

**BOARD OF CORRECTION**

**MINUTES**

**APRIL 12, 1989**

**Members Present**

Robert Kasanof, Chairman  
John R. Horan, Vice-Chairman  
Judge William Booth  
Rev. Irvine Bryer, Jr.  
David Lenefsky  
Barbara Margolis  
David A. Schulte  
Rose M. Singer

An excused absence was noted for Angelo Giordani.

**Representatives of the Department of Correction**

Richard J. Koehler, Commissioner of the Department of Correction  
Julian Prager, Deputy Commissioner of Management Evaluation and  
Specialized Services  
Michael Cleary, Executive Director, Management Evaluation  
David Frankel, Special Counsel

**Others in Attendance**

Fran Vella, State Committee on Crime and Correction  
Patricia Thomas, John Guzman, New York State Commission of  
Correction  
Dale Wilker, John Beck, Staff Counsel for the Legal Aid Society  
Diane Steelman, Office of Compliance Consultants  
Philip Seelig, President, Frank Ayala, Stanley Israel, Vice  
President, Correction Officer Benevolent Association  
Paul Moses, Newsday  
Mark Mooney, New York Post  
Paul La Rosa, Daily News

Chairman Robert Kasanof opened the meeting at 2:10 p.m. He moved for adoption of the minutes of the March 8, 1989 Board meeting. The motion was seconded by Judge William Booth, and approved by all Board members present.

The Board members then went into executive session to discuss a personnel issue.

When everyone returned, Chairman Kasanof suggested that a full discussion of the issues before the Board members be delayed until the arrival of other Board members who were expected to attend and until Commissioner Richard Koehler arrived. As a preliminary matter, Chairman Kasanof expressed his belief that it would be inappropriate for the Board members to grant any variance to "squeeze" inmates at less than 60 square feet in the North Facility in view of Judge Lasker's decision to deny the Department's request to "squeeze" detainees in that jail. Chairman Kasanof then noted the presence of representatives of the Legal Aid Society and invited them to offer any comments they might have at the end of the meeting. The discussion turned to problems with the delivery of health care services in jails. Chairman Kasanof noted that there was some Board support for holding Board hearings on the issue. He suggested that the Board's subcommittee on health care, comprised of Mr. Horan and Mr. Lenefsky, meet with Deputy Mayor Stanley Brezenoff to discuss the situation to see what short term issues could be resolved and

that the Board members continue to evaluate the need to hold formal hearings. He had discussed some of the issues with Deputy Mayor Brezenoff, who was sensitive to the issues, and indicated that he would write a letter to Deputy Mayor Brezenoff about setting up the meeting.

Chairman Kasanof then noted that most of the Board members had visited Rikers Island facilities in the proceeding weeks and had expressed their concern about some apparent problems with general conditions and specifically with the health care provided to inmates.

At that point, Commissioner Richard Koehler arrived to join the meeting.

Commissioner Koehler stated that he would present the Department's plan for dealing with overcrowding to the Board members. The Commissioner outlined the Department's plan. He described the Department's conversion of a shelter on Ward's Island into a jail for 300 City-sentenced women from the Rose M. Singer Center with law library, visitation, and indoor recreation to be provided at the Singer Center. Also, the women would be housed at 40 square feet, rather than the 60 square feet mandated by the Board's standards. He acknowledged that it might be premature to ask for variances for a facility that had not yet opened, but he hoped the Board members would still consider doing so.

Commissioner Koehler announced that the State Department of Correctional Services had agreed to take an additional 500 parole violators out of the City system, and approximately 300 state ready adolescents and women. He mentioned that a deal was being considered whereby the state would take over the City's upstate jails to house parole violators and the City-sentenced inmates presently housed there would be returned to City jails. The Commissioner said that this would be good for the City Department because it needs these inmates to work as sentenced help.

Richard Wolf, Executive Director, interjected that it would also be good for the Department's work release program.

David Schulte asked for a clarification of the number of beds the Department would gain by entering into this arrangement.

Commissioner Koehler said that the net gain would be approximately 270 beds. The Commissioner resumed his outline of the Department's plan. He said that they had met with the Administrative Judges to try to set up a summer schedule for the judges' vacations so that the system for processing inmates would not slow down. In addition, the Supervised Detention program had also been changed to try to get more participants. The fourteen days waiting period before inmates could be identified as potential candidates was shortened to four days.

David Frankel, Special Counsel, said that they had reviewed the folders of 5,000 people and after a record review and interviews they hoped to have 20 new people for the program.

Mr. Wolf asked about the possibility of changing the legislatively mandated criteria for participation in the program to raise the number of eligible inmates.

Mr. Frankel was dubious about the chances of doing so in the immediate future.

Commissioner Koehler next discussed the Bibby Resolution scheduled to arrive at the end of the month. He said the barge will be used to house inmates in need of drug treatment and gave a general description of the program that would be provided.

The Commissioner then announced that the Department will change the current way that it processes new admissions. The new method will decentralize the system by processing inmates through the receiving room of the borough jails and into beds on Rikers Island. It is his hope that this system will result in all inmates obtaining housing within 24 hours of being received into the Department of Correction custody and that transfer between jails could be accomplished in 14 hours.

Mr. Wolf then asked who would be providing medical care at these Borough facilities and the Commissioner said that he did not know.

(At this point, the head of the Corrections Officers Benevolent Association, Phil Selig and two of his associates joined the meeting.)

Commissioner Koehler then discussed other efforts to alleviate jail overcrowding. The Rikers Island Infirmary will be converted into a jail to house 284 inmates. The Department will open a new modular unit for inmates with AIDS which will have 60 beds in it. In addition, the new modulars to be built on Rikers Island and the White Street Jail in Manhattan will be ready by Fall, 1989. To speed the sentencing process and the transfer of state ready inmates, it has been proposed that special courtrooms be opened on Rikers Island. A new bail expediting program, which has judges reviewing the bails of inmates with \$2,500.00 bail or less to see if the amount can be reduced, has also been implemented. In addition, he reported that the Department is undertaking a program to fix broken cells more rapidly than before. The new target is 8 hours. The Department has advertised for buildings or land that could be used for jails.

Finally, he added that the Department of Correction has asked for an exemption from the City's hiring freeze so that it can

accelerate its hiring plan.

Chairman Kasanof asked about overtime and if there was any effort to balance it among correction officers and facilities so that no individual officer or jail was disproportionately burdened.

Commissioner Koehler said that they were working on such a plan.

Rev. Breyer asked if the accelerated hiring schedule would result in a shortened training period for officers.

Commissioner Koehler said that he does not want to do so and probably would not.

Mr. Schulte asked whether the Department had any long term plans to use Hart Island or Brothers Island.

Commissioner Koehler reminded the Board members of the strong community opposition to increased use of Hart Island. He said that the Department does, however, have a master plan for the use of North Brothers Island.

Chairman Kasanof turned the discussion to the variance request. He stated that a letter from the Fire Department

certifying the safety of the Ward's Island facility (the subject of one of the Department's variance requests) was a prerequisite to Board members in consideration of variances for the building. Moreover, he did not think that the Board members should vote on variances for a jail that was not yet ready to be opened. Several other Board members expressed the same sentiment. Chairman Kasanof then turned to the ferries, the subject of the Department's second variance request and asked about the food delivery problems there.

Mr. Wolf said that at that very moment an inmate food boycott, protesting small portions and inappropriately cold food, was taking place on one of the Ferries.

Julian Prager, Deputy Commissioner, said that the North Facility Warden had looked into the matter and that all problems would be resolved.

Chairman Kasanof asked if representative from Legal Aid had any comments on the variance requests.

Dale Wilker, of the Legal Aid Society, had no comments on Wards Island facility since it did not under the jurisdiction of the court at this time. However, he said that there were many problems with the ferries. The delivery of food was poor. There was a problem with access to showers. There were not

enough telephones. The lack of separate transportation vehicles for visits and recreation meant that recreation periods, in many cases, were less than the mandated one hour per day.

Commissioner Koehler admitted that the inmates do not like the ferry because of problems with food delivery and visits.

Mr. Wolf asked if the Department had set up a medical triage area on the Ferries.

Commissioner Koehler said they had not.

Chairman Kasanof indicated that the Board would not act on the new variance requests at the meeting, but was prepared to take a telephone poll once the facility at Ward's Island was ready to be opened and once the problems on the Ferry were solved.

Mr. Wolf asked where the work release inmates housed on the Ferries would be sent.

Commissioner Koehler said that for the moment they would be sent to Rikers Island Infirmary.

Chairman Kasanof moved that the Board members vote to continue all existing variances. The motion was seconded and the

Board members voted in favor of it with the provision that all existing conditions to these variances had to be met.

Judge Booth asked about the use of military bases as jails.

Commissioner Koehler said that Floyd Bennett field would be perfect, but it would require an act of Congress to be used.

Barbara Margolis asked about the Brooklyn Navy Yard.

David Lenefsky said it would be available, but the City would not want to use land zoned for heavy industry -- a scarce commodity-- for jails.

Rev. Breyer brought up the problem of shackling and it was decided that this would be an issue for the next Board meeting.

Rev. Breyer then discussed a series of problems he found upon visits to Rikers Island Hospital and the North Facility.

After this discussion, Union Leader Phil Seelig indicated that he had another engagement and did not have time to give his comments to the Board. He thanked the Chairman for the invitation to speak and said he would do so at a later meeting.

Mr. Wilker then commented on Rikers Island Hospital. He said that it was not fit for human habitation. He described it

as a fire trap and reminded the Board members of the building's severe plumbing and asbestos problems.

Chairman Kasanof stated that the Board members was not going to entertain any requests for variances in the hospital before Judge Lasker rules on it. He asked Mr. Wilker to submit his comments on Rikers Island Hospital to the Board in writing.

Mr. Wilker thanked Chairman Kasanof for the invitation and for allowing his comments to be expressed at the Board meeting.

Commissioner Koehler answered Mr. Wilker's charges, saying that he would not put people in a building that was unfit for human habitation. He acknowledged the problems with the building, and said that the Department was working to improve it.

Chairman Kasanof thanked Commissioner Koehler and Department representatives for their participation, and he also thanked the Legal Aid and OCC representatives for coming to the Board meeting, which was adjourned at 3:45 p.m.