

MINUTES

BOARD OF CORRECTION

December 16, 1982

A regular meeting of the New York City Board of Correction was held on December 16, 1982 at 2:00 P.M. in the Board's offices at 51 Chambers Street.

Board members in attendance were Chairman Peter Tufo, David Lenefsky, Barbara Margolis, David Schulte and Rose Singer. Excused absences were approved for Angelo Giordani, John Horan and Wilbert Kirby.

Board staff members in attendance were Michael Austin, Michael Cleary, Judith LaPook, David Johnson, Sherry Goldstein, Melba Wiggs, Cheryl Rawlerson, Bill Keane, Alison Estess, Judie Ennett and Deirdre Nurre.

Peter Tufo called the meeting to order at 2:18 P.M.

Sherry Goldstein acted as secretary.

The minutes of the previous meeting were approved.

Alison Estess reported on the suicides of Juan Ortiz and Manuel Moye which occurred within the past two months. Common to both suicides was the fact that neither Ortiz nor Moye had received any visits for several months prior to their deaths. Discussion ensued on the possibility of identifying individuals in jail who do not receive visits and developing programs to encourage family visits or schedule visits for these individuals with volunteers from the community. Barbara Treen was assigned to research this issue. In addition, staff was directed to give priority attention to the Ortiz suicide before the Prison Death Review Board given the serious issues raised by the suicide regarding the handling by Prison Health Services and the Department of Correction of individuals with mental health histories.

Peter Tufo then reported that the Board of Estimate had given final approval to the construction of a new jail on the White Street site adjacent to the Tombs. However, the juvenile detention facility originally scheduled to be built on top of this new jail was eliminated. Vice-Chairman John Horan had testified on behalf of the Board before the Board of Estimate in support of the proposed White Street jail. Chairman Tufo indicated that following approval of the jail, some Board of Estimate members indicated that the Board's testimony had influenced their decision on this issue.

Peter Tufo then reported that he had been subpoenaed to testify in a federal lawsuit brought against the City by the family of Larry Lyons, a City prisoner who committed suicide at the Correctional Institution for Men (C-76) in 1978. The family claimed that the City was negligent in the handling of Mr. Lyons and that Mr. Lyons' civil rights had been violated. The City lost the case and the family was awarded a small cash settlement. This is apparently the first time that any City or municipality has been held liable for the suicide of a prisoner in its custody.

Discussion then followed on the continued overcrowding in the City's jails. Judy Lapook reported that the Board had continued to grant a series of five day emergency variances to its minimum standard on overcrowding to permit the double-celling of sentenced prisoners at C-76 due to the Legal Aid strike.

In response to a question from David Schulte, it was reported that the State Commission of Correction had denied the Department of Correction's request for a similar variance from the Commission's standard because the Commission had adopted an absolute policy against double-celling since, in its opinion, it only exacerbates poor conditions created by overcrowding.

After receiving the Commission's denial of the Department's variance request, Commissioner Ward, pursuant to State correction law, requested the State Commission to identify alternative jail space to alleviate overcrowding in the City's jails for the duration of the Legal Aid strike. The State Commission has not yet responded to that request.

Peter Tufo stated that letters had been sent by the Board to Chief Judge Lawrence Cooke and the administrative judges responsible for New York City's courts requesting them to look into the fact that approximately 600 convicted prisoners in New York City's jails have been awaiting sentence for longer than 21 days despite the fact that probation reports had been completed.

Peter Tufo also reported that Judge Lasker had lifted the cap on the population at HDM and had permitted, along with the Board, the increasing of the population of the detainee dorms in AMKC from 50 to 58 for the duration of the Legal Aid strike.

Judith LaPook reported that the Department of Correction had requested a six month extension of the current variance which permits it to house detainees in dormitories at less than 75 square feet per prisoner and indicated that staff recommended that this request be approved.



Barbara Margolis asked if there were adequate sinks, toilets, showers and telephones in the detainee dorms to handle the increased population.

Ms. LaPook stated that this does not seem to be a problem now, especially when compared with the sentenced dormitories which currently house many more prisoners than do detainee dorms and have limited facilities. She also stated that allowing the Department to increase the population somewhat in detainee dorms helps to relieve overcrowding in sentenced dorms.

David Schulte stated that it is the duty of the Board to develop a plan if the population continues to rise after the Legal Aid strike is over.

Peter Tufo indicated that Board consultant Carol Shapiro would report later in the meeting on alternatives to incarceration which could assist the City in addressing the jail overcrowding problem.

Michael Austin reminded the Board that it had offered a series of recommendations to the Mayor two years ago that would alleviate overcrowding. He stated that it did not appear that these recommendations had been fully explored.

The Board approved a six month extension of the variance permitting the housing of detainees at less than 75 square feet per prisoner.

It was also the consensus of the Board that it should continue granting five day emergency variances to permit the double-celling of sentenced prisoners for the remainder of the Legal Aid strike.

David Lenefsky requested that staff closely monitor the Department's use of all available housing space.

The next Board meeting was set for January 17, 1983 at 2:00 P.M.

Carol Shapiro then presented Board members with a paper on alternatives to incarceration. Following discussion, it was agreed that the Board would review its past recommendations and those options presented by Ms. Shapiro in order to develop a plan for dealing with the persistent overcrowding in the City's jails.

Judith LaPook reported on the lack of shelter on the Queens side of the Rikers Island bridge for visitors to Rikers Island and the Department's decision not to construct a shelter. Staff was directed to draft a letter to the Commissioner asking him to take action on this problem.

The report to the Board by Sue Bellinger of the Human Services Management Institute, Inc. on the stress reduction program pilot was adjourned.

Judith LaPook reported on the decision in the Burns/McCreary case.

The meeting was adjourned at 3:30 P.M.