

Minutes
Board of Correction
September 3, 1986

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

Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Wilbert Kirby, David Lenefsky, Barbara Margolis, and Rose M. Singer. Excused from the proceedings were Judge William Booth, Angelo Giordani, and David Schulte. The meeting was called to order at 1:05 p.m.

Chairman Kasanof opened the meeting by reading a letter he proposed to send to the City Council recommending Mr. Kirby for reappointment to the Board. The letter was well received by the members of the Board.

Executive Director Richard Wolf introduced newly appointed staff members William Calathes and Joseph Rubin.

Chairman Kasanof stated that since the Department of Correction's projections have underestimated the growth of the inmate population, the Board has been called upon to consider variance requests. Cooperation between the Board and the Department of Correction staff during this difficult period has been excellent. Criminal Justice Coordinator Kevin Frawley told Mr. Kasanof he was convinced that the Department's initial proposals for creating more space in the jails were much improved upon by the negotiations which then took place between Board and Department staff.

Chairman Kasanof mentioned that Jacqueline McMickens has resigned, and suggested that at the next meeting the Board should draft a letter containing a full record of her accomplishments and thanking her for her dedicated service to the Department.

Chairman Kasanof felt that the Board has had less impact on the appointment of a new Commissioner than he would have liked; however, he pointed out that it is important for the Board to remain separate from the Department in order to maintain its oversight status. With the Department's budget expanding to 750 million dollars and likely to reach one billion in the years to come, Chairman Kasanof thought that the search for a new Commissioner should not be limited to the City itself. He has told

Mr. Frawley and the Mayor on occasion that the Department would benefit from some fresh ideas and that the search for the new Commissioner should therefore be conducted nationally.

Chairman Kasanof went on to state that the Board has not held public hearings in the past few years, but that everyone would benefit from a public discussion of the problem of overcrowding. He proposed that the Board hold public hearings on the questions presented by the current crisis. Chairman Kasanof stated that he wanted the Board to have time to think about and discuss the idea, and at the next meeting he will ask for the authorization to present the idea in a formal resolution. Mr. Horan thought that holding a public hearing was an excellent idea.

Chairman Kasanof informed the Board that he has spoken to James Q. Wilson, Chairman of the Department of Government at Harvard, and asked him to recommend someone to act as a consultant to the Board. Wilson suggested Professor John DiIulio -- a political scientist at Princeton who specializes in prison issues. Chairman Kasanof stated that, when confronted with difficult practical problems, the Board should use outside as well as inside resources. He would like Professor DiIulio to share his views with the Board and give Board members the benefit of his technical expertise and education, so that the Board in turn can better aid the Department. Chairman Kasanof would like to invite DiIulio to the next Board meeting. Mr. Lenefsky thought that hiring an outside consultant was a good idea and suggested that the Board use more than one person in such a role.

Mrs. Singer addressed Mr. Kasanof's views about the selection of the new Commissioner. She stated that the Department of Correction was the most sensitive Department in the City and that the Commissioner must know the City and understand the Department's role within it. For this reason, someone within the Department would be most suitable for the job. Mrs. Singer stated that, during her tenure at the Board, she has seen outsiders come in who were unaware of the Commissioner's role in City government. Chairman Kasanof responded by saying that he would convey Mrs. Singer's feelings.

Mr. Lenefsky endorsed the idea of holding public hearings and suggested that staff outline the major issues for discussion. Chairman Kasanof directed the staff to draw up a discussion paper.

Chairman Kasanof asked Mr. Lenefsky to share the results of his investigation of the outdoor recreation program at the Brig. Mr. Lenefsky stated that the Brig was offering recreation seven days a week. It had been taking approximately one hour to process inmates both coming from and going to recreation at other facilities (adolescents go to Rikers Island and adults go to the Manhattan House of Detention for Men). However, the Warden of the Brig told Mr. Lenefsky that this processing time has now been cut in half. The remaining question Mr. Lenefsky examined was the considerable time it takes to transport inmates from the Brig to Rikers Island and the Manhattan House of Detention for Men. Mr. Lenefsky reported that, given the construction and traffic on the Brooklyn Queens Expressway, there is really no satisfactory solution to this problem.

Mr. Lenefsky went on to state that there are 650 inmates in the Brig. It is understandable that the 100 or so adolescents in protective custody at this facility do not want to go all the way to Rikers Island for recreation. However, it was puzzling to Mr. Lenefsky that only two dozen out of 450 adults go to recreation at the Tombs. The Warden has tried various methods of improving the inmate response without success. Mr. Lenefsky asked the staff to make further inquiries.

Mr. Lenefsky noted that construction has not yet begun on the Brig's own facilities for outdoor recreation which were to be completed by February.

Chairman Kasanof stated that the rearrangement of the adolescent population was presenting some problems. He showed Board members a letter dated February, 1985, signed by former Chairman Peter Tufo, which addressed the ceiling problem in ARDC. The same problem described in the letter exists in the section of CIFW that houses adolescents. The Chairman asked Richard Wolf to describe the situation, and discuss what he would like to see done about it.

Mr. Wolf responded by saying that more of the adolescent population of ARDC has been moved to CIFW, so that ARDC's adult population has increased and CIFW is now half full with adolescents. CIFW has the same drop ceilings as had ARDC. A search at CIFW last Saturday uncovered 170 pieces of contraband. Many of these were shanks fashioned from ceiling rods taken from these ceilings. Mr. Wolf showed photographs of some of these ceilings which contain large holes from which inmates have removed ceiling rods. What happened last year at ARDC is now happening at CIFW.

Mr. Wolf proposed the same security enhancements in CIFW that were agreed upon at ARDC. There must be a "C" officer placed in all housing areas with drop ceilings, at least until the ceilings are taken down. Transfriskers and magnetometers must also be strategically located. Mr. Wolf went on to point out that now that the adolescent population has been split up, it is unclear what will happen to the Department's plans which were specifically designed for this population, for instance the plans for Unit Management at ARDC and deployment of specially trained staff.

Chairman Kasanof stated that he wanted to focus on short term plans to ensure that the Department provides the necessary security enhancements at CIFW. He also stated that he would like to raise the idea that the Department should be responsible for gathering information relating to its compliance with the Minimum Standards.

Chairman Kasanof would like the Board to purchase a camera so that enlargeable photographs could be taken by staff whenever necessary. He also reported that the Board has a new Inspector General. She will be free to investigate anything and talk to anyone within the agency.

At 1:55 p.m., the following members of the Department of Correction joined the meeting: First Deputy Commissioner Peter Seitchik, Deputy Commissioner Sharon Keilin, Chief of Operations Martin Monteiro, and Assistant Commissioner Barbara Dixon.

Chairman Kasanof commended the Department for working effectively and constructively with the Board to develop a better set of variances and hoped that the recent level of communication between the Department and the Board would continue. Mr. Kasanof stated that while it is no secret that he has sometimes been critical of the Department, these criticisms have never been personal. Mr. Kasanof asked the Department to report on its progress in finding space for its growing population.

First Deputy Commissioner Seitchik responded by saying that the Department anticipates rough sledding for the next 18-24 months. In the short term, the Department proposes to combine building and variances as the means to get through this period. By the middle to end of next week the Department will be able to brief the Board more fully on its interim building plans, new population estimates, and new variance requests.

First Deputy Commissioner Seitchik went on to point out that the state has honored the agreement concerning "state ready" inmates. The State has been taking out about 400 "state readies" a week, as opposed to about 250 before the

agreement; the total in the system yesterday was 1066 and will be down to 800-900 by mid-September. However, the number of all categories of State inmates will grow to about 1100 with parole violators before it reaches equilibrium. The decrease of "state-readies" in the system has not led to a decrease in the overall population, because the detainee population has increased over that same time period.

Chairman Kasanof asked if the increase in the number of detainees is the result of crack arrests. First Deputy Commissioner Seitchik answered that the Department does not have that information available. The Department is in the process of expanding and converting its data system and this has resulted in a backlog. The Department has also been looking at more fundamental issues such as admission patterns and problems created by the Individual Assignment System. Mr. Kasanof expressed his concern about the number of crack arrests and their impact on the system. First Deputy Commissioner Seitchik said he has planned an analysis of the problem and should have some preliminary findings by the end of the month.

Chairman Kasanof said that the summer population crisis was unexpected and that the Board has tried to be accommodating in granting variances. However, he warned that it will become progressively harder for the Department to obtain the Board's support for variances. The Department's arguments in support of their variance requests will therefore need to be more compelling. Mr. Kasanof stated that Judge Lasker has indicated that he will follow Judge Newman's recent decision to prohibit new admissions to the Nassau County Correctional Center until the population is reduced.

Chairman Kasanof asked Mr. Wolf to discuss the problems at CIFW. Mr. Wolf asked when the same staff and security enhancements as are now in ARDC will be placed in CIFW. Chief of Operations Monteiro responded by saying that the same security enhancements in ARDC will be in place in CIFW before next Monday or Tuesday (9/8 or 9/9). Mr. Wolf observed that there are still a high number of unusual incidents occurring in ARDC and expressed his concern that the staff and security measures at ARDC not be diminished as they are enhanced at CIFW. Chief Monteiro assured him that this would not happen.

Chairman Kasanof said the Board would grant the Department the interim variance and requested that the Department collect data that will help the Board monitor compliance with the variance. First Deputy Commissioner Seitchik agreed.

Chairman Kasanof explained that there should be no delay in notifying the Board of unusual incidents. The Board is a creature of statute and its powers and duties in this regard are well defined. The Board should not have to try to reconstruct events but should be notified immediately. He told the Department emphatically that he does not want to hear about incidents which have not been reported to the Board from the press or other agencies.

Mr. Lenefsky asked when the outdoor facilities at the Brig would be ready. Deputy Commissioner Keilin said she has spoken to the Department of General Services and that these facilities were originally supposed to be completed by February. However, specifications have been altered and this has caused a delay in completion of the contract. Construction will require 195 days. This schedule assumes no major delays due to inclement weather during the winter months. The facilities are now scheduled to be finished in April. Mr. Lenefsky said he is sympathetic to the problem of working with the DGS and asked Commissioner Keilin to keep in touch with him on the progress of the construction. Mr. Kasanof then asked Mr. Lenefsky to be the Board's liaison in this matter.

Mrs. Margolis asked First Deputy Commissioner Seitchik if he was planning anything unique for this period of "rough sledding" ahead. Mr. Seitchik responded by saying that the Department is looking at the possibility of using more modulars, putting more beds in the Brig, constructing a float based structure, and finding spaces for inmates upstate. Chairman Kasanof felt that this last possibility was problematic and needed to be discussed at another time.

Mr. Kirby asked the Department if it had thought about constructing another level on top of the buildings on Rikers Island. Deputy Commissioner Keilin said that the idea has been considered but the foundations of the buildings were not designed to support other levels.

Assistant Commissioner Barbara Dixon expressed her appreciation for the assistance Board staff have given the Department. Mr. Kirby thought the Department had done an impressive job under emergency conditions.

Chairman Kasanof stated that he will be sending the ARDC report to the Mayor and City Council. First Deputy Commissioner Seitchik asked when this would occur, so the Department could prepare some material in response to the report. Chairman Kasanof told the Department to anticipate the report being sent next week. Mr. Wolf will inform the Department the day it is sent out.

Mrs. Margolis asked when the October operating plan would be completed. Mr. Seitchik said that it would be ready by next week.

At 2:40 p.m. the members of the Department left the meeting.

Mrs. Singer asked that the record reflect excused absences for Mr. Schulte from June through October. The minutes of the previous meeting were approved with this addition.

Chairman Kasanof stated that a date for the Board's next meeting soon will be set.

The meeting was adjourned at 2:45 p.m.

Board of Correction
Minutes
October 20, 1986

An emergency meeting of the New York City Board of Correction was held on October 20, 1986, at the Board's offices at 51 Chamber Street, New York.

Members present were Chairman Robert Kasanof, Angelo Giordani, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte, and Rose Singer. Excused from the proceedings were Vice-Chairman John Horan and Judge William Booth.

The meeting was convened at 6:00 p.m.. A motion was made and carried to move into executive session on the grounds that a criminal investigation was going to be discussed.

Staff had briefed the Board members on the recent prisoner disturbances at Rikers Island.

Chairman Kasanof reported that he met privately with City officials to discuss overcrowding in the City's jails. Both he and Department of Investigation Commissioner Kenneth Conboy have requested that a criminal investigation of the events which took place on Rikers Island last weekend be conducted by U.S. Attorney Rudolph Giuliani. Such an investigation was reported to be underway.

The Board was of a consensus that there is an urgent need to reduce the inmate population on Rikers Island. The Board authorized Chairman Kasanof to convey this view to City officials and the public.

The meeting was adjourned at 6:40.