

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

MAY 7, 1973

A regular meeting of the Board of Correction was held on Monday, May 7, 1973, in the 14th floor conference room, 100 Centre Street, New York, New York.

Present at the meeting were Messrs. McKay, Becker, Carrion, DeMonte, Kirby, Schulte, Mrs. Singer, and Reverend Wilson. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Greg Harris, Director, Clergy Volunteer Program; Maureen Barden, Research Assistant, Legal Advocate Program; William Arnone, Senior Law Intern; and Brenda Sweet, Senior Project Planner, Criminal Justice Coordinating Council.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; George Camp and Richard Aneiro, Assistant Commissioners; A.L. Castro, Director of Public Affairs; Joseph D'Elia, Director of Operations; Ronald Zweibel, Director of Legal Affairs; and Arnett Gaston, Executive Assistant to the Commissioner.

Dean McKay 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 meetings of April 2 and April 23, 1973, were approved.

The Chairman commented on several matters which had been discussed at the April 23 meeting. First, he noted that Mr. Brickman had circulated a memorandum assigning Board and staff members to attend Inmate Council meetings at the various prisons. The Chairman said the assignments would be adjusted if necessary; he offered to fill in at meetings other members could not attend, since he was not assigned a specific institution. The Chairman reported that he had discussed the Clergy Volunteer Program pass situation with Commissioner Malcolm and Deputy Commissioner Birnbaum. In response to the Board's offer of help, the Department has requested that two Board staff members work with them for two weeks to devise a new system for issuing and renewing passes. The Chairman said that the Unusual Occurrence Reports received from the Department would be circulated to all Board members as a matter of course; he asked that members inform him or Mr. Brickman if they found anything troublesome in the reports. The Chairman said that the Board's resolution in support of the Correctional Association of New York had been sent to Mr. Isaacs of the Association and would be mailed to Governor Rockefeller later in the week. The Chairman reported that some difficulties had arisen with respect to the amicus brief the Board had agreed to file in the Tyson housing case because of the Housing Authority's position on the issue. He stated that before taking action he planned to call Simeon Golar and Michael Dontzin, and would inform the Board of the results of these discussions.

The Chairman then asked Mr. Harris to report on his discussions with Air Force personnel about establishing a program for youthful offenders at McGuire Air Force Base as an alternative to incarceration. Mr. Harris said that McGuire could provide room, board, and job training for 25 male and 25 female adolescent offenders. The barracks would be provided by the Air Force through a lease agreement, and the Air Force would be reimbursed for food. Job training would be provided free of charge and residents could also attend the local high school. An 8-member resident staff would be hired and paid by the City. Mr. Harris declared that a realistic starting date for the program was early September. He estimated that the cost per resident per day would be \$9.20, as opposed to a cost of \$12.61 in New York State Halfway Houses. Boys Base programs are presently operating in Florida and Washington, D.C., and the Chairman suggested that the Board investigate whether either program had been evaluated. With respect to funding for the program, Mr. Brickman said he thought LEAA was a more likely source than the City budget. Ms. Sweet noted that state LEAA funds could not be used on an interstate project, but suggested the Board be in touch with LEAA about the possibility of a discretionary grant. The Chairman asked whether Mr. Harris had made any preliminary inquiries about the Department's attitude toward such a program, since without its cooperation it could never be implemented. Mr. Harris said he had not, and added that an attorney should act as a liaison between the Board and Department and the Air Force in working out legal details. There was general agreement that the program had the Board's full support, and that the proposal would be presented to the Commissioner later in the meeting.

Mr. Harris announced that the Clergy Volunteer Program's annual meeting would be held on May 21 at Judson Memorial Church. He invited members of the Board to attend.

Mr. Kirby arrived at 3:35 p.m.

The Chairman raised the issue of the location of the new Bellevue Hospital prison ward, and invited Mr. Arnone to explain the history and present status of the matter. There are two possible locations for the prison ward: the 18th floor of the new Bellevue building, which would have 120 beds; or a 38-bed unit on the ground floor of the Adult Emergency Services building, located some distance from the new building. Among the supporters of the 18th floor proposal are Health-Pac, an organization of community-oriented doctors; the Prison Health Services division of the Health Services Administration; and the Urban Coalition. These groups argue that a physically removed ward would be largely ignored by the Bellevue staff, and disagree with the idea that prisoners must be isolated. The Bellevue administration, on the other hand, argues that the A.E.S. unit would best ensure security, and that virtually all medical attention could be provided to inmates in one centralized location. Mr. Schulte inquired about the Department's position, and Mr. Arnone replied that although it originally supported the A.E.S. location, it has now reserved decision pending the evaluation of Bellevue's Community Advisory Board. He added that Commissioner Malcolm seems willing to support the 18th

floor proposal provided that one of the hospital's 16 elevators is allocated for the Department's use and that medical and psychiatric services are combined on the floor. Under the A.E.S. proposal the psychiatric service would remain in the 54-bed unit at the old Bellevue psychiatric building. The Chairman inquired whether there was a limited group of representatives who could offer a fair presentation of the issues to the Board, and it was agreed that spokesmen for the various viewpoints would be invited to an adversary hearing on May 18. Mr. Brickman said that he would send Board members a memorandum setting forth the arguments on both sides before the hearing.

Mr. Schulte reported on the results of his investigation of prepared foods and the feasibility of their use by the Department. He outlined the various costs involved and noted that while there would be the initial expense of purchasing a special stove to defrost and heat frozen foods, the cost of the food itself seemed reasonable. Mr. Brickman suggested that a prepared food arrangement might work well in the work release centers, because they have such small populations. It was agreed that the results of the survey would be presented to the Department.

In response to a question from the Chairman, the members agreed that the Board would hold bi-monthly meetings, one at 100 Centre Street and the other in one of the institutions, visiting a different facility each month, or at another location. Mr. Kirby said he thought the Warden of the institution being visited should be invited to the meeting. The Chairman asked Mr. Brickman to have the staff make the necessary arrangements.

Mr. Brickman reported on the efforts to block the extradition to Maryland of Nick Bagley, an escapee from the Maryland prison presently held in the Manhattan House of Detention. He described the Bagley case in detail and said that the Board and the Legal Aid Society were cooperating in attempting to have the extradition proceedings dropped. The Chairman suggested that the Board consider its involvement in extradition proceedings and the question of devoting substantial time to researching individual cases. The members agreed that each case would have to be judged on its merits and that they were in favor of intervening in such matters when it seemed clear that injustice was being done. It was agreed generally that the Bagley case appeared appropriate for the Board's intervention.

Mr. Arnone reported on the suicide of John Wayne Wilson at the Manhattan House of Detention on May 5. He said that the details of Mr. Wilson's stay at Bellevue and of the circumstances surrounding his death were still under investigation. Mr. Kirby noted that the isolation of the 4th floor administrative segregation area was an inappropriate atmosphere for a suicide-prone inmate.

Mr. Brickman told the members that Al Castro had requested a photograph of each of them, for inclusion in a forthcoming Department publication.

Commissioner Malcolm and his staff arrived at 4:30 p.m.

The Chairman asked Commissioner Malcolm about the progress of the Chaplaincy Task Force recommendations, particularly what the Board could do to expedite their implementation. The Commissioner said that a meeting with the Mayor was necessary to clear up possible confusion about the duties and salaries of the chaplains, and that he would ask Mr. Dontzin to arrange an appointment. Reverend Wilson said that after the meeting was held he would ask Task Force members to contact the Mayor and urge him to support the recommendations.

Mr. Harris described his Boys Base proposal to the members of the Department. The Commissioner said that he would need time to study it, and noted the problems of interstate jurisdiction and possible community hostility. Mr. Harris said he would work with Assistant Commissioner Camp in exploring the proposal further.

Mr. Becker arrived at 4:55 p.m.

The Chairman asked about the Department's follow-up on the Sanitation Reports received from the Department of Health. Mr. D'Elia replied that institution heads were informed of violations and directed to resolve them, but that he had insufficient staff to ensure effective follow-up and to track down recurring violations. At the Chairman's request, Mr. Schulte agreed to work with Mr. D'Elia in attempting to resolve these problems.

Mr. Schulte presented to the Department the results of his survey of prepared foods. Deputy Commissioner Birnbaum said that he would compare the costs with those he had been given during an earlier, similar survey. He also described a study of consolidated kitchens the Department is presently engaged in, noting the advantages of central control of quality and portions, more variety in menus, and better sanitation.

The Chairman asked the Department about the suicide of Mr. Wilson. Commissioner Malcolm presented a chronology of Mr. Wilson's incarceration, cautioning that several matters still needed clarification. The Chairman asked whether Mr. Wilson had been sent back to the Manhattan House of Detention without being examined at Bellevue because the private psychiatrist requested by his attorney had not come to see him. The Commissioner replied that he believed so. He then discussed this event in what he said was the context of the Department's general problems with the Health Services Administration. He said he had sent a memorandum to the Mayor requesting a meeting to discuss the issues involved, and added that it had been more than a year since the Department had met with HSA. The Commissioner also described a recently-concluded contract with Montefiore Hospital to provide health care at Rikers Island, in which control will be exercised jointly by the HSA Administrator, the Commissioner of Correction, and the Director of the Hospital. Commissioner Malcolm declared that he felt this was an improvement over HSA's having complete control.

Commissioner Malcolm stated his position on the Bellevue prison ward, emphasizing that the Department's primary concern was providing first-rate medical care and adequate security. He said he had notified Gordon Chase, Dr. Joseph English, and Bernard Weinstein of his view that the 18th floor would have to be a combined medical and psychiatric service, and that the Department would require an elevator with a lock for its own use. With respect to the Branch Queens psychiatric facility, the Commissioner said he had been told that HSA staffing would not be available until July 1.

The Commissioner asked the Board's support in obtaining two renovated floors of 52 Chambers Street for use as a correction officer training facility. Dean McKay pledged the Board's support.

Finally, the Commissioner suggested that the Board study the Governor's drug bill, and described the overwhelming impact its implementation will have on the detention population. He added that he had met with Judge Ross about what the Department could do to alleviate congestion in the court detention pens.

The meeting was adjourned at 6 p.m.