

MINUTES

BOARD OF CORRECTION

July 23, 1979 Meeting

A regular meeting of the New York City Board of Correction was held on July 23, 1979 in Room 1712, 33 West 42nd Street, Graduate Center at City University.

In attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. David Lenefsky, Mr. Jack Poses and Mrs. M. Singer.

Board staff present by invitation of the Board were Michael Austin, Michael Cleary, Arden Culver, Sherry Goldstein and Joseph Smith.

Peter Tufo chaired the meeting and Sherry Goldstein served as secretary.

The Chairman called the meeting to order at 2:40 P.M.

Mrs. Singer asked for an excused absence for Mr. Schulte, which was approved. In addition excused absences were approved for Messrs. Giordani and Kirby.

Mr. Horan requested an ex post facto excused absence for the June 28, 1979 Board meeting, which was approved.

Mr. Austin corrected the minutes of June 28, 1979 as follows: Page 12 - the 5th paragraph should read: "Mr. Austin stated that Ms. Sandy Zarsky of the Mental Health Center would prefer that the presumption of the standard be reversed so that inmates at C-71 are denied optional lock-in unless otherwise ordered by a psychiatrist or psychologist based on the fact that all inmates in this setting are psychotic or suicidal, and Prison Health Services doesn't have sufficient staff to conduct a ten-day review. In the alternative, she has requested a thirty-day review period." The next paragraph should end with the sentence: "Traditionally, mental health care has always been denied to inmates, and I don't believe we should be part of that tradition."

The corrected minutes of the June 28, 1979 meeting were adopted.

The Chairman opened the meeting with a discussion of the Rikers Island transfer. He stated that the transfer was delayed until November 1, 1979 and that he recommended the Board hold its Public Hearings on September 11th and 12th. He further stated that the City Council was scheduled to hold hearings on September 17, the Queens Community Board on September 18, and since Deputy Mayor Sturz has made a commitment to speak at our hearings first, any further delay would be inappropriate.

There was no objection to the September 11th and 12th dates.

Discussion followed on where the hearings would be held with Mr. Horan agreeing to check the cost of holding the hearings at the Association of the Bar of the City of New York. It was agreed that if the cost was prohibitive, the hearings would be held at the County Lawyers Association on Vesey Street.

Mr. Poses asked Mr. Tufo for his comment regarding the article in the New York Times on July 16 concerning the cost of the transfer.

Mr. Tufo replied that the article was based on a report by a junior staff person of the Comptroller's office and is based primarily on data from Schoen's report, but neglects to include the cost to the city of maintaining the present facilities and bringing them up to standards. The issue raised in the Comptroller's report is whether the City should be spending so much money on prisons when we have so many other pressing needs. The Deputy Mayor's Office is attempting to have the Department's cost estimates revised based on the contention that the Department's projected operating expenses for the new facilities are based on unrealistic manning formulas.

Mr. Poses asked what is the Board's position.

Mr. Tufo replied that we haven't taken one, but his own feelings were that if arrangements could be worked out to satisfy financial and security needs then it is in the best interest of the city. There is no other way the city can get new facilities close to the courts. The Rikers Island facilities are inadequate for the city's needs, and unless the opportunity is taken it is unlikely the city will have another opportunity to change the existing system. However, the costs of this transaction cannot be disregarded.

The Chairman proceeded to describe the recent unusual incidents including the correction officers' job action, the murders in the Brooklyn House and C-76 and the escape from ARDC. He stated that before the walk-out, the President of COBA, Phillip Seelig, called him and said that the officers were unhappy with the Commissioner's order requiring overtime. Mr. Tufo went to Rikers Island to explain to the officers that the order was not in response to the minimum standards but to the court ordered consent decrees. He stated that the minimum standards do not require lockout until 11:00 p.m. and that the Board was sympathetic to the forced overtime problem. Mr. Tufo stated that he felt it was a labor/management problem.

Mr. Austin stated the staff was on the island to monitor the effects of the walkout on the institutions. He described the negotiations that took place at ARDC that day and the fact that removal of the reprimand from individual files of correction officers remains an area of disagreement.

Mr. Lenefsky asked if they were still working 9 hour shifts.

Mr. Tufo replied that they were and it was a question of who would work the overtime and if it would be compensatory time.

Mr. Horan discussed the meeting that he and Mr. Austin attended in the Corporation Counsel's Office for the purpose of examining the minimum standards and consent decrees which create particular problems for the union. Mr. Seelig chose to discuss labor/management issues instead.

Mr. Smith reported that the delegates feel they were lied to by Ciuros. The executive Board of COBA explained to them that they can't have a walkout every week. The union boycotted the Rikers Romp. The delegates seem to be behind Seelig one hundred percent.

Mr. Tufo stated that there has been a series of incidents at ARDC recently, three escapes, a suicide, and a serious disturbance, which raises serious questions about the quality of the management there.

Mr. Lenefsky asked if there was an increase in weaponry.

Mr. Smith explained that ARDC always has had an abundance of weapons. The suspended ceiling in ARDC is pulled apart by the inmates and used in making weapons. Very few weapons that are found are other than homemade weapons.

Mr. Tufo stated that it might just be that the shakedowns and reporting have become more effective. But it is difficult to understand why there have been four murders in the last eight months and only five in the last five years.

Mrs. Singer remarked that the Unusual Incidents Report was a very telling instrument and that she was concerned over the drastic increase in incidents.

A discussion followed on the increase in the number of unusuals.

Mr. Tufo stated that as we have said in the past, as tension increases, the number of incidents increase. This situation is further exacerbated by the fact that there are 1200 new correction officers among the existing officers.

Mr. Lenefsky stated that it was Jeanette Spencer's feeling that at the Queens House the number of unusuals have increased because of the substantial number of new officers and it is her feeling that they are just inexperienced in dealing with the situations as they occur.

A discussion ensued on major projects that staff was involved in, specifically: the annual report, preliminary recommendations stemming from the mental health hearing and the Rikers Island transfer public hearing.

Mr. Tufo stated that Arden Culver was planning to leave after seven years.

Ms. Culver said that she was sad to be leaving the work of the Board, but felt it was time.

Mr. Horan stated that a resolution of appreciation should be passed for Arden.

Mr. Austin talked about Arden's leaving and her role in providing the Board with regular reports and making information available. He then discussed this month's staff report. He said that the Department was in flagrant violation of the standards in the Prison Wards. He further stated that Mr. Finnegan has indicated the Department's intention to come forward to us with variance requests for these facilities.

Mr. Tufo said to remember that the compliance report only shows where there is not compliance and not where there is compliance.

Mr. Smith stated that the problem at the Prison Wards resulted from their dependance on Health and Hospitals for what they get.

Ms. Goldstein spoke about the lack of progress the Department has made with hiring staff for the grievance procedure. The Chairman proposed that a letter be sent to the Department expressing concern over the implementation status of the grievance grant and requesting a time line for performance of pre-implementation tasks and implementation at HDM and Queens.

Mr. Austin stated that on page three of the staff report, the first line should read: Three correction officers...

Mr. Cleary added that regarding the telephones, Mr. Finnegan reported that phones will now be installed within three weeks in C-76. He also stated that recreation is now being given for the ARDC and HDM overflow at C-71.

A briefing session prior to the Rikers Island hearings was tentatively scheduled for September 5, 1979.

Mr. Tufo asked if Board members can try and visit the jails in the next few weeks.

The meeting was adjourned at 3:45.