

MINUTES
BOARD OF CORRECTION
MARCH 5, 1985

A regular meeting of the New York City Board of Correction was held on March 5, 1985, at the offices of the Board of Correction, 51 Chambers Street, New York.

Members present were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Wilbert Kirby, Mr. David Lenefsky, Mrs. Barbara Margolis, Mr. David Schulte, and Mrs. Rose M. Singer.

An excused absence was approved for Mr. Angelo Giordani.

Chairman Peter Tufo called the meeting to order at 2:00 p.m. He asked for amendments to the minutes of the January 14, 1985 meeting. The minutes were approved with no amendments.

Chairman Tufo stated that the Department wanted to present its request for the nursery variance and that he did not have any objections to granting the variance. A maximum of five inmates would be housed in the nursery. He asked if any members objected to granting the variance. There were no objections and the variance was passed unanimously.

Chairman Tufo asked for a staff report on the homicide at ARDC. Deputy Executive Director John Rakis reported that Elizabeth Armao and Laura Limuli were conducting an intensive investigation at ARDC. In compliance with a request by the Bronx D.A., staff has not interviewed officers who were witnesses to the incident. The facts obtained by staff indicate that the 2 assailants passed through two security gates connecting the north and south corridors of 3 Main. It is, however, unclear whether those gates had been opened separately or simultaneously. Torres, the victim, had been transferred to different housing locations at least thirteen times. Many of these moves were undocumented. For those moves that were documented, reasons for transfer were not provided. If proper documentation were provided, more effective separation measures might have been taken. The inmates were placed in Mental Observation by physicians. They were not, however, interviewed by Mental Health staff while in M.O. housing. Staff has determined that the "A" officer cannot observe the entire dayroom from the "A" station. Ceiling rods continue to be used as weapons.

Chairman Tufo stated that he had written to Commissioner McMickens regarding the ceilings and that the Department had promised to remove the ceilings five years ago. He added that the ceilings were now scheduled to be removed and replaced.

Most incidents appear to occur on mental observation housing areas. Additional officers for mental observation areas may be needed. Mr. Schulte asked if mental health professionals visited MO areas. Mr. Wolf stated that more mental health staff will be available to perform this duty as a result of the Mental Health Minimum Standards.

Mrs. Barbara Margolis noted that inmate violence levels had not been as high under Warden Cinotti. Staff noted that officer-to-inmate violence levels had been markedly high during that period of time. Staff further noted that ARDC is a large jail and thus difficult to manage. The possibility of shifting the adolescent population to a few small institutions and housing adults in ARDC should be considered. Chairman Tufo remarked that the Board may want to discuss ARDC issues with the most recent ARDC wardens.

Ms. Dunkel reported that many rookie officers are assigned to ARDC. Young officers supervising young inmates adds to tension levels. Older, more experienced officers are needed. The unescorted movement of adolescents should be reconsidered. Inmates should be tried and punished promptly for violent actions to show inmates that this behavior is not acceptable. The Department should consider removing all adult detainees from ARDC because adults and adolescents require different levels of supervision. The Board might also consider recommending restrictions on the amount and type of property that adolescents can possess in cell or dormitory areas.

Chairman Tufo said that he would arrange with Commissioner McMickens for the Board to meet with the wardens.

The Department representatives arrived at 2:30 p.m. Representatives included Deputy Commissioner Albert Gray, Deputy Commissioner Frank Headley, Deputy Commissioner Sharon Keilin, Special Council Robert Daly, Supervising Warden Joseph D'Elia, and Warden Kathleen Sera.

Chairman Tufo welcomed the Department representatives and announced that the Board had already reviewed their request for a variance for the nursery and would grant a variance. The Department representatives made no further statements.

Chairman Tufo asked the Department about the progress of the ARDC ceiling removal. Commissioner Keilin stated that the Department had arranged with DGS to remove the ceiling ahead of schedule. The ceiling is now 50% removed. On March 11, DGS will begin installation of new metal ceiling.

Ms. Dunkel asked the Department if adults would continue to be housed in the lower Dorm during the woodshop construction. Commissioner Keilin said that she was not prepared to respond because this was an operations issue.

Mr. Schulte said the ceilings should not be replaced. Staff responded that ceilings were needed to cover exposed pipes and electrical conduit. Mr. Schulte said that the Board should inspect and approve any replacement ceilings.

Mr. Rakis reported that 3-Main had not been searched for 30 days prior to the homicide. The Department reported that two searches were conducted at ARDC each day. 3 Main should, therefore, have been searched more frequently. Emergency medical response was rapid but not appropriate. The inmate was carried out of 3 Main by several inmates who did not have a stretcher. The inmate should have been kept in the area until medical personnel authorized the move and a stretcher was made available.

Mr. Lenefsky stated that a stretcher should be kept in each officer's station. He asked if respirators had been available. Mr. Rakis said that pocket masks have replaced the respirators.

Mrs. Singer asked if the use of medical codes such as "stat" had been implemented. Mr. Rakis stated that medical response codes were not in effect throughout the Department. He said that staff has requested in writing that the Department improve its emergency medical response procedures. The Department was asked to consider the implementation of medical codes.

Chairman Tufo recommended that the Board should promote new medical response procedures. He then asked that Counsel Barbara Dunkel report on general violence levels at ARDC.

Ms. Dunkel said that the level of violence at ARDC remained high. The Board's current study is based on reports and records which are incomplete. Staff investigator Laura Limuli has made repeated requests for logbooks and information to the ARDC administration. Certain records seem to have been misplaced. The Board must view current findings in light of missing data.

The total number of reports appears to be lower. The percentage of serious reports is higher. The number of suicide attempts is up and suicide attempts as a percentage of all injuries are up. Almost 70% of all incidents are reported as unobserved. The number of reported suicide attempts varies widely among the various reporting sources. Although many injuries are caused by weapons, searches are not always conducted in response to incidents of this nature and weapons are not usually recovered.

Mr. Schulte asked how an inmate found with a weapon was punished. Staff responded that the inmate was placed in punitive segregation. The D.A. would rarely prosecute the inmate. Judges do not receive reports of assaults. Mr. Schulte stated that such reports should be considered in pre-sentencing hearings.

Chairman Tufo thanked the Department representatives for their participation. The Department members left the meeting.

Chairman Tufo asked Mr. Wolf for a report on the escape attempt from ARDC. Mr. Wolf stated that 2 inmates escaped from Dorm 4 on February 21. The escape occurred between 1:00 a.m. and 3:25 a.m. The inmates had removed a section of a malleable window grating and climbed through the hole. They then scaled a nearby fence by placing a blanket over the razor ribbon that covered its top. After climbing the fence, they walked along the perimeter of ARDC, squeezed under an area fence gate, and hid behind the wall of a handball court for an hour. They created a hole in the inner perimeter security fence by unwinding a segment of it. When they passed through this hole, an alarm was triggered inside ARDC. The alarm was investigated, but no trouble was detected because they had apparently returned to the handball court to rebandage the wound suffered by one escapee when he was cut by the razor ribbon on the fence outside Dorm 4. At 6:20, ARDC reported that 3 alarms had gone off -- two in one zone. This should have triggered an "orange alert," but did not because Rikers Island Security incorrectly recorded the information it received from ARDC. Again Rikers Island Security responded and again the hole in the inner perimeter fence was not detected. At 7:25 the "A" officer called the control room and reported two inmates missing. An orange alert was declared at 7:35 and a red alert at 7:52. At 9:15 the inmates were found hiding under a construction trailer between the perimeter fences near the ARDC parking lot. Mr. Wolf stated that the A & B officers, meal relief officer, housing captain and tour commander had performed poorly. He added that communications between Rikers Island security and the facility required improvement. The inmates had planned to get off the island by using a forged teacher's pass. Mr. Lenefsky noted that the escape attempt was more the result of staff negligence than facility fencing. Mr. Schulte noted that the windows should be better secured.

Mr. Wolf reported on the suicide of inmate Charles Jerry in C-95 M.O. area. Jerry was a 32 year old male with a prior psychiatric history. It was Jerry's first arrest. Jerry had walked into the 32nd precinct police station and assaulted the nearest officer. He said that voices had told him to do it. The same voices told him that the officers would kill him. At arraignment, the Judge ordered a 730 exam and a suicide watch. He was diagnosed by an institutional psychiatrist to be suffering "command hallucinations." Three court clinic psychiatrists conducted a 730 exam and two found him unfit to proceed. Although watch sheets were ordered, they were not implemented.

On January 16, after his 730 examinations were completed, Jerry was scheduled for a court appearance. That court appearance was postponed because his lawyer had been ill. On January 24 he hanged himself in his cell. Medical records indicate that although Jerry was a mental health patient, he was not seen by mental health staff for a period of 20 days. A dispute between a mental health worker and a housing area officer may have prevented the mental health worker from making regular rounds of the mental observation area.

Mr. Wolf and Ms. Armao met with Manhattan Criminal Court Administrative Judge William Davis and Jerry's judge at arraignment, Judge Snyder. Judges believe that Bellevue will only accept an inmate-patient transferred from a corrections facility and that inmates cannot be sent to Bellevue directly from court. Dr. Weinstein and Administrator Susan Reed of Bellevue had indicated to staff that they will accept patients directly from court, but only for emergency treatment.

In the Jerry case, the judge should have requested hospitalization for Jerry. Although her perceptions regarding the inmate's emotional condition were accurate, the appropriate action was not taken.

Chairman Tufo asked that Board staff prepare a summary of the suicide findings. Mr. Wolf stated that the report was in preparation and would be submitted to the Prison Death Review Board. He said that Jerry required more intensive treatment than was provided to him. In addition, information on Jerry's mental condition might have been misfiled among a set of duplicate records. Mr. Wolf stated that the Mental Health Minimum Standards will enhance training of officers in mental observation areas. Mrs. Margolis discussed the benefits of having officers volunteer for mental observation posts. Officer morale and quality of care would be certain to improve. Mr. Rakis noted that Montefiore would be placing mental health staff in offices that are adjacent to housing areas in ARDC, and that more evening mental health care will be available.

Mr. Wolf stated that he, Mr. Rakis and Ms. Armao met with representatives of DOC, DOH and Montefiore to review suicide watch procedures. The representatives are seeking to find ways to increase the frequency of observations and to standardize practices.

Chairman Tufo stated that a recent inmate grievance required the Board to clarify its position on the Personal Hygiene standard. Ms. Dunkel reported that the Department is currently interpreting the standard to mean that personal hygiene items shall be distributed upon admission, and not replaced thereafter unless the inmate is indigent. She stated that the language of the consent decrees and the State Commission standards both required the Department to replenish the supplies for all inmates, indigent and non-indigent. The Board's standard section 4.6 states that:

a. Upon admission to an institution, all prisoners shall be provided at Department expense with an issue of personal health care items, including but not limited to:

- (i) Soap
- (ii) Toothbrush
- (iii) Toothpaste or tooth powder
- (iv) Drinking cup
- (v) toilet paper
- (vi) towel
- (vii) aluminum or plastic mirror

c. Towels shall be exchanged at least once per week. All other personal health care items shall be replenished or replaced as needed (emphasis added).

Mr. Lenefsky stated that it was more cost-effective to replace items for all inmates than to spend staff time on determining which inmates are indigent. Chairman Tufo stated that the standard was clear that all items should be replaced for all inmates. The Board agreed unanimously on this interpretation.

Chairman Tufo announced that staff had proposed that the Board's standards be amended to include a new type of variance to be called a continuing variance. Furthermore, the Board might wish to amend its maximum period of emergency variance from 5 days to 30 days. Copies of the proposed variance were distributed to all members.

The next Board meeting is scheduled for Wednesday, March 13, 1985. It will include a tour of ARDC and a discussion of ARDC issues.

The meeting was adjourned at 3:45 p.m.