

MINUTES

JUNE 30, 1981

BOARD OF CORRECTION

A regular meeting of the New York City Board of Correction was held on June 30, 1981 at the Rikers Island Training Academy.

In attendance were Chairman Peter Tufo, Vice Chairman John Horan, Mr. Wilbert Kirby, Mr. David Lenefsky, Mr. Jack I. Poses and Mrs. Rose M. Singer.

The excused absences of Mr. Angelo Giordani and Mr. David Schulte were noted.

Board staff present were Michael Austin, Michael Cleary, David Johnson, Judith LaPook, Judie Ennett, Sherry Goldstein, Laura Limuli, John Pagan, Thomas Prendergast, Cheryl Rawlerson, Frank Schneider, Jeanette Spencer and Rolando Torres.

Also in attendance from the New York City Department of Correction were Deputy Commissioners Mark Corrigan and Ellen Schall, and Wardens Frank Colavito and Alexander Jenkins.

Peter Tufo chaired the meeting and Thomas Prendergast was secretary. The Chairman called the meeting to order at 2:55 P.M.

The minutes of the May 27, 1981 meeting were approved and adopted unanimously. Chairman Tufo welcomed new staff members Laura Limuli and Cheryl Rawlerson. The Chairman reported on his meeting with the new Commissioner of the State Commission of Correction, Mr. McNiff. Chairman Tufo said he looked forward to good rapport between the Board and the State Commission and that their understanding was that the State Commission would concentrate its resources outside New York City in order to attempt to avoid duplication of the Board's work.

The Chairman expressed his opinion that this Board meeting was a particularly important one because of overcrowded conditions within the jails and the recent U.S. Supreme Court decision in Rhodes v. Chapman regarding double-celling of inmates. Chairman Tufo explained that the opinion of the Court to permit double-celling was limited to the facts of that case and did not apply to detainees. He also reported on a Hartford, Connecticut case heard by the Second Circuit Court of Appeals which held that detainees could be double-celled only for short periods in exceptional circumstances.

Chairman Tufo reported on the escape of two inmates from C-76 in a bread truck. Thomas Prendergast reported on the suicide of Dwayne Watford on June 4, 1981 at Rikers Island Hospital. At present Mr. Prendergast is investigating this incident and a draft report will be prepared shortly.

Judith LaPook reported that Judge Lasker ordered the Department by August 1, 1981 to reduce dormitory overcrowding for detainees to prescribed levels. She added that the order permits the Department to ask for a modification of that order if the state does not accept state-ready inmates on a timely basis. At present there are approximately 500 state-ready cases being housed by the Department, which is contributing significantly to overcrowding. Judge Lasker has also granted the city's request to join the state in this litigation.

Deputy Commissioner Corrigan reported that the Department is finding it increasingly difficult to comply with court orders to reduce overcrowding without relief from the state. He said that as he spoke there were 506 sentenced inmates waiting to go upstate and 240 state inmates in city jails on court orders. The increase in state inmates from 100 just 5 weeks ago has forced the Department further to overcrowd dormitories in AMKC and C-76. Deputy Commissioner Schall explained that part of the problem was that many state inmates down on court orders stay in city jails much longer than is necessary. This problem is being discussed with the Office of Court Administration. Mr. Corrigan said that at this point it was important to go back to the 8-point plan offered by the Mayor in March and work it aggressively. Commissioner Corrigan stated that the Board should not be spending its time preparing a report on C-76 because the Department is well aware of the problems there. In his opinion, the Board should not be concentrating on conditions of confinement but should be using its influence to shape policy.

Chairman Tufo disagreed with Deputy Commissioner Corrigan's assessment of the Board's role. He stated that it was important that the Board continue to monitor conditions within New York City's jails, but that this did not preclude the Board from taking public positions on issues affecting the New York City correction system. However, the Chairman continued, in order to do this effectively it is essential that Deputy Commissioner Corrigan and the Department not exclude the Board from involvement in task forces and other groups formed specifically to address such matters of correction policy.

Deputy Commissioner Schall discussed the results of the emergency bail review effort as well as the Department's plans concerning the work release program. With regard to the latter, she indicated that work release has been increased from 30 to 60 inmates but may have reached its limit without increasing the risk of absconsions and escapes. The Department is considering using the extra space at Mel's Plaza as a pre-release program. Mr. Kirby expressed the opinion that a six month work release program is far more effective than a two to three week pre-release model. Ms. Schall went on to discuss the Department's plans for community service sentencing in Brooklyn and Manhattan.

In response to a question from David Lenefsky concerning the continuing increase in population, the Deputy Commissioner said again that his major problem was with state-ready cases, but that three other factors were contributing to the recent population surge: seasonal trends, increased lengths of stay coming from the court's summer

slowdown and police activity targeting robbery. Mr. Corrigan said he believed that without state cases the population could be held steady at 8750. He also gave the following figures for the Department of Correction: operating capacity-8708; total available space - 9609; June 30 census - 9430.

The Chairman asked Deputy Commissioner Corrigan whether, in the event of the Department's inability to comply with the Court order to reduce overcrowding in the dormitories by August 1, he would consider violating the present cap on the population at HDM. Mr. Corrigan said he would not, because a retreat on this issue would jeopardize any improvements that have been made at that facility.

Chairman Tufo asked Warden Jenkins of C-76 whether he had any comments concerning his institution. Warden Jenkins replied that his biggest problem is staffing, and that the institution simply cannot handle any more people.

Dr. Frank Schneider reported on his work on training. He prefaced his report with three remarks. First, his work has been developed within the crisis which exists and his intent has been to make recommendations which can be implemented within this context. Second, the focus of the work is the people who work within the system. Third, it appears that the Board and the Department will be able to adopt a joint approach toward the development of this training program which bodes well for its successful implementation.

Dr. Schneider stated that his research had confirmed both that the levels of stress which Department personnel are subjected to in the institutions is enormous and contributes to breakdowns in morale, and that there are serious problems of management and supervision at the institutional level. However, despite these difficult conditions, the resources for training are scarce in time and money. The most important decisions in designing a feasible training package are whom to target for training, and the type of training to conduct. Dr. Schneider explained that he chose to target captains for training and has designed five specific programs: leadership and supervision, norms and values, stress management, professional development and report writing. Four of these five are 'soft' issues and not 'hard' skills, but without these 'soft' skills other types of training will be ineffective. Dr. Schneider labelled this proposal as prerequisite to the rest of the training they receive. In addition, he noted that stress management training can only succeed if it is part of an overall management effort to reduce stress levels in the institutions.

Chairman Tufo offered to arrange a meeting between the heads of COBA and the Correction Captains Union and Dr. Schneider to obtain their input.

The Board considered two variance requests. The Board agreed to extend the present variance at Rikers Island Hospital concerning the law library for six months provided that it is kept open at least

40 hours per week. The Board agreed to adopt for a six month probationary period a proposed Department amendment to the standard on recreation to allow the Department to restrict recreation under certain specific circumstances.

The Board also moved to adopt the opinion of Mr. Andrew J. Schaffran in the matter of the grievance of Allen Blake.

Chairman Tufo directed the staff to begin working on a review of the standards and to develop recommendations for changes. Regarding the draft minimum standards for mental health, the Chairman said he hoped to hold public hearings in the fall. David Lenefsky requested that staff prepare a very brief proposal concerning these draft standards, so that he might explore funding possibilities.

The Chairman adjourned the meeting at 5:00 P.M.