

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

April 3, 1972

A regular meeting of the Board of Correction was held on Monday, April 3, 1972, in the 14th floor Conference Room, 100 Centre Street, New York, New York.

Present at the meeting were Messrs. vanden Heuvel, Dribben, Kirby and Becker, Rev. Wilson, and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Arden Culver, Executive Secretary, Board of Correction; Lesley J. Spector, Director, Clergy Volunteer Program; Sally Howlett, Administrative Assistant, Board of Correction, Averell Satloff, law interne and Henry Shorr, interne, Board of Correction; *and Terry Strauss, Research Assistant, Criminal Justice Coordinating Council; Benjamin Malcolm, Commissioner, Department of Correction, Jack Birnbaum, Deputy Commissioner, Department of Correction, George Camp, Assistant Commissioner, Department of Correction; A.L. Castro, Director of Public Affairs, Department of Correction; Arnett Gaston, Executive Assistant to the Commissioner, Department of Correction, Ronald Zweibel, Director of Legal Affairs; and Judith Ades, Department of Correction. Mr. vanden Heuvel acted as Chairman and Miss Culver as Secretary of the meeting.

The Chairman called the meeting to order at 3:17. Upon motion duly made and seconded, the minutes of the meeting of March 6 were approved.

Mr. vanden Heuvel then introduced Henry Shorr and stated that he was from Michigan State University and would be with the Board as a student interne until June.

The Chairman then discussed a recent suicide, Mr. Sumas, who died at the Tombs last week, was 23, white, with 14 previous arrests. Mr. Shorr declared that Mr. Suma was not a known addict. The Chairman indicated that the Board might participate in the burial at Potters Field, in order to demonstrate to the community what happens when a man without friends or relatives dies in prison.

The Chairman further noted that there are now inmate suicide aides in the Tombs and that one recently called a correction officer and saved another inmate from committing suicide. The Chairman stated that the Board should insist on suicide observation aides or open ward housing for identifiable potential suicides.

Mr. Brickman reported that a physical inspection was recently conducted of the Brooklyn House of Detention. The Chairman added that each month a report on a prison would be prepared. He stated that this report would be much more detailed than those of the State Commissioner of Correction. Mr. Dribben declared that he was happy with what he saw and that he never saw morale higher in any state institution.

The Chairman than began a discussion of the Clergy Volunteer Program. Miss Spector declared that the program would soon begin its second phase, bringing in lay people. Mr. vanden Heuvel said that he had met with Rev. Donald S. Harrington of the Community Church and that a revolving bail fund was to be announced at the Community Church (in the amount of \$10,000) and the first prisoner to be released was to be presented to the congregation on April 13, 1972.

Mr. Dribben stated that he had not seen the Clergy Volunteer Program show on television, and he wondered if all the Board members had also not heard about it. Mr. Brickman replied that Board members had been told about it, but three weeks in advance. He said that he felt that this time lapse caused certain Board members to miss it. He further stated that the staff would start a calendar of events so that Board Members could be notified of coming events.

The Chairman then stated that he had begun a radio program entitled "Crime and Punishment" on WNYC-AM. The program is broadcast at 9 p.m. each Monday.

The Chairman said he was distrubed at the death of John Donaldson. He said that Mr. Donaldson had burned to death in his cell, and that although a Grand Jury investigation was completed last Monday, no decision had yet been announced. The Chairman stated that there were rumors in the prison community implying there was negligence in his rescue from the cell. Mr. vanden Heuvel said that matches were found, but the prisoner did not smoke. According to some reports, Mr. Donaldson had been assaulted the previous day and questions remain as to whether certain eye witnesses had been interviewed by the various investigating agencies.

The Chairman said that he had come up with an alternative to the Morton Street Facility for a new prison. He described a building on Fifth Avenue between 107th and 108th Streets that once belonged to the Daughters of Isreal. He said that the building could be bought outright at a price of \$1,500,00 or rented for \$145,000 a year. The building has 400 beds and is in working order. There is an open area where prisoners can be out in the open. The Chairman said Mr. Schulte had inspected the premises and was impressed.

The Chairman then said that in his judgment most prisoner grievances relate not to the prisons themselves but to the legal system and involve trial delays, problems with counsel, the inequity of the bail system, and the inequity of sentences of prisoners. He added that in order to give a voice to what was going wrong, he would propose a legal ombudsman for the prisons, to investigate, analize and bring attention to prisoner grievances which deal with the legal system. A major purpose of this ombudsman, he added, would be to make the courts more responsible.

Commissioner Malcolm entered the meeting at 4 p.m. With him was Ronald Zweibel, the new Director of Legal Affairs.

Commissioner Malcolm declared that he did not want a gulf between the Department of Correction and the Board of Correction. He invited the Board to attend a number of meetings planned to discuss various matters.

Mr. Becker suggested that the Department include a presentation by a representative of the Board in its Correction Officer Training Program.

Commissioner Camp then described a voter registration program which was being developed for detainees and those serving misdemeanor sentences. At the present time at the Tombs, correctional aide staff is being used to register voters, but at some time in the future, members of the community will act as registrars. Commissioner Camp further stated that his office was working on the project with the clergy, and the Chairman and Mr. Brickman then offered to assist the Department in getting volunteers from the Junior League of New York. Commissioner Malcolm stated that the idea was good, and Mr. Brickman agreed to pursue it.

Commissioner Malcolm then introduced Mr. Ronald Zweibel, the new Director of Legal Affairs. He declared that Mr. Zweibel had previously been in the Bronx District Attorney's office, the Legal Aid Society and private practice.

Commissioner Birnbaum then described the Department's new training program for new correction officers, as well as in-service training for correction officers presently on the job. New innovations are expected to include similar in-service training for superior officers as well as retreats for executive and management staff. A general discussion then ensued regarding matters of training, various aspects of correction officer-inmate relations, and general tension reduction in the institutions.

The Chairman then declared that based upon his recent visits to the prisons and discussions with Departmental personnel, he was convinced that most internal prison problems will be taken care of by the Department. He added that the major problems are those over which the Department of Correction has no power.

Commissioner Malcolm indicated that he had undertaken an examination of the ombudsman question. He discussed some of the more frequent prisoner problems and indicated that his office had been investigating ombudsmen programs in several jurisdictions, including Washington D.C. and Hackensack, New Jersey. The Chairman then suggested that in New York, different experimental approaches should be tried in different prisons.

Commissioner Malcolm then declared that he wished to bring the Board up to date on some of the things the Department had been doing.

He declared that the Department together with the Board and HSA has announced jointly the creation of a Death Review Board. In addition, the Department has instituted a policy of employing detainees as suicide prevention aides. In one instance, within a short period of the initiation of the program at the Tombs, an inmate was saved by the observation of the aide and the quick work of Correction Officer Deegan.

Commissioner also indicated that the Department's visiting procedure had expanded to permit children to visit and inmates to have friends as well as relatives visit.

Commissioner then declared that there were certain bills in the legislature in which the Department was very interested. A general discussion of legislation ensued and it was generally concluded that those bills endorsed by the Governor would pass in this session.

At the suggestion of Mr. Brickman, the Board agreed to write to Hugh Jones, Chairman of the Select Committee, and Dick Brown, the City's legislative representative, to urge that the City's furlough bill be put in acceptable form and enacted.

Commissioner Malcolm then announced that he had recently testified in the Federal District Court in Washington, D.C., in an action by Ben Bagdikian and the Washington Post to compel the Federal Prison System to permit interviews with inmates. A discussion ensued and Commissioner Malcolm outlined to the Board the Department's current procedures for media visits.

The Chairman then asked Commissioner Malcolm to describe the Department's plans for an internal investigation unit, and Commissioner Malcolm outlined the Department's intentions.

Commissioner Birnbaum noted the need to bolster staff morale, and Commissioner Malcolm declared that Correction Officer's Benevolent Association was one of the most responsible uniformed unions.

The Chairman noted that he had long been of the opinion that most of the DA's interdisciplinary needs could be handled within the Department and should not be the subject of action by the District Attorney in every instance.

At the request of the Chairman, Ms. Howlett and Rev. Wilson reported on the progress of the Chaplaincy Task Force. Public hearings are scheduled for 4/24 and 4/25 at the Association of the Bar, and a number of distinguished witnesses is scheduled to appear.

Ms. Howlett then discussed the Mental Retardation Program and indicated that most studies indicate that between 10 and 30 percent of the prison population is retarded. She added that the Board has written a letter to The Joseph P. Kennedy Foundation seeking a seed grant for a preliminary study of retardation in the Reformatory.

Commissioner Malcolm then discussed the problem of job training and placement for inmates, and noted that he was seeking to increase enrollment capability of the MDTA program to train 600 to 700 inmates. In addition, he was working with Consolidated Edison to implement a training program with guaranteed jobs after release.

Commissioner Camp reported that the forthcoming 1972-1973 budget would provide 20 full time persons in the Department to work on job development.

Commissioner Birnbaum declared that the Department itself has eight ex-addicts in various programs. He declared that the Department had no quota, but that people were hired on the basis of their capability.

Mr. Dribben and other members of the Board then commended Mr. Gaston for being first on the captain's test.

Commissioners Malcolm and Birnbaum reported on other developments within the Department, including the expansion of library services, the initiation of the first floor library in the Manhattan House of Detention, as well as the commencement of installation of house floor telephones in the Queens and Brooklyn Houses of Detention.

Commissioner Malcolm then declared that it was his opinion that the Manhattan House of Detention could never be humanized until some of the steel was cut away, and that to that end, Commissioner Birnbaum had presented plans to City Hall to remodel the floors.

Mr. Brickman declared that he was working on a proposal for prisoner art work to be sold through churches, that there were no legal impediments to a program, and that the proposal would be completed as soon as possible.

The Chairman announced that a lunch meeting with various representatives of the news media as well as representatives of the Board and Department would be held on April 21 from 12 noon to 2 p.m.

The meeting was adjourned at 6:10 p.m.

The next meeting of the Board will be held on Monday, May 1, 1972 at 3 p.m.