

**NEW YORK CITY
BOARD OF CORRECTION**

November 10, 1999

MEMBERS PRESENT

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

An excused absence was noted for Board Member Stanley Kreitman.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Sheila Vaughan, Chief of Administration
James Psomas, Assistant Chief of Inspection and Compliance Division
Elizabeth Loconsolo, Esq., General Counsel
Roger Parris, Assistant Commissioner
Ron Greenberg, Inspection and Compliance Division
Captain John Picciano

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director
Michael Tannenbaum, Chief Operating Officer
Arthur Lynch, Director of Mental Health
George Axelrod, Director of Risk Management
John Russell, Director of Inter-Governmental Relations

OTHERS IN ATTENDANCE

Amy Webber, City Council STAFF
Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Acting Chair John Horan called the meeting to order at 1:02 p.m.. The minutes of the Board's October 13, 1999 meeting were approved unanimously.

Mr. Horan noted that the Board's Rules of Procedure call for elections in November of a Vice Chair and a Treasurer. Mr. Horan noted that, after consultation with several Members, it was agreed that a Treasurer was not needed. Board Member David A. Schulte nominated Mr. Horan for the position of Vice Chair. Board Member Barbara Margolis seconded the nomination. There were no further nominations, and Mr. Horan was elected unanimously.

Acting Chair Horan presented his report, noting that he wished to enter into the record of today's meeting formal recognition of the Congressional Award presented to Board Member Dr. Canute C. Bernard, by Congressman Gregory Meeks. Mr. Horan congratulated Dr. Bernard, and directed that a document describing Dr. Bernard's achievements be incorporated into the minutes ("Canute C. Bernard, M.D. *Congressional Awardee*" is attached hereto.). Dr. Bernard thanked Mr. Horan and those assembled for their good wishes and applause. Acting Chair Horan noted a recent article in the *New York Times* that discussed the current administration's success in reducing violence, and on behalf of the Board, Mr. Horan commended Commissioner Kerik for his work and that of his staff. Commissioner Kerik thanked Mr. Horan and the other Members.

Acting Chair Horan acknowledged receipt of the Commissioner's letter regarding the Board's announced plan to review and consider amending the Minimum Standards. He assured Commissioner Kerik that the Department would have a strong role in the process. Mr. Horan said the process would begin soon, and described it as a "most serious undertaking". He added that the Board would develop clear procedures in which the Department would participate.

Mr. Schulte reported on his visit with Executive Director Richard Wolf to the law library at the Adolescent Reception and Detention Center (ARDC). Mr. Schulte said that one of the officers expressed his appreciation to the Board because it helps officers to do their jobs. Discussing possible changes to the Minimum Standards, Mr. Schulte said that if an inmate misbehaves in the hallway going to the law library, this does not prevent him from attending the law library, although if he misbehaves inside the law library the inmate may be excluded for a period of time. Mr. Schulte suggested that perhaps the Minimum Standards might be amended to address misbehavior on the way to the library. He reported that ARDC has a second library in the bing, and that if an inmate acts up in that library, he will receive legal materials in his cell from a "runner". He added that the facilities he has visited recently are clean, and that this is an indication that the institutions are under control.

Mr. Wolf then presented the staff report. He began by noting that the inmate census remained extraordinarily low. Mr. Wolf said that if the state contract prisoners are subtracted, the City's jails are currently holding 18% fewer inmates than they did one year ago. He asked whether the Department has revised its long-term population projections, and whether the lower numbers represent the beginning of a trend. Commissioner Kerik said that quality of life arrests are a major factor, resulting in prisoners moving through the system more rapidly than before.

He added that, due to the efforts of the Governor's office and in particular Katherine Lapp (the Governor's Criminal Justice Coordinator), the number of parole violators in City jails is approximately 1,300 lower than last year. First Deputy Commissioner Gary Lanigan said that DOC's population projections are being revised downward. He said that DOC now anticipates housing an average of 1,600 technical parole violators per day, down from 2,100. Mr. Lanigan described the population projection model used by the Department as a five-year model, by which DOC looks at how long inmates, according to type of offense, are remaining in the City's jails. He added that the "mix" of offenses is changing. There are many more misdemeanor offenses, with corresponding shorter lengths of stay. Mr. Lanigan said that the changed "mix" and the reduction in parole violators together will result in a "significantly lower" projection. He said DOC will continue to make beds available for State prisoners.

Mr. Schulte asked about the type of new construction planned by the Department. He said the Department should not "re-create" modular dormitories with plywood bathroom floors, and he asked that the Department inform the Board when DOC decides how it will proceed. Commissioner Kerik said that the modular replacement program is going forward, but that 2,400 modular beds are to be replaced with beds in "real buildings". Board Member Louis Cruz asked if the Department was considering selling the modulares. Commissioner Kerik said they were not in good enough condition to be sold.

Mr. Wolf asked if DOC was planning to expand the capacity of the Mental Observation/Punitive Segregation Unit at GRVC or elsewhere. Commissioner Kerik said that DOC was discussing the issue with Correctional Health Services, and that no agreement on how to proceed had been reached.

Mr. Wolf asked about the status of DOC's plan to ban smoking in the jails. Commissioner Kerik said that revisions to the plan had been completed, and that copies would be delivered to the Board today. He added that the unions received the revised plan yesterday. (Copies of the plan were distributed at the conclusion of the meeting.)

The Department's request for a renewal of existing variances was granted without opposition.

Acting Chair Horan announced that the Board would go into executive session to discuss personnel matters. The public meeting was adjourned at 1:24 p.m. The Executive Session concluded at 1:50 p.m.