

NEW YORK CITY
BOARD OF CORRECTION

July 6, 1995

MEMBERS PRESENT

William H. Booth, Chair
Canute C. Bernard, M.D.
Louis Cruz
Stanley Kreitman
David Lenefsky

Excused absences were noted for Board Vice-Chair John Horan and Members Peter J. Johnson, Jr., Barbara A. Margolis, and David Schulte.

DEPARTMENT OF CORRECTION

Michael Jacobson, Acting Commissioner
Bernard Kerik, First Deputy Commissioner
Eric Taylor, Chief of Department
Tom Antenen, Acting Deputy Commissioner
Antonio Figueroa, Deputy Commissioner
Elizabeth Loconsolo, Deputy Commissioner
Gary Lanigan, Deputy Commissioner
Fred J. Patrick, Deputy Commissioner
Ernesto Marrero, General Counsel
Vincent Cara, Assistant Commissioner
Carole James-Richardson, Acting Assistant Commissioner
Kenneth DuBose, Chief of Administration
Arnett Gaston, Chief of Planning
Edward Reilly, Chief of Custody Management
Ronald Galletta, Assistant Chief
James Picciano, Captain

DEPARTMENT OF HEALTH

James Neal, Associate Executive Director
Michael Tannenbaum, Associate Executive Director

OTHERS IN ATTENDANCE

Bethany Gertzog, Deputy Director, OCC
Dori Lewis, Attorney, Prisoners' Rights Project, LAS
Tracie Lucas, Review Specialist, SCOC

The meeting was convened at 1:10 p.m.. A videotape, prepared by Board field representatives, was shown. It documented unsanitary and debilitated conditions in the bathrooms of modulars 17 and 19 at the Rose M. Singer Center (RMSC). These conditions included water leaking from ceiling light fixtures, running sinks, flooding, and non-functioning showers and toilets.

Executive Director Richard Wolf explained that the video was taken a week ago and as of today these conditions still exist.

After the video was shown, Board Member David Lenefsky stated that these conditions were unacceptable and asked the Commissioner what the Department intends to do about fixing it. Assistant Commissioner Vincent Cara responded that because of poor construction the showers leak from the bathrooms upstairs into those downstairs. Mr. Cara stated that the upstairs bathrooms in mods 18 and 20 have been gutted and tiled and DOC staff are working on mod 19 B side. Mr. Cara added that once they have completed the work in the upstairs bathrooms, they will renovate the downstairs bathrooms.

In response to a question from Mr. Lenefsky, Mr. Cara acknowledged that the problem had been known to exist for six months. Because it is a major renovation job, Mr. Cara stated that a designer had to be hired to prepare the specifications for the bathrooms, major roof repair had to be undertaken and materials procured.

Acting Commissioner Jacobson stated that it should not take that long and that his staff are working on a system-wide preventive maintenance plan to address these issues more quickly.

Given that these mods are only six years old, Board Member Stanley Kreitman asked if there is a problem in the original construction such that the City would have recourse against the contractor. Deputy Commissioner Figueroa responded that these mods were constructed under an emergency declaration and were built pursuant to specifications so that he did not believe the City has any recourse.

Mr. Lenefsky asked when the renovation in the mod shown in the video would be completed. Mr. Cara explained that it takes

five weeks to gut and renovate each side and that they are working on the third side.

Deputy Executive Director Cathy Potler asked that the Department provide the Board with a schedule of each renovation and dates of completion. Executive Director Wolf asked that the Department also provide a list of other facilities undergoing similar renovations and dates for completion.

Because the census is down as compared to last year, Mr. Wolf asked the Commissioner to consider using swing space to remove inmates from debilitated housing areas. Commissioner Jacobson responded that they are planning to close areas, but that the first priority is to close areas that are the most expensive areas.

Both Mr. Lenefsky and Board Member Louis Cruz expressed skepticism about the Department's claims of decreasing levels of violence. Mr. Lenefsky asked if anyone in the Department was aware of any change in the way that incidents of violence are reported. First Deputy Commissioner Bernard Kerik responded that there has been no change. Commissioner Jacobson added that Department staff are using the same methodology now as they had before when the incidents of violence were high. Chief Taylor mentioned that his staff is tracking violence more systematically and that staff in the facilities are being held more accountable.

Board Member Stanley Kreitman asked about the effects of the budget cuts on Department staffing. Commissioner Jacobson responded that over the last year or so, the Department has had 1500 fewer uniform staff and several hundred fewer civilians. Mr. Kreitman praised the Department stating that it is doing an outstanding job with less.

With respect to the reduction in violence, Chief Taylor added that his staff are doing more searches and recovering more weapons as well as initiating programs in the jail. Mr. Lenefsky asked him to discuss the programmatic efforts undertaken. Deputy Commissioner Fred Patrick responded that the Institute for Inner Development (IID) program, which teaches inmates life skills, conducts group counseling sessions and utilizes community

volunteers, has been re-instituted in one housing area each at OBCC, AMKC and GRVC and in two housing areas at ARDC.

Assistant Chief Arnett Gaston discussed the Department's method of inputting violence data daily into the computer, preparing forecasting tools to predict violence and conducting "pre-emptive" searches and inmate transfers.

Board Member Canute Bernard asked if inmate health services have been operating more efficiently since last year's transfer of DOH's Correctional Health Services (CHS) to HHC. HHC Associate Executive Director James Neal responded that since the move, HHC staff have been reviewing the most efficient ways to provide services. Areas under review that Dr. Neal mentioned include: critically examining triage management at the facility clinics and evaluating the possibility of providing more on-Island chronic care and intravenous (IV) therapy in the infirmaries.

With respect to the correctional health services FY 96 budget, Deputy Executive Director Cathy Potler requested that a representative from HHC discuss what, if any, substantial cuts have been incurred and how HHC plans to address them. Deputy Michael Tannenbaum mentioned a report that Correctional Health Services (CHS) is preparing for the Chair and President of HHC regarding the contract process. The report will outline the efficient ways to deliver health services. In response to Dr. Bernard's question, Mr. Tannenbaum discussed areas of improvements made since CHS's move to HHC: (1) procurement process is more streamlined, reducing delays in acquiring supplies and equipment; (2) a second pre-arraignment screening site has been established; and (3) procedures are being developed to avoid unnecessary hospital and specialty clinic runs. Mr. Tannenbaum reported that two weeks ago HHC's Board voted to extend - not to renew - St. Vincent's and Montefiore's contracts for up to one year with no changes to the contracts. Upon completion of CHS's report, the HHC Board will decide how to proceed with the contracting process.

Mr. Lenefsky stated that he wants a commitment that the

Board will receive a copy of the CHS report as soon as it is completed. Mr. Tannenbaum assured him that it would be made available.

Finally Mr. Tannenbaum addressed the issue of FY 96 budget as follows: additional money for collective bargaining, additional \$1.8 million for pre-arraignment medical screening and an additional \$120,000 to go to voluntary hospital reimbursements. The major cut to the budget is a \$1 million reduction in mental health services. Mr. Tannenbaum stated that CHS has requested that the Commissioner of the Department of Mental Health restore this cut. Dr. Neal added that if its appeal is denied, HHC will most likely move C-71, a unit for the most seriously mentally ill patients on Rikers Island, to a forensic unit in an HHC hospital.

Board Member Stanley Kreitman expressed his outrage over HHC's decision to extend the Montefiore contract because it is a sole source multi-million dollar contract. Mr. Kreitman reminded the Board that over a year ago he had a discussion with Health Commissioner Margaret Hamburg who promised that she would look into this non-competitive bidding process. Mr. Kreitman underscored the importance of re-bidding this contract as it will save the City substantial amounts of money and proposed to the Chair that the Board send a letter to the head of HHC and the Mayor asking them to look into this matter.

First Deputy Commissioner Bernard Kerik expressed his frustration over not getting a response from inquiries that he made to Dr. Siegel over two months ago regarding whether or not Montefiore's contract would be extended.

Mr. Tannenbaum presented an overview of the entire bidding process beginning in 1993. He discussed the nationwide solicitations of a cross-section of providers to bid on the contract. Mr. Tannenbaum surmised that potential bidders were scared off by the enormity of the contract. As a result, Mr. Tannenbaum stated that a panel comprised of representatives from DOC, DOH, HHC and others awarded a two-year contract to the only bidder, Montefiore. Mr. Tannenbaum added that this was not done

in some back room meeting - in fact, the Mayor's Office of Contracts approved the decision. The Montefiore contract was extended for one year based upon an auditor's findings and operational reports.

Mr. Kerik asked if an RFP will be issued. Mr. Tannenbaum responded that the Chair and President of HHC are reviewing this. Mr. Kreitman expressed his concern over the content of the RFP and requested that HHC review the specifications to determine what changes should be made to attract more bidders. Dr. Neal stated that HHC will be producing a report which will answer the questions raised at this meeting.

Mr. Wolf discussed the staff's concern about the effect of budget cuts on programs. For instance, Mr. Wolf presented the following information regarding the grievance program: (1) the grievance offices are opened 5 days per week in the big facilities, 3 days at GRVC, OBCC and ARDC and 2 days at the Borough facilities; (2) there are not enough grievance coordinators; (3) there are no dedicated officers; and (4) in March and April grievances dropped 16% and in May grievances dropped another 5%. Mr. Lenefsky asked since the grievance program is Charter-mandated, does that give the Department leverage to ask for more money to fully fund the program?

Acting Commissioner Michael Jacobson answered that it helps but is not dispositive. Mr. Jacobson explained that at the beginning of the budget process the Department was to lose 800-900 officers and about 200 civilian staff through layoffs. The Commissioner stated that these were restored in the adoptive budget, 600 more drug treatment beds were added in the Executive Budget, and the Department is moving ahead to hire two classes of correction officers. Nonetheless, the Commissioner agreed that reductions in civilians in several program areas such as grievance, counseling and education posed potential problems.

Deputy Commissioner Frederick Patrick stated that there are 10 grievance coordinators, two more are scheduled to begin on July 17th and one more is awaiting approval. Mr. Patrick explained that the number of grievances in March, April and May

increased since February when there were no officers assigned to grievance. Mr. Wolf stressed that nevertheless the trend really shows a marked decrease in the number of grievances.

Commissioner Jacobson concluded that with the infusion of new officers, he hopes that the situation will improve.

Chair Booth asked if there are any variance requests. Assistant Chief Galletta requested a renewal of all existing variances which was approved by the Board Members.

Chair Booth adjourned the meeting at 2:30 p.m..