

NEW YORK CITY
BOARD OF CORRECTION

October 8, 1997

MEMBERS PRESENT

John R. Horan, Acting Chair
David Lenefsky
Barbara Margolis
David A. Schulte

Excused absences were noted for Members Canute C. Bernard, M.D.,
Louis A. Cruz, Peter J. Johnson, Jr., and Stanley Kreitman.

DEPARTMENT OF CORRECTION

Michael Jacobson, Commissioner
Elizabeth Loconsolo, General Counsel
Roger Parris, Assistant Deputy Commissioner
Ronald Galletta, Bureau Chief
Edward Reilly, Bureau Chief
Sheila Vaughan, Assistant Chief
John Mohan, Public Information

HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Gregory Kaladjian, Executive Director
Audrey Compton, M.D., Medical Director
Arthur Lynch, Director of Mental Health
Linda Calzaretta, Esq.

OTHERS IN ATTENDANCE

Nadine Johnson, LAS, Prisoners' Rights Project
Tracie Lucas, SCOC
Roberto Ragone, City Council
Lisa Rein, Daily News
Milton Zelermeier, LAS, Prisoners' Rights Project
Joe A. Zertuche, City Council

Acting Chair John R. Horan called the meeting to order at 12:35 p.m. He informed the Members that there were no draft minutes from the September meeting due to a malfunction of the tape recorder. He then asked Commissioner Jacobson about the impact on the Department of Correction of the Second Circuit Court of Appeals decision regarding the Prison Litigation Reform Act.

Acting Board Chair Horan asked Commissioner Jacobson about the status of the City's litigation efforts regarding the Second Circuit of Appeals decision regarding the Prison Reform Litigation Act. The Commissioner responded that the City had submitted a petition for a rehearing by the full Court.

Acting Chair Horan asked about the continuing low inmate census.

Commissioner Jacobson explained that approximately one-third of the 3000-inmate difference from the census at this time last year is due to the Department's efforts to have the State Department of Correctional Services (DOCS) pick up parole violators, state-readies and other categories of State prisoners in a timely fashion.

Executive Director Richard Wolf asked whether the City's new centralized efforts to screen defendants in the courts for alternatives-to-incarceration programs had affected the census. Commissioner Jacobson responded that it is too early to tell.

Acting Chair Horan asked about the status of video teleconferencing, whereby inmates in a room on Rikers Island participate in pre-sentencing interviews with Probation officers in offices in Brooklyn.

Commissioner Jacobson responded that the system is working well in Brooklyn. He said that, beginning at the end of October, teleconferencing will be used for some routine court appearances.

Acting Chair Horan then asked for Members' reports.

Board Member David Schulte reported that he had visited the Rose M. Singer Center (RMSC) at the behest of Assistant Deputy Warden Joseph Patrissi, to inspect a new program for adolescent female inmates. Mr. Schulte stated that ADW Patrissi said he would engage the adolescents with educational and other group activities in a program entitled Seekers of Education, Empowerment, Discipline, and Success (SEEDS). Mr. Schulte reported, however, that there were problems with the Department's failure to obtain variances from the Minimum Standards. Mr. Schulte said that before visiting the housing areas, he, Mr. Wolf, Laura Limuli, and two BOC field representatives, met to discuss the Department's actions with ADW Patrissi, RMSC Warden Hector Eugui, and Assistant Chief Sheila Vaughan.

Mr. Wolf stated that during the first weeks of the program, the Department had violated State Correction Law and the Board's Minimum Standards in two respects: (1) several adult inmates had been housed in the adolescent program dormitory and (2) both adolescent female detainees and City-sentenced prisoners had been

housed in the dormitory together. Mr. Wolf said that DOC officials had been told that the Board required that inmates sign waivers of Standards privileges before participating in a program in which activities are mandatory, but that waivers had not been signed before the program began. Mr. Schulte said that the program's goals were laudable, but the Department must abide by the Standards.

The Commissioner agreed to rectify any remaining Standards' violations and to work with the facility and the Board to create an appropriate and constructive program.

Mr. Schulte reported that RMSC administrators told him no Rikers Island facility had eggs. He expressed concern about DOC's ordering process and the possibility that other food items might be unavailable. Commissioner Jacobson asked Assistant Chief Vaughan to arrange for an immediate review of food supplies and orders.

Acting Chair Horan then asked about the status of contract negotiations with the designated new health care provider, St. Barnabas Hospital, as well as the status of services, staffing and procedures planned for the transition period.

Gregory Kaladjian, HHC/CHS Executive Director, reported that the City is in contract negotiation discussions with St. Barnabas. He said he expects a contract will be agreed upon within a matter of weeks.

Commissioner Jacobson said that St. Barnabas was to submit a transition plan to DOC on October 9. He added that St. Barnabas

administrators will set up offices on the now-vacant Keane ferry. The Commissioner reported that together with all wardens and deputy wardens, he met with St. Barnabas' President and several administrators. During the next ten to twelve weeks, St. Barnabas' transition team will work with facility administrators and current providers to develop an individualized transition plan for every jail.

Board Member David Lenefsky asked if there should be concern about the level at which the clinics will function during and after the transition, and whether the clinics will be understaffed.

Mr. Kaladjian reported that HHC and St. Barnabas will share responsibility for monitoring staff coverage during the transition period to ensure that there will be no slippage. He said he expects staffing plans to be finalized within two and one-half weeks.

Mr. Lenefsky thanked Dr. Audrey Compton, HHC's Deputy Director of Clinical Affairs for Correctional Health Services, for timely submission of a packet of materials regarding the providing of protease inhibitors to inmate-patients, as well as information regarding discharge planning and transitional services for recipients. He complimented her work, adding that her presence at HHC has induced an enormous improvement in the productivity and responsiveness of CHS.

Dr. Compton reported that a Spanish version of various documents is being prepared, and that procedures will be

implemented by December 1 to provide tokens to specified medical patients upon release from jail to facilitate adherence to individualized discharge plans. She reported also that, pursuant to discharge planning concepts described in the packet, Bellevue Hospital and the Manhattan Detention Center already have initiated some psychiatric services for recipients of protease inhibitor therapy.

CHS Mental Health Director Arthur Lynch explained that all medical facilities on the list in the packet have been notified about their role in the discharge planning/transitional services plan. A protocol has been worked out with Bellevue, enabling it to get a medical record number prior to an inmate's release. When the inmate arrives at the clinic after discharge from jail, he/she will already be "on the computer". Mr. Lynch added that he hopes to develop similar protocols with three other HHC hospitals. Mr. Lenefsky asked whether when a released inmate comes to any of the hospital clinics listed in the materials, the former inmate is seen without delay. Mr. Lynch said there may be a delay of a week in getting an examination, but their medication will be continued. He added that released inmate-patients usually have a day's medication with them.

Mr. Lenefsky asked if the senior managers for St. Barnabas' correctional health service had been identified. Mr. Kaladjian said they had not, and added that St. Barnabas senior staff are filling in for now. He noted that CHS will have over the appointments to director, medical director and mental health

director.

Deputy Executive Director Cathy Potler asked if the list of providers, with names, addresses and telephone numbers, is given to an inmate when blood is taken for viral load. Mr. Lynch said that it is, and added that the list will be expanded to include other providers when the information about the other providers is made available to Mr. Lynch. Ms. Potler, noting that many inmates are discharged from the jail system directly from court, asked whether inmates are given an explanation along with the list of providers. Mr. Lynch said the inmate will receive the "aftercare letter" and the list of provider contacts when the inmate comes to a jail clinic for viral load testing. An additional explanation will come from the discharge planner who meets with the inmate-patient.

Mr. Lynch said that if an inmate comes into the corrections system already taking protease inhibitor therapy, he/she will return to the primary care physician upon discharge.

Ms. Potler asked if the provider list currently is being distributed. Mr. Lynch said that an aftercare letter, together with instructions in both English and Spanish, is being given, but the list is not.

Mr. Kaladjian distributed a Medspan packet of information to the Board members. In response to a question from Mr. Schulte, he and Dr. Compton explained that protease inhibitors are a relatively new class of drugs used to treat people with AIDS. Mr. Lynch added that it is extremely important that patients

continue on their medication regimens because interruptions can cause the drugs' efficacy to fail.

Board member Barbara Margolis asked about case loads. Mr. Lynch reported that the incidence of HIV infection in DOC jails is decreasing dramatically: the incidence among male inmates has gone from 12% to 7%; the incidence among female inmates has gone from 26% to 20%.

Acting Chair Horan asked Mr. Wolf for the staff report.

Mr. Wolf said that James Bennett, the Board's Director of Information Systems, had found that reported violence remained low, and that reported slashings and stabbings are the lowest in memory.

Mr. Wolf asked Commissioner Jacobson if he had any information about the death of a female inmate that occurred earlier this morning at the Rose M. Singer Center (RMSC). The Commissioner said his information was very preliminary; that earlier on their tour, officers had observed her in her cell in a new admissions housing area; that she was observed "foaming at the mouth"; that CPR was begun by the officers; that medical staff and thereafter EMS staff arrived; and that the inmate was pronounced dead at approximately 7 a.m.. The Commissioner added that the decedent was on methadone, and that he expected to know more when the investigation was concluded.

Mr. Wolf then stated that there had been three recent unusual deaths, and asked DOC representatives to report on each.

Commissioner Jacobson reported that DOC had almost completed

its investigation of the first death, the suicide of a woman in a mental observation housing area at RMSC. He explained that the decedent had been in a community-based methadone program but may not have received methadone as yet in RMSC. Mr. Kaladjian added that the medical record contained an order for methadone but his office is reviewing whether or not she actually had received it. Commissioner Jacobson stated that the inmate should have been observed every one-half hour as is required for all inmates in mental observation areas. He said that the only exception is when Mental Health staff formally request that a watch be conducted every fifteen minutes. Although there is a record of such a request, no "Watch Sheet" has been found as yet and it is not known if one exists. He stressed that this issue is "academic" because officers must observe every inmate every one-half hour. He added that DOC is investigating the locations of the "B" and "C"-post Housing Officers and the two Inmate Observation Aides when the inmate hung herself with a sheet from the second tier railing.

Mr. Wolf added that all information gathered by Board staff points to the fact that the two inmate aides were watching television rather than touring the housing area when the suicide occurred. Mr. Wolf stressed that the Mental Health Standards and Departmental Directives regarding trained Inmate Observation Aides establish them as "additional sets of eyes and ears for staff" and as requiring close staff supervision. He noted that the decedent would have been visible for quite a few minutes as

she walked with her sheet all around the upper tier of the housing area, affixed the sheet to the railing, attached the sheet to her neck, and then jumped off the tier. Mr. Wolf said that the Board's preliminary investigation has revealed a previous suicide attempt by the decedent on the preceding day. The first attempt led to her transfer to the mental observation housing area in which she died. Commissioner Jacobson noted that this allegation is one of the matters being reviewed by DOC investigators.

Mr. Lenefsky suggested that additional mental health training may be needed, an issue he raised with the Commissioner in May.

Commissioner Jacobson responded that, after Mr. Lenefsky raised the issue, all RMSC mental health officers who had not received special mental health training did receive it. The Commissioner said that additional space was provided at RMSC for Mental Health Services' staff.

Mr. Wolf then asked about the death of an inmate in the Anna M. Kross Center (AMKC) following an inmate-inmate fight. The Commissioner reported that officers interceded to separate the combatants, and that the decedent had been taken to the clinic for treatment of bruises. He then was returned to the same housing area where he had an apparent seizure and died. As of the date of this Board meeting, the Medical Examiner's Office had not issued a report, but the Commissioner reported that the

preliminary medical findings were a lacerated spleen and diaphragm, several broken ribs and an enlarged heart. He noted that the Department of Investigation as well as the Bronx County District Attorney's Office are reviewing the case, which he labeled an "obvious assault but which may rise to a higher level" after the investigations are completed.

Mr. Schulte questioned the fact that an inmate could have so many serious, presumably painful injuries when seen in the clinic, but medical staff did not record diagnosing any of them. Mr. Wolf asked if investigators are evaluating the conduct of medical staff in the AMKC clinic. Commissioner Jacobson said that although no reason to do so had been found as yet, he too was concerned about the providers' role in this matter.

Mr. Wolf asked for a report on a shooting incident in the Brooklyn House of Detention. The Commissioner stated that it appears an inmate, in his cell, shot himself in the thigh with a hollow, metal stem jail-made weapon, similar to a "pen gun". Commissioner Jacobson noted that the bullet was not jail-made, but stated that no information was available as yet about the source of the bullet. He explained that the incident occurred almost immediately after the inmate was sentenced to a State prison term.

Board Member Barbara Margolis inquired as to the frequency of such incidents. Commissioner Jacobson responded that such incidents are infrequent, almost always are self-inflicted, and usually are done to enable the prisoner to file a law suit or to

delay transfer to State prison. He stated that there have been only two or three shootings in the last four or five years. Mr. Wolf disputed this assertion, stating that there had been several more incidents.

Mr. Wolf said he wished to discuss jail-based educational services. He explained that, throughout 1997, there had been a series of discussions and meetings between Board and facility staff about the lack of access for all mandated inmates to Board of Education services in the Rosewood High School. He reported that this problem continues for adolescents housed in the punitive segregation area. He added that the school opened approximately two weeks late for the Fall term, and only opened then due to the Board's complaints to Assistant Chief Vaughan. He explained that the delay had resulted from DOC staff waiting until September to begin planned renovations to the school area, and then arranging no alternative site for classes to be conducted. Mr. Wolf said that classes for special category adolescents and for eligible RMSC inmates aged nineteen and twenty still had not begun for the fall term. He stated that the Principal, Barbara Ford, complains about lack of access to inmate areas, irregular occurrence of DOC's inmate orientation sessions, and lack of access to the facility's loud speaker system.

Assistant Chief Vaughan reported that she had assigned staff from her office to monitor the progress of classes commencing at RMSC. She was advised by her staff that the Principal now is being given an opportunity to address New Admission inmates

during their general facility orientation session and is able to advertise to longer-term inmates by means of a sign in the corridor near Rosewood and by using the loud speaker system.

Commissioner Jacobson interjected that some of the Board's concerns about education should be allayed when, possibly beginning in January, the Board of Education will allocate another couple of million dollars to correctional education for purposes of providing mandated services to interested eighteen to twenty-one year old inmates. He explained that planning for this expansion is based upon a survey that DOC conducted for a little more than one month among New Admission inmates within that age group. Inmates who had no diploma were asked if they would choose to attend school if offered the opportunity to do so. He reported that BOE will hire a more teachers and principals to operate in every Rikers Island facility except the North Infirmary Command (NIC), and that the existing school in ARDC will be expanded significantly. He said that there already are DOC-funded schools in several Rikers Island jails, and that the Board of Education already operates an official "Alternative High School" in the Anna M. Kross Center, ARDC and CIFM. The Commissioner stated that this plan was designed to address and resolve issues raised by Legal Aid's class action law suit regarding access to mandated correctional educational services.

Acting Chair Horan inquired as to the status of expansion of the Department's Substance Abuse Intervention Division (SAID) programs.

Commissioner Jacobson explained that he plans to expand the program to 1058 beds by the end of 1997 using previously-allocated funds, and that Mayor Giuliani recently announced that the City will fund an expansion of SAID beds by 50%, from 1058 to 1560. He explained that the newly-funded beds involve "net money" rather than, as in the past, money tied to a reduction in housing officer posts. The Commissioner reported that the City also will provide sufficient funds to establish a 50-bed aftercare treatment program in the community (perhaps at the "Mel's Plaza" site in East Harlem), probably for female ex-offenders. Treatment beds may be operated by an outside provider or by the Department itself.

Mr. Lenefsky commented that the Department now only operates four hundred SAID beds, and asked how DOC might quickly expand to 1058 or to 1560 beds. Commissioner Jacobson responded that there is a civil service list from which the Department can start interviewing and hiring for SAID positions.

Assistant Chief Vaughan asked the Board to renew all existing variances. All Board Members voted in the affirmative, and Acting Chair Horan adjourned the meeting at 1:43 p.m..