

BOARD OF CORRECTION

MINUTES

MAY 10, 1989

Members Present

Robert Kasanof, Chairman
Judge William Booth
Rev. Irvine Bryer, Jr.
David A. Schulte
Rose M. Singer

Excused absences were noted for John Horan, Angelo Giordani,
David Lenefsky, and Barbara Margolis.

Representatives of the Department of Correction

Michael Cleary, Executive Director Management Evaluation Division
David Frankel, Special Counsel
Robert Daly, General Counsel

Others in Attendance

Fran Vella, State Senate Committee on Crime and Correction
John Guzman, Thomas Tiberia, New York State Commission of
Correction

Chairman Robert Kasanof opened the meeting at 2:25 p.m. He moved for adoption of the minutes of the April 12th, 1989 Board meeting. The motion was seconded by David Schulte, and approved by all Board members present.

Mr. Kasanof expressed his thanks to Carl Niles, the Board's Director of Field Operations for his work on obtaining new badges for Board members and staff. The new badges will now bear a number and the title of the person to whom the badge is assigned. The Chairman stated that he was going to suggest to the Commissioner of the Department of Investigation, Kevin Frawley, that a similar system be adopted throughout the Correction and the Police Departments. He then passed around a prototype of the badge to the Board members. The members agreed that the new badge was acceptable. The Board members were also shown the new Board of Correction windbreakers that are to be worn by staff during emergency situations at the jails.

The Chairman turned the meeting to a discussion of the increased level of violence in several facilities. The House of Detention for Men, the North Facility, and the Correctional Institution for Men were all cited as having experienced significant increases in their levels of violence since January. Jim Bennett, the Board's Director of Information Systems, who compiled the data, circulated a summary of violent incidents, as reported by CCC.

The Chairman requested that the Department be prepared to outline at the next Board meeting the steps it will take to reduce the violence in those facilities. He stated that the total number of state inmates was very high and the number of "overdue" state inmates was at an all time high . The Chairman reiterated that the existing variances are contingent upon the Department's ability to maintain the safety and security of the institutions. Because the housing of state inmates interferes with this capability, extra effort should be expended to insure their prompt removal from City jails. The Chairman said that, in his opinion, the City Correction Department should not be forced to build to accommodate the state inmates. In that regard, the Bibby Resolution can be seen as a gift from the City of New York to New York State.

Mr. Kasanof began the substantive discussion of the Bibby Resolution by requesting a certification that the vessel meets all pre-occupancy requirements set by the Fire Department. Mr. Cleary announced the Resolution should become available for use by the middle of May and that the Department would be seeking variances to house two inmates per room on the Resolution at less than sixty square feet. Mr. Kasanof said that he did not believe that the size of the rooms would be an obstacle to obtaining a variance since the inmates have their own shower and bathroom space. There were, however, security concerns that had to be discussed.

At this time, a floor plan of the Resolution (with blue pins

indicating where the Department planned to have officers stationed in the housing areas) was displayed to those assembled. The original plan proposed by the Department called for either three or four officers to be assigned to each housing floor. Mr. Schulte suggested that two officers should be posted in the housing corridors at all time to promote the safety of officers.

Mr. Kasanof agreed, saying that the problem of staffing was essentially a budgetary concern that could not take precedence over the safety of the officers who would have to patrol these areas. It was determined that at least five officers were necessary to insure officer safety. Mr. Schulte said that if the Department did not provide sufficient staffing, he would vote against granting the variance request. Mr. Wolf, BOC Executive Director, added that the security risks were made greater because the Department would be housing two inmates per cabin.

Mr. Kasanof asked the Department to give a report to the Board on the operation of the Resolution at the Board's next meeting.

Mr. Wolf then raised the issue of the delay in opening a new adult mental observation housing area for C-73. Michael Cleary said that within a week to ten days the Department would present a plan to the Board members which would detail the steps the Department plans to take to honor its commitment. He also mentioned that the delay in opening the mental observation cell housing in C-73 was due in part to changes in leadership in the

Health Department.

Mr. Kasanof pressed Mr. Cleary on the time frame for opening the new observation area and said that it must be opened by the next Board meeting if the Department wanted to maintain their variance at ARDC. Mr. Cleary assured him that the ten day timetable was correct.

Mr. Wolf reminded the Board members that the Department had not fulfilled some of the conditions that were attached to the granting of previous variances. He mentioned that there were problems at the Singer Center. Several of the annex dormitories had problems with air circulation, broken toilets, and showers. There were delays in delivery of mail as well. It was agreed that these and other problems would be addressed by the staffs of the Board and the Department. At this time, Mr. Kasanof moved that the Board grant the Department's request for renewal of all existing variances. Ms. Singer seconded the motion, which carried.

Mr. Wolf noted the absence of Board Staff member Laura Limuli, who was ill and was convalescing at St. Vincent's Hospital. A get well card was circulated for the signatures and messages of those present.

David Schulte asked about the issue of shackling of inmates on hospital wards. Ms. DeLone, BOC Deputy Executive Director, summarized a report done by Joe MacLaughlin, the Board's Urban Fellow, on the use of shackling in other jurisdictions including Chicago, Los Angeles, New York State, and Massachusetts. Mr.

Schulte asked if there was any one system whose policy stood out as being particularly good. Ms. deLone cited the New York State Department of Correctional Services as having established a fair and effective policy on shackling.

Reverend Bryer asked if the City Department's directive on shackling had been made clearer. Ms. Delone said that there are still problems interpreting the directive that result in very different practices at the three affected hospitals. Mr. Kasanof suggested that a high ranking person at the Central office be assigned to review shackling practices and determine when the shackling of an inmate is appropriate. The Department's limited number of secure wards to house inmates with health problems was cited as the major reason for the high level of shackling of inmates. Other cities, e.g., Los Angeles, have most of their prisoners on secure wards and, therefore, the need for shackling is greatly reduced.

Mr. Frankel, Special Counsel to the Commissioner of Correction said that the Department has been under great stress during the past months as it attempted to comply with court orders and successfully fulfill their commitments to oversight agencies. He highlighted some of the positive things that had happened at the Department, particularly the Department's success with its new admissions systems which allows them to find housing for all inmates within 24 hours of admission to a correctional facility. He also noted that Judge Lasker had been very complimentary of the Department for its efforts along these

lines. It was noted that these successes would have to be tested when the arrest rate in the City climbed back to normal levels from the present lull.

Mr. Kasanof acknowledged that the Department has been doing a good job under difficult circumstances. He said that Commissioner Koehler has been particularly effective in the reducing the uses of force in the facilities. Mr. Kasanof noted that the Board's primary function as an oversight body is to address the areas where the Department could do better.

Board members expressed an interest in hearing a Department report on the state of its educational efforts on Rikers Island. Mr. Wolf mentioned that there had been complaints on Wards Island about the lack of access to education, and he said that the Board's Counsel, Ms. Gordon-Reed had written to Warden Brennan about this problem.

Mr. Schulte announced that the time for his yearly sojourn in Europe was fast approaching and that he would be absent from the summer meetings.

It was agreed that the next meeting will be Wednesday, June 14th, Flag Day.

The Chairman thanked the representatives of the Department for their participation in the Board meeting which was adjourned at 3:45 p.m..