

Board of Correction
Minutes
March 20, 1987

A regular meeting of the New York City Board of Correction was held on March 20, 1987, at the Board's offices, 51 Chambers Street, New York.

Members present were Chairman Robert Kasanof, Judge William Booth, Wilbert Kirby, David Lenefsky, Barbara Margolis, David Schulte, and Rose Singer. Excused from the proceedings were Vice-Chairman John Horan and Angelo Giordani. The meeting was called to order at 12:15 p.m.

Department of Correction Commissioner Richard Koehler and New York City Criminal Justice Coordinator Kevin Frawley joined the meeting.

Chairman Robert Kasanof reported that three inmates had recently escaped from the Queens House of Detention. He stated that the matter is under investigation by law enforcement authorities, and he will brief Board members in more detail at the next meeting.

At 12:30 p.m., the following members of the Department of Correction joined the meeting: Deputy Commissioner Peter Seitchik, Deputy Commissioner Sharon Keilin, General Counsel Robert Daly, Deputy Commissioner Thomas Jacobs, and Assistant Commissioner Julian Praeger.

Chairman Kasanof introduced Barbara Turk, from the office of Manhattan Borough President David Dinkins. He expressed his approval that Mr. Dinkins has a staff person who is knowledgeable in criminal justice matters.

Chairman Kasanof informed the Board that upon invitation from the Manhattan Borough President he had recently testified about prison construction and alternatives to incarceration, noting that consideration must be given to both methods of dealing with offenders.

Chairman Kasanof stated that the Board continues to see evidence of excessive violence in the jails. This can no longer be considered a problem left over from the previous administration. If these incidents of unnecessary use of force continue, the chairman will not vote in favor of future variance requests.

Commissioner Richard Koehler responded that efforts have been made to reduce excessive violence in the jails. A computer system is being used to monitor the unnecessary use of force. The number of officers transferred for drug use and suspended by captains for the unnecessary use of force has increased lately. The staff in the I.G.'s office is also increasing. Furthermore, the commissioner stated that he makes clear to every new class of officers and all personnel receiving promotions that one incident of unnecessary use of force is one incident too many.

Chairman Kasanof informed the Department that the Board is particularly concerned about an upstate prisoner who was recently brought back into the City system to testify against correction officers who were indicted for assaulting him at ARDC. The inmate was housed in ARDC, and was subsequently beaten while in handcuffs. The chairman stated that this incident conveys the clear impression that no one can testify against a correction officer. Retaliatory brutality is inexcusable. It is equally inexcusable that DOC's administration should have housed this inmate under circumstances in which retaliation against him was a strong possibility.

General Counsel Robert Daly informed the Board that the inmate was supposed to have been transferred directly to the court pens, not to ARDC. However, the Bronx D.A. did not specify this on the court order requesting the inmate's appearance, and as a result the inmate was sent to Rikers Island. Mr. Daly emphasized that the Department recognized that the inmate should not have been in ARDC. Mr. Daly stated that the Department's investigation showed that the inmate was involved in a fight in which five officers and three inmates were hurt. The allegations that the inmate was beaten up afterwards, while in handcuffs, are still being investigated.

Chairman Kasanof responded that failing to keep a key witness away from the officers against whom he was testifying was a serious administrative error on the part of the Department.

Chairman Kasanof asked Executive Director Richard Wolf about the status of the Board's response to the Correction Guardians Association's letter. In this letter, the Guardians Association had asked the Board to investigate alleged racial discrimination in the Department's hiring policies, and in its criteria for the promoting and disciplining of personnel. Mr. Wolf stated that he has just received a racial breakdown of disciplinary actions taken against DOC personnel, and he will report staff's findings to the Board at the next meeting.

Mr. Wolf informed the Board about the proposed Health Care Standards. Board staff wrote to the Health and Hospitals Corporation, the Department of Correction, and the Department of Health asking for evaluations of the costs of implementing the standards. HHC responded by giving full support to the standards and stating that the costs were negligible. However, the Board has yet to hear from the Departments of Correction and Health.

Commissioner Koehler asked that all current variances should be renewed. He reported that about 400 new beds will soon be added to the system. The Department expects that the upstate jails will be completed by March of 1988 and is considering alternative jail sites within the City.

Wilbert Kirby stated that he has been receiving a lot of complaints that, with the jail population expanding, the Department is not delivering mandated services to inmates. He suggested that before the Board members vote on the variance requests, Board staff should conduct an impact study on service delivery and should present the results to the Board at the next meeting.

Chairman Kasanof agreed and asked staff to do an analysis of service delivery for the next meeting. He stated that one of the conditions of the Board's granting variances from the space standard was that DOC should increase services. As the Department adds beds to the system, it must also increase access to services.

Judge William Booth stated that he has received complaints from lawyers in Brooklyn that inmates who need to be interviewed for court are not being produced. Mr. Daly responded that he had not heard of such complaints, but said that he would look into them.

David Lenefsky asked the Commissioner what were his projections for the fall. Commissioner Koehler responded that past experience has made him reluctant to rely heavily on population projections, however, these projections suggest that the inmate population will reach 16,400 in the fall. The Department hopes to add 800 beds by the fall, increasing the system's capacity to between 15,200 and 15,300. The Commissioner informed the Board that with this increase, space would still be limited, but the situation would be better than it had been last fall.

Commissioner Koehler informed the Board that he would be adding 1000 correction officers to his staff by the end of June. Allowing for natural attrition, this would probably result in a net increase of 800 officers. The Commissioner reported that he is moving officers from the borough houses to Rikers Island in order to decrease the amount of overtime on the island.

Chairman Kasanof stated that the Department's staff was older and more experienced last fall than it will be this fall, when a large percentage of officers will still be on probation. The youth and inexperience of the staff is of great concern to the Board as it attempts to evaluate how well the Department will respond to the overcrowded conditions anticipated next fall.

Commissioner Koehler informed the Board that half the uniformed staff has less than five years experience, and that the average age of first level supervisors is decreasing.

At 1:15 p.m., the members of the Department left the meeting.

Chairman Kasanof asked the Board to vote for an extension of the variances for thirty days, after which time the Board will discuss Department staffing and delivery of services.

All Board members granted the variance extensions, except for Mr. Kirby, who abstained pending findings from staff's impact study.

At 1:25 p.m., the members of the Department rejoined the meeting.

Chairman Kasanof informed the Department that the Board had voted to extend the current variances for thirty days. He stated, however, that Board members are particularly concerned about the size of the population at CIFM and AMKC.

Chairman Kasanof introduced New York City Criminal Justice Coordinator Kevin Frawley to the Board, and told Mr. Frawley that the Board would like to be helpful to him in any way possible.

Criminal Justice Coordinator Frawley stated that both short and long term population management must be considered. Mr. Frawley informed the Board that to this end he was trying to organize a working group consisting of people from city agencies and private groups to discuss and

direct policy for population management in the city. Legal Aid thought that this was inadequate and suggested that a specialist should be hired to examine the system. In consultation with Judge Lasker, it was decided that the City should undertake the examination, but should also hire a consultant. Mr. Frawley stated that he told Judge Lasker he would look for suitable candidates and would develop a short list of people to be interviewed. He asked the Board for any names of people who might be qualified for such a position.

Mr. Frawley talked of some the steps being taken to ease the population crisis. He stated that he has talked to the Vera Institute of Justice about expanding the Community Service Sentencing project to accommodate more inmates. Mr. Frawley reported that the Criminal Justice Agency would be setting up its bail expediting program in both the Bronx and Queens. He also suggested that persons be hired to help judges manage their calendar more effectively to expedite the hearing of cases, and that the probation system should be improved to provide better supervision of offenders.

Chairman Kasanof stated that while the Board, as a general rule, would not grant variances from the space standard so as to afford inmates less than forty square feet, however, this might be possible if the inmates were out of their housing area every day on work release. He told Mr. Frawley that the Board would be willing to testify about measures designed to ease the inmate population crisis.

Minutes from the last meeting were approved.

The meeting was adjourned at 1:50 p.m.