

MINUTES

BOARD OF CORRECTION

DECEMBER 18, 1984

A regular meeting of the New York City Board of Correction was held on December 18, 1984, at the offices of the Board of Correction, 51 Chambers Street, New York.

Members present were Chairman Peter Tufo, Angelo Giordani, Wilbert Kirby, David Schulte and Rose M. Singer.

Chairman Tufo called the meeting to order and requested any amendments to the minutes of the October 23 and November 29 meetings. Mr. Schulte asked that the minutes be written more clearly and that titles of commissioners be used. He also asked that page 2, paragraph 3 of the November minutes be clarified. The Board approved the October and November minutes.

Chairman Tufo stated that several changes to the Mental Health Minimum Standards had been requested by agencies involved in the standards development. Executive Director Richard Wolf discussed the proposed changes. The Department of Health requested that the words "full and comprehensive" be deleted from section 4.5. Other minor language changes were requested for sections 4.5 and 6.3. Mr. Wolf said that the Montefiore contract negotiations were taken into consideration in determining the implementation dates for various sections of the standards. Mr. Wolf discussed the need to set implementation dates for each section of the standards. The standards will be published for a third time in the City Record, incorporating the most recent changes.

Chairman Tufo requested any comments from the Board on the recommended changes. There were none. Chairman Tufo brought the Standards to a vote. The Standards were approved unanimously. Chairman Tufo stated that Barbara Margolis and John Horan had requested that their votes be recorded as approving the revised Standards. Chairman Tufo reported that Board of Correction staff had dedicated intense effort to the standards process, with the result that the Standards were now precise and the agencies which will implement the standards regard them very seriously. Mr. Wolf praised the work of Board staff member Elizabeth Armao on the Standards.

Mr. Schulte asked how contract mental health services to Montefiore would affect implementation of the Standards. Mr. Wolf noted that the Montefiore contract was for 3 years. He also noted that Montefiore had been the first prison health care provider to be accredited by the Joint Commission for the Accreditation of Hospitals. Even though most mental health services on Rikers Island will be contracted out, the City retains ultimate responsibility for

the care of inmates in its custody. If the Montefiore contract is not renewed, mental health care will have to be provided by the Department of Health.

Mr. Kirby noted that enforcement of the new Standards was critical, citing a recent inmate death. Mr. Kirby said that Department staff told him the AMKC Clinic was notified at 5:00 a.m. that the inmate was ill, but did not respond until 7:00 a.m. Chairman Tufo asked staff to investigate the case.

Chairman Tufo reported that the Board would hear a request by the Department to extend the current variance on outdoor recreation at the Brooklyn Correctional Facility (the Brig). He noted that the Department had been scheduling Brig inmates to attend recreation at other facilities over the past several months, but that attendance was minimal. Board staff had contacted Department staff several times to voice Board concerns and suggest schedule revisions.

Counsel Barbara Dunkel noted that the Department had originally intended to offer outdoor recreation at the Brig by January 1, 1985. They had requested a variance to provide one hour of recreation for three days a week, which the Board granted on May 24, 1984. Under the variance, Brig inmates were recreating in Brooklyn, Queens, and the Manhattan Houses of Detention. This recreation schedule did not succeed in providing real opportunities for outdoor recreation because of long delays in transportation between facilities, schedule conflicts of recreation with other vital inmate services, lengthy waits in holding pens, and the time lost in traveling to a facility and back.

Board members asked about the number of Brig inmates which were affected by the outdoor recreation schedule. Ms. Dunkel responded that since outdoor recreation was unavailable in the Brig, all 200 occupants of the Brig were affected. She said that Board staff had notified the Department that the Board was willing to consider a reduction in total recreations hours if recreation was made more accessible and provided during daylight hours. The existing schedule is unreasonable because recreation hours are scheduled at night when it is cold and dark. Minimum Standards require that outdoor recreation areas have direct access to sunlight. The schedule also causes inmates to return to the Brig at a late hour and miss other evening activities such as telephones and visits.

Mr. Schulte asked whether the Department had considered using recreation facilities at the Navy facility across the street from the Brig. He said that it might be possible for the Department to lease space from the Navy. Chairman Tufo said that such a plan might exacerbate the community controversy over outdoor recreation.

Ms. Dunkel said that the Board's concerns had been summarized in a December 10 letter to the Department in which the Board cited specific evidence that the plan for alternative recreation was inadequate and asked for an alternate plan. Ms. Dunkel cited Board staff, Judie Emmett, Deirdre Nurre, and in particular, Laura Limuli for gathering the necessary supporting evidence.

Chairman Tufo noted that although the Department's variance was about to expire, the Department had not submitted any revised proposal.



Chairman Tufo welcomed Department staff who joined the meeting. Staff included Assistant Commissioner Janie Jeffers, Deputy Commissioner Frank Headley, Deputy Commissioner Albert Gray, Deputy Commissioner Sharon Keilin, and Special Counsel Robert Daly. Chairman Tufo requested that the Department provide further comments on the proposed space standard. Department staff reported that Commissioner McMickens had prepared a statement for the Board reflecting her present position on space standards.

Commissioner Keilin discussed plans for the ARDC Lower Dorm. The Department remains committed to housing 75 people in the dorm. The Board has expressed strong reservations on the size of the dorm and called for measures to alleviate the problems that will be caused by using this dorm to house a large group of detainees. Commissioner Keilin stated that the Department had now designed a partition and a centrally placed dayroom for this dorm as a measure to control dorm size. Tentative plans to monitor this dorm include the posting of a "B" officer to circulate between the areas and closed circuit TV cameras in the dayroom. Both sides will use the same shower and toilet facilities. Ms. Dunkel asked whether the 2 areas would be sound separated. Commissioner Keilin responded that a plexiglass barrier would extend from a waist-high solid barrier to the ceiling, providing floor-to-ceiling sound separation. Plexiglass barriers would also extend the officers' line of vision. Board staff expressed a preference that sentenced inmates be housed here instead of detainees. Board staff remarked that the lower dorm was directly adjacent to the woodshop in which sentenced inmates will work. Commissioner Keilin responded that the area had been planned for detainee space because more detention space is needed.

Chairman Tufo remarked that the Board was troubled by a dorm of that size for detainee housing. Up until this time, a capacity of fifty inmates had been the generally-accepted maximum dorm population. The maximum was a condition of the Department's Master Plan. Closed circuit cameras are a supervisory aid but they should not be used to replace staff.

Board staff asked if the dayroom would be open at all times. Commissioner Keilin affirmed this. A Board member expressed interest in having an officer's station inside the dayroom. Mr. Schulte asked if the Board could have some role in recommending to OMB that additional staff is needed for the Lower Dorm. Commissioner Keilin said that the Board's opinion would be helpful. The Board expressed interest in the Department's replacing the projected detainee population with a sentenced population in the Lower Dorm as soon as practicable. The Board expressed reservations that closed circuit cameras could be damaged by inmates. Commissioner Keilin reported that cameras could be contained in protective cages. She noted that the adjacent wood shop was due to be completed at the same time as the Lower Dorm.

Ms. Dunkel asked about the Department's plans to add plumbing facilities to the Lower Dorm. Commissioner Keilin stated that toilets and showers would be added to comply with standards. She added that plumbing facilities were also in order for the North Facility, and that new tables and chairs for the North Facility were ordered.

Chairman Tufo noted that he had received word that Commissioner McMickens' statement on caps and the space standard had been sent to the Board during the course of this meeting. He asked that Department staff report on the request for a renewal of a variance on the outdoor recreation for the Brig.

Commissioner Headley reported that staff-to-staff discussions had been held between the Board and the Department to devise a new recreation plan. The Department has designed a 3-day program which incorporates daylight hours. Department administration met with the Wardens to improve the recordkeeping for recreation and better track inmate participation. An inmate council meeting was held at the Brig last Friday at which the new proposal was outlined. Commissioner Headley said that it was well received. During the first two days of the new recreation schedule, 3 Brig inmates signed up to attend recreation. All three later refused to go. The recreation schedule could be expanded after the Tombs roof is completely operational; it is now in process of being repaired.

Mr. Schulte remarked that the Naval Station across the street from the Brig might have open land or an unused gym area which could service Brig inmates. He suggested that Department staff investigate the possibility of leasing such facilities.

Board staff noted that in considering the number of people who attend recreation, it is more important to contact those who did not attend to learn why they refused. Staff suggested that delays in transportation were a disincentive for inmates. Special Counsel Daly remarked that those inmates who chose to attend outdoor recreation at their work site did not prevent the other Brig workers from returning to the Brig; a separate bus is provided for inmates who participate in recreation.

Chairman Tufo thanked the Department staff for their reports. Department staff left the meeting.

Chairman Tufo asked the Board for comments on the recreation variance. Mr. Schulte remarked that it would be difficult not to agree to the variance, since no new outdoor recreation alternatives existed. Mr. Giordani remarked that their request for an extension at this time of the year was not very significant because requests for outdoor recreation are low during the winter. He recommended monitoring the current plan and designing an improved plan for implementation in the warmer months. Staff suggested a possible four-month variance to expire in April 1985. Mr. Giordani suggested that the Board's response to the request should contain certain conditions. For example, the Board should focus on the transportation problems and time the trips to determine unnecessary delays. Mr. Wolf suggested monitoring the indoor recreation areas to determine whether expanded indoor recreation opportunities have been continued. It was recommended that the Board accept a three month variance, under the condition that records be maintained to enable monitoring of the program, that the Brig population is not increased and a revised plan be implemented when the weather becomes warmer. Chairman Tufo called for any objections to extending the variance. There were none. The extension passed.



Chairman Tufo informed the Board that the letter from Commissioner McMickens had arrived. He summarized the letter briefly. He recommended that staff analyze the new information and discuss it with the Board. He indicated that the letter showed progress in the Board's attempt to convince the Department of the need for caps, but that the Commissioner's language should be made completely clear before the Board offered a response.

The next meeting was scheduled for January 14, 1985 at 2:00 P.M.

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