

NEW YORK CITY

BOARD OF CORRECTION

MEETING OF OCTOBER 21, 1992

MEMBERS PRESENT

William Booth, Chairman  
John Horan, Vice-Chairman  
Louis Cruz  
Stanley Kreitman  
David Lenefsky  
David Schulte

Excused absences were noted for Board members Reverend Irvine Bryer, Jr., Peter J. Johnson, Jr., and Barbara Margolis.

REPRESENTATIVES OF THE DEPARTMENT OF CORRECTION

Catherine Abate, Commissioner  
James Shine, First Deputy Commissioner  
Antonio Figueroa, Deputy Commissioner  
Lacy C. Johnson, Deputy Commissioner  
Amy Singer, Deputy Commissioner  
Vito Turso, Deputy Commissioner  
Robert Daly, General Counsel  
Robert DeRosa, Chief of Compliance  
Reginald Allen, Deputy Chief  
Nancy Reese, Deputy Chief  
Bruce Sullivan, Division II Chief  
Ronald Galletta, Warden (BCF)

OTHERS IN ATTENDANCE

Kevin McGrath, Director, DOH/CHS  
Ruth Cecire, Director, DOH/CHS  
Daly Wilker, Legal Aid Society, Prisoners' Rights Project  
Maria Vega, El Diario

The meeting began at 2:10 p.m. in the conference room of the Brooklyn Correctional Facility (BCF/Brig). Chairman William Booth welcomed the Department of Correction (DOC) Commissioner, Catherine Abate, her staff, and the other attending guests.

Chairman Booth called for a motion to adopt the minutes of the Board meeting of October 21, 1992. The motion was made by Board member Stanley Kreitman, seconded by Louis Cruz, and approved by all members present.

Chairman Booth announced that Board Counsel Annette Gordon-Reed would be leaving her position at the Board to assume the position of Professor at New York Law School. On behalf of the Board, Chairman Booth thanked Ms. Gordon-Reed for her services and wished her well.

Chairman Booth reported that bi-weekly meetings with the Commissioner had resumed and that various issues of interest to the Board were discussed. He stated that the Board was concerned with the relocation process of the female population as a result of the closing of Wards Island and the expected closing of Forbell. He requested that the Department comment on this issue.

Commissioner Abate stated that Wards Island was closed October 15th and that Forbell would be closed as of November 1, 1992. Deputy Chief of Facility Operations Nancy Reese added that

the female inmates from in Wards Island were transferred to various locations in the Rose M. Singer Center (RMSC) and that the Department, anticipating the closing of Forbell, was looking to extend that portion of the George Motchan Detention Center (GMDC) corridor that connects the RMSC Annex to five additional housing areas, thereby creating additional housing for female inmates.

Deputy Commissioner Amy Singer informed the Board that the Department was seeking to restore the Work Release Program at RMSC. The Chair inquired if there was a written operating plan. Ms. Singer stated that when the operating plan was completed she would supply the Board with a copy.

Board member David Schulte asked, with regard to the plans to increase the number of female housing areas in GMDC, who would have jurisdiction over maintenance. He stated that problems existed in the past because the warden for GMDC had been responsible for plant maintenance, but the RMSC warden was responsible for the inmates. He suggested that the Division Chief for these facilities coordinate efforts and decision-making. Deputy Chief Reese assured Mr. Schulte that the Department had taken those concerns into consideration and that DOC would work to ensure successful transition and operation of the new areas.

Dale Wilker, Prisoners' Rights Project attorney, requested that DOC give a firm date for delivery of the operating plan mentioned by Deputy Commissioner Singer. She responded that she had been referring to the Work Release Program and not to the general operating plan for all female housing. Chief of Compliance Robert DeRosa stated that at present the Department's major concern was maintenance - all major repairs that needed to be done in GMDC and cleaning which would be done by the inmates. He said that changes in the plan necessitated approval from the Office of Budget and Management (OMB).

Executive Director Richard Wolf suggested that a meeting be set up between the Board and Department staffs so as to give the Board a sense of where the Department is going with the project. Commissioner Abate agreed with Mr. Wolf's suggestion and requested that he arrange for the meeting.

Chairman Booth stated in closing his report that he was handed today by Mr. Wilker a three-page report on the conditions in BCF. He stated that the report noted Department of Health (DOH) violations as of the last inspection September 14, 1992. Mr. Wolf clarified for the Board that the report in hand was a regular report on inspections done by the Health Department, and that inspections are done and reports prepared for each DOC facility. Deputy Commissioner Singer added that she had had discussions with Health Deputy Commissioner June Binney with

regard to the report and that she would be working with Deputy Commissioner Antonio Figueroa in correcting the violations mentioned. Mr. Schulte suggested that DOH and DOC notify Mr. Wolf when corrective action has been taken.

Chairman Booth asked for the Members' reports. Board member Stanley Kreitman stated that in his readings of the 24-hour reports he noticed that there seemed to be a greater number of incidents involving inmate versus inmate violence. He asked that the Department address the issue. Commissioner Abate stated that efforts to reduce violence included the strengthening of many programs to reduce idleness. She said DOC had also increased the number of searches done on a daily basis.

Mr. Wolf informed the Board that Director of Information Systems, James Bennett would analyze violence rates and report back by the next Board meeting.

Mr. Cruz stated that though he had not noticed an increase in the violence rate he had noticed that there has not been a decrease in the rate of violence. He added that his concern was that most of the violent acts were committed with razor blades or pencils. Commissioner Abate stated that she has increased the searches within the facilities on a daily basis by 30%. She added that the Deputy Wardens for Program are trying to be as innovative and creative as possible in terms of creating new

programs.

Mr. Wilker noted that unit management had been successful in reducing violence on one side of the Adolescent Detention and Reception Center (ARDC). Division II Chief Bruce Sullivan stated that in ARDC, Warden Sheila Vaughan has three unit managers who function effectively, provide effective programs, and reduce violence. Commissioner Abate informed the Board that the Manhattan Detention Complex (MDC) and the Correctional Institution for Men (CIFM) also have Unit Managers.

Vice-Chairman John Horan asked the Commissioner if she was satisfied with the conditions and procedures followed regarding contagious diseases. Commissioner Abate stated that though the Department attempts to implant PPD skin tests for all newly admitted inmates, the Department has not been 100% successful in reading them within 72 hours. Mr. Horan inquired if in fact Commissioner Abate received reports directly concerning contagious diseases. Commissioner Abate stated that she did receive all reports concerning contagious diseases and said that at present a case of chicken pox had been reported in a housing area in the Bronx House of Detention for Men (BxHDM) and in BCF. Mr. Horan asked if facility personnel had been receiving training with regard to contagious diseases. Commissioner Abate stated that there is ongoing training, particularly concerning tuberculosis.

Mr. Schulte presented his report. He stated that on October 20, 1992, he along with the Deputy Executive Director, Cathy Potler and Board staff representative Zivko Pulisic toured the George R. Vierno Center (GRVC). He explained that because there were no administrators available to provide the tour they were given the tour by the Environmental Captain Murli who was very efficient. He stated that overall the facility was quiet and orderly. He stated, however, that the facility had some security problems. Mr. Schulte stated that he understood the facility to have a problem with gun control and noted that the magnetometer in the facility was unplugged, as was the one he viewed today entering BCF. He then reported that several electrical door control panels were broken, resulting in the deployment of one and two additional officers to work in each affected housing area. He stated that when he questioned a captain Mr. Schulte was told that the reason why the panels were not working was not determined, but that one theory was that the heat which builds up under the floor tiles and water seeping through the floor when inmates mop impair the functioning of the panel. Mr. Schulte stated that additional information received by a steady officer was that the panel had been inoperable for approximately three to five months. He stated that he was unable to confirm the accuracy of the information provided since no executive staff was available. He then stated that he witnessed that the entrance gate to a housing area had to be opened manually. Mr. Schulte

noted that this was a hazardous condition and was requiring the City to pay an extra three or four officers each day to run the cell area.

Commissioner Abate requested that when the Board receive such information that they provide the information to DOC Central Office in advance of Board meetings so the Department can investigate deficiencies and prepare appropriate responses for the Board. Chairman Booth informed Commissioner Abate that the Board has always tried to provide information to the Department substantially early so that responses could be presented at Board meetings but that unfortunately the investigation was conducted only yesterday afternoon leaving virtually no time to notify the Department.

Commissioner Abate requested that Deputy Commissioner Antonio Figueroa address the issues reported by Mr. Schulte. Deputy Commissioner Figueroa confirmed the findings, stating that the Department is aware of the overheating problems and that a capital project was addressing the issue. Mr. Schulte stated that right next door to GRVC an addition was being constructed. He asked whether the same electrical control panel system was going to be placed in that addition. Mr. Figueroa assured Mr. Schulte that it would not.

Mr. Schulte stated that prior to the meeting Mr. Figueroa

told him that the panels problem was now the subject of a lawsuit. Deputy Commissioner Figueroa explained that there is a warranty/guarantee issue that may be disputed. Mr. Schulte suggested that the Department seek an expert that can speak to OMB in support funding for a long-term preventive maintenance program.

Deputy Commissioner Figueroa informed the Board that its advocacy and persistence had helped the Department to convince OMB to fund an interim construction program for the Brooklyn House of Detention for Men (BkHDM) clinic, and that by August 30, 1993 construction will be completed and the area will be available for use. Ms. Potler asked if the Department of Health (DOH) had been included in the planning process. Deputy Commissioner Figueroa stated that DOH had just recently received the plans. Board member David Lenefsky requested that the Department share all related information with the Board. Mr. Figueroa stated that as soon as the Department received DOH approval he would send the plans to the Board.

Mr. Wilker asked if the addition to BkHDM was a trailer. Mr. Figueroa explained that the addition was not a trailer but a modular - a prefabricated building -that will be connected to the main building by a corridor.

Mr. Wolf asked if the Department could reallocate existing

space in the Brooklyn House until the construction was completed. He stated, for example, that at the last meeting Board member Louis Cruz suggested converting the Brooklyn House conference room into clinic space. Deputy Commissioner Figueroa explained that the Department did consider Mr. Cruz's suggestion but concluded that the space was unavailable. Mr. Wolf said that his question was not directed at that space in particular but any other area that could be utilized. Mr. Figueroa stated that DOC was exploring all options. Ms. Potler suggested that the Department utilize the visit area for a few hours just for HIV counseling.

Mr. Schulte asked why the conference room at BkHDM was not available as the Board held its meeting there. Deputy Chief Reese said the Department will consider interim space options and report to the Board at its next meeting.

Board member David Lenefsky requested that DOH bring the Board up to date on the issue of out-to-court medications. Director of Field Services Kevin McGrath informed Mr. Lenefsky that the Department has been meeting with OMB and is very close to a solution.

Chairman Booth then asked Mr. Wolf to present the staff report. Mr. Wolf stated that the agreement with the State, embodied in a court order from Judge Lobis, required that there

be no overdue State prisoners by October 1. However, the backlog of overdue prisoners remaining in the City's jails system never was eliminated. Mr. Wolf noted that the number of overdues has been steadily increasing and is in the 450 range. He requested that the Department comment. Commissioner Abate informed the Board that she had spoken with State Corrections Commissioner Thomas Coughlin on numerous occasions who attributed delays to severe overcrowding problems in the State system. General Counsel Robert Daly further explained that a meeting regarding this issue will be conducted later today with Corporation Counsel, the Department and Legal Aid. He stated that he was confident that the meeting would result a phone call being made to the Attorney General's Office. Chairman Booth expressed the Board's serious concern with this matter and asked if there was anything the Board could do to assist. Mr. Daly stated that the Board's assistance was not yet necessary, and that DOC will continue to do everything possible to resolve the problem. Commissioner Abate noted that even though the Department was in the process of closing the two upstate jails, those jails are still being utilized because of increases in the system's daily census. Mr. Schulte asked the Department for census figures with for the two upstate jails. Mr. Daly said that each jail had a capacity of 750 inmates. He stated that at present one jail held 256 and the other was holding 523 inmates. Mr. Schulte questioned why the Department did not fill one jail to its capacity and give the other to Commissioner Coughlin. Mr. Daly

said that the reason why one of the jails had only 256 inmates was because Chief Reese had been removing the inmates in anticipation of closing that jail. Mr. Schulte inquired as to the status of the two Bibby barges. Mr. Daly stated that the City hoped to sell them in mid-November.

Board member Louis Cruz stated that it appears that increased arrest activity was resulting in increased admissions into the City's jails. He asked the Department to comment on the situation and its plans. Commissioner Abate stated that the Department has been monitoring the situation very closely. She stated that they have a number of options available, and plan to open the Bain Barge on November 2, 1992. The Department will also the repair cell areas not presently occupied.

Mr. Wolf, on behalf of the Board's staff, wished Ms. Gordon-Reed the best, noting that she would will maintain her ties with the corrections community as co-Chair, with Robert Daly, of the New York County Lawyers Association sub-committee on corrections.

Chairman Booth then addressed the issue of variance requests. Chief of Compliance DeRosa requested that the Board grant a renewal of all existing variances. Upon Mr. Lenefsky's motion, seconded by Mr. Schulte, the Board voted to grant a renewal of all existing variances.

Chairman Booth stated that due to the Veterans' Day holiday, the next Board meeting would be scheduled for Thursday, November 12, 1992.

Chairman Booth adjourned the meeting at 3:20 p.m.