

NEW YORK CITY
BOARD OF CORRECTION

July 14, 1999

MEMBERS PRESENT

John R. Horan, Acting Chair
Barbara A. Margolis
Richard M. Nahman, O.S.A.

Excused absences were noted for Board Members Canute C. Bernard, M.D., Louis A. Cruz, Stanley Kreitman, David Lenefsky and David A. Schulte.

DEPARTMENT OF CORRECTION

Bernard B. Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Sheila Vaughan, Chief of Administration
Elizabeth Loconsolo, Esq., General Counsel
Roger Parris, Assistant Commissioner
Carolyn Thomas-Jackson, Assistant Deputy Warden
Captain John Picciano
Ron Greenberg, Inspection and Compliance Division

OTHERS IN ATTENDANCE

William Van Auken, *The Chief-Leader*
Betsy Collins, Office of First Deputy Mayor
Maddy deLone, Prisoners' Rights Project, Legal Aid Society
Jen Gonnerman, *Harper's*
Dan Janison, *Newsday*
Taylor Koss, law student
Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Acting Chair John Horan called the meeting to order at 1:12 p.m. Minutes from the June 9, 1999 meeting were approved unanimously by the Members who were present.

Acting Chair Horan presented his report, noting that several Members met with Correctional Health Services officials in CHS' office on June 16th. He said that CHS presented a slide show about monitoring and said that the meeting was chaired by Joseph Erazo, who recently left his position at CHS. Noting that no CHS representative was present at today's meeting, Acting Chair Horan said he would defer further discussion of the June 16th meeting.

Board Member Father Richard Nahman reported that he had attended a Fresh Start Program graduation.

Acting Chair Horan asked about DOC's declining inmate census, which he noted had gone below 16,000. DOC Commissioner Bernard Kerik said he did not know why. Mr. Horan asked how the low census was affecting management of DOC. Commissioner Kerik said it was enabling DOC to close the West Facility, where only the Contagious Disease Units (CDUs) and UrgiCenter will remain open. He also reported that DOC had closed the south tower of the Manhattan Detention Complex (MDC). Acting Chair Horan asked about the barge - the Vernon C. Bain Center (VCBC). The Commissioner said that VCBC remained unused, as did the Brig - the Brooklyn Correctional Facility (BCF). He added that 100 juveniles have been housed on VCBC for seven months, and that the Department of Juvenile Justice is expected to vacate the VCBC by September, or sooner. Executive Director Richard Wolf asked if DOC had revised its longer-term population projections. First Deputy Commissioner Gary Lanigan responded that DOC is anticipating a slight decrease in the number of new admissions in the current fiscal year, as compared with the 127,000 new admissions in fiscal year 1999. Mr. Wolf asked if DOC had re-calculated length-of-stay. Mr. Lanigan said that length-of-stay averages are tied to the types of inmates in the system: contract inmates stay longer, City-sentenced prisoners are averaging 30-35 days, and detainees are averaging 48-49 days in City custody. Thus, the overall average length-of-stay has not decreased because of the presence of more State contract prisoners, who drive up the average. Mr. Wolf noted that when the state contract was last discussed at a BOC meeting, DOC had said it intended to limit the number of state contract prisoners. Mr. Lanigan said that the contract was open-ended as to the maximum number of prisoners the City will house. He said that the City intended to continue housing approximately 1,000 state prisoners under the contract. In response to a question from Mr. Wolf, Commissioner Kerik said that DOC was not housing Suffolk County inmates in City jails. Mr. Lanigan added that several other jurisdictions had approached DOC about housing prisoners in City jails, but that DOC had contracts only with the State and with Suffolk County.

Deputy Executive Director Cathy Potler asked whether DOC intended to use the West Facility as a centralized infirmary. Mr. Lanigan said there was no plan to do so.

Ms. Potler reported that on June 16th, there was a suicide at the George R. Vierno Center (GRVC). She asked DOC to report. Commissioner Kerik said the investigation was ongoing,

but that preliminary reports resulted in several staff suspensions and transfers. He said he would update the Board when the investigation was completed.

Mr. Wolf asked about the status of plans to ban smoking in the jails. Commissioner Kerik said that DOC had provided information to the Law Department regarding other jurisdictions. He added that DOC was learning how other jurisdictions had implemented bans.

Mr. Wolf asked for an update on DOC's investigation into the medical response time to the May suicide at the North Infirmery Command (NIC). He reminded the Members that DOC's logbooks noted that the response took 25 minutes, but that Assistant Commissioner Roger Parris had reported at the June meeting that the response occurred within 10 minutes. Mr. Parris said that DOC's Investigations Division interviewed DOC staff and medical-provider staff, and had concluded that medical staff responded in 10 minutes. Mr. Wolf asked for a copy of the investigation report and for a meeting to discuss the report. Commissioner Kerik said that when the report was completed he would provide a copy to the Board. He added that practice response drills have been held.

Mr. Wolf asked the Commissioner to discuss DOC's assessment of sight lines in housing areas, in the aftermath of the May suicide at the Anna M. Kross Center (AMKC). Chief of Administration Sheila Vaughan reported that sight lines into the dormitory bathrooms at AMKC are obstructed, so that staff in the officers' station cannot see into the bathroom. She said that a review is in progress.

Mr. Wolf then raised the issue of DOC's role in the distribution of medications to inmates. He noted that the Commissioner had said officers would be instructed to be more vigilant. Commissioner Kerik said that a teletype was sent to all facilities, reminding all staff to be particularly vigilant. Deputy Commissioner Roger Jefferies added that Correctional Health Services had notified DOC of CHS' intention to require St. Barnabas to dispense liquid medications in special housing areas, primarily in mental observation areas, segregation areas and infirmaries. Also, certain medications provided to general population inmates will be provided in liquid form. Mr. Wolf asked when this would begin. Mr. Jefferies said he did not, and that negotiations were taking place between CHS and St. Barnabas.

Mr. Wolf, noting that the issue had been raised at the June meeting, asked for follow-up information regarding a delay in reporting an attempted suicide on May 28th. He asked whether the delay was related to a new policy regarding the process of assessing whether an incident was, in fact, a suicide attempt. Mr. Parris reported as follows:

Medical staff had been under-reporting attempted suicides. CHS developed a new procedure. Whenever an incident "looks to be an attempted suicide", the matter is referred to Mental Health whose staff will determine whether the incident was, in fact, a suicide attempt. This is why we may see gaps between the date of occurrence and the reporting of the incident as a suicide attempt. Obvious attempts, such as when an inmate

is hanging, will not have to be referred for a determination. However, when an inmate is found with a sheet tied around his neck, medical staff will refer to mental health staff for a detailed assessment. When mental health staff conclude that a suicide attempt has occurred, they submit a form to DOC which then makes the appropriate notifications.

Mr. Wolf said that there have been recent situations in which an inmate is found hanging, is cut down by staff, and is sent via EMS to Elmhurst and perhaps thereafter to Bellevue - situations which, to a lay person, appear to be unambiguous attempts to "hang up". Mr. Parris said he is working with Mental Health on such cases, to make the notification more contemporaneous with the incident. He added that DOC's internal record-keeping procedures continue to enable it to track all such incidents. Commissioner Kerik noted that the new procedures were the subject of a teletype, sent out by the Chief on June 3rd to all commanding officers. Ms. Potler asked if an "obvious" attempt would be reported by the Department immediately, even if it took five days for Mental Health to submit a form certifying the incident as an attempt. Commissioner Kerik said that obvious attempts would be reported without delay. First Deputy Commissioner Lanigan said that in a clear instance of an attempted suicide, it would be reported as such immediately. Mr. Lanigan said that in a "less clear" case, after the inmate receives medical attention, he would be referred to mental health for a determination as to whether the inmate was attempting to commit suicide. Mr. Lanigan said that upon a determination of attempted suicide, DOC updates its records to reflect the attempt.

Father Nahman asked if there was any additional information DOC could provide about the situation he raised at the June meeting regarding the reduction in the number of social workers employed by DOC from 120 to nine. Commissioner Kerik said there was nothing new to report at this time. He said that Roger Jefferies and his staff are looking into the issue.

Noting that no representative of CHS was present, Mr. Wolf asked Commissioner Kerik about the "transition period" at CHS. Commissioner Kerik said that Joseph Erazo had resigned. He said that, because of the transition, no one from CHS was present. Commissioner Kerik added that Michael Tannenbaum was CHS' Acting Executive Director, and that DOC staff were speaking with him each day. Acting Chair Horan asked whether the transition placed additional management burdens on Commissioner Kerik, who responded that DOC would provide whatever assistance was needed.

Mr. Wolf said that the Board was concerned about the transition for several reasons, noting that the most obvious one was the increase in inmate medical deaths in calendar year 1999. He said that a decrease in 1998 over 1997's deaths was touted by CHS as an indicator of St. Barnabas' success. Mr. Wolf said that in the first six months of 1998 there were nine medical deaths, and that in the first six months of 1999 there had been sixteen medical deaths, an increase of 78%. Commissioner Kerik said that he understood the Board's concerns, particularly during the transition period. He added that he had had several discussions with HHC President Luis Marcos about inmate deaths as well as "overall oversight" of medical care. Commissioner Kerik said he was satisfied that CHS was paying close attention to jail health care issues.

Assistant Deputy Warden Carolyn Thomas-Jackson requested that the Board renew existing variances. This was agreed to by all Members present.

Commissioner Kerik distributed a chart showing that there 102 stabbing and slashing incidents in fiscal year 1999, down from almost 130 per month when he first came to the Department. He commended his staff for the reduction, and Acting Chair Horan commended Commissioner Kerik for this accomplishment.

The meeting was adjourned at 1:38 p.m.