

**NEW YORK CITY
BOARD OF CORRECTION**

May 14, 2009

MEMBERS PRESENT

Hildy J. Simmons, Chair
Michael Regan, Vice-Chair
Catherine M. Abate, Esq.
Stanley Kreitman
Rosemary Maldonado, Esq.
Alexander Rovt
Milton L. Williams, Jr., Esq.

Excused absences were noted for Members Pamela S. Brier and Robert L. Cohen, M.D.

DEPARTMENT OF CORRECTION

Martin F. Horn, Commissioner
Carolyn Thomas, Chief of Department
Florence Hutner, Esq., General Counsel & Deputy Commissioner for Legal Matters
Judith LaPook, Chief of Staff
Stephen J. Morello, Deputy Commissioner for Public Information
Mark Cranston, Deputy Chief of Staff
Harry Ahl, Deputy Warden, Office of Policy & Compliance (OPC)
Ronald Greenberg, Director of Inspections, OPC

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Louise Cohen, Deputy Commissioner, Health Care Access and Improvement
Jason Hershberger, M.D., Assistant Commissioner, Correctional Health Services (CHS)
George Axelrod, Director, Risk Management, CHS

OTHERS IN ATTENDANCE

John Boston, Esq., Project Director, Prisoners' Rights Project (PRP), Legal Aid Society
Michela Bowman, VERA Project
Jonathan Chasen, Esq., PRP
Wil Cruz, New York Daily News
William Hongach, Government Affairs Division, City Council
Lisa Freeman, Esq., PRP
Eyasu McCall, Office of Management and Budget (OMB)
Trevor Parks, M.D., Medical Director, Prison Health Services (PHS)
Timothy Rudd, Analyst, OMB
Christian Salazar, Associated Press
Matthew Schwartz, PRP
Kerry Spitzer, Budget and Policy Analyst, Independent Budget Office
Dale Wilker, Esq., PRP
Eisha Williams, Legislative Financial Analyst, Finance Division, City Council
Milton Zelermyer, Esq., PRP

Chair Hildy Simmons called the meeting to order at 9:07 a.m. A motion to approve the minutes of the March, 2009 Board meeting was approved without opposition.

Chair Simmons noted that she circulated among Members a list of possible dates for the Board's public hearing and vote on variance requests from the Department of Correction (DOC). Reporting that five Members would be available on only two dates, June 5th and 18th, she announced that the hearing will take place on June 5 in Spector Hall, at 22 Reade Street, where BOC held the 2007 hearing on proposed Standards' amendments. She said that although a quorum is not required, all Members should try to attend, and asked them to confirm attendance with Executive Director Richard Wolf. Chair Simmons said that a quorum is required for the June 18th special public meeting to vote on the variance requests, which will be the only item on the agenda. She said the June 18th meeting will be held in the Board's conference room, and noted that if the Board rejects DOC's requests, the Department will need to create a "Plan B" for addressing its budget shortfall. She added that by deciding in mid-June, the Board will give DOC time before the July 1st start of the new Fiscal Year to develop its plans. Mr. Wolf said that he will forward details about the June 5th and June 18th meetings to Members, and post them on the BOC web site.

Chair Simmons suggested that on July 9th the Board should conduct an inspection on Rikers Island. She asked Members to speak with Mr. Wolf about transportation and about particular things they want to see so that staff can make arrangements with DOC. Chair Simmons reminded the Members of an inspection of visit operations scheduled for May 29th. She urged those who cannot attend to have staff arrange for a visit on another date prior to the June 5th hearing, if possible.

Chair Simmons reported that the City Council Committee on Fire and Criminal Justice conducted a hearing on April 24th about DOC's implementation of the amended Standards, and the impact on operations. She thanked PRP Project Director John Boston for including in his testimony a very generous commendation of work by the small BOC staff to monitor replacement of inmates' personal footwear with DOC footwear, and to develop related procedural improvements with DOC and DOHMH.

Reporting on the recent reception for the 40th anniversary of the Urban Fellows Program, in which she participated in 1971, Chair Simmons said that the spokesperson for current participants cited as their most interesting trip a visit to Rikers Island, and time spent there with adolescents in the Institute for Inner Development (IID) dormitories. She said the comments spoke volumes about the quality both of the Urban Fellows program and the IID program, which she again urged Members to visit.

DOHMH Deputy Commissioner Louise Cohen distributed a flyer (attached) and presented a report on H1N1 influenza, as follows:

The current epidemic, with the number of probable cases already subsiding in NYC, revealed itself with in relatively mild influenza-like symptoms: fever, cough or other secondary problem; 30% of patients reported gastroenterological problems. DOHMH collaborated successfully with the Centers for Disease Control, World Health Organization, and DOC to activate emergency response plans, including a 24/7 command

structure. DOC's implementation turned out to be only a drill since H1N1 appears to have bypassed the jails. Since H1N1 cases were few in the City, DOHMH focused primarily on surveillance, trying to confirm cases, and tracking both epidemiologic trends and transmission methods. The Federal government has a stockpile of medications and masks, and this is the first time NYC had to draw down on the national stockpile. It took only two to three hours to obtain supplies. DOHMH is devising mechanisms to speed the process and to otherwise refine procedures for handling a potential epidemic because an H1N1 resurgence is possible in the Fall. In the event of a widespread epidemic, NYC's emergency plan calls for all of City government to focus on immunizing or medicating all New Yorkers within 48 hours by means of Point-of-Dispensing (PODs): at the point of dispensing, the decision is made to use medication or a shot.

Each year, the entire interested population of a jail is voluntarily immunized within 48 hours. A 50-inmate general population housing area can be brought to the gym and be, screened, immunized, and returned in approximately seven minutes. Medical staff go to each special housing unit to dispense immunizations. PODS only are effective for inmates who come into custody before a virus outbreak occurs. Thus, before the Fall flu season begins, DOHMH may offer immunization to each inmate during intake as well as implement immunization-dispensing PODS for the entire inmate population. DOHMH already asks all health care workers to be vaccinated, and asks DOC to do the same with its staff. If staff brings flu into jails, the impact of immunizing inmates is reduced or negated.

This Fall, the public probably will be advised to get a regular flu shot as well as an H1N1 shot. DOHMH will offer both forms of immunization to all jail employees.

In response to an inquiry by Board member Catherine Abate, Ms. Cohen said that she would report back to the Board on the shelf-life of "regular" influenza immunization serum. Ms. Cohen continued her report, as follows:

Although the DOHMH Commissioner has police powers during an epidemic emergency, the goal is for health officials never to have to use such powers. Drastic measures may have reduced spread of H1N1 in some locations, such as Mexico City. In an emergency, DOHMH could order suspension of regular medical care to better manage emergency patients or, given the potential for 50% of staff to call-in sick during an epidemic, change clinic staff to 12-hour shifts.

History provides few examples of how to handle an epidemic in a correctional setting, and DOHMH and DOC have been collaborating for several years to address potential epidemics. A positive aspect of the current situation is the opportunity for DOHMH and DOC to exercise emergency plans without actually having to implement them since the epidemic barely has touched the jails. The agencies have learned points at which communication and shared activities should be enhanced, including developing ways to isolate inmates so as to protect both them and others, and diagnosing seriously-symptomatic inmates without clogging hospital emergency rooms. In a jail setting, one must focus on how the disease would present so staff can screen most effectively and quickly. Staff first will identify everyone with a fever and then look for other symptoms,

including cough and sore throat, to determine if DOC should take the inmate to an emergency room.

Noting that, as this is a pandemic, NYC is dealing with public health officials from around the world who have different strategies dependent on their settings, Board Vice Chair Michael Regan asked how DOHMH is analyzing sources of transmission. He asked about inclusion in inmate screening of questions about a direct, or indirect, relationship with travel to Mexico or with St. Francis school in NYC, the only two reported sources or centers of H1N1 here. Ms. Cohen responded that such questions are in the new screening tool, with positive responses a reason to target an inmate for relevant medical attention, but that staff primarily must address symptoms and sources within the jails because pursuit of all outside sources is not possible. She said that at each medical encounter, medical staff asks inmates specific questions about symptoms: if experiencing fever, an inmate is examined for the other relevant symptoms, then tested and isolated and, when appropriate, treated or transported to an emergency room. Reiterating that jails were spared the direct impact of H1N1, Ms. Cohen reported that new screening techniques yielded: three inmates with fever; no confirmed cases of H1N1 among the inmates tested, two of whom were isolated and observed for seven days without significant illness then returned to General Population housing; and, one inmate hospitalized for what was determined to be another cause.

Ms. Cohen said that health care staff are being trained to use special masks and other protective equipment properly, and to work cooperatively with uniformed staff in all aspects of emergency procedures. She described some methods already implemented by DOHMH and Prison Health Services staff in conjunction with DOC to reduce transmission: distribution of educational materials about washing hands and other simple protective measures; housing officers instructed to send to clinics immediately all inmates complaining about flu-like symptoms rather than waiting for sick call; installation of Purell dispensers in visit houses and other common areas. She said some other possible transmission-reduction methods being considered are: adding relevant questions to new admission clinic intake screening and DOC intake screening; establishing isolated triage areas in the clinics; and, conducting screening, triage and isolation in court pens before defendants are transferred to jails. Ms. Cohen said DOHMH is discussing additional procedures with DOC, such as at what point must inmate movement be ended, or visits canceled, or all court appearances or other outside inmate appointments be cancelled.

DOC Commissioner Martin Horn commended DOHMH for controlling contagion. He cited contagious disease as a most dangerous foe and the least amenable to structured control in a setting where social isolation is difficult due to open dormitory housing, court pens that are incubators and accelerators of contagion, and staff coming to work not aware that their child is a carrier. He reported that DOC staff sick leave did not increase in recent weeks.

Ms. Cohen stated that DOHMH must address community transmission of infection. She reported that this flu outbreak was late in relation to having researchers develop a new vaccine. She said influenza is seasonal, with new strains appearing each year. She noted that as the vaccine already prepared for next year's seasonal flu does not include immunization against H1N1, a separate serum is necessary to combat it and is in development. She said that to reduce transmission and spread of H1N1, DOHMH will seek at least enough doses for every resident and worker in a congregate setting, such as a jail or hospital.

Chair Simmons called on Commissioner Horn, who presented a report, as follows:

The March letter to Mr. Wolf requesting two variances was not written lightly. The economy has changed and probably never will be the same again. New York City is facing enormous deficits that will affect every resident and every taxpayer. Each City agency was told the amount of money allocated regardless of proven need. DOC's budget was cut severely: the new budget is \$993 million, compared to more than \$1 billion last year. DOC already has eliminated more than 1000 uniformed positions and several hundred civilian positions.

Vice Chair Regan asked about savings from eliminating the harbor crew. Commissioner Horn said perhaps \$1 million was saved, but six years ago. He continued his report, as follows:

In recent years, DOC invested in the quality of jail conditions, increasing the number of air-conditioned housing units and the upkeep of physical plant, while continuing to improve safety. In recent months, to address an identified security problem, an extra housing officer was assigned to each of several adolescent housing units and in some adult units housing problematic inmates. During the time when an officer is touring a cell block to verify that inmates who have chosen to lock in are not committing suicide or otherwise impaired, the officer cannot supervise inmates in the dayroom. Most inmates are in housing areas, whether dormitory or cell, staffed with one officer in the control room and a second officer patrolling two dormitories, each housing 50 low-classification inmates. DOC reduced the number of other housing areas in which there is not an officer assigned to each dorm side. Most DOC costs are for staff. The Mayor and Budget Director were told that DOC will not retreat from positive steps taken. The response was, "Something else has to give."

Despite investing in an ambitious discharge planning program, which includes a commitment to housing inmates closer to their homes, DOC has proposed that the City seek enforcement of State law giving the State the authority to hold City-sentenced prisoners. The State's cost of incarceration is lower than City's cost per inmate for a variety of reasons: staff salaries and benefits are lower as are the costs of applicable Standards and, with a capacity of 65,000 prisoners, the State has some financial economies-of-scale not available to DOC. DOC's proposal would save upwards of \$10 million.

The Mayor and Budget Director understand that the only way to save money is to have fewer inmates in custody since there are budget realities driven by the physical reality of DOC's primary site, Rikers Island, as well as by the cost of requisite minimum services. Costs related to Rikers Island's location that are not carried by other corrections systems include: transporting 1500 inmates per day to twenty different court houses on time; running a shuttle bus service 24 hours daily for DOC staff who park their cars outside Gate 1; and, running a shuttle bus service 5 days per week processing visitors on and off Rikers Island, and between jails. Visits cost less at a borough house such as the Manhattan Detention Center, where a visitor can travel directly to the jail without DOC assistance. DOC often transports inmates to courthouses, not for court appearances, but to meet with defense attorneys who are reluctant to travel to Rikers Island. DOC has

almost doubled the use of video-conferencing for attorney visits. All Probation interviews now are done by video-conference.

The Mayor's budget calls for policy changes aimed at shrinking the size of the jail system by driving down the census. It anticipates: creating a pre-trial supervision program at the Probation Department so that defendants held on low bails, \$2500 to \$5000, can be released despite inability to pay bail; expanding an innovative bail expediting program that the Criminal Justice Agency now operates in Queens; and, having the Criminal Justice Coordinator work with the Unified Court System, district attorneys offices, and indigent defense bar to find ways to reduce the time it takes to dispose of a case. The number of inmates admitted to DOC custody will not go down because City officials will not ask the police department to change successful practices that maintain public safety, so reducing the population must be achieved by decreasing the time that defendants remain in custody. There are fewer felony arrests but length-of-stay for a felony case has increased.

Looking at where DOC can save money, one must examine things that are unique to NYC, such as the Minimum Standards. Outdoor recreation is a good thing, and would be provided for three hours daily if possible, because this would be better than the current one hour per day. DOC simply cannot provide daily recreation but, if economic times improve, DOC might be able to resume providing recreation each day.

Mr. Regan asked the reason for DOC selecting Wednesday and Thursday as the days to eliminate recreation. Commissioner Horn responded that he wanted to minimize the increase in inmate idle time that the variance would cause. He said that on Mondays, Tuesdays and Fridays there would be no visits, and therefore no alternative activity. He noted that, on each weekday, 1500 inmates (11%) go to court. He said that DOC is proposing that most inmates be given the opportunity of outdoor recreation for 1½ hours, five days per week, an increase in total weekly time from 7 to 7½ hours. He added that the variance would not affect adolescents or inmates in punitive segregation, close custody, and the Mental Health Assessment Unit for Infracted Inmates (MHAUII).

Noting that his variance proposal is in line with the State Commission of Correction (SCOC) standard that applies in every county jurisdiction in NYS, the Commissioner said that the Board's Standard imposes a tax on NYC taxpayers that other jurisdictions do not have. Mr. Wolf observed that in 2005, when Commissioner Horn first proposed that DOC follow the SCOC Standard, he provided to the Board a survey which documented that all but one of the six next largest jail systems in New York State provided daily recreation. Noting that DOC did not provide such a survey with the instant variance request, Mr. Wolf asked if the original survey information is current and the SCOC 5-day recreation requirement still is exceeded by the other large jail systems. Commissioner Horn responded that he did not know about recreation schedules elsewhere, but from speaking with jail administrators statewide, he knows they all are dealing with difficult budget issues. He said they all have a different set of circumstances and may find different ways to save money, but all are reviewing the flexibility available to them. Mr. Regan noted that each time DOC references the SCOC Standards, he is obliged to point out that there are thousands of policies and standards that differ between NYC and other state locales, whether for construction or fire safety or education or anything else. Responding to an

inquiry by Board Member Stanley Kreitman, Commissioner Horn said savings from not providing outdoor recreation on two days per week would be \$4.4 million.

Commissioner Horn said he agrees with the Osborne Association's Liz Gaynes' sentiments about the importance of visits, and added that the comments submitted by the City Bar Association raise valid issues that are deserving of BOC's consideration. He then continued his report, as follows:

Eliminating one visit day per week would save \$2.29 million in DOC's overtime budget. The BOC Visiting Standard requires DOC to afford detainees three visits per week, spread over five days. DOC is proposing the same three visits, but over four days. DOC will continue to provide visits to all visitors who are registered and on line when the registration hours end. The variance absolutely will have an effect: there will be more visitors on Rikers Island on the four visit days, which will make visitor processing more difficult and challenge the Department. No one denies that visiting is "a pain in the butt", and although DOC has a picture in mind of how the variance will work, it initially might not implement perfect procedures, and the process might require adjustments.

If the Board votes against these variance requests, it would be naïve to think that DOC will not make budget cuts that will affect recreation and visiting. DOC already has made improvements to the visiting process in ways not mandated by the BOC Standard but, if forced to seek alternative budget reductions, DOC might rescind these improvements. Eighteen months ago, DOC reconfigured the central visit building to increase from two to four the number of portals for visitor admission by adding two metal detectors, two x-ray machines, and additional officers. The two new search lines speed the flow of visitors. Also, additional buses run to each jail every hour, reducing the wait time for visits, but it may not be possible to retain the new bus posts. It also could be necessary to reduce the number of visit officers at each jail if DOC is not allowed to hire new classes of officers. Visitors mostly are young women with babies who endure extreme hardship just to travel to Rikers Island, but they are New Yorkers, and the Mayor has asked everyone to carry their share of the burden.

Ms. Abate inquired about DOC's efforts to identify all potential efficiencies that can reduce waste and produce cost savings. She gave as examples: consolidating the number of open housing areas so as to reduce the number of housing officers needed, and repairing "down" cells daily to maximize beds in open housing areas. Commissioner Horn responded that he explored all efficiencies. He added that, during the last several years, he eliminated more than 300 administrative and other support positions such as clerks and analysts, some of the very people who would be assigned to units such as the Down Cell Task Force. He reported that every civilian title vacant as of April 1st has been eliminated from DOC's budgeted staffing allocation. The Commissioner reported that, since many inmates take back to their beds some of the twelve bread slices provided daily and DOC still throws away a large quantity of bread daily, DOC is reducing the number of daily bread slices to eight. He said the rodent problem will be reduced, the inmate diet will contain fewer carbohydrates, and \$400,000 will be saved annually. He asserted that he does not take variance proposals lightly, particularly since one of the earliest lessons he was taught in the corrections business is not to "mess with" inmates' food or visits or medical care.

Ms. Abate asked if DOC explored revenue-producing options. Commissioner Horn described two revenue-generating activities: charging inmates for haircuts, which DOC has done for several years; and, selling inmate-baked bread to the Department of Juvenile Justice. He said he proposed that attorneys pay \$15 each time DOC transports an inmate to court solely for an attorney meeting, but learned that the indigent defense bar is not budgeted for such fees. Ms. Abate suggested that private attorneys are less apt to travel to Rikers Island, and are able to pay such fees. Commissioner Horn said that, unlike other jurisdictions, DOC still has not increased the commission it makes on inmate phone calls, and said its rate is among the lowest in the U.S.

Ms. Abate asked about staff-related budget items. Commissioner Horn said that the budget continues to fund a training program that exceeds requirements. He said that the new budget permits DOC to hire new officers to replace those lost by attrition. He added that DOC will be allowed to maintain the current workforce, including the extra housing officers and visit bus drivers and admission-portal operators. As to the overtime budget, he responded that the budget has more overtime money allocated than did last year's budget. He added that, for several years, the overtime-hours allocation was less than the overtime DOC used, so DOC still is expected to reduce overtime use: DOC spent \$99 million on overtime last year. Ms. Abate commented that the visiting variance request projects an overtime savings. Noting that each of the four visit days will last longer because so many more people will want to visit then, she asked if DOC calculated the cost of additional overtime on the four days in relation to the proposed saving. Commissioner Horn responded that the \$3 million is net of the cost of overtime. Mr. Wolf said that data submitted to the Board suggests that overtime was not calculated at all, particularly given that one proposed change is to have three additional "A to Z" visit days, and asked DOC to provide additional data. Commissioner Horn responded that the savings depends on visit schedules and an unknowable number of additional visitors each day, so the savings-figure presented may be off by \$300,000.

Board Member Alexander Rovt asked which is the busiest visiting day. Commissioner Horn said Saturday, rather than Friday, which DOC selected for elimination. Mr. Wolf asked how DOC arrived at its estimate that 80% of current Friday visitors will visit on the other four visit days. Commissioner Horn responded that 80% is a guess since there is no applicable science. As to DOC's representation that the average time spent by each Rikers Island visitor is three hours, Mr. Wolf asked when in the visit process DOC starts counting the time. Commissioner Horn responded that DOC starts counting the waiting time at the point of registration in the main visit center. He acknowledged that wait-time fluctuates from when a visitor gets off the public bus until registration, noting that the earlier a visitor arrives, the shorter the wait. The Commissioner said that DOC is experimenting with a biometric system for visitors to AMKC. He said that each visitor registers a thumbprint once and that thereafter staff need not repeatedly check identification documents. He said this method only shaves minutes from each person's wait, but that the effect across every jail's visit house will yield reduced time in line for 317,000 visitors annually.

Commissioner Horn said that processing in the central visit building is lengthy because it involves not only checking identification and registration but also searching to ensure that visitors are not armed, or able to leave contraband in common areas where inmate workers can pick it up. He said that DOC moved the property window outside the building, so a former inmate returning to Rikers Island to pick up personal property no longer must wait on the same line as prospective visitors. He reported that DOC provides several ways for people to post bail

at sites off-Island or deposit money in an inmate's account so the inmate can self-bail. He described methods for people to deposit money in an inmate's account without coming to Rikers Island or standing on the same line as prospective visitors.

Ms. Abate said that, when considering the variance request, Members must weigh more issues than cost, such as protecting certain standards considered very important for a variety of reasons including DOC's smooth performance. Noting that Members are not implying that Commissioner Horn is not performing his job well or making rational decisions, she said that the Board's role is different from his. Commissioner Horn responded that the Board's role absolutely is responsibility for the welfare of inmates, but his reading of the City Charter is that the Board has an equivalent responsibility to pay attention to the efficiency of the system for the benefit of all taxpayers. He contended that the value of a variance process is that, after six months, if BOC finds that a variance is deleterious, the Board can rescind it. Mr. Wolf responded that, if Board Members are concerned about the potential impact of a variance, they can grant a variance for less than six months. Commissioner Horn noted that, with a variance requiring rearranging of staff work schedules, DOC would need two months warning of BOC's variance-termination date to take steps such as posting notices and rearranging work schedules for visit and recreation officers and captains.

Mr. Kreitman sought verification that these variances will save \$7.3 million. Commissioner Horn affirmed, reporting that OMB already took this money from DOC's budget as if the variances were granted, and will not restore the funds if the Board rejects the variance requests. He explained that OMB reduced funds for DOC based on certain assumptions, including the Board's approval of the variances to begin on July 1. He said that OMB will not restore these funds so he will be forced to find other ways to save the \$7.3 million. The Commissioner that budget is about making hard choices, not choices DOC considers lightly or unmindful of potential consequences or would make if it did not have to do so. He said that inmates are City citizens like everyone else and, they and their visitors must share the burden of the financial crisis. He said other potential sources of budget savings included: cutting staff training in half; eliminating the extra housing officers recently assigned to adolescent and some adult high security houses; eliminating the \$4 million discharge planning budget, including contracts with Osborne Association, Fortune Society, and Women's Prison Association; shortening the recreation schedule by running fewer, larger sessions, which would increase the danger in the yards by increasing the number of inmates attending each session; and, imposing cuts for visitor processing and transport.

Chair Simmons commented that elimination of discharge planning would be an especially lamentable loss in that, for many years, the City did not focus on investing in discharge planning in a comprehensive way. Commissioner Horn advised Members to think seriously about permitting DOC to do belt-tightening in these variance areas, savings that he considers this approach more rational than forcing him to impose budget cuts in ways that would diminish the safety and security of people confined in the jails. Mr. Regan replied that some Members might conclude that safety and security would be impacted seriously by the proposed changes to these two particular program services.

Commissioner Horn noted that in his May 12th budget statement, he said that the best way to reduce the Department's budget, particularly as to costs for transportation and overtime, is to build jails off Rikers Island. Mr. Rovt asked if DOC had submitted budget plans for

construction. Commissioner Horn affirmed that the new capital budget contains funds to expand the Brooklyn Detention Center (BDC) by 720 beds to raise the capacity to 1500, and to build on the parking lot of the existing Bronx barge, the Vernon C. Bain Center, a new 1500-bed air-conditioned jail specifically designed to reduce staffing costs. He reminded Members that a Court ruled several months ago said that DOC can re-open the original BDC but, for the expansion, must do an environmental assessment as part of the City's formal land-use review process. He added that further delay is being caused by the City Comptroller, one of the lawsuit plaintiffs, who refused to register the contract for DOC to hire the design professional to conduct the requisite assessment. Commissioner Horn noted that DOC has retained a design professional for the Bronx but, after DOC submits the environmental assessment, it will take at least one year for the official process that culminates in a City Council vote, after which DOC can begin final design and then construction.

Chair Simmons asked about the status of DOC's implementation of footwear exchange. Commissioner Horn responded that DOC made many improvements, and appreciated assistance provided by BOC staff in a spirit of cooperation to identify and address deficiencies in the system. He distributed copies of photos (attached) he described as the same areas photographed for BOC staff's report, which the Council cited at its recent hearing. He acknowledged that Board complaints about footwear exchange, storage, and retrieval were valid, and said they were quickly addressed by DOC.

Commissioner Horn expressed regret for the May 2nd death of detainee Clarence Mobley in the intake area of AMKC. He said that sometimes inmates die in DOC custody, usually from natural causes and illnesses, and despite good medical care. He reported that Mr. Mobley was involved in a use of force (UOF) incident sometime before his death, and DOC has videotape of the incident. He said DOC immediately notified the offices of the Bronx District Attorney and Department of Investigation, who responded that evening along with the Medical Examiner (ME). He said that the ME continues to examine this case and has not issued a final ruling, and the Bronx DA's investigation continues as well. Commissioner Horn noted that the SCOC's Medical Review Board of SCOC always investigates and issues a public report, and never has held back on criticism. Chair Simmons said the investigatory process appeared to be moving forward but, if Members had questions, the Board could go into executive session to address them. Members indicated that an executive session about the death was not necessary.

A motion to renew existing variances was approved without opposition.

Chair Simmons reported that, after the public hearing on June 5th, BOC staff will circulate the testimony and any additional materials submitted. Noting that at the June 18th special meeting Members will not have an opportunity for further questioning of the Commissioner or others, Chair Simmons suggested that Members familiarize themselves with all materials and discuss issues among themselves before they meet to vote. She said that if Members have questions or want more information from DOC after the hearing and testimony review, they should notify BOC staff promptly so concerns and requests can be addressed in a timely fashion. Mr. Wolf reiterated that information about the hearing and special meeting will be posted on the BOC web site and in the City Record.

After repeating the date of the Board's Rikers Island inspection, July 9th, Chair Simmons adjourned the meeting at 10:21 a.m.