

NEW YORK CITY
BOARD OF CORRECTION
MEETING OF MAY 11, 1990

Members Present

Robert Kasanof, Chairman
John Horan, Vice Chairman
Judge William Booth
David Schulte
Rose M. Singer

Excused absences were noted for Reverend Irvine Bryer, Jr., David Lenefsky, Angelo Giordani and Barbara Margolis.

Representatives of the Department of Correction

Gerald Mitchell, Chief of Department
Judith Keefer, Deputy Commissioner
Michael Cleary, Executive Director, Management Evaluation
Division
Hector Eugui, Deputy Chief of Facility Operations

Others in Attendance

Frank Reay, State Senate Committee on Crime and Correction
Mark Lowery, New York Newsday

The meeting began at 3:10 p.m. Chairman Robert Kasanof welcomed the representatives of the Department of Correction. A special welcome was extended to Gerald Mitchell, the new Chief of Department.

At 3:15 the Board unanimously voted to go into Executive Session. Chief Mitchell and Mr. Cleary joined the Executive Session at the request of the Chair. At 3:35 the public meeting was reconvened.

Chairman Kasanof called for a motion to adopt the minutes of the April 20, 1990 Board meeting. The motion was made by John Horan, seconded by Mrs. Singer and approved by all Board members present.

The Chairman again welcomed Chief Mitchell, praised his professionalism and candor, and offered him the Board's assistance as he proceeded with his new responsibilities. Chairman Kasanof then requested a report from the committee on court pen standards.

Mr. Schulte stated that, although he was not on the committee, he had visited the court pens in Brooklyn with Carl Niles and Clyde Hunter and found the pens to be a "disaster" in terms of cleanliness. Mr. Schulte placed the blame on the inmates as he believes they are the ones who are creating filthy conditions. He also noted that many correction officers were not wearing their shields and wanted an explanation as to why the shields are not being worn. He praised Captains Kaiser and

Rodriguez and said they told him that there are serious problems in the court pens partly because judges' calendars have more inmates than the judges can possibly see. Judge Booth mentioned that for years he has complained that the court pens are in horrible condition and that there is often a two to three day backlog of presumed-innocent people waiting to see a judge. He said that the Board should get the City to agree that the Board has jurisdiction to set standards in all holding pens. He urged that the Board begin promulgating standards right away.

After noting that there was a clear sense of the Board that Standards should be promulgated, Chairman Kasanof directed that the staff work with the committee to devise and promulgate specific standards.

John Horan stated that the Correctional Association long has advocated the need for court pens standards. Judge Booth noted that the State Commission has jurisdiction over police lockups.

Chairman Kasanof turned the meeting to a discussion of variances. He stated that at its May meeting, the board tabled a motion to revoke 300 variance beds in order to force DOC to reopen unused capacity in the Sprung Structures.

Chairman Kasanof said he had a brief discussion with the Commissioner and that as he understands it the reason for not opening the Sprungs is purely fiscal. The Chairman noted the City could also save money by having the police shoot suspects rather than using the court system. He stated that the Department has plans for an expanded Alternatives to

Incarceration (ATI) Program which it will present soon. He then asked the representatives of DOC if there were any non-fiscal reasons why the Sprungs should not be opened and why the standards should be ignored.

Michael Cleary mentioned that according to information he received, closing the Sprung Structures makes sense based on the Department's fiscal situation. He stated that he is not in a position now to say what plans they will be putting together, but within a month he will have some information, and the plans will be to reduce the reliance on variance beds. He added that the Sprungs were always intended to be temporary capacity, and that DOC's planned ATI program should help reduce the population and therefore the reliance on variance beds.

Deputy Commissioner Keefer reported on the Department's budget and stated that according to the January Financial Plan the City's budget had a gap of \$295M. She further described the City's financial problems and the efforts that were being made to reduce the deficit.

Chairman Kasanof said he is very distressed over the fact that the Department spent \$14 million to acquire the Sprungs, but housed inmates in them for less than three months. He said that DOC prefers apparently to violate the standards than to spend required money. He reaffirmed that constitutional standards must be upheld in the jails. He then proposed that a vote be taken to revoke the 300 variance beds effective one day after the next Board meeting.

Mr. Schulte stated that was what the Board had put on the table last month.

Judge Booth stated that if the Board believes the standards should be upheld it should deny the 300 variance beds immediately.

Mrs. Singer mentioned that since the administration is new, consideration should be given to the new Commissioner on this issue.

Judge Booth made the motion to cancel the variances immediately, and the motion was seconded by Vice-Chairman Horan.

Chairman Kasanof asked for a vote on two motions: 1) to revoke the 300 variances immediately, and 2) to revoke the variances effective next month, one day after the Board meeting.

Mr. Horan noted that there was already a motion on the table and that it required a vote. He also reminded the Chair that the Chair cannot make motions. He said that if the Chair insisted on making a motion, the minutes should reflect that the second motion - the one proposed by the Chair - was out of order.

The Board members voted on the tabled motion to reduce the "squeezed" variance beds by 300 immediately.

There were 3 votes in favor of this motion (Booth, Horan, Schulte) and 2 opposed (Chair and Mrs. Singer)

Mrs. Singer asked how important the variance beds are to the system.

Mr. Clearly replied that the variance beds are important because they enable the Department to house all the inmates in

its custody.

Mr. Kasanof said he thought all members absent should be polled on this vote since it was so important.

Mr. Horan stated that since there was a quorum, the vote taken in the meeting was binding. He reminded all present that the Board has known since last month what the agenda was for today.

Mr. Schulte suggested that after a vote, the Chair could call a special meeting of the Board if he wanted to do so.

The Board then voted to renew all of the variances but for the three hundred beds eliminated by the earlier vote. The Department did not seek variances for Hart Island as the facility is closed.

Mr. Schulte asked about the variance request regarding uniforms. Mr. Cleary stated that the request was revoked again pending a fuller review of the request by the newly appointed Chief.

Executive Director Richard Wolf reported that due to a mumps outbreak there are quarantine areas at ARDC and that the Board must vote on a variance to allow the Department to require that inmates housed in these areas wear masks during non-booth visits for the duration of the quarantine. The motion was made by Judge Booth, seconded by Mr. Horan and approved by all members present.

Chairman Kasanof thanked all who attended the meeting.

The meeting was concluded at 4:10 p.m.