

MINUTES

BOARD OF CORRECTION

February 14, 1983

A regular meeting of the New York City Board of Correction was held on February 14, 1983 at the Board's offices at 51 Chambers, Manhattan.

Board members in attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Wilbert Kirby, David Lenefsky, David Schulte and Rose M. Singer.

Excused absences were approved for Angelo Giordani and Barbara Margolis.

Board staff members in attendance were Michael Cleary, David Johnson, Judith LaPook, Judith Ennett, Sherry Goldstein, Deirdre Nurre and Barbara Treen.

The meeting was called to order at 2:40 p.m. by Chairman Peter Tufo.

Sherry Goldstein served as secretary.

Peter Tufo reported on the Board's efforts to implement its proposed minimum standards for mental health services in the City's jails. Mr. Tufo met with Dr. Sara Kellermann, Commissioner of Mental Health, Mental Retardation and Alcoholism Services and Martin Begun, Chairman, Department of Mental Health, Mental Retardation and Alcoholism Services Community Services Board, to discuss these mental health standards. According to Mr. Tufo, both Dr. Kellermann and Mr. Begun strongly endorsed these standards and urged that the Board move forward with their promulgation.

Mr. Tufo went on to report that the Board is now awaiting a cost analysis of these standards by the City's Office of Management and Budget (OMB) before they can be promulgated. According to Mr. Tufo, the City administration will not endorse these standards until it has reviewed OMB's cost analysis.

Judith LaPook stated that implementation of these standards would require budget increases in the Departments of Correction, Health and Mental Health. Also, the Mayor's Office has not indicated how much of a budget increase required by these standards would be acceptable, although there appears to be consensus that mental health standards are definitely needed. Peter Tufo commented that it is possible that these standards might have to be modified if adequate City funds cannot be made available to implement them as presently drafted.

Peter Tufo then stated that a meeting was scheduled with the Corporation Counsel regarding the impact of the decision in the McCreary case on the Board of Correction, specifically the court's finding that the Board's decisions on minimum standards appeals are advisory and not binding. Judith LaPook indicated that this decision, in essence, said that since the Board's decisions in such matters are advisory, the court does not have to consider them in reaching its decisions. According to Ms. LaPook, if the Legal Aid Society appeals the court's decision, she would like the court to find that the Board's decisions must be given consideration by the courts in such matters. Peter Tufo, in response to a question from David Lenefsky, stated that he would like to see an appellate decision which said that the issue of the Board's decisions should not have been addressed in the trial court's decision or found that the Board's decisions are binding. Mr. Tufo also stated that consideration is being given to retaining counsel to conduct further research into this issue. Mr. Schulte suggested that counsel might look into a revision to the City Charter to clarify the nature of the Board's authority in these matters.

Judith LaPook then updated the Board on the Department's plan to reduce visits from 5 to 4 days per week on Rikers Island to save money as part of the City's Program to Eliminate the Gap (PEG). In response to the Board's request, the Department agreed to split the two hour weekday visit under the 4 day visit week proposal into two one hour visits if the prisoner desired. Based on that, verbal approval was given to the Department for a six month variance to implement the new abbreviated visit schedule. It was stressed that the Department must submit its final request in writing in order for the Board to give a formal, written decision. To date, this written request has not been received. Ms. LaPook also stated that the Legal Aid Society would be going before Judge Lasker to challenge this proposed new visit schedule.

David Johnson then reported on the suicide of Carlos Bayron at ARDC.

Judith LaPook then stated that two Department requests for variances from minimum standards were before the Board. First, the Department wants authorization to continue to house eight additional prisoners in each detainee dorm at the Anna M. Kross Center (C-95). The Legal Aid Society has agreed to allow the Department to exceed the population cap at HDM and house additional detainees in the C-95 dormitories until March 1, 1983 in return for a commitment from the Department that they will not use the Legal Aid Strike as justification for overcrowding which exists after March 1.

Second, the Department is requesting certain vacancies to allow them to operate the work camps.

Judith Ennett next reported on overcrowding and resultant conditions at C-76, including the outer dormitories.

Richard Koehler, First Deputy Commissioner and Robert Goldman, Deputy Commissioner for Program Services and Legal Policy, of the Department of Correction joined the meeting at 3:15 P.M. Commissioner Koehler reported that the Department planned to operate the C-76 outer dormitories as a separate command under Deputy Warden Inham and outlined the support service structure for this command. He stated that this will be a temporary facility pending approval of funding for a new separate facility. However, it might be carried forward and become more permanent since Dorms 15, 16 and 17 will most likely have to be closed within two years.

Commissioner Koehler then discussed the Department's request for a variance from the Board's minimum standards to allow the Department to continue to house eight additional prisoners in each detainee dormitory at AMKC. He also spoke about the Department's request to Judge Lasker that the cap on the HDM population be removed to allow the Department to utilize the full single cell capacity of HDM to accommodate the rising inmate population. The Department's position is that HDM can accommodate the additional 672 detainees permanently without overburdening the facility and its support services. According to Commissioner Koehler, the Department is also creating temporary emergency housing space at the Women's House and ARDC and will add 426 new spaces when the renovated Tombs opens in July 1983. He indicated that the jail overcrowding problem is now receiving top level attention from the City administration. He also stated that the Department had submitted a series of proposals to the Mayor aimed at alleviating jail overcrowding by reducing the average length of stay per prisoner. According to Commissioner Koehler, this can only be achieved by greater cooperation between the Department, the courts and the District Attorneys. In addition, 10% partially secured bail bonds have been proposed to expedite access to bail and reduce the number of prisoners incarcerated.

Deputy Commissioner Goldman stated that the Criminal Justice Agency needed additional funding to analyze the characteristics of the City's jail population, in order to develop alternatives to incarceration specifically suited to New York City.

Peter Tufo stated that the Board had written the Mayor independently on the need for CJA to generate such a population analysis along with specific population management strategies and mechanisms. However, he added that the Board had been systematically excluded by the Department from participation in the overcrowding task force, the monthly criminal justice forums and other planning efforts regarding the current overcrowding crisis. He stated that it appeared to be Department policy not to cooperate with the Board. He asked that the Board be included in all of these efforts in the future. Mr. Tufo added that it would be a mistaken policy for the Department to continue to ignore and not provide information to the Board, which is established by local statute.

Commissioner Koehler suggested that Board staff and the Department establish a list of areas which the Board wants to be involved in and develop a formal reporting system on these areas between the two agencies.

Peter Tufo stated that this would solve part of the problem, but, primarily, there needed to be a change in attitude by the Department regarding the Board.

Commissioner Koehler stated that it is not Department policy to exclude the Board and once the Department knows what information the Board desires, it will be provided.

Discussion then followed regarding the Hart Island Work Camp and the Department's variance request related to the work camps.

The Department representatives left the meeting at 4:00 P.M.

Judith LaPook then reported that the State Commission of Correction had revised its space requirement for dormitory housing from 75 square feet per prisoner to 60 square feet per prisoner. The Board's 75 square foot requirement was based on the State Commission's original 75 square foot rule.

The Board went into executive session at 4:15.

The next regular Board meeting was scheduled for March 15, 1983.

The meeting was adjourned at 4:35 P.M.