

BOARD OF CORRECTION

MINUTES

OCTOBER 11, 1989

Members Present.

Robert Kasanof, Chairman
John R. Horan, Vice-Chairman
Judge William Booth
Rev. Irvine Bryer, Jr.
Barbara Margolis
David A. Schulte
Rose M. Singer

Excused absences were noted for David Lenefsky and Angelo Giordani.

Representatives of the Department of Correction.

Sharon Keilin, Deputy Commissioner of Capital Development and Support Services.
Julian Prager, Deputy Commissioner of Management Evaluation and Specialized Services.
Thomas Murray, Chief of Operations.
George Vierno, Deputy Chief of Operations.
Robert Daly, General Counsel.
Michael Cleary, Executive Director of Management Evaluation Division.
Steven Thomas, Assistant Commissioner of Program/Health Services Management.
Ali Al'Rahman, Deputy Warden of Forbell Correctional Facility.
John Basilone, Administrative Deputy Warden of Forbell Correctional Facility.

Others in Attendance.

Fran Vella, State Senate Committee on Crime and Correction.
Patricia Thomas, New York State Commission of Correction.
Michael Mandel, Esq., Paul Weiss Rifkin Wharton & Garrison

Board Chairman Robert Kasanof opened the meeting at 2:10 p.m.. Rose M. Singer moved for adoption of the minutes of the September 13, 1989 Board meeting. The motion was seconded by John R. Horan, and approved by all Board members present. At this point, the Department of Correction representatives arrived to join the meeting. After welcoming the representatives from the Department of Correction, and other agencies, the discussion turned to the Department's letter dated October 7, 1989, requesting a two week extension of emergency variances to "squeeze" state prisoners. The Board had granted the two week variances based in part upon Department representations that the White Street Jail and additional modular capacity would become available by the end of the month. The Department had requested a renewal of all existing variances on October 10th. Chairman Kasanof reminded the Department of the discussion held at previous Board meetings about the Department's non-compliance with conditions to the existing variances. The Department of Correction has been out of compliance with variance conditions at several facilities for several months. Chairman Kasanof singled out the North Facility, the Ferries, and the Rose M. Singer Center as examples of institutions where variance conditions were not being met. He mentioned the inmate disturbance that occurred on September 26, 1989, at the Anna M. Kross Center, where state sentenced inmates barricaded themselves inside housing areas and ignited several small fires. The Chairman reiterated that the existing variances are contingent upon the

Department's ability to maintain the safety and security of the institutions. Chairman Kasanof expressed concern about continuing problems with medical coverage in the North Facility wing, and reminded DOC about Judge Lasker's observations about inadequate medical services in that facility.

Chairman Kasanof expressed his belief that it would be inappropriate for the Board members to grant any variance to "squeeze" inmates at less than sixty square feet for more than fourteen days in the North Facility, in view of Judge Lasker's earlier Lareau positions.

Chairman Kasanof asked Deputy Executive Director Maddy deLone to report on the Department's non-compliance with variance conditions. She stated that the Department had not assigned an additional van or a food service captain to the Ferries as was required by a variance condition imposed on March 24, 1989. Also, no additional medical or uniformed clinic staff had been assigned to accommodate the additional inmates. In the Rose M. Singer Center many showers, sinks, and toilets, in both sides of Dorm 20 have been broken since December, 1988. Ms. deLone noted that in the North Facility, additional medical staff was needed, and had been a longstanding variance condition, to service the increased census on the Ferries due to the variances. As of last week, there were no physician's rounds being made in the punitive segregation area nor had there been in the first two weeks of the unit's operation. She noted that State Correction Law requires daily rounds for all areas where inmates are in punitive

segregation for 24 consecutive hours, and that despite several calls to the Departments of Health and Correction, no practitioner had been assigned. Steven Thomas, Assistant Commissioner of Program/Health Services Management, said the Department of Health was checking why medical rounds were not being done. Mr. Schulte asked who was being held responsible for this violation of State law and asked for a report at the next meeting. He wanted to know what was being done to the person who was responsible. He said the broader issue at the North Facility and the Ferries was not whether there is enough medical staff to give medical service to the inmates, but whether the quality of medical services was adequate. Mr. Thomas was then reminded that the Department had been specifically directed to increase staff as a condition to the variances at the Ferries. Deputy Commissioner Sharon Keilin stated that six hundred modular beds would be received this fall. The Rose M. Singer Center will receive three hundred fifty by October 31st. Two hundred beds will come on-line at ARDC at approximately the same time. The first of 276 inmates will be moved into the White Street Jail during the week of October 23, 1989.

Board Counsel Annette Gordon-Reed reported on her visits to the Forbell Facility on October 3rd, with Rev. Bryer, and October 5th. She noted that, in violation of a variance condition, no mental health worker was present at the facility. Ms. Gordon-Reed said that medical personnel had no clear idea of when provision for dental care would be made. She was told that this

was a significant problem even though inmates with serious dental problems are supposed to be screened and not housed at Forbell. Ms. Gordon-Reed was told that a substantial number of Forbell inmates have serious dental problems.

On their tour, Rev. Bryer and Ms. Gordon-Reed saw an exercise bicycle and a rowing machine to be used for indoor recreation. The facility is supposed to have already received an additional three bicycles for the exercise program. Ms. Gordon-Reed had suggested to Deputy Warden Al'Rahman that it might be better, given the unusually small law library, to have chairs with desk flaps attached rather than conventional tables. She said that presently there are three officers per floor in the housing area, rather than the four with meal relief that the Board listed as a condition to the variance. There are four vehicles assigned to the Forbell Facility, instead of six. On October 3, 1989, Ms. Gordon-Reed and Rev. Bryer, witnessed an argument between a correction officer and a number of inmates who had missed court appearances because the court bus, which arrived at the facility after 11:30 a.m., did not get them to court until the late afternoon. One woman who was particularly distraught insisted that she had missed a chance to be released because she missed her court appearance. This same problem occurred on October 5th. Ms. Gordon-Reed noted that due to Forbell's remote location, a vehicle must be specifically designated to insure that people make it to court appearances. She further reported that Board staff had requested an additional telephone line

outside the Social Service area at Forbell, and noted that the inmates at Forbell have complained that their sheets had not been changed in two weeks.

Deputy Warden Ali Al'Rahman stated that the perimeter fences were being completed today at the Forbell yard and that the facility had adopted Ms. Gordon-Reed's suggestion and was installing chairs with desk flaps in the law library.

Chairman Kasanof reiterated the Board's concern about the problems at the Forbell Facility , and said that he would not even recommend that the Board vote on any variance requests for the facility until the problems were resolved. He stated that if the variance conditions at the Ferries and the Rose M. Singer Center were not met by the Board's next meeting, he would move to have the variances revoked.

A quorum being present, the Board members unanimously voted to extend all existing variances for two weeks. At the next Board meeting the Board will discuss the promulgation of the Health Care Standards and the Department's non-compliance with conditions to variances.

Judge William Booth reported that the subcommittee on publicity met on September 8, 1989 at Mrs. Singer's apartment. He noted that New York Newsday might do a profile on the Board, and that Ms. Gordon-Reed would be drafting a column on the Board for the Department's newsletter.

Executive Director Richard Wolf introduced Jennifer S. Robohm, an Urban Fellow and recent graduate of Yale University,

who has joined the Board Staff.

It was agreed that the next Board meeting would be held on Wednesday, November 8, 1989. Chairman Kasanof thanked the representatives of the Department of Correction for their participation in the Board meeting, which adjourned at 3:17 p.m.