

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

May 18, 1973

A regular meeting of the Board of Correction was held on Friday, May 18, 1973, at the Snow Dining Room, New York University Law School, 40 Washington Square South, New York, New York. Present at the meeting were Messrs. McKay, Dribben, Becker, DeMonte, Kirby, Schulte, Mrs. Singer, and Reverend Wilson. Present by invitation of the Board were John M. Brickman, Executive Director of the Board; Maureen Barden, Research Assistant, Legal Advocate Program; and William Arnone, Senior Law Intern. Present from the Department of Correction was Deputy Commissioner Jack Birnbaum. Also present by special invitation of the Board was Simeon Golar, Chairman of the New York City Housing Authority.

Dean McKay, and later, Mr. Dribben, acted as Chairman, and Ms. Barden acted as Secretary of the meeting.

The meeting was called to order at 12:50 p.m. by the Chairman. Upon motion duly made and seconded, the minutes of the meeting of May 7, 1973, were approved. Upon motion duly made and seconded, a request for an excused absence from Mr. Carrion was accepted.

Mr. Brickman reported on several items discussed at the May 7 meeting. Regarding Inmate Liaison Committees, he said that they were not yet in operation at the Queens and Bronx Houses of Detention. Warden Glick of the Queens House was uncertain when Council meetings would begin, due to security problems; the Bronx House plans to hold inmate elections and begin meeting in the near future. Mr. Brickman told the Board that its resolution in support of the Correctional Association of New York had been sent to Governor Rockefeller and was in the process of being mailed to the members of the Legislature. The Chairman added that Henry Fowler, the Association's President, had thanked him for the Board's support and told him the Association was hopeful that the bill would be modified.

Mr. Brickman reported that Mr. Harris had discussed his Boys Base proposal with LEAA representatives, and that they expressed interest in funding the program through a discretionary grant. He said that he and Mr. Harris were attempting to obtain volunteer legal counsel to develop a legal structure for the proposal. Mr. Brickman said that Mr. Schulte's research on prepared foods would be submitted to the Department of Correction in the form of a report in the near future. With respect to the Bagley extradition case, Mr. Brickman declared that further material would be sent to the Maryland authorities as soon as letters were obtained from various persons promising a job and housing. Mr. Brickman noted that he had received no word from the Mayor's office on the progress of the Chaplaincy Task Force recommendations.

Mr. Golar arrived at 1 p.m.

The Chairman introduced Mr. Golar to the members of the Board,

explaining that he had come to discuss the Housing Authority's position on the prospective eviction from public housing of the Tyson family, whose son is about to be released from the Correctional Institution for Men on Rikers Island.

Mr. Golar explained briefly the history of the Housing Authority's eviction policies and procedures. He said that as a result of the Escalera case, which involved a suit filed in Federal court, the Authority must accord a due process hearing to determine whether there are grounds for eviction. Mr. Golar described the hearing procedure as a court-approved method for evicting disruptive tenants from public housing, and assured the Board that the Tysons had received such a hearing.

The Chairman asked whether the grounds for eviction were solely that the Tysons' son, who allegedly stabbed another tenant on Housing Authority property, would soon be released from prison. Mr. Golar replied that the eviction proceeding was based not on prospective conduct, but on prior conduct which violated the terms of the lease. He said that while their son's act was the immediate cause of the Authority's attempt to evict the Tysons, their record showed a long history of obstreperous conduct. He declared that it was merely coincidence that the eviction proceedings took place just before the son was about to be released from prison, rather than immediately after the alleged killing, citing court tie-ups in the Escalera matter as the reason for the delay.

Mr. Kirby asked what alternatives were left to the Tysons once low-income public housing was closed to them, and expressed the view that they were in fact being punished for their son's action. Mr. Golar replied that he sympathized with Mr. Kirby's view, but that given the limited availability of public housing the Authority was forced to determine who it would and would not accommodate. He added that he felt an affirmative obligation to the residents of public housing to evict disruptive tenants. With regard to the issue of the Tysons being evicted for an act committed by their son, Mr. Golar replied that lease-holders were accountable not only for their family's actions but for those of guests as well. Mr. Golar stressed that in his view the Housing Authority's action was not punitive, but rather an exercise of its remedy at law. He said the Authority was concerned not with criminal conduct per se, but rather with the quality of tenants' conduct on public housing premises. In support of this assertion, Mr. Golar cited the Authority's policy of hiring ex-offenders, and his directive that Authority personnel are not to check police records of prospective tenants.

Mr. Schulte inquired about the possibility of a probationary lease as a means of safeguarding the rights of both the Tysons and their fellow tenants. Mr. Golar responded that such an arrangement was sometimes made. He said, however, that in view of the entire Tyson record, advocating a probationary lease would be an abuse of his discretion. He urged the Board to read the Tyson papers before a final determination was made.



Mr. Golar left the meeting at 1:50 p.m.

The Chairman said that the Board should have more information before deciding whether to file an amicus brief in the case. Mr. Brickman told the members he would examine the Housing Authority papers and request a copy of the Hearing Examiner's report. Mr. Becker noted that the Human Rights Commission, of which he is a member, receives many complaints against the Housing Authority. He suggested a joint action in the Tyson case by the Commission and the Board. The Board agreed to await Mr. Brickman's report on the Tyson papers before proceeding.

Mr. Brickman reported that Mr. vanden Heuvel has continued to act as host of Crime and Punishment, the radio program produced under the joint auspices of WNYC-AM and the Board, at the request of WNYC. He is introduced at the beginning of the program as former Chairman of the Board of Correction. After discussion, the members agreed that if at all possible any reference to Board sponsorship of the program should be deleted from the tape during Mr. vanden Heuvel's political candidacy, and that Mr. vanden Heuvel should continue to host the show.

Mr. Brickman then discussed the Cox case, another extradition matter in which the Board has been asked to intervene. Mr. Brickman said he would investigate the details of the case and if warranted would intercede in Mr. Cox's behalf with Governor Wallace of Alabama.

Mr. Brickman summarized the memorandum he had circulated to the Board on the Bellevue Hospital prison ward. He said the Bellevue administration had abandoned its strong support of the A.E.S. location and decided to resolve the question within the boarder issue of a long-range prison health plan and a proposed health-care arrangement between Bellevue and the Manhattan House of Detention, an affiliation similar to that between Montefiore Hospital and Rikers Island. The Chairman recommended that the Board inform HSA and the Health and Hospitals Corporation of its willingness to participate in their discussions, and a resolution to this effect was adopted. The Chairman added that he had spoken to Gordon Chase and William vanden Heuvel about HSA's work in the prisons, and that Frank Schmeiger, Director of Prison Health Services, had asked to meet with him and Mr. Brickman.

Mr. Schulte reported that he had discussed with Mr. D'Elia the Department's problems in following up Sanitation Reports. He suggested that until the Department's proposed Sanitation Squad becomes operative, the reports be distributed to the Board member assigned to the institution, who could then check with the Warden about whether the violation had been corrected. The members agreed that Mr. Schulte's proposal should be implemented.

Mr. Arnone summarized his investigation of John Wayne Wilson's suicide, citing deficiencies in handling his case in five different parts of the criminal justice system: the District Attorney's office,

the defense counsel assigned at the felony arraignment, the Department of Correction, the judges before whom Wilson appeared, and Bellevue Hospital. He added that the story was still incomplete, noting that he had not been able to reach Aaron Jaffe, the defense attorney, and that there were several specific points which needed further investigation. The Chairman asked that every detail of the story be checked thoroughly. It was agreed that the Board would then determine the most appropriate means of releasing its findings.

Mr. Schulte reported on the Inmate Council meeting he had attended at the Manhattan House of Detention, citing several specific areas of inmate frustration with current council procedures. He stressed particularly the lack of concrete and immediate administrative response to inmate grievances, and the fact that the Warden does not attend the meetings. He also voiced his concern about the racial tensions which exist in the institution. Mr. Kirby said the same racial strife was manifested at the Adult Remand Shelter, noting as one problem the fact that few of the ranking officers in the Department are black. Reverend Wilson added that inmates know that decisions are made in the Department's upper echelons. Several members echoed Mr. Schulte's criticism of the length of time the administration takes to answer questions and requests.

Deputy Commissioner Birnbaum arrived at 3:05. He replied to some of the members' criticisms and questions about the council meetings, stressing that most councils have met only a few times, and that this is the source of many problems. He added that matters which seem minor often require a decision at the Departmental level. Mr. Brickman cautioned Board members against becoming involved in problems which are really the Department's responsibility to solve.

The Chairman asked the Deputy Commissioner how far the Department's investigation of the Queens and Brooklyn deaths had progressed. Mr. Birnbaum replied that the Department was awaiting the Grand Jury's determination before taking action in the Brooklyn shooting. In the Queens death of Lance Harrison, he said that the Medical Examiner had not yet identified the cause of death, but had determined that it was not due to a traumatic injury.

The Chairman left the meeting at 3:40 p.m., and Mr. Dribben acted as Chairman for the remainder of the meeting.

After further discussion of the Harrison case, the meeting was adjourned at 3:50 p.m.