

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF JANUARY 10, 1990

Members Present

John R. Horan, Vice Chairman

Rev. Irvine Bryer, Jr.

David Lenefsky

Barbara Margolis

David A. Schulte

Rose M. Singer

Excused absences were noted for Chairman Robert Kasanof, Judge William Booth and Angelo Giordani.

Representatives of the Department of Correction

Julian Prager, Deputy Commissioner of Management Evaluation
and Specialized Services.

Robert Daly, General Counsel.

David Frankel, Special Counsel to the Commissioner.

Michael Cleary, Executive Director of Management Evaluation
Division.

Capt. R. Cassidy, Management Evaluation Division.

Others in Attendance

John Guzman, New York State Commission of Correction

Frank Reay, State Senate Committee on Crime and Correction.

Michael Mandel, Esq., Paul Weiss, Rifkind, Wharton & Garrison.

Amy Karas, The Mayor's Office of Operation.

Vice Chairman John R. Horan opened the meeting at 2:25 p.m., welcoming the representatives of the Department of Correction and other agencies. He moved for adoption of the minutes of the December 13, 1989 Board meeting. The motion was seconded by Rose M. Singer, and approved by all Board members present.

Board member Rev. Bryer raised the issue of the budget reductions the Department of Correction has experienced as a result of the City's fiscal crisis. He said that the provision of religious services to inmates have been adversely affected by the cuts in the number of Chaplains. Protestant religious services have been especially hard hit, suffering a disproportionate number of cuts in staff. A group of Protestant Chaplains have complained to Rev. Bryer about the cut in the number of Protestant chaplains, saying that the reductions have resulted in insufficient services for and counseling of inmates. Rev. Bryer asked the Department representatives how they were going to operate with requisite reductions and comply with the Board standards for access to religious services.

Board member Mrs. Singer said that all city agencies are suffering because of cuts to their budgets.

Julian Prager, Deputy Commissioner, elaborated on this point, saying that the City has placed a freeze on hiring new employees and is, in some cases, discontinuing services and dismissing staff. He said that there have been reductions in civilian staff in all areas of the Department of Correction. He indicated that the reductions had not yet affected uniform staff.

Rev. Bryer then asked who in the Department was making the decisions about how these reductions in staff would be carried out. Specifically, how was it decided that so many Protestant Chaplains would be cut? He said that it was not a matter of pitting one religion against another, but it was a question of fairness to Protestant inmates.

Mr. Prager said that he did not know how the decisions were being made. Michael Cleary, Executive Director of Management Evaluation Division, said he would look into this issue and report his findings to Board Staff.

Mr. Horan reminded the Department representatives of the discussions held at previous Board meetings about the Department's non-compliance with conditions to the existing variances. The Department of Correction has been out of compliance with variance conditions at several facilities for many months. Mr. Horan reiterated that the existing variances are contingent upon the Department's ability to maintain the safety and security of the institutions and to comply with Board standards and with conditions to the variances granted.

Mr. Horan then asked Richard Wolf, Executive Director, to report on the Department's non-compliance with variance conditions.

Mr. Wolf said that he has been working along with Mr. Cleary and other members of the Department to resolve these issues, particularly with respect to the women's facilities. Mr. Wolf then began the discussion Wards Island and Forbell. He said the

opening of Forbell and the Wards Island Facility have put extraordinary pressure on the Rose M. Singer Center and on the Transportation Division of the Department of Correction because so many services for inmates at these jails must be provided at the RMSC. Both Forbell and Wards Island have been out of compliance with variance conditions and basic conditions of confinement since their openings.

Mr. Wolf first described the ongoing problems at Forbell, listing areas of non-compliance that he had found on his own visits and from reports from other staff. He mentioned first that there is still no additional officer in the clinic area on the midnight tour, an issue raised at other Board meetings. A midnight officer is needed at the clinic, he explained, to provide security in the area and to respond to emergencies.

Mr. Wolf said there is a long list of inmates in need of dental care. Many inmates are medicated for dental pain while they wait many weeks for dental visits. He also said that there is no equipment to do dental X-rays at the facility. Women must therefore wait to be sent to RMSC for X-rays and then wait to be seen by the dentist at Forbell. The Department has known about these problems for the past seven months and has not resolved them adequately.

He went on to say that there is an insufficient number of vehicles assigned to Forbell. The female inmates have continuously complained of arriving late to their appointments at the RMSC and at court. He stated that there should be five

vehicles assigned to Forbell to facilitate delivery of program and food services.

Mr. Wolf then stated that Forbell's mental health service employee comes to the facility three days a week instead of five days as is required by the Board's Mental Health Minimum Standards. Both the Departments of Health and Correction have been aware of this violation for more than 6 months.

Inmates at Forbell have access to long distance telephones lines, only through the Social Services offices. As a result, when the office is too busy or when it is closed, no long-distance phone calls can be made. Mr. Wolf said that there must be at least two telephones with long distance capability available for regular inmate use at all times. In addition, there should be a written procedure governing regular access to long distance lines, and maintenance of a log book for all long distance telephone calls to insure compliance with the Board Minimum Standards.

Mr. Wolf concluded his remarks on Forbell by saying that the Board will continue to monitor the law library services to insure compliance with the Board Minimum Standards.

Mr. Cleary mentioned that the Department is in the process of expanding the number of long-distance telephone lines for inmate use within all of its facilities. He said that the phone company hesitates to install telephone lines if they do not think that they will make any money on them.

Rev. Bryer said that the Telephone Company should not be

hesitant to install these types of telephone lines when the calls from them will be "collect". The receiving party, not the inmate, will be responsible for paying the amount charged and the telephone company will be able to see some profit from this type of service.

Board Counsel, Annette Gordon-Reed, then discussed her trip to the Rose M. Singer Center with Maddy deLone, Deputy Executive Director. Ms. Gordon-Reed reported that there are problems with insufficient heat and lack of hot or, sometimes, any water in the newly opened module areas of the jail. The inmates complained particularly about the problems with the heating system. In some housing areas, the vents blew out cold air directly over inmates' sleeping areas, even as the temperature outside was below freezing. Other housing areas were like a saunas, with day rooms too hot to sit in comfortably for any length of time.

Board member David Lenefsky asked the Department representatives why there were problems in these housing areas.

Mr. Cleary said that the vendors were having difficulty balancing the dormitories' heating mechanisms and that such problems are common even in non-jail settings when a new building is built and new equipment installed. He said that the problems should be resolved shortly. He said that different vendors had worked on these modulars and that there was some confusion about assigning responsibility for problems as they arose.

Mrs. Singer mentioned that she had been at RMSC a week ago, and she had complained on how extremely cold it was. Later on

that same day, she said a small amount of heat was coming through the system, but it was not sufficient.

Ms. Gordon-Reed then mentioned that even though there were problems balancing the system during the day, the inmates complained that at night, even in the dorms that were excessively warm in the day, the heat did not work.

Ms. deLone then discussed problems with the health services at the RMSC. She said that rates of routine follow up of women with serious conditions, such as syphilis and gonorrhea were significantly lower than those at any of the mens jails. Ms. deLone noted that the RMSC staff agreed to add a midnight officer to the clinic for the purpose of monitoring follow up visits. The Board Staff will monitor follow-up rates for the next month to see if this additional officer makes a significant difference. There is also a lack of clinical equipment, such as a x-ray machine. She was informed that the X-ray machine which was supposed to arrive at the facility when it opened in July, 1988 was now scheduled to arrive by February, 1990. She concluded by saying that, if the Board members agreed to renew the variance beds at the RMSC, the Board members should include a condition that an officer be added to the clinic roster for the purpose of finding and escorting women to the clinic for follow up.

Board member David Schulte asked why there was such a problem with getting an X-ray machine. The Department representatives had no explanation for the delay. Ms. deLone said that as funds had been allocated for the machine before the

Singer Center opened, there was no reasonable explanation for why it had not been received.

Mr. Wolf then asked Carl Niles, Director of Field Operations, to report on his visit to the Wards Island Facility.

Mr. Niles listed several serious problems at the facility. There was one operating local telephone on the first floor, which houses 166 sentenced women (with variances). Only four of sixteen showers were available for use (some were broken, and some had clogged floor drains in the shower area).

He said until recently, Wards Island did not have enough vehicles to get women to and from the RMSC, and its vehicles were regularly pulled by the Transportation Division and assigned elsewhere. Consequently, an inmate's trip to the commissary at the RMSC can take all day. The Wards Island inmates receiving methadone medication cannot go to the law library for two hours, as required by the Board Minimum Standards because both activities are scheduled at the same time. He said there is no grievance office at the Wards Island Facility. The grievance officer is only scheduled three days per week, and a grievance coordinator comes by approximately once per month.

Mr. Niles explained that long distance telephone calls for the female inmates with families outside the 212 or 718 exchanges have been available only once every fifteen days, and then for only ten minutes, which is contrary to the Board's standards. Finally, mental health coverage is only being provided two days per week. This violation has been known to the Department since

the facility opened last Spring.

Mr. Wolf then asked Laura Limuli, Director of Research, to discuss her visit to the Adolescent Reception and Detention Center at Rikers Island.

Ms. Limuli found that there is no system in place which tracks the location of adolescents by age. Consequently, many 16 and 17 year old who, according to state law, should be in school do not attend classes. In addition, many 18 year old who have not yet received a high school diploma do not have access to educational services.

Mr. Schulte said that in previous years, if an institution had a series of problems the Board invited the warden to its meeting to discuss the problems instead of depending on answers from Department representatives who had no firsthand knowledge of the problems. He suggested that the Board should revive this practice on an as-needed basis. Several Board members agreed with his suggestions.

Ms. Gordon-Reed said at this point that it was important to keep in mind that all of the questions put to and unanswered by Department representatives had been raised and discussed on numerous occasions. Therefore, no one should think that Board staff was raising issues at the meeting that were new to Department representatives.

Mr. Lenefsky agreed that this was an important point and asked the Department representatives to comment on it.

Mr. Frankel, Special Counsel, admitted that Department

representatives were aware of all the problems raised, but it was not always easy to translate their knowledge into action by Department staff within the facilities. It was important for the Board to remember when considering these issues that Department staff at the facility level has a very difficult job and works very hard.

Ms. Gordon-Reed said that this was true, but this neither negated the Board's responsibility to raise issues of non-compliance nor the Department's responsibility to address these issues.

Mr. Frankel said that he did not mean to suggest that the Board did not have the right to raise the issues.

The discussion then turned to the housing of state parole violators which the Department was likely to ask for soon.

Mr. Wolf said that variances to house this category of inmates at less than 60 square feet would increase the risk of violence and instability. He stated that it is generally recognized that parole violators were the most violent inmates. The New York State Commission of Correction has stated that parole violators are 50% more likely to be involved in violent incidents than other inmates. For this reason, it was particularly troubling that the number of "overdue" parole violators in the City's system was at an all time high. Mr. Wolf reminded those assembled that the Board has consistently told the Department it would not entertain a variance request to "squeeze" adult male parole violators if there are significant number of "overdue"

state inmates in the City system.

Mr. Wolf said a state official surmised that the Department of Correctional Services was taking advantage of DOC's lack of a permanent Commissioner, by not taking parole violators out of the City in a timely fashion.

Mr. Frankel said that the Department is doing the best it can to get relief on the problem of overdue state inmates. He said the Department expects that the State will take approximately 200 state inmates as soon as the state facility in Rome, New York becomes available, which has the capacity to house 1,000. He mentioned that there were problems with the State regarding the acceptance of City-sentenced inmates in the upstate jails. He explained that the State's rigid rules about who it would and would not accept had resulted in a situation where there were approximately 170 unused beds in the state facility.

Mr. Schulte expressed shock that the Department should be making requests for variances to house inmates in overcrowded conditions when there were nearly 200 empty beds in upstate jails. He suggested that someone should alert the media and inform the public of this situation and the State's refusal to take inmates that rightfully belong in its institutions out of the City's jails. He said that the public had the right to know that the State's recalcitrance on these points might lead to a release of inmates back into the community.

Mr. Lenefsky suggested that the situation with non-compliance and the state had become so complicated that the Board

should meet more than once a month in order to give these issues the attention and discussion they deserved.

Several Board members agreed with his assessment. There was an extended discussion of the Department's request for an renewal of existing variances, with some Board members expressing reluctance to grant a renewal and all members agreeing that if the extension were granted, it should not be for an entire month as is the normal practice.

After more discussion it was decided that a two week extension of variances would be granted, making the expiration date January 24, 1990. At the end of this period the Department could renew its application for extension. But in the absence of substantial movement on the questions of non-compliance and removal of state inmates the most likely be unsympathetic to the Department's request.

It was agreed that the next Board meeting would be on Wednesday, February 14, 1990.

Mr. Horan thanked the representatives of the Department of Correction for their participation at the Board meeting, which adjourned at 4:10 p.m.