

**NEW YORK CITY
BOARD OF CORRECTION**

February 12, 2004

MEMBERS PRESENT

Stanley Kreitman, Chair
John R. Horan, Vice Chair
Louis A. Cruz
Richard Nahman, O.S.A.

Excused absences were noted for Members John H. Banks III, Jane Paley Price, and Michael Regan.

DEPARTMENT OF CORRECTION

Martin Horn, Commissioner
Robert Maruca, Senior Deputy Commissioner
Tom Antenen, Deputy Commissioner for Public Information
Roger Parris, Deputy Commissioner for Programs
Leroy Grant, Bureau Chief, Inspectional Services & Compliance Division (ISCD)
Judith LaPook, Special Counsel
Elizabeth Myers, Director, ISCD

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

James Capozziello, Deputy Commissioner, Division of Health Care Access and Improvement
Robert Berding, Director, Clinic Administration, Bureau of Correctional Health Services (BCHS)
George Axelrod, Director of Risk Management, BCHS
Dr. Bruce David, Mental Health Director, BCHS
Hans Froelich, DDS, Director of Dental Services, BCHS
Mercedes Franklin, M.D., Director, Office of Oral Health Programs and Policy

OTHERS IN ATTENDANCE

Amy Anderson, NYU
Alison Cain, M.D., Deputy Medical Director, Prison Health Services
Carri-Ann Crowe, Office of Management and Budget (OMB)
Sara Goonan, OMB
Nikolai Kolzia, NYU
Jeff Krupski, Mayor's Office of Operations
Jacqueline Riley, City Council, Finance Division
Carlos Serrano, OMB
Russell Unger, City Council, Legislative Counsel
Paul von Zielbauer, *New York Times*

Chair Stanley Kreitman called the meeting to order at 1 p.m.

A motion to approve minutes of the January 8, 2004 Board meeting passed without opposition.

Chair Stanley Kreitman asked DOC Commissioner Martin Horn to discuss officer layoffs and rehiring. Commissioner Horn said that all officers who were laid off in 2003 were offered the opportunity to return to work, and 278 of the 315 affected individuals have been rehired. He noted that one officer, Geoffrey Goff, was shot and killed. Commissioner Horn noted that DOC had just hired a new class of approximately 300 recruit officers, and another round of hiring will occur in early March, bringing the total to 400. He introduced Bob Maruca, DOC's new Deputy Commissioner for Administration.

Chair Kreitman noted that there was an escape on February 1st. The Commissioner said a 31 year-old inmate, who just had been arraigned on Assault in the third degree, escaped from the seventh floor of the Brooklyn court pens at approximately 9 p.m. Commissioner Horn said the inmate was returned to custody 12 hours later and the matter is under investigation. He said that the elevator closest to the pens was out of order, and the inmates had to be escorted across the length of the building to another elevator to be taken to buses providing transportation to Rikers Island. He said he will update the Board when the investigation is concluded.

Chair Kreitman next raised the issue of the Central Punitive Segregation Unit (CPSU) construction project. Commissioner Horn said the project is part of a program to replace 4,800 wooden modular dormitories and Sprungs. He said this project, an expansion of the George R. Vierno Center (GRVC), was originally planned to be a 448-bed CPSU. He noted that the Board had had objections to the plan, and added that he thought the construction could proceed in a way to "achieve some economies". Commissioner Horn said that the final design has not been agreed upon because a couple of issues must be resolved, but DOC has decided that the facility can accommodate between 700 to more than 800 beds. He said most of the beds will be dormitory beds; only 112 will be maximum security cells. He said because the footprint had been established and plumbing work had been completed, the cells will be equipped with showers. He added that outdoor recreation areas will be constructed and occupants of the cells will have access to the outdoor areas, although the cells will be constructed with "porches", which will be an "option". Commissioner Horn estimated that the project will be completed at \$14 million less than recent projections had suggested. He said that the new design will provide for a "better, more versatile facility" that "will address all of the Board's concerns" and will allow DOC to close more wooden modulars sooner. Chair Kreitman said the Board's primary concern with the original design was the lack of outdoor recreation. Vice Chair John Horan said the Department was taking into account BOC's requirements and noted that without drawings it was difficult to understand how the new configuration would work. The Commissioner said that in the south chevron, the lower two floors will be cells, and between the chevron will be an outside yard. He said that the other building will consist entirely of dormitories, and it will have a separate outdoor recreation yard. Commissioner Horn repeated that a couple of design issues must be resolved. In response to a question from Board Member Louis Cruz, the Commissioner said all CPSU inmates will have access to outdoor recreation. He added that no decision has been made that the 112 beds will be CPSU beds, and noted that they could be used for protective custody, perhaps for the more than one hundred inmates in protective custody dormitories in the North Infirmery Command. He suggested that perhaps the cells would be suitable for inmates currently in the Mental Health Assessment Unit for Infracted Inmates (MHAUII) at GRVC.

Commissioner Horn said that if DOC chose to use the 112 cells for CPSU, there would be a corresponding decrease in the size of the existing CPSU at the Otis Bantum Correctional Center (OBCC).

Chair Kreitman noted that there are several high-profile trials in progress, including one state trial. He asked where DOC houses high-profile inmates. Commissioner Horn said there is secure space in NIC, GRVC, and other locations. He said it is a function of classification, but that as DOC has closed facilities such as Brooklyn and Queens, the options have narrowed.

Mr. Cruz asked about renovations in the borough facilities. Commissioner Horn said renovations at the Brooklyn House will be completed in May. Mr. Cruz expressed concern about poor families having to travel to Rikers Island to visit inmates. Commissioner Horn said he shared the concern, and said that it is a “mistake” of “social policy” for the City to house inmates solely on Rikers Island, and he would welcome the Board’s support on the issue. He noted that there is pressure to raze some borough facilities to allow for development projects. The Commissioner said that the capital budget includes funds for renovations at the Bronx and Queens, where renovations are “not as far along”. BOC Deputy Director Cathy Potler asked if inmates will be housed in Brooklyn when the renovations are completed. Commissioner Horn said they would “if the population numbers justify, require it”. Ms. Potler asked whether DOC would close housing areas on Rikers Island and transfer inmates to Brooklyn if the population remains at current levels. Commissioner Horn said it would be a judgment call. He said that recently a dormitory floor collapsed, and noted that if DOC lost capacity a decision to open Brooklyn would be a “day-to-day” decision, and that Brooklyn could be used for inmates who are on trial. Mr. Cruz asked if DOC had submitted a plan to the City Council Finance Committee to reopen Brooklyn. Commissioner Horn said he did not believe that would be necessary, because operations would come within the existing budget, although a budget modification might be necessary. He noted that since Christmas, the inmate population has grown by 800, an amount equivalent to the capacity of the Brooklyn House.

Mr. Cruz asked whether DOC is notified when a law enforcement initiative is about to lead to a large influx of inmates. The Commissioner said DOC is kept apprised of developments by the Criminal Justice Coordinator.

Chair Kreitman noted that the State Commission of Correction has told DOC that if it modifies vision panels in cell doors, fewer officers can provide supervision for inmates on suicide watch. Commissioner Horn said that Directive 4521 is fully implemented; the paper undergarments have been received. He said that as of February 6th, there were twelve inmates on suicide watch, a substantial improvement demonstrating that in the past large numbers of inmates were placed on suicide watch unnecessarily, and were kept on watch for excessively long periods. He added that since December 22nd, when the Directive was implemented, 152 inmates have been on suicide watch for an average of 7.5 days. He said that only one inmate had been placed in a smock. The Commissioner said that there have been no suicides in many months, and at this point last year, there had been three suicides. He said the reduction is due to a variety of factors, including earlier identification of at-risk inmates, more staff training, and prompt referrals of at-risk inmates to mental health. He said that replacement doors have been ordered for some cells to allow reduced officer-to-inmate ratios for constant supervision. Commissioner Horn said that the Mayor’s January Financial Plan provides additional funding to meet the increased costs of constant supervision.

Board Member Father Richard Nahman, noting that in March, 2003 there were 80 inmates on suicide watch and in December there were 20, asked what accounts for the reduction. DOHMH Deputy Commissioner James Capozziello responded that the most significant factors were changes made to the process by which people are placed on and remain on suicide watch. He said that the new process allows a clinician to place someone on suicide watch, but this decision must be reviewed within 48 hours by a supervisor, with a further administrative review 48-hours thereafter by the Chief of Psychiatry for Prison Health Services and the DOHMH Mental Health Chief. He added that if a watch were to continue for eleven days, the inmate would be taken to the hospital for a full assessment. Mr. Cruz asked whether the reduction has been driven by economics. Mr. Capozziello said that there had been an inordinate number of women on suicide watch, as compared to the number of female inmates in the system. He said that when DOHMH reviewed the numbers it seemed odd that a female inmate was much more likely to be on suicide watch than a male inmate. He said that self-injurious females inmates, or those who engaged in manipulative gestures or had other pathologies that were not suicidal, were nonetheless placed on suicide watch. He said such placement was inappropriate, so a process was initiated to ensure that a diagnosis of someone being suicidal is what precipitates placement on suicide watch. Mr. Cruz asked how many inmates were hospitalized during this period. Mr. Capozziello said he would forward the information to the Board. Mr. Cruz said this was the more important number, and again raised questions about the factors driving the practices. Mr. Capozziello said that everything DOHMH and the providers do is patient-centered, and in the best interests of the patients. Commissioner Horn interjected that the City is spending more money now than it did in the past, and said that Mr. Cruz' implication "should not be allowed to stand". Mr. Cruz said he was not making an allegation, but raising a concern.

Mr. Horan asked about the circumstances that led to the one inmate being placed in a smock. Commissioner Horn said that the inmate was housed in a cell; there was concern about self-injury; and the providers "did not believe it was contraindicated". Ms. Potler said that there are inmates who are on suicide watch in cells who are not wearing smocks, and the decision is made entirely by mental health staff. Commissioner Horn agreed. Ms. Potler noted that the SCOC report on constant supervision did not address the dormitories at AMKC and RMSC where inmates on suicide watch are housed. She asked whether SCOC will return and inspect those areas. Bureau Chief Leroy Grant said that SCOC has assessed dormitory areas, and concluded that a second floor officer should be stationed near the bathroom area in each dormitory. Chief Grant said that, at the suggestion of SCOC, DOC had installed a mirror in dayroom areas to increase visibility into those areas.

Chair Kreitman turned to correctional health issues, and said that at last month's meeting there was a discussion of rapid HIV testing. Mr. Capozziello said the tests will be implemented at RMSC and the Vernon C. Bain Center by the end of the month, and thereafter to the other facilities. He said implementation was delayed slightly by proficiency-testing and laboratory certification requirements. Chief Kreitman said that a new RFP has been issued. Mr. Capozziello said a notice was issued on January 29th and 1,200 letters were sent out inviting requests for the RFP document. He noted that on February 11th DOHMH held a pre-proposal conference that was attended by 23 of the 35 organizations who previously had obtained copies of the RFP. Mr. Capozziello said that yesterday, facility tours were provided to potential bidders. He said proposals are due by April 1st, and by the end of May DOHMH expects to select a vendor and begin the negotiation process.

Mr. Capozziello reported a reorganization, whereby the Office of Forensic Mental Health

Services which has been responsible for complying with *Brad H*, has been transferred to Health Care Access and Improvement. He said this will improve coordination between mental health providers in the facilities and discharge planning activities. He said DOHMH is moving towards a “hospital-based, social-work-driven model” with facility-based teams of mental health staff and discharge planners.

Mr. Capozziello introduced Dr. Hans Froelich, the soon-to-retire Director of Dental Services, who has supervised implementation of an oral cancer surveillance and screening program. He said oral cancer is among the most deadly cancers, in part because it is among the least-frequently diagnosed in early stages. Mr. Capozziello said new technology, called a “brush biopsy”, identifies oral cancer at an early stage, thereby allowing for early treatment. He said that the five-year survival rate for early detection of oral cancer is 80 percent; if detected late, the rate is only 15-20%. Mr. Capozziello showed those present the brush, and said that when the brush scrubs a “suspicious area”, cells are picked up and thereafter analyzed. He said that already several suspicious lesions have been subjected to the brush test, and one has led to a scalpel biopsy, with results pending. He said that reorganization of oral health services is resulting in consolidation under Dr. Mercedes Franklin, Director of the Office of Oral Health Programs and Policy. Dr. Froelich noted that the brush biopsy test represents new technology. Mr. Cruz wished Dr. Froelich a happy and healthy retirement and thanked him for his service to the City. (At the suggestion of Mr. Horan, the Board’s congratulations and best wishes have been made a part of the “official record” of the meeting.)

Mr. Cruz asked about an issue he had raised at earlier meetings, the long hours worked by health providers in City jails. He asked how the issue was being addressed. Mr. Capozziello said he does not have data with him, but he has discussed the issue with PHS and believes the situation has improved. He said he will provide updated information at the Board’s next meeting. Mr. Cruz said that approximately one month ago, a Rikers Island psychiatrist told him that the routine was for providers to work sixteen hour days, one or two days per week. Mr. Capozziello said this is not the way the system is designed, but coverage must be provided and if there is an unscheduled absence, the position must be covered. He added that one adjustment has been made to the staffing matrix so that a clinical staff member no longer may be “pulled” to cover for an absent administrator.

A motion to renew existing variances was approved without opposition, and the meeting was adjourned at 1:47 p.m.