

**NEW YORK CITY
BOARD OF CORRECTION**

March 10, 1999

MEMBERS PRESENT

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

An excused absence was noted for Member Canute C. Bernard, M.D..

DEPARTMENT OF CORRECTION

Bernard B. Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Robert Wangenstein, Deputy Chief
Christy Sanchez, Assistant Chief
Elizabeth Loconsolo, Esq., General Counsel
Roger Parris, Assistant Commissioner
Ron Greenberg, Inspection and Compliance Division
Captain J. Piccione

HEALTH AND HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Michael Tannenbaum, Assoc. Exec. Dir. for Administration
Tania Gordon

OTHERS IN ATTENDANCE

Maddy deLone, Prisoners' Rights Project, Legal Aid Society
Tracie Lucas, State Commission of Correction
Lynn Schulman, Community Board #6
Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Acting Chair John R. Horan called the meeting to order at 1:05 p.m. The draft minutes from the February 10, 1999 meeting were approved unanimously.

Acting Chair Horan said that a final draft had been prepared of a report on the health concerns that the Board has been airing publicly. He noted that the Members had reviewed and edited the document, which is a report to the Mayor and the City Council. Mr. Horan asked for a resolution that the report be approved in its final form, subject to being issued after all Members have seen it in final form. Board Member David Lenefsky so moved. Board Member Louis Cruz objected. Mr. Horan noted Mr. Cruz' dissent, and further noted that Board Member Stanley Kreitman was not participating in the vote on the resolution. Board Members Barbara Margolis, Father Richard Nahman, David A. Schulte, Mr. Lenefsky and Mr. Horan voted in favor of the resolution. Mr. Cruz said he did not wish to vote until he had seen the final draft, and Acting Chair Horan noted that Mr. Cruz had seen the final draft. Mr. Lenefsky said that he thought it fair that while the Members had seen final drafts and had made suggested changes, the letter should be circulated to all Members so that each might have 48 hours to submit to Executive Director Richard Wolf any suggested changes. If there are none, as Mr. Lenefsky opined would be the case with respect to the majority of the Board, the letter would be released. Acting Chair Horan said this was the intention of the resolution. He added that Mr. Cruz could take such action as he wished.

Acting Chair Horan next called for reports from the Members. Mr. Cruz reserved the right to make a motion for an Executive Session. Mr. Schulte said he wished to report on two matters, one of which he understood Correction Commissioner Bernard Kerik would prefer to discuss in Executive Session. Commissioner Kerik agreed. Mr. Schulte then reported that he had received a copy of DOC's plans for replacing shower areas. He sought clarification, as he noted that some of the showers are in housing areas the Department may be planning to demolish. Commissioner Kerik said that some shower areas will be renovated - even though they are in buildings scheduled to be replaced - because until the buildings are replaced, they will be occupied, and the inmates will need showers. Mr. Schulte then complimented Commissioner Kerik, First Deputy Commissioner Gary Lanigan and their staffs for jobs well done. Mr. Cruz added his praise as well. Acting Chair Horan then called for the staff report.

Mr. Wolf reported that today there are 404 inmates being housed pursuant to the City's contract with the State to house its prisoners. He added that the average daily inmate population has held steady. He asked about a press report that Suffolk County also intended to enter into a contract with the Department so that it too could house inmates in City jails. The report said that up to 100 Suffolk County inmates might be housed in City jails, at a cost of up to \$180 per inmate per day. Mr. Wolf asked if an agreement had been reached. Commissioner Kerik said that an agreement was reached yesterday. He said that Suffolk inmates may be housed in City jails for up to six weeks, and that DOC must approve each inmate sent by Suffolk County. The Commissioner added that if any Suffolk inmate creates a problem, he will be sent back immediately. Mr. Kreitman asked whether the Suffolk inmates will be housed in one unit, or throughout the system, and what classification levels will be accepted. The Commissioner

responded that the Suffolk inmates will be housed throughout the City's jails. Deputy Chief Robert Wangenstein said that classification will be 0 to 16, which Mr. Wolf noted were "low" to "medium" classification levels. Ms. Margolis said she assumed Suffolk had an overcrowding problem. Commissioner Kerik agreed.

Mr. Wolf said that at the February meeting, Commissioner Kerik reported that he had spoken to the City's Commissioner of Labor Relations (OLR) to move along the employee-related issues regarding the Department's plan to ban smoking in the City's jails. Mr. Wolf added that Colorado had just begun implementation of a smoking ban in its facilities, and that this is a national trend. Commissioner Kerik agreed. He reported that in addition to speaking with the OLR Commissioner, he had spoken with Deputy Mayor Randy Levine who is involved in the issue. Commissioner Kerik said that as soon as the labor-relations matters are resolved, the Department expects to move forward. He declined to speculate about a timetable for implementing a smoking ban.

Mr. Schulte said he had read that the alleged perpetrator of the homicide at ARDC has been arrested and charged. Commissioner Kerik said there had been an indictment. Mr. Schulte asked if it was still too soon to ask what DOC had found with respect to the three officers who were on duty when the homicide occurred. Commissioner Kerik said that he and the Chief of Department had met with the District Attorney to review DOC's investigation and its view of what happened. He added that he wished to wait until the District Attorney agrees that the information might be divulged. Mr. Schulte said that at that time he will ask about the rules and regulations governing the three officers at meal time.

Mr. Wolf said that an agenda item pertained to issues that might affect public safety, and noted that a discussion of that item would be appropriate for Executive Session. Mr. Lenefsky made a motion, seconded by Mr. Cruz, that the Board go into Executive Session. Acting Chair Horan said that before doing so, the Board should entertain a request from the Department for a renewal of existing variances, and a motion was approved unanimously. Mr. Horan then suggested that the Board go into Executive Session. All Members agreed.

The Board was in Executive Session, attended by Members, Board staff, and Commissioner Kerik and his staff, from 1:17 p.m. until 1:37 p.m., when the public meeting resumed.

Mr. Kreitman left the meeting.

Acting Chair Horan said the Board would now turn to correctional health matters. Mr. Lenefsky said that at the February meeting, Correctional Health Services (CHS) said that by May it would have in place full-scale, on-site monitoring of St. Barnabas. He asked for an update. Michael Tannenbaum, CHS's Associate Executive Director for Administration, said that the May date arose out of negotiations for the Department of Health contract with the Health and Hospitals Corporation (HHC). He said that a draft of the monitoring plan is due to be submitted,

internally at HHC, in April. Mr. Tannenbaum noted that the plan is to incorporate some of CHS' existing monitoring activities with new ones. In response to questions from Mr. Lenefsky about CHS' hiring for the on-site monitoring, Mr. Tannenbaum reported that: the candidate CHS had identified to be Director of Clinical Field Monitoring had been interviewed by HHC's Senior Vice-President for Medical Affairs, and was awaiting final approval; CHS continues to interview candidates for the position of CHS Medical Director; interviews are being conducted for various mental health positions, and are being coordinated by Arthur Lynch; the Deputy Director of Mental Health has begun work, but the Mental Health Director position has not been filled; the position of Coordinating Manager in the CHS Contracts Unit has been filled, and the new employee has begun work; and the analyst position associated with the CHS Executive Director's office has not been filled, although several interviews have been conducted.

Mr. Schulte asked about the status of CHS' field inspectors. Mr. Lenefsky said that is what has been promised for May. He suggested that the Board wait until May to allow CHS to continue its hiring efforts.

Mr. Cruz made a motion that the Board go into Executive Session to discuss Board operating issues. The public meeting was adjourned. The remaining six Board Members went into Executive Session at 1:45 p.m..