

**NEW YORK CITY
BOARD OF CORRECTION**

April 11, 2002

MEMBERS PRESENT

Stanley Kreitman, Chair
Jane Paley Price

Excused absences were noted for Members John R. Horan, John H. Banks III, Louis A. Cruz, Father Richard Nahman, O.S.A., Fredrick J. Patrick and Michael J. Regan.

DEPARTMENT OF CORRECTION

Gary Lanigan, First Deputy Commissioner
Thomas Antenen, Deputy Commissioner
Douglas Waldman, Deputy Commissioner
Steven Conry, Chief of Management and Planning
Leroy Grant, Chief of Inspectional Services and Compliance Division (ISCD)
Anthony Serra, Chief of Custody Management
Elizabeth Loconsolo, General Counsel
Roger Jeffries, Deputy Commissioner for Programs
Elizabeth Myers, ISCD
Richard Filippazzo, Deputy Warden in Command

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Jr., Executive Director
George Axelrod, Chief Risk/Quality Officer
Patrick Brown, M.D., Medical Director
Arthur Lynch, Mental Health Director
Robert Berding, Deputy Chief Operating Officer

OTHERS IN ATTENDANCE

Alicia Cain, M.D., Deputy Medical Director, Prison Health Services
Becky Pinney, Project Manager, Prison Health Services
Marco Castillo, City Council
Andy Grossman, Finance Division, City Council
Jacqueline Riley, Finance Division, City Council

Chair Stanley Kreitman called the meeting to order at 1 p.m. The minutes of the Board's February 21, 2002 meeting were approved by those Members in attendance. Since there was no quorum, the Chair stated that approval by telephone will be sought from absent Members.

On behalf of the Board, Chair Kreitman expressed his sympathy to the Department and to the family of Andrew Morgan, a correction officer assigned to the Rose M. Singer Center, who was killed this week. Chair Kreitman asked the Department to report on the circumstances surrounding Officer Morgan's death. First Deputy Commissioner Gary Lanigan responded that the officer, who had worked for the Department since 1996, was shot while inside his vehicle. Mr. Lanigan added that the matter is under police investigation.

Prompted by a news report last night regarding gangs in the New Jersey jails, Chair Kreitman requested that the Department discuss what it was doing about gang intelligence in the City jail system. Mr. Lanigan responded that the Department has one of the best gang intelligence units in the country. He reported that the Department exchanges information with the Drug Enforcement Agency, FBI, and the NYPD, and gathers information from inmates. Mr. Lanigan emphasized that these activities prevent situations such as that which occurred in New Jersey.

Chair Kreitman reported that based upon his review of the Department's daily reports, he noticed that the inmate telephones keep breaking down at certain facilities, which can cause inmate unrest. Mr. Kreitman inquired about the problem and what is being done to solve it. Mr. Lanigan explained that although the Department's ten-year old automated inmate telephone system is maintained well, the Department has been experiencing an increased number of problems, particularly at ARDC. He discussed some of the contributing factors, such as the T-1 lines from Verizon, an old switch at ARDC and electrical system problems. Mr. Lanigan concluded by assuring the Board that these problems are being corrected and that the Department is regularly monitoring the situation.

Chair Kreitman asked Mr. Lanigan to report on the status of the no-smoking ban. Mr. Lanigan stated that the Department has presented its plan to the new administration, including the Law Department and Office of Labor Relations (OLR) staff. He explained that in facilities such as the Bronx, Brooklyn and Queens Houses of Detention and JATC, which are undergoing major renovations, smoking areas are being constructed. In facilities not undergoing major renovations, smoking areas have been identified; however, a major obstacle is the lack of a ventilation system. Mr. Lanigan said that the funding is available to retrofit these areas, but it will take 18 months to two years to complete. Deputy Executive Director Cathy Potler asked if the Department had considered implementing the NYS DOCS no-smoking plan, which prohibits staff and inmates from smoking inside the facilities, but allows smoking in the outdoor areas. Mr. Lanigan responded that Department staff have discussed the State's policy, but it was not one of the options presented to the new administration.

Mr. Kreitman requested that the Department report on its violence statistics. Mr. Lanigan stated that the number of stabbing and slashings is down. He reported that thus far in April there have been no slashing or stabbings and that in March of this year there were six, in March 2001,

there were five, and in March 2000, four. In fiscal year 2002 to date (July 2001 through March 2002), there were 21 slashing and stabbings - a 51% reduction from last year during the same period. Mr. Lanigan reported there was a 16% overall reduction in the number of uses of force, dropping from 1,074 during FY 01 to 901 in FY 02. In March 2001, there were 104 and in March 2002, 86. With respect to "A" uses of force (the more serious incidents), Mr. Lanigan reported an 18% reduction between last fiscal year and this fiscal year, and a 60% reduction in "B" uses of force between this and last fiscal years. Finally, Mr. Lanigan stated that there was a 15% reduction in assaults on staff this fiscal year-to-date as compared with the previous fiscal year-to-date.

Chair Kreitman asked CHS Executive Director Ernesto Marrero to comment on the issue of inmates not getting their medication before going to court. Mr. Lanigan stated that this is the responsibility of both DOC and the health providers. He explained that the Department is responsible for bringing inmates to the clinic to get their medication before they go to court. Mr. Lanigan identified two problem areas: (1) the Department did not provide a court list to the health providers and (2) PHS did not have staff in the clinic to dispense the medication. Mr. Lanigan reported that there are protocols now in place to ensure that inmates get their medications, that DOC provides a court list to the pharmacy staff each night and that PHS has ensured that the proper staff will be in the clinic. Ms. Potler stated that she did receive a copy of the new GRVC directive which delineates the steps that Departmental staff must follow to ensure that inmates going to and returning from court receive their medications. She added that Board staff have been monitoring the new procedures, which seem to be working well. Ms. Potler asked if the Department was addressing this issue at other facilities. For instance, at AMKC the out-to-court inmates are receiving their medications, but the Institutional Order does not specifically address how to dispense medication to them. Mr. Lanigan responded that the issue is being addressed department-wide. He thanked the Board staff for bringing this problem to DOC's attention.

Board Member Jane Paley asked if there was any update on Judge Baer's decision in the *Benjamin* case. Elizabeth Loconsolo responded that the case will be heard next week before the 2nd Circuit. Mr. Kreitman requested that Ms. Loconsolo inform the Board of the Court's decision, to which she agreed. Ms. Paley stated that the most important issue to her was the reduction in violence achieved by the Department.

Mr. Kreitman stated that he would like to have the next Board meeting on Rikers Island. He added that even though the Commissioner had no problem with the Board holding its meeting on Rikers Island, Ms. Loconsolo had security concerns. Chair Kreitman and Mr. Lanigan discussed a number of possible ways to proceed. It was agreed that Department and Board staff would develop a plan that would address concerns about security and compliance with the City's Open Meeting law.

Mr. Kreitman asked CHS Executive Director Ernesto Marrero to update the Board on correctional health issues. Mr. Marrero responded that in the second week of May CHS will issue its performance indicator report for the first quarter of 2002. Mr. Marrero did not expect a dramatic departure from the last quarter's report. With respect to the *Brad H* case, the mental

health discharge planning litigation, Mr. Marrero noted that CHS is likely to provide the discharge planning services and not PHS. Ms. Potler asked when this would be finalized. Mr. Marrero responded by June first.

Mr. Lanigan apologized on behalf of the Commissioner who was unable to attend today's meeting due to a schedule conflict. Mr. Lanigan introduced to the Board the recently appointed head of Inspectional Services, Bureau Chief Leroy Grant. Finally Mr. Lanigan announced that his longtime friend and colleague Deputy Commissioner Roger Jeffries will be leaving the Department for a position at the New York State Division of Criminal Justice Services.

Bureau Chief Grant's request that the Board renew existing variances was unopposed by those Members present. Chair Kreitman adjourned the meeting at 1:25 p.m.