



NEW YORK CITY
BOARD OF CORRECTION

March 8, 2016 Public Meeting Minutes¹

MEMBERS PRESENT

Stanley Brezenoff, Chair
Derrick D. Cephas, Esq., Vice Chair
Gerard W. Bryant, PhD.
Robert L. Cohen, M.D.
Honorable Bryanne Hamill
Jennifer Jones Austin, Esq.
Michael Regan
Stanley Richards
Steven M. Safyer, M.D.

Martha W. King, Executive Director

DEPARTMENT OF CORRECTION

Joseph Ponte, Commissioner
Martin Murphy, Chief of Department
Cynthia Brann, Deputy Commissioner
Timothy Farrell, Deputy Commissioner
Peter Thorne, Deputy Commissioner
Winette Saunders, Deputy Commissioner
Dina Simon, First Deputy Commissioner
Heidi Grossman, Deputy Commissioner
Nora Reissig, Assistant Commissioner
Steven Smith, Assistant Commissioner
Gregory Kuczinski, Acting Deputy Commissioner
Joel Duverge, Administrative Staff Analyst

¹ 1 At its public meeting on May 10, 2016, the Board of Correction voted to approve these minutes

Benjamin Seebaugh, Staff Analyst
Danielle Leidner, Director for Intergovernmental Affairs
Jeff Thamkittikasem, Chief of Staff
Karen Collins, Assistant Chief
Marisa Alberti, Policy Analyst
Melissa Andre, Compliance Analyst
America Canas, Senior Policy Advisor
Anna Marzullo, Senior Policy Advisor
Eve Kessler, Director of Public Affairs
Annie DiCaterino, Project Manager
Marsha Forkin, Project Manager Analyst
Frances Taormina, Project Manager Analyst
Carleen McLaughlin, Director of Legislative Affairs and Special Projects
Nathaniel Bialek, Captain
David Lopez, Correction Officer
Mackenzie Dancho, Intern

HEALTH AND HOSPITALS CORPORATION/CORRECTIONAL HEALTH SERVICES

Homer Venters, M.D., Assistant Commissioner, Bureau of Correctional Health Services
Ross MacDonald, M.D., Medical Director
Elizabeth Ward, Senior Director Correctional Health
George Axelrod, Chief Risk Officer
Patrick Alberts, Agency Attorney, Division of Prevention and Primary Care
Levi Fishman, Associate Director of Public Affairs
George Strachan, Director of Employment Safety & Workplace Violence Prevention
Nathaniel Dickey, Special Assistant
C. Diaz, Staff

OTHERS IN ATTENDANCE

Carly Baetz, Mount Sinai BI
Natalie Block-Levin, Jails Action Coalition (JAC)
Christina Bucci, Nunez Monitor
Dahiana Castillo, Office of Management and Budget (OMB)
David Condliffe, NYC Bar Association
Brian Crow, New York City Council (NYCC)
Laurie Davidson, Doctors Council SEIU
Margret Egan, City University of New York
Riley Doyle Evans, Brooklyn Defender Services
Marcos Funes, Columbia University
Cassandra Golden, OMB
Deborah Hertz, Urban Justice Center (UJC)
Adrienne Isaacson, UJC
Emily Jessup, UJC
Mike Keller, Public
Sarah Kerr, Legal Aid Society (LAS)

Deandra Khan, NYCLU
Tanya Krupat, Osborne Association
Victoria Law, Independent
Laura Limuli, BOC Director of Research, Emeritus
Jeff Mailman, NYCC
Amanda Masters, NYC Public Advocate – Hon. Letitia James
Kayla McCarroll, Osborne Association
Kathleen McKenna, Bronx Defender Services
Morgan Monaco, Mayor’s Office, Senior Policy Advisor
Valentina Morales, Mental Hygiene Legal Services
Jennifer Parish, Urban Justice Center /JAC
Kathryn Pliml, BDS
Charlotte Pope, Children’s Defense Fund-NY
Celia Rhoads, Law Department
Kathleen Rubenstein, Law Department
Jane Stanicki, Hour Children
Tiara Stevenson, Public
Dale Wilker, LAS
Michelle Zhang, Children’s Rights

February 9, 2016 Meeting Minutes

The Chair asked for a motion to approve the February 9, 2016 Meeting minutes; Vice Chair Cephas moved the item; and Member Jones Austin seconded. There were no corrections or amendments. The Chair asked for a vote on approving the minutes and they were approved unanimously.

Executive Director's Report

Executive Director King explained that the Board's rulemaking on the Prison Rape Elimination Act (PREA) is ongoing as the Board's ad hoc PREA Committee continues to conduct fact-finding. A proposed rule is expected by the May 2016 Board meeting.

This summer, the Board will provide a strategy update on its goals, priorities, and plans to achieve increased compliance with its Minimum Standards. This includes the release of a key performance indicator (KPI) dashboard for the first time this summer and on a monthly basis thereafter.

The Executive Director also reported on the Board's plans to issue more public reports (including an evaluation of the grievance system), redesign its website, and change the structure of public meetings to focus on specific areas of the Minimum Standards.

Adolescent and Young Adult Committee Update

Chair Brezenoff asked Member Hamill to report on the ad hoc Young Adult and Adolescent Committee. Member Hamill reported on recent improvements at GMDC and RNDC, and acknowledged a definite cultural shift at GMDC, as exemplified by steady officers' engagement with inmates. She also reported on the Department's progress in creating alternatives to punitive segregation for young adults and achieving other milestones in the Young Adult Plan.

Department of Correction Update

► Young Adult Plan

Jeff Thamkittikasem of the Department of Correction ("Department" or "DOC") discussed policy finalization, training, and staffing for the Secure Unit, TRU, SCHU, and other young adult housing areas.

Deputy Commissioner Saunders reported on violence prevention services for gang-affiliated young adults, incentive systems to reduce inmate idleness, training for staff, horticulture programming, workforce development, and program counselors in young adult housing areas. Member Hamill asked whether young people in the SCHU are going to school. Deputy Commissioner Saunders responded that all of them have refused to go, but staff is working to convince them otherwise. Member Hamill asked how staff determines who wants to go to school because when she visits with them, they all say they want to go. Deputy Commissioner Saunders responded that when program counselors individually assess young adults' abilities and goals, they express their refusal to attend school.

Member Cohen encouraged the Department to shorten the 180-day timetable for opening the Secure Unit. He also asked what new programs are being developed for young adults and what challenges DOC has faced in getting this age group to participate in programs generally. Deputy Commissioner Saunders stated that peer pressure not to participate in educational or other programs continues to be a major problem, which the Department is trying to address through program counselors' one-on-one engagement of young adults.

Member Cohen asked about recreation for young adults. Deputy Commissioner Saunders responded that the Department is looking at creating indoor and outdoor recreation space at GMDC and hiring a recreation coordinator to organize tournaments and other sporting events. Chief Collins advised that the first sports tournament for young adults is occurring this weekend.

Member Cohen asked what progress had been made to move adolescent inmates (ages 16 and 17) off Rikers Island. Mr. Thamkittikasem and Commissioner Ponte stated that the Department, in conjunction with other city agencies, are in the process of working through various mechanical issues (e.g., zoning), which must be resolved before relocation plans can move forward.

Mr. Thamkittikasem reported that 98% of the young adult housing areas are now covered by cameras while uncovered areas are not being used to house inmates. All cell door locking mechanisms are now working while release mechanisms are in the process of being fixed.

Member Richards asked for the percentage of young adult officers who are steady and trained and how they are selected. Deputy Commissioner Saunders replied that 95% of the officers are steady while 62% are trained in safe crisis management. The Department interviews and conducts screening of new recruits while they are in the Academy to identify those who are well-suited to supervise young adults. DOC also follows up with officers who, during on-the-job (OJT) training or at the Academy, express a desire to work with this age group. In response to Member Bryant's questions, Commissioner Ponte said that staff can bid on these posts while Chief Collins remarked that supervising young adults is becoming a preferred assignment.

► **Uniforms, Court Clothing and Medical Footwear**

Deputy Commissioner Farrell reported that the Department has completed the roll-out of uniforms at RMSC, RNDC, and BKDC. GRVC is the next facility slated for a roll-out followed by GMDC and then AMKC. In compliance with the Minimum Standards, each inmate is issued three pairs of appropriately sized pants, three shirts, and one sweatshirt. DOC also has trained facility staff on a system-wide uniform issuance process and implemented systems to ensure compliance with quantity and size requirements. The Department is awaiting procurement of additional washers and dryers, which will be on-unit. Finally, DOC is developing an audit plan for monitoring the uniform process in each facility.

Member Regan asked whether the Board's concerns with court clothing had been resolved. Deputy Commissioner Farrell responded that inmates will attend routine court appearances in uniform, but will have the option to wear civilian clothes at trial, jury selection, grand jury, or any court appearance involving a jury. In addition, some court commands are maintaining a supply of street clothing so that if an inmate is released directly from court, they can exit in civilian clothing. The Department is working on providing civilian clothing to all court commands. In response to Member Cohen's inquiry, the Deputy Commissioner stated that

inmates housed in hospital prison wards, some of whom had previously appeared in court in their hospital pajamas, were now being provided with uniforms or sweatshirts/sweatpants for court appearances.

In response to the Board's inquiry about the Department's development of a medical footwear policy, Deputy Commissioner Farrell stated that he would report back with the anticipated completion date. In the meantime, therapeutic footwear is provided to inmates on a case-by-case basis if medically prescribed.

Chair Brezenoff stated that the resolution of the Board's concerns regarding the issuance of uniforms to inmates and the provision of civilian clothing to inmates for court appearances has been challenging. He therefore requested that Board staff meet with the Department to get a clear sense of what further action is required to achieve a complete resolution of these issues.

Joint Agency Report on Sick Call

Mr. Thamkittikasem reported that communication between Health+Hospitals (H+H) and DOC on various issues, including sick call, has drastically improved since the transition of correctional health services from Corizon to H+H in December 2015. Staff of both agencies meets weekly, and sometimes daily, to resolve issues and identify areas for improvement at both the system and facility level. Specific issues and areas for improvement were included in the PowerPoint presentation (available [here](#)).

Dr. Homer Venters of H+H discussed the data on the PowerPoint concerning sick call and medical follow-ups. He pointed out significant differences among facilities in terms of the rate at which inmates who sign up for sick call or are scheduled for medical follow-ups actually show up. The high no-show rate at certain facilities has resulted in a backlog of patients to be seen and in a misuse of staff time. For example, some physicians spend most of their day reviewing patient records to ensure that urgent care patients are seen timely. Dr. Venters also pointed out that neither H+H nor DOC has data as to the reasons why patients do not attend sick call or scheduled follow-ups. Without knowing what causes the high number of no-shows at certain facilities — whether it's due, for example, to an insufficient number of escorts, the impact of lockdowns on inmates' ability to attend sick call or follow-ups, patient refusals, and/or inadequate triaging — it is extremely difficult to develop and implement effective solutions. In addition, while the number of no-shows is known, the total number of inmates who sign up for sick call or are scheduled for follow-ups is not. H+H and DOC have committed to collecting the required data that each agency can ascertain on its own and then work together to reconcile the data collected by both of them.

As a result of Board members' questions and the responses from H+H and DOC, other process deficiencies and the need for additional data were identified. Chair Brezenoff acknowledged the complexity of the issues to be resolved and the serious analysis that both agencies have undertaken to date. However, in the near future, both agencies must develop a comprehensive approach to resolving these issues and present their proposed remedial plan to the Board.

General Comments

The full public comment period can be viewed at: <https://youtu.be/XSM53rNG928?t=4262>.

Dale Wilkers (LAS) provided comments followed by Jane Stanicki (Hours Children) who spoke about the nursery program at RMSC. Chair Brezenoff said that Board staff and DOC staff had commenced a dialogue on the nursery and requested acceleration of this discussion, so that information on the program can be shared publicly at the May Board meeting.

Adrienne Isaacson (Urban Justice Center) and Valentina Morales (Mental Hygiene Legal Service) gave comments next. Member Cohen asked whether there has been an increase in violent incidents and staff injuries, and any staffing changes at Bellevue. Ms. Morales responded that a document with data and recommendations on these issues would be ready to circulate soon and would be shared with the Board.

At the completion of the general comment period, Chair Brezenoff asked the Board members whether there was additional business to discuss. Hearing none, the Chair adjourned the meeting.