

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

MEMBERS PRESENT

William Booth, Chairman
John Horan, Vice-Chairman
Stanley Kreitman
Barbara Margolis

Excused absences were noted for Board members Reverend Irvine Bryer, Jr., Louis Cruz, Peter J. Johnson, Jr., David Lenefsky and David Schulte.

REPRESENTATIVES OF THE DEPARTMENT OF CORRECTION

Catherine M. Abate, Commissioner
James Shine, First Deputy Commissioner
Edward J. Alloco, Deputy Commissioner of Administration
John Shanahan, Assistant Commissioner
Robert Wagenstein, Deputy Chief of Department
Nancy Reese, Deputy Chief
Robert DeRosa, Chief of Compliance
Roger Parris, Director of Health Services
Tom Antenen, Public Affairs Manager

OTHERS IN ATTENDANCE

June Binney, Deputy Commissioner, Department of Health -
Correctional Health Services
James Neal, M.D., Deputy Assistant Commissioner, DOH/CHS
Kevin McGrath, Director of Field Services, DOH/CHS
John A. Guzman, Supervisor, State Commission of Corrections
Dale Wilker, Attorney, Legal Aid Society/Prisoner's Rights
Project

The meeting began at 2:15 p.m... Chairman William Booth welcomed Department of Correction (DOC) representatives and other guests.

Chairman Booth called for a motion to adopt the minutes of the Board meeting of June 10, 1992. Vice-Chairman John Horan made the motion, Board member Stanley Kreitman seconded it, and the motion was approved by all members present.

Chairman Booth then began the Chair's Report. He reminded those assembled of the proposed renovation of the clinic area in the Brooklyn House of Detention for Men (BkHDM) which had not started. He also raised the issue of the assurances made in 1991 by former Deputy Mayor Milton Mollen and First Deputy Mayor Norman Steisel that money would be made available for implementation of Department of Health (DOH) plans for compliance with the Board's Health Care standards on the maintenance of Emergency Equipment and provision of Out-to-Court Medication. As of the date of the meeting, the City remained out of compliance with the Standards. Chairman Booth requested that DOC and DOH discuss these issues.

The Department's Assistant Commissioner John Shanahan said that after the meeting with the Board on the proposal regarding renovations at BkHDM, DOH had requested some changes in the

planned renovations. The Director of Health Services for the DOC, Roger Parris, added that DOH had originally signed off on the DOC final plans for renovations at BkHDM. The Director of Field Services for DOH, Kevin McGrath, explained that DOH had taken the plans back to the Clinic Administrators for review to ensure that adequate provision had been made for proper patient services. Mr. McGrath stated that the Receiving Room clinic renovations were completed and that it was his understanding that the trailer-like modular to be placed above the Receiving Room had to be taken to a contractor. Mr. Shanahan assured the Board that the Department would go forward with BkHDM renovations.

Commissioner Catherine Abate asked approximately how long it would take to complete the renovations. Mr. Shanahan estimated that the completion of the renovations would take approximately two months. Commissioner Abate assured the Board that if it appears that the time for completing the renovations will extend beyond two months, the Department will send the Board a detailed explanation for the delay.

Chairman Booth then asked about the situation with respect to Emergency Equipment and Out-to-Court Medication. Following the distribution of a updated list of items received, not received and/or pending delivery, DOH Deputy Commissioner June Binney apologized for the delay on behalf of the various City Agencies involved in trying to obtain the Emergency Equipment.

She then reported that fifteen out of the thirty items had been received and that she had been assured that the remaining items would be acquired by the end of the month. She revealed that two items, four magnalume otoscope/ophthalmoscope pocket sets and seven specimen refrigerators, were somehow omitted by DOH procurement and that new requisitions for these items would be submitted immediately to DOH's budget office.

Ms. Binney explained that in the past, the Department of Correction would purchase equipment for DOH, with the result that DOH would often receive the wrong equipment. To solve this problem, she and Leslie Keenan decided that DOH should maintain the responsibility for purchasing its own equipment. Ms. Binney assured the Board that the most recent problems with procurement process would not recur.

Executive Director, Richard Wolf asked Ms. Binney to state again which items must be reordered. Ms. Binney reported that even though the facilities do contain refrigerators, they do not have specimen refrigerators. Deputy Assistant Commissioner Dr. James Neal said that the ophthalmoscopes, used to examine eyes and ears, also needed to be ordered.

Mr. Wolf asked how the staff would handle emergencies that occurred before the re-ordered equipment is on site. Dr. Neal explained that clinic staff would use their own equipment, adding

that most staff members do have their own personal equipment.

Dr. Neal then reported on the status of provision of out-to-court medications. He stated that he reviewed the pharmacy delivery system, the medication needs of certain "special" facilities (C-71, the infirmaries and the CDU's), the types of medications administered, and the packaging of medication. He noted that the result of the analysis demonstrated that the two initiatives that are in place will work well. He stated that the first initiative was the "Carry Program" which is a prepackaged dispensing mechanism where an inmate client receives a week's supply of certain medication, though controlled substances psychotropics and other medications are excluded from the program. He stated that the second initiative was "Prescribing equivalent medications" that are administered once or twice daily. Dr. Neal added that the second initiative was in place with two of the vendors - St. Vincent's and Executive Health and that both programs addressed the need to insure that inmate clients would always receive medication as prescribed.

Dr. Neal briefly explained that all the facilities that are the responsibility of DOH, with the exception of Rose M. Singer Center (RMSC) and the Anna M. Kross Center (AMKC), are following the programs and up until recently Montefiore proposed to bring RMSC and AMKC on-line. Dr. Neal explained that the second initiative, the concept of substituting medication that can be

taken once or twice daily for medication that must be taken three or more times a day, was presently being introduced to the system by a DOH committee that would have the responsibility for monitoring the program.

Chairman Booth asked why RMSC and AMKC been left out. Mr. McGrath stated he knew no more than that historical staffing issues prevented their inclusion. He further stated that with respect to AMKC there were many operational difficulties which inhibited the use of the program in that facility. Deputy Commissioner Binney stated that she would research the particulars of this issue and report her findings to the Board.

Mr. Wolf said that the Board and the Department have been concerned with the treatment of female inmates. He said that the percentage of women using the clinics services is substantially higher than the percentage of men. Mr. Wolf asked if the DOH "Carry Program" included Forbell. Mr. McGrath replied that Forbell had a "Carry Program" only for AZT. Ms. Binney agreed that much work needs to be done in this area. She stated that originally DOH had thought of bringing medication to the court pens. It was determined that this approach would likely lead DOH to bring more drugs to the pens than might actually be needed. Ms. Binney applauded Dr. Neal's common sense approach. Ms. Binney stated that she would keep the Board up to date on a monthly basis until a solution is found.

Ms. Potler stated that she was aware of Dr. Neal's assessment, which is a step in the right direction, and asked if a time-frame was in place. Ms. Binney stated that the plan could be articulated within a month, but the amount of time it will take to put the plan into effect will depend on the pace of clinic renovations. She stated that she would have complete answers to all the questions regarding this matter at the next Board meeting.

also w/ respect to emerg. equipment

Commissioner Abate asked if there was anything the Department could do to make implementing the "Carry Program" easier. Ms. Binney said that she would be working closely with the Department's Health Services staff to help coordinate efforts.

Chairman Booth asked Commissioner Abate to report on the multiple inmate shootings which occurred on June 24, 1992 at the James A. Thomas Center (JATC) on Rikers Island.

Commissioner Abate acknowledged receipt of the letter dated June 26, 1992 from Mr. Wolf expressing the Board's concerns about the incident. She stated that prior to receiving the letter, she met with Department Chief Marron Hopkins and Deputy Chief of Department Robert Wagenstein to discuss search procedures and the possibility of searching everyone entering the jails. She stated that prior to formulating a new plan, she would seek input from

other Department and Union representatives. She reported that Deputy Chief Wagenstein had already met with the Division Chiefs and Deputy Wardens of Security who are reviewing the location of arsenals within facilities. She added that in developing the plan, the cost of the removal of the arsenals, the need for additional equipment, and staffing needs would all have to be considered.

Deputy Chief Wagenstein informed the Board that he would meet with Chief Hopkins and the First Deputy Commissioner James Shine on July 14, 1992 to discuss options and funding. Commissioner Abate added that within a month or two, after the Department contacts the Deputy Mayor and Office of Management and Budget (OMB) for support and speaks with the Unions, the Board will have a clear idea of the Department's plans.

The Commissioner then introduced new members of her staff, First Deputy Commissioner James Shine and Deputy Chief of Inmate Movement and Classification Nancy Reese.

Chairman Booth asked for Members' reports. Mr. Kreitman stated that he wanted to address two issues. First, he asked if the Department of Correction had an Investigation and Discipline Unit (IAD) or an Inspector General Office (IG) similar to that of the Police Department. The Commissioner replied that DOC has an IAD and IG, a Use of Force Division and a Trials Division. She

further added that as part of the new reorganization a new Deputy Commissioner of Investigations Management Support Systems would be appointed, who would be responsible for the investigation of Uses of Force, corruption and would oversee the Trials Division. She then asked Deputy Chief Wagenstein to continue discussions on the issue.

Deputy Chief Wagenstein explained that during former Commissioner Sielaff's tenure, the Department had a different approach to investigation and discipline. He said that his responsibilities entailed overseeing the Investigation and Discipline Unit, Use of Force Unit and Security. He further explained that the Department of Investigations (DOI) works in conjunction with the Department and that any staff issue and/or complaint is first forwarded to DOI where it is determined whether the Department of Correction should proceed with investigations on its own.

Commissioner Abate added that the shooting incident at JATC provides an example of the procedures described by Deputy Chief Wagenstein. She stated that though DOC is unable to conduct its own separate investigation, she has offered the assistance of Department staff to DOI Inspector General Michael Caruso.

Chairman Booth asked the Department to report on the suicide of inmate Sam Jackson that occurred on June 26, 1992 in the

Manhattan Detention Complex (MDC). Commissioner Abate said that suicide was still being investigated. She stated that she had met with Chief of Department Hopkins and Deputy Chief Wagenstein, who in turn met with all the Wardens and Deputy Wardens to emphasize the importance of training Correction Officers to recognize the signs of depression or calls for help from inmates. Chairman Booth inquired if Sam Jackson had been under observation. Deputy Chief Wagenstein stated that an Observation Aide had been on duty. Commissioner Abate added that it was her understanding that the inmate had been referred to Mental Health and was scheduled to be seen the morning following his death.

Mr. Wolf noted that he and the Director of Field Operations, Carl Niles had reviewed the circumstances of how the suicide was carried out. Air vents in cells are supposed to be covered by wire mesh to prevent inmates from attaching material to the grating in the vents during suicide attempts. Their review found that the mesh covering had been incorrectly placed behind the grating, thus defeating purpose of having a mesh covering. In addition, they found that the break-away hooks in some cells were also installed incorrectly. Mr. Wolf said that some inmates were attempting suicide by placing sheets and belts in the space behind the hooks that did not give way under the inmates' weight as they are supposed to. He added that more information about problems in cells would be forthcoming when the Board staff jail fixture survey is completed and released.

Commissioner Abate stated that while the Department must do what is necessary to protect inmates, the budget must be considered when discussing improvements within facilities. She added that though improvements could have been accomplished in the previous year, they could not be implemented this year, due to cuts in the overtime budget.

Deputy Commissioner Binney added that prior to the suicide in question she requested that DOH Director of Special Projects, Ruth Cecire in conjunction with DOC Roger Parris and Judy Cox of the State Office of Mental Health review the Observation Aide Program. She added that a review of the Program had not been done for some time, and informed the Board that a report would be forthcoming within a week.

Chairman Booth then asked for the staff report from Executive Director Richard Wolf. Mr. Wolf briefly reported on the Jail Fixture Survey that took place at the Adolescent Reception and Detention Center (ARDC). He stated that the Board was receiving weekly updates from the Department on its progress in repairing cells that contained no lighting, broken sinks or toilets and exposed wiring. He explained that DOC's Central Office has reported that 121 repairs have been completed, while the facility reports more than 200 cells repaired, leaving 291 repairs remaining to be done according to Central Office. He noted that though progress is evident, coordination in

communications between Central Office and the facilities is lacking.

Mr. Wolf then reported that a second survey was conducted at the George Motchan Detention Center (GMDC), which in comparison to ARDC, is in much better condition, although it too has major problems. He stated that two of the major problems are within buildings 7 and 8 of the chevron cell housing areas. He explained that the cell doors in chevron housing areas have never functioned properly. They do not have an automatic stopping devise. As a result the motors that run the cells burn out and the cells then must be operated manually. He asked if a solution to the problem was forthcoming.

Commissioner Abate informed Mr. Wolf that there was no immediate solution to the problem and asked Mr. Shanahan to address the issue. Mr. Shanahan then distributed a 1987 New York Post article demonstrating that the problems with the chevron housing areas have existed for a long time. He said that it is apparent that the closing mechanism was installed improperly. Mr. Shanahan stated that the Department has requested that the Department of General Services (DGS) provide DOC with a plan of action to replace the lock-in and control mechanisms because they will have to be replaced completely.

Mr. Wolf explained that the Board is concerned about

operating the doors manually. Housing a large number of people in cells that must be opened with an emergency police bar would create a problem in case of fire or if rapid evacuation were needed for any other reason. He added that, in the letter dated June 26th addressed to the Commissioner, suggestions were offered in hope that actions would be taken to rectify the pending problems with these cells.

Deputy Commissioner Edward Alloco stated that the suggestion in the letter to add a post would not be followed because the additional post would cost approximately 1.4 million dollars.

Mr. Wolf then proceeded with the Staff Report by updating the Board on the census. He stated that to date there are 20,025 inmates, almost 2,200 fewer than on July 8, 1991, and 91.9% of capacity. He explained that one quarter of the people housed in the City's jails are State prisoners and half of those State prisoners are "overdue". He reported that, to date, the "overdue" State prisoners are costing the City in unreimbursed City tax dollars \$320,292 and that since the June Board meeting, overdue State prisoners have cost the City \$9,377,172.

Mr. Wolf reported that over the last two weeks, the State had taken out an average of 575 overdues, but that over the last five weeks the State had only taken an average of 438 inmates per week. He explained that number reflected the dropoff

Commissioner Abate had talked about which was caused by the State's need to remove larger-than-anticipated numbers of State readies from Suffolk County.

Mr. Wolf asked the Commissioner to give her current understanding of the State's intentions with respect to the overdues and whether the State be able to maintain a takeout rate of 500 per week. In addition, he asked about the State's original intention to remove an additional 1000 overdue prisoners.

Mr. Wolf added that the Department's projections predict a deficit of beds in the Fall, with a peak ranging from 1000 to 1700 and that those projections assume that by September, the overdue number will be reduced from today's 2500 plus, to either 1000 or to 400.

Commissioner Abate said that prior to April the State had been removing 200 to 300 overdue prisoners per week from the City system. She stated that at the time the Commissioner of the New York State Department of Correctional Services, Thomas Coughlin, had made a commitment to attempt a removal of 500 overdue prisoners per week with an additional removal of a larger number of prisoners by the end of July. She reminded the Board that whether the State is able to carry out its plan voluntarily, the Department is still in litigation with the State and the next

court date was scheduled for July 29, 1992.

Commissioner Abate explained that prior to the aforementioned court date she along with Deputy Mayor Fritz Alexander, Commissioner Richard Girgenti, City Corrections and Corporation Counsel, would be conducting a meeting to discuss a possible settlement. She stated that two of the major issues to be discussed would be the amount of time spent within the City system after a prisoner is declared state-ready, and the categories of inmates to be included in the litigation. Commissioner Abate stressed that if no settlement was attained through the meeting, the solution would be set through litigation.

Commissioner Abate continued to address the issue of the census. She explained that when projecting the capacity the Department used conservative estimates that did not factor in the length of stay of detainees. She stated that a number of strategies were being pursued by the Judiciary, the District Attorney, Corrections, and Probation to reduce the average length of stay for the detainees, which at present is 52 days. She added that the ultimate four year goal was to reduce the 52 days by 11 days. She stated that the Department had built additional capacity, and although the Upstate jails would no longer be operational by the end of September, DOC would be able to handle an overcrowding crisis should it occur.

Chairman Booth asked when the newest barge, the Vernon Bain, would open. Commissioner Abate informed him that the Barge would be opened the week of July 13, 1992.

Mr. Wolf reported that the Board was in discussions with Deputy Chief Reese and her staff regarding the Department's capacity and stated that the 91.9% reflects the Department's current capacity. He stated that the Office of Management and Budget (OMB) had taken away money to operate many of the beds so that the problem was not having a sufficient amount of beds, but not having the funds to operate them.

Chairman Booth then requested that Deputy Executive Director Cathy Potler update the Board on the issue of the Contagious Disease Units (CDUs). Ms. Potler reported that on June 24th the CDUs' heating, ventilation and air conditioning (HVAC) system had shut down for 20 minutes. Apparently, the fire alarm system went on, which automatically shut down the system. The shutdown was detected by health and correctional staff in Sprung 1 when they noticed that there was no air being circulated through the vents. Ms. Potler stated that it was the understanding of participants in the "squatters" meetings conducted by the Department's consultants, Silver and Ziskind, that the computer system would send a clear message, either by flashing lights and/or aural alarm when the system shuts down or malfunctions. At present, the only signal that the system is malfunctioning is a red bar

across the top of the computer monitor which is to be watched by one specially trained technician on contract with the Department.

Ms. Potler also expressed concern that there was nothing that would notify a layperson that the system had shutdown and that there was no communication from the facility to Central Office staff about the shutdown, noting that if evacuation had been necessary, Central Office would have had to play a key role in setting up the plans.

Commissioner Abate informed the Board that she had met with staff members of DOH, Montefiore and City Operations to discuss and rectify many of the issues raised as a result of the failure within the unit. She explained that options, such as maintaining a backup civilian for the civilian who monitors the computer, revising software, revising notification policies, changing the protocol on testing the unit and adding a visual and audio alarm, were some of the steps considered as a way of preventing future failures. She stated that in the future, no independent contractor would be able to test the unit without notification to and clearance from the Department.

Assistant Commissioner John Shanahan then provided additional information to the Board by distributing a copy of a memo dated June 26, 1992 from the CDU architects Silver & Ziskud - which reported the results of test made subsequent to the

failure which reconfirmed the reliability of the system.

Deputy Commissioner Binney stated that because the Unit was a first of its kind in the world, managing it was a learning experience for all involved. She said that it was DOC's and DOH's responsibility to ensure that the staff working within the unit understands how to identify problems and make all proper notifications when a problem arises.

Mr. Shanahan added that after the temporary shutdown occurred, the Department invited all of Montefiore's staff to the Warden's conference room to review all of the facts relating to the incident. He stated that inquiries were made on behalf of the Department as to what could be done to assure Montefiore staff's safety. Montefiore requested that a written notification process be implemented every four hours during their tour. Mr. Shanahan stated that forms were drawn up and implemented that evening so as to maintain open communications.

Dale Wilker of the Legal Aid Society Prisoner's Rights Project inquired as to the pitch of the alarm to be installed, stating that when he last heard the alarm it was only a beep. Assistant Commissioner Shanahan stated that the Department proposed to use a visual system of steady red, yellow and green blinking lights to be placed at the "A" station, "B" station and Nursing station.

Ms. Potler requested an update on the status of Phase II of the project. Mr. Shanahan stated that the architectural plan for Phase II would be ready July 15, 1992 and in turn would be released to the contractors July 21. He stated that the contractors would be allowed three weeks to "bid" the job and on September 1, 1992 the Department will proceed with the remaining 98 units.

Chairman Booth asked the Department to present its variance requests. In addition, he asked about a request that had been withdrawn. Mr. Wolf explained that the withdrawn request related to the renovations in the air-conditioned Chapel at the Brooklyn House of Detention for Men. He explained that the Chapel was part of a Judge Lasker Order that requires educational videos to be provided and as BOC reviewed it the first reaction was that it did not have any implications for the Board Standards. Chief DeRosa added that the matter was still being investigated.

Vice-Chairman John Horan made a motion to grant a renewal of all existing variances. The motion was seconded by Board member Barbara Margolis, and approved by all members present.

Judge Booth adjourned the meeting at 3:50 p.m..