

Board of Correction  
Minutes  
March 14, 1988

A meeting of the Board of Correction was held on March 14, 1988. Members in attendance were Chairman Robert Kasanof, Vice-Chairman John Horan, Reverend Irvine A. Bryer, David Lenefsky, Barbara Margolis, David Schulte, and Rose M. Singer.

Also in attendance were Robert Corliss of the State Commission of Correction, Gerard Wendelken from the New York State Senate Commission on Crime and Correction, and Ron Davis from New York Newsday.

The Chairman opened the meeting at 2:10 p.m. by calling for a motion to approve the minutes of the February meeting. Such a motion was made by Mrs. Singer, seconded by Mrs. Margolis, and passed unanimously.

Mr. Kasanof stated that draft copies of the Board's Annual Report for 1987 are now available, and encouraged the other members of the Board to carefully read the report and relay their comments and/or suggestions to the Board's Counsel, Annette Gordon-Reed.

The Chairman then introduced and welcomed Julia Reed and Gloria Franchesi, new members of the Board's Field Staff.

Mr. Kasanof then directed the Board's attention to the Department of Correction's efforts to expand the use of unit management in the City's jails. He said that unit management represents a superior mode of operation, and that the Board's consultant, Professor John DiIulio of Princeton, has strongly urged the City to implement unit management in all of its jails.

The Chairman stated that while the Department has demonstrated a great desire to expand the use of unit management, the City's Office of Management and Budget (OMB) has denied DOC's request for the required funding.

Mr. Lenefsky asked the Chairman to elaborate on the expense that would be involved in implementing unit management.

Mr. Kasanof replied that although such a conversion would involve significant start-up costs, he believed that decreased officer absenteeism, overtime, and hospitalization would allow the City to recover such costs. The Chairman stated that approximately one and one-half million dollars would be needed to implement unit management at AMKC, but

followed by asking the Board to consider the tremendous costs incurred as a result of the recent riot at that facility. He also cited the Department's high escape rate for 1987, and indicated that unit management significantly enhances the security within a correctional facility.

Mr. Schulte suggested that the Board's support of unit management should be based on the successful implementation of that system at the Adolescent Reception and Detention Center (ARDC).

Laura Limuli, the Board's Research Director, stated that unit management is currently utilized in half of ARDC, and added that the Department has requested funding to allow for the expansion of unit management throughout the entire facility. She also stated that the Department has requested that OMB fund the deployment of unit management in the Anna M. Kross Correctional Center (AMKC). The OMB rejected both of the Department's requests.

Richard Wolf, the Board's Executive Director, followed by stating that the arguments against the expanded use of unit management have focused on the issue of expense, not on unit management's relative effectiveness or ineffectiveness.

At that point, the meeting was joined by the following representatives of the Department of Correction: Thomas Murray, Chief of Operations; Julian Prager, Deputy Commissioner; Robert Daly, General Counsel; and Michael Cleary, Executive Director of the Management Evaluation Division.

The Chairman expressed his desire to discuss issues related to the inmate disturbance of February 17-18 at AMKC. He stated that he and Mr. Wolf arrived on the scene shortly after midnight on the morning of February 18, in time to witness the "extraordinary performance" of DOC personnel responding to the riot. Mr. Kasanof stressed his satisfaction that the responding officers engaged in little or no retaliation, and asserted that in that sense, the DOC's performance compared quite favorably with the uprising of October, 1986. He expressed special praise for the "remarkable leadership" of Chief Murray and Supervising Warden Garvey.

Mr. Kasanof asserted that the factors which precipitated the disturbance appear to have been quite complex, but stated that one of the primary causes seems to have been inmate dissatisfaction with the frequency and aggressive nature of searches conducted in several housing areas at AMKC. The Chairman also addressed the issue of State prisoners wrongfully left in the City system more than 14 days after becoming ready for transfer into the State system.

Mr. Wolf stated that a total of 350 State inmates had been removed from the City's jails after the riot, 280 of which had been in the City system for periods of time in excess of the 14 day limit.

The Chairman asked the Department's representatives to provide current information on the number of State inmates in the City system.

Mr. Prager responded by stating that DOC currently has custody of 78 State inmates, adding that all of the inmates are under the 14 day limit.

Mr. Wolf asked the Department's representatives to provide an estimate of the average length of time which elapses before alleged parole violators receive their final hearings.

Mr. Prager responded by stating that the average waiting period is approximately 90 days.

Mr. Wolf suggested that additional resources for the parole hearing process would greatly aid the effort to expeditiously move State inmates out of the City system.

The Chairman stated that he looks forward to continued cooperation from the State in this matter.

Mr. Wendelken, a representative of the State Senate Commission on Crime and Correction, asked the Department's representatives to elaborate on the current procedures for handling the cases of parole violators.

Mr. Daly responded by stating that parole hearings are currently held in a number of locations throughout the City. He added that the delays being experienced in the parole hearing process seem to be primarily attributable to the State's stringent adherence to procedural guidelines which may not be required by the law.

Mr. Wendelken urged the Board to realize that the State parole system is struggling, with limited resources, to deal with a tremendous number of cases.

Mr. Kasanof inquired as to the number of parole violators in the City system currently awaiting a hearing.

Mr. Prager stated that there are 954 inmates in the City system waiting for parole hearings.

The Chairman suggested that an effort be made to cut the average waiting period in half, thereby providing the Department with 400 to 450 empty beds.

Mr. Schulte reminded the Board that, at one time, parole hearings were conducted by the State Parole Commissioner, who regularly visited the City's correctional facilities. Mr. Schulte stated that on a recent trip to the Correctional Institution for Men (CIFM), he discovered that one parole officer is now charged with the responsibility of conducting all parole hearings. He added that the officer, in executing his duties, is also required to shuttle back and forth to Albany. Mr. Schulte proposed that a member of the Board, along with a member of the Board staff, spend a day observing parole hearings at CIFM.

The Chairman asked the Board's Counsel, Annette Gordon-Reed, to join with Bob Daly in a study of current statutes which affect the parole hearing process. He urged them to draw up proposed modifications which might help to streamline the process.

Mr. Wendelken asserted that, in many cases, defendants and their attorneys seek to delay parole hearings.

Mr. Kasanof acknowledged Mr. Wendelken's point, but reiterated his belief that a number of modifications could be made which would allow cases involving parole violations to be handled in a more expeditious manner.

The Chairman then called for a discussion of the Department's need for variances. He reminded the Department's representatives of the Board's desire to eliminate all variances which are not truly needed. Mr. Kasanof asked Mr. Wolf to brief the Board on the Department's proposed plan to eliminate unneeded variance beds.

Mr. Wolf, referring to a letter dated March 9 which he received from Mr. Prager, stated that the Department had proposed the elimination of 314 variance beds, consisting of the following:

- A) Twenty-five(25) variance beds for sentenced inmates at AMKC,
- B) Fifty-six(56) variance beds for sentenced inmates at the Brooklyn Correctional Facility (BCF),
- C) Thirty-three(33) variance beds for sentenced inmates at Hart Island, and
- D) Two-hundred(200) of the 717 variance beds at the Correctional Institution for Men(CIFM).

Mr. Wolf discussed two other issues which relate to the variance at CIFM. He stated that the Department has asked the Board to allow parole violators to have unescorted movement throughout CIFM, and also requested permission to house parole violators in the main building of the facility if and when they require medical or mental health care.

Chief Murray said that while he is never pleased about the elimination of uniformed posts in any facility, the Department must effect a certain number of cuts in order to meet fixed productivity objectives.

Addressing the issue of parole violators located in special housing areas within the main building, Mr. Prager stated that health professionals within the Department had outlined a number of potentially serious consequences which arise from the need to transfer sick inmates to other facilities.

Mr. Wolf inquired as to the number of parole violators currently in the main building of CIFM.

Mr. Prager responded by stating the number is between five and eight.

Mr. Wolf said that the number of parole violators in the main building had exceeded one-hundred (100) at one point in the recent past, and indicated that the Department must find a way to minimize the number.

The Chairman proposed that no action be taken on the Department's requests concerning CIFM until the Board's staff has had an opportunity to further analyze the impact of cuts in escort officers and the housing of parole violators in the main building.

Mr. Wolf stated that the Department has also requested an extension of the variance which permits the housing of inmates on the Bibby Venture, with visits and law library privileges for the inmates provided at the Manhattan House of Detention (MHD). He explained that Board staff has inspected the Bibby a number of times in recent weeks, and commented on the modifications that have been made onboard. Specifically, Mr. Wolf stated that the partitions and upper bunks in the housing cells have been taken down, and that a number of other alterations which enhance the overall security of the Bibby Venture have been effected. He added, however, that on a recent visit, Board staff found 59 inmates housed in 5 of 6 corridors on the second deck. Mr. Wolf reported that the inmates were being supervised by only 3 officers, while the Board's agreement with the Department had called for 4 officers per housing deck. Mr. Wolf also said that the officers on duty expressed to Board staff their discomfort with the staffing pattern.

Mr. Kasanof asked for an update on rooftop recreation at the BCF.

Mr. Cleary responded by stating that the rooftop facilities are completed and ready for use, but added that

only two of the four rooftop areas have been needed up to this point.

The Chairman requested that Board staff follow up on the Department's utilization of rooftop facilities at the BCF.

Mr. Schulte then requested information pertaining to the Department's handling of the February 18 uprising at AMKC. Specifically, he asked whether UZI machine guns had been passed out to officers guarding the perimeter of the facility. He also inquired as to whether such officers were authorized to use deadly force.

Mr. Daly responded by stating that he felt the use of deadly physical force to stop a fleeing inmate would be permissible, but only as a last resort.

Chief Murray added that the response plan called for the deployment of a limited number of officers armed with UZIs, with the majority of officers on the perimeter carrying shotguns.

Reverend Bryer also expressed praise for the Department's handling of the AMKC disturbance.

Mr. Kasanof then asked Mr. Wolf to brief the Board on the staff's recent efforts aimed at developing "alternatives to incarceration."

Mr. Wolf stated that Jon Zeitlin, the Board's Urban Fellow, is in the process of designing a "work camp" setting for detainees, modelled after one of the State's facilities. He added, however, that the plans are still in the preliminary stages.

The Chairman encouraged the development of programs which stress positive reinforcement, and encouraged the Department's representatives to seek less costly and, perhaps, more effective alternatives to incarceration.

Mr. Schulte asked the Department's representatives to elaborate on plans to construct a correctional facility on Staten Island.

Mr. Prager responded by stating that he is quite confident that such a facility will eventually be constructed on Staten Island, but added that the Department is still waiting for "land use" approval. He predicted that the facility will be constructed and ready for operation within five years.

Mrs. Singer asked those present to note that the Board has, for several years, been actively encouraging and aiding

the development of educational programs for inmates in the City's jails.

The Chairman then called for a motion to approve the Department's request for the renewal of the existing variances, with the exception of those variances discussed by Mr. Wolf.

Such a motion was made by Mrs. Singer and seconded by Mr. Horan. The motion was passed unanimously.

The meeting was adjourned at 3:35 p.m..