

NEW YORK CITY  
BOARD OF CORRECTION

June 10, 1998

MEMBERS PRESENT

John R. Horan, Acting Chair  
David Lenefsky  
Barbara Margolis  
David A. Schulte

Excused absences were noted for Members Canute C. Bernard, M.D., Louis A. Cruz, and Stanley Kreitman.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner  
Gary Lanigan, First Deputy Commissioner  
Tom Antenen, Deputy Commissioner  
Roger Jefferies, Deputy Commissioner  
Roger Parris, Assistant Commissioner  
Robert Ortiz, Assistant Chief  
Elizabeth Loconsolo, Esq., General Counsel  
Captain Piccione

HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Gregory Kaladjian, Executive Director  
Joseph Erazo, Executive Director  
Linda Calzaretta, Assistant Counsel  
Michael Tannenbaum

OTHERS IN ATTENDANCE

Jeffrey Gondles, Village Voice  
Erica Goodman, City Council  
C. Johnson, NYC Department of Health  
Tracie Lucas, State Commission of Correction  
Dan Morrison, Newsday  
Scottie M. Owings-Leaks, NYC Department of Health  
Milton Zelermeyer, Legal Aid Society, Prisoners' Rights Project

Acting Chair John R. Horan called the meeting to order at 1:13 p.m.. Minutes from the May 13, 1998 meeting were approved without objection.

Acting Chair Horan called for reports from the Members. Board Member David Schulte reported on his visit to the Vernon C. Bain Center (VCBC) barge. He described the VCBC as "state of the art", presently empty and "spotless". Mr. Schulte said there was some confusion as to the future of the barge. He said that if the VCBC is utilized by the Department of Juvenile Justice (DJJ), it will not be within the jurisdiction of the Board of Correction. Nonetheless, Mr. Schulte suggested that licenses from the Coast Guard, and the Fire and Health Departments should be obtained. Mr. Schulte praised Deputy Warden David Goodman who facilitated his visit.

Acting Chair Horan then introduced Joseph Erazo, the new Executive Director of Correctional Health Services (CHS).

Board Member Barbara Margolis praised the staff at C-73 who assisted her in locating an inmate.

BOC Executive Director Richard Wolf noted that Assistant Chief Ortiz informed the Board in a memo that it was DOC's intention to give those inmates who have been newly sentenced to State prison and who will begin their State sentences on Rikers Island pursuant to a City-State contract, early enough notification so that the inmates do not dispose of their personal property in anticipation of being transferred to State prison. Mr. Wolf asked if procedures to accomplish this had been implemented, noting that BOC continued to receive inmate complaints. Commissioner Bernard Kerik responded that the ARDC Warden said there had been no grievances on this issue. He added that procedures, written to address the property issue, should

be ready for distribution within a week. Assistant Chief Robert Ortiz said that two notification forms will be given to State-ready inmates: a first form will advise the prisoner that he may become a State contract prisoner; a second notice will inform him that he has, in fact, been selected. The latter notice will advise the prisoner that he may retain his property during his incarceration on Rikers Island. Several days before transfer to State prison, State-contract prisoners will be advised to dispose of their property.

Mr. Wolf noted that State prisoners currently comprise more than 22% of the inmate census, and that if the State-contract prisoners are subtracted, other State prisoners account for 20% of the census. He asked if processing delays were causing a build-up of State prisoners, or if other factors were contributing to this phenomenon. Commissioner Kerik said that it was too early to tell. He noted, however, that State prisoners were 5% more of the total census than they were one year ago (21% versus 16%). He attributed the increase primarily to parole violators, and reported that DOC representatives met with the Governor's Criminal Justice Coordinator, Catherine Lapp to address the issue. He added that a memo had been sent both to Ms. Lapp and to Brion Travis, Chair of the State Division of Parole. Commissioner Kerik expressed optimism that the number of parole violators in the City's jails will begin to decrease. Mr. Wolf asked if DOC had identified Parole Board processing inefficiencies. Commissioner Kerik said that he had concerns, and that these were subjects of his communications with State officials.

Mr. Wolf asked about the status of discussions with the Department of Juvenile Justice (DJJ) regarding DJJ's possible lease of the Vernon C. Bain barge (VCBC). Commissioner Kerik said that a State oversight organization has inspected the VCBC, and an approval has been obtained, but that a few issues remain to be resolved. He added that a Memorandum of

Understanding between DOC and DJJ will outline operational plans and address other concerns previously raised by Mr. Schulte.

Mr. Schulte noted that Police Commissioner Safir said, in response to the killing of a police officer, no one arrested on a desk appearance ticket would be released until the arrestee's criminal history, obtained through fingerprint processing, was returned from Albany. He expressed concern that this would result in congestion in the City's jails. Commissioner Kerik said this already was occurring, and that he did not anticipate problems.

Mr. Wolf asked about newspaper allegations of irregularities in attendance figures at the Rikers Island Educational Facility. Commissioner Kerik said that Board of Education Special Commissioner for Investigation Edward Stansik is conducting an investigation into allegations that Board of Education officials reported inflated attendance figures. The Commissioner said that during a tour he noticed little supervision in classrooms, inappropriately-dressed teachers, and students sleeping in class. He said he expressed his concern to the Warden and to Board of Education officials that an environment more conducive to learning needed to be developed.

Commissioner Kerik reported that DOC was working with NYPD and the Criminal Justice Coordinator's Office to revise a medical form by which NYPD informs DOC of medical information about which NYPD learns while an arrestee is in Police Department custody.

Anticipating that Mr. Wolf was about to report on an incident at the Rose M. Singer Center (RMSC) yesterday, Commissioner Kerik said that the matter was under investigation. Acting Chair Horan asked Mr. Wolf to report on the incident. Mr. Wolf said that yesterday, a 17-year-old female prisoner who had been housed in punitive segregation, was observed by BOC staff to be clothed in a sheet in the intake area. She was handcuffed and shackled, and was

kicked several times by a member of the uniformed staff. Mr. Wolf further reported that two captains were present when the incident occurred. He said that after the incident, two officers were observed arguing and almost coming to blows as one officer chastised the other for inappropriate behavior. BOC staff reported the incident without delay to the facility administration, which began an investigation. Board Member David Lenefsky asked why the inmate was on the floor and where she is now. First Deputy Commissioner Gary Lanigan said that medical staff had concluded that there were no serious injuries.

A motion to renew existing variances was approved without opposition.

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Gregory Kaladjian, outgoing Executive Director of Correctional Health Services, reported that the Health and Hospitals Corporation is actively discussing closing the medical and surgical unit at Kings County Hospital, and providing services at Bellevue instead. He said this is based upon reduced utilization due to changes in practices by St. Barnabas, resulting in more on-Island care and fewer hospitalizations. He said he expects some action on this plan by the fall. Mr. Kaladjian noted that a recent review by the State Department of Mental Health noted good cooperation among CHS, DOC, and St. Barnabas. He said that CHS is aggressively conducting chart reviews and supply audits on Rikers Island, and is developing a contract monitoring system both for Rikers Island and for the borough facilities. Finally, Mr. Kaladjian said that the MEDSPAN numbers are disconcerting: he noted that HIV+ inmates who are discharged are not appearing for community-based follow-up appointments which are arranged for them by MEDSPAN staff. Mr. Horan asked how the inmates are notified of their appointments. Mr. Kaladjian said that MEDSPAN staff in the facilities make the arrangements, and inform the inmates. He said that some discharged inmates may be getting care at HHC hospitals, but that he

does not think that is happening. Mr. Kaladjian added that this development could change the in-jail medical approach, as administrators may not wish to begin protease inhibitor therapy if inmate/patients are not going to remain compliant upon release. He said patients become drug resistant when they stop protease inhibitor therapy. BOC Deputy Executive Director Cathy Potler asked whether CHS had interviewed discharged prisoners to determine whether they are obtaining continuing medical care at HHC hospitals or elsewhere. Mr. Kaladjian said CHS is following up now.

Mr. Lenefsky thanked Mr. Kaladjian for providing him with a copy of the agreement between CHS and St. Barnabas for a mental health center for women at RMSC. Mr. Lenefsky then told Mr. Erazo that he continues to have very serious concerns about several correctional health issues, including MEDSPAN and the June 1<sup>st</sup> death of an inmate. He noted that one of the issues raised by the death was that Urgi-Center approval was obtained before the decedent was sent out to the hospital. Mr. Lenefsky said that both he and Commissioner Kerik had believed that it was no longer necessary for a doctor on Rikers Island to obtain approval from the Urgi-Center before sending an inmate to a hospital.

Mr. Erazo responded by noting that he was concerned by the notion that a contractor rewards a vendor for not providing services. He said the HMO-"capitation model" is very troubling. Acting Chair Horan stressed the importance of maintaining a good flow of information to the Board so that it can discharge its Charter-mandated oversight responsibilities. Mr. Erazo said he will be meeting with Mr. Wolf in the next few days to ensure that lines of communication are kept open.

The meeting was adjourned at 1:40 p.m..

Finish