

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

April 23, 1973

A special meeting of the Board of Correction was held on Monday, April 23, 1973, in the Blue Room at City Hall. Present at the meeting were Messrs. McKay, Dribben, DeMonte, Kirby, Schulte, Mrs. Singer, and Reverend Wilson. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; and Maureen Barden, Research Assistant, Legal Advocate Program.

Dean McKay acted as Chairman and Ms. Barden acted as Secretary of the meeting.

The meeting was called to order at 2:45 p.m. by the Chairman. Upon motion duly made and seconded, requests for excused absences from Messrs. Becker and Carrion were accepted.

The Chairman expressed to the Board his pleasure at assuming the office of Chairman, and said that he hoped at this initial meeting to discuss the direction of the Board's future efforts.

The first subject of discussion was the frequency and format of Board meetings. Members of the Board assured the Chairman that they would be happy to meet more often than once a month if necessary. The Board decided that in general only key staff members would be invited as a matter of course to the Board's executive session, and that other staff would be asked to present reports on special matters as warranted.

Mr. Dribben declared with respect to the functioning of the Board that in the past individual Board members had been assigned primary responsibility for visiting particular institutions, and that task forces had sometimes been formed to address special problems. Mr. Brickman asked the Board about the desirability of delegating individual members, each accompanied by a staff member, to represent the Board at Inmate Council meetings. He said that he had requested a schedule of meetings from the Department of Correction and would notify the members of their assignments as soon as he received it. The Board agreed generally to the procedure.

Mr. DeMonte raised the problem of Clergy Volunteer Program participants' receiving their agency passes, and Mr. Dribben read to the Board a memorandum on the subject from Deputy Commissioner Birnbaum to Greg Harris. Board members told the Chairman that the pass problem had existed for several months and had been discussed with the Department at the past three Board meetings. Mrs. Singer added that other volunteer groups were experiencing similar problems and that many volunteers were threatening to leave if the difficulties continued. The Chairman said that he would raise the issue with Commissioner Malcolm and would report to the Board at the next meeting.

Mr. Dribben said that a clear definition of the Board's role in the prisons should be given to the uniformed correctional force, all of whom should be aware of the Board's existence and membership. Other Board members related incidents of problems with correctional staff at various levels, although they agreed with Mrs. Singer that the Board's relationship with prison personnel was generally good. Mr. Dribben emphasized the importance of re-establishing a rapport with the uniformed force. The Chairman declared that he had discussed with Commissioner Malcolm the possibility of meetings between the Board and the uniformed staff and that he would see that they were arranged.

Mr. Schulte raised the matter of Board access to the Unusual Occurrence Reports prepared by the Department of Correction. He said that since Commissioner McGrath's tenure these reports have been seen only by the Chairman and Executive Director, and he expressed the view that the members of the Board could be better informed and hence of greater service to the Chairman if they reviewed these reports as a matter of course. Mrs. Singer and Mr. Dribben, who together with Mr. Schulte had received these reports during Anna Kross' term as Commissioner, declared that they agreed with him. Mr. Dribben said that he found that certain patterns emerged in the reports over a period of time. The Chairman said that he would tell Commissioner Malcolm that he planned to circulate copies of the reports to all Board members.

The Chairman said that he hoped to involve Board members, both individually and collectively, in publicizing the Board's work. For example, he said, if a report were issued on the Women's Institution, he felt it would be appropriate for Mrs. Singer to take the lead and act as the Board's spokesperson. The members agreed, but noted their resolution never to have contact with the press on Board matters without first checking with the Chairman.

Mr. DeMonte asked whether the Chairman would sit on the Prison Mortality Review Board and several members suggested that he might wish to delegate someone to attend in his stead. Mr. Wilson asked whether a record of the body's proceedings was sent to the Board. Mr. Brickman said that the group's original intention of publishing quarterly reports had not been implemented, and that he had recently been told that a semi-annual report would be published shortly.

Mr. Schulte recommended that the Board investigate the subject of parole, noting that there is widespread ignorance of the New York State Parole Board members' qualifications and of how it operates. Mr. DeMonte noted that only one member of the present Parole Board is from New York City. The Chairman agreed that parole procedures are a fit subject for study by the Board.

Mrs. Singer suggested that additional meetings with the State Commission of Correction, and with State Senator Ralph Marino's Legislative Committee, might be fruitful. The Chairman agreed, and also said that he had mentioned to Peter Preiser, the Commissioner-designate of the State Department of Correctional Services, the possibility of meetings between his office and the Board.

The Chairman mentioned several items which he wished to discuss further at the May meeting. First, he asked whether the Board should take a position on where the prison ward operated by Bellevue Hospital should be located. The members agreed that the staff should obtain full information on the various aspects of the question to enable the Board to make a judgment.

Second, the Chairman asked for the members' views on having the Health Services Administration provide medical care to inmates, noting that Commissioner Malcolm considered the arrangement unsatisfactory. Mrs. Singer said that it was not working well in the Women's Institution.

The Chairman asked the members to consider a request from Myron Isaacs, Recording Secretary of the Correctional Association of New York, that the Board oppose a legislative rider taking away the Association's long-standing right to visit correctional institutions throughout the state. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Board of Correction of the City of New York supports the continued concept of an independent ombudsman function in the Correctional Association of New York, and urges the Legislature to defeat Section 16 of S.4051 and A.6317. Legislation is necessary to strengthen the State Commission of Correction and make it independent of the Department of Correctional Services. However, the problems of the criminal justice system and the public attention that has been focused on the prisons demand that we broaden the range of groups with access to the prisons, rather than create new barriers. The isolation of the prisons, especially those in rural areas upstate, requires that the Correctional Association of New York, an independent, non-governmental agency representing the community, maintain its statutory right of access.

Mr. Brickman was directed to send copies to Governor Rockefeller, the members of the State legislature, and the Correctional Association of New York, as well as to the press.

With respect to the staff's budget problems, the Chairman said that he had talked with both Michael Dontzin and Henry Ruth and that he believed the funding situation was settled.

Mr. Brickman reported that the Board had been asked by the American Civil Liberties Union to file a brief amicus in the Tyson case. The Tysons live in a City housing project and have a son who will soon be released from Rikers Island. The son was convicted of a robbery committed on Housing Authority property. Although he will not reside in the project after his release, the New York City Housing Authority has brought suit to evict his family on the grounds that he will visit them. The Chairman said that he found the Authority's decision particularly offensive in that it discriminated against a man who had served a prison term and been released. The Board agreed generally that a brief amicus should be filed.

Mr. Dribben asked to be excused from the May 7 Board meeting, and his request was approved.

Upon motion duly made and seconded, the meeting was adjourned at 4 p.m.