

**NEW YORK CITY**  
**BOARD OF CORRECTION**  
**MEETING OF MARCH 14, 1990**

Members Present

Robert Kasanof, Chairman  
Judge William Booth  
David Lenefsky  
Barbara Margolis  
David A. Schulte

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

Representatives of the Department of Correction

Julian Prager, Deputy Commissioner of Management Evaluation and  
Specialized Services  
Robert Daly, General Counsel  
Peter Mahon, Deputy Chief of Operations/Staff Management  
Michael Cleary, Executive Director of Management Evaluation  
Division  
Judith Keefer, Deputy Commissioner of Management and Budget  
Leslie Keenan, Assistant Commissioner of Management Analysis  
Brian Conroy, Deputy Warden of Facility Management

Others in Attendance

Earl Murphy, New York State Commission of Correction  
Frank Reay, State Senate Committee on Crime and Correction  
Mark Mooney, New York Post  
George E. Jordan, New York Newsday

The meeting began at 2:10 p.m.. Chairman Robert Kasanof welcomed the representatives of the Department of Correction and other agencies and moved for adoption of the minutes of the February 21, 1990 Board meeting subject to an amendment proposed by Board member David Schulte. The motion was seconded by Mr. Schulte, and approved unanimously.

Mr. Kasanof then opened the discussion of the increased levels of violence in the George Motchan Detention Center (GMDC) with some comments about the shooting that had taken place at GMDC during the week. Mr. Kasanof said the incident highlighted the need for increased vigilance in promoting security within the facility. He reminded those assembled that the Board grants variances conditioned upon the Department's ability to maintain safe and secure jails.

Mr. Kasanof said he believed that coming budget cuts, which might result in further reductions in the number of officers in the jails, would be a serious threat to the public safety. The recent shootings evidenced a loss of control in the jails, a circumstance that if uncorrected will undermine public confidence in the City's correctional system. Mr. Kasanof expressed his belief that there were still undetected guns in the jails. He said that the Department should begin to plan for ways to insure greater security in the jails in an era of more restricted resources. He indicated that he will stop voting for variances at the first sign that the Department of Correction is unable to meet the first requirement of a correctional system, which is to

run safe and secure jails.

Mr. Kasanof said that he had met earlier in the day with the newly appointed Commissioner of the Department, Allyn Sielaff, who was unable to attend the Board meeting because of a scheduled appearance before the Board of Estimate. Mr. Kasanof said that he had expressed his concern about the continuing problem of violence in the jails, indicating that this is an issue that required the immediate attention of the new Commissioner. He then asked Executive Director Richard Wolf to report on violence in GMDC, specifically the shootings that had recently taken place.

Mr. Wolf said that this second shooting at GMDC -- the first had been discussed at an earlier meeting of the Board -- occurred on March 11, 1990 after 127 inmates had attended a Protestant service in the auditorium. Mr. Wolf stated that there were two correction officers assigned to the chapel and three escorting officers. When the service concluded, the escorting officers and one chapel officer left to return groups of inmates to their housing areas, leaving one correction officer alone with 95 inmates and seven civilians in the chapel area. Detainees Noel Grayson and Barry Rowan were exiting the chapel area when they were shot. Inmate Rowan was wounded in his back and inmate Grayson was wounded in his thigh. Mr. Wolf said that a handgun was found in the area immediately outside the auditorium, only six to seven yards from the entrance to GMDC's control room.

Mr. Schulte asked the Department representatives who was in

charge of the investigation.

Deputy Chief of Operations Peter Mahon said the Inspector General's Office is handling the investigation.

Mr. Wolf explained that employees of the Inspector General's Office are assigned to the Department of Correction, but are supervised by the City's Department of Investigation.

Mr. Kasanof noted that police investigations of criminal activity on Rikers Island are conducted by Queens 114 Precinct detectives, but the prosecutions are handled by the Bronx District Attorney. He said that, in any case, the GMDC incident was not being treated as a police case.

Mr. Wolf then discussed the first GMDC shooting, on January 28, 1990. He said the gun believed to have been fired in that incident was found far away from the site of the shooting - on another floor and 75 yards down the corridor - indicating serious lapses in security. Mr. Wolf then reminded the Board members and Department representatives that at the Board's February 21st meeting, Acting Commissioner George Vierno had named three specific procedures that the Department would implement in response to the shooting. First, the Department would closely question inmates involved in incidents in which weapons were used about how the weapons were obtained and secreted. Second, the Department would increase the number of searches. Third, the Department would require greater staff accountability - officers working at posts where they should have observed incidents would be questioned as to why they did not see the event.

Mr. Wolf said that Board staff did an investigation to determine whether these plans had been implemented and found that there had been no change in the number of searches at GMDC. He noted that it was difficult to tell exactly how many planned searches had occurred, because the facility discarded its weekly search calendars which list planned searches.

Mr. Schulte asked if there were many instances of the Department finding guns in the institutions. He asked if it had ever been determined who had brought the guns into the jails in those situations.

Mr. Wolf said that there had been four street guns found in the jails in the last two years. In at least two of the incidents investigators determined the identity of the person who brought the gun to the jail. Mr. Wolf mentioned a January 1988 case where a correction officer pleaded guilty to smuggling a gun into the facility and selling it to an inmate. In July 1989 a second officer was arrested and charged with bringing a gun into the facility for an inmate. Charges against this officer are pending.

Mr. Kasanof stated that it would enhance security if everyone, including all civilian staff, correction officers and Board staff, were subject to random searches upon entering all City jails. No one should be exempted.

Mr. Wolf said that there is evidence that many of the metal detectors on Rikers Island do not work properly. He said that on the day of the last shooting, an investigator said he walked

through the magnetometer in the corridor near GMDC's chapel twenty-five times while carrying a gun. The machine sounded an alarm only twice. Mr. Wolf added that on the day of the shooting, when he arrived at GMDC, the front gate magnetometer had been turned off.

Deputy Warden Mahon stated that the Department would begin to increase the number of searches in response to the heightened violence in GMDC and he invited the Board to make any suggestions that it could think of to help improve security.

Mr. Wolf said that since the July 1989 Board meeting he had asked the Department to begin random searches at the front gates of all jails.

Mr. Kasanof then asked Mr. Wolf what Board staff had found about the level of corridor supervision since the shootings at GMDC.

Mr. Wolf replied that there had been no increase in the level of corridor supervision since the shootings and that, in fact, one post had been cut. Most inmates move about GMDC with passes. Such unescorted movement relies for security upon corridor posts, of which there are few at GMDC. There is an obvious problem with this system because the gun that was used in the first shooting was found far away from the incident site, meaning it was carried down a stairway and through the halls without being detected by corridor security.

In addition, Mr. Wolf said, there seems to be a backlog of investigations of unusual incidents at GMDC. Of 66 unusual

incidents that were reported to the Communications Control Center in January and February, only 12 reports had been completed as of the date of the Board meeting. It is thus difficult to determine whether greater accountability of staff has been accomplished. Mr. Wolf said that what compounds the problem is that at GMDC, unlike other jails, the tour commander, or the captain who is responsible for completing the investigation of an unusual incident, does not leave copies of the documents pertaining to the incident and investigation in the Security office, but instead takes them with him. In most other facilities copies of these documents are left in the Security office so that security personnel also have an opportunity to raise questions about the incident and offer suggestions about the investigation. Because all the paperwork relating to the latest shooting had been taken away by the tour commander, when Board staff went to investigate there was no written material to review. Mr. Wolf said that in February the use of force rate at GMDC was the highest it had been since December, 1987. In one year the total rate of violence at GMDC had grown to exceed the average for the entire system.

Mr. Kasanof asked how many suicides there were in the jails this year as compared to last year.

Deputy Executive Maddy deLone said that there were four suicides last year. As of the date of the Board meeting, there had been three suicides, two occurring in AMKC and the other in a Manhattan Criminal Court holding pen. She described the court

pen suicide first.

On February 26, 1990 a sixty year old man charged with sodomy, who had never been arrested before, committed suicide by wrapping his belt around his neck and tying it to the cell bar in the toilet area of his cell. He was alone in the cell.

Mr. Schulte asked if it is the policy for inmates to be placed by themselves in pre-arraignment cells.

Ms. deLone said he was alone in the cell because his file indicated that he was homosexual and it is the policy to provide separate housing for homosexuals.

Ms. deLone then said that visibility into the toilet area of the cell was extremely poor. An officer would have to be very tall to see into this area from the outside of the cell.

The second suicide occurred on March 1. In that case the individual was a 49 year old man charged with attempted murder of a police officer. He was found dead in his cell at AMKC. He had tied his bed sheet to the light fixture and hanged himself. The decedent had been in the mental observation unit for two months, then in general population for three months before being moved to protective custody pursuant to court order two months before his death.

Mr. Schulte asked if there was a suicide watch in that area.

Ms. deLone responded there was an inmate observation aide in the area but that there was no individual suicide watch for this inmate. However, the real problem with the way this inmate was handled was that there was no follow up by the mental health

staff. Ms. deLone said that when she and Mr. Wolf visited AMKC and spoke to the mental health staff AMKC they were informed that many mental observation patients are not followed up when the inmate has returned to general population. The main reason for this is the difficulty the jail security personnel have in locating inmates once they are in general population. Ms. deLone said the mental health staff often keeps individuals in the mental health units longer than the amount of time that they would normally stay because they know that the inmate is returned to general population, there will probably be no way to monitor the inmates' condition.

Mr. Wolf added that this practice, though understandable, causes a delay in treatment for inmates waiting to get into the mental health units.

Ms. deLone then cited the Board's Mental Health Minimum Standards which state that inmates who seem to be in need of mental health treatment must to be seen by a mental health professional within 24 hours. She said that at AMKC there are currently almost 100 inmates who were referred for mental health treatment, either by the medical staff, the Department of Correction social service staff, or by the Department of Correction security staff, who have not been seen by a mental health professional, some of whom have been waiting for three months. Ms. deLone also revealed another problem with the provision of mental health services. The officer responsible for locating these inmates in general population and escorting them

to the mental health clinic is pulled away from another post for about four hours every evening. As a result, although mental health services are scheduled from 3:00 p.m. to 11:00 p.m., the staff does not begin to see patients until approximately 6:30 or 7:00 p.m.. Ms. deLone said that one evening she and Mr. Wolf left the mental health area at about 9:30 p.m., and only 7 people had been seen at the clinic. Mr. Wolf added that the cost of having four or five mental health staff sitting idle for four hours each night is high, and causes a denial of critical services.

Mr. Schulte asked what the mental health staff do until 7:30 p.m and whether the services they provide have proved to be effective.

Mr. Kasanof stated that the suicide prevention program and the general mental health treatment program in the jails has been successful, as proved by the decreased number of suicides in the jails after the inception of the Board's mental health minimum standards. He added that the Department should fix the problems at AMKC to insure compliance with the intent and letter of the Board's standards.

Mr. Kasanof turned the discussion to the Department's budget.

Board member David Lenefsky said that while the Department's budget was certainly a priority, it seemed that some of the problems Mr. Wolf had detailed were not necessarily driven by lack of funding. He felt that it was important to distinguish

between problems that result from poor management and those that exist because the Department has been forced to operate with insufficient resources.

Mr. Kasanof said that he was interested in making this distinction as well and he hoped that the representatives from the Department who were invited to speak about the budget would be of some help in clarifying this issue.

Deputy Commissioner Prager then introduced Judith Keefer, Deputy Commissioner of Management and Budget, and Leslie Keenan, Assistant Commissioner of Management Analysis.

Ms. Keefer began by speaking of the budget cuts that the Department would have to absorb during fiscal year 1991. Because of the overall financial situation in the City, the Department of Correction will be subjected to overall reductions in both its civilian and uniform staff. Deputy Commissioner Keefer said the Department had been successful in its attempts to stop OMB from basing cuts on inmate/staff ratios across facilities. Ms. Keenan stated that the original budget adopted for fiscal year 1990 was 709 million dollars and that in January the amount was increased to 765 million dollars. The proposed budget for fiscal year 1991 will be 740 million dollars while the actual budget after a mid-year readjustment will probably be 768 million dollars. She also stated the Department had 10,566 uniformed staff and 2,233 civilian staff in October and that by January the number of uniformed staff had increased by 423 to 11,009 while the civilian staff had decreased by 95, to 2,138. The actual

number represents a reduction of 221 uniformed positions and 353 civilian positions. The net increase from the base budget is the result of staff added for new jails. In 1991, there will be an additional cut of 200 uniformed position and 53 civilian positions.

Mr. Kasanof then asked if the increases in staff have been keeping up with the increases in the inmate population.

Ms. Keenan replied that it varied from year to year. For example, in fiscal year 1987, the inmate population increased by 17% while the staff increased by 14%. In 1988, the inmate and staff increases were, respectively, 8% and 17%.

Ms. deLone asked if the proposed budget included projections of the amount of officer overtime.

Ms. Keenan stated that expected officer overtime had been factored into the budget.

Mr. Kasanof stated that he was still interested in knowing precisely what areas of the Department would be affected by the budget cuts as a means of determining what aspects of jail administration would likely suffer. Mr. Kasanof asked that Jim Bennett, the Board's Director of Management Information Systems, get the information from the Department that would help to answer this question.

Judge Booth returned to the issue of the shooting at GMDC and asked if the Department could explain how it happened that one officer was left to supervise so many inmates and civilians.

Deputy Chief Mahon said there was no indication that the

number of officers was insufficient in that particular case.

Mr. Wolf disputed this, stating that an increased officer presence would make a difference because no inmate would shoot another inmate in front of an officer or if they felt that they were being observed by officers. Mr. Wolf said that the officer nearest the incident did not see what had happened.

Mr. Schulte asked if there had been any changes in the way the facility staffed inmate religious services and said if there had not been any changes, there should be.

Deputy Chief Mahon said there were no changes and that there is no proof that more officers are necessarily better. He said that he did not want to comment further until the investigation has been completed.

Mr. Kasanof asked if the Department representatives if there were no budgetary constraints would they increase the number of officers in the facilities.

Deputy Chief Mahon acknowledged that they would.

Mr. Wolf mentioned that there was still a problem of the City failing to build additional secure prison hospital wards and "outposting" inmates at tremendous cost.

Mr. Kasanof thanked the representatives of Management and Budget.

Mr. Lenefsky said that the New York Times mentioned the new commissioner's support for alternatives to incarceration as a way of dealing with the ever increasing corrections budget. He looks forward to hearing Commissioner Sielaff address this topic

before the Board members.

Mr. Kasanof said he supported the Commissioner's view of alternatives to incarceration and noted that groups who had long supported alternatives to incarceration were very pleased with Commissioner Sielaff's position on this matter.

Mr. Schulte then said that he had read that the State Department of Correctional Services had started double-bunking inmates. He asked if City system was going to do the same.

Mr. Kasanof explained that there were no plans to expand double-bunking in the City beyond those dormitories in which it is permitted by Board variances.

The discussion then turned to the Department's letter dated March 9, 1990, requesting an extension of its existing variances for 30 days previously granted by the Board of Correction.

Mr. Kasanof said that he was uneasy at the prospect of extending variances when the system was so obviously in trouble and therefore he would not ask for a vote on the Department's request for an extension of existing variances.

Mr. Lenefsky proposed that Board members to approve the renewal of existing variances for a period of 30 days. Mr. Schulte seconded the motion. All present voted to renew the variances, with a reduction of two dormitories at the Brooklyn Correctional Facility.

Mr. Kasanof thanked the representatives of the Department of Correction for their participation at the Board meeting. The meeting was adjourned at 3:30 p.m.