

Board of Correction  
Minutes  
April 12, 1988

A meeting of the Board of Correction was held on April 12, 1988. Members in attendance were Vice-Chairman John Horan, Judge William Booth, Reverend Irvine A. Bryer, David Lenefsky, Barbara Margolis, David Schulte, and Rose M. Singer.

The Department of Correction was represented by Julian Prager, Deputy Commissioner; and Michael Cleary, Executive Director of the Management Evaluation Division.

Also in attendance were Robert Corliss from the State Commission of Correction, and Gerard Wendelken from the New York State Senate Commission on Crime and Correction.

The Vice-Chairman opened the meeting at 2:15 p.m..

Richard Wolf, the Board's Executive Director, introduced and welcomed Joseph Gubbay, the Inspector General recently assigned to the Board of Correction.

Mr. Prager requested an opportunity to address the Board on two issues. He began by discussing difficulties which were encountered by Board staff while investigating the inmate disturbance of February 17-18 at the Anna M. Kross Correctional Center (AMKC). Mr. Prager conceded that certain DOC staff had been intransigent in reaction to requests by Board staff for information that might expose the Department to criticism. He explained that when Commissioner Koehler learned that his staff had failed to swiftly comply with requests for information, the Commissioner issued a letter to his Executive Staff wherein he underscored the Board's legal right under the City Charter to gain immediate access to DOC documents and records.

Mr. Wolf indicated that he has received a copy of the Commissioner's letter, and added that most of the information originally requested has now been received by Board staff. He disclosed to the Board members that delays in receipt of crucial information seriously impeded efforts by the Board staff to prepare, in a timely fashion, a thorough report on the AMKC riot.

Mr. Schulte requested that in the future, each of the Board members receive copies of correspondence forwarded to Board staff or to Chairman Kasanof by the Commissioner.

Mr. Prager also informed the Board that the Department, in an effort to diversify the selection of meals offered to the inmate population, will be sponsoring a cooking contest in which the civilian cooks will use staple products to prepare dishes based on their own personal recipes. He invited all interested Board members to participate in judging the latter stages of the contest, and offered to forward more specific details as plans are finalized.

Mr. Cleary reported that as of April 11, 1988, the Department was operating at 100.2% of capacity, and is therefore requesting a one month extension of all existing variances. He added that the Department remains aware of the Board's expectation that DOC will soon submit a plan for the phased elimination of all variance beds. Mr. Cleary said that the formulation of such a plan has been complicated by two recent developments affecting the availability of housing. These developments include a delay in the opening of the Rose M. Singer Center until the end of June due to problems with the installation of telephone cables, and the expiration in August, 1988, of the license which authorizes the use of the Bibby Venture at its present location.

Mr. Prager, seeking to clarify Mr. Cleary's point concerning the Bibby Venture, stated that the Department could continue to utilize the Bibby Venture after August of 1988 if and only if it could be demonstrated to the Courts that a clear emergency exists. He explained that the Department is seeking an alternative mooring site for the Bibby Venture on the west side of Manhattan. Mr. Prager added that, absent a housing emergency, the approximately one year long ULURP process would have to be pursued in order to obtain approval to house inmates there. Mr. Prager also asserted that the addition of the two 700 bed facilities upstate in the Fall of 1988 should provide sufficient capacity to allow for the elimination of all variance beds.

Mr. Horan asked Mr. Prager whether the Department considers an "emergency" to exist automatically when the inmate census equals or exceeds 105% of capacity.

Mr. Prager responded that such a "trigger number" does not exist at present, but added that the concept of such a number has been discussed with the State Commission of Correction and with Board staff.

Mr. Schulte then cited a recent article in the New York Times in which it was reported that consideration was being given to a plan to house homeless individuals on the Bibby Venture. In light of this report, he asked the Department's representatives to justify their request for the extension of the existing emergency variances.

Mr. Prager asserted that there are no immediate plans to utilize the Bibby Venture as a shelter for the homeless. He stated the Bibby Venture will most likely be used to house the DOC Work Release Program as soon as authorization is obtained to relocate the vessel elsewhere in Manhattan. Mr. Prager did not dismiss the possibility that the Bibby Venture might someday be utilized by the City for purposes not involving the Department of Correction.

Mr. Wendelken suggested that a representative of the Department should write a letter to the editor of the Times clarifying that there are no immediate plans to utilize the Bibby Venture as a shelter for the homeless instead of as a correctional facility.

Mr. Wolf then returned the discussion to the Department's request for an extension of the existing variances. He stated that there are currently 539 beds with variances from the Standard on Overcrowding, as follows:

- i) 517 variance beds for City-sentenced inmates housed in the main building at the Correctional Institution for Men(CIFM);
- ii) 13 variance beds for sentenced cadre at the Queens House of Detention for Men(QHD);
- iii) 9 variance beds for sentenced cadre at the Bronx House of Detention(BxHD).

Mr. Wolf then mentioned two issues which pertain to the variance at CIFM. He stated that the Department has abandoned the plan proposed at the last Board meeting to cut one escort post for parole violators at that facility, a post required by the original 1986 CIFM variances. Mr. Wolf also reported the Department's failure to adhere to variance stipulations concerning the number of parole violators permitted in special housing areas within the main building. He stated that since the Board meeting in March, at which time the Board agreed to permit as many as ten parole violators to be housed in the CIFM Infirmary, there have been four occasions on which the number has exceeded ten, including one day on which there were nineteen parole violators in the main building. Mr. Wolf urged the Department's representatives present at the Board meeting to advise the Operation's Division of the need to keep the number of parole violators in the main building of CIFM within the stipulated guidelines.

Regarding the Bibby Venture, Mr. Wolf reminded the Board members that the Department also has a variance which permits law library and visitation privileges for inmates on the Bibby to be provided at the Manhattan House of Detention(MHD). He asked the Department's representatives to provide details about current operations on the Bibby

Venture, citing problems that initially had arisen regarding the provision of both services.

Mr. Cleary stated that there are 27 detainees currently housed on the second deck of the vessel. He indicated that several modifications recommended by the Board to enhance the safety and security of the housing areas have been completed. He also mentioned that the rooftop recreation area on the Bibby Venture is now operational, and that an area inside a building on the adjacent pier is being prepared for use as an indoor recreation site. When asked to comment on general service delivery thus far on the Bibby Venture, Mr. Cleary responded that he was aware of only a few instances of delays in the provision of services.

Mr. Lenefsky asked Mr. Wolf for his recommendation on the Department's request for an extension of the existing variances.

Mr. Wolf recommended a 30 day extension of all existing variances.

A motion to renew the existing variances was made by Mr. Schulte, and seconded by Mrs. Singer. The motion was passed unanimously.

Mr. Lenefsky asked the Department's representatives to update the Board on recent attempts to secure funding for the expansion of unit management in DOC facilities.

Mr. Prager revealed that the Department is completing a major proposal on unit management which will eventually be submitted to the Office of Management and Budget. He said that the Department's argument for a widespread deployment of unit management is based on the successful implementation of its pilot program at ARDC. Mr. Prager claimed that the data available from the pilot program indicates that unit management does in fact result in decreased officer absenteeism and overtime, as well as a decrease in inmate infractions and injury-related hospitalizations.

Mr. Horan requested that the Board members be furnished with copies of the Department's proposal to OMB.

Mr. Prager was then asked by Reverend Bryer to comment on a recent report which attacked the delivery of health care in DOC facilities.

Mr. Prager and Mr. Cleary both stated that they had not read the report, and therefore did not feel they could comment on the validity of its findings.

Rev. Bryer asked the Department's representatives to comment on the report's allegation that the Brooklyn House of Detention(BHD) has only one functional elevator.

Mrs. Singer stated that, on a recent visit to the BHD, she was appalled by the overall conditions within the facility, including the shortage of functional elevators.

Mr. Schulte referred to a 1985 letter from Mr. Wolf to then BHD Warden Hunter wherein he complained about the lack of operational elevators and the resultant negative impact on that facility.

Mr. Cleary acknowledged that the BHD has had chronic problems with its elevators, but added that several modifications are currently being effected throughout the facility, including extensive reconstruction of the clinic area and long-range renovations of the elevators.

Mrs. Margolis asked Mr. Prager to comment on Mayor Koch's activities during his recent trip to Rikers Island.

Mr. Prager stated that the Mayor's visit included a tour of the Central Bing at the House of Detention for Men(HDM), as well as a stop at the Anna M. Kross Correctional Center(AMKC). He said that the Mayor addressed roll call at AMKC, and praised the officers of that facility for their professional response and demeanor during the inmate disturbance in February, 1988.

Mr. Schulte then returned the discussion to the topic of inadequate elevator service at the BHD. He asked for an explanation as to why the City could not simply declare that the inadequacy of the elevator service constitutes an "emergency situation", thereby speeding up the completion of needed repairs.

Mr. Prager responded by explaining that the Corporation Counsel and the Comptroller must jointly declare that an emergency exists, and agreed that such a declaration would allow the City to avoid the time-consuming competitive bidding process.

Mr. Schulte asked if there are still plans to eventually moor the Bibby Venture at Rikers Island.

Mr. Prager stated that current plans call for the Bibby Venture to be relocated permanently in Manhattan, where it will be used as a base for the DOC Work Release Program.

Mr. Wolf asked if there were any plans to reactivate the work release facility at Mels Plaza, which was closed several years ago in order to effect renovations.

Mr. Prager stated that such plans have been abandoned due to the high costs that would be incurred for such renovations.

Mr. Schulte asked if any money had been spent on the construction of a mooring site for the Bibby Venture on Rikers Island.

Mr. Prager responded that plans for such a site had been devised, but that construction has never been initiated.

Mrs. Margolis inquired as to the peak census of the DOC Work Release Program since its transfer to the ferries on Rikers Island, noting that the anticipated Bibby Venture site contains 384 beds.

Mr. Cleary responded that the highest number of work release residents on a given day was 125, but added that current plans call for an enrollment of 320 inmates by August of 1988. He said that approximately 250 of those inmates would be full-fledged Work Release Program participants, while approximately 70 would be enrolled in an intensive drug treatment program prior to their consideration for outside work assignments. Mr. Cleary added that the eligibility criteria for participation in the Work Release Program have been made more stringent, with participants now required to undergo two weeks of orientation before they are referred for job interviews and placement.

Mrs. Margolis requested that the Board be furnished with copies of the revised eligibility criteria.

Mr. Schulte asked for an update on pending legislation which would allow detainees to participate in work release.

Mr. Prager stated that Commissioner Koehler is still lobbying for such legislation, and is hopeful that it will be approved in the next session of the State legislature.

Mr. Wendelken asserted that the State Senate Commission on Crime and Correction remains willing to lend its support to initiatives aimed at improving the operation of the City's correctional system.

Mr. Horan indicated that the Board will monitor the Department's response to criticism recently leveled against the delivery of health care in the City's jails.

Mr. Wolf reported that, one year ago, the Board submitted a draft copy of its Health Care Minimum Standards to the City's Health and Hospitals Corporation (HHC). He said that the HHC reviewed the draft standards and gave its

approval. Mr. Wolf noted that the recently released report was prepared at the request of the HHC, and that the findings clearly demonstrate the need for an improved coordination of health care delivery in DOC facilities.

Mr. Horan called for a motion to approve the minutes of the March Board meeting. Such a motion was made by Mrs. Margolis and seconded by Mrs. Singer. The motion to approve the minutes without alteration was passed unanimously.

Mr. Schulte mentioned that proposed modifications to the City Charter are currently under consideration, and suggested that the Board should act quickly if it seeks to effectuate any revisions.

Judge Booth asked if there are plans to hold one of the upcoming Board meetings at a DOC facility.

Mr. Wolf responded by stating that such an alternative site could easily be located, and promised to make the necessary arrangements.

Judge Booth asked for an update on plans for the proposed bus tour of Rikers Island by the administrative judges.

Annette Gordon-Reed, the Board's Counsel, stated that she had been informed that the last tour took place in the Spring of 1986. She added that a DOC representative had promised to make the necessary arrangements for another tour, and would contact her concerning the details.

Judge Booth stated that the law clearly stipulates that every administrative judge must visit Rikers Island every 3-4 months, and asserted that there is clearly a need for enforcement of this requirement.

Mr. Horan stated that the Board could certainly act as a facilitator in that regard.

Rev. Bryer asked if there are any plans to develop an alternative school on Rikers Island, indicating that he had been advised about and had observed severe problems in the existing educational programs.

Mr. Prager responded by stating that there are a number of committees at the Department currently focusing on a proposal to construct a free-standing school on Rikers Island, and offered to keep the Board posted on developments which relate to this concept.

The meeting was adjourned at 3:10 p.m..