

MINUTES

January 12, 1982

Board of Correction

A regular meeting of the New York City Board of Correction was held on January 12, 1982 at 2:30 P.M. in the Board's conference room at 51 Chambers Street.

Board members in attendance included Chairman Peter Tufo, Angelo Giordani, Wilbert Kirby, David Lenefsky and David Schulte.

Excused absences were approved for Rose M. Singer and John Horan.

Board staff in attendance included Michael Austin, Michael Cleary, Judith LaPook, David Johnson, Sherry Goldstein, Fr. Robert Harrison and Tom Prendergast.

Board consultant Frank Schneiger joined the meeting at 3:15 P.M.

Mr. Tufo chaired the meeting and Sherry Goldstein served as secretary.

The meeting was called to order at 2:50 P.M.

Judith LaPook reported on a recent New York State Supreme Court ruling regarding the Department of Correction's denial of access to its facilities by Naomi Burns and Thomas McCreary, two Legal Aid Society attorney assistants. Burns and McCreary had originally appealed this denial to the Board as a violation of section 9.5c of the Board's minimum standards. The Board held that the facts presented by the Department in this case did not justify the denial of access by these individuals. This court ruling affirmed the Board's original determination adding that other means short of exclusion were available to the Department to protect the safety and security of its institutions.

The Department continues to deny access to Burns/McCreary pending resolution of its appeal.

In the initial papers filed by the City in this case there was some discussion as to whether Board of Correction decisions on appeals are binding or advisory. Corporation Counsel has since stated that Board decisions in such matters are binding but not self-enforcing.

Judith LaPook then reported on the recent City/State compromise on the State-ready problem. In December 1981, the State Department of Correctional Services (DOCS) sought relief from

Judge Lasker's order that the State take all State-readies from New York City's jails within 48 hours. Since no new circumstances surrounded this motion, Judge Lasker refused to modify the original order. However, Commissioner Coughlin of the DOCS refused to comply with the order and filed a motion for a hearing on the matter requesting that the cap on the HDM population (1200) be lifted until March 1, 1982 to house State-readies pending completion of additional State prison housing space. While Judge Lasker granted the State's request for a hearing, the City and State subsequently reached a compromise that would allow the State to house up to 150 State-readies at a time in New York City until March 1, 1982 at a per diem cost of \$59 per prisoner with no State prisoner to be held for longer than 1 week.

Chairman Tufo reported on developments regarding the possible appointment of a special master to monitor the Department's efforts to comply with the consent judgments.

Mr. Schulte asked what plans are being considered to deal with overcrowding. Mr. Tufo stated that a cooperative effort between the City and State is still the best idea and that the proposed State takeover of Rikers Island should be reconsidered. He reported that a State Senate committee headed by Roy Goodman is making that same recommendation. The Governor has proposed spending \$70 M for 3,000 additional state prison beds, but the proposal does not include funds for local jails, including New York City's. Mr. Tufo concluded that he knew of no other plans being developed to deal with the overcrowding.

Mr. Tufo and Dave Johnson then reported on the Bronx attempted escape in which three correction officers were held captive for periods of up to one hour. Peter Tufo noted that this was a very serious situation involving several dangerous escape risks and notorious prisoners. Noting the seriousness of the injuries sustained by prisoners during the response to this incident, Board staff was directed to check into the medical condition of and treatment received by these prisoners.

The Chairman reported that the Department had been granted an emergency variance from the overcrowding standard allowing it to overcrowd temporarily the C-76 adolescent detainee dormitories until heat could be restored to the three modular dormitories at ARDC.

The Board then considered requests from the Department of Correction for an amendment to the recreation standard and variances from the foot locker requirement and the law library schedule at the Rikers Island Hospital. The Board's determinations were passed without objection. The Department's request and the Board's determinations are attached.

Judith LaPook requested and received authorization to write a letter to Prison Health Services regarding their non-compliance with the lock-out standard at the Rikers Island Mental Health Center.

Frank Schneiger then reported on the employee stress reduction program developed for the Department's uniformed force. The Department has accepted this pilot program and it will be test implemented at AMKC.

Judith LaPook reported that the Board had received an appeal from Nelson Wilson, an attorney assistant, regarding the Department's denial of his access to DOC facilities. She indicated that staff would look into the matter and report its findings to the Board.

Mike Austin asked for comments on the reports on the deaths of inmates Baxter, Powell and Rubino which had been submitted in draft to the Board. If there were no further comments from the Board, these reports would be submitted in final form to the Prison Death Review Board.

The meeting was adjourned at 4:15 P.M.