

**NEW YORK CITY  
BOARD OF CORRECTION**

**July 8, 1998**

**MEMBERS PRESENT**

John R. Horan, Acting Chair  
Canute C. Bernard, M.D.  
Louis A. Cruz  
David Lenefsky  
Barbara Margolis  
Richard M. Nahman, O.S.A.

Excused absences were noted for Members Stanley Kreitman and David A. Schulte.

**DEPARTMENT OF CORRECTION**

Bernard Kerik, Commissioner  
Gary Lanigan, First Deputy Commissioner  
Tom Antenen, Deputy Commissioner  
Roger Jefferies, Deputy Commissioner  
Roger Parris, Assistant Commissioner  
George Axelrod, Esq., Legal Department  
Joseph Guarino, Esq., Legal Department  
Assistant Chief Robert Ortiz  
Dep. Warden Steven Conry, IS & CD  
Captain John Piccione

**HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES**

Joseph Erazo, Executive Director  
Audrey Compton, M.D., Medical Director  
Arthur Lynch, Dir., Mental Health  
Patricia Harrison, Dir., LINK Program  
Linda Calzaretta, Director of Risk Management

**OTHERS IN ATTENDANCE**

Erica Goodman, City Council  
Tracie Lucas, State Commission of Correction  
Harry Shuman, M.D., Director, St. Barnabas/Rikers Island

Acting Chair John R. Horan opened the meeting at 1:10 p.m. by introducing Father Richard Nahman, newly-appointed Member of the Board. Mr. Horan noted that Father Nahman had been appointed by Mayor Giuliani upon the joint recommendation of the Presiding Justices of the First and Second Judicial Departments.

The Members present approved unanimously the minutes of the June 10, 1998 meeting. Acting Chair Horan called for Members' reports.

Board Member David Lenefsky asked for an update on a use-of-force incident, raised at the June meeting, involving a 17-year-old female inmate, who was observed to be shackled and clothed in a sheet. DOC Commissioner Bernard Kerik said the matter remained under investigation. Mr. Lenefsky said he would ask for a report at the next Board meeting.

Executive Director Richard Wolf reported that on June 28, 1998 the second suicide of the year occurred at the Bronx House of Detention for Men. According to Mr. Wolf, preliminary investigation revealed the following: At approximately 3 a.m., an inmate observation aide found a 28-year-old inmate hanging in his cell from a boot lace affixed to a clothing hook. The aide summoned the officer who responded promptly and began resuscitation efforts. Five minutes later, the tour commander, making rounds, came into the area, saw what was happening and radioed to the control room, which notified medical staff in the clinic, who responded to the area. Mr. Wolf said that the suicide remained under investigation by Board staff, but that several issues already had emerged: (1) the presence in the cell of a non-"break-away" clothing hook and (2) staffing and emergency-notification procedures: the responding officer was the only officer on duty in the two-sided, 24-bed housing area. The officer's proper resuscitation efforts prevented him from notifying anyone else of the emergency, so medical response was delayed.

Commissioner Kerik said that every clothing hook in the Bronx HDM had since been removed . Also, he directed senior uniformed staff to survey intake areas and special housing areas in all facilities to identify and remove hooks and other items that could facilitate suicides. The Commissioner added that he too had questions about the notification issue raised by Mr. Wolf, and the matter remains under investigation. CHS Mental Health Director Arthur Lynch said the suicide is under investigation by his staff as well. CHS Executive Director Joseph Erazo added that CHS is concerned about an inmate's anticipated case outcome - in particular, length of expected sentence - as a potential predictor of suicide. Commissioner Kerik noted that sentence enhancements resulting from predicate felony convictions can elevate an inmate's exposure to long sentences for relatively minor offenses, which may have been a factor in the instant suicide.

Mr. Lenefsky asked if the Police Department had agreed to a revised format for the medical/mental health information transmittal form that the Board had urged be adopted following the Choi suicide in July, 1996. Commissioner Kerik said there had been no response.

Acting Chair Horan asked Mr. Wolf to report on four other deaths in custody that occurred over a four-day period (June 24-28). Mr. Wolf said there was an unusual delay in receiving medical records in one case, and asked if there was a problem as between CHS and St. Barnabas in releasing records in a more timely fashion. He explained that when the Board issues a subpoena or presents a medical release form to CHS, CHS obtains the records from St. Barnabas and transmits them to the Board. Mr. Erazo acknowledged that there had been some problems and said he was in the process of correcting delays through the issuance of appropriate protocols. Mr. Wolf said that two of the deaths were very new admissions to the system: in one case, the decedent had not yet had his intake medical examination; in the second, the decedent



did not appear to exhibit any symptoms to alert anyone that he was at risk. Mr. Wolf said that preliminary review did not disclose any problems with medical care in either case. As to the other two cases, Mr. Wolf said investigations were ongoing. He said that one common feature is that the two decedents had been in the system for some time, were known to be ill, deteriorated markedly, and were rushed STAT to the hospital where they died. Mr. Erazo said CHS was as concerned as the Board, and said that there needs to be prompt identification of inmates whose conditions are worsening and to expedite their treatment. He added that a complicating factor sometimes arises when inmates deny that they have symptoms consistent with serious illness, so that treatment is delayed. Mr. Wolf noted that BOC staff will determine which, if any, of the deaths will be discussed at a future meeting of the Prison Death Review Board.

Mr. Lenefsky asked Mr. Erazo if any of the deaths raised particularly troubling issues. Mr. Erazo said that current law does not allow for mandatory testing of inmates for certain serious diseases, and that this can result in delays in diagnosing an at-risk inmate/patient. Mr. Lenefsky asked if there was a "time problem" in getting any of the four inmates to hospitals. Mr. Erazo responded by noting that there have been fewer deaths to date under St. Barnabas than there were last year under Montefiore. He said he believed "we are doing much better than the Montefiore experience, which is our only guidepost".

Board Member Barbara Margolis asked if providers were trained to talk to inmate/patients in denial. Mr. Erazo said mental health providers were so trained, but if the problem is a medical one, more aggressive efforts to diagnose and treat are needed. Mr. Lynch added that a system is in place for inmates who refuse to continue taking their psychotropic medications, and that a similar model may be adopted for others who are in denial regarding their

diagnosis of the need for them to take their medication. Deputy Executive Director Cathy Potler said that BOC staff have received complaints from inmates whose medication is not provided to them because of a bureaucratic error or a failure to renew a prescription. She reminded those present that the Board long has called for a system that alerts providers when a critical prescription is about to expire, or when an out-to-court inmate returns to a facility late at night and needs to receive medication. Mr. Erazo said that CHS intends to rely more upon technology, and that computerization may be appropriate for the medication issues raised by Ms. Potler. He said he expects positive changes within thirty to sixty days.

Mr. Wolf reported on a birth that occurred at the Rose M. Singer Center on June 26th in a housing area. Mr. Wolf noted that he informed Commissioner Kerik and Mr. Erazo that the birth had occurred, and that neither knew of the event until Mr. Wolf's call. Mr. Wolf said that although notations had been made in a facility "significant occurrences" logbook, the jail had not notified DOC's Communications Control Center. He added that past practice had been that an in-jail birth was a "reportable incident". Commissioner Kerik agreed, and noted that in the future, births will be reported to CCC. Mr. Wolf also reported that St. Barnabas personnel did not report the birth to Correctional Health Services. Mr. Erazo also agreed, and said CHS was taking the same position as DOC, that St. Barnabas must report any unusual occurrence without delay. Mr. Wolf said that BOC received the medical chart this morning, but that a preliminary review suggested issues regarding the completeness of chart entries. Mr. Erazo said that the mother had had eight prior births, and was approximately five weeks past her expected delivery date. He said it was difficult to determine when she would deliver. Mr. Lenefsky said that, under those conditions, perhaps it would have been prudent to transfer the woman to a hospital

setting. Board Member Dr. Canute Bernard asked what occurred when the inmate went to the clinic. Mr. Erazo said that she was examined by a physician's assistant, and was told to walk around in the clinic area, which the inmate did, before she was told to return to her housing area. Ms. Potler said there was conflicting information in the chart regarding instructions that were given to the inmate.

Acting Chair Horan, noting that the Department reported plans for again adding the electronic stun shield to its arsenal, asked whether the stun shield had been adequately tested and whether a system was developed to determine which inmates should not be subjected to electronic stun shield for medical reasons. Commissioner Kerik said that there had been a pilot project, pursuant to a DOC directive, with satisfactory results. He said that CHS had added six contraindications to the two identified by DOC. The Commissioner said that a new directive was being developed and that the stun shield would not be used until the new directive was in place. He noted that the directive will require that a video camera must record all uses of the stun shield. Acting Chair Horan noted that the Board had urged DOC to videotape all such incidents. Mr. Wolf said that many medical charts do not have the contraindication form in the chart. Further, in some cases, the form is improperly completed by the practitioners. Noting that use of the stun shield and the use of chemical agents are contraindicated for asthma patients, Mr. Wolf said that one contraindication form for an asthmatic inmate/patient was filled out to warn against use of chemical agents, but no warning appeared against using the stun shield. He urged CHS to reissue instructions to avoid bad outcomes and to limit the City's liability. Ms. Potler discussed a related problem. If an inmate in denial fails to disclose a contraindicated condition at intake or if an inmate develops a contraindicated condition after entering the system, medical



chart progress notes may document the condition, but a related updating of the contraindication form does not occur. When uniformed staff checks with the medical provider to learn whether DOC may use the stun shield, the provider may give DOC incorrect information because the form has not been updated to include the contraindication. Mr. Erazo said this problem will be addressed through in-service training and perhaps through the use of special color-coded forms. Dr. Audrey Compton, CHS's Medical Director, said that current practice is that all inmates returning from a hospital are reevaluated for contraindications upon return to a DOC facility.

Board Member Louis A. Cruz suggested that perhaps Emergency Medical Technicians (EMTs) should be included in DOC's response teams so that catastrophic outcomes can be avoided. Commissioner Kerik responded that DOC is in the process of providing EMT training to Emergency Services Unit personnel.

Commissioner Kerik reported that DOC had had tremendous success in reducing slashings and stabbings in the just-ended fiscal year. He said the rate was 80% lower than in 1995. He said that DOC's accomplishments in this area had been recognized by the National Institute of Corrections. Commissioner Kerik added that overtime was reduced by 43%. Inmate arrests for criminal conduct in jail have increased dramatically, and this has contributed to overall violence reduction.

Mr. Wolf, noting that Board Member David Schulte was not in attendance, said that several years ago Mr. Schulte regularly urged the Department to take two steps to reduce violence: (1) arrest inmates who commit crimes while in DOC custody; and (2) notify sentencing judges and parole boards of serious misbehavior by inmates.

Commissioner Kerik said that fiscal year 1998 was the first year in which DOC spent its

full training budget, and that this fact evidences DOC's commitment to training. He added that training for recruits has been expanded by 2 ½ - 3 weeks. In 1995, recruit training was 7 weeks; the most recent increase extends recruit training to 15 weeks. Areas that will receive additional emphasis include special housing, such as mental observation and CPSU.

Commissioner Kerik expressed his gratitude to Mr. Wolf and to the Board, noting that BOC played an important part in many of the positive changes at DOC. Acting Chair Horan thanked Commissioner Kerik for his remarks.

Dr. Bernard asked whether DOC's positive accomplishments extended to programs. Commissioner Kerik responded that when violence is diminished, an environment is created that is more conducive to effective programs.

Mr. Erazo noted that the level of cooperation he has received from DOC has been excellent. He added that he is preparing a statement of CHS's philosophy, which will include the notion that BOC and Legal Aid are colleagues in the process, not adversaries. He said the former adversarial attitude will change. Mr. Erazo said CHS will be investigating the use of tele-medicine and tele-radiology. He noted that CHS intends to promote a more pro-active to medical and mental health care, so that more problems are identified and managed before they become major problems. Finally, he predicted that by the end of the year, New York City will have the best correctional health care program in the country.

Mr. Lenefsky said that as a result of improved jail management and reduced violence, correctional health care has become the Board's number one issue, as is reflected in today's discussion. Dr. Bernard stated that programs are especially important so that inmates have better opportunities to acquire skills and change attitudes and thereby avoid re-incarceration.



Mr. Cruz said that he has known Mr. Erazo for thirty years, and is encouraged that Mr. Erazo has assumed the Executive Director position at CHS.

Acting Chair Horan agreed with Dr. Bernard and noted that Commissioner Kerik has spoken about improving the learning environment at the school at the Adolescent Reception and Detention Center (ARDC). Mr. Horan asked Mr. Erazo to discuss the openings of the new mental health facility for women and the mental observation punitive segregation area.

Commissioner Kerik thanked Mr. Lenefsky and Ms. Potler for advocating in support of intermediate-level mental health services for women. He said the mental observation punitive segregation area has opened at the George R. Vierno Center (GRVC), and he commended DOC and CHS staffs for expediting the opening. Mr. Wolf added a cautionary note, reporting that the new RMSC mental health area for women had no air conditioning. He said this was very important, because very high room temperatures are contraindicated for people taking psychotropic medications. Commissioner Kerik said the air conditioning will be working either today or tomorrow.

Mr. Wolf asked about the role of DOC at the Vernon C. Bain Barge (VCBC). Commissioner Kerik said that the Department of Juvenile Justice (DJJ) currently housed 81 juveniles on the VCBC, and that all activities were managed by DJJ. Mr. Wolf told the Members that he had received a copy of the Memorandum of Understanding between DOC and DJJ.

Mr. Erazo said that the Department of Mental Health had completed an audit of the mental health program, and found it to exceed its standards.

A motion to renew existing variances was approved unanimously. Mr. Horan announced that the Board would next meet in September. The meeting adjourned at 2:10 p.m..