

Emergency Meeting
Board of Correction
Commissioner McGrath's Office
Friday, Nov. 5, 1970

In attendance:

Commissioner McGrath
Wm. Vanden Heuvel, Chairman, Miss Nyrka Terrado Alum,
Mr. David Schulte, Mr. A.L. Castro, Director of Public
Affairs, and Mr. Anthony Principe (Partial), Director of
Operations, D/C.

Mr. VandenHeuvel told the commissioner he expects a full report on the Roldan suicide by Monday. He stated he was disturbed at the Lavon suicide. The inmate had been put in the "Bing" in a cell with only an 18" x 24" slot, no washstand, toilet paper. He was sick. The incarceration was "overpunitive". Troublemakers should be given hearings before being put into this type of cell. It was noted the Chairman had seen Lavon on Sunday with his bloodied shirt and cut in head in the receiving room of the Manhattan House of Detention. The man was suffering from epilepsy and asthma. He had asked for medication. The Correction Officer said Lavon reached out of cell and hit him with shoe (which fractured his nose). Lavon, on the other hand, said the CO entered the cell and then he hit him, after which other COs rushed in and "beat Lavon." The shoe could not have been used, through the slot to hit the CO. Other inmates told the Chairman COs beat Lavon.

The Commissioner told Mr. Vanden Heuvel if he has evidence of wrongdoing by COs to hand it over directly to the District Attorney's office. A question exists here as to whether or not the officer lied in his report regarding the broken nose incident. The officer says he didn't go into the cell until after he got hit. That Lavon had complained about being given the wrong medication. (Lavon had lost 40 lbs. since being jailed and was "obviously sick," the Chairman stated).

The Chairman noted Lavon was down in the Receiving Room when he saw him and that his family was about to bail him out Monday. But because of Sunday fight the chances of his being bailed were diminished. The lockup is causing more hostility between COs and inmates.

The Commissioner stated every effort is being made to loosen up the situation.

Mr. Schulte stated that a liaison man is needed between the courts and the inmates in order to expedite trials and better understanding of what is happening by all parties concerned.

The Chairman asked if the Commissioner would agree to having volunteer lawyers work each quadrant (at the MHD) to review status of cases for inmates. The Commissioner responded that each inmate must sign a waiver if he wants someone (other than his lawyer) to address him on the status of his case. The Chairman asked if clergy can be assigned to insure man's return to court instead of bail. The Commissioner responded more volunteer lawyers should take cases from the Legal Aid. The Chairman agreed lawyers are as responsible for the present mess as anyone else.

The Commissioner stated that the clergy should work with the clergy already assigned to the institution. They should find jobs. Give the inmates money, counseling, etc. However, it is unwise to have too many clergy working throughout the institutions. We already have our own clergy for that purpose. The Clergy sometimes simply don't know the complexities of the problems they are facing.

The Commissioner stated he hopes the Methodone clinic at the Tombs will be ready on Monday. The Chairman stated it might be a good idea to have members of the City Planning Commission and Judges visit the MHD.

Mr. Schulte brought up the matter of bail as preventative detention to which the Commissioner replied that this is a very touchy subject.

The Chairman stated that the criminal justice system (in the case of Roldan) made him psychotic and probably contributed to his depressed state of mind which led him to commit suicide. He will so note in his report. He told the commissioner to advise the prisoners about the status of the phones.

Mr. Schulte noted that assistance should be secured from the Urban League, NAACP and other groups to work on a voluntary basis with inmates. The Commissioner agreed, to a point, stating he welcomes outside help. The problem is who gets permission to roam through the institutions. We have always had free access. Many turns. Never turned press away. But now the situation is different, there is a security problem.

The Chairman stated he was annoyed at Departmental critics who refuse to help or give positive aid when asked but are all too willing to criticize. He thought it might be a nice thing to hold the Roldan press conference on the 9th floor. This was vetoed by the Commissioner. We are keeping the press out of these institutions. Groups of visiting press and camera can cause trouble." There are many militant inmates. Officers and their families are concerned with the situation. COs have been getting threatening phone calls, "strangers" hanging around their homes, etc. The riot leadership is still in the MHD.

3.3..

Mr. Schulte asked the Commissioner how we keep COs from overreacting. Through sensitivity training. Much of our training has taken a back seat lately, the Commissioner stated. Miss Alum asked the commissioner about suicides and how many COs are aware of special problems involved with handling spanish-speaking inmates. The Commissioner stated we are always looking for bilingual officers and noted the Commonwealth of Puerto Rico program to train recruits.

The Chairman asked the Commissioner for his personal assurance the Bing cells would not be used unless he himself approves of their use. The Commissioner stated he would look into the matter, but that it is hard because often there are fights and inmates must be put away in a more secure, isolated cell. Normally a man is put in administrative segregation or punitive segregation. However before being defined as punitive, his case must be heard by the institution's disciplinary Board. The Deputy Warden is usually the Disciplinary Officer. Usually, however, before this punishment is handed out the Warden has to review the case and make his approval. In the case of berserk inmates we attempt to have them taken by Bellevue but this hasn't always worked out well.

The Chairman asked the Commissioner to allow a 24 hour grace period after a serious infraction before a man is put into the Bing and that the Commissioner be advised by the institution. The Commissioner stated there are internal personnel problems in dealing with touchy matters. Too often COs and superiors shirk their responsibility. There is a lack of leaders. Headquarters has to pull in the reins. Wardens should rule but often don't. If "all the rules are followed, we would have no problems," the commissioner stated. Our rules and regulations state a man cannot be put in "solitary confinement" without following the procedure described above. In state prisons the disciplinary problems are less exacting and where to put troublesome inmates is less of a problem because the prisons are big and there is usually a large row of cells someplace away from the general prisons population which can be used for this purpose.

The Chief (Mr. Principe) stated the rules regarding putting a man on punitive segregation and defined the difference between waiting for and being subjected to punitive segregation. Regular cells are used for punitive segregation at Rikers island. In some detention areas special sections are used. It was generally understood that the two cells mentioned by the Chairman were not being used. The Chief stated he would look into the matter to see why this was changed.

4.4..

No Correction Officer can impose punishment. If an offense committed by an inmate is serious, a report must be made and punishment handed out by a superior officer. At one time we had two special punishment cells in the Brooklyn HDM for men but these were torn up a long time ago,

Mr. Vanden Huevel noted that inmate Lavon spent 20 days in punitive cells on a restricted diet.

The Chief stated that it is very hard to stop suicides even in cases where all clothing is taken away with which an inmate can hurt himself. The best place to observe these cases is in an open dormitory, not cells, because there are many people around and it is easier to spot the potential suicide. However,, it is not always easy to find out who is the suicide prone inmate. There should be a dormitory of this type in every detention institution.

The Commissioner stated that we have a program proposal before the NIMH (National Institute of Mental Health) for studies into suicide causes and for having their personnel instruct COs and superiors on suicide preventative techniques. There is a similar proposal with the Cornell Medical School (a 3-year study).

The Chief noted that the telephone company has told him there are several problems with the phone situation at the MHD of a technical nature. It will be cheaper to leave Long Distance calls in than to try to siphon them out. Too costly. Provisions will be made in the Control Room to cut off any phone in the system. All incoming calls go through only one line in the Control Room, to prevent a plethora of phone calls coming in at all the extensions.

The Commissioner suggested special signs be made up on the use and privileges regarding phone calls. The Chief noted that in the Court Pens inmates sign book to record the calls he is allowed (by law) to make. The commissioner stated inmates will be warned as to the length of the calls and will be summarily cut off if they abuse the privilege beyond the allotted time.

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