

MINUTES  
BOARD OF CORRECTION  
SEPTEMBER 18, 1984

A regular meeting of the New York City Board of Correction was held on September 18, 1984 at 1:00 p.m. in the offices of the Board of Correction, 51 Chambers Street, New York, N.Y.

Members present were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Wilbert Kirby, and Mrs. Rose M. Singer.

Excused absences were approved for Mr. Angelo Giordani, Mr. David Lenefsky, Mrs. Barbara Margolis, and Mr. David Schulte.

Chairman Tufo reported that the quorum would consist of 4 members.

Chairman Tufo introduced Mr. John Rakis, formerly Director of Health Systems Management for the Department of Correction, as the Board's new Deputy Executive Director.

Chairman Tufo announced that Board staff was preparing a strong response to the deceptive letter received from the Department regarding the proposed space standard and its introduction of population capacities per dorm. He further reported that the Department had made misstatements regarding amendment provisions concerning access to toilets and plumbing fixture ratios. A letter from the Department informing the Board of its opposition to the proposed standard is timely because the amendment process is now open for comment before the standard is revised and adopted. However, the Department's letter misstated the history of the discussions held between Department and Board staffs. Chairman Tufo reported that at the first meeting held after the Department requested that the Board amend its standard, he announced to former First Deputy Commissioner Bob Goldman and to First Deputy Commissioner Peter Seitchik that caps were a possible remedy to increased density that the Board would consider in amending its square footage standard. Chairman Tufo had asked Commissioner Goldman to assess the impact of caps. Chairman Tufo indicated that the Commissioner's letter was probably not intentionally based upon misinformation, but the Board's credibility had been attacked by the Department's sending the letter throughout the city. Department staff may have felt unsuccessful in their arguments with the Board staff on space standards and so claimed that the standards development process had been unfair as a way to force the standard to be revoked.

Executive Director Richard Wolf stated that the Department overestimated the total number of beds they would lose through the standard.

Mr. Kirby stated that he did not remember the Board's dealing with caps. He stated that he understood the importance of the issue, and recommended that that portion of the vote be set aside for further discussion and a re-vote. Chairman Tufo said that Mr. Kirby had moved the amendment to a vote. Mr. Kirby said that he realised this but that he was willing to let it be set aside.

Counsel Barbara Dunkel stated that the Board had gone out of its way to accommodate existing Department facilities within its standard. The Board had decided to go above ACA and State Commission standards in order to accommodate existing Department facilities, ie 60 per sentenced dorm. Mr. Kirby inquired whether the amendment process had gone too far to revoke any portion of the amendment that was unfair. Chairman Tufo responded that the Board can make any change in the proposed standard that it sees fit. If the standard is passed in its current state, the Department can apply for a variance or the Board can decide to apply its standard only to new construction.

Mrs. Singer recommended that a simplified statement on what the Board of Correction had voted be prepared for the record. Chairman Tufo responded that the issue of caps was clearly recorded in earlier minutes.

Mr. Kirby recommended that whenever Board staff meets with any higher-level Department official, that a report should be developed for the Board. Mr. Wolf responded that Board staff already briefed the Board on all its interaction of this kind, and that a report on every meeting would be unnecessary paperwork. Mr. Tufo stated that the purpose of staff reports at Board meetings is to share this type of information. Mr. Tufo said that the word of the Board's staff was that caps had always been discussed as one of the components to ameliorate the ill-effects of a loss of square footage, and that it had been an important balancing mechanism.

The Chairman outlined the issues to be discussed with Department representatives as classification, construction plans, the opening of the third floor of the Brig, recreation alternatives during variances at Brooklyn, Queens and the Brig, and an extension of the variance for the five-day law library schedule.

Representatives from the Department of Correction joined the meeting at 2:20 p.m. Representatives included Janie Jeffers, Assistant Commissioner of Compliance and Field Audit, Jerry Pasichow, Assistant Commissioner for Construction, Devora Cohn, Counsel, Gloria Lee, Chief of Operations, and Frank Headley, Deputy Commissioner for Programs.

Chairman Tufo introduced Commissioner Headley to the Board and congratulated him on his appointment. Chairman Tufo requested that the Department discuss the Master Plan, its construction plans, and

process on the Brig. Mr. Pasichow reported that three projects were operating under existing variances. Construction of the new gym floor for HDM began on August 27, 1984 and should be completed by September 25, 1984, although work seems to be nearly completed now. Work on the Brooklyn roof was supposed to have been concluded today under the conditions of the variance, but there was a delay of an additional 3 days. The use of a crane caused the delay. Mr. Pasichow stated that the Queens roof construction would not go past the 14 days allowed by the variance. Mr. Pasichow informed the Department of General Services (DGS) to inform the contractor that 14 days would be the longest time that the project could continue.

Ms. Dunkel inquired about the plumbing problems, outdoor recreation plans, and third floor construction in the Brig. Mr. Pasichow reported that there had been a series of leaks and disruptions in the plumbing, due to the age of the plumbing system. DOC staff has convinced DGS to install six cutoff valves to shut down sections of the building plumbing instead of having to shut down the entire building. Ms. Dunkel asked about installation of privacy partitions for bathroom facilities and ventilation for showers. Mr. Pasichow answered that DGS architects are working on partition arrangements. Asbestos removal will be completed on the third floor.

Mr. Wolf inquired about meetings held to construct toilets in dayrooms. Mr. Pasichow said that DGS quoted the construction price for the project as one million dollars. Chief Lee reported that plans for additional toilets were still under review. Ms. Cohn stated that additional toilets were no longer under consideration due to their prohibitive cost.

Mr. Wolf asked for the total cost of Brig construction to date and the estimated total cost. Mr. Pasichow reported cost so far as \$18 million, total projected construction costs as \$33 million, and total costs for the entire project as \$40-50 million. Mr. Wolf asked what elements this estimate included. Mr. Pasichow said that these estimates were certain construction costs, and that cost estimates of other elements could be learned from DGS.

Chairman Tufo asked for a report on the Master Plan. Mr. Pasichow stated that the plan has become a strategic planning document in the context of the Department's expansion program. A panel of experts will be working on the plan. The plan will not address the borough facilities but will deal specifically with Rikers Island. An analysis is underway which will determine how program services should be expanded, including health care and administrative services. Mr. Pasichow indicated that the document would be complete in October 1984.

Ms. Dunkel inquired about the food preparation capabilities (kitchens) for new construction on Rikers Island. She indicated that Commissioner Keilin had said that the new North Facility would be a fully autonomous structure. Commissioner Pasichow stated that for the first 18 months after its construction, food preparation would be

handled by the HDM kitchen and delivered to the North Facility, after which time the North Facility will have its own kitchen. The scheduled capacity of the North Facility has been revised from 650 to 800. The budget for the facility was predicated on a population of 650, but because the female population in the past few months has been as high as the total projected capacity of the facility, capacity has been revised upward. Under the 650 capacity design, a sink and toilet are located in each room/cell.

Mr. Wolf inquired about the Department's plans for dividing the AMKC command. Chief Lee responded that dividing AMKC is still a possible element of the Department's strategic planning document.

Mr. Dunkel inquired about planned partitions and bathroom ventilation fans for the Brig. Mr. Pasichow said that DGS had not completed such plans. He said that within this calendar year, planning documents would be done, and that work on the Brig's fourth floor would be ready to begin.

Mr. Wolf asked for the Department's plans for outdoor roof recreation in the Brig. Mr. Pasichow stated that outdoor recreation service was likely to occur later than January, at which time the variance will run out, and the Department will probably seek extension of the variance. Mr. Wolf requested that the Department contact the Board as soon as possible to report whether a variance extension would be requested and for what period of time. Mr. Pasichow said that the two parts of the roof recreation area, as well as the kitchen would most likely not be finished by February 2, 1985. The projected date of the project's reaching 95% completion was supposed to be February 2, and the Department predicted an additional 30 days for occupancy.

Department staff stated that First Deputy Commissioner Seitchik had sent updated information on projected capacity to Judge Lasker. Mr. Wolf asked whether projected capacities included the 3rd floor in the Brig. Department staff did not know whether the 3rd floor in the Brig was included.

Board staff asked the Department to comment on its proposed classification plan. Chief Lee responded that the Department had hoped to implement its current plan, but that it had failed to take into account the city's new projected capacity of 10,500. The plan had been devised and monitored with a projected capacity of 10,300. Also, the Department's Director of Classification had had surgery recently and was unable to progress further with the plan.

Chairman Tufo stated that the original draft of the Minimum Standards had empowered the Board to construct a classification system, but it had been decided that the Department was better able to formulate its own plan. Therefore, the final standard had been revised to direct the Department to create its own system, and to seek approval from the Board before implementation. Chairman Tufo requested that the Department comply with the approval process and that if the Department studied its plan on a pilot basis, that the Board be notified to monitor it. Chief Lee agreed to comply with the request.

Mr. Wolf requested that the Department report on its plans for the law library. Commissioner Janie Jeffers reported that the Board and OCC had raised a number of problems concerning the five-day system. In response to these complaints the Department has re-written a number of its institutional orders to make definitions of recall and extra time more explicit, as well as to clarify the responsibility of officers to get people to law library. Chairman Tufo indicated that the Board would probably grant an extension on the law library variance but that this extension would be the last. Chairman Tufo thanked the Department for its presentation and the Department representatives left the meeting.

Chairman Tufo called for a decision on the law library variance. David Johnson, Director of Field Operations recommended that the Board grant a final three-month extension of the variance. Mr. Wolf reported that the free-movement component of the new classification system may alter current law library operations under the variance and raise new problems. An extension of the variance may help expose these problems to monitoring groups. The Board voted unanimously to extend the variance by an additional three months.

Chairman Tufo reported that the Board was prepared to publish its draft Mental Health Minimum Standards for comment pending the Board's approval of a few recent changes to the draft. Mr. Wolf said that the changes had evolved from discussions with Victor Botnick and Department of Mental Health Commissioner Sara Kellermann. The Board had already sent copies of the draft standards to DOC, Department of Health, Department of Mental Health, Corporation Counsel, Office of Management and Budget, and the Criminal Justice Coordinator. Before the standards appear in the City Record, they will be sent to the Mayor's Counsel for a five-day comment period. Mr. Wolf recommended that the standards be published promptly since the affected agencies will otherwise raise issues interminably. He stated that the Department had left its comments at today's meeting and that Board staff had not been able to read them.

Chairman Tufo said that he had looked over the letter and that the Department claimed that section 6.3(d), on use of restraints, was objectionable and should be changed. Mr. Rakis advised that it was necessary to state specifically how restraints could or could not be used. The use of restraints has been an area of dispute between mental health and corrections staff. Many mental health staff wish to include this section. Chairman Tufo said that he was concerned about how lower-level corrections staff would perceive this standard, because it was important that standards be enforced with a minimum of bad feeling. Mr. Wolf said that officers would be guided by the policies developed from the standards, probably not by the standards themselves. It was agreed that the language would be modified and moved into section 6.1 (policy).

Among the changes in the draft approved by the Board were the following:

- Name of standards: Board of Correction Mental Health Minimum Standards for New York City Correctional Facilities;
- The three agencies which will participate in the implementation and service delivery process named in section 1.1 (Service Goals);
- Language was adopted stating that the New York City Department of Health and the Department of Correction with the approval of the Department of Mental Health shall design and implement a mental health program to provide, etc;
- Language was adopted in section 2.3(b) stating "... at least one officer in every housing area on every tour shall be trained...";
- In section 3.2(a) staff will be referred to as "mental health services staff";
- The term "inmate" instead of "inmate/patient" shall be used throughout the standards for consistency;
- Section 3.2 (d) shall read, "promotes the maximum";
- In Section 4.1, changes were "mental health care" instead of "psychiatric care" and "promotes maximum observation";
- Attorney notification required by Section 4.3(b) (ii) and (iii) shall be deleted due to impossibility of performance;
- Section 4.3(d) will be deleted because it is redundant;
- Section 5.2(b) (i) shall read "two weeks";
- Section 6.3 (g) (h) and (i) were renumbered and amended to require that orders for restraints or seclusion be valid for no longer than two hours;
- Section 7.2 (a) shall read, "... shall promptly inform..." and subsection (vi) will read "requiring treatment in a mental health facility".

The standards shall be sent to the Mayor's Counsel for a five-day comment period before being published in the City Record.

The Chairman asked if all were in favor of publishing the Standards. The Board unanimously approved their being published.

The next Board meeting will be held Tuesday, October 23rd at 2:00 p.m.

The meeting was adjourned at 3:30 p.m.