

Board of Correction
Minutes
June 14, 1988

A meeting of the Board of Correction was held on June 14, 1988. Members in attendance were Chairman Robert Kasanof, Vice-Chairman John Horan, Judge William Booth, David Schulte, and Rose M. Singer.

Also in attendance were Fran Vella from the State Senate Committee on Crime and Correction; Robert Corliss, Luke Smith, and John Guzman from the State Commission of Correction; and media representatives from New York Newsday and The Daily News.

The Chairman opened the meeting at 2:05 p.m..

Mrs. Singer reported that she had spoken with Richard Wolf, the Board's Executive Director, who informed her that he would be unable to attend the meeting.

The Chairman called for a motion to approve the minutes of the May meeting. Mr. Horan asked that the minutes first be amended to reflect that his absence from the May meeting was to be excused. A motion to approve the minutes, with the correction, was made by Mrs. Singer, seconded by Mr. Schulte, and approved unanimously.

The Chairman updated the Board members on the topic of State inmates in the City system. He stated that there were 1900 State inmates in DOC facilities at the time of the riot at the Anna M. Kross Center (AMKC) in February, 1988, and that the number has now crept back up to 1850. Mr. Kasanof also said that 337 of the State inmates currently in the City system are past the fourteen day limit, and therefore represent a violation of the terms of the previous agreement between the City and the State.

The Chairman underscored the seriousness of the situation by reiterating his belief that State inmates are particularly difficult to manage in the City's facilities. He said that the State should act quickly in absorbing its inmates into the State system, before another crisis situation develops.

Mr. Kasanof then introduced several new members of the Board's staff, including Ken Armstead, Gillian Caldwell, Rachel Harmon, Jonathan Sichel. He stated that Ms. Caldwell, Ms. Harmon, and Mr. Sichel are summer interns from the City's Scholars Program, while Mr. Armstead is the newest member of the Board's field staff.

The Chairman also announced that two members of the Board's staff will soon be resigning their positions. He stated that John Rakis, the Board's Deputy Executive Director, will be attending Harvard University's Kennedy School of Government in the fall, while Allan Dotson, a member of the field staff, is leaving to take a position as a United States Probation Officer. Mr. Kasanof praised both individuals for their many contributions to the Board, and wished them well in their future endeavors.

The Chairman then called on Carl Niles, the Board's Director of Field Operations, to report on a recent incident at the Queens House of Detention(QHD) which resulted in the death of an inmate.

Mr. Niles stated that the inmate, William Allen, died on June 14, 1988, as a result of injuries sustained in a fight with another inmate over cigarettes. The fight took place on June 2, 1988, at the QHD. Mr. Niles said that the initial reports from the facility indicated that Mr. Allen suffered a fractured skull when he fell and hit his head inside his cell. He reported that the inmate was found on the floor of his cell several hours after the incident, and that several inmates came forward to sign written statements which indicated that they had witnessed a fight which involved the deceased.

Mr. Kasanof stated that the Board is not suggesting that DOC personnel had any involvement in the fight, but added that it is not unreasonable to think that the incident could have been seen by at least one officer. He also asserted his belief that the initial report of the incident delayed the investigation of what has turned out to be a homicide.

Mr. Niles reminded the Board members that this incident is the second in as many months which involved an inmate "reportedly" injured by a fall in his cell. He also stated that the QHD has failed to respond to the Board's requests for an explanation of the initial erroneous reports on the Allen incident.

Mr. Kasanof asked John Rakis to report on recent complaints from inmates at the Anna M. Kross Center(AMKC) concerning food services at that facility.

Mr. Rakis stated that inmates at AMKC staged a series of food boycotts, demanding that steps be taken to diversify the selection of meals offered. He reported that the inmates have also complained about unsanitary conditions in the messhall and kitchen. Mr. Rakis stated that members of the Board's field staff are conducting an investigation so that appropriate steps to redress the inmates' grievances might be recommended.

Mr. Schulte inquired as to whether the Inmate Council at AMKC had been of any assistance in resolving the problems.

Mr. Rakis stated that both the Inmate Council and the Inmate Grievance Resolution Program(IGRP) staff at AMKC have been made aware of the situation, but added that, at times, neither of those two groups are able to satisfactorily resolve inmate complaints.

Mr. Horan commended Laura Limuli, the Board's Research Director, and other members of the Board staff on their successful efforts to locate missing jail time credit for an inmate grievant who had appealed to the Board in the latter part of 1987. He stated that Board staff helped draw attention to the critical problem of inaccuracies in DOC computations of jail time credit and release dates for sentenced inmates. Mr. Horan also said that the Commissioner, in his decision, had upheld the Board's findings on the appeal, and agreed to undertake a revamping of the Department's sentence computation procedures.

The Chairman then asked Ms. Limuli to report on her recent visit to the two upstate facilities currently under construction.

Ms. Limuli reported that on June 7, 1988, she accompanied Department officials on a tour of the two upstate facilities currently being constructed for the housing of City-sentenced inmates. She explained that the New York State Department of Correctional Services(DOCS) is responsible for both the construction and operation of the two 700-bed jails, Cape Vincent and Riverview. Ms. Limuli said that meetings with DOCS officials and construction company managers, as well as a walking tour of both sites, has led her to believe that the Department's target date of September 20 for the housing of inmates is within reach. Ms. Limuli described the two areas as replicas of twelve other existing DOCS facilities, but stated that the configurations of all such "cookie cutter" jails must conform to the physical characteristics of the acreage being used. Each site contains seven 100-bed dormitory buildings, with each building containing two 50-bed units. The individual beds in both facilities are bordered by metal privacy partitions similar to those currently used in some female dormitories in the Correctional Institution for Women(CIFW) on Rikers Island. Each inmate will be provided with eighty square feet of living space. Also mentioned was the fact that each of the two jails has a Special Housing building which contains 32 single cells.

Ms. Limuli indicated that one negative aspect of the facilities is the fact that each is comprised of approximately sixteen buildings that are not connected by

enclosed walkways. The messhall, for instance, is 1000 feet from the furthest dormitory.

Other obvious drawbacks are the great distance from New York City families and the fact that the New York State Commission Standards, which are less restrictive than the Board's Minimum Standards, will govern the jails.

Ms. Limuli explained that DOC will be responsible for transportation of NYC inmates between NYC facilities and the new upstate jails. She expressed concern that it appeared from discussions during the trip upstate that DOC is only beginning to research methods for cutting transportation costs. Ms. Limuli revealed that a one-way bus trip was estimated as requiring 12 hours, thereby entailing overtime and hotel costs for Transportation Division officers and captains. A one-way trip by airplane was estimated as requiring 4 hours and possibly less cost. Ms. Limuli suggested that the progress of the Department's efforts to arrange transportation upstate be monitored. She stated that even though the jails may be ready to house inmates on schedule in September, the logistics for transporting them may not yet be finalized.

Mr. Kasanof reminded the Board members that the two upstate facilities, at the insistence of the State, will not operate under the jurisdiction of the Board of Correction.

The Chairman then welcomed Julian Prager, Deputy Commissioner, as he arrived at the meeting. Mr. Kasanof asked Mr. Prager to address the reasons for the Department's delay in setting up its own Trial Commission, similar to the one administered by the City's Police Department. The Chairman reminded the Deputy Commissioner that Police Commissioner Benjamin Ward had agreed several years ago to lend DOC a trial room in which hearings could be held.

Mr. Prager responded by stating that Commissioner Koehler is very much in favor of setting up such a program, and added that a decision will soon be made as to the extent to which the Department will emulate the Police Department's model.

The Chairman asked Mr. Prager to prepare, in time for the July Board meeting, a written report on the DOC's plans for a Trial Commission, as well as a detailed report on the Department's response to the recommendations of President Gerald Lynch from John Jay College and time frames for implementing those recommendations. He stated that President Lynch's report contained a number of strategies for reducing the level of violence in the City's jails, recommendations that had been made by the Board prior to the establishment of the special committee. Mr. Kasanof also

requested that a copy of the "Lynch Report" be made available to each of the Board members.

The Chairman then updated the Board on the Department's current census and capacity figures. He reported that the census is 15,555, a figure which represents 100.3% of capacity. Mr. Kasanof made the assertion that such overcrowding, in conjunction with the imminent hot weather, could very well lead to considerable inmate unrest. He asked the Deputy Commissioner to address the Board on the Department's plans to reduce overcrowding in the next several months.

Mr. Prager stated that by November, 1988, the Department should be able to house all inmates at 60 square feet. He said that until then, certain population pressures will result in a need for some amount of "squeezing".

Mr. Kasanof asked whether the population on the Bibby Venture will be increased.

Mr. Prager responded by stating that the census on the Bibby Venture will increase by about 100, up to approximately 300 inmates, but also reiterated that the Department plans to close the Bibby Venture at the end of August, 1988.

Ms. Limuli asked Mr. Prager if there had been any change in the range of permissible security classification codes for inmates on the Bibby Venture.

Mr. Prager responded that he is not aware of any changes, but promised Ms. Limuli that he would check and get back to her.

Mr. Kasanof then informed Mr. Prager that, in the future, unless the Board is provided well in advance of each meeting with details of DOC plans to phase out existing variance beds, he intends to oppose the renewal of such variances.

Mr. Prager said that he is prepared to discuss, at once, the Department's anticipated requests for variances.

The Chairman suggested that Mr. Prager submit such plans to the Board, in writing, within the next few days.

Mr. Schulte reported on a recent visit that he and Mrs. Singer made to the QHD, accompanied by John Rakis and Bernie O'Brien of the Board staff. In particular, he discussed problems that have been encountered in the construction of a new visitation facility to be situated alongside the QHD. Mr. Schulte stated that the electrical contractor originally awarded the job of completing the electrical work within the

facility has gone out of business, and added that estimations are that it will take one year for the City's "competitive bidding" process to settle on another contractor. Mr. Schulte suggested that, given the unsightly and dangerous conditions which exist within the trailer currently being used to process visitors, the Board might lead an effort to have an "emergency" declared.

Mrs. Singer reinforced Mr. Schulte's description of the trailer temporarily in use by describing the conditions within as "deplorable and alarming".

The Chairman asked Mr. Prager to identify the parties that would need to be persuaded that an "emergency situation" exists.

Mr. Prager stated that the City's Comptroller and the Corporation Counsel would need to act in concert in order to waive the competitive bidding processes.

The Chairman stated that the Board is willing to lend support to Mr. Schulte's proposal, if and only if the Department expresses a comparable level of concern. He asked the Deputy Commissioner to report back on the Department's willingness to lobby for a declaration of an "emergency situation" at the QHD.

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

The Chairman reminded Mr. Prager that the Board expects the Department to submit, by the end of the summer, a detailed plan and schedule for the elimination of all variance beds.

Mrs. Singer urged the other Board members to visit the jails more frequently, asserting that such visits serve as a demonstration of the Board's concern for the safety and well-being of the inmates and the staff of the Department of Correction.

Mr. Kasanof expressed his agreement with Mrs. Singer's point, and stated that Board staff is quite willing to assist Board members with transportation to and from any of the facilities.

The meeting was adjourned at 3:00 p.m..