

NEW YORK CITY
BOARD OF CORRECTION

May 11, 1994

MEMBERS PRESENT

John R. Horan, Vice-Chair
Louis A. Cruz
Stanley Kreitman
David Lenefsky
Barbara A. Margolis
David A. Schulte

Excused absences were noted for Chair William H. Booth and for Board members Canute C. Bernard, M.D. and Peter J. Johnson, Jr.

DEPARTMENT OF CORRECTION

Anthony J. Schembri, Commissioner
Marron Hopkins, Chief of Department
Edward Allocco, Deputy Commissioner
Antonio Figueroa, Deputy Commissioner
Thomas Kelly, Deputy Commissioner
Laura Rigby, Deputy Commissioner
Robert Daly, General Counsel
John Meglio, Special Counsel
Robert DeRosa, Chief of Compliance
Kenneth DuBose, Deputy Chief
Andrew Harris, Assistant Commissioner
Roger Parris, Assistant Commissioner
Bernard Kerik, Director, IAD
Marc Bullaro, Captain, IAD

DEPARTMENT OF HEALTH

Kevin McGrath, Assistant Commissioner
Arthur Lynch, Director, Mental Health
James Neal, M.D., Assistant Commissioner
Trevor Parks, M.D., Correctional Health Services

CITY COUNCIL

David Parmet, Office of Council Member Sheldon Leffler

OTHERS IN ATTENDANCE

Tracie Lucas, Commission of Correction
Dan Janison, New York Post

At 12:35 p.m., Vice-Chair John R. Horan called the Board into Executive Session with Commissioner Anthony J. Schembri and his staff.

Mr. Horan called the public meeting to order at 1:20 p.m., noting that Chair William H. Booth was in South Africa, attending the inauguration of President Nelson Mandela. Upon the motion of Board member Stanley Kreitman, seconded by Board member Louis Cruz, the minutes of the meeting of April 13, 1994 were adopted unanimously.

Commissioner Anthony J. Schembri announced that Chief Marron Hopkins was retiring after twenty-five years of service. Board member David Schulte said that Chief Hopkins represented the finest that the Department has produced. Chief Hopkins thanked the Board and its staff for its professionalism and for working for the betterment of the Department.

Mr. Horan noted that the Executive Budget calls for major cuts in the Department's budget and head count, and invited comment from the Commissioner. Commissioner Schembri said that DOC was targeted for less severe cuts than were other departments, because of the Mayor's commitment to law enforcement. He said the budget would require creativity, because it was essential that the cuts not affect safety and security for staff and inmates. Commissioner Schembri said that sanitation and education will suffer, but that consent decree requirements will require the Department to fill with overtime those mandated positions for which the Department lacks staff.

He said the Department would come to the Board and request variances, and that the Department would "re-engineer" positions, replacing some officers with cameras. Commissioner Schembri said that in his experience cameras deter problems because they can record incidents. He noted that "imagineering" will be required, and cited an example ten officers on modified duty who were reassigned from the Transportation Division to fire watch positions in the Brooklyn House of Detention. Commissioner Schembri expressed confidence that his staff will suggest and implement creative, cost-cutting ideas.

Mr. Cruz asked about the overtime budget. Commissioner Schembri noted that it would be reduced in Fiscal Year 1995 to \$46 million, from this year's projected \$83 million. Mr. Cruz noted that it is expected that the number of inmates in custody will increase, and this will require more staff. Commissioner Schembri agreed, noting that staff will be provided on overtime, and that this will increase the overtime expense in FY95 by \$20 million. He said there would be a net reduction of \$20 million in overtime costs in FY95 from this year's projected spending level. Mr. Cruz asked how many officers could be hired with the overtime money. Deputy Commissioner Edward Allocco said that the City could not increase its head count, because, in exchange for \$200 million for the severance program, the City committed to the Municipal Assistance Corporation that it would reduce the City's head count by 15,000 employees by June, 1995. He noted that layoffs were possible. Deputy Commissioner Allocco noted that

although overtime is paid at 150% of "straight time", by not hiring new officers, the Department saved on fringe benefits of 30% to 40%, so that it cost the City almost the same amount to run posts on overtime as it would to hire new officers.

Board member Barbara Margolis asked about the status of the Department's cook-chill project. General Counsel Robert Daly said that the bid process is about to begin, and that the Department is seeking vendors who will supply cook-chill food to those jails with equipment to accept and serve it. He described this as an interim measure to privatize as much of the process as is possible, even as the City seeks a site upon which to build a food preparation and distribution center. Mr. Daly noted, however, that if there is sufficient private-sector interest in cook-chill, the City might ask Judge Lasker for permission to privatize food services, rather than make the substantial capital investment in constructing its own production and distribution center. In response to a question from Board Member David Lenefsky, Mr. Daly noted that the Department of General Services would build a City-owned center, if necessary.

Mr. Horan asked DOH Assistant Commissioner Kevin McGrath about the expected impact of planned cuts to the Health Department budget. Mr. McGrath said that in addition to the savings realized by the closing of the Brooklyn Correctional Facility (BCF), the budget calls for the closing of 42 beds in the Contagious Disease Unit (CDU), and an additional 5% reduction in the budgets of the contract providers, Montefiore and St.

Vincent's. He said this would be accomplished, in part, by renegotiating administrative overhead costs, increasing the accrual rate by 1% and decreasing the "coverage factor". Mr. McGrath explained that this meant the City's current contract, to account for absences, budgets 1.2 positions for each full-time position, and that this may be reduced to 1.165. Savings in these areas will result in less impact on direct services. Nonetheless, the cuts will affect inmate/patient services. The Department of Health is considering closing the infirmary at the Anna M. Kross Center. Mr. McGrath said that infirmary beds throughout the system have been under-utilized for some time, and that the patients at AMKC could be transferred to infirmary beds at the North Infirmary Command.

Mr. Cruz noted that published reports indicate that DOC plans to close the Brig in Brooklyn and the Manhattan Detention Complex South Tower. He said this would result in more inmates on Rikers Island, and an increase in the demand for medical care there. Mr. McGrath agreed, but noted that this would not change infirmary use since all infirmary beds are on Rikers Island.

Mr. McGrath said that additional reductions being considered included reducing laboratory hours and Central Radiology hours, reducing clerical staff, consolidating dental staff, and eliminating the Montefiore-run urology clinic, by having patients seen at a Health and Hospitals Corporation urology clinic. Mr. McGrath said Montefiore had proposed eliminating its dermatology clinic, but as this clinic was not under-utilized, this was

unlikely.

Ms. Potler asked how Correctional Health Services was affected by the City's severance program. Mr. McGrath said that fifteen Bureau employees were approved for severance, of whom four were from Central Office and eleven from facility clinics. He said he hoped that with the reassignment of BCF staff, there would not be a noticeable impact on direct services.

Mr. Wolf asked what would happen if the Department reopened BCF. Mr. McGrath said that DOH had discussed this with OMB, but that as of July 1, 1994, the Department must take a head-count reduction, and would have trouble re-staffing BCF. Mr. Wolf said it was very possible that DOC would be obliged to reopen BCF. Dr. James Neal noted that staff recruitment for all clinical titles (physicians, physician's assistants, nurses) is very difficult, and that DOH would encounter serious problems if it had to reopen the BCF clinic during fiscal year 1995. He said DOH would re-deploy existing staff, and noted that the Doctors' Council was not enamored of the idea of DOH entering into contracts with private providers for whatever additional staff might be needed. Dr. Neal reiterated that clinical staff for DOH-run clinics is already sparse.

Mr. Kreitman noted that for the past year he has urged DOH to revisit the issue of its sole-provider contract with Montefiore. He said the RFP was inadequate, and should have broken-down the service into several parts. He said that if there were real competition, the City could save millions of

dollars.

Dr. Canute Bernard expressed his belief that the prison health care system suffered because, with so many entities involved in providing service, there is no one person with overall responsibility for the system. Commissioner Schembri agreed, noting that even if it took a year to prepare new RFP's and conduct bidding, the City might be in a more advantageous position.

In response to Mr. Cruz's question about per capita costs, Mr. McGrath said that private provider services are less expensive than are City services. Commissioner Schembri said he would be meeting with DOH Commissioner Hamburg within two weeks to discuss this and other issues. Dr. Bernard opined that the new Administration should be receptive to further, and better coordinated, privatization of prison health services.

Mr. Lenefsky asked about the status of efforts to determine who will provide mental health services at C-71. Mr. McGrath said that an RFP had been drafted to include C-71 in a new contract with a private provider, but that the Department had not yet been told by City Hall that it could go forward. He promised to report progress to the Board.

Mr. Lenefsky asked about the planned transfer of the Correctional Health function to HHC. Mr. McGrath said he expects the transfer to go forward, but it is by no means certain. The transfer was tabled by the HHC Board until its May 26th meeting.

Mr. Lenefsky asked why the mini-clinic at the George Motchan

Detention Center (GMDC) was closed. Assistant Commissioner Roger Parris said Montefiore made the decision to move its mini-clinic staff to the main clinic at GMDC when DOC closed a "temporary" post in the mini-clinic. He said the closed post had been operated on overtime. Mr. Parris said that, at the facility, there were some discussions about the possibility that the post might be closed, that there was a disagreement between the Warden and Montefiore staff about security needs, and that Mr. Parris believed the mini-clinic had been reopened. Ms. Potler expressed concern about the apparently unilateral action by the Department of eliminating the post it had funded for several years, particularly in light of the brief closing of the mini-clinic two weeks ago by Montefiore because of security concerns. She said that the Chief Physician and the Clinic Administrator told her there had been no discussion with the Department about its intention to eliminate the "temporary" post. She also noted that the continued operation of the mini-clinic was a condition of the Board's variance for DOC's operation of the GMDC Sprung housing units. Mr. Parris responded that he and his staff will be meeting with Montefiore staff at GMDC to discuss issues of mutual concern, thereby continuing a process begun at the Rose M. Singer Center.

Commissioner Schembri announced that, through the efforts of Deputy Commissioner Antonio Figueroa, the new Brooklyn HDM medical clinic will open no later than July 15th, and he invited the Board to attend the opening.

Mr. Schulte gave his report. He said that together with Laura Limuli and Carl Niles, he visited the Central Punitive Segregation Unit (CPSU) at the James A. Thomas Center (JATC). He said that they observed inmates at recreation who were wearing jump suits over their clothing, thus defeating the purpose of the jump suits by providing layers in which to conceal contraband. He said that Catholic and Protestant inmates from CPSU attend religious services at the JATC Chapel with inmates from throughout the jail. Mr. Schulte noted that this meant the system had not changed following the recent incident in which an officer was stabbed by a CPSU inmate going to religious services. Commissioner Schembri said he met the Department's Catholic clerics, and that three objected to the idea of separate services for CPSU inmates, as currently is done with Muslim inmates. Mr. Daly said that any change requires the approval of the Federal Court, and that such approval was obtained in 1989 with respect to Muslim services. He noted that Legal Aid Society (LAS) attorneys would be visiting the CPSU soon, and he hoped LAS would agree to the change. If they do not, DOC will go to Court to seek approval.

Mr. Schulte noted that Mr. Wolf had proposed a plan to provide law library services to CPSU inmates in their cells. Mr. Daly said that law library was another issue for the Federal Court, and that the Department is preparing to ask the Court for permission to implement the Board's written proposal.

Mr. Schulte raised the issue of security at CPSU. He said

he was told by facility staff that the Department was testing a new transfrisker that could detect razor blades secreted in body cavities, but that the Department did not have enough of them. Commissioner Schembri said that twenty would be arriving tomorrow, and that another twenty had been ordered. Mr. Schulte said he was told that there was no procedure for when a transfrisker indicated that an inmate had a razor in a body cavity, and he urged Commissioner Schembri to develop one. Chief Hopkins said there is a policy, whereby the inmate is isolated until the razor passes from the inmate's body. He also said that CPSU did not have the authority to refuse to accept inmates from other facilities. Mr. Schulte said he was told by the CPSU Deputy Warden that some female officers who are working in CPSU against their will are very frightened. Commissioner Schembri said that all officers should do their jobs, that no distinction should be made by gender, but that he will look into the problem.

Mr. Schulte then expressed concern about the activities of gangs in the jails. Commissioner Schembri responded by discussing the wearing of beads by gang members. He said a Court of Appeals decision allowed beads to be worn in State prisons, and that he views beads as the equivalent of a gang identification card. Therefore, Commissioner Schembri said, he does not know whether he wants to take away the beads, and will evaluate the situation as he reviews the report of the Gang Task Force that he convened. He said he would provide the Board with the Report, and asked that the Board comment upon it.

Mr. Schulte suggested that additional uniformed staff be assigned to process arrests of inmates who commit violent acts in jail, and that a follow-up system be developed to track the cases of arrested inmates. Commissioner Schembri reported that he asked the Probation Department to include jail assaults in pre-sentence reports. He said he supports consecutive sentences for inmates who commit crimes while in jail.

Mr. Cruz said that, as a long-time resident of Queens, he was disappointed that that borough always bore the brunt of population adjustments by the Department. He said that additional inmates on Rikers Island means additional traffic through the communities adjacent to the Island. Commissioner Schembri responded that he had met with Borough President Claire Schulman and with Council Speaker Peter Vallone, and that he had assigned Warden Natale Abruzzo to be liaison to the Queens community to address quality-of-life issues, such as double parking, as they arise.

Mr. Wolf said that any plans regarding arresting inmates who commit crimes in jail should include crimes against other inmates, and not just assaults against staff. He said that in practice, inmates are not arrested for assaulting other inmates unless the victim suffers a very serious injury.

The Department requested a renewal of existing variances. Mr. Wolf noted that the staffs of the Department and the Board were working together to resolve some questions that had arisen regarding the Board's most recent variance letter. Upon the

motion of Mr. Kreitman, seconded by Mr. Lenefsky, the variances were renewed. All presented voted in favor, except for Mr. Cruz.

Mr. Horan adjourned the meeting at 2:35 p.m..