

**NEW YORK CITY
BOARD OF CORRECTION**

April 16, 1998

MEMBERS PRESENT

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

Excused absences were noted for Member Canute C. Bernard, M.D..

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Antonio Figueroa, Deputy Commissioner
Roger Jefferies, Acting Deputy Commissioner
Ronald Galletta, Deputy Chief
Sheila Vaughan, Deputy Chief
Roger Parris, Assistant Commissioner
Robert Ortiz, Assistant Chief
Joseph Guarino, Esq., Deputy General Counsel

HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Gregory Kaladjian, Executive Director
Art Lynch, Director, Mental Health

OTHERS IN ATTENDANCE

Jon Bigel, St. Barnabas Hospital
Erica Goodman, City Council
Tracie Lucas, State Commission of Correction
Milton Zelenmeyer, Legal Aid Society, Prisoners' Rights Project

Acting Chair John Horan called the meeting to order at 1:05 p.m.. The draft minutes of the March 11, 1998 meeting were approved unanimously.

Acting Chair Horan reported on his April 9th visit, with Deputy Executive Director Cathy Potler, to the Mental Health Center (Mod 1) on Rikers Island, the site of a recent suicide. He noted that the sprinkler heads had been installed incorrectly, providing a support from which the inmate had hanged himself. DOC Commissioner Bernard Kerik responded that DOC staff examined all mental observation areas and found the identical problem in several areas. These cells were vacated and repaired. Deputy Commissioner Antonio Figueroa said that wrong-sized replacement sprinklers had been installed, preventing support plates from being flush with the wall, thereby exposing a water pipe. Installers had filled the gap with putty. The inmate had dug away the putty and loosened the plate. He then affixed the ligature to the exposed pipe, which supported his weight, thus facilitating the suicide. Commissioner Kerik added that new procedures now require Supervising Mechanics to approve all replacement parts for fixtures in mental observation housing areas. Executive Director Richard Wolf asked if there were other items that could create "opportunities" for suicide, and whether similar new procedures would govern their replacement. Commissioner Kerik said the Department will examine the grill work in the cells.

Board Member David Lenefsky, noting that there was one officer and two observation aides for twenty cells, asked how the suicide could have occurred. Deputy Chief Sheila Vaughan said this was the proper staffing level, and added that the circumstances of the suicide were under investigation. Acting Chair Horan said that if staff did not look carefully into the cell, the entire cell is not visible through the door windows. Board Member Louis Cruz asked whether a larger

door window should be installed to improve observations. Commissioner Kerik said that a larger window panel could shatter more easily, but that DOC staff would look into the matter. Ms. Potler said that there were three narrow panels on the Mod 1 cell doors, but that the doors in the Contagious Disease Units had wide door windows.

Mr. Lenefsky praised the Department for reducing the number of suicides over the years, and pointed to the Board's Mental Health Minimum Standards as contributing directly to the reduction. Noting that suicides are the "worst outcomes", Mr. Lenefsky again called for enhanced mental health training for officers, and for a re-examination of all mental health areas and procedures. Commissioner Kerik agreed to do so, and noted again that DOC has increased training substantially, particularly mental observation training. Ms. Potler urged the Department to work with each facility's mental health staff to provide "local" mental health training and to update DOC staff whenever the providers conclude a particular inmate requires special observation.

Mr. Wolf asked if it was known how much time had elapsed between the hanging and its discovery. Commissioner Kerik said medical staff reported that it was "up to an hour", but that more precision was not possible.

Mr. Horan reported that he also visited the mental health area of the Adolescent Reception and Detention Center (ARDC). He said he was impressed with St. Barnabas' mental health staff, and urged DOC to support their efforts.

Board Member David Schulte asked how many state prisoners could serve time in City jails pursuant to the City-State contract. Commissioner Kerik said the maximum was 300 prisoners. Mr. Schulte said that some of the State prisoners are disgruntled because they wish to

be sent to State facilities, where, by participating in programs available only in State facilities, prisoners can earn "points" towards release by the Parole Board. Mr. Schulte expressed concern that this circumstance could cause some State contract prisoners to become violent. Mr. Schulte urged City officials to encourage their State counterparts to discuss the issue with the Parole Board. Commissioner Kerik said DOC already has done this, and discussions are underway to resolve any inequities. He added that DOC had developed protocols to inform State contract prisoners about their status as State prisoners in City jails, and that notifications will begin soon. Mr. Schulte asked if the contract was to be renewed. First Deputy Commissioner Gary Lanigan said that the contract already had been extended, month-by-month, and that this would continue until the State budget was clarified.

Mr. Wolf noted that "State ready" prisoners are told to send their property home because it will not be accepted at State prisons. He said that a contract-related problem has developed whereby "State readies" are not told of their new status as "State contract prisoners", are directed to send their property home, and then have no property for the length of their stay in a City jail as a State contract prisoner. He said this could lead to incidents of extortion and robbery. Deputy Chief Vaughan said that prisoners will be told at the earliest possible time of their status, so that property will not be inadvertently and prematurely sent home. Commissioner Kerik said the concern would be addressed in the new procedures.

Board Member Barbara Margolis said that in her visits to the Correctional Institution for Men (CIFM), she is told about two distinct "classes" of prisoners: the looked-down-upon, chronically homeless prisoners who return frequently to CIFM, and the other sentenced misdemeanants. Deputy Chief Vaughan said she had not heard about a "hard-core group of

recidivists", but that she would look into it.

Board Member Stanley Kreitman asked about violence levels in the jails. Mr. Wolf said that stabbing and slashing incidents remain low, and that uses of force have increased. He said this was unsurprising: DOC is conducting more weapons searches; these result in more confrontations between staff and inmates. Commissioner Kerik added that stabbings and slashings are down 81% from FY95.

Mr. Lenefsky asked that the suicide investigation include a review of the intake records, because the inmate had an extensive psychiatric history. He urged that the initial evaluation and steps taken thereafter be reviewed for appropriateness and adequacy.

Mr. Kreitman asked whether the Bain barge would be used to house juveniles. Commissioner Kerik said discussions are underway with the Department of Juvenile Justice (DJJ), and that as many as 100 juveniles could be housed temporarily on the barge, in a 200-bed area. He noted that the new DJJ facilities do not have enough spaces for DJJ's current Spofford population, and that if a variance is obtained from the State, juveniles could enter the barge in June or July. DOC staff will not perform custody functions, but will maintain perimeter security. DOC staff will operate the kitchen and perform all maintenance on the barge. Commissioner Kerik said that if DOC requires additional bed space, plans would have to be developed to keep adult DOC inmates out of sight and sound of the juveniles.

Mr. Cruz asked about the status of the John Jay contract for adult inmate educational services. Mr. Lanigan said DOC had issued an RFP (Request for Proposals) seeking a vendor, and that John Jay had agreed to continue to provide services through June 30th. He added that DOC did not know whether John Jay would choose to bid on the new contract. Assistant

Commissioner Roger Jefferies said the new RFP targets adult inmates over 21 years old, because the Board of Education now provides services to inmates up to age 21. Mr. Wolf asked whether services would be provided between July 1st (when John Jay's services are scheduled to end) and September 1st (when the new contract would begin). Mr. Jefferies said there would be no education services during this period for adults over 21.

Ms. Potler asked whether HHC representatives wished to present any information regarding the suicide. Dr. Art Lynch responded that, at intake, the inmate's evaluation resulted in him being placed in the highest level of mental health care. Dr. Lynch commended St. Barnabas staff for providing counseling to inmates in the Mental Health Center after the suicide. Ms. Potler asked Dr. Lynch if he knew which and how many St. Barnabas staff responded to the cell when the suicide emergency was first called. Dr. Lynch said it was his understanding two staff responded: a nurse and a physician's assistant. Upon further questioning by Ms. Potler, Dr. Lynch said he did not know whether both staff members responded to the cell.

Mr. Schulte suggested that television cameras inside the cells of at-risk inmates might prevent suicides. Commissioner Kerik said that cameras in cells would raise constitutional issues regarding right to privacy. Ms. Potler suggested that the inmate could be sent to a forensic unit in a hospital, such as Bellevue, where he would be placed on one-on-one observation.

Mr. Lenefsky said that at the March meeting he had asked for a provider staffing comparison: Montefiore's March 1997 staffing and St. Barnabas' March 1998 staffing. Gregory Kaladjian said that the comparison would be completed in time for next month's meeting.

A motion to renew existing variances was approved, the meeting was adjourned at 1:43 p.m.