

MINUTES

BOARD OF CORRECTION

October 7, 1981

continued on

October 14, 1981

A regular meeting of the New York City Board of Correction was held on October 7, 1981 from 10:25 A.M. until 12:50 P.M. in the Conference Room of the Board at 51 Chambers Street, New York City. The meeting was reconvened on October 14, 1981 at the offices of Tufo and Zuccotti, 645 Madison Avenue and ran from 2:20 P.M. until 4:20 P.M.

Board members in attendance on October 7, 1981 were Chairman Peter Tufo, Angelo Giordani, Wilbert Kirby, David Lenefsky, David Schulte and Rose M. Singer.

Board staff present on October 7, 1981 were Michael Austin, Michael Cleary, David Johnson, Judith LaPook, Judith Ennett, Sherry Goldstein, Fr. Harrison, Laura Limuli, John Pagan, Thomas Prendergast, Cheryl Rawlerson, Barbara Treen and Rolando Torres.

Also in attendance on October 7, 1981 were Kevin McNiff, Chairman of the State Commission of Correction; Diana Gordon, Executive Vice President of the National Council on Crime and Delinquency; Dan Pochoda, President of the Correctional Association of New York and Superintendent Raymond Bara of the State Department of Correctional Services.

Board members in attendance on October 14, 1981 were Chairman Peter Tufo, Vice Chairman John Horan, Angelo Giordani, Wilbert Kirby, David Lenefsky, David Schulte and Rose M. Singer.

Board staff present on October 14, 1981 were Michael Austin, Michael Cleary, Judith LaPook, Sherry Goldstein and Barbara Treen.

Peter Tufo chaired both sessions of this meeting and Barbara Treen served as secretary at both sessions.

At the opening of the October 7, 1981 meeting the Board considered variance requests from the Department of Correction as reported by Judith LaPook. Attached are the Board's determinations on these requested variances which were passed unanimously following a motion by Mr. Schulte which was seconded by Mrs. Singer. On October 14, 1981 the six month extension of the variance from the overcrowding standard granted on October 7, 1981 was modified to include a new expiration date of March 1, 1982.

The remainder of the meeting was devoted to a discussion of the proposed Security Through the Development of Correctional Facilities Bond Act of 1981. If approved by the electorate on November 3, 1981, the bond issues would provide \$350 million for the construction of additional State prison space, \$125 million for the construction and improvement of local and municipal jails including \$50 million for New York City and \$25 million to expand the secure detention facilities of the Division for Youth and Office of Mental Health.

Kevin McNiff urged the passage of the Bond Act, stressing the funds it would provide to localities to relieve excessive overcrowding and to upgrade inhumane living and working conditions in local jails. He also cited the immediate relief that would be provided by the Bond Act for the severe overcrowding and deteriorating conditions in State prisons as further justifications for approving the Bond Act. According to Mr. McNiff, the counties and localities would be the big losers if the Bond Act were defeated since, in all likelihood, the legislature would appropriate the \$350 million from general revenues for expansion of the State prison capacity but would not appropriate the additional \$150 million for the localities. Mr. McNiff also saw no inconsistency in supporting both the bond issue and alternatives to incarceration. While the bond issue would provide relief from current overcrowding, he believes that a long, hard look must be taken at the whole community correction concept as part of any long range solution to prison and jail overcrowding.

Mr. Bara, Superintendent of the Queensboro Correctional Facility, also spoke in support of the Bond Act stating that state prisons are so overcrowded that it was impossible to classify and provide appropriate services to state prisoners.

Speaking on behalf of NCCD, a supporter of Voters Against the Prison Construction Bond, Diana Gordon cited statistics from around the country which indicate that increasing the number of persons incarcerated has not led to a reduction in crime. Rather than continue costly prison expansion programs, she said, public officials should concentrate on implementing less costly alternative programs that have proven successful in other jurisdictions such as speedy trial programs, graduated release, supervised release, restitution, community service sentencing, legislative caps on prison and jail population and expanded use of probation and parole.

Dan Pochoda of the Correctional Association of New York also spoke in opposition to the Bond Act citing it as a costly, ill-conceived and fragmented proposal resulting from the lack of comprehensive criminal justice planning in New York State over the past decade. Dan Pochoda argued that costly prison and jail construction programs should not be undertaken before a comprehensive, systemwide criminal justice plan, such as that

currently being proposed by the Liman Commission has been developed. In his view, by treating the prison and jail overcrowding problem in isolation from the other components of the State criminal justice system, this proposal does not address the root causes of the State's crime problem and ignores the adequacy and effectiveness of the overall criminal justice system response to that problem. Mr. Pochoda also stated that the \$50 million that would be allocated to New York City would be insufficient to bring the City's correctional facilities into compliance with minimum standards and other legal mandates.

The meeting was adjourned at 12:50 P.M. and reconvened on October 14, 1981, to consider a formal Board position on the Bond Act.

Chairman Tufo asked each Board member to present his/her thoughts on the proposal.

Mr. Kirby stated that simply incarcerating more individuals would not reduce crime. Rather, efforts should be intensified to identify and eliminate the causes of crime and to examine the causes of the staggering racial disparity of the inmate population in city and state jails and prisons.

Mr. Horan expressed the view that while the Bond Act is too limited in its approach to resolving the State's complex crime problem, it would provide relief for the dangerous overcrowding in the City's jails and allow the City to bring its facilities into compliance with constitutional standards. He added that it was utopian to presume that other approaches such as alternatives to incarceration would stand a better chance of succeeding if the Bond Issue were defeated.

Mr. Lenefsky expressed dismay at the lack of any comprehensive criminal justice planning in the State, suggested that no funds be expended for prison or jail expansion until the Liman Commission report is issued and recommended that the Board not take a position on the Bond Act until the issue of prison overcrowding is addressed in the context of a statewide comprehensive criminal justice plan.

While troubled by the simplistic and narrow solutions proposed by the Bond Act to the complex crime problem, Mr. Giordani felt that the poor conditions in the City's jails would be improved in the near future if the Bond Act were passed.

Mrs. Singer expressed her support for the Bond Act since she felt it would provide ^{some} immediate relief for the overcrowding and deteriorating conditions in the City's jails.

Mr. Schulte also expressed his support for the Bond Act stating that if additional prison and jail space is not constructed, prisoners might be released to reduce overcrowding, thereby increasing the threat to public safety.

Chairman Tufo stated his view that the Board must take a position on the Bond Act before November 3, 1981 since the City Charter required the Board to make recommendations to the Mayor and Commissioner of Correction on long-range capital planning for the City correction system.

After reviewing in detail the substance of the arguments advanced by Voters Against the Prison Construction Bond, Chairman Tufo discussed the Board's obligation under the City Charter to promulgate and enforce minimum standards for conditions of confinement in City correctional facilities. He stated that the Board would be abrogating its responsibility if it opposed the Bond Act since this would represent a rejection of \$50 million earmarked for New York City which would help to bring the City correction system into compliance with minimum standards and other legal mandates. He also expressed grave concern about the severe overcrowding and deteriorating living and working conditions in the prisons and jails across the State adding that funds generated by the Bond Act offered the opportunity to provide more decent conditions in these facilities. In his opinion, there was little hope that funds would be made available from other sources to upgrade local jails if the Bond Act were defeated. He continued that he saw nothing inconsistent with strongly supporting alternatives to incarceration and the Bond Act.

Mr. Lenefsky requested input from staff.

Michael Austin, Judith LaPook and Michael Cleary then stated their reasons for opposing passage of the Bond Act.

Mr. Lenefsky moved that the Board not take a position on the Bond Act. The motion was seconded by Mr. Kirby. The motion was defeated.

Mr. Horan moved that the Board support the Bond Act and issue a statement explaining the reasons for this support as well as its reservations about the limitations of the Act.

The motion was approved by a vote of 5 to 2.

Staff was directed to prepare a draft statement reflecting this sentiment of the Board on the Bond Act.

The Board's position on the Security Through Prison Construction Bond Act of 1981 is reflected in an October 18, 1981 press release (attached).

The October 14, 1981 session of this meeting was adjourned at 4:20 P.M.