

MINUTES

BOARD OF CORRECTION

APRIL 24, 1979 MEETING

A regular meeting of the Board of Correction was held on Tuesday, April 24, 1979, Room 1629, 33 West 42nd Street, New York City, Graduate Center at City University, 10 A.M.

Board members present were Peter Tufo, Chairman; David Lenefsky, Jack Poses, David Schulte, and Rose M. Singer.

Board staff present by invitation of the Board were Michael Austin, Michael D. Cleary, Arden Culver, Fernanda Eberstadt, Sherry Goldstein, Fr. Robert Harrison, and Joseph V. Smith.

Peter Tufo chaired the meeting and Arden Culver served as secretary.

The Chairman called the meeting to order at 10:20 A.M.

The Chairman asked that absences for Angelo Giordani and John Horan be excused. Mr. Schulte so moved. Mrs. Singer seconded the motion. The motion was approved.

Mr. Tufo asked for questions, corrections, or amendments to the minutes of the March 26 meeting. Mr. Poses moved that the minutes be adopted. Mrs. Singer seconded the motion. The Chairman stated that the minutes were accepted pending a quorum.

Mr. Tufo thanked Mr. Poses for arranging the meeting space.

Mrs. Singer raised the question of her being assigned to a classification committee by the Chairman. Mr. Tufo instructed Mr. Austin to inform the warden of the Correctional Institution for Women or the General Counsel of the Department of Correction that Mrs. Singer wishes to be an observer at classification board meetings and that she should be informed of the schedule.

Michael Austin reported next on the status of the grievance grant. July 1 is the projected date of implementation. He stated that Board of Correction staff have been acting as a catalyst in urging the Department to go forward with necessary pre-implementation tasks. The Department has drafted several memos concerning recruitment and hiring of program and correction staff, purchasing supplies and equipment, and a memo has been sent to each of the wardens at the Queens and Brooklyn Houses of Detention regarding office space at their institutions for the program. Mr. Austin further stated that the State Commission had agreed to limit its role in the procedure to one of observation.

Mr. Schulte asked whether the State Commission had any right to impose its own conditions.

Mr. Tufo responded that the Board of Correction is the body given the authority to establish a grievance procedure for the Department of Correction and that there was nothing in the State Commission's Charter giving it such specific authority. He stated that it had been a long fight to get language in the Charter regarding the establishment of a grievance procedure, the proposed language having been submitted four years ago to the Charter Commission. Once the Charter language was adopted, the Board had to secure a federal grant to plan and implement this process. He commended Harvey Alter for negotiating it through the Department of Correction. He stated that the fact the Department has made a commitment to go forward in HDM and Queens on July 1 and is hiring people is a major accomplishment for the Board of Correction. Now that there is a formal procedure for the hearing and resolution of grievances, there will be numerous difficulties in making the procedure work. The involvement of other agencies would further complicate the implementation effort. Mr. Tufo then indicated that David Schulte had personally given credibility to this project as chairman of the grievance procedure subcommittee and that Michael Austin and Michael Cleary were also to be commended for shepherding the grant through this final phase. He stated that he was proud that Board of Correction has been able to do this.

Michael Austin then introduced Nenna Eberstadt. He thanked Mrs. Singer who was responsible for having Ms. Eberstadt volunteer to work with the Board staff. He stated Nenna would be working with the Board as a volunteer through the summer and that she had pulled together a number of reports for the Board.

Mr. Tufo then introduced Fr. Harrison.

Fr. Harrison stated that he had gone out into the field, that in the past minimum standards people have not done this, and that people in the institutions liked to see him.

Peter Tufo then encouraged Fr. Harrison to go to the field and give a report to the Executive Director and Joe Smith of his impressions.

Michael Austin stated that over a brief period of time, Fr. Harrison had become aware of the standards as reflected by his research on the James Johnson memorandum.

Peter Tufo instructed Fr. Harrison to emphasize to those he met in the field that the standards did not interfere with administrative capability but would in fact help. He said that many officers had the

impression that the Board of Correction intended to help the inmate and not the officer and that this was not the case. Mr. Tufo also stated that there was a high turnover of both inmates and officers and they were not familiar with the standards. It was important to explain minimum standards and defuse hostility.

Michael Austin then asked Michael Cleary to orally report on the Rikers Island Task Force meeting of Monday, April 23, 1979.

Michael Cleary said that Gruzen was reissuing the initial program study with all the revisions sometime next week. The current timetable is for the Tombs interior demolition to begin the first week in July. The City and State have agreed to a 99-year lease, renewable every 99 years. The mechanism for the cash flow still has to be developed. Services on the Island will be shared once the transfer begins, with the City supplying support services until the State takes over 50 percent of the Island and then the State will provide these services. The State has also agreed to take all State-ready cases, including parole violators.

Mrs. Singer stated that Acting Commissioner Hongisto has stated that Rikers Island will be divided in half by a fence, with the Women's House and ARDC on one side, and the rest on the City side.

Mr. Tufo stated that this is the State's negotiating position. The City's position is that it is willing to give up the Correctional Institution for Women but not ARDC for the City does not believe C-71 is suitable for the adolescents and is afraid the State will then not take over the rest of the Island. Deputy Mayor Sturz believes it is in the long-term best interests of the City and would give the State ARDC if that were the only way to reach an agreement. It is going to be a tough negotiating point.

Mr. Schulte asked if there would be space in C-71 for State prisoners if the deal were to go through.

Mr. Tufo replied that mental health cases would have to be moved to Rikers Island Hospital from C-71 to make space.

Mr. Schulte stated there was insufficient space in Rikers Island Hospital. He then asked where the women would be placed if the State were given the Correctional Institution for Women.

Mr. Tufo replied that they would go to an existing State facility in the City. He added that the Board would have to see which facility it would be before taking a position.

Mr. Schulte then asked what would happen to the July 1 starting date for the Tombs renovation were the City-State negotiations to break down.

Mr. Tufo replied that the City is committed to go ahead with the renovation and that the money would come from the capital budget.

A general discussion followed about the cost of renovation. It was stated that the estimated figure for total construction was \$340 million.

Discussion followed on the population level at HDM which was 1,936.

Mr. Tufo stated that Commissioner Hongisto had responded to the Board's letter concerning HDM population level and transfer of State-eligible cases.

Michael Austin next reported on JODC. He explained that the JODC census until recently was manageable, but now it was above sixty. Staff had been spending a considerable amount of time there, particularly in light of the recent five attempted suicides. Staff had been told by Deputy Mayor Sturz' office that timetables and plans were being worked out to transfer inmates to Spofford over the summer except for the most serious cases.

Mr. Schulte asked why Spofford was better now than it had been.

Mr. Austin replied that he had been advised through the Deputy Mayor's office that they had tightened up security and had better management control.

Joe Smith reported that there is a lot of physical contact between the officers and the juveniles and among the juveniles themselves. Three juvenile offenders in the 1 Upper area attempted suicide between April 14 and 16. Reports indicate they were coerced by four other juveniles to feign a suicide attempt in order to disrupt activities. There were no injuries in any of the three attempts.

Michael Austin stated that even though the number of social workers at JODC satisfies DFY for recertification purposes, the social workers apparently only respond to situations and do not initiate. He stated that Judie Ennett and Joe Smith have made the following observations: there are no suicide aides at JODC; when the closet door is open, there is no way an inmate can be seen; a formal classification system must be developed; there has to be some improvement with the social workers; and a population limit of twelve juveniles per side of the housing area should be set.

Mr. Schulte asked where the rest would go.

Michael Austin replied, "Spofford."

Joseph Smith suggested that they could take over the No. 2 building at the Correctional Institution for Women.

Mr. Schulte stated that if they are moved to Spofford, the same problem of abuse of children by children will exist.

Mr. Tufo stated that the Board's jurisdiction in this area exists only because they are in the custody of the Department of Correction.

Mr. Tufo then stated that with the presence of a quorum, the minutes of the March 26, 1979 meeting could be approved.

It was so moved.

Discussion then followed on the draft rules of procedure for the New York City Board of Correction. A question was raised about the method of removal of a member and absences.

Mr. Tufo stated that he would entertain a motion to remove the last sentence of Article III, section 2, and all subsequent references to absences to be found throughout the rules of procedure.

Mr. Schulte made the motion.

Mrs. Singer seconded the motion.

Mr. Tufo stated that the section was amended to delete the last sentence.

Regarding Article IV, section 1, Mr. Schulte made a motion to delete the word "Secretary" in the third line and include in lieu the word "Treasurer." Mrs. Singer seconded the motion.

Regarding Article IV, section 1, line 4, Mrs. Singer made a motion that the word "voting" be inserted before the word "member." Mr. Schulte seconded the motion.

Regarding Article IV, section 6, Mrs. Singer made a motion that the section be deleted as written and replaced with the following language: "The Treasurer shall be responsible for all financial recordkeeping of the Board and related matters as assigned by the Chairman."

Regarding Article V, section 1, lines 3 and 4, the words "from time to time, in his discretion" were removed. The Chairman asked if there were any objections. There were none. The change was adopted.

Regarding Article V, section 2, line 6, the word "Chairman" was replaced by the word "Board" and the words "in his discretion" were removed. Regarding the same section, line 8, the word "Chairman" was replaced by the word "Board."

The Chairman called for objections. There were none. The changes were adopted.

Article V, section 4, was deleted.

Article V, section 5 (or the new section 4), line 1, the words "presence of five (5)" were deleted and replaced with the words "majority of the." Lines 2 and 3 consisting of the sentence, "Each member shall be entitled to one vote," were removed.

Article V, the new section 5, lines 4 and 5, the clause "an absence shall be deemed unexcused" was deleted. There were no objections.

Mr. Schulte said that "as long as you are going to put this document in stone, chisel carefully."

Mr. Tufo said that the changes should be incorporated and the revised document sent out to members with a notice that a final vote would be taken at the May meeting.

A general discussion then followed about the April 19 suicide of Alasheen Walker (HDM), the April 9 suicide of Ira Greenfeder (ARDC), and the April 9th escape attempt from the QHD.

A general discussion then ensued about Dr. Miller's report.

Mrs. Singer stated that the quality of professional care in mental institutions was poor. She stated that this report clearly supports this view.

Mr. Tufo stated that the findings in the report correspond to DOI findings and indictments of doctors for falsifying records.

Mr. Schulte then referred to page 7, and the fact that an inmate was treated by being handcuffed. He stated there must be other ways of dealing with this type of situation.

Mr. Austin said it had previously been suggested that this issue would be brought up at the public hearings.

Mrs. Singer stated that a total restructuring of the system as suggested on page 7 was very important.

Mr. Schulte asked how the findings on page 14 relating to dorms v. cells would affect the Gruzen proposal. Could the Board go beyond recommending?

Mr. Tufo stated that the Board should set a minimum standard for people classified as suicidal, that they should be placed in dorms. This investigation may very well lead to the setting of new minimum standards in the mental health area.

Mr. Tufo then asked whether it would be appropriate at this time to write to Ken Schoen and say that the Board of Correction wants to reiterate its concern (particularly in light of the increase in the rate of suicides) that part of the Tombs be constructed in a dormitory type setting for mental observation and suicide prone inmates.

Mr. Lenefsky replied that it would be.

Mr. Tufo directed staff that if there were any delay in receiving the revised Gruzen report, a letter should be sent next week on this subject.

After further discussion on the Miller report, Mr. Tufo concluded that the Board will be going forward with plans to hold public hearings in the 1st part of June and at the appropriate time an announcement will be made and the necessary material will be distributed.

The next Board meeting was agreed to be held Tuesday, May 22, 1979, at 2 P.M., at the same location.

Michael Austin stated that the Department of Correction's reorganization has resulted in Larry Finnegan, as the new General Counsel, assuming direct responsibility for minimum standards compliance. Hopefully, many of the ongoing problems with minimum standards compliance and timely reporting would now be addressed. To this end, Board staff would be meeting with Mr. Finnegan later in the week. Mike Austin then indicated that it was staff's recommendation that the Board convey its displeasure in writing with the way the Department is handling denial of contact visits. The procedural safeguards built into the minimum standards process have often been ignored by the Department of Correction in this class of cases. The James Johnson situation was the best example of this. The Board approved staff's recommendation.

Mr. Lenefsky stated that during the search he had seen by CERT at the Queens House of Detention, there had been no identification on the officers. There is no reason whatsoever an identification mark of some sort should not be visible.

Mr. Tufo directed staff to put together a letter on the CERT search.

Meeting was adjourned at 12:55 P.M.