

**NEW YORK CITY  
BOARD OF CORRECTION**

**May 11, 2000**

MEMBERS PRESENT

John R. Horan, Acting Chair  
Louis A. Cruz  
David Lenefsky  
David A. Schulte

Excused absences were noted for Board Members Canute C. Bernard, M.D., Stanley Kreitman, Barbara A. Margolis, and Richard Nahman, O.S.A..

DEPARTMENT OF CORRECTION

John Antonelli, Deputy Commissioner  
Roger Jefferies, Deputy Commissioner  
Sheila Vaughan, Deputy Chief  
William Hurley, Assistant Chief  
Roger Parris, Assistant Commissioner  
Joseph Guarino, Counsel's Office  
Liz Myers, Inspection and Compliance Division  
John Mohan, Office of Public Affairs

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director  
Michael Tannenbaum, Chief Operating Officer  
Patrick H. Brown, M.D., Medical Director  
Arthur Lynch, Director of Mental Health  
Robert Berger, Director, Delivery Assessment Unit  
John Russell, Director of Inter-Governmental Relations  
Barry Edison, Director of Information Technology

Mr. Wolf asked for a status report on the *Benjamin v. Kerik* hearings in Federal District Court. Joseph Guarino, DOC's Counsel's Office, said that hearings are being conducted regarding environmental health issues. He added that hearings on fire safety are scheduled but may not go forward because DOC has initiated fire safety plans for all facilities. Mr. Wolf noted that he attended court proceedings on Tuesday, and heard an inmate witness testify that the Board of Correction was instrumental in causing unsatisfactory conditions to be remedied. He said that Judge Baer suggested to the lawyers from the Prisoners' Rights Project that it would be useful to hear from the Board, and a subpoena is expected.

Mr. Wolf asked whether the incident to which Mr. Schulte had referred was an "escape" or an "attempted escape". Assistant Chief Hurley said it was an attempted escape. Mr. Wolf asked if disciplinary action was initiated against any staff. Assistant Chief Hurley said that charges were pending against several DOC staff. Mr. Schulte asked for DOC's policy regarding returning to a modular housing area, a "desperate" inmate - one who had just been sentenced to sixteen years in State prison. He asked whether there was a policy of putting such inmates in a different setting after they have been sentenced. Assistant Chief Hurley said that reclassification occurs within three days. Mr. Schulte responded that the break-out occurred within six hours. Assistant Chief Hurley noted that DOC currently was "looking at" the policy. Mr. Schulte said that there is no policy. He said that the incident should not have occurred, regardless of whether the officers were doing their jobs. He added that it was "common sense" that such an inmate was an escape risk. Mr. Guarino said that when an inmate returns from court with markings on his papers indicating that he has been sentenced, DOC must prepare paperwork and submit it to the State-Ready Unit to determine whether the inmate's classification score is higher. He said that hundreds of prisoners are sentenced every day, and to attempt to transfer each would be "chaotic". Mr. Guarino added that such prisoners are "detention prisoners awaiting transfer to State prison". Mr. Schulte suggested that if it is not possible to reclassify for three days, DOC should consider adding an officer to the modular housing area as an "escape watch" officer. Deputy Chief Sheila Vaughan said that DOC's classification system is built on the presumption of guilt. She said that based upon his past history and current charge, the inmate was appropriately classified and appropriately housed. Deputy Chief Vaughan said that when the inmate returned from court, his classification did not change. She said that the classification system is being reviewed, but that under current guidelines the inmate still met the criteria for modular housing. She said that DOC believes that staff who failed to adequately perform their jobs are the cause of this incident. Mr. Cruz, noting that the modular replacement project will result in more secure housing, asked what risks the Department is willing to take until the project is completed when it houses convicted violent felons. Mr. Guarino said that inmates with classification scores up to 16 may be housed in modular units. Mr. Lenefsky asked if the inmate was arrested for attempting to escape, and was told that the arrest had been made.

Mr. Lenefsky asked CHS Executive Director Ernesto Marrero for an update on the RFP process. Mr. Marrero reported that since the last BOC meeting, CHS has conducted mandatory tours of Rikers Island for prospective bidders, and a mandatory bidders' conference. He said that 33 entities signed up for the tour and 28 attended; 20 attended the conference. He said CHS

Acting Chair John R. Horan called the meeting to order at 1:02 p.m. Minutes from the April 13, 2000 meeting were approved unanimously.

Acting Chair Horan introduced a discussion of the Department's building plan by noting that the inmate census was 14,658. He noted that Commissioner Kerik was unable to attend today's meeting because he was attending a meeting on this subject at City Hall. Assistant Chief William Hurley introduced Deputy Commissioner for Administration John Antonelli. Mr. Antonelli said that DOC had no plans to modify the modular replacement project, and that plans were proceeding, at the advanced-design level, to construct a new 448-bed central punitive segregation unit. He added that this project, and others, were already included in the capital budget. Board Member David Schulte asked how many of the existing modulars are unsafe. Mr. Schulte said that by "unsafe" he meant a modular such as the one, described in a recent report, from which an inmate who just had been sentenced to 16 years for robbery exited by punching through the wall with his fists. Mr. Schulte noted that the inmate eluded capture for several hours, during which time hundreds of officers searched for him. He asked what would happen if DOC closed all such modulars and reopened other available capacity, such as the James A. Thomas Center (JATC). Assistant Chief Hurley said he would provide to BOC Executive Director Richard Wolf the number of modular units scheduled for replacement. He said no modulars were unsafe. Mr. Schulte disagreed, and asked why DOC was replacing them if they were not unsafe. Noting that he agreed with the plan to replace the modulars, Mr. Schulte said that he was seeking clarification as to how "desperate" the situation is. Mr. Antonelli said that JATC is undergoing extensive renovations, and added that the Vernon C. Bain Barge - DOC's "best" facility - is open. Mr. Wolf noted that the modulars were put up as emergency housing, and asked what is the "useful life" of a modular. Mr. Antonelli said he did not know. Board Member David Lenefsky said that the useful life of the modulars has been exceeded, and that they are being replaced because they are old and require extensive renovations which would not be cost effective. Mr. Antonelli said that many renovations to modulars already have occurred, including replacement of showers and floors. He added that the Department will continue to maintain them until they are replaced.

Mr. Wolf asked about DOC's population projections. He noted that in DOC's May 3<sup>rd</sup> letter to Judge Baer, its projection for May 8<sup>th</sup> - five days later - was almost 2,000 inmates too high. Mr. Antonelli said that the current projections assume a much higher level of parole violators, and a different "mix" of felony and misdemeanor cases. He noted that the average length of stay for parole violators had decreased from 102 days to 60 days. Mr. Wolf asked how often DOC revises its projections. Mr. Antonelli said DOC revises its projections as needed, that now is a good time to do so, and that new projections will be available soon. Mr. Wolf asked whether the revised projections could result in a scaling-back of the announced plan to replace 5,300 modular beds. Mr. Antonelli said that DOC does not anticipate any changes to the plan. Board Member Louis Cruz asked whether the Police Department was making fewer drug arrests. Mr. Antonelli said that arrests remain high, but there are more misdemeanor arrests and fewer felony arrests. He said this results in fewer new admissions to DOC custody, and a lower average length of stay.

this quarter, and if 40% of the charts are unavailable, he assumes CHS will "do something".

Mr. Lenefsky said that, according to Carl Niles, BOC's Director of Field Operations, there are approximately 2,050 modular beds that will be replaced. Mr. Schulte said that there are 1,200 secure beds in JATC and 1,353 beds in the Brooklyn Correctional Facility (Brig).

Assistant Chief Hurley requested that the Board renew all existing variances. A motion passed unanimously, and the meeting was adjourned at 1:47 p.m.