

ORIGINAL

BOARD OF CORRECTION

CITY OF NEW YORK

PUBLIC HEARINGS ON THE
PROPOSED STATE TAKEOVER
OF RIKERS ISLAND

October 9, 1979
Association of The Bar
of the City of New York
42 West 44th Street
New York, New York

URBAN COURT REPORTING, INC.

40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

LONG ISLAND OFFICE:
BALDWIN, N.Y.
(516) 546-2397



BOARD OF CORRECTION

CITY OF NEW YORK

PETER TUFO, Chairman
 JOHN R. HORAN, Vice-Chairman
 ANGELO GIORDANI
 REV. SAMUEL R. HOLDER
 DAVID LENEFSKY, ESQ.
 WILBERT KIRBY
 JACK I. POSES
 DAVID A. SCHULTE
 ROSE M. SINGER

MICHAEL AUSTIN, Executive Director

MICHAEL CLEARY, Deputy Executive Director

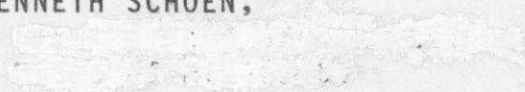
JUDITH LaPOOK, Special Counsel

JOSEPH SMITH
 SHERRY GOLDSTEIN,

Staff

oOo

INDEX OF WITNESSES

HERBERT STURZ, Criminal Justice Coordinator, City of New York	9
LEO C. ZEFERRETTI, United States Congressman	17
BENJAMIN WARD, Commissioner, Department of Correction, City of New York	36
KENNETH SCHOEN, 	47
MARIO MEROLA, District Attorney, Bronx County, New York	56
THOMAS COUGHLIN, Commissioner, Department of Correctional Services, State of New York	165
DANIEL POCHODA	207

M O R N I N G S E S S I O N

October 9, 1979

MR. TUFO: Can we please come to order.

Good morning. My name is Peter Tufo.

I am Chairman of the New York City Board of Correction.

On behalf of the Board I want to welcome you to our first day of public hearings on the proposed transfer of Rikers Island to the State.

Before we begin, I would like to introduce my colleagues on the Board. On my right is Rose Singer. On her right Mr. David Lenefsky, and on his right Mr. Wilbert Kirby.

To our left Mr. Jack I. Poses, and next to him Mr. John Horan, Vice-Chairman; Executive Director Mike Austin, and counsel Judith LaPook.

Members Rev. Samuel R. Holder and David Schulte are not expected to be here today, and Angelo Giordani should be here for some part of these hearings.

We will continue the hearings tomorrow at the headquarters of the County Lawyers Association on Vesey Street.

Over these next two days we will hear

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1
2 from correction officers, from inmates and from
3 ex-offenders, on all facets of the plan, including
4 its cost implications for New York City, and its
5 effect on the safety of correction officers that
6 must work within our jails.

7 We are also going to explore the security
8 of interim and replacement detention facilities,
9 as well as the adherence to the Board's minimum
10 standards that the Board will require in any new
11 plan for a New York City correction system.

12 We will also look into its operational
13 impact and cost savings within the correctional
14 system and its overall effect on the criminal
15 justice system of New York State.

16 The Board of Correction is particularly
17 indebted to Criminal Justice Coordinator Herb Sturz
18 and Correction Commissioner Ben Ward for their
19 complete cooperation in making this hearing possible.

20 The Board has been kept informed since
21 the inception of this idea, and we want to thank
22 Mr. Sturz and Mr. Ward for their willingness to
23 come forward with a bold, innovative plan that
24 may very well prove to be New York City's last
25 opportunity in this century to develop a modern

1
2 detention system.

3 However, the plan must be proven cost-
4 effective, as I said, as well as humane and secure,
5 to fully justify the substantial commitment of the
6 public funds which will be required if it is to be
7 approved.

8 We cannot afford to have anything less
9 than a total commitment when it comes to protecting
10 the men and women working and living within our
11 jails.

12 Much work has been done in recent years
13 to establish guidelines for conditions of confine-
14 ment within New York City's jails. The Board of
15 Correction City Charter mandated minimum standards
16 which we promulgated early last year as well as
17 standards set by the Federal and State courts,
18 which must be met in developing and implementing
19 plans for interim and replacement facilities.

20 Our long-standing commitment to improving
21 living and working conditions in New York City's
22 jails and our Charter mandate to develop further
23 standards compel us to require demonstrable proof
24 that the standards have been a target of the
25 planning that has taken place to date and that

1
2 ultimately they will be as much a part of the new
3 system as the mortar and brick that are used to
4 construct the new jails.

5 To those of us who have long been
6 frustrated by the shortcomings of the existing
7 system, the challenge of building new physical
8 structures that would provide safe, secure and
9 humane care is unprecedented, as is the prospect
10 of working with a system not marred by the inexorable
11 progression of deaths, suicides, and escapes that
12 I have come to associate with the detention of
13 persons in New York City over my six years with
14 the Board of Correction.

15 If the testimony elicited over the next
16 two days demonstrates that these are realistic
17 goals, then we are indeed on the threshold of a
18 significant accomplishment.

19 It is our hope that by providing this
20 forum we will permit full public consideration and
21 a thorough assessment of the implications and
22 feasibility of a plan which has far-reaching
23 impact on the quality and safety of life within
24 our City.
25

1
2 Our first witness today is Herbert Sturz,
3 who is the Coordinator of Criminal Justice for the
4 City of New York.

5 He is formerly head of the ^{VERA} ~~Borough~~
6 Foundation, and must be marked as the person most
7 responsible for bringing this plan to the point at
8 which it is today.

9 Mr. Sturz, welcome. I would propose that
10 you make whatever statement you would like and then
11 we will hear from Congressman Leo Zeferretti, who
12 is scheduled for later today and has an important
13 ~~phone call~~ ^{Plane flight} to make to Washington, and we will hope
14 to keep you available, and any other City representa-
15 tives, for questioning after you have presented
16 your statement and after we hear from Congressman
17 Zeferretti and Commissioner Ward.

18 MR. STURZ: That's perfectly acceptable
19 and I certainly will remain available.

20 Mr. Chairman, members of the Board of
21 Correction. The unhappy tradition in corrections
22 departments here -- and I think probably everywhere --
23 has been that change comes only as a result of
24 crisis:

25 in 1973 community pressure forced the

1
2 closing of a badly located Woman's House of
3 Detention in Greenwich Village:

4 there were riots at the Tombs before
5 its closing was forced by a Federal Court:

6 an alarming number of suicides led to
7 hearings by this Board on the inadequate treatment
8 of mentally ill inmates, and the beginning of an
9 effort to develop new treatment models.

10 These things happen because we have a
11 system with severe problems, but improvements have
12 not come as a result of careful and coordinated
13 planning; improvements have come only when
14 situations grew so serious that they could no longer
15 be ignored.

16 Management by crisis is expensive:
17 expensive in damage to the lives of inmates and
18 the morale of staff; expensive in the concern and
19 fear aroused in the community; and expensive in
20 dollars needed to keep the system operating with a
21 semblance of security and humanity.

22 Despite the expense, the result has not
23 been a rational, safe and effective system, but
24 rather a system so busy responding to crisis that
25 no cohesive planning could be done.

1
2 There are at least two basic things
3 wrong with our corrections system: it is in the
4 wrong place, and it needs about \$100 million in
5 capital improvements to make it safe and decent.

6 The problems caused by the location of
7 Rikers Island are felt throughout the criminal
8 justice system. Transportation delays result in
9 inefficient use of the courts. Round trips from
10 Rikers Island are twenty miles to the nearest
11 courthouse and fifty-two miles to the farthest.
12 Distance to Rikers Island results in the need to
13 hold detainees overnight in police lock-ups, some
14 of which date back to the 1930's.

15 Because of the transportation problems,
16 scheduling of court cases is difficult. Police who
17 have to testify can stand all day in court waiting
18 for their cases to be called, and this results in
19 reduction of available patrolmen on the street as
20 well as costly overtime.

21 Crime victims, often anxious and fearful,
22 are also subject to the timetable of the buses to and
23 from Rikers Island. Attorneys either come to
24 court ill-prepared or neglect other clients in
25 order to travel to and from Rikers Island.

1
2 Inaccessibility of inmates to their
3 lawyers and families has resulted in lawsuits
4 against the City. Ten class action suits are
5 pending against the City because of conditions
6 in the corrections system.

7 The physical problems of our system are
8 well-known. The Tombs was closed by a Federal
9 Judge because its physical conditions were unsafe
10 and inhumane.

11 A population ceiling has been imposed
12 in the House of Detention (For Men) on Rikers
13 Island, and we can expect that when pending litiga-
14 tion is completed the City will be required to
15 make basic capital improvements that will further
16 reduce its capacity.

17 The twenty-five escapes this year are
18 clear evidence that security improvements are
19 necessary. The State has said that it would spend
20 about \$100 million to upgrade Rikers Island, and
21 we cannot get by with spending less.

22 There are those who say that the State
23 does not need to enlarge its prison system, but
24 that debate is closed, I think, and the decision
25 has been made.

1
2 The Governor and the Legislature have
3 determined that crime control requires an expanded
4 prison system. The State therefore has two options:
5 it can spend about \$300 million building more
6 prisons Upstate; or it can lease Rikers Island
7 from the City, invest the \$100 million required
8 to upgrade it, and give us \$200 million to build a
9 new and better system.

10 The transfer is clearly the superior
11 alternative in terms of planning.

12 State prisoners from New York City who
13 are near the end of their sentences and ready to
14 begin the return to society can be housed near the
15 community to which they will return.

16 But let's look at what the transfer would
17 mean for the City:

18 it would mean several thousand new jobs
19 and \$450 million in construction activity;

20 it would mean an immediate end to the
21 State's practice of backlogging the City system
22 with inmates for whom it has no room, and this
23 practice, which costs the City millions of dollars
24 each year, would end with the first phase of the
25 transfer;

1
2 it would mean a safe, self-contained
3 criminal justice center in each borough, with
4 virtually every inmate housed in the borough of
5 jurisdiction. The new facilities will cost the
6 City about \$150 million more than it will receive
7 from the State, less than \$50 million more than it
8 will spend if we remain on the Island. It would be
9 a net capital cost to the City of between \$40 million
10 and \$50 million.

11 The new City system will be less expensive
12 to run. We have assembled some of the very best
13 corrections people in the country to tell you why
14 this is so, why patchwork systems are more expensive
15 to run than new systems, and how modern design
16 places correction personnel in safer environments
17 and at the same time allows them to perform more
18 functions and interact more constructively with
19 inmates.

20 These advantages are real, but the bottom
21 line for me is that the transfer is the decent,
22 intelligent way to develop our corrections system.

23 The transfer is the opportunity to
24 assemble the best talent we can find, to make a
25 fresh start, and to build the best system in the

1

2

nation.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Our jails house persons who are presumed innocent, and most defendants are held only because they lack the resources to post some financial assurance that they will appear for trial. Yet jails in this country have been notorious for conditions that permit psychological debilitation and promote criminal behavior.

When Ed Koch was a Congressman, his concern for those conditions led him to visit and survey inmates housed in the Tombs. He found an unsanitary, overcrowded and degrading environment in which assault, rape and suicide were common.

I have talked with correction officers who describe work-days on Rikers Island during which they might see rats running across desks, and fear each walk up and down long and crowded cell blocks.

Before the end of Ed Koch's first term as Mayor, we will have opened a new Tombs in which security will be the best that modern technology has devised.

Officers will be able to interact in a human way with inmates, because they will live in

1
2 units of manageable size in clean environments
3 that afford some measure of privacy and some
4 opportunity for constructive activity.

5 The Rikers transfer plan give us the
6 occasion and most of tbe resources to make this
7 same transition throughout the City's corrections
8 system.

9 This Board has brought about significant
10 improvements by setting minimum standards and
11 requiring that they be met; but each of you has
12 been to Rikers Island and each of you knows that,
13 as important as the standards are in making life
14 more tolerable and incarceration more humane, the
15 criminal justice system continues to suffer because
16 Rikers Island is in the wrong place and our older
17 facilities still need expensive renovation to make
18 them safe and decent.

19 Some will argue that the City cannot
20 afford this transfer. I hope you will join me in
21 insisting that the City cannot afford to forego
22 the opportunity, the opportunity to stop management
23 by reaction, and construct a system that will work,
24 a system that perceives the dignity of the jailed
25 and exemplifies the dignity of the jailers.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you very much.

MR. TUFO: Thank you for your comments,
and we will want to question you later.

Congressman Leo Zefferretti.

Congressman, welcome. We are honored
to have you here.

I know you are a person who has long been
interested in the correction system in New York
and who has served as a correction officer and head
of the Corrections Officers Association; and as a
Congressman you have looked after the needs of the
criminal justice system in New York very well, and
I know that we on the Board are all familiar with
the Bill you introduced to Congress that would for
the first time provide direct Federal aid to the
construction of new prisons and facilities in New
York City, if it is passed.

CONGRESSMAN ZEFERRETTI: Thank you very
much, Chairman.

I want to thank you, the members of the
Board, and I want to thank Mr. Sturz and the other
witnesses for relinquishing their time in order that
I may testify and catch a plane to get back down to

1
2 Washington.

3 Before I get into my statement, I must
4 say that when we talk about correction it is not
5 a popular item, it is not a glamour-type item, and
6 unfortunately it never gets the kind of publicity
7 and the kind of priority that are necessary, unless,
8 as Mr. Sturz has said, there is some sort of
9 disturbance or some sort of activity that creates
10 somebody taking a hard look, and I don't know if
11 anyone has noted that it has been almost nine years
12 to the day since the New York City prison system
13 was swept with a series of devastating riots that
14 included the taking of twenty-six hostages.

15 The City was thrown into a state of panic.
16 Those riots lasted several days, starting with the
17 Tombs in Manhattan and spreading to Brooklyn, Queens
18 and the Bronx.

19 I, as President of the Correction Officers
20 Benevolent Association, was in the front lines
21 during those riots, along with former Mayor John V.
22 Lindsay and many other public officials.

23 We who worked in the Department knew that
24 a major riot was imminent. There were two smaller
25 ones preceding it in July and August. We warned

1
2 the safety of the citizens of New York;
3 improved training for staff;
4 security classification;
5 proximity of jails to courthouses.

6 What I still am a bit troubled with is
7 the State's system of selecting those prisoners
8 to be housed on Rikers Island.

9 As long as they only bring to Rikers
10 Island those inmates classified as "minimum security,"
11 men who have no desire to get into any kind of
12 trouble, Rikers should be a reasonably safe place
13 to house them.

14 But I must warn you, that system has to
15 be foolproof. There are many fine families housed
16 just on the other side of the Rikers Island bridge,
17 and their fears must be allayed.

18 That can only be done by your assuring
19 them that the inmates on Rikers Island under the
20 new system would actually be less dangerous than
21 those presently housed there.

22 I also suggest you examine more closely
23 the City Correction Department's transportation
24 system. Not every inmate is sent only to the jail
25 near where he will be housed. That system currently

1
2 makes more than 250,000 individual prisoner
3 deliveries a year, sometimes more than 1,000 a day.

4 Many inmates have multiple cases in more
5 than one county; many have to be taken on hospital
6 runs; many to other courts to testify in other cases,
7 or to District Attorney's offices in other juris-
8 dictions.

9 I am not convinced that the plan properly
10 addresses to the enormous transportation problems
11 unique to this Department.

12 I have introduced a bill in Congress that
13 is currently before the House Judiciary Committee.
14 It is gaining widespread support from other states.

15 The problems faced by the New York
16 penal system have spread to scores of other juris-
17 dictions. The courts are telling local officials
18 to either bring their institutions up to modern-day
19 standards or close them down and release the
20 prisoners.

21 My bill would give Federal relief to all
22 municipalities faced with those mandates; if passed,
23 it would give as much as seventy-five percent in
24 matching funds to the areas applied when faced
25 with the problems of refurbishing or reconstructing.

1
2 It is too great an expense for most
3 municipalities to bear and could drive some to either
4 bankruptcy or anarchy if they have to close their
5 jails.

6 I would like to cooperate in any way I
7 can, Mr. Chairman, and I look forward to providing
8 you with whatever assistance I can based on some
9 of the experience I have had in the correction
10 system, and whatever help I can offer as a member
11 of Congress who is deeply concerned with crime and
12 public safety for the citizens of New York.

13 I have one other concern, Mr. Chairman,
14 and that is not addressed in the statement, but I
15 would like to sort of speak off the top and touch
16 on it a little bit. One, there is a great deal of
17 community input that has to be recognized as an
18 integral part of whatever change is going to be
19 forthcoming.

20 There must be a way for the City and the
21 State to hold some hearings, to have the local
22 planning boards, the local constituencies that are
23 out there where you are talking about building
24 extra detention facilities, the opportunity to at
25 least give their side of the coin, so to speak.

1
2 There has to be some sort of impact
3 study made on the community itself in order to come
4 up with the kind of viable plan that the community can
5 accept, and beyond that, when we talk about the
6 expenditure of monies such as in the category of
7 \$100 million and the like, I think the community,
8 too, has to be educated by way of being told exactly
9 why those dollars are being spent and how they are
10 going to be benefitted by it.

11 You know, most people have the concept
12 of jail as being an institution where people are
13 locked up twenty-four hours a day and nothing
14 happens, and it is just the worst people in the
15 world. Well, people aren't locked up twenty-four
16 hours a day.

17 There are things that go on inside of an
18 institution and there are things that can be done.
19 Unfortunately, when you are dealing with local jails
20 and detention facilities you don't have the
21 wherewithal that you do as in an institution such
22 as you are talking about on Rikers Island.

23 You have a classification of prisoners
24 on Rikers Island; you do not have the classification
25 of prisoners in a detention facility.

1
2 You have one system of people coming out of
3 one tunnel, which is the Criminal Court of New York,
4 with all kinds of people coming out of there, whether
5 they be first offenders or whether they be multiple
6 offenders or murderers or people with misdemeanors.--
7 they are all thrown in one pen, coming out of one
8 court, going into one detention facility.

9 That has to be addressed. The idea of
10 having a facility of that nature in a community has
11 to be addressed.

12 The people of that community have to know.
13 There's no such thing as an "escape-free jail,"
14 unless you are going to lock up people twenty-four
15 hours a day, and we don't want to do that.

16 I think, too, the priorities have to be
17 outlined. The Criminal Justice Coordinating Council,
18 when they get money from LEAA, have to look a little
19 bit further down the road; they have to talk about
20 refurbishing and reconstructing and meeting minimum
21 standards, and if we can't do it with the dollars
22 that we have in the City let's search and let's
23 find every other dollar that is available for that
24 kind of consideration.

25 But more importantly, I think, too, an

1
2 education of what is out there, if we are
3 talking about protecting society, if we are talking
4 about keeping people incarcerated that have committed
5 a crime, and protecting society -- which is under
6 the mandate of law, what we are supposed to be
7 doing -- then let's do it in a proper way and let's
8 not create other kinds of institutions, such as
9 we did back in the 70's, because if you don't have
10 the space and you don't have the standards and you
11 don't have the wherewithal to take care of those
12 people, what you are going to be building up over
13 a period of time is a hostility within the institution
14 that those who have the care and custody and control
15 of will not be able to discipline, and as a conse-
16 quence will not be able to run that institution in
17 an effective way, let alone the system.

18 So I offer whatever assistance I can to
19 the Board. I think you as the monitoring agent
20 have to play a significant role here in looking at
21 the local picture, not only on the basis of a
22 minimum standard and the like but on the overall
23 structure of what could be done on a community
24 level, on the institutional level, and, more
25 importantly, on the criminal justice level, because

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

without all of those pieces fitting in, Mr. Chairman, I think we are much too premature about any kind of takeover.

We are talking down the road someplace. I don't know where you are going to get the beds if in fact we start making these changes and the State takes over Rikers Island, and suddenly you have an influx of crime and people being locked up.

In years past, the answer was, "Give us 5,000 more cops."

Well, that was great. The only problem was you then had 5,000 more prisoners, because there were more people arrested and we didn't have the courts or the housing capacity to take care of them.

So I am saying it is all interlocked and an integral part of each other, and I really would like to say that your job is not an easy one, but as the monitoring agent for the corrections system I would hope that you would take on a further burden and do something to educate our society, for one; and beyond that, try and do something with the whole criminal justice system.

I thank you for the opportunity to be able to testify this morning. I will answer whatever

1
2 questions you have.

3
4 MR. TUFO: We appreciate your guidance.

5 I have two questions, but first I would
6 ask if the Board members have questions.

7 Congressman, as a former correction
8 officer, could you pinpoint what it is that you
9 think is most important to the officer that works
10 in the housing areas every day, insofar as this
11 proposal is concerned.

12 CONGRESSMAN ZEFERRETTI: Well, again I
13 think you are dealing with two different concepts,
14 one, a sentencing institution versus the other, a
15 detention institution.

16 They are two different types of operation.

17 MR. TUFO: We are focusing on the
18 detention system.

19 CONGRESSMAN ZEFERRETTI: As long as you
20 are going to have two correction officers responsible
21 for upwards of 150 prisoners, you are going to have
22 a problem because there's no supervision, there's
23 no kind of guidance that can be given.

24 One of the things that they did years
25 ago -- and I went back in the Department in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

50's -- and the only thing we had going for us in those days was the relationship we had with the prisoners, because, again, in those days we were still some two officers with some hundred inmates at a time, but you didn't have the overcrowded situation, you didn't have the kind of conditons that we had to live with and create the problems further and beyond just the person that is incarcerated.

A fellow gets locked up. First of all, he is scared to death. That used to be the case anyway, especially if he had never been in trouble before.

You put him in a cell, the poor guy was scared half to death -- he looked around and all he saw was guys that were tough and guys that would have control of a tier or a floor, or whatever it might be, because there's little groups of people that have strength, that could pretty much make anything happen in an institution, and when you have got that poor guy in there scared and the officer who doesn't have the ability to go one-on-one with him and try and do something for him -- which we used to do years ago -- you have lost the whole

1

2

idea of what this correctional business is all about.

3

4

5

6

7

8

9

What you are faced with is a problem of sleeping two and three in a cell, not being able to give a fellow a shower, not being able to give just the barest necessities to anybody; and you have got to remember that the law said he's innocent to begin with until somebody proves he is guilty.

10

11

12

13

So you have got hostility to begin with, and the officer himself, by the way, is the only figure of authority that stands between him and the outside at that point.

14

15

16

17

18

He is mad at the cop that locked him up; he is mad at everybody, the judge, the D.A. But the only guy he takes it out on every day is the guy that's in that cell block with him that's trying to do the job with 150 other people.

19

20

21

22

23

24

25

So it's kind of, today, unless you do something for that officer, to go back to doing something to train him to correct people or to at least tune in to somebody and feel a sensitivity to a need, then you are just wasting your time, because all you will need then is cages to put them in and take them out of.

1
2 the country have this basic problem, and the basic
3 problem is either you mandate standards to be met
4 and really do a job or you have one or two alterna-
5 tives; either close the jail or let the people out.

6 If you recall, back two or three years
7 ago, I think, New York City was told, "Let them go
8 out if you can't comply; if you don't have the money
9 to pay for this kind of refurbishing or the standards
10 mandated, let them out -- get the fellows with the
11 smallest amount of time and start letting them out
12 on the street."

13 So that is what you are faced with in
14 reality, and if you set those standards somebody
15 ought to do something about complying; otherwise,
16 the administrator is in contempt of court and he is
17 just the administrator -- it becomes the City's
18 responsibility for complying.

19 Our bill would go a great deal towards
20 that end, and I might say it has gotten some real
21 good support throughout the country, from the
22 State people, too, from New York State, but we are
23 hoping to do a little fine work with the bill and
24 by next year hopefully have a productive bill that
25 all localities can use.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1
2 MR. TUFO: Then it is your statement
3 that if the proposal went forward and the bill were
4 passed there would be Federal assistance to the
5 detention element of the proposal?

6 CONGRESSMAN ZEFERRETTI: Absolutely.

7 MR. TUFO: Mrs. Singer.

8 MS. SINGER: I was very much interested
9 in your idea of public education, because to me this
10 is a basic failure in the criminal justice system,
11 if I may say so.

12 I think the public is unaware of what
13 goes on. Because of their unawareness they are not
14 particularly sympathetic the way they should be.

15 I wonder if you had any idea as to programs
16 or techniques or what you thought would be necessary.

17 CONGRESSMAN ZEFERRETTI: I have done it
18 on an ongoing basis, only because I have been
19 involved for a period of years, and if you go out
20 there today, just to Rikers Island today, you will
21 see people picketing out there.

22 They don't really know what they are
23 picketing about. They are concerned with the fact
24 that there's going to be some kind of takeover,
25 and they are afraid hardened criminals are going to

1
2 have an input into their community, and they are
3 also complaining that no one has spoken to them.

4 I think any time you have these kind of
5 proposals that are going to be made by either the
6 City, the State, or Federal Government, or whatever,
7 I think as long as we are working under the concept
8 of local government having some say and local
9 communities playing a role in whatever happens,
10 then we the legislators, you the people who are in
11 the field that is of concern, have to make every
12 effort to go out into those communities -- talking
13 to the planning boards, talking to the various civic
14 groups, so that there is this kind of education that
15 goes forth.

16 I think we have been remiss in not getting
17 to those people before the announcement of this,
18 because I think the City and the State really could
19 have saved themselves a lot of grief had they been
20 able to explain just exactly what the concept is
21 of what we are trying to accomplish.

22 And again, we are not talking about
23 building institutions to coddle people or to do
24 anything along those lines, or any kind of prisons
25 to be models for movies or anything else like that.

1
2 We are talking about building prisons in
3 the community to take care of the crime needs in
4 the community, and these are the messages that have
5 to go forth, and we are doing it, but I think your
6 role, again, has got to be expanded.

7 If you take that kind of civic interest
8 and go out and do that kind of job along with us
9 public officials -- it's not very glamorous, Mrs.
10 Singer, you know. As a public servant, if I get up
11 and start talking about \$5 million, which is what
12 my bill does, talking about spending it on prisons,
13 I get all kinds of flak, I get letters saying
14 "You're nuts," that type of thing, but I am saying
15 to you that there's a real need, and the end result
16 could be, really, the reduction of crime in our
17 communities, and that's the important message, and
18 hopefully maybe somebody will help us do that, that
19 will give that message out.

20 MR. TUFO: Congressman, we have met with
21 the Saint Francis of Assisi ^{Chapter} Chapel of the Queens
22 Citizens Association which is adjacent to Rikers
23 Island, and we will have at these hearings witnesses
24 from the community expressing the kind of concerns
25 that you have mentioned.

1
2 team would just briefly stand so that the Committee
3 can see you, if they have not previously met you:

4 Mark D. Corrigan, who is the first
5 Deputy Commissioner, serving as the Department's
6 chief liaison on this Committee, and who will
7 maintain overall administrative responsibility for
8 the management team. Mr. Corrigan was involved as
9 Deputy Commissioner in the State system with me and
10 in the opening of ten new prisons between 1975 and
11 1978. Before joining the Department he conducted
12 a national corrections project for the Department
13 of Justice on reducing the cost of the criminal
14 justice system;

15 Associate Commissioner Sharon Keilen will
16 serve as project director and will coordinate the
17 day-to-day operation of the plan. She brings an
18 extensive urban development experience to this task,
19 having served in the Urban Development Corporation,
20 and having been involved in several major development
21 projects, including Roosevelt Island. She will
22 supervise a team of consultants to the project who
23 include:

2 Assistant Commissioner Skip Hommel of the Department
3 Facility and Support Services Bureau; and Mr. Herbert
4 A. Tessler of the Domus Group, who will function as
5 the Department's principle liaison to the Facility
6 Development Corporation and to all the design and
7 construction agents. Mr. Tessler has over twenty
8 years experience in planning, development, managing
9 construction. He supervised development of all of
10 New York City's airports and managed the physical
11 development of the World Trade Center;

12 Mr. Steven Lefkowitz, who I don't believe
13 is here, formerly served as counsel for the Urban
14 Development Corporation, and worked as special counsel
15 to the project;

16 and Mr. Donald Elliot, in conjunction with
17 the ULURP process, that is, the Uniform Land Use
18 Review Procedure; and through an agreement with the
19 Edna McConnell Clark Foundation, Mr. Kenneth Schoen,
20 former Commissioner of Correction for the State of
21 Minnesota and a leading national expert on all aspects
22 of correctional planning, will serve as the Program
23 Planning Director. Mr. Schoen will testify, hope-
24 fully, this morning;

25 Associate Commissioner Simmons, who is on

2 loan to the Department from the City Department of
3 Juvenile Justice Agency, to coordinate the project's
4 community, political, and liaison activities. Miss
5 Simmons has extensive experience in corrections at
6 the State and City level, and has been involved in
7 New York City government for nearly ten years;

8 coordinating the security planning on the
9 project will be the Department Supervising Warden,
10 Joe D'Elia, who has over twenty-eight years in the
11 Department and is the former Chief of Operation of
12 the Department;

13 and he will be working under Mrs. Jackie
14 McMickens, the newly appointed Chief of Operations
15 of the Department, and she is now the highest ranking
16 uniformed officer in the Department, and I think this
17 is her first public introduction.

18 MR. TUFO: Congratulations, and welcome.

19 COMMISSIONER WARD: I appear before you
20 today not to talk about the problems of the present
21 or the mistakes of the past, but of the solutions for
22 the future.

23 Criminal Justice Coordinator Sturz has
24 ably reviewed for you the chaos of the past, the
25 problems of the present and the need throughout the

1
2 criminal justice system for major change in the Cor-
3 rection Department.

4 I feel most fortunate to have been appoint-
5 ed as Commissioner of Correction at a time when this
6 change was possible. As a City Commissioner who was
7 once a State Commissioner of Correction, I have what
8 is perhaps a unique perspective on the Rikers Island
9 transfer. From that perspective, I can honestly say
10 that both the City and the State will benefit from
11 the transfer.

12 The State will be getting a complex that is
13 ideal as a facility for housing sentenced prisoners;
14 the City will be getting an opportunity to move from
15 a location that is totally unacceptable for housing
16 detainees, to new facilities in the boroughs as close
17 as possible to the courts.

18 The system that is in plan will be more
19 secure, more efficient, and in line with professional
20 standards and court mandates.

21 It will not appreciably change the amount
22 of usable City space available for detainees or sen-
23 tenced inmates, but it will result in space that is
24 in practical locations and manageable configurations.

25 The ability to improve the management of

2 the City correction system is perhaps the most impor-
3 tant aspect of this plan. Departmental goals of
4 security for the community, safety for staff and
5 inmates, efficiency, and operations which meet pro-
6 fessional standards and court mandates cannot be
7 realized without:

8 adequate physical plant;

9 well equipped facilities;

10 building designs consistent with current
11 needs;

12 buildings placed in locations appropriate
13 to detention needs.

14 The transfer provides all of these.

15 It calls for eight new facilities: three
16 in Manhattan on two sites, two in the Bronx, two in
17 Brooklyn and one in Queens.

18 Implementation of this plan will enable
19 the City to make optimal use of both old and new
20 facilities. The availability of new institutions
21 specifically designed to hold long term detainees
22 allows the existing borough facilities in Queens,
23 Brooklyn, and the Bronx to be used solely to house
24 short term, high turnover populations.

25 The new facilities will give us the capa-

1
2 bility to match the risk presented by individual in-
3 mates with housing that is of the appropriate level
4 of security. Each borough will also have housing for
5 women and adolescents who are currently all on Rikers
6 Island.

7 Within each institution will be a number of
8 small secure units organized to provide the flexibil-
9 ity to meet any correctional need.

10 Each facility will be divided into manage-
11 able, self-contained areas of limited size, so that
12 tension engendered by cell blocks of 240, such as we
13 have at HDM, will not be generated. The design for
14 the renovated Tombs is an example of this.

15 Inmate movement will be clearly defined
16 and limited. Efficient security equipment in each
17 unit will augment control provided by correction
18 officers. Each unit is designed to allow maximum
19 visibility from a central control point.

20 Every area will contain sufficient program
21 space to meet the needs of the inmates and keep them
22 occupied in a productive manner. Inmate cells will
23 provide adequate space, light and privacy, and all
24 inmates will have access to telephones, showers,
25 laundry facilities and a dining area located in the

unit.

Medical services, a legal library, and adequate space for reasonable physical exercise and visiting will be provided in a central location.

The unit management concept and the design of the new facilities will enable us to provide humane treatment for detainees in a secure setting, a goal that I know this Board shares.

Another goal that is of particular importance to me personally and that I am sure is shared by each of you is to improve the morale and safety of our corrections officers.

They have, for too long, endured conditions that are often dangerous and frustrating.

The new facilities will provide an environment that reduces tension and anxiety and encourages positive interaction between staff and inmates.

The more stable working environment will result in increased job satisfaction. This atmosphere, along with the improved security system, will make the New York City Correction Department a much safer place to work.

Job satisfaction will also be enhanced by the opportunities that will be created for profes-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

sional development in administrative and program Planning Commission, Borough Presidents, Community areas as well as in security functions.

Boards and other concerned community groups. To create this system -- a system that is secure and humane; a system that is manageable; a which we will be looking to these groups for guidance system with a safe and rewarding working environment -- in determining the best locations. is not an easy task.

Once a set of sites are selected, they will be submitted for review under the Uniform Land Use Review Procedure and the State Environmental Quality Review Assessment. To ensure that this is accomplished, we have assembled a team of highly qualified professionals from within the Department, the field of corrections and the construction industry.

The eight new facilities will cost the City an estimated \$151.3 million in addition to the responsibility of seeing that the eight new facilities get \$200 million that the State will provide along with built on time and that their design meets the safety 1400 beds at a nominal fee to house sentenced inmates, and program needs of the detention population, the

This figure includes an inflation factor of management needs of the Department and the security 12 percent and is sufficient to allow for up to one year delay in the construction of each facility.

Specific site selection will be based on criteria that take into account both the needs of the community and the needs of the correction system. If the City remains on Rikers Island it will have to spend an estimated \$112 million for capital improvements to existing facilities for continuing maintenance, as well as to comply with security needs, minimum standards, professional standards public transportation, and locations in non-residential neighborhoods, where possible.

These include proximity to the courts, access to and consent decrees already signed or expected to be We have recently begun the site selection required when current litigation is settled. process by initiating dialogues with the City

What this means is that for an additional
URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005

(212) 344-3040

(212) 344-3040

Planning Commission, Borough Presidents, Community Boards and other concerned community groups.

This will be a cooperative process in which we will be looking to these groups for guidance in determining the best locations.

Once a set of sites are selected, they will be submitted for review under the Uniform Land Use Review Procedure and the State Environmental Quality Review Assessment.

The eight new facilities will cost the City an estimated \$151.3 million in addition to the \$200 million that the State will provide along with 1400 beds at a nominal fee to house sentenced inmates.

This figure includes an inflation factor of 12 percent and is sufficient to allow for up to one year delay in the construction of each facility.

If the City remains on Rikers Island it will have to spend an estimated \$112 million for capital improvements to existing facilities for continuing maintenance, as well as to comply with security needs, minimum standards, professional standards and consent decrees already signed or expected to be required when current litigation is settled.

What this means is that for an additional

\$39.3 million the City can have a modern, secure, cost effective system.

The alternative is to reconcile ourselves to the old system, to add on and repair without being able to reform.

What the possibility of reform means is illustrated most dramatically by comparing projected yearly operating expenses of the new system with those of the old. The new system results in an estimated annual savings of \$13.65 million.

This savings is not possible unless we create a system that can be managed. Continuing to make changes and additions to the existing system means continuing demands for bigger and bigger operating budgets.

Like the City itself, the Correction Department has reached a critical point. Something must be done to get escalating expenses under control.

The location of Rikers Island and the design and condition of existing facilities make this an impossible task. With the Rikers Island transfer post control becomes a realistic goal. A system where efficient management techniques are possible will enable us to make maximum use of limited re-

1
2 sources.

3 As I said when I began, management is the
4 key issue. If we have a system that is manageable,
5 we will also have a system that is secure, that is
6 humane, that is safe to work in and that has expenses
7 that can be controlled.

8 Thank you very much. I wonder, Mr. Tufo,
9 if you would mind if one of the people on the project
10 spoke after me before we went into a question and
11 answer period, and that would be the former Commis-
12 sioner of Correction of Minnesota, Kenneth Schoen.

13 MR. TUFO: That would be fine.

14 I would like to ask you to come back, then.

15 Mr. Schoen, welcome. I know you have been
16 working on this project for some time, and we are
17 looking forward to hearing from you.

18 MR. SCHOEN: Thank you, Mr. Chairman.

19 Committee members, Board members, it is
20 again a pleasure to be here speaking to you.

21 New York City is at the point of a most
22 important decision. It gives you an opportunity
23 that is unique, and I know of no place in the country,
24 indeed in the world, where this opportunity is avail-
25 able, and that is to start afresh.

1 Motivation for this is, I think, broad and
2 a study out of Cambridge that analyzed the prison
3 legitimate. To solve many operational problems, ef-
4 ficiency problems, security problems, there exists
5 inordinate costs to conduct some of the functions
6 within the existing system, and it is the whole ques-
7 tion of humaneness that New York City has been
8 plagued with for a number of years.

9 I think it makes sense. I think the only
10 legitimate position for critics comes in two areas.
11 One is the cost figures; I can't speak to these,
12 other than to say that I think the work that has been
13 done is excellent.

14 There are people in the room that can and
15 will speak more completely on the subject, and that
16 is always going to be an elusive area, but I think
17 with the homework well done, the predictions can be
18 as accurate as the state of the art can permit.

19 The other legitimate position of the
20 criticism, I think, is one that says that the State
21 should not have more beds because beds is the single
22 most important factor that determines the size of
23 increased prison populations.

24 As a little aside there, a footnote to
25 that, the Federal Government recently commissioned

Motivation for this is, I think, broad and legitimate. To solve many operational problems, efficiency problems, security problems, there exists inordinate costs to conduct some of the functions within the existing system, and it is the whole question of humaneness that New York City has been plagued with for a number of years.

I think it makes sense. I think the only legitimate position for critics comes in two areas. One is the cost figures; I can't speak to these, other than to say that I think the work that has been done is excellent.

There are people in the room that can and will speak more completely on the subject, and that is always going to be an elusive area, but I think with the homework well done, the predictions can be as accurate as the state of the art can permit.

The other legitimate position of the criticism, I think, is one that says that the State should not have more beds because beds is the single most important factor that determines the size of increased prison populations.

As a little aside there, a footnote to that, the Federal Government recently commissioned

1
2 a study out of Cambridge that analyzed the prison
3 world.
4 problems of this country.

5 The results are being published at any
6 time, and the single most important factor was, in
7 fact, the number of beds available.

8 I'm not sure that applies, however, to New
9 York State. My impression has been that the legisla-
10 tive process, in attempting to control crime, hasn't
11 paid a great deal of attention to the results and
12 the impact upon the prisons.

13 I am not sure that is going to be affected,
14 frankly, by the acquisition of Rikers Island.

15 Furthermore, there is clearly an advantage
16 to having this facility available to the New York
17 City area, where most of the inmates from the State
18 system originate and will be returning.

19 Beyond that is the fear of the unknown.
20 I think that is where my role comes and looms and is
21 important.

22 My role is essentially to present to the
23 decision makers of this City as best I can the re-
24 sources we have available as to what is the state of
25 the art, what do we know as to the best way to oper-
26 ate a correctional system in this country and in the

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

(212) 344-5040

1
2 world.

3 We will be looking at such things ranging
4 from prison architectural design to programs that
5 affect prison populations; including such things as
6 the effective use of personnel and programs for in-
7 mates within the facilities.

8 The method that we are going to use is em-
9 ploying a small staff -- Barbara Dunkel is in the
10 back of the room, who is going to play a key role in
11 this, and was part of the small staff.

12 We have assembled and will continue to
13 assemble a working plan, employ consultants, and we
14 will use advisory panels made up of experts both
15 from the City and around the country.

16 The purpose of the advisory staff is to
17 give a constituency of support for the results that
18 we come up with.

19 From that will flow a set of recommendations,
20 again to the decision makers.

21 I will not be in a decision making role but
22 my job, as I said earlier, is to provide the best in-
23 formation available today for the various problems
24 that must be involved with this massive reorganiza-
25 tion.

1
2 Whether we like it or not, the overriding
3 concern will be security, and everything in this sys-
4 tem as well as everything around the country will
5 take second place to that.

6 A close second is cost. There are tech-
7 niques by which we can increase and improve security.
8 These include architectural design, which we are
9 looking at very carefully, and staff development.

10 These are the two most important class
11 items.

12 Basically, however, the major theme in a
13 system which is going to be secure and safe and oper-
14 ate effectively is going to be effective administra-
15 tion, number one; and number two, a sense of fairness,
16 a sense of justice felt by both the inmates and the
17 staff working therein.

18 Regarding the administration, it is not
19 unlike the good administration of a toy factory or a
20 potato chip factory: How do you utilize your re-
21 sources towards the goals you seek -- and they are
22 not unique to corrections or to criminal justice but
23 they are steeped in the knowledge of how to adminis-
24 trate the resources that are available to you.

25 Incidentally, with regard to fairness and

1
2 justice, I might parenthetically say we may not be
3 able to do much in corrections around the area of
4 rehabilitation, but we can teach the offender, the
5 individual, the detainee who enters our system, who
6 generally comes from the population of the disen-
7 franchised and those lacking access to power -- the
8 poor -- that there is a piece of officialdom that
9 can behave in the context of fair play and justice.

10 With that, not only am I expressing an
11 operational principle, that is, the principle of
12 fairness, but also a piece of my value system.

13 I think that focuses a little bit on me,
14 and the question that I have heard occasionally is
15 what business does this Midwesterner have in New
16 York telling New Yorkers about the unique problems
17 that New York faces.

18 Indeed there are differences, as a matter
19 of fact, at the very hearing we are at this morning,
20 which are unique to New York City, and might I say it
21 is a nice uniqueness.

22 However, the dynamics of imprisonment are
23 remarkably similar around the country, and I think
24 therefore whatever experience I have can be helpful.

25 The August issue of Life magazine, Walla

1
2 Walla Prison was featured; you might have seen it.
3 And it was a lovely example, really, of general
4 laxness and liberalism to the worst extent that I
5 have seen for a long time.

6 At the same time, it was a system laden
7 with violence and with remarkably inept correctional
8 management.

9 That, for the professional, should be pre-
10 dictable. We look at California and we find a great
11 deal of violence in that system, and perhaps we
12 should see it there, if we think of the size of the
13 system and the heterogeneity of the system, but then
14 we look at Kansas and see great violence within that
15 system, and there we have one of the most homogeneous
16 populations in the country and one of the lowest
17 rates of unemployment in the country, and if any-
18 place should be running quiet, theoretically it
19 should be Kansas, but it's not.

20 Suicides, my research tells me, are about
21 average in New York City. It is higher in some
22 places; it is much lower in other places, for example,
23 Baltimore.

24 There are some things that are going on in
25 Baltimore that we intend to look at, to employ in

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1
2 this City to deal with a problem I know you are deep-
3 ly concerned with.

4 The same August issue of Life magazine, I
5 want to make a short quote, at the risk of self-
6 adulation, but I think it does deal with my experi-
7 ence in Minnesota. It was a part of the editorial,
8 a comment on the State prison in Minnesota which said,
9 "By being dependable and predictable, the administra-
10 tion has converted the Minnesota prison from the hot
11 bed of violence it was only three years ago into what
12 is widely regarded as an ideal of what a maximum secur-
13 ity prison should be."

14 Well, here in New York I hope to be a part
15 of even going behind that, not creating a model
16 prison but a model system.

17 I think we are in a strong position to do
18 that. We have assembled here some of the most remark-
19 able talents in the country. We have the best archi-
20 tects in the country, which is nationally recognized.

21 We have a group like yours, which is unique,
22 as I said earlier, vitally interested in seeing to it
23 that correction in fact operates at the highest stan-
24 dard.

25 We have an excellent correctional staff.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1
2 Indeed, we have the uniqueness of the Congressman
3 himself who just testified, who himself was the
4 leader and Director-Chairman of the Correctional
5 Unit; and we have the competent, interested leader-
6 ship of the Union today, who are interested really in
7 the same thing we are all interested in today -- that
8 is: really safe, sane prisons.

9 We have two people that have been friends of
10 mine for years, who I admire greatly and who I never
11 imagined I would be working closely together with,
12 Criminal Justice Coordinator Herbert Sturz and Depart-
13 ment of Correction Commissioner Benjamin Ward, who
14 both enjoy excellent reputations around this country,
15 and I can think of no better team to put together and
16 manage this huge task that we have before us.

17 New York has the legacy of the Tombs, which
18 has an infamous name in correction around this coun-
19 try, and again, the world.

20 It is archaic and it is incongruent with
21 the talents and resources available here.

22 I am looking forward to being a part of
23 doing something about that legacy. I think the
24 signals look good, and it is a pleasure to be a part
25 of it, and I look forward to future frequent contacts

1
2 with the Board of Correction.

3 MR. TUFO: I am sure your comments are
4 quite provocative and we will have some questions
5 for you.

6 If I could interrupt the order one last
7 time, District Attorney Mario Merola has just
8 arrived, and he has told me he has to get back to
9 court and if the other witnesses won't mind, I would
10 like to invite District Attorney Merola to testify at
11 this time.

12 Welcome.

13 MR. MEROLA: I am sorry for being late.

14 MR. TUFO: I have often given you my con-
15 dolances because Rikers Island falls within your
16 jurisdiction, and although you are the District Attor-
17 ney of the Bronx, some Courts, drawings, maps and jurisd-
18 dictional lines have given you that pleasure.

19 We particularly welcome you today.

20 MR. MEROLA: Thank you for the admonition.

21 The State and City proposal to make Rikers
22 Island part of the State Correctional System de-
23 serves serious consideration even though the proposal
24 will impact the criminal justice system and the Bronx
25 District Attorney's office.

1
2 In the last 30 years no State correctional
3 facility has been built with the exception of Beacon,
4 a State correctional institution housing approximate-
5 ly 1,000 inmates.

6 In the same span of time we have had annual
7 increases in all crimes, especially violent crimes,
8 an increase in the severity of sentencing, a study
9 calling for stiffer determinate sentencing, a State
10 correctional system filled to capacity, a Parole
11 Board operating with a full house and the sword of
12 Attica hanging over their head.

13 This is an intolerable situation that
14 cries out for remedial action by responsible public
15 officials. Unfortunately, our local legislatures
16 tend to approach many serious problems as only fiscal
17 in nature. This shortsighted view is negative in
18 nature and results in the failure to take the neces-
19 sary steps to alleviate an explosive problem.

20 Action is better than no action.

21 Sentenced prisoners, prisoners who have
22 been sentenced and awaiting transportation from
23 Rikers Island to a State facility are waiting for
24 an unreasonable amount of time for the simple reason
25 there is no space in State prison.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
20
21
22
23
24
25

The result is that sentenced prisoners are at the core of the disturbances that are created at Rikers Island, such as riots, attempted escapes, escapes, assaults, et cetera.

Generally speaking, they are the heavy hitters who have little to lose since they face long periods of incarceration.

More important than any of the foregoing is the belief that while our correctional system fails to rehabilitate prisoners the one important feature of any possible penal rehabilitation system has to be family and community ties. These ties exist while inmates are housed in Rikers Island. They do not exist when for prisoners are sent distances far from home which make it difficult if not impossible to maintain family ties. In the following:

Rikers Island housing State sentenced prisoners would and could maintain family ties for New York City residents inmates.

These ties could be the basis of a future rehabilitation plan which hopefully could lead to the return of inmates to the mainstream of our society.

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

located within the jurisdictional limits of Bronx County, there arises an obligation upon our office to investigate and litigate all criminal matters arising within the institution. In researching this problem, it is important to note that there is a scarcity of information available concerning criminal

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

activity within prison facilities. For instance, not one jurisdiction contacted maintains statistics on these matters. However, based on their experience, the following problems are to be anticipated:

Our office will be required to investigate the following occurrences which are representative of the most common complaints:

Assaults on prison guards and inmates; sexual assaults on inmates; prison contraband brought to the facility by visitors; escape and absconding from work release programs; homicides and suicides; bribery; possession of drugs and other prison contraband; arson.

In evaluating the impact upon the resources of my office, it should be noted that we will not be able to follow the example of the other jurisdictions contacted in which the investigative function resides with the prison staff. In light of New York's position as media capital of the world and the additional fact that the inmates will be in close proximity to their relatives and friends, most allegations will mandate independent investigation by the District Attorney culminating in a Grand Jury presentation.

The courts will be impacted in two princi-

activity within prison facilities. For instance, not one jurisdiction contacted maintains statistics on these matters. However, based on their experience, the following problems are to be anticipated:

Our office will be required to investigate the following occurrences which are representative of the most common complaints:

Assaults on prison guards and inmates; sexual assaults on inmates; prison contraband brought to the facility by visitors; escape and absconding from work release programs; homicides and suicides; bribery; possession of drugs and other prison contraband; arson.

In evaluating the impact upon the resources of my office, it should be noted that we will not be able to follow the example of the other jurisdictions contacted in which the investigative function resides with the prison staff. In light of New York's position as media capital of the world and the additional fact that the inmates will be in close proximity to their relatives and friends, most allegations will mandate independent investigation by the District Attorney culminating in a Grand Jury presentation.

The courts will be impacted in two princi-

ple areas:

1, inmate writs. The volume of litigation emanating from the prison population is enormous. At Attica (1800 inmates) the volume of writs required the establishment of a courtroom location at the facility which operates two full days a week. These matters as The eventual size of the Rikers Island Prison will mandate the institution of a fully operational courtroom five days a week.

These matters are handled by the Attorney General's Office, and will not impact the District Attorney's Office but obviously the court system;

Indictments and Complaints. It is reasonable to assume that based upon the experience of other jurisdictions, we can anticipate at least one hundred additional indictments and twice as many misdemeanor complaints coming out of the Rikers Island facility. The number of trials resulting from these formal charges is difficult to project. In this context, it should be noted that the recently enacted consecutive sentencing statute prohibits the disposition of these matters with a plea bargain to concurrent time. As a consequence, there will be additional trials in our Supreme Court as well as in

the Criminal Court.

These significant problems which drain the resources of my office and the criminal justice system in general should not prevent the implementation of the City-State takeover plan. A fair appropriation of the necessary resources to deal with these new burdens would insure a balanced approach to a most serious problem.

Having addressed this need, I see many positive results in the new plan.

One of the advantages of having detained inmates awaiting trial in Bronx County rather than at Rikers Island, is that although Rikers Island is jurisdictionally part of the Bronx, geographically in order to get to the Bronx or Manhattan, one must go to Queens County first.

This physical fact has resulted in countless delays in court appearances and trials of inmates with the concomittant loss of time and thousands of dollars for the criminal justice system.

The relocation of inmates awaiting trial to their respective counties would result in the saving of time and thousands of dollars to the tax-

2 payers.

3 The efforts of Governor Carey and Mayor
4 Koch in their projected attempt to deal with a seri-
5 ous penal problem is certainly laudatory and should
6 be supported. Deputy Mayor Sturz' efforts to come
7 to grips with a most difficult problem should be
8 applauded.

9 No public official can gain public approba-
10 tion in spending tax dollars for prisoners. It is a
11 most unpopular position.

12 Action is long overdue.

13 MR. TUFO: Thank you very much.

14 Mr. Merola, you have had experience both
15 in dealing with the Bronx detainees who are out on
16 Rikers Island and Bronx detainees housed in the
17 House of Detention for Men in the Bronx.

18 Can you make any contrast between your
19 problems between those who are housed in the Bronx and
20 those who are housed on Rikers Island?

21 MR. MEROLA: Out of the fiscal problems
22 which I alluded to, in the time lost in getting
23 people from Rikers Island to trial or to court, for
24 obvious reasons I think another basic factor is that
25 those people who are awaiting trial have seemed to

1 one in the takeover plan.

2
3 MR. TUFO: Do any Board members have ques-
4 tions?

5 Thank you very much for being with us
6 today. I appreciate your comments as part of the
7 record.

8 MR. MEROLA: Thank you.

9 MR. TUFO: We would like now to question
10 Commissioner Ward, Criminal Justice Coordinator Sturz,
11 and Kenneth Schoen.

12 Perhaps it would be most convenient, gentle-
13 men, if you sat here together and brought whatever
14 members of your staff you needed around you.

15 Commissioner Ward, you have had many years
16 of experience with the criminal justice system. You
17 have been a State Commissioner of Correction and now
18 you have had the opportunity to look at the City's
19 correction system.

20 Before we get any further into the com-
21 plexities of the proposed transfer of Rikers Island
22 to the State, could you tell us what your perceptions
23 are of the deficiencies in the present City system
24 that lead you to recommend that plan.

25 COMMISSIONER WARD: Well, I think the major

One gate is kept open a significant portion of the time because of the great amount of truck traffic that passes through there, and guards are there and they do stop the trucks and they do make a cursory search of these trucks, but if you would compare that to what goes on in a State prison, I think the State prisons are somewhat surprised at the level of security that exists there.

For years and years, that prison has relied upon the four walls as its major security.

Around those buildings are ten foot fences with barbed wire so loosely strung in places it looks just like bows there.

Every inmate on that island except for the cripples could get over those ten foot fences, and once over the fences there is nothing between you and freedom except that river, and that river has been slowing down steadily over the years, particularly on the airport side where several obstructions have been placed in the channel, and the Army engineers no longer dredge that area and it's no longer navigable, so that you get silt building up along the various piers, and most of those escapes that we have had have been in that direction.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

(212) 344-5040

one in the takeover plan.

MR. TUFO: Do any Board members have questions?

Thank you very much for being with us today. I appreciate your comments as part of the record.

MR. MEROLA: Thank you.

MR. TUFO: We would like now to question Commissioner Ward, Criminal Justice Coordinator Sturz, and Kenneth Schoen.

Perhaps it would be most convenient, gentlemen, if you sat here together and brought whatever members of your staff you needed around you.

Commissioner Ward, you have had many years of experience with the criminal justice system. You have been a State Commissioner of Correction and now you have had the opportunity to look at the City's correction system.

Before we get any further into the complexities of the proposed transfer of Rikers Island to the State, could you tell us what your perceptions are of the deficiencies in the present City system that lead you to recommend that plan.

COMMISSIONER WARD: Well, I think the major

1
1
2
2
3
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11
11
11
12
12
13
13
14
14
15
15
16
16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25

deficiencies have been touched upon by some of the
will see that 50 percent of the population that is
prior witnesses.

out in six days will decline as we get away from the
Rikers Island was designed for a different
island, because the person who will come down to
type prison population than we presently have, so it
120 Schermerhorn Street or 100 Centre Street to post
turns out to be one of the best-looking prisons in
bail is not always the same person who will always
the wrong place for everyone.

take another train and bus and go out to Rikers
It's in the wrong place for the staff, be-
Island.

cause very few of the staff live in that vicinity.

In addition to that, the system has been
It's in the wrong place for judges and court person-
living under a myth for a very long period of time,
nel because the courts are not located out in the
and that myth is that it is a secure island.
middle of the East River.

All of you have been on that island, and
It's in the wrong place for the prosecution
now we have several State people that have now of-
and the defense, and it's certainly in the wrong
fices on that island, and I'm sure that they are
place for the inmate; since he can't get easy access
somewhat surprised by the ease with which you can
either to his lawyer, his possible witnesses, or his
drive up Hazen Street, pass two officers, with no
family, to maintain some kind of contact with the
physical barrier between the officers and the
family structure.

approaching vehicle, that vehicle finds itself going
I think it actually winds up costing thous-
over a totally unprotected bridge, and when you get
ands of dollars, for no other reason than the fact
on the other side of the bridge, you find hundreds
that our transportation system is sometimes so effec-
of cars, most of which are not searched in anyway,
tive that it sometimes removes a person from court
either going onto the island or coming off the
after minimal bail is set and starts him on the run
Island, and only a small cyclone fence separating
to Rikers Island before family and friends can get
that parking lot and the buildings in which hundreds
down to the court to post bail, and I think that we
literally thousands, of inmates are secured.

One gate is kept open a significant portion of the time because of the great amount of truck traffic that passes through there, and guards are there and they do stop the trucks and they do make a cursory search of these trucks, but if you would compare that to what goes on in a State prison, I think the State prisons are somewhat surprised at the level of security that exists there.

For years and years, that prison has relied upon the four walls as its major security.

Around those buildings are ten foot fences with barbed wire so loosely strung in places it looks just like bows there. Every inmate on that island except for the cripples could get over those ten foot fences, and once over the fences there is nothing between you and freedom except that river, and that river has been slowing down steadily over the years, particularly on the airport side where several obstructions have been placed in the channel, and the Army engineers no longer dredge that area and it's no longer navigable, so that you get silt building up along the various piers, and most of those escapes that we have had have been in that direction.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

(212) 344-5040

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and maybe another \$5 million for site acquisition, which would run the cost to \$34,950,000.

Add to that the renovation of C-95/C-71 complex, which would begin in January of 1981, for \$9.7 million.

Now, we added the inflation costs to these figures, for some of you that may have seen some earlier figures, because if you are going to start in 1981 you are going to pay in 1981 dollars, probably 10 or 12 percent higher than today.

Compliance with minimum standards and consent decree mandates on Rikers Island will take another \$4.2 million.

Rehabilitation of the Rikers Island physical plant, some of which is presently in the construction stage, to begin in June of 1980, would be \$1.8 million.

The creation of a central visitor processing building in Queens -- and I was out there the other night and saw those people standing out there in the parking lot because they can't get in -- would be \$7.950 million; and the creation of new recreation facilities at the existing borough houses of detention in which detainees are now held, so that we come

into full compliance with legal mandates -- scheduled to begin in 1982 -- is \$7.950 million.

That brings the total package up to \$112 million.

MR. TUFO: You have included a renovation of HDM for some \$34 million in this -- one of the largest items.

COMMISSIONER WARD: Yes.

MR. TUFO: Is that a hope on your part, or did you consider that you are going to be required to enter into that?

COMMISSIONER WARD: I think it has to be done. These cells are 45 square feet. There are over 200 cells on a block. They meet no standards, either Federal or State, and I think it is only a matter of time before a lawsuit is brought requiring that.

As a matter of fact, it is already filed; the suits already are being filed, I am informed, requiring that these cells be enlarged.

I know when I was a State Commissioner there was already a plan to enlarge them, because we knew we could not keep that many inmates in there.

As a matter of fact, today we engage in an

exercise that always reminds me of the founding of this country, when we found it possible not to count some people. COMMISSIONER WARD: In the same time frame. The last We don't count some people in HDM now. We say that if they are "parole violators," they do not count as against the minimum standards that are permitted; and these people, although they are in there as people -- there's 1400 in there -- we say they are 1200, because the rest of them are parole violators. The figures are predicated on the amount of money that I don't think we can go on with that for a long time; and on top of that there is very little recreational space in there. the next five years in the event There is a constant demand to put more personnel in the place, because we are asking a Commissioner to walk down a very long gallery where people are allowed to be out all night, pretrial detainees, some of them very nervous, as the District Attorney just said, and some of the officers, an awful lot of the probationary officers, are awfully nervous, and I do not think it is possible to break up the configuration of HDM as it is presently constructed. although MR. TUFO: Over what period of time do you contemplate that this one hundred and twelve million

1
1
2
2
3
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11
11
12
12
13
13
14
14
15
15
16
16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25

lighting, and all of that is not in this package.
used for the short time, and we would not be required

MR. TUFO: You contemplate that there will
to have any kind of major renovation.
be additional costs?

Obviously, it is speculation, but I think
COMMISSIONER WARD: Undoubtedly. You
it is based on correctional history and standards
might also add, in contemplating your minimum stan-
that are being developed today.

dards, you know all of that vacant, open land we have
MR. TUFO: Are there any cost estimates
out there, including a developed ball field on Rikers
available for both the new security construction that
Island, you never see anybody on this ball field.
would be developed and these possible improvements in

You can't put anybody there to play base-
the borough facilities?

ball because there is no perimeter of security, and
MR. STURZ: Well, it could increase signifi-
that river, people can get across that river and they
cantly, but we think that the figures that would be
have done it.
put together now are more easily defensible.

MR. TUFO: Mr. Sturz.

I think it depends on what I just said, on
MR. STURZ: Well, only to add that there
further court mandates.

is certainly a possibility that down the road, if
COMMISSIONER WARD: I am informed that it
there is no transfer, that the courts might order a
is about \$40 million for the improvement of the
significant renovation in the Brooklyn and Bronx
borough facilities, if we have to reconstruct them
Houses of Detention, which also, I believe, have only
to meet what we think will be the kind of standards
a 45 square foot cell, as contrasted with what is
that the courts will set.

now being built at the Tombs, where it is approximate-
MR. TUFO: If that cost were required, the
ly 75 square feet.
cost to the City of both plans would be comparable?

And we were to build new facilities right
COMMISSIONER WARD: That's right.

adjacent to the current facilities in those boroughs,
MR. TUFO: We appreciate your testimony on

and then it would be more likely that they would be
the concept of the plans for a detention system

1
2 used for the short time, and we would not be required
3 to have any kind of major renovation.

4 Obviously, it is speculation, but I think
5 it is based on correctional history and standards
6 that are being developed today.

7 MR. TUFO: Are there any cost estimates
8 available for both the new security construction that
9 would be developed and these possible improvements in
10 the borough facilities?

11 MR. STURZ: Well, it could increase signifi-
12 cantly, but we think that the figures that would be
13 put together now are more easily defensible.

14 I think it depends on what I just said, on
15 further court mandates.

16 COMMISSIONER WARD: I am informed that it
17 is about \$40 million for the improvement of the
18 borough facilities, if we have to reconstruct them
19 to meet what we think will be the kind of standards
20 that the courts will set.

21 MR. TUFO: If that cost were required, the
22 cost to the City of both plans would be comparable?

23 COMMISSIONER WARD: That's right.

24 MR. TUFO: We appreciate your testimony on
25 the concept of the plans for a detention system

1
2 after transfer takes place.

3 I think it would be very helpful to the
4 Board and to the audience if you could go through
5 step by step the transition phase.

6 COMMISSIONER WARD: Our present proposal,
7 and we are still working on that with our State
8 people, in Phase One, January 1 of 1980, our goal for
9 the intended proposal still calls for the joint oper-
10 ation of the House for Women, by both the City and
11 the State, on Rikers Island.

12 The Department of Correction would retain
13 custody of the City sentenced and detained women, and
14 the Department for the State would house its women
15 inmates.

16 You know that that building is kind of a
17 **chevron**-shaped affair, and presently we contemplate
18 joint operations. That is because of a narrow piece
19 of State legislation which would inhibit at this time
20 our turning over of our population to the State.

21 We think there is a strong possibility of
22 getting some early legislation to correct the de-
23 ficiency in the current legislation.

24 We are looking at the scenerio that would
25 accomplish the same thing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The major change from the Memorandum of Understanding is to place the females as the last group to be moved off the Island, as opposed to the first group.

Phase One, by July, 1980 the City would have transferred the Adolescent Remand Detention Center on the Island to the State, and the City would move its adolescent population to the Anna Kross Center complex.

This would be after the State renovates these buildings.

We have worked with the State now and have come together on an acceptable plan for modifying some of that before we get in, and some of it we will be able to modify after we are in place; and then we have to find suitable accommodations for the Mental Health Center, and currently we think that will be in the Fifth Quad at C-71, which has never been used and was built to house mental patients, and has built into it these larger cells, two and three, double and triple size cells to handle the suicide risks.

Phase Two, December 31, 1983, the City would transfer that same C-71/C-95 Anna Kross Center to the State.

1
2 Phase Three, December 31, 1984, the City
3 would transfer the remaining Island facilities to the
4 State except the C-76, which is the sentenced males
5 on the Island.

6 Phase Four, in December, again 31st, 1984,
7 the City would transfer its C-76 sentenced inmates to
8 facilities, or facilities would be provided by the
9 State, which center or centers have not been identi-
10 fied.

11 MR. TUFO: Commissioner, could you pin-
12 point what you perceive to be the serious problems
13 in the course of this transition.

14
15
16 (Continued on next page.)
17
18
19
20
21
22
23
24
25

1
2
3 COMMISSIONER WARD: Identifying space for
4 1400 sentenced inmates.

5 That to me is the most difficult problem.
6 I think all other problems can be worked out, in-
7 cluding the very touchy problem of site selection.

8 We have done some preliminary selection of
9 possible sites. There seem to be locations near and
10 around all of the Courts.

11 The State has expressed some willingness
12 to at least talk about the possibility of using a
13 small number of cells on Staten Island and Arthur
14 Kill, but the problem that Staten Island also presents
15 because we have no place to detain pretrial sentenced
16 inmates on the Island, and that is a particular
17 problem.

18 But the key problem, as I see it -- because
19 some of these other problems can be handled by
20 classification, and some transportation, if it becomes
21 necessary, without going into residential communities
22 -- the key problem is locating and identifying the
23 1400 spaces for sentenced inmates.

24 MR. TUFO: Keeping those inmates at the
25 current correctional institutions permits options

which you consider viable?

COMMISSIONER WARD: I don't think the State wants to do it and I think the fact that they will be among the last group to move is part of the problem, because five years seems to be out of reach of Man's ability to think, and since that is a five year problem it becomes more of a problem, because we have got more years in which to solve it -- but time passes pretty quickly.

MR. TUFO: Would you be willing to go into the process without having solved it?

COMMISSIONER WARD: I think there are the kernels of some solutions to it already, particularly if this deal is consummated.

I think there are some ways to approach it if the State has a good deal of vacant mental hospital space in the City -- and that is a possibility.

There are some small State correctional facilities that are currently being used but are under-utilized, and if work release and educational release continues to decline in the manner in which it is declining, there is the possibility that over a time some of that space may become available, and I think that what is more difficult to sell and more

1
2 difficult to pinpoint as to what it means in
3 quantitative terms is we think there are significant
4 numbers of inmates that are in detention centers who
5 will not be there once those detention centers are
6 closer to the City, closer to the Courts, and some
7 of the practices that we now engage in done away
8 with.

9 For instance, you can get your car out of
10 the pound in New York with a credit card but you can't
11 get your son out of the prison with a credit card, and
12 it will cost your car \$75 and your son only \$25, and
13 you can spend all day until banking hours come around
14 and you can get a money order or certified check.

15 I have already spoken to Matthew McPartland,
16 the former Deputy of the Police Department and now with
17 Chase Manhattan, addressing some real banking problems
18 and how we can approach some of these things that are
19 not security problems -- persons with a low bail;
20 nobody is concerned about him as a security risk --
21 and because we have a bureaucratic rule that says we
22 won't take an uncertified check or credit card we keep
23 some people in.

24 I think there are ways we can take some of
25 the experience of the criminal justice agencies, which

now take every inmate arraigned in the City and get a lot of information verifiable which is not currently transported to the Department of Correction, and find out by the addition of a couple of questions if bail is set at \$500 or \$25, do you have the \$25 to pay; and if you don't have the \$25 there is somebody who will put up \$25 for you.

Who is that somebody and where can we reach him?

Sometimes you will find out it is not the wife or the mother; it is the girl friend or maybe even somebody else who he has an association with that will come forward, and we can hold that person close to the Court and bail can be made.

The point I am making is that some of that population that is reflected in there is soft, and that improvements in the system will reduce that figure.

I think also the Commissioner of Correction in the State has been very flexible in his approach and has agreed with me that there are ways in which we can expedite the transfer of the sentenced population to the State more expeditiously if he has a space on Rikers Island, and then he also agrees with me that he

1
2 will not be able to put forth his argument that he must
3 keep the parole violators in the City.

4 Since he has the space, I assume, and he has
5 agreed, then we will see no more technical parole
6 violators.

7 They will be delivered to the State and not
8 to the City at all.

9 MR. TUFO: Commissioner, there are a number
10 of vexing problems in connection with this proposal,
11 and certainly one of those central to all of the plans
12 and projections is your estimate of detention popula-
13 tion.

14 You have come down in your report on a very
15 specific figure, 4,327 detainees that could be housed
16 once the plan is completed, that's on page 14.

17 You leaped up to that conclusion by saying
18 that the number was determined -- starting on page 9
19 and then continuing through page 13 -- with the method
20 of analysis -- by considering economic, social and
21 demographic data, the criminal justice system informa-
22 tion, the policy changes that are likely, Department
23 of Correction records, projections provided by the
24 Tri-State Regional Planning Commission, the New York
25 State Economic Development Board, and the New York

1
2 City Department of Planning; statistical breakdown of
3 the base detention population by key classification
4 categories, utilization of dynamic modeling; and then
5 an analysis of the calculations --

6 But then after going through four pages,
7 through this process of analysis, it seems that on the
8 bottom of page 12 -- bottom of page 13 you conclude
9 that, Since the trend has been stable for the last
10 two years we will pick the figure that has been the
11 average of the last two years.

12 What happened to all the analysis and
13 statistical models and dynamic modeling potential you
14 talked about?

15 Do you have available to us any of those
16 analyses which can help us in our determination and
17 evaluation of the population figures?

18 COMMISSIONER WARD: Yes, we do, and Hildy
19 or someone will make a note so that we may deliver
20 what you want in that regard.

21 We were trying to be conservative, and it
22 ties right into your prior question as to "what-am-I-
23 going-to-do-with-that-1400-inmates" problem.

24 I think part of that 1400 inmates problem
25 is included in that figure. We took a very conserva-

1
2 familiar with that. Mark has spent the last year
3 with that, Commissioner Mark Corrigan, on a national
4 scale; and I think Kenneth Schoen knows some of the
5 problems also on a national scale.

6 I think it might be helpful if first Ken
7 and then Mark would address themselves to that.

8 MR. SCHOEN: I am not going to add a lot
9 of illumination to what Commissioner Ward has said.

10 Projecting population is a very difficult
11 task. It's been quite a number of places utilizing
12 a number of dynamics.

13 Unfortunately, it is worse than projecting
14 the weather; it is probably more akin to projecting
15 the stock market, because there is the emotional
16 quality added to it that can occur in the politics
17 of the corrections scene.

18 There are figures that have been utilized
19 -- and I am conscious of what you mentioned because
20 I had the same reaction as I was reading the material
21 -- a lot of exotic sounding methods, some of which
22 have been done for a number of years in New York.

23 There's been some predictions that have been
24 done about ten -- maybe not that long ago -- and the
25 results of that, we are now at the point of where they

1
2 are projecting -- and I think the populations are
3 projected as being two or three times what they are
4 now, much higher, so they are clearly wrong; and I
5 hope not compensated too heavily for their efforts.

6 I think what the plan is, as far as my role
7 in this is concerned, is this: I think, as we have
8 looked at the method that's been utilized here, which
9 is the concluding one that you have pointed to, Mr.
10 Chairman, I think that that is a safe conservative
11 one, as Commissioner Ward says.

12 I think that refinement may help us -- which
13 we intend to do -- but, frankly, I think the one that
14 is being presented here is probably going to end up
15 being the best, because when you look at such things
16 as "population at risk," this can be changed by virtue
17 of statutory changes.

18 When you look at the crime problem itself,
19 this can be changed by factors in the economy which
20 are difficult to project, such as unemployment, and
21 other dynamics that are related to crime.

22 And of course, simply statutory changes can
23 cause these, which have no basis on which projected.

24 The conclusion is, I think, that the figures
25 being projected here are conservative and realistic

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and not set forth to make a point, that is, to sell the Rikers Island proposal.

Mark.

MR. CORRIGAN: Very briefly, we in Correction in New York and nationally have a rather disastrous track record when it comes to predicting population, and I was very concerned when Commissioner Ward and I came in at the way in which the projections had been done.

There have been three major national efforts in the past five years, by the Congressional Research Service, the National Planning Association, and, most recently, mandated by Congress, the Department of Justice, the study that Ken Schoen mentioned in his testimony.

The conclusions of those studies, after millions of dollars across the nation, both in prison population and in jail population, the basic conclusion is we still don't know how to predict population.

I think that the one improvement in the City's approach that is reflected in this document is that we go beyond the traditional approach of projecting on the sole factors of employment data and

1
2 handle more easily.

3 But again it is subject to a whole variety
4 of variables.

5 I don't expect it to happen in the next
6 decade, because of the fiscal condition.

7 We were also expecting about a three percent
8 vacancy rate just for down time within the system.
9 We will be running totally with turn around time and
10 a vacancy rate of thirteen percent.

11 I don't think thirteen percent is adequate.
12 National standards bring you closer to eighty-eight
13 percent rather than the eighty-seven percent we are
14 willing to operate, because we have so much short-
15 term people, and I don't think that the probability
16 is going to be up but down, so we will be running at
17 somewhat less of a population and I don't think that's
18 all that bad, and we have five years in which to look
19 at this, and I would hope to be here or someplace in
20 the last year saying, We don't need the last building,
21 or maybe even the last two.

22 I think it is going to happen, but what is
23 wrong with that?

24 That wouldn't be bad either.

25 MR. STURZ: I would like to say that instead

of only relying on predictions, we certainly would

make an effort also to upgrade the role of the

District Attorney, the Courts, the Criminal Justice

Agencies, in getting better verified information

immediately before a Judge, through opening up twenty-

four hour complaint rooms, ultimately in every

borough.

We have recently opened it up in Brooklyn;

there are now funds to do the same in New York County.

I think they have also set up early case

assessment bureaus.

We are able to learn more and more quickly

about defendants. I think it is very important. I

think the Correction Department is developing, with

the Criminal Justice Agency, a unified identification

system so that information developed in the interview,

the persons, going to to jail would immediately be

funneled to people who would help try to get them

released.

The Department itself would be building in,

as is in fact being done in some jurisdictions in

other parts of the country -- and in fact the world

where bail review is actually a function of correction

officers -- instead of only guarding people they can

1
2 further look into some of their problems, help make
3 phone calls, and actually, not only guard but help a
4 person make his bail.

5 It is an entirely legitimate role, and I
6 think it also adds more dignity to correction officers,
7 so we would be attempting to do this.

8 We would be looking further at the way in
9 which use of the desk appearance ticket could be
10 expanded to certain selected felonies.

11 As you well know, one reason detention has
12 been going down in the last seven years or more is
13 the development of the summons or desk appearance
14 ticket, which has resulted in something like forty-
15 five percent being summoned, that is, receive desk
16 appearance ticket.

17 Certainly, a healthy -- it would be a
18 minority but a significant minority of those persons,
19 they would have gone into detention pens, bail would
20 have been sent -- probably it has been estimated that
21 a fifth of those persons could have ended up in
22 detention.

23 I think that innovations like taking the
24 drunks out of the system, Skid Row alcoholics, which
25 was one of the many reasons the detention and sentenced

populations were so huge in the late '60s and early

'70s -- it was, again, the enormous amount of Skid Row

alcoholics arrested, detained, found guilty, going

into detention, and you could repeat that three or

four times a week; but I think there's a lot more we

can do working in tandem with the Courts, for example,

building on what they are now doing, building on early

dispositions at arraignment.

I think the fact that in some boroughs it's

up something like sixty percent, in others forty

percent, various -- I guess what I am getting at; as

you upgrade the entire criminal justice system, when

you see this approach we are attempting at Rikers

Island in correction, as a part of it, it helps lead

you to developing a more efficient system in all

aspects, and I think a basis for thinking that the

population projection is indeed a realistic one.

COMMISSIONER WARD: We passed these figures

past City Planning, which supplied us with demographic

data on what is happening in the City, and our

populations projections are not entirely consistent

with what City Planning is saying is what is happening

to the City, because they are saying it is a shrinking

City and their figures say it is shrinking in every

1
2 borough except Staten Island.

3 We didn't even bother to adjust to that
4 shrinking, and instead matched these other ways of
5 looking at the figures against the last two year
6 average, and I think that this figure is going to
7 prove to be a high figure, not a low figure, and I
8 really don't know what the concerns are of the Com-
9 mittee, but I think you are going to find that down
10 the line we may be high, not low, but if you under-
11 **build** what do you do once the money is spent?

12 MR. TUFO: The concern of the Board is,
13 I think we are quite clear, that we have gone through
14 a period of overcrowding in these prisons, resulting
15 in undue pressure on correction officers -- riots,
16 suicides, overtime -- and it is not any longer
17 acceptable and we are concerned that the City not
18 be put in a position where it turns over its major
19 correctional facilities to the State without having
20 been able to meet its own construction objectives
21 and finding ourselves forced to crowd again detainees
22 into the remaining borough facilities.

23 These projections, as you say, may very
24 well be conservative. I know we all hope they are,
25 because we have certainly concluded that pretrial

1
2 detention serves no purpose other than separating
3 those who are accused who can't make bail from society.

4 But if the construction schedule bogs down,
5 the City has no longer the luxury it has as of the
6 present, having two facilities which are unused,
7 which can, with the expenditure of funds, be made
8 presently available for us, but cut off from major
9 facilities, and as a result the methodology here is
10 of concern to us because in each case that could
11 affect the ultimate population.

12 The tendency has been to opt for the low
13 side. The projection as to what is a workable system
14 has changed from, as you mentioned, up from the
15 normal percent capacity.

16 The figure that is used for unused bed
17 space is three percent. I think all of your
18 experience has been segregated areas, especially
19 punitive segregation, where usage is affected by
20 more than three percent, and in addition add to that
21 **down** cells -- that may be a very low figure.

22 In addition, the sentenced cadre, the help
23 projected in the new facilities to service them is
24 reduced from eighteen percent, as it is at present,
25 to twelve percent.

1
2 All of these figures have the tendency to
3 reduce the projected need for available bed space
4 over the five year term, and the reason for our
5 questions, our concern, is just that we don't want to
6 be back five years from now in a worse position than
7 today.

8 MR. KIRBY: I just want to add to that --
9 because I think my position is to the contrary, --
10 I think I have to go along with Ben and say that I'd
11 like to see less jails, really, but I think that if
12 you have a lesser jail space you can force the system
13 to deal more humanely with those other parts of the
14 criminal justice system that do not suggest that all
15 people have to be incarcerated, namely, the bail
16 system.

17 There are a lot of other systems that impact
18 upon that, and I think we have in place now enough
19 lawyers that I don't think we will be back to 1972-
20 1973, at which time I, too, was a Board member.

21 I think the law prohibits double-celling.
22 I think the law prohibits a lot of inhumane things,
23 as it pertains to inmates, so I wouldn't want to see
24 us over bill, because if we over bill, I think, I
25 have to say that some of the Judges we have in the

1
2 system, as you know, as we over bill they will fill
3 them.

4 So I would like to see that pressure-gauged,
5 by the way; I would like to keep it just the way it
6 is, really, to make Judges deal with the others instead
7 of incarcerating them.

8 I would like alternatives to incarceration.

9 MR. TUFO: Mr. Lenefsky:

10 MR. LENEFSKY: First, just to console you
11 on your inability to collect figures. The fact of
12 the matter is no one in our society today has the
13 capability to do future projections.

14 If you look at the futurists, you will find
15 one common denominator: They have all been wrong.

16 If you go back to the studies of the future
17 of earlier days and read them, a fairly interesting
18 exercise, again you will see the common denominator:
19 They are mostly wrong.

20 They have indeed little ability to project.

21 The plan, as Mr. Sturz and Commissioner
22 Ward and Kenneth Schoen outlined, I think has a great
23 conceptual clarity.

24 What concerns some of us is the nuts and
25 bolts of implementing it, and perhaps the first nut

1
2 The Tombs is presently being gutted at
3 this time, and that's projected as being completed
4 in early 1981.

5 MR. LENEFSKY: I am concerned about the
6 real transitional period, the process of moving
7 people off the Island into new facilities, transi-
8 tional facilities, until the new ones are built, and
9 also the other side of it, satisfying the minimum
10 standards on the Island during the transitional
11 period.

12 COMMISSIONER WARD: Okay. I am not sure
13 that I fully understand the question, but I will try
14 to answer what I do understand and then you can en-
15 lighten me if I missed the point.

16 One, in 1981 The Tombs will be open. Until
17 that, it will represent some inmates who no longer
18 have to be housed on Rikers Island but in a facility
19 defined to meet minimum standards.

20 In addition to that, we have an arrangement
21 with the State for a renovation of the C-71/C-95.
22 Those renovations, some of them will include upgrading
23 that will meet minimum standards.

24 So that --

25 MR. LENEFSKY: May I interrupt?

1
2 So that 4.2 million is going to be spent
3 by us?

4 COMMISSIONER WARD: No, no, that 4.2
5 million dollars on page 27 is the cost if we stay
6 on the Island, isn't it?

7 That's the cost if we stay on-Island and
8 the State does not pay anything.

9 The State is not involved in that 4.2
10 million dollars if we stay on the Island and don't
11 turn it over to them. We won't spend anything.

12 If we get off the Island they will probably
13 spend upwards of --

14 MR. LENEFSKY: But even if we get off the
15 Island we would have to spend that.

16 MR. CORRIGAN: May I make a comment. I
17 think it is important in considering the standards
18 and the consent decrees as well, we don't have the
19 luxury of waiting until 1984 or 1985 before moving
20 forward with the implementation of the standards, and
21 I think that the most reasonable approach is to try
22 to break out the standards into operational concerns
23 and capital concerns, and it would be foolhardy to
24 make a major capital improvement in a system that is
25 not going to be ours, to get us into compliance with

1 the particular standards.

2
3 The target ought to be to make sure that the
4 new system brings us into compliance.

5 However, there is a whole range of issues
6 that relate to policy and procedure and operations,
7 and at the very highest level, while this project is
8 going forward, the Department, the bureaucracy, will
9 be directing its energies into complying with those
10 to the maximum extent possible.

11 There is money identified in the operating
12 budget right now that goes beyond that figure for
13 that task, and in fact we are spending it today.

14 COMMISSIONER WARD: I think that is an
15 excellent question, since we are obviously having
16 trouble answering it.

17 Skip, could you come up, please.

18 Assistant Commissioner Skip Hommel is most
19 familiar with the cost factor.

20 MR. HOMMEL: Presently in the capital budget
21 there's \$10 million to meet the standards and the
22 consent decrees for the entire Department.

23 Of that, 4.8 million would not be necessary
24 if Rikers Island is turned over to the State, so
25 therefore 5.8 million dollars will be spent for

1
2 Let's hear from Herbert Tessler of the
3 Domus Group, consultants to the Department of
4 Correction on the design and construction end of it.

5 MR. TESSLER: We have a facility ready to
6 move in according to your schedule -- besides The
7 Tombs; let's leave The Tombs out of this -- thirty-
8 nine months from go, which was -- we have our first
9 facility coming on the line exclusive of The Tombs,
10 the first new facility thirty-nine months from last
11 July 1st, which would be probably April 1st of -- the
12 first facility comes on the line in August or Septem-
13 ber of 1982 and the second one comes on the line
14 April of 1983, so we are starting to pick up new beds
15 end of 1982, early 1983, and continue picking them
16 up into 1984, based upon our construction schedule.

17 MR. LENEFSKY: Then am I correct in saying
18 you will not have a situation during the transitional
19 phase of having an existing facility like Bayview
20 being used to house people presently on the Island;
21 is that correct?

22 COMMISSIONER WARD: Yes, that's correct,
23 and I think that part of the problem was that the
24 present Memorandum of Understanding spoke to moving
25 the females up front into Fulton in the Bronx, and then

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

subsequently Bayview was considered.

We are presently considering neither one of those scenarios and we are thinking of, we are trying to put together leaving the females on the Island.

The only alteration would be that we would bring State sentenced inmates -- would be on the Island as well as our population, and I would see that as a plus, because eventually there would be better programming available.

MR. LENEFSKY: I am asking, is it correct that in fact we would not utilize the existing facilities on the mainland during the transitional phase?

COMMISSIONER WARD: Yes.

MR. LENEFSKY: For any purpose?

COMMISSIONER WARD: I can't say that with that degree of exactness.

For detainees, an emphatic yes; for sentenced inmates, which I told you was the problem, I don't know where the 1400 sentenced inmates are going because the sites have not been identified, but they are in the scheduling to be the last group to go, and about 500 of our sentenced inmates would be used as cadre,

1
2 and they would be into the borough centers where the
3 last 1400 would go, which I hope has melted signifi-
4 cantly in five years, I don't know.

5 In the interim they would be exactly where
6 they are now, on the Island.

7 MR. LENEFSKY: But you are clear that as
8 far as detainees are concerned, that's correct?

9 COMMISSINOER WARD: That is correct.

10 MR. STURZ: Eventually, with the hope of
11 minimum standards involved, we would hope that the
12 women would not be subject to less than the kind of
13 quality of care they are getting now.

14 MR. LENEFSKY: Thank you.

15 MR. TUFO: Continuing with the present
16 Memorandum of Understanding calls for C-71/C-95, the
17 institution that will house the adolescents, to be
18 transferred to the State at the end of 1983.

19 If the plan is to decentralize, doesn't
20 that then depend upon the completion of construction
21 of all the borough facilities by that date?

22 I believe that is prior to the presently
23 projected completion date.

24 COMMISSIONER WARD: You are correct. We
25 will phase out of the Adolescent Remand Center into

1
2 C-71/C-95 as C-71/95 is fixed by the State to what
3 we think is the minimum that we can live with.

4 Some things will have to be done before we
5 can move in, such as perimeter fencing, low hanging
6 lights.

7 Other things, like control centers perhaps
8 we can wait, and there are five buildings in the
9 complex, four of which would be expected to be used
10 for adolescents, and they will not be ready at the
11 same time; so they will be phased down.

12 It is conceivable that there might be joint
13 occupation of the Adolescent Remand Detention Center
14 as well.

15 When we begin to move off the Island with
16 adolescents and females, again that will be a phased
17 removal.

18 If it is determined that we can house some
19 females in the renovated Tombs then one of those
20 small housing units would be segregated off and we
21 would house females there.

22 The same would be true for adolescents, so
23 it will not be calling together fifty buses one day
24 and we will also march together across the bridge.
25 It will be a phase kind of approach as the buildings

1
2 are ready.

3 MR. TUFO: But the Understanding calls for
4 the City to vacate in December of 1983.

5 In the event that the City facilities are
6 not ready for the full number of adolescents and
7 women on that date, what is your plan?

8 COMMISSIONER WARD: I don't think that there
9 is anything in that Memorandum of Understanding that
10 says, "You must meet this December 31st" -- or what-
11 ever the date is -- "and you have got to move out or
12 we will come in with the sheriff and dispossess you."

13 I don't read that at all.

14 I think if you read that Memorandum you
15 see language that indicates the possibility of delay.

16 MR. TUFO: Your answer would be that in
17 the event of unforeseen delays there would be the
18 opportunity to renegotiate or to reach agreement on
19 a new schedule?

20 COMMISSIONER WARD: I think that explicit
21 language is there; I believe it is.

22
23 (Continued on next page.)
24
25

1
2 I am getting a lot of headshakes from the
3 Staff here.

4 It was built into that Memorandum of Under-
5 standing, the possibility of that kind of unforeseen
6 delay. We have got the aces; we have got the money;
7 and if you read the money flow from the Appendices A
8 and B and in the language of the Memorandum of Under-
9 standing, that money is not coming to the City except
10 when we want to incur debts and replacement space has
11 been made.

12 They are not going to give us \$200,000,000
13 and we are going to run into a problem and the money
14 will run away. They are holding it back.

15 A better arrangement would be for the State
16 to give us the money which we would invest at 10-1/2
17 percent interest and go forward, making 10-1/2 percent
18 on the money.

19 The State is not going to do that. They are
20 going to hold the money back until we supply replace-
21 ment space and give up space to them.

22 I was there when we went about estimating
23 the cost of that Island, appraising the cost of that
24 Island, and that was appraised and each one of the
25 buildings was figured into the pie and it was determined

1
2 what that was worth, and they are paying for what
3 they are going to get, but they have agreed to up-
4 front some of the money so they are paying a little
5 bit more up front than they are actually going to be
6 getting, but there is a delay built in so they don't
7 pay and not get.

8 That's the answer.

9 MR. TUFO: What you are hoping is that the
10 agreement would be renegotiated, taking account of
11 any change in circumstances that might occur.

12 Of course, the agreement requires both
13 sides to agree, and it can't be guaranteed; but your
14 feeling is that there is enough possibility within the
15 State's situation and in yours to reach agreement?

16 COMMISSIONER WARD: Yes. The answer to
17 that is a qualified yes.

18 I think the present Administration has indi-
19 cated their willingness to modify even existing
20 Memorandums of Agreement so that we are not any longer
21 talking about Fulton as a place to move pretrial
22 detainees.

23 We now have a modified Memorandum of Agree-
24 ment just between the two Commissioners.

25 We are no longer talking about Bayview. We

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have modified that agreement, or it hasn't quite reached the state of agreement, but that consideration -- and we are now talking about keeping the women on the Island -- the initial understanding was to spend about \$8.3 million on C-71/95 before moving any adolescents off the ARDC.

We have put both offices together; both construction groups are looking at this jointly, along with security personnel and program personnel, and deciding what must be done up front, what can wait; and the State has no problem with anything that we are asking for; because they will do the same thing, anyway.

Some of it must be done before you put the adolescents in there. Some of it after the adolescents are in place.

So modifications are being made; that's the point I want to make.

MR. STURZ: I am not sure that the Commissioner made clear that the innovations are being made, undertaken at the cost of the State, apart from the \$200,000,000. This is an agreement by the State they will carry out to their general services or facilities.

4
1
2 That is something being negotiated between
3 the two Commissioners, but being carried out by the
4 State with the funds other than the funds included
5 in the proposed transfer.

6 MR. TUFO: Any further questions from the
7 Board Members on the problems of transition?

8 Ms. Singer.

9 MS. SINGER: I am still concerned about the
10 staff.

11 What will happen to the Staff during this
12 interim period?

13 COMMISSIONER WARD: We do not anticipate
14 laying off any Staff.

15 In fact, we will continue with our hiring.
16 Staff will be moved as population is moved, or kept
17 in its present location where population stays in
18 that present location, so we don't see any problem
19 with that.

20 We have approximately 300 females, as an
21 example, in the Female Correctional Institute.

22 They are being handled and staffed by approx-
23 imately 225 Staff members, and that 225 will continue
24 to handle them, whether they handle them on this side
25 of the building or the other side.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Currently, we use both sides of the building, and it is fifty percent under-utilization of the building.

If we were able to pass early legislation, it wouldn't be necessary to do that, and an alternative would be available to us, but since the Legislature is not in session and won't be available until later, they will not be able to take on our legislation and we will have to go with this for a short period of time.

MS. SINGER: I think, from the architectural point of view, you have just the one reception room now at the Women's House, you have the City and State people coming in, presently there is one reception room.

If the State takes over, how would that reception room be arranged?

Would that be rearranged architecturally? Would there be two rooms, two offices, one for City and one for State?

COMMISSIONER WARD: Yes, and that is being done at this time. And the only areas where we anticipated joint use in that building would be the auditorium and some recreational areas, and they will be scheduled, used by schedule by either the State or the City on the basis of scheduling.

But I tell you again that that scenario may

4
1
2 That is something being negotiated between
3 the two Commissioners, but being carried out by the
4 State with the funds other than the funds included
5 in the proposed transfer.

6 MR. TUFO: Any further questions from the
7 Board Members on the problems of transition?

8 Ms. Singer:

9 MS. SINGER: I am still concerned about the
10 staff.

11 What will happen to the Staff during this
12 interim period?

13 COMMISSIONER WARD: We do not anticipate
14 laying off any Staff.

15 In fact, we will continue with our hiring.
16 Staff will be moved as population is moved, or kept
17 in its present location where population stays in
18 that present location, so we don't see any problem
19 with that.

20 We have approximately 300 females, as an
21 example, in the Female Correctional Institute.

22 They are being handled and staffed by approx-
23 imately 225 Staff members, and that 225 will continue
24 to handle them, whether they handle them on this side
25 of the building or the other side.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Currently, we use both sides of the building, and it is fifty percent under-utilization of the building.

If we were able to pass early legislation, it wouldn't be necessary to do that, and an alternative would be available to us, but since the Legislature is not in session and won't be available until later, they will not be able to take on our legislation and we will have to go with this for a short period of time.

MS. SINGER: I think, from the architectural point of view, you have just the one reception room now at the Women's House, you have the City and State people coming in, presently there is one reception room.

If the State takes over, how would that reception room be arranged?

Would that be rearranged architecturally? Would there be two rooms, two offices, one for City and one for State?

COMMISSIONER WARD: Yes, and that is being done at this time. And the only areas where we anticipated joint use in that building would be the auditorium and some recreational areas, and they will be scheduled, used by schedule by either the State or the City on the basis of scheduling.

But I tell you again that that scenario may

1
2 never come to pass. That's what we are doing now,
3 because we don't have a change in legislation.

4 If we were able to pass early legislation,
5 it wouldn't be necessary to do that, and an alterna-
6 tive would be available to us, but since the Legisla-
7 ture is not in session and won't be available till
8 later, they will not be able to take on our legisla-
9 tion and we will have to go with this for a short
10 period of time.

11 MS. SINGER: May I assume one step further:
12 what would you do about visiting hours and visitors
13 coming into the City and State --

14 COMMISSIONER WARD: Separate.

15 MS. SINGER: That has been taken care of?

16 COMMISSIONER WARD: Separate.

17 MR. TUFO: To pursue the question of future
18 women detainees, in the event that women are trans-
19 ferred to Borough houses, how would you make provision
20 for adequate program space and recreation space for
21 the women that are mixed into a predominantly male
22 facility?

23 COMMISSIONER WARD: I can't give you an
24 exact configuration, because we do not have plans for
25 anything except the Tombs, but we are trying to use

7
1 2 the Tombs as a prototype for the additional facilities
3 that will be built.

4 And we hope that we will be able to improve
5 upon that prototype, because we will not be constrained
6 by the existing walls of the present Tombs, but the
7 idea of making small, decentralized, self-contained
8 facilities within the larger building is the direction
9 in which we are going, and within that configuration
10 there's program area right in the area, along with
11 recreational area, and eating facilities in that area.

12 In the case of the Tombs, there will be
13 some kind of a gym on the roof. It has not been de-
14 cided whether we will seal it over and make it an
15 all-weather facility or whether it will stay open so
16 that you can only use it in good weather, but there
17 will be that centralized recreational facility as well.

18 But there is a gym on the housing floor, a
19 smaller area for other kinds of activity, as well as
20 programmed areas.

21 MR. TUFO: Can you tell me, the \$75,000-per-
22 bed figure, does that include allowances for the dis-
23 tinctions that will have to made in male-female
24 facilities?

25 MR. TESSLER: Yes, the \$75,000 figure in-

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-8040

1
2 cludes that.

3 MR. TUFO: Similarly, does it include the
4 segregations or distinctions that will have to be made
5 for adolescents that are redirected into these facil-
6 ities from the present set-up?

7 MR. TESSLER: Yes, it does.

8 MR. KIRBY: One last question. I think it's
9 important.

10 The Women's House under this plan will have
11 three separate populations. No one mentioned what
12 will happen to the juvenile population with this ar-
13 rangement at the Women's House.

14 MR. STURZ: It is contemplated that all
15 juvenile offenders will go to Spofford.

16 As you know, I think starting in June, all
17 but a very few persons charged with the most serious,
18 violent felonies, are no longer sent to Rikers Island.

19 I think the population today is down to
20 approximately thirty, twenty-nine to thirty, down from
21 a high of approximately seventy-five.

22 I think the intent would be to move --
23 assuming this transfer takes place -- all juvenile
24 offenders to Spofford.

25 I think Spofford has upgraded quite signi-

9 1
2 significantly its security in the last, I guess, fourteen,
3 sixteen months.

4 It is like one or two escapes in contrast
5 against a history of like forty or fifty in a year,
6 and so a great deal of work is being done on that
7 site, and that is the plan.

8 MR. KIRBY: I wanted to know the answer to
9 that one, personally.

10 MR. TUFO: As you mentioned earlier, there
11 will have to be a new mental health facility, once the
12 City vacates Rikers Island.

13 Have there been any plans made as yet as to
14 what that facility will consist of, whether it be cen-
15 tralized or decentralized, and has that cost been pro-
16 jected into your cost?

17 COMMISSIONER WARD: It has, if we talk about
18 the amount of space that's needed, it is included in
19 there, but it has not been decided whether or not that
20 population will be decentralized, as the State pres-
21 ently does have successfully -- some of the places are
22 following that model -- or whether or not it will re-
23 main centralized, and part of the problem there is
24 Prison Health Services supplies the services to that
25 population, and we just haven't decided, partially

1
2 because we have no building; so for the shortfall,
3 shortfall being possibly as long as five years, they
4 will continue to be centralized in one complex.

5 We think -- and my experience indicates --
6 that it is so, that there tends to be an overclassifi-
7 cation of troublesome inmates into mental health
8 units.

9 I base that experience on the determination
10 of Matteawan as a State prison, and taking that popu-
11 lation and putting it into the Department of Mental
12 Health, where they instantly cured fifty percent of
13 the population, and I think that reclassification of
14 the City's mental health problem will reduce that
15 population, as well.

16 I believe that when the City gets off of
17 Rikers Island and is into these decentralized units,
18 you will find that wardens have to deal with some of
19 their troublesome inmates who possibly end up in men-
20 tal health centers.

21 So the answer is a yes and a no: yes, be-
22 cause we have accounted for some of the placement;
23 and no, because we have to find separate units for
24 them someplace -- then it will have to be one of those
25 eight buildings being constructed, and we might have

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

(212) 344-5040

(212) 344-5040

15

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

And I think COMMISSIONER WARD: You said you saw no reference to the cost?

MR. TUFO: No reference to the cost for of interim arrangements for the mental health center.

COMMISSIONER WARD: Skip. difficult time

MR. HOMMEL: The present plan for a mental health center during the interim is to use Building 5 of the Anna Kross Center, and the first decision that has to be made is whether the two- and three-man cells are still valid, as far as mental health inmates; and if it should be determined that it isn't, and everyone would rather see single cells, it will cost \$500,000 to convert Building 5 of C-71 back to single cells, and presently we are in negotiations at a staff level with the state to determine if they will fund that, as well as the rest of the renovations of C-71/C-95. Some years ago, when the question of sui-

MR. TUFO: In the event that the State declines to pick up that cost, what is your plan?
COMMISSIONER WARD: I don't believe that it is a problem. a very successful operation.

I believe that they will agree to do it; because there is a State law that says, wherever possible, inmates will be housed in single cells.

1
2 And I think for non-mental purposes, the State will
3 have a difficult time declaring those two- and three-man
4 cells as dormitories, although they do have a lot of
5 dormitories.

6 I think they would have a difficult time
7 explaining to Stephen Chinlund, the Chairman of the
8 New York State Commission of Correction, or anyone
9 else, that that is in fact a dormitory for three,
10 and it's not a big -- it was done in such a way that
11 they really took a single cell and just left the wall
12 out.

13 So it's not a tremendous construction job.
14 If left to their own devices, they would do it in-house,
15 probably.

16 MR. TUFO: I am sure you are aware of the
17 Board's continuing concern with this problem.

18 Some years ago, when the question of sui-
19 cides and the treatment of mentally disturbed detain-
20 ees came to public attention, the Department did set
21 up a separate center in Long Island City, and that
22 seemed to be a very successful operation.

23 Subsequently, with cost savings, that opera-
24 tion was moved to Rikers Island, and the hearings we
25 held in June considered the problems of that operation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

as well as the whole process of dealing with mentally disturbed people in the system.

This plan now calls for another temporary measure for those inmates.

I understand your belief that there will be a new classification, there will be many fewer in category. However, we are going to watch quite closely to ensure that in this five-year interim period and, of course, in the long run, that the margin for safety of officers in dealing with disturbed inmates and the care given to the inmates is not a stepchild of this program.

COMMISSIONER WARD: My own conviction is that they ought not to be in the system in the first place, and I disagree to some extent with Mark Corrigan on that.

I don't believe that you can be bad and mad at the same time, and if in fact you are mentally incompetent, then you ought to be under some department of mental hygiene and returned to prison when you are well. And in exploring this whole possibility, you might want to look at the State's facility at Utica, the Marcy Center, where you have not heard about it because they have substantially solved the problem,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and you read about Matteawan every day.

I couldn't get a licensed psychiatrist in Matteawan. I had one and he had another kind of a problem, and the inmates knew about his other problem, which caused me another problem.

And I had over 300 inmates there, and people were committing suicide by making longitudinal cuts on their throats and arms, punching glasses every time you tried to transfer them back to a prison; because it was better in the hospital and they wanted to stay in the hospital.

We do not perform an adequate amount of service, and they took an inordinate amount of administrative time.

The State designed a better way. They said that those who needed hospitalization would be sent up to Utica, to Marcy Center, and sent back to a satellite unit, those people who could be, in effect, treated as community patients.

They reasoned that that was their community.

I have to tell you that I disagreed with that at that time. I am still not overly excited about it; because they are an awful nuisance to the sane inmates, but I have to admit that the sane in-

19 1
2 mate seems to get better in a sane environment than
3 he does in an insane environment.

4 And it's working at Attica and Clinton and
5 other places.

6 I think that the City should examine it and
7 not look to duplicate Long Island City again and make
8 some Matteawan here in the City, but look for some
9 decentralized system with moving those seriously ill
10 persons out of the correctional system into some men-
11 tal health facility.

12 Just to add to that, this week in the paper,
13 Mr. Chairman, the State is getting involved with that,
14 with the Albany County day models, six of them around
15 the state, so there is a model to that, based on suc-
16 cesses that they have had in the last few years. And
17 you know Matteawan has gone out of the papers; you
18 haven't heard of them in two or three years.

19 MR. KIRBY: Just to add to that, Commis-
20 sioner, in the absence, I think, of a classification
21 and diagnostic center, I think that is what you are
22 speaking of, sending people where they were supposed
23 to go, I think the mental health problem is probably
24 too important to be lost in "Miscellaneous."

25 I think it should stand on its own. I think

20
21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

there should be a burden somewhere, in the absence of the operating costs for the future facilities are what you are saying.

I agree, C-95 was talked of as a mental health center, you know, so it's been kicked around.

What is disturbing about it is, I am sure you will find that most of the suicides take place within a mental observation setting.

That bothers me. Determining whether a person is troubled or disturbed on Rikers Island does not present much of a problem. It is once that person

who has been determined to be MO and when you put him in an MO section, is where most of the suicides take place; so it's too important to be hidden in "Miscellaneous."

I think something should be earmarked, a budget figure for mental observation, a budgeting figure.

COMMISSIONER WARD: I would agree. It's Jimmy Cagney-type cellblocks stacked four and five high. it's in more than one department as well, and just to put it in Building 5 and make it a part of the budget of that complex may be diffusing it too much.

MR. TUFO: Commissioner, if we could move to the question of staffing. Your projections as to

22
23

1
1
2
2
3
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11
11
12
12
13
13
14
14
15
15
16
16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25

programs, and you have administration -- that's three
MR. SCHOEN: It could be, it could be.
different functions.

I think it's more important in terms of who
And with staffs that are identified with
determines that is in terms of what the system now
those three different functions working in the same
says.
area.

In other words, in Minnesota we used lieu-
Instead of that is separating out parameters,
tenants and captains, but they break out a little bit
geographic areas that can be managed individually and
different in this system here.

separately and held accountable for whatever function
MR. TUFO: You mean a member of the uniformed
goes on in that particular unit.
force?

A remodeled Tombs as it is now planned will

MR. SCHOEN: Yes. I think it essentially
lend itself to that very nicely; because there will
would be; and I think the person you would want to
be units of eighteen to thirty-three beds, and the
have, the person we found to be more successful, is
unit management concept would have a person heading
one who has management capabilities as well as a
up that particular unit and all the functions that go
knowledge of the system, and understands what it is
on within that area, including security, housing,
to operate in a prison time arrangement.

feeding, first aid medical care -- whatever goes on
But the difference is, you then have a piece
in there -- under a director, and then these are
of territory which has a pragmatic function that are
pooled together in gangs, that is, you might have a
individual is responsible for; so, if there is a
sub-unit and two or three of those sub-units pooled
breach in policy or a breach in security, the warden
together under a director who himself or herself is
can say to a particular individual, "What's wrong?",
responsible for that particular area within the insti-
and hold that individual accountable for the behavior
tution.
and activities that are going on in that area.

MR. TUFO: Excuse me. Would that person be
I think you end up with a better morale
a correction officer?
amongst the staff; you end up with a better security;

1
2 MR. SCHOEN: It could be, it could be.

3 I think it's more important in terms of who
4 determines that is in terms of what the system now
5 says.

6 In other words, in Minnesota we used lieu-
7 tenants and captains, but they break out a little bit
8 different in this system here.

9 MR. TUFO: You mean a member of the uniformed
10 force?

11 MR. SCHOEN: Yes. I think it essentially
12 would be; and I think the person you would want to
13 have, the person we found to be more successful, is
14 one who has management capabilities as well as a
15 knowledge of the system, and understands what it is
16 to operate in a prison time arrangement.

17 But the difference is, you then have a piece
18 of territory which has a pragmatic function that an
19 individual is responsible for; so, if there is a
20 breach in policy or a breach in security, the warden
21 can say to a particular individual, "What's wrong?",
22 and hold that individual accountable for the behavior
23 and activities that are going on in that area.

24 I think you end up with a better morale
25 amongst the staff; you end up with a better security;

1
2 you end up with a better level of morale amongst the
3 inmates in the facility; and, most important -- not
4 most important, but very important -- I think you end
5 up with a better utilization, more efficient utiliza-
6 tion of staff in that area.

7 Staff like it. Once it gets under way, they
8 feel particularly that they have an area that they can
9 identify as theirs, not just ranging around a large
10 facility.

11 MR. TUFO: Mr. Schoen, you have estimated
12 that the new facility would be operated by approximate-
13 ly 275 correction officers.

14 MR. SCHOEN: I estimated that for the Tombs
15 -- and that was going through it function by function;
16 and we can make that available for you, if you would like
17 -- but taking all the activities that go on within
18 that facility, ranging from preparing food to opera-
19 ting intake through operating housing units, and then
20 taking it area by area and identifying -- round-the-
21 clock, of course -- the kind of staff that would be
22 necessary, then broken down to uniformed or civilian
23 staff.

24 People that knew the system here then iden-
25 tified which would be appropriately civilian, which

1
25 2 would be uniformed.

3 MR. TUFO: What are the percentages?

4 MR. SCHOEN: Percentage civilian, I don't
5 have it right here.

6 I can make a guess. I think it came out
7 one-third/two-thirds.

8 We can get that figure. We do have the
9 information in the Bluebook, page 33, and my guess,
10 my memory was wrong, it actually comes out -- using
11 present practice, I might add -- closer to ten percent
12 civilians, the balance uniformed personnel.

13 MR. TUFO: Do you consider this figure one
14 that would be a model for the other detention facili-
15 ties to be built?

16 MR. SCHOEN: I think so. I think that the
17 Tombs, in spite of the fact that we have existing
18 walls, there's going to be a lot of features that are
19 going to be prototyped in that.

20 The decisions we make now are going to be
21 very important to the rest of the system, ranging from
22 the kind of locks you would use to how you would
23 deploy the staff.

24 MR. TUFO: Would you expect that the ratio
25 between the number of inmates and officers would also

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be similar between --

MR. SCHOEN: It would be very similar.

I think there are places where you can become very efficient, and some places less efficient.

For example, we may, as we look at locating new facilities, we may pair them so that some of the services can be more efficient: laundry service, food preparation services, some of the administrative services can be done more cheaply for a greater number of people.

But I think as a rule of thumb you can make a computation or a ratio there, it's going to come pretty close to that throughout the system.

MR. TUFO: Commissioner, would you project that once the new system is constructed, that the number of uniformed personnel would increase, decrease, or remain about the same?

COMMISSIONER WARD: I think it would remain about the same.

I would like to add that I think Ken Schoen is correct that we probably do use more uniformed here than in some places, but when you tried the system in the State I set the job specs in such a way that both program people and uniformed or security people would

27 1
2 be eligible for the job, but because of the newness
3 of the system and concern for security, only security
4 people wound up as unit and assistant unit managers;
5 and I suspect that the same thing would happen here,
6 because of the low level of program people as compared
7 to the State.

8 MR. TUFO: Mr. Schoen, the 270 figure that
9 I believe you estimated originally, did you consider
10 the inmate-to-officer ratio in other detention centers
11 elsewhere in the country?

12 MR. SCHOEN: Yes, sir. We went through a
13 rather elaborate process.

14 First of all, I went through it quickly and
15 then in greater detail, and then I called on some of
16 my colleagues around the country, particularly Allen
17 Breed from the National Institute of Correction, who
18 I think testified once before, and he assembled for
19 us several people that have managed systems comparable
20 to the New York City system -- not, I think, directly
21 comparable -- big systems, including those at Manaskoog,
22 New Orleans, Chicago, Baltimore and a few others,
23 and then they analyzed it.

24 They came up with a number of 300, which is
25 a little larger than I had; however, with a couple

28 1
2 of caveats: one is that they didn't use unit manage-
3 ment intentionally because they wanted to look at the
4 system as it now operates; and secondly, they indi-
5 cated that they feel their number is on the high side.

6 Some of them disagreed amongs^t themselves.

7 Again, if we want to be very conservative,
8 I would say 270 to 300, utilizing the information from
9 around the country, utilizing experience, I think
10 would do the job very adequately.

11 MR. TUFO: Would you characterize it as a
12 conservative figure?

13 MR. SCHOEN: Fairly conservative.

14 The big money in operating a system like
15 this is the personnel, and I don't think we should
16 come down with numbers that are ten and twenty layers
17 higher, just for margin; I think a more elusive
18 number is these capital costs, and the other one you
19 dealt with, and that is projecting population, which
20 is very difficult.

21 I think this one, we know the state of the
22 art and can be accurate, and I would say it is a
23 fairly on-target mark.

24 I would have no problem operating the Tombs
25 with 270 personnel and doing a good job.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. TUFO: Let's move to construction costs. Perhaps we can address this to Mr. Sturz.

Mr. Sturz, last year the Department estimated to the Senate Finance Committee that the total cost of constructing these new facilities would be in the neighborhood of \$200,000,000.

The estimate that we presently have is that the total cost of the new facilities would be \$355,000,000; and can you account for the difference between these two estimates, and also elaborate on the methodology that was used in arriving at the present figure?

MR. STURZ: The second part of the question, I will defer to later, methodology; and the first part, that figure represented the first shot, the first analysis, very soon after the concept was developed and made available by the Department to the Senate Finance Committee.

A process has developed over the last fourteen months that takes into account inflation factors, interest rates, the location, site delays, and many other factors.

And we have gone to a series of sources to support that. I will let Herb Tessler describe that

1
2 only pay for what it actually gets, based on independ-
3 dent appraisals.

4 When the land was appraised, it was
5 appraised with a view towards sale, which was slightly
6 different than lease.

7 My recollection is these figures came in
8 around \$209 million. One may have been 200 million
9 and one 209 million, but they certainly were very
10 close.

11 That became the benchmark for discussions
12 that developed as to what the State could pay. Obvi-
13 ously, we couldn't pay more than what it was for sale.

14 For lease, they pay a little less.

15 MR. TUFO: Then your conclusion is that
16 because this was an approximation of an appraised
17 value, the City would not have the option of returning
18 to seek more funds for the lease, though it might be
19 able to seek funds on some other theory?

20 COMMISSIONER WARD: That's right. But poli-
21 tically, I don't believe it is reasonable.

22 I don't believe there would be any more
23 money forthcoming. If we went back, I wouldn't
24 think it would be a good strategy, to come back.

25 MR. TUFO: Mr. Tessler, can you assist us

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in understanding how you arrived at the current projected figure?

MR. TESSLER: Let's go back in history about a year.

When we first started on the project, and at that time all we had was some numbers on how many new beds would be required, we had Gruzen and Partners as architects for the Tombs, and they have designed dozens of correctional facilities across the country.

We asked them what it would cost to build a prison in mid-1980^S in the New York City area, and we got a price of about \$75,000 a bed. We then spoke to the Ehrenkrantz Group, which is another architectural and management firm doing a great deal of prison work around the country, and again we got a number of about 75,000.

That number was checked with Folse HDR, and Amis Construction Company, who do estimating on a great many of these facilities for the architectural people.

Finally, we checked it through the Dodge Building Costs Analysts Center, which is a computer-based operation out in New Jersey which measures the costs around the country of different type facilities,

34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and we all came in at about the \$75,000-per-bed number.

We were asked to recheck this number about three or four months back, and I went through a series of about a dozen prisons and jails, and did it on the basis of work in construction or work on the design, the design phase.

And, taking the various facilities around the country, various sizes, and working it into a square-foot number, we came -- and then transferring that number into the New York City area -- we came up with a number of about \$100 a square foot.

Taking the \$100 a square foot and analyzing that into a new facility, we again, using rule-of-thumb numbers, found that a new facility in the New York area is about 500 square feet per inmate, and 500 times 100 is about 50,000.

So we felt that we were well within the \$75,000-per-bed number that we had originally estimated. Taking the 50,000 and escalating it through the 1985's, we came up with a number which is around 68-, 69- a bed, and so we feel that the 75- number, we have enough completed, enough money in there for contingencies, and we feel certain we have enough money

1
2 in there to complete this entire project as it now
3 stands.

4 MR. TUFO: As an expert in managing the
5 construction of facilities, could you tell us what
6 kind of problems could result in substantial delays
7 in the construction phase in any of these projects?

8 MR. TESSLER: Well, anything could result
9 in construction delays.

10 The biggest one, of course, is strikes in
11 the construction industries themselves, which could
12 last anywhere from a day to two years on a project of
13 this sort.

14 The only other delay that I can foresee is
15 in the start of the facility, not in the completion
16 of the facility, in terms of site availability. But
17 we feel we have one year's worth of delay built into
18 the cost now, and we feel that that is based upon
19 past experience in the construction field in New York
20 City, that one year should be enough to cover the
21 program that we are working with.

22 MR. LENEFSKY: You mentioned, a half-hour
23 ago, the first new facility other than Rikers -- the
24 Tombs -- would be completed in thirty-nine months
25 from last July 1st; in other words, in August of 1982.

1
2 Is there any delay in that project as of the
3 moment?

4 MR. TESSLER: Is there any delay in that
5 project as of the moment? As of the moment, there is
6 no delay on that project; because we haven't started
7 it.

8 MR. LENEFSKY: The reason I asked the ques-
9 tion was, you said it was thirty-nine months from last
10 July, so I assumed you started July 1st.

11 MR. TESSLER: No, excuse me, it is from next
12 September 1st.

13 MR. LENEFSKY: I see.

14 MR. TUFO: What experiences, recent public
15 construction experiences did you utilize in making
16 your projections?

17 MR. TESSLER: Well, again, in checking the
18 projection schedules of the facilities that we looked
19 at under construction in the area, and using the FDC
20 construction people, we have all agreed that a facility
21 of this size can be built in anywhere from thirty to
22 thirty-three months.

23 MR. TUFO: Could you tell us specifically
24 which experiences you looked to, to reach that con-
25 clusion?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and relevant in terms of determining jail construction in New York City?

MR. TESSLER: Certainly.

MR. TUFO: Mr. Sturz, can you tell us what provision has been made or is planned for providing the funds that would be necessary to the City to spend on this construction project at this point?

MR. STURZ: I am afraid, on the specific allocation cash flow, that the budget people would be better at it than I.

My understanding is, it would fit within the projected capital plan, the cash flow would, but I am sure that the Budgeting would submit to you more detailed information on that.

MR. TUFO: Am I correct in stating that the Administration is committed to spending these funds, but it will require Board of Estimate - City Council approval before it could become reality?

MR. STURZ: It would require Board of Estimate approval, and we have.

MR. TUFO: Do the Board Members have any final questions on construction costs?

Commissioner Ward, on the question of security, I know you have been concerned with the

37
38

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. TESSLER: I can give you some of the names of the facilities. There is the Ramsey County project in St. Paul, Minnesota; there is the Hennepin

County in Minnesota.

MR. TESSLER: I don't recall the construction dates on it, but that facility was built within Baltimore County project, the Stillwater, the Arizona the New York City construction system, which takes a Correctional Facility in Phoenix, South Metro in lot longer than the system we are going to use to build our facility. Augusta, Georgia, the Trenton project, Trenton Phase Two, and Canyon City.

MR. TUFO: I believe that was a Federal The Facilities Development Corporation -- project.

I don't recall which projects they looked at at the

time we were going through this, but they have built some State projects, or gone through the analysis of

some State projects, and basically that is the one a Federal.

number that nobody has ever disagreed with, that a

project of this size can be built in this specific amount of time.

MR. TUFO: Do you know how long that facility took?

MR. TUFO: Did you consider any of your New York metropolitan area experiences?

MR. TESSLER: I don't know.

MR. TESSLER: The only recent New York

metropolitan experience is the one downtown which was built by Gruzen.

MR. TESSLER: I don't know.

MR. TUFO: That is a Metropolitan Correctional Center of the Federal Government?

investigate that, since it seems to be the most recent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and relevant in terms of determining jail construction in New York City?

MR. TESSLER: Certainly.

MR. TUFO: Mr. Sturz, can you tell us what provision has been made or is planned for providing the funds that would be necessary to the City to spend on this construction project at this point?

MR. STURZ: I am afraid, on the specific allocation cash flow, that the budget people would be better at it than I.

My understanding is, it would fit within the projected capital plan, the cash flow would, but I am sure that the Budgeting would submit to you more detailed information on that.

MR. TUFO: Am I correct in stating that the Administration is committed to spending these funds, but it will require Board of Estimate - City Council approval before it could become reality?

MR. STURZ: It would require Board of Estimate approval, and we have.

MR. TUFO: Do the Board Members have any final questions on construction costs?

Commissioner Ward, on the question of security, I know you have been concerned with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

security on Rikers Island and the absence of walls, fences round the jails on Rikers Island.

The present Borough detention facilities, of course, for the most part, do not have the kind of walls or fences that you have described, but in some cases access is directly to the street.

What are your views on the adequacy of security that can be provided in any new Borough detention center?

COMMISSIONER WARD: I think they will be more secure because of the design that's going into them.

You are familiar with the old Tombs in which they used an Auburn-style construction, that is, an inner core of cells away from the windows.

The feeling when that kind of construction was used -- and it's used generally throughout New York State, because our system is so old -- was that you would have an inmate corridor and a correction officer's corridor, and the correction officer is safe from the inmate and the inmate is far away from the wall so he can't get out, and you are dependent on outer walls to deal with that.

Time has proven that not to be so, and that

41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

no one is building prisons that way today, either the maximum security prisons in State systems or in pre-trial detention centers, and the new Tombs uses the modified Pennsylvania system, in which the cells are on the outer wall and there are no separate correction officers' corridors, and under that kind of a configuration, whether you use the unit management system or not, the correction officer is inside of the living area with the inmates.

You were at the Tombs during the most recent escape, and I think if you analyze that escape, as you correctly did, perhaps faster than I had the luxury of doing, on that night you saw that the staff had the opportunity to separate themselves from the inmates and still be within the configuration, and also have the opportunity to perhaps be someplace other than where one would want to be, with the feeling that the inmates are locked in someplace and therefore they are safe, and the facts turn out to be that when he is not there with them, they are busy working on bars and prying on windows; and if he lets five or ten minutes go by, a significant amount of work can be done to get out of what looks like a safe and secure facility at first flush.

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040
(212) 344-5040
(212) 344-5040

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

from Alabama and Iowa.

They have nothing in common, which in and of itself creates problems.

So I would think that an intensive training program would help a lot in that area.

COMMISSIONER WARD: I agree with you, and we have just agreed to shift our training back to the eight weeks, as opposed to the four that we had.

I was in England a couple of years ago, and saw that Wormwood Scrubs Prison -- which is an old, old prison but is built very much the same as the new design for the Tombs -- uses the Pennsylvania -- modified Pennsylvania style of cells on the outside.

It's light and airy and open, and the unit manager utilizes two of the cells as his office. That's where he spends the whole day, in that office.

I saw him dealing with an American from Park Avenue, who had a problem with his visit, and after they cursed each other out, which surprised me a little bit, he just dialed the phone and called up the person's wife, and there was a problem in the family, so that's why she didn't get there.

He handed him the phone and said, "That's

42

1
2 So this new system will be built without
3 walls, without gun towers, but with secure windows and
4 a secure building, with safe, very small living units
5 for the inmates, and that is what the security is
6 depending upon -- with the addition of some technical
7 improvements, probably feedback mikes, so that if
8 there tends to be a lot of noise, unusual noise, you
9 can get that back to the control station, you know
10 about it.

11 The way the Tombs is set up -- and this
12 would probably be the prototype -- every cell and
13 every corner of that place can be seen from the con-
14 trol center, and in addition to that you have control
15 staff -- it's right out in the living area, as well.

16 MR. TUFO: Mr. Commissioner, what provision
17 has been made for increased security for correction
18 officers in the planned new facilities that are going
19 to be built in the Boroughs?

20 COMMISSIONER WARD: The job will remain as
21 dangerous as it always has been.

22 The corrections officers' job is an extreme-
23 ly dangerous job, and it will be no more dangerous
24 now than it was then.

25 In fact, I think it will be less dangerous;

1
2 because we will cut down the population into smaller
3 modules and smaller numbers of people that can be
4 locked off and self-contained, and there is no way
5 that you can take the officer and put him into a
6 cocoon in such a way that he could not be subject to
7 being taken by inmates if they decide to do that.

8 MR. TUFO: Are the plans you are using --
9 take into consideration any vocal devices or audio
10 devices to assist the officers in maintaining their
11 control?

12 COMMISSIONER WARD: At present, there is no
13 money in the capital funds and no money in the budget-
14 ing for body alarms, and we are depending on having
15 the staff under visual control.

16 The control tower as a model, the control
17 tower is there, and there is a man in there completely
18 sealed off from all of the population, and there will
19 be an officer, at least one officer, and it depends
20 on the level of security for that particular block,
21 at least one officer on each side of that control
22 center.

23 Now, eighteen inmates on one side could,
24 theoretically, grab that guard. They can do that now.

25 In fact, they can do it easier now in HDM;

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

24 You have a CIVIL Service test that allows

25 people who pass it to take a job. Some of them come

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

from Alabama and Iowa.

They have nothing in common, which in and of itself creates problems.

So I would think that an intensive training program would help a lot in that area.

COMMISSIONER WARD: I agree with you, and we have just agreed to shift our training back to the eight weeks, as opposed to the four that we had.

I was in England a couple of years ago, and saw that Wormwood Scrubs Prison -- which is an old, old prison but is built very much the same as the new design for the Tombs -- uses the Pennsylvania -- modified Pennsylvania style of cells on the outside.

It's light and airy and open, and the unit manager utilizes two of the cells as his office. That's where he spends the whole day, in that office.

I saw him dealing with an American from Park Avenue, who had a problem with his visit, and after they cursed each other out, which surprised me a little bit, he just dialed the phone and called up the person's wife, and there was a problem in the family, so that's why she didn't get there.

He handed him the phone and said, "That's

1
2 tenpence -- case closed" -- and by being right in
3 there with that population, not only do they get a
4 kind of paternalistic feeling about their own inmates
5 -- you have to deal with those inmates on a daily
6 basis and detentes have to be established.

7 That happens in the State system. In
8 ~~Utica~~, the company is seventy or eighty men, and
9 there are women in some of those places in charge of
10 those companies, and they are not getting by with
11 nightsticks and machineguns and so forth.

12 You are dealing with the population on a
13 man-to-man basis or you are not going to be around
14 there very long, and that training and experience is
15 important.

16 The worst thing, you can have this thing in
17 B-1 that we saw that day, where we think that they
18 have secure guards and what we have is developing a
19 system where the officer can cut himself away from
20 the inmates and thinks he is secure, and the inmates
21 are busy digging themselves out of the side of the
22 building.

23 MR. TUFO: Commissioner, I know that you
24 have another appointment at 2:00.

25 There's one or two further questions I

1
2 would like to clarify. One that is, of course, very
3 important to the Board of Correction, concerns the
4 plans for minimum standards.

5 These standards were promulgated eighteen
6 months ago. There have been a number of variations
7 granted.

8 Some of the standards, in order to adapt
9 to the reality of delays in purchasing, delays in
10 hiring, delays in construction -- but I believe the
11 Board has made quite clear that in its view the
12 proposed transfer of Rikers Island would not be a
13 justification for failure to meet minimum standards
14 in the existing Borough facilities or in any transi-
15 tional facilities. Is there anything in the planning
16 to date that you are aware of, that would hinder your
17 ability to meet the present standards or meet minimum
18 standards?

19 COMMISSIONER WARD: No, I think the only
20 problem was the female inmates, and I believe that
21 we are properly addressing that problem at this
22 time.

23 As you know, in the past Larry Finnegan
24 has very adequately addressed that, trying to imple-
25 ment or oversee the implementation of the minimum

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

standards.

He is Department Counsel, and has lots of other duties to handle.

There are a lot of problems involved in it, but I have brought on a new staff person, who will not be involved in the counseling but will be involved in programming, and happens also to be an attorney and will be full-time on seeing that those standards are implemented.

I see no reason why we should have any more than the kind of delays that we have now.

We asked for foot lockers and found out that we have to wait another month till they are manufactured; and we asked for a reasonable delay.

I don't see any reason for significant delays.

MR. TUFO: One thing that caused me to ask that question is that, in your projections of non-transfer costs, you included central visitors processing building in Queens, and my assumption is that you are going to need that building, whether or not there is a transfer.

That is page 28 in the Working Document.

The same applies --

1
2 COMMISSIONER WARD: No, I am told here --
3 and I have to beg a little bit of a problem -- I have
4 been told there's no \$7.95 million now in the budget
5 to build that central visitors processing building
6 in Queens, and we don't have that now, and your mini-
7 mum standards, if they say that we have to have that --

8 MR. TUFO: The standards do not require
9 this particular building, and the Department's posi-
10 tion is that they do not provide the requisite visi-
11 ting in the existing House of Detention in Queens.

12 MR. HOMMEL: This is for Rikers Island.

13 MR. STURZ: The Queens side of Rikers
14 Island, Mr. Chairman.

15 MR. TUFO: We are speaking of different
16 things.

17 COMMISSIONER WARD: No, not the Queens
18 House, no; it's the Queens side of Hazen --

19 MR. TUFO: What about the next item, the
20 new recreation facilities? Are those required by
21 minimum standards?

22 MR. HOMMEL: They are not in the budget
23 right now, and they are not required for existing
24 minimum standards now.

25 MR. TUFO: Are they required for the consent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

decrees?

MR. HOMMEL: No.

MR. TUFO: A further question that is also addressed to the State is the provision for security during the time that Rikers Island is occupied jointly by the State and by the City.

Could you outline those plans and pinpoint any problems you foresee.

COMMISSIONER WARD: I don't see any problems at this time.

Again, it will be the phase transfer of that security over. I believe it's laid out in the Memorandum of Understanding as to when that will take place.

We will continue to maintain the perimeter of security and access security while the State is in the Female House of Detention, and then into ARDC, and I'm not sure at which point that shifts over, but it is laid out in the document.

But as we phase down and they phase up, they will take over that security.

When they are at that 51% position, then they will take over.

MR. TUFO: Fifty-one percent of the popula-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

tion?

COMMISSIONER WARD: Of the occupancy of the Island.

I am not saying that's true of when they are taking over power plants, etc.

MS. SINGER: You mean detainees?

COMMISSIONER WARD: Population, yes.

MS. SINGER: Total population?

COMMISSIONER WARD: All right, the point is, I know it was in the letter. It's when they take Anna Kross, the Complex, C-71/C-95, that's about when they reach the fifty-one percent -- percent plus --

MR. TUFO: Concern has been voiced about the disparity between the pay scales of the City and State correction officers.

Do you foresee any effort by the City to renegotiate the salary of the State correction officers to be equal to that of the City correction officers?

COMMISSIONER WARD: Emphatically no. A waste of time.

MS. SINGER: Would that cause much dissension between the staffs working in the same building?

1
2 COMMISSIONER WARD: In my opinion, there
3 will not be any significant dissension between the
4 staffs.

5 I think the State will have a significant
6 problem on its hands as the State officers attempt
7 to bring themselves up to parity with the City
8 officers.

9 When I was State Commissioner, I raised that
10 issue on State level. They addressed that problem
11 and found that it was not significant enough to inter-
12 fere with what they considered the benefits of this
13 transfer, and they recognized that their officers
14 were paid significantly less than City officers and
15 do not receive all the benefits of the City officers.

16 But they are not going to go into this
17 in the dark. They know it's there, they know it's a
18 problem, they think it's a manageable one.

19 At least, they did when I was there, and I
20 still think they do.

21 MS. SINGER: Also, the cost of living be-
22 tween living upstate and New York City: is that
23 going to be a factor under consideration?

24 COMMISSIONER WARD: The State, wisely, for
25 years now, has had an adjustment clause in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

salaries.

If you are a State employee and you have to work in the New York City area, there is an adjustment in your salary -- probably not enough.

MR. TUFO: If there are no other questions, we will conclude this portion of the hearings at this time.

I would appreciate it -- I know that you and Mr. Sturz have another appointment -- if Mr. Tessler could return this afternoon for further questions regarding construction costs, and anyone else that you would make available to us.

COMMISSIONER WARD: Sharon Keilen will be here, Hildy Simmons could be heard, Herbert Tessler.

Do you need anybody from the security side? We have these other briefings, and I am stuck with one at 2:00 and one right after that.

MR. TUFO: We will let that stand.

We will reconvene at 2:15 p.m. to hear Commissioner Thomas Coughlin from the State.

(Luncheon recess. Time noted: 1:45 p.m.)

o0o

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25A F T E R N O O N S E S S I O NOctober 9, 1979
2:30 p.m.

MR. TUFO: The Board of Correction hearings on the Rikers Island transfer will now reconvene. Our next witness is Thomas Coughlin, Commissioner of the New York State Department of Correctional Services.

COMMISSIONER COUGHLIN: I will bring my support up with me.

MR. TUFO: I want to thank you for your patience in sitting with us this morning and waiting till lunch was over to testify.

I very much appreciate your efforts in you and your staff coming down here and giving us whatever information you can on this very important proposal.

COMMISSIONER COUGHLIN: Thank you very much, Chairman.

I would like to take this opportunity to introduce some of the executive staff of the Department.

Since my tenure with the New York State Department of Correctional Services has been brief, I

1
2 am going to do my best to get up to speed, but when
3 there is a question I can't answer, I am sure my
4 staff will be happy to provide it.

5 On my left, Deputy Commissioner Mike Borum,
6 who is responsible for the New York City operations,
7 and in particular heads up our Task Force on the
8 Rikers Transfer.

9 Next to Mike is Chief of Staff Dave Googins;
10 and on my right is Deputy Commissioner Bill Garde,
11 who is in charge of Security in the Department.

12 There are several other of the staff in
13 the background; I don't want to make this a big,
14 long list.

15 I don't have a prepared statement. As I
16 said, I have been with the Department for about two
17 months now, and have been valiantly trying to get up
18 to speed on the Rikers issue, and it's been a very
19 interesting process -- "Who said what to whom, and
20 who did what?" -- and the culmination in the Memorandum
21 of Agreement.

22 I think my staff might be able to answer
23 some of the historical questions in a better fashion
24 than I can, but let me bring to you from maybe a
25 fresher perspective the problem as I see it from the

That is not going to put a dent in what I perceive to be very valid population projections at this point.

Getting a little bit more specific about Rikers Island, we have been trying -- and our major thrust over the past two months has been -- to put together a team of people from the State side which would look at each and every detail of this transition to make sure it happens the way we all want it to happen.

That includes not only the actual operations aspects of the transition, but, more importantly, as the Congressman said this morning, the community relations aspect.

Again, my experience with the City of New York and its various community planning boards leads me to be very much aware of the need for very open and very honest communication with them.

I think that the process we have initiated since mid-August will lead up to a willingness on the part of the community boards around the City to accept what is almost inevitable in terms of increased jail capacity.

The concerns that they have raised, I think,

State's position.

In my role as a Commissioner for the past four years in another Department of the State, I inherited a large institutional system that was not prepared for the 1970's or the 1980's, and, having a lot of experience in that system going back to the early 1960's, the problems that cropped up as a major lawsuit in Federal Court in 1972 were well recognized by the State of New York, and ways to alleviate the problems of this institutional system were talked about but never acted upon.

And it took the Federal Court to impose some very rigid standards on us, which really didn't bring the system where everybody wanted it to be, but cost the State of New York some \$350 million over a four-year period.

Coming into the Corrections Department, I see this agency in the same position as my former agency was ten years ago, where we recognized that over the next several years there's going to be a major increase in population.

We recognized that something must be done in order to maintain a safe and humane system.

I believe the negotiations that are under

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005

(212) 344-5040

area.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005

(212) 344-5040

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

That is not going to put a dent in what I perceive to be very valid population projections at this point.

Getting a little bit more specific about Rikers Island, we have been trying -- and our major thrust over the past two months has been -- to put together a team of people from the State side which would look at each and every detail of this transition to make sure it happens the way we all want it to happen.

That includes not only the actual operations aspects of the transition, but, more importantly, as the Congressman said this morning, the community relations aspect.

Again, my experience with the City of New York and its various community planning boards leads me to be very much aware of the need for very open and very honest communication with them.

I think that the process we have initiated since mid-August will lead up to a willingness on the part of the community boards around the City to accept what is almost inevitable in terms of increased jail capacity.

The concerns that they have raised, I think,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

are valid concerns.

Commissioner Borum can go into them in detail, in a few minutes, but I believe the Borough of Queens, and especially the North Astoria group, have some legitimate concerns in terms of what the State is going to do, how it is going to differ from the operation that the City has there now, and I think that as we proceed here this afternoon the Commission will understand the depth of our involvement with our community.

It has not been a passing thing, and it has not been something that we have done because someone said we had to do it, but I am personally committed to providing this type of information to the community and going more than halfway in meeting their legitimate concerns.

With that, let me just stop the presentation here and open it up to the questions that any of the Commission might have on our operations there.

MR. TUFO: Thank you very much.

One of the slogans, it seemed to me, in the morning session was the great flexibility in the answers to the many questions that were raised.

The response was, we expect it to be flexible

61
62

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-- the Department will be flexible and the State will be flexible to the problems.

Given what you have said about the State's pressing need for cell space, do you believe that you will be in a position to be flexible in terms of dealing with delays on the part of the City towards changing the arrangements that are now proposed for the new conditions that arise?

COMMISSIONER COUGHLIN: When I came on board in August, the first thing that was presented to me was a letter from the City Department of Correction, which, after having read the Memorandum of Understanding, led me to believe that the whole project was going down the drain.

And shortly after, in fact, two days after I had a meeting with the City Correction people, the Administration in the City changed.

I had known Ben Ward for several years, in his capacity as a State Commissioner, and I made a phone call to him, went down to see him, and talked to him very bluntly about what the position of the City of New York was on the Rikers transfer, on the Rikers lease. And I think the both of us -- whether it was through a personal relationship or what -- we

1
2 A Memorandum of Understanding sets forth
3 the policy, the public policy view. It's up to the
4 Commissioners involved, then, to implement this
5 public policy the best way they can.

6 That's what we are doing.

7 MR. TUFO: I am sure we will do that, but I
8 must press you about the problems that will be caused
9 to the State in the event of any delays on the part
10 of the City in making available the City facilities.

11 Can you foresee that delays could cause the
12 State to terminate its interest in Rikers Island?

13 COMMISSIONER COUGHLIN: Serious delays
14 could cause the State to consider terminating its
15 interest in Rikers Island.

16 But let me say that if it does consider
17 terminating its interest in Rikers Island, I ask the
18 question of what kind of alternatives do we have;
19 and in the absence of any alternatives that could
20 get 4,000 or 5,480 cells up in anything less than
21 four years, those alternatives are very few and far
22 between.

23 We have a pretty solid population projec-
24 tion which says that by 1984 we are going to have
25 25,000 inmates in our system.

1
2 They are talking about restructuring the
3 sentencing process in this State, and if that happens,
4 who knows? -- it could go up another ten percent or
5 fifteen percent on top of that.

6 So I think, being very blunt, the alterna-
7 tives to the State are extremely limited and that
8 Rikers is something that must be dealt with, and must
9 be dealt with professionally and firmly to make it
10 happen.

11 MR. TUFO: I am sure you are aware that our
12 concern is that this plan might go halfway and then
13 abort, leaving the City with partially constructed
14 facilities and no financing to finish them, and with
15 a population unplanned for, and leaving us in a posi-
16 tion of having to try to enforce minimum standards
17 and oversee a department that no one had planned for,
18 caught in the middle of a disagreement with the
19 State -- and it is particularly true, and in fact we
20 are all familiar with delays that often occur in
21 government building projects; and I certainly realize
22 you can make no commitment as to what the State will
23 do.

24 Your indication of sensitivity to the issue,
25 and that you are in agreement with Commissioner Ward's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

attitude of flexibility, is comforting.

Could you give us some description of what your plans are for Rikers Island?

COMMISSIONER COUGHLIN: We plan the phasing that was talked about this morning -- I don't think it's necessary for me to go into this in any kind of detail, except to say that the first phase of this, the C-73 phase, Ben spoke about maybe having some kind of shared operation in there for a period of time.

I would like to say that that would not be, in our opinion, the best way to go about that first part of the phase.

I think that we are going to make every effort; in fact, the Bill is already at the Government Counsel's Office, to allow us to hold the City detainees in C-73.

If that comes about, in terms of passage in January, I think the transition into the first phase of the program will be accomplished rather smoothly, where we would take over the operation of C-73 without any sharing.

I think that sharing, even though we all have the best intentions, would cause some problems for us.

1
2 The question about the visiting rooms, and
3 the responses this morning, while it is easy to sit
4 here and talk about that, it is a little bit more
5 difficult to implement that at the site; so I per-
6 sonally would not like to see a shared operation at
7 C-73, and will do everything in my power to get the
8 Bill passed and signed early on this January.

9 MR. TUFO: Sir, you mentioned the City's
10 detainees. Would you include the City's misdemeanors,
11 as well?

12 COMMISSIONER COUGHLIN: Yes, the City's
13 detainees, the second part of that would be the move
14 into C-74.

15 We do have conceptual agreement -- and I
16 use that word advisedly -- on what has to be done in
17 the C-71/95 complex before we can move into 74. And
18 as Ben said this morning, many of the things the City
19 wants to do and has to do in terms of minimum stan-
20 dards, we would do in any event when we take the place
21 over; so that our staffs have gotten together now on
22 the renovations that are going to be required in
23 71-95, and are very, very close to agreement -- if
24 not in agreement -- on the amount of money, and the
25 types of renovations that must be completed.

1
2 We expect to go forward on that very
3 rapidly.

4 MR. TUFO: Whom do you expect to finance
5 those?

6 COMMISSIONER COUGHLIN: The State of New
7 York will finance them.

8 And that is going to be the determinant on
9 when we move into C-74.

10 So that these two moves -- the -73 and -74
11 moves -- I think can be accomplished rather quickly in
12 terms of the next eight, nine, ten months.

13 MR. TUFO: Do you believe that the July 1980
14 timetable for C-74 is feasible?

15 COMMISSIONER COUGHLIN: At this point, I do.
16 There are a lot of things that are going on
17 at this point in time -- the ULURP process and the
18 community boards' involvements -- but if things stick
19 to the timetable, I am comfortable with the July-August
20 1980 time plan.

21 The move into the 71/95 complex and the
22 final takeover of the Island, again, is dependent on
23 the ability of the City to construct those alternative
24 facilities.

25 Now, that process, if it gets backed up a

1
2 period of time, I don't think will cause us that much
3 difficulty in operating C-73 and C-74 along the lines
4 that we are going to be operating them on in July of
5 1980.

6 Again, no one really knows if the City is
7 going to be able to construct the alternative facili-
8 ties in the thirty-nine or the forty months talked
9 about this morning.

10 I think there is enough flexibility about
11 the operation and in the Memorandum of Agreement to
12 allow for some stretching of that time frame.

13 What we wouldn't want to have is to get
14 into a building and have to operate it on any kind of
15 shared basis over a long period of time, so that the
16 first two steps, the -73 step and -74 step are fairly
17 clean.

18 We are on board with them.

19 The next big step, which is the 71/95,
20 that's controllable in terms of how fast the City is
21 moving with their construction of their alternative
22 site.

23 We could, comfortably I think, operate -73
24 and -74 as an isolated State operation on Rikers Island
25 for six or ten months longer than we anticipated

1
2 before we move into 71/95, if the City has construc-
3 tion problems.

4 MR. TUFO: You anticipate that as the point
5 when the Island perimeter security and access would
6 shift to your control?

7 COMMISSIONER COUGHLIN: No, the tip point is
8 after we take over 71/95. The final step is when we
9 take over the perimeter security and all the other
10 things, powerhouse, what not.

11 MR. TUFO: That would not be the time you
12 took over the perimeter?

13 COMMISSIONER COUGHLIN: No, the final step,
14 I think they call it.

15 As far as what type of State prisoners
16 would be coming down to Rikers, I am sure you are
17 aware that -- it was said here several times this
18 morning -- that almost seventy percent of our popula-
19 tion comes from the New York City area, and that place-
20 ment near New York City is a valid placement within
21 our system.

22 We intend to continue that concept, so that
23 placement at Rikers Island is going to be an honor
24 placement, and that of the people who are sent to
25 Rikers, eighty-five percent would have less than two

and a half years.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

(212) 344-5040

1
2 that by providing perimeters for each set of buildings,
3 it is going to be much easier to control the popula-
4 tion there rather than just have an entire fence
5 around the Island.

6 The security types of renovations that we
7 are talking about are double fences, concertina-type
8 wiring in the twelve-foot area between the fences,
9 fence sensing equipment, increased lighting, peri-
10 meter controls and, probably, some type of closed-
11 circuit television monitoring on the perimeters.

12 MR. TUFO: This would take place after you
13 took control of each facility?

14 COMMISSIONER COUGHLIN: Before we took con-
15 trol of each facility, we would have to have that
16 fence in place.

17 For example, if we plan to get into C-73
18 sometime in February or March, it would have to be
19 backed up two more months in order to complete the
20 fencing requirements that we have there.

21 I don't think that we would consider going
22 back; I don't think we would consider going in there
23 until we have that kind of perimeter security up and
24 operating to our satisfaction.

25 MR. TUFO: Would it be your idea that there

1
2 will be an interim period during which the facility
3 will be vacant, or that you will undertake your addi-
4 tional facilities and other changes while the City
5 still has charge?

6 MR. COUGHLIN: Security renovations, while
7 the City still has occupancy, I am sure we could do,
8 in fact, by phasing the operation, as soon as the
9 contract is approved by the Board of Estimate, sending
10 our security staff out for bid and for design work,
11 so that over a period of a couple of months, we could
12 get the design work and start construction, and hope-
13 fully the City would move out and our perimeter secur-
14 ity would be in place and we would move in.

15 MR. TUFO: You heard testimony this morning
16 regarding the need for a mental health center, which
17 would probably be established in C-71/95, and also
18 there was testimony that plans for that center had
19 not been completed.

20 Would you have any interest in cooperating
21 on the design of that center and in assisting in the
22 financing of it?

23 COMMISSIONER COUGHLIN: We have plans that
24 call for the renovation of Building 5, to the tune of
25 some \$500,000, and that is just to reconvert Building

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5 to single cells for a mental observation unit.

Other than that, I don't really have any deals on that.

Maybe Dave could help you. David Googins.

MR. GOOGINS: In terms of the direct response to your question, Mr. Chairman, I believe that is the answer, that we, in fact, already have in our capital budget and have approved in the total amount of renovations that we would be devoting to the 71/95 improvements in the first phase, an amount which would convert the fifth chevron or the fifth complex in the manner which Commissioner Ward was seeking this morning.

MR. TUFO: That manner was, I believe, not single cells, though; is that inconsistent with your plans?

MR. GOOGINS: My recollection was that he indicated that at the moment the constellation within that chevron was essentially what he referred to as "small dormitories," essentially two-~~or~~three-person spaces.

I believe it is his preference to have single cells, but that he believes you could run a mental observation unit better in the small dormitory

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

kind of setting.

My suggestion is that we are, in fact, prepared to proceed to do what he would prefer, which is to create single cells, as a more controlled mental observation unit.

MR. TUFO: I believe from the Board's point of view that it is an open question. There has been a difference of opinion regarding what is the best suggestion for the suicide problem inmate.

The Board's recommendations to date have been that they are better housed in multiple-sized settings.

Mrs. Singer.

MS. SINGER: Why was the Women's House selected as the first place to be used as a giveaway or exchange?

COMMISSIONER COUGHLIN: Giveaway?

(Laughter.)

No, it's a lease.

Apparently, and I wasn't around when the decisions were made, apparently we wanted C-74 in the first place, and that couldn't be worked out because of the renovations that were required in 71/95 in order to move the adolescents out of -74, so -73 became

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a fall-back everybody is comfortable with now.

That is the only answer I can give you.

MS. SINGER: Well, have you any solutions on the detainee women yet?

COMMISSIONER COUGHLIN: The solution -- in the absence of legislation, we don't have a solution. But, as I said earlier, I am sure that the legislation will be acted upon favorably, early on in the session; and then we have a solution for the detainee problem in that they would stay in C-73 under State control.

MR. HORAN: Commissioner, can you back up a little more expansively your projections for the population up to 25,000 inmates?

What did you base those projections on?

COMMISSIONER COUGHLIN: Well, suppose I let one of my staff, who is much more familiar with the whys and wherefores of that, go over that with you. As you know, it is a very complicated process, and I don't profess to be able to give you the technical aspects of it.

MR. HORAN: Well, just some of the bases.

I don't think we need all the complexities of the calculations, but some of the factors that you

1

have considered.

186

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. GOOGINS: The methodology that we use, primarily, in order to estimate population projections is very similar to that which is used by major correction systems across the country and the Federal Government.

It seems to have worked quite well in the past; in fact, our own range of error in terms of short and mid-term projection has been within statistically acceptable tolerances.

Primarily, we review, of course, our own historical knowledge and historical patterns with respect to sentencing.

We review those historical patterns against what we know in terms of changing mix in what we call the "population at risk," or the primarily crime-prone population, and we modify that further by whatever further known considerations there are in terms of sentence reform, in terms of apparent trend lines, in respect to releases from parole authority, and with respect to projections as to how the population-at-risk portion of the population would appear to be changing.

This may involve urban-suburban shift and things of this variety, but it is essentially a

1
2 multi-varied assessment of things of that variety
3 against the general context of our historic under-
4 standing, which permits us to provide future projec-
5 tions.

6 It is certainly much closer to an art than
7 to a science.

8 MR. HORAN: If you would just go from there
9 and say why a 15 percent increase? Why do all these
10 factors lead you to believe that there is going to
11 be a substantial increase?

12 MR. GOOGINS: Perhaps the single most
13 important element to the substantial increase is an
14 increase in the length of stay within the facilities,
15 rather than a total increase in admissions.

16 MR. HORAN: And you base this on recent
17 sentencing patterns; is that partly true?

18 MR. GOOGINS: That's accurate.

19 MR. HORAN: You had some predictions that
20 those sentencing patterns are going to harden in the
21 future; is that part of your mix in making out this
22 figure?

23 MR. GOOGINS: We, substantially, project
24 only what we know, so an assumption of hardening
25 would not enter in.

MR. HORAN: Thank you.

MR. LENEFSKY: The discussion now, changing indeterminate sentencing to determinate sentencing, are you clear that that will increase your population if we go from indeterminate sentencing to determinate sentencing, and if so, by a factor of what?

You said before ten to 15 percent, but I wasn't very clear that that was your best guess, and that, of course, is all I am asking.

COMMISSIONER COUGHLIN: I don't think anybody has any hard and fast data on that.

Our analysis of the proposal to go to determinate sentencing leads us to believe that there would be an increase in our population, again based on the length of sentences more than anything else.

I think that my staff, in analyzing the proposal, has made the assumption that it would probably be a ten percent increase.

Now, that is not figured into the current population projections, the 25,000 figure that I talked about. I think the history -- and I'm not that well versed in it -- but the experience in some of the other states that went to a determinate sentencing structure showed that while there was a dip

1
2 at the onset of the determinate sentencing, it tended
3 to go up very shortly thereafter, and in California,
4 I think there was probably a ten percent increase --
5 maybe a little bit more than ten percent -- and based
6 on the sizes of the systems, that is where my ten
7 percent figure came from.

8 MR. TUFO: Commissioner, one of the ques-
9 tions that left me in some doubt this morning was
10 the fate of the 425 State-ready inmates and/or parole
11 violators referred to in the Memorandum of Understand-
12 ing.

13 What is your current understanding of the
14 State's plans to take responsibility for that number
15 of inmates, what the State has taken --

16 COMMISSIONER COUGHLIN: In the Memorandum
17 of Understanding, it is pretty clearly spelled out,
18 and when we take occupancy of both -73 and -74 that we
19 would then take the responsibility for the State-
20 ready inmates and also the parole violators.

21 Without -74, we would have a great deal of
22 difficulty just picking up all the State-ready inmates,
23 you know, within a couple of days, and the parole
24 violators.

25 Once we take up -74, with its 1,080 cells, I

1
2 think it is reasonable, then, to take the State-ready
3 prisoners as soon as they are offered to us.

4 MR. TUFO: Unfortunately, the agreement,
5 Section 10, the first sentence states: "It is the
6 intention of the State to receive 425 State-ready
7 inmates and/or parole violators from the City within
8 90 days of the operational date of the facilities
9 identified in Phase 1, A" -- that's the date of taking
10 the Women's House.

11 COMMISSIONER COUGHLIN: This just reminded
12 me, the agreement was made when -73 was going to be
13 male.

14 That's changed. With -73 going to be females,
15 the only thing we can do is move into -74, and when we
16 move into -74, we will take the State-ready people.

17 MR. TUFO: Would you take the people who
18 were, in fact, State-ready, or would you take 425
19 inmates from someplace and bring them into the system
20 and perhaps distribute the State-ready inmates else-
21 where?

22 COMMISSIONER COUGHLIN: Okay. We would
23 not necessarily enter the people directly into the
24 facility on Rikers.

25 We might just use the whole system, and when

I say, "Take the State-ready inmates," that means
3 assume control of them from the City.

It could be at -74; it could be at other
5 places in the system.

MR. TUFO: Whatever the number of State-
ready inmates and parole violators was at that time,
or you would limit it to 425?

COMMISSIONER COUGHLIN: No, in my discus-
sions with Commissioner Ward, it is to take the
State-ready inmates; it is not tied to any particular
number, but to take the people who are ready to come
to the State.

MR. TUFO: It would be consistent with the
Memorandum that says the State would receive 425
inmates at the second phase, and based on your recent
history, that would be a little in excess of the
State-ready inmates and parole violators that the
City had in the system, so you are saying that by
July, 1980, or at the time you took -74, you would be
taking all State-ready inmates and all parole violators?

COMMISSIONER COUGHLIN: That's correct.

MR. TUFO: The other major outstanding
question, the one that came up as a little bit of a
surprise this morning, was the statement Commissioner

Ward made regarding responsibility for the sentenced misdemeanors.

That is the largest single population that there exists on Rikers Island, and we had been led to believe that part of the Agreement with the State was that the State would either permit the City to continue to run the correctional institute for men or that the State would assume responsibility for those sentenced misdemeanors.

Commissioner Ward said this morning that that point had not been resolved.

COMMISSIONER COUGHLIN: Again, I have to go back to some history that I wasn't present for.

I can't find anything in the correspondence and in the discussions with people who were involved, any agreement on our part to house the City-sentenced men.

There is an agreement on our part to assist the City in locating sufficient bed space to allow them to use, and the number of -- it's close to 1400 beds -- to use that to house their sentenced men.

Now, where these beds are, we don't have a good answer for yet.

There's a combination of mental hygiene

facilities and some State correctional facilities

that could be used to make up that number.

I think that the front part of this Agreement, the initial steps into the lease, should be predicated on having answers, solid, clear answers on where those 1400 beds are going to come from, because, in the alternative, it would back up our timetable and nothing more, if the City were to stay in the Men's House of Detention for a period longer than we anticipated in the current timetable.

MR. TUFO: This is the Correctional Institution for Men you are speaking of, not the Men's House of Detention?

COMMISSIONER COUGHLIN: That is correct, C-76.

If that happens, it happens, and we just have to work around it.

There are available a combination of different types of beds in the City right now.

Commissioner Ward and I have discussed this. We are going to discuss it in depth in the next several weeks, and hopefully we will have some more of a definitive answer by the early part of November.

MR. TUFO: Your present plans ^{PRE}(include) the possibility that the misdemeanors could stay at the Correctional Institution for Men?

COMMISSIONER COUGHLIN: It doesn't ^{PRE}(include) that possibility in the short term, Mr. Chairman.

I would say that it does ^{PRE}(include) in it for ever and ever that the State would house the City-sentenced men, but it doesn't ^{PRE}(include) it in the short term as long as everybody is looking for alternative space.

MR. TUFO: Just to offer you some guidance about the Board's thinking, I think, my guess is, from previous Board discussions, that an absence of agreement specifically as to what was going to happen to those inmates would be an obstacle that would make it difficult for the Board to support this plan, and I have hoped and urged that a conclusion could be found for that problem in the near future.

COMMISSIONER COUGHLIN: I am very much aware of that as being a possible obstacle, not only to the Board's concurrence in this proposal, but to the Board of Estimate's concurrence.

We can't do anything without the Board of Estimate approval, and we will have some definitive

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

response to that question.

We just don't have it today.

MR. TUFO: I understand.

I would appreciate if you would help to keep us informed as the discussions progress, and your own needs become clear.

MR. KIRBY: Mr. Chairman, Commissioner, I would like to back up a bit.

In projecting 25,000 prisoners, I have heard words like "shift in population," "unemployment."

It doesn't mean anything to me. I would like someone to give me some type of definition of what all this means, what you are talking about.

And I raise that question. I think it is hard for me, as a Board member, to support a plan that would suggest that as folks become disenfranchised, as the unemployment figure runs high, as people are burned out of their neighborhoods, you are making ready places to detain them.

I would just like some clarification on that, really.

These words do not mean anything to me. I am sitting up here trying to deal with it.

11
12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GOOGINS: I don't believe in my dis-
so I just raised that question.
cussion I referred to "unemployment," or some of
Now, I move back to C-73. C-73, I think
those other elements.

I tend to believe that they probably do
taking over and running C-73 with its present popu-
have some influence on crime and crime-prone-ness
lation. Now, my concern as a member of the Board of
and a host of other things, but they represent, rela-
Correction is that we have minimum standards for our
tively, esoteric elements for us, which we do not
inmates.
normally contemplate in making our own projections.

If the State took over that facility with
Our projections tend -- and the reasons for
City prisoners, what would be the State's commitment
our projected increase in the face of a relatively
to see that the minimum standards set by the City
constant rate of admission -- relates to the fact that
Board of Correction -- not by the State Board of
longer sentences are being handed out for the same
Correction is -- how can the State deal with it?
variety of crimes that were permitted five years ago.
How can two jurisdictions -- you have a State Board

And if longer sentences are handed out, the
of Correction; you have a City Board of Correction.
average length of stay in our facilities goes up, and
The State Board of Correction can't set policy or
if the average length of stay goes up, we hold people
standards for the entire City; the City Board can set
more, and they just layer on each other, and that
standards that precede State standards, so I am kind
will, that layering will reduce in time, but it will
of in a bind. See, our responsibility -- the City
not reduce until after, probably, the '84-'85, '85-
Board -- is to City prisoners, detainees or sentenced
'86 period.

MR. KIRBY: You know, I just remembered
whom should your accountability be?
during the 1960's, when folks had an expectation of
To the City Board of Correction standards,
human rights and some document was located in
or to whom? Just what would happen if you ran that
Washington, D.C., that suggested concentration camps,
institution?

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005
(212) 344-5040

19
20
21
22
23
24
25

than the State process is, and we would have to work
something out in those terms, but generally speaking,
the standards that you have set down would be within
reason for us to continue while we house the City
inmates.

MR. TUFO: Commissioner, I think the technical
meaning of your charter of responsibility would end at

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005

1
2 to get it through budget and what not.

3 So it compressed probably a nine-month
4 process down to six weeks, and, remarkably, FDC was
5 able to do it.

6 So that the ability, the professional
7 ability to do the job is there, but you can't let
8 them float off by themselves, because once that
9 happens, they start to think that they are independent
10 of you, and they lose sight of their mission.

11 You have to keep on it. That is the best
12 thing you can say about FDC.

13 Other than that, they do a reasonably good
14 job. They built seven or eight new 750-bed institu-
15 tions for us in the past 15 years, and they built
16 good institutions, and they do reasonable work, but
17 you got to keep them reined in.

18 MR. TUFO: Is it correct that their limita-
19 tion is not in any of their procedures or regulations
20 but in making those procedures and regulations work?

21 COMMISSIONER COUGHLIN: You have to establish
22 a personal relationship with Joe Crook, who is the
23 Executive Director, and you have to go to lunch with
24 him once a week and tell him how important it is to
25 get the job done.

1
2 I am honestly not being facetious about
3 this; that's what I used to do, and it worked.

4 MR. TUFO: Commissioner, since you are
5 staking so much of what you said about your own needs
6 and the City's building facilities, I take it that
7 your experience does lead you to conclude that it is
8 possible to complete the ambitious program that is
9 outlined in this proposal within the time frames that
10 have been set.

11 COMMISSIONER COUGHLIN: Yes, and that's a
12 feeling that I have, based on my experience with FDC.

13 My staff have had a different experience
14 with FDC, in terms of the construction of Downstate.

15 But I think I can view the thing in a
16 larger perspective in terms of what they have done
17 with large projects and what they have done with
18 small projects.

19 They do have the ability to get the job
20 done within the time frames that were talked about
21 this morning, but unless you keep their noses to the
22 grindstone, you are going to have a problem.

23 MR. TUFO: Who, on your staff, had responsi-
24 bility for Downstate?

25 COMMISSIONER COUGHLIN: No one here.

1
2 MR. TUFO: One other question. Do you
3 foresee any difficulties in having State correction
4 officers and City correction officers both working
5 on Rikers Island at the same time?

6 COMMISSIONER COUGHLIN: Yes, I do perceive
7 some problem there.

8 We have made our concerns known to the
9 Office of Employee Relations; the people in the
10 Governor's office know about it.

11 They seem to feel that it's not going to be
12 of the magnitude that would cause problems within the
13 system. I don't know. There's a marked difference
14 in pay; there's a marked difference in fringe benefits.

15 We anticipate problems. The people who are
16 involved with employee relations around the State
17 feel that there are not going to be problems which
18 would cause major disruption.

19 I don't know.

20 MR. TUFO: Do you foresee security
21 problems -- for example, in the event that there is
22 an escape from one of your institutions during a
23 time that the City has responsibility for Island
24 security -- problems in your relationship with City
25 security personnel, in trying to pursue someone who

URBAN COURT REPORTING, INC.
CERTIFIED SHORTHAND REPORTERS
40 EXCHANGE PLACE
NEW YORK, N.Y. 10005

(212) 344-5040

18 has taken the lead for the area in looking into the
19 entire Rikers Island Transfer Plan, and has been
20 working for the past number of months to gather the
21 necessary information to make an informed decision
22 about it, as well as to provide information to other
23 organizations that are also interested in making an
24 informed decision.

25 On behalf of the Correctional Association,

URBAN COURT REPORTING, INC.

1
2 generally, I would like to thank the Board, members
3 and staff, for the opportunity to appear here today.

4 We will have a prepared statement, but
5 because the testimony was transferred from tomorrow
6 back to today, it will not be mechanically prepared
7 until tomorrow, and I will present it to the Board
8 at that time.

9 We would also like to commend the Board
10 on having these hearings. Indeed, one of the major
11 problems with the entire transfer plan has been the
12 total lack of information that has gone public, that
13 there has been very little opportunity ^{for public} (to publish)
14 input or even, as I said, information, and we feel
15 that this is going to be a major problem at this
16 point in terms of acceptance of this proposal, that
17 the lack of information has led to a great deal of
18 suspicion amongst many constituencies, and we have
19 spoken to a number of them over the past months, from
20 public officials to correction officers, to other
21 community organizations.

22 And the City has a hard burden to overcome
23 because of the lack of involvement with a number of
24 these constituencies during the past six months.

25 The Correctional Association, in the light

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

1 of that fact, has taken it upon itself to try to
2 gather the information, and we have had a series
3 of meetings with the planning unit, over the past
4 six months -- that the City has developed for this
5 Rikers proposal, and we have also met on a number
6 of occasions with other constituencies, including
7 the leadership of ^{St. Assisi?} (fait accompli) and other concerned
8 community justice organizations.
9

10 As a result of those meetings and our
11 own hearings on Rikers Island over the past years,
12 the Visiting Committee has recommended a position
13 to the Correctional Association which was adopted,
14 and basically it is that we support the City's plan
15 to vacate Rikers Island and to move the facilities
16 onto the mainland -- accessible to courts, to lawyers,
17 to family -- and support the State moving onto
18 Rikers Island making accessible to families and
19 lawyers the prisoners in the State system, seventy
20 percent of whom, as you have heard, come from New
21 York City, those prisoners.

22 But we are against, and don't consider as
23 a necessary ingredient of this plan, any expansion
24 of the State system.

25 We feel it is not necessary from any point

1
2 of view. It is only come about because of the total
3 lack of planning on the Stateside, and that this
4 Rikers Island move should be, as the City move is,
5 a replacement move, as opposed to an expansion move.

6 I will discuss each of them briefly as I
7 go along today.

8 In terms of the position concerning the
9 City system, basically it begins with an assessment
10 of the existing City facilities.

11 Specifically, they are inadequate by any
12 standards, particularly those on Rikers Island.

13 Despite the tremendous activity that we
14 have seen in the recent months and years, in fact,
15 the past decade, in terms of litigation, in terms of
16 the setting of standards by this body, there has
17 been little change in the quality of life, the basic
18 quality of life, for either prisoners or correctional
19 personnel in those facilities, and it is our opinion
20 that there cannot be any meaningful change, given the
21 existing situation -- specifically, the location of
22 those facilities on Rikers Island and the basic
23 construction of those facilities.

24 In terms of the location, we have already
25 heard a number of facts about the problems that they

1
2 raised.

3 I think it is difficult to convey from those
4 facts the tremendous hardship that is involved for
5 just a daily visit to one of those facilities from a
6 family member to someone who is awaiting trial; that
7 for a 45 or 50 minute moment with the prisoner, five
8 to six hours must be set aside for someone from 125th
9 Street in Manhattan to get to Rikers Island; that as
10 a result, in 1978, an average prisoner on Rikers
11 Island received one visitor every two weeks, which is
12 less than 50 percent the average per prisoner in the
13 Bronx, Queens, or the Brooklyn House of Detention, and
14 even that figure is not extremely high, due to the
15 lack of visiting facilities in the borough institu-
16 tions.

17 Further, the ability for lawyers to get out
18 to Rikers Island is increased.

19 As many of you know, most lawyers do not
20 have the time to set aside an entire day without other
21 business to get to Rikers Island; that is what is
22 called for.

23 Lawyers cannot say, "I have an hour or two
24 free in my schedule at this moment; I will walk over
25 and see my client."

1
2 They must plan an entire day to get to
3 Rikers Island.

4 The lack of visiting by lawyers is, in my
5 experience, the primary cause of frustration and
6 hostility, tension, on the part of the prisoners in
7 the Rikers Island facilities.

8 We see it every day. Just recently, in
9 the past months, we have seen a boycott of the
10 Brooklyn House of Detention, specifically aimed at
11 the conditions in the courts, primarily the lack of
12 adequate consultation with their appointed lawyers.

13 We have a similar situation developing now
14 with the House of Detention for Men, where they were
15 planning a boycott and held it off for the time being,
16 but, again, it is primarily directed at the situation
17 in the Courts and the lack of consultation with the
18 lawyers.

19 The Rikers Island location makes it im-
20 possible to ever have adequate representation, in my
21 point of view, for pretrial persons.

22 These are the persons who are awaiting
23 trial, and, of course, the constant contact and
24 discussions with both lawyers, potential witnesses,
25 et cetera, et cetera.

1
2 The second major problem with the existing
3 facilities is their basic construction.

4 Without going into all of the problems,
5 and there are a multitude of them, the major ones are
6 the size of the institutions themselves. They are
7 just too large, from anyone's point of view, from any
8 correctional standard, from any professional viewpoint,
9 in terms of the total number of prisoners that are
10 housed there, and the facilities involved in each of
11 the institutions are too small, beginning with the
12 cell size.

13 Nothing can be done when you start with an
14 institution that has 42 or 44 square feet per cell.

15 They are inadequate, impossible to live in,
16 and they cannot remain as they are.

17 Because of these two primary factors --
18 and there are others -- the present situation is an
19 intolerable one for City prisoners. As a result, of
20 course, it leads to frustrations that make it a much
21 more dangerous situation for personnel.

22 There's no way that this can be altered,
23 absent a massive renovation or the new institutions.

24 The basic point is that this opportunity
25 is an unusual one for the City to begin from ground

1
2 up, which we feel is necessary and important, as
3 opposed to the ad hoc procedures that we have seen
4 over the last number of years to build decent and
5 adequate facilities.

6 The fact that the institutions are so
7 inadequate also insures that, absent any Rikers
8 transfer plan, there will be ongoing litigation
9 from the prisoners and their representatives.

10 I don't think it is any question now that
11 every facility will be challenged and continue to be
12 challenged in every aspect.

13 I think that there is a good chance that,
14 absent some major renovation or the construction
15 plan, the entire House of Detention for Men will be
16 declared unconstitutional, that the City will be
17 required to renovate extensively and combine three
18 cells into two and change dramatically the makeup of
19 almost all of the Rikers facilities.

20 So that, while we can't -- since I really
21 did receive them only today -- make a complete state-
22 ment of the accuracy of the estimations of the amounts
23 of money that will have to be spent absent the
24 Rikers plan, there is no question that it involves
25 huge amounts of money and major renovations and

1
2 greater commitment to it than the past administrations.

3 But, assuming that the City does, in fact,
4 want to do it right, I think those are not unreason-
5 able figures, and that is the best I can say at this
6 point.

7 MR. TUFO: Thank you.

8 MR. POCHODA: And certainly, as was dis-
9 cussed at length this morning, there were tremendous
10 costs presented, involved in the transfer of prisoners.

11 In 1978, I believe, there were some 174,000
12 moves of detention prisoners to courts, and over
13 800,000 miles worth of transportation involved, in
14 terms of total transportation, and it is a tremendous
15 expense and problem, logistical problem, a problem
16 for the courts, creating great delays and often many
17 trips of prisoners to Court, and just turning around
18 and going back because the prisoner arrived too late
19 for any meaningful Court appearance.

20 So that it is clear to us that there are
21 tremendous problems with the present system that
22 will not go away absent a tremendous major renovation
23 or a totally new system.

24 On the other hand, I want to point out that
25 I am not saying there is anything like a nice prison.

1
2 Indeed, "a prison is a prison is a prison,"
3 and that "new" in and of itself does not mean "better."

4 We have a good example of that in terms of
5 the construction of the Metropolitan Correctional
6 Center, the Federal facility here in Manhattan, which,
7 within a year after its opening, under the most ad-
8 vanced concepts of design, was the subject of a
9 lawsuit, a victorious lawsuit until it reached the
10 Supreme Court.

11 I will throw that out for now. There were
12 other reasons, but there clearly were major problems
13 with that particular facility despite the fact that
14 it just had been recently opened.

15 Recognizing this, the Correctional
16 Association is still in favor of the City's plan
17 because we feel that, while newness does not guarantee
18 being better, we know what they have now, and we know
19 that we can do nothing with them in terms of adequate
20 care or proper legal representation without, as I
21 said, a total rebuilding and renovation.

22 We also can do better than they did with
23 the FDC; we can be better in the planning process;
24 we can use people who know what the problems are --
25 prisoners, prisoners' reps, and community groups and

1
2 other groups.

3 With that in mind, I am, as I say, in favor
4 of that aspect of the entire Rikers proposal.

5 Agreeing, now, that we think the end result
6 is a good one in terms of the City, there must be
7 further inquiry, because in this case, the "how" of
8 the process is inextricably tied up with the "what,"
9 and in light of the history of the past six months,
10 we think it is even more imperative that this body
11 and the Association and other groups look into how
12 the City is going about the planning, and who is
13 going to be involved in that planning for this, you
14 know, enormous undertaking.

15 And the history of the past six months
16 certainly doesn't lend itself to great optimism in
17 that regard, although we are happy to see the events
18 of the past month that indicate there will be improve-
19 ment.

20 At least people are talking to each other,
21 and we feel that it is better that the planning units
22 be consolidated in one place, although we must admit
23 that there are some potential conflicts when we have
24 the planning being done for an entirely new Department
25 of Correction by the Department of Correction, and we

1 think in light of that it is even more important that
2 citizens' groups, such as the Association, and citizens'
3 boards, such as the Board of Correction, involve
4 themselves at every point in this procedure over the
5 next years, months and years to come.
6

7 Again, with that caveat, the Correctional
8 Association welcomes, finally, the presence of plan-
9 ning on the City scene.

10 It is indeed refreshing to have persons
11 that have been hired who have phone numbers who can
12 be called, whose job it is to do long-term systematic
13 comprehensive planning.

T14 14 That has been totally absent both on the
15 City level, and continuously, as far as I can see,
16 on the State level, and indeed, the contacts that I
17 have had have been very encouraging in that the
18 people involved are, in fact, doing planning.

19 We feel that it is not just a matter of
20 predicting what the demographic trends are and pre-
21 dicting what the population trends will be and what
22 the crime rates will be; that we can do much more
23 than take that passive approach to the situation;
24 that there can be and should be a total attempt to
25 minimize the number of persons subjected to the

1
2 New York City correctional system; that no matter
3 how "nice" we make a prison, it is still a total
4 intrusion on the life of any individual, the most
5 coercive action that the State can take on persons
6 who were presumed innocent, that have not been
7 found guilty of any crime -- an experience that will
8 live with those persons forever -- many of whom will
9 not be found guilty or not found in need of incarceration
10 after trial, or a conviction or a plea bargaining.
11 ing.

12 We feel -- and again we cannot pinpoint all
13 of the areas because the process is just beginning --
14 that a comprehensive look at the situation will lead
15 to the conclusion that we can reduce the percentage
16 of persons that are incarcerated prior to trial after
17 arraignment in this City.

18 The most striking fact about the City system
19 is not the total number of persons in on any given
20 day, but rather the flow. The most important aspect,
21 it seems to me, is the total number of persons that
22 run through the system on any given year, not the
23 static viewpoint, but rather the dynamic one, and
24 given that, and there are some statistics as well,
25 for example, the one that indicates that a great

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

221

percentage, I think it is something close to 50 per-
cent of the persons that are remanded to the City
system after arraignment are released within one
week, it is clear that we can do a lot better, and I
think some of the things were discussed this morning
by Herb Sturz and Ben Ward about how we can do better.

But I think that there is no question that
we can do a lot better and reduce the percentage of
persons that are remanded, that have to face that
system at all after arraignment, which means that if
they are accurate in stating that -- given their pro-
jections and all of their scientific studies -- that
we will have a similar number of people that would
normally be entering the system in the years to come
as there are in the past two years, by active planning--
or "pro-active," I think is the word the planners use --
we should be able to reduce that number.

And the one thing we want to avoid is over
building.

The first and most important reason is the
effect on the person who is the victim of this system;
but also there are the tremendous costs involved.

And at this point, we cannot ignore the
great amount of resources that our criminal justice

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

system takes up.

The Correctional Association, in conjunction with the Citizens' Inquiry on Parole, is just completing a cost study where we find that approximately \$2.8 million was spent in New York State in 1978 for criminal justice expenditures on all levels of government.

Approximately ten percent of all governmental spending went to criminal justice, second -- third, rather, only to educational and social services.

It cannot be ignored as one of the costs we pay for this system. It must be measured against the benefits, if any, we are getting from this system.

And in this case, besides the operating costs -- and that's what I was referring to -- we have tremendous construction costs, so that we have a tremendous obligation to reduce as much as possible the scope of this project.

I was happy to see that at present it is a one-to-one replacement and there is no expansion plan.

It seems to us we can do a lot better and must do a lot better. There's heavy responsibility to do better in reducing that number.

I should point out that the budget for the

1
2 City Department of Correction in the last decade has
3 risen 106 percent, despite the fact that the popula-
4 tion has gone down significantly, so it is an ever
5 increasing number of dollars.

6 I would also point out that we see histor-
7 ically the only times we do this kind of planning is
8 when some necessity or emergency comes upon us.

9 You know, in the late 1960's and early
10 1970's, the tremendous bulge in the population, as
11 well as the riots and uprisings in the City facilities,
12 forced the City to face this issue, and as a result,
13 it was found, "Aha, we can do something about it."

14 In the early case, assessment and front
15 loading and so forth led to a significant reduction
16 in the people we see in our pretrial facility. On the
17 other hand, we can't just invoke the Yankee Stadium
18 syndrome and assume that whatever figures are thrown
19 out are inaccurate because they are figures that are
20 thrown out.

21 That would lead to a total deterioration
22 of all of our systems and nothing ever being built
23 anew.

24 We must, of course, look at the existing
25 estimates and see if they seem accurate, given the

1
2 best information available at this point. *visitors*

3 Again, the Criminal Association's Business
4 Committee, and the Association specifically, have
5 done so, and we do feel that at this point in time,
6 the estimates of \$75,000 per bed beginning in 1980,
7 with, of course, installation adding to that, are
8 reasonable in comparison with other and comparable
9 endeavors throughout the country.

10 Of course, the planning process must, as
11 this Board has rightly pointed out, involve the
12 interim arrangements.

13 We were very concerned about some of the
14 proposals we heard. We were happy to hear that many
15 of them have been abandoned, that the women will not
16 be dislocated for what is called an "interim time,"
17 which, as we all know, is going to be many years, but
18 that must be looked at closely, because it is not a
19 hard and fast situation, as was stated this morning,
20 and I was a little confused by some of the answers
21 this morning.

22 At that point, Mark Corrigan indicated
23 that there would be minimum standards that they would
24 not be totally able to carry out because it wouldn't
25 be sensible for them to carry out construction,

1
2 et cetera, and at another point, Ben Ward said some-
3 thing else.

4 I have no reason to think there should be
5 any delays in those standards, and other interim
6 concerns, particularly that might lead to problems
7 in visiting, and further bureaucratic delay, and
8 there are enough of them already. It already takes
9 three or four buses and five checkpoints to get a
10 visitor onto that island, to get to the actual booth
11 where he or she is seeing the particular prisoner.

12 Further delays would be intolerable.

13 Finally, I think any agency or organization
14 looking at this plan must take into consideration the
15 totality, cannot leave out the aspect of the State
16 expansion.

17 It would be irresponsible to do so, and I
18 urge this Board, as well as, I said, other organiza-
19 tions, to take a position on that.

20 It is not written in stone; it is not a
21 fait accompli by any means that this plan must in-
22 clude an expansion of the State system, and given
23 the fact that 70 percent of the prisoners from New
24 York City are in the State system, -- or, 70 percent
25 of the State system, rather, are from New York City --

1 almost all of whom will return to New York City after
2 a two and a half or three year period, there is a
3 tremendous investment on the part of the City to
4 understand and take positions on what is going on in
5 that State system.
6

7 It is our position that the expansion is
8 not necessary, that it is -- I do agree with what the
9 Commissioners state -- that if nothing is done, we
10 will see an expansion of that system, and, unfortunately,
11 that is a trend that we have witnessed over the past
12 ten years, where the only planning done on the State
13 level in the area of corrections has been, "Let's grab
14 more property, let's expand," and no one who has re-
15 ported the fact that we can reduce the population in
16 the system without any significant effect on the
17 safety to other citizens in the State.

18 And that must occur; it must occur, again
19 for the reasons of the human experience, and again
20 in terms of the tremendous cost involved.

21 There is no reason why we sent persons from
22 New York City, basically urban poor blacks and
23 Hispanics to become virtual exiles in rural all-
24 white communities.

25 It is counter-productive to do that, from any

point of view, crime control included, and it seems to me that we cannot let this go by without comment.

And while I am not so politically naive to think it will happen tomorrow, we must tie in this plan with a larger plan of what we want to see happen within the State system.

As a result, in fact, we agree with the quote that was mentioned in the position of Mr. Koch and Mr. Carey from the Morgenthau Commission:

"The continued reliance of the State prison system on ancient, isolated fortress-prisons has been roundly condemned by a variety of groups"

While they "roundly condemn it," they do nothing about it; they continue that system in place along with their proposal that does not do anything about those "fortress-like facilities," but merely adds another layer to those facilities; that says, "Besides these people, we are going to have others we are going to send to not-so-terrible places."

Therefore, the Correctional Association feels that at the same time that the Rikers plan is being put into practice, the State must continue to plan for the recycling, if you will, of those distant upstate facilities, beginning with Attica State Prison

1
2 and Clinton State Prison, which, from any point of
3 view, are a disservice to society.

4 Thank you. I will answer any questions at
5 this time.

6 MS. SINGER: I couldn't agree with you
7 more about the statement you made about Rikers Island,
8 and I know what a good researcher you are.

9 I wonder how far you have progressed with
10 your research into communication to find out whether
11 or not and how you are going to get these new build-
12 ings, whatever they are going to be, placed in
13 suitable locations.

14 MR. POCHODA: Right now, you are going to
15 have tremendous difficulty. The communities are
16 terribly suspicious.

17 I had a number of discussions; I had calls
18 from a number of persons around the City that are
19 extremely suspicious of this plan, have no informa-
20 tion about it, have this specter, of people running
21 through the streets.

22 The timing of the last escape was not
23 helpful and it's a tremendous problem.

24 I also know that the City is very sophis-
25 ticated politically and that now, finally and awfully

1
2 late, finally turned its attention to making the
3 necessary contacts and going to the necessary meet-
4 ings and going to meet with both community leaders
5 and public officials from those localities to begin
6 that procedure of explaining what is going on and
7 explaining the pluses as well as the minuses of this
8 proposal.

9 I am not in a position, and I don't think
10 the others have a better idea, to assess just how
11 difficult or whether it is a complete obstacle or not.

12 I think it is not by any means an impossi-
13 bility that people will understand the need for these
14 facilities, and that in the long run it will benefit
15 all of us, but it is not going to be an easy task.

16 MS. SINGER: As a correlary to that, the
17 question I asked this morning about ^{community}(college) education,
18 I think the public is so entirely indifferent and
19 unsympathetic to this criminal justice system, I
20 wonder whether or not you would have any idea -- I
21 would think you might get -- speak to the community
22 leaders, but how far down does that go?

23 MR. POCHODA: Well, it is a tremendously
24 difficult problem and it transcends this basic
25 situation.

1
2 The public has been fed a line for so many
3 years about what the criminal justice system can or
4 cannot do, and, of course, officials want the public
5 to believe, make the public think that they have the
6 answer, that it is a simple one, so that the public
7 has no idea about the reality of the situation, the
8 amount of cost involved, the lack of correlation be-
9 tween the use of the institutions and the crime rate,
10 and on and on down the line.

11 And I don't know what the best strategy to
12 adopt would be, if I were sitting in the Deputy
13 Mayor's -- or the Criminal Justice Coordinator's --
14 office, as to how to approach people who have a valid
15 fear about crime and yet have had that fear exploited
16 by public officials for so many years, and have had
17 myths floating around about the criminal justice
18 system, both pre- and after-trial, that it is a
19 very tough situation.

20 I don't know what to say.

21 One of the most effective arguments is the
22 straight cost argument, return on the dollar, you
23 know; these are inefficient facilities, and you find
24 a curious coalition of ~~them~~ between the most progressive
25 and reformed and liberal justice system and the more

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

NEW YORK, N.Y. 10005

(212) 344-5040

18 well know--in this situation to trying to review the
19 plans and proposals and the options that have been
20 put forward from the City planners and the State
21 officials.

22 We have not on our own attempted yet to come
23 forth with alternative or new sites.

24 MS. SINGER: The two are interrelated?

25 MR. POCHODA: Oh, yes.

URBAN COURT REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS

40 EXCHANGE PLACE

1
2 MR. TUFO: Mr. Pochoda, you supported the
3 idea of the City's building new replacement facilities
4 in the boroughs.

5 In the course of your study of this proposal,
6 have there been any elements other than the ones that
7 you mentioned, regarding insuring the enforcement of
8 minimum standards that troubles you about the plan?

9 MR. POCHODA: Well, again, differentiating
10 between the final result and the planning process, I
11 mean, I think that, of course, any citizen has to look
12 at the cost involved, has to measure whether that is
13 a societally important cost to spend versus other
14 uses that those dollars might be put to.

15 At best, it is a very expensive proposition.

16 The State will be spending \$200 million
17 plus the renovation of Rikers Island costs; the City
18 will be spending great amounts of money above and
19 beyond that \$200 million, and it is certainly the
20 responsibility of citizens to engage in the dialogue
21 and come up with a decision as to whether it is a
22 valid expenditure.

23 And that took up a lot of time. We feel
24 at this point that it is valid and important, and a
25 high priority; but certainly there will be much

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

discussion about that as this plan ~~wends~~ its way through whatever bodies.

Other than that, we don't have any major problems with the final plan in terms of the City component.

We think that there is no question that they would be an improvement for prisoners and personnel alike -- the size of the institutions, what we will assume would be the final model of the institutions, and the location of the institutions.

The planning process, as I said, we have many questions about, about how it is going to happen, who is going to do it, how input is going to be received from the public, and including prisoners and their representatives and so forth, and that's something we will continue to monitor as it goes along.

MR. TUFO: Any further questions?

MR. LENEFSKY: Dan, you have seen the studies that project the decrease in crime, based upon the increasing age of our population.

As we have a one percent growth rate in this country or possibly going down, .9, .8, therefore our population is getting older and, therefore, crime will go down because crime is generally

1
1
2
2
3
3
4
4
5
5
6
6
7
7
8
8
9
9
10
10
11
11
12
12
13
13
14
14
15
15
16
16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25

committed by those something like between 18 and 25.

Have you seen those figures and, if yes, are they applicable to New York State?

MR. POCHODA: Yes, I have seen a number of them.

They are awfully hard to pin down.

And that certainly is an important factor as part of whatever proposal is developed to project

(Continued on next page.)

populations, and that seems to be what is, in fact, current at this point in time in the State and in the City.

I don't -- and I am not an expert; I have not seen enough of the other planning that is going on to be able to know what other factors are coming into play, to know whether that is going to be balanced out by something else or reinforced by something else -- it certainly must be done.

And besides that type of passive analysis, it seems to me that much can be done in terms of an active change in the patterns and practices that we are witnessing in the system now, and we can reduce the populations, but that certainly is a factor.

Again, I guess it depends on how long-term you are talking about -- whether we can predict for

2 the next five years or not -- and one of the obviously
3 important considerations is that what is done in this
4 particular six-month period, we will be living with --
5 assuming the Rikers Island plan goes through -- for
6 the next -- given the time span of the facilities --
7 for the next fifty years, and that's why I think it
8 is particularly important that this kind of planning
9 take place.

10 I certainly have no indication that crime will
11 be rising in the next number of years, in the immediate
12 five- to ten-year period.

13 MR. LENEFSKY: Dan, is the Correctional
14 Association going to do some work on the flow of
15 people, reduce after arraignment the number of people
16 that go through the system?

17 MR. POCHODA: Yes. I have been in touch on a
18 regular basis with the people who have been doing the
19 planning, Ken and Barbara, for example, and we will be
20 working closely with them and we are looking for some
21 additional staffs ourselves to be able to assist in
22 a meaningful way, and particularly focusing on the
23 input of persons that are closest to the system --
24 prisoners, prisoners' families, and community groups
25 that have had experience not only in terms of popula-

1
2 population projections, but there are a number of
3 organizations -- you will hear from one of them
4 tomorrow -- and others that have had experience in
5 this area.

6 I should point out that -- and I assume you will
7 hear that -- some of the other groups, as a result of
8 this total view and because of the fact that the State
9 is expanding, will be against this entire proposal;
10 and I think that just as a practical matter it is ~~not~~
11 another reason why the Correctional Association and
12 the Board should be taking a position on the entire
13 bundle and not slicing out ~~one~~ part of it and judging
14 only that much.

15 MR. TUFO: Any other questions?

16 Thank you very much for coming. The
17 testimony would not be complete if we hadn't heard from
18 you.

19 MR. POCHODA: Indeed, thank you.

20 MR. TUFO: We will adjourn the hearings un-
21 til tomorrow morning at 9:00, and we will continue
22 with the testimony of Archibald Murray, Executive
23 Director, Attorney-In-Chief, Legal Aid Society.

24 (Time noted - 4:10 o'clock p.m.)
25

C E R T I F I C A T E

1
2
3
4 STATE OF NEW YORK)
5 : ss.:
6 COUNTY OF NEW YORK)

7 I, ROBERT KAUFMAN, a Shorthand
8 Reporter and Notary Public within and for the
9 State of New York, do hereby certify:

10 That the statements, colloquy and testimony
11 contained herein is a true record of the proceedings
12 in this matter.

13 I further certify that I am not related to
14 any of the parties to this action by blood or
15 marriage, and that I am in no way interested
16 in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 16th day of October, 1979.

19
20
21 R Kaufman
22 Reporter
23
24
25