

NEW YORK CITY
BOARD OF CORRECTION

May 15, 1996

MEMBERS PRESENT

John Horan, Acting Chair
Louis A. Cruz
Stanley Kreitman
David A. Schulte

Excused absences were noted for Chair William H. Booth, Members Dr. Canute C. Bernard, Peter J. Johnson, Jr., David Lenefsky and Barbara Margolis.

DEPARTMENT OF CORRECTION

Michael Jacobson, Commissioner
Tom Antenen, Acting Deputy Commissioner
Antonio Figueroa, Deputy Commissioner
Edward Reilly, Chief of Custody Management
Ronald Galletta, Bureau Chief
Mike Pepe, Deputy Warden
Alfred Reno, Deputy Warden

HEALTH & HOSPITALS CORP., CORRECTIONAL HEALTH SERVICES

Andrew Harris, Associate Executive Director

OTHERS IN ATTENDANCE

Tracy Lucas, SCOC
Elizabeth Santiago, Analyst, City Council Finance Committee
Dale Wilker, Esq., Prisoners' Rights Project, LAS

The meeting was convened at 1:05 p.m. by Acting Chair John Horan. The members approved the minutes from April meeting. The Acting Chair requested Members reports.

Member David Schulte reported on his visit to the Bronx Court Pens with Executive Director Richard T. Wolf and Director of Field Operations Carl Niles. Mr. Schulte discussed the lack of adequate space to hold inmates, mentioning in particular two vacant pens in the basement adjacent to two courtrooms. He was told the pens were not in use because Judges complained that noise from the cells disrupted court proceedings. Mr. Schulte suggested that soundproof walls might be constructed between the pens and the courtrooms. Mr. Schulte noted on his tour he observed more than 50 inmates being held in one pen, and stated that this was dangerous. He also suggested that communications be developed between Rikers Island and the Captains in charge of the court holding pens regarding separation orders and potentially troublesome inmates. Finally, Mr. Schulte pointed out the need for single holding cells for inmates who must be separated from the rest of the population.

Commissioner Michael Jacobson responded that the Department intends to use the two pens adjacent to the courtrooms without making modifications.

Member Stanley Kreitman stated that he has been watching very closely the increase in inmate population and asked how the Department intends to respond as the numbers continue to grow. Commissioner Jacobson responded that even if the Police drug sweeps intensify, he does not anticipate having to open the Brooklyn Correctional Facility (BCF) until the fall.

Mr. Kreitman asked about the status of HHC's Correctional Health Services' (CHS) Request for Proposal (RFP). CHS Associate Director Andrew Harris stated that: the RFP will be sent out on May 28th; a Bidders' Conference is scheduled for June 14th; facility tours will occur in late June; and there will be a final opportunity in mid-July for potential bidders to submit final inquiries before submission of the proposals at the end of August.

Mr. Kreitman stated that he has been concerned because prior RFPs had been worded to discourage competitive bids. Mr. Harris responded that CHS already has received 15-16 expressions of interest. Mr. Harris stated that CHS does not want an unwieldy correctional health system with twenty different contracts. He added that any group of hospitals or companies may join together to submit a proposal. The RFP contains two components: one for Rikers Island and another for the borough facilities. Mr. Harris further explained that CHS will encourage bidders to bid on as much of the entire system as possible.

Dale Wilker, an attorney with Prisoners' Rights Project of the Legal Aid Society, warned against having too many providers in one system because, he asserted, this jeopardizes continuity of care. Mr. Wilker added that teaching hospitals, such as Montefiore, generally provide higher quality of care than non-teaching hospitals.

Mr. Kreitman stated that he has never criticized the care, just how one obtains a contract to provide it.

Acting Chair John Horan asked how many claims are pending against the City regarding allegations of inadequate health care in the jail system. Mr. Harris responded that he would get that information to the Board before the next meeting.

Deputy Executive Director Cathy Potler asked the Commissioner to update the Board on the City's privatization efforts. Commissioner Jacobson responded that there has been no further progress, due to the Executive Budget process. He said he expects some progress on this issue very soon.

Acting Chair Horan asked Commissioner Jacobson to discuss how the Prison Litigation Reform Act will affect the Department. The Commissioner responded that the Act gives the Department the ability to go before the Court to vacate the consent decrees. Mr. Jacobson stated that the Department is in the process of reviewing which consent decree provisions it will continue to follow and which it will go to the Court to modify.

Mr. Wilker stated that the consent decrees have played a very important role in maintaining constitutional conditions, and

have remedied some very serious problems. He asserted that the detailed work plans have provided the Department with the discipline to make the changes that were needed.

Mr. Schulte referred to a letter from Commissioner Jacobson to the Board members thanking them for supporting the Department's effort to be permitted to provide CPSU inmates with law library services in their cells. Commissioner Jacobson had written that the Board's support was a key element in the Department's success in Court.

Mr. Wolf asked the Commissioner to report on how the Department fared in the Executive Budget. Commissioner Jacobson provided the following highlights:

- * the Department can hire 450 new correction officers, in two classes of 225 each, beginning on July 1st.

- * the overtime budget increased from \$17 million in the January Plan to more than \$43 million in the Executive budget; this is less than the \$72 million overtime allocated for this year, but the Commissioner expressed optimism that the Department will come close to achieving its overtime budget target.

With respect to cuts, Commissioner Jacobson stated that the budget will cause the Department to eliminate about 90 non-security posts throughout the agency, of which approximately 30 are "C" posts, and lose \$2-3 million in OTPS (non-salary) funds.

Ms. Potler asked how Executive Budget would affect civilian positions. Commissioner Jacobson responded that the Department may hire 50 or 60 SAID counselors and administrators, all mandated positions (such as food service personnel) and the 60 positions from a "civilianization" proposal in the January Plan.

Mr. Wolf reported that the Department has had considerable success in reducing violence throughout its facilities, but that this almost system-wide success largely is being offset by a serious worsening of violence in CPSU. Mr. Wolf presented the following statistics regarding the rate of violence in CPSU, based upon the Department's data, and tabulated by the Board's Director of Information Services Jim Bennett:

- * the most violent month in CPSU had been May 1994 when the rate was 9.06 incidents per 100 inmates per 31

days.

- * during the first nine days of March when the CPSU inmates were still housed at JATC, the rate was 7.4.
- * during the remainder of March, after the CPSU inmates were moved to OBCC, the rate was 20.6.
- * the March combined rate was 16.7.
- * the April rate was 17.9, and only two of the 57 incidents were allegations.
- * the rate for the first 13 days of May is 17.1, slightly lower than April's rate, but higher than the rate for March.

Mr. Wolf noted that these rates do not include incidents involving CPSU inmates which occur outside the CPSU. For instance, Mr. Wolf stated that during the first 13 days of May, there were 2 slashings involving CPSU inmates at the court pens and three assaults on staff requiring the use of force.

Mr. Wolf asked the Department representatives why they believe CPSU violence has continued at such high rates, and what it plans to do to reduce these rates.

Commissioner Jacobson responded that the number of slashing and stabbing incidents have dropped dramatically - in March there were 11, in April 9 and in the first 12 days of May, 1. With respect to Uses of Force, in March there were 17, in April, 35 and in the first 12 days of May, 12.

Bureau Chief Ronald Galletta reported that in addition to the plans to provide law library services in the cells and to divide the recreation yard into smaller units, the Department is conducting more tactical search operations.

Mr. Wolf asked Chief Galletta to explain how it is possible that according to the Department's Violence Summary in April, there were 171 searches done in CPSU in which a total of seven weapons were confiscated, and yet 116 infractions were written for "weapons possession". Chief Galletta could not explain the discrepancy and stated that he will get back to the Board with an explanation.

Mr. Wolf pointed out that the Board's concern is the

frequency with which staff intercede with force - a dramatic increase from the "pre-move" period. Mr. Wolf asked if there are factors contributing to the high rates other than the fact that the inmates still may be "testing" the new CPSU facility and staff. Chief Galletta responded by noting that CPSU inmates do not like the new facility, because the solid doors inhibit communication among the inmates.

Mr. Schulte recommended that psychologists be brought into the CPSU to find out why these inmates are acting out. Mr. Harris responded that his office and that of Bureau Chief Arnett Gaston have been working on a training program for correctional and mental health staff to better understand the "personality type" of CPSU inmates. Mr. Schulte explained that he is talking about better understanding the inmates so that steps can be taken to reduce the anger.

Responding to Mr. Schulte's remarks, Legal Aid Society attorney Dale Wilker discussed videotapes he had viewed of CPSU incidents, and reported the following: inmates get angry because they are left in the shower for 30 minutes to an hour; recreation yard incidents often are triggered by inmates protesting the reduction of services in the CPSU; after uniformed staff handcuff the inmates, they strike them over the head and cause head injuries; and, officers open cells for no apparent reason, enter the cell and use force where it will not be recorded by a camera. Mr. Wilker urged the Department to assign experienced staff to CPSU, not untrained, unseasoned rookie probationary officers.

Bureau Chief Galletta stated that any officers who act improperly are disciplined. He explained that there are many reasons for entering a cell. He offered an example: if an inmate refuses to go to court, he must be forcibly handcuffed and removed. He added that hand-held cameras are used in all anticipated uses of force.

Ms. Potler asked for a brief report on CHS's FY 97 budget. Associate Director Andrew Harris reported that CHS was cut by \$4.3 million in the medical services budget, and by \$500,000 in the mental health budget. Mr. Harris stated that if the Brooklyn

Correctional Facility remains closed for the first six months of FY 97, this would offset much of the \$4.3 million. He added that CHS will save \$800,000 with the transfer of operation of the court pen clinics from St. Vincent's to Emergency Medical Services (EMS). With respect to the mental health cuts, Mr. Harris stated that a plan has not been developed yet.

The Board members approved the Department's request to renew existing variances. Acting Chair John Horan adjourned the meeting at 2:20 p.m.