

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

November 13, 1972

A regular meeting of the Board of Correction was held on Monday, November 13, 1972, in Room 1406, 100 Centre Street, New York, New York.

Present at the meeting were Messrs. vanden Heuvel, Dribben, Becker, Kirby, Schulte and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Peter A. Lesser, Executive Secretary of the Board; Mary Pickman, Legal Advocate; Kenneth Nochimson, Legal Advocate; Greg Harris, Director, Clergy Volunteer Program; Jeffrey Siger, Special Counsel to the Board; and Debby Powers, Criminal Justice Coordinating Council.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; George Camp, Assistant Commissioner; Richard Aneiro, Assistant Commissioner; A.L. Castro, Director of Public Affairs; and Arnett Gaston, Executive Assistant to the Commissioner.

Also present was Dr. Vincent Dole, Rockefeller University.

Mr. vanden Heuvel acted as chairman and Messrs. Lesser and Brickman as secretaries of the meeting.

The meeting was called to order at 4:07 by Mr. Dribben. Upon motion duly made and seconded, the minutes of the meeting of November 6 were approved.

It was noted that the Board had received a request for an excused absence from Mr. Carrion. The request was granted.

Mr. vanden Heuvel assumed the chair at 4:15 P.M.

Mr. Dribben reported on the progress of the program to bring military medical reserve units into the City prisons on a pilot basis. He noted that the military units were awaiting an opinion letter from the Corporation Counsel's office concerning the possibility, if any, of malpractice liability before proceeding with the pilot program.

Mr. Becker reported on the position of Trial Commissioner in the Department of Correction based on information compiled by Mr. Lesser. Mr. Becker noted that the objectivity of the Trial Commissioner is questionable since he serves at the pleasure of

the Commissioner of Correction. He would prefer to see this position appointed by the Mayor for a fixed term. Messrs. Becker and Kirby announced their intentions to attend future proceedings of the Trial Commissioner and will report back to the Board.

At 4:23 P.M. the Commissioner and his staff arrived.

The Commissioner discussed the indictment of a correction officer who allegedly accepted \$5000.00 from an inmate to assist in moving his parole date forward. The Department acknowledged that it was in the process of suspending the correction officer pending the outcome of the investigation and trial.

Deputy Commissioner Birnbaum reported on the status of the Legal Orientation Program. It was reported that the pilot project in the Bronx House of Detention has been proceeding very well. It was further reported that requests for bids were sent to the four interested companies (Learning Systems, Inc., Women Prisoners Committee, West Publishing Co., and The Legal Aid Society) with a final date for the receipt of bids set at November 29, 1972. The Deputy Commissioner noted that the Department hoped to have a decision within three weeks after the receipt of bids.

The Chairman noted that another case study report by the Legal Advocate Program was issued to the public the previous day.

Mr. Harris reported on the Clergy Volunteer Program, and distributed a draft copy of the proposed implementation of the recommendations of the Chaplaincy Task Force. He noted that the Board was awaiting the Department of Correction's nominations for its two positions on the six member appointment board. Assistant Commissioner Camp was designated to work with Mr. Harris on implementing the report and promised that the Department's nominations would be made shortly.

The Chairman introduced Dr. Dole who reported on the progress of the narcotics problem and programs in the Manhattan House of Detention. Dr. Dole noted that no one in the Manhattan House of Detention is equipped to give an answer as many agencies are serving within the Manhattan House of Detention and each is preoccupied with his own area.

Dr. Dole felt that new innovations are needed in the prisons, especially in the new Adolescent Remand Shelter. Among them would be first rate medical review, first rate social service review and first rate legal review.

Commissioner Malcolm responded that he was basically in agreement with Dr. Dole. Deputy Commissioner Birnbaum noted that "We don't want to open another institution like the Department of Correction already has."

The Chairman proposed that Dr. Dole be appointed to the Departmental Task Force on Planning for the New Adolescent Remand Shelter. The Chairman also announced that the Board of Correction would be pleased to participate in the planning. Commissioner Malcolm declared that he was amenable to the Chairman's proposal. It was reported that CJCC hoped to become involved in the planning.

Ms. Pickman left the meeting at 5:10 P.M.

It was reported by the Chairman that uniforms were no longer worn at Greenhaven. LEAA has given \$500,000 to the State Department of Correctional Services for clothing as part of a program to discard uniforms for civilian attire.

Mr. Lesser left the meeting at 5:30 P.M. and Mr. Brickman continued as secretary.

At 5:30 P.M. Mr. Becker left the meeting.

Commissioner Birnbaum declared that the warden of the new Adolescent Remand Shelter should have management ability, with the proper orientation. Mrs. Singer stated that the person should have community "knowhow", together with knowledge of resources available outside the prison.

Mr. Dribben declared that crime prevention should be a focus of correctional programming. Commissioner Malcolm responded that he felt there were two weaknesses in the present structure of the expenditure of criminal justice funds: Little or no attention is given to crime prevention, and no attention to mass post-release efforts. He noted that the vast majority of the 20,000 sentenced inmates released in the City each year are released without any post-release supervision.

Mr. Kirby then declared that he was disturbed with the Department for not having moved forward on programs which would involve prisoners in advance of their release, and continuing after their release.

At 5:40 P.M. Mr. Schlute and Mrs. Singer left the meeting, and at 5:42 P.M. Commissioner Camp left the meeting.

In response to Mr. Kirby, Commissioner Malcolm declared that money was a problem. Mr. Kirby then declared that the Department should at least ask the Criminal Justice Coordinating Council about the possibility of funding for such programs.

Dr. Dole declared that the new Adolescent Remand Shelter does not merely need an enlightened warden. Rather, he declared that it needs a person with an outreach capability. He cautioned against the expectation of too much from the new operation.

The Chairman declared that he agreed with Dr. Dole, and that he believed the Department had demonstrated its good faith. Ms. Powers added that she felt that the matter was now ripe and that the Department was ready to coordinate work with outside programs.

The Commissioner declared that the easy way out would be to simply open the institution, on a business as usual basis. That, he declared, would make a lot of people happy. However, the Department does not want to do that; it has a commitment, he said, and wants to carry it through.

Commissioner Birnbaum then described the operating board concept at the new institution, and declared that new internal mechanisms must be developed with personnel, as well as the will to operate programs.

Mr. Kirby declared that the institution should be run on the basis of program as the most important content, and that security should be secondary.

The Chairman then described a project to involve inmates in the restoration of slum buildings. The Commissioner declared that the Department was renovating and establishing a dormitory at Branch Queens House of Detention to serve as the Department's principal work release center.

The Chairman then discussed the case of Mrs. Sarah Greenberg, a newsdealer in upper Manhattan, who has been robbed five times in recent months, and said that the Board had been successful in helping gain additional security for her newsstand.

The Chairman asked the Commissioner if he wished to comment on the October 23, 1972 escape from the Manhattan House of Detention. Commissioner Malcolm responded that three of the escapees were now back in the institution; one surrendered and two were recaptured. He declared that there was an obvious breach of security in the area. He said that the F section was not locked and that no one ever thought that any inmates had been going into the area. Now, he stated, there is a security officer in the institution, with the duty of addressing such matters.

He declared that while Department regulations call for an officer to sign the count slips, certifying that the count is verified and that the area is secure, the officers he said, obviously were not attending to the latter matter. He added that all evidence had been turned over to the District Attorney. He declared that at this time, there is no indication of affirmative complicity by correction personnel.

Upon motion duly made and seconded, the meeting was adjourned at 6 P.M.