

MINUTES

FEBRUARY 22, 1979 MEETING

BOARD OF CORRECTION

A regular meeting of the Board of Correction was held on Thursday, February 22, 1979, in the 14th floor conference room (room 1410), 100 Centre Street, New York, New York.

Present from the Board were Peter Tufo, Chairman; John Horan, Vice-Chairman; Angelo Giordani, Wilbert Kirby, David Schulte and Rose Singer.

Board staff present by invitation of the Board were Michael Austin, Michael Cleary, Harvey Alter, Arden Culver, Sherry Goldstein, and Joe Smith.

Peter Tufo served as Chairman of the meeting and Arden Culver served as Secretary.

The meeting was called to order at 11 A.M.

A discussion ensued on the subject of minutes. Mr. Schulte suggested that any member wanting his or her comments recorded should preface them with the statement, "I want this on the record." Mr. Kirby indicated that he would prefer that all statements be reflected in the minutes, that at the January 23, 1979 meeting he had asked Marc Rosen whether the Department would be in compliance with the standards after hiring 1194 officers. The minutes of the January 23 meeting were adopted with this amendment.

Michael Austin and Joe Smith described the February 19, 1979 escape from Elmhurst Hospital involving inmate Pedro Martinez. Mr. Schulte expressed concern over the fact that in 1979 a sick person was chained to a bed. He stated that as a member of the Board of Correction, he considered this to be inhumane and unacceptable. The Chairman stated that the practice of shackling to beds should be part of the Board's investigation of this escape.

Joe Smith next summarized the death of Thomas O'Connor at the Bellevue Hospital Prison Ward on February 13, 1979, indicating that chemical, toxicological, physiological and microscopic tests have been requested.

The Chairman stated that we are here faced with the question of whether or not the classification procedure followed by the Department is appropriate. Mr. Kirby questioned why 730 commitments should simply not go directly to Bellevue. Joe Smith suggested that classification could start in the court pens utilizing trained civilian interviewers. The Chairman stated that this whole issue should be included in the Board's mental health investigation and hearings.

Mr. Tufo commended the Department for bringing charges against the captain and assistant deputy warden involved in the Giammanco suicide and for taking responsibility for improper procedures in the Lyons suicide.

The Chairman told the Board that at the Department's meeting with the City Council Committee on Public Safety, the Department responded to recommendations in the Board's annual report and summarized its own accomplishments during the year. The Department analyzed each of our recommendations and, in the Chairman's view, in many instances has moved toward making these recommendations a reality. None of the Board's recommendations were criticized or considered inappropriate.

Mr. Austin stated that many of the questions raised by Council members concerned the housing of juvenile offenders. A discussion followed on the status of the Juvenile Offender Detention Center and the fact that it would be under the jurisdiction of the new Juvenile Justice Agency as of July 1, 1979.

Mr. Kirby corrected January's Unusual Incident report on the Giammanco suicide to read a "belt" and not a "sheet" was used.

Mike Austin stated that the grievance procedure grant application will go before the State Crime Control Board tomorrow and if approved, a grievance unit may be operational within the Department this spring. Mr. Kirby asked for the State Commission's position regarding this grant application. Mr. Tufo said he was told that the State Crime Control Board Chairman, Stephen Chinlund, would not vote against the application.

Mike Austin then stated that staff is in the process of preparing a proposal for federal funding to evaluate and assess inmate service programs within the Department. He asked the Board for its approval to go ahead with the proposal and for any specific recommendations they might have. Mr. Austin indicated that a proposal to assess inmate services with particular emphasis on cost-effectiveness was timely because of the fiscal crisis and the planning for new institutions. It would also provide a resource for the promulgation of standards in this area. The cost would be approximately \$150,000. Mrs. Singer said an assessment was a good idea and especially important since the volunteer arm of the Department was being depleted and a number of employees were being asked to leave. Mr. Giordani offered to review the proposal. The sense of the Board was to go forward with the proposal.

The Chairman stated that the Board had received approvals to complete nearly all of the Board's pending personnel transactions. In addition, the personnel subcommittee has approved Sandra Durant to be hired as director of the minimum standards unit.

Mike Austin stated that a staff analysis of the Gruzen proposal for the renovation of the Tombs was being distributed to the Board for their reference. It was anticipated that staff would have had the Department's input before preparing this analysis, but it has not been received to date. The staff analysis includes the recommendations and reflects the concerns that individual Board members have already expressed. Staff is proposing that despite the fact that additional information and detailed schematics are awaited from the Deputy Mayor's office, a letter from Peter Tufo to Ken Schoen be sent indicating our general approval of the design concept. Peter Tufo suggested that since this is an extremely important matter, it would make more sense to schedule another Board meeting for next week to address the Gruzen report and the Department's variance requests. Mr. Schulte suggested that the Board give priority to construction in borough facilities rather than Rikers Island because of the possible State takeover.

In connection with the Department's request for variances from standards scheduled to take effect on March 1, 1979, discussion followed on the Department's construction schedule, the need for Board staff to monitor the Department's compliance effort, and the possibility of a phase-in schedule by institution on a number of the Department's requests. Mr. Tufo asked staff to pay close attention to the apparent denial of recreation in punitive segregation situations and report at the next meeting on whether both indoor and outdoor recreation was being denied in punitive segregation situations.

The Chairman directed Mike Austin to notify the Department that because of its late submission, we will not meet until next week on their variance requests.

Mike Austin thanked John Horan for drafting by-laws providing rules and procedures for the Board of Correction.

The next Board meeting was scheduled for Tuesday, February 27, 1979 at 2 P.M. Mr. Poses said he will inquire as to a meeting place at 42nd Street and Fifth Avenue at the CUNY Graduate Center.

The meeting was adjourned at 12:35 P.M.