

**NEW YORK CITY  
BOARD OF CORRECTION**

**April 8, 2004**

**MEMBERS PRESENT**

Stanley Kreitman, Chair  
John R. Horan, Vice Chair  
John H. Banks III  
Jane Paley Price  
Raul Russi

Excused absences were noted for Members Louis A. Cruz, Richard Nahman, O.S.A., Michael Regan and Hildy J. Simmons.

**DEPARTMENT OF CORRECTION**

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Leroy Grant, Bureau Chief, Inspectional Services & Compliance Division (ISCD)  
Tom Antenen, Deputy Commissioner for Public Information  
Thomas Tsotsoros, Deputy Warden, ISCD  
Elizabeth Myers, Director, ISCD

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

James Capozziello, Deputy Commissioner, Bureau of Correctional Health Services (BCHS)  
Robert Berding, Director, Clinic Administration, BCHS  
George Axelrod, Director of Risk Management, BCHS

**OTHERS IN ATTENDANCE**

Amy Anderson, NYU  
Sara Goonan, Office of Management and Budget (OMB)  
Jeff Krupski, Mayor's Office of Operations  
Dr. Trevor Parks, Medical Director, Prison Health Services  
Becky Pinney, Project Director, PHS  
Russell Unger, Legislative Counsel, City Council  
Paul von Zielbauer, *New York Times*

Chair Stanley Kreitman called the meeting to order at 1 p.m. He announced that to accommodate DOC Commissioner Martin Horn's schedule, the next Board meeting will be held on May 20, 2004. A motion to approve minutes from the Board's March 18, 2004 meeting was approved without opposition.

Chair Kreitman asked the Department to report on the suicide that occurred at 2:20 a.m. on March 30<sup>th</sup>. Noting that this was the first suicide since June, 2003, he asked what could be learned from this suicide that might prevent future suicides. Bureau Chief Leroy Grant reported as follows:

The suicide is under investigation. Information from the mortality investigation will be shared with the Board.

Inmate Kevin Mitchell was a 22 year-old black male who was admitted on December 13, 2001, charged with kidnaping, first degree rape, possession of a weapon, and related charges. His prior arrest history was for misdemeanor shoplifting and marijuana possession.

During his DOC incarceration, Mitchell had no mental health history. He was a member of the Crips. On March 3<sup>rd</sup>, he was convicted after trial of rape. On March 29<sup>th</sup>, he received a sentence of 20 years. On March 30<sup>th</sup>, at 2:20 a.m., in housing area 3 North B, Correction Office Lance Hazel was conducting a tour when he observed inmate Mitchell in cell 31 with a sheet tied around his neck and affixed to the vent. Officer Hazel notified the "A" post Officer Christopher Vaughan who notified the clinic. At approximately 2:30 a.m., medical staff arrived and began rescue efforts. EMS was notified at 2:40 a.m., arrived at 3:08 a.m., and pronounced Mitchell dead at 3:35 a.m.

Chair Kreitman said that so many suicides involve air vents in the cells. He said replacing the vents has been talked about for a long time. He noted that Commissioner Horn is in the process of making changes in the intake areas, and asked whether DOC will reevaluate its capital priorities and see whether all vents can be replaced. Chief Grant said that last week DOC received a memo from the Board on the issue, and reported that the issue is being researched. Board Member Jane Paley Price asked what is involved in retrofitting the air vents. Chief Grant said there is a large financial cost to construct special mesh vents so that materials cannot be stuck through them. He said that critical housing areas already have been identified and vents are being retrofitted in those areas. BOC Executive Director Richard Wolf asked if DOC has reviewed past suicides to determine in which housing areas they have occurred. He said that BOC data shows that a significant number occur in general population areas, which is why the Board is so interested in having DOC look beyond new admission and mental observation areas. Chief Grant said this is why DOC is researching the issue. Vice Chair John Horan raised the issue of whether inmates who return from court with heavy sentences might be identified and seen by mental health. He said this presents an obvious shock to many inmates. Chief Grant said that with respect to capital punishment cases, DOC's current policies are aggressive, and all are screened. He added that if DOHMH suggests other procedures, DOC will implement them. Deputy Commissioner James Capozziello said that its Epidemiology Division is looking at a

number of variables, of which sentencing is one. He said that part of difficulty is that “fortunately the cell size is so small”, noting that there have been 50 to 55 suicides in the last ten years. He said that the small number of cases makes it difficult to isolate causative elements. He noted that what is a “heavy” sentence to one person may not be so to someone else, for example a career criminal. He said that a 15-year sentence may have no effect on a career criminal, but a two-year sentence could make a first-time offender “completely distraught”. Mr. Capozziello said this is why close cooperation between DOC and DOHMH is important. He said that officer training needs to be enhanced, and referrals increased. He said that he did not know research would ever get to the point where a series of characteristics could be identified that would create a high enough probability so that any inmate who presented with them automatically would be referred for evaluation. He said that if all inmates who received a sentence of 10 years or more were to be screened, this would be well over one thousand inmates per year. Mr. Wolf said it was 1,153. Mr. Wolf said that if you subtract weekends and holiday and eliminate July and August, when court activity is slow, and then divide by the number of remaining days, an average of six inmates would be sentenced each day to ten years or more. He added that the number of referrals would be six per day if you referred everyone, noting that the number would be less if “frequent fliers” were not referred. Mr. Wolf asked that DOC review the 8,770 inmates who were sentenced in 2003 and determine how many were receiving state prison terms for the first time. He said this would not be dispositive, but would provide a “better universe to look at”. Mr. Capozziello said there also could be a difference between inmates who are sentenced after pleading guilty and those who are sentenced following conviction at trial. He analogized the problem to a many-layered onion, and said that the difficulty is identifying the layers that have statistical significance. Ms. Paley Price said that it would help if someone noticed evidence or distress or despair. Mr. Capozziello said that when DOC notices something, its officers often refer an inmate for evaluation. He added that someone who is quiet and reserved, rather than demonstrative, may be in a depressed state. Mr. Wolf said that as the research continues, DOC and DOHMH need to sensitize officers to the need to be alert to any indication that a referral should be made. Mr. Capozziello said that because DOC and DOHMH have taken the issue of suicides so seriously, New York City’s rate is far lower than virtually any other urban center in the country. Mr. Wolf said that in no small measure this is due to the Board of Correction’s Mental Health Minimum Standards, which require that the jails have a comprehensive suicide prevention program. He said that one Standards requirement is that there be sufficient numbers of mental health providers, an issue that the Board is continuing to discuss with DOHMH.

Chair Kreitman, noting that bids were due on April 1st, asked Mr. Capozziello to report on the RFP process for the correctional health services contract. Mr. Capozziello said that there were four bidders, and that none is an academic medical center. He said that he has been advised by DOHMH’s Chief Contracting Officer not to identify bidders at this time. He added that the bids have been opened and are being evaluated. Mr. Wolf asked whether DOHMH continues to expect to identify a successful bidder by late May. Mr. Capozziello said the process remained on schedule.

Chair Kreitman asked for an update on rapid HIV testing. Mr. Capozziello said that there soon will be sufficient numbers of trained staff to implement testing at all facilities. He said that testing will begin at the Eric M. Taylor Center on Monday, and one additional facility will begin each week for the next five or six weeks. He added that testing will be available at all facilities

by the end of May or beginning of June. He said that efforts will be made to increase utilization, noting that 700 inmates had been tested so far.

A motion to renew existing variances was passed without opposition. The public meeting was adjourned at 1:22 p.m. The Board then went into executive session to discuss security and litigation matters, adjourning at 1:45 p.m.