

NEW YORK CITY
BOARD OF CORRECTION

June 11, 1997

MEMBERS PRESENT

John R. Horan, Acting Chair
Canute C. Bernard, M.D.
Louis Cruz
David Lenefsky

Excused absences were noted for Members Peter J. Johnson, Jr., Stanley Kreitman, Barbara Margolis and David A. Schulte.

DEPARTMENT OF CORRECTION

Bernard Kerik, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Fredrick Patrick, Deputy Commissioner
Elizabeth Loconsolo, General Counsel
Ronald Galletta, Bureau Chief
Ralph McGrane, Bureau Chief
Sheila Vaughan, Assistant Chief
Stuart Zausner, Health Affairs

HEALTH AND HOSPITALS CORPORATION

Audrey Compton, M.D., Acting Executive Director
Andrew Harris, Associate Executive Director
Arthur Lynch, Director of Mental Health

OTHERS IN ATTENDANCE

Dan Janison, Newday
Tracy Lucas, SCOC
Dale Wilker, Legal Aid Society
Milton Zelenmyer, Legal Aid Society

Acting Chair John R. Horan convened the meeting at 1:05 p.m. The Board Members present unanimously approved the minutes from the May Board meeting.

Acting Chair Horan asked for reports from the Members. Dr. Canute C. Bernard asked about the role of the medical staff in deciding to charge inmates three dollars for each sick call visit made to the clinic and to use stun shields on inmates. Acting Chair Horan also asked about the status of the contract with Montefiore Medical Center to provide all health services to inmates on Rikers Island.

Health and Hospitals Corporation's (HHC) Correctional Health Services (CHS) Acting Executive Director Dr. Audrey Compton responded that the President of the Health and Hospitals Corporation and the head of Montefiore are negotiating an extension of the contract. Dr. Compton added that the situation is so serious, and the future of the City's relationship with Montefiore so uncertain, that a contingency plan has been developed and that a new Request for Proposals (RFP) will be sent out next week.

Executive Director Richard T. Wolf noted that it took many months to complete the RFP process year, and asked if the process would be expedited. Dr. Compton responded that the process has begun and should be completed by November 1st. Member David Lenefsky asked how medical care will be provided between now and November 1st. Dr. Compton replied that HHC has developed a contingency plan which she was not at liberty to discuss.

Noting that some Members might disagree with him, Mr. Lenefsky said that prison health was an inadequate, poorly-managed service many years ago, that much progress has been made, and that Montefiore has done a good job. He added that the

potential for slippage in the coming years is of great concern to him.

Dr. Bernard asked for an update on the proposed smoking ban. Deputy Commissioner Fredrick Patrick responded that the smoking ban will be implemented in January 1998. There will be an eight-week phase-out period before the ban goes fully into effect. During the fall, Correctional and Health staff will be trained in providing support services to assist smokers who will find it difficult to quit.

Acting Chair Horan asked for information regarding the Department's plan to charge inmates three dollars for each sick call visit. First Deputy Commissioner Bernard Kerik responded that Department staff are still in the early planning stages with HHC. He reported that both agencies will determine which inmates will be charged and how to define "indigent".

Mr. Lenefsky asked if the Department attempted to quantify the abuse in the system as described by the Commissioner in his Daily News Op Ed piece. Mr. Kerik responded that the Department is looking at that in its planning process. Mr. Lenefsky asked if alternative ways to handle the abuse in the system are being explored by the Department. Mr. Kerik answered that anything is possible. Dr. Compton added that HHC will be conducting chart reviews to document sick call utilization and assess possible abuse. In response to a question from Acting Chair Horan, Mr. Kerik noted that legislation would be required for the Department to charge inmates for sick call.

Board Member Louis Cruz asked why the Department did not bring to the Board's attention such critical issues as requiring a sick call co-payment from inmates and the use of stun shields. Mr. Kerik responded that the Department was not trying to keep

anything from the Board. He added that the Department has a good relationship with the Board and Executive Director Richard Wolf speaks frequently with the Commissioner and senior DOC staff.

Mr. Lenefsky stated that Mr. Cruz raised a legitimate concern, particularly with respect to the stun shields. Mr. Lenefsky explained that the Board found out about the use of stun shields in the Department only after they were used. Mr. Kerik reiterated that there generally is good communication between the Department and the Board, and asked the Board to forgive the Department for any oversight on its part. Mr. Wolf expressed his concern that the co-payment plan was never discussed with the Board until the Commissioner contacted him the night before an article was to appear in the New York Times. Mr. Wolf added that this plan has direct implications for the Health Care Minimum Standards.

Deputy Executive Director Cathy Potler inquired as to why in the Executive Budget the \$75,000 in revenue gained from charging inmates for sick call would be going to the Department and not to HHC or the Department of Health. Mr. Lenefsky asked what the basis was for the \$75,000 figure. No one from the Department or HHC could respond to either question. Acting Chair Horan requested that the Department give the Board answers to those questions at the July meeting.

Acting Chair Horan asked for an update on the availability of protease inhibitors for inmates. Dr. Compton said that by July 1st the protease inhibitors should be available to inmates. The health providers will begin viral load testing; an infectious disease physician has been identified to oversee the process; and two locations have been selected to provide services to inmate/patients following discharge from jail.

Acting Chair Horan asked about the use of the stun shields since the May 14th Board meeting. Chief Galletta responded that the Department has not used shields since May 12th. When asked by Mr. Wolf why the Department has not used them, Chief Galletta replied that the "inmates have not given us reason to use it". Ms. Potler asked about the status of the report on stun shields about which the Commissioner testified at the City Council's Public Safety and Finance hearings several weeks ago. Mr. Kerik stated that the report, which should be ready around June 30th, will include data analyzed from the Department's "pilot project" as well as information collected from other jurisdictions.

Mr. Lenefsky asked if Dr. Compton and her staff have done any research on the biological consequences of the use of stun shields. Dr. Compton responded that she has not found any articles on the subject, but that she has spoken with providers in other jurisdictions. Mr. Kerik added that this information would be included in the report.

Mr. Cruz asked whether or not an Operations Order regarding the use of stun shields had been developed and circulated. General Counsel Elizabeth Loconsolo responded that the initial training of the Emergency Response Unit (ERU) staff in the use of the stun shield was based on the detailed, thorough operations manual from the manufacturer. She further explained that this manual has been included in the Operations Order which has been distributed to staff.

Acting Chair Horan asked if a requirement that all uses of the stun shield be videotaped has been included in the Operations Order. Mr. Kerik replied that videotaping is required to be used unless there is an emergency situation. Mr. Wolf requested that the Department provide the Board with a copy of the Operations

Order.

Acting Chair Horan reported on his visit to the new punitive segregation unit currently under renovation at the George Motchan Detention Center (GMDC), and asked if the Department has plans to construct similar units in other facilities. Assistant Chief Sheila Vaughan responded that there are no plans to do unless the need arises. Chief Galletta added that this unit is a separation area for inmates in CPSU. Mr. Wolf asked if this was a move away from a centralized segregation unit. Chief Galletta replied no.

Mr. Lenefsky discussed his two recent visits to the Rose M. Singer Center (RMSC) where he observed an increased number of inmates with mental illnesses. He reported that the Montefiore Mental Health Unit Chief at RMSC confirmed this observation. Mr. Lenefsky reported that there are two items that the mental health staff need: (1) larger space to conduct group therapy sessions and (2) continuing mental health education for the correctional staff. Because this was the first time that these issues were raised, Mr. Lenefsky asked that the Department respond at the July Board meeting.

Mr. Kerik mentioned that the Commissioner and he are putting together a pilot training program for captains to perform in-service training at the facilities. Mr. Kerik added that the training topics could include mental health issues.

Ms. Potler reported on the first suicide of this calendar year as follows: on June 9, 1997 a 22-year old inmate was found at 7:20 a.m. hanging from a sheet tied to the frame of his cell window in a general population housing area at the Anna M. Kross Center (AMKC). The Board's preliminary investigation indicates that Montefiore staff responded promptly to the emergency. However, no resuscitation efforts were undertaken because the

body was very rigid. The officer who discovered the body had just come on duty and was conducting a count. It does not appear that the inmate had any contact with mental health. Further investigation is underway by Board staff.

Assistant Chief Vaughan requested that all existing variances be renewed. A motion was approved by all Members present.

Acting Chair Horan adjourned the meeting at 2:05 p.m.