

NEW YORK CITY

BOARD OF CORRECTION

MEETING OF JUNE 10, 1992

MEMBERS PRESENT

Louis Cruz
Peter J. Johnson, Jr.
Stanley Kreitman
Barbara Margolis
David A. Schulte

Excused absences were noted for Chairman William Booth, Vice-Chairman John Horan, David Lenefsky, and Reverend Irvine Bryer, Jr.

REPRESENTATIVES OF THE DEPARTMENT OF CORRECTION

Catherine M. Abate, Commissioner
Marron Hopkins, Chief of Department
Vito Turso, Deputy Commissioner
Robert Daly, General Counsel
William G. Jenkins, Assistant Commissioner
John Shanahan, Assistant Commissioner
Robert J. DeRosa, Chief of Compliance
Nancy Reese, Deputy Chief
Bruce Sullivan, Division Chief
Sheila Vaughan, Warden, ARDC
Thomas R. Monti, Deputy Warden, ARDC
Christopher Brogna, Deputy Warden of Operation, ARDC
John Thompson, Deputy Warden, ARDC
Roger Parris, Director of Health Services
Tom Antenen, Public Affairs Manager

OTHERS IN ATTENDANCE

Patricia Thomas, State Commission of Commission Correction
Kevin P. McGrath, Director of Field Services, Department of Health
Jeanne Foster, DOH
Selwynn Raab, N.Y. Times
James Estrin, N.Y. Times

The meeting was held at the Adolescent Reception and Detention Center (ARDC). Because both Chairman William Booth and Vice-Chairman John Horan were absent, Board member David Schulte assumed the role of Acting Chairman. Mr. Schulte called the meeting to order at 2:40 p.m., welcoming representatives of the Department of Correction (DOC) and other guests.

Board member Stanley Kreitman made a motion to adopt the minutes of the Board meeting of May 13, 1992. Board member Louis Cruz seconded the motion. The motion was approved by all members present.

Mr. Schulte announced that there would be no Chair's Report in the Chair's absence. He asked for Members' Reports. When it was determined that no other Members had reports, Mr. Schulte gave his report.

Mr. Schulte stated that on his most recent trip to ARDC, he observed two major problems that required immediate attention. He said the kitchen had six cooking vats that prepared large amounts of food each day. The vats had no covers, and allowed steam from the liquid to rise to the stainless steel ceiling and drop back into the vats carrying bacteria or any other matter that might be lodged on the ceiling. This created the possibility that the food could become contaminated and cause food poisoning.

In addition, Mr. Schulte noted that the drainage valves underneath the vats, which allow for disposal of water used to clean the vats, were broken. He said that the kitchen crew had attempted to cope with the effects of the broken valves by stuffing wash rags into them to prevent soup from draining out when cooking. Mr. Schulte stated that deficiencies he described could cause health problems and should be rectified as soon as possible.

Mr. Schulte said that the Chief of Kitchen Services at ARDC told him that food cart utensils (25 warmers and 30 cambros) were missing. Mr. Schulte suggested that these items be re-furnished to the facility.

Mr. Schulte then said that the second major problem he observed at ARDC was that dozens of the cells had exposed wiring. He said that if the inmates were vandalizing the light fixtures, a system should be implemented to deter them from doing so.

Mr. Schulte went on to describe the situation with respect to requesting repairs as it had been told to him: the officer in charge of the housing area puts in a work order, the work order is then sent to the Tour Commander who in turn forwards it to middle management. At that point, the system breaks down and the requests often never reach the office of the Warden. Mr. Schulte suggested that a high ranking Department official, below the

position of the Commissioner, take charge of this problem and make changes that will speed the process of effecting repairs.

Mr. Schulte then requested that BOC Executive Director Richard Wolf follow-up on other problems that were reported by the Board to which the Department has not responded. He then asked that Mr. Wolf begin the Staff Report.

Mr. Wolf said that the staff would follow-up on any unresolved issues raised by Board members. He began the Staff report by noting that the Board has always given special attention to ARDC, reminding those assembled that in 1986 the Board released a report entitled "ARDC - A Study of Violence and Its Causes". He explained that the extensive analysis had been prompted by the facility's extremely high violence rate, which at the time was two to three times higher than that of any other facility within the City's jail system.

Mr. Wolf revealed that in recent years, Board field staff had encountered more difficulties and hostilities from staff in ARDC than in any other jail. He reported that he and Commissioner Abate had discussed this problem. He expressed confidence that the Department's new Administration, along with the newly appointed Warden for ARDC, Sheila Vaughan, would work to improve the situation.

Mr. Wolf then began his discussion of the survey of fixtures in ARDC that had been conducted by Board staff. He stated that each week he, the Director of Field Operations Carl Niles, Deputy Executive Director Cathy Potler, and Counsel Annette Gordon-Reed, review reports from BOC Field Staff on their weekly activities. The reports may include everything from complaints made by inmates and DOC staff, to problems with a facility's physical plant, and problems with service delivery. Occasionally, field staff members are directed to focus on one particular aspect of a jail's operation and or physical plant as way of monitoring the Department's performance.

Mr. Wolf said that these reports had alerted Executive Staff to an increased frequency of complaints relating to the physical plant of some facilities, with ARDC having the most acute problems. Mr. Wolf added that the Board's 1986 ARDC Report contained a section on broken cells, down cells, and problems with maintenance, indicating that problems in the institution have been longstanding.

Mr. Wolf stated that as a result of the Field Staff reports and Mr. Schulte's tours, the Executive Staff was prompted to go back into ARDC and take a thorough look at the problems reported. Mr. Wolf said that on May 26th, the Executive staff and Field Staff were divided into teams to conduct a facility-wide survey of the cell areas in ARDC. He stated that over 1100 cells were

examined and, as detailed in a letter to DOC and Board Members dated May 27, 1992, the survey revealed an extremely high number of broken fixtures, including lights, exposed wiring, broken sinks and toilets.

Mr. Schulte stated that while the census of the Department is down the Department should take the opportunity to close the broken cells for repair.

Mr. Wolf then said that Commissioner Abate, in her presentation to the Board, would announce some changes that had already been implemented. Mr. Wolf continued the Staff report by saying that Board staff is very concerned about the lack of lights in some cells, as it is a security issue that has implications for both staff and inmates. Correction officers are responsible for viewing inmates in their cells at periodic intervals, a task that becomes difficult, if not impossible, when there is no light in the cell. This creates particular hazards in areas that house mental observation inmates who are supposed to be under more intense scrutiny.

In closing, Mr. Wolf publicly commended the Field Staff for the work that they had done in conducting the survey, and then requested that Commissioner Catherine Abate address the Board.

Commissioner Abate began by acknowledging the problems

reported by Mr. Schulte and Mr. Wolf. She agreed with the Board that even though the Department has made some improvements in this area, more had to be done. She said that the first step she has taken to correct the deficiencies in the infrastructure of several facilities, and other related issues, is to reorganize the way business is conducted within the Department. She informed the Board that this process was begun by adding new Divisions: the Capital Planning Division and Assets Management and Support Services. She stated that these Divisions were created to make more efficient use of Department resources.

Commissioner Abate said that she in the process of hiring a Deputy Commissioner to be in charge of Capital Planning and Support Services and Assets Management. She stated she had discussed with Mr. Wolf the idea of a two day retreat which would allow representatives from BOC and DOC to come up with plans and solutions for the facilities and plans for how the Agencies could work better together. In closing, Commissioner Abate introduced the new Chief of Compliance, Robert DeRosa, most recently the Warden of Maritime Facility III, to address the issue of broken fixtures.

Mr. Schulte asked what were the responsibilities of the Chief of Compliance. Mr. DeRosa explained to Mr. Schulte that his responsibilities entailed dealing with all compliance issues with regard to the Consent Decrees and State and City

Correctional Standards.

Mr. DeRosa then stated that he, along with Warden Vaughan and Division Chief Bruce Sullivan, had offered plans to answer BOC concerns with respect to ARDC. He reported that the Department had executed cell by cell inspections with electricians. The electricians reported on the extent of the problems and the Department was working to develop a plan to combat them. Mr. DeRosa also stated that the inspections will yield a more accurate picture of which cells qualify as down cells. Mr. DeRosa in addition acknowledged that inmates were being housed in cells that did not meet standards set by the Department.

Mr. DeRosa informed Mr. Schulte that the system for handling work orders is being looked into and would be modified. Mr. Schulte ask that Mr. DeRosa give his understanding of how the process currently works. Mr. DeRosa explained that the Security Officer reviews the order then gives it to the Supervisor who in turn also reviews it and schedules the repairs. Mr. DeRosa said that this is how the system works under ideal circumstances, but acknowledged that he could not confirm that it was carried out in every facility. He stated that the Department would be investigating each facility's procedure in this area.

Mr. Kreitman asked if there was a plan for preventive

maintenance in the facilities. Assistant Commissioner William Jenkins informed Mr. Kreitman that there was not. Mr. Kreitman stated that the Department should have a preventive procedure and perhaps avoid serious breakdowns in facility infrastructures.

Mr. Cruz suggested that the Department have a system of greater accountability so that when problems occur, there is a definite individual who is responsible for explaining why the problem exists and how it will be resolved.

Warden Vaughan agreed with Mr. Cruz's comment, and added that issues such as facility repairs need to be addressed before the problems get out of hand.

Board member Peter J. Johnson said he was impressed with the rapidity of the Department's response to the findings detailed in the Board's survey. He said that he hoped the quick response to problems would continue.

Mr. Schulte raised the issue of the cost effectiveness of stainless steel toilets and said that he hope that those involved in the new reorganization would soon address themselves to this issue.

Mr. Wolf assured Mr. Schulte that Mr. DeRosa was well aware of the problem as he had addressed it on numerous occasions while

Warden at the Anna M. Kross Center. Mr. Wolf then continued his Staff Report, addressing the question of State-ready inmates. He stated that the plan for increased removal of State readies had run into some difficulties. He asked for Commissioner Abate's comments.

Commissioner Abate told the Board that within the prior week she had received a telephone call from Commissioner Coughlin stating that he would be unable to remove additional inmates from City jails due to Suffolk County litigation requiring removal of State-ready prisoners from its system. Commissioner Abate said that even with the emergency presented by the Suffolk County case, Commissioner Coughlin was still removing State-ready prisoners from the City jails, though not at the amount he had originally planned. She stated that there was some speculation that the State might be willing to enter into an agreement with regard to the two upstate jails by the end of June.

Mr. Kreitman asked for the total population within the jails. Commissioner Abate informed Mr. Kreitman that the jails were at 95.4% of capacity.

Mr. Schulte asked what would the census be when the two upstate jails are closed. Commissioner Abate reported that fewer than 1400 inmates would be returning to the jails located in the City. She added that the Department expected to open the Bain,

the 800-bed barge in July, so more than enough room would be available. General Counsel Robert Daly told Mr. Schulte that the City expected to win its pending lawsuit to force the State to remove its inmates, and when that was accomplished, the backlog of State-readies would be greatly reduced. Mr. Wolf added that with the removal of all the State-readies the Department would be at 88% or 89% capacity.

Mr. Wolf then asked that Deputy Executive Director, Cathy Potler address issues of health care. Ms. Potler began her report by informing the Board that the City remained out-of-compliance with a number of Board Standards. She mentioned that the Department had yet to comply with Board Standards with respect to the renovation of the clinic at the Brooklyn House of Detention. She stated that though some alterations had been done in the first floor receiving area the actual renovations had yet to begin.

Assistant Commissioner John Shanahan stated that OMB had not allowed them to begin construction because of various budget considerations. Ms. Potler asked when the construction would begin, and reminded those assembled of the commitments made by Deputy Mayor Mollen and Steisel that the renovations would be done. Mr. Schulte stated that the Board had already approved variances with regard to the renovation's time frame and urged the Department to keep the Board informed of its progress.

Ms. Potler then said that the City was out-of-compliance with the requirement of providing Out-to-Court medication to those inmates in need of it. She stated that numerous discussions on the topic had been held and that a pilot plan was to be in place. As of the Board meeting, the plan was not in effect. She stated that in a meeting between Board member David Lenefsky and Deputy Commissioner June Binney, Deputy Commissioner Binney promised that a preliminary plan would be in place by June 25, 1992.

Ms. Potler stated that the City was out-of-compliance with the requirement for having Emergency Medical Equipment. She reported that even though some of the equipment was received much remained missing. Mr. Cruz asked what percentage of equipment was in place. Department of Health, Director of Field Services Kevin McGrath informed Mr. Cruz that 20% of the needed equipment was in place, and that the remaining 80% would be in place as of June 30, 1992.

Mr. Wolf then addressed the issue of variance requests. He stated that the Department was requesting a renewal of all existing variances. A motion to grant the request was made by Mr. Kreitman, seconded by Mr. Johnson, and approved by all members present.

Mr. Schulte declared the meeting adjourned at 3:30 p.m..