

BOARD MEETING MINUTES

November 7, 1977

Board:	Absent:	Staff:
Peter Tufo	M. Kogan	Marc Rosen
Angelo Giordani	Rev. Holder	Mike Cleary
David Schulte	P. Davis	Dan Pachoda
John Horan		Lauren Anderson
Wilbert Kirby		Deirdre Coulson
Rose Singer		Doug Tsuruoka
		Lisa Farrow
		Diane Steelman

Commenced: 3:30pm

1. Peter reported that there had been several suicides in the last few weeks. Investigations have revealed no apparent linkage and/or negligence. Investigations into two recent deaths have several gaps which have to be filled.
2. Peter reported that the State Commission of Correction has taken the City and HDM to court on the overcrowding issue. He noted that the Commission had the authority to close an institution. Marc stated that the problems at HDM were twofold: a) overcrowding, and b) manpower shortage resulting in high rates of overtime. Peter remarked that even though he felt that HDM should be closed, it was necessary to view the system as a whole. There would be no where to put inmates, in the event that HDM was closed. He reported that the overcrowding at HDM was heightened by the State placing their parole violators there. He noted that November and December were high population months.
3. Peter reported that Malcolm will leave on November 15. Either Joe D'Elia or Warden Greco will be Acting Commissioner.
4. Peter gave a run down on the recent escapes from Rikers Island. He noted that certain aspects of the escapes were suspicious. Officers had reported incorrect counts, doors that are usually permanently shut were open. The Board was able to talk the DOC into sending an inmate who had escaped, and was holding his wife hostage, to Bellvue, rather than Rikers Island, in an attempt to get him to surrender. Peter has asked John Keenan, the Special State Prosecutor, to investigate the last large escape from HDM, during which time ten inmates escaped. Keenan is presently investigating the incident.
5. Peter announced that hearings will be held on the apparent lack of security on Rikers Island as a result of the recent rash of escapes. Sidney Cooper, the Deputy Chief Inspector of Personnel for the NYC Police Department, and a former professor at New York School of Technology will serve as the Board's consultant for the Board's recommendations to the Department for superior security. Hearings were tentatively set for December 5 or 6. Before the hearings, a public report on the escapes will be released by the Board. Witnesses will also be lined up. All suggestions for witnesses by Board members should be submitted to Marc. The hearings will be mostly intra-Departmental. Representatives from Scopetta's office, Bureau of the Budget, and the Department of Correction will testify. Peter reported that the Department of Correction had considered more gates, more lights, and dogs. Peter is not in favor of using dogs. He feels the escapes occurred as a result of human failure. He feels they can be very dangerous, if uncontrolled. The DOC has requested 280,000 dollars from the Bureau of the Budget for 80 dogs. Another purpose of the hearings will be to evaluate the Department's recommendations for increased security. David Schulte suggested Paul Noble as a witness for the hearings.

6. Peter announced that C-95 would be dedicated as the Anna Kross Correctional Center this coming Saturday during a ceremony at 11:00am. Peter requested that Rose Singer prepare a speech on behalf of the Board and deliver it at the ceremony. Rose and David Schulte agreed to collaborate on the speech and present it at the dedication.

7. Peter noted that the Black-Out report was forth coming. John Horan had been previously appointed as the Board member responsible for ensuring its speedy release. John asked for the Board's comments by the end of the week, on the material which had been previously distributed on the Black-Out. Marc noted that the Escape report will be ready in a week.

8. Peter asked how the minimum standards were coming. Dan Pachoda reported that the Department has been slow in responding. They have cancelled meetings with the Board. It is Dan's opinion that the Department is putting together another long review. He noted that the latest edition has been sent to the Mayor. Dan and Mike Cleary held meetings with Steve Sawyer and Carolyn Ziegler of the Deputy Mayor's Office of Criminal Justice. The representatives from Bureau of the Budget were also present. Dan reported that the meetings went well. Dan stated that he planned to speak to the Department today. Their response must be submitted by the third week in November. The variance standard will take effect on January 1, 1978. After a two month gap the other standards will go into effect. Dan hoped to be able to present the Department's response at the next Board meeting which will occur in the last week of November or the first week in December. David Schulte suggested that for diplomacy's sake, approval from the Mayor and the Commissioner should wait until the new administration comes in. Dan felt that this would create an unusually long and unnecessary delay. Schulte then suggested that copies of the standards be sent to Koch with a letter explaining that Mayor Beame will be promulgating the standards. Peter and Angelo Giordani asked Dan how the ICPU will interact with the Minimum Standards Unit after promulgation. Dan responded that all the responsibility will not necessarily go to the ICPU. The MS Unit will handle the analysis and evaluation of the Variances standard. The Unit (ICPU) will assist in implementation and potential enforcement strategies. Dan reported that he had held informal meetings with the ICPU staff. He stated that he, Mike, Marc, and Harvey would meet on a weekly basis.

9. Peter reported that Peggy Davis had resigned from the Personnel Committee due to her heavy work load at Rutgers. Giordani has joined the Committee. Peter noted that Harvey Alter has been hired as the Project Director for the ICPU.

10. Dan Pachoda reported that an appeals mechanism would have to be devised in the event of any lawsuits against the Board as a result of the standards promulgation. He suggested that Wilkie, Farr, and Gallagher assist the Board in this endeavor. Peter asked Dan to write to Wilkie Farr and to the Institute for Lawyers in the Public Interest, thanking them for their assistance and describing the Board's present position in regard to the standards.

11. Dan noted that the Minimum Standards Unit was presently working on new standards in the areas of food services, medical services, programs, and community volunteers. Peter requested a report from Dan on the appropriateness of applying the State Commission's new standards to the City institutions. Dan reported that the Standards Unit was planning work in the areas of structural and environmental standards. Heat, light, ventilation and noise are included in these areas. Dan plans to sit down with COBA officials in the interest of establishing standards for officers.

12. Marc reported that the grievance mechanism was proceeding. DCJS had emphasized the importance of a speedy progress in order to fill the grant's mandate. The grant is conditional on the timetable for the grievance procedure being met. Marc has written to the Commissioner requesting a meeting to discuss the grievance mechanism. George Nicolau has indicated that he would be happy to serve as the Board's consultant at these meetings.

13. Marc reported that he is waiting for the Department to respond to his letter. Meanwhile, the wardens have been approached regarding the grievance mechanism. He noted that they are very interested in the mechanism and want to visit state mechanisms in order to observe the procedure at first-hand.

14. Dan Pachoda suggested that the Board apply for a variance of the State Commission's grievance standard in order to ensure the Board's formal jurisdiction over developing the City's grievance mechanism. He suggested that the Board and the Commission meet to discuss both the standards and the grievance procedure. Marc reported that Lillian Matteo, from the State Commission, had been contacted and had indicated that the State Commission was not interested in implementing their grievance mechanism in the City institutions. Peter reported that Chinlund was on the Board of DCJS and had approved the Board's grant to set up grievance mechanisms.

15. Peter emphasized that the Board was only to set the mechanism up; not operate it. The Board is an evaluative, enforcement, and policy-making agency, not an operational agent. Marc reported that the ICDO would agree upon the mechanism's basic principles with the Department's executive staff. The officers and inmates would comprise the design committee. The ICDO would assist and provide consultants to the committee. Dan noted that the State Commission monitors the mechanism, but plays no part in its procedure.

16. Peter noted that there was a party on December 2 in honor of Ben Malcolm.

17. Peter reminded the Board that the terms of Rose Singer, Angelo Giordani, and Marjorie Kogan were up. He urged them to stay until they were replaced or appointed to another term. He reported that Mrs. Kogan has indicated that she does not want to be re-appointed.

18. The next meeting was arranged for November 21, Monday, 3:00pm, at Peter's office. The Board will also meet on December 5 to discuss the minimum standards.

Meeting Ended: 4:30

Minutes: Deirdre Coulson