

NEW YORK CITY

BOARD OF CORRECTION

MEETING OF OCTOBER 9, 1991

Members Present

Judge William Booth, Chairman
Louis A. Cruz
Peter J. Johnson, Jr.
Stanley Kreitman
David Lenefsky
Barbara Margolis
David Schulte

Excused absences were noted for John R. Horan and Rev. Irvine Bryer, Jr.

Representatives of the Department of Correction

Vito A. Turso, Deputy Commissioner
Toni V. Bair, Assistant Commissioner
Leslie Keenan, Associate Commissioner
Marron Hopkins, Division Chief
Hector Eugui, Deputy Chief of Facility Operations
David I. Kalos, Warden/West Facilities
Francesca Digirolamo, Managing Director/OSPPD
Emma Moeslinger, Supervising Counselor/CIFM/High Impact
Ralph Mercado, Assistant Deputy Warden/CIFM/HIIP

Others in Attendance

Thomas Brennan, Deputy Investigator, Department of Investigation
Mike Caruso, Inspector General, Department of Investigation
Rita Delfiner, New York Post
David Hardy, Daily News
Scott Korenbaum, Attorney, Legal Aid Society
Kevin McGrath, Director of Field Services, DOH
Donald McKeever, C.S.R.S., NYS Commission of Correction
Francis P. Reay, Research Analyst, NYS Judiciary Committee
Selwyn Raab, New York Times
Michael Tannenbaum, Deputy Assistant Commissioner, DOH

The meeting began at 2:20 p.m.. Chairman William Booth thanked the Department of Correction (DOC) staff for its hospitality when the Board conducted recent meetings at the Manhattan Detention Complex (MDC) and the George Motchan Detention Center (GMDC).

Chairman Booth announced that the November Board meeting would be held at the Otis Bantum Correctional Center (OBCC) on Rikers Island. He indicated that the Board would continue to conduct meetings within the City's jails to help Board members keep abreast of activities within the facilities.

The Chair then called for a motion to adopt the minutes of the Board Meeting of September 11, 1991. The motion was made by Board member Stanley Kreitman, seconded by Board member David Schulte, and approved by all Board members present.

Chairman Booth reported that he had just received a copy of a petition filed in the Supreme Court of New York by the Legal Aid Society against the Department of Correction. Chairman Booth explained that the petition was a class action on behalf of all "State-readies" who have not been transferred to State facilities. He noted that during the summer a large number of State-readies had been taken out, but that the process had slowed down considerably. He said that the reason given for the decrease in State-ready prisoners being transferred into State

custody was the lack of room in State institutions.

Mr. Kreitman requested a brief description of the nature of the suit. Chairman Booth explained that the suit was an Article 78 action demanding the transfer of newly sentenced prisoners and adjudicated parole violators to State custody within a time period to be fixed by the court. He asked Department representatives if they would like to comment on the suit. Deputy Commissioner Vito Turso explained that the Legal Division was presently reviewing the document, so no comments would be made.

Mr. Kreitman asked how many State-ready inmates were presently in the City's system. Executive Director Richard Wolf replied that there were 1,318 "overdue" State prisoners in the City's jails. Of this total, 891 were newly sentenced adult males and 410 were adult male parole violators.

Chairman Booth raised the issue of Board Members' rotation of emergency readiness and stated that last month Mr. Kreitman volunteered to be on call for emergencies. Chairman Booth suggested that other members follow suit. Mr. Schulte volunteered to be on call until the next Board meeting.

Mr. Wolf reported on the inmate census, noting that there were 21,342 people in the custody of the Department, which brought the system's capacity to 98.2%. He said that approximately four weeks ago the lowest recent census was 21,000;

the highest number for the year was 22,630.

Mr. Wolf reiterated that, for a time, the State had accelerated the process of taking out people who belonged in its custody. That process has slowed substantially, with fewer than 282 being taken out the previous week. Mr. Wolf explained that given normal court activity, 350 was about the number that needed to be removed by the State to avoid expansion of the number of overdue State-ready inmates in the City's jails.

Mr. Wolf then began a discussion of Forbell and the Rose M. Singer Center (RMSC). He explained that because the population had declined, the Department had temporarily closed Forbell. He explained that the women who had been housed there had been moved to RMSC. He said that on the day it was closed, he and Board member Louis Cruz, along with members of the field staff, visited RMSC. Mr. Wolf noted that he and Board member David Schulte had also recently visited RMSC. Mr. Wolf invited Mr. Cruz and Mr. Schulte to comment on their visits.

Mr. Cruz said that he had visited the Singer Center on Friday, September 9, 1991, for about 10 hours. He stated that in comparison to the situation that existed in previous visits to the facility, conditions at RMSC had deteriorated substantially in almost every area. Mr. Cruz cited as examples showers running full force, toilets leaking, repairs that should have been made

but had not been, mail that had not been sent out for 3 weeks, and mail that had not being delivered to inmates for a month. Mr. Wolf informed representatives from the Department of Correction that a Control Room Captain had been informed that approximately 50 women who had been transferred from Forbell had no blankets. Mr. Wolf reported that when nothing was done to rectify the problem Mr. Cruz asked him to speak to the Warden of the facility. Only then were blankets were found for the inmates who needed them.

Assistant Commissioner Toni Bair asked Mr. Wolf if a request had been made of the facility to prepare a response to the observations made at RMSC and, if not, he would request that the Warden prepare a full report on the Board's observations. Mr. Bair stated that when a response is received he will forward a copy of the findings to the Board. Deputy Chief of Facility Operations Hector Eugui requested that the Board notify his office directly when findings, such as the ones previously mentioned, occur. Mr. Wolf explained that the general practice of the field staff is to resolve facility problems at the lowest level within the jail.

Mr. Cruz stated that it was not the responsibility of the Board to be the inspectors of the facilities, but that this was the job of the Department of Correction.

Mr. Schulte then reported on his visit to the Singer Center, which took place a few days after Mr. Cruz's visit. He mentioned that there was an inmate employment problem which had been delineated in a letter sent to the Warden of the facility by Mr. Wolf. Mr. Schulte then stated that there was a serious problem in the facility which stemmed from a basic flaw in construction. He explained that shower rooms had been built incorrectly. He described the shower stalls as being flimsy and unsanitary, with fixtures on the verge of breaking and stalls that were not fungus-proof. He reported that some of the facilities did not have electrical connections for appliances. Mr Schulte suggested that in the future when modulars are to be built, an individual on the BOC staff and/or an engineer accompany those involved in the production of the modulars to minimize the chances that such problems would recur.

Mr. Wolf began a discussion of the West Facility. He explained that the West Facility consists of sixteen Sprung structures and is situated between the river and the back of the Anna M. Kross Center (AMKC) on Rikers Island. He stated that it would house 800 low and low-medium classification inmates and would run under the command of Warden David Kalos. Mr. Wolf explained that, pursuant to litigation before Judge Lasker, there is a process by which the Department meets with Legal Aid and the Office of Compliance Consultants before a new facility opens to discuss how the jail will operate. He said that the Board is

invited to attend these meetings and had attended the series of meetings on the West Facility. He said that no final plan had been set, but that the Warden Kalos had come to the meeting to answer any questions the Board might have. Mr. Wolf then invited Warden Kalos to speak.

Warden Kalos reported that movement within the Sprung structures of the West Facility would be conducted outside on a blacktop strip instead of inside within corridors as in the other facilities. He stated that the facility presently had no kitchen, but that the inmates in the facility would receive their meals from the North Infirmary Command. Warden Kalos informed the Board that plans for a kitchen would be completed in the Spring. He explained that the West Facility would eventually have all the standard facilities that the other jails contain.

Mr. Schulte inquired about the recreation yard for the West Facility. He said he thought that the recreation area seemed too small for 800 inmates.

Mr. Wolf reported that the Department had only two daytime periods for outdoor recreational activity and expressed concern about the lack of space outside the three basketball courts for those inmates who do not want to play basketball.

Assistant Commissioner Bair noted that the Board's Minimum Standards do not have a square footage requirement for recreation

yards. He said that the State Commission of Correction had a requirement of 1,500 square feet and the American Correctional Association's Standard, which is what Commissioner Sielaff is following, had a requirement of 1,500 square feet. Mr. Bair stated that the West Facility recreational area was 53,750 square feet and stressed that it was ample space for the inmates.

Mr. Cruz stated that 400 inmates in such a small recreational area could cause riots and expressed his doubts about the West Facility being able to house anyone without having problems.

Mr. Kreitman raised the issue of visitor processing. He noted that on a recent visit to Rikers Island people were complaining of waiting 6 and 7 hours to receive a visit. He noted also that the area where the inmates change into jumpsuits before visits has a very high incidence of violence.

Division Chief Marron Hopkins informed the Board that the new central visitor building contained additional space and would make processing less difficult, and that transportation from the Control Building to the facilities had been improved. He informed the Board that both the individuals responsible for registering visitors and the bus drivers responsible for transporting visitors were now under the jurisdiction of Rikers Island Security. He stated further that he had given a Captain in the building the sole responsibility for processing visitors

and making sure the vehicles were constantly moving. In addition Assistant Commissioner Bair stated that the West Facility would be temporarily given the new visit house at the Anna M. Kross Center.

Chairman Booth requested that a motion be made to table a request for a variance at the West Facility until the Board received the final operating plans for the facility and were able to deliberate upon them. The motion was made by Board member David Lenefsky, seconded by Mr. Schulte, and was approved by all Board members present.

Assistant Commissioner Toni Bair stated, with regard to the Bibby Resolution, that the Warden of the Resolution and the Division Chief had indicated that it was not necessary to have 3 officers, an "A" officer, "B" officer and Firewatch officer, on the midnight tour. Mr. Bair requested on behalf of the Department that the Board withdraw the condition of having 3 officers on the midnight tour and grant approval to have only the "B" officer and Firewatch officer on tour. Board member David Schulte informed Mr. Bair of the importance of keeping the "A" officer. He stated that the "A" officer has the responsibility of carrying the keys at all times in case of an emergency. If the "B" officer or Firewatch officer was abducted by an inmate, there would be no one to close the gate to prevent other inmates from getting into the main parts of the jail. Mr. Bair withdrew the request.

Assistant Deputy Warden Ralph Mercado requested on behalf of the Department a variance which would allow the movement of the High Impact Adolescent Program to the Sprungs. He stressed that the program was only a 60 day program and not a 90 day program.

The Chair called for a motion to grant the variance. The motion was made by Mr. Lenefsky, seconded by Board member Barbara Margolis, and approved by all Board members present.

Chairman Booth announced that the final variance request was for a continuance of all existing variances. The motion to extend existing variances was made by Mr. Schulte, seconded by Mr. Kreitman, approved by all Board members except Mr. Cruz, who voted no.

The Chair requested that Associate Commissioner Leslie Keenan report on the variance requests pertaining to the Health Care Standards. Ms. Keenan stated that the Department was requesting a one month limited variance from the requirement to have Communicable Disease Isolation Units. She explained that the plan with respect to the units for RMSC and the Anna M. Kross Center had not changed, but that the plans for the George Motchan Detention Center and the George R. Vierno Center were presently unsettled.

Mr. Lenefsky made the motion to grant the request. The motion was seconded by Mr. Schulte and approved by all members present.

The Director of Field Services for the Department of Health, Kevin McGrath requested a limited variance until January 31, 1992 for all facilities, except the North Infirmary Command, from the requirement to provide outpatient specialty services within the timeframes specified by medical personnel. He explained that they were not currently meeting the timeframes, but were working out an alternative patient scheduling system.

The motion to grant the request was made by Mr. Schulte, seconded by Mr. Lenefsky, and approved by all members present.

Chairman Booth announced that the City remained out of compliance on items concerning chlamydia testing, emergency equipment, treatment equipment, and out-to-court medication. Board member David Lenefsky requested an explanation for the delay in coming into compliance.

Mr. McGrath informed the Board that requisitions for all items had been prepared. Mr. Booth inquired if the finances were available. Mr. McGrath informed Chairman Booth that the Health Department had no money, but that requests were submitted to get funding separately for these items. Mr. Lenefsky said that the

Board had a commitment from two Deputy Mayors Office 2 1/2 months ago that the funding would be provided. Mr. Lenefsky stated that there was no excuse for the delay. He stated that Mr. McGrath was not keeping the word of the Deputy Mayors. Mr. Lenefsky stated that the funding must be provided by the November Board meeting. He stressed that the Department was out of compliance and that no variance would be granted.

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