

Board Of Correction
Minutes
December 3, 1986

A regular meeting of the New York City Board of Correction was held on December 3, 1986, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Judge William Booth, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte, and Rose Singer. Exused from the proceedings were Vice-Chairman John Horan and Angelo Giordani. The meeting was called to order at 2:20 p.m.

Mrs. Singer suggested to the Chairman that the Board invite people involved in the criminal justice system to its meetings. Chairman Kasanof agreed and appointed Mrs. Singer chairwoman of a committee to develop a list of potential invitees.

Executive Director Richard Wolf told the Board that Deputy Commissioner Janie Jeffers had informed him that Health Commissioner Stephen Joseph asked the Department for its views on the proposed distribution of condoms to inmates in the City's jails. Deputy Commissioner Jeffers asked for the Board's view on the subject. Chairman Kasanof said that before making any public statement, he wanted to see a proposal by the Health Commissioner which contains within it the views of medical personnel. Mr. Kirby and Mr. Lenefsky stressed that it was important for the Board to have a written statement from the Department of Health before giving its opinion on the matter. Mr. Wolf stated that he would talk to Deputy Commissioner Jeffers and then report back to the Board.

Chairman Kasanof asked Board staff to research other correctional systems' policies concerning conjugal visits.

Chairman Kasanof then asked Executive Director Richard Wolf to report on the Brig. Mr. Wolf stated that detainees were being housed without a variance in the Brig, a sentenced facility. At the Brig, there is a staffing deficit for detainees, there is no direct access to toilets, and there is no outdoor recreation at the facility. Mr. Wolf suggested that while the numbers were down in the system, these detainees should be moved out of the Brig.

Chairman Kasanof suggested that the Board grant variances wherever Judge Lasker granted similar relief, and

should extend those variances which were previously granted. He also stated that the Board should give the Department a fixed amount of time to remove detainees from the Brig.

Mr. Kirby stated that the Department should be made aware in the most emphatic terms of his and the Board's disapproval of the Department's housing detainees in the Brig without Board approval. Mr. Kirby felt that the Board had made every effort to assist the Department during this last population crisis, and that the Department was taking advantage of the Board. Chairman Kasanof said he would convey Mr. Kirby's views to the Department.

At 2:50 p.m., the following members of the Department of Correction joined the meeting: Deputy Commissioner Sharon Keilin, Deputy Commissioner Janie Jeffers, General Counsel Robert Daly, Assistant Commissioner Barbara Dixon, and Assistant Commissioner Dora Schriro.

Chairman Kasanof told the Department that the Board was deeply concerned that the Brig was used for detainees without obtaining in advance a variance from the Board. He stated that the Board tried very hard to be accommodating during the last population crisis in the City's jails. It is not helpful to our relationship if the Department does not come to the Board first, communicate its planned actions, and request variances when appropriate. One of the functions of the Board is to decide whether or not to grant variances where the Department proposes a course of action which would otherwise involve violations of minimum standards. The Chairman stressed that the Board's view should be conveyed to the Commissioner. General Counsel Robert Daly assured him that it would.

Chairman Kasanof asked the Department to explain the decrease in the total population, to comment about the requested variances for the Brig, and to explain what steps the Department has taken to rectify past problems in the North Facility's new admission dorms.

General Counsel Robert Daly stated two factors that led to a decrease decrease in total population: the removal of 450 parole violators to State facilities and the job action by the Police Department. Mr. Daly pointed out that the City will soon receive 175 parole violators back from State.

Assistant Commissioner Barbara Dixon informed the Board of the steps the Department has taken to insure that the new admissions in the North Facility do not spend more than fifteen days in the new admission dorms. Ms. Dixon reported that there have been several incidents in the past where inmates in new admission dorms came back from court and their previous time in the new admissions dorms was not credited to them. Ms. Dixon described and gave the Board a

written report on a new multi-layered system designed to prevent any detainee from staying in a new admission dorm more than fifteen days. She stated she was checking every day to see if the new system was working. Chairman Kasanof asked Ms. Dixon if she could figure out the rate of error of this new system by the next meeting. The Assistant Commissioner said she would do so.

Chairman Kasanof suggested that the Department could stamp the date the inmate is supposed to be moved from the new admission dorms on the inmate's I.D. card, so that everybody is aware of the date on which the inmate should be transported from the new admission dorm. Department representatives said they would look into it.

Deputy Commissioner Sharon Keilin told the Board about the construction taking place at the Brig. She stated that a task force is now being put together to construct toilets and sinks in all of the Brig's housing areas. Construction on the toilets is scheduled to start in January. Ms. Keilin stated that it would take 10 days for each housing area to be outfitted, and four of the housing areas which need extensive work will take 3 to 4 weeks to service. The Deputy Commissioner said that the project will take a year or more to complete. Deputy Commissioner Keilin also confirmed her earlier report to the Board in which she stated that the Brig's rooftop recreation is scheduled to be completed in June.

Deputy Commissioner Janie Jeffers informed the Board about the Department's efforts to improve the outdoor recreation program for detainees at the Brig. She stated that a new program is being implemented on December 4. The program is designed to continue detainees' indoor recreation schedule as well as attempt to motivate inmates to go to outdoor recreation. The Department will be offering inmates an extended recreation period at ARDC of an hour and half. Also, on Mondays and Saturdays from 5:00 to 6:00 p.m., detainees will be able to go to the Manhattan House of Detention for outdoor recreation.

General Counsel Robert Daly stated that when the overall inmate population started to decrease, the Department considered putting the 240 detainees from the Brig back into other facilities; however, he stated that the Department was concerned that it would later have to come back to the Board and request a variance to put detainees back into the Brig. Also, by keeping detainees in the Brig, other facilities, who would otherwise have to absorb this population, are given some relief. Mr. Daly stated that keeping detainees in the Brig would give the officers a chance to learn to deal with different types of populations

and would let the Department learn about housing detainees in the Brig. Mr. Daly assured the Board that he was conveying the Commissioner's feelings on the matter.

Chairman Kasanof responded that there is no pressing need for the Department to act outside of normal policy and house detainees in the Brig. The Department can house these detainees in facilities that have toilets and outdoor recreation. Mr. Kirby stated that the Department's management preferences cannot take precedence over the Board's minimum standards.

Chairman Kasanof expressed his continuing concern about the increasing levels of violence in City's jails. He stated that this violence is unacceptable and that levels in the Correctional Institution for Women in particular had increased significantly.

Judge William Booth stated that court officers were experiencing trouble receiving consistent and accurate information when attempting to discover why an inmate has not been produced in court. Judge Booth inquired as to why the Department's Transportation Division insist on using the BQE when it knows the road is flooded. General Counsel Daly responded by saying that he understands this is a system-wide problem. The Department has the responsibility of transporting inmates to court, and equally important, the Department is responsible for providing the court with accurate information when an inmate is not produced.

The Department left the meeting at 4:00 p.m.

Chairman Kasanof asked Executive Director Richard Wolf to give the staff's opinion on the variance that would permit the Department house detainees in the Brig. Mr. Wolf said that it was staff's unanimous opinion that the detainees should be moved immediately to facilities that meet the minimum standards for toilets and recreation. As a result of the decline in the inmate population, such facilities are presently available.

Chairman Kasanof suggested that the Board give the Department 30 days to move the detainees out of the Brig, and, if the Department so desired, it should draft and submit future variances concerning the Brig. Judge William Booth felt that the Department should only be given 15 days to move the detainees out of the Brig. The Board then voted 4-3 in favor of giving the Department 30 days to move detainees out of the Brig. The Board voted unanimously to grant the Department variances where Judge Lasker had granted similar relief and to extend all previously existing variances for 60 days.

The minutes from last meeting were approved.

Mrs. Singer commended David Lenefsky and John Rakis on their efforts in drafting the Health Care Minimum Standards. Chairman Kasanof asked Board staff to begin a cost analysis of the Health Care Minimum Standards by contacting the affected agencies, and report its findings to the Board.

The meeting was adjourned at 4:10 p.m.