

Board of Correction
Minutes
February 17, 1987

A regular meeting of the New York City Board of Correction was held on February 17, 1987, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Judge William Booth, Wilbert Kirby, David Lenefsky, David Schulte, and Rose Singer. Excused from the proceedings were Angelo Giordani and Barbara Margolis. The meeting was called to order at 1:15 p.m.

Chairman Robert Kasanof informed the Board that he had received a letter from the Correction Guardians Association requesting the Board to investigate alleged racial discrimination in the Department's hiring, criteria for promoting and disciplining personnel. Chairman Kasanof, in a phone conversation with the president of the association, requested that he send the Board a letter specifying the disparities that he believes exist. Since this time, the Board has received a letter from the Correction Guardians Association listing six specific categories where blacks allegedly are being differentially treated. The Chairman stated that he will ask the Department to address all six allegations in a written response. Chairman Kasanof further stated that he will be meeting with Manhattan Borough President David Dinkins on this and other subjects and will inform the Board of the president's views and suggestions at the next meeting.

Chairman Kasanof told the Board that the Department has been slow to supply the Board with figures relating to the question of discrimination. Executive Director Richard Wolf informed the Board that the Equal Employment Opportunity office of the Department would be sending quarterly figures, recording demographic information, including race, on all DOC personnel, within two days. Information on disciplinary action taken by the Department against its employees, according to their race and ethnic background, should arrive in approximately two weeks.

Wilbert Kirby stated that, although there is no shortage of blacks qualified for command positions in the Department, they are rarely appointed to these positions.

Vice-Chairman John Horan pointed out that the Board's standards require the Department to hire a sufficient number of Hispanic employees. Mr. Horan suggested that the Board broaden its inquiry to include the Department's record on employing and disciplining Hispanic personnel. Chairman Kasanof responded that, for the present, he would like to limit the Board's inquiry to the specific problems referred to by the Correction Guardians Association, and to the Department's response to these problems.

Chairman Kasanof asked Board staff to examine the Department's written response and the information from the EEO office, and then report back to the Board. Mr. Wolf responded that he and Director of Field Operations Carl Niles will analyze the data.

Chairman Kasanof informed the Board that staff projections for the fall predict a major crisis in the jails with a prison population of 16,000. It is extremely questionable whether the Department can build enough modulars, maintain services, increase staff, and maintain sufficient control of the jails to safely accommodate this excess population. The chairman expressed his concern about the youth and lack of experience of Department staff, and about the erosion of the standards that will be brought about by a continually expanding jail population.

Chairman Kasanof reported that two recent incidents in the jails may be the subject of criminal investigation, and that the U.S. Attorney's office continues to investigate previous incidents in which it is alleged that excessive force was used.

David Lenefsky stated that the constant imbalance between the number of beds at standard and the number of inmates in the system has placed the Board's standards in jeopardy. The Board has not given sufficient consideration to alternatives to incarceration. Chairman Kasanof stated that the executive branch of city government is very resistant to these alternatives. Mr. Lenefsky agreed, but responded that the Board should still look at policy alternatives, so that it may be able to make recommendations to the Department before the anticipated crisis in the fall. Mr. Lenefsky recommended that Board staff prepare a background paper summarizing alternatives to incarceration, and the efforts made by this and other administrations to implement these alternatives. Chairman Kasanof agreed.

Judge Booth stated that the prison population can be reduced by holding bail hearings in the jails. It may take up to 72 hours before a detainee is brought before a judge, and this problem would be somewhat alleviated if bail hearings were held in the jails. Chairman Kasanof agreed with the suggestion and requested the Board to formally press for regular bail hearings in the jails.

Mrs. Rose Singer stated that judges are not visiting Rikers Island and they have no idea of the conditions that exist there. Judge Booth informed the Board that judicial law requires magistrates to visit the jails three times a year. Chairman Kasanof recommended that the Board organize a bus tour for judges. Vice-Chairman Horan added that the tour should occur regularly, preferably twice a year.

Chairman Kasanof informed the Board that he will be receiving Police Foundation tapes on the criminal justice system narrated by Harvard professor James Q. Wilson, and that the Board is purchasing a television and a VCR so that it can watch these and other recordings about the prison system.

At 2:00 p.m., the following members of the Department of Correction joined the meeting: Deputy Commissioner Sharon Keilin, Deputy Commissioner Janie Jeffers, General Counsel Robert Daly, Deputy Chief of Operations George Vierno, and Brig Warden Thomas Laveglia.

General Counsel Robert Daly introduced Deputy Chief of Operations George Vierno to the Board.

Brig Warden Thomas Laveglia reported that the rotation plan implemented in the Brig has been effective. He stated that the Department recently gave 332 detainees the option to leave after their first 15 day period, and only 30 chose to do so. 81 detainees have been given a second opportunity to return to the Island, and only one of these asked to be transferred.

Deputy Commissioner Sharon Keilin informed the Board that the outdoor recreation facility at the Brig is still scheduled to be completed in the beginning of June. The work gang has started placing toilets in the I and K dorms. By March 16, half of the I and K dorms will have new toilets, and by May 15, half of all the housing areas will be completed. While the first half of the dorms will be completed ahead of schedule, the remaining housing areas require a longer period of time for completion as the installation of toilets is more complicated in these particular dorms.

Deputy Commissioner Janie Jeffers reported that Brig inmate participation in outdoor recreation on Rikers Island has increased during the month of February. The numbers are still not very large, but as the weather becomes warmer, the Department expects that more inmates will participate in outdoor recreation.

Chairman Kasanof stated that the Board had received a letter of complaint from the Correction Guardians Association and will be sending it to the Commissioner for a written response.

Chairman Kasanof stated that the Department continues to experience problems with unnecessary use of force by correctional personnel. Two incidents of excessive use of force occurred recently. One incident involved inmates who were brought into the City system to testify against correction officers. While in the custody of the City, they were beaten by correctional personnel, resulting in serious injuries to both inmates. Incidents such as this pose a serious threat to the administration of justice. The chairman stated that, regardless of whether criminal prosecution is successful in this case, such incidents create the impression that the Department is not in control of its jails. He further stated that the issue of violence cannot be separated from the Department's variance requests. If excessive force continues to be used in the jails, he will vote to revoke existing variances and against any future variances.

Chairman Kasanof informed the Department that Board projections predict that the prison population will reach 16,000 by next fall. This creates an enormous building and staffing problem for the Department. The chairman further stated that the median age for correction officers is dropping, and expressed his concern about the effects of extremely crowded jails on young staff.

Chairman Kasanof stated that last fall was a crisis situation in which the jails population exceeded projections. The Board is predicting 16,000 for next fall. The Department will not then be able to declare that this population was unanticipated. The Department must prepare now for the fall. The Board will not abandon its standards for Departmental convenience. The Chairman asked that this message be conveyed to the Commissioner. General Counsel Daly assured him that it would.

Mr. Daly informed the Board that the Department, in an effort to recruit more mature officers, has increased to 38 the maximum age at which application may be made to the Department. Mr. Daly stated that the Department is trying to increase the number of officers and decrease the amount of overtime.

Deputy Chief of Operations George Vierno stated that by June, about 900 officers will have been hired and trained. He expects to lose approximately 200 of these by attrition, leaving a total of 700.

Chairman Kasanof responded that the Board will help the Department as much as possible to get additional staffing. More officers make it easier for the Department to run the jails, thus helping to achieve the Board's goal of a more safe and stable prison environment.

David Schulte asked what construction is planned in preparation for next fall. Deputy Commissioner Keilin responded that the Department is adding 100 beds in February and 611 beds in March. She stated that the Department is looking at long range building alternatives and that she will be able to give a formal presentation to the Board at the next meeting.

Chairman Kasanof informed the Department that the Board, with the intention of preserving its standards, may revoke existing variances as new beds are added to the system.

At 2:35 p.m. the Department left the meeting.

The Board voted unanimously to extend all existing variances.

Minutes from the last meeting were approved.

The meeting was adjourned at 2:40 p.m.