

MINUTES

February 19, 1980 MEETING

BOARD OF CORRECTION

A regular meeting of the New York City Board of Correction was held on February 19, 1980 in the Board's Conference Room at 51 Chambers Street, New York, New York.

In attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Wilbert Kirby, Mr. David Lenefsky, Mr. David Schulte and Mrs. Rose M. Singer.

An excused absence was requested and approved for Mr. Angelo Giordani and Mr. Jack Poses.

Board staff present were Michael Austin, Michael Cleary, Sherry Goldstein, Judith LaPook and Joseph Smith.

Peter Tufo chaired the meeting and Sherry Goldstein served as secretary.

The Chairman called the meeting to order at 2:40 p.m.

The minutes of the January 8, 1980 meeting were adopted.

Mr. Austin then introduced Jeremy Travis to the Board. Mr. Travis is a consultant to the Board.

Mr. Travis discussed the status of the Department's efforts to develop a classification plan as presented in his February 11, 1980 memorandum to the Chairman and Mr. Austin.

The highlights of the proposed classification plan include a central intake and screening center for the entire system, screening for mental health problems, identification of short- and long term detainees with separate housing and program activities for each, and on-going review of the initial classification decisions.

The standards require that the Department of Correction submit any proposed classification system to the Board for approval prior to implementation. Mr. Travis indicated that the Department anticipates completing this classification proposal within three months. In the meantime, he will continue to work with the Department and monitor the development of the final plan to ensure that it incorporates all of the Board's concerns.

Mr. Tufo asked what were the essential differences between this plan and the pilot classification plan implemented earlier at the Women's House.

Mr. Travis replied that the Women's House plan had mutually agreed upon service plans which don't exist in the new plan. Also, the old plan had no standard mental health screening component for all new admissions.

Only court ordered psychiatric examination cases or individuals exhibiting bizarre behavior were classified as potential mental health problems. The current proposal includes a centralized mental health screening process for all new admissions.

At 3:00 p.m. Commissioner Ward, Chief of Operations McMickens, Deputy Commissioner Schall and Director of Classification Jeffers joined the meeting. First Deputy Commissioner Corrigan and Associate Commissioner Keilin entered the meeting shortly thereafter.

Mr. Tufo asked Commissioner Ward to speak about the current status of the proposed transfer of Rikers Island and the Department's Minimum Standards Compliance efforts.

Commissioner Ward stated it appeared that the proposed lease of Rikers Island to the State would be considered by the Board of Estimate in late March, following receipt of two independent, City commissioned appraisals of Rikers Island and refined cost estimates. As required by the City's Uniformed Land Use Review Procedure (ULURP), this plan has been the subject of public hearings in Queens and before the City Planning Commission. If the proposed lease of Rikers Island is approved by the Board of Estimate, the specific sites for replacement of detention facilities in the boroughs would also have to go through the ULURP process. Specific preferred sites for the replacement facilities have been identified by the Department in Manhattan, Brooklyn, Bronx and Queens. The appropriate Community Planning Boards have been informed of these preferred sites. The locations of these five preferred sites were explained to the Board. Only one of these sites is privately owned. The remaining four sites are already City owned. As a result, if these sites are approved, site acquisition costs will be reduced considerably.

Commissioner Ward went on to state that the State is getting very anxious for the City to approve the Rikers transfer since the State is facing an immediate and serious over-crowding problem. If the City does not approve the Rikers transfer, it will take the State far longer to construct new bed space than it would to renovate the Rikers facilities. Therefore, the State is putting considerable pressure upon the City to approve the transfer quickly.

Mr. Tufo asked if any agreement had been reached regarding the housing of the City's sentenced misdemeanants. Commissioner Ward replied that the State has agreed to house 1000 City sentenced inmates in C-76 where approximately 1400 sentenced inmates are presently housed. Mr. Ward stated that if the City's jail population continues to decline as it has over the past decade, perhaps in five years the sentenced misdemeanor population will be eliminated.

A discussion followed on whether or not the census is in fact declining and how the census figures are interpreted.

Mr. Kirby asked if the new facilities will provide adequate space for outdoor recreation as required in Judge Lasker's decision. Commissioner Ward replied that the final plans for the Tombs renovation will have to be approved by Judge Lasker. The approved design of the Tombs will serve as a prototype for the replacement facilities. At this time the Department and the Legal Aid Society are not in agreement on how much recreation space is actually required.

Mr. Lenefsky stated that recently he made an on-site inspection of HDM and ARDC and felt that there was administrative disarray, a feeling of laxity and sloppiness and a breakdown in discipline at these facilities.

Commissioner Ward stated that this might have been the case during the transition period when HDM and the Anna M. Kross Center were consolidated into the HDM complex. He also stated that some of these problems may have resulted from recent labor difficulties. Some correction officers are complaining that there is too much overtime while others are afraid overtime will be taken away from them.

Mr. Lenefsky also said that he had seen inmates sleeping in a dayroom in ARDC. A discussion followed about this situation. Mr. Austin explained that this occurred during the time period when the ARDC overflow population from C-71 was moved back into ARDC. This resulted in overcrowding at ARDC. This overcrowding was subsequently alleviated by transferring those adolescents who attend P.S. 233 in the CIFW into the former and recently vacated JODC at the Women's House. Mr. Austin stated that during this time he had discussed the situation in detail with senior staff of the Department.

Other questions were then asked and answered on the Rikers Island plan regarding: housing for the City's women detainees, the possibility of renovating existing structures for use as replacement facilities, the chance for the plan passing at the Board of Estimate, cost estimates and actual bed space being built compared to what we presently have on Rikers Island.

Deputy Commissioner Schall then discussed the Department's recent compliance progress and their current variance amendment requests. Mr. Lenefsky asked why lock-out, during feeding, could not be tried on an experimental basis in Brooklyn, while awaiting delivery of the dayroom furniture.

Deputy Commissioner Schall agreed to speak with Chief McMickens about trying something at Brooklyn on an interim basis.

Mr. Austin stated that a problem the Board has with variance requests resulting from a lack of manpower, is that we have no idea at what rate staff is being hired.

Chief McMickens replied that by mid-March the Department plans to have 100 new correction officers hired. She added that there are now 24 officers in the academy that will be assigned to HDM.

Mr. Kirby asked if there is a "new" total for the number of correction officers it will take before the Department is in full compliance with the standards?

Mr. Ward replied that it was impossible to give such a number and that it was unrealistic to state that by some magical date in the future the Department would be in compliance. He also stated that the artificial designation of some correction officers as "minimum standards officers" was hindering the compliance efforts. Housing area officers are frequently resistant to implementing new procedures and activities required by the standards stating that a new "minimum standards officer" must be assigned to these new functions. According to the Commissioner, there are no "minimum standards officers." All correction officers are responsible for executing

functions required by the standards to insure decent conditions of confinement. He hopes that the term 'minimum standards officer' fades rapidly from the correction lexicon.

Mr. Austin asked if the progress of the work being done on the Queens visit house could be checked upon. Deputy Commissioner Schall agreed to do so.

The Emergency Variance Request for Vernon Williams was discussed and a brief description of his background given. The Department stated that following his 30 days in punitive segregation, efforts would be made to integrate Mr. Williams into general population at Brooklyn.

Deputy Commissioner Schall explained that a prototype for the footlocker had been tested, agreed upon and ordered. However, when the lockers were delivered tests revealed that they were flammable although the specifications clearly indicated that the lockers must be inflammable. They were sent back and now the Department is arguing with the company to produce new lockers in compliance with the original specifications.

Mr. Tufo asked if there would be outdoor recreation at all institutions this summer? He was assured there would be.

Deputy Commissioner Schall mentioned that the Department was pleased not to have had to use any force during the court boycott at HDM. She stated the Department has agreed to produce an inmate in the appropriate court for an attorney visit within 24 hours of the request.

At 5:00 p.m. the people from the Department left the meeting and the Board went back to their agenda.

Mr. Travis was told that the Board would discuss classification again at its next meeting.

Mr. Smith reported on the two suicides that occurred over the weekend. The first suicide occurred on Saturday, February 16, 1980 at 1:40 a.m. on the 6th floor of the Brooklyn House of Detention. A 23-year old black male named Willie Williams hung himself from bed sheets affixed to the front cross bars of his cell. His records from prior stays at Brooklyn indicated that a 730 examination had been ordered and that he had stated that he would kill himself if he was not housed on the 10th floor. These previous records were not carried over to his new incarceration. The mental health staff had determined that he was fit for general population.

The second suicide was on Monday, February 18, 1980 at 9:30 p.m. on 3N in ARDC. A newly admitted 19-year old black male named Arnold West hung himself from bed sheets attached to the light fixture in his cell. He was arrested the day before on his birthday, called home for \$2500 bail money, and was told there was no money available. The only suicide prevention aide on duty at the time of the suicide was making a tour of the South side when Mr. West hung up on the North side.

Mr. Tufo stated that COBA had asked the Board to investigate the facts leading to the termination of two probationary officers at the Queens HDM. There was a demonstration at City Hall by correction officers regarding the dismissal of the probationary officers and excessive correction officer overtime.

Mr. Schulte stated that Peggy Davis was very helpful in expediting the paperwork required for the Department to hire Philomene Vandermandele as Director of the Department's Inmate Grievance Resolution Program.

Mr. Tufo stated that he was taking the New York County Lawyers Association's Committee on Penology and Correctional Reform for a tour of HDM to look at that institution's efforts to comply with the standards.

Ms. LaPook announced that Mike Mushlin, Director of the Prisoners' Rights Project of the Legal Aid Society, requested that he be given an opportunity to respond to the Department's Variance Requests before the Board voted on them. He indicated that he had only received the Department's Variance Requests the day of the Board meeting. A discussion followed and it was agreed to put off voting on the Department's variance and amendment requests until March 5 or 6th at which time the Legal Aid Society could present their position.

The Board next held a lengthy discussion on the Department's Emergency Variance Request regarding Vernon Williams. Concerns were expressed about deviating from the standards for a particular individual. It was finally agreed that staff would make sure that efforts were being made to expedite the processing of Mr. William's case. In the meantime, the Emergency Variance would be granted for thirty days while indicating to the Department that the Board wanted a detailed psychiatric evaluation to be performed on Mr. Williams. Also, in its desire not to set a precedent for entering into a pattern of individual exceptions to standards on a case-by-case basis, the Board will explore the possibility of developing a procedure for the most sufficient response to such cases in the future. Staff would also check Mr. Williams' records for Bellevue.

The next Board meeting was scheduled for either March 5 or 6th to deal with the Variance Requests and the Board's Report on the Rikers Island Transfer.

The Board went into Executive Session at 6:00 P.M.