

Board of Correction  
Minutes  
July 12, 1988

A meeting of the Board of Correction was held on July 12, 1988. Members in attendance were Chairman Robert Kasanof, Judge William Booth, David Lenefsky, Barbara Margolis, David Schulte, and Rose M. Singer.

Also in attendance were Fran Vella from the State Senate Committee on Crime and Correction; John Guzman and Patricia Thomas from the State Commission of Correction; and Paul LaRosa of The Daily News.

Prior to the Chairman's arrival, a motion to approve the minutes of the June meeting was made by Mrs. Singer and seconded by Mr. Lenefsky. Mrs. Margolis requested that the minutes be amended to indicate that her absence from the June meeting was to be excused. The motion to approve the minutes, with the correction requested, was passed unanimously.

John Rakis, the Board's Deputy Executive Director, reported on an inmate suicide which took place at the Correctional Institution for Men(CIFM) on June 23, 1988. He identified the victim as Jose Vega, a 17 year old City-sentenced male who hung himself in his Protective Custody(PC) cell. Mr. Rakis said the inmate was remanded to DOC custody on February 27, 1988, and later placed in PC after he alleged that he was the victim of extortion by other inmates. On April 5, after the death of two close relatives, Mr. Vega was referred to Mental Health for evaluation. Mr. Rakis stated that on April 6, Mental Health staff interviewed the inmate and indicated that he did not require a suicide watch. Mr. Vega was seen again for follow-up evaluations on three occasions, the latest of which was June 2, 1988. He said that, at the time of the suicide, two inmates serving punitive segregation sentences had been housed with the PC population. Mr. Rakis stated that, although there is no evidence which indicates that the punitive segregation inmates were involved with the suicide, the practice of "mixing" PC and punitive segregation inmates is not advisable.

Mrs. Margolis asked Mr. Rakis to provide a brief description of the Department's suicide prevention program.

Mr. Rakis responded by stating that there are two basic types of suicide watch. He said that a "low-level" watch involves an officer checking on an "at-risk" inmate once every half-hour, while inmates that are judged to be in need of more intense supervision are placed in the front of

a "Mental Observation (MO)" area, with their behavior monitored continuously by an inmate observation aide.

Richard Wolf, the Board's Executive Director, stated that, two years ago, the Board requested that the Department take steps to strengthen its suicide prevention program. He also said that an analogous type of "mixing" of PC and MO inmates has been occurring at the Correctional Institution for Women (CIFW), and stated that the Board has brought to the Department's attention the hazardous potential of such an arrangement.

Mr. Wolf informed the Board that Elizabeth Armao, the Board's former Deputy Counsel, has resumed working for the Board on a part-time basis. He said that Ms. Armao is preparing a report on the Vega suicide, and would work on miscellaneous projects for the Board.

The Chairman arrived at 2:20 p.m. and formally opened the meeting. He began by reading a letter from the Board to John Rakis, who will be resigning his position with the Board, effective September 17, 1988. In the letter, the members of the Board expressed their gratitude to Mr. Rakis for his many valuable contributions to the Board's work, and wished him well in his graduate studies.

The Chairman then reported on the Department's census and capacity figures, stating that the current census of 15,384 represents 97% of DOC capacity. He also informed the Board members that, as of July 12, 1988, 378 of the 1,982 State inmates in the City system had exceeded the time beyond which they properly belong in State custody. Mr. Kasanof reiterated his long-standing belief that the presence of such a large number of State inmates in the City system constitutes a serious threat of violence and unrest, and asserted that in the past, the State has often waited until a serious disturbance involving State inmates takes place before choosing to confront and deal with the problem.

Mr. Schulte asked whether the City has any legal recourse in its dealings with the State on this matter.

Mr. Kasanof said that the City's written agreement with the State expired in August of 1987, but added that the two parties had informally agreed that the State, in the interest of public safety, would continue to abide by the terms of the written agreement. He said that he had spoken with the City's Corporation Counsel about possible legal options available to the City, but added that such a legal dispute between two political entities would be an extremely complicated affair.

Mr. Schulte asserted his feeling that the Board should state, on the public record, that a crisis involving State

inmates in the City system exists once again. He said that the Board should also express its concerns in a letter to the Mayor.

Department of Correction Deputy Commissioner Julian Prager and General Counsel Robert Daly joined the meeting.

The Chairman asked them to update the Board on the Department's attempts to deal with the rising number of State inmates in the City system.

Mr. Prager stated that the Department has been pressing the State on this matter, and said that the Department totally agrees with the Chairman's long-standing position that the public safety would be served if these inmates were absorbed into the State system.

The Chairman asked Mr. Daly if any State representative had indicated to the Department that the State no longer intends to abide by the terms of the previous agreement.

Mr. Daly said that he knew of no such indication. However, he also stated that when the Department requested that the agreement be formally renewed, the State's representatives responded that they saw no need to renew the agreement in writing.

Mr. Kasanof reported that Commissioner Koehler informed him that State officials had promised to continue to abide by the terms of the agreement. He also said that he feels certain that an accumulation of State inmates in the City system, if left unchecked, will inevitably lead to more violence. The Chairman suggested that the Board formally inquire as to whether Commissioner Coughlin, of the State's Department of Correctional Services, intends to honor the "14 day limit" on State inmates in the City system. He asserted that, if Commissioner Coughlin indicates a negative response, the Board should revoke all variances involving State inmates in the City system.

Judge Booth moved that the Board pass a resolution which reflects the Board's concern that the increasing number of State inmates in the City's jails represents a crisis. The motion was seconded by Mr. Schulte and passed unanimously.

Mr. Kasanof asserted that the crisis is a product of a dangerous quarrel between the City and the State, and said that he would once again relay the Board's concerns to Deputy Mayor Brezenoff and Commissioner Koehler.

Mr. Schulte asked if it would not be wise to insist that the two upstate facilities, scheduled to open in

September of 1988, accept any and all of the State-ready inmates house in the City system.

Mr. Prager asserted that such a request would be unhelpful, since the State would then effectively be given an excuse to place State inmates in beds that would otherwise be reserved for City-sentenced inmates.

The Chairman again pledged that, unless the State acts to remove its inmates from the City system before the August meeting, he will recommend the revocation of all variances for State inmates.

Mrs. Margolis inquired as to whether any research had been done to determine if a positive correlation exists between increases in the number of State parolees in recent years and the rising number of parole violators in the City's jails.

Mr. Kasanof requested that the Board staff look into the question, and promised once again to relay all of the Board's concerns about State inmates to Commissioner Koehler.

The Chairman then brought up the subject of the Department's response to the recommendations of the Special Committee on the Use of Force. He began by indicating that the DOC response fails to provide any dates of expected implementation for various items. Mr. Kasanof requested that the Department submit to the Board a supplementary document which includes target dates by which responses are to be effected.

Mr. Kasanof then focused particular attention on the Department's response to the Committee's recommendation that a DOC Trial Commission be created. The Chairman reminded the Deputy Commissioner that Police Commissioner Benjamin Ward had agreed several years ago to lend the Department a trial room in which hearings could be held. Mr. Kasanof stated that the establishment of such a Trial Commission would undoubtedly help to expedite and strengthen disciplinary hearings involving DOC uniformed personnel.

The Chairman asked the Department's representatives to explain the extremely vague and nonbinding response to the recommendation calling for the establishment of a Trial Commission.

Mr. Daly stated that, until 1981, the Department had its own Trial Commission. He added that, in December of 1987, Police Commissioner Ward lent DOC two attorneys who, since that time, have been of assistance in the disposition of some 535 minor cases.

Mr. Kasanof stated that his major concern is the disposition of cases involving more serious charges, such as the unnecessary use of force. He insisted that the Department take steps to quickly bring such individuals to trial, and stated that he will once again discuss the need for the establishment of a Trial Commission with Commissioner Koehler.

Mr. Prager requested an opportunity to update the Board on efforts to complete the construction of the new visitation facility at the Queens House of Detention (QHD). He said that the electrical contractor originally awarded the contract was now back on the job. Mr. Prager promised to report back to the Board as soon as he is made aware of the expected completion date.

Mr. Kasanof then directed the Board's attention to the renewal of the existing variances. He said that the Department currently possesses 537 variances which permit the housing of inmates at less than 60 square feet. The Chairman asked Mr. Wolf for the number of variances which are designated for State inmates.

Mr. Wolf responded by stating that 150 of the 517 variance beds at CIFM are intended for State inmates.

The Chairman reminded the Department's representatives that, unless the State acts to reduce the number of its inmates in the City system before the August meeting, he will recommend that the Board revoke the variances which involve State inmates.

Mr. Wolf asked for details of the Department's plans to temporarily close the Bibby Venture before the end of August.

Mr. Prager responded by stating that that inmates will be moved off the Bibby Venture in phases, with plans calling for the barge to be empty by August 31, 1988.

Mr. Wolf requested that the Department give the Board advance notice if a need for an increase in variance beds is anticipated as a result of the closing of the Bibby Venture.

Mr. Kasanof requested that the Department also prepare and submit, before the August meeting, a breakdown of all the expenditures incurred as a result of the Department's decision to acquire and utilize the Bibby Venture. He specified that he would like the breakdown to include all the costs involved in obtaining, modifying, mooring, and operating the vessel since the first day of the initiative. The Chairman also asked the Department's representatives to submit figures which reflect the monthly costs involved in running Hart Island.

In addition, Mr. Kasanof requested that Mr. Prager and Mr. Daly convey, to other members of the Department, the Board's concerns about several design features within the Rose M. Singer Center (RMSC). In particular, Mr. Kasanof asserted that the stairway erected directly in the front of the officers' station in each of the housing areas constitutes a serious impediment to the surveillance of inmate activity.

Mr. Prager stated that the Department is prepared and willing to sit down and discuss with the Board any concerns which pertain to the design of the RMSC, or the plans for the construction of a new correctional facility on Staten Island.

Mr. Schulte asked the Department's representatives to identify the body or organization which approved the design of the RMSC prior to its construction.

The Chairman responded by stating that the plans were approved by the State Commission of Correction.

Mr. Schulte inquired as to whether the plans for the Beacon One facility are being modified so as not to contain the same flaws as those for the RMSC.

Mr. Prager responded by stating that the Department will sit down with the Board and discuss all the plans for the Beacon One facility.

Mr. Kasanof called for a motion to renew the existing variances. Such a motion was made by Mrs. Singer, seconded by Mr. Lenefsky, and passed unanimously.

Mrs. Margolis stated that the Board was informed that the Department has set up an advisory committee to review all design plans for new facilities.

The Chairman affirmed Mrs. Margolis' statement, and asked the Department's representatives if they are aware of such a committee. He also inquired as to whether the committee includes any officers or captains.

Mr. Prager stated that he knows of one such committee, and said that the Department's uniformed personnel are represented on that committee by Supervising Warden Inham.

Mr. Kasanof asserted his belief that the Department would be wise to include, on such a committee, a number of uniformed personnel with an awareness of the day-to-day needs and concerns of staff assigned to housing area posts.

Mr. Wolf asked Mr. Prager to check on the existence and composition of such a committee, and requested that a reply be returned before the end of the day.

The meeting was adjourned at 3:25 p.m..