

MINUTES  
BOARD OF CORRECTION

April 4, 1984

A regular meeting of the New York City Board of Correction was held on April 4, 1984 at the offices of the Board of Correction, 51 Chambers Street, New York, N. Y.

Members in attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Angelo Giordani, Mr. Wilbert Kirby, Mrs. Barbara Margolis, Mr. David Schulte and Mrs. Rose M. Singer.

An excused absence was approved for Mr. David Lenefsky.

The meeting was called to order at 1:10 p.m. by Vice-Chairman John Horan.

The minutes of the February 28, 1984 meeting were approved.

Mr. Horan reported on the Personnel Subcommittee's meeting with Commissioner McMickens as follows: Board members Horan, Giordani and Kirby and staff members David Johnson and Richard Wolf met with Commissioner McMickens, Dev Cohn and Carolyn Berry to discuss allegations of sexual and racial discrimination in the Department's employment practices, particularly during the probationary period. Commissioner McMickens was receptive to the Board's concerns. She discussed pending litigation brought by past DOC employees. She expressed the hope that the Board's attention to the problem thus far could cause it to provide her with advice and assistance on the issue in the future. Mr. Horan requested that a staff member be assigned to the issue on a con-

tinuing basis.

Mr. Kirby stated that the Department's EEO responsibilities were not being performed adequately, and that the Board should become increasingly involved. He suggested further that rookie female officers were subjected to sexual harassment and discriminatory pressures. Mr. Kirby reported that the Tracy Edmonds lawsuit was discussed at the meeting. Commissioner McMickens agreed that Edmonds should be returned to work but a question concerning the possibility of personal liability of a correction captain prevented it at this time.

Richard Wolf reported that the Board agreed to emphasize in its presentation to new recruits the importance of excellent attendance as a precondition to successful completion of the probationary period. In addition, the Board will receive complaints of sexual harassment and discrimination. Mr. Wolf also noted that Commissioner McMickens promised to develop procedures enabling the Department to take corrective steps early in the probationary period.

Barbara Dunkel reported on the oral argument before the U.S. Supreme Court in Block v. Rutherford. She stated that the Board's brief figured prominently in the arguments. The attorney for Los Angeles argued that contact visiting procedures were too difficult for a large and diverse urban correction system. The Board's brief documenting New York's experience substantially refuted this argument. Los Angeles' position was, of necessity, grounded in the argument that in no case could denial of contact



visits be construed as undue punishment. Attorneys for the inmates argued that an absolute ban on contact visiting was an overreaction to the correction administration's problems of security and costs. Mr. Schulte asked what effect an adverse decision would have on New York. Ms. Dunkel answered that a decision against contact visiting could have an adverse effect on the budgetary process, because New York City Standards may be viewed as more generous than Constitutional rights. Chairman Tufo requested the Board's permission to write a letter of thanks to Professor Peggy Davis for her invaluable assistance in writing the brief. Chairman Tufo reported that the Board had not been able to raise funds from outside sources to pay Professor Davis for her work. However, the Board did have sufficient funds to pay for the services of Professor Davis' legal assistant related to the preparation of this brief.

Ms. Dunkel reported on staff's analysis of the incidence of inmate injuries at ARDC, as follows: She stated that Board staff had received a series of informal allegations that injuries among ARDC inmates had been rising rapidly in recent months and that this information triggered a systematic examination of ARDC. In studying this alleged increase in violence, Board staff attempted to define the level of violence at ARDC and the degree to which DOC procedures, policies and staffing patterns control levels of violence. Board staff evaluated CCC reports, in terms of how adequately they represent the total number of violent incidents, and almost 2000 Inmate Injury Reports from ARDC, to study persons involved in each incident, location of incident, degree of injury and whether staff was present. Injury reports from the first

quarters of 1983 and 1984 were analyzed and compared. Board staff determined that violence had increased tremendously. The number of injuries not witnessed by DOC staff increased 197% from 1983 to 1984. Almost every other category of injury to inmate also increased drastically. When these initial study results were known, Board staff contacted DOC administration to inform them of the study, and within a week ARDC's warden and three deputy wardens had been transferred to new positions.

Board staff continued to work with data from ARDC by comparing it to violence and injury levels at all other DOC institutions. Injury reports and clinic and security records at all institutions were reviewed. Board staff believes that DOC records in some institutions did not accurately reflect injury levels, particularly at CIFM and AMKC. After ARDC, CIFW and Rikers Island Hospital seem to have the highest rates of violence. This might be attributed to better record keeping than at other institutions. The study demonstrated that the Department generates much information which is never used since central office was unaware of the extraordinary increase at ARDC in injury to inmate reports.

Mr. Kirby expressed his opinion that merely reviewing incidents and making estimates was insufficient and inappropriate involvement by the Board. Mr. Kirby also felt that such studies by the Board had not brought about sufficient changes in the past. Chairman Tufo responded to Mr. Kirby by remarking that the ARDC findings and the involvement of the Board in Block v. Rutherford were exactly the kinds of activities in which the Board could be most effective. Mr. Giordani stated that the



Board should continue to engage in high-level administrative interaction as well as continued contact at the institutional level. Mrs. Singer suggested that institutional violence estimates may be distorted by the many inmates who are afraid to report incidents. Mr. Giordani stated further that the inmate population's unwillingness to provide more information stems from certain differences of inmates' attitude about incarceration.

Mr. Schulte suggested that studies of violence after it occurs did not sufficiently address the need for prevention of violence. Mr. Giordani responded that the ability to correlate problems through patterns in existing records could address problems of poor management. Mrs. Singer stated that the Department attempted to address inmate concerns and complaints about violence by directing them to make their complaints in writing. Mr. Kirby remarked that many incidents go unreported, including a recent incident at the Manhattan House of Detention in which six officers went to the hospital. Mr. Giordani remarked that the analysis of DOC management practice through existing channels of information was so important that the Board should acquire a computer to complete more sophisticated analysis. Mr. Giordani offered use of his office staff to help train Board staff in use of a computer.

Chairman Tufo requested a report from Board staff on how operations at ARDC had changed since incoming Warden Quaslim Inham had begun supervising ARDC. Ms. Judie Ennett, CSRS, reported that ARDC had one unusual incident reported to CCC the weekend after Warden Inham arrived in comparison to a previous

average of 10 to 11 per weekend. ARDC staff have begun a pilot project of officers using keys for passage through locked areas instead of controlling movement through automatic locking devices. This is an attempt to increase the physical presence of staff in areas where violence is more likely to occur. Multi-angle mirrors are also being installed in dayrooms to increase areas visible to housing area control booths.

Mr. Schulte commented that there is no real deterrent to violence in jails and that violent actions are not made a significant part of an inmate's probation report. He remarked that one way to stop an inmate from damaging Department property was to charge him with the cost of the property. Chairman Tufo remarked that district attorneys often choose not to prosecute cases involving incarcerated inmates for the reason that it does add to their conviction rate. Chairman Tufo suggested that the ratio of officers to inmates was a significant factor for study. Chairman Tufo stated the need for a more defined approach to classification, and that the information on violence levels should be made available to classification personnel. Chairman Tufo stated that before a final report on ARDC is written that preliminary findings should be presented to the wardens to obtain their opinions. He directed staff to complete its findings for presentation at the next Board meeting.

Mrs. Margolis discussed classification's effect on ARDC violence. She expressed the opinion that the segregation of adults and adolescents was more for purposes of the adults'



feelings of security that the adolescents'. She also said that a facility of adolescents was not ungovernable, because sufficient order was maintained during the administrations of Wardens Cinotti and Bain.

Chairman Tufo raised the issue of the Department's request to Judge Lasker to raise the population caps at certain facilities. Richard Wolf outlined the components of the Department's proposed order:

- 1) The Department's first request is to maintain the 1200 cap at HDM, but allow that facility to reach that cap by increasing by ten inmates the capacity of each general housing block. Presently HDM houses only 1050 inmates because of special housing area limitations;

- 2) At AMKC the Department proposes to raise the per-dorm cap from 50 to 58 and in six new admission and transfer dorms increase from 58 to 66, with maximum stay not to exceed 14 days;

- 3) At ARDC the Department proposes to increase the density in new admission areas and modulares from 50 to 60 (14 day maximum);

- 4) At CIFW the Department seeks to increase the density in 3 new modulares from 50 to 60 (14 days maximum);

- 5) At the North Facility the Department seeks to provide only 50 sq. ft. per inmate.

- 6) As a "last resort" request, the Department proposes to increase each housing block at HDM by increments of 10 inmates, bringing each block from a cap of 150 to a cap of 200, thereby increasing the facility's capacity to 1480.

Ms. Dunkel reiterated that the most problematic facility for a prospective increase in inmates would be the North Facility, which is already below standard and lacks adequate plumbing fixtures and dayroom space. Lack of sufficient data on its incident levels also poses problems in planning for possible population increases. Ms. Dunkel further said that an increase to 58 at AMKC dorms seems reasonable in light of the Board's having already approved capacities of 58 for periods of 14 days. Mr. Wolf noted that monitoring a 14-day rule would be problematic because it could cause inmates to be constantly shifted among housing areas, possibly moving from one 14-day dorm to another so as to not to exceed the time limit in any one area. Mr. Wolf stated that the Department had not presented any data on the ability of current staff to facilitate and monitor this inmate movement. Ms. Dunkel expressed the belief that 50 square feet might be adequate at the North Facility only if physical attributes such as dayroom space and bathroom facilities can be improved.

Mr. Schulte inquired what the total increase in capacity would be if all parts of the proposed capacity increase were granted, and what standby plans the Department had arranged if any components of their submission to Judge Lasker were not granted. Board staff responded that the Department had to design components of its submission to the Judge with the possibility that the planned capacity addition of the Brig would be delayed by litigation. The only module additions remaining to be opened are 200 beds at C-71 in early May. Mr. Wolf stated that



DOC estimates a total yield of 649 beds if Judge Lasker grants all relief requested by the Department. Without increasing the facility capacity at HDM beyond 1200, the Department expects a yield of 369 beds.

Mr. Wolf stressed the importance of the Board's decision on the amendment request in light of the submission to Lasker. The latest steps on the amendment decision included Board staff observing Department staff measuring certain areas in an attempt to resolve space computations which differ greatly between the Board and the Department. Staff recommended that the Board solicit opinions from key agencies and organizations affected by standards issues, such as the Correction Officers Benevolent Association, the Captain's Association, the Office of Compliance Consultants and the Correctional Association. The Board discussed the need for obtaining outside opinions. Vice-Chairman Horan stressed the need for the Board to be receptive to other public bodies on this issue. Chairman Tufo added that the solicitation of outside opinions did not hamper the Board's independence to reach its decision.

Mrs. Margolis inquired whether the work-release program was contributing to the alleviation of overcrowding problems. Ms. Dunkel reported that the work-release program was close to in-operative. David Johnson reported that the latest population in the facility was 5 persons. Chairman Tufo noted that the Department was likely to claim that it had no inmates who qualified for work-release. Mrs. Margolis stated that if space planning

was inadequate, the Department should study release practices of other jurisdictions, particularly Chicago, which had had a recent release much larger than New York's.

Chairman Tufo reported that new staff had been recruited. He introduced new CSRS Brenda Lloyd, and reported that a special compliance monitor for health and mental health issues would start with the Board in the middle of May.

Chairman Tufo recommended that since this meeting had been a postponed meeting from March, that the Board meet again for its regular April meeting. The next meeting was scheduled for Thursday, April 26, 1984 at 12:30 p.m.

Mr. Kirby requested that the Board meet in executive session. The Board entered executive session at 2:55 p.m.