

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

October 12, 1973

A regular meeting of the Board of Correction was held on October 12, 1973, at 10:00 A.M. at the New York University Law School, 40 Washington Square South, New York, New York.

Present from the Board were Messrs. McKay, Dribben, Kirby, Schulte, Rev. Wilson and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director; Peter A. Lesser, Executive Secretary; Mary Pickman, Director, and Kenneth Nochimson, Co-Director, Legal Advocate Program; Greg Harris, Director, Clergy Volunteer Program; Joel Sperber, Director, Literacy Program; Barbara Allen, William Arnone, Maureen Barden, Michael Cleary, Arden Culver, Heather Edelstein, Sylvia Kronstadt, and Judy Straut, all of the Board staff. In addition, the following part-time student internes were present by invitation of the Board: Jay Fasold, Steven Fisher, Marvin Johnson, Anne Kaufman, Angela Manson, Brian Mingo, Beverlyne Pledger, Terry Seligmann, Rosalie Simmonds, Julia Wiley, and Judith Zabel.

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

The meeting was called to order at 10:10 A.M. by the Chairman. At the Chairman's request, Mr. Brickman introduced the members of the staff who were present. The Chairman then introduced the Board members to the staff. He asked that Mr. Brickman prepare a complete roster of the full- and part-time staff members with an indication of assignment and the origin of the funds through which each is paid.

Upon motion duly made and seconded, a request for an excused absence by Mr. Becker was approved.

The Chairman stated that he had arranged a private meeting with Commissioner Malcolm for Tuesday, October 16, to talk with him about a number of issues. He noted that he wished to obtain the Board's agreement on the subjects to be discussed at the meeting with the Commissioner.

Mr. Brickman said that Ms. Kronstadt's report on the desirability and feasibility of establishing a nursery at the Correctional Institution for Women would be circulated to the Board within the next two weeks. Ms. Kronstadt reported briefly on the substance of the report, noting that it would not recommend establishment of a nursery at Rikers Island. She added, however, that the report would make several positive

recommendations, including revision of the furlough law to allow mothers to leave the institution to visit their children, establishment of work-release facilities for mothers and children, and liberalization of the visiting rules at the institution. The Chairman said that the report would be discussed further at the November 5 meeting, after the Board had read the final draft. Mr. Brickman said that the report would be submitted to Commissioner Malcolm after it was approved by the Board, and then released publicly, hopefully with the endorsement of the Commissioner. He added that the report might be suitable for publication in an academic journal.

The Chairman raised the question of the Board's position on the provision of new facilities for the correction academy, for the training and retraining of correction officers. He noted that a brief statement supporting the general notion of a correction academy had been sent to Al Castro for his opinion. Mr. Castro had replied that in his judgment the statement would strengthen the Department's bargaining position and urged that it be issued. Ms. Kronstadt, who is presently conducting an in-depth study of correction officer training, described several problems with the Department's proposals. While the present facilities are inadequate, Ms. Kronstadt said that it is not clear that the Board should endorse the Department's proposals on that basis alone. The Chairman asked whether the Board should issue any statement at all, either supportive or critical. He noted that the proposal is to come before the Board of Estimate within the next several weeks, and stressed the need for immediate action. The Board agreed generally that the Chairman should discuss the correction academy plans with Commissioner Malcolm. It was also agreed that the Chairman would express the Board's disapproval if he felt it was appropriate but would not approve any plans without discussing them with the Board first.

Mr. Kirby arrived at 11:00 A.M.

Mrs. Singer reported on her recent visit to an English prison. At the Chairman's request, she agreed to prepare a written report of her visit and circulate it to the Board.

Mr. Brickman reported on an intensive two-week study of the Department of Correction's Office of the Inspector General which has recently been undertaken by the staff. Mr. Nochimson, who is coordinating the study, explained that the Inspector General had encountered severe difficulties within the Department in carrying out his function, which is to act as the Department's investigations and internal security unit. There is some basis for believing that the Inspector General's federal funding may be cut back as a result of the office's problems. Mr. Schulte asked whether the Office of the Inspector General should become part of the Board. After some discussion, there was general agreement that this might be appropriate. The Board agreed that it would discuss the matter further after reading the staff report.

Rev. Wilson left the meeting at 12:00 Noon.

The Chairman reported that no solution had yet been implemented regarding the Department's lack of cooperation in facilitating the Board's access to information. He said that a list of the subjects on which the Board most frequently seeks data was submitted to Deputy Commissioner Birnbaum at his request, but that the Deputy Commissioner had not yet informed the Board of the persons to be called or written regarding those subjects. He declared that he would raise the issue with Commissioner Malcolm.

Mr. Harris reported on several problems with Clergy Volunteer Program passes. He stated that the Department's commitment to print passes at Rikers Island for the CVP had not been fulfilled because of a failure of communication among Mr. Birnbaum, Director of Operations Joseph D'Elia and Warden Francis Buono. The Chairman said that he would raise the issue with Commissioner Malcolm.

Mr. Brickman distributed a memorandum describing the projects in which the Board's staff is presently engaged. He noted that the number of communications received from inmates had decreased and suggested that this might be altered by more frequent visits by Board members to the institutions. Mr. Kirby said that it would be helpful to distribute printed cards giving the individual Board member's name and the address and telephone number of the Board office. Mr. Brickman agreed to arrange this if it is an allowable budget item. He added that Steve Fisher, the interne in charge of inmate requests for assistance, would organize a tour of the Queens House of Detention for the week of October 15. Mr. Brickman said that he would send the members copies of a checklist drawn up by Mr. Dribben for use in touring institutions. Mr. Dribben emphasized the importance of good rapport between the Board and the correction officers and there was general agreement that members and staff should make a conscious effort to understand the officers' problems and points of view.

Mr. Brickman said that there would be a referendum on the ballot in November to amend the section of the State Constitution which deals with the Commission of Correction, the Board's counterpart at the State level. Although the Commission is no longer part of the State Department of Correctional Services, the chairmanship, by Constitutional prescription, remains with the Commissioner of that Department. Upon motion duly made and seconded, it was resolved that the Board support enactment of the amendment.

Mr. Harris reported on the Chaplaincy Task Force recommendations, stating that the fifth member of the Advisory Board had now been selected and that the sixth and last would be decided upon shortly.

The Chairman said that Gloria Bond, who had charge of public relations and other matters for the staff, had resigned for personal reasons. Upon motion duly made and seconded, it was resolved to thank Ms. Bond for her years of service; Mr. Brickman was directed to prepare a letter to her reporting the Board's action.

The Chairman asked Mr. Lesser to describe the staff's proposal for possible public hearings. Mr. Lesser said that he had consulted with Mr. Brickman, Ms. Pickman and Messrs. Arnone and Nochimson regarding possible subjects for the hearings. He suggested that they should have a fiscal theme, with emphasis on the amount of Federal money (both LEAA and Model Cities) which has produced negligible results or has not properly been spent by the Department of Correction. He offered two examples, the Department's poor administration of its work-release centers and the failure of the Office of Inspector General to accomplish its stated aims. He added that the correction academy might also be a suitable topic. Mr. Lesser said that if reports on these various subjects could be prepared by mid-November and forwarded to the Department for their comments and replies, hearings could be held by mid-December to highlight the problems and force the Department to commit itself to meaningful change. There was some discussion of the consequences such hearings might have. Mr. Brickman said that he and the staff would refine the idea and develop a detailed plan, and it was agreed generally that the Board would discuss the matter further at its next meeting.

Mr. Dribben suggested that the Board draw up a set of recommendations regarding the City's correctional system and present it to the Mayor-elect. The Chairman suggested that a precis of the 1973 Annual Report be prepared to serve this purpose.

Upon motion duly made and seconded, the meeting was adjourned at 12:50 P.M.