

**NEW YORK CITY
BOARD OF CORRECTION**

July 8, 2004

MEMBERS PRESENT

Stanley Kreitman, Chair
John R. Horan, Vice Chair
John H. Banks III
Jane Paley Price
Michael Regan
Raul Russi
Hildy J. Simmons

Excused absences were noted for Members Louis A. Cruz and Richard Nahman, O.S.A.

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DEPARTMENT OF CORRECTION

Martin Horn, Commissioner
Leroy Grant, Bureau Chief, Inspectional Services & Compliance Division (ISCD)
Tom Antenen, Deputy Commissioner for Public Information
Florence Hutner, Deputy Commissioner for Legal Matters
Elizabeth Myers, Director, ISCD

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

James Capozziello, Deputy Commissioner, Bureau of Correctional Health Services (BCHS)
Donald Kern, M.D., Medical Director
Alison O. Jordan, Deputy Commissioner
George Axelrod, Director of Risk Management, BCHS
Robert Berding, Director, Clinical Services

OTHERS IN ATTENDANCE

Dan Janison, *Newsday*
Jeff Krupski, Mayor's Office of Operations
Becky Pinney, Project Director, PHS
Dale Wilker, Legal Aid Society, Prisoners' Rights Project

Chair Stanley Kreitman called the meeting to order at 12:30 p.m. A motion to approve minutes of the May meeting was approved without opposition.

Chair Kreitman asked DOC Commissioner Martin Horn to comment on a newspaper report of a Comptroller's audit of the Department. Commissioner Horn reported as follows:

The Comptroller conducted two separate, limited audits of DOC warehouse operations and inventory controls regarding food items and non-food items. The Commissioner requested the audits in April, 2003, because of his assessment that DOC did not have adequate internal controls. Recent DOC history suggested that an external assessment was needed. DOC also changed personnel and took other steps.

The audits confirmed that DOC's controls were inadequate and "amateurish". The audits found that poor procedures, including having warehouse personnel verify inventory, created the opportunity for theft and misappropriation. The Comptroller's findings were promptly reported to the Department of Investigation's Inspector General's office. Discrepancies in inventory were found, including \$185,000 worth of unaccounted-for chicken parts. In some cases, there was more inventory on hand than records indicated.

Problems stem from DOC failing to create a professional warehouse operation as DOC grew. The operation was run by correction officers who had no background in large warehouse operations. DOC also failed to build appropriate storage facilities, and instead maintained inventory in surplus military storage trailers "strewn around the Island", resulting in the same item being stored in multiple locations. Some of the trailers leaked. Further, when Commissioner Horn directed that Support Services combine its storage areas, rather than continue the practice of maintaining inventory at each jail, inventory control was lost.

DOC accepted all but one of the Comptroller's recommendations. DOC is working to establish a new position, Director of Materials Management, and will seek someone who is experienced in warehouse operations. DOC will hire an outside consultant to address some technical issues, and may have to invest in additional storage capacity. This will await an assessment of the quantities of inventory items that DOC should maintain on hand. A problem is that budget cuts have reduced available civilian positions, requiring DOC to employ unformed staff to perform warehouse tasks that should be done by civilians.

Commissioner Horn was disappointed that the Comptroller's office did not recommend best practices or useful software inventory programs. The Comptroller's staff said it was not their function to do so.

Chair Kreitman asked if the audits were accusatory. Commissioner Horn said they were not. Vice Chair John Horan noted that it was in no way the responsibility of the Board of Correction to monitor DOC's internal inventory problems.

Chair Kreitman turned to DOC infrastructure issues, saying that he has received numerous pages regarding broken pipes similar to the problems discussed during the Board's recent tour of Rikers Island. He noted that during the tour, the Board was unable to inspect the clinic at the Rose M. Singer Center (RMSC) because a broken pipe had resulted in flooding in the area. Commissioner Horn reported as follows:

The situation has not improved. A four-inch sewer line cracked and ruptured as we arrived. RMSC and the George R. Vierno Center (GRVC) are especially prone to these problems because sewer lines for the two facilities, which face each other, were installed in the same fashion on land fill that settles. The sewer lines for both facilities must be replaced with properly supported new lines. At RMSC, this will require jack-hammering through the clinic's cement floor, rendering the clinic area at RMSC unusable for approximately three months. Labor costs will be approximately \$60,000, but the biggest challenge is providing medical services during the project.

Possible solutions include temporarily housing the main clinic in one of the following areas: (1) a leased, inflatable mobile clinic that could be installed adjacent to the facility; (2) Dorm 17B, which is across from the mini-clinic at RMSC; and (3) the gymnasium, in which a false floor could be installed, and electrical and water connections could be run under it. If DOC used the first option, the inflatable mobile clinic could be moved to GRVC when work was completed at RMSC.

Last night there was a power outage and a worker was seriously injured.

The capital budget 10-year plan calls for spending approximately \$1.5 billion. This includes funding for the GRVC addition, \$94 million for an 800-bed addition to RMSC, and \$27 million for a 200-bed addition to the Adolescent Reception and Detention Center (ARDC). There is an additional \$900 million for additional new capacity. The Department has not decided where new capacity will be sited, but it would be preferable to build off-Island.

DOC also has \$364 million to invest in "systems and infrastructure", of which \$55 million is to be spent in fiscal year 2005. There is money for shower renovations, and renovations to facades of several facilities that currently are closed. \$18 million will be spent over the next five years on asbestos abatement and \$19 million for electrical work, plumbing and HVAC upgrades at existing facilities. Finally, there is almost \$60 million for telecommunications upgrades.

Chair Kreitman asked where people will be confined if there are mass arrests during the Republican convention. Commissioner Horn said that he anticipates the courts will “curtail their operations”, so DOC should have substantial available capacity in the holding areas in the court buildings. He said that at 100 Centre Street, DOC has capacity for over 900 arrestees. He added that today’s census is approximately 13,600, meaning that there are closed dormitories that could be reopened. He said DOC does not expect a “substantial impact” because most arrestees will be released at arraignment after paying fines.

BOC Executive Director Richard Wolf noted that Commissioner Horn often has expressed interest in relying less upon Rikers Island. He asked whether DOC remains committed to moving ahead on the RMSC and ARDC additions. Commissioner Horn said that because of the considerable investment already made by the Department of Design and Construction for architectural plans, it would not be in the City’s best interest to cancel the projects. He said there remains considerable replacement capacity to construct. He noted that the aspect of the plan that he hopes to change calls for replacing modular and Sprung dormitories with permanent housing at the same facility.

Mr. Wolf asked whether DOC had developed a timetable for repairing the sewer lines for RMSC and GRVC. Commissioner Horn said as soon as DOC and DOHMH determine the best option or options, they will move forward. He said he would keep the Board informed. Board Member Raul Russi asked if the sewer line is a main line or a draw line, because if it is the latter, DOC could simply leave it in place and re-route the line. Commissioner Horn said it is a main line.

Mr. Wolf asked about the condition of the injured worker. Commissioner Horn said he has first degree burns, and will recover.

Board Member Jane Paley Price asked if there was a plan to retrofit the vents to deter suicides. Commissioner Horn said that there is a plan, and it is moving forward.

Chair Kreitman asked for an update on the death of an inmate outside the Kings County Hospital prison ward. Commissioner Horn reported as follows:

The Kings County District Attorney’s office is involved because other inmates may have participated in the escape attempt. On June 6th at 12:05 a.m., inmate Anthony Borrelli attempted to escape from the psych ward. An expanded-metal swinging gate covered over an air conditioner. The decedent opened the mesh cover, extracted the large air conditioner, and attempted to descend six floors using sheets tied together. Unfortunately, the sheets ripped and the inmate fell to his death.

Some staff members are being interviewed pursuant to Mayoral Executive Order 16. Criminal charges may be brought against other inmates.

The locking mechanism was very old. DOC has put two dead-bolt locks on each window that has an air conditioner with the same mesh covering.

Windows at Bellevue and Elmhurst will be retrofitted as well, although DOC will be leaving Kings County as soon as the Health and Hospitals Corporation (HHC) has readied additional space at Bellevue. This may have caused HHC to reduce maintenance at Kings County and contributed to this incident.

Board Member John Banks asked how long the inmate (or inmates) worked on the window. Commissioner Horn replied, "According to the officers' log, no more than 15 minutes." Board Member Michael Regan asked whether the air conditioner was moved in or out. Commissioner Horn said it was in a sleeve and was pulled in. He noted it was a 28,000 BTU unit and was moved to another area of the room. He said the DA was looking into the circumstances, adding that nine inmates were housed in the unit. Mr. Wolf asked if the security procedures followed at Kings County and the other hospital prison wards are the same as those practiced in the jails. He said the jails have security officers who are referred to as "bar bangers" because they are responsible for checking the integrity of window bars. Commissioner Horn said the officers at the hospital are responsible for checking all security equipment.

Chair Kreitman turned to correctional health issues, and asked for a report on progress towards a contract with a vendor to provide inmate medical and mental health care. DOHMH Deputy Commissioner James Capozziello said that DOHMH is in contract negotiations with the incumbent vendor, Prison Health Services (PHS), which was selected following a recent RFP process to provide services under a new contract that will begin on January 1, 2005. He said he expects negotiations to be concluded soon, but cannot discuss details at this time.

Mr. Capozziello introduced CHS' new Medical Director, Dr. Donald Kern who has extensive experience dealing with correctional health issues, most recently in the Massachusetts state prisons.

Mr. Capozziello introduced DOHMH Deputy Commissioner Alison Jordan who distributed to the Board copies of a PowerPoint presentation on the City's transitional health care efforts. Ms. Jordan discussed three intervention opportunities to assist inmates preparing to return to their communities: (1) the City jails, (2) the visit houses, and (3) the community. She said that staff members provide outreach and orientation in housing areas. Educational programs addressing HIV and hepatitis C are incorporated into Rikers Island school curricula. Ms. Jordan said that family outreach, including information and links to community services, is offered to visitors. She noted that there are two community-based transitional health services offices, in Brownsville and Central Harlem, and reported that a third will soon open in Morrisania.

Ms. Jordan distributed "health passports", which are provided to released inmates and to visitors. She explained that the passports are a convenient method for people to track their health indicators. Chair Kreitman asked if the Passports available in Spanish. Ms. Jordan replied that they were.

A motion to renew existing variances was approved without opposition. The meeting was adjourned at 1:08 p.m.