainee from Long Island College Hospital, where she was taken after arraignment, while in the custody of two officers from RMSC. Commissioner Abate reported that following an investigation the two officers were suspended.

Ms. Potler stated that back in September there was a brief discussion on Phase II A of the Contagious Disease Unit (CDU) at the West Facility. She requested that the Department provide an update. Mr. Daly explained that the Department was under court order to bring on 42 additional beds for Phase II on or before December 8, 1992. He reported that those beds did come on-line as requested. He commented that the Department has never before built anything of such complexity in such a short time frame.

Mr. Figueroa reported that the Department vacated two of the Phase I sprung for retrofitting and moved these inmates into two of the four new sprung. He explained that in the interim there is an agreement to always have 14 additional beds available and that these beds were located in Sprung 6.

Mr. Daly elaborated on Mr. Figueroa's explanation by stating that one of the things that the Department requested of the Federal court was a brief period of time between the completion of Phase I and the beginning of the construction of Phase II

because the Department was "fast-tracking" the construction to the point where they were unsure that they would have everything designed accordingly. He stated that the Department is going back to Phase I and retrofitting each 14 bed unit. He stated that the process should take approximately one week. Mr. Daly stated that the only problem the Department was experiencing was bringing on a sufficient number of doctors to staff the patients.

Commissioner Abate informed the Board that she had just received an answer to Mr. Schulte's inquiries regarding the lock-in situation at GMDC. Chief Allen reported that he was informed that 1 Top and building 7 & 8 have an override system for emergencies. He explained that it allows the officer to open all of the cell doors one row at a time. He stated that there are a handful of cells in each housing area that do not work. Chief Allen stated that he ordered that these be closed down.

Mr. Wolf stated that the problem with that system is that the gang-release does not always work. He stated that the facility staff were not comfortable that the override system was working sufficiently to justify using the cells. Chief Allen stated that whichever of the cells are not responding will be shut-down.

Chairman Booth then requested that the Department present its variance requests. Chief of Compliance Robert DeRosa

requested that in addition to granting a renewal of all existing variances, the Board extend the variances for Phase I of the CDUs to Phase IIA. Upon Reverend Bryer's motion and Mr. Kreitman seconding the motion, the Board voted to grant the request.

Chief DeRosa stated that the two issues Mr. Schulte had observed at AMKC that were unacceptable conditions have been rectified: (1) food service - the Warden contacted the Executive Director of Nutritional Services Victoria Verdiglione who assured the Warden that new cambros had been ordered for C-71 and (2) the long-distance telephone service had been repaired shortly after Mr. Schulte reported it.

Chairman Booth adjourned the meeting at 3:00 p.m..