

MINUTES

MARCH 26, 1979 MEETING

BOARD OF CORRECTION

A regular meeting of the Board of Correction was held on Monday, March 26, 1979, Room 1629, 33 West 42nd Street, New York City, Graduate Center at City University, 1:30 P.M.

Board members present were John Horan, Vice-Chairman, Angelo Giordani, David Lenefsky, Wilbert Kirby, Jack Poses, David Schulte, and Rose M. Singer.

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

John Horan served as Chairman of the meeting and Arden Culver served as Secretary.

The Chairman called the meeting to order at 1:40 P.M.

David Lenefsky asked that his absences from the February 22 and 27 meetings be excused absences. Mr. Schulte moved that these absences be excused. Mrs. Singer seconded the motion. The motion was approved. Mr. Austin asked for questions, corrections, or amendments to the minutes of the February 22 or 27 meetings. Mr. Kirby moved that the minutes for these meetings be adopted. Ms. Singer seconded the motion. The minutes for the February 22 and 27 meetings were adopted unanimously.

Mr. Horan thanked Mr. Poses for providing the meeting space. He then introduced two new staff members: Ruben Estrada, a compliance worker, and Father Harrison, a member of the minimum standards unit.

Michael Austin stated that Ms. Fernanda Eberstadt had also joined the field unit as a volunteer but was not present.

Mr. Horan explained that Sandra Durant had withdrawn her candidacy for reasons of health, and that the search would have to resume for someone to fill the position of director of the minimum standards unit.

Joseph Smith reported on the recent unusuals. He stated that there had been no suicides during the past month but that one had occurred immediately prior to the Board's February 27, 1979 meeting. Stanley Sunic committed suicide at the C.I.F.M. on February 23, 1979. Cause of death has been confirmed by the Medical Examiner as affixation by drowning. Sunic was to have been released the Monday subsequent to his death. Therefore this suicide again came within the four-day crisis period which becomes operative upon entry, transfer, and prior to release.

Joseph Smith next reported on two recent escapes. On March 7, 1979, Fred Kolman, a 57-year-old white male cut his way out of the 5th floor bathroom window in the Rikers Island Hospital with a jeweler's saw. He attempted to lower himself with a rope and fell. He is still hospitalized having suffered extensive internal injuries. He was discovered by the outside patrol with \$160 in his possession.

On March 11, seven prisoners escaped from Block 3 of HDM by burning and knocking out a window. The escape was discovered by Headquarter's perimeter patrol at 8:30 P.M. By 11 P.M., five of the seven were found. The other two were found on the island the next morning posing as telephone repairmen. Three of the seven were State prisoners.

There was a notice in the general office that one of the seven was an escape risk, and one other was mentioned as an escape risk in his probation report. This information was not communicated to the block.

Mr. Schulte questioned the fact that the windows had no bars and stated that if the material being used instead was not secure, then perhaps the Board should make a recommendation.

Joe Smith stated that the Department would be responding on its own but that field staff would monitor this situation closely with a view toward making a recommendation to the Board.

Mr. Lenefsky asked whether the Prison Death Review Board was investigating the death of Stanley Sunic.

Michael Austin indicated that the Prison Death Review Board would not be in a position to consider so recent an incident and that, further, the board was in the process of being restructured. He stated that, in fact, a draft Executive Order restructuring the Prison Death Review Board had been prepared by Deputy Mayor Sturz's office which relied heavily on the Board of Correction's input.

Joe Smith reported on a situation at the Bronx House of Detention in which on March 14 cut bars were noticed by correction personnel. The CERT team searched the institution and found only marijuana.

A discussion followed on escapes and Joe Smith suggested that reducing the population at HDM would reduce the number of escapes. The current census is 1900.

It was pointed out that it is taking two months to move sentenced prisoners to State facilities when it should only take 10 to 14 days. At HDM there are 200-300 State-eligible inmates; system-wide, there are approximately 500.

Michael Austin said that the Board had written Richard Hongisto, Acting Commissioner of New York State's Department of Correctional Services, last fall regarding the transfer of State-ready prisoners. The response had been that there was no available space in the State system.

Mr. Horan suggested that it might be a good idea to keep on record by writing Acting Commissioner Hongisto again.

Mr. Lenefsky stated that the Board must get a recommendation from staff as to how to proceed about the overcrowding problem at HDM. Discussion followed.

Joe Smith next reported on the recent dismissal of 51 Prison Health doctors assigned to Rikers Island. He stated that the Department had come up with creative alternative plans: increased referrals to hospital facilities, etc., and that in the long run the quality of health care might improve.

A general discussion followed about Dr. Miller's report and the public hearings on mental health. Michael Austin stated that Dr. Miller had indicated that he had a number of projects underway but that it was still his intention to provide the Board with a comprehensive report. Staff would then use the report as a source document for the public hearings.

Mr. Schulte asked what the Board intended to do about the shackling of inmates to beds. Michael Austin suggested that if it were agreeable to Mr. Schulte, this would be taken up at the public hearings.

Mr. Horan next asked about the grievance grant.

Mr. Austin reported that the grant had been approved at the February State Crime Control Board meeting and that staff had been in contact with the Department regarding tasks to be initiated during the pre-implementation stage of the grant. He also said that Peter Tufo had written to Bernard Goldstein of the Association of the Bar regarding the Association's participation in the appeals process. Michael Austin mentioned that he had appeared before the Citizens' Policy & Complaint Review Council of the State Commission with respect to the grievance procedure. He indicated that individuals on the Council expressed interest in taking a more active role in the New York City grievance process.

Michael Austin reported that the Division for Youth had recertified the Juvenile Offender Detention Center through April 15, 1979, and that meetings were still being held with the Deputy Mayor's Office to develop a classification system. Presently, there are four social workers and four teachers at the Juvenile Offender Detention Center. The March 19 census was 61.

Sherry Goldstein spoke next about the classification system at the Correctional Institution for Women. She said it was hampered by a lack of space and a shortage of personnel. An inmate is classified without seeing anyone from the mental health unit of Prison Health Services unless the court record has some mental health notification or someone notices unusual behavior.

Ms. Singer said that she had been asked to serve on the classification board and that while she was willing to serve in this capacity, she would need to have better transportation than that furnished by the Department of Correction.

Michael Austin stated that the classification system functioning at the Correctional Institution for Women was not a sophisticated system. However, he recommended that the Board should not press now for such a system at either HDM or the C.I.F.W. until planning begins for new institutions. Mr. Schulte commented that if a classification system could not be made to work at the C.I.F.W., it would never work anywhere.

Sherry Goldstein recommended that everyone be required to be seen by the Prison Health Services mental health unit before appearing before the classification board, similar to the procedure for medical clearance. Records would then be available or a mental health staff member could be available at the meeting. Department staff indicated that there is presently no communication between the mental health unit and the Department of Correction.

Mr. Horan stated that it was up to the Board to attempt to bridge this communication gap.

Mr. Schulte said the whole classification effort was an exercise in futility if the women were to be moved to the Bayview Facility. He stated that the Board should put itself on record as objecting to the transfer from the Correctional Institution for Women to another facility.

Michael Austin next raised the subject of the Service Analysis Unit. He stated that Ken Schoen and OMB staff had expressed interest in such a unit because the work product derived could provide substantial assistance to them. In addition, during a period of fiscal crisis, it is appropriate to take a hard look at the cost-effectiveness of services being provided by the Department and, further, that this basic work could provide a sound basis for new planning.

Michael Austin stated in regard to the optional lock-in variance that it was necessary to consider it at today's Board meeting since the variance would expire on March 31, 1979. He indicated that it was again staff's recommendation to extend the variance to July 1, 1979, to give staff further opportunity to monitor the Department's compliance and hopefully to review Dr. Miller's input on this subject.

Mr. Schulte asked if Dr. Miller had been requested to include material in his report on optional lock-in. Mr. Austin responded that he had.

Mr. Kirby asked if it would be possible to closely monitor the variance. Joseph Smith stated that it could be done.

Michael Austin indicated that staff had not had an opportunity to monitor compliance with this variance to date because the Department had not yet begun to follow the procedure set forth in this decision. Joe Smith indicated that the substance of the variance decision had not yet filtered down from central office to the field.

Mr. Schulte made a motion to extend the variance to July 1, 1979. Ms. Singer seconded the motion. The motion was approved by the Board, with Mr. Kirby in opposition.

Paul Silver and Charles Silverman of Gruzen & Partners, Inc., and Dave Bogard of the New York City Corrections Planning Project in the Office of the Deputy Mayor for Criminal Justice were then introduced to the Board to discuss the proposed renovations to the Tombs. Mr. Bogard apologized for Ken Schoen's absence, explaining that he was ill.

Dave Bogard said they had received the Board's comments and had been meeting with the Department of Correction and Gruzen & Partners almost daily to try to incorporate the suggestions of the Legal Aid Society, Board of Correction, Department of Correction, as well as those of his own office, into the revised plans.

Mr. Horan stated that the Board wanted to be satisfied that compliance with the minimum standards would be achieved. Michael Austin asked for a description of the changes resulting from the revisions.

Michael Austin stated that in the original plans provision had been made for four-bed units which could ostensibly be used to house mental observation cases; that the revised plans had eliminated these four-bed units; that all housing areas now have single cells; and that none are specifically designed for mental observation.

A lengthy discussion followed on the issue of using single cells or dormitory space for mental observation cases.

Michael Austin stated that in a conversation with him, Ken Schoen had indicated his office would be looking into the literature to obtain expert opinion on the issue of the use of dormitory space versus single cells for mental observation. Dave Bogard stated that both the American Medical Association and Dr. Miller had stated that a single cell with adequate supervision was preferable; without adequate supervision, a dorm was preferable.

Mr. Schulte stated that extra staff would be needed if single cells were used and that there was a greater chance that a suicide-prone inmate would try to commit suicide in a single cell.

Mr. Kirby stated that at Bellevue Hospital Prison Ward dorms were used: it was felt to be more secure; Mr. Lenefsky stated that he was not convinced single cells were the best housing for mental observation cases. Mr. Horan then asked Mr. Silver whether he, as an architect, would care to express an opinion.

Mr. Silver replied that the evidence was inadequate. ✓

Mr. Horan asked if the question were resolved in favor of the use of dormitories whether or not this would pose a design problem.

Mr. Silver indicated there would be no problem.

Joseph Smith asked whether Jerry Miller expressly stated what his preference was. Dave Bogard stated that Jerry Miller had recommended that mental observation cases be placed wither in single rooms with proper supervision or dormitories. Michael Austin commented that when he and Joe Smith had raised the question with Dr. Miller, Dr. Miller had recommended dorms without qualification.

Joseph Smith asked whether Jerry Miller expressly stated what his preference was. Dave Bogard stated that Jerry Miller had recommended dorms without qualification.

Mr. Lenefsky asked why the capacity of the new plans showed a reduction from 461 to 418.

Mr. Silver stated that lost space due to the physical configuration of the building was partially responsible. In addition, the capacity had to be reduced in order to meet all minimum standards.

Mr. Lenefsky stated that a facility built to house 400 people would be filled rapidly and said it appeared to be a large amount of money for such a small number of beds.

Mr. Silver replied that this was not an architectural question. There were economic justifications for recycling the building. The demands of court decrees, minimum standards, and law were responsible for the size.

A discussion followed on the 400-capacity figure and possible ways to increase it.

Dave Bogard stated there were 1200 Manhattan detainees in HDM. Of that amount, 400 would be housed in the renovated Tombs and 800 could be housed in a new proposed facility on White Street, across from the Tombs.

Michael D. Cleary stated that federal guidelines restricted program funding to institutions with populations under 500 and that this fact should be kept in mind in future planning. ✕

A discussion followed concerning the size of the visiting area and whether size would permit each inmate to have three visitors at the same visit, as required by the minimum standards.

Mr. Silver suggested that the probability that all inmates would have three visitors at the same time was slight.

Mr. Kirby said there were no real statistics on whether or not the probability is slight since inmates have never before been permitted three visitors per visit.

Mr. Schulte stated that it was quite possible that three people would visit the same inmate at the same time.

Mr. Lenefsky suggested that visiting patterns in other boroughs should be studied.

Mr. Silver said that since visiting was heavier in Manhattan than in other boroughs, a comparison would not be fruitful.

Michael Cleary then asked about the recreation areas.

Mr. Silver replied that there were five spaces set aside for recreation in the building, counting the two rooftop areas as one. Three of these were activity areas, 100 square feet each, located in each of the mini centers, which were designed for energetic activities (e.g., weight lifting and punching bags) rather than organized sports. The rooftop area and a deck to be built between the Criminal Court Building and the Tombs would provide outdoor recreation for organized sports. The rooftop area will have 20-foot-high walls curved at the top covered by a mesh patterned in six foot by six foot squares and open to the sky.

Michael Austin asked about the law libraries and whether or not the decentralized libraries would contain all of the needed books.

Mr. Silver replied that the central library in the middle unit would contain all the voluminous reports and the other libraries would each have all the codes and statutes. He said it would cost more to move inmates to one library than it would for the duplication of books in three libraries.

Questions were then raised about telephones, showers, provisions for emergency situations and religious services.

Mr. Silver replied that the schematics for the telephones were not finished; the showers would be single occupancy; the building was compartmentalized for evacuation in an emergency situation; and religious services would be held in multi-use space.

A discussion followed on whether or not the control booths on each floor would be enclosed. Dave Bogard stated there had been strong internal debate on the issue.

Michael Austin inquired whether there would be, as a next step, a written document revising the original plans and, if so, whether it would take into account the Board of Correction's questions, addressing each of the minimum standards.

Paul Silver replied that Gruzen & Partners planned to reissue an updated document responding directly to the questions of all parties.

Mr. Lenefsky asked when the document would be finished.

Mr. Silver replied the middle of next week.

Dave Bogard stated that work still has to be done regarding mental health and visiting.

Mr. Schulte thanked Messrs. Bogard, Silver and Silverman for their presentation.

The meeting was adjourned at 3:50 P.M.