

MINUTES

October 29, 1982

Board of Correction

A regular meeting of the New York City Board of Correction was held on October 29, 1982 at the office of Tufo & Zuccotti, 645 Madison Avenue, New York City.

Board members in attendance included Chairman Peter Tufo, Vice-Chairman John Horan, Angelo Giordani, Wilbert Kirby, David Lenefsky, David Schulte and Rose M. Singer. An excused absence was approved for Barbara Margolis.

Board staff in attendance included Michael Austin, Michael Cleary, Judith LaPook, David Johnson, Sherry Goldstein and Barbara Treen.

Peter Tufo called the meeting to order at 2:45 p.m.

Sherry Goldstein acted as secretary.

The minutes of the previous meeting were approved.

Peter Tufo presented Rose M. Singer with a corsage from the Board in honor of her twenty-fifth anniversary on the Board of Correction, and expressed the Board's gratitude for her dedication and service to the City.

Judith LaPook reported that a lawsuit was filed by the Legal Aid Society concerning conditions at the Rikers Island Infirmary. She noted that several of the claims are based on violations of the Board's Minimum Standards, and that therefore the Board could have an important role in moving the City toward settling some of these issues.

Michael Austin reported that Board staff has prepared a submission to the Prison Death Review Board regarding the impact of overcrowding on the delivery of health care services. The Review Board would incorporate that submission in a report to be transmitted to the Office of the Criminal Justice Coordinator.

Peter Tufo then described the hostage situation at Kings County Hospital, to which he, Dave Johnson, Rolando Torres, Alison Estess and Michael Cleary had responded. He expressed his observations as to the factors which contributed to the escape. Mr. Tufo directed Board staff to incorporate an analysis of this incident into a follow-up report to last year's safety and security report.

At this time First Deputy Commissioner Richard Koehler, Chief of Operations Jacqueline McMickens, Deputy Commissioners Sharon Keilin and Ellen Schall, and Director of Administration Nandita Dhar from the Department and Ted Katz from the Legal Aid Society's Prisoners' Rights Project joined the meeting.

Deputy Commissioner Koehler discussed the Department's request for an amendment to the Standards to permit a reduction in the number of visits per week. He reported that the pilot at ARDC "went very well" and that it was given necessary attention to assure it did well. He acknowledged that expansion of the pilot to AMKC might require the elimination of escorted movement, but asserted that with high level attention from the Department's central office, it would work. Mr. Tufo asked how much additional delay in the visit process escorts would add. Commissioner Koehler responded that they hadn't done a final analysis.

Mr. Schulte asked what the potential savings were from the proposed amendment. Commissioner Koehler projected a \$60,000 savings at AMKC and an overall savings of \$140,000 annually.

A discussion then followed as to the differences in the findings of the Department and Board regarding the visit pilot. It was noted that because fewer than the one in 20 visitors required by the Board were questioned, there was a much smaller data base than anticipated.

Ted Katz presented his argument against extension of the visit pilot. He argued that a substantial number of visitors were being deterred from visiting and that even using the Department's figures a significant number of visitors did not prefer the new schedule. Mr. Katz cited the stipulation in Benjamin v. Malcolm by the City that visitor access to Rikers Island was substantially inferior than off-island and that they had agreed to increase the number of visits within the existing schedule, rather than decrease the number.

Commissioners Koehler and Schall discussed the efforts the City has been making to improve visitor access to Rikers Island since that stipulation.

Mr. Tufo remarked that the central issue was not the fiscal argument, but rather that visiting is central to the emotional atmosphere of the prisons and that there is a demonstrable relationship between tension and visits. Since visits are a top priority for the Board, he would be reluctant to tamper with them. Any substitute must maintain minimum requirements.

Mr. Lenefsky asked whether the Department would conduct a trilateral survey.

Mr. Tufo suggested a pilot at a more typical institution than ARDC and that inmates and visitors might be questioned before it begins.

Mr. Schulte asked where the Department would save money if the Board denies the request.

Commissioner Koehler said they would reflect on doing a bilateral survey and expanding to AMKC.

Ms. LaPook asked about plans for a shelter on the Queens side of the bridge. Commissioner Keilin responded that the construction taskforce was doing emergency construction elsewhere but that the Department shared the Board's concern and would try to do something.

Mr. Tufo asked whether Commissioner Koehler was satisfied with the administration of the pilot project and Koehler said he was.

The possibility of a survey at AMKC was discussed.

Koehler then submitted a written request for an emergency variance to permit double-celling of sentenced inmates at C-76 during the Legal Aid strike. While the census had not risen since the strike began, the Department was concerned that it might increase over the weekend and during the Election Day period. He said that the alternative would be to put more beds in the already overcrowded sentenced dormitories. On the request of Mr. Tufo he then described the Department's plans for new space (Dorm 16 - 50 spaces; Dorm 18B - 50; C-76 - 80; ARDC - 50).

Ted Katz responded in opposition, arguing that the overcrowding was not a temporary crisis but a permanent state and that long-term solutions were necessary. He also emphasized that the Legal Aid strike had not yet caused any increase.

Ellen Schall described some population management efforts being made but reported that there are over 500 detainees who have already been convicted and have probation reports, who have been awaiting sentencing for over three weeks.

Ted Katz described existing standards and decree violations at C-76, and asserted that in hard times such as these the standards play their most critical role.

Koehler acknowledged the stress on services at C-76 and said the Department had submitted a request for an increase in program and support space.

Mr. Kirby described problems in the receiving room at C-95. He raised the possibility of double-celling detainees for their first seven days of detention.

Since time was limited, only a brief discussion was had regarding the workcamps, and consideration of the workcamps variance requests was tabled until the next Board meeting. The Department agreed to provide information previously requested to Board staff.

Mr. Tufo thanked the representatives of the Department and Legal Aid for attending the meeting.

The Board then considered the Department's request for an amendment to the Standards to permit double-celling of sentenced inmates at C-76. The request was denied by unanimous vote.

The Board considered the Department's request for an emergency variance to permit double-celling of sentenced inmates at C-76 during the Legal Aid strike. Staff was directed to inform the Department that while the Board appreciated their advance notice of an anticipated problem, since the census

had not yet increased during the strike, the emergency variance could not be granted at this time. Further, it was noted that emergency variances could only be granted in five day increments. Staff also was to assure the Department that an emergency request received once the census did increase would be considered expeditiously.

The Board also considered the limitation in the Standards on the number of times an emergency variance may be renewed. The consensus was that this was an unnecessary restriction. Staff was directed to notify the necessary parties of the Board's intent to consider an amendment to that standard and provide them with an opportunity for comment.

The Board then discussed the Department's request for an amendment to the visiting standard. It was decided to permit the Department to continue the pilot at ARDC and conduct a new survey with the Department to obtain accurate and up-to-date data regarding visitor and inmate preference, impact on waiting time and actual length of visits.

The meeting was adjourned at 5:00 p.m.