

**NEW YORK CITY
BOARD OF CORRECTION**

September 15, 1999

MEMBERS PRESENT

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

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

DEPARTMENT OF CORRECTION

Bernard B. Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Robert Davoren, Chief of Management and Planning
James Psomas, Assistant Chief of Inspection and Compliance Division
Elizabeth Loconsolo, Esq., General Counsel
George Axelrod, Counsel
Roger Parris, Assistant Commissioner
Captain John Picciano
Ron Greenberg, Inspection and Compliance Division

HEALTH & HOSPITALS CORP

Ernesto Marrero, Executive Director
Cathy Gursky, Counsel
Michael Tannenbaum
Arthur Lynch, Director of Mental Health
Patricia Margese, Director of Risk Management
Michael Ash, Director of LINK

OTHERS IN ATTENDANCE

William Van Auken, *The Chief-Leader*
Maddy deLone, Prisoners' Rights Project, Legal Aid Society
Jennifer Gonnerman, *Harper's*
Tracie Lucas, State Commission of Correction
Dale Wilker, Prisoners' Rights Project, Legal Aid Society

Acting Chair John Horan called the meeting to order at 1:05 p.m. and presented a few "housekeeping" matters. First, he announced that at the next Board meeting there will be an election of the vice-chair, which is the only position elected annually by the Board. Second, he reported that, with the assistance of our Corporation Counsel attorney, the Board reached an agreement, settled before the Court, on production under a Freedom of Information request by St Barnabas (SBH).

Acting Chair Horan discussed his visit in August to the Mental Health punitive segregation unit at GRVC where "everything appeared to be in order". He also reported that a visit to the x-ray area at AMKC to examine the ventilation system revealed that it was working, even though it is an archaic system. He added that complaints from staff working in that area have diminished.

Acting Chair Horan noted that he had observed construction projects underway on Rikers Island. Commenting that the inmate population has remained low, he asked the Department to discuss the projects. First Deputy Commissioner Lanigan responded that the census is at a "comfortable" 16,365, and that four thousand beds are closed. Mr. Lanigan explained that there are two major construction projects in progress on Rikers Island: the cook-serve and the fire safety projects.

Acting Chair Horan stated that the Board will consider over the next three to four weeks a letter that it received from the Department stating that variances are not required for those inmates who voluntarily participate in the Substance Abuse Intervention Division (SAID) program. He said that the Board will be reviewing the Department's position that it need not continue to apply for variances, and that the Board will respond formally to DOC's letter.

Board Member David Schulte raised the issue of discharge planning for inmates which had been discussed at the June Board meeting. He noted that a recent *New York Times* article painted a stark picture of what happens to mentally ill inmates discharged from the City jail system. Mr. Schulte stated that there are publicly-funded entities in the City, such as South Forty, which might be interested in providing discharge services to inmates. Mr. Schulte reported that he had discussed this matter earlier with Deputy Executive Director Cathy Potler who had an idea about using kiosks. He asked that she present her ideas to the Board. Ms. Potler stated that kiosks, staffed by community-based organizations and City agencies, such as the Human Resources Administration, could be established at locations where the Department discharges inmates. At the drop-off sites, such as Queens Plaza or the courts, staff would prepare discharge plans and refer inmates to services or programs in the community. She added that at these sites, staff could ensure that each inmate receives appropriate medication and Medicaid cards. Mr. Schulte stated that there are community organizations that could provide these services, but to provide inmates with only \$1.50 and a two-fare Metrocard is "simply a cloud on the horizon that is going to possibly grow". Mr. Schulte urged the Department to explore this problem and find a solution. DOC Commissioner Bernard Kerik responded that South Forty already contracts with the Department to do certain discharge planning functions. He said that,

over the last four months, DOC staff has been meeting with HRA staff regarding their participation in some kind of discharge planning, particularly with Medicaid. The Commissioner said that he could not comment on the *Times* article because the City is in litigation. He did express his concern over the report that mentally ill people are being dropped off in Queens Plaza which is not supposed to happen. Mr. Kerik said that the Department is looking into this to make sure that the policy in place is being followed. Commissioner Kerik added that his staff are speaking with St. Barnabas Hospital (SBH) and the Health and Hospitals Corporation (HHC) to develop a new mental health directive that would address this issue.

Acting Chair Horan asked the Commissioner if he would report on two recent escapes. Mr. Kerik responded that there were two incidents which occurred at the Manhattan House of Detention. The first involved the Transportation Division staff who were responsible for taking a group of inmates back to Rikers Island. One inmate evaded two officers and basically walked out of the sally port area as the bus was leaving and "disappeared into the night". The Commissioner reported that disciplinary action has been taken against several correction officers. In the second incident, an inmate was discharged in the place of another inmate. Commissioner Kerik reported that an investigation revealed both inmates had cooperated to effectuate the escape. Mr. Kerik added that the inmate who remained in jail was re-arrested and charged with assisting in the other's escape.

Mr. Schulte asked if the issue regarding contact visits of a particular inmate had been resolved. Commissioner Kerik responded that with respect to inmate McKenzie, the Department has decided to go along with the Board's decision. Mr. Kerik added that he has sent a letter to Chair Horan regarding this issue and would like the Board to review it. In the meantime, the Commissioner reported that the inmate will get contact visits.

Chair Horan asked about the status of the smoking ban. Commissioner Kerik reported that the Department will begin negotiations with the unions.

Minutes from the July meeting were approved unanimously by the Members who were present, as was the Department's request that the Board renew existing variances. The meeting was adjourned at 2:05 p.m..