

**NEW YORK CITY  
BOARD OF CORRECTION**

**December 8, 1999**

MEMBERS PRESENT

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

Excused absences were noted for Board Members Canute C. Bernard, M.D., Louis A. Cruz, Stanley Kreitman, and Richard M. Nahman, O.S.A.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner  
Tom Antenen, Deputy Commissioner  
Roger Jefferies, Deputy Commissioner  
James Psomas, Assistant Chief of Inspection and Compliance Division  
Elizabeth Loconsolo, Esq., General Counsel  
Roger Parris, Assistant Commissioner  
Ron Greenberg, Inspection and Compliance Division  
Liz Myers, Inspection and Compliance Division  
Captain John Picciano

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director  
Michael Tannenbaum, Chief Operating Officer  
Patrick H. Brown, M.D., Medical Director  
Arthur Lynch, Director of Mental Health  
George Axelrod, Director of Risk Management  
John Russell, Director of Inter-Governmental Relations

OTHERS IN ATTENDANCE

Tracie Lucas, State Commission of Correction

Acting Chair John Horan called the meeting to order at 1:03 p.m.. The minutes of the Board's November 10, 1999 meeting were approved unanimously.

Acting Chair Horan reported that he had attended a Board of Correction alumni luncheon last week, at which former Police Commissioner William Bratton praised the Department of Correction for implementing innovative management techniques similar to those employed by the Police Department. Mr. Horan said that the Board was beginning its review of the Minimum Standards and would contact DOC early in the new year for DOC's input. He added that some of the issues under consideration might be helpful to the Department.

Board Member David Schulte reported that he attended the HIIP graduation ceremony. He said that it remained to be seen whether the program's positive effects on participants would be lasting, and he urged the Department to generate a report assessing the program's impact on recidivism. Commissioner Bernard Kerik responded that DOC was assessing recidivism among participants in the Substance Abuse Intervention Division (SAID) program, but that it would take some time to gauge results. Mr. Schulte said that he understood it was becoming more difficult to find candidates for HIIP, and he suggested that the Department consider establishing a program for adolescents, and for probationers who violate the terms of their probation. Commissioner Kerik said that DOC had spoken with Probation, and that the City's Criminal Justice Coordinator Steven Fischner was exploring various possibilities in this area. Mr. Schulte added that perhaps DOC could work out an arrangement whereby more parole violators could be housed in City jails, rather than in State prisons, thereby helping to relieve State prison overcrowding.

Mr. Schulte then reported on his visit, together with Executive Director Richard Wolf, to the Visit Control Building on Rikers Island. He praised Officer Romano, who showed him a thick book with pages containing pictures and descriptions of visitors who had violated visiting rules. Mr. Schulte said it would take five or ten minutes to look through the book to determine whether a visitor's picture was in the book. He suggested that a computer program should be developed to accomplish the following: when a visitor identifies the inmate to be visited, the inmate's name could be entered into a computer and the picture of any visitor who had violated the rules while visiting that inmate would appear on the computer screen. Mr. Schulte said the computer could reduce the inquiry time to seconds, rather than the current five or ten minutes per visitor. Mr. Schulte then suggested that DOC seek permission from the courts to conduct random searches of visitors at the Control Building and thereby deter efforts to bring contraband into the facilities. Finally, Mr. Schulte suggested that a modified-duty officer could be stationed at Queens Plaza and provide information to visitors regarding what constitutes contraband. Commissioner Kerik responded that DOC was developing an information-for-visitors video, which will be played in the Control Building and at the visit area of each jail. He said that DOC was looking at technology for visitor identification, but for operational reasons could not move ahead until after the first of the year. Commissioner Kerik added that DOC was "working on the searching process". He declined further comment.

Board Member David Lenefsky asked the Commissioner to comment on a press report that information leading to the arrest of a suspect in a notorious assault case (in which a woman was hit in the head with a brick) was provided by an inmate in DOC custody. Commissioner Kerik said that an inmate-informant approached a correction officer and said he knew the identity of the assailant. Senior DOC staff debriefed the inmate, turned the information over to the precinct detectives, and an arrest occurred within 48 hours. Commissioner Kerik commended the DOC staff who participated in this process.

Mr. Lenefsky reported on his visit to the Rose M. Singer Center (RMSC) with Mr. Wolf and Deputy Executive Director Cathy Potler. He said they visited the housing area in which a recent suicide occurred, and the RMSC mental health unit, where there had been no group therapy for at least one week. Ernesto Marrero, Executive Director of Correctional Health Services (CHS), said that Ms. Potler had written to him about group therapy. He said CHS was looking into the matter, and hoped to report back to the Board shortly. Mr. Marrero then reported that he has put into place a case management system, employing four staff based on Rikers Island. Certain cases will be tracked - including inmates who have difficulty communicating to staff and inmates who require terminations of pregnancies - by one of the four staff to ensure problems are avoided. Mr. Marrero noted that the Board had brought problems to his attention regarding delays in inmates obtaining terminations of pregnancies, and that the new system was designed to prevent such problems in the future. He added that both the director and deputy director of the new Service Assessment Unit will begin work this month, noting that the director has twenty years' experience auditing management systems. Ron Greenberg, from the Department of Correction's Compliance Division, will be the deputy director. Mr. Marrero then introduced CHS' new medical director, Dr. Patrick Brown. Dr. Brown reported that he met with Mr. Wolf and Ms. Potler last week. He encouraged the Board to continue to bring health care delivery issues to CHS. Dr. Brown said that prior to assuming his new post, he served as Assistant Director of Medical Education at a Manhattan hospital that deals mostly with HIV patients. He also served as Medical Director of a Harlem nursing home, many of whose patients were HIV positive and medically underserved. Dr. Brown said he received his education at the Sophie Davis School of Bio-Medical Education at City College and the Stony Brook School of Medicine. He did his residency at St. Luke's-Roosevelt Hospital. Dr. Brown concluded by saying that he looked forward to working with the Board.

Mr. Marrero said that CHS was instituting a new system, called MARS - Monthly Activity Review System. MARS will measure performance indicators each month to quickly identify problems in clinic service delivery. Mr. Lenefsky congratulated Mr. Marrero on his progress thus far with CHS.

Mr. Schulte said that CHS must be prepared to answer questions from the public, such as, what is being done to cure alcoholics and drug abusers who are in custody? Mr. Marrero said that part of the answer is discharge planning programs linking jail-based services to community services. He added that as a result of Kendra's Law, as much as \$50 million may be made available to the City for prevention through discharge planning.

Ms. Potler reported on the sixth suicide of 1999, which occurred at RMSC on November 22<sup>nd</sup> at approximately 4 - 4:30 p.m.. The 18 year-old female detainee, with an extensive mental health history and a history of alcohol and heroin abuse, hanged herself in her cell. Ms. Potler invited comments from DOC and CHS representatives. Commissioner Kerik said he would wait until the investigation was concluded.

Mr. Schulte asked whether the jail homicide case against an adolescent inmate had been resolved. Commissioner Kerik said the criminal charges are pending.

Mr. Marrero said that the suicide remains under investigation. He noted that the decedent was in the system twice, having been bailed out in July and returned in September, 1999. Both admissions are being examined carefully. He suggested that systemic findings, when completed, might be discussed in executive session. Mr. Lenefsky asked whether, if the decedent had been under mental observation during her first admission, there exists a mechanism to identify that fact when she is re-admitted. Mr. Marrero said that the new "Smart Record" system would provide the information on the computer. Mr. Schulte asked what more could have been done had her prior mental status been known. Mr. Marrero said he is not yet prepared to respond. Assistant Chief James Psomas said that it would not be unusual for an inmate to be assigned to mental observation housing based upon a new-admission examination, and subsequently cleared for general population. He added that some inmates go back and forth between mental observation housing and general population. Mr. Wolf asked how the "Smart Record" system will work, and how they help identify inmates with prior incarceration histories. CHS Mental Health Director Arthur Lynch said that the inmate's NYSID number will bring up all of the inmate's records that have been entered into the computer system. He said that inmate medical records from incarcerations prior to introduction of the Smart Record system are being scanned into the system, but that these are hand-written and not as easy to read. He added that the Smart Record system is in place in several buildings, and is scheduled to be operating in all buildings by the end of January. Mr. Lenefsky asked if there is a protocol in place for managing an inmate whose records reveal prior mental health history. Mr. Lynch said that if the inmate or the record reports a prior history, the inmate is referred to mental health services. Ms. Potler said that the system's records will grow from this point forward. Mr. Wolf asked if the scanned records are only current records. Mr. Lynch said that scanned records go back to January, 1998 when the St. Barnabas contract began. However, he cautioned that the "old", scanned records are "optical" rather than part of a data base. Mr. Wolf asked if plans call for scanning all records going back to January, 1998. Mr. Lynch said he did not know whether borough facility records were included. Mr. Wolf said that the Board had been told that borough records would be included. He noted that most new admission intake exams occur at the admitting borough facilities. Ms. Potler asked that a demonstration of the Smart Record system be provided to the Board.

Mr. Wolf asked for the status of the Department's plans to ban smoking in the City's jails. Commissioner Kerik said that DOC met with the unions for the second time yesterday. Issues are being reviewed with the Office of Labor Relations.

Mr. Wolf said that a recent article in the *New York Times* reported that New York State's

Department of Correctional Services receives more revenue from collect telephone call made by inmates than any other system in the country. He asked DOC representatives to distinguish the City's telephone system from the State's system. Assistant Chief Psomas said that 85% of City inmate phone calls are free or paid for from inmates' accounts. He added that the first six minutes of a daily call are free, and that inmates may speak for as long as fifteen minutes, with the balance charged to the inmate's account. He said that DOC generated \$2.4 million in revenue from a 25 cent surcharge on telephone calls. Mr. Schulte asked why the surcharge was imposed. Assistant Chief Psomas said it was to pay for the system. Deputy Commissioner Thomas Antenen added that the surcharge only applied to calls made after an inmate first received a free telephone call.

Commissioner Kerik announced that Assistant Chief James Psomas was to be promoted to Bureau Chief this evening. He added that several people are retiring, including Bernard McNellis, Warden at GMDC, and Bureau Chiefs Wangenstein and Sanchez. He said that Warden Catherine Raymond will be promoted to Assistant Chief, as will Warden Dash, and that several new Wardens will be announced within a month.

Upon the request of Assistant Chief Psomas, the Board voted to renew existing variances.

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