

MINUTES
BOARD OF CORRECTION
DECEMBER 16, 1985

A regular meeting of the New York City Board of Correction took place on December 16, 1985, in the Board's office at 51 Chambers Street, New York City. Members present were Chairman Peter Tufo, Vice-Chairman John Horan, Wilbert Kirby, Barbara Margolis, David Schulte, and Rose M. Singer. The meeting was called to order at 2:33 p.m.

Chairman Tufo opened the meeting by expressing regret on behalf of the Board at the death of Mr. Kirby's son. Chairman Tufo then introduced Larry Levy, a newly-hired field worker, to the members of the Board. The minutes of the previous meeting were accepted, with necessary corrections.

Chairman Tufo asked for discussions of the Department's request for a variance from the space standard for sentenced inmates, which had been passed by the Board (and is awaiting formal promulgation). Mr. Kirby moved that a vote be taken. Mr. Tufo remarked that, with the Department at capacity, the Board must make recommendations on new construction and lowering the length of stay of detainees. Mr. Schulte seconded Mr. Kirby's motion. The Board voted unanimously to grant the variance. Chairman Tufo stated that it is the policy of the Board to grant variances when there is evidence that the Department is making a good faith effort to solve the problem involved.

Chairman Tufo next called for discussion of the Department's request for a variance from the outdoor recreation standard at the Brooklyn Correctional Facility (the Brig). Counsel Barbara Dunkel reported that the Department had pledged to lower waiting time in the holding pens for inmates choosing to go to Manhattan for outdoor recreation. Executive Director Richard Wolf added that under the new plan, inmates' time in holding cells at the Brig would not exceed fifteen minutes, and they would spend no time in holding cells in Manhattan. In response to questions from Judge Booth, Mr. Wolf stated that up to ten inmates use the program each day, and that inmates were aware that the program was available. Mr. Schulte asked what the result would be if the Board refused to grant a variance, and Mr. Wolf informed him that at that point the Department would be out of compliance. Chairman Tufo summarized the Board's position, saying that the Board could either grant the variance requested, or try to work out a new program with the Department staff. Board staff recommended granting the variance, and monitoring waiting times of inmates who choose to take advantage of the program. Mr. Horan suggested asking for a report on the status of rooftop construction at the Brig in three months' time. A vote was called, and the variance passed unanimously.

Judge Booth suggested that the Chairman attempt to schedule a meeting with the Chief Administrative Judge of Manhattan to discuss ways in which the courts might expedite cases. Judge Booth suggested focusing on adjournments by the defense. Chairman Tufo accepted the suggestion, noting that he had previously undertaken similar discussions. He then went on to call for discussion of the report on the death of Charles Sears. Mr. Kirby expressed admiration for the report and congratulated Elizabeth Armao on its contents. The rest of the Board concurred with his remarks. Chairman Tufo stated that the report would go to the Commissioner for comments, and then would be forwarded to the Criminal Justice Coordinator.

At 2:45 the following members of the Department joined the meeting: Chief of Operations Lee, Special Counsel Daly, Deputy Commissioners Keilin and Gray. Chairman Tufo informed the Department that the Board had granted a six-month variance from the space standard for sentenced inmates, and had granted a six-month variance on the requirement for outdoor recreation at the Brig. He added that the Board was requesting follow-up reports in three months on the issues of population and rooftop construction at the Brig. Mr. Daly informed the Board that the State had sued the City on the issue of technical parole violators in City custody, and that the case was to go before Judge Wallace. Judge Booth asked whether a decision could be expected within sixty days of the close of arguments, and Mr. Daly said that it could. Chief Lee mentioned that there were two elevators back in service at the Brooklyn House and invited the Board to the Department's Christmas party. The members of the Department left the meeting at 2:50 p.m.

Chairman Tufo next called for discussion of the ARDC report. He began by summarizing the history of the report, saying that it had been started in 1984 at the direction of the Board, in response to rising levels of violence, suicides, and attempted suicides at the jail. Chairman Tufo requested that the discussion be restricted to substantive matters, not general philosophy.

Judge Booth suggested that it would be wise to try to better integrate experienced officers with inexperienced ones. A discussion followed of the feasibility of doing so, given the difficulties the Correction Officers' Benevolent Association might present.

Staff suggested that, although the officers' contract does not specifically guarantee them the right to choose their assignments based on seniority, any program to integrate junior and senior officers would have to be undertaken with the support of the union, or there would be a job action. Mrs. Margolis asked if there were any incentives for officers to take more demanding assignments. Staff advised that there were not, but that they

could be instituted. Specific suggestions included instituting a pay differential, or creating a sergeant rank. Deputy Executive Director John Rakis suggested that a pay differential would cause problems with parity with the Police Department, which would then want a hazardous duty pay differential for its officers in dangerous assignments, and said that he thought the creation of a sergeant or senior correction officer rank would be more practicable.

Mr. Kirby raised the question of how the report was to be used, and noted that most recent period for which the report includes data, the level of violence at ARDC seemed to have dropped. A general discussion followed about the way in which the report should be used, what its goals should be, and how it should be presented. It was agreed that another meeting to discuss the report in more detail should be scheduled as soon as possible.

The meeting was adjourned at 3:35 p.m.