

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

April 2, 1973

A regular meeting of the Board of Correction was held on Monday, April 2, 1973, in the 14th floor conference room, 100 Centre Street, New York, New York.

Present at the meeting were Messrs. Dribben, Carrion, Becker, and DeMonte, and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Greg Harris, Director, and Barbara Armstrong, Deputy Director, Clergy Volunteer Program; Mary Pickman, Director, Kenneth Nochimson, Co-Director, and Maureen Barden, Research Assistant, Legal Advocate Program; and Brenda Sweet, Senior Project Planner, Criminal Justice Coordinating Council.

Present from the Department of Correction were Benjamin Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; Richard Aneiro, Assistant Commissioner; and Joseph D'Elia, Director of Operations.

Mr. Dribben acted as Chairman and Ms. Barden acted as Secretary of the meeting.

The meeting was called to order at 3:10 p.m. by the Chairman. Upon motion duly made and seconded, the minutes of the meeting of March 5, 1973, were approved. Upon motion duly made and seconded, requests for excused absences from Messrs. Kirby, Schulte and vanden Heuvel were accepted.

Mr. Brickman told the Board that the 1972 Annual Report was almost completed. He said that the report would follow the format used in 1971, but that the initial distribution would be xeroxed rather than printed. Additional copies would be duplicated for subsequent distribution, pending budgetary approval. Mr. Brickman noted that the report would be formally presented to Mayor Lindsay at a press conference early in April, and that the volunteers selected at the Board's March meeting would receive their Certificates of Appreciation at the same time. With respect to the proposed multi-media report, Mr. Brickman said that he had encountered severe financing difficulties. He said that he would discuss the matter with Mr. Lesser upon completion of the budget negotiations with the City, and that if the proposal were possible, he would explore the idea further.

Ms. Pickman reported that the Legal Advocate Program's current funds, consisting entirely of private grants, would allow the Program to operate only through the end of May. Mr. Brickman said that the Program hoped to obtain funds for 1973-74 from CJCC; he noted that he had every belief that foundation funding could be obtained for a several-month interim

period, if necessary, provided that CJCC funding was assured. The Chairman stated that the Legal Advocate and Clergy Volunteer Programs were the core of the Board's work and stressed the necessity of ensuring their survival. Mr. Brickman said that the question of L.A.P. funding would be raised with Henry Ruth, CJCC's Director, as soon as a new Chairman was appointed, hopefully within a week. Ms. Sweet said that April 23rd was the deadline for funding proposals for CJCC's June meeting. She added that she would take up the question of L.A.P. funding with Mr. Ruth, but noted that CJCC is faced with the problem of what measures they can implement before the present administration leaves office.

Mr. Becker arrived at 3:25 p.m.

Ms. Pickman said that the L.A.P. report on Legal Representation of Indigent Defendants was being mailed to a number of judges and lawyers, and that she was exploring possible follow-up action on both that report and the Hispanic study.

Mr. Nochimson reported on the monitoring of disciplinary hearings at the Manhattan House of Detention, pursuant to the stipulation of settlement in the Rhem v. Malcolm lawsuit. He said that he and other staff members were attending the hearings with a two-fold purpose: first, to observe and report on the proceedings to the Federal court; and second, to prepare a report on how the hearings are handled with recommendations for improving them. Mr. Nochimson also said that the population of the Tombs was 1,075 on April 1st, and that 30 inmates had been slept in the court pens and 40 in the receiving room. He added that 80 inmates had been transferred to Rikers Island over the weekend, but that shortly thereafter inmates in the Tombs had broken toilets in about 20 cells, rendering them unusable.

Mr. Harris distributed the Clergy Volunteer Program's Operations Summary for March and Forecast for April. He reported that the problem of agency passes for clergy volunteers, which had been discussed at some length with the Department in March, was still unresolved. Mr. Harris said that clergy volunteers at the Adolescent Remand Shelter and the Correctional Institution for Women were ready to leave the Program en masse. He also distributed copies of a memorandum to him from Sister Eileen Shanahan, C.V.P. coordinator at the Women's Institution, describing the treatment accorded to both volunteers and family visitors at the Rikers Island Central Control. Mrs. Singer echoed both Mr. Harris' and Sister Shanahan's criticisms. The Chairman said that the matter would be taken up once again with Commissioner Malcolm and his staff, and briefly described the problems Board members have experienced in being checked through the control house at Rikers Island.

Mr. Brickman described the results of the mental retardation study begun in November 1972 with a \$7,000 grant from the Joseph

P. Kennedy, Jr. Foundation. He said that when the study began it was assumed that 30 percent of adolescent offenders would prove to be mentally retarded. However, tests conducted by Dr. Jack Tobias, a psychologist at Downstate Medical Center and the program consultant, demonstrated not one inmate who fell within the retarded range, although several were borderline cases. Virtually all inmates tested were, however, functionally illiterate. The Chairman expressed surprise that no routine tests are administered to inmates to determine their aptitudes and program needs. Such information should, he said, be made part of the Department's permanent record of each individual.

Ms. Sweet left the meeting at 4:30 p.m.

At 4:35 p.m., Commissioner Malcolm and his staff arrived.

Mr. Dribben said that the first matter to be discussed was the still unresolved problem of agency passes for clergy volunteers. Mr. Harris then described his continuing difficulties in renewing C.V.P. passes, and summarized Sister Shanahan's memorandum. Mrs. Singer added that a number of Rikers Island volunteers had received incorrect instructions for picking up their passes and stressed the necessity of clearing up the entire pass question.

Deputy Commissioner Birnbaum responded that the Department was processing the passes as quickly as it could and was attempting to expedite individual cases which were brought to its attention. He said that 60 to 70 percent of the Department's passes expired in January or February, and the necessity of running security checks slowed down processing further. Mr. Birnbaum said that he believed the situation was being straightened out. Commissioner Malcolm asked Mrs. Singer for a list of Friendly Visitors in need of passes and said that the Department would check on their status.

Mr. Dribben described the difficulties he had encountered on several occasions in getting past the first gate at Rikers Island, and Commissioner Malcolm said that he would contact Supervising Warden Buono to insure that all affairs were instructed to give clearance to Board members in the future.

The Chairman asked Commissioner Malcolm about the status of the Chaplaincy Task Force recommendations. Commissioner Malcolm responded that he had written to the Mayor endorsing the Task Force recommendations. He said that the Department had received 40 resumes for chaplain positions, and that he intended to review them as soon as clearance was received from the Mayor's office. The Commissioner added that a salary problem had arisen, which he thought could be solved by creating a new civil service title for the position. He suggested that the Board contact the Mayor's office to seek to expedite approval, and Mr. Brickman said he would raise the matter with Mr. vanden

Heuvel.

With respect to the Manhattan House of Detention Inmate Council, Mr. Brickman asked Commissioner Malcolm about the possibility of adding a representative of the Clergy Volunteer Program to the Council, in addition to the Board representative originally included. Commissioner Malcolm agreed. Then he added that inmate councils are presently operating in six institutions, and said that his office would notify the Board about when and where meetings were held.

The Chairman asked about the progress of implementing single-cell occupancy, and Mr. D'Elia described the Department's problems with vandalism, which forces them to move detention inmates to Rikers Island. Prosecuting vandals, he said, was an ineffective preventive measure even when blame could be determined, because judges handed down short sentences concurrent with inmate's other sentences. Commissioner Birnbaum added that while stainless steel toilet fixtures cannot be broken, they are difficult to connect to existing plumbing. Commissioner Malcolm expressed the hope that the opening of the Branch Queens psychiatric facility would alleviate overcrowding somewhat. He added that H.S.A. was encountering some problems in staffing the institution.

Commissioner Malcolm described some imminent changes in the Department. First, he said, all City prisoners housed upstate but adolescents would be brought back to the City by April 27. Second, he noted several intra-Departmental assignments and transfers. The Chairman asked about the date of Assistant Commissioner Camp's departure, and the Commissioner responded that he did not know exactly when that would occur. He also said that no firm date had been set for the opening of the New Adolescents Remand Shelter.

Upon motion duly made and seconded, the meeting was adjourned at 5:10 p.m.