

**NEW YORK CITY
BOARD OF CORRECTION**

October 4, 2001

MEMBERS PRESENT

John R. Horan, Acting Chair
Louis A. Cruz
Stanley Kreitman
Barbara A. Margolis
Father Richard Nahman, O.S.A.
David A. Schulte

Excused absences were noted for Board Members Canute C. Bernard, M.D. and David Lenefsky.

DEPARTMENT OF CORRECTION

William Fraser, Commissioner
Gary Lanigan, First Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Sandra Lewis Smith, Deputy Commissioner
Elizabeth Loconsolo, General Counsel
Robert Dash, Chief of Security
William Hurley, Chief of Inspectional Services and Compliance Division (ISCD)
Elizabeth Myers, ISCD

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director
George Axelrod, Chief Risk/Quality Officer

OTHERS IN ATTENDANCE

Trevor Parks, M.D., Medical Director, Prison Health Services
Becky Pinney, Project Manager, Prison Health Services
Jonathan Chasan, Prisoners' Rights Project, Legal Aid Society

At 3 p.m., Acting Chair John Horan convened the meeting. He began by thanking everyone for coming to his office (825 Third Avenue), noting that access to the Board's office on Chambers Street remained limited. A motion to accept minutes from the Board's July 18, 2001 meeting was adopted. Acting Chair Horan asked DOC Commissioner William Fraser report on the Department of Correction's contributions to the City's relief efforts following the September 11th attack on the World Trade Center. Mr. Horan also requested that the Commissioner address how the Department has been managing the jail system since the attack and its aftermath.

Commissioner Fraser began by noting that there were 54 stabbings and slashings in fiscal year 2001, down from 102 in 1999 and 70 in 2000. He then presented the following statistics comparing data from fiscal year 2000 with fiscal year 2001: reported uses of force incidents decreased from 1,609 to 1,427; searches increased from 276,000 to 285,000; weapons recovered decreased from 3,981 to 3,107; drug contraband recovered decreased from 719 to 602; inmate arrests declined from 1,026 to 853, while visitor arrests increased from 305 to 392; 24-hour housing violations declined from 12 to 9; suicides decreased from three to two and attempted suicides went from 83 to 43; homicides increased from one to three; attempted escapes declined from five to one, and escapes declined from four to zero; on-time court production remained at 89.5%; the High Impact Incarceration Program (HIIP) graduation rate increased from 74% to 91%; inmate participation in the Substance Abuse Intervention Division (SAID) increased by 5%; inmates earning GEDs (Graduate Equivalent Diplomas) increased 15%; new admissions decreased from 124,501 to 120,157, a 3.5% reduction; the average daily census decreased from 15,530 to 14,490, a 6.7% reduction; the average length of stay declined from 45.8 days to 44.1; the average length of stay for parole violators decreased from 67 days to 60.5 days; and admissions to the Contagious Disease Unit declined by 25% and use of medical/surgical beds decreased by 26%. Commissioner Fraser added that the staff sick rate has decreased consistently from 14.14 in FY 99, to 13.46 in FY 2000, to 12.98 in FY 2001 and 12.98 thus far in FY 2002. He said that overtime spending continues to decline, from \$65 million in FY 99, to \$49 million in FY 00, and to \$48.9 million in FY 01. The Commissioner noted that while statistics do not "tell the whole story", they do point to some important DOC successes. Board Member David Schulte offered his congratulations to the Commissioner.

Executive Director Richard Wolf asked about population projections for the coming years. The Commissioner responded that in the short-term he does not expect an increase in crime, but in the future, with the loss of jobs as a result of the World Trade Center attack, he would expect that some low-grade crime will increase if people are unable to find employment. He added that there should be more inmates in November, which traditionally has been "peak season".

Board Member Louis Cruz stated that he understood that a number of Departmental personnel were assisting in the recovery efforts. He asked if this was on a volunteer-basis or as a temporary assignment. The Commissioner responded both.

Commissioner Fraser discussed the Department's involvement in the recovery efforts as follows: Within two hours of the attack on the World Trade Center, the Department had mobilized at Ground Zero over 150 emergency-trained staff as part of their formal Emergency Services Unit (ESU) duties. ESU staff participated in the search for people by rappelling into the

open areas of the debris. Responding within 30 minutes of the attack, the harbor unit helped to evacuate lower Manhattan and transport emergency medical staff to and from the New Jersey hospitals. The Department brought vital supplies, such as water, blankets, socks and underwear, and fuel for the fire trucks. ESU staff set up the Command Center at Stuyvesant High School, delivered generators and installed the telecommunications system. The Commissioner discussed how members of the various correctional unions requested to help out. They were assigned the difficult task of running the morgue operation at Bellevue Hospital on a volunteer basis. He concluded by underscoring the Department's integral role in the relief operation.

Acting Chair Horan asked the Commissioner how the inmates were affected. The Commissioner stated on the day of the attack the facilities were locked down for several hours to gauge the situation, but all operations resumed by the afternoon.. The chaplains and mental health staff provided grief counseling to inmates and staff, prayer and memorial services were held, the Inmate Councils met regularly with the administration, and Legal Aid staff met with inmates about their cases. The Commissioner reported that the major problems were the lack of telephone service at the Manhattan Detention Center (MDC) and the suspension of trials in the Manhattan courts. The Commissioner said that there was no institutional violence as a result of the World Trade Center attack. There was one suicide during this period, but it was unrelated to the attack. The Commissioner stated that the suicide appears to have resulted from a dispute between the decedent and his wife and that both DOC staff and the health providers responded quickly to the emergency.

Board Member Richard Nahman asked if there were any DOC casualties. The Commissioner responded no. Mr. Wolf asked if there was any telephone service at all in the Manhattan House. First Deputy Commissioner Gary Lanigan responded that Nextel telephones were distributed to DOC and health staff. Mr. Wolf asked about how inmates were able to get in touch with lawyers or family members. Mr. Lanigan was not certain of the arrangements.

Acting Chair Horan said that on behalf of the Board, he was expressing gratitude for all of the work that the Department has done in the recovery effort.

Mr. Horan asked if there were any further questions about the suicide. Deputy Executive Director Cathy Potler asked Correctional Health Services' (CHS) Executive Director Ernesto Marrero to discuss CHS' findings to date. Mr. Marrero stated that tomorrow PHS would conduct its case review; CHS' review will take place next week. Mr. Marrero said that the inmate may falsely have told others that he had been returned to City custody to be a witness when in fact he may have been indicted for homicide.

Mr. Horan asked Mr. Marrero to discuss CHS' second quarter report on Prison Health Services' performance. Mr. Marrero first explained that CHS contributed to the relief effort by providing medicines and medical/surgical equipment, masks to the DOC staff volunteering at the morgue, and psychological counseling. He stated that health services operated without interruption, with the exception of MDC. With respect to the second quarter performance indicator report, Mr. Marrero said that the number of indicators met or substantially met was 20, four having been met and 16 substantially met. Mr. Marrero added that of the 16 substantially met, 13 were capable of measurement and those 13 averaged 97%; 26 of the 34 performance

indicators measured averaged 85% or above, and those indicators not met averaged 76%. Mr. Marrero concluded that he was very encouraged by these findings.

Mr. Horan asked if severe liquidated damages serve as an effective deterrent. Mr. Marrero stated that he did think so and that the contract has been considered a model by other jurisdictions. Ms. Potler asked to explain why two indicators, mental observation unit and confidentiality, had been substantially met in the first quarter, but not met in the second quarter. She also asked Mr. Marrero what CHS is doing to address these deficiencies. Mr. Marrero responded that he does not have the numbers in front of him, but that the mental health indicator may have gone from 97 or 98%, to 90%. CHS is now auditing mental health in "real time", meaning that any identified problems can be immediately corrected. With respect to confidentiality, Mr. Marrero stated that there was only one instance in which confidentiality was not met. Board Member Stanley Kreitman stated that fining the vendor has no impact on the health of the inmates. He asked Mr. Marrero if he was really satisfied with the vendor since the report states "that PHS and CHS are mindful that the PIs did not substantially meet the contractual benchmark". Mr. Marrero responded that he was satisfied and that Mr. Kreitman is correct that imposing liquidated damages has no immediate effect on the inmates, but it does have an indirect effect since he intends to take the fine money and reinvest it in the system.

Mr. Schulte stated that he was impressed by the staff response to the emergency situation. However he believed that the President's action to respond to the attack may provoke actions in New York City. He asked if the Commissioner had a plan to ensure that the food on Rikers Island is adequate should there be a breakdown of transportation and communications. Commissioner Fraser responded that extra food and supplies are stored on Rikers Island and that there have been plans in place well before the disaster took place to ensure delivery of additional food and supplies to Rikers Island. Both Mr. Marrero and Commissioner Fraser mentioned that they conduct disaster emergency medical response drills. Mr. Schulte suggested to the Board that it make an effort to memorialize the work that the members of the Department and the Commissioner have done. Board Member Barbara Margolis stated that she was very impressed with the Department's response and asked if the Commissioner found any area in its emergency response that needed "tweaking". Commissioner responded that they will be purchasing better security equipment, such as vests and masks.

The Members approved the renewal of all existing variances. Acting Chair Horan adjourned the meeting at 3:45 p.m.

