

MINUTES

BOARD OF CORRECTION

March 9, 1983

A special meeting of the Board of Correction was held on March 9, 1983 to discuss the Department of Correction's request to Judge Lasker to permanently increase the detention population at the House of Detention for Men (HDM) from 1,200 to 1,872, to permanently increase the density of the detainee dormitories at the Anna M. Kross Center (AMKC) from 50 to 58 and to add 150 additional prisoners to the Correctional Institution for Men (C-76).

The meeting was held at the Board's offices at 51 Chambers Street in Manhattan.

Board members in attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte and Rose M. Singer.

An excused absence was approved for Angelo Giordani.

Board staff members in attendance were Michael Cleary, David Johnson, Judith LaPook, Rolando Torres, Alison Estess, Sherry Goldstein, William Keane and Barbara Treen.

The meeting was called to order at 10:30 by Chairman Peter Tufo.

Sherry Goldstein served as secretary.

Michael Cleary reported that Commissioner Ward had requested to attend this meeting and the Chairman had suggested that he attend at 11:00 P.M.

Judith LaPook and Michael Cleary reported on current conditions at HDM, AMKC and C-76.

Peter Tufo reported that in its papers to Judge Lasker the City stated that if it was not permitted to increase the housing capacity of the City's jails it would have to release the longest held prisoners with the lowest bails.

Peter Tufo stated that Judge Lasker had invited the Board to submit any appropriate information to the court on this matter.

Mr. Tufo stated that if the Department utilized all cells at HDM, it would not be violating any of the Board's standards since it would single cell all prisoners. However, the Board's 75 square foot regulation would apply to the request to increase the number of detainees in dormitories at AMKC and C-76.

Judith LaPook reminded the Board that it had sent a letter to the Mayor in October 1982 comparing conditions at C-76 to those at HDM prior to the riot there in 1975. There are now 200 more prisoners at C-76 now than in October 1982. She added that under the Department's proposals, detainees would be housed in dormitories at 60 and not 75 square feet as called for by the Board's standard. But beyond the density of housing, the question becomes whether the institutional support service delivery systems are capable of handling the population increase.

Discussion followed on the impact of this proposed population increase on the support services of the affected institutions with particular emphasis on the situation at HDM since the temporary increase in the population to 1,400 as a result of the Legal Aid Strike.

In response to a question from Mr. Schulte, Peter Tufo stated that Judge Lasker recommended that the longest held, lowest bail prisoners be released as an alternative to lifting the population cap at HDM. According to Mr. Tufo, the City has characterized this alternative as indiscriminate release. He went on to add that in his view indiscriminate release was not an acceptable alternative but he was not at all sure that release was the only alternative available to the City.

Mr. Schulte stated that based on the rate of increase in the inmate population, even if the Department is granted permission to increase its capacity, in a year or so more space will be needed. He suggested that unused jail space such as that at the old Branch Queens jail could be utilized.

Discussion followed on various population management mechanisms and alternatives to incarceration that might be used instead of lifting the cap at HDM or indiscriminately releasing prisoners.

At 12:00 P.M., Commissioner Ward, First Deputy Commissioner Richard Koehler, Deputy Commissioners Albert Gray and Robert Goldman, General Counsel Devora Cohn and Warden Otis Bantum joined the meeting.

Commissioner Ward stated that it is unacceptable to release prisoners after the police have risked their lives apprehending them and after the anguish that victims have suffered. He stated that he has done and will continue to do everything possible to find or create space to house as many prisoners as necessary in order to avoid the indiscriminate release of prisoners.

The Commissioner added that Judge Lasker's order capping the HDM population at 1,200 did not prohibit the use of the third tiers. He asserted that the third tiers at HDM are no more dangerous than the second tiers particularly since officers now have personal alarms.

The Commissioner attributed the overcrowding to the inefficiency of the courts resulting in an increase in the average length of stay from 26 days in 1977 to 49 days in 1982. Also, the intake of prisoners is lower now than in 1977 but the system is overcrowded because prisoners stay longer.

In response to a question from Mr. Schulte, Commissioner Ward stated that he would continue to seek additional jail space if Judge Lasker denies this current request.

Although he could not at this time make any specific commitments, Commissioner stated that he would need additional resources to operate HDM at 1872. He did not anticipate problems in receiving the money from the City to meet these new needs.

Peter Tufo asked why Commissioner Ward was seeking the removal of the 1,200 cap at HDM when he had testified in the past that it was not sound correction practice to operate HDM at over 1,200.

Commissioner Ward stated that conditions at HDM had changed since that testimony and that HDM was a much better managed facility than it had been.

HDM Warden Otis Bantum stated that the HDM support services had not suffered with the temporary population increase from 1,200 to 1,400 and that the operation of the third tier was no more dangerous than the second. With additional resources, Warden Bantum stated that HDM could be run effectively and safely.

Based on his experience with county and state facilities, Deputy Commissioner Gray stated that the third tiers do not pose a serious security problem.

Following the departure of the Department representative, the Board continued discussing the merits of the Department's request. As the Board was unable to reach a consensus, the meeting was recessed at 1:00 P.M. and reconvened at 3:00 P.M. at Peter Tufo's office at 645 Madison Avenue.

The Board's unanimous position on the Department's request to lift the HDM cap and increase the density of detainee dormitory housing at AMKC and C-76, is contained in the Board's March 11, 1983 letter to Judge Lasker attached to these minutes.

The meeting was adjourned at 5:00 P.M.

The regular meeting of the Board scheduled for March 15, 1983 was cancelled.