

MINUTES
BOARD OF CORRECTION
OCTOBER 4, 1983

A regular meeting of the New York City Board of Correction was held on October 4, 1983 at the office of the Board of Correction, 51 Chambers Street, New York City. The meeting was called to order at 1:50 p.m.

In attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Mr. Wilbert Kirby, Mr. David Lenefsky, Mrs. Barbara Margolis, Mr. David Schulte, and Mrs. Rose M. Singer.

An excused absence was approved for Mr. Angelo Giordani.

Board staff present were Michael Cleary, Barbara Dunkel, Alison Estess, David Johnson, Laura Limuli, Deirdre Nurre, Rolando Torres, Barbara Treen and Richard Wolf.

Chairman Peter Tufo welcomed invited members of the Department of Correction, First Deputy Commissioner Peter Seitchek and Robert Goldman, Deputy Commissioner for Program Services and Legal Policy.

Chairman Tufo introduced Barbara Dunkel, former Department of Correction Assistant Commissioner for Planning, Research and Information Systems, as incoming Counsel to the Board of Correction.

Chairman Tufo opened discussion on plans for use of the Manhattan House of Detention (Tombs), and the forthcoming reimposition of the population limits at HDM and AMKC by

Judge Lasker. Chairman Tufo informed the members of the Department that several variance questions remained outstanding. Commissioner Seitchek offered to submit a written report to the Board, or appear before the Board, on all outstanding variances.

Chairman Tufo requested a written report on the status of the ARDC visiting project, to be discussed at the next Board meeting.

Commissioner Seitchek reported that a decision on use of the Tombs would be made in conjunction with a ruling on the City's motion to compel the State to accept from DOC approximately 150 State prisoners. Commissioner Seitchek stated that a proposed release order would be reviewed by Judge Lasker. Contingency planning continues as the population is rising. Commissioner Seitchek reported that the population is at 10,239. It had been 10,174 last week, and 10,165 the week of September 13. The Department expects the population to rise and peak in November, with peak population periods occurring on weekends. Plans to accommodate the rising population have included possible use of the Tombs. The Tombs may be used to house either intermittent sentenced inmates or sentenced work cadre inmates, or some combination thereof. If housed in the Tombs, this population will only use Mini-Center A, and only on a relatively temporary basis. Housing a sentenced population in the Tombs is optimal, because sentenced inmates involve less of a demand for service

requirements, and sentenced inmates are currently working on the Tombs renovation. Only medically screened inmates would be housed in the Tombs.

Chairman Tufo asked how the Department would determine when an acceptable safety level had been reached at the Tombs, thereby permitting its use to house inmates. Commissioner Seitchek reported that the Department plans to meet safety and security needs through a temporary assignment of increased staff. Automatic lock-in/lock-out devices are as yet inoperable.

Chairman Tufo asked if the Fire Department had determined that the facility met adequate fire safety standards. DOC has requested that the Fire Department review the Tombs fire safety plans. Problems persist with the smoke purge system.

Mr. David Schulte said that it was unclear how bringing sentenced inmates to the Manhattan Tombs could relieve detainee overcrowding. Commissioner Seitchek answered that a series of adjustments in Rikers Island housing space could be made, including the creation of additional detention spaces at the North Facility.

Chairman Tufo inquired about the provision of several basic services to which the Department provided responses:

Bedding: DOC supplies will be sufficient.

Telephone: The emergency telephones which have been installed can service both inmates and staff.

Recreation: Tombs inmates will be transported to the Brooklyn House by bus for recreation.

Visiting: Inmates will be transported to Brooklyn for visits.

Food: Food will be cooked in the kitchen of the Correctional Institute for Women on Rikers Island and transported to the Tombs. Systems and equipment for warming the food at the Tombs have not yet been decided upon.

Medical: A nurse will be on duty 16 hours a day.

Physician: Nursing staff may be sufficient for most situations. Emergencies will be sent to Beekman Downtown Hospital.

Mr. Wilbert Kirby inquired about the contingency measures which DOC plans in case the Legal Aid Society gets an injunction barring use of the Tombs. Commissioner Seitchek answered that the judicial order to release inmates will be the final contingency. Chairman Tufo stated that Judge Lasker considers ordering the release of sentenced inmates as outside his jurisdiction and that therefore any application for such relief made by the Department would have to be made in state court. Chairman Tufo further stated that although Judge Lasker has no jurisdiction over sentenced inmates, he will not reject release of inmates through the state courts or via a furlough program.

Ms. Barbara Margolis asked for the date of the opening of the Tombs as a fully functional jail. Commissioner Seitchek reported that the date would come between mid-October and late November. If the computer system is delayed, then the facility cannot be operated as a fully operational jail for some time. If the computer system functions accordingly to plan, the Tombs can operate as a functional jail for 200 or more inmates in 3 to 6 weeks. Thirty-three (33) cadre inmates will be housed at any given time. Sentenced inmates housed in the Tombs before it is functional will

be informed of the Tomb's conditions and asked to sign a waiver, agreeing to accept substandard conditions. The DOC does not anticipate that recruitment of inmates will be problematic.

Chairman Tufo inquired as to what objections the Correction Officers' Benevolent Association had made. Commissioner Seitchek reported that no objections had been made to the DOC, but that a press conference had been held on working conditions in the Tombs. Commissioner Seitchek stated that when COBA brings its concerns directly to DOC, these concerns will be dealt with.

Chairman Tufo asked why DOC had not informed the Board of contingency plans it had made to open the Tombs during the past weekend. Commissioner Seitchek stated that had the Tombs been opened, the Board would have been notified.

Chairman Tufo expressed concern about the notice question. He stated that the housing crisis due to overcrowding has existed for over two years and that alternate housing plans should be discussed with the Board in advance of implementation.

Commissioner Goldman replied that the continuing emergency prompted constant contingency housing plans which were subject to discard or implementation subject to population pressures. Because the Department was working so close to the margin, it was impossible to predict even before a weekend whether emergency measures were necessary. He asked the Board for its suggestions.

Chairman Tufo stated that the Board continued to be opposed to indiscriminate release of inmates. However, he suggested that the idea of furloughing inmates who had served six (6) months of their sentences should again be considered. The grant of 72 hour weekend furloughs could ease the weekend population highs.

Commissioner Seitchek stated that the yield from this plan would be minimal.

Commissioner Seitchek reported that opening the Tombs would not solve the Department's population problem on a permanent basis. Once the Tombs is filled, the same population management choices must be considered.

Mrs. Margolis inquired about the feasibility of acquiring existing structures that could be converted to jails. Commissioner Seitchek reported that the use of additional structures such as hospitals or schools raises political, renovation, and land use problems. Mr. Kirby recommended that the Branch Queens structure, which has housed Mental Observation inmates, be reconsidered as an emergency facility to house 300 persons.

Commissioner Goldman stated that a larger population management problem is that criminal cases cannot be adjudicated in a timely fashion. Chairman Tufo asked for the number of persons who have awaited sentences more than three (3) weeks. Commissioner Seitchek reported that the number was approximately 550. The Department is also experiencing a rise in the sentenced population.

Chairman Tufo thanked the members of the Department for their presentation.

The next meeting was scheduled for November 1, 1983 at
12:30 p.m.

Meeting was adjourned at 3:10 p.m.