

Board of Correction
Minutes
June 9, 1987

A regular meeting of the New York City Board of Correction was held on June 9, 1987, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Vice-Chairman John Horan, Judge William Booth, Angelo Giordani, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte, and Rose Singer. The meeting was called to order at 2:30 p.m.

Chairman Robert Kasanof informed the Board that in response to a recent New York Times article criticizing the Board, he and at least one prosecuting attorney have written the Times to explain the Board's function and actions.

Chairman Kasanof stated that if the Minimum Standards are to have any enduring meaning, the Board must reduce the number of variances from the space standard. The Board cannot continually grant "emergency" variances without effectively abandoning the standards. The Chairman reported that he has heard from inmates, line officers, and ranking officers that the conditions in the jails are unacceptable. The Department and the courts must begin vigorously to pursue alternatives for dealing with the prison population other than continually requesting variances from the Board.

Chairman Kasanof proposed to the Board, as documented in a letter to the Board members, that the Board vote to reduce the variance beds by one half, or one thousand. The reduction in beds should take place in an orderly manner over the next three months so that by the end of the summer one thousand variance beds will have been phased out of operation. The Chairman reported that, according to Board and Department population projections, the proposed reduction would result in a shortfall of 500 beds in the fall; however, at that time, the Department may come back to the Board and make a request for additional variances.

Executive Director Richard Wolf introduced summer interns Nikki DeJesus and Andrew Schilling, legal intern Lyn Cotela, and computer specialist Jim Bennett to the Board. Mr. Wolf announced that Secretary to the Board Joseph Rubin would be leaving the Board to attend law school.

Mrs. Rose Singer asked that a staff report be presented at each meeting. Mr. Wolf assured her that this would be done.

At 2:45 p.m., the following members of the Department of Correction joined the meeting: Commissioner Richard Koehler, Deputy Commissioner Sharon Keilin, Deputy Commissioner Janie Jeffers, Deputy Commissioner Thomas Jacobs, General Counsel Robert Daly, Inspector General Dennis Cunningham, Assistant Commissioner Dora Schriro, and Department Advocate Bonnie Nathan.

Chairman Kasanof stated that the Board has warned the Department over the last month of its intention to reduce the number of variances. In August 1986, the Board started granting "emergency" variances from the space standard. Since then, the number of variance beds has increased to two thousand. Chairman Kasanof informed the Department that the Board's standards are permanent and the Department is ultimately expected, by adding space and pursuing alternatives to incarceration, to eliminate the need for all variances. He stated that he has proposed to the Board in a letter that the number of variance beds be reduced by one thousand, and asked that this letter become part of the record (see attached letter). If this proposal is accepted by the Board, Department and Board staff would work together to reduce the number of variance beds by one thousand by the end of the summer. Chairman Kasanof reported that, with this reduction, a shortage of five hundred beds is predicted for the fall. However, this issue will be confronted in the fall, when the Department will have the opportunity to express its concerns and seek additional variances. Chairman Kasanof pointed out that future variance requests will be considered in light of how the Department handles the jail population this summer, especially in regard to the use of force and the delivery of mandated services.

Commissioner Richard Koehler informed the Board that the present inmate population is 14,884 and that the Department's capacity at standard is 14,333. The population is expected to peak next October at a population of approximately 16,400 inmates. The Commissioner reported that between now and September the Department will be adding 500 beds, however, the inmate population will increase more rapidly than the number of beds. He stated that in fiscal year 1988 the Department will be adding 3,627 beds to the system, and the Department is negotiating to obtain the Falklands vessel and additional space in lower Manhattan. The Commissioner stated that the Department has been delivering the required services at each institution, and despite the increasing population, he has achieved his goal of operating a safe system.

Chairman Kasanof informed the Department that Board projections indicate that, if the Board were to take away one thousand variance beds on August 24, 1987, the Department would still have a surplus of 100 beds. However, by reducing the number of variance beds, the Board is

pressing the Department to pursue other options for dealing with the inmate population. If the Department finds it has insufficient beds for the inmate population, it may come back to the Board with variance requests.

Commissioner Koehler asked if the 250 Lareau-relief beds being taken away by Judge Morris Lasker would be included in the one thousand variance beds that the Board proposes to revoke. The Chairman assured him that they would be included, stating that the Board would not contradict a ruling of a United States District Court Judge.

Commissioner Koehler disagreed with the Board's population projections for the summer and fall, however, the Chairman responded that the Department's figures were very similar to Board staff's.

Commissioner Koehler proposed that his staff and Board staff work together to determine how the number of beds in the system can be reduced by one thousand. He also asked the Board members that before they vote on this reduction in variance beds he might have the opportunity to make a presentation demonstrating that the Department is able to handle increased system-wide demands for services while meeting the concerns for public safety.

David Lenefsky asked the Commissioner how long it would take the two staffs to determine how best to reduce the number of beds. The Commissioner responded that it would take about two weeks.

Chairman Kasanof emphasized that the standards must be enforced. The City agreed to the standard of 60 square feet for each inmate, and the Board cannot continuously grant variances limiting that space.

Commissioner Koehler responded that the Board is proposing to reduce the number of beds by one thousand, when the Department needs five hundred additional variance beds.

Chairman Kasanof stated that the Department has a considerable surplus of available beds and that when the Department shows a deficit in the number of beds, it may then come back to the Board and ask for additional variances.

David Schulte stated that he did not want any inmate being released to the street. The Chairman assured him that the reduction in variances would not lead to a release of inmates.

Barbara Margolis asked the Department if its staffing is sufficient to handle the expected increase in the number

of inmates in the fall. The Commissioner replied that the Department expected to be fully staffed by the fall.

Chairman Kasanof asked why overtime had increased at AMKC, ARDC, and CIFW. The Commissioner responded that this was not the case.

At 3:20 p.m., the Department left the meeting.

Judge William Booth seconded the motion proposed by the Chairman in his letter.

Mr. Lenefsky stated that while all Board members apparently agreed with the objective, he felt that Department and Board staffs should work out a plan for implementing the proposed reduction before the Board votes.

Chairman Kasanof disagreed. He thought that the Board should vote now, and then the Department and Board staffs should work out a plan. The Board can take a telephone vote on the reduction plan itself, or if necessary call an emergency meeting. By approving the proposal now, the Board would shift the burden to the Department and compel it to pursue other options for handling the inmate population.

Mr. Lenefsky stated that if the proposal is not first discussed by Board and Department staff, as Commissioner Koehler suggested, the Board would be forcing this reduction of variance beds on the Department without giving the Commissioner an opportunity to express his views. The Board would be voting for a reduction of variances without deciding which variances should be reduced.

Vice-Chairman John Horan disagreed with Mr. Lenefsky, stating that the Board has an obligation to act now.

Mr. Schulte thought that there was no need to revoke the variances since the Department was not using the extra variance beds anyway. Mr. Angelo Giordani responded that it is essential that the Board revoke one thousand variance beds because these variance beds have been used to cover up the Department's poor planning. Mr. Giordani further stated that he is sympathetic to Mr. Schulte's concern about releasing prisoners to the street, however, if there is a deficit in the number of beds, the Department can come back to the Board and request additional variances.

David Lenefsky suggested that the Board might be overreacting to the editorial in the New York Times. Mr. Horan and Mrs. Margolis disagreed.

Chairman Kasanof informed the Board that the Commissioner had known for a month that he was pursuing this proposal. By reducing the variance beds by one thousand, the Chairman hopes to make the Department seek other alternatives for handling the increasing inmate population.

Mr. Wilbert Kirby stated that the Board must act immediately because the variances are eroding the Board's standards.

Mr. Lenefsky asked for a vote on the Chairman's proposal. The motion was seconded.

The Board voted 6-3 in favor of the Chairman's proposal to reduce by the end of the summer the number of variance beds by one thousand. Dissenting votes were cast by Mr. Lenefsky, Mrs. Singer, and Mr. Schulte. Department and Board staffs will work on a plan to carry out this proposal.

At 3:30 p.m., the Department rejoined the meeting.

Chairman Kasanof informed the Department that the Board had voted in favor of reducing the number of variance beds by one thousand over the course of the summer. More than two hundred beds will be lost when Lareau-relief is terminated, and Board and Department staffs will put together a plan for a reduction of the remainder of beds. The Board does not want the reduction of all the beds on September 1, 1987, but instead, wants to reduce the variances gradually over the course of the summer. The Chairman stated that if temporary emergency variances are needed the Department may come back and seek additional variances, but the burden will be on the Department to prove its need for more variance beds.

Commissioner Koehler stated that he would like his staff to make presentations to the Board describing what is being done to handle the increasing inmate population. The Chairman responded that this would be an excellent idea and presentations should be made at the next meeting. Mr. Giordani added that these presentations would be very valuable should the Department later ask the Board to hear additional variance requests.

Last meeting's minutes were approved with noted revisions.

At 3:50 p.m., the meeting was adjourned.