



Committee on Public Safety

~MINUTES~

Monday, April 29, 2019

10:01 AM

DRAFT

Committee Chair: Margaret A Cunzio

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Meeting was held jointly with the Committee on Budget & Appropriations.

With a quorum present, Chair Margaret A Cunzio called the meeting to order at 10:16 AM.

Attendee Name	Title	Status	Arrived
Margaret A Cunzio	Chair	Present	
Nancy Barr	D6 Legislator	Absent	
Gordon A. Burrows	D15 Legislator (Minority Whip)	Present	
Kitley Covill	D2 Legislator	Present	
Christopher Johnson	D16 Legislator	Absent	
Damon Maher	D10 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	
Catherine Borgia	D9 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Present	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
John G. Testa	D1 Legislator (Minority Leader)	Present	

Others In Attendance: BOL: Greg Casciato, Jaevon Boxhill, Ellen Hendrickx, Alessandra Restiano, Matt Ritcher CORRECTIONS: James Birrettella, William Fallon PROBATION: Rocco Pozzi PRC: Peter Tartaglia, Ken Uhle DPW: Bud Nicoletti LAW: John Fico, Jane Hogan Felix, Brian Miller, Chris Inzero

MINUTES APPROVAL

1. Monday, April 15, 2019 at 10:02 AM

On motion of Legislator Shimsky seconded by Legislator Covill the minutes were approved 6 - 0.

I. ITEMS FOR DISCUSSION

1. **(ID # 11806) Act – IMA-Justice Assistance Grant-Yonkers, Mount Vernon, New Rochelle:**

AN ACT to authorize the County of Westchester to enter into a four-year intermunicipal agreement with the Cities of Yonkers, Mount Vernon and New Rochelle for the administration of the Edward Byrne Memorial Justice Assistance Grant for Fiscal Year 2017.

Invited Guest: Rocco Pozzi, Commissioner, Department of Probation Commissioner Pozzi from the Department of Probation came before the Committee to discuss item # 11806-IMA- Justice Assistance Grant- Yonkers, Mount Vernon, New Rochelle. This is an Act that would authorize the County through its Department of Probation to enter into an IMA (intermunicipal agreement) for the period from October 1, 2016 through September 30, 2020 with the cities of Yonkers, New Rochelle and Mount Vernon. The City of Yonkers will administer and distribute the grant funds received from the Edward Byrne Justice Assistance Grant (JAG) for the Fiscal Year 2017. Commissioner Pozzi explained that the funds are in the amount of \$140,000 and will be distributed among the 3 municipalities. The County needs to be a part of the process or the Department of Justice will not distribute the monies.

With a motion by Legislator Shimsky and seconded by Legislator Covill the item was approved with a vote of 6 -0. Legislator Maher (Yes - W.O.P)

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

1. **(ID # 11786) *Communication – HON. DAMON R. MAHER: Prison Legal News Article - "Correct Care Solutions Redux: Poor Medical Care Leads to More Deaths":***

Forwarding a *Prison Legal News* article entitled, "Correct Care Solutions Redux: Poor Medical Care Leads to More Deaths."

With a motion by Legislator Shimsky and seconded by Legislator Covill the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Shimsky seconded by Legislator Covill the Committee adjourned at 10:51 AM.



Committee on Public Safety

~MINUTES~

Monday, April 15, 2019

10:02 AM

Committee Chair: Margaret A Cunzio

DRAFT

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting was held jointly with the Committees on Budget & Appropriations and Public Works. With a quorum present, Chair Margaret A Cunzio called the meeting to order at 10:14 AM.

Attendee Name	Title	Status	Arrived
Margaret A Cunzio	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Gordon A. Burrows	D15 Legislator (Minority Whip)	Absent	
Kitley Covill	D2 Legislator	Present	
Christopher Johnson	D16 Legislator	Present	
Damon Maher	D10 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	
Catherine Borgia	D9 Legislator	Present	
John G. Testa	D1 Legislator (Minority Leader)	Present	
Terry A. Clements	D11 Legislator	Present	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
David J. Tubiolo	D14 Legislator	Present	

Others In Attendance: GUESTS: John Cullen(DES), Andrew Germansky(WESTHAB), Bud Nicolletti(DPW), Norma Drummond (WCP), Bill Balter(Guest), Blanca Lopez (CE), James Birrittella (DOC), William Fallon(DOC), Karen Schatzel(LWVW), Thomas Gleason(DPS), Martin McGlynn (DPS), William McGuinness(DPS), Larry Soule (Budget)

MINUTES APPROVAL

- Monday, April 01, 2019 at 10:01 AM

On motion of Legislator Covill, seconded by Legislator Shimsky the minutes were approved 7 - 0.

I. ITEMS FOR DISCUSSION

- ACT-2019-62 Act – BOND ACT-BPS23-Vehicle Acquisition & Replacement:**

Minutes Acceptance: Minutes of Apr 15, 2019 10:02 AM (MINUTES APPROVAL)

A BOND ACT authorizing the issuance of ONE MILLION FIVE HUNDRED SIXTEEN THOUSAND (\$1,516,000) DOLLARS in bonds of Westchester County to finance Capital Project BPS23 - Vehicle Acquisition and Replacement.

Joint with BA & PW.

Guests: Commissioner Thomas Gleason, Martin Mcglynn. William McGinness, Bud Nicoletti, Larry Soule

Commissioner Gleason discussed that this is Bond Act that will fund the replacement of various equipment and vehicles for the Department of Public Safety in the amount of \$1,516,000. The Commissioner discussed that the Department will acquire 25 patrol vehicles in the amount of \$963,600, 5 replacement unmarked vehicle in the amount of \$182,325, two canine vehicles in the amount of \$85,086 and accessories including 8 in-car computer/video system and other related equipment in the amount of \$284,989. The Commissioner stated that there are 40 vehicles that are in excess of 100,000 miles, which is about 10% of the entire fleet. Discussion was held on the types of vehicles purchase, the use of hybrid vehicles and the canine vehicles. The Commissioner discussed that the Department is looking at Hybrid cars, they will be test driving cars to see if the fit the needs of the Department. He discussed with the members that there are 12 canine vehicles.

With a motion by Legislator Covill and seconded by Legislator Maher the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

2. **ACT-2019-63 Act – IMA-Prisoner Transportation-White Plains:**

AN ACT authorizing the County to enter into an intermunicipal agreement with the City of White Plains in order to provide reimbursement for prisoner transportation to the Westchester County Jail.

Joint with BA.

Guests: Chief Birrittella and Warden Vollmer - Department of Corrections
Chief Birrittella and Warden Vollmer from the Department of Corrections came before the

Committee to discuss item # 11741- IMA- Prisoner Transport. This is an Act that would authorize the

County to enter into an agreement with the City of White Plains in order to reimburse them in the

amount of \$247,872 in 2019 and \$255,312 in 2020 for a total amount of \$503,184 for a term

commencing January 1, 2019 and ending December 31, 2020. The reimbursement to White Plains will

cover the cost for transporting prisoners who have been arraigned from White Plains to the Westchester

County Jail. The County is required at its own expense to transport and provide meals for prisoners

between local municipalities and the County Jail.

With a motion by Legislator Shimsky and seconded by Legislator Covill the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

Minutes Acceptance: Minutes of Apr 15, 2019 10:02 AM (MINUTES APPROVAL)

3. **ACT-2019-64 Act – IMA-Fire Suppression Services-Hawthorne Fire District:**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire District to provide specialized training and fire suppression services for a two (2) year term commencing on January 1, 2019 and expiring on December 31, 2020 in an amount not to exceed TWENTY-SIX THOUSAND (\$26,000) DOLLARS.

Joint with BA.

Guest: Commissioner Cullen- Department of Emergency Services

Commissioner Cullen from the Department of Emergency Services came before the Committee to discuss item 11742- IMA- Fire Suppression Services- Hawthorne. This is an Act that would authorize the County to enter into an agreement with the Hawthorne Fire District for a term of 2 years commencing on January 1, 2019 and expiring on December 31, 2020. The County will pay \$26,000 for services provided to the District. The previous agreement expired December 31, 2018. The District will provide volunteer firefighters and will train them to assist the Department when needed. The District also provides a quarterly report .

With a motion by Legislator Covill and seconded by Legislator Barr the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

4. **ACT-2019-65 Act – IMA-Fire Suppression Services-Valhalla Fire District:**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Valhalla Fire District to provide specialized training and fire suppression services for a two (2) year term commencing on January 1, 2019 and expiring on December 1, 2020 in an amount not to exceed NINETY THOUSAND (\$90,000) DOLLARS.

Joint with BA.

Commissioner Cullen from the Department of Emergency Services came before the Committee to discuss item # 11743- IMA- Fire Suppression Services- Valhalla. This is an Act that would authorize the County to enter into an agreement with the Valhalla Fire District for a term of 2 years commencing on January 1, 2019 and expiring on December 31, 2020. The County will pay \$96,000 for services provided to the District. The previous agreement expired December 31, 2018. The District will provide volunteer firefighters and will train them to assist the Department when needed. The Valhalla District provides services to the Grasslands Campus. 96 of the 434 calls to the Valhalla District are to the Grasslands Campus. The District is trained to deal with the Special Hazards on the Campus and provide assistance to the Department. The District also provides a quarterly report.

Guest: Commissioner Cullen- Department of Emergency Services

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

Minutes Acceptance: Minutes of Apr 15, 2019 10:02 AM (MINUTES APPROVAL)

III. RECEIVE & FILE

With a motion by Legislator Barr and seconded by Legislator Covill the four items below were received & filed with a vote of 7 to 0.

1. **(ID # 11759) Communication – HON. DAVID J. TUBIOLLO: Various Articles on the Opioid Crisis:**

Forwarding various articles on the opioid crisis.

RESULT: RECEIVED AND FILED

2. **(ID # 11762) Communication – HON. MARGARET A. CUNZIO: Correspondence re: Bus Stop near the Knolls on Grasslands Road:**

Forwarding correspondence received from Town of Greenburgh Supervisor Paul Feiner regarding issues with the bus stop near the Knolls on Grasslands Road.

RESULT: RECEIVED AND FILED

3. **(ID # 11764) Communication – HON. MARYJANE SHIMSKY: YaleNews Article - "Nicotine Addiction From Vaping Is a Bigger Problem Than Teens Realize":**

Forwarding a *YaleNews* article entitled, "Nicotine Addiction From Vaping Is a Bigger Problem Than Teens Realize."

RESULT: RECEIVED AND FILED

4. **(ID # 11765) Communication – HON. MARYJANE SHIMSKY: Start Smart NY Article - "Marijuana Arrests and Enforcement in Westchester County: A NY Story":**

Forwarding a *Smart Start New York* article entitled, "Marijuana Arrests and Enforcement in Westchester County: A New York Story."

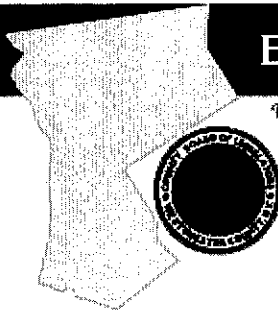
RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Shimsky seconded by Legislator Covill the Committee adjourned at 11:43 AM.

Minutes Acceptance: Minutes of Apr 15, 2019 10:02 AM (MINUTES APPROVAL)

Damon R. Maher
Legislator, 10th District
Chair, Labor & Housing



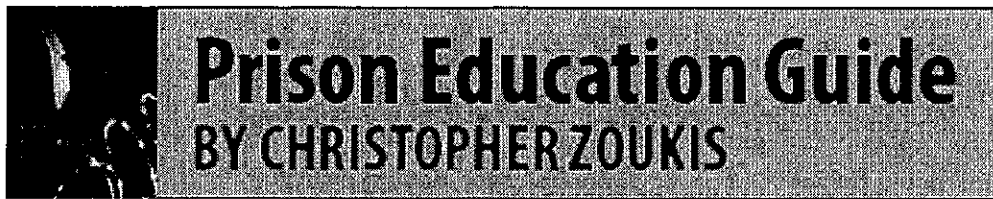
Committee Assignments
Budget & Appropriations
Intergovernmental Services
Parks, Planning & Economic Development
Public Safety
Seniors & Constituencies

MEMORANDUM

TO: Benjamin Boykin, Chair, Board of Legislators
FROM: Damon R. Maher, Legislator – 10th District
DATE: April 5, 2019
RE: **Article on Correct Care Solutions**

Please add the attached article from the Prison Legal news dated December 7, 2018 entitled “Correct Care Solutions Redux: Poor Medical Care Leads to More Deaths, Lawsuits” to the Budget & Appropriations and Public Safety committees on behalf of Legislator Maher.

Here is a link to the article: <https://www.prisonlegalnews.org/news/2018/dec/7/correct-care-solutions-redux-poor-medical-care-leads-more-deaths-lawsuits/>



(/adzone/view/32/)

Correct Care Solutions Redux: Poor Medical Care Leads to More Deaths, Lawsuits

Loaded on DEC. 7, 2018 by Edward Lyon (/news/author/edward-lyon/) published in Prison Legal News December, 2018 (/news/issue/29/12/), page 52

Filed under: Correct Care Solutions (/search/?selected_facets=tags:Correct%20Care%20Solutions), Systemic Medical Neglect (/search/?selected_facets=tags:Systemic%20Medical%20Neglect), Failure to Treat (Mental Illness) (/search/?selected_facets=tags:Failure%20to%20Treat%20%28Mental%20Illness%29). Location: United States of America (/search/?selected_facets=locations:998).

by Ed Lyon

Correct Care Solutions (CCS) is one of the nation's largest for-profit healthcare providers for prisoners, with annual revenue exceeding \$1 billion. The Nashville, Tennessee-based firm supplies medical and mental health services to more than 100 state and federal prisons and 330 jails in 38 states, plus immigration detention centers. It also has operations in Australia.

Over the years, CCS has acquired several other prison medical providers, including Correctional Healthcare Companies, ConMed, Physicians Network Association and the mental health care subsidiary of private prison company GEO Group.

According to October 2018 news reports, CCS has been named as a defendant in at least 1,395 federal lawsuits since 2003 – most of which were dismissed. There is no way to aggregate the number of suits filed in state courts nationwide. At least 28 medical-related deaths have occurred at facilities where CCS provides healthcare. [See: PLN, Sept. 2018, p.32].

A lawsuit over one of those deaths was filed by the mother of Kendra Nelson, who died at a jail in Portsmouth, Virginia in July 2016. Nelson began suffering from heroin withdrawal the morning after her arrest. A deputy documented her withdrawal symptoms, but CCS staff medically cleared her three times, despite her seizures and steadily worsening

symptoms, believing that Nelson was faking them. She died later that day. Her mother is suing CCS and former Sheriff Bill Watson, who reportedly called Nelson “nothing but a druggie.”

In March 2016, prisoner William Otis Thrower, Sr. made repeated pleas for medical help at the Hampton Roads Regional Jail (HRRJ) in Virginia. He said he couldn’t sleep, and was in extreme pain and constipated. His sick call requests and emergency grievances were denied; he died the next day.

Another HRRJ prisoner, Henry Clay Stewart, Jr., 60, who had been arrested for violating probation on an underlying shoplifting charge, died on August 6, 2016. He also had submitted repeated requests for medical care that were ignored. In the two weeks before his death, Stewart’s weight dropped from 167 to 132 pounds; he died due to a perforated stomach ulcer. [See: PLN, Feb. 2018, p.63; Jan. 2017, p.44].

Thrower, Stewart and deceased HRRJ prisoner Jamycheal Mitchell’s survivors are represented by attorney Mark Krudys in lawsuits against the jail and CCS. Krudys cited other cases involving prisoners who were denied care by CCS, too. Assistant Jail Superintendent Lind Bryant said the HRRJ will provide legal representation to CCS, but any liabilities resulting from negligence findings by a judge will have to be paid by the company.

On November 23, 2018, the Daily Press reported that CCS and HRRJ had agreed to pay \$625,000 to settle the lawsuit over Stewart’s death. The medical contractor paid \$525,000 while the jail paid \$100,000. They did not admit liability. See: Austin v. Correct Care Solutions, LLC, U.S.D.C. (E.D. Vir.), Case No. 2:17-cv-00291-RJK.

In December 2017, Forsyth County, North Carolina paid \$180,000 to settle claims in a wrongful death case filed by the widow of Dino Vann Nixon, a 55-year-old prisoner who died at the county jail in August 2013. A doctor working for CCS, the jail’s healthcare provider, did not continue Nixon’s Xanax prescription, then misdiagnosed his withdrawal symptoms as alcoholism despite his having no history of alcohol problems.

Xanax-addicted patients are supposed to be gradually weaned from the drug. Stopping the medication cold-turkey caused Nixon to die of benzodiazepine withdrawal, aggravated by coronary artery disease and an abnormally enlarged heart. [See: PLN, Nov. 2018, p.22].

Nixon was one of five prisoners who have died at the Forsyth County jail since CCS began providing healthcare.

When Arkansas state prisoner Winfred Lawrence began suffering from a cough and breathing problems in September 2014, his requests for medical care were denied. He self-medicated with Hall's cough drops purchased from the commissary and continued pleading for help. His condition – pneumonia – worsened, and he suffered septic shock while CCS staff continued to ignore his pleas.

With his lungs fatally compromised, Lawrence died in an intensive care unit in November 2014. A medical directive note he submitted that requested, simply, "SAVE MY LIFE" was withheld from his family, which has filed a lawsuit against CCS. Despite Lawrence's death and other problems with the company, the Arkansas Department of Corrections renewed its contract with CCS, at a cost of \$58 million for fiscal year 2018.

Three prisoners died at the Luzerne County jail in Pennsylvania during June and July 2017, and a fourth died on January 9, 2018. During a county council meeting, Vice Chairman Eugene Kelleher took CCS to task for staff shortages and poor performance.

Company representative Donald Doherty declined public comment, citing "medical confidentiality." Kelleher responded by requesting a closed-door executive council session to further examine CCS's other "contractual concerns."

From August to November 2017, the jail in Fulton County, Georgia experienced five deaths, for which the county blamed CCS and another contractor, the Morehouse School of Medicine. Fulton County terminated its contract with CCS in November 2017.

El Paso County, Texas recently dropped CCS as its jail's health care provider in favor of Armor Correctional Health Services. The National Commission on Correctional Health Care (NCCHC) has since conducted an audit, which the El Paso County jail failed – putting Armor and the jail on probation in late 2017. Armor blamed the deficiencies on its predecessor, CCS, and said it believes it can now pass an accreditation review.

Meanwhile, a 2015 audit by the U.S. Department of Justice found CCS had failed to provide required staffing levels for 34 out of 37 months, from December 2010 through December 2013, at the Reeves County Detention Center in Texas.

In Washington state, Clark, Cowlitz, Kitsap and Pierce counties are being sued in cases that allege inadequate medical care by CCS, dating back to 2013. Pierce County prosecutor Grace Kingman said a jury could find the level of care provided by CCS and one of the companies it acquired, Conmed Healthcare Management, "incompetent, unprofessional and morally reprehensible."

In one case, a Clark County prisoner died at the hands of jailers while in the throes of a schizophrenic episode resulting from medication denials. Four Cowlitz County prisoners died from lack of medical care, while a Kitsap County prisoner died during heroin

withdrawal. A Pierce County prisoner who was denied medications suffered two seizures, causing him to fall and resulting in eye socket and wrist fractures, as well as a traumatic brain injury.

Pierce County prosecutor Don Hamilton is suing CCS – which assumed the county jail’s medical contract after its 2012 acquisition of Conmed – for breach of contract and inadequate healthcare. CCS, in turn, has sued the county for breach of contract, seeking payment and legal defense for the multiple lawsuits filed against it. Pierce County is countersuing to moot CCS/Conmed’s claims, seeking restitution for denied medical services and damages caused by the company’s misconduct.

Scott Millward died while incarcerated at the Teton County jail in Wyoming in 2015, after being booked on a DUI charge. The son of a former sheriff, Millward died “due to cardiovascular disease with hypertension,” with poor medical care cited as a contributing factor. “His blood pressure was off the chart when he got brought in, but he wasn’t seen until the following day,” said attorney Darold Killmer. “There’s a hospital down the street. We drove it and it takes 55 seconds to get there, but they didn’t send him to the emergency room. The guy had tremors, and they told him to get back into his cell and sleep it off. Thirty-six hours later he was dead of a heart attack.”

In June 2018, CCS was named as a defendant in a lawsuit filed by Laurence Parks, 69, who is also suing Marion County, Indiana, as well as the county’s sheriff, claiming that he was denied a costly drug to treat his kidney cancer for a month. Rather than the \$20,000 treatment, Parks accused CCS staff of giving him ibuprofen.

“They were trying to stall,” he said. “They thought, ‘Oh, well, he’ll probably get out soon.’ I knew what they were talking about. I would hear them.”

After waiting 36 days, Parks finally received treatment. He then pleaded guilty to charges of cocaine possession and resisting law enforcement and left the jail in October 2017, sentenced to time served plus probation. No longer incarcerated, he continues receiving the cancer drug and Medicare covers its cost.

Also in June 2018, Broward County, Florida Sheriff Scott Israel awarded a five-year, \$160 million contract to CCS to provide healthcare to 37,000 detainees in the four jails run by the Broward Sheriff’s Office (BSO), bypassing low bidder Armor, which had held the contract since 2004.

Over the last seven years, 15 BSO jail deaths were attributed to poor medical care from Armor, which was a regular contributor to the campaigns of county sheriffs, beginning with former Sheriff Ken Jenne (who resigned in 2007 after pleading guilty to federal corruption charges). CCS contributed \$1,000 to Sheriff Israel’s re-election campaign.

Armor was a frequent target of lawsuits filed on behalf of BSO prisoners and their families by Fort Lauderdale attorney Greg Lauer, who said when it comes to private medical providers, “it’s all about oversight.”

“At their core, every for-profit correctional healthcare company is the same, and they are trying to do what for-profit companies do, and that is to make money,” he explained. “If the Sheriff does not devote appropriate resources to meaningful oversight, then Correct Care Solutions will do what it was designed to do, and that is to turn a profit at the expense of the inmates and taxpayers.”

CCS also won a bid in 2017 to replace Armor at the jail in Nassau County, New York, which accused Armor of “placing inmates’ health in jeopardy.” [See: PLN, July 2017, p.30]. But the Nassau County Sheriff’s Department stopped negotiations with CCS after the New York Civil Liberties Union complained about the volume of litigation against the company.

“Don’t hire Correct Care Solutions,” said NYCLU’s Susan Gottehrer. “They have a history similar to Armor’s and they put profit over people.”

Sources: Virginian-Pilot, WAVY-TV, www.thedailybeast.com, www.gazette.com, www.journalnow.com, www.spokesman.com, www.timesleader.com, www.indystar.com, www.usnews.com, www.wpxi.com, www.floridabulldog.org, Huffington Post, Daily Press

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