

**NEW YORK CITY
BOARD OF CORRECTION**

February 9, 2000

MEMBERS PRESENT

John R. Horan, Acting Chair
David Lenefsky
Richard M. Nahman, O.S.A.
David A. Schulte

Excused absences were noted for Board Members Canute C. Bernard, M.D., Louis A. Cruz, Stanley Kreitman, and Barbara A. Margolis.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Elizabeth Loconsolo, General Counsel
Assistant Commissioner Roger Parris
William Hurley, Assistant Chief
Liz Myers, Inspection and Compliance Division

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director
Michael Tannenbaum, Chief Operating Officer
Patrick H. Brown, M.D., Medical Director
Arthur Lynch, Director of Mental Health
George Axelrod, Director of Risk Management
Robert Berger, Director, Delivery Assessment Unit
Ron Greenberg, Assistant Director, Delivery Assessment Unit
Heidi Rosen, Analyst

OTHERS IN ATTENDANCE

Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Acting Chair John R. Horan called the meeting to order at 1:05 p.m. The minutes of the Board's January 12, 2000 meeting were approved unanimously.

Mr. Horan reported that he and Executive Director Richard Wolf met with two law firms who will assist the Board with its review of the Minimum Standards, and a decision will be made soon as to which firm will participate. He added that this development should enable a Member subcommittee to meet within four to six weeks to begin review of aspects of the Recreation Standard.

Board Member David Schulte reported that he visited the James A. Thomas Center (JATC) with Mr. Wolf and Carl Niles, Director of Field Operations. Mr. Schulte said that Deputy Warden Toulson was knowledgeable and helpful during the tour. Mr. Schulte said that the Department's plan to renovate JATC was a sound idea because secure cells were needed to house dangerous detainees. He said that renovations are scheduled to take nine months, but that he expects the work will require two years. Mr. Schulte reported that he toured the teleconferencing area at JATC. He noted that teleconferencing obviates the need to transport inmates to and from court for some appearances. Finally, Mr. Schulte suggested that many of the officers who had been assigned to JATC should be transferred to the Adolescent Reception and Detention Center (ARDC), which Mr. Schulte said was a volatile institution. Mr. Schulte said that a recent homicide was the second in approximately one year. He asked Corrections Commissioner Bernard Kerik whether the courts had resolved the first homicide. Commissioner Kerik said the matter was not resolved. Mr. Schulte said that the addition of a third officer to each chevron-design cell housing area at ARDC would reduce the likelihood of violent assaults, particularly during meal-times, when a single floor officer must monitor distribution of the meals to the inmates. Mr. Schulte reported that the recent homicide was not reported by ARDC to Central Office for approximately fifteen hours. Mr. Schulte also noted that recently at ARDC, the failure to lock-in other inmates when staff was attempting to transfer a reluctant inmate from a housing area led to a disturbance in which several officers and inmates were injured.

Mr. Wolf noted that today was the third day of hearings in Federal District Court addressing the future of the consent decrees in the *Benjamin v. Kerik* case. He asked DOC representatives to comment. General Counsel Elizabeth Loconsolo said that the hearing should conclude next week. She said the issues being litigated are correspondence, attorney visits, restrictive housing due process, and law library supplies. Mr. Wolf said that inmate witnesses are being allowed to testify about environmental conditions to avoid having to transport the inmates to court for further hearings. Board Member David Lenefsky asked how many inmate witnesses were testifying. Ms. Loconsolo said there were eleven. She added that DOC staff will testify on behalf of the City.

Mr. Wolf asked both DOC and Correctional Health Services representatives for an update on the status of proposals to move the North Infirmery Command's (NIC) Dorm 4 to a different location, and the move of large numbers of mental health-related beds from Rikers Island to the Vernon C. Bain Center Barge (VCBC) in the Bronx. DOC First Deputy Commissioner Gary

Lanigan reiterated that the Dorm 4 proposal is not a closing, but a relocation of services. He reported that currently Dorm 4 is a 64-bed housing area, but that its census has remained at less than half of capacity. Mr. Lanigan said that two weeks ago, he toured Dorm 4 with CHS Executive Director Ernesto Marrero and spoke with St. Barnabas staff about the various services that must be provided. St. Barnabas personnel are developing a plan to address issues including treatment and isolation rooms, and various "what if" scenarios, such as how to accommodate a sudden increase in the number of inmates requiring services available presently in Dorm 4. Mr. Lenefsky said that in January all St. Barnabas staff with whom he met were very opposed to moving from Dorm 4. He urged DOC to include the providers in the planning process. Mr. Lanigan said DOC was doing so. Prisoners' Rights Project attorney Dale Wilker said that inmates with AIDS lived in Dorm 4 under a "death sentence". He said these inmates were at risk in general population. Mr. Wilker said that being housed together provided psychological and social benefits to these inmates, as did the presence of a dedicated medical staff. Mr. Lanigan responded that the Dorm 4 concept was not being abandoned, and that the question was whether all of the same services might be provided more efficiently. He said that if the answer is no, the move will not occur. Board Member Father Richard Nahman asked how many inmates with AIDS are gay, and how detrimental would it be to place them in general population. Mr. Lanigan said again that the Dorm 4 concept will not be abandoned. He said inmates volunteer to live in Dorm 4, but that with advances in the medical treatment of AIDS, there is less demand for beds in the unit. He assured Father Nahman that HIV-positive inmates who wish to live in Dorm 4 or a successor unit will not be turned away and placed in general population. Mr. Wolf said that Dorm 4 is completely separate from other housing areas; the proposed alternative site is adjacent to an infirmary. Mr. Wolf said that St. Barnabas staff were concerned that the proposed location would increase the risk of infection of the Dorm 4-inmates whose immune systems are so compromised. Commissioner Kerik said that this concern was being taken into consideration.

Mr. Wolf then invited comment on the proposal for mental health beds to be moved from Rikers Island to the Bain Barge (VCBC). Mr. Lanigan said that DOC intends to reopen the VCBC in March, due to increases in the inmate population which are expected to continue into the early Spring. He said the Department expects the census to peak above 16,000, and perhaps reach 17,000. Mr. Lanigan said a proposal is being developed to house 400 mental observation inmates and 400 general population inmates on the VCBC. Mr. Schulte asked if suicide prevention aides would be present. Mr. Lanigan responded that all services currently available in other locations will be available on the VCBC. He added that it is his understanding that the facility's configuration is "ideal" for mental observation. Mr. Wolf asked if the Mental Health Center will remain on Rikers Island or be moved to VCBC. Mr. Lanigan said that a small mental health component (100 beds) will remain on Rikers Island, probably at the Anna M. Kross Center, to process mental health inmates who will then be transferred to the VCBC. Deputy Executive Director Cathy Potler asked if operational plans for the VCBC mental health beds had been prepared. Commissioner Kerik said plans were not yet completed. Ms. Potler asked if St. Barnabas would increase staff to cover both areas. Mr. Marrero said this issue is being examined, and may be an impediment to implementing the plan.

Mr. Lenefsky asked Mr. Marrero about the status of CHS' review of the St. Barnabas Hospital (SBH) contract performance indicators for the last quarter of 1998. Mr. Marrero said that he expected to release the data today or tomorrow. Mr. Schulte asked about the status of the SBH contract, and the City's options. Mr. Marrero said that the contract expires at the end of 2000, although one provision allows it to continue through February, 2001. He said the City can exercise a one-year extension option. The contract provides for a one-year notice of termination by either party. Mr. Marrero said that the City's options are: (1) issue now a Request for Proposals and find a new vendor (Mr. Marrero said that SBH could bid on a new RFP); (2) extend the present contract for one year, and issue an RFP seeking a new vendor; or (3) extend the present contract for one year and negotiate, during the extension period, with SBH for a new "sole source" contract. Mr. Marrero said that no decision has been made, and that CHS staff are continuing to develop a new RFP. Ms. Potler asked about the likely length of the contract under a new RFP. Mr. Marrero said that the present length (three years) was likely. He said that the scope of the requested services might change: the RFP could call for services on Rikers Island only, or include both Rikers Island and hospital beds. He added that HHC might choose to "deal with the hospital beds provision directly with City money rather than deal with the vendor". Mr. Marrero said CHS was also considering "carving out" some of the facilities, and seeking a vendor to provide services exclusively to inmates at the Rose M. Singer Center.

Mr. Horan asked for comment on the recent homicide at ARDC. Commissioner Kerik said that, in response to Mr. Schulte's earlier remarks, some of the officers transferred from JATC were moved to ARDC. He noted that the housing area where the homicide occurred had been staffed with three officers. He said that when the unconscious inmate was first discovered, it was believed that he had suffered a seizure. Commissioner Kerik that only later did staff learn that there may have been an assault. He reported that the matter is being investigated by the Bronx District Attorney, and that an autopsy was inconclusive. The Commissioner said that the DA's office has not yet ruled that the death was a homicide.

Assistant Chief William Hurley requested that the Board renew existing variances. A motion passed unanimously. The meeting was adjourned at 1:40 p.m..