

REPORT TO THE MAYOR

NEW YORK CITY BOARD OF CORRECTION

PETER TUFO

CHAIRMAN

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NEW YORK CITY BOARD OF CORRECTION

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## Preface

Twenty-five years ago a special mayoral panel was convened to study the operations of the New York City Department of Correction. Based on the recommendation of that panel, Mayor Robert E. Wagner and Commissioner of Correction Anna M. Kross developed the concept of an unpaid citizen watchdog agency, the Board of Correction. The Board of Correction would be charged with the responsibility to inspect all Department facilities, evaluate the Department's performance, make recommendations for capital and program planning and prepare annual and special reports to the Mayor and Commissioner of Correction. On October 1, 1957, Mayor Wagner announced the first nine appointments to the newly-constituted Board of Correction.

The Board's mandate remained unchanged until January 1, 1977, when the powers and authority of the Board were greatly broadened pursuant to recommendations made to the State Charter Revision Commission by Peter Tufo, Chairman of the Board, and the passage of the revised City Charter by the electorate of New York City in a referendum held in November 1975. These Charter revisions expand the duties of the Board of Correction in three areas. First under the new Charter, the Board is mandated to establish minimum standards for the care, custody, correction, treatment, supervision and discipline of all persons confined within the Department of Correction facilities. Second, the Board is mandated to establish grievance procedures for inmates and employees of the Department. Finally, the new Charter empowers the Board to conduct hearings on any matter within the jurisdiction of the Department and make recommendations based on its findings. The Charter gives the Board subpoena power and the power to enforce its authority under the Charter.

These Charter revisions took effect on January 1, 1977. On July 1 of that year, in recognition of the Board's new role, the Board of Correction was established as a wholly independent City agency.

This report covers the activities of the Board of Correction from January 1, 1978 to June 30, 1979. The report contains discussions of the Board's progress in carrying out its new Charter mandates to establish minimum standards and grievance procedures. Also included is a summary of a hearing held by the Board on an issue of special concern: the quality of mental health services in the City's prisons. Finally, the report documents the Board's involvement in reviewing the proposed transfer of Rikers Island to the State of New York and the Board's continuing role in investigating unusual occurrences within the City's prisons.

During the past year and a half, substantial progress has been made in laying the foundation for long overdue change in New York City's correction system. This opportunity for change has become possible because of a City administration which has made a real commitment to improving conditions in the City's jails. It is gratifying that the Board of Correction has been able to play a significant role in this evolutionary process. Under the new Charter, the Board has made a transition from an

interested watchdog group, critical of the existing system, to an agency playing an active participatory role in designing a better, more humane correctional system. This report reflects the Board's new role, the Board's impact on critical issues in the correctional system and the Board's continuing commitment to bring about needed change.



## Introduction and Summary

Prior to assuming office on January 1, 1978, Mayor-elect Edward I. Koch announced that a top priority of his administration would be to ensure that the City's jails meet the constitutional and moral standards of humaneness and decency. The commitment of Mayor Koch and his administration to achieving this goal has provided the impetus for necessary and major changes within the New York City correction system.

The Board of Correction is proud to have played a catalytic role in this modernization process. In fulfilling the mandate conferred on it by the new City Charter, the Board has been able to exert a forceful influence on the process of establishing priorities and plans for the City's correction system. In the process, the Board has become an integral part of the correction system - regulating the conditions of confinement, hearing grievances and conducting hearings on important correctional issues.

### Minimum Standards

The revised City Charter requires that the Board establish minimum standards for the "...care, custody, correction, treatment, supervision and discipline" of all prisoners held by the Department of Correction. After nearly two years of research and negotiations with appropriate City agencies, the Board of Correction adopted its first set of sixteen minimum standards on February 14, 1978. These standards began taking effect on a phased basis on May 1, 1978. With the full support of the Board and the City administration, the Department of Correction was allocated an additional \$16 million in Fiscal Year 1979 to begin implementation of the minimum standards.

Once the standards had been promulgated and the implementation budget had been approved, the Board established a system to monitor the Department's compliance with the standards. The Department has generally made a good faith effort to comply with the standards. Where compliance was not possible because of delays in hiring and construction, the Board has in some instances granted variances to the Department. Full compliance with each of these sixteen minimum standards is expected in Fiscal Year 1980. Observations by staff and members of the Board show that implementation of the minimum standards has had, as expected, a salutary effect upon the conditions of confinement for prisoners and working conditions for correctional personnel. (See Section 2 for a detailed discussion of the minimum standards).

### Grievance Procedure

The revised City Charter also requires the Board of Correction to establish procedures "...for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the Department or (2) by an employee of the Department." Since employee grievance mechanisms already exist within the Civil Service system and the unions, the Board has concentrated its efforts on developing a grievance procedure for prisoners in the New York



City correction system. Research by the Board indicated that no formal prisoner grievance procedure has ever been implemented in a large urban detention system such as the New York City Department of Correction.

During 1978, working with Department staff, correction officers and prisoners and with the assistance of the Institute for Mediation and Conflict Resolution, the Board developed a model prisoner grievance procedure tailored to the New York City correction system. After this model grievance procedure was approved by the Board and the Department, a funding proposal was submitted which would support a trial implementation of the model at two jails. Federal funding for trial implementation was secured in early 1979; the pilot project will begin at the outset of calendar 1980.

Under the model grievance procedure, the Board will assume the role of an administrative hearing body: prisoners may appeal decisions to the Board of Correction for review and evaluation. After deliberation, the Board will forward its non-binding recommendation to the Commissioner of Correction who may accept, reject or modify the Board's position.

The Board will be closely monitoring progress on the grievance grant and provide technical assistance on all phases of the program. Particular attention will be focused on the development of a management information system within the grievance procedure which will provide valuable information to the Board and the Department's executive staff for use in planning future policies and procedures.

The Board hopes that this procedure will provide administrative solutions to legitimate prisoner grievances and, as a result, obviate the need for costly prisoner class action litigation in the Federal Courts challenging conditions and practices within the City correction system. (See Section 3 for a detailed discussion of the grievance procedure).

### Mental Health

Consistent with its City Charter obligation to prepare proposals regarding the City's correctional program planning, the Board undertook a major review of the delivery of mental health services to prisoners within the City correction system. This study was undertaken in response to a series of tragic prison suicides.

Over the years the Board of Correction has made numerous detailed recommendations addressing the problem of suicidal behavior within the City's correctional facilities. However, it was evident from the circumstances surrounding the unacceptably high level of suicides in late 1978, that efforts by the Department of Correction or Prison Health Services of the Department of Health to implement these recommendations and to establish a comprehensive suicide prevention program had been unsuccessful.

The lack of an effective suicide prevention program is symptomatic of broader structural and conceptual problems with the delivery of mental health services in the City correction system. Therefore, the purpose of this study was twofold: first, to develop a program to eliminate prison suicides, and second, to lay the foundation for restructuring the entire mental health system in New York City's prisons. (See Section 1 for a detailed discussion of prison mental health services)

### Rikers Island Transfer Planning

The Board has participated in the task force reviewing the proposed transfer of Rikers Island to the State. Consistent with its Charter authority, the Board envisions its primary task in the Rikers transfer planning process to be the development of minimum standards for the detention facilities which would replace Rikers Island. The existing minimum standards were necessarily tailored to the realities of the existing correction physical plants. The exorbitant cost of renovations precluded the promulgation of more stringent minimum standards for the existing detention facilities. However, given the possibility that new facilities will be constructed, it will be feasible to develop minimum standards applicable to new detention facilities that would guarantee compliance with all existing Court mandates and nationally accepted correctional practices.

The Board will also seek to ensure that any new facilities incorporate the Board's recommendations for an improved system of delivering mental health services.

The Board is convinced that minimum standards for new detention facilities envisioned in the Rikers Island project will not only provide decent and humane conditions for prisoners and staff, but will also assist in reducing long-run operating costs by ensuring a rational, cost-effective integration of architectural design, service delivery systems and staff functions.

### On-Going Investigations

In addition to the new initiatives discussed above, the Board also continued during the reporting period to carry on its traditional watchdog functions.

Most notably, the Board continued to conduct independent investigations of all major unusual incidents occurring within the Department: deaths, escapes, violent disturbances, serious injuries to prisoners or Department employees, and job actions. The goal of these investigations is to ensure that proper security procedures are instituted which will protect the safety of correction personnel, prisoners and the public-at-large.

### Escapes

From a security perspective, 1978 was an exemplary year for the Department of Correction. In contrast to the preceeding year when forty-three prisoners escaped during sixteen incidents, three prisoners escaped from the Bronx House of Detention in February 1978 during the only escape of the year. Unfortunately, this trend did not continue in the first half of calendar 1979. In that six month period, sixteen prisoners escaped during seven incidents, including the highly publicized escape of alleged FALN terrorist William Morales from the Bellevue Hospital Prison Ward on May 21, 1979. An examination of these seven escapes shows that potentially serious security problems could be avoided if convicted State prisoners were transferred to the State Department of



Correctional Services in a timely fashion as required by State law. In addition, there continues to be a desperate need for a secure hospital facility for New York City prisoners.

### Suicides

In the eighteen month period covered by this report there were twelve suicides within the New York City correction system, compared with seven during the preceding eighteen months. The Board recognizes that many suicide attempts are thwarted by the timely intervention of conscientious correction officers, medical personnel and suicide prevention aides. However, in the Board's view, this system still suffers far too many suicides.

### Homicides

The number of prisoner homicides reflect the imperfect nature of internal security within the City correctional facilities. From October 1978 to July 1979, there were four prisoners murdered by other prisoners in three separate facilities. Particularly disturbing was the fact that three of these homicides occurred in special housing areas where additional supervision and security procedures are supposed to be in place.

### Overcrowding and Unusual Incidents

The Board also continued to monitor special operational problems within City correctional facilities. The overcrowding at the New York City House of Detention for Men (HDM) and the alarming increase of unusual incidents, particularly assaults and other violent acts, at the Adolescent Reception and Detention Center (ARDC) have been particularly persistent and troubling.

During the period covered by this report, the population at HDM generally hovered between 1800 to 1900, but at times exceeded 2000 prisoners. In its June 1975 report on conditions at HDM, the Board indicated that this institution was unmanageable at such population levels. The institution's various service delivery systems are not adequate to deal with such volume. At that time, the Board predicted that if the population was not reduced below the 1800 to 2000 level, rising prisoner frustrations would be vented in a potentially violent and destructive manner. In November 1975, with the population in excess of 1800, a major riot erupted at HDM. The population at HDM was reduced in the aftermath of the riot, but has crept upward over the years. A number of factors explain this increase. First, the elimination of all double celling throughout the City correction system limited the amount of available alternative housing. Second, the lack of the staff needed to open unused housing areas also limited alternative housing. And third, the inability of the State to assume responsibility for State-ready cases and technical parole violators placed an additional strain on the City's prison population. The Board has repeatedly petitioned the State Department of Correctional Services to assume jurisdiction of these prisoners forthwith as required by State law, but the State has continually maintained that its severe overcrowding problems make this impossible.



The Board has recommended that in the long run, HDM be closed as a long-term detention facility. The Board continues to work with the Department and other City officials toward that end. In the short run, the Board has worked and will continue to work with the Department to insure that HDM is operated in the safest, most efficient manner possible under these difficult circumstances.

The rise in destructive and violent unusual incidents at ARDC can be traced to the nature of the population itself. Male adolescent detainees are much more energetic and physically active than adults. They are also less able to moderate their impulses and establish accommodating relationships with their peers. As a result, their behavior tends to be volatile, spontaneous and physical. The Board has focused particular scrutiny on the Department's efforts to establish housing arrangements to separate antagonistic individuals or groups and to increase program activity for these adolescents. The Board was particularly pleased with the Department's acceptance of the Board's recommendation that ARDC be brought into full compliance with the minimum standards on recreation and visiting by the Summer of 1979. In fact, while the standards call for one hour of daily recreation, adolescent detainees are now receiving 2½ hours of recreation per day at ARDC.

#### Management

Since early in this decade, the Board of Correction has been critical of the structure and the quality of the management of the Department of Correction. Historically the Department has suffered from a lack of emphasis on sound and innovative managerial practices. This has resulted in serious operational and security inefficiencies, a lack of staff accountability and the declining morale of civilian and uniformed employees.

The Board was pleased that upon assuming office in February 1978, Correction Commissioner William Ciuros announced his goal to strengthen the management structure and capabilities of the Department. After a total reorganization of the Department's executive management structure, Commissioner Ciuros undertook several new initiatives: the issuance of written Departmental policies and procedures, the establishment of a medical management unit to expedite correction officer hiring and to operate an employee absence control program, the development of a Correction Emergency Response Team, and the establishment of a Communications Control Center within the executive offices of the Department.

In addition to its historical management concerns, the Department of Correction faced a new management problem during the period covered by this report. In response to the changes in the New York State Penal Law which lowered the age of criminal responsibility to thirteen for most serious crimes and twelve for homicide, the Department had to make housing provisions for juvenile offenders arrested under the new statute. This new population presented the Department with a difficult problem which had to be approached with sensitivity. A number of new services, primarily educational, had to be provided to this group of detainees. The Board closely monitored the Department's efforts in setting up the Juvenile Offender Detention Center and providing services to its juvenile offenders.

The Board found that despite shortcomings in services provided by other agencies, i.e. counseling and in some instances teaching, the Department responded to this new demand with a high level of professional care and concern.

The Board is heartened by these management initiatives and by the fact that Benjamin Ward, who assumed the position of Commissioner of Correction in August 1979, is committed to continuing and expanding upon this effort to professionalize and strengthen the management of the Department.



Section 1

Report and Recommendations on Prison Mental Health Services

The Board of Correction has traditionally paid special attention to the circumstances surrounding suicides and other deaths in the City's prison system. The Board's first public report in this area focused on the death of an Hispanic inmate in the Tombs on October 16, 1970. Since then the Board has issued similar reports on four other deaths, as well as several more comprehensive reports on the system's suicide prevention efforts.

In the Board's most recent report in this area, "Suicides in New York City Prisons: August 8 - October 3, 1976", a number of short-term and long-term changes were recommended in the areas of housing, personnel, communication and inmate admissions. At the time of the report's release, the inmate suicide rate was declining. However, in its 1977 Annual Report, the Board felt it necessary to caution that:

"It is too soon to conclude that an acceptable prevention system is now in place. The number of suicides is still too high; there were several serious attempts that were thwarted more by luck than anything else, and it is not clear if the decline was the result of better prevention."

A series of tragic incidents, occurring late in 1978, underscored the fragility of the changes which had been introduced and also served to reaffirm the persistence of suicide as a grave problem for the system. During a thirteen week period from October to December, there were seven prison deaths. This number included three suicides and two homicides. Cases in point:

- o In the 24 hours prior to hanging himself in the Rikers Island Mental Health Center, a detainee drank a toxic liquid, became assaultive, was stripped naked and placed in a "strip cell" and never received medication;
- o A detainee who was never interviewed by mental health staff hanged himself in the mental observation area of HDM;
- o A sentenced inmate committed suicide while housed in a special housing area despite the fact that correction officials acknowledged that he should have been in a mental observation area;
- o An inmate committed by a judge for psychiatric examination after his arrest for a \$1.38 robbery was murdered;
- o A detainee at Rikers Island Infirmary died after being assaulted by an unidentified prisoner.

In addition, there were twenty-six attempted suicides during this period. Ten of these occurred within prison mental health areas, i.e., the inmates had been identified as being disturbed. One attempt resulted in permanent brain damage to an adolescent.



Let us now turn to a review of recent Board of Correction activities in this area. On November 20, 1978, the Board announced that it would conduct an investigation into the delivery of mental health services within City correctional facilities. To this end, it arranged for Dr. Jerome Miller of the National Center for Action on Institutions and Alternatives to evaluate the system. Dr. Miller, a national authority on adult and juvenile correctional institutions, had conducted extensive research on suicide and mental health service delivery in correctional systems. His team of professionals conducted an intensive three-day field review during January of this year. After further documentary study, they compiled an executive summary containing preliminary recommendations.

Dr. Miller's team evaluated routine and emergency procedures and practices; assessed the activities of mental health and correction staff; reviewed and evaluated medical/mental files as well as the record keeping systems; inspected the physical plant; interviewed members of the Prison Health staff, corrections staff and inmates; and participated in an institutional review by the Prison Death Review Board.

A separate site visit analysis was prepared by a team from the New York City Department of Mental Health, Mental Retardation, and Alcoholism Services. This document, prepared under the direction of Dr. Sara Kellermann, supplemented the Miller report. Along with data gathered by the Board on an ongoing basis, these materials served as the base for a public hearing held by the Board on June 24, 1979. It should be noted that there were five suicides and seventy-one attempted suicides within the five months between January 1, 1979, and the time of the public hearing.

Fifteen witnesses testified at the Board's hearing. They represented a cross section of expert opinion in the field, including academic authorities, practitioners in the field, experienced professionals, inmates and ex-offenders. Their testimony constitutes a general consensus supporting the conclusions and recommendations of Dr. Miller's report. The witnesses also painted a picture of a system in which long-standing recommendations, (e.g., the use of dormitory space for potentially suicidal inmates), have not been implemented. Despite widespread acceptance of the principle that adequate mental health services are essential, the testimony described a system in which mental health services are regularly compromised for other than security reasons.

The effectiveness of mental health services is also diminished by the lack of clear purpose and definition. From the descriptions given during the hearing, one cannot readily ascertain the goals of the program. A basic terminology across and within disciplines is also missing. This particular deficiency has major operational implications when one group, the custodial force, is interested in overt behavior and the second, the mental health staff, is focused on diagnostic categories. The weakness in the support and backup service arrangements is directly related to this absence of a common language. The attainment of common definitions, by itself, would represent a major step toward an improved service.

Given a history of previous efforts, most of them crisis-inspired, to address the problem of suicide, the Board believes that only through a systematic investigation and analysis of prison mental health services can a process of institutionalized change be initiated.

The experience of the past decade has provided several valuable lessons with respect to efforts to reduce the incidence of suicide. First, it is clear that crisis-engendered or cosmetic responses will not resolve the very difficult mental health problems confronting the system. Short-term remedies, while essential, cannot substitute for the painstaking long-range organizational change required to meet the needs of suicidal and other mentally disturbed inmates.

Second, the systemic problems requiring attention are not exotic. In fact, they are readily identifiable and widely acknowledged. They include deficiencies in staff, physical plant, policy, procedure and information. While there is disagreement on certain aspects of a desirable program (e.g., what is a "classification" or "screening" procedure?, what are appropriate staff credentials?) there is near universal agreement on the fundamental requirements of such a program.

Third, the process for effecting change is as important in this setting as is the substance of the proposed innovation. Only by asking a series of implementation-related questions can we assess the appropriateness and practicality of our course of action. This series of questions must include at least the following: who will be responsible? how and with what resources will it be done? where? when? and what other units should be involved in the planning process?

Fourth, the City's fiscal situation has substantially increased the difficulty of making inroads in this area. The frustrations of working to improve prison mental health service are compounded in times like these and easily give way to the norm which says: "we're doing the best we can with these inadequate resources". Defeating that attitude becomes an important part of the change process. In addition, these same resource stringencies require that we alter the nature of our response. Ten years ago, one could have discussed mounting a political effort to generate money for new programs and staff. That simply won't work today. Instead our activities must be geared to finding solutions within the limited dollars available. Achieving this goal involves a rigorous examination of current priorities, programs, and resource allocations.

The proposed transfer of Rikers Island must serve as a backdrop for any changes which will take place. It is within the context of this enormously important proposal that the Board's recent efforts have occurred. From its inquiry, the Board has concluded that the success of mental health planning as one segment of an overall plan depends upon a broad-based interagency effort.



Addressing these basic organizational issues is a prerequisite to all of the recommendations which follow. Achieving the goals of improved screening, tracking and record-keeping, absent this infrastructure would be an insurmountable task tantamount to building on sand.

Progress in this area does not impose a new fiscal burden, but instead represents improvement in the organization, allocation, and use of existing resources. The Board rejects the notion that budget constraints preclude the improvement of existing services with current resources.

The Board of Correction's ongoing investigation, the results of the June 25 hearing, and the materials contained in the Miller and Kellermann reports serve as the basis for a set of recommendations related to prison mental health services and suicide. These recommendations follow:

1. The direct delivery of mental health services by the City is hampered by serious problems of recruitment, program organization, and budgeting flexibility and stability. These problems appear to be largely structural and long-term. The Board, therefore, recommends that the City systematically explore the possibility of contracting for the provision of these services. Two prerequisite conditions should be met before implementing this recommendation:
  - a. The nature of the mental health program which the City desires must be clearly defined. An effective contractual arrangement will be possible only if the City knows what it does and does not want. The process of defining goals must include key staff representatives from all involved correction, health and mental health agencies. The document produced should include a budget projection and the requisite staffing pattern. It is the Board's further recommendation that any program designed be geared primarily to suicide prevention and short-term intervention and that the allocation of resources reflect this emphasis.
  - b. The recruitment, selection and negotiating team should be determined in advance of any approach, with roles and responsibilities clearly fixed.
2. It is widely recognized that isolation cells contribute to prison suicides. The Board recommends a detailed, time-limited plan for the elimination of these cells and their replacement by small dormitories. If there are compelling reasons that these cells cannot be eliminated, these reasons should be made explicit so that alternative approaches can be developed. There is theoretical agreement that these cells are undesirable and their use should be discontinued.
3. It is clear that training for medical, mental health and custodial staff, as well as inmate "suicide prevention" aides, is seriously inadequate.



The Board recommends the following:

- a. A program of required training should be developed in basic aspects of identification of suicidal behavior, in life-saving procedures and in referral and transfer procedures.
  - b. Any training package should include modules devoted to supervision and the maintenance of acceptable standards of care.
  - c. Potential sources of outside support for this training should be explored.
4. The staffing patterns of the Department of Correction and the different functions of custodial and mental health staffs have a negative impact upon the organization of an effective mental health program. The Board recommends the following:
- a. The Department should begin internally to recruit, train, and permanently assign officers to units housing mentally disturbed or suicidal inmates.
  - b. The training of these officers should be intensive and ongoing. It should reflect a commitment to a central role for the correction officer in the care and custody of disturbed and suicidal inmates, as well as to a functionally integrated mental health-custodial team. Training of these officers should be conducted jointly with that of mental health staff, with each alternating between trainer and trainee functions. This training should have a strong team-building emphasis utilizing organizational development methods of demonstrated effectiveness.
5. The contributing role of the prison environment in prison suicide was cited by a number of witnesses. Although these physical problems, and especially those which are structural, are difficult to remedy, the Board recommends that a number of remedial steps be taken at an early date. These include: discontinuing use of the loudspeaker during evening hours (a recommendation not limited to mental health areas); provision of minimal furnishings; and the acceleration of schedules for painting and cleaning cells. Within this context, the planning for borough units to replace those on Rikers Island assumes major importance and reinforces the need for inter-agency cooperation. Toward this end, the Board recommends that a systematic analysis of programmatically desirable and undesirable housing characteristics be completed as part of the planning process.
6. The suicide prevention aide program has a variety of deficiencies, some of which may not be readily amenable to change. The following steps, however, can be taken and can be expected to contribute to program improvement:

- a. A specific screening and selection process should be developed and promulgated as Department policy. Certain basic requirements should be established, one of these being that every effort should be made to select sentenced prisoners having a minimum of six months remaining on their sentence at the time of selection.
  - b. A procedure manual for suicide prevention aides should be prepared in English and Spanish and should serve as the basis for the suicide prevention aide training effort. This training should be mandatory. It should be carried out by custodial and mental health staff in a professional manner which makes clear that there are standards and levels of expectation associated with the position.
7. The process for classifying and referring disturbed inmates is inadequate on several grounds, the most salient of which are a lack of clear categories, lack of policy and procedure, and inadequate training. The intake phase is critical in routing inmates needing mental health services to the appropriate location. Its importance cannot be overestimated. It is this initial contact that defines the purposes of the mental health programs; determines the allocation of its resources; gives the service its coherence; and shapes the relationship between the staff and those individuals who are both patient and prisoner.

An acceptable classification system must be based upon the following: clear and simple policies and procedures; competent screening staffs; settings which permit sufficient time in a tolerable environment; the capacity to rapidly retrieve records and clear-cut decision-making authority for post-intake referral.

To better identify the disturbed or suicidal inmate, the Board recommends:

- a. Policies and procedures for classifying incoming prisoners by mental health status should be developed. Given the volume of admissions and the need for rapid retrieval, it is essential that the categories and data elements be readily adaptable to an on-line automated record-keeping system.

Two process recommendations. First, if the classification system is to serve as the basis for substantive decisions and is to be operationally sound, it must be supported by mental health staff, custodial staff and receiving units outside the Department of Correction. Toward these ends, the planning of the system must include active participation by all involved agencies. In this regard, the special situation presented by court-ordered competency examinations pursuant to Article 730 of the Mental Hygiene law requires attention. At a minimum, involved agencies should be made aware immediately of the fact that an examination has been ordered, and the Article 730 commitment should trigger a classification decision that results in rapid referral to a hospital setting and treatment.



In addition, the potential use of information obtained through the 730 process should be the subject of further exploration. Finally, the classification procedures should interface with the automated system which the Department of Correction will be introducing in the next few months.

- b. The training of staff, especially staff assigned to receiving rooms and other intake facilities must include the use of the classification system in both its substantive and procedural aspects.
  - c. The classification system must be supported by a coherent body of policy and procedures and by consistently available backup services. There is little point in classifying people if action based upon the classification is not possible. In addition, management controls must be developed to assure maximum system effectiveness.
8. Closely related to the classification system is a capacity for rapid retrieval of records. The Board recommends that a specific on-line system be developed and implemented for this purpose. In addition, it is essential that formal procedures for record audit be established or expanded. As in the case of classification, there is little point in automating a system which produces useless data. (It should be noted that the Department of Correction has made significant progress in developing an effective record-keeping system.)
9. To make the classification : record retrieval : referral process work effectively, intake procedures must produce an adequate assessment of the inmates' mental and physical condition. The Board rejects the notion that volume precludes such assessments. There is substantial available opinion to support this rejection. The Board, therefore, recommends that initial evaluation include a face-to-face interview of sufficient depth to provide the information needed. This activity must be supported by procedures for record audit across individual staff members and by adequate training, supervisory, and disciplinary practice and procedures.
10. A thorough review of mental health personnel policies and practices should be initiated. This review should include an examination of procedure policy for promotion, discipline and dismissal; available rewards for good work; the quality of supervision and management; and the pattern of management-staff communication. A report should be issued and shared with staff.

There have been widespread and persistent demands that pejorative terms such as "manipulator" or "malingerer" be eliminated from the mental health vocabulary. The Board supports these demands but feels that this terminology reflects basic system problems rather than carelessness or insensitivity. These, and other unacceptable practices, will be

eliminated only through effective programmatic and managerial action. The evidence that such change is occurring will be the establishment and maintenance of adequate standards of care. Achieving these standards must be management's primary task.

11. Inter-agency difficulties contribute significantly to the problems of the prison mental health program. The Board recognizes the difficulty of these problems and recommends that an inter-agency working team be established to address them. The team would include management representatives of all involved correction, health and mental health agencies. It should systematically address the common inter-agency mental health problems and should have policy development and implementation as its goal.

These preliminary recommendations to the Mayor, the Commissioner of Correction and all concerned agencies will hopefully not only provide insights into the effectiveness of the system as it currently operates, but also lay a foundation for step-by-step improvement and restructuring of the existing system over fixed periods of time. The key outcome should be a management plan.



Section 2Minimum Standards

In the Spring of 1976, the Board undertook an extensive research and planning effort to fulfill its Charter mandate to develop "minimum standards for the care, custody, correction, treatment, supervision and discipline" of persons confined within Department of Correction facilities. The staff of the Board evaluated the standards of other jurisdictions, analyzed Federal Court rulings on the constitutionality of confinement and sought the advice of inmates, experts, correctional administrators, correction officers and the public-at-large. Funds for this effort were provided by the Ford Foundation, the New York Community Trust, the Burden Foundation, and the New York Foundation. The sixteen minimum standards, which were derived from present standards and practices in other correctional systems and recent Federal court decisions, were promulgated only after public hearings televised live on Channel 13. In February 1978, the Board unanimously approved sixteen minimum standards. Most of these standards became effective May 1, 1978, while those requiring substantial renovation, construction or staff increases were postponed for later implementation. The standards can be summarized as follows:

1. Non-Discriminatory Treatment. Prisoners shall not be subject to discriminatory treatment based upon race, religion, nationality, sex, sexual orientation, age or political belief.
2. Classification. The Department shall submit to the Board for approval a classification system for grouping inmates according to the minimum degree of surveillance and security required.
3. Overtime. The Department shall limit involuntary correction officer overtime.
4. Personal Hygiene. Reasonable standards of prisoner personal hygiene shall be maintained.
5. Overcrowding. Inmates shall not be housed in inadequate housing.
6. Lock-In. Lock-in time shall be minimized and required only when necessary for the security of the institution.
7. Recreation. Adequate indoor and outdoor recreational opportunities shall be provided.
8. Religion. Prisoners have unrestricted rights to the exercise of religious freedom.
9. Access to Courts. Prisoners are entitled to access to courts, attorneys and legal materials.

10. Visiting. Prisoners are entitled to receive personal visits of sufficient length and number.

11. Telephone calls. Prisoners are entitled to make periodic telephone calls.

12. Correspondence. Prisoners are entitled to correspond with any person.

13. Packages. Prisoners shall be permitted to receive packages from and send packages to any person.

14. Publications. Prisoners are entitled to receive new or used publications from any source.

15. Access to Media. Prisoners are entitled to access to the media.

16. Variances. The Department may apply for a variance from any section of these minimum standards.

### Distribution

Immediately following promulgation, the Board undertook the considerable task of familiarizing correctional employees and prisoners with the standards. Twenty thousand minimum standards booklets were printed at Board expense and widely distributed. Copies of the standards were provided to every member of the uniformed force. In addition, meetings were held with the Wardens and the Department's executive staff, and the standards were distributed and explained to prisoners at Inmate Council meetings at each institution. The standards were also widely distributed to public officials, community organizations and interested citizens. Finally, they were printed on three separate occasions in the City Record and filed with the City Clerk and the Corporation Counsel.

### Implementation

After reviewing the new minimum standards, the Department of Correction presented to the Office of Management and Budget a request for funds necessary to implement the standards. During the first half of 1978, Board staff worked extensively on reviewing this budget request.

Following this review and after hearings of the City Council and Board of Estimate, the Department received an increase of \$16 million in its Fiscal Year 1979 appropriation to be used primarily to implement the minimum standards and comply with other Court mandates. The Board of Correction actively supported this increase only after Board staff completed a comprehensive analysis of the Department's original supplemental budget request of \$25 million with Office of Management and Budget staff and independently verified that the pared down figure of \$16 million represented a realistic and fiscally responsible budget essential to insure implementation of the standards.



### Compliance Monitoring

Over the past year, one of the Board's highest priorities has been to monitor systematically the Department's minimum standards compliance effort. To this end, comprehensive monitoring of standards implementation at all of New York City's correctional institutions has been conducted on an ongoing basis by the Board's field staff. After analyzing this detailed compliance information, system-wide standards compliance reports were prepared by staff.

These reports have enabled the Board to track the Department's progress toward full compliance and to make informed decisions on the Department's requests for variances from certain standards when delays in hiring, construction or requisitioning have prevented compliance by a predetermined date. In addition, these compliance reports and other documents delineating areas of non-compliance have been forwarded to the newly created Conditions of Confinement Unit within the Department's Central office. Among other assignments, this unit is charged with the responsibility of identifying and eliminating areas of non-compliance within DOC facilities. Despite the fact that this unit has not been fully staffed, it has performed a valuable liaison and information gathering function. Its effectiveness has been enhanced by the availability of the Board's compliance reports which enabled the Department's executive staff to target areas of concentration for this unit.

The Board's intensive monitoring of the standards compliance process reveals that the Department of Correction has taken significant strides in achieving compliance with the standards. Where delays have been requested, the Board has been able to significantly influence the compliance process by identifying critical areas requiring immediate attention. This approach is best exemplified by the special efforts made by the Department prior to the onset of the Summer of 1979 to come into full compliance with the recreation standard at its two most difficult institutions, HDM and ARDC, and providing inmates system-wide with their full complement of three contact visits a week except at three institutions.

In nearly all cases, the important compliance problems that persist can be traced directly to practical considerations (i.e., problems associated with hiring and construction) that have compelled the Board to grant delays with respect to certain standards. Throughout the standards implementation period the Board has carefully balanced the understandable frustration of inmates caused by delays in standards implementation against the strain on the Department's personnel where departmental hiring and construction have not kept pace with the standards process. However, progress to date in attaining substantial compliance with the bulk of the minimum standards encourages the Board to believe that full compliance is a realistic goal for the near future.

### Consent Decrees

The promulgation and implementation of the Board's minimum standards has significantly influenced the settlement of most of the class action litigation brought by the Prisoners' Rights Project of the Legal Aid Society against the City concerning conditions within the City's detention facilities. Much of this litigation had been before the Federal courts for several years at considerable expense to the City. Minimum standards developmental efforts provided a positive atmosphere for the negotiations between the City and the Legal Aid Society, so that most of the significant issues in the litigation had been resolved when the City adopted the minimum standards.

On November 29, 1978, the City and Legal Aid Society signed consent decrees covering the majority of the issues in dispute. These agreements, many of which reflect the language of the Board's minimum standards, saved the City the considerable time and resources which would otherwise have been expended in costly litigation.

### Future

There has been substantial progress toward the goal of full compliance and the Board is encouraged to believe that full compliance will be realized in the near future. The Board also realizes that the sixteen minimum standards provide a basis for a humane correctional system but are not exhaustive. If new correction facilities are constructed as part of the Rikers Island transfer plan, the Board will develop minimum standards applicable to those new facilities. In the future, the Board will study other aspects of the correctional system which it believes should be governed by minimum standards and will thereby continue to carry out its Charter mandate.



Section 3Grievance Procedure

For nearly a decade, the Board has operated an informal grievance procedure in New York City's jails. Complaints were brought to the Board's attention by inmates, their families, lawyers, correctional personnel and the interested public. The Charter revision mandated that the Board develop formal procedures to hear "grievances, complaints or requests for assistance by or on behalf of any person" held by the Department of Correction.

To carry out this mandate, the Board created an Institutional Compliance & Development Unit (ICDU) funded by the Criminal Justice Coordinating Council and the Division of Criminal Justice Services. In 1978, the ICDU established a site design team at the Queens House of Detention, comprised of inmates, correction officers, Department staff and Board staff. With the guidance of the Institute for Mediation and Conflict Resolution, the design team developed a conceptual model for a grievance procedure. The model would resolve grievances through a five-step procedure. The important elements of such a model are that grievances be resolved in a timely manner, that inmates be guaranteed written responses, that inmates have equal unrestricted access to the procedure, that both inmates and officers participate in the grievance mechanism and that there be outside impartial review of all grievances. The model developed by the Board reflects these concerns.

In the first step of the procedure, the inmate files a grievance at the institution with the Inmate Grievance Resolution Committee. This committee, which consists of two correction officers, two inmates and one non-voting civilian chairperson, will attempt to resolve the grievance informally within forty-eight hours. If the grievance can not be informally resolved, a formal hearing of the grievance committee is scheduled within twenty-four hours. If the inmate wishes to appeal the committee's decision, or if there is a tie vote, the grievance is brought to the Warden.

The Warden must respond to the appeal in writing within five working days and, through the grievance clerk of the institution, notify the parties and the grievant of his action.

If the grievance involves a question of institutional policy or regulations, the grievance committee will forward the grievance to the Warden with a recommendation.

If the inmate wishes to appeal the Warden's decision or if the grievance involves departmental policy or regulations, the matter will come before the Central Office Review Committee. This committee, which is comprised of the Department's First Deputy Commissioner, Deputy Commissioner for Program Services and Legal Policy, Chief of Operations, General Counsel and Inspector General, will make a decision within five working days and will forward its decision to the Warden and the grievance clerk.

Within forty-eight hours of this decision, an inmate or any party to the decision may appeal that decision to the Board of Correction. The Board, in turn, may delegate its appellate function to an independent arbitrator. The Board or its independent arbitrator will forward its recommendation to the Commissioner of Correction and all relevant parties within thirty days.

Within five working days of receipt of the Board's recommendation, the Commissioner shall either accept, modify, or reject the recommendation. His decision shall be transmitted to all concerned parties, including the Board of Correction. If the Commissioner chooses to modify or reject the Board's recommendation, the reasons for doing so shall be in writing and both the recommendation of the Board or its independent arbitrator and the reasons for the Commissioner's modification or rejection shall be made public.

In 1979 the Department received a grant to test-implement this model grievance procedure in the Queens House of Detention and the House of Detention for Men on Rikers Island. The Board firmly believes that the effective implementation of a grievance procedure will lead to a reduction in tension and unrest within the City's correctional institutions, that it will afford inmates an open forum for the resolution of differences and, finally, that it will enable the Department to remain sensitive to the problems and needs within the various institutions.



Section 4Rikers Island Transfer Proposal

The proposed lease of Rikers Island correctional facilities to the State of New York presents an unprecedented opportunity to restructure the City's correctional system. Given the Board of Correction's longstanding advocacy of humane and secure prisons, and its Charter mandated responsibility to develop and enforce minimum standards of confinement, this proposal has increasingly become the focus of the Board's attention.

According to the Memorandum of Understanding signed by City and State officials, the State would lease the Island complex to house State prisoners for an initial 99 year period. Acquisition of the facilities would be phased over a five year period. The State legislature has already appropriated \$200 million for the lease, to be applied toward the renovation and construction of replacement facilities by the City. If the required approval of the Board of Estimate is received, the City intends to create cost-effective, modern decentralized facilities.

Supporters of the transfer emphasize that these new prisons would conform to existing legal standards as well as anticipate the mandates of future court decisions. They stress the advantages of a decentralized system which places detainees close to the courts and their families and attorneys. However, questions have been raised about the cost of a replacement system, the ability of the City to create adequate interim prisons and the location and design of new prisons. In order to address these issues and to ensure that adequate consideration is given to the standards in all phases of planning for interim and replacement prisons, the Board has been participating in the City's master planning effort. The Board intends to review all critical aspects of the project - from site selection to the design of a proto-type facility. The Board has already evaluated proposed interim facilities to determine what renovations would be required to bring these facilities into conformance with the Board's standards.

Proposed schematics for the Tombs renovation are also being examined and evaluated. In March, 1979, the project architect and the staff of the City Corrections Planning Project appeared before the Board to discuss planning for the renovation. At this meeting and in subsequent communications, the Board expressed its concerns on minimum standards compliance and security. The Board has given preliminary approval to the plans, and will continue to review subsequent plans.

The Board is particularly concerned with ensuring adequate planning for mental health and medical services. In designing a new system, the City must choose between dormitory or cell housing for persons under mental observation; it must decide whether services are to be centralized, and whether they should be provided by contracting out to private groups. By drawing on its insight and experience in this area, the Board will contribute to the resolution of these and other critical issues.

While it is deeply involved in these planning efforts, the Board is nevertheless aware that the decision to adopt the transfer proposal is one which requires much deliberation. Before committing itself to this transaction, the City must ensure that it can create new facilities which are humane, are secure, and justify such a substantial commitment of public funds. In order to permit full public consideration of all implications of the transaction, the Board has exercised its City Charter authority in conducting the first public hearing on October 9 and 10, 1979 at which all facets of the transfer were considered. Among those issues considered were the cost implications, transition plans, location and design of interim and replacement facilities and impact on correctional personnel. By providing this forum, the Board hopefully has contributed to a thorough assessment of the implications and feasibility of the transfer before a final decision is reached.