

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF SEPTEMBER 11, 1991

Members Present

William H. Booth, Chairman
John R. Horan, Vice-Chairman
Louis A. Cruz
Stanley Kreitman
David Lenefsky

Excused absences were noted for Rev. Irvine Bryer, Jr., Peter J. Johnson, Jr., Barbara Margolis and David A. Schulte.

Representatives of the Department of Correction

Vito Turso, Deputy Commissioner
Toni V. Bair, Assistant Commissioner
John Shanahan, Assistant Commissioner
Leslie Keenan, Associate Commissioner
Hector Eugui, Deputy Chief of Operations
Roger Parris, Director of Health Services
Leonard Venechanos, Director of Design
Reza Zeynali, Director of Engineering

Others In Attendance

Paula Clair, Special Assistant to Director of Field Services, DOH
Laura Szapiro, Deputy Director of Field Services, DOH
Kevin McGrath, Director of Field Services, DOH
Deirdre Barratt, Deputy Director of Clinical Services, DOH
Dale Wilker, Legal Aid Society, Prisoners' Rights Project
Frank Reay, NYS Committee on Crime and Corrections
Patricia Thomas, State Commission of Correction
Selwynn Raab, New York Times
Mark Mooney, New York Post

Following a tour of the Manhattan Detention Center, Board Chairman William Booth called the meeting to order in the South Tower Visit House at 2:20 p.m..

Board Member David Lenefsky moved adoption of the minutes of the Board meeting of August 14, 1991. Board Member Louis Cruz seconded the motion, and it was approved by all Board Members present.

Executive Director Richard Wolf reported on the state-ready "overdues". He explained that the State had continued to remove more than 500 state prisoners each week, with the result that the number of state-ready overdues had decreased from above 2,500 slightly more than 1,100. Of this total, 645 were newly sentenced prisoners, 354 were adult male parole violators and 105 were of women in various categories. Mr. Wolf stated that the inmate population has dropped substantially below the Department's projections. He noted that only a few months earlier, Commissioner Sielaff expressed his concern at a Board Meeting that the Department might be facing a shortage of as many as 4,000 beds, but that the Department is now at 96% capacity.

Mr. Wolf then began a discussion of the West Facility. He said that following a "declaration of emergency" approved by the Comptroller's Office, the Department is building an 800-bed Sprung facility behind the Anna M. Kross Center (AMKC) on Rikers

Island. Mr. Wolf stated that the original plan presented to Board staff by the Department's staff called for the new jail to be erected in a more compact area. Its actual location seriously encroaches on AMKC's outdoor recreation area. Mr. Wolf explained that this is a concern to the Board because of its Standard which requires an hour per day of outdoor recreation for all inmates in all facilities. Mr. Wolf noted that the Anna M. Kross Center has a capacity of 2,862 people and asked the Department to what extent will the AMKC yard be reduced and what the Department will do to ensure that there are adequate recreation facilities for all the people at that facility.

Assistant Commissioner Toni Bair stated that he received a letter from Board Counsel Annette Gordon-Reed, asking for the information. Mr. Bair said that he spoke with AMKC Warden Gaston and requested a time and motion study of the impact of reducing the size of AMKC's yard. Mr. Bair said that Warden Gaston did not feel there would be any major changes, but that the Warden was presently in the process of making adjustments to the existing schedules of the facility. Assistant Commissioner Bair informed the Board that he would forward all information regarding the reduction as soon as he received it, and said he would send Board staff the information no later than September 18th. Mr. Wolf asked that the Board receive a detailed analysis based on past usage. Mr. Wolf urged the Department to plan carefully for recreation at AMKC, given that the yard was often

crowded even when it was full size.

Mr. Wolf then asked the Department's representatives about changes in the construction schedule for the West Facility. He said that the Department was initially going to open the Facility in two phases: a first "phase" in mid-October, when the first 400 beds were to open, followed approximately 30 days later by the second "phase", when the remaining 400 beds would come on-line, accompanied by the opening of the kitchen and visit house. Mr. Wolf said that the Department recently announced that all 800 beds were to open on or about October 14th and that the opening of the kitchen and visit house was not expected until April, 1992. Mr. Wolf asked the Department if the process of opening the kitchen and visit house could be expedited, and noted that a variance might be required if the Department planned to provide visits off-site.

Assistant Commissioner Bair responded that AMKC's new visit house will temporarily be used by the West Facility until its visit house is ready. He asked Leonard Venechanos, Director of Design, Capital Policy and Development Division, to explain the construction schedule changes. Mr. Venechanos said that the competitively bid contract calls for the kitchen to be ready on or before the 250th calendar day following the beginning in July of construction of the new jail. Mr. Venechanos estimated the completion of the kitchen to be mid-March, 1992.

Chairman William Booth requested that Board Vice Chair John Horan and Member David Lenefsky address the Health Standards variance requests submitted by Katie Lapp, Deputy Mayor Mollen's Chief of Staff and Special Counsel.

Mr. Lenefsky said that at the last Board meeting a one month variance was granted to the Department to establish communicable disease units (CDU's) in four facilities. Mr. Lenefsky stated that the City had indicated that the George Motchan Detention Center's (GMDC) CDU, which was supposed to open on or about October 1, 1991 will not be ready until March 1, 1992. Mr. Lenefsky asked for a detailed explanation of the variance request.

DOC Associate Commissioner Leslie Keenan explained that the Department is requesting a limited variance until October 1 for the George R. Vierno Center, until January 15, 1992 for the Rose M. Singer Center, and until May 1, 1992 for AMKC. She noted that these are the same dates the City sought at the Board's August meeting. Ms. Keenan continues to explain that within the last month, during the completion of construction of GMDC's CDU, serious problems arose, including noise levels, fresh air source, negative pressure, and assurances that there is an air barrier between two sections of the unit which must be isolated from each other. Ms. Keenan explained the Department estimates that an additional six months are needed to solve these problems. She

said that an interim plan to use the unit beforehand requires medical staff to review it and sign off. If approval is given, the Department unit could open by October 15.

As to the interim plan, Ms. Keenan noted that the unit will have nine cells for inmates with infectious tuberculosis and 20 dorm beds for inmates who are no longer infectious. Ms. Keenan explained that final plans call for all beds in the CDU to have negative pressure. The interim plan is to operate the 9 cells, which have negative pressure, no noise problem, and no intake or exhaust proximity problems. The 20 dorm beds do not have negative pressure. Ms. Keenan explains that the question medical staff has to answer, with regard to the cell area, concerns the space through which the inmates have to walk to get to the showers because the connecting corridor does not have negative pressure. Ms. Keenan stated that the Department will be creating a temporary structure which prevents the air in the cell area from escaping into the dorm area. The viability of such an arrangement must also be approved by medical staff. Ms. Keenan said that GMDC is presently using the area for inmates who do not have infectious diseases. She asked for a variance until October 15 for the interim solution, and until March 1, 1992 for the permanent solution.

Mr. Lenefsky asked that Ms. Keenan comment on the Health and Hospitals Corporation's (HHC) willingness to house some of the

infectious inmates. Ms. Keenan states that the Department of Health is approaching HHC on the matter. Chairman Booth asked when this occurred. Ms. Keenan responded that the solution had just been sought and that she felt that HHC would be helpful.

Mr. Lenefsky proposed that the Board grant a one month variance, that Board staff meet with Ms. Keenan and staff from the Department of Health, and that all results be discussed at the following Board meeting. Chairman Booth called for a motion, which was made by Mr. Horan, seconded by Mr. Cruz, and approved by all Board members present.

Mr. Lenefsky reported that the City is requesting a variance, pertaining to Section 302 (f), until October 7, 1991, to complete an evaluation for referrals to specialty clinics, and asked for an explanation for the variance request.

Kevin McGrath, Director of Field Services, DOH, explained that the Department of Health, together with DOC, HHC and the Office of Management and Budget(OMB), has had an ongoing project reviewing resources and problems of the specialty clinics. He said that in the course of the review, potential problems were noted with the system's ability to meet timeframes set by referring physicians, as required by the Standards. Mr. McGrath said that in order to address the problems properly a one month variance is needed to complete the inquiry.

Mr. Wolf asked if the referring physicians understand that the timeframes for referrals are to be set by them. Mr. McGrath confirmed that referring physicians understand the new procedures and added that DOH, along with the other agencies involved with the project, are studying the pattern of referrals made by physicians.

Dale Wilker, of the Prisoners Rights' Project of the Legal Aid Society, said that the City has studied access to specialty clinics for over a decade, and asked the purpose of further analysis. Mr. McGrath said that the purpose of the analysis is to enhance old information so as to better address current and ongoing problems.

Mr. Lenefsky proposed that the variance be granted until October 7, 1991. Chairman Booth called for a motion to adopt the variance. The motion was made by Vice Chairman John Horan, seconded by Mr. Lenefsky and approved by all Board Members present.

Mr. Wolf reported that DOC restored previously closed or "shift reduced" posts for escort officers at two of the hospitals to facilitate access to specialty clinics. Mr. Wolf asked if there is an ongoing analysis to determine whether or not the restoration of the posts is sufficient to ensure appropriate access. Roger Parris reported that the escort teams at Kings

County Hospital and Bellevue have been restored which helps in meeting the demand, and that the Department will continue to evaluate access to specialty clinics.

Mr. Lenefsky told the Board that DOC has requested a variance until October 7th to complete a written manual on pharmaceutical services. Mr. Lenefsky moved that the Board grant the variance. The motion seconded by Mr. Cruz and approved by all Members present.

Mr. Lenefsky expressed his displeasure regarding the City's failure to comply with the Standard regarding dispensing medication to inmates out to court. The Board had asked that the City meet with Board staff to quickly help develop procedures to meet the Standard. Mr. Lenefsky noted that the City remains out of compliance and that little progress has occurred. He again directed that discussions proceed quickly.

Mr. McGrath responded that the Department of Health has spent more time discussing out-to-court medication than any other Standards issues, and will continue to work on the problem, but that the Board must understand that the medication issue is not a simple one, and is an area regulated by numerous State regulations.

Mr. Lenefsky said that at the August Board meeting the City

committed to finding money to come into compliance with the Standards regarding emergency and medical equipment, and for intake chlamydia testing. He said the City continued out of compliance.

Leslie Hurdle, Mayor's Office of Operations, reported that the Department of Health has begun to prepare the requisitions to purchase the equipment. She said that after the requisitions are completed, the Mayor's Office would help to expedite the process.

Mr. Lenefsky noted that the Health Standards require that dieticians oversee the preparation of medical diets, and that at Wards Island and Forbell there are no dieticians. Mr. Lenefsky asked the Department if all pregnant women are receiving adequate diets.

Ms. Keenan confirmed that there are no dieticians in Wards Island and Forbell. She said that DOC was told by DOH that they could not house pregnant women who require special diets at Forbell or Wards Island, but could house women in their first and second trimester with no medical complications. She noted that effective September 15, 1991 all women who require a special diet will be housed in Rose M. Singer Center where there is a dietician.

Chairman Booth reported that the Board received a letter

from Assistant Commissioner Bair requesting a renewal of the existing variances. Chairman Booth called for a motion to adopt the renewal of variances. The motion was made by Mr. Horan, seconded by Board Member Stanley Kreitman and approved by all Board Members present.

Chairman Booth reported that the Board received a letter from Warden Kane of the Correctional Institution for Men (CIFM) requesting a variance. Mr. Booth asked the Department to explain.

Mr. Bair said that the Warden wishes to house adolescent parole violators with adolescent City-sentenced prisoners to maximize use of beds. Vice Chair John Horan moved that the Board grant the variance, Mr. Lenefsky seconded the motion, and it was approved by all Board members present.

The meeting was adjourned at 3:01 p.m.