

BOARD OF CORRECTION
MINUTES
July 1, 1986

A special meeting of the Board of Correction was held on Tuesday, July 1, 1986 in the conference room of the Board of Correction. Members present were Chairman Robert Kasanof, Mr. David Schulte, and Mrs. Rose M. Singer. Chairman Kasanof called the meeting to order at 2:15 p.m. as a special subcommittee of the Board, under a resolution adopted at the previous meeting empowering less than a quorum to meet as a committee.

Executive Director Richard T. Wolf presented the Board's interns for the summer of 1986. The minutes of the previous meeting were accepted without change. Chairman Kasanof directed that a memo of all committee actions be circulated to those Board members not present.

Chairman Kasanof delivered his report. He announced that his schedule had not permitted him to meet with Corporation Counsel, as he had hoped to do. He next described a letter received from Commissioner McMickens which presented conditions at ARDC as better than they in fact were. For instance, he said, this letter claimed that there had been no fights with weapons during a period when there were, in fact, about twenty. He noted that the Commissioner had acknowledged the error, and that the Board had sent other questioned figures back to First Deputy Commissioner Seitchik for review. Next, the Chairman reported that the Board had not received proper notification of an escape from ARDC on June 5. He said that he believed it imperative that the Board be given immediate notice of such incidents, since the Board is charged with making an independent, contemporaneous investigation. The Chairman next reported on a letter sent to the Department on May 13, 1986. The letter pertained to a Captain who had been identified by a Board monitoring system, as having been cited in an unusually high rate of DOC 24-hour reports of use of force. Six weeks have elapsed, and the Department has not responded. Chairman Kasanof stressed his own and the Mayor's commitment to preventing abuse to prisoners. Six weeks after the receipt of this letter, the Chairman stressed, the Department should have addressed the matter.

The Chairman next said that the ARDC report would be released over the summer. He also mentioned that the Department had revised its population/capacity projections, and would report to the Board later in the meeting. The Chairman concluded his report by saying that he had chosen to delay the hiring of a new counsel. Elizabeth Armao had

assumed the duties and title of Deputy Counsel, and Mr. Wolf would double as the Counsel to the Board.

Mr. Schulte raised a complaint about the Board's handling of its part of the Inmate Grievance Resolution Program as follows: authority to make recommendations is currently delegated to Mr. Horan. Mr. Schulte also reviews draft recommendations, and in one recent case disagreed with Mr. Horan. He suggested that a procedure be devised so that if any Board member disagrees with a proposed grievance recommendation, the matter be voted on by the full Board at the next meeting. Chairman Kasanof agreed that it was essential that grievance recommendations neither be nor appear to be a result of individual fiat, but suggested that a three person committee would respond to the problem more efficiently than the full Board.

At 2:30 p.m., the following members of the Department joined the meeting: First Deputy Commissioner Peter Seitchik, Deputy Commissioner Dora Schriro, General Counsel Robert Daly, and Assistant Commissioner Barbara Dixon.

Chairman Kasanof announced the resignation of Secretary to the Board Michael N. Ambler, who will begin law school at the University of Michigan this fall.

General Counsel Robert Daly reported on the State prisoners. An appellate court decision has recently required Nassau County to keep State-ready inmates for 14 days, and to hold parole violators. If the same decision comes to bear on New York City, population will be affected. The State is appealing Judge Lasker's 48-hour rule. Kevin Frawley, negotiating with the State, has suggested the City's State inmate population be capped at 800, plus 150 in the City on Court orders. The negotiations, Mr. Daly said, are still on track toward an agreement, although none has yet been reached.

First Deputy Commissioner Seitchik provided revised Population/Capacity Estimates (attached). A general discussion of these figures ensued; First Deputy Commissioner Seitchik pointed out that if the new chevrons at CIFW open one month early, then the September 1986 gap would close by about 372 spaces.

Mr. Schulte pointed out that the variance on Space Standard at CIFM did not set a new square footage standard. Mr. Daly mentioned that, in light of the Fisher litigation, the Department was anxious to keep CIFM in the best possible

condition. Chairman Kasanof stated that the Board will enforce its standards without regard for any concurrent litigation. Mr. Daly pointed out that the Department tries to keep population below standard where possible; this was apparent, he said, at the North Facility.

Mr. Daly went on to discuss population management. The Individual Assignment System (IAS) now is in use in the courts, which should reduce length of stay (LOS) and number of appearances, was having the opposite effects, at least in the transition stage. Criminal Justice Circle meetings had also become pro forma; he was hoping to revitalize them in the fall, and suggested the Board might seek inclusion. Chairman Kasanof agreed, and said also that he would write to Judge Wachtler. Mr. Daly said it was necessary to focus on bail review and on extremely short-term inmates. Chairman Kasanof suggested the Department and Board staffs work jointly to identify problem areas. A discussion followed of the feasibility of conducting routine court business, such as adjournments, either with the inmate's presence waived by his attorney, or with the inmate observing on closed-circuit TV, to reduce unnecessary inmate transportation.

Mr. Daly next raised the issue of a variance on the space standard for the North Facility, but Chairman Kasanof requested that discussion be deferred until a future meeting at which a quorum was present. Mr. Daly acceded, and noted that recreation at the Brig was now running on a seven-day schedule.

Deputy Commissioner Schriro briefed the Board on the work release program. On July 1 inmates from Mel's Plaza would be transferred to the Brig, where they would complete their time. The one female work-release inmate was furloughed home until Monday, when she would move to Parkside (a State-run work-release facility). Mel's Plaza would be sealed until renovations could begin. First Deputy Commissioner Seitchik noted that capacity would rise from 60 to 120, over the renovation period of two and one half years. Mr. Daly noted that legislation precluded contracting work release to a private vendor; Chairman Kasanof said that, although private correction was not an obviously good idea, the contracting of work release merited consideration.

Chairman Kasanof addressed the members of the Department on several areas of concern. First, he referred to the inaccurate figures provided in Commissioner McMickens' letter about ARDC. First Deputy Commissioner Seitchik responded, stating that the Board would have a reply by the end of the week. Chairman Kasanof continued by discussing his deep concern over the lack of a response to a

letter sent on May 13, 1986, pertaining to a Captain who was involved in a uniquely high number of violent incidents. Brutality, he stressed, is absolutely unacceptable; one of the prime mandates of the Board is to prevent it from occurring. Six weeks have elapsed since the letter was sent; by now, the Department should have done one of three things: either found that the Captain had acted improperly and pressed charges, or found that the Captain was justified in each instance, or found that the pattern was ambiguous and transferred the Captain to a less sensitive post. The lack of any reply is not tolerable, and must be presumed to stem from someone's misunderstanding of the priority such matters have. Chairman Kasanof continued by saying that a prompt response was expected, and should explain why it took six and a half weeks to arrive. The Board's function, the Chairman concluded, is predicated upon information; the withholding of information raises the suspicion that the information which would have been provided is less advantageous than silence.

The members of the Department withdrew from the meeting at 3:35 p.m.

Mr. Wolf presented the summary of the June 5 escape from ARDC: adult inmate Barnes cut through his cell window, got onto the ledge, climbed down a fence, and using sheets to protect himself, crossed two razor ribbon fences. In so doing he triggered three alarms. He entered the water near the LaGuardia Airport runway and got away. He was recaptured the following day. The following factors apparently contributed to the escape: Lack of cell search after Barnes' visitor the previous day had been caught with half a wire cutter; slipshod response to alarms; and the questionable practice of housing adult inmates at ARDC.

Mr. Schulte suggested having outside experts review Rikers Island's security.

Deputy Counsel Elizabeth Armao reported on a suicide from June 5, 1986 at C-71, when inmate Rogelio Quintana was found hanging by an observation aide. He was cut down; medical staff responded quickly. Issues in this case involved whether the inmate should have been in jail, since the judge had initially wanted to commit him directly to Bellevue on a 730 exam, but had been told by a correction Captain that the inmate had to go first to the Correction Department.

Mr. Schulte and Mrs. Singer left the meeting at 3:40 p.m.

Deputy Executive Director John Rakis briefed Chairman Kasanof on the suicide of inmate George Saunders on June 10, 1986, in HDM 1-A. The inmate hanged himself from the cover

of an old, unused light fixture in his cell. He was to have been sentenced the same day. Medical staff responded in six minutes; half an hour after that, EMS arrived. The inmate was declared dead at Elmhurst Hospital at 6:20 a.m. Mr. Rakis reported that log book entries for that morning had apparently been altered, and that it appeared that the officer had not made a 4:30 a.m. tour. Mr. Wolf stated that the Inspector General's Office was investigating and that charges were expected. He also stated that staffing patterns in HDM needed re-evaluation.

The meeting concluded at 3:45 p.m.