

NEW YORK CITY  
BOARD OF CORRECTION

December 14, 1996

MEMBERS PRESENT

John R. Horan, Acting Chair  
Stanley Kreitman  
David Lenefsky

Excused absences were noted for Chair William H. Booth and Members Canute C. Bernard, M.D., Louis Cruz, Peter J. Johnson, Jr., Barbara Margolis and David Schulte.

DEPARTMENT OF CORRECTION

Michael Jacobson, Commissioner  
Tom Antenen, Deputy Commissioner  
Antonio Figueroa, Deputy Commissioner  
Gary Lanigan, Deputy Commissioner  
Elizabeth Loconsolo, General Counsel  
Ralph McGrane, Assistant Chief  
Roger Parris, Assistant Commissioner

DEPARTMENT OF HEALTH

Arthur Lynch, Director of Mental Health

The meeting was convened at 1:05 p.m. by Acting Chair John Horan. There were no Members' reports.

Acting Chair Horan requested an update from the Department on the inmate population and projections. Commissioner Michael Jacobson responded that, as projected for the pre-holiday season, the census is down. He discussed the following factors affecting population and projections:

(1) NYS Department of Correctional Services (DOCS) has complied with the State Court Order requiring State readyies to be taken out of the City jail system within 10 days.

(2) The Department has threatened to go into Federal Court seeking enforcement of an existing Order requiring the State to remove "State-ready" inmates within 48 hours. Commissioner Jacobson reported that the Mayor has agreed to wait 10 to 14 days to assess how the State responds to the threat of litigation.

(3) DOC officials have had a preliminary meeting with representatives of the NYS Division of Parole (DOP) who are considering major revisions to the parole revocation process, because it takes the same amount of time - 110 days - to process a technical parole violator as it does to dispose of a multi-defendant, multi-count, violent felony offense in the Courts. The Commissioner explained that it is in the State's interest to take 110 days to adjudicate these cases since the alleged violator remains in the City system (rather than in State prison) during this time. It appears that DOP may either send the violators to prison or to a drug treatment facility (Willard), but no one will be released to the streets. According to the Commissioner, revised plans call for DOP to reduce by approximately 40% the lengths of sentences of violators who are returned to State prison to complete their sentences, but that no time spent in a City jail will be credited against the time the prisoner must serve in State prison. This will reduce the number of violators in the City jail system. Commissioner Jacobson does not know when this revision will be finalized and implemented. However if it results in a 50% reduction of parole violators in the City jail (bringing the number of State inmates from 2700 to

1200-1300), Commissioner Jacobson will recommend to the Mayor that the City not pursue legal action in Federal Court.

Executive Director Richard Wolf asked the Commissioner what percentage of the total State parole violators in the City jail system are purely technical violators. Mr. Jacobson answered about 3/4, as there are approximately 2600 violators and 2000 of them have no open cases.

Mr. Wolf asked how low the Commissioner expects the inmate population to go before it starts rising. The Commissioner responded that by January, the census should be in the high 18,000s to low 19,000s. If there is a reduction in State readies through legal action or by revision in parole processing, there will be 400 to 500 fewer in the system.

In response to a question from Member David Lenefsky about the status of pending investigations, Correctional Health Services' Director of Mental Health Arthur Lynch responded that the HHC investigation into the suicide of Thomas Gahrman has yet to be completed.

Acting Chair John Horan asked the Commissioner if any real progress was being made in teleconferencing. Commissioner Jacobson mentioned the recent release of an Office of Court Administration (OCA) report where OCA, for the first time, stated its commitment to using teleconferencing. Commissioner Jacobson explained that the Department has a hook-up between Rikers Island and the Department of Probation offices in Manhattan, and one between Rikers Island and a room in the Brooklyn Supreme Courthouse. The Commissioner said that the Department is ready to proceed, but that OCA has yet to purchase its telecommunication technology to facilitate the teleconferencing of "routine" court appearances. He added that Administrative Judge Michael Pesci expects that will begin teleconferencing court appearances in the Spring. The Commissioner added that, if necessary, the Department will purchase equipment for OCA. Once the Brooklyn court room teleconferencing is in operation, the Commissioner's goal is to expand to all boroughs.

Member Stanley Kreitman inquired as to the location on

Rikers Island of the teleconferencing equipment. Commissioner Jacobson responded that there are two locations, one at Rose M. Singer Center (RMSC) and a second at the James A. Thomas Center (JATC). He added that the video and sound quality are excellent.

Mr. Wolf asked about privatization efforts in the Department. Deputy Commissioner Gary Lanigan responded that the Department sent to the Mayor its recommendations regarding privatizing its fleet maintenance duties. DOC is considering hiring a consultant to conduct a study on how to implement its recommendations.

Mr. Wolf asked for an update on HHC's review of the proposals received in response to its Request For Proposals (RFPs). Mr. Lynch responded that for the next two weeks the RFP Evaluation Committee will be hearing oral defenses from the bidders and a recommendation and decision will be forthcoming. Deputy Executive Director Cathy Potler asked when the decision would be made. Mr. Lynch did not know, but promised to get back to Ms. Potler with a time frame.

Mr. Lenefsky asked if the Department had an adequate supply of back-up generators to ensure adequate heat in the jails through the winter months. Deputy Commissioner Antonio Figueroa responded that this year the Department is better able to deal with heating problems than it was last year for the following reasons: the Department has (1) a larger supply of better generators; (2) a rental contract whereby two additional generators can be supplied within 24 hours, bringing the total number of generators to nine; and (3) two repair contracts which require the companies to perform the repair work within two hours of notification. Mr. Figueroa added that last year, the Department only had one or two portable generators, one rental contract for one generator, no repair contracts and 800 more beds requiring generator-produced heat (3 modulars and 12 sprung at GMDC and RMSC).

Commissioner Jacobson commented on the Board's recent denial of the Department's variance requesting that, during bathroom

renovations in the West Facility Sprung buildings, 100 inmates be required to use one bathroom area built for 50 inmates. The Commissioner said he was not surprised by the Board's denial since the Department can use other space that is closed; however, he told the Board members that they must understand that their variance denial costs the Department \$300,000 which the Department will have to make up by cutting non-mandated services for inmates.

Mr. Lenefsky asked how the Commissioner arrived at the \$300,000 cost. Deputy Commissioner Lanigan responded that the Department would have to close the one 50-bed modular area at the West Facility and move the inmates into two 33-bed modulars at the Brooklyn Correctional Facility (BCF) which would result in a doubling of needed staff, and maintaining 17 vacant beds.

Mr. Wolf stated that opening two 33-bed modulars at BCF is not the only alternative available to the Department. Instead, it could transfer the affected inmates to a currently-closed fifty bed modular dormitory. Commissioner Jacobson responded that it doesn't matter whether it costs \$300,000 or \$150,000 - the only point that he wanted to make is that he will have to cut services elsewhere, probably in educational programs for inmates.

Mr. Lenefsky stated that there is a big difference between those two figures.

The meeting was adjourned at 1:50 p.m.