

**NEW YORK CITY
BOARD OF CORRECTION**

March 8, 2007

MEMBERS PRESENT

Hildy J. Simmons, Chair
Stanley Kreitman
Rosemarie Maldonado, Esq.
Richard Nahman, O.S.A.
Paul A. Vallone, Esq.
Milton L. Williams, Jr., Esq.
Gwen Zornberg, M.D.

Excused absences were noted for Vice Chair Michael J. Regan and Member Alexander Rovt.

DEPARTMENT OF CORRECTION

Martin Horn, Commissioner
Carolyn Thomas, Chief of Department
Stephen Morello, Deputy Commissioner for Public Information
Florence Hutner, General Counsel
Mark Cranston, Commanding Officer, Office of Policy and Compliance (OPC)
Rod Williams, Policy Analyst

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Louise Cohen, Deputy Commissioner
Jason Hershberger, M.D., Assistant Commissioner, Correctional Health Services (CHS)
Robert Berding, Director, Clinical Services, CHS
George Axelrod, Director of Risk Management, CHS

OTHERS IN ATTENDANCE

Harold Appel, M.D., Contract Administrator, Doctors Council
Donald Doherty, Divisional Vice President, Prison Health Services
Carole Eady, CCA/Justiceworks
William Hongach, Legislative Policy Analyst, City Council
Martha Kashickey, Public Education Associate, Innocence Project
Amanda Lockshin, Legal Aid Society
Shannon McCue, Budget Analyst, Office of Management and Budget
Trevor Parks, M.D., Medical Director, PHS Medical, P.C.
Eisha Williams, City Council
Milton Zelermyer, PRP

Chair Hildy Simmons called the meeting to order at 9:35 a.m. A motion to approve minutes of the January 11, 2007 Board of Correction meeting was approved without opposition.

Chair Simmons presented a report, as follows:

All Members should have received a chronology prepared by Executive Director Richard Wolf regarding next month's public hearing. By April 1st each Board Member is requested to send an email to Mr. Wolf, with a copy to Chair Simmons, indicating the hours during which with the Member expects to attend the April 17th public hearing. The hearing is scheduled from 9:30 a.m. until 3:30 p.m., and the goal is to have at least two to three Members present at all times. The ideal would be to have all Members present at all times. Chair Simmons and Member Stanley Kreitman, chair of the Minimum Standards Review Committee, will attend the entire hearing. Water will be available for Members and staff, and lunch will be provided.

Since the hearing will take place only a few days after the April monthly BOC meeting, it is proposed that the monthly meeting be cancelled. Matters requiring Board action can be addressed on the 17th when there is a quorum.

The purpose of the public hearing is for the Board to gather information. We as Members can ask questions when people testify, but the hearing is not a forum for us to explain what we have proposed, nor is it a place for us to be making speeches about the issues. The job of the Members is to be sponges, to absorb what is being said. A stenographer will be present. It is recommended that speakers present testimony on a first-come first-served basis. People who wish to testify at a particular time should not be offered precise time slots, but will have opportunity to speak in the morning or the afternoon. The order in which people speak will be chronological, and governed by the time one signs in.

Board Member Father Richard Nahman asked whether there will be time limits. Chair Simmons said she believes time limits are a good idea because time limits will ensure that everyone who wishes to speak may do so, and also because anyone may submit written comments as well. She suggested fifteen minutes, but noted the difficulty in estimating how many people will wish to speak. Board Member Dr. Gwen Zornberg said fifteen minutes is very generous, noting that she has been involved in Federal public hearings on emotionally-charged topics at which people were given two minutes to speak. She said this allowed more people to express their opinions. Chair Simmons said she is mindful that it has been thirty years since there has been a conversation about the important issues about which the Board must make decisions. Board Member Paul Vallone suggested that the Board make a decision on time limits based on the number of people who sign up to speak. He suggested beginning with a ten-minute limit, which could be expanded if extra time is available. Chair Simmons said we may not know how many people will seek an opportunity to speak until the day of the hearing.

Chair Simmons said BOC staff will maintain a complete set of all written comments submitted to the Board and distributed to the Members, and that extra copies will be available to the Members upon request. She said that the Board is required to make all comments available for review by the public. Chair Simmons reported that once comments have been circulated to the Members, they will be available for review at the Board's offices, between 9 a.m. and 5 p.m. Mr. Wolf said that distributions of comments to Members will occur at least once each week, so there will be no inordinate delay in making comments available for review by the public. Chair Simmons said that the Board received a letter from the Prisoners' Rights Project asking that the Board make sure copies of the proposed amendments are available for review by inmates. She said the Board's Field Operations Unit will have distributed copies to all jail law libraries by the end of the day.

Dr. Zornberg, chair of the Health Committee, reported that the committee had a teleconference on March 5th, at which the Minimum Standards were discussed. She said the Members are awaiting comments from the public. She said the committee also discussed the variance submitted by the Health Department, and expects a presentation today by DOHMH. She noted that the Board has been unwavering in its support of the creation of an electronic medical records system, which will improve the continuity of care for inmates. Dr. Zornberg also asked that DOHMH report on progress on the concept paper and request for proposals (RFP) mentioned at the January Board meeting. DOHMH Assistant Commissioner Jason Hershberger, M.D., reported as follows:

One year ago, DOHMH implemented an electronic intake records system for all of Rikers Island. This has enabled DOHMH to track electronically health-related data on all new admissions. This year, DOHMH will implement electronic records for mental health and discharge planning services. A definition in the Board's Health Care Standards requires that there be a single record containing both an inmate's medical and mental health records. DOHMH seeks a variance from the definition to allow it to continue to have a paper-based medical chart – until it too can become electronic – even as it implements the electronic mental health records module. The new module will be ready for implementation in the spring. May 1st is the targeted start date.

Father Nahman asked about the training of personnel. Dr. Hershberger said that the more than 100 providers who use the mental health charts will be trained before implementation. He said DOHMH will train from facility to facility, as it did with the electronic intake records. He said training will be for mental health clinicians, psychologists, psychiatrists, and administrators. Mr. Vallone asked about the status of system-wide integration of the original electronic intake system. Dr. Hershberger said that every facility has access to the intake data electronically, and this enables clinicians at all facilities to access medical data that was deemed important at the time of intake. Father Nahman asked where the information will be accessible, at a desk or at bedside. Dr. Hershberger said at a desktop computer. Deputy Executive Director Cathy Potler asked if medical staff will be trained to use the electronic mental health records module so they will be able to get a full picture of the inmate-patient. Dr. Hershberger said yes, and noted that all medical staff already use the electronic intake system. Dr. Zornberg

asked if the system has wireless capability so information can be brought to wherever it is needed. Dr. Hershberger said no, noting that wireless raises some security concerns. Chair Simmons asked if there was sufficient hard-wiring to enable providers to readily access information. Dr. Hershberger said yes.

DOHMH Deputy Commissioner Louise Cohen said that the Department continues to work on developing an RFP for vendors to provide correctional health services in borough jails. Ms. Cohen also reported that the Executive Budget contains additional funding for pharmaceuticals, for which CHS has operated at a deficit in the past, and also to provide additional services, including low-threshold activities for inmates in special housing units opened by the Department of Correction.

A motion to grant a variance from Health Care Minimum Standards Section 307 (“Records”) authorizing DOHMH to maintain separate electronic inmate mental health records was approved without opposition. Chair Simmons asked DOHMH to provide a status report at the Board’s May meeting.

Board Member Stanley Kreitman, chair of the Minimum Standards Review Committee, reported that the Board is beginning to receive responses to the publication of proposed amendments.

DOC Commissioner Martin Horn presented a report, as follows:

The jails have been relatively quiet, but there was a suicide of inmate Joel Noonan, who died on February 16th. On February 5th, while at the Bellevue Hospital Prison Ward, he tied a bed sheet around his throat and a gate. He was outside of his cell. Noonan had been under the care of Mental Health staff for some time, having attempted to commit suicide several times before.

The Department plans to reduce the size of the City’s jail capacity by 2,000 beds, and to reduce capacity on Rikers Island by 4,000 beds. [Commissioner Horn distributed a multi-page handout to the Members.] Approximately 6,000 modular and Sprung beds were built in the 1980s to accommodate a census that exceeded 20,000. The census today is down to approximately 14,000. The Department believes it needs approximately 18,000 beds. It cannot use all beds. Some beds are left vacant for emergencies; others need repair; and others are lost to inefficiencies, such as when a 50-bed special treatment area is opened but only 30 inmates meet the requirements.

The plan calls for all mods and Sprungs on Rikers Island to be eliminated. 4,000 of the 6,000 beds to be eliminated would be replaced by a new 2,000-bed facility in the Bronx, hopefully in Oak Point, a heavily-industrialized area. It is a census track where no one lives. The triangular site is bounded by railroad tracks, warehouses, and the river, and is four-tenths of a mile from a subway station. DOC believes the MTA will extend a bus line, so public transportation “will be no problem”. The City will have to acquire the site, which will require City Council action and the ULURP process. There are people in the community who

are opposed to the project. There are people in the City who are opposed to any jail construction.

A new jail would be state-of-the-art construction with air conditioning, good site-lines, efficiencies and modern technology, and would be closer to the inmates' homes. Perhaps 1/3 of all City inmates are mentally ill and require air-conditioned space. A chart demonstrates that 80% of inmates discharged in Bronx county live within three miles of the site, and 25% of the City's inmates come from Bronx county. The new site would reduce travel time by 50%, as compared to travel to Rikers Island.

DOC also is proposing to enlarge the capacity of the Brooklyn House of Detention with a 730-bed addition. The City would employ a "mixed-use" approach, and is working with the Brooklyn Borough President's office. By the end of March, the City hopes to issue a Request for Expressions of Interest for the development of as much as 200,000 square feet of commercial retail space, of which possibly 87,000 could be residential space. If implemented, the plan would increase the capacity of the Brooklyn House to approximately 1,500 beds.

The Bronx proposal is controversial; thus far Brooklyn is not. DOC is meeting with community leaders in both boroughs. When the Minimum Standards review process is completed, the Commissioner will seek the Board's support for the jail construction projects.

Father Nahman raised the issue of design. Commissioner Horn said all of the Brooklyn beds would be in dormitories, and noted that the design must meet the approval of the State Commission of Correction (SCOC). He said DOC will discuss design with the Board, but said that the SCOC has the authority to approve the design. Father Nahman said that recreation areas must have open space. Commissioner Horn said DOC will discuss and review design issues with the Board, and reiterated that the design will meet the requirements of the SCOC. Mr. Kreitman said the issue is sunlight and the "open air concept". The Commissioner said he understood. Chair Simmons thanked Commissioner Horn for his presentation, noting that she agrees DOC and the Board should have a further conversation when the Minimum Standards review process is concluded. She said the plan presents an opportunity to change the face of detention in New York City. She added that the plan has the support of the highest echelons of City government. Mr. Vallone asked if there is a timeline for the ULURP process. Commissioner Horn said approximately one year. He said he expects the Council will vote in January. Mr. Vallone asked if anyone had submitted an alternate site. Commissioner Horn said no. Chair Simmons said that, as a resident of Brooklyn Heights, she has been impressed with how DOC has reached out to the community. She said that the prospect of commercial space along the Atlantic Avenue corridor has been important in gaining public acceptance. Commissioner Horn said that outside of New York City, every county has a court house and a county jail. Mr. Kreitman said residents do not like the corrections buses. He said he received a letter from a parent whose child is incarcerated on Rikers Island, and is awakened at 4:30 a.m. for a 25-second court appearance. He asked whether court appearances could take place electronically or if

judges could come to Rikers Island. Commissioner Horn said the Tombs is physically connected to 100 Centre Street, and inmates walk across and back without being awakened at 4:30 a.m. He said that both the Brooklyn and Queens Houses of Detention were physically connected to the court houses they served, and noted that the new Brooklyn facility is connected by tunnel to the Criminal Court Building. Commissioner Horn said that every morning DOC transports 1,500 inmates from Rikers Island to court – 50 buses driving across the one Rikers bridge. He said judges want defendants produced at 9:30 a.m., so inmates must be brought to downtown areas before rush hour. He added that DOC conducts video teleconferencing from every jail. He noted that the Office of Court Administration is building a new court in Brooklyn in which every courtroom will be equipped for video teleconferencing. The Commissioner said that whether available teleconferencing is used depends on the preferences of the judge and especially defense attorneys, many of whom want their client physically present in the courtroom so that they can consult. He said it is DOC's position that a defendant's presence in court is legally required only for trial, and people have to get used to teleconferencing. Commissioner Horn said one-third of the inmates who are transported each day solely to meet with their attorneys. He said DOC is working with Bronx Defenders whose attorneys have webcams, and DOC is bringing inmates on Rikers Island to computers with webcams. He said webcams also are being used for Fortune Society client interviews. Mr. Vallone said that 75% of court appearances are procedural and, more often than not, are adjourned. He said the issue is getting the information to DOC so it does not produce the inmate for a proceeding that has been adjourned. Commissioner Horn said that if the Bronx and Brooklyn projects are built, they will result in a reduction of 50% in miles traveled by DOC buses. Chair Simmons noted with approval that the materials distributed by DOC indicate that the new facilities would have a positive effect on discharge planning by improving access for groups that want to work with both sentenced prisoners and detainees. Commissioner Horn said that many smaller, grass-roots organizations that are anxious to work on discharge planning but find it difficult to get staff to Rikers Island, will be able to provide discharge planning services in borough facilities. Chair Simmons said the Board looks forward to more updates and to discussing the role it might play in the process. Mr. Vallone suggested that DOC enlist the support of some Queens Community Boards, which will support the plans.

A motion to renew existing variances was approved without opposition. The meeting was adjourned at 10:16 a.m.