

Board of Correction
Minutes
October 11, 1988

Members Present:

Judge William Booth
Angelo Giordani
David Lenefsky
Barbara Margolis
Rose M. Singer

Excused absences were noted for Chairman Robert Kasanof, Vice-Chairman John Horan, Reverend Irvine A. Bryer, Jr. and David Schulte.

Representatives of the Department of Correction:

Julian Prager, Deputy Commissioner
Robert Daly, General Counsel
David Frankel, Special Counsel to the Commissioner
George Vierno, Deputy Chief of Operations
Michael Cleary, Executive Director, Management Evaluation
Division
Robert Brennan, Warden, Rose M. Singer Center (RMSC)
Francesca Digirolamo, Director of DOC Classification and
Executive Administrator for RMSC
Program Services

Others in attendance

Fran Vella, State Senate Committee on Crime and Correction
Patricia Thomas, State Commission of Correction
Evelyn Hernandez, New York Newsday
Paul LaRosa, Daily News

The Board's Executive Director, Richard Wolf, opened the meeting at 2:10 p.m., prior to the arrival of the Department's representatives. Mr. Wolf announced that Bernie O'Brien,

the Secretary to the Board, was leaving the Board staff to take a position with the Department of Correction's Supervised External Activities (SEA) program. He thanked Mr. O'Brien and wished him well in his future endeavors.

Mr. Wolf reported on a recent trip he had taken to West Germany, along with representatives of the Department of Correction, the State Commission of Correction and the Office of Compliance Consultants to inspect the Bibby Resolution, a barge which the Department intends to lease or purchase. The Resolution currently houses workers from a nearby Volkswagon plant. Mr. Wolf explained that the Resolution would be modified extensively before it is brought to New York, and that final decisions have not been made as to the category of inmate who would be housed on board. He stated that the Resolution is in many ways more desirable for inmate housing than the Bibby Venture, with better sight-lines as the major advantage. Mr. Wolf said that the major concern was that each room has an area of 108 square feet and that the Department will probably assign two inmates per room. He said that such plans would require a variance from the Board since each inmate would be allotted less than 60 square feet. Mr. Wolf said that the Resolution will have a maximum capacity of between 400 and 450, depending on the amount of space reserved for program services. He noted that although the Department appears determined to acquire the Resolution, the actual utilization of the barge will be contingent on approval from both the Board and the State Commission of Correction. Mr. Wolf stated that the eventual dock site for the Resolution has yet to be determined.

Mr. Wolf then informed the Board of a number of other recent developments. He said that, according to DOC's Communications Central Center 24-Hour Reports, inmate-to-inmate violence at the Anna M. Kross Center (AMKC) during the month of September had been at an all time high. Mr. Wolf said that Board staff would closely review possible causes of the observed increase in such incidents. He also reported briefly on the stabbing death of an inmate which took place on September 17 at the House of Detention for Men (HDM).

Mr. Wolf informed the Board members that the Department's representatives would present a report on conditions at the RMSC later in the meeting. He said that he and several other members of the Board's staff visited that facility on October 6, and found conditions there quite disturbing. Mr. Wolf stated that there are currently close to 1300 women in the City system, whereas the Rose M. Singer Center originally was designed to hold from 600 to 800 inmates. As a result, a significant number of women are being housed in the "Annex" area in C-73, which consists of two cell buildings and five modular dormitories.

A related problem is the lack of adequate program space, again attributable to the fact that the facility was designed to serve a smaller number of women. Mr. Wolf highlighted a number of other issues at the facility, such as the dangerous "mixing" of various categories of inmates, extraordinary problems related to the delivery of medical, dental and mental health services, corridor security, and problems related to excessive housing transfers, such as an inability to locate women to deliver mail. He said that Board staff had met with Warden Brennan during their recent visit to RMSC, and later had provided him with a detailed list of their most significant findings which then was distributed to the Board members.

Mr. Wolf then outlined the variance request which had been received from the Department on the previous Friday. Mr. Wolf added, however, that he had received a telephone call from Commission Prager earlier in the day, who informed him that the Department had just revised their census projections such that a change in their variance request would be necessary. Mr. Wolf said he expected the Department, later in the meeting, to request permission to house additional parole violators in the main building at the Correctional Institution for Men (CIFM). Mr. Lenefsky suggested that since the Department does not yet have "firm" census projections, the Board might want to consider delaying a vote on the current variance request until such projections are made available and a request is made for the actual variance needed.

Representatives of the Department of Correction then joined the meeting.

Robert Brennan, Warden of the RMSC, commenced his response to issues raised in Richard Wolf's October 7th letter to him regarding conditions observed by Board staff during their October 6th visit to the jail. The Warden began by stating that 400 newly-assigned officers have now assumed posts at the RMSC, with an intensive training session planned for officers who lack experience with the special needs and concerns of female inmates and of the new facility. He also said that a new mini-clinic will be opening in the C-73 Annex on October 12 to be joined later by a beauty parlor, an education center, and a social service office, all of which should help to ameliorate the strain and confusion caused by the dearth of program space in the main building of the RMSC.

The Warden then began the process of responding, one-by-one, to the issues raised in Mr. Wolf's letter. He said that a dentist had been assigned to the facility on October 7, and promised that the dentist would begin seeing patients as soon as a light is installed on the dental equipment.

The Warden differed with the Board staff's contention that sick call was being performed for each housing area only approximately twice weekly. He said that he had reviewed records indicating that sick call was being offered at least three times per week to each housing area.

Mr. Wolf explained that Board staff based their statement on information contained in housing area and clinic logbooks, as well as conversations with officers in several housing areas.

The Warden asserted that he was having serious problems with the medical staff, 50% of whom were calling in sick daily and most of whom were not performing optimally. He said that the quality of service provided by Montefiore had been declining for some time, and that receiving rooms throughout DOC system are experiencing backlogs as a result of physicians not coming to work and not working even when they are on duty.

Commissioner Prager said that the Department is conducting a study of the causes of delays in processing inmates through the various receiving rooms. He indicated that the preliminary data shows that the delays are primarily attributable to the average length of time which elapses between the time DOC new admission processing ends and the time medical processing begins for inmates' intake screening examinations.

In response to the Board's claim that a number of females, particularly Mental Observation inmates in the Annex, are not being brought to their appointments with the evening psychiatrist, the Warden said there have been only minimal problems with the availability of escort officers in the RMSC, and that the implementation of unescorted movement on October 12 should help to ensure that all inmates are afforded timely access to the special services they require.

Mr. Brennan differed with the Board's contention that inmates are not being supplied with personal hygiene kits upon admission. He said that the facility has more than an ample supply of such kits. The Warden also claimed that an inmate who the Board staff observed on the floor of the receiving room on October 6, apparently in need of emergency medical assistance, had in fact been seen in the clinic on that day at 2:10 p.m., immediately after her return from Elmhurst Hospital. He said that since the woman was "drug seizing", there was no further action which could have been taken at that time except to return her to her original receiving room pen.

Mr. Wolf said that the particular women in question had been returned from Elmhurst with a recommendation that she be treated immediately with methadone. He said that, at the

very least, there is evidence of a breakdown in communication between the staff of Montefiore and DOC personnel in the receiving room, and that the disruptive presence of a seizing inmate in a crowded pen could be viewed as a safety and security problem as well.

Mr. Lenefsky asked the Warden whether he could identify the time frame during which services provided by Montefiore began to deteriorate.

The Warden stated that he did not feel that he could identify such a point with precision, but did say that the quality of the services is certainly not as high as it was three years ago when the current contract commenced. Mr. Brennan suggested that it is very difficult for Montefiore to attract competent, dedicated physicians on a per diem basis, primarily due to the higher wages available to medical personnel working in the private sector in more easily accessible facilities.

Commissioner Prager promised to ask DOC medical administrators to review the current state of service delivery.

Judge Booth stated that the Board should make every effort to keep abreast of developments in this area.

In response to the Board's contention that several Annex dorms housed multiple classifications of women (detainees, sentenced and State), Warden Brennan stated that such mixing had occurred in only one dormitory and was unavoidable due to overcrowding, but that the problem had been remedied. As to the Board staff's contention that inmate categories were quite mixed in at least one special housing area, Warden Brennan stated that this practice would continue except as to the one civil prisoner who already had been moved from the area in which she had been housed on October 6.

Mr. Wolf quickly reminded the Warden that the Board's Minimum Standards clearly prohibit such mixing.

Francesca Digirolamo stated that detention, sentenced and State inmates were being housed together only in Protective Custody, not in general population areas.

Mr. Wolf countered that the Board's field staff has consistently reported instances of mixed populations in general population at the RMSC, and agreed with Ms. Digirolamo's contention that quite often such situations result from the transfer of inmates by unauthorized personnel without proper record-keeping.

Robert Daly, the Department's General Counsel, said the Minimum Standards still stipulate that adolescent inmates are those between the ages of 16 and 21, while State Correction Law has redefined adolescents as those inmates between 16 and 19. Mr. Daly stated that the Board has not argued against the Department's decision to comply with the State law which has affected the housing of adolescents and adults. He contended, furthermore, that the Department has offered several times to meet with the Board to discuss an amendment to the Minimum Standard on Classification.

Mr. Wolf disagreed, adding that the Board has a formal process by which amendments to the Standards are considered. He noted that the issue then under discussion was the Department's practice of housing City-sentenced and detention inmates together in various housing areas. Mr. Wolf asserted that Mr. Daly's argument concerning the reclassification of 19 and 20 year old inmates as adults was irrelevant to the issue at hand.

Angelo Giordani added that the Department is clearly in violation of the Board's Minimum Standard which prohibits the mixed housing of sentenced inmates and detainees, and stated that Mr. Daly's position lacked relevance to this discussion.

David Frankel suggested that the Department review and determine the scope of the problem, and work with the Board at a later time to satisfactorily resolve the issue of classification housing requirements.

Warden Brennan continued his report. He agreed with the Board's claim that the Locator Cards of several Protective Custody inmates' had specific penal code charges written on them, a practice which is forbidden by DOC Rules and Regulations. The Warden said that these cards and those containing derogatory written comments about inmates had been "pulled" immediately and a written order issued instructing staff on proper procedures for preparing and maintaining Locator Cards.

Warden Brennan promised that an improved coordination of maintenance activities carried out by personnel at the RMSC main building and C-73 Annex will help to rectify several of the problems observed by the Board, such as broken telephones and malfunctioning gates.

Mr. Wolf asked whether a schedule for correcting the various problems had been drafted. The Warden said he would consider the possibility of preparing a schedule.

In response to the Board's claim that the day room in Dorm 19 has no heat, he explained that the cold temperature experienced by the Board staff during their visit to that dorm was the result of an air conditioner which had inadvertently been turned on in the area.

Though the Warden disagreed with the Board's contention that female inmates are not afforded privacy while using toilets and showers, or while dressing, he said that he is looking into the possibility of erecting privacy partitions in housing areas so that inmates would not feel compelled to dress in the bathrooms.

The Warden then addressed security-related issues. The Board's October 7 letter indicated that the emergency response plan for the Annex dorms is "unclear at best," with Annex staff explaining that both C-73 and RMSC squads are expected to respond to the Annex. Board staff also indicated that they did not observe officers posted in the Annex corridors. Mr. Brennan acknowledged that there had been some confusion but noted that the assignment on October 11 of steady officer to almost all Annex posts as well as the assignment on October 10 of all steady captains should remedy much of the confusion. He explained further the following procedural improvements in the response plan: Annex phone alarms have been converted to ring in RMSC rather than in C-73; Annex staff has been instructed to telephone the RMSC Control Room for assistance rather than the closer C-73 Control Room; the personal alarms of Annex Officers still sound in the C-73 Control Room but C-73 staff has been instructed to phone the RMSC Control Room prior to a C-73 squad responding to the Annex so that RMSC may quickly prepare its own response team.

Mr. Wolf asked the Warden for an estimate of the frequency with which alarms are sounded in the Annex. Mr. Brennan responded that in the past 3 weeks, 8 or 9 alarms have sounded in the Annex. He explained, however, that 4 of those alarms were false alarms from 5-Upper. The Warden reported that there are officers assigned to Annex corridor posts, and said that the posts are staffed on three tours. He explained that corridor officers occasionally may leave their posts to chase loitering inmates out of the corridor, but that more often the problem is one of inmates congregating in the corridors.

The October 7 letter from Richard Wolf to Warden Brennan questioned the serving of almost 650 inmate meals in 5 separate meal shifts during meal periods averaging 2 hours apiece in the recently-constructed mess hall in Modular 5/17. In the letter, Mr. Wolf argued that the concept of satellite mess halls was intended to expedite meal times

and to reduce congestion in the corridors leading to the mess halls by housing smaller groups out in each mess hall.

The Warden argued that the service of meals to 650 inmates in two hours is quite impressive, and claimed that the traffic in the corridor is manageable.

In response to the Board's contention that the in-house movement of inmates in the RMSC is not being tracked accurately, the Warden reminded those present that the facility had recently completed a total of 2000 moves. He conceded that the timely delivery of mail had been a problem, but claimed that facility housing assignments are now beginning to stabilize. He explained that the almost daily change in the number of housing areas assigned by Central Office to RMSC as opposed to C-73 had been the cause of the constant inmate housing transfers.

Mr. Wolf asked DOC representatives whether there is a plan to help Warden Brennan avoid the necessity of making so many in-house transfer by finalizing the physical division between RMSC and C-73.

Commissioner Prager made the assertion that not even the best of plans would have prevented the difficulties which resulted from the "incredible" and unexpected influx of inmates during September.

Mrs. Singer expressed her belief that Warden Brennan deserves praise for the job he has done under very trying circumstances.

Commissioner Prager then requested an opportunity to discuss the Department's request for variances. He said that even though the current request would result in an immediate reduction in the total number of variance beds, the Department may need to ask for the Board's assistance again before the November Board meeting. He then listed the variance requests currently before the Board.

Mr. Wolf asked Commissioner Prager to indicate the facilities in which variance beds have been eliminated.

Commissioner Prager said that 120 variance beds for City-sentenced males in four dormitories at the North Facility have been eliminated, as well as 20 variance beds for detainees in Rikers Island Hospital Dorm 18E.

Mr. Wolf asked Commissioner Prager to discuss DOC plans for the Correctional Institution for Men (CIFM).

Commissioner Prager reported that the nearly 1900 inmates currently housed in CIFM are all being housed at

60 square feet. He said that there are now 530 parole violators in CIFM, 229 of whom are housed in 4 dormitories in the main building, and the remaining 300 of whom are housed in CIFM's three modulars. Commissioner Prager said that DOC now is requesting permission to run the facility without Board conditions limiting the number of parole violators allowed to be housed in the main building. He said that the Department would like to house as many as 696 parole violators in the main building of CIFM.

Mr. Wolf asked Commissioner Prager if he thought it likely that the Department would return to the Board in the future to request permission to once again raise CIFM's census cap above 2083, the rated capacity of that facility.

Mr. Prager promised that the Department plans to do everything possible to avoid such a request. He also said that the Department's short term census projections should become clearer within the next week, and would affect if not determine future variance requests.

Mr. Frankel asked the Board to take into consideration the fact that a nearly unprecedented number of inmates had entered the DOC system in recent weeks. He expressed his belief that the Department had handled the situation as well as anyone could reasonably expect.

Mr. Giordani promised the Department's representatives that as long as the Board receives advance notice of variance requests, such requests will receive the Board's serious consideration.

Mr. Lenefsky suggested that the Board wait until the Department provides updated census projections before acting on the current variance request.

Commissioner Prager inquired as to whether it would be possible for the Board to immediately remove the limitation on the number of parole violators allowed in the main building at CIFM. He said that such action would greatly assist the Department's current management efforts.

Mr. Wolf reiterated Mr. Lenefsky's recommendation that the Board wait for updated census projections before acting on any variance requests by the Department. He added that he would contact each of the Board members as soon as the Department makes a new variance request.

The meeting was adjourned at 3:40 p.m.