

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF APRIL 20, 1990

Members Present

Robert Kasanof, Chairman

Judge William Booth

Rev. Irvine Bryer, Jr.

David Lenefsky

Barbara Margolis

David Schulte

Excused absences were noted for John R. Horan, Angelo Giordani
and Rose M. Singer.

Representatives of the Department of Correction

Robert Daly, General Counsel

Michael Cleary, Executive Director of Management Evaluation
Division

Others in Attendance

Patricia Thomas, John Guzman, New York State Commission of
Correction

Frank Reay, State Senate Committee on Crime and Corrections

Kevin Flynn, New York Newsday

The meeting began at 11:10 a.m. Chairman Robert Kasanof welcomed the representatives of the Department of Correction and other guests. Mr. Kasanof called for a motion to adopt the minutes of the March 14, 1990 Board meeting. The motion was called for Judge Booth, seconded by and approved by all Board members present. Because a quorum of members would not be present, the members decided to act as a "committee of the whole" and to conduct a telephone poll after the meeting to obtain other members' votes on motions raised during the meeting.

Two Board members arrived during the meeting and thus a quorum was achieved.

Chairman Kasanof announced that Board Counsel Annette Gordon-Reed had a daughter, Susan Jean, on April 10, 1990. The Board members requested that the minutes reflect their best wishes. The Board members also send their best wishes to Rose M. Singer for her speedy recovery, and Chairman Kasanof noted the importance of Mrs. Singer's many contributions to the work of the Board.

The discussion then turned to the holding pens in the court system. Chairman Kasanof said the holding pens in the court, where people are held pre-arraignment, are disgusting and that the conditions are inhumane. He mentioned that the Corrections Committee of the Association of the Bar of the City of New York had sent a letter to the Mayor urging that standards be promulgated and that he (the Chairman) had appointed a committee of the Board to review the situation and to make recommendations

concerning the adoption of specific standards for the court pens. Board member David Lenefsky will chair the committee. The other members will be Judge Booth and Rev. Bryer. Chairman Kasanof asked that the committee report their recommendations and findings to the full Board in the next few months.

Judge Booth said the problems begin with the police holding pens, and that the Mayor's support would be required to create standards for the pre-arraignment court pens.

Chairman Kasanof agreed and said he was inclined to promulgate standards. David Lenefsky concurred.

Judge Booth remarked that about a year ago he had raised this issue to the attention of the Board members. He recalled reporting that some of his clients had spent 3 - 4 days and nights in detention waiting for their arraignment in the Queens courts. The charges were dismissed without a trial for several of his clients and yet they had to spend those 3 - 4 days in a filthy cell. He mentioned that at one time there were 22 women in one little holding pen cell in Queens.

Board member David Schulte added that the Police Department holding cells were worse than the court holding pens.

Chairman Kasanof tried to clarify the Board's issue stating that the Board has jurisdiction over inmates in the Department of Correction custody, and that because the court holding pens were staffed by the Department of Correction the Board could promulgate standards for them.

Executive Director Richard Wolf mentioned a telephone call

he received from Robert Gangi, Executive Director of the Correctional Association of New York, who expressed his concern about the condition of the holding pens and suggested that standards be adopted. Most recently Gangi had a letter published on the subject in the April 19, 1990 edition of the New York Times.

Mr. Schulte asked if these holding pens are under jurisdiction of the State Commission of Correction. Mr. Daly confirmed that the State Commission had jurisdiction over the court pens.

Mr. Schulte said that since the Police Department holding pens are not within the jurisdiction of the city's Correction Department or the Board of Correction, the Mayor might make changes to correct the conditions there.

The discussion then turned to the Department's letter dated April 17, 1990, requesting an extension of its existing emergency variances. The Department's representatives informed those assembled that the Sprung complex at the George Motchan Detention Center (GMDC) had been closed due to a decrease in the population. Their request was therefore for an extension of all current variances except for those at GMDC.

Mr. Schulte asked if the Department really needed to squeeze inmates at less than 60 square feet if the population was low enough to close the Sprung beds. He suggested that the Board take back unnecessary variances.

Judge Booth asked why the department couldn't take inmates

out of variance dorms, put them back in the Sprung structures, and reduce the need for variances.

Chairman Kasanof said that if the Department has room for inmates at 60 square feet, then some of the variance requests for space were not true emergencies. He added that he would not condone the granting of variances for the Department's convenience and that variances from the Standards should only be given for real emergencies. The Chairman asked that the Department representatives convey to Commissioner Sielaff the seriousness of their concerns and intentions. He added that he was giving the Department a chance to fix the problems, but there would be a motion to revoke variances on the table for the next meeting. He added that people do not make motions that they are not willing to affirm.

Mr. Schulte asked how many empty beds there were in the Sprung structures, and how many overcrowded variances beds there were in the system.

Mr. Wolf said that there were 300 beds at 60 square feet in the Sprung complex.

Deputy Executive Director Maddy deLone added that there were approximately 2000 variance beds and that approximately 1200 were to allow "squeezing" at 40 square feet.

Chairman Kasanof mentioned that the other variances were to allow for offsite program services. He restated that the Department should use the Sprung structures to decrease the number of inmates who needed to be housed in sub-standard space.

He said there was no reason why the Sprung structures should be closed and there was no reason why all 1200 variances to squeeze inmates at less than 60 square feet should be renewed. Chairman Kasanof suggested a motion to revoke variances at the next Board meeting if these variances were not being used to meet an emergency need.

Judge Booth made the motion. Chairman Kasanof seconded the motion, which was tabled until the May meeting. Chairman Kasanof added that the desire to save money is not a reason to abandon the Standards and that what the Department is asking is permission to "warehouse" variances. He concluded that the Board should not compromise the Standards and agree to such requests.

Chairman Kasanof stated that the existing variances are contingent upon the Department's ability to maintain the safety and security within its institutions and to comply with Board standards and with conditions to the variances granted. He then moved to extend all variances except for the ones in GMDC until the next meeting.

Board member David Lenefsky seconded the motion and all present voted yes.

The discussion then turned to the continuing problem of violence in the jails. Chairman Kasanof asked Mr. Wolf to report on several incidents that have occurred since the last Board meeting.

Mr. Wolf described the escape at A.M.K.C. on March 23, 1990, where inmate Paul Tarantola, working on a sanitation crew,

escaped from Rikers Island, stealing a vehicle from the parking lot outside the North Infirmary Command. As of this date, inmate Tarantola has not been recaptured. Since the investigation is still active, further discussion of this case was deferred to Executive session.

Mr. Wolf then described a shooting at JATC on April 5, 1990. This incident was first reported to the Communications Control Center (CCC) as a stabbing. Inmate Angel Medina received a puncture wound to his right leg and was referred to Elmhurst Hospital. At 01:50 a.m. the Elmhurst Hospital staff called the jail to inform them that the wound was a gunshot wound. Investigation revealed that inmate Medina was shot by a confederate with a home made zip gun and a real bullet.

Finally, Mr. Wolf described an incident on April 14, 1990, at A.R.D.C. where inmate Norberto Sanchez committed suicide by hanging from a bed sheet which had been attached to the light fixture in his cell. In his records there were no indications of any special mental health needs or encounters.

Mr. Wolf then reported that since the beginning of this year, there have been three escapes, compared to four for all of last year; there have been six erroneous discharges (thirteen for all of last year); there have been two homicides (one for all of last year); and there have been four suicides (four for all of last year).

Mr. Kasanof then discussed his concern about several instances when the Board had not been notified about Mutual

Assistance Plan (MAP) searches. He added that the Board staff was having difficulty and experiencing inordinate delays in receiving requested information. He commented that this was unacceptable and would not be tolerated. He mentioned that he had discussed the issue with the Commissioner and that he would discuss it more fully with the other Board members in Executive Session.

Mr. Cleary informed the Board that the failure to notify the Board about MAP searches were errors and that a memo had been sent from the Chief to the Communication Control Center reinforcing the policy that the Board of Correction be notified immediately.

Mr. Schulte opined that this was an insufficient response. He wanted to know who was responsible for the failure to notify and for the delayed responses and what was going to happen to them.

Mr. Cleary stressed that the Commissioner was aware that there had been problems and that he was firm that they should not happen again.

Robert Daly asked that the Board act on the Department's September 1989 request for a variance allowing DOC to require inmates in punitive segregation and in maximum security to wear uniforms. He noted that there had been no Board of Correction response to date. Mr. Schulte noted that he had not been informed of the Department's request.

It was agreed that the next Board meeting would be held on

Wednesday, May 9, 1990.

Chairman Kasanof thanked the representatives of the Department of Correction for their participation in the Board meeting. The public meeting was adjourned at 11:40 a.m. and the Board went into Executive Session. The Executive Session concluded at 12:35 p.m.