

Board of Correction
Minutes
May 20, 1987

A regular meeting of the New York City Board of Correction was held on May 20, 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, David Schulte, and Rose Singer. Excused from the proceedings was Barbara Margolis. The meeting was called to order at 1:35 p.m.

Chairman Robert Kasanof announced a fixed schedule for Board meetings, which will now take place on the second Tuesday of every month.

Chairman Kasanof informed the Board that the New York Times has assigned a full time staff person, Douglas Martin, to the area of corrections. Recently, Executive Director Richard Wolf and Executive Assistant to the Commissioner Jerry Mitchell escorted Mr. Martin on a tour of Rikers Island.

Chairman Kasanof reported to the Board on several troublesome incidents which may be attributed to the tremendous strains overcrowding has placed on the system. An incident took place at the Brig in which court records were altered for the purpose of keeping an inmate, who had been involved in an earlier messhall dispute, within the facility. Later, a search was conducted in the same inmate's housing area and force was used against him during a major altercation between the search officers and several inmates. Thereafter, as a result of the Commissioner's firing two officers and transferring other staff involved in the incident, Brig officers staged a walkout during the seven to three shift. The Chairman commended the Commissioner's handling of the situation as the Brig officers returned to their posts and the walkout did not spread to Rikers Island. Financial penalties were imposed on all officers who participated in the walkout.

Chairman Kasanof informed the Board that in the New York City House of Detention for Men, two inmates were shot with a handgun. The Chairman stated this incident is indicative of the fact that surveillance suffers when the system is at such a high rate of capacity.

Chairman Kasanof reported that three escapes took place since the last meeting: three inmates escaped from the Queens House of Detention (one inmate is still at large);

one inmate escaped from Elmhurst Hospital, and one inmate escaped from the Brooklyn House of Detention.

Chairman Kasanof stated that the most troublesome incident that had occurred since the last Board meeting was an unauthorized and unwarranted public strip search in ARDC during which a Muslim inmate was forcibly stripped, handcuffed, and beaten. The religious aspect of this incident is of particular concern, since according to Muslim religious tenets and the Department's own procedures, Muslim inmates should be afforded as much privacy as possible when being strip searched. Board staff prepared a report on this incident which has been distributed to Board members and to the Commissioner.

Chairman Kasanof reported that the strip search was ordered by Captain Joseph Trischetti, whom the Board had previously informed the Department was listed in more than twice as many CCC-reported uses of force as any other captain in the Department. Captain Trischetti and Captain Hernandez were initially suspended for their involvement in this incident, but both captains have since been reinstated. The Chairman informed the Board that, in the course of its investigation, the Inspector General had granted immunity from prosecution to Captain Trischetti and Captain Hernandez. Mr. Kasanof stated he was writing Department of Investigation Commissioner Kenneth Conboy, asking him to investigate the matter. The Chairman stated emphatically that he is intending to seek criminal prosecution of Captain Trischetti, and would not vote for any variance in an institution in which this captain was in direct contact with inmates.

Mr. Schulte asked Board staff if he could have a copy of the Department's reports of the incident. Executive Director Richard Wolf stated that he would send the reports to him.

Chairman Kasanof suggested to the Board that as the Department starts to add new space to the system, the Board should revoke some of its existing variances; furthermore, at the next meeting, the Department should present a comprehensive plan detailing when new space will be added and when the Department will therefore have no further need of variance beds.

Chairman Kasanof recommended that the Board grant all existing variances except for the variance in place at ARDC. The chairman stated that he wanted to send a signal to the Department that the Board would not tolerate any incident similar to the one which took place at ARDC.

Judge William Booth responded that while he felt it was acceptable not to extend the variance at ARDC, the Board

should not fail to renew the variance because of one particular incident. Mr. David Lenefsky agreed with Judge Booth and stated that the Board, in failing to renew the variance, should not emphasize this one incident of unnecessary use of force, but instead should emphasize the systemic problems of unnecessary use of force and inadequate delivery of mandated services.

Chairman Kasanof stated that if the variance was not renewed, he wanted the Department to understand that the Board's decision was directly related to the incident at ARDC.

Mr. Lenefsky responded that the incident at ARDC is symbolic of larger problems inherent in the system. Vice-Chairman John Horan stated that while the Board members are not opposed to denying the variance, the question remains whether it should be denied because of one particular incident or because of systemic problems.

Chairman Kasanof recommended that the Board grant an extension of all the variances to the next meeting, at which time the Board again will examine all the variances with a view to a systematic consideration of reduction or elimination of variances. The Board agreed.

At 2:45 p.m., the following members of the Department of Correction joined the meeting: Chief of Operations Thomas Murray, General Counsel Robert Daly, Deputy Chief of Operations George Vierno, and Assistant Commissioner Dora Schriro.

Chairman Kasanof announced to the Department that the Board would continue all existing variances until the next meeting on June 9, 1987. He stated that the Board believes that the new space being added to the system should be used to reduce existing variances, and asked the Department to outline a plan for the reduction of variances for the next Board meeting.

General Counsel Robert Daly asked the Chairman if the Board will approve the Department's new variance request to allow the Department to house state sentenced inmates in six dorms at AMKC. The Chairman responded that this variance has not been approved but will be considered at the next meeting, at which time the Department will be expected to demonstrate to the Board the operational urgency of this latest variance request.

Chairman Kasanof informed the Department of the Board's concern over the public strip search in ARDC on April 20. He stated that the Board is even more concerned that the two captains who were originally suspended for their involvement in the incident were granted immunity under Executive Order 16 by the Inspector General's office, and said that he is

writing Commissioner Conboy on the matter and that he would seek criminal prosecution of the two captains.

Mr. Daly said that he was informed that the District Attorney's office was consulted and it was determined that no criminal prosecution would occur. Chairman Kasanof asked who in the District Attorney's office had provided the Department with this information, but Mr. Daly did not know. Mr. Lenefsky asked the Department to provide a written statement about the granting of immunity to the two captains. Mr. Daly assured him that he would.

Chairman Kasanof stressed to the Department that the incident at ARDC was very serious. The order for the inmates to be strip searched publicly was given by a captain who has been involved in repeated incidents of use of force against inmates, and the incident constituted a serious violation of the tenets of the inmate's religion, the policies of the Department, and governing law. Mr. Daly agreed.

Chairman Kasanof excused himself from the meeting, and Vice-Chairman Horan took over the proceedings.

Mr. Daly reported that in conjunction with Chief Judge Wachler's request that all judges postpone their summer vacations, a bail re-evaluation program had begun.

Mr. Lenefsky asked if the Department was still considering conducting bail reviews in the jails. Mr. Daly responded that Criminal Justice Coordinator Kevin Frawley is considering putting a criminal court part on Rikers Island.

Mr. Wolf informed the Department that it has been violating the variance at CIFM by housing more than 450 parole violators in the jail. Deputy Chief Vierno responded that this had occurred because he misunderstood the variance. He thought that the variance limited the Department to housing 450 parole violators in the three modulars but that parole violators could be housed in other areas of the jail. He further stated that he would remedy the situation immediately.

Mr. Kirby expressed his concern about housing state inmates in the North Facility. He stated that the most difficult inmate population should not be housed in a medium security facility. Mr. Daly said he understood Mr. Kirby's concerns. Deputy Chief Vierno further stated that no state sentenced inmates will be housed in the North Facility while that facility is still housing new admission inmates at 40 square feet as authorized by Judge Lasker.

Mr. Lenefsky asked the Department if it has been increasing services as the inmate population rises. Mr.

Daly stated that the Department always considers the increased demand for services whenever jail capacity increases. Chief of Operations Thomas Murray added that the Department is not hearing complaints from inmates about the delivery of services. Mr. Lenefsky noted that Board staff had reported to the Board that program and service delivery problems were evident in several jails. He therefore asked that the Department provide to the Board in advance of the next meeting a written assessment of program and service delivery in each jail for which variances had been granted.

Mr. Horan asked if the Department is considering alternatives to incarceration. Mr. Daly responded that requests for expanding the furlough program, increasing the numbers of inmates involved in the work release program, and allowing work release for detainees were pending before First Deputy Mayor Brezenoff. Mr. Daly stated that he was lobbying with state legislators for more money to be used for alternatives to incarceration.

Assistant Commissioner Dora Schriro informed the Board that there are currently 74 inmates in the work release program. Mr. Wolf asked how many of those 74 are working and how many are still in the orientation program. Ms. Schriro responded that 55 inmates are currently working, and the remaining are taking part in the orientation program.

At 3:15 p.m., the Department left the meeting.

Mrs. Rose Singer stated that judges have no first hand knowledge of the condition of the jails, and should be required to visit Rikers Island. Judge Booth informed the Board that judiciary law mandated that judges visit the jails four times a year.

Minutes from the last meeting were approved.

The meeting was adjourned at 3:25 p.m.