

**NEW YORK CITY  
BOARD OF CORRECTION**

**November 13, 2003**

MEMBERS PRESENT

John R. Horan, Vice Chair  
Richard Nahman, O.S.A.  
Jane Paley Price

Excused absences were noted for Chair Stanley Kreitman, and Members John H. Banks III, Louis A. Cruz and Michael Regan.

DEPARTMENT OF CORRECTION

Leroy Grant, Bureau Chief, Inspectional Services & Compliance Division (ISCD)  
Elizabeth Myers, Director, ISCD

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

James Capozziello, Deputy Commissioner for Health Care Access and Improvement  
George Axelrod, Director, Performance Monitoring and Quality Improvement  
Robert Berding, Director, Clinic Administration, Correctional Health Services (CHS)

OTHERS IN ATTENDANCE

Amy Anderson, NYU  
Sara Goonan, Office of Management and Budget  
Michele Kalafer, City Council, Fire & Criminal Justice Services Committee  
Nikolim Kolciu, NYU  
Jeff Krupski, Mayor's Office of Operations  
Trevor Parks, Medical Director, Prison Health Services  
Becky Pinney, Project Director, Prison Health Services  
Jacqueline Riley, City Council, Finance Division  
Russell Unger, City Council, Legislative Counsel  
Paul von Zielbauer, *New York Times*  
Milton Zelermyer, Legal Aid Society, Prisoners' Rights Project

Vice Chair John Horan called the meeting to order at 1 p.m. A motion to approve minutes from the October 9, 2003 meeting was approved without opposition.

Mr. Horan called for Members' Reports. Board Member Jane Paley Price said she was pleased to learn that the Department will be rehiring many of the correction officers who were laid off earlier this year. She reminded those present that the layoffs had been a concern of the Board's.

Mr. Horan asked whether DOC would be implementing the "suicide smocks" variance. DOC Bureau Chief Leroy Grant responded as follows:

Following several suicides earlier this year, DOC sought the variance as part of the Commissioner's aggressive efforts to combat suicide. DOC is also subject to rules from the State Commission of Correction (SCOC), with whom the Department met in May. At the meeting, DOC raised the issue of suicide prevention. SCOC said it had some new suicide prevention initiatives and wished to train DOC's staff, which subsequently occurred. During a tour of DOC jails, SCOC representatives said SCOC had a standard requiring "constant supervision" of inmates on suicide watch in cells. DOC requested that SCOC survey the cell housing areas and tell the Department how many officers will be required to meet the standard.

Mr. Horan asked if DOC was actually contemplating the direct observation of inmates. Chief Grant said yes. BOC Executive Director Richard Wolf noted that the regulation mentioned by Chief Grant is a "Chairman's Memorandum" from November 1999, and should have been implemented since then. Chief Grant agreed. Mr. Wolf asked if DOC has implemented constant supervision. Chief Grant said that inmates are housed in a dormitory, and that by deploying two officers inside the dormitory, DOC complies with the State standard. BOC Deputy Executive Director Cathy Potler asked whether one-on-one supervision had been implemented for suicide-watch inmates who are housed in cells. Chief Grant said no, and added that DOC is examining the issue, because SCOC has told DOC that the ratio can be 1 officer to 6 inmates, 1 to 4, or 1 to 2. He added that DOC asked SCOC to survey the cell housing areas and advise the Department as to what staffing will be adequate to meet the standard. Chief Grant said that SCOC staff will be coming to the City jails on December 2<sup>nd</sup>. Mr. Wolf asked whether the plan to implement "constant supervision" will bear on implementation of the smock variance. Chief Grant said that, in his opinion, constant supervision enhances the smock initiative. He said that DOC brought to the attention of SCOC the fact that DOC intended to implement the smock variance at an "outstanding issues" meeting with SCOC. Mr. Wolf asked why DOC sought the suicide smocks variance, which the Board granted in September, without telling the Board about the unresolved issue of constant supervision. Chief Grant said it wasn't that DOC failed to inform the Board, but rather that DOC is governed by two oversight agencies, and SCOC told the Department that it needed to change some of its supervision ratios, depending on the configuration of the housing area. Mr. Horan said that constant supervision will require increased manpower. Chief Grant agreed. Mr. Horan asked how much additional staff would be required. Chief Grant responded that SCOC's survey will assess what is required.

Mr. Wolf asked about the timing of variance requests. He noted that some recent variance requests from the Department have been incomplete. He said that yesterday he received a request from the Department seeking a variance from the Board's outdoor recreation standard for 45 days at the Vernon C. Bain Center (VCBC) barge in the Bronx, to facilitate repairs to the rooftop recreation area. Mr. Wolf said that the timing and the process could be better. He said that he was raising the issue because DOC requested and obtained a variance from the Board for the suicide smocks, knowing that implementation would not occur until DOC's issues with SCOC were resolved. He said the variance process was in need of some improvement. Mr. Wolf said that BOC staff had spent considerable time researching and negotiating the smock variance and conditions, and the Members had been asked to consider a variance before DOC was ready to implement it. He said that the Board granted the variance in September, and it would not be implemented, if at all, until after SCOC's inspection in December. Mr. Wolf added that DOC had not yet provided the Board with a final Operations Order, a precondition to implementation of the variance. He said that DOC probably will not be ready to implement the smock variance for at least another month, if it decides to implement it. He said that it would be better for everyone if, in the future, DOC would not present a variance request until it was prepared to implement it. Chief Grant responded that the point was well taken. Ms. Potler noted that it would have been helpful for BOC to have been told about the constant supervision discussions because the issue could have had a bearing on the Board's consideration of DOC's request. She asked how much involvement the mental health providers have had since May, because their procedures require that whenever an inmate needs to be on one-to-one supervision, the inmate should be sent to a psychiatric unit in a hospital. DOHMH Deputy Commissioner James Capozziello said that as a general rule, the providers look to move everyone on suicide watch to dormitory housing which we all agree is preferable, and, to the extent this occurs, it obviates the need for one-on-one supervision. He added that the issue is being re-examined, but it remains policy that anyone who requires one-on-one supervision goes to a hospital. Mr. Capozziello said that the number of available dormitory beds is being expanded. Board Member Father Richard Nahman asked whether a dormitory housing suicide-watch inmates would be solely for such inmates, or would be mixed. Mr. Capozziello said it would be mixed. Father Nahman said that those who are on suicide watch would have access to other inmates' shoelaces and bed sheets. Mr. Capozziello said there is a trade-off, noting that there is much better observation, and other inmates will not stand idly by as an inmate attempts to hang himself. Ms. Potler asked whether adolescent male inmates will be housed in dormitories with adults on suicide watch. Mr. Capozziello said he did not recall the issue being raised. Ms. Potler said that today four adolescents are housed in a suicide-watch dormitory at the Mental Health Center in the Anna M. Kross Center (AMKC). Chief Grant said that it is his understanding that the Department has authorization from the BOC Standards and from SCOC to house adolescents together with adults in a mental health dormitory. Mr. Wolf said that in the past BOC has granted variances for mixing in cell areas only.

Mr. Wolf returned to the issue of the suicide smocks variance. He reminded those present that the variance requires that inmates in smocks must be the only inhabitants of the dormitory that they occupy. He asked Mr. Capozziello whether his comments that it is desirable to have as many inmates who require some form of closer supervision to reside in dormitories should be taken to mean that the variance will not be implemented at all. Mr. Capozziello said that in discussions with DOC the possibility has not been ruled out of having a dormitory reserved solely for inmates on suicide watch. He reaffirmed the statement that if a dormitory is "mixed" the smocks will not be used. He added that he did not wish to convey the impression

that a decision had been made to never have a dormitory dedicated to suicide watch inmates. Mr. Wolf said that "in a perfect world" all of these issues would have been considered and resolved before DOC came to the Board seeking a variance. He said that Ms. Potler and Chief Grant spent much time developing the variance issue, and that months after the variance was granted, it has not been implemented. Ms. Paley Price asked what is in place now and through the holiday season - a time of heightened risk for suicide - for inmates who are at risk to commit suicide. Chief Grant said that in addition to ongoing procedures, supervision in the suicide-watch dormitory has been increased from one floor officer to two, for a total of three officers. He said that during this time of year, a "heightened alert" memo is given to all staff, and at supervisory meetings staff are reminded that the holidays are times to be especially vigilant. Chief Grant added that DOC meets with PHS bi-weekly to discuss related issues. Ms. Paley Price asked if Chief Grant was comfortable that DOC has adequate supervision for the next couple of months. Chief Grant said yes, adding that there now is increased supervision beyond what was present in the past. Ms. Paley Price asked how current supervision levels compare with levels earlier in the year when there were several suicides. Chief Grant said that preservation of life is a priority and there is a heightened awareness across-the-board.

Father Nahman said that at the conclusion of each meeting, the Board votes to renew variances. He asked for the duration of variance renewals. Mr. Horan responded that variances are renewed monthly. Father Nahman said that the Board could vote to not renew the smock variance. Mr. Horan said this was an option for the Board.

Mr. Wolf asked about a recent press report that DOC was about to rehire 250 of the 315 officers it laid off in May. He said that newspapers reported that the rehiring had been authorized due to higher than expected overtime expenses resulting from accelerated staff attrition and the constant supervision initiative. Regarding overtime, Chief Grant noted that at the beginning of FY04, DOC had fewer officers than were authorized for its table of organization. He said DOC had experienced a higher attrition rate, and added that several staff members have been called up to active military duty due to the war in Iraq. Mr. Wolf asked if the closing of the Brooklyn Detention Complex had increased the number of Rikers Island transportation runs to court, and thereby contributed to increased overtime. Chief Grant said the runs were made anyway, because Brooklyn was a new admissions jail and inmates were shuttled back and forth to court and as inter-facility transfers. Mr. Wolf asked if the continued operation of the Kings County Hospital prison ward was anticipated in the adopted budget and, if not, whether the fact that KCH remained open was contributing to higher-than-anticipated overtime rates. Chief Grant said he did not know, and said he would provide the information to Mr. Wolf. Father Nahman asked if the high attrition rate was due to demoralization among staff. Chief Grant said no. He said that individuals are taking advantage of a very good pension system, which includes a variable supplement of \$10,500 on top of half-pay. He added that many take their pension and then find another job.

Ms. Paley Price asked about violence statistics, both inmate-on-inmate and inmate-on-staff incidents. She asked how this month's numbers compare with last month. Chief Grant said he had numbers for the year, and that a comparison between FY03 and FY04 shows a substantial reduction this year in inmate-on-inmate injury reports, which result from inmate-inmate violence. Mr. Wolf said that BOC just received today DOC's Monthly Security Report, which includes monthly statistics. Ms. Paley Price said that monthly figures are significant because of the change in language, especially if incidents are being reported differently. Chief



Grant said the scope has been widened. Ms. Paley Price agreed, and said that was why it was important to look at the numbers month-to-month. Mr. Wolf said he would provide the information to Ms. Paley Price. Father Nahman asked why "toes and fingers broken" were excluded from reporting. Chief Grant said that most of those injuries occur during recreation, during football or soccer or basketball. He said they were not omitted for any other reason. Father Nahman said that if two inmates are fighting one might suffer such an injury, but it would be excluded from reporting.

Mr. Horan next turned to correctional health issues. Mr. Capozziello reported that three new sick call areas had opened in AMKC. He said that some officer scheduling issues had been resolved promptly by the Warden, who has been very supportive. He said that utilization has been building during the first six days, from twenty to thirty-six inmates, and he expects the number to continue to increase. Mr. Capozziello said that it will take a bit longer before it is determined whether opening the three areas is the answer to "resolution of the sick call issue at AMKC". Mr. Wolf told the Members that the areas were located in Modulars 17, 18 and 19 that will service for sick call the up to 600 inmates who could be housed in those housing areas. Ms. Potler added that the housing areas are far from the main areas of AMKC. Mr. Capozziello said that he had sent a letter to Mr. Cruz advising him that overtime had decreased from last year's figures, despite major snowfall in February and the more recent blackout. He said DOHMH is very appreciative of the performance of the contractor.

A motion to renew existing variances was approved by the Members present. Mr. Wolf noted that approval was subject to approval by a majority of the Members. Mr. Horan adjourned the meeting at 1:35 p.m.