

NEW YORK CITY  
BOARD OF CORRECTION  
MEETING OF JANUARY 8, 1992

Members Present

Judge William Booth, Chair  
John Horan, Vice-Chair  
Louis A. Cruz  
Stanley Kreitman  
Barbara Margolis  
David Schulte

Excused absences were noted for Rev. Irvine Bryer, Jr., Peter J. Johnson, Jr. and David Lenefsky

Representatives of the Department of Correction

Vito Turso, Deputy Commissioner  
Hector Eugui, Deputy Chief of Operations  
Marron Hopkins, Division Chief  
Robert Brennan, Warden - Rose M. Singer Center  
John Gnat, Warden - Manhattan Detention Complex  
Roger Parris, Director of Health Services  
Stephen Ricci, Acting Assistant Commissioner  
James Psomas, Deputy Warden of Security - RMSC  
Joyce E. Gourdine, Deputy Warden of Programs  
P. Panagi, Assistant Deputy Warden  
William Daly, Assistant Deputy Warden  
Michael Shannon, Captain  
Joseph Patrison, Executive Officer, STEP Program  
Aoa Caldwell-Herring, Senior Program Specialist, STEP Program  
Andrew Schlig, Program Specialist  
A. Drinks, Program Specialist

Others in Attendance

Kevin McGrath, Director of Field Services, DOH  
Earl Murphy, Correction Facility Review Specialist, State  
Commission of Correction  
Dale Wilker, Attorney, Legal Aid Society, Prisoners' Rights  
Project  
Nadine A. Johnson, Legal Assistant, Legal Aid Society, Prisoners'  
Rights Project

The meeting began at 1:55 p.m. in the gymnasium of the Rose M. Singer Center (RMSC) on Rikers Island. Chairman William Booth thanked Warden Robert Brennan for inviting the Board to RMSC, and welcomed the representatives of the Department of Correction (DOC) and other guests.

A motion to adopt the minutes of the Board meeting of December 11, 1991 was made by Board member Stanley Kreitman, seconded by Vice-Chairman John Horan, and approved by all members present.

The Chair then asked for reports from the members. Board member David Schulte informed the Board that he had recently visited the Manhattan Detention Complex (MDC), and noted that there had been some improvement in the cleanliness of the court pens, but that the air conditioning for the area still had not been repaired.

Mr. Schulte reminded the Department that he had been suggesting for over a year that prisoners assigned to the Work Release Program be employed to clean the court pens. He stated that the Department was using detainees to clean the pens and Work Release prisoners to work in the kitchen. Mr. Schulte noted that the inmate who had escaped from MDC was a known escape risk with an outstanding warrant. He said that this was the second escape from MDC, though the first had taken place under a

different warden.

Mr. Schulte then informed the Board that he and Director of Field Operations Carl Niles had attempted to question Warden Gnat about the escape and the Warden told them that the Department had forbidden him to release any information regarding the matter.

Mr. Schulte said that Mr. Niles volunteered to call Acting Assistant Commissioner Stephen Ricci to obtain additional information, but was unable to speak to Mr. Ricci because he was on vacation. Mr. Schulte stated that he had received no information regarding the escape, and he reminded the Department that the City Charter grants the Board the right of access to all information.

Mr. Schulte reported that RMSC Warden Brennan had an idea that he thought would help improve living conditions for inmates. He invited the Warden to describe his idea.

Warden Brennan explained that there were always numerous complaints about broken washing machines and dryers. He said that during a visit to a correctional facility in Virginia, he found that the system of renting washers and dryers worked well because the companies who installed them would be responsible for maintenance and usually acted immediately to fix machines because they did not want to lose the money obtained by having functional washers and dryers.



He said that he felt it would be a cost-effective way of insuring that laundry facilities could be maintained, and noted that many of the inmates worked and could afford the 25 to 50 cents to wash and dry clothes.

Chairman Booth requested that Board Counsel Annette Gordon-Reed look into whether the Board's standards would allow such a program to go into effect.

MDC Warden John Gnat commented on the recent escape, noting that it occurred some time after midnight, December 24, 1991. There was no physical breach of the institution, and the Department was still unsure how the inmate escaped. Warden Gnat explained that the escapee was a sentenced inmate originally housed in the Correctional Institution for Men (CIFM/C-76). He was part of the Work Cadre assigned to the court pens sanitation group. The inmate was picked-up and delivered with four other inmates to the third floor court holding pens at MDC. Apparently, the officer responsible for the group failed to follow all of the security procedures. That officer was suspended for five days. Warden Gnat noted that the question of how the inmate got civilian clothing was of particular interest and that the whole affair was being investigated by the Investigation and Discipline Division (IAD). No final report has been released to date.

Chairman Booth asked when the investigation would be concluded. Warden Gnat said that he did not know. Division Chief Marron Hopkins added that a preliminary report regarding the escape had been forwarded to the Board of Correction.

Executive Director Richard Wolf stated that over the past year or so, the Board of Correction had experienced difficulty obtaining documents from the Department in the relatively speedy manner that the Board had been accustomed to in previous years. Mr. Wolf added that on the very day that he was given his assignment, Division Chief Hopkins called and set up a meeting to assure the Board staff that there would be no problems with the flow of information. Mr. Wolf stated that he was confident that this problem would be resolved.

Mr. Wolf told the Board members that Marron Hopkins had been a Captain in the Office of Compliance Consultants (OCC), the neutral third party set up to monitor the consent decrees for Judge Lasker. He is, therefore, very familiar with the issues involved in oversight. Mr. Wolf went on to say that Division Chief Hopkins' taking over Compliance was welcome news to the Board's staff, and added that he was sure Board members would soon feel the same way.

Chairman Booth then requested a staff report from Mr. Wolf.

Mr. Wolf began his report by informing the Board that there had been a homicide at the Brooklyn House of Detention for Men (BkHDM). He asked Mr. Niles to briefly summarize the facts.

Mr. Niles reported that on Monday, January 6, 1992 at around 7:10 p.m. Assistant Deputy Warden O'Brien notified him of the death of inmate Andrew Lawrence #141-89-07941 who had been housed in the Brooklyn House of Detention for Men. Mr. Niles stated that the inmate had been pronounced dead at Long Island College Hospital at 6:16 p.m.. The cause of death was listed as "cardiac arrest".

Mr. Niles reported that during the routine investigation that follows every inmate death, an inmate told Department officials that he had killed Mr. Lawrence during a fight over marijuana. Mr. Niles informed Board members that the suspect was questioned further and that the matter was still under investigation.

Mr. Niles said that the deceased was 19 years old and had recently been transferred to the Brooklyn House of Detention from the Central Punitive Segregation Unit (CPSU). Mr. Niles stated that the inmate was sent to CPSU after his involvement in eight stabbing and slashing incidents while housed in the Adolescent Reception and Detention Center (ARDC).

Mr. Kreitman asked Department representatives if a weapon



was involved in the incident. Division Chief Hopkins said no.

The Chair requested that Mr. Wolf continue with the staff report. Mr. Wolf stated that the next item on the agenda was an update on the tuberculosis (TB) epidemic and the progress toward developing the Communicable Disease Units (CDUs). Mr. Wolf requested that Deputy Executive Director Cathy Potler give the report.

Ms. Potler introduced the newly appointed Health Service Specialist Lisa Santiago who began working for the Board at the end of December. She noted that Ms. Santiago worked previously at the Department of Health/Prison Health Services for 2 1/2 years.

Ms. Potler reported that she, along with representatives from other City Agencies, had been involved in so-called "Squatters" meetings at the Department, which ran from December 13, 1991 through December 19, 1991. She explained that these meetings were conducted by the architectural design consultants hired by the Department to determine what was needed to build safe and effective CDUs. She stated that after numerous meetings the consultants reported that they had examined the existing CDUs at GRVC, GMDC and RMSC and had concluded that they were not suitable for respiratory isolation, and that it would be too expensive to renovate them. The consultants did, however, look at other sights on Rikers Island and recommended that CDUs be

constructed at the West Facility.

The consultants said that 120 to 140 units could be set aside for male and female prisoners. There would be an anteroom leading into each single-occupancy room; each room would have a minimum of six air exchanges per hour and ultra violet lights for additional protection. There would also be a treatment facility with X-ray equipment.

Ms. Potler added that on Tuesday, December 17, 1991 the Department outlined a plan to begin a pilot project which would have two phases. Phase I would consist of construction of a 42 bed unit -- 28 beds for male prisoners and 14 beds for female prisoners. One Sprung area would be the designated treatment area with X-ray equipment. Ms. Potler explained that the construction of these units would begin soon, and that Department had represented that the construction would take approximately three months to complete.

Ms. Potler reported that there was some question about when Phase II would begin and noted that at a meeting before Judge Lasker, the Department had stated that there would be a 30 day period after the completion of Phase I to review the units and make sure that they were operational. Approximately 90 days thereafter, the rest of the units could be completed.



Ms. Potler then referred to the City plan of action for combatting TB in the criminal justice system. She stated that the Board had been participating the TB Task Force set up by the Department of Health (DOH) Commissioner Margaret Hamburg. She explained that she has been involved in the writing of the draft report, for plan of action, to be presented to the members of the Task Force on Friday, January 10, 1992.

Chairman Booth noted with approval Dr. Hamburg's recent appointment as Commissioner of the Department of Health. The Chair said that Commissioner Hamburg had stated, at a meeting he attended in Deputy Mayor Milton Mollen's office, that in a matter of 3 to 5 days the medical criteria for the CDUs could have been completed. Mr. Booth stated that he believed there was some "foot-dragging" by some of the participants that he brought to the attention of Judge Mollen. He stated that as a result a report would be out Friday, January 10, 1992. He noted that the TB epidemic was a City-wide situation and not just a problem within the criminal justice system.

The Chair asked if there were any more comments from the Board members. Mr. Schulte referred to page 14 of the December 11, 1991 Board meeting. He quoted,

Dale Wilker, of the Legal Aid Society Prisoners' Rights Project, informed the Board that in a memo dated July 10, 1989, Mark Goldberg, an environmental epidemiologist at DOH, reported that he visited the CDU at GMDC on June 29, 1989 and found it to be inappropriate for use as a CDU. Mr. Wilker reported

that Mr. Goldberg's recommendations had been given to DOC and clearly stated that, 'Before an attempt is made to either renovate the old system or to construct a new one with an appropriate system, it should be designed under the guidance of an engineer with knowledge of the sometimes exacting requirements of hospital ventilation systems.' Mr. Wilker pointed out that the Department had not followed this advice and had not sought expert advice from a hospital ventilation engineer.

Mr. Schulte asked Department representatives why the Department did not follow the advice of Mr. Goldberg and stated that the Department had already wasted \$160,000 by not following that advice.

Division Chief Hopkins said that the present administration could not apologize or make excuses for the decisions of prior administrations. He emphasized that during the present crisis the Department had sought and followed the advice of hospital experts for the design of the CDUs. Deputy Chief of Operations Hector Eugui added that the Department decided to build a prototype of the CDUs to see if the plans were indeed workable. This would avoid the possibility of spending \$10 to \$12 million on a 140-bed CDU that may or may not operate.

Mr. Wolf stated that the advice that had been suggested to the Department in 1989 was finally being followed. He noted that at the "Squatters" meetings that he and Ms. Potler were introduced to the sub-contractors who have extensive experience in designing respiratory isolation units.

Mr. Schulte requested that Mr. Wolf report back to the Board on the cost of the prototype unit.

Mr. Wolf updated the Board members on the situation regarding State ready prisoners. He stated that the Chair's communication with the Director of Criminal Justice Services and Commissioner for the Division of Criminal Justice Services, Richard Girgenti, resulted in assurances that double-bunking would begin, and that the number of "overdues" would decrease dramatically. Mr. Wolf noted that even if the City were reimbursed \$40 per day for each overdue State prisoner, the City would still suffer a net loss of \$118 per prisoner per day. He stated that at the December 11, 1991 Board meeting it was estimated that in the past year the City had spent \$76 million to house overdue State prisoners. Since the last Board meeting an additional of \$18 million had been expended, bringing the total to \$94 million.

Mr. Wolf said that the State had begun the double-bunking process. He noted that originally 3,000 beds were reserved in medium-security State prisons and that to date approximately 1,700 had been used. Mr. Wolf stated that in December 1991 the total number of overdue State prisoners in the City system was 2,300 and that presently 2,250 State ready prisoners remained.

Mr. Wolf informed the Board that recently there had been



press reports of a possible solution to the overcrowding situation. It has been suggested that the two upstate facilities which currently house City-sentenced prisoners, could be taken over by the State to provide more room for overdue state prisoners. Mr. Wolf stated that this possibility was still under discussion.

Mr. Schulte inquired if the City was being reimbursed the \$40 per day by the State. Board of Correction Director of Information Systems James Bennett informed Mr. Schulte that the City has been reimbursed to date.

Board member Louis Cruz reminded the Board that at several Board meetings the Board had urged the Department to take legal action against the State.

Chairman Booth requested that Department representatives take to their General Counsel, Robert Daly, a request on behalf of the Board that he look seriously at the possibility of starting legal action to force the State to take its overdue prisoners.

Mr. Kreitman said that the State had an obligation to take its prisoners. He noted that the Board had earlier voted in favor of legal action against the State and that this problem should be brought to the attention of Deputy Mayor Milton Mollen.

Chairman Booth stated that the Board's concerns had been expressed to Judge Mollen in writing. He stated that he did not, however, suggest to Judge Mollen that the City consider legal action. Chairman Booth stated that he would discuss that suggestion with Judge Mollen.

Mr. Schulte stated that Mr. Kreitman had made a motion at the November 13, 1991 Board meeting suggesting that the Board support legal action against the State and that the motion had passed. Chairman Booth said that the Board does not have the authority to pursue legal action against the State, but that it could suggest such a course of action to the Department and Corporation Counsel.

Chairman Booth asked the Department to present its variance requests. Acting Assistant Commissioner Stephen Ricci requested a renewal of all existing space and program variances. A motion was made by Mr. Cruz, seconded by Mr. Horan, and approved by all members present.

Chairman Booth asked if there was any new business. Mr. Schulte raised the issue of the BI Monitoring contract. He quoted from the Board minutes of December 11, 1991, "Ms. Lewis-Smith informed the Board that she would ask Corporation Counsel for an opinion regarding a meeting in executive session to

discuss matters pertaining to the contract." Mr. Schulte asked what happened with the opinion from Corporation Counsel. Chairman Booth told Mr. Schulte that the contract had been rescinded and that there would be a new bidding process.

Mr. Schulte then asked Department representatives about the present status of Deputy Commissioner Allison Lewis-Smith. Chief Hopkins informed Mr. Schulte that Ms. Lewis-Smith was presently working in the Trials & Discipline Division.

Mr. Kreitman asked Department representatives to outline the present hierarchy of the Department. Chief Hopkins explained that Gerald Mitchell is the Acting Commissioner, that the responsibility of Chief of the Department would be shared by all the Division Chiefs on a rotating basis, and that General Counsel Robert Daly is again the Department's chief legal officer.

Mr. Schulte asked when the Acting Commissioner would come to a Board meeting. Chairman Booth informed Mr. Schulte that Acting Commissioner Mitchell would probably be at the next Board meeting.

Chairman Booth announced that the next Board meeting would be held on Tuesday, February 11, 1992 at 2:00 p.m. in the Board's conference room. The meeting was adjourned at 3:10 p.m.