

Board of Correction
Minutes
July 14, 1987

A regular meeting of the Board of Correction took place on July 14, 1987 at the Board's offices at 51 Chambers Street, New York. Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Wilbert Kirby, Barbara Margolis and Rose M. Singer. The meeting was called to order at 2:05 p.m.

Chairman Kasanof informed the Board that the Department will be naming the new East Facility in honor of Rose M. Singer. He pointed out that this is Mrs. Singer's 30th year as a member of the Board, and expressed the Board's appreciation of her long and faithful service and her steadfast dedication to the Board of Correction and to the improvement of conditions in the City jails. The other Board members warmly endorsed the Chairman's sentiments.

The Chairman informed the Board that the U.S. Attorney for the Southern District recently lost a jury case in which an officer was indicted for brutality against an inmate. However, the U.S. Attorney has indicted an officer for a 1983 Federal Civil Rights Act violation arising out of the disturbances in October 1986. The indicted officer has also been charged with two counts of perjury. Chairman Kasanof noted that U.S. Attorney Rudolph Guiliani, said this is the "first" indictment resulting from the investigation, which Mr. Kasanof noted was initiated by the Board. Chairman Kasanof pointed out that one of the staff members has been working in close cooperation with the U.S. Attorney. Further, he commended Carl Niles, Director of Field Operations, for maintaining confidentiality and a close relationship with the staff of the U.S. Attorney's office, and other prosecutors.

Chairman Kasanof proposed the creation of an outstanding merit award for Board staff, and asked Executive Director Richard Wolf to report on the creation of a formal program of recognition for staff. Chairman Kasanof praised staff for the assistance they gave the Bronx D.A.'s office, assistance which led to the indictment of an officer for homicide.

The Chairman reported on the Board's inquiry into allegations of discrimination by the Department in its promotion and treatment of correctional personnel, noting that this inquiry was being conducted at the request of the Guardians' Association. He stated that the Department has

been sluggish in responding to requests for information. Complete figures on disciplinary procedures within the Department have not yet been produced. Chairman Kasanof suggested that a small subcommittee be established to report to the Board as soon as possible. The inquiry should determine whether the Board should refer the matter to the Human Rights Commission, initiate further formal investigations itself, or conclude that the allegations are unsubstantiated. The Chairman asked Board members John Horan, Judge William Booth, and Angelo Giordani to serve on the committee, and requested that they report to the Board as soon as possible, perhaps at the September meeting.

Wilbert Kirby pointed out that by September most of the positions which are currently vacant in the Department would have been filled, and that the committee should therefore issue its report sooner. A number of openings for deputy warden will be filled by August. John Horan said that a report will be presented at the August meeting. Mr. Kirby stated that, of eight wardens who have been appointed by Commissioner Koehler, only one is black and that the Department's most important policy-makers are all white. Mrs. Singer pointed out that they are also all male. Chairman Kasanof stated that he intended to press the Commissioner for further information on this issue.

The Chairman announced that the staff would be reporting on a recent group of incidents in the jails. He stated that these incidents indicate that the system is overloaded, the staff is inexperienced and overworked, resulting a level of control in the jails which is inadequate.

At 2:35 p.m. Mr. Ron Davis, a reporter from N.Y. Newsday entered the conference room, and was welcomed by Chairman Kasanof who emphasized that Board meetings are open to the public.

Chairman Kasanof noted that the cluster of incidents occurred while the system is under severe strain, with a population of 14,930 on July 13, 1987. Chairman Kasanof noted that when he took the position as chairman, the population was 11,500.

Chairman Kasanof informed the Board that the state legislature has approved legislation which defines adolescents as persons 16-18 years of age, and which would allow the city to house sentenced inmates and detainees together. He noted that the Department had made no request for modification of the relevant standards.

At 2:40 p.m. members of the Department of Correction entered the meeting. Present were Commissioner Koehler,

Deputy Commissioner Julian Praeger and Special Counsel Jay Cohen.

Chairman Kasanof summarized his earlier remarks about the Southern District investigations, and then informed the Commissioner that he has asked Vice-Chairman John Horan to head a working group to report back to the Board on the request pending from the Guardians' Association. The Chairman pointed out that the Department has been sluggish in producing figures for the Board. He informed the Commissioner of the Board's concern that the recent promotions have resulted in a situation in which only one of the present wardens is black.

Commissioner Koehler suggested that the Board should examine the promotions he has made before announcing an investigation. Mr. Kasanof responded that the purpose of the working group was to conduct a preliminary inquiry to determine if an investigation is warranted. He further stated that, despite repeated requests, the Board has still not received from the Department all the information asked for. Commissioner Koehler stated that the Board would receive the information on disciplinary procedures during the coming week. He asked when the Board last spoke to the Guardians, and Mr. Wolf informed him that he had spoken to the Guardians' representative that morning. Commissioner Koehler continued that he felt an inquiry into the matter was absurd. Chairman Kasanof countered that this issue needs to be resolved and the working group will examine the relevant information to determine whether further investigation is warranted and if so, what form it should take.

As an introduction to the staff reports, Chairman Kasanof noted that the recent incidents highlight systemic problems which are exacerbated by overcrowded conditions.

Mr. Wolf described the July 3rd escape attempt from CIFW. Two adolescent males escaped from Dorm 1 by pretending they were members of the house work detail. Shortly after midnight they were let out of the dorm with three work detail inmates, and while a fight was staged at the back of the dorm to divert the officers' attention, they left through a side door in the corridor connecting the dorm to the main building. When the "A" officer let the work detail inmates back into the dorm, he failed to notice that only three of the five he let out returned. The officers failed to do a 4:00 a.m. body count, and submitted papers without noting that two inmates were missing. Alarms were triggered at 2:32 a.m. and 4:30 a.m., but no one noticed and it is possible the alarms did not sound. At 5:35 a.m., when seven inmates returned from breakfast, a count revealed two were missing. Identification procedures began and a search was then initiated. One of the escapees was captured on the

other side of fence near the dorm, and the other turned himself into the Rikers Island Control building after failing to swim across the river. Mr. Wolf cited the following problems: both officers in the housing area were probationary, proper count procedures were not followed, five inmates were let out of the dorm after 11:00 p.m. without a superior officer being notified, the alarm system malfunctioned and/or was not monitored, and one of the escapees had a prior escape charge, raising a question whether he was housed in the most appropriate area.

Commissioner Koehler informed the Board that he has asked the Warden for a full report.

Deputy Executive Director John Rakis summarized two incidents in HDM on July 3 and July 4 respectively. On July 3 two officers were suspended for excessive use of force. A verbal dispute erupted when an officer ordered an inmate off the phone. Two other officers came to investigate, and the inmate struck one of them. Two of the three officers then responded with punches and body holds. The facility concluded that the officers used poor judgment. They should not have entered an area with a hostile, threatening inmate without notifying a superior. They used unnecessary and excessive force, and one of them was in an unauthorized area.

On July 4th, nine inmates were returning to 1B from recreation. The facility had received "verbal indications" that there would be trouble, and so were returning the inmates two at a time. Two of the nine forced their way into the housing area, and refused to obey orders to leave. Other inmates rushed in and a fight ensued. The response team arrived and the situation was brought under control, but not before four officers had suffered puncture wounds, and in one case, a broken nose. A homemade knife was recovered in the housing area. Six inmates were rearrested by the 114th precinct and charged with attempted murder.

Mr. Wolf reported on the July 5th incident at CIFM. An inmate returning from the messhall went to a housing area other than his assigned housing area, apparently to see an intermittent inmate who was supposed to have brought in drugs for him. While speaking with this inmate, he became angry and started creating a disturbance. An officer told him to leave, but he refused. The officer then opened the gate to admit other inmates and asked the inmate in question for his ID card. The inmate took out a 3 1/2 inch paring knife and attacked the officer. One of three recreation officers who came to the officer's aid picked up a broom and struck the inmate. The handle broke and the inmate picked up a piece of it and used it as a weapon against the officers. One officer sustained a puncture wound, two

others received cuts and lacerations and one was hit with the broomstick.

This incident raises questions about search procedures (and, if the knife was institutional property, inventory procedures) and inmate movement between housing areas. The fact that the incident continued for approximately 4-6 minutes before the alarm was sounded, and that, after the alarm sounded, it was 6-10 minutes before the probe team arrived, raises further questions about officer training, and the adequacy of the alarm system.

Chairman Kasanof commented that the injuries suffered by the officers as a result of these incidents are a matter of great concern to the Board. He commended the Department's immediate response as sound and moderate, but expressed concern that these incidents might be early warning signs of an overloaded system, which is creating a substantial risk to the public safety. An inmate population of 14930 imposes a considerable burden on staff supervision and performance. There has been an increase in escapes and escape attempts, although most of these inmates were recaptured. However, following the recent escape of two murderers from the Queens House of Detention for Men, only one was recaptured.

Commissioner Koehler commended the officers for their discipline and self-control during the July stabbing incidents.

Commissioner Koehler informed the Board that he was delighted to report a considerable improvement in conditions at CIFM, the Department's most crowded facility. He cited a 15% decrease in violent incidents and a 24% decrease in use of force incidents. During the recent incident at CIFM, officers did not engage in any excessive use of force, and the Commissioner pointed out that this level of control on the part of the officers would not have been evident a year ago. Commendations will be given to the officers involved for an exemplary job.

Commissioner Koehler stated that the Department is in the process of expanding the punitive segregation unit at HDM. The new unit will be safer, and inmate movement within it will be restricted as much as possible. He emphasized that control has been maintained despite the stressful situation.

Commissioner Koehler then introduced Deputy Commissioner Julian Praeger, who heads the new Management Evaluation Division which has been established to provide executive staff with necessary information and conduct field inspections. Mr. Praeger summarized the Division's operational procedures for field inspections, noting that

each facility receives a self inspection manual, combining inspection and internal procedures with State Commission and BOC standards. The Division, which reports to the Commissioner and Chief of Operations, meets regularly with the Wardens and reviews Departmental Orders and Directives to improve their effectiveness and uniformity.

Mr. Praeger reported that a special task force to review practices, procedures and program services at CIFM had been set up. Each major operational area; Security, Administration and Programs was reviewed.

Attention was given to staff issues regarding overtime and sick leave. Overtime has been more equitably distributed, and no officer has to work overtime on a pass day. Between January to May, 1987 sick leave has decreased by 37%.

According to Unusual Incident Reports, total use of force incidents have decreased by 55.9%, and use of force incidents per inmate by 57.1%, between January and May of 1986, and January and May of 1987. Uses of force have decreased each month in comparison to last year's monthly figures.

Mr. Praeger pointed out that CIFM has the lowest number of use of force incidents per 100 inmates of all the major Rikers Island facilities (0.3% for the January - May 1987 period). Searches have increased by 400%.

There were no changes in the amount of drugs in the facility compared to last year's figures. The discovery of weapons has increased by 41.6% to 1.7 per 100 inmates. Mr. Praeger commented that CIFM has the lowest rate per 100 inmates of violent infractions, related injury reports and hospital transfers.

The mean processing time for new admissions is 8 hours, 3 of which are spent waiting for the medical evaluation. Visits have increased by 12% per inmate, and total visits have increased by 21%. There has been no increase in the time it takes to process visitors.

Inmate grievances remain stable at 2.1 per 100 inmates. Mr. Praeger cited a 39% increase in medical service visits. Inmates are receiving medical attention more regularly; contacts with medical staff per inmate have increased by 30%.

Commissioner Koehler expressed his delight that CIFM has been running well since the incidents in October.

Chairman Kasanof commented on the impressive picture presented by Mr. Praeger's analysis, but noted that the

Department needs to find ways of reducing its population. Pointing out that the present population is hovering at 1500, and may increase to 1600, he questioned whether the system could function as well as the statistics show, with another 1000 inmates.

Commissioner Koehler commented that the present statistics indicate that the system is functioning with existing variances. No further variances are being sought at this time. He pointed out that 1700 state prisoners are currently in the city jails, 500 of which should not be in the custody of the Department. The Commissioner informed the Board that he will be meeting with Lawrence Kurlander, the State Director of Criminal Justice to discuss this problem.

Commissioner Koehler expressed his concern that extreme overcrowding will occur long before he expected. The Department is working on various initiatives to combat the problem. A site in Manhattan where additional space can be built has been identified, and the City is negotiating to lease a former military barge from England. The Commissioner noted that the number of inmates in work release will increase to 300, and that the number of sentenced inmates receiving drug treatment will also increase to 300. It might be possible to persuade the courts to release some of the latter inmates on the condition that they receive treatment. The Department will be conducting intensive bail reviews and the Criminal Justice Agency will be advocating alternative dispositions for inmates.

Mr. Kasanof stated that the Board will help the Department to find ways of dealing with the overcrowding problem. However, he reminded the Department that it should expect no further variances, even if no solution emerges.

Commissioner Koehler announced the dedication of the new East Facility to Rose M. Singer in recognition of her 30 years of service. The facility is expected to open in the spring.

The minutes from the previous meeting were approved, and the meeting was adjourned at 3:00 p.m.