

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF MARCH 11, 1992

Members Present

Judge William Booth, Chairman
Louis Cruz
Stanley Kreitman
Barbara Margolis
David Schulte

Excused absences were noted for Vice-Chairman John Horan, Rev. Irvine Bryer, Jr., Peter J. Johnson, Jr., and David Lenefsky.

Representatives of the Department of Correction

Vito Turso, Deputy Commissioner
Robert Daly, General Counsel
John Shanahan, Assistant Commissioner
Stephen Ricci, Acting Assistant Commissioner
Marron Hopkins, Division I Chief
Roger Parris, Director of Health Services

Others in Attendance

David Parmet, Legislative Investigator, City Council
Michael Tannenbaum, Deputy Assistant Commissioner, DOH
Kevin McGrath, Director of Field Services, DOH
John Guzman, State Commission of Correction
Selwyn Raab, NY Times

At 2:06 p.m., Chairman William Booth welcomed representatives of the Department of Correction (DOC) and other guests.

A motion to adopt the minutes of the Board meeting of February 11, 1992 was made by Board member Louis Cruz, seconded by Board member Stanley Kreitman, and approved by all members present.

Chairman Booth announced that he would give his report in conjunction with the Staff's Report, and he then requested reports from other Board members. Board member David Schulte reported that on February 26, 1992, he, Deputy Executive Director Cathy Potler, and Health Specialist Lisa Santiago, visited the Brooklyn House of Detention for Men (BkHDM). Mr. Schulte stated that the delivery of medical services in the facility was being hampered by insufficient space in the clinic and an insufficient number of nurses. Mr. Schulte said that he had spoken with the Clinic administrator who acknowledged the nursing shortage, but said that there was nothing he could do to rectify the problem. Mr. Schulte added that he witnessed doctors who were supposed to be on duty watching television.

Mr. Schulte stated that prior to visiting the clinic, he noticed an unused fluoroscope in the room where visitors are

searched. He stated that the officer on duty told him that it was too dangerous to use the machine in so small a space because of the radiation the machine would give off.

Chairman Booth suggested that since medical and health issues would form a substantial part of the discussion in the latter part of the meeting, all comments related to the unused fluoroscope should be held off until after the completion of the Staff Report. He then requested that Executive Director Richard Wolf begin that report. Mr. Wolf in turn asked Ms. Potler to first give her views on the clinic area at BkHDM and on other pending health issues.

Ms. Potler reported that renovations of the BkHDM clinic had not begun as of the date of the meeting. As a result, the delivery of health care to inmates was being seriously compromised and both DOC and Department of Health (DOH) staff at the facility were working under horrendous conditions. She noted that the City remained out of compliance with a number of subsections in the Health Standards.

Ms. Potler informed the Board that due to the lack of space, sick-call triage at the Brooklyn House was being held in the housing units, making work conditions difficult for nurses and providing no confidentiality to the inmates. She said that

having one treatment area shared by three physicians prevented the giving of rectal examinations of inmates over the age of 40, as is required by the Board's Standards. Ms. Potler noted that on a day when Board staff made an on-site inspection of the facility, they witnessed a nurse giving a inmate an injection in the staff bathroom because there was no space in the treatment area.

Ms. Potler reported that she had received a letter from Acting Assistant Commissioner Stephen Ricci stating that renovations at the Brooklyn House would be completed November 9, 1992. Ms. Potler reminded the Board that at the August Board meeting the Board granted a six month variance on the renovations until January 31, 1992. She also stated that in a February meeting with both First Deputy Mayor Norman Steisel and Deputy Mayor for Public Safety Milton Mollen, the Board had received assurances that funding for the renovation project was in place and that the project would be completed by May 1, 1991.

Ms. Potler stated that at a recent meeting with DOC and DOH staff, she was presented for the first time with renovation plans for Brooklyn. She reported that the additional space planned for the existing examination area was not sufficient, there were no plans to include any TB prevention, and there was still no space for taking X-rays. Ms. Potler relayed Board member David Lenefsky's request that the Board not grant any variance for the

Brooklyn House.

Assistant Commissioner John Shanahan said that Mr. Schulte and Ms. Potler were correct in stating that the clinic conditions were horrendous. He explained that the history of the renovation had gone back years reflecting inaction by DOC and the Department of General Services (DGS).

Mr. Shanahan reported he and his architects had prepared a plan, schedule, and budget for the renovation. He explained that unlike DOH, who had proposed to split the existing receiving room in half, horizontally, DOC proposed to take two pre-manufactured modular units, totaling 1440 square feet and sit them on top of a lightweight steel frame structure that would be erected on top of the existing receiving area in the facility. This area would be connected to the current clinic via the old pharmacy area, which is not now in compliance with the Board's standards. The pharmacy would be relocated to the new area, thus saving time, money and more than doubling the size of the existing clinic area.

Chairman Booth requested that Executive Board Staff review and return comments to DOC staff on the new plans.

Mr. Shanahan informed the Board that DOC could complete the

project in seven months at the cost of one half million dollars, and that he had instructed his budget officials to prepare budget modifications immediately.

Mr. Schulte requested that DOH representatives address the problem of staffing at the BkHDM clinic. Deputy Assistant Commissioner Michael Tannenbaum reported that DOH had experienced a reduction in its nursing staff in recent months. He said that DOH had recently recruited fifty people, not all nurses, and noted that overall it is difficult to recruit medical staff for correctional facilities. Mr. Tannenbaum stated that as a result of the newly hired staffing DOH was confident that many of the problems identified by BOC staff would be eliminated. He added that Clinical Services division at DOH had reassigned a Physician in Charge, Dr. Trevor Parks, to Brooklyn. Mr. Tannenbaum noted that DOH welcomed the renovation proposal Mr. Shanahan presented, and informed the Board that a detailed meeting would be conducted the following week to discuss DOH concerns.

Mr. Tannenbaum stated that Ms. Potler's comments regarding DOH site visits were inaccurate. He explained that there had been ongoing visits and assessments made by DOH operations staff. He said that in April he had written a memo telling DOC's Director of Health Services, Roger Parris, of DOH's concerns regarding the then-existing renovations plans.

The Chair requested that Ms. Potler bring the Board up to date on tuberculosis in the jails . Ms. Potler reported that the CDU's are scheduled to open May 1, 1992. She reminded DOC representatives that at the last Board meeting there was a request for an analysis of the cost of the 120 units. She stated that the Board had yet to receive such information. Ms. Potler informed the Board that the TB Task Force had given its final report to City Hall, but that the final report had not been issued.

Ms. Potler discussed compliance with the Health Standards. She reported that the Rose M. Singer Center (RMSC) began chlamydia testing on March 2, 1992 and has made it part of intake screening for all women coming into the system. Ms. Potler reported that she received information on the CPR certification training for DOH physicians that two physicians had yet to be trained and six physicians did not successfully complete their CPR certification exams. Ms. Potler said that, with regard to the out-to-court-medications, DOH had given to Board staff a pilot project plan and that the Board was still awaiting Montefiore's plan. She reported that the problems with emergency medical equipment remained the same, but that the equipment was supposed to be acquired and in place by April 1, 1992.

Mr. Wolf informed the Board that on the day of the Board meeting there were 21,614 in the City's jails, 455 fewer

inmates than March 11, 1991, and 98.7% of capacity. Mr. Wolf noted that 2,394 inmates were overdue State prisoners.

Mr. Wolf reported that the City was spending \$82,500 per day, after the \$40.00 reimbursement, to house overdue State prisoners. He stated that since the last Board meeting the City had spent \$7,698,792 in unreimbursable funds on overdue State prisoners. Mr. Wolf explained that the most graphic example of the State's failure to meet its responsibilities is in the category of court returns: inmates who were in State prison but who were brought back to the City for court appearances and now belong back in State prison. He reported that there were 366 such prisoners in City jails.

DOC General Counsel Robert Daly reported that with regard to the State inmate problem, the Department had taken the unusual step of writing to the Judge who is handling the case seeking removal of the State inmates to expedite the decision in the hope that the City can obtain swift relief.

Mr. Kreitman stated that overdue State prisoners had been a recurring problem for the City and that this problem should be taken up with the new Deputy Mayor for Public Safety Judge Fritz Alexander as soon as he begins his new position. He stated that someone needs to make Albany understand that this has been a long standing financial burden to the City of New York.

Chairman Booth agreed with Mr. Kreitman, but expressed the hope that the court case would quickly remedy the problem. He then requested that Mr. Wolf continue with the staff report. Mr. Wolf stated that the remainder of the report consisted of a discussion of unusual incidents. Mr. Wolf informed the Board that he was concerned that DOC was under-reporting the nature and number of unusual incidents.

Mr. Wolf reported that on Wednesday, March 4, 1992, inmate Charles Martinez was found hanging in his cell at the North Infirmary Command (NIC). Martinez was discovered at 4:05 a.m., in a seated position on his bed with a piece of cloth around his neck. Mr. Martinez was taken to Elmhurst and pronounced dead at 5:15 a.m.. Mr. Wolf said that Board staff was reviewing the medical and EMS response. Mr. Wolf informed the Board that Martinez was charged with the murder of Police Officer Serrano in the Bronx and that the inmate had left a suicide note. Mr. Wolf noted that several issues surrounding the suicide were troubling. He stated that there was no observation aide on duty at the time. Mr. Wolf explained that three days prior to the incident, Martinez had been found guilty of an infraction for possessing contraband, two pieces of glass. According to the Hearing Captain's findings, the inmate said he had gotten the glass to "cut himself up".

Mr. Wolf reported that Board staff will be exploring with the Department whether it has modified its suicide prevention program, either by cutting back the number of inmate suicide aides, or by relaxing the criteria that mandate enhanced observation. He explained that he was told by DOC staff that there was no observation aide on the floor because the Department was concerned that the aides could bring in contraband or get slashed. Mr. Wolf reported that since June 1989 there was no reported incident of any observation aide being slashed at NIC.

Mr. Wolf next informed the Board of an injury to an inmate at the Adolescent Reception and Detention Center (ARDC). The injury was serious. The inmate sustained a broken neck and is paralyzed from the waist down. Mr. Wolf explained that the Board staff's concern was that important information regarding the injury, which was originally reported to be a slip and fall in the bathroom, was not forwarded promptly by the facility to the Central Office investigators. Mr. Wolf explained that Board staff gave the information to the Central Office and noted that there were questions about the role of the uniformed staff. He questioned why the incident was reported to the Central Office as an accident occurring in the bathroom, when the officers' reports indicate that the inmate was injured somewhere else.

Mr. Wolf then reported on a shooting incident in the George Motchan Detention Center (GMDC). He said that he and Director of

Field Operations Carl Niles responded to the incident. Mr. Wolf explained that an inmate at GMDC claimed he was shot by another inmate. No gun was recovered and the injured inmate had a superficial abrasion on his left index finger. Mr. Wolf reported that the inmate produced a shell casing and thereafter a bullet. The matter is still under investigation.

Mr. Wolf stated that on the morning of the Board meeting, GMDC had reported that facility staff recovered during a search ten hacksaw blades of varying lengths, and three shanks, and that one window bar that had been cut through in a cell.

Chairman Booth requested comments from Department representatives on any of the staff report. Robert Daly stated that, with regard to the inmate who is paralyzed, he spoke with Chief Wagenstein who expressed concern and requested that the Director of Investigation Richard Pagan conduct an investigation. Mr. Daly reported that when Mr. Pagan went to speak to the inmate, the inmate and the inmates in the housing were not forthcoming with any helpful information, and stuck to the story of the inmate slipping in the bathroom. Mr. Daly informed the Board that the Department will continue to investigate the incident.

Mr. Wolf stated that the concern of the Board was how the information was received by the Department, and stated that Mr.

Pagan received the information only because Board staff had supplied the information to him.

Mr. Wolf then requested that the Department comment on the status of the plans to use or not use the dining hall and classrooms in the new Bain Barge. Assistant Commissioner Shanahan reported that the Warden originally proposed to feed the inmates in the housing areas because he was concerned that he did not have enough staff to use the dining room. Mr. Shanahan explained that the facility is being considered as a possible Work Release facility, and because of this some of the dining area may be used for inmate dining. With regard to the classrooms, Mr. Shanahan reported that computers and software are being provided for the educational program that will begin at the facility and that the classrooms will be used.

Chairman Booth reported that he, Mr. Wolf, and members of the East Elmhurst Civic Association, had toured the Rose M. Singer Center (RMSC) and the James A. Thomas Center (JATC) on Rikers Island on Saturday, March 7th. He explained that the visitors were so shocked with what they observed at JATC that there will be a tour for young children to help educate them about the realities of jail life.

Division Chief Marron Hopkins informed Mr. Booth that DOC has a program in which it encourages groups to bring youngsters

visit the facilities.

Mr. Schulte requested that DOC comment on the Manhattan House of Detention (MDC) escape investigation. Division Chief Marron Hopkins informed Mr. Schulte that the investigation still had not been completed and that he would inform the Board when the report was released.

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

Mr. Ricci then requested that a new variance be granted for the completion of construction at BkHDM. A motion was made by Mr. Kreitman to table the request, seconded by Mr. Cruz, and approved by all members present, leaving the BkHDM out of compliance with the Board's Health Care Minimum Standards.

Chairman Booth declared the meeting adjourned at 3:30 p.m..