

MINUTES

BOARD OF CORRECTION

September 18, 1979 Meeting

A regular meeting of the New York City Board of Correction was held on September 18, 1979, in Room 1704 of the Graduate Center of City University, 33 West 42nd Street.

In attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Angelo Giordani, Mr. David Lenefsky, Mrs. Rose M. Singer and Mr. Wilbert Kirby.

Mrs. Singer requested an excused absence for Mr. David Schulte.

Board staff present by invitation of the Board were Michael Austin, Michael Cleary, Erica Dickert, Judith LaPook and Joseph Smith.

Peter Tufo chaired the meeting and Erica Dickert served as secretary.

The Chairman called the meeting to order at 3:00 P.M.

Mrs. Singer corrected the minutes of July 23, 1979 as follows: In attendance were...Mrs. Rose M. Singer.

The corrected minutes of the July 23, 1979 meeting were adopted.

The Chairman opened the meeting by introducing Ms. Judith LaPook as the Board's Special Counsel for the Rikers Island Project and briefly outlined her duties.

The Chairman proceeded to discuss the Board's hearings on the proposed Rikers Island transfer scheduled for October 9 and 10, 1979. He stated that the hearings had been postponed from September 11 and 12 in order to give newly appointed Correction Commissioner Benjamin Ward sufficient time to adequately prepare for the hearings.

Handwritten note:
Hearings postponed

Commissioner Benjamin Ward and General Counsel Larry Finnegan of the Department of Correction arrived at 3:20 P.M. and were introduced to the Board by Mr. Tufo.

The Commissioner proceeded to discuss the personnel changes he has made in the Department since his appointment, noting that Deputy Commissioners Marc Rosen and Cynthia Wainwright are no longer on staff and that Mark Corrigan has been appointed as First Deputy Commissioner. The Commissioner explained that while there would not be a total shake-up of Department staff, some additional staff changes could be anticipated in the future. The Commissioner also stated that he would like to elevate the top program services position in the Department to the Deputy Commissioner level. However, in order to accomplish this some organizational adjustments would have to be made since the Charter provides for only 2 positions at this level.

The Commissioner proceeded to report on the planning efforts for the proposed transfer of Rikers Island to the State. He noted that Mark Corrigan had assumed overall responsibility for the Rikers Island Project Management Team and was confident that under Deputy Commissioner Corrigan's direction the entire planning effort would be more cohesive and effective.

The Commissioner reported that both he and Mr. Tufo had attended the Queens Community Council meeting on the proposed Rikers transfer and noted that of the 12 negotiable items raised by the Council, 10 were reasonable. The two he deemed unreasonable were: (1) assurance that property values would not be lowered and (2) a commitment that additional facilities would not be built in Queens.

The Commissioner also stated that the interim housing of the City's female detainees at Fulton Correctional Facility in the Bronx, as cited in the

Memorandum of Understanding between the Governor and the Mayor, was unacceptable. According to the Commissioner, Fulton is a solitary facility in an otherwise devastated and abandoned neighborhood. Such a neighborhood is not conducive to the housing of female detainees nor is it easily accessible to visitors and attorneys.

The Commissioner would prefer retaining part of the CIFW for housing the City's female detainees. He stated that he had already spoken to Commissioner Coughlin of the State Department of Correctional Services who responded favorably to this proposal. Commissioner Ward stated that he would be meeting with Commissioner Coughlin on September 19 to discuss plans for the division of the CIFW into separate areas for City detainees and State sentenced prisoners. The City and State would initially operate their respective areas but ultimately, the plan would call for the State to operate the entire facility. A legislative change would be required to allow the State to house and care for the City's female detainees.

Commissioner Ward also indicated that the State might make Arthur Kill on Staten Island available to the City for additional housing, if necessary.

Mr. Lenefsky asked what the timetable was for the removal of inmates from Rikers Island. The Commissioner replied that the City's Uniform Land Use Review Procedure required a maximum period of 180 days which commenced on September 17, 1979. According to this procedure, the Community Boards, the City Planning Commission and the Board of Estimate must first hold hearings before the transfer can be approved. The Commissioner further stated that Commissioner Coughlin has agreed to take all parole violators and State-ready cases.

Mr. Kirby asked why the Queens Community board and not the Bronx board would have to hold hearings on the transfer since Rikers Island was under the jurisdiction of the Bronx DA's office.

Commissioner Ward replied that since the Rikers Island bridge terminated in Queens there was a greater impact on the Queens community.

Chairman Tufo also indicated that Rikers Island fell into a Queens Community district even though the Bronx DA retained jurisdiction for criminal matters.

The Commissioner noted that the most up-to-date mock-up of the Tombs was on display and invited the Board to view it.

The Chairman proceeded to explain the Board's structure and the assignment of Board members and staff to each institution. In addition, he reviewed the Board's powers, noting that it had been over 1½ years since the first set of minimum standards had been promulgated. Mr. Tufo complimented Larry Finnegan on his efforts to implement the standards but noted the Board's frustration with delays in compliance resulting from failures in hiring personnel on a timely basis. Mr. Tufo stated that while the Board has no desire to create confrontations, it does have the authority to go to court if deadlines are not met. He expressed his desire that the Commissioner give the standards first priority.

The Commissioner replied that the implementation of the standards are a priority.

The Commissioner left the meeting at 3:45 P.M.

Larry Finnegan reported on the status of various minimum standards issues and noted the following:

- Foot lockers have been ordered and delivery is expected in January 1980.
- HDM variance requests from the Package standard are being withdrawn.
- Variance requests are being submitted for the prison wards.
- The quarterly report, with the exception of Deputy Commissioner Hommel's section, will be sent on September 24, 1979.
- There are still serious hiring problems confronting the Department. The previous hiring pool has been exhausted and it is not anticipated that any new hiring will commence until January 1980.

The Chairman requested that the Board be provided with hiring statistics indicating the number and assignment of new officers committed to minimum standards compliance.

Mr. Finnegan replied that this information would be very difficult to provide but he would do his best.

Mr. Finnegan also noted that the translation of minimum standards into Spanish will be completed within the month at a cost of \$2,000 or less.

Michael Austin noted that telephones for prisoners have in fact been installed at C.I.F.M.

Mr. Austin presented staff's recommendations on the Department's variance requests and after some discussion, the following staff recommendations on the Department's requests were approved without opposition:

- Compliance with Section 5.2 (b) (ii) was delayed systemwide to January 1, 1980, except at the Correctional Institution for Women, since delivery of the required locking drawers/foot lockers is expected on December 21, 1979.

- The existing variance to Section 6.3 regarding optional lock-in for prisoners in the Rikers Island Mental Health Center is extended until November 1, 1979 in order to allow sufficient time for an additional site visit and discussion with experts in the mental health field.
- The current variance to Section 9.6 (a) (ii) at the Correctional Institution for Men is extended to November 1, 1979 in order to allow sufficient time for Board staff to complete its assessment of potential prisoner usage of the law library if it were open on weekends.
- Compliance with Sections 10.3 (h) (i) and (j) is delayed until November 1, 1979 at the Queens House of Detention in order to allow time for Department and Board staffs to explore an interim solution to the problems with the interim contact visiting program at that facility.

In addition, the following variance determinations were approved by the Board without opposition:

- The variance previously granted to Section 11.4 until December 1, 1979 at the Correctional Institution for Men is amended to October 1, 1979 since telephones for prisoners have now been installed and are operational at that facility.
- Compliance with Part 13 is delayed until October 1, 1979 at the Queens and New York City Houses of Detention for Men since package rooms at these facilities are scheduled to be open by October 1, 1979. In addition, compliance with this section is delayed at all other institutions, except the Brooklyn House of

Detention, in order to allow sufficient time for the Department to provide the Board with detailed information on exactly what steps are being taken to provide package rooms at these facilities.

It was noted that once Assistant Commissioner Hommel's report on standards-related construction projects has been received, Board staff will be in a position to more accurately analyze the impact of these projects on the Department's standards compliance effort.

Mr. Austin stated that he would like Dr. Kellermann and Joe Smith to inspect the Rikers Island Mental Health Center again before the Board makes a final determination on the Department's request for an amendment to the lock-in standard at that facility. Mrs. Singer and Mr. Lenefsky expressed their interest in accompanying Dr. Kellermann.

It was reported that the Board and the Department will be meeting to explore alternatives to the present visiting arrangement at the Queens HDM. Currently they are using a trailer which does not provide sufficient space to allow them to provide for multiple visitors as required by the current variance stipulation. Mr. Lenefsky expressed his interest in attending the meeting.

Mr. Smith reported on unusual incidents. He noted that the number of unusual incidents this year has been greater than in the past and suggested that this might be as a result of different reporting requirements.

Judith LaPook reported on the Rikers Island Project noting that the Project is undergoing a major reorganization and that Deputy Commissioner

Corrigan had indicated that he wants the Board to be completely involved in all aspects of the project.

Ms. LaPook noted that the revised schematics on the Tombs will be distributed at the next meeting; also, the mock-up of an actual Tombs cell will be completed shortly. Demolition of the Tombs interior has begun.

It was also noted that Warden Greco will be resigning effective October 23, 1979.

A Board briefing prior to the Rikers Island hearing was tentatively scheduled for October 3, 1979 at 2:00 P.M.

The Board went into Executive Session at 4:40 P.M. and the meeting ended at 5:00 P.M.