

Board of Correction  
Minutes  
November 10, 1987

A regular meeting of the Board of Correction was held on November 10, 1987. Members in attendance were Vice-Chairman John Horan, Judge William Booth, Reverend Irvine A. Bryer, Jr., Barbara Margolis, David Schulte, and Rose M. Singer.

Also in attendance were Luke Smith and Bob Corliss of the State Commission of Correction, and Susan Milligan of The Daily News.

The Vice-Chairman opened the meeting at 2:15 p.m. by calling for a motion to approve the minutes of the October meeting. A motion to approve the minutes without alteration was made by Mr. Horan. The motion was seconded by Mrs. Singer, and passed unanimously by the other members.

Mr. Horan then called for a staff report from the Board's Executive Director, Richard Wolf. Mr. Wolf began by addressing the Department's request for a renewal of the existing variances. He informed the Board members that with a renewal of the existing variances, the Department would be left with an apparent surplus of more than 900 beds.

Mr. Wolf then presented the Board members with a detailed report on the Bibby Venture. He mentioned that members of the Board's staff had made several visits to the barge, which is currently moored at Pier 36 on the East River.

Mr. Wolf first discussed the basic design and layout of the barge, stating that it was designed as housing for offshore oil workers. He pointed out that because the barge was initially designed to provide comfortable and private housing, there are a number of features which make it unsatisfactory as housing for inmates. He explained that the vessel contains six levels, with the top deck to be used at present only for outdoor recreation. Using diagrams prepared by Carl Niles, Mr. Wolf then discussed the basic layout of the housing decks, as well as the configuration of a typical housing area.

Mr. Wolf reported as follows: The housing decks contain six adjacent hallways running off one main corridor, except for the bottom or "barge" deck which contains five hallways. Each of the hallways contains a dayroom, bathrooms and twelve single-inmate rooms. The Department's current staffing plan for each housing deck calls for one officer at each of two stationary posts, one at either end of the main corridor, with one additional officer designated as a "rover". The stationary-post officers would be responsible

for manning the security gates, monitoring traffic in the main corridor, and supervising inmate phone calls, with the roving officer given the task of touring each of the six adjacent hallways and inspecting activity in the inmate areas within.

Mr. Wolf asserted that there a number of security risks inherent in such an arrangement. Because of the location of the A and B posts, the stationary officers will be denied a line of sight down the main corridor as well as down each of the six hallways. They will also be hindered by the sound of televisions and inmate activity emanating from dayrooms located at the head of each of the six hallways, as well as by the noise created by inmates in the main corridor. Likewise, the roving officer, when inspecting activity in the housing areas, will be cut off by sight and sound from each of the stationary officers. In each room, a "floor to ceiling" wall located at the foot of the bunk beds will require the "roving" officer to enter each room and come around a blind corner in order to inspect the bed in each cell. Other potentially dangerous features include exposed sections of pipe and electrical fixtures, removable European-style shower heads, and suspended ceilings. The fourth and fifth decks of the barge contain windowless rooms in which the Department plans to house sentenced cadre.

Mr. Schulte asserted that other rooms on the barge face an-air shaft, and asked for an explanation of the Department's plan to place inmates in rooms without windows. He suggested that the Department should wait until the Bibby Venture can be berthed at Rikers Island before attempting to bring inmates aboard, particularly in view of the 900 bed surplus which currently exists in the system, as well as the numerous security risks in need of attention.

Mr. Horan acknowledged Mr. Schulte's point, and suggested that he present it again later in the meeting to the representatives of the Department.

The meeting was then joined by the following members of the Department of Correction: Thomas Murray, Chief of Operations; Julian Praeger, Deputy Commissioner; George Vierno, Deputy Chief of Operations; Robert Daly, General Counsel; James Hunter, Supervising Warden; Marcia Goffin, Director of the Legal Division; Michael Cleary, Executive Director of the Management Evaluation Division; and Eric Taylor, Deputy Warden-in-charge of the Bibby Venture.

Mr. Wolf also welcomed Barbara Turk from the office of Manhattan Borough President David Dinkens, and introduced John Zeitlin, an Urban Fellow working with the Board staff.

Mr. Daly informed the Board that the Department was requesting the renewal of the existing variances, and then

called on Deputy Warden Eric Taylor to address the Board on plans for the operation of the Bibby Venture.

D/W Taylor began by explaining that the Bibby Venture will house up to 380 "low risk" detainees, adding that "low risk" refers to ratings of 12 or less on the current classification scale. He added that intake and screening processes will be conducted elsewhere, and that inmates requiring special medical treatment, dietary restrictions, or mental observation will not be assigned to the Bibby. He also stated that inmates from the Bibby will be transported to the Manhattan House of Detention for Men/(MHDM) for law library and visits, and that religious meals will be prepared at MHDM and delivered to the Bibby. The Bibby Venture will open its own law library within approximately two months, as soon as the law books arrive.

Finally, D/W Taylor described the plans for providing the inmates with social services and recreation, and then discussed the approved staffing for the barge. He stated that the Bibby Venture will offer a range of social services comparable to those in other institutions, and also discussed plans to utilize the top deck of the barge for outdoor recreation. He also discussed plans to construct an indoor recreation facility on the pier. In response to an inquiry by Mr. Wolf, D/W Taylor stated that the original staffing request called for the assignment of 266 officers to the Bibby Venture, but that significant cuts had already been made by the Office of Management and Budget. He added that the Table of Organization had not yet been finalized as a number of posts are being renegotiated.

Mr. Horan then asked for the date on which the Department planned to move inmates onto the Bibby.

Mr. Daly responded by stating that the Department would like to begin assigning sentenced cadre to the Bibby on November 13, assuming the current litigation involving the Bibby Venture is resolved on Thursday, November 12. He added, however, that such plans would of course be contingent on approval from the Board of Correction and the State Commission of Correction.

Mr. Horan asked for an explanation of the rush to house inmates on the Bibby.

Deputy Chief Vierno responded by stating that the Department planned to move inmates onto the Bibby in a very gradual fashion. He said that the initial group of twenty-five to fifty sentenced cadre would be the only inmates on the vessel during the initial "shakedown period", which he estimated would last approximately one week, and that detainees would subsequently be brought on at a rate of twenty-five per day.

Mr. Schulte then proposed that the Department consider utilizing the Bibby Venture as housing for the work release inmates presently housed on the ferry at Rikers Island. He added that the ferry could then be used to house detainees. Mr. Schulte also asked for a reason for the Department's rush to utilize the Bibby, especially given the surplus of beds earlier cited by Mr. Wolf.

Mr. Vierno stated that he feels he is "up against it" as to the availability of beds, and asked for the locations of the surplus of beds.

Mr. Wolf demonstrated, by means of a step by step calculation using figures from the current census and capacity of the system, including the existing variance beds, that the Department did indeed have a reserve of 923 beds "on paper". Furthermore, he stated that even if the census reaches the peak which the Department had projected for November 16, there would still be a "paper" surplus of 642 beds.

Deputy Chief Vierno stated his belief that the majority of the unused variance beds were designated for State inmates.

Mr. Schulte informed the Department's representatives that Mr. Wolf had presented the Board with an overview of the layout of the barge, and had shared his concerns for the safety of officers, as well as inmates, that may be assigned to the Bibby Venture.

Mr. Wolf then summarized the presentation he had made earlier in the meeting, stressing again the difficulties which seem certain to be encountered by the housing officers.

Deputy Warden Taylor stated that the Department is now seeking permission from the Bibby Company to lock the fire door situated at the B post, so as to allow the B post officer to leave that post and assist the "roving" officer with the inspection of the housing areas.

Chief Murray asserted that the success of the operation of the Bibby will greatly depend on the inmate screening process. He stated that current plans call for the assignment of only "low risk" inmates to the Bibby Venture.

Mr. Wolf asked whether "low risk" refers to inmates with ratings of 5 or less as defined in the current Classification Directive.

Chief Murray responded that "low risk" refers to inmates with ratings of 12 or less. When challenged on this point,

the Chief stated that he believed the Board staff had not consulted the most recent classification directive.

Mr. Wolf responded by stating that Board staff had been provided by DOC staff with the Department's most recent classification directive, dated September 18, 1987, in which "low risk" inmates are indeed defined as those with ratings between 1 and 5.

Reverend Bryer then asked for the date on which the Department plans to relocate the Bibby Venture to Rikers Island.

D/W Taylor responded by stating that the barge should be moored at Rikers Island by June, 1988.

Reverend Bryer also asked for additional details of the Department's plans to transport inmates to and from the Bibby for visits or for other purposes, and also for an explanation of the Department's view of the security risks presented by the design and layout of the Bibby Venture.

Chief Murray stated that the Department plans to run a shuttle between the Bibby and MHDM. Five days per week, one trip will be required for each law library period. On each of the five visit days, it is expected that approximately 35 to 40 inmates will receive visitors, with two shuttle runs required for those inmates. He also reiterated that a great deal of emphasis will be placed on screening out all but "low risk" inmates for assignment to the Bibby Venture. He asserted that the chances of an inmate breaking a light fixture in order to commit suicide are remote. He stated that since the Department's primary consideration is the security of the officers, DOC has obtained additional radios, and is looking into the possibility of installing mirrors in the housing areas. He added that "there are risks involved that must be taken due to the housing emergency". Finally, the Chief asserted that he had not heard of any dissatisfaction with security among officers familiar with the barge.

Mr. Wolf quickly challenged the Chief's last point by noting that it is highly unlikely that a disgruntled officer would feel at ease expressing his fears and concerns to a superior officer. He added that several DOC staff members assigned to the Bibby Venture had shared their concerns with members of the Board staff, and had asked Board staff to seek renovations and additional staff to make the barge safe and secure for staff and inmates.

Mr. Horan inquired whether DOC considered the present staffing to be adequate. Mr. Wolf asked if the Department had submitted a request to OMB for additional staffing.

Deputy Chief Vierno responded that the original staffing request was submitted on the basis of DOC's considerable correction experience, and that no requests for additional staffing had been submitted.

Chief Murray followed by again underscoring the importance of gaining permission to lock the B post door. He added that if such permission was not granted, the Department would ask for funding to add another roving officer to each housing area. He stated that it had always been his preference to have a fourth officer in each housing area.

Mr. Schulte repeated his proposal that work release inmates, instead of detainees, be placed on the Bibby Venture, and asked again for the Department's response to such a plan.

Mr. Praeger explained that the community in the area of Pier 36 would oppose any plan which would result in the unescorted movement through the neighborhood of work release inmates on their way to and from jobs.

Mr. Wolf asked for updates on the effort to secure books for the law library on the Bibby Venture, and the construction of a licensed pharmacy.

Marcia Goffin responded by stating that the Board of Estimate had granted its approval of the purchase of the law books. Deputy Warden Taylor stated that the pharmacy was currently being constructed.

John Rakis, the Board's Deputy Executive Director, reminded D/W Taylor that the pharmacy will need to have a sink and cabinets before it can be licensed.

Deputy Commissioner Praeger said that the pharmacy already has a sink, and that cabinets will be constructed.

Reverend Bryer inquired whether the lack of a licensed pharmacy on the Bibby would necessitate the transport of inmates to MHDM for medication and sick call.

D/W Taylor stated that it is his understanding that an inspection for a license is conducted after construction of a pharmacy is completed. He added that Prison Health Services Doctor Rooney would visit the Bibby at the end of the week to evaluate the space allocated for the pharmacy and other medical purposes, and to determine the medical staffing required.

Mr. Wolf informed D/W Taylor that members of the Board staff would like to sit down with him and further discuss the particulars of plans for service delivery on the Bibby.

Mr. Horan asked the Department's representatives to substantiate their assertion that they were presently faced with an emergency situation which requires them to immediately assign inmates to the Bibby Venture.

Mr. Daly responded by stating that since the Department had been operating at more than 100% of capacity for such a long period of time, many people had come to believe that operation at 100% of capacity should be considered "normal". He asserted that he would like to see the addition of space and beds which would allow for operation at 85 or 90% of capacity, claiming that such a condition would benefit both staff and inmates. Mr. Daly explained that DOC had requested permission from Judge Lasker to move 200 additional inmates into new modular housing at CIFW by Friday, November 13, but that Legal Aid had requested a ten day review period. Judge Lasker instructed DOC to return to court on November 13 only if they feel they are facing a critical shortage of housing. Mr. Daly added that Deputy Chief Vierno had advised him that he believed there may not be a sufficient number of beds to get through the coming weekend. Mr. Daly asserted that he would certainly not return and "try Judge Lasker's patience" if he did not feel it was absolutely necessary.

Mr. Vierno added that there had been "slippage" in the rate of pick up of State inmates by the Department of Correctional Services. He also said that DOC is facing the end of the Lareau relief in the North Facility on November 30, and does not want to be faced with an abrupt removal of 200 to 300 inmates.

Mr. Horan asked whether, during the initial phase of the Bibby's operation, the Department had considered transporting sentenced cadre to the barge each day for work detail, and then returning them to their respective facilities in the evening.

Chief Murray responded that such a plan would present several logistical problems, as well as transportation costs, which would not exist if the inmate workers were permanently housed on the Bibby.

Mr. Horan asserted that the Board was not prepared at the present time to grant its approval of the Department's plans to commence operations on the Bibby Venture.

Mr. Wolf then raised the issue of compliance with existing variances in the Correctional Institution for Men (CIFM). He stated that the existing agreement between the Board and the Department stipulates that the total population of CIFM is not to exceed 2800, with a maximum of 2350 inmates in the main building. In addition, the

agreement specifies that State inmates will not be housed in the main building for any purpose.

Mr. Wolf then asserted that members of the Board staff had visited CIFM and learned that, in fact, several state inmates were being housed in the main building in several special housing areas.

Deputy Chief Vierno responded by claiming that instructions had been issued to CIFM to remove all State inmates from the main building, thus bringing the facility into compliance with the existing agreement. He also stated that he was prepared to present the Board with a request for an additional variance to house all of CIFM's parole violators at 40 square feet, regardless of the number of days they had been in the system.

Mr. Schulte commented that as a result of a recent trip he had made to CIFM, he was convinced that steps should be taken to expedite the removal of parole violators to the State's correctional system. Specifically, he proposed that the Parole Board resume holding hearings in CIFM so as to reduce the average length of stay of parole violators in the City system.

The Department's representatives acknowledged Mr. Schulte's point and then left the meeting. The Vice-Chairman then suggested that the Board members continue to discuss the existing variances submitted for approval.

Mrs. Singer requested an update on the activities of the Board staff since the October meeting.

Mr. Wolf responded that in addition to attending to the variety of issues which confront the staff on a daily basis, a great deal of effort had been focused on the previously discussed verification of compliance in CIFM, as well the analysis of the proposed plan for the operation of the Bibby Venture.

Mr. Horan moved that the Board approve the Department's request for the renewal of all existing variances, and further recommended that the Board direct its staff to analyze the extent to which the Department actually needs each of the variances currently in existence. The motion was seconded by Mrs. Singer, and passed unanimously.

Mr. Schulte, following up on the discussion held during the October meeting concerning the Guardians' allegations of unfair disciplinary practices, asked if the Board staff had uncovered any evidence of racial favoritism in institutions headed by black wardens. Specifically, Mr. Schulte referred to the North Facility as an example.

Jim Bennett replied that Board staff had uncovered no such evidence, due to limited data from the North Facility, adding that the analysis of disciplinary practices at that institution was largely non-conclusive. He further stated that he had analyzed the discipline meted out to officers charged with being AWOL, and had found no evidence of a racial imbalance.

The meeting was adjourned at 3:40 p.m..