

**NEW YORK CITY
BOARD OF CORRECTION**

October 13, 1999

MEMBERS PRESENT

John R. Horan, Acting Chair
Canute C. Bernard, M.D.
Stanley Kreitman
David Lenefsky
Richard M. Nahman, O.S.A.
David A. Schulte

Excused absences were noted for Board Members Louis A. Cruz and Barbara A. Margolis.

DEPARTMENT OF CORRECTION

Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Robert Davoren, Chief of Management and Planning
Robert Wangenstein, Chief of Security
James Psomas, Assistant Chief of Inspection and Compliance Division
Elizabeth Loconsolo, Esq., General Counsel
George Axelrod, Counsel's Office
Roger Parris, Assistant Commissioner
Ron Greenberg, Inspection and Compliance Division

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director
Cathy Gursky, HHC Counsel's Office
Michael Tannenbaum, Chief Operating Officer
Arthur Lynch, Director of Mental Health
John Russell, Director of Inter-governmental Relations
Nkem Erie, Regional Administrator
Smith Hartley, Regional Administrator

OTHERS IN ATTENDANCE

Ann Sperrazza, St. Barnabas Hospital
Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Mr. Wolf presented the staff report. He began by noting that Board staff had heard of plans to expand capacity at the George R. Vierno Center (GRVC), and asked for comment. Mr. Lanigan said this relates to DOC's 10-Year Capital Plan, which calls for the replacement of 5,300 modular beds at a total cost of \$892 million. During the first four years, approximately 2,000 beds will be replaced, the first component of which is to add 448 beds to GRVC. Mr. Lanigan said that these beds will replace beds in four modulars at GMDC. Mr. Schulte asked if the new beds will be modulars or regular prison construction. Mr. Lanigan said the beds are being designed now, but added that they will not be regular prison construction. Mr. Schulte asked if the new beds will soon be obsolete. Mr. Lanigan said this would not be the case, as they will be "more permanent". He said they would be prefabricated, and not made of wood as are the current modulars. In response to a request from Mr. Schulte, Mr. Lanigan said DOC would share preliminary designs, when completed, with the Board.

Mr. Wolf said that an article in Sunday's *New York Times* served to put the City's jails sporadic problems with heat in winter "in perspective". He said that the *Times* reported on Sunday that the Broome County Correctional Facility was without heat, and that the heat would not be restored until the end of October. He added that all 375 inmates were affected, and that the temperature already had fallen to 28 degrees in Binghamton. Noting the contrast with New York City, in which temporary interruptions in heat affected individual housing areas rather than entire jails, Mr. Wolf asked about the Department's plans for the arrival of cold weather. Mr. Lanigan responded that Commissioner Kerik had issued a teletype on August to initiate planning for the winter season. Mr. Lanigan said that DOC was well-prepared; all systems were tested; checklists have been completed; and back-up generators are operable and available throughout the system.

Mr. Wolf asked about the status of the Department's plan to ban smoking in the jails. Mr. Lanigan said that DOC had submitted to the Office of Labor Relations (OLR) revisions to the no-smoking plan, and OLR will begin discussing the revisions with the unions. Mr. Schulte suggested that DOC might use recent acknowledgments by Phillip Morris, that cigarette smoking is both addicting and cancer-producing, to help implement the ban and thereby reduce the risk of litigation.

Acting Chair Horan asked the Department to report on a recent escape. Mr. Lanigan said that the inmate has been returned to custody. He then asked that additional information be discussed in executive session.

Board Member Stanley Kreitman asked about Mr. Wolf's report that DOC experienced a small increase in reported stabbings and slashings in September. Mr. Wolf said that he also had written that year-to-date, reports were down 48% compared to 1998. He added that there was no reason to believe that September represented anything more than a minor one-month departure from the downward trend in reported stabbings and slashings.

Mr. Schulte asked if the daily inmate census was continuing to decline. Mr. Lanigan said

that the population was between 16,300 and 16,400 inmates, and that it could reach 17,000 by the holiday season, peaking at 17,000 to 18,000 inmates. He added that there are no plans at present to reopen either the Vernon C. Bain Barge or the Brooklyn Correctional Facility ("Brig").

Acting Chair Horan announced that, as he already had informed Commissioner Kerik, the Board will begin a review of the conditions of confinement Minimum Standards. He said that a complete review had not been undertaken since the Standards were implemented in 1978. Acting Chair Horan added that in 1986 several revisions had been made, including a reduction in square footage requirements in dormitories. He said the review would take several months. Mr. Horan said that the Department would be involved in the review, although the Members had not yet discussed the mechanics of the review process. He added that eventually there would be a public hearing, and that all interested parties will be afforded opportunities to comment. Mr. Lanigan said the Commissioner had expressed his pleasure that the Board understood that the Department today is very different from the way it was when the Standards were created in 1978. Mr. Lanigan said that the Commissioner asked that he express his "anxious optimism in joining in this process".

Assistant Chief James Psomas then requested that the Board renew all existing variances. A motion was unanimously approved.

Mr. Horan announced that the public meeting would conclude and that the Board would meet in executive session to discuss personnel matters, a litigation matter, and the escape. Following an objection from Dale Wilker, attorney with the Prisoners' Rights Project, that non-security-sensitive information should be disclosed in public, Mr. Lanigan reported as follows: The escape occurred on September 30, 1999. The inmate was City-sentenced, and assigned to the car wash detail with several other inmates. At approximately 1200 hours, the officer in charge of the detail determined that an inmate was unaccounted for. An alert was sounded. The inmate, Troy Lewis, was re-apprehended by DOC on October 3, 1999, and returned to custody.

The public meeting was adjourned at 1:31 p.m. The Board met in executive session with representatives of the Department until 1:41 p.m. Upon their departure, the Board resumed executive session, concluding at 1:55 p.m..

Acting Chair John Horan opened the meeting at 1:10 p.m., noting that Correction Commissioner Bernard Kerik had a scheduling conflict that delayed, and might prevent, his attendance at the meeting. A motion to approve minutes of the September 15, 1999 meeting was approved unanimously.

Acting Chair Horan reported that the U.S. Supreme Court had denied *certiorari* in the case of *Benjamin v. Kerik*. Noting that the Second Circuit Court of Appeal's decision thus prevails, he said that the matter will be returned to Judge Baer for consideration of some narrow issues, but that the consent decrees that have governed aspects of City jail operations for many years are "out". Board Member David Schulte said the Board of Correction was "the last game in town". Mr. Horan said that he recently had visited the Substance Abuse Intervention Division (S.A.I.D.) program at the Rose M. Singer Center (RMSC). He said that he observed some plumbing problems which were being addressed, and that the program seemed to be well-run.

David Schulte thanked Assistant Deputy Chief James Psomas for acceding to Mr. Schulte's request that he be made a part of the graduation ceremonies for the High Impact Incarceration Program (H.I.I.P.). Mr. Schulte said he was impressed with the program and congratulated the Department for operating H.I.I.P. Mr. Schulte then reported on his visit to a Sprung housing area at the George Motchan Detention Center (GMDC) to visit the S.A.I.D. program. Mr. Schulte said he sat with the inmate-participants and spoke with several inmates and a counselor. Mr. Schulte reported that most of the inmates said they wanted "institutional treatment" when they were released from incarceration. He asked whether psychiatric counseling is available to S.A.I.D. inmates. Correctional Health Services Executive Director Ernesto Marrero said that psychiatric services were available, noting that an inmate would go to mental health for evaluation and that a treatment plan would be developed to address the inmate's condition. Mr. Marrero said that an inmate could obtain mental health assistance by signing up for sick call, speaking with a counselor or a patient advocate, or a field representative from the Board of Correction. Arthur Lynch, CHS's Mental Health Director, said services are available to general population inmates and inmates housed in mental observation areas of all jails. He added that the Therapeutic Community Services programs also have mental health services available. Dr. Lynch noted that individual and group therapy are available to general population inmates. BOC Executive Director Richard Wolf said that one of the S.A.I.D. inmates told Mr. Schulte that there were no mental health services integrated directly into the S.A.I.D. program itself. The inmate had said that a dual approach might benefit inmates with both mental health and substance abuse problems. DOC First Deputy Commissioner Gary Lanigan said that DOC operates a program for mentally-ill chemical abusers in a different facility.

Board Member David Lenefsky reported that during a recent visit, several inmates praised the work of a recently-hired psychiatrist at the mental observation unit of the Otis Bantum Correctional Center (OBCC). Mr. Lenefsky said that he and Deputy Executive Director Cathy Potler spoke with OBCC's medical managers to commend the psychiatrist. Ms. Potler said that the inmates noted that the psychiatrist explained to them the potential side-effects of psychotropic medications, and in some instances adjusted their dosages.