

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF JANUARY 9, 1991

Members Present

Robert Kasanof, Chairman

John R. Horan, Vice Chairman

Judge William Booth

Louis A. Cruz, Esq.

David Lenefsky, Esq.

Barbara Margolis

David A. Schulte

Excused absences were noted for Rev. Irvine Bryer, Jr. and Rose M. Singer

Representatives of the Department of Correction

Sharon Keilin, Deputy Commissioner

Vito Turso, Deputy Commissioner

Robert Daly, General Counsel

Toni Bair, Assistant Commissioner

Hector Eugui, Deputy Chief

Robert Wangenstein, Deputy Chief

James Garvey, Division Chief

Others in Attendance

Frank Murphy, New York State Commission of Correction

Mark Mooney, New York Post

George Jordan, New York Newsday

The meeting began at 2:15 p.m. Chairman Robert Kasanof welcomed the representatives of the Department of Correction and other guests. Mr. Kasanof called for a motion to approve the minutes of the Board meeting of December 14, 1990. The motion was made by Board member David Lenefsky, seconded by Board member Judge William Booth and approved by all Board members present.

Mr. Kasanof reminded those assembled that at the last meeting Department representatives had stated that by December 31, 1990, there would be no down cells except those that could be repaired within a single work shift. Mr. Kasanof noted that the down cell count had been as high as 600 and that 50 down cells are equivalent to the number of beds provided by a sprung structure.

Executive Director Richard Wolf reported that the number of down cells identified by the Department's central office is 303, while the number of down cells identified by the facilities themselves is 418. Mr. Kasanof noted that 418 cells represents the equivalent of eight sprung structures, and that even using

the more conservative figure of 303, the down cell total represents the equivalent of six sprung structures. He said that it is extremely difficult for the Board to understand why the Department carries so many down cells. Mr. Kasanof said that assurances made by Deputy Commissioner Keilin have not been fulfilled and that the failure to do so is a matter of great concern to the Board. He asked why the Board was told that the number of down cells would be 60-70 by December 31 and noted that it appears unwise to spend substantial amounts of money on new construction when those funds could be spent on fixing cells that provide superior housing to that provided by sprung structures.

Ms. Keilin said that the Department is also concerned about the down cell problem. She said she did not recall making as specific a representation as has been reported. Ms. Keilin explained that the down cells at the James A. Thomas Center (JATC) require plumbing repairs that involve contact with friable asbestos; consequently, this work can only be performed by certified plumbers and must, therefore, be contracted out, delaying the completion date for repairs. Ms. Keilin noted there were 146 cells requiring such repairs. She added that the replacement parts scheduled to have arrived for the repair of down cells at the Anna M. Kross Center (AMKC) and the Correctional Institute for Men (CIFM) on December 21 did not arrive until January 2.

Ms. Keilin also explained that the large figure for down cells (418) probably includes those cells that can be returned to service during a single tour. She notes that the Department's figure for those down cells that cannot be fixed in a single tour is 256. Mr. Wolf then asked what the 303 figure represented. Ms. Keilin could not immediately identify what it represented, but volunteered to reconcile all three sets of figures. Mr. Kasanof noted that there was a time when the Department regularly maintained 100 or fewer down cells.

Mr. Lenefsky said that he does not recall Department representatives discussing the asbestos problem when they represented they would reduce the number of down cells to 60-70. Ms. Keilin then said that she hoped this discussion gave the Board an idea of the difficulties faced by the Department in trying to reduce the number of down cells. Mr. Kasanof also noted that he did not recall the Department emphasizing the tentative nature of the estimate. Ms. Keilin explained that when pressed for a date, the Department provided one. She noted that repairs will not be initiated until the contract for the removal of asbestos is certified with the Comptroller's office. Board member Louis A. Cruz then asked why the Down Cell Task Force (DCTF) did not continue working after its overtime funding was used up. Ms. Keilin explained that it was funded only on overtime, not on straight time, and that when the overtime funding ran out, the DCTF was unable to continue its work.

Board member David Schulte then asked whether the toilet bowls received in early January were porcelain or steel. Ms. Keilin reported that they were porcelain. Mr. Schulte noted that he and other Board members had previously expressed their strong objections to the continued use of porcelain. Ms. Keilin acknowledged the superiority of steel bowls but said that the lower cost of the porcelain bowls allowed the available funds to go further and that the porcelain bowls could be obtained with a shorter lead time. Mr. Kasanof said that during his visits to the Island, he has regularly been informed by supervisory and line staff that they prefer steel to porcelain bowls. Ms. Keilin acknowledged this but noted that the lead time for steel bowls was 4-6 months.

Mr. Kasanof said that he had written the Commissioner a letter raising a number of concerns regarding the dramatic increase in homicides. He explained that JATC, with an average population of 1200 inmates, had four homicides this year while the Cook County Department of Correction in Illinois, with a system population of 7,000, had not had a fatal stabbing since 1981. He noted that the Los Angeles County system which has a comparable population to the New York system also had many fewer homicides than the New York system. He also noted that State and Federal rates are markedly lower than New York City's rate.

Mr. Kasanof said that the Commissioner asserted that the homicide rate in the City's jails reflects the level of violence on the City's streets, but Mr. Kasanof noted that the level of violence on the City's streets, unlike the level of violence in the jails, did not double or triple during the period at issue. He said that there may be some merit to the Department's explanation of why the rate increased, but noted that the homicide rates are even more alarming because JATC holds only 1200 inmates. Mr. Kasanof asked what the Department's plans were to alleviate this disturbing problem. Deputy Chief Wangenstein said he agreed with the Board's concerns and explained that one response the Department has made to the increase in homicides is to increase the number of searches. He reported that between February 1990 and December 1990, the Department conducted 2343 searches and found 1432 items of contraband. He said the Department has also taken steps to modify lockers and is beginning to use "molded" lockers, which cannot be used to manufacture weapons. He also reported that the Department has ordered new magnometers for JATC, installed additional fluoroscopes and increased searches of inmates on buses.

Mr. Kasanof said the Board was pleased about the higher level of searches. He asked whether the Department was still using cadets to assist in searches. Mr. Wangenstein said the Department was not using cadets at this time because there was no class in session at the academy. He explained that at least

twice a week the Department draws from two to five officers from several posts that are then closed for a two hour period and uses those officers to conduct an intensive search of a given facility on the Island. Mr. Kasanof asked Mr. Wangenstein if budget constraints limited the number of searches he conducts. Mr. Wangenstein said they did not.

Mr. Bair said that the Department had taken a preliminary survey in response to the Board's concerns regarding the system's homicide rate. He said, however, that it is exceedingly difficult to compare populations from these areas to New York due to demographic differences. Mr. Kasanof then asked what Mr. Bair meant by differences in demographics. Mr. Bair said that New York City has a higher violence rate than either Chicago or Los Angeles and that the "non-correctional" world carries violent behavior into institutions. He also noted that the Correction Departments in these cities do not allow contact visits or personal clothing. Mr. Bair pointed out that none of the homicides took place in the Central Punitive Segregation Unit (CPSU) at the facility. Mr. Kasanof replied that he understood that contact visits at JATC were conducted under highly visible conditions.

Mr. Cruz then asked Mr. Bair what empirical data regarding the Chicago area and Los Angeles County formed the basis of his conclusion that differences in demographics accounted for the

level of violence in the City's jails. Mr. Bair said the Department's response was based on telephone interviews with correctional staff from those cities. Mr. Turso noted the Department did not have time to prepare a more sophisticated response. Mr. Kasanof asked Mr. Bair what he meant by demographics in his response. Mr. Bair said that his response was not based on an empirical study of "controlled" homicide rates and said he would avoid use of the term "demographics" in future responses to the Board. Mr. Kasanof then said the term should only be used with the most extraordinary care.

Mr. Schulte then asked if anyone with special expertise in security reviewed new construction. He noted the presence of easily removed cooling fins from water coolers in the modulars at ARDC. Ms. Keilin said that every construction project has the participation of the Operations Division, typically at the Warden level or above. She said, however, that there is a limit to what can be done. Mr. Kasanof said that the Board appreciated the difficulty of the task. Mr. Wangenstein reported that he had walked through the new facility at least 30 times in an attempt to identify conditions that might compromise security. Mr. Schulte asked if the presence of rain spouts at the Nursery Beacon facility might be one such condition because inmates are able to climb them. Mr. Wangenstein explained that the rain spouts would be topped with razor ribbon that would ensure they did not compromise security. Mr. Cruz noted that during his tour

of ARDC he was informed by inmates that their mouths had not been searched once during the six month period they had been housed there. Mr. Garvey responded that inmates mouths are always searched and that this type of search was considered essential to maintain security in an institution. He said it was unlikely that more than a few inmates were not regularly searched in this manner.

Mr. Kasanof said that the Board was pleased to learn of the additional security measures the Department had taken and asked the Department to prepare a systematic report on search levels and related matters regarding these and any additional security measures the Department had taken, including an evaluation of medical response times. Mr. Wagenstein explained that he had reviewed all the homicides at JATC with care and noted that the facility medical response times were very good, though the EMS times were not as good as they might have been. Mr. Kasanof said he would appreciate the report and any further analysis the Department wished to include.

Mr. Bair said he wished to add that the Office of Compliance Consultants had entered into an agreement with an outside consultant to study the level of violence in the system; and that Bob Schlesinger, the Department's new statistics and software expert, was developing a method that would enable the Department to analyze the type and origin of weapons used in assaults.

Mr. Wolf then noted the passing of George Vierno, the former Deputy Chief, Chief of Operations and Commissioner of the Department. Mr. Wolf said that Mr. Vierno would be deeply missed by the Board and the City. Mr. Kasanof noted that Mr. Vierno was a great and courageous administrator.

Mr. Schulte then related that in December while on a tour of the George Motchan Detention Center (GMDC), he observed that the Upper 7 cell block was being operated in an unsafe, uneconomical manner. He explained that because the cell doors in that unit did not work, the Department added a post to the unit and operated it as a dormitory. He noted that the addition of the post did not assure the safe operation of the unit because, even with the additional officer, the configuration of the cells made it virtually impossible to visually monitor the unit. He brought the situation to the attention of the Department which assured him it would promptly respond to his report. Mr. Schulte said he waited three weeks without receiving a response, then called Commissioner Sielaff regarding the unsafe operation of the housing area. Mr. Schulte said that shortly thereafter he received a call notifying him that all required repairs had been made, but was dismayed to learn from Board staff that certain of the repairs had not in fact been made. Mr. Garvey said that it was likely the equipment in question had been repeatedly broken. He explained that the Department assigned steady officers to the

unit and trained them to detect when cell motors continued running after they were closed so the officers could prevent the breakdown of the motors. He explained that this episode illustrates some of the problems with facility-specific purchasing; that is, the delays in the repair and replacement of cell motors and other cell fixtures caused by responding to breakdowns and vandalism as they occur, instead of maintaining a system-wide inventory of replacement parts. Ms. Keilin noted that having a central inventory of \$750,000 may avert some of these problems by providing both adequate stocking of spare parts and expedited purchasing of parts not in stock.

Mr. Schulte also reported that wires in the panel boxes in the control room had been ripped out. He added that these wires appeared to be inaccessible to inmates. Ms. Keilin reported that Assistant Commissioner Jenkins had ordered an investigation of the apparent vandalism of the boxes. Mr. Bair said that the Department had responded to Mr. Schulte's reports in a more timely manner than was reflected in Mr. Schulte's comments.

Mr. Kasanof then asked if Board staff had anything further to report. Mr. Wolf reported that the Nursery Beacon facility, now named the George R. Vierno Center (GRVC), was scheduled to open January 19. He noted that the Department had received all necessary approvals. Ms. Keilin said that the opening was by agreement with the Department of Environmental Protection (DEP),

the Fire Department, the Buildings Department, the Office of Safety and Health and other agencies. She explained that for 60 days the DEP would provide "rovers" who would "sniff" for evidence of methane. She noted that since the venting was in place, no methane has been detected. If, after 60 days, no signs of methane were detected, Department staff would then be made responsible for continued monitoring. Mr. Kasanof asked which agency would make the decision to discontinue independent monitoring. Ms. Keilin said the decision would be by consensus and explained that, absent some negative event, the transition would take place automatically. Mr. Kasanof asked that the Board be notified in writing that the relevant outside agencies had approved discontinuing independent monitoring of methane levels.

Ms. Keilin reported that GRVC will open in January with 416 beds and that the balance of 435 beds would open sometime during the last two weeks of March, assuming no unforeseen problems. Mr. Wolf noted his concern that clinic services would temporarily be provided at the Otis Bantum Correctional Center (OBCC) and stated that Board staff would monitor closely access to medical services. Ms. Keilin also reported that GRVC does not have a kitchen and that, as planned, meal service would be provided by the North Infirmary Command (NIC).

Mr. Kasanof then asked if the construction of the sprung

structures remained on schedule. Ms. Keilin reported that it did. Mr. Schulte expressed his reservations concerning housing adolescents in sprung structures. Ms. Keilin said the Department is aware of the problems adolescents living in sprungs present and under normal circumstances would not house adolescents in sprungs. She explained, however, that the Department feels the heavily programmed schedule for adolescents will ensure against vandalism.

Mr. Kasanof then asked for a vote on renewing existing variances. Mr. Lenefsky said he had reservations about renewing variances. Mr. Cruz said he also had reservations about renewing variances. Mr. Lenefsky asked whether the Department could provide sufficient justification for the renewal of what were, in fact, emergency variances but had become normal operating procedure. Mr. Daly responded that one reason the Department needed variances was in order to stay in compliance with court orders requiring the Department to house inmates within 24 hours of their arrival to the system. Mr. Lenefsky then said that he was close to voting not to renew the existing variances but that in the light of Mr. Daly's explanation of the Department's need for the variances he would vote to renew. He said the Board should discuss the direction of the Department at length before renewing variances at the next meeting and noted that he is concerned about the Department's ability to effectively and efficiently manage the system. Mr. Horan noted that he was also

reluctant to vote to renew the variances but that in the light of Mr. Daly's remarks he would vote to renew. The Board then voted to renew the variances.

Chairman Kasanof thanked the representatives of the Department of Correction and others present for their participation. The meeting was adjourned at 4:00 p.m.