

Board of Correction  
Minutes  
January 15, 1987

A regular meeting of the New York City Board of Correction was held on January 15, 1987, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Judge William Booth, Wilbert Kirby, Barbara Margolis, and David Schulte. Excused from the proceedings were Angelo Giordani, David Lenefsky, and Rose Singer. The meeting was called to order at 2:25 p.m.

Executive Director Richard Wolf informed the Board that Mrs. Singer had been injured, and therefore, was unable to attend the meeting. This is the first meeting Mrs. Singer has missed in 29 years.

Chairman Robert Kasanof informed the Board that a recent homicide in AMKC had not been properly reported. He stated that the circumstances surrounding the homicide are troublesome, and he has had several conversations with Bronx District Attorney Mario Merola about the matter, which is under investigation.

Chairman Kasanof told the Board that he and Mr. Wolf met with Commissioner Koehler, and told the Commissioner that excessive use of force by correctional staff remains an unresolved problem. The Commissioner stated that he intends to develop a method of systematic reporting of these incidents to a central monitoring unit.

Chairman Kasanof informed the Board that the number of inmates in the system has risen dramatically, yet there is still no analytic mechanism to predict these changes in population. The Chairman suggested that the Commissioner hire someone with analytic capabilities to develop such a mechanism.

Chairman Kasanof stated that Commissioner Koehler had called him recently to express concern about the Board's decision not to allow the Department to house detainees in the Brig. The Commissioner had asked the Chairman for leave to house detainees at the Brig until he had the opportunity to make further presentations to the Board. Chairman Kasanof agreed.

Mr. Wolf described the variances the Department is seeking. If granted, the variances would permit the Department to house state inmates in the North Facility, to

increase the population cap at CIFM, and to put detainees in the Brig.

At 2:40 p.m., the following members of the Department joined the meeting: Commissioner Richard Koehler, Deputy Commissioner Sharon Keilin, Deputy Commissioner Janie Jeffers, General Counsel Robert Daly, Assistant Commissioner Dora Schriro, and Brig Warden Thomas Laveglia.

Chairman Kasanof stated that the Board would evaluate the variance request for the Brig in light of the fact that the Department originally put detainees in that facility without Board approval. By putting detainees in the Brig without a variance, the Department ignored Board standards, failed to ask for Board input, and acted without Board consent. Mr. Daly had informed the Board at the last meeting that this situation will not recur, and the Chairman asked the Commissioner to personally reassure the Board of this. Commissioner Koehler gave his assurance to the Board that the Department will never again take action which requires a variance without Board approval.

The Commissioner informed the Board that the population has increased dramatically since the last meeting, and the system is now at 106% of capacity. The Department is requesting new variances to create sufficient flexibility within the system so that the expected increase in the inmate population can be dealt with without putting excessive strains on inmates and staff.

Commissioner Koehler stated that, since October, when the riots occurred, conditions at CIFM have improved considerably. A new warden and deputy warden for security have been appointed. All captains and correction officers in the facility are receiving advanced training in alternatives to the use of force, and a new system has been designed to monitor uses of force in the facility. In addressing the Fisher lawsuit, the Department negotiated with OMB for additional staffing in CIFM. The Department has permission to add 52 officers as the density of the jail increases. The probationary period for officers has been increased to 18 months. Additional clinic space has also been added to the facility.

Commissioner Koehler informed the Board that the CIFM warden recently suspended an officer for excessive use of force and that he fired a probationary officer from that facility for the same reason. Koehler stated that these incidents demonstrate the Department's commitment toward reducing excessive use of force by correctional personnel.

Chairman Kasanof stated that CIFM has 2083 beds at standard. The Board previously granted the Department variances raising the population cap at that institution to

2450 and then to 2550 (approximately 120% of capacity). To increase the population beyond 2550 would create a very dangerous situation in the jail. Chairman Kasanof asked the Commissioner how many inmates he now requests permission to house at CIFM.

Commissioner Koehler stated that he wished to increase the population cap to 2800, while the jail is monitored on a daily basis by both Board and Department staff. Commissioner Koehler reiterated his statement that conditions at CIFM are much improved, and further stated that the other alternatives for dealing with the increased population are less attractive than the Department's current proposal. The Commissioner told the Board that increasing the capacity at CIFM and housing more detainees in the Brig were the best and safest ways of absorbing the extra population.

Chairman Kasanof stated that CIFM would be operating at a rate of 140% of capacity, when most experts consider that 110% to 115% is dangerous. The jails are not infinitely elastic. At some point, the Department must find other methods of dealing with the increasing prison population.

Commissioner Koehler informed the Board that the Department will be adding 400 beds in February and 350 in March. He stated that since the Department's population projections have been inaccurate, he cannot tell to what extent these additional spaces will alleviate overcrowding.

Chairman Kasanof recommended that the Commissioner hire someone to help predict inmate populations.

Mr. Schulte asked the Commissioner to describe the Department's options should the Board not grant the variance for CIFM. The Commissioner stated that the Department would open up more Lareau dorms in the North Facility and house more parole violators in CIFM at 40 square feet.

The Commissioner informed the Board that variances for the Brig and CIFM are closely linked. He stated that by housing more detainees in the Brig, the total Brig population decreases. At present, Brig dorms house 44 sentenced inmates or 33 detainees. If the Department could convert more dorms into detainee housing, the total population in the facility would be reduced. The Commissioner asked Deputy Commissioner Janie Jeffers to talk about the progress of the outdoor recreation program at the Brig.

Deputy Commissioner Jeffers stated that the recreation time for detainees who make the trip to Rikers Island has been increased from an hour to an hour and a half. Detainees are also offered outdoor recreation at Manhattan

HDM twice a week. The Brig has appointed a recreation director to help motivate inmates and has started to announce recreation times over the loudspeaker to aid illiterate inmates. Deputy Commissioner Jeffers reported that the number of inmates going to outdoor recreation has increased despite the inclement weather.

Mr. Wolf informed the Board that, of the average of 211 detainees housed daily at the Brig from December 4, 1986, to January 11, 1987, fewer than two attended outdoor recreation each day.

Brig Warden Thomas Laveglia stated that from December to January, the facility kept the same number of detainees going to outdoor recreation despite cutting the detainee population in half. Deputy Commissioner Janie Jeffers told the Board that the facility is now rotating the recreation schedule in an attempt to improve recreation attendance.

Deputy Commissioner Sharon Keilin reported that on January 12, the special task force began putting the new toilets and sinks into the Brig. She informed the Board that the project would be completed in less than a year, a little earlier than was originally reported. However, installation has not yet been completed in any of the dorms. Deputy Commissioner Keilin also reported that the work on the rooftop recreation area has been started and should be completed by June 1, 1987.

Chairman Kasanof stated that these projects, which have only just begun, lend scant support to the Department's arguments in favor of an immediate variance for the Brig. Mr. Wolf asked the Commissioner if the staffing patterns at the Brig could be altered so that the doors to the dorms could be left open, leaving inmates with free access to toilets.

Commissioner Koehler responded that this would require a considerable amount of officer overtime, and since the Department is already understaffed by 400 people, he is unwilling to place staff under more pressure.

General Counsel Robert Daly stated that the burden is on the Department to demonstrate that it can handle increasing numbers in CIFM and more detainees in the Brig. The Department is subject to the monitoring of Board staff.

Mr. Daly explained to the Board the Department's reasons for requesting a variance permitting it to house state inmates in the North Facility. He stated that this variance would give the Department more flexibility, and allow it to house the most troublesome population in the best facility.

Mr. Wolf asked the Department why it is not making use of 576 beds made available for state inmates by variances previously granted by the Board. Commissioner Koehler responded that placing state inmates in those beds would create extra tension in the system.

Judge Booth asked the Department about a recent case of an inmate, who should have been released under 180.80 of the Criminal Procedure Law (CPL), but who in fact remained in custody. Mr. Daly responded that this was not an isolated case and that he has met with Judge Andrias and Chief Clerk Arthur Reilly to discuss the problem. A form is being developed to ensure that the Department is informed whenever an inmate is scheduled for release under CPL 180.80.

Judge Booth also asked whether the Department has places within the jails to hold bail hearings to expedite the release of inmates. Mr. Daly responded that this is under discussion with the Criminal Justice Coordinator.

At 3:45 p.m., Chairman Kasanof asked the Department to leave the meeting.

Chairman Kasanof asked for a vote on a variance that would raise the population cap at CIFM to 2800. The Board voted 5 to 1 against such a variance (Mr. Schulte voted in favor).

Chairman Kasanof asked the Board to consider a variance that would raise the population cap at CIFM to 2650 with the provision that if the Board finds signs of increasing tensions within the jail, the Department will remove the excess population from the facility. The Board voted unanimously in favor of this variance.

Chairman Kasanof asked for Board staff's opinion concerning the Brig. Mr. Wolf stated that staff recommends that all detainees should be removed from the Brig.

Chairman Kasanof informed the Board that he would recommend that the Department be allowed to keep the present number of detainees in the Brig provided that the Department develops a rotation plan to limit the amount of time a detainee spends at the Brig and submits the plan to the Board in a month. The Board accepted this variance proposal unanimously.

The Board voted unanimously in favor of the variance permitting the housing of state inmates at 40 square feet.

At 4:05 p.m., the Department rejoined the meeting.

Chairman Kasanof stated that the Board will grant a temporary variance at CIFM that will raise the population

cap to 2650 on the condition that if the Board detects any signs of trouble, the Department will respond by removing the extra population within 30 days. He also stated that the Board granted the variance permitting the Department to keep the present number of detainees in the Brig, provided that in a month's time, the Department submit a plan for rotating detainees. Chairman Kasanof stated that the variance on the North Facility was also granted.

Commissioner Koehler stated that the Department needs extra detainee beds at the Brig, because there are few detainee beds elsewhere in the system. The Department will commit immediately to a rotational schedule for detainees, and will submit it for Board approval.

Chairman Kasanof informed the Department that the variances it is asking for are related to chronic, rather than emergency problems. He stated that when the Department submits a rotation plan, a phone survey of Board members can be taken to determine whether the Department will be permitted to increase the number of detainees housed in the Brig.

At 4:30 p.m., the Department left the meeting.

Chairman Kasanof stated the Department has not maximized the use of existing variances. The variances the Commissioner is asking for are for convenience, not necessity. He recommended to the Board that the variances previously voted on by the Board should be granted and that the Brig variance should be reconsidered when the rotation plan for detainees has been put forward. The Board agreed. The Chairman asked Mr. Wolf to inform the Department of its decision.

The minutes from the last meeting were approved, and the next meeting was scheduled for February 17, 1987.

The meeting was adjourned at 4:40 p.m.