

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION
APRIL 19, 1971

A regular meeting of the Board of Correction was held on Monday, April 19, 1971, in the 14th floor Conference Room, 100 Centre Street, New York, New York.

Present at the meeting were Messrs. vanden Heuvel, Dribben, and Schulte, Rev. Wilson, and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board, Lesley J. Spector, Executive Secretary of the Board, William Goodstein, Counsel to the Board, Jeffrey Siger, of the firm of Fried, Frank, Harris, Shriver & Jacobson, Henry Ruth, Director, Criminal Justice Coordinating Council and Terry Strauss, Research Assistant, Criminal Justice Coordinating Council. Mr. vanden Heuvel acted as Chairman and Miss Spector as Secretary of the meeting.

The Chairman called the meeting to order at 2:10 P.M. He then introduced Mr. Siger to the members of the Board, and explained that Mr. Siger had been invited to discuss the Manhattan Volunteer Project with the members of the Department of Correction who would attend the meeting. The Chairman stated that the Board would ask Commissioner McGrath to approve the project.

The Chairman stated that he had met with Leo Zeferetti, President of the Correction Officers Benevolent Association, last week. They discussed the budgetary crisis as it affects the Department. The Chairman declared that Mr. Zeferetti felt that a good case could be made to establish the need for 900 new correction officers, since in this fiscal year, the City has already paid over \$5,000,000 in overtime pay to officers. The Chairman declared, however, that with the Mayor's projected budget cuts, the City is not only not considering hiring new officers, but laying off present officers.

The Chairman stated that in his opinion, the Department of Correction should be treated differently from other municipal agencies, since those people in correctional facilities have had their freedom taken away from them and therefore must be cared for.

Mr. Schulte declared that one possibility for easing the personnel crisis might be to abandon the Reformatory on Rikers Island, since the City has the right to request the maintenance of these inmates by the State. Mr. Ruth stated that, in theory, this might be a good idea, but, if it were done, the State would probably return the 3,000 City prisoners for which it is now caring.

At this point, the meeting was joined by Commissioner George F. McGrath, First Deputy Commissioner Benjamin Malcolm, Assistant Commissioners Jack Birnbaum and George Camp, and Director of Operations Joseph D'Elia, all of the Department of Correction. The Chairman informed Commissioner McGrath of Mr. Schulte's suggestion. The Commissioner stated

that he would meet with State Correction Commissioner Russell Oswald tomorrow and that he has been advised that the State Department of Correction is faced with the same budgetary crisis as is the City. In fact, Commissioner McGrath declared that the State may be forced to reduce the number of City prisoners the State can accommodate.

The Chairman suggested that the Board, singly or as a group, might bring an Article 78 proceeding against the City to alleviate the problem. Such a proceeding would compel the City to maintain a certain level of personnel within the Department related to the population in the prisons.

The Commissioner stated that it is his opinion that the Mayor and Budget Director have been "kinder" to the Department of Correction than to most other agencies, but that until the State Legislature decides what the supplementary budget figures will be with relation to New York, there is no way to judge what effect the budget cuts will have on the Department.

Mr. Schulte asked Commissioner McGrath what the plans are for the Branch Queens House of Detention and the Women's House of Detention in Greenwich Village. Commissioner McGrath stated that he had not gotten a definite decision from the Mayor's office as yet, but it appeared likely that the institutions would close. Commissioner Birnbaum stated that 70 officers would be saved if Branch Queens were closed. Commissioner McGrath added, however, that the remaining institutions would have to bear the burden of additional prisoners if either or both of these institutions were closed.

The Chairman asked Commissioner McGrath about the status of certified addicts in the City prisons, stating that as of last week there were 256 such addicts who had not yet been transferred to Narcotic Addiction Control Commission facilities. Commissioner McGrath stated that it was his opinion that Commissioner Luger of the NACC would soon state that his program could not accommodate any more certified addicts. The Commissioner added that the Department was waiting for a decision from Judge Frank regarding the matter. Mr. Goodstein will advise the Board when such a decision has been handed down.

The Chairman stated that he had discussed the case of James Lightbourne with the Editorial Board of the New York Times last Saturday, urging the Times to use this case to help plead for a ruling on a time limit for detention of inmates before they are brought to trial.

The Chairman then raised the budgetary problem being faced by The Legal Aid Society. He informed the Board that the Society had been offered \$4.5 million by the City, but that it feels that it cannot operate with less than \$5.5 million. The Chairman further stated that the Society had agreed to staff offices in the prisons each afternoon to insure better legal assistance to inmates, but could not begin this program unless it

got additional funding. Mr. Schulte declared that it might be helpful if some of the Board members could be invited to observe the Legal Aid procedures. Mr. Dribben declared that he thought established lawyers could be persuaded to volunteer some time to assist the Society.

On behalf of the Board, the Chairman expressed encouragement to the Department staff for the progress being made in the methadone detoxification program. Commissioner McGrath stated that the program in the Tombs was running more smoothly than was originally anticipated. He further stated that 22 of the 35 suicides which had occurred in the prisons during the last 4-1/2 years were addicts, that over 50% were confined for two days or less before their death, and that over 50% were under 25 years old. He added that since the program has been under way on the ninth floor, there have been no incidents of attempted suicide. Commissioner Malcolm stated that during the first three weeks of the program at the Tombs, over 600 addicts were treated. He added that the Department is now in the process of recruiting additional registered nurses so that a detoxification ward can be opened in the Brooklyn House on May 3 (Commissioner McGrath added that RN's receive a salary of \$10,100 per annum; head nurses receive \$10,900 per annum). Commissioner Malcolm stated that it cost the City 15¢ per week per inmate for the methadone. He further stated that each addict in the program is given four cigarettes per day (two in the morning and two in the evening) to ease the detoxification. The cigarettes cost more than the methadone. The Chairman stated that the Board would try to arrange to have cigarettes contributed to the prisons.

The Chairman then raised the issue of community representatives in the Tombs. The Commissioner declared that he had read the report of the Board concerning the pilot project and agreed that the volunteers rendered a very valuable service. However, he stated that he was disappointed with the nature and content of the report. He declared that he had been under the impression that the Board and the Department would work together with respect to the questionnaires which inmates had filled out some months ago and was now disappointed with the lack of factual materials presented in the report.

Commissioner McGrath stated that with respect to the use of volunteers in the prisons, the Department was in agreement with the Board, but that services by volunteers would have to be supervised by the paid staff of the Department. He added that the only way he felt an expanded program would be helpful would be to work in the Counsel Room at the Tombs and not on the housing floors. He further stated that any other arrangement would add to existing problems.

The Chairman declared that the Commissioner's comments on the content of the report were probably quite appropriate. He stated that the questionnaires were never processed because there was a lack of manpower and facilities to do so. Instead, the Chairman said, the

volunteers opted for action in handling the problems of prisoners. The Chairman stated that the correction system has two resources it can call upon: volunteers and prisoner involvement. He further stated that he would hope that the prisons will become more like community facilities, and that the community representative concept is one which would have volunteers approved and accepted by the Department and briefed by the Department, and would then have volunteers go into the cellblocks to talk to individuals and groups of prisoners. Where there are cases which should be discussed privately, the representative could arrange that as well. The Chairman stated that this procedure would give the prisoners a sense of community involvement. Additionally, the Chairman added that such a procedure would save the correction officers the further task of transporting prisoners from their cells to the Counsel Room.

The Commissioner stated that he felt that what the Chairman was saying was that we should have meaningful interviews. It is the Commissioner's feeling that such interviews would more effectively serve their purpose if they were held in a private conference room. The Commissioner declared that he agreed that there was a need for vast numbers of volunteers and that the Department was arranging another conference of religious leaders to help. He added that the Department was also involving laymen in the project. The Commissioner also declared that these volunteers would work in the Counsel Room, and that putting volunteers on the housing floors of the Tombs would have severe disadvantages, not the least of which would be a severe blow to the morale of the correction officers.

Mr. Siger declared that one important result of the pilot project of volunteers in the Tombs was that it showed the importance of having these volunteers on the housing floors, because it gave the prisoners a feeling that someone from the outside world cared about them. Mr. Siger said it was his opinion that the "man-to-man" relationship would be lost if each inmate had to be brought to the Counsel Room.

Commissioner Camp stated that it was his experience that inmates held the philosophy of "Don't put your business on the street," and that inmates will not discuss what is really bothering them if they have to communicate to a volunteer where other inmates can listen. Commissioner Camp said it was his opinion that inmates would be more willing to talk in the Counsel Room. Mr. Siger then stated that that was not his experience; that, in fact, prisoners were willing to talk about anything while they were in their cellblocks.

Commissioner Malcolm then stated that he had had 20 years of experience doing the type of work that Mr. Siger has been doing in the Tombs and that it is his opinion that inmates resent having to talk to outsiders behind their bars and in front of other people. Commissioner Malcolm added that he also felt that a lot of volunteers were simply

curious to see a cellblock and did not in fact think it was beneficial to speak to inmates on the housing floors. He also stated that he felt it would enhance the dignity of the inmate to be able to discuss his problems in the Counsel Room instead of in his cell.

Mr. Siger declared that it is his opinion that inmates prefer to have volunteers visit them in their cellblocks because that is where they live.

Rev. Wilson suggested that the issue seems to be one of approach, and that perhaps both sides should remain flexible for the time being and not make a definite decision one way or the other.

Commissioner McGrath stated that any member of the Board had the right to go on any floor of any institution, but that we are now talking about a large volunteer staff, much of which is being organized by the clergy.

Mr. D'Elia stated that he was speaking as a former correction officer and that it is the feeling of correction officers that all "bad" things are attributed to them. He added that the officers do not always want to be "repressors," and having outsiders on the floors makes the officers' job much more difficult, since if a volunteer is more available than a correction officer, the inmate will turn to the volunteer for assistance.

Mr. Goodstein suggested that the Board's plan of visitation on the housing floors be accepted on a trial basis on a limited number of floors.

The Commissioner responded to Mr. Goodstein's suggestion by stating that he is advocating a drastic increase in the number of volunteers and that he wants them to show their earnest by solving prisoner problems in the Counsel Room.

Mr. Schulte declared that there was no reason for any further discussion on this subject, since this is the Commissioner's decision to make and he has made it.

In response to a question by Commissioner McGrath, Mr. Siger stated that it was his feeling that volunteers would be welcomed on the housing floors by the correction officers. Mr. D'Elia stated that he disagreed. Commissioner McGrath stated that it was his feeling that such visits to the housing floors would present a very serious morale problem for the officers. Commissioner Camp said it was his feeling that the officers would resent the presence of volunteers.

Commissioner McGrath stated that the Department has the beginnings of a formalized program regarding selection of an enlarged volunteer

program. When the Department has the program put together, the Commissioner would like to present it to the Board on or about June 1.

Mrs. Singer stated that she would like to see the Board involved in the planning of the program, rather than to have the program submitted to it when it was finalized.

The Chairman stated that it was not important to have a Board program, but that the Board was simply interested in making sure that legitimate grievances of prisoners were handled. This in itself would ease tension in the prisons.

The Chairman then stated that the Board would like to reactivate the pilot project in the Tombs until the Commissioner presents his new proposal on June 1. The Commissioner stated that, since the pilot project has been completed, he would not permit it to be reactivated.

The Chairman declared that the Board was interested in sponsoring a series of lectures in the prisons for those inmates who were interested in attending. The Commissioner stated that he felt this was a good idea, but would raise the following questions in connection with the matter: Who would speak? What would be the subject matter? What times and days would the lectures be held? The Commissioner further stated that the Department is working on a similar proposal, which would involve college and university people to lecture at the prisons. Commissioner Malcolm stated that the Department now has a list of some 42 subjects that the prisoners stated they were interested in. The Chairman suggested that speakers be recruited to give lectures in Spanish for Spanish-speaking inmates and lectures on Black studies. The Chairman stated that the Board would formalize this proposal and submit it to the Department.

The Chairman then raised the question of Unusual Occurrence Reports. Commissioner McGrath declared that he felt it was unwise to send out the Reports to the members of the Board because many Reports relate to matters that are before the District Attorney and are confidential. The Commissioner stated that these files are available at the Department of Correction to every member of the Board who wishes to see them. He further stated that the Department will provide the Board with a copy of every Report (the Department will deliver them to the Board office by hand as they are prepared) on the condition that the Board agree not to duplicate them and send them to members of the Board. Mr. Schulte stated that he felt this procedure was unacceptable, since it would be a great inconvenience to the Board members to have to visit the Board office to read the Reports. Mr. Schulte added that he is aware that he must comply with the Commissioner's order with respect to this matter, but that he would publicly oppose the procedure.

Commissioner McGrath then raised the question of communication between the Board and the Department and requested that the following procedure be put into effect: When any member of the Board wishes to

communicate with the Department, he should bring the matter to the attention of the Chairman or Mr. Brickman. Then the Chairman or Mr. Brickman should address a letter relating to the particular matter to Commissioner McGrath, rather than to any member of his staff. Commissioner McGrath will then make a determination as to which member of his agency should properly respond to the letter.

The Chairman stated that the Board was interested in the reaction of the Department to the Board's suggestion of utilizing prisoners as observation aides for those inmates who indicated disturbed behavior, and in what progress had been made in utilizing inmates as Spanish-speaking aides. Commissioner Malcolm stated that the Department now has 22 Spanish-speaking aides. He added that that number will be increased to about 40. He further stated that there are 32 Spanish-speaking people on the correction officer list.

The Chairman asked whether prisoners had been or would be used as Spanish-speaking aides. Commissioner Malcolm declared that this was done on an ad-hoc basis.

Mr. Dribben stated that he thought it would be helpful to have informal "rap" sessions between the Board and the Department in addition to meeting officially from time to time.

The Chairman then stated that it was the understanding of the Board that the bill to give greater flexibility to the Commissioner in appointing wardens had not yet been introduced in this session of the City Council. The Commissioner stated that although the bill was to officially be introduced by the Department, the Department is awaiting word from City Hall before it does so.

The meeting was adjourned at 4:15 P.M.

Respectfully submitted,



Lesley J. Spector
Executive Secretary