

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION
NOVEMBER 15, 1971

A regular meeting of the Board of Correction was held on Monday, November 15, 1971, at the home of Mrs. Rose Singer, 31 East 72nd Street, New York, New York.

Present at the meeting were Messrs. vanden Heuvel, Dribben, DeMonte and Schulte, Mrs. Singer and Rev. Wilson. 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; Kenneth Nochimson, Law Intern for the Board; Terry Strauss, Research Assistant, Criminal Justice Coordinating Council; and Joseph D'Elia, Director of Operations, Department of Correction. Mr. vanden Heuvel acted as Chairman and Miss Spector as Secretary of the meeting.

The Chairman called the meeting to order at 3:20 P.M. Upon motion duly made and seconded, the minutes of the meeting of October 18, 1971 were adopted.

Mr. Brickman submitted for the Board's consideration a resolution authorizing the Board to borrow money on a short term basis in order to pay salary and office expenses pending reimbursement of federal monies. It was agreed generally that either the Chairman or the Vice Chairman and the Executive Director or the Executive Secretary should co-sign any such resolution. Upon motion duly made and seconded, it was

RESOLVED, that the Chairman, Vice Chairman, Executive Director, and Executive Secretary of the Board of Correction of the City of New York ("Board"), signing either of the first two and either of the second two, and their successors in office are hereby authorized to effect loans and advances at any time for the Board from any bank or other lending institution which they deem proper, and for such loans and advances to make, execute and deliver promissory notes and other written obligations or evidences or indebtedness of the Board, applications for letters of credit, and any agreements or undertakings, general or specific, giving liens on, and rights and powers with respect to, any property of the Board, and other agreements and undertakings, and as security for the payment of loans, advances, indebtedness and liabilities of the Board to pledge, hypothecate, mortgage, assign, transfer, indorse and deliver property of any description, real or personal, and any interest in and evidences of any thereof at any time held by the Board, and to execute instruments of transfer, powers of attorney and other instruments which may be necessary or desirable in connection therewith; and also to sell to, or discount with such bank or lending institution commercial papers, bills receivable,

accounts receivable and other instruments and evidences of debt at any time held by the Board, and to that end to indorse, assign, transfer and deliver the same, and also to give any orders or consents for the delivery, sale or exchange or other disposition of any property or interest therein or evidences thereof belonging to the Board and at any time in the hands of such bank or lending institution, whether as collateral or otherwise.

Mr. Schulte suggested that the Board contact a private foundation to ask if the Board could borrow the money interest-free. Mr. DeMonte suggested that the Board attempt to borrow the money at low interest from one of the major union banks in the City. The Chairman stated that if the reimbursement situation is not remedied within a short period of time, he would contact the New York Times to ask them to investigate the problem.

It was then suggested that the Vice Chairman be authorized to sign checks on behalf of the Board, in addition to those presently authorized, the Chairman, Executive Director and Executive Secretary. Upon motion duly made and seconded, it was

RESOLVED, That William H. Dribben, as Vice Chairman, and his successor in office, is hereby authorized to sign checks, drafts, notes, acceptances and other instruments, and orders for the payment or withdrawal of moneys, credits, items and property at any time held by the Chemical Bank New York Trust Company for account of the Board.

The Chairman then stated that it is imperative that the Board of Correction deal with the problem of overcrowding in the prisons. He stated that he had asked Mr. Goodstein to look into the possibility of a legal action to accomplish the following: to mandate the opening of the Sheridan narcotic addiction facility, to be paid for and possibly operated by the State; to create special parts of the Supreme and Criminal Courts to establish emergency bail review procedures; to mandate the Department of Correction to repair the cells not presently in use on an emergency basis or to show cause why the repairs cannot be done; to compel the Department of Correction to establish an independent grievance procedure in each of the City's prisons within a period of two to three months; to mandate the City to end the attritional freeze of correction officers. The Chairman stated that if the courts were to continue to remand citizens to City detention facilities, they must also assume the responsibility for relieving the overcrowding.

The Chairman stated that these actions could be brought in the Federal courts on the basis of violation of civil rights. Mr. Goodstein stated that the actions should be brought in the Southern District of New York.

Mr. Schulte stated that he had visited the Sheridan facility at 75 Morton Street, Manhattan, and that it had a capacity of 450 people. He further stated that it was a brand new facility with modern equipment, air conditioning, recreation areas, etc. He declared that the Sheridan facility was medium-security and that there is a dining room on each floor. He further declared that there are available facilities for metal shops, wood shops, art classes, barber courses,

etc., and that there is no one in the institution at the moment except for a caretaker.

Mr. Brickman stated that the present plan for the facility was for the State Department of Mental Hygiene to use it for mentally retarded children. The Chairman stated that he did not understand why plans were now under way for building a new prison when the Sheridan facility is available immediately.

In response to a question from Mr. Schulte, Mr. Brickman stated that the new Adolescent Remand Shelter will have a capacity of 1,100. He further stated that he has been advised that the contractor will have completed his work by March 1, but that the earliest possible date for some inmates to move into the facility would be July 1, 1972. He declared that a realistic date for utilization of the new facility is January 1, 1973.

Mr. Goodstein stated that he thought it might be wise to present the intention of the legal actions to the responsible administrative agencies before the action was in fact taken. He further stated that this would be a typical Article 78 proceeding and that he should be able to say that a demand had been made upon the agencies to correct the system and that the agencies had not complied, before the formal action was taken. He suggested that the Board write to the Governor's office and Chief Judge Fuld. The Chairman stated that the Board could issue the demand letters on Tuesday, November 16, and delay any court action for ten days thereafter.

The Chairman then read to the Board a letter he had written to Commissioner McGrath regarding the overcrowding in the City's prisons. He stated that the Board could not accept the fact that the Department is unable to maintain the physical plant of its institutions.

Mr. D'Elia stated that one reason that some cells are not being utilized is that there are some locking devices which are broken. He further stated that it is taking an unusually long time to repair them because the manufacturer of the devices is no longer producing the exact parts needed for the cells. Therefore, he stated, it was necessary for the Department to forward the manufacturer a sample part so that he could reproduce the devices needed to fit the cells. Mr. D'Elia stated that the E and F sections of the 4th floor of the MHD were not now being used because of the lack of functioning locking devices. Mr. Brickman stated that the F section on the 7th floor was also not being used because of this problem, and that that meant that a total of 50 cells in the MHD were not working.

Mr. D'Elia stated that once the locking devices were finally received from the manufacturer, the Department would have to get locksmiths to come in to install them.

Responding to a question about the toilets in the institutions, Mr. D'Elia stated that installation of cast iron commodes might best be suited for the institutions, since they are almost impossible to

break, and would not stain or spot as stainless steel toilets do. Mr. Goodstein asked Mr. D'Elia why the toilets can't be used in the cells where the locking devices are in disrepair, in a similar fashion as toilet facilities in the dormitories. Mr. D'Elia stated that it would be dangerous.

Mr. D'Elia declared that there are 45 toilets on order for the MHD. Mr. Schulte stated that if there are some 60 toilets in disrepair, it would seem sensible for the Department to order 150, so that there would be an available stock of toilets at the institution. Mr. D'Elia stated that this is a budgetary problem, i.e., that the Department does not necessarily set future needs as priority items. Mr. Schulte suggested that toilets be taken from the old Women's House of Greenwich Avenue to be used at the MHD. Mr. D'Elia stated that he was almost certain that they would not fit into the MHD mold.

The Chairman asked Mr. D'Elia about movie curtains for the MHD. Mr. D'Elia stated that manufacturer who did the curtains for the Women's Correctional Institution is going to visit the MHD to see whether he can do the curtains there.

Mr. Dribben asked why movies can't be shown in the evenings when curtains would not be needed. Mr. D'Elia stated that movies are shown to sentenced inmates in the evenings, but are not shown to detainees because it would conflict with visiting hours.

The Chairman then asked Mr. D'Elia about the elevators. Mr. D'Elia stated that the elevators are operated by Department of Correction personnel, but are maintained by Department of Public Works personnel. Mr. D'Elia stated that the stairs are very rarely used because they are dangerous. Mr. Schulte asked if there are any set rules about procedures to follow in case of fire. Mr. D'Elia stated that procedures would be set by the tour commander on duty at the time of a fire.

Mr. D'Elia stated that there had been 13 officers and two captains assigned to the old Women's House of Detention, but that they have now been reassigned and the building is padlocked. He further stated that the Department is waiting for the Department of Real Estate to take over the building.

Mr. Schulte asked Mr. D'Elia about the proposed ombudsman for the Department. Mr. D'Elia stated that he thought there was a need for it, but that the Department had to determine whether it should be an outside person or a member of the Department staff. He stated that he felt that the ombudsman should be one of the wardens' high ranking personnel.

With respect to the attrition rate of correction officers, Mr. D'Elia stated that the Department is still only permitted to fill approximately 25% of vacancies that occur due to retirement.

At this point, Mr. D'Elia left the meeting.

The Chairman announced that the extradition order on Robert Apablaza had been vacated, and that Mr. Apablaza would be released from the Queens House of Detention within 48 hours.

The Chairman stated that on November 22, a special conference on the mentally retarded in the prisons would be held at 10 A.M., room 330, 125 Worth Street, Manhattan.

The Chairman declared that he would like a task force to be formed to look into the problem of prison chaplains, i.e., who they are, how they are appointed, how they are paid, etc. Rev. Wilson agreed to be on this task force.

The Chairman informed the Board members of the entertainment that was taking place in the prisons with the assistance of the Board through Gloria Bond. He further stated that Jean vanden Heuvel is working on setting up theatre workshops in the prisons.

The Chairman informed the Board that the first de-briefing session was held for the clergy who had been working at the Brooklyn House of Detention. He stated that the Program is having great results under the direction of Jeffrey Siger, Special Counsel to the Board.

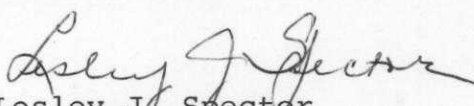
Mrs. Singer stated that the Women's Prison Association received \$78,000 from the Criminal Justice Coordinating Council for its diversion program. The Chairman stated that he was pleased with the appointment of Mrs. Essie Murph as Superintendent of the Women's Correctional Institution.

The Chairman stated that it is important for the Board to raise money to carry forward some of its projects and to hire a full-time volunteer coordinator. He suggested that the Board honor a "Man of the Year" (perhaps Dr. Vincent Dole), for outstanding contribution to the improvement of the prison system. He further suggested that the Board sponsor a \$100/ticket dinner or reception, perhaps at the MHD, to honor the "Man of the Year."

The Chairman stated that the Board must present its annual report immediately. Mr. Brickman stated that the report would be ready as soon as possible.

The meeting adjourned at 6:00 P.M.

Respectfully submitted,


Lesley J. Spector