

Board of Correction
Minutes
October 27, 1986

A regular meeting of the New York City Board of Correction was held on October 27, 1986, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Angelo Giordani, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte, and Rose Singer. Excused from the proceedings was William Booth. The meeting was called to order at 2:35 p.m.

The minutes from the September 3 and October 20 meetings were approved.

The following members of the Department of Correction joined the meeting: Commissioner Richard Koehler, First Deputy Commissioner Peter Seitchik, Deputy Commissioner Sharon Keilin, Deputy Commissioner Janie Jeffers, General Counsel Robert Daly, and Chief of Operations Thomas Murray.

Chairman Kasanof informed the Department that the present inmate population level is unacceptably high. He stated that the Board is worried about the increasing inmate population, and the effect of this increase on the correctional staff. Chairman Kasanof stated that there must be some number of inmates above which the Department believes it cannot maintain safety and security. He reminded the Department that some months ago he had asked for demographic information about the inmate population. Chairman Kasanof again asked whether the Department could identify those new admission detainees who are most likely to be released within 15 days.

Commissioner Koehler stated that in response to a request from the Mayor, the Department is analyzing which inmates come into the system for fifteen days or less and how these inmates leave the system. The analysis will enable the Department to better understand why judges release certain inmates and how other inmates make bail. Chairman Kasanof commended the Department on its efforts in this regard, and asked that the Department share its findings with the Board. Commissioner Koehler agreed.

Chairman Kasanof stated that there was a variance request before the Board and asked Commissioner Koehler to discuss the Department's proposal with the Board.

Commissioner Koehler gave a brief history of the overcrowding problem. He stated that, in 1983, there was an inmate release in New York City, and at that time new construction plans were developed to prevent a recurrence. The plan worked well until April 1986. Arrests for serious felonies during this period increased, and greater law enforcement resources were allocated to drug investigations, significantly increasing arrests, particularly for "crack" and cocaine. Two hundred additional narcotics officers were brought into the police force and 800 more narcotics arrests were made each month. These factors led to overcrowding of the city's jails which already were almost at full capacity in April.

Commissioner Koehler stated that, in July and October, the Department developed emergency plans to create even more bed space. Also, the Department asked Judge Lasker for the same type of relief granted in Lareau v. Manson, in which the Connecticut Department of Correction was permitted to house inmates in closer quarters for a maximum of 15 days. Commissioner Koehler stated that Judge Lasker recently indicated that he would not hold the Department in contempt if it began to house new admission detainees at less than 60 square feet for short periods of time. The Commissioner pointed out that, unlike the circumstances of the Lareau case, the Department would be increasing staff and services in those areas where new admission inmates are housed in closer quarters. By so housing inmates in closer quarters, the Department expects to house as many as 800 additional inmates in its present facilities.

Commissioner Koehler stated that in the short term the Department is adding correction staff and going ahead with unit management in the North Facility. The Department is continuing to work with the State to reduce the number of state inmates in the city's jails. These initiatives should enable the Department to manage the population until December when the number of inmates in the system usually decreases.

Commissioner Koehler mentioned the Department's response to the Fisher case, a suit alleging excessive violence at CIFM brought by the Legal Aid Society against the Department. The Commissioner stated that in addition to trying to remove state prisoners from the city jails, the Department is taking steps to monitor centrally allegations of misconduct by correction officers. Commissioner Koehler has also moved some officers from CIFM to other facilities, and has signed a memorandum stating that identification numbers should be worn on all protective vests.

Commissioner Koehler has also asked the City to provide funds for the additional training of correction officers and captains. According to the proposed plan, correctional

staff would come to a central facility twice a year to learn more about handling inmate confrontations without the use of force. Mr. Kirby expressed his support for the new Commissioner's commitment to decreasing violence in the city's jails.

The Commissioner stated that, at present, the Department staff is 400 short of the number required by current tables of organization; however, plans have been made to eliminate this deficit by July. Vice-Chairman John Horan asked what the Department considers the proper inmate to staff ratio. Commissioner Koehler responded that this is 1.75 to 1, and that the current ratio is 1.9 to 1.

Chairman Kasanof thanked Commissioner Koehler for his presentation and stated that the Board would follow carefully the development of the programs described.

Commissioner Koehler stated that the activities of the CERT team on October 17 and 18 were videotaped, but he was skeptical about the content of these tapes. Mr. Schulte suggested that in the future videotaping of the CERT team should be done by an impartial team. Commissioner Koehler agreed with Mr. Schulte's suggestion.

Chairman Kasanof stated that once an inmate arrives on Rikers Island his or her chances of making bail decrease. The Chairman inquired if there is any way to keep inmates closer to their homes so that they might have a better chance to make bail. Deputy Commissioner Jeffers responded by saying that the Department instituted a bail expediting program as a pilot project in the Bronx, and this program has now been expanded to facilities on Rikers Island. Also, through the use of the Fax machines at the borough facilities, family and friends no longer have to go to Rikers Island to bail inmates out of the island jails. Deputy Commissioner Jeffers also stated that the Department will consider seeking borough sites in which to detain briefly new admissions while attempts are made to raise bail for them.

Mrs. Singer asked about the changes the Department will make in CIFW. Commissioner Koehler responded by saying that the same staff and service enhancements being put into the North Facility will also be put into CIFW. The Commissioner also noted that the adults housed in CIFW have now been replaced by adolescents. Chairman Kasanof stated that this must be a short term measure as the adolescents are a special group who should be confined in a single jail.

Chairman Kasanof stated that although the Board wishes to be helpful to the Department as it seeks to solve the persistent overcrowding problem, the Department must not expect the Board to accede to variance requests which will

further crowd present facilities at present staffing levels. The Chairman warned that a population of 14,600 would imperil the public safety and that he would recommend to his colleagues on the Board that they not grant variances which would allow the population to increase to this level.

Chairman Kasanof stated that he did not think it appropriate for the Board to vote on the Department's variance request while requests for similar relief were pending before Judge Lasker. Chairman Kasanof indicated that if Judge Lasker decided against the City in this action, the Department should not expect that the Board would then grant variances to provide the Department with the same relief as that denied by the judge. In the event that Judge Lasker granted the requested relief, the Board would be more inclined to look favorably upon the Department's variance requests. Mr. Kirby moved that the Board defer action on the variance pending a decision from Judge Lasker. The motion carried unanimously. The Chairman added that the Department should keep the Board informed of population estimates and of the proceedings before Judge Lasker.

Chairman Kasanof stated that the Board is asking independent experts to examine the feasibility and safety of the proposed plan to convert a ferry into a jail. He indicated that, unless the Board receives an expert's written assurance that the floating jail will be safe, the Board will not approve the plan.

Mr. Schulte asked the Commissioner about the use of work camps for inmates with 30 to 60 day sentences. Commissioner Koehler stated that this was an excellent idea, and that he would look into it.

Chairman Kasanof thanked the Department, and the meeting adjourned at 3:40 p.m.