

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

August 13, 1973

A regular meeting of the Board of Correction was held on Monday, August 13, 1973, in the 4th floor conference room at 1440 Broadway, New York, New York. Present at the meeting were Messrs. McKay, Becker, Dribben and Kirby, and Mrs. Singer. Present by invitation of the Board were John M. Brickman, Executive Director of the Board; Kenneth Nochimson, Co-Director, Legal Advocate Program; and Maureen Barden, Research Assistant, Legal Advocate Program. Present from the Department of Correction were Jack Birnbaum, Deputy Commissioner; Paul Dickstein, Assistant Commissioner; Ronald Zweibel, Director of Legal Affairs; Joseph D'Elia, Director of Operations; and A. L. Castro, Director of Public Affairs.

Mr. McKay acted as Chairman and Ms. Barden acted as Secretary of the meeting. The meeting was called to order at 2 p.m. by the Chairman. Upon motion duly made and seconded, the minutes of the meeting of July 9, 1973, were approved. Upon motion duly made and seconded, requests for excused absences from Mr. DeMonte and Rev. Wilson were approved.

It was agreed that the next meeting would be held at 2:30 p.m. on Monday, September 10, in the 14th floor conference room at 100 Centre Street. Mrs. Singer's request for an excused absence from that meeting was approved.

The Chairman raised the issue of press coverage of the Rudolph Dupree report, expressing particular concern over the Times' seemingly deliberate willingness to discredit the Board. Mr. Brickman noted that the Times' coverage of Board reports and activities has been satisfactory in the past, and suggested that the articles' tone may have been an aberration. After discussion, it was agreed that the Chairman would address a private letter to a Times editor calling attention to the articles' errors and distortions. Mr. Nochimson said the the New York Law Journal's publication of the story in advance of the release time was an inadvertent error for which a spokesman for the paper had apologized.

The Chairman stated that he agreed with the spirit of Commissioner Malcolm's recent letter regarding the relationship between the Board and the Department. He said that he had replied briefly to the letter upon receiving it, and would now give the Department a copy of Mr. Brickman's memorandum replying to the specific points which had been raised. It was agreed generally that in the future the Board would inform the Department before taking action or making statements involving it.

The Chairman reported that he hoped to meet with Mayor Lindsay and Commissioner Malcolm the week of August 20 to discuss implementation of the Chaplaincy Task Force recommendations. Mr. Brickman noted that a chaplain

had been hired at the A.R.D.C. and suggested that the Board and the Department proceed with the establishment of the six member advisory board recommended by the Task Force to screen prospective chaplains. Three additional members must be selected to complete the board: a representative of the Department (to replace George Camp), and two members selected jointly by the Department and Board designees. Mrs. Singer suggested that one member should be a woman, and Mr. Brickman added that consideration should be given to choosing a Hispanic representative. The Board agreed to raise the matter with Deputy Commissioner Birnbaum later in the meeting.

Mr. Brickman distributed copies of the preliminary report on the retardation study carried out at the New York City Correctional Institution for Men. The study revealed that none of the inmates in the sample were retarded, but that there was a high level of illiteracy. Mr. Brickman said that the Kennedy Foundation, which funded the study, planned a joint New York-Washington release of the final report sometime in the fall.

As to the Tyson case, Mr. Brickman said that the Housing Authority's general counsel had indicated in a recent conversation that the Authority was reviewing its position. Mr. Brickman said that he hoped to have more definite information by the end of August. The Chairman asked whether the decision implied a change in Authority policy, and Mr. Brickman answered that the Authority claimed to have no policy regarding ex-offenders.

Mr. Brickman reported on the Bagley extradition case. A Maryland parole agent who came to New York to investigate the case had recommended that Mr. Bagley's sentence be commuted and that he be paroled to the State of New York. Mr. Nochimson stated that the decision was proceeding through Maryland channels.

Mr. Brickman said that a report on prison commissaries was in progress. Another planned project is an evaluative study of education and job training in the prisons, and Mr. Brickman said the Department had been asked for an inventory of the vocational and educational programs presently available.

Mr. Dribben reported on the status of Army medical clinics in the institutions. He said that at the last meeting with the military, the HSA representative declared that Army doctors were causing problems by making diagnoses which HSA had to follow through on, and recommended that the program be cut back. Mr. Brickman said that he had suggested to Frank Schneiger that Prison Health Services list the most serious medical need at each institution and request Army medical assistance in alleviating those needs. Mr. Kirby added that prison officials have difficulty in reaching doctors who are on call on the weekends, and the Chairman recommended that Gordon Chase be advised of this.

Mr. Brickman said that books gathered by the Association of American Publishers had now been placed in eight City institutions. He noted that AAP plans a press event in September to rally legislative support for prison library budget allocations. They plan to invite Senator Kennedy to Rikers Island to publicize the event, and perhaps to have Governor Rockefeller and the Chairman appear on the Today show the same morning.

The Chairman expressed the hope that disciplinary proceedings would be regularized in every City institution by the end of the year. Mr. Nochimson reported on the Board's monitoring of disciplinary hearings, stating that there is no real uniformity in dispositions, although they have been somewhat standardized by the naming of a permanent hearing officer at each institution. He noted that inmates have no right to counsel at the hearings, although they are permitted to call witnesses. Mr. Kirby added that inmates can receive double punishment for crimes committed in prison, citing an instance of 45 days' lost good-time and a 60-day court sentence for the same institutional offense.

Several Board members expressed a desire to be more directly involved in staff activities. Mr. Brickman replied that he would distribute a summary of current projects, requesting that Board members volunteer to participate in any project which interests them.

Mr. Brickman reported on progress toward formation of the Hispanic Task Force. He said that a list of membership recommendations had been forwarded to the Mayor's Office and that a formal announcement was expected in the near future. The Chairman asked what the Board's relation to the Task Force would be. Mr. Brickman declared that the Board's responsibility would be fiscal, but not substantive.

The Chairman said that court officials supported the Board's proposals for improving court detention facilities. He noted that several meetings had been held to discuss the specifics of providing attorney interview space in the pens.

Mr. Becker stated that he is in the process of scheduling a visit to Rikers Island by Walt Frazier.

Mr. Dribben left the meeting at 3:50 p.m.

Mr. Brickman declared that the Board had fulfilled its commitment to assist the Department in reorganizing its pass system. He explained that Board internes had coded the existing pass authorizations so that information could be entered into the Department's computer system.

Deputy Commissioner Birnbaum and other representatives of the Department arrived at 4 p.m.

The Chairman distributed copies of Mr. Brickman's memorandum to him regarding Commissioner Malcolm's letter of July 31. He reiterated his agreement with the spirit of the Commissioner's letter, and declared that further discussion should be initiated if there were any questions about the memorandum.

Deputy Commissioner Birnbaum reported that the Department is drafting guidelines for the intermittent sentencing practices which will go into effect on September 1. He said that Commissioner Malcolm planned to meet with the judges to go over the guidelines and that the Board would be advised if their assistance or presence was required.

Mr. Birnbaum said that he expected the Department's computerized pass system to be operative by October 1. He stated that the moratorium on the issuance of passes would not affect any of the Board's programs.

The Chairman asked about the State Commission of Investigation's interest in the City prison system. Deputy Commissioner Birnbaum replied that the Commission's state purpose is to assess the problems of the criminal justice system and assist in ironing them out. He added that Commissioner Malcolm gave several hours of testimony before the Commission but that the Commissioner and the Corporation Counsel have now brought suit in Federal court to enjoin the investigation on the grounds that its procedures are unconstitutional.

With regard to the Chaplaincy Task Force, the Deputy Commissioner agreed that the Department would appoint its second representative to the advisory board as soon as possible so that the board could begin screening chaplaincy candidates.

Deputy Commissioner Birnbaum reported that the Department has held several meetings to discuss suicide prevention measures. It hopes eventually to house all inmates identified as suicide prone in dormitories or cells adjacent to dormitories. In the Louis Montanez case, the Deputy Commissioner said charges of failure to carry out assigned responsibilities would be filed against at least one correction officer. He also summarized the Department's findings in the matter to date.

The Chairman asked whether Ossining Correctional Facility would be ready to receive City inmates by September 1. Deputy Commissioner Birnbaum replied that 800 cells are available now, but Mr. Castro noted that one of the cell blocks needs extensive repairs.

Mr. Brickman said that the mental retardation study's final report was expected next month. He summarized the study's findings and the Kennedy Foundation's plans for releasing the report.

Upon motion duly made and seconded, the meeting was adjourned at 5:15 p.m.