

**NEW YORK CITY
BOARD OF CORRECTION**

January 14, 1998

MEMBERS PRESENT

John R. Horan, Acting Chair
Canute C. Bernard, M.D.
Stanley Kreitman
David Lenefsky
Barbara Margolis
David A. Schulte

Excused absences were noted for Members Louis A. Cruz and Peter J. Johnson, Jr.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Edward Reilly, Chief of Department
Tom Antenen, Deputy Commissioner
Elizabeth Loconsolo, Esq., General Counsel
Roger Jefferies, Assistant Commissioner
Ronald Galletta, Bureau Chief
Sidney Head, Bureau Chief
Sheila Vaughan, Bureau Chief
Robert Wangenstein, Bureau Chief
Robert Davoren, Assistant Chief
William Frazier, Assistant Chief
Robert Ortiz, Assistant Chief
Al Thompson, Executive Asst. to Chief

HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

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

OTHERS IN ATTENDANCE

Erika Goodman, City Council
Tracie Lucas, State Commission of Correction
Milton Zelenmeyer, Legal Aid Society, Prisoners' Rights Project

Acting Chair John R. Horan called the meeting to order at 1:12 p.m. Former DOC Commissioner Michael Jacobson came to the meeting to say farewell to the Board. He was congratulated by Acting Chair Horan and by Board Member David Lenefsky who said Mr. Jacobson was the best commissioner of the many he had known. Mr. Jacobson then left the meeting.

The draft minutes from the December meeting were adopted without objection by the Members present.

Executive Director Richard Wolf introduced DOC's new First Deputy Commissioner Gary Lanigan, who in turn introduced Edward Reilly as DOC's new Chief of Department. Chief Reilly then introduced several just-promoted senior uniformed managers: Robert Davoren, Assistant Chief, Division I; Al Thompson, Executive Assistant to the Chief; William Frazier, Assistant Chief, Division II; Sidney Head, Bureau Chief, Custody Management; Robert Ortiz, Assistant Chief, Inspectional Services and Compliance; Sheila Vaughan, Bureau Chief for Administration; Ronald Galletta, Bureau Chief for Security; and Robert Wangenstein, Bureau Chief for Rikers Island.

Mr. Wolf said that the Board had been informed of scattered interruptions in mandated adult education services, due to contract problems resulting from plans to change providers from contractors to the Board of Education. Mr. Lanigan responded that he was aware of the interruptions, but said that he did not believe these were mandated services. He said that a contract with John Jay expired on December 31st, and that unlike its position in prior years, John Jay determined that it would not work without a contract. Mr. Lanigan said negotiations to enter into a memorandum of understanding were taking place, because the contract process was

lengthy (45-60 days) and DOC hopes to restore services in a couple of weeks. He said the borough facilities were affected. Mr. Wolf noted that services had been interrupted at the Correctional Institution for Men (CIFM) and the Rose M. Singer Center (RMSC). Board Member Stanley Kreitman asked why John Jay suddenly decided it required a contract. Mr. Lanigan said John Jay's action was in response to an RFP seeking a vendor for adult education services to begin in September 1998. Mr. Lanigan said it was unclear whether John Jay intended to bid on the RFP, which will be released in a few weeks. He added that DOC hopes John Jay will provide services through June, 1998 - the end of the current school year.

Mr. Wolf said that the mandated services to which he referred were those for 19 to 21 year-old inmates who had not obtained a high school diploma and wished to attend classes. Assistant Commissioner Jefferies said that as a result of the Handberry lawsuit, the Board of Education has been directed "to have a presence" in each City jail which will meet all mandates. Mr. Lanigan added that it is DOC's intention to continue to provide non-mandated adult education services as well. Mr. Lenefsky asked how many inmates participate in adult education services. Mr. Jefferies said that, system-wide, approximately 250 inmates participate in John Jay educational programs each day. Mr. Kreitman asked whether the Department had ever considered using interactive video to provide educational services. Mr. Lanigan said DOC was talking with the Department of Information Technology and Telecommunications (DOITT) about using interactive video for staff training and for educational services.

Acting Chair Horan asked about DOC's plans to board State prisoners in City jails. Mr. Lanigan said the latest State budget provides for reimbursement to localities of up to \$100 per prisoner per day, but that currently the City receives only \$34 per day. The State is required to

take custody of newly-sentenced prisoners within 10 days of the City's declaration that the prisoner is "State ready". Mr. Lanigan said that the State's continuing overcrowding problems have resulted in instances where more than 100 State-ready inmates are overdue. Thus, he stated, an agreement benefits both the State, which "buys" additional capacity, and the City, which now will be reimbursed at \$100 per day. The contract provides that the City may "turn away" State prisoners who do not meet established criteria. The City selects those inmates it wishes to designate as "contract inmates". Board member David Schulte asked if the agreement would oblige DOC to open another facility. Mr. Lanigan said that DOC will control the number of State "contract" prisoners, and that it will not open another facility. Instead, in currently operating facilities, DOC will open housing areas that have been closed. Mr. Schulte added that the City would lose money if it had to open the Brooklyn Correctional Facility ("Brig") to accommodate State prisoners. Mr. Lanigan agreed. Mr. Lenefsky asked how many State prisoners would be involved. Mr. Lanigan said that there was no ceiling or minimum number, but the Department would not allow State prisoners to affect ongoing or planned construction projects. He noted that current thinking is that a daily average of approximately 200 to 300 State prisoners would be "contract" prisoners. Finally, he said that DOC was creating a unit to track the State prisoners' numbers and behavior patterns.

In response to a question from Mr. Schulte, General Counsel Elizabeth Loconsolo said that the contract had no bearing on the City's ability to return to State Court to enforce a previous ruling that the State must take custody of "state readies" within 10 days. Mr. Horan asked for a copy of the executed contract, and Mr. Lanigan said he would provide it. Mr. Wolf asked whether there was a time limit on how long a "contract" prisoner could remain in a City jail. Mr.

Lanigan said there was a six-month limit.

Mr. Lenefsky asked whether DOC had had discussions with Federal officials about obtaining some of the recently-announced additional Federal funds for drug treatment programs. Mr. Lanigan said DOC had spoken with the Office of the Criminal Justice Coordinator, but that it appeared the funds were for State systems. He added that the City is expanding the SAID program in the jails, with 500 beds currently open and plans for a total of 1548 beds by the end of the current fiscal year. In February, beds will be added at RMSC and the West Facility with the remaining beds opening in the Spring. Mr. Lanigan noted that an in-house "RFP" had been issued for the jails to tell central office how each facility could best manage SAID programs, taking into consideration the unique characteristics and features of each jail and inmate population.

Mr. Wolf asked whether recent changes in SAID inmate eligibility requirements affected the conditions of a Board-granted variance for operation of the Sprungs, namely whether the Department was allowing higher security-risk inmates to now live in the Sprungs. Bureau Chief Ronald Galletta said that the SAID requirements in no way affected the criteria for determining whether inmates were eligible to be housed in the Sprungs. He added that if the revised criteria result in problems for the SAID program, DOC will revert to the earlier, more stringent criteria.

Mr. Schulte asked if DOC had statistical evidence that the SAID program reduced recidivism. Mr. Lanigan said that the limited data DOC had reviewed showed little difference in recidivism between SAID participants and non-participants. He said that the goal of SAID is to make inmates "treatment ready"; whether programs in State prison or the community help to reduce recidivism is beyond DOC's ability to control. If inmate-participants are rearrested, it

does not mean that the SAID program failed; it means the "system" failed because the post-DOC programs were unable to have enough of an impact on the inmate to cause him/her to change behavior.

Board member Barbara Margolis asked why DOC cannot establish better connections with State prison programs. Bureau Chief Sheila Vaughan said that one problem is that SAID participants, depending on their sentences, may not be eligible immediately for State prison drug intervention programs. She and Ms. Margolis agreed that if additional monies are made available to State prison drug programs, the funds should be used to place SAID-prepared, treatment-ready new State prisoners into those programs. Mr. Lanigan added that DOC program staff will begin gathering recidivism statistics, but he reiterated that recidivism should not be viewed as the measure of SAID's success.

Mr. Schulte asked how DOC can know whether SAID is having any impact, without information regarding how long former inmates spend in community programs. He also asked how the Department knows its SAID program is designed properly. Art Lynch, CHS's Director of Mental Health Services, responded that the SAID program uses standard therapeutic community clinical protocols.

(At this point, Commissioner Bernard Kerik joined the meeting. Acting Chair Horan congratulated him on his appointment as Corrections Commissioner.)

Dr. Lynch noted that DOC is working with the Health and Hospitals Corporation and the Narcotics and Drug Research, Inc. (NDRI), who are national experts in drug treatment, evaluation and research. Dr. Lynch agreed to provide the SAID protocols.

Acting Chair Horan asked Commissioner Kerik if he wished to make a presentation to the

Board. Commissioner Kerik said that the cooperation the Department has enjoyed in the past with the Board should and will continue. He expressed confidence in the DOC management team introduced earlier, and added that he expected to build on the successes of the previous administration. Commissioner Kerik noted that he was in close contact with Mr. Wolf who had been very helpful. He concluded by thanking the Board for its cooperation.

Acting Chair Horan said that the praise accorded former Commissioner Jacobson belonged as well to Commissioner Kerik and his assembled staff. He urged Commissioner Kerik to attend monthly Board meetings.

Mr. Wolf added that he had met with Commissioner Kerik and expected that their cooperative working relationship would continue.

Mr. Schulte asked whether the Department had a response to Mr. Wolf's letter regarding disciplinary action against staff involved in the suicide at the Rose M. Singer Center (RMSC). Commissioner Kerik said a written response was being prepared by Assistant Chief Vaughan, but that he wished to address the issue now. He said that Mr. Wolf had pointed out that a union award had been presented to one of the officers, and that this should not have happened. He said that when the union award was presented to the officer, the process for DOC internal review of Departmental nominations for awards for outstanding job performance did not apply to C.O.B.A. awards. Unfortunately, the C.O.B.A. request for recognition did not go to the Office of the Chief of Department or the Commissioner's Office. Furthermore, it was submitted shortly before DOC's Medal Day ceremony was to occur at City Hall. Commissioner Kerik said the award to the officer was a "blemish" to the Agency, and a mistake that should not have occurred. He added that a DOC Directive will be amended to require that union award nominations follow the

same protocols as Departmental nominations. Commissioner Kerik said that Mr. Wolf had written that a photograph of the officer and an inaccurate description of her role in the incident was posted in the facility, and that Commissioner Kerik had directed that it be removed. He noted that the officer and one other officer had been made subject to Departmental charges. Finally, Commissioner Kerik said that such a mistake will not occur again.

Acting Chair Horan asked for a report on the suicide that occurred on Christmas Day. Commissioner Kerik said that the investigation is ongoing, but he noted that two tour commanders were brought up on charges, and one was also suspended. A captain and an officer also are being charged for actions that they took during the day of the suicide. Deputy Executive Director Cathy Potler asked if the charges pertained to the appropriateness of the lockdown that had been ordered in the housing area earlier in the day, and/or to behavior engaged in around the time of the suicide. Commissioner Kerik said that the tour commanders had failed to follow lockdown notification procedures. He added that he supported the use of lockdowns when necessary, but that notifications were essential to facilitate supervisory review. Charges against the captain and officers, which Commissioner Kerik declined to discuss, citing the ongoing investigation, did not pertain to notification procedures. Mr. Lenefsky asked about the mental health status of the inmate. Dr. Lynch responded that the inmate was known to mental health since his admission in December, 1996. He was neither psychotic nor seriously disturbed, but was agitated when confined, and had two periods of confinement in CPSU. The inmate received trial medications for impulse disorder, thorazine, and benadryl for sleep. Dr. Lynch said the medications were not offered for a mental disorder, and added that the inmate belonged in general population. In response to a question from Mr. Lenefsky, Dr. Lynch said the inmate

should not have received additional treatment or have been on suicide watch.

A motion to renew existing variances was approved unanimously.

Acting Chair Horan announced that the Board would next discuss correctional health issues and performance by St. Barnabas. Mr. Kreitman announced that he would depart from the meeting, and he did so.

Acting Chair Horan asked Gregory Kaladjian, Executive Director of HHC's Correctional Health Services, to report on the transition to St. Barnabas as provider of health and mental health services to inmates on Rikers Island and in the Manhattan Detention Center.

Mr. Kaladjian said that St. Barnabas began on January 1, 1998, and that the start-up was proceeding "extraordinarily well". He acknowledged BOC staff's monitoring of the transition, and said that Ms. Potler had written several letters bringing problems to his attention for prompt resolution. Mr. Kaladjian described one such problem: inmates at the James A. Thomas Center were not receiving prescribed medications before going to court. A new system was put in place - a medication cart is prepared and available for the midnight-8 a.m. shift, so that even without a pharmacist present, medications can be dispensed by St. Barnabas medical staff to departing inmates. A second problem raised by Ms. Potler has been resolved, according to Mr. Kaladjian. Inmates on psychotropic medication whose prescriptions have lapsed now will continue to receive medication through the use of verbal "bridge" orders that are countersigned by a psychiatrist within 24 hours during the week, or within 48 hours on weekends. A third issue, confidentiality of medical records at JATC, has been addressed as well. Finally, Ms. Potler had raised the issue of the lack of availability of dental services beyond screening. Mr. Kaladjian described this as a pre-St. Barnabas problem, and noted that dental service areas were being

renovated by DOC. He said that staff were available to provide the service, that portable equipment was available, and that services would resume shortly. He added that the additional staff hired by St. Barnabas would allow additional dentists to be deployed to the borough facilities, resulting in improved services at those jails. Finally, Mr. Kaladjian said that CHS had hired a Dr. Froelich to oversee delivery of dental services.

Mr. Kaladjian reported that HHC has been sued by St. Vincent's Hospital, which complains that HHC failed to follow the City's procurement guidelines in awarding St. Barnabas the contract. He said HHC's position, as an "independent organization", is that it is not subject to the City guidelines.

Mr. Kaladjian said that equipment is in place connecting MDC to Bellevue Hospital's psychiatric department for CHS's telemedicine project, although the system is not yet on-line. He noted that some legal problems remain to be resolved, and that HHC is developing a study to show that when telemedicine is used to evaluate patients, it results in no diminution of services.

Mr. Kaladjian said the MEDSPAN discharge planning operation began on January 5th. He said he would present a first interim report at the February BOC meeting.

Mr. Lenefsky asked about the electronic medical records system. Mr. Kaladjian said it is not in place yet, although three facilities on Rikers Island are wired for it, and other facilities are being wired. He said that the system should be running by the end of the first quarter of 1998.

Mr. Lenefsky told Commissioner Kerik about an issue he had raised with former Commissioner Jacobson, and recently with Deputy Commissioner Lanigan: that mental health services equivalent to those available to male inmates are not in place for female inmates - a "C-71 equivalent". Mr. Lenefsky noted that Mr. Kaladjian previously had reported that HHC had

sought funding in the preliminary budget for this service. Commissioner Kerik said he was aware of the request.

Board Member Dr. Canute Bernard asked about plans for an "urgi-center" on Rikers Island. Mr. Kaladjian responded that St. Barnabas had hired qualified physicians and was deploying them to Rikers Island to dispense services where needed. He noted that there was no designated site on the Island for such a service at this time, and that a proper site might not be available for a year or two. He said designing a site was complicated by rapid changes in medical technology.

Mr. Schulte asked about the status of teleconferencing for court appearances. First Deputy Commissioner Lanigan said that probation hearings and attorney-client conferences are being conducted via teleconferencing in Brooklyn. He noted that the Brooklyn prototype was funded entirely by the City, which will be looking to the Office of Court Administration to help fund expansion into other boroughs. He added that Brooklyn court appearances will utilize teleconferencing within two months.

Mr. Schulte noted that the Department is running very well, and predicted that Commissioner Kerik would succeed in improving upon its currently excellent record. Commissioner Kerik thanked the Board for its support.

Acting Chair Horan adjourned the meeting at 2:02 p.m..