

**NEW YORK CITY
BOARD OF CORRECTION**

February 20, 2003

MEMBERS PRESENT

Stanley Kreitman, Chair
John R. Horan, Vice Chair
John H. Banks III
Fredrick J. Patrick
Jane Paley Price
Michael J. Regan

Excused absences was noted for Members Louis A. Cruz and Richard M. Nahman, O.S.A.

DEPARTMENT OF CORRECTION

Martin Horn, Commissioner
Leroy Grant, Bureau Chief, Inspectional Services & Compliance Division (ISCD)
Judith LaPook, Chief of Staff
Elizabeth Meyers, Director, ISCD
Linda LaGreca, Office of General Counsel

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Jr., Executive Director
Michael Tannenbaum, Chief Operating Officer
George Axelrod, Chief Risk/Quality Officer
Patrick Brown, M.D., Medical Director
Arthur Lynch, Mental Health Director
Robert Berger, Director, Service Delivery Assessment Unit
Eric Zimiles, Chief Financial Officer

OTHERS IN ATTENDANCE

Amy Anderson, NYU
Osvaldo Cruz, Analyst, Office of Management and Budget (OMB)
Sara Goonan, Analyst, OMB
Michele Kalafer, City Council, Legislative Policy Analyst
Tara Martin, Director, Legislative Affairs for Council Member Yvette Clarke
Cassandra Newkirk, M.D., Mental Health Director, Prison Health Services (PHS)
Trevor Parks, M.D., Medical Director, PHS
Becky Pinney, Project Director, PHS
Jackie Riley, City Council, Finance Division
Lissette Rivera, Legal Aid Society, Prisoners' Rights Project
Russell Unger, City Council, Legislative Attorney

Chair Stanley Kreitman called the meeting to order at 1 p.m. A motion to adopt minutes from the Board's January 16, 2002 meeting passed without opposition.

Chair Kreitman asked Correction Commissioner Martin Horn about DOC's planned budget reductions that will affect programs, particularly DOC's substance abuse programs, which he characterized as highly successful. Commissioner Horn said that at an agency head meeting this morning, the Mayor noted that despite \$2.6 billion in City budget reductions and a proposed \$1.7 billion property tax increase, the City still faces a substantial gap. The Commissioner said that the Mayor stated that further cuts are likely if all components of the Mayor's plan are not implemented. Commissioner Horn said that the Mayor noted that if \$600 million in concessions from the unions are not forthcoming, layoffs may be necessary. The Commissioner said that DOC was required to develop a budget that included \$21 million in savings, by consolidating the hospital wards into Bellevue, eliminating DOC's Harbor Unit and HealthStat Program, civilianization of some uniformed staff positions, and other savings. He said that cuts were based upon examining DOC's core responsibilities. He said that notwithstanding its name, the Department of Correction is a "detention operation", and its primary responsibility is to hold people bound over for trial. Commissioner Horn said that in reviewing operations, he discovered that the average length of stay is approximately 45 days (35 days for sentenced inmates), with 25% leaving within three days and 75% leave within 60 days. He said that the inmates who enter our system leave very soon. Commissioner Horn said that he examined all programs as investment questions: what are we getting for the money we are spending? He said that less than \$5 million of the \$21 million in planned savings will come from programs. Commissioner Horn said that he reached the conclusion, based upon his experience and the literature in the field, that the Substance Abuse Intervention Division (S.A.I.D.) Program is not doing drug treatment. He said that in the amount of time that inmates are in our system, the likelihood that DOC can seriously "treat their addiction is minimal", and yet DOC had been spending \$3.5 million on S.A.I.D.. He added that he discovered that the City Council had put \$2.7 million in DOC's budget for discharge planning. The Commissioner said that when an agency faces budget cuts, it typically begins by cutting the Council "adds". He said he would not do this, because discharge planning is something DOC should increase, particularly in light of the *Brad H.* decision. He said that therefore he decided to give up the S.A.I.D. money rather than discharge planning money, and that \$500,000 will be added to the discharge planning sum for a total of \$3.2 million, "which roughly replaces the S.A.I.D. money". He said there was no evidence that S.A.I.D. inmates had lower recidivism. He added that in 35 to 40 days, "you can't have much of an impact". Commissioner Horn said he was working with the City's Departments of Employment and Economic Development to obtain additional funds that hopefully will double the money available for discharge planning. Chair Kreitman said that the level of violence in S.A.I.D. dorms is much lower than in other areas. Commissioner Horn said that at a time when violence was high in the Department, it was true that the S.A.I.D. dorms had lower violence rates, but DOC has now demonstrated that it can reduce violence everywhere. He said that at TEAMS meetings, DOC has the "luxury" of examining each violent incident individually because there are so few incidents. Board Member Fredrick Patrick said he assumed that detox programs would not be affected by these cuts. Commissioner Horn agreed, and added that the STEP program was not affected either. He noted that it could be affected if additional cuts are required.

Board Member Jane Paley Price said she could not fault the Commissioner's logic, but added that she wondered about the long-term impact on recidivism if STEP were to be eliminated. Commissioner Horn said he is unaware whether there is research demonstrating that STEP reduces recidivism. He added that the STEP program serves approximately 100 people, and that if it were lost, he doubts that the City's crime rate would be appreciably affected. BOC Executive Director Richard Wolf told Commissioner Horn that none of his predecessors ever took the position that the S.A.I.D. program provided drug treatment, nor does the Board believe that S.A.I.D. does so. Rather, he said, S.A.I.D. helps to prepare inmates for drug treatment once they leave jail and long has been understood as directly related to the discharge planning function. Mr. Wolf asked if there is any plan for any treatment readiness programs to be continued once S.A.I.D. is eliminated. Commissioner Horn said he will meet with discharge planning contract service providers and ask them to reconfigure their services, so that discharge planning will begin for every inmate upon entry to DOC. He said all inmates should be asked, "Where were you living when you were arrested, and if you are released tomorrow, where will you go?" He said DOC should not be releasing inmates to go back to homeless shelters, and that community-based organizations should be more involved in the process. Ms. Paley Price asked if it would be possible to preserve STEP and HIIP without the health care component. The Commissioner said that the programs are not affected by the current planned cuts, but added that it might be possible to preserve the boot-camp approach even if additional cuts were necessary.

Chair Kreitman said that he was told that DOC was well prepared so that operations were not adversely affected by the recent blizzard. Commissioner Horn said that DOC has contingency plans for all types of unusual circumstances, including major disturbances, transit strikes, and blizzards. He said that DOC staff performed admirably, with many officers showing up hours before their shifts were to begin to be certain they would not miss work. He added that DOC used several hundred tons of salt.

Chair Kreitman asked for reports on two recent suicides, of Joseph Hughes at the George R. Vierno Center (GRVC) and Corinna Montes at the Rose M. Singer Center (RMSC). Commissioner Horn said there have been three suicides already in calendar year 2003; there were two in 2002. He said he was very troubled personally, and views as DOC's responsibility that it sends home inmates to loved ones in no worse shape than when they came into custody. The Commissioner said that although inmates who are determined to take their lives will do so despite DOC's best efforts, he nonetheless has been examining each case carefully, and meeting with CHS Executive Director Ernesto Marrero to improve suicide prevention efforts. He said that there were conscious decisions made by the decedent in each of the three 2003 suicides to end their lives. He added that there were "other things going on in their lives that drove this - outside events or love triangles". Chief Leroy Grant then reported, as follows:

Joseph Hughes at GRVC: he entered DOC custody on July 25, 2002, charged with murder in the first degree, and attempted assault, due to an assault on a correction officer while incarcerated. He was being held on \$3000 bond or \$2500 cash. He had a classification score of 15, and no SRG (gang) affiliation. Hughes had a documented drug dependency. On January 27, 2003 in housing area 1A, cell 15, at approximately 1430 hours, the suicide prevention aide observed Hughes hanging in his cell.

Staff responded, cut him down and began rescue efforts. Medical staff were notified and responded promptly. EMS was summoned, and the inmate was still alive when he was transported to Elmhurst Hospital. Upon arrival, Hughes had a heart attack and died.

Commissioner Horn stressed that when Hughes was found, he was still alive. He said that staff arrived promptly. Chair Kreitman asked if the inmate was classified as a suicide risk when he entered the system. Chief Grant said that there was a suicide "watch sheet" in effect for decedent, but as to whether there was a documented mental history, he would check and let the Board know. Mr. Wolf asked for comment from CHS and Prison Health Services (PHS) representatives. Mr. Marrero said that he believed that the inmate was not put on suicide watch when he first entered the system. Chief Grant continued:

The inmate was observed on several occasions by other inmates to have communications problems with his wife. These difficulties, combined with the nature of his charges, have caused investigators to conclude that he made a conscious decision to end his life. All staff had been trained in CPR recently; one officer had been trained 3/6/02; another had been trained 11/27/02; and the supervising Captain received training in January of 2003.

Ms. Paley Price asked whether the assault on the officer involved a weapon. Chief Grant said no weapon was involved. She asked if he was in Red ID status, and Chief Grant said that he was, as a result of the assault on the officer. He added that the incident caused the inmate to be transferred to MHAUII in GRVC. Mr. Wolf asked that someone explain to the Members why the inmate was housed in MHAUII rather than the Central Punitive Segregation Unit (CPSU). Chief Grant said that before an inmate goes to CPSU, he must undergo a psychological evaluation to determine his fitness for CPSU. Chief Grant said the decedent was not cleared to be housed in CPSU, so he went to MHAUII where he could be monitored. He added that all officers in MHAUII received CPR and mental health training, during "block training" that is also provided for CPSU officers. Chief Grant next reported on the second suicide:

Corinna Montes entered DOC custody on September 12, 2002 on a petit larceny charge with a \$500 bail. She was a parole violator, and had a parole hearing on October 3, 2002, at which she was sentenced to eight months in state prison. She was a member of the Netas, and a classification score of 11. On February 6, at 1640 hours, she was called to come for her prescribed medications. She did not respond. Staff went to the cell and found her hanging from a ligature that was affixed to a vent inside her cell. Assistance was called for, and staff cut her down. Medical staff responded to the area, and pronounced her dead at 1726 hours. One issue that is under investigation is that during the day tour decedent had torn her bed sheets. Staff on hand interviewed her and found her not to be suicidal, but this is being examined by the Investigation Division.

Commissioner Horn said that the officer acknowledges having this information and claims to have "counseled with the inmate" and satisfied himself that she was not suicidal. He said that