

Board of Correction
Minutes
September 8, 1987

A regular meeting of the Board of Correction was held on September 8, 1987. Members in attendance were Chairman Robert Kasanof, Vice-Chairman John Horan, Judge William Booth, Wilbert Kirby, David Lenefsky, Barbara Margolis, and Rose M. Singer.

Also in attendance was Robert Daly, General Counsel for the Department of Correction, as well as media representatives from Newsday and The Daily News.

The meeting was called to order at 2:05 p.m. by Chairman Kasanof, who began by asking Vice-Chairman Horan to update the Board on the subcommittee's inquiry into allegations made by the Guardians' Association concerning discrimination in the Department of Correction's promotion and disciplinary practices.

Mr. Horan informed the Board that the subcommittee members are still in the process of gathering information to complete their study. Mr. Horan promised a full report in October. Robert Daly added that he had figures relevant to the inquiry which he planned to turn over to Mr. Horan.

The Chairman's motion, seconded by Mrs. Singer, to approve the minutes of the August meeting without alteration was approved unanimously.

The Chairman then reported to the Board on a serious disturbance at AMKC on August 19. On that date, the Chairman, accompanied by Executive Director Richard Wolf, and Director of Research Laura Limuli, was visiting AMKC when interracial violence erupted among State inmates in a variance dorm in that facility. Mr. Kasanof praised the staff of AMKC for the extremely competent and professional manner in which they reacted to the situation, noting that the tension was diffused without resort to unnecessary force.

Chairman Kasanof announced that Deputy Counsel Elizabeth Armao will be going on maternity leave prior to the next Board meeting, and on behalf of the other Board members, praised Ms. Armao for her many valuable contributions to the Board's work. Robert Daly added his praise for the positive interaction promoted by Ms. Armao in her dealings with Department staff. The Chairman then introduced the Board's new counsel, Annette Gordon-Reed, who will be joining the Board staff shortly.

Wilbert Kirby then asked for additional information on the delay of the subcommittee's inquiry into the Guardians' allegations. Vice-Chairman Horan reiterated his intention to provide a full report in October, adding that the scope of the subcommittee's inquiry had been broadened by similar allegations of discrimination made recently by the Hispanic Society. The Chairman requested that Mr. Horan notify the Guardians of the reason for the delay.

The next order of business was a report from Deputy Director John Rakis on an attempted escape from AMKC on August 28. Mr. Rakis stated that he observed security staff capture an inmate who had escaped from AMKC. It was later determined that the inmate had climbed over a fence at AMKC during an outdoor recreation period. Mr. Rakis added that an investigation into the incident found that three correction officers had been negligent in their duties during the recreation period, and that the officers then tried to coverup the details of the escape. The officers were subsequently suspended.

Chairman Kasanof discussed two other significant events of the last month. An inmate who had escaped earlier in the year from ARDC was murdered on Staten Island, and a gun was recovered from a housing area at HDM, the second handgun known to have been smuggled into HDM this year.

The Chairman repeated his concern that a relationship exists between these serious breaches of security and overcrowding in the jails, notwithstanding the Department's contention to the contrary.

The Chairman then turned the attention of the Board to the Department's request for variances. Mr. Daly, the sole representative from the Department, requested and was granted an opportunity to brief the Board on the Department's latest request.

Mr. Daly began by reviewing the efforts the Department had made in 1987 to increase the overall capacity of the system. He stated that the Department has added over 1600 beds since January, and plans to add in excess of 600 more by the end of the year. Also, the arrival of the Bibby Venture barge in November will provide an additional 381 beds, while the acquisition of the Union Maritime Building in October will provide space for another 300 inmates. Thus, the Department is scheduled to increase its capacity in 1987 by almost 3000 beds.

Mr. Daly also asserted that the Department has augmented its staff during the current year by adding almost 1000 correction officers since January.

Despite increases in capacity, Mr. Daly reported that the Department projects a shortage of beds in September and October, and is therefore requesting 1700 and 2000 variance beds for the two months, respectively. Mr. Daly added that these projections represent worst case scenarios, and that the variance beds would only be used if and when needed. He noted that the current inmate population was about 250 less than had been projected, and that in all likelihood it would not be necessary to use all of the requested variance beds.

Chairman Kasanof responded that the Board considers the granting of variances from the space standard to be appropriate only in response to emergency situations. He added that a great deal of caution and restraint must be exercised so that the issuance of such variances does not exacerbate an already heightened level of tension in the City's correctional facilities.

The Chairman then asked Mr. Wolf to present the Board staff's analysis of the Department's needs for the months of September and October. Mr. Wolf explained that a renewal of the existing variances alone, including the "Lareau" beds granted as a result of the ruling by Judge Lasker, should provide the Department with a "cushion" which would allow it to accommodate the inmate population even in its worst case scenario. Mr. Wolf also cited the fact that the Department's inmate population projections had been consistently high in recent months, with it now appearing likely that the peak October population will be more than 300 below the Department's earlier forecast.

The Chairman then suggested that the Board renew only the existing variances from the space standard. Mr. Kasanof added that the Department will have the opportunity to update the Board on its needs at the October meeting, and informed the Department that, in the event of an emergency, the Board would be willing to consider further variance applications. Mr. Kasanof then asked for and received the Board's authorization to contact Board members by telephone should such an emergency arise and a vote on new variance requests become necessary.

The Chairman also expressed his desire to send a note of gratitude to Governor Cuomo for the recent removal of 800 State inmates from the City system. The other Board members concurred, with Judge Booth recommending a request to the Governor to continue the timely removal of State inmates.

Adopting the Chairman's proposal, the Board voted to grant, until the October meeting, a renewal of the existing variances from the space standard. The Chairman asked Mr. Wolf to provide the Board members with a summary of the existing variances which were to be renewed.

Judge Booth then requested from Mr. Daly an update on the status of the Work Release program for the City's inmates. Judge Booth expressed his concern that the City was failing to take full advantage of the benefits of successfully administered work release programs. He stated that there are currently some 38 "model work release programs" operating across the country, and that the Department may do well to try to emulate one of those successful models.

The Chairman added his belief that the food service industry, particularly in New York City, might well offer occupational opportunities for a large number of inmates.

Mr. Daly responded that the Department is also appreciative of the benefits of work release programs, and that every effort was being made to utilize such alternatives to full time incarceration. He added that certain statutes place restrictions on work release programs, such as those for detainees, but that he would be happy to look further into the matter. He also stated that the Department is continuing to lobby for State legislation approving work release for detainees.

The meeting was adjourned by the Chairman at 3:05 p.m..