

Board of Correction  
Minutes  
September 13, 1988

Members Present

Robert Kasanof, Chairman  
Reverend Irvine A. Bryer  
David Lenefsky  
Barbara Margolis  
Rose M. Singer

Excused absences were noted for Vice-Chair John Horan,  
William Booth, Angelo Giordani and David Schulte.

Representatives of the Department of Correction(DOC)

Richard Koehler, Commissioner  
Julian Prager, Deputy Commissioner  
Robert Daly, General Counsel  
David Frankel, Special Counsel to the Commissioner  
George Vierno, Deputy Chief of Operations  
Michael Cleary, Executive Director, Management  
Evaluation Division  
Bruce Sullivan, Warden, Correctional Institution for  
Men(CIFM)

Others in attendance

Fran Vella, State Senate Committee on Crime and Correction  
John Guzman, State Commission of Correction  
Celestine Bohlen, New York Times  
Evelyn Hernandez, New York Newsday  
Paul LaRosa, Daily News

The Chairman opened the meeting at 2:10 p.m., prior to the arrival of the Department's representatives.

A motion to approve the minutes of the August meeting was made by Mrs. Singer, seconded by Rev. Bryer, and passed unanimously.

Mr. Kasanof introduced the Board's new Deputy Executive Director, Maddy deLone. Noting Ms. deLone's graduate degree from Harvard's School of Public Health and her extensive administrative experience with Rikers Island Health Services and the City's Health and Hospitals Corporation, the Chairman predicted that Ms. deLone will be invaluable to the Board's continuing efforts to implement health standards and to monitor and improve the delivery of health care in the City's jails.

The Chairman reported on a recent exchange of letters between himself and Governor Cuomo. He said that in his letter of August 22, 1988, he expressed to the Governor the Board's concern over the large number of State-ready inmates in the City's jails. As of August 22, there were 445 State inmates in DOC facilities beyond the date by which they properly belonged in State custody. Referring to the Governor's response, dated September 2, 1988, Mr. Kasanof stated that Mr. Cuomo wrote that as of September 1, the State had taken custody of all the newly State-sentenced adult males that had been in City custody over 48 hours. Mr. Kasanof asserted, however, that the Governor did not address other categories of State-ready inmates, specifically, male parole violators, females, and adolescents.

The Chairman reported that there are currently 305 inmates within the two latter categories that have been in City custody over 14 days. He said that the Board's Counsel, Annette Gordon-Reed, and Research Director, Laura Limuli, recently accompanied him on a visit to C-73, where they inspected the dormitory conditions under which women inmates are being housed. Mr. Kasanof described those conditions as "abysmal", and reported that they encountered an improper, dangerous mixture of City-sentenced women, State inmates, and detainees. The Chairman also said that some of the women had been housed in their respective areas without first receiving medical clearance.

Mr. Kasanof asserted that notwithstanding the reduction in the number of State-ready inmates since the August Board meeting, the Board should continue to demand that the State take custody of all its inmates within the previously agreed upon time limits. He said that he had met with Mayor Koch earlier in the day, and reported that the Mayor is well

aware of the fact that the success of the Police Department's newly-expanded Tactical Narcotics Team(TNT) is somewhat dependent on the availability of sufficient jail space.

The Chairman expressed his hope that in the coming months the Board will be able to become more involved in developmental research and planning projects, and not feel compelled to confine its attention to "emergency situations." In particular, he reiterated his desire for a renewed focus on health standards and health care delivery in DOC facilities.

Mrs. Margolis reported on her visit that morning to the Correctional Institution for Men(CIFM). She said that even though 600 City-sentenced inmates have already been transferred to the upstate jails, the beds made available by the departed inmates have for the most part been "backfilled" by City-sentenced inmates from other facilities.

The meeting was then joined by the aforementioned representatives of the Department of Correction. The Chairman reiterated his dissatisfaction with the excessive number of State-ready women and adolescents in the City's jails. He discussed the Board's history of concern over violence by adolescent inmates against one another, and once again described the conditions he encountered on his recent visit to C-73. He also introduced the Board's Deputy Executive Director, Ms. deLone, to the DOC representatives. Mr. Kasanof asked the Commissioner to comment on the large number of State-ready women and adolescents that remain in City custody. The Chairman said he is particularly concerned about the adolescent inmates who, he said, present unique problems and require special custodial care.

Commissioner Koehler began by expressing his confidence that the City and the State are moving into a period of greatly improved communication and cooperation. Mr. Koehler explained that, in the past, discussions between the City and the State seemed to resemble "verbal boxing", but added that the prisoners in question are no longer referred to as "State prisoners." Instead, he said City and State officials now discuss "certain categories of prisoners" who must be moved to State facilities before TNT can go into effect. The Commissioner reported that State Department of Correctional Services Commissioner Thomas Coughlin, during the past two weeks, has arranged for the transfer of 300 State inmates, and has made a commitment to remove an additional 300 prisoners within the next 30 to 45 days. Mr. Koehler credited the Board for its assistance in bringing about the reduction, from over 600 to 305, in the number of

State-ready inmates in the City system beyond the date by which they properly belong in State custody. He said that he and other City representatives are hopeful that the improved cooperation between the City and the State will continue. The Commissioner explained that Governor Cuomo, Mayor Koch, and State Criminal Justice Coordinator, John Poklemba, have encouraged and motivated him and Commissioner Coughlin to work together on this matter. He said that he is in strong agreement with Mr. Kasanof's contention that the success of the City's TNT initiative depends a great deal on the availability of City jail space, and therefore on the continuation of cooperation between the City and State.

The Chairman said he will continue to recommend that the Board not grant any additional variances for State inmates on the grounds that variance bed space creates a public impression that the City is able to cope with the presence of large numbers of State inmates. He reiterated his belief that the "rebalancing" between the City and the State systems will continue only as long as the Board remains adamant on this position. Mr. Kasanof again discussed the long history of inmate unrest attributable to the accumulation of State inmates in an already overcrowded City system, with the most recent example being the February, 1988, riot at the Anna M. Kross Center (AMKC). He reiterated his long-standing conviction that the State system is far better equipped to deal with the special needs of State inmates.

Mr. Koehler reported that the State Assembly has passed legislation which will allow the City to release specially selected detainees under an experimental program of house arrest. He said he expects to have 200 inmates living at home by June, 1989, at which time he is required to report back to the Legislature on the program's results. The Commissioner also discussed plans to relocate the DOC Supervised External Activities (SEA) program, currently housed onboard the two Rikers Island ferries, onto the Bibby Venture by March, 1989. He asked Warden Bruce Sullivan to update the Board on recent improvements in overall conditions at CIFM.

Warden Sullivan began by reporting that 530 of the 870 officers and 63 of the 66 captains assigned to CIFM are now working steady posts. He also stated that from July, 1987, to July, 1988, the facility saw a reduction in three critical indicators of inmate unrest. Specifically, he said that inmate infractions dropped by 61%, inmate assaults on staff by 40%, and inmate-on-inmate violence by 33%. He opined that the modular dormitories in which parole violators are currently housed constitute "the quietest part

of the jail." The Warden added that he already has ninety-four(94) parole violators from the modules working in the main building of CIFM.

Mr. Kasanof asked Commissioner Koehler to provide the Board with the details of the Department's variance request for CIFM.

The Commissioner stated that the Department requests permission to move parole violators into dormitories in the south side of the main building at CIFM. He explained that bedspace in the main building will be made available by the upcoming transfer of another 800 City-sentenced inmates to the upstate jails. Mr. Koehler noted that the existing variance sets the CIFM census capacity at 2600, but stipulated that parole violators could only be housed in CIFM's modular dormitories, not in the main building. He stated that the census was currently 2438, and that the Department would make a commitment to quickly bring the census down to the facility's standard capacity of 2083.

In response to an inquiry by Chairman Kasanof, Deputy Chief Vierno stated that based upon the existing schedule for the transfer of City-sentenced inmates to the upstate jails, it would take two weeks to reduce the census to 2083.

The Chairman stated that since it has been historically difficult for the Department to manage parole violators in the main building at CIFM, the Board should initially allow only a small number of parole violators into the main building. He suggested a variance to allow 116 parole violators to be housed, at 60 square feet, in two(2) dormitories in the main building.

The Commissioner and Deputy Chief Vierno responded that, within one week, they could reduce the CIFM census to 2341 while housing 116 parole violators in the main building. They added, however, that to make the census reduction and still gain detainee beds in the other jails would be almost impossible, unless they were permitted to move more than 116 parole violators into the main building.

The Chairman said he was willing to propose a compromise whereby at the end of two weeks, the Department would bring the the census of CIFM down to standard, with up to 232 parole violators housed in four(4) dormitories in the main building.

Mr. Koehler and Deputy Chief Vierno explained that within several weeks, the parole violators housed in the main building would be newly committed parole violators without open cases. He also said that, in effect, the

Department would be transferring one(1) parole violator into the main building for every two(2) City-sentenced inmates moved out.

The Commissioner stated that the primary motivation behind the Department's request is the current and projected shortage of detainee beds. He said that if the Board does not allow the Department to fill empty beds in CIFM with parole violators, the backup plan would involve the transfer of City-sentenced cadre from the borough facilities to CIFM. Mr. Koehler explained that the Department would then be required to transport the cadre, on a daily basis, to and from each of the borough jails where they work. Such a plan, he asserted, would involve substantial outlays for additional manpower and other transportation related costs.

Mr. Kasanof stated that while the Board is sympathetic to the Department's needs, it is also important that the lessons of the past not be forgotten. Specifically, he referred to the inmate unrest of October, 1986, which involved parole violators housed in the main building of CIFM. The Chairman inquired as to the reason why the Department needs two weeks to reduce the cap at CIFM to 2083, given the fact that the census currently stands at 2438, with some 400 City-sentenced inmates scheduled for transfer upstate during the coming week.

Deputy Chief Vierno responded that two weeks is an "outside number", and stated that the Department might be able to bring the facility down to standard within 7 to 10 days.

The Chairman asked for Mrs. Margolis' comments.

Mrs. Margolis stated that she has observed an improvement in conditions at CIFM, and expressed her confidence in Warden Sullivan. She further stated that if the Department was forced to adopt its backup plan, a great deal of daily inmate movement would be involved. Mrs. Margolis said that a less complex alternative might be preferable. At the same time, she speculated that the smooth operation of CIFM could easily be disrupted by an introduction of parole violators into the main building.

The Chairman announced his recommendation that the Board grant the Department permission to enact, in CIFM, the plan delineated by the Department's representatives. He said, however, that the Board's consent should take the form of two separate variances, one for each of the next two weeks. Mr. Kasanof said that Board staff will monitor service delivery and overall conditions within the facility

during the first week, when up to 116 parole violators will be moved into 2 dorms in the main building. He stated that the Board will then convene telephonically at the end of the first week, and promised that the variance for the second week would be allowed to take effect only if the Board is satisfied that the conditions of the first variance had been met without a coincidental rise in violence. The Chairman stated that at the end of the two week period, the facility must be operating at standard capacity, 2083. Mr. Kasanof reminded the Department's representatives that during the summer months, he had requested that the Department submit a plan to eliminate all the existing variances. He expressed his desire to implement further reductions in variance beds in the coming months. The Chairman asked Richard Wolf, the Board's Executive Director, to provide the Board with the details of the Department's other variance requests.

Mr. Wolf said that in addition to the variance for CIFM already discussed, the Department also asks that the Board renew the variances already in effect at the Brooklyn Correctional Facility (BCF), the Bronx House of Detention (BXHD), and the Queens House of Detention (QHD), each of which allows for the housing of City-sentenced inmates at 40 square feet. He said that the Department has also requested that the existing variance at the North Facility (NFAC), which permits the housing of City-sentenced prisoners at 40 square feet in one dorm, be expanded to include three additional dorms. Mr. Wolf said that such an expansion of the variance would result in a net increase of 90 variance beds for that facility, as each dorm would increase from a capacity of 57 to 87. Mr. Wolf reported that the Department also requests a variance for C-73, which would permit 75, instead of 50, City-sentenced females to be housed in each of 3 units in two modular dormitories. He explained that the result of approving all of the Department's requests would be, after two weeks, a net reduction of 352 variance beds. [ 517 (CIFM) -90 (NFAC) -75 (RMSC) = 352 (Net Reduction) ]

The Chairman asked for a motion to approve the Department's requests, as outlined by Mr. Wolf.

A motion to approve the requests was made by Mr. Lenefsky, seconded by Mrs. Singer, and passed unanimously.

Mr. Kasanof asked the Department's representatives to look into conditions under which female inmates are currently housed, and prepare a plan for improving health care services at RMSC. He requested that the plan be made available in time for the October Board meeting.

Mrs. Singer expressed praise for the "fabulous job" Warden Robert Brennan has done thus far at the RMSC.

The meeting was adjourned at 3:25 p.m.