

Board of Correction
Minutes
February 9, 1988

A meeting of the Board of Correction was held on February 9, 1988. Members in attendance were Vice-Chairman John Horan, Judge William Booth, David Lenefsky, Barbara Margolis, David Schulte, and Rose M. Singer.

Also in attendance was Robert Corliss of the State Commission of Correction.

The Vice-Chairman opened the meeting at 2:05 p.m. by calling for a motion to approve the minutes of the January meeting. Judge Booth moved that the minutes be approved with one alteration. He suggested that the word "Board" be replaced with "Department" in the fourth paragraph on page six. The motion was seconded by Mrs. Singer and passed unanimously.

Mr. Horan asked for an update on plans for the proposed bus tour of Rikers Island by the administrative judges.

Richard Wolf, Executive Director, stated that Annette Gordon-Reed, Board Counsel, is in the process of finalizing the necessary arrangements.

The Vice-Chairman then called on Mr. Wolf to present the results of a recent analysis of violence at the New York City House of Detention for Men (HDM).

Mr. Wolf stated that a study conducted by Laura Limuli, the Board's Research Director, and Jim Bennett, has demonstrated that the level of violence at HDM has increased, and that HDM now has the highest rate of violence per 100 inmates of any major jail in the system. Mr. Wolf explained that Board staff analyzed Communication Control Center(CCC) reports of officer-inmate and inmate-inmate violence during the preceding twenty-five months. He noted that in January of 1988, the rate of violence per 100 inmates at HDM was more than three times the rate in the remainder of the system.

Mr. Wolf expressed his belief that a number of factors have contributed to the disturbing trend at HDM. He explained that HDM contains a large Central Punitive Segregation area, or "Central Bing", which the Department plans to expand. He asserted that the consolidation of a large number of troublesome inmates in one location has certainly contributed to the heightened level of tension, and stated Board staff will closely monitor the Department's plans to enlarge the Central Bing. Mr. Wolf described a

study conducted by Board staff which revealed that on January 29, 1988, a Department-wide total of 903 inmates convicted of disciplinary infractions were awaiting transfer to a punitive segregation area. He added that on the same day, 326 such inmates were already housed in the Department's 371 punitive segregation beds. Stressing the deleterious affect on inmate discipline of delays in the imposition of penalties, he explained that the surprisingly high total of 1229 inmates convicted of infractions could more than fill the 1200 bed capacity of HDM. Mr. Wolf emphasized, however, that DOC's proven inability to manage inmates in HDM's 122 existing Bing cells makes even the scheduled addition of 150 punitive segregation beds to the facility a potentially dangerous step. He suggested that the Department be persuaded to pursue other punishment options, such as the expanded use of fines, or an emulation of the "keeplock" system used in State prisons whereby a punitive segregation term could be served in one's own cell rather than in a specially designated punitive segregation area.

Ms. Limuli stated that since the August, 1988 change in the Correction Law which reduced the legal age for adolescents from 21 to 19 years of age, many of the Unusual Incidents in HDM have involved younger inmates who were transferred to HDM to serve punitive segregation terms, and then remained in HDM general population cells rather than being returned to their original jail.

Mr. Wolf reinforced Ms. Limuli's comments by restating the fact that HDM increasingly has housed an inordinate number of incorrigible inmates, including many of the most notorious alleged drug dealers. He expressed his belief that this population certainly has contributed to the rise in the level of violence in HDM, and to the expectation of continued violence.

Mr. Horan suggested that the Board members plan a tour of HDM, with a particular focus on conditions in the Bing. The Vice-Chairman then requested that Mr. Wolf discuss the Department's latest request for variances.

Mr. Wolf began by stating that the Department has decided to withdraw its request for additional variances, and seeks only the renewal of the existing variances. He added that the Department will contact the Board with an emergency variance request for detention beds if and only if the need arises before the next Board meeting.

Mr. Schulte inquired as to the current system-wide census and capacity.

Mr. Wolf responded by stating that the current census is 14,920, while the Department's capacity, excluding variance

beds, is 14,965. He added that the capacity, including variance beds, is 15,775.

Mr. Lenefsky asked Mr. Wolf if there were any other variance beds which could reasonably be eliminated.

Mr. Wolf explained that approximately 75% of the 810 variance beds are located in the Correctional Institution for Men (CIFM), and asserted that there is not a great deal of "play" in the balance of the variance beds. For this reason, he recommended that reductions in the existing variances not be made at this time. Mr. Wolf stated that Board staff will continue to analyze the extent to which each of the existing variances is being used.

Mr. Lenefsky then inquired as to the availability for review of the first draft of the Board's Annual Report.

Mr. Wolf stated that Mr. Kasanof is currently reviewing the first draft, and added that the report will be circulated among the other members of the Board as soon as possible.

Mrs. Margolis asked Mr. Wolf to provide an overview of the DOC hierarchy just below Commissioner Koehler.

Mr. Wolf responded by listing the names of the current Deputy Commissioners, Assistant Commissioners, the Chief of Operations, and other advisors. He also stated that Julian Prager, Deputy Commissioner, and Michael Cleary, Executive Director of the Management Evaluation Division, have been designated to replace General Counsel Robert Daly as DOC's day-to-day liaisons with the Board.

At that point, Mr. Cleary and Jerome Pasichow, Assistant Commissioner for Capital Planning and Development joined the meeting.

Mr. Cleary reiterated the point made earlier by Mr. Wolf concerning the Department's decision to withdraw its request for additional variances. He asserted, however, that the Department expects the census to rise to approximately 15,400 in the coming weeks, and reiterated that it may become necessary for DOC to make an emergency request for additional detention beds.

Mr. Horan asked for an approximate date by which DOC expects to have permission to utilize the Bibby Venture.

Mr. Cleary responded that it is not possible to predict such a date because the matter is entirely in the hands of the courts. He also stated that DOC is proceeding with renovations to the Bibby's housing areas, and that inmate telephones have already been installed. Mr. Cleary also

stated that meetings with Prison Health Services regarding medical staffing and equipment have been scheduled. In response to an inquiry by Judge Booth, Mr. Cleary stated that the pharmacy license had not yet been obtained.

Mr. Wolf asserted that Commissioner Koehler has expressed his desire to utilize the Bibby on the "day after" court approval is granted. He then asked for an update on rooftop recreation at the Brooklyn Correctional Facility (BCF).

Mr. Pasichow stated that the contractors are scheduled to leave the rooftop as "substantially completed" by February 19, and added that it should require an additional two weeks for DOC Support Services to make security-related adjustments to air ducts, steam pipes, etc. He predicted, therefore, that rooftop recreation should begin on Monday, March 7.

Mr. Wolf requested an update on construction of the two new facilities in upstate New York.

Mr. Pasichow stated that DOC expects construction at the Cape Vincent and Ogdensburg sites to be completed, respectively, by September 2, 1988 and between September 16 and October 1, 1988. He explained that the opening of the two facilities will add 1400 beds to DOC capacity.

Mr. Schulte asked for a description of the roles which will be played by both the Department and the Board in relation to the operation of the upstate facilities.

Mr. Pasichow stated that the facilities will be run in accordance with the State Commission's standards.

Mr. Schulte inquired as to whether the State's standards are more or less stringent than those of the Board.

Mr. Wolf stated that the Board's standards are more stringent on certain issues, and less so on others.

Mrs. Singer asked whether the State or City would transport inmates upstate.

Mr. Wolf responded by stating that such a decision has not yet been made, but added that, in any event, the City will be responsible for the transportation costs incurred.

The Vice-Chairman thanked Mr. Cleary and Mr. Pasichow for their attendance at the meeting as both men departed.

Mr. Lenefsky inquired as to the Board staff's plans to review conditions on the Bibby Venture, if and when the

courts grant permission for the Department to house inmates on the barge.

Mr. Wolf assured Mr. Lenefsky and the other Board members that Board staff would inspect the Bibby Venture thoroughly prior to the commencement of inmate housing onboard.

Mrs. Margolis asked for an update on the census and capacity at Hart Island.

Carl Niles, the Board's Director of Field Operations, responded that the census at Hart Island is at a high of 93, while the capacity, including variance beds, is 96.

Mrs. Margolis then requested that Board staff ascertain whether, in fact, former AIDS patients are buried in a separate plot on Harts Island.

The Vice-Chairman called for a motion to approve the renewal of all existing variances. Such a motion was made by Judge Booth, and seconded by Mrs. Singer. The motion was passed unanimously.

Mr. Schulte requested the projected completion date of the White Street facility.

Mr. Wolf stated that the most recent DOC projection for the opening of the White Street jail is January, 1990.

Vice-Chairman Horan requested that Board staff convey the Board's best wishes to Deputy Executive Director, John Rakis, who was away on his honeymoon.

The meeting was adjourned at 2:45 p.m..