

NEW YORK CITY  
BOARD OF CORRECTION  
MEETING OF JULY 13, 1994

MEMBERS PRESENT

John R. Horan, Vice-Chair  
David Lenefsky  
Peter J. Johnson, Jr.  
Canute C. Bernard, M.D.  
Stanley Kreitman

Excused absences was noted for Chair William H. Booth and Board members Barbara A. Margolis, David A. Schulte and Louis A. Cruz.

REPRESENTATIVES OF THE DEPARTMENT OF CORRECTION

Antonio Figueroa, Deputy Commissioner  
Laura Rigby, Deputy Commissioner  
Robert Daly, General Counsel  
John Meglio, Special Counsel  
Robert DeRosa, Chief of Compliance  
Roger Parris, Assistant Commissioner  
Barbara Rosado, Director, Health Affairs

REPRESENTATIVES OF THE DEPARTMENT OF HEALTH

James Neal, M.D., Assistant Commissioner  
Michael Tannenbaum, Assistant Commissioner  
Arthur Angst, Director, Budget and Procurement  
Ruth Cecire, Director, Special Projects  
Arthur Lynch, Director, Prison Mental Health  
Zoe Kollaras, Infectious Disease Coordinator

OTHERS IN ATTENDANCE

Patricia Thomas, State Commission of Correction  
Dale Wilker, Attorney. Prisoners' Rights Project, LAS

Vice-Chair John R. Horan opened the meeting at 12:50 p.m. at the Brooklyn House of Detention for Men. He congratulated Board member David Lenefsky on the opening of the new clinic at the Brooklyn House of Detention for Men. General Counsel Robert Daly commented that the Commissioner was pleased that he could be present for the ceremony, but regrets that he could not attend the Board meeting because he was touring of one of the barges with Mayor Guiliani.

Mr. Horan told Board members that there would be an Executive Session at the end of the meeting. Board member Stanley Kreitman's motion to accept the minutes of the June 15, 1994 Board meeting was seconded by Mr. Lenefsky and approved unanimously. Mr. Horan then asked for Members reports.

Mr. Lenefsky stated that he had questions regarding cuts to the Prison Health budget and the anticipated consequences for Correctional Health Services, Montefiore-Rikers Island Health Services and St. Vincent's.

Arthur Angst, the Department of Health's (DOH) Director, Budget and Procurement, explained that Montefiore and St. Vincent's were asked to submit proposals for meeting targeted budget cuts in their contracts, \$3.6 million dollars and \$500,000 respectively. Mr. Angst provided a list of these cuts to the Board. (See attached copy of the list.) He said DOH was confident that Montefiore could provide the same level of services even with the cuts. He stated that two infirmaries, AMKC and CIFM, have been under-utilized and will be closed.

Mr. Lenefsky asked who made the decision to close the infirmaries. Mr. Angst said the decision was made jointly by DOH and Montefiore.

Board member Canute C. Bernard, M.D., asked that the individuals be identified who were involved in deciding how cuts would be taken. DOH's Assistant Commissioner Michael Tannenbaum responded that DOH had consulted with Dr. Yvette Walker, Montefiore's Director and her staff, and that DOH personnel were Deputy Commissioner June Binney and Medical Director Dr. James Neal.

Richard Wolf, the Board's Executive Director, noted that at the last Board meeting the list of possible cuts included midnight tour clerical staff at several jails. He asked about the service impact of such cuts given that clerical staff pull inmate medical charts for

morning sick call. Mr. Tannenbaum said that the task will be performed by nurses, who will get an increase in their salary for performing this additional task.

Dr. Neal reported that the cuts were being imposed upon DOH by the Office of Management and Budget (OMB). DOH presented the required reductions to the vendors. The current list of cuts represents two months' work, and approximately six to eight meetings with Montefiore. A similar process occurred with St. Vincent's. Dr. Neal stated that the infirmary closures are being monitored very closely and that better utilization of the 140-bed Contagious Disease Units (CDU) and the pending renovation of the George Motchan Detention Center (GMDC) infirmary were factors in deciding to close the two infirmaries. Dr. Neal reported that a few cuts were restored, including planned reductions in laboratory hours and a DOH Nursing Supervisor position.

Dr. Neal said that the elimination of the on-island dermatology clinic was based on Montefiore's inability to provide the service on a regular basis due to its failure successfully recruit for that position.

Deputy Executive Director Cathy Potler asked if the CDU was being over-utilized for patients who otherwise would not be housed there. Dr. Neal responded that the agreement or the willingness to close infirmary beds was predicated on assumption that the CDU would be appropriately used to capacity.

Ms. Potler asked how many beds will be added to the GMDC Infirmary. Dr. Neal stated that there will be a minimum of twelve beds. DOC Assistant Commissioner Roger Parris said that there will be between twelve and thirty additional beds. Mr. Parris reported that presently there are enough infirmary beds to meet demand, with between twelve and seventeen vacancies.

Ms. Potler asked how the utilization of the infirmary beds was being monitored.

Dr. Neal responded that they were relying on information submitted by Dr. Walker, Director of Montefiore, to DOH and monthly meetings at the CDU.

Mr. Lenefsky asked for the number of currently available CDU beds. Dr. Neal responded that there were 126 beds on line. There were no

male beds available and less than ten female beds available. At the last CDU meeting, DOC presented plans for two prototype hospital beds since the problem at the CDU is broken beds. As soon as the beds are made available, the final Sprung will be opened, which will raise the capacity to 140 beds.

Board member Peter Johnson remarked that Dr. Neal stated that these cuts have been imposed upon DOH by OMB, and asked Dr. Neal to explain that remark. He also asked if there were a representative from OMB at the meeting. Mr. Johnson stated the absence of an OMB representative made difficult a serious discussion of budget cuts, since OMB had decided the prison health system could withstand \$4.1 million dollars in service cuts. Mr. Johnson said OMB should be present and should be held accountable for its actions. He asked Dr. Neal if he was in agreement with the cuts. Dr. Neal responded that the cuts forced DOH to look critically at health services. Some of the cuts are difficult for DOH to accept, and it is looking at ways to do things more efficiently and effectively.

Mr. Johnson asked Dr. Neal about the procedures used to provide abortions to inmates. Dr. Neal said that the abortion issue is different from that of the budget. DOH is responsible for providing the service for inmates in DOC. Abortions must be performed in a manner consistent with community standards. HHC defines for DOH the community standard, with regard to second trimester abortions. He noted that the Board received a letter from Dr. Bruce Siegal, HHC President, who is in a better position to speak on this issue. Saline abortions are provided to women in the second trimester of pregnancy at HHC hospitals in the community. Saline abortions are therefore provided to the inmates.

Mr. Johnson requested that Dr. Neal choose the two or three cuts from the fifteen on the list that cause him the most concern. Dr. Neal replied that the reduction of infirmary beds at AMKC and CIFM is a concern. People are being sent to HHC hospitals for long periods of time when they could best convalesce in an infirmary bed at the jails. He said that the elimination of some of the on-Island specialty clinics concerned him.

Mr. Wolf asked Dr. Neal if he foresees, in any of the cuts, the possibility that there will be an adverse impact on direct care to inmates, such as sick call.

Dr. Neal responded that there should not be a problem with sick call, however the timely access to some specialty clinics must be monitored. Dr. Neal noted that Montefiore had lost its dermatologist and its colposcopist. As a result, services to inmate/patients may be delayed. He said that the reduction of the afternoon supervisor will not be significant.

Mr. Wolf asked if DOH has a mechanism in place to assess the impact of the cuts on the delivery of health care services.

Dr. Neal responded that if OMB is told that a particular reduction has failed, there is a mechanism in place to have the money restored. Mr. Wolf asked how DOH would know if declines in quality or quantity of services resulted from the budget cuts.

Dr. Neal responded that there are individual quality assurance committees to evaluate whether or not the providers are meeting goals. He noted that Montefiore and St. Vincent's have systems in place, and that DOH has begun to institute its Quality Improvement Program (CQI). He added that medication delivery has been reviewed, and an audit of chart documentation has begun. Dr. Neal pointed out that it is necessary for DOH to have a CQI program in place so that DOH can obtain accreditation for its five facilities.

Ms. Potler asked if arrangements had been made to get additional specialty clinic hours at HHC hospitals for the increased number of inmates who will be using them due to the elimination of on-Island clinics. Dr. Neal reported that Cecile Noel, Director of Prison Health at HHC, has arranged a meeting with Elmhurst Hospital personnel to develop a plan for handling the colposcopy clinic.

Ms. Potler asked about arrangements with HHC to provide additional slots for dermatology clinic. Dr. Neal responded that there is nothing in place.

Mr. Wolf began a discussion on DOC budget cuts by asking for a report on the current status of the uniformed staff cuts.

Mr. Daly replied that the Wardens had been asked to determine the impact on their jails should they lose certain positions. Many of the

positions are escorts. The wardens would like to keep those positions, so they must suggest other positions to cut. Their suggestions will be submitted soon. Mr. Daly stated the plan for reducing C post officers was endorsed by senior uniformed managers, such as Division Chief James Garvey and Marron Hopkins, who were comfortable that those positions could be eliminated without negatively impacting security. The new Chief of Department, Eric Taylor, is in the process of reviewing the plan. Mr. Daly said DOC will forward to the Board the results of Chief Taylor's review.

Mr. Wolf asked if any changes have been finalized with respect to uniformed and civilian cuts. Mr. Daly replied that there were none.

Mr. Kreitman asked if there were any new developments with the SAID program. DOC responded that there has not been any changes since Deputy Commissioner Singer's presentation at the last meeting.

Mr. Wolf reported on a BOC staff survey assessing the effects of budget cuts on law library services. He noted that the Minimum Standards require that there be a legal coordinator present during all hours of operation to assist inmates with legal research. During the week of June 27th, Board staff compared scheduled law library hours to those during which legal coordinators were actually present.

The survey revealed entire tours where some law libraries had no legal coordinator coverage. Mr. Wolf said that five coordinators accepted severance, creating five vacancies. A sixth vacancy will occur on Thursday, July 14, 1994, when the sixth person who took the severance package actually leaves. Mr. Wolf said that DOC planned to cover these vacancies with "floaters" or overtime, but that the Board's survey revealed that they were being only partially covered or not being covered at all. Furthermore, in facilities with no vacancies, but with anticipated absences due to vacation or military leave, some tours were only sporadically covered.

Mr. Wolf cited the situation at the Anna M. Kross Center (AMKC) as one example of legal coordinator coverage problems. He said two of the three legal coordinator positions at AMKC were vacant. As a result of these two vacancies, on July 5th and 6th, there was no coverage from 8:30 a.m. to 3:00 p.m.. The scheduled person, who was supposed to be there at 2:00 p.m., did not arrive until 3:00 p.m. The

following day, July 7th, the law library was supposed to be open from 8:00 a.m. to 10:00 p.m. The legal coordinator from the Rose M. Singer Center (RMSC) went to AMKC to work from 8:45 a.m. to 2:30 p.m., arriving 30 minutes late to her assigned facility. The person who was scheduled to be at AMKC did not arrive until 3:00 p.m., causing a lack of service both at AMKC and at RMSC. On July 9th there was no coverage from 4:00 p.m. to 10:00 p.m. because the legal coordinator did not come in and there was no back-up person.

Mr. Wolf asked what has been done or will be done to remedy this problem. Mr. Daly said he was sure the Board's information was accurate and states that this was not unanticipated on DOC's part. There was never a surplus of legal coordinators. The Department did request that the Department of Personnel (DOP) exempt the title from the severance program, because it is a mandated position. DOP rejected DOC's request saying that it was unfair and prejudicial to people in that title to say that they did not have the same right to take severance as did everyone else. Mr. Daly noted that since DOP recognizes that these are mandated positions, DOC will be given a priority to fill them.

Mr. Wolf noted that a concern of the Board was the inaccurate information provided in writing by the Director of Library Services. The Director had assured BOC that all positions will be covered, and explained how it would be accomplished. Mr. Wolf remarked that the plan, obviously, has not worked. The staff do not always get where they are expected to be. Someone may be scheduled to be at a particular facility, but that person may not arrive because s/he is between facilities or just do not show up at all.

Mr. Wolf asked when the vacancies will be filled. Chief of Compliance Robert DeRosa responded that the job postings were done a long time ago and applications must have been received.

Mr. Horan asked that the Department discuss the possible sale of the two barges.

Mr. Daly reported that two barges were bought from a British company in 1987 and 1989. The cost was \$17 million each, with an additional expenditure of \$5 million for refurbishing. They were obtained with emergency declarations, because at the time the jail

capacity exceeded 100%. By 1992, the two barges were no longer needed and subsequently put up for sale. In December, 1992, bids were received, and the highest bid was \$3.25 million. The sale was rejected by OMB, which had anticipated in the budget a combined sale price of \$20 million.

Mr. Daly noted that the barges cost approximately \$1.6 million per year to maintain. DOC offered the two barges to every agency that may have had a conceivable interest in them. Not one agency was interested. Because of siting problems, the barges had to be moved. A plan was developed to build a pier on Rikers Island, which would cost anywhere from \$9 to \$11 million. Although the money was put into the budget to do that, it was removed from the budget by City Council. The barges were put up for sale again. This time the high bid came in at \$900,000 for both barges from Impact Shipping Company. As soon as the bids closed, another company offered \$1.8 million for both barges. Discussions between that company and DGS have begun. Mr. Daly concluded that the Mayor is meeting with Commissioner Schembri today regarding this matter.

Mr. Horan noted that at the last meeting there was a discussion regarding heat complaints and the maintenance of the HVAC units, particularly in the modulars. He understood that the service people had been working on them. He asked for an update and status report.

Deputy Commissioner Antonio Figueroa responded that problems continued to exist because the modular units were not designed to deal with extreme temperatures, and their HVAC systems require much servicing. Crews were deployed to respond to the ventilation problems and to provide a certain level of comfort.

Mr. Wolf reported on recent violence trends in the City jails. At ARDC, a jail where the rate had been declining for three months, the rate spiked dramatically in June. During the first 10 days in July 1994, there were three or four slashing incidents that occurred on transportation buses involving inmates from ARDC.

Mr. Wolf stated that for some time now, the Central Punitive Segregation Unit (CPSU) has had the highest rate of violence. In the first ten days of July there were four slashings and one stabbing, which already exceeded the total for all of June. Finally, Mr. Wolf

added that rates have been rising at AMKC and GRVC.

Ms. Potler reported that the second suicide in calendar year 1994 occurred on Thursday, June 16th at approximately 6:00 a.m. at the Manhattan Detention Complex (MDC). The inmate, a 61 year-old man, was found dead in his cell. He strangled himself by wrapping a sock around his neck and pulling the ends.

Discussions with inmates housed with the decedent indicated that he had exhibited signs of depression during the last week and that he had mentioned the possibility of committing suicide. One inmate explained that he had tried to encourage the decedent to go to mental health, but he refused. Ms. Potler said that upon admission into the system, the decedent received a mental health screening during which he stated that he had had prior suicide attempts, which occurred about twenty years ago. Mental health staff evaluated the inmate and found that he did not need any type of special mental observation. The decedent was instructed to return to mental health staff should he need assistance. There was no indication in the medical records that he requested any mental health intervention.

Arthur Lynch, DOH's Director of Prison Mental Health, responded to Ms. Potler's report and stated that the Director of Mental Health at MDC, Dr. Henry Dlugacz interviewed the inmates on the floor and no one mentioned that the decedent had any problems or exhibited signs of depression. The findings concluded that the deceased inmate was well liked and respected.

Mr. Lynch said that three indicators were used to identify the decedent as a high-risk individual: his age, the fact that this was his first incarceration, and his history of prior suicide attempts. During the interview the decedent revealed no suicidal ideation, depression or emotional difficulties so he was placed in general population. Mr. Lynch stated that follow-up will be conducted on this case, including discussions with the decedent's family, to see if something was overlooked. Follow-up is also being conducted with the clinician, by having him meet with a consultant and a supervisor to see if anything was missed during the interview.

Mr. Horan asked the Department to present its variance requests.

Chief DeRosa requested that the Board renew all existing variances except two, which the Department wished to withdraw. He said that for logistical reasons, the Department never implemented the variance allowing it to require adolescent punitive segregation detainees at ARDC to wear jumpsuits. The Warden delayed putting the inmates in uniform because of the insufficient supply of jumpsuits and the inability to clean them on a routine basis. Once the warden is able to solve these problems, this variance will be presented to the Board. Secondly, the variance to house as many as 58 parole violators in the 12 south side dormitories at C-76 is not needed due to a reduction in the number of parole violators currently in the system.

Mr. Kreitman moved the renewal of existing variances, with the exceptions noted by Chief DeRosa. Upon Mr. Johnson's second, the motion was adopted.

Mr. Wolf introduced and welcomed the new Secretary to the Board, Lynnette J. Clayborn.

Mr. Daly announced the passing of James S. Latham. Mr. Latham, 74, died on July 10th. He served DOC for 25 years with great distinction. In the 1950's, as counsel to the Department, he worked with Commissioner Anna Cross in formulating plans to create the Board of Correction.

Mr. Horan adjourned the meeting at 2:05 p.m. and the Board went into Executive Session with members of the Department.