

BOARD OF CORRECTION

MINUTES

JULY 12, 1989

Members Present

John R. Horan, Vice-Chairman
Barbara Margolis
Rose M. Singer

Excused absences were noted for Chairman Robert Kasanof, Rev. Irvine Bryer Jr., David Lenefsky, Judge William Booth, Angelo Giordani, and David Schulte.

Representatives of the Department of Correction

Thomas Murray, Chief of Operations
Julian Prager, Deputy Commissioner of Management Evaluation and Specialized Services
David Frankel, Special Counsel
Steven Thomas, Assistant Commissioner of Program/Health Services Management
Michael Cleary, Executive Director of Management Evaluation Division
Carl Coppola, Deputy Warden, Commanding Officer, Supervised Detention Program

Others in Attendance

Crystal Harris and Karen White, Department of Health
John Guzman and Earl Murphy, New York State Commission of Correction
Fran Vella, State Senate Committee on Crime and Correction
Paul La Rosa, Daily News
Evelyn Hernandez, New York Newsday

Vice-Chairman John R. Horan opened the meeting at 2:30 p.m. He welcomed the representatives of the Department of Correction and other agencies. He then asked Richard Wolf, Executive Director to introduce the six interns presently working at the Board. Mr. Wolf introduced Justin Kerber, Joshua Machleder, Erica Perl, Martin Schmelkin, Joe Hiraoka, and Tandra Carter who are slated to work on various projects throughout the summer.

The discussion then turned to the Department's letter dated July 10, 1989, requesting a renewal of all existing variances. Mr. Wolf reminded those assembled of the discussion held at the last Board meeting about the Department's non-compliance with conditions to the existing variances. He noted that, as of today's meeting, there were still instances where there Department was out of compliance with variance conditions at several facilities. Specifically, in the Adolescent Reception Detention Center, several problems remained concerning classification and the housing of high-security City sentenced adolescents. The classifications of some of these inmates were lower than 18, the cutoff point set as a condition for granting variances at ARDC. Also these same inmates are being housed throughout ARDC rather than in one cell area, as was also agreed. In addition the Department had failed to make regular reports of the housing locations of all categories of sentenced inmates in the facility.

Mr. Wolf then raised the issue of the outbreak of rubella on Rikers Island and asked the Department to inform the Board members of what approaches they have taken to control the spread of the disease in the facilities.

Mr. Frankel, Special Counsel to the Commissioner, prefaced the presentation on the rubella outbreak by saying that the crisis has made the need for a continuation of all existing variance more urgent. In order to isolate the disease in the facilities where it was first reported, the North Facility, CIFM, and the Rose M. Singer Center, the Department was forced to stop transferring inmates between facilities. In addition, the State was refusing take parole Violators, who rightfully belonged in State facilities, fearing the spread of the disease into their system.

Mr. Frankel then introduced Steven Thomas, Assistant Commissioner, who is responsible for handling the rubella crisis, to give an update on how matters stood at that point. Before he began his presentation, Mr. Thomas introduced two representatives from the Department of Health, Crystal Harris and Karen White, experts in epidemiology who were also responding to the crisis. Mr. Thomas gave a brief overview of what rubella is and how it is transmitted. He handed out to the Board members the literature on rubella that was distributed to the inmates and staff in the facilities.

The Department of Health declared an outbreak of rubella in three facilities on Rikers Island: the North Facility, the

Correctional Institution for Men, and the Rose M. Singer Center. All of the inmates and all Department staff at those facilities who were not immune were immunized. Although the Department did not require mandatory immunization of the staff it strongly suggested that all staff be immunized. Mr. Thomas said that as of June 19, 1989, the North Facility had been declared cleared of rubella, and the movement of inmates has been restored. The Correctional Institution for Men will not be cleared to receive or transfer inmates until July 21, 1989 and The Rose M. Singer Center will not be cleared until July 22, 1989.

On the question of state inmates, Mr. Thomas stated that arrangements have been made with the state correctional facilities to screen blood tests of inmates before they go upstate. Mr. Wolf asked about the accuracy of the blood test and reliability of the seven day time period. Karen White, the Health Department representative said that the blood test for rubella within the seven days wait is accurate.

Mr. Thomas then interjected that the state correction facilities would be ready to receive inmates by July 20, 1989.

Mr. Wolf then asked about the outbreak of rubella in relation to the variance request.

Deputy Commissioner Julian Prager, explained that the discontinued movement of inmates out of the North Facility lessened the Department's flexibility in making transfers of inmates and this in turn, has affected its ability to house any inmates.

Mr. Wolf then asked if the Department could start moving the parole violators from the North Facility. Mr. Frankel replied that there isn't any movement of parole violators from the North Facility because there is no place to which they can be sent.

Mr. Wolf then requested that Mr. Thomas keep the Board informed if any new cases are discovered. Mr. Thomas and the representatives of the Department of Health left the meeting.

The Board then discussed the problem of violence in the facilities. Mr. Wolf raised the issue of the inmate at AMKC who was paralysed after suffering injuries during a use of force incident. He said there had been several serious slashings and stabbings in the past week. He requested that the Department representatives give their opinions as to the reason for the rise in violence. He also asked them to explain what measures they were taking to curb the violence.

Thomas Murray said that he had initiated a meeting with the Wardens to discuss the matter because the Department was concerned about it as well. They said that they have tried several methods to decrease the violence in their facilities. They have increased the searches and they have had additional Mutual Assistance Plan (MAP) searches in the James A. Turner Center (JATC), formerly HDM. Chief Murray met with the Inmate Council and found, to his surprise, that they didn't think that violence was on the upswing.

John Horan asked if the violence was taking place in any one area of the facility, e.g. the mess hall or at recreation.

Chief Murray said that it was happening all over, but he was particularly concerned about the level of violence in the Central Punitive Segregation Unit, at JATC, which should be the most trouble free area. He suggested that the searches conducted when inmates returned to facilities from court might not be stringent enough and might account for the number of weapons found.

Chief Murray said that there is a need for magnetometers and fluoroscopes to detect contraband on inmates returning to the facilities, but the machines are extremely expensive. Chief Murray said that in his opinion the violence in the facilities isn't really getting out of control. He said that no one can say why inmates slash and stab one another instead of punching one another, as was the common practice.

Mrs. Singer asked if there is a difference in the violence levels for state inmates in the City system and city inmates.

Chief Murray said there really isn't any difference between the state and city inmates. He described some of the methods that inmates use to conceal contraband. Inmates carry razor blades in their mouths. When an inmate informs an officer that there is a "gun hidden", it means that an inmate is in the possession of a blade and has it hidden. Razor blades are used to slash inmates faces, creating what inmates call a "life mark". They also use sharpened religious medallions as weapons.

Mr. Wolf then mentioned his trip to the Anna M. Kross Center during which he was shown a cache of approximately forty weapons that had been confiscated from common areas or had been taken

from inmates as they were being transferred to state facilities. Mr. Wolf said he was told by facility staff that such weapons were not reported to Central Office and that no record of them was maintained. He noted that he had been informed that forty unreported weapons was an "average amount" for one week. If the information given to Mr. Wolf was accurate, this would mean that more than 2000 weapons per year were recovered but not reported by AMKC.

Deputy Warden Carl Coppola said that a record was supposed to be kept of all contraband found in the facilities. Mr. Wolf said that may be the policy, but AMKC staff told him that no record was maintained.

Mr. Wolf was asked by Chief Murray if the Board's staff had any suggestions as to how to control contraband in the jails. Mr. Wolf responded that all people entering the jails should be subject to a search. This includes Department staff, Board staff and Board members.

Chief Murray stated that it would take too much time to make everyone pass through a Magnetometer. Mr. Wolf said it could be done randomly and have the same deterrent effect.

Mr. Horan then turned to the issue of the extension of variances, which will be considered by a telephone poll by the Board members. He moved for adoption of the minutes of the June 14, 1989 Board meeting. The motion was approved by Rose M. Singer and seconded by Barbara Margolis.

It was agreed that the next Board meeting will be Wednesday,

August 9, 1989.

Mr. Horan thanked the representatives of the Department for their participation in the Board meeting which was adjourned at 3:05 p.m.