

MINIMUM STANDARDS SUBCOMMITTEE

OF THE

NEW YORK CITY BOARD OF CORRECTION

PUBLIC HEARING

THURSDAY, JUNE 30, 1977

METROPOLITAN REPORTING

(212) 349-3998

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2 A Public Hearing of the Minimum Standards
3 Subcommittee of the New York City Board of
4 Correction was held on June 30, 1977 at City
5 Hall, Board of Estimates at 10:00 A.M. Peter
6 Tufo, Chairman, presiding.

7 Seated at the dais were:

8 Peggy C. Davis, Esq.

9 Angelo Giordani

10 Rev. Samuel R. Holder

11 John R. Horan, Esq.

12 Wilbert Kirby

13 Marjorie D. Kogan

14 Dan Pochoda

15 Marc Rosen

16 David A. Schulte

17 Rose M. Singer
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Mr. Joel Berger

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Chaplain Hugh Bruce,
Metropolitan Community Church

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1
2 CHAIRMAN TUFO: Good morning. We are
3 reconvening the hearings of the Board of Correction
4 that were adjourned from last Monday to consider
5 the reports of the Board of Correction Minimum
6 Standards Committee. Our first witness is Deputy
7 Mayor Nicholas Scoppetta.

8 HONORABLE NICHOLAS SCOPPETTA: Let me start
9 by thanking you for inviting me to appear at these
10 hearings to comment upon your set of Minimum
11 Standards which are to apply to inmates and
12 correctional personnel in New York City's correc-
13 tional system.

14 Of course, I am aware that this is a duty and
15 mandate that you have as a result of the City
16 Charter. So, you are carrying out your responsi-
17 bility under the law to develop Minimum Standards.
18 It is clear to me from having read them that there
19 has been a great deal of thought and effort into
20 developing and working on this important responsi-
21 bility.

22 I know of the working committee and working
23 relationship that has been developed between the
24 Board and the Department of Corrections as there
25 are ongoing discussions with respect to the

1
2 standards and negotiations. So without taking
3 the time to comment in any detail on the standards,
4 I would like to make this general observation with
5 respect to them.

6 Of course, I begin by endorsing the concept
7 that there be Minimal Standards and I think it has
8 been too long that we have not had clear, defined
9 standards that apply to how we define inmates in
10 the City of New York that apply specifically to
11 New York City with the particular problems that
12 we have in New York City that are quite unique and
13 different from the rest of the State.

14 In reviewing the proposed standards of the
15 Board, I note that you have dealt with a number of
16 rights which have been established for inmates as
17 a result of litigation in the Federal Courts. For
18 example, the single cell requirement and contact
19 visit requirements and others. It is clear and
20 I am delighted with that that you have gone well
21 beyond the Court mandated services and that you
22 have dealt with a number of, sometimes vexing,
23 issues that confront inmates and correctional per-
24 sonnel. For example, the standard which applies
25 to the reading of inmates' mail as a matter of

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2 routine. Where you have suggested or written a
3 standard that would require that mail be opened and
4 examined for contraband but not read as a matter
5 of routine and can only be read with a search
6 warrant. This standard and others which expand
7 on basic rights of the inmates are, of course,
8 to be recommended.

9 I am pleased to see, and it is an area that
10 I have particular concern in, and with that pro-
11 gram as an outgrowth of developing that Minimum
12 Standards there seems to be, to me, a much closer
13 and productive working relationship all the time
14 between the Board and I think, although there have
15 been differences -- of course, there are bound to
16 be differences given the nature of the mandate --
17 there are broad areas of agreement and it seems to
18 me an entirely productive relationship that has
19 developed. I commend the Minimum Standards of this
20 Board in particular because it has not always been
21 that way with the City Board of Corrections and the
22 Department of Correction.

23 As I said, I do not think that I need to take
24 the time to comment in any detail on the Minimum
25 Standards. Let me make some general observations

1
2 that effect the application of the standards. That
3 is cost and this argument has been suggested, and
4 in some quarters, that there may be a conflict
5 or undue burden placed upon the Department because
6 of the State Board of Correction Standards which,
7 of course, apply statewide and in New York as well.

8 First, with respect to cost, I have been
9 advised that the implementation of some of these
10 standards may result in significant added cost in
11 the budget of the Department of Correction. One,
12 in particular, is being addressed and is being
13 modified and we discussed that earlier with respect
14 to the service in the cells, hot water and so forth.
15 It is clear to me that this is being addressed. Of
16 course, this Board knows, and I am aware, of the
17 work in connection with the Board to cost out what
18 these Minimum Standards would eventually pose with
19 respect to additional costs within the budget. Of
20 course, too, I notice, and as I have already said,
21 many of your standards, a large number, deal with
22 Court mandated services and take off from there and
23 so that the question of cost is really quite
24 secondary, whether they are Court mandated services,
25 being dealt with and to that end, as you may know,

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2 we added four and a half million dollars to the
3 Department of Correction budget that will go into
4 effect July 1.

5 The second matter that is an issue which has
6 been raised in some quarters that it is a potential
7 dual harsh burden on the Department of Correction
8 to have two sets of standards, City and State.
9 Well, in theory, of course, that is true to
10 regulatory bodies imposing standards on the
11 operational agencies. In theory, that would seem
12 to pose more problems than it appears, in fact, do
13 exist. I know the close working relationship bet-
14 ween this Board and the State Board and this Board
15 and the Department and it seems to me that there
16 are no conflicts that I can see and so long as this
17 close relationship exists, I anticipate they will
18 not develop.

19 In closing, let me say that I think the
20 notion of these hearings, following the discussion
21 and explanation of the Draft Standards by the
22 Department of Correction, is an excellent way to air
23 some of the issues that are concerning us all and
24 I will be delighted to answer any questions, if you
25 have any.

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2 CHAIRMAN TUFO: Thank you very much, Mr.
3 Scoppetta. It is very important to this Board
4 to have your comments, both because you are Deputy
5 Mayor of Criminal Justice and responsible for
6 coordinating the efforts of the various agencies
7 addressing themselves to problems on criminal
8 justice and because of your long background in the
9 field of criminal justice, as Assistant District
10 Attorney, U.S. District Attorney, Commissioner of
11 Investigation and now as First Deputy Mayor for
12 Criminal Justice.

13 I would like to ask you, based on your ex-
14 perience and the opportunities you have had to
15 review these standards, if adequate staff is pro-
16 vided, would these standards present any threats to
17 the security of the institutions of which they will
18 govern.

19 MR. SCOPPETTA: I see none if adequate staff-
20 ing is provided for and if we can manage and if we
21 can manage that cost. That is important, of course,
22 but you recognize it in your question. I see none.

23 CHAIRMAN TUFO: Do any members of the Board
24 have any questions for Deputy Mayor? I know you have
25 a busy schedule and I want to thank you very much

1
2 for appearing here.

3 Our next witness is Congressman Herman
4 Badillo.

5 HONORABLE HERMAN BADILLO: Good morning and
6 thank you very much, Mr. Chairman. I have a state-
7 ment which I am submitting to all of you and I will
8 not read but I will refer to it.

9 I want to commend you on having published
10 these Minimum Standards and I want you to know that
11 I support them fully. I think you know that I have
12 been involved in prison situations in the past,
13 particularly in the Queens House of Detention in
14 1970 and in Attica in 1971. Because of that, I
15 think I get more mail from prisoners than any other
16 member of Congress from all over the nation. I have
17 long been trying to establish a minimum standard in
18 the Federal prison and I have submitted legislation
19 in the previous Congress and this one would provide
20 for such rights legislation known as the Prisoner
21 Rights Act and I will be glad to submit copies to
22 you of that legislation but it essentially covers
23 parts that you have indicated here with some excep-
24 tions I will refer to.

25 First of all, I think you should very

1
2 specifically provide for adequate medical care in
3 future regulations. In everyone of the cases
4 that I have been involved in and letters from
5 prisoners they point out that most of the prisoners
6 do not have adequate medical treatment. Also in
7 some cases where there are people who don't speak
8 the language fluently, they point out that they
9 can't go to the doctor because the doctor can't
10 understand and in evaluating their disease might
11 prescribe for something they don't have wrong with
12 them. They ask if there can't be bilingual medical
13 personnel that at least they should be allowed to
14 take interpreters to the medical room when they are
15 being examined.

16 Also, another complaint very often heard by
17 my office is that there is no effective narcotic
18 treatment program for those that need it and that
19 should be spelled out very clearly, particularly
20 in the case of New York City detainees, many of whom
21 may have been drug addicts. You should have a very
22 clear mandate that if they request drug treatment,
23 it should be provided.

24 I think, too, you are very wise having re-
25 commended that there are many prisoners who have a

1
2 particular religion and that they want the right to
3 their own ministers. However, we are talking here
4 about first amendment rights and I don't think it
5 is proper to leave the judgment of that to the
6 Board of Correction. I think where there is a
7 disagreement you should make a revision that a pri-
8 soner should be entitled to go to Court.

9 I want you to know that one of the very
10 strong complaints in Attica was that the prisoners
11 were changing and they wanted a Black Moslem
12 minister. Whether or not you agreed with that
13 religion or not, is not the point. The point is
14 that the Court upheld the case of Muhammed Ali
15 against the Black Moslem Religion is legitimate.
16 I can see that it really is not proper in our
17 society to leave the decision of what is a religion
18 to the Board of Correction or to any such ad-
19 ministrative body and for that reason I suggest that
20 you amend your recommendations to provide in case of
21 disagreement there should be a right to appeal to
22 the Court where the first amendment issue can be
23 taken up.

24 I think, too, that one of the problems you
25 have to recognize in the prisons is the matter of

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2 sexual assault and other kinds of assault and you
3 should specifically provide that where there are
4 assaults involved that the prisoner should be
5 transferred to another place where he may be
6 protected away from where the assaults are being
7 investigated.

8 Most importantly you have got to provide a
9 mechanism whereby grievances may be investigated by
10 an independent party because clearly it is un-
11 reasonable to expect someone who knows of the
12 Minimum Standards to take advantage of them by com-
13 plaining to the guards that they are not being met.
14 This is just not the way things work in our society.
15 You have to have independent mechanisms and,
16 fortunately, because of the new Charter provisions
17 and the establishment of the Office of the Deputy
18 Mayor for Criminal Justice, you can provide for
19 such an independent mechanism by providing that
20 complaints shall be referred to the Office of the
21 Deputy Mayor for Criminal Justice and that the
22 Deputy Mayor will set up specific investigators who
23 will verify the complaints and that is the only
24 way you can be sure that your Minimum Standards
25 will be effective. You cannot depend, and you

1
2 should not depend, on the Department of Correction
3 to investigate itself. You need to have an
4 impartial body and I will suggest that you follow
5 the recommendations of that special investigator
6 in the Office of the Deputy Mayor for Criminal
7 Justice.

8 In my Bill on Prisoners Rights I provide
9 an impartial investigator shall be appointed by
10 the Attorney General so that you have an in-
11 dependent mechanism for investigation. I think
12 this is the most important recommendation because
13 without this you will have done what we often do
14 in our society, no mechanism for implementing them,
15 but we write beautiful laws.

16 With Commissioner Oswald in a period of a
17 few hours, we settled 27 out of 28 demands because
18 I kept pointing out to Commissioner Oswald that what
19 we were talking about were constitutional rights,
20 freedom of religion, freedom of press, and rights
21 to be protected from inhumane treatment. He agreed
22 with everything. Unfortunately, he agreed with
23 everything when the riot was taking place. He didn't
24 agree to everything prior to the riots and that is
25 the problem. Unless you have someone to go in and

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2 say, "You fellows are violating the Constitution.",
3 nothing is going to happen. That is why, no matter
4 what you agree upon, if you don't provide a
5 mechanism for an independent investigator you will
6 have done nothing at all.

7 I want to conclude by saying that my position
8 in Washington that prisoners who go to jail are
9 deprived of their freedom but society is not
10 justified in committing crimes to prisoners while
11 they are in jail. This is particularly appropriate
12 in the case of the prisoners who are held in jails
13 in the New York City Board of Correction and City
14 prisons because for the most part they are prisoners
15 who haven't been convicted of anything. The only
16 reason why they are there is that they can't afford
17 the money to provide bail. So, especially under
18 these circumstances, the City of New York should be
19 in the forefront of providing for the highest
20 Minimum Standards for prisoners. Obviously, I don't
21 expect you to provide that same kind of jail con-
22 ditions that Erlichman and Halderman and Mitchell
23 have but at least, the very least, decent standards.

24 CHAIRMAN TUFO: Thank you very much, I want
25 to thank you for appearing this morning. The Board

1
2 considers you a very important witness and your
3 enforcement of these standards I am sure will have
4 a significant effect on the course that these
5 standards take as they are considered. Particular-
6 ly because of your role as a negotiator during
7 the Attica disturbance and because of your
8 commitment to anti-discriminatory treatment and
9 because of your constant attention to those who
10 are imprisoned, and to those who are impoverished,
11 we appreciate very much your remarks.

12 One of your recommendations we are pleased
13 to receive, that is the recommendation regarding
14 the grievance mechanism. I should point out that
15 the Board brought before the City Charter Commission
16 to have a grievance mechanism system established
17 as part of the Board's responsibility under the
18 City Charter. The State Charter Commission
19 accepts that proposal, that grievance mechanism
20 was made as a referendum ballot a year ago last
21 November and the voters of New York approved and
22 placed that mechanism within the power of the
23 Board of Correction. Since that time, we have
24 obtained a Federal grant and have been formulating
25 grievance procedures for all New York City prisoners.

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2 We have also received a Federal grant to permit us
3 to monitor the complaints of the Department with
4 these standards once they are in effect. We have
5 a monitoring staff now as part of the Board's pre-
6 paring themselves for that responsibility and we
7 have a unit within the Board that is preparing to
8 establish the grievance mechanism for all of
9 New York City's institutions.

10 While I am very pleased that you recognize
11 the imperative note to have a grievance procedure,
12 I would like to point out that that provision
13 provides for that procedure and has been met. The
14 procedure will soon exist and I hope that you will
15 find that it meets your requirements when it is in
16 full operation. I should point out that over the
17 past year it has, on an adhoc basis, been receiving
18 both inmates and officers' complaints without a
19 particular start to do so but we feel that it was
20 without our general jurisdiction. This new power
21 will permit us to provide that end.

22 CONGRESSMAN BADILLO: I am delighted to hear
23 that but my point is that it should be part and parcel.

24 CHAIRMAN TUFO: It's part of the City Charter.
25 I think that these regulations will have the force

1
2 of the law, thus be the City Charter. They have,
3 thus far, the force of State law but since the
4 grievance mechanism was already in the City Charter
5 since January 1 of this year, we did not feel it
6 necessary to have it as part of the standards.

7 The other points that you raised are also
8 well taken as to medical treatment. I would like
9 to point out these 16 standards were mentioned to
10 address some of the most pressing problems, but we
11 recognize that we did not want to wait to address
12 every single problem before putting out our first
13 recommendation. Thus medical treatment is a
14 subject that is under consideration and when another
15 set of standards is promulgated, I am sure that
16 medical care will be among those considered.

17 CONGRESSMAN BADILLO: I would just like to
18 point out something because it is one that constant-
19 ly comes up. When we began to negotiate in Attica,
20 it was about 3:00 o'clock in the morning and there
21 were about 1,200 prisoners out in the yard and no
22 lights, so, therefore, there were contradicting sets
23 of demands and so we decided to take a vote. We
24 went down the line for all the demands. We asked
25 for everyone to shout "Yes" or "No" and then

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2 evaluated it. For example, the so-called demand
3 asking for immediate transfer to non-imperialistic
4 countries. There were twelve-hundred, no more
5 than ten men said yes. Then we went down the line.
6 There were alot of flaws for questioning inadequacy
7 but the greatest flaw was inadequate medical care.
8 I mean an overwhelming majority and this has been
9 the case in every prison riot, a matter of first
10 priority in every instance; that is why I specifical-
11 ly call it to your attention. I suggest that you
12 give it the highest possible priority and you see
13 whether or not it's at all possible to incorporate
14 it into these Minimum Standards.

15 CHAIRMAN TUFO: Thank you. I would like to
16 mention that during the riot on Rikers Island,
17 medical care was one of the major issues that
18 preceded it. Subsequent to that time, the Board
19 under the leadership of Peggy Davis spent a
20 considerable amount of time looking at the subject
21 of medical care. A contract has been renewed with
22 the Montefiore Hospital to provide direct services
23 in these circumstances and prior to those on Rikers
24 Island. I think that since that time medical care
25 has been upgraded. We certainly agree that anyone

1
2 deprived of freedom who are particularly unconvict-
3 ed should have, and it will be a very serious
4 consideration to this Board.

5 MR. SCHULTE: I would like to point out
6 to Congressman Badillo that this Board, in connec-
7 tion with the Department, was responsible for the
8 establishment of Inmates Council meetings in which
9 the inmates could meet once a month with members
10 of this Board to air potential grievances. I
11 suggest that this might be useful to you sir, in
12 your Federal legislation to set up a Federal body
13 which can go into medical problems as an objective
14 observer and serve as a means of letting off steam.

15 CONGRESSMAN BADILLO: Thank you.

16 CHAIRMAN TUFO: Are there any other questions
17 for the Congressman? I have one further question.

18 Now that you have had a chance to review
19 these standards and with the experience of Attica
20 under your belt, could you comment on whether or
21 not the existence of standards such as these might
22 have contributed to the avoidance of what happened
23 at Attica?

24 CONGRESSMAN BADILLO: There is no question
25 about it. As I have said, we found when we took a

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2 vote and when we spoke personally with the pri-
3 soners that they did not complain about being in
4 prison fundamentally. They were not seeking to
5 escape. They were complaining about the fact
6 that they did not have basic Minimum Standards,
7 that was the biggest problem, the question of
8 adequate medical care. For example, Oswald conceded
9 the average diet for prisoners in Attica cost
10 73 cents a day; because what he did was to take the
11 budget and divided by the number of prisons,
12 whatever it worked out to, that the diet he conceded
13 was wrong. The question of exercise and personal
14 hygiene, it was conceded that if every prisoner
15 were to take showers in the existing showers, twenty
16 four hours a day, no prisoner could get more than
17 one shower a week. That is the reason why we
18 were able to negotiate some of these demands so
19 quickly; because they were matters that were con-
20 ceded by both sides but, unfortunately, the pri-
21 soner had no way to bring them out; that is what
22 led to the riots. That is why if you have Minimum
23 Standards and you have the mechanism for seeing that
24 these standards can be enforced, you will avoid the
25 riots. If that mechanism exists, there is no

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2 danger that we will have the kind of situation that
3 we had at Attica and in other places. If we keep
4 that in mind we understand how foolish it was to
5 go shooting at Attica. Since that time we were
6 not successful in prevailing Governor Rockefeller
7 to stop the shootings. Since that time, no other
8 Governor has taken a position that Governor
9 Rockefeller has taken and in every other case,
10 including in your own last year, you have found
11 that it pays to negotiate; that if you negotiate
12 with the prisoners, that their demands are matters
13 that can be corrected and brings about a kind of
14 resilience; that is negotiations without death,
15 prisoners nor the guards. I hope that is a lesson
16 that we can remember through all of America.

17 I also want to commend you for having these
18 regulations enacted because it will help me to
19 get my Prisoners Rights Bill passed in Washington.
20 Tom Wicker wrote a great book "A Time To Die" based
21 on what I said in Attica. I said, "There is always
22 a time to die.", meaning that you can always
23 negotiate; you can always go in and kill people but
24 that isn't such an accomplishment. You are better
25 off in negotiating in every instance you can.

1
2 Fortunately the book became a best seller and
3 it's read by my colleagues. They think of the
4 novel and they come up to me, "Herman, it must have
5 been very bad at Attica. What about the Prisoners
6 Rights Bill?" Well, that's something else.

7 We really don't have the understanding in
8 this society that when we speak about prisoners
9 we are speaking about an existing reality today.
10 If Tom Wicker was not able to get the necessary
11 support for this bill for prisoners rights, I
12 think the City of New York by adopting these
13 regulations and showing that they make the prisons
14 a more workable and humane situation might make
15 that contribution to enable me to get 218 votes
16 for the House of Representatives to pass this bill.

17 CHAIRMAN TUFO: On the subject of your bill,
18 do you see any inconsistency in there being a
19 Federal, State and City regulations governing pri-
20 sons in New York City?

21 CONGRESSMAN BADILLO: Not at all. After all,
22 there is a Federal, State and City jurisdiction but
23 I think the City of New York, you particularly
24 have a special responsibility because the Federal
25 and State Governments continue to be thinking about

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2 convicted criminals, in fact, so does the public.
3 Most of the public doesn't understand that people
4 in the City are predominantly people who have not
5 been convicted of any crime. Therefore, I think
6 you have a particular responsibility which cannot
7 be disregarded.

8 CHAIRMAN TUFO: One further question. One
9 of our standards that has been proposed addresses
10 itself to the question of non-discriminatory
11 treatment, particularly Spanish and other non-
12 English speaking inmates. Would you care to comment
13 on the position of Hispanic speaking detainees in
14 the prison system?

15 CONGRESSMAN BADILLO: Yes, one of the requests
16 that was made at Attica was that there be a train-
17 ing program to get more bilingual guards, more
18 Spanish speaking guards, in the prison. I think
19 you need to do this, too. I don't want to go into
20 this topic because one of the realities of New York
21 City's budget crisis is that the people who have
22 been fired have been the last ones that have been
23 hired. They were predominantly Black and Hispanic
24 guards and women guards. So, you have a very serious
25 problem that I am working on with the Department of

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2 Correction in that you are discriminating because
3 of budget cuts that have been made so that you may
4 have beautiful regulations but the question is
5 how is it being implemented? In practice, the
6 standards issued by Mayor Beame brings about
7 discrimination in that we are going backward in
8 terms of existence of the guards and those who are
9 taking care of the prisoners. I think you should
10 take some action to rectify this.

11 CHAIRMAN TUFO: I am sure you are aware that
12 the unpaid citizen Board does not have sufficient
13 authority but we are certainly aware of the problem
14 that you speak of.

15 Are there any further questions? Thank you
16 very much.

17 Because our first two witnesses were pressed
18 for time, we started this morning without my having
19 an opportunity to explain again the purpose of
20 these hearings. The City Charter that went into
21 effect last January required that the Board of
22 Correction establish Minimum Standards for all of
23 New York City correctional facilities. The promul-
24 gation of these standards is a major responsibility
25 because there are over 7,000 inmates currently held

1
2 in our City jails. Over 60,000 men and women go
3 through the system and are housed at an annual
4 cost of 140 million dollars in eight major City
5 facilities, several hospital wards and work-release
6 centers. Three other prisons are part of the
7 system but they are currently unused because of the
8 budget crisis and Federal Court finding them
9 Constitutionally unacceptable.

10 The Department of Correction staff comprises
11 over 3,200 uniformed and 600 civilian employees.
12 These men and women are required to supervise each
13 of these institutions.

14 It is for this mammoth and complex prison
15 system that Minimum Standards must now be developed.
16 Standards which will take into account not only the
17 recent orders of Federal Courts for Constitutionally
18 acceptable conditions of confinement, but also the
19 realities of the City's fiscal situation, the
20 public's demand for safety and security, and the
21 need of correction officers to be safe and secure
22 in the institutions. For that reason, these
23 standards will address the problems and working
24 conditions of the correction officers.

25 Nor can we forget when drafting Minimum

1
2 Standards that the majority of those confined in
3 our prisons, some 4,500 prisoners at present, are
4 not convicts. They are detainees. Legally
5 innocent, entitled to incarceration under the
6 least onerous conditions possible consistent with
7 the primary aim of insuring their appearance in
8 court. These people for the most part are there
9 solely because they are too poor to be able to make
10 bail.

11 We must accomplish all of this in a system
12 where most of the institutions have been built as
13 maximum security facilities. Obviously developing
14 Minimum Standards in the face of these divergent
15 and perhaps irreconcilable demands will be an
16 extraordinarily difficult task. It is one, however,
17 which we must undertake because the voters of this
18 City have required that we do so.

19 I have been Chairman of the Board of
20 Correction for about two years. Since that time I
21 have had to participate in the settling of strikes
22 and disturbances in our City's jails a number of
23 times. Fortunately, during that time no lives have
24 been lost or serious injuries sustained by officers
25 or inmates. However, the threat of violence is

1
2 smothering all those involved in the system every-
3 day.

4 We cannot of course be sure that the in-
5 volvement of the Board and promulgation of Minimum
6 Standards for the decent and humane treatment of
7 those held in our City jails and the creation of
8 decent working conditions for correction officers
9 will mean an end to serious prison disturbances.
10 We can be sure, however, that unless something like
11 this effort is made more disturbances, strikes or
12 riots are inevitable.

13 I would like to introduce the members of the
14 Board that are with us today. To my right:

15 David Schulte

16 Rose Singer

17 Wilbert Kirby

18 John Horan

19 Marjorie Kogan

20 Angelo Giordani

21 Our next witness is Secretary of State of the
22 State of New York, Mario Cuomo. He has not arrived
23 as yet. In the interim, I will make one or two
24 announcements. We are going to continue without a
25 break for lunch straight through the day because

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2 we have made clear that anyone who wishes to
3 testify and who has notified the Board previously
4 of their wish to testify will be permitted to
5 testify. These are not hearings by invitation;
6 they are public hearings and we intend to hold them
7 as long as it's necessary to accommodate all
8 witnesses that indicated previously that they wish
9 to testify.

10 At 11:00 o'clock some inmates from the
11 correctional facilities will enter the room and
12 they will testify. They have asked that we indicate
13 that they are here as representatives of each of
14 the institutions in which they are incarcerated.
15 They have been selected by the Inmates Council and
16 they are not speaking for themselves solely as
17 individuals. Unless they state their name, their
18 name will not be given, because of their situation
19 as detainees, we will respect their right not to
20 be forced to divulge their name, unless for some
21 reason, in the course of their testimony, it becomes
22 necessary. They have requested that no photographs
23 be taken.

24 I have received a letter from the Special
25 Committee on Penology from the Association of the

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2 Bar of the City of New York. That Committee had
3 our standards under consideration for some two
4 months. I testified before that Committee regard-
5 ing the proposed standards and they have responded
6 with this letter, which states, "We have reviewed
7 the "Draft Minimum Standards" promulgated by the
8 Board May 4, 1977. In the main, we find the pro-
9 posed standards not only acceptable but, in our
10 opinion, they represent a generally successful
11 effort to deal with the situation existing today
12 in the City's jails and the special problems that
13 affect them.

14 In your May 4th letter circulating the pro-
15 posed standards, you stated that they were not "a
16 final product, but rather an agenda for discussion"
17 and that you invited "comments or criticisms" "of
18 any length". Accordingly, we are transmitting to
19 you in the accompanying appendix a number of comments
20 made by members of our Committee - this done in the
21 hope that their comments will be of aid to you in
22 your consideration of the final draft.

23 We wish to record that Judge Lasker, a
24 member of our committee, has not participated in any
25 manner in our deliberations concerning these

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2 standards, nor has he participated in any manner
3 in our deliberations concerning detention facilities
4 in the City of New York. Signed, Bernard H.
5 Goldstein."

6 I do want to again explain what our process
7 has been in the promulgation of these standards.
8 Once the power was given to the Board of Correction
9 by the voters and placed in the City Charter, we
10 brought together a staff with private foundation
11 funds and with Federal funds to develop staff
12 research and assistance for Minimum Standards
13 Committee and for the Board in general. That staff
14 and Committee of the Board, which is chaired by
15 Vice-Chairwoman of the Board, Peggy Davis, have
16 proposed the standards that are before us today
17 and have been circulated to some 5,000 individuals
18 in the institutions throughout the City. Those
19 standards are draft standards as far as the Board
20 is concerned.

21 The purpose of these hearings, and hearings
22 held last year, was to invite the broadest possible
23 range of public comments and all of those in the
24 correctional facilities in the City and to consider
25 all of those comments, as well as those of the

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2 Department of Correction, before exercising our
3 authority under the City Charter to endorse
4 standards which we have promulgated. Thus this
5 hearing today, is not the last opportunity for
6 anyone to be heard. We solicit and welcome any
7 written comments after this hearing and they will
8 all be considered prior to final determination by
9 the Board of its' own standards. Once the Board
10 has reached an agreement on standards, those
11 standards will be submitted to the Mayor and to
12 the Commissioner of Correction for their comments
13 as required by the City Charter. Neither the
14 Mayor nor the Commissioner have veto power but
15 certainly their comments will be carefully con-
16 sidered.

17 After we receive the comments, the Board will
18 reconsider the standards that they have proposed
19 and at that time propose final standards. Once
20 the final standards have been set, a timetable,
21 or implementation has been worked out, the Board
22 will monitor the acceptance of the standards in the
23 City correctional institutions. I hope we will
24 find that the City and Department have accepted
25 them and complied with them. In the event the

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2 standards are not complied with, the Board has
3 the power, under the City Charter, to enforce
4 its own authority. The Board has been assisted
5 in this project by the law firm of Willkie, Farr
6 & Gallagher, made available to us by the project
7 of the Board of the City of New York and have been
8 advising us throughout this process and will be
9 representing the Board in the future.

10 Any members of the Board care to make any
11 comments?

12 Since our next witness has not yet arrived,
13 we will take a short break before Mr. Cuomo arrives.

14 (The hearing was recessed at 10:45 a.m.)

15 (The hearing reconvened at 11:15 a.m.)

16 CHAIRMAN TUFO: Will the room please come to
17 order.

18 We have heard from the Deputy Mayor for
19 Criminal Justice, Nicholas Scoppetta, and from
20 Congressman Badillo.

21 Our next witness is Secretary of State of the
22 State of New York, Mario Cuomo.

23 Mr. Cuomo, welcome, I am pleased you could
24 join us today.

25 HONORABLE MARIO CUOMO: I am delighted to be

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2 here representing various groups and various causes
3 but I have never had a message to deliver other
4 than this one and it will be very brief.

5 I think I would like to say one of the things
6 that has concerned me within this City and State
7 is its tendency to go from one thing to another.
8 The pendulum always seems to have too much momentum
9 in one direction. Now is the time that we want to
10 get involved. With the political campaign comes a
11 sense of enormous apprehension about crime. In a
12 sense, crime is on the rise and in the sense of
13 near panic in some neighborhoods. Indeed, per-
14 ception of crime out convinces even the problem of
15 crime, which is a considerable problem and the
16 danger, herein, is they will be swept up in this
17 concern, this apprehension, this fear. Other than
18 guilt interests, I think we have to guard against
19 this tendency. That is one of the reasons why I
20 am here today.

21 There is a painful irony in the fact that
22 most people here are united in a struggle to obtain
23 standards of treatment for people accused, but assum-
24 ed to be innocent of a crime that will approach
25 these standards, those we afford our convicted felons.

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2 It is testimony to the distortion of
3 priorities that creep into our beaurocracies if
4 we leave them too long ignored.

5 We are asking for things like daily
6 exercise for "innocent" human beings -- an amenity
7 we afford dogs in the city pound.

8 We are asking for telephone calls to be
9 allowed a person preparing to face trial.

10 We are asking for his mail to pass free, and
11 that he be allowed to see a visitor three hours
12 a week, which Judge Lasker has now ordered for the
13 House of Detention, separated by screens or glass.
14 This is while a convicted felon in a New York State
15 Prison has a visiting room open from 9:00 a.m. to
16 3:00 p.m. each day -- for visits which allow
17 contact between the prisoner and his visitor.

18 We are not asking for luxury hotels for
19 vicious criminals -- we are asking for adherence to
20 civilized minimal standards that are the expected
21 for prisoners of war, spies, and convicted murderers.
22 This we are asking for fellow citizens who our
23 Constitution says are assumed to be innocent.

24 These people are distinguished in most cases
25 by the fact that they cannot meet bail -- those

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2 that do have the money to pay bail are allowed to
3 go free to await trial. There is something that
4 grates on anyone's sense of justice.

5 We are also asked to have the New York City
6 Administration provide some minimal space standards,
7 the courts have ordered New York City to end its
8 "double cell" policy in the adolescent facilities
9 at Rikers Island and the staff of the Board re-
10 commends 75 square feet of space for each person
11 -- that is the size of a large bathroom.

12 The City administration has replied that the
13 costs and administrative problems are too difficult.
14 Further, the next administration is able to re-
15 start the sputtering criminal justice system, we
16 will have to assume that additional space will be
17 needed to house arrested persons.

18 There is talk of the costs of new facilities
19 but we needn't lay one brick upon another to
20 increase our cell capacity by almost 25 percent.
21 We don't need new buildings, buildings built to
22 hold prisoners lie unused.

23 There is C-95 and C-71 on Rikers Island now.
24 There is the Tombs that Judge Lasker is trying to
25 get the City to re-open and there is the only half-

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used Women's House of Detention.

Altogether there are nearly 3,000 detention spaces going unused now, even if we make an attempt to meet the recommended standards in the unused facilities.

The reopening, reconstruction and remodelling costs would be in the neighborhood of 7 million dollars including a rehabilitation of the Tombs.

The total costs of additional prisoners could in large part be borne by the State. I expect that the State will eventually complete the unification of the state wide correctional system and in doing this assume several costs now borne by New York City. Convicted felons awaiting sentence and detained by the City's Department of Correction are even now responsibilities of the State. Added to this are State transportation costs borne by the City. State assumption of these costs will yield the City more than 11 million dollars a year.

The City has treated its prisoners with no greater care than it has its schoolchildren. It has allowed the management to run down so that our prisons are distinguished, like many of our schools, for being below standard.

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2 These recommendations by the Board are a
3 step that turns at least this one section in the
4 right direction. Thank you.

5 CHAIRMAN TUFO: Thank you very much for your
6 strong support for these Minimum Standards. I
7 consider your support particularly important be-
8 cause of experience you have had in dealing with
9 it in the communities and settling community
10 disputes. I was particularly taken by a couple of
11 comments you have made. First, I would like to
12 say that the fact, that you have stated that you
13 were informed, to my knowledge, the facts and you
14 are correct in every statement you made regarding
15 unused cell capacity.

16 MR. CUOMO: One gets very cautious after
17 several weeks of campaigning.

18 CHAIRMAN TUFO: Secondly, you acknowledge that
19 the pendulum swings in different directions regard-
20 ing public issues. Thus, I put this question to
21 you. How do we, the Board of Correction represent-
22 ing the system, unpaid members of the City
23 administration build a political constituency for
24 improving the working conditions of the correction
25 officers or living conditions of convicted detainees?

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2 MR. CUOMO: That is a very difficult question
3 because there are so many causes that fail for
4 lack of momentum, many that fail for lack of
5 knowledge on the part of the community, and lack
6 of energy from the community. I believe that per-
7 haps the principal difficulty in our society is
8 we are not able to energize the people, a large
9 number of people, into taking good and right posi-
10 tions. We are a society that everybody here knows
11 that notes were the most deplorable incidents of
12 any society in the free world. Of about 30 percent
13 of the registration and in a major election less
14 than 60 percent of the registration.

15 MR. GIORDANI: How does one get around it?

16 MR. CUOMO: Number 1, we ought not be disturb-
17 ed by it. We ought to try harder. Number 2, what
18 works best is the truth, simply packaged. I mean
19 good, simple statments, simple analysis and doing
20 it repeatedly and doing it not from here but from
21 the communities and doing it particularly as a
22 volunteer which is all for your credit, convincing
23 people and making them understand you are a volunteer
24 because there is this enormous distrust of the paid
25 politician and which represent groups in this room

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2 and namely against the establishment. My credibil-
3 ity was enormous, no one doubted my word. As soon
4 as I announced I was a candidate, I lost some of
5 my credibility, and I am not one to say that there
6 is no basis for disbelieving politicians, but sense
7 is out there that the people in the system are not
8 to be trusted. You are not really in the system.
9 You are volunteers in a society that wants to be
10 sure you are for the people, people like yourself.
11 It has to be done there in Bensonhurst; in
12 Sheepshead Bay; in Brighton Beach and, understand,
13 after all, you have to show them the respect of
14 coming to them and not asking them to come here
15 because they don't believe in it. You have to push
16 on them; then you have to keep your fingers crossed
17 and pray.

18 CHAIRMAN TUFO: I appreciate the responsiveness
19 of your answers.

20 MR. CUOMO: I thought you were particularly
21 interested in my position with the State.

22 CHAIRMAN TUFO: My next question was going
23 to be the question of State responsibility. This
24 Board and I have, in the past, recommended integra-
25 tion of State and City correction systems, partially

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2 for reasons that you pointed out that we have un-
3 used space in the City system, 3,000 beds yet the
4 State facilities are a little overcrowded and
5 our standard is considering building a new facility.
6 The City's Department of Correction is totally
7 integrated, over 50 percent of the employees of the
8 Department are either Black or Hispanic, where as
9 my information of the State is less than 10 percent
10 are Black and Hispanic. Given those considerations
11 and that fact that the City, in fact, houses many
12 State prisoners who are awaiting trial, who are
13 being held on State charges rather than charges
14 conceived by the City, do you feel that these
15 standards could raise the level of working conditions
16 and living conditions in the prisons, can improve
17 that chance of eventuality State and City integra-
18 tion?

19 MR. CUOMO: It certainly can't hurt and, yes,
20 I do think it will improve the chances and the
21 reality in this, I think. I have spent three years
22 in Albany and three years before with the Court of
23 Appeals and I have watched that scene very carefully.
24 Many of the things the City of New York needs from
25 the State. Theoretically, we are at a distinct

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2 disadvantage. We are disliked in some places,
3 resentment, the hostilities long exist, but not
4 revealed until 1975 when we had our crisis, when
5 we moved around this Country and State convincing
6 people they should help us. You could see the
7 resentment for the City of New York that is re-
8 flected in the Assembly, a constant war between
9 the City of New York and so-called anti-New Yorkers,
10 and the war that we have contributed to and we have
11 suffered from because our sense of that to deprive
12 the rest of the State and they know it and they
13 don't like it. We have to improve our advocacy
14 in Albany. How do you do that? Number 1, you run
15 a better City. I don't mean to be simplistic about
16 it. We have the reputation for being the worst
17 manager in the United States. We have billions of
18 dollars for nursing homes. We throw dollars around.
19 The New York Times fills its pages with how we
20 abuse those dollars. That reputation has got to
21 be turned around. We have a reputation of excessive-
22 ness born out of exaggeration and understanding of
23 alot of oppressed people. We never made the case
24 proper in Albany, that is the reason, frankly.

25 I don't mean to make this a political platform.

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2 I mean Upstate to be the first time in history
3 that New York City would have a new Mayor who
4 was respected by the Upstate area. These standards
5 will not hurt you in Albany, but will help. That
6 is one of the elements I am trying to say. I think
7 they can help.

8 CHAIRMAN TUFO: One last question before I
9 turn to the other Board members. You did say that
10 you felt that the State had a larger responsibility.
11 Do you think it would be a problem for the State
12 to make a contribution to the City to enable it
13 to take on additional staff that might be necessary
14 to improve some of the Court orders that have been
15 handed down and that these standards might require?

16 MR. CUOMO: Yes, I mean there are all kinds
17 of things the State ought to be doing for the City.
18 I mean the per diem doesn't make alot of sense.
19 The per diem is too low. There are many ways. The
20 whole criminal justice system. There are better ways
21 in which the State ought to be participating in our
22 negotiations with them in Albany. Yes, I agree and
23 as an advocate I would urge greater support in
24 those areas and I think I would be doing it effec-
25 tively because I know the terrain in Albany.

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2 MS. DAVIS: I have one statement I would like
3 to address to you and perhaps increases as your
4 founded knowledge in this field. That is, I think
5 one of the greatest problems in the New York City
6 Department is that the State Department of Correc-
7 tion which, for reasons of their own, namely over-
8 crowding, will not take the time the prisoner has
9 already contributed. This results in tension of
10 the City Department. I would suggest that you ask
11 them what they are doing with Sing Sing. In my
12 opinion Sing Sing is empty, and I would also suggest
13 that you look into Hart's Island.

14 REVEREND HOLDER: Mr. Cuomo, could you state
15 specifically whether as Mayor or Secretary of State
16 how you would be able to assist financially the
17 Minimum Standards?

18 MR. CUOMO: How much money I could come up
19 with, is that what you are asking?

20 REVEREND HOLDER: Not exactly. I would like
21 to know specifically how you could assist as
22 Secretary of State or as Mayor?

23 MR. CUOMO: As Secretary of State, all I could
24 do is advocate looking into Hart's Island. I can
25 do that effectively and I will. Looking at Sing

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2 Sing where I have had three murders, I have been
3 there and I have spent a lot of time there, but I
4 have lost track recently. As Mayor it's a matter
5 of advocating, not only in the area of education,
6 for greater assistance from the State to the City
7 because I believe we are entitled to it. I think
8 the essential thing I would try to bring to this
9 City as Mayor is a new credibility. Therefore, a
10 new advocacy. The City is not going to waste your
11 money. The City isn't going to follow every line
12 for political patronage. That is what we have to
13 establish. We have to make the rest of this State
14 understand that we are about business and not the
15 politician because basically that is something I
16 could do. I certainly will try to.

17 CHAIRMAN TUFO: Any other questions? I would
18 like to comment on your support. I know in
19 political campaigns you must always look for con-
20 sistencies. In my three and a half years I learned
21 this. I think you have a mark of courage to make
22 the statements you made today. Thank you very much.

23 The next scheduled witness is Bella Abzug, but
24 I don't see her in the room.

25 Since she is not here, our next witness will

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2 be a spokesman for Congressman Rangel, Michael
3 Baker.

4 We don't seem to have Congressman Rangel's
5 representative or Ms. Abzug. We will recess for
6 the purpose of permitting inmates who are going to
7 attend these hearings and testify to be admitted
8 to the room.

9 (The hearing was recessed at 11:35 a.m.)

10 (The hearing reconvened at 11:45 a.m.)

11 CHAIRMAN TUFO: I called a ten minute recess
12 pending the arrival of our next two witnesses, Bella
13 Abzug and David Dinkins. We would like to recognize
14 the inmates representing correctional facilities of
15 this City are in the room and have asked to testify
16 and they are represented by Mr. O'Connor of the
17 Legal Aid Society. I would like to call the repre-
18 sentative of the House of Detention for Men on Rikers
19 Island to come to the podium and to make a statement.

20 MR. RAYMOND FARRAR, JR. - REPRESENTATIVE FROM
21 THE HOUSE OF DETENTION FOR MEN: Good morning, my
22 name is Raymond Farrar and I am currently at the
23 House of Detention for Men on Rikers Island for a
24 period of eleven months, two weeks and three days.
25 My current position is Chairman of the Inmates

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2 Delegates Council Subcommittee and I have been
3 appointed by the Committee to represent the men of
4 the House of Detention to speak on their behalf on
5 the Minimum Standards.

6 I would first like to preface my statement
7 on behalf of the 1,600 men existing in the House
8 of Detention for Men at Rikers Island, by saying,
9 that we commend the Governor, the Legislature and
10 the Board of Correction and all concerned parties
11 for taking this vanguard step toward dealing with
12 an area of the criminal justice system that has long
13 been overlooked and neglected.

14 We, feel that the drafted proposals in their
15 present form lay a good working premise for this
16 Board to begin composing a more comprehensive set
17 of standards that will fully cover the lives of
18 the detainee population housed in the New York City
19 Department of Correction facilities.

20 Though I am not going to address all areas
21 of the draft I like to state that the detainee
22 population at Rikers Island fully endorses all the
23 proposals with the exception of Section 16. I'll
24 address that proposal at the conclusion of my state-
25 ment. But, we would like it understood that these

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2 proposals don't go nearly far enough to adequately
3 deal with the problems found on the "Rock" as we
4 refer to Rikers Island.

5 Firstly, we would like to stipulate that the
6 core of the problems on Rikers lies with the Court
7 system. Especially, in its handling of indigent
8 defendants, who make up the overwhelming majority
9 of the men housed at Rikers. The hellish conditions
10 that we languish under are a direct by-product of
11 the shortcomings of that system. We, 1,600 men,
12 desperately need some type of Minimum Standards to
13 be established to elevate us from the hell we now
14 find ourselves trapped in.

15 The most over-bearing problem confronting
16 us detainees is the over-crowded conditions. Not-
17 withstanding, recent Court litigation mandating
18 one man to a cell or the proposals set forth in the
19 draft, is the problem truly confronted. It's when
20 we 1,600 individuals are locked out that the over-
21 crowding problems manifest themselves.

22 That's the real over-crowding problem that
23 must be dealt with. Sixteen hundred men confined
24 together with their lives held in a state of limbo
25 supervised by some four hundred officers who are

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2 more often ill-prepared to deal with us is a very
3 molitile and potentially explosive situation. The
4 tension that prevails on Rikers Island is analogous
5 to that of the rice fields in the Vietnam War. The
6 truth of the matter is that Rikers Island House of
7 Detention for Men isn't geared to deal with its
8 1,600 detainees. The Board as a priority should
9 address itself to this aspect of the problem of
10 over-crowding.

11 There is one facet of a detainee's life that
12 consumes his total preoccupation, that's his dealing
13 with the element of time. Being that he is facing
14 the proposition of having to fight for his life in
15 Court, time is the far most important thing that
16 we live with. I was once asked the question, "What
17 do you do in there?" My answer was "Well, weekdays
18 we do nothing; on the weekends we do less than that."

19 As detainees we are confronted with killing
20 time. Getting through enough 24 hour periods until
21 we are returned to our next scheduled 5 minute
22 court appearance. These periods of time are spent
23 basically in three ways. The gym or the library
24 and blocks and again we are victimized by the over-
25 crowding and under programing of these detention

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facilities. We don't go to the gym or the library.
We escape to these outlets.

But, can you imagine what it's like having 200 or 300 people crammed into a gym and 100 or 200 men packed into a yard less than the size of half a football field. And in this yard they squeeze a basketball court, a volleyball area, a weight lifting area and they manage to put in a horse shoe throwing pit. What really makes this seem incredible is that next to each housing area they have two outdoor yards that are not being used at all. So we have to place our lives on the limb to get a breath of air and sunlight in the small gym yard.

The law library suffers as another escape outlet. Some men utilized it as a meeting place, just to hang out. So the many individuals who seek to use the law library facilities for legal research purposes are hampered by the noise factor and distractions.

In mentioning the noise this is an area that should receive emergency attention. During the lock out periods of 200 men or better in each block, radios blasting over the P.A. system, television sets

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2 blaring, planes taking off at LaGuardia, it's
3 enough to drive a person crazy. There is definite
4 mental and physical damage being done to us
5 because of the high noise level. Especially, when
6 contrasted against the fact that the average person
7 remains on Rikers for a period of six months to a
8 year as a detainee fighting his case. I have
9 personally heard numerous men state that they were
10 copping out so that they could get off the "Rock"
11 and get upstate where it was better. That's a
12 terrifying position that most detainees are con-
13 fronted with. Take a felony conviction, just
14 because they couldn't afford to post bail and had
15 to languish on Rikers Island to the point they saw
16 being convicted was their only relief, their only
17 way out.

18 Because of the depressing atmosphere of the
19 "Rock" we need our ultimate form of release, our
20 visits and our telephone calls. The phones can be
21 taken as a point of illustration, a lesson we have
22 learned, and we hope this Board will also take it
23 to heart. In 1974, phones were installed within each
24 housing area. We were told that to enable us to
25 contact our families by phone for the Christmas

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2 Holidays, they, the Department of Correction were
3 just going to be able to hook up one of the lines
4 and that after the holiday season they would install
5 the other five lines.

6 Well, here we are deep into 1977. We have
7 our phones but now they are all hooked up to one
8 line, they gave us for a Christmas present.

9 Which leads to the exception that we as
10 detainees are taking against Section 16 of the
11 proposed Minimum Standards. I have read a copy of
12 the Department of Correction's position paper.
13 They have asked for an exemption for nearly every
14 proposal set forth in the draft. This came as
15 no surprise to us.

16 We view the section entitled "Variances", as
17 a leeway for the Department of Correction to make
18 the proposals as another Christmas present. If
19 this is allowed to happen then the intentions and
20 energies of this Board and the legislature were
21 for nothing.

22 But, we detainees are realistic in our view
23 as to the implementation of these proposed Minimum
24 Standards. To make them real and workable two
25 mechanisms will have to be incorporated by the

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2 Board.

3 First, the mandate which invested the Board
4 of Correction with the power to create these
5 standards will have to be expanded to incorporate
6 the mechanism to secure the financial resources to
7 fully implement these standards. For without the
8 funds to defray the costs this whole affair becomes
9 a sad charade.

10 We detainees fully anticipate the Department
11 utilizing the excuse of lack of funds to comply
12 with any and all proposals. But, we view that
13 anticipated excuse as an escape mechanism. Con-
14 trasted against the fact that there seems to be a
15 bottomless reservoir of funds for armaments and
16 tools of suppression. Rikers Island has enough
17 weapons to engage in a full-scale war, which is
18 puzzling to me when I consider that the Department's
19 main function in regards to detainees is to ensure
20 our appearance at Court, and the only reason that
21 we are housed on the "Rock" is because we are too
22 poor to pay the ransom-bails set by the Courts.

23 So we would like to make a suggestion to this
24 Board to set up the necessary provisions to obtain
25 the funds to ensure that these proposals will have a

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chance to work.

Secondly, we would like to see the Board of Correction take a more active watch-dog role in the supervision of the implementation. History and experience has showed us that the Department of Correction has problems interpreting orders and policy given to them from outside agencies. Let's not allow these proposed Minimum Standards to fail because of a lack of understanding in communication between all parties involved.

In closing I would like to thank this Board for allowing us detainees to be heard and that in the future the Inmate Advisory Council is willing to supply any input from the inmates perspecting to any future proposals.

On behalf of the population of the House of Detention for Men, the Inmate Advisory Council and myself, we applaud your efforts and energies toward taking a very necessary step in the area of human rights. We thank you.

CHAIRMAN TUFO: Thank you very much for your thoughtful, comprehensive and articulate statement. I would like to ask you a couple of questions and perhaps other Board members would if you are prepared

1
2 to talk to us.

3 MR. FARRAR: Yes, I am.

4 CHAIRMAN TUFO: You referred to weekends as
5 time when you do less than nothing. How much
6 recreation is afforded to detainees at the House of
7 Detention for Men during the weekends?

8 MR. FARRAR: None whatsoever.

9 CHAIRMAN TUFO: Where do you spend your time
10 during the weekends?

11 MR. FARRAR: We spend our time in the blocks.
12 The only deviation on weekends is when they call
13 medical and men come out of the blocks and parade
14 down to the building area, where he dispenses
15 medication. At Rikers Island, they must spend a
16 fortune on Tylenols because we escape from the
17 block for any purpose. The other is Church, we
18 go to Church. A lot of men have their personal
19 beliefs disrupted because people come to hang out.
20 They speak, they talk because they are lonely,
21 frustrated and bewildered.

22 CHAIRMAN TUFO: You spoke of blocks. Will
23 you describe the blocks that you are held in as a
24 detainee awaiting trial on Rikers Island?

25 MR. FARRAR: The block that I was in was 7

1
2 block. 7 block was very representative of all the
3 other blocks within the institution. 7 block is
4 divided into two sides, A and B and on each side
5 twenty cells. In these cells it's five times. You
6 may have a population of over 100 men if the cell
7 is broken, the toilet facilities are not being
8 operated.

9 CHAIRMAN TUFO: You mean within a block?

10 MR. FARRAR: Then those cells are left for
11 long durations of time before the plumber is allowed
12 to rectify these problems.

13 CHAIRMAN TUFO: How long is your cell?

14 MR. FARRAR: My cell is approximately -- I
15 could describe it better by taking six steps this
16 way and that is how long it is and that is approxi-
17 mately six feet wide.

18 CHAIRMAN TUFO: Does it have a window?

19 MR. FARRAR: Not a window, per se. We have
20 one window which is comprised of a door and bar
21 section.

22 CHAIRMAN TUFO: How much space is there
23 available to the 200 some odd inmates in a lock-out
24 say of their cell, when they are locked out?

25 MR. FARRAR: Approximately an area of 20 feet

1
2 wide and the length of a block long, which would
3 be approximately, let's say about, roughly about,
4 200 yards. Then there is also a dayroom area.

5 CHAIRMAN TUFO: During the weekend -- even-
6 ings?

7 MR. FARRAR: We are confined to that area.

8 CHAIRMAN TUFO: You are confined to that
9 area and have no opportunity for any kind of
10 physical recreation?

11 MR. FARRAR: None whatsoever. I might add
12 that it seems incredible. I made note of the fact
13 that within each housing area, directly in line of
14 it, there are yards that are just sitting there not
15 being used. We can't understand why the Department
16 -- say a D man or a B man visits a M man, why he
17 can't sit out in the yard and do the same thing --
18 That 48 hour period, actually after 4:00 o'clock on
19 Friday on Rikers Island, every other detention
20 facility within New York is fastly closing down and
21 God forbid a man should be wounded or should become
22 ill he would languish in his cell until such time
23 one of the officers saw fit to take him out, unless
24 it's an emergency.

25 CHAIRMAN TUFO: What about the working

1
2 conditions of the correction officers that super-
3 vise the blocks? Are they better or worse during
4 the weekends?

5 MR. FARRAR: Mr. Tufo, you speak of working
6 conditions. It amazes me that an officer making
7 the money he makes, unless they are really desperate,
8 that they would allow themselves to work in the
9 conditions they work under at Rikers Island. Rikers
10 is now one of the worse slum areas that prevails
11 in the world. Many times we are without cleaning
12 supplies or any kind of help to make the blocks
13 livable. The conditions that the officers languish
14 under, most times, they have an "I don't give a
15 damn attitude." I think that is a product of the
16 forced overtime issue. That is also stressed for
17 the proposals. If they are made to work overtime
18 and they don't have their weekend or not allowed
19 time with their families, at that time then I can
20 see the only outlet for their tension is directed
21 towards us and it becomes a two party thing and we
22 are in it. So, naturally, we are antagonistic
23 towards one another.

24 CHAIRMAN TUFO: Would you say that tensions
25 are greater or less between the inmates and between

1
2 the officers and the inmates on weekends?

3 MR. FARRAR: They become greater. I also
4 heard a captain quote to me, or a conversation,
5 that because a situation arose over the weekend
6 period and because of the ramifications of in-
7 cidents happening during the weekend, they spend
8 millions of dollars in keeping that place in a
9 state of readiness for any type of disturbance.
10 So the weekend becomes that. There is nothing but
11 idle time, the men will be men, boys will be boys.
12 The weekends, they breed tension.

13 CHAIRMAN TUFO: You have had a chance to re-
14 view these proposed standards and based on your
15 experience and of 11 months in the House of Deten-
16 tion for Men awaiting trial, is it your opinion
17 that the implementation of these standards would
18 decrease the chances of violent disturbances in
19 that institution?

20 MR. FARRAR: Well, let's put it this way. If
21 the standards were implemented as they are, in the
22 form they are, I can't see it having any direct
23 bearing more or less on violence and tensions. Again,
24 you have to impress the fact that basically all the
25 problems that stem from any detention facilities

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2 arise because of frustration of the Court system.
3 Men languish within those hell holes and are sub-
4 jected to a lot of other ramifications, but the
5 proposed standards they would eliminate some of the
6 normal petty things that bug us, phone situations,
7 visit situations, cleanliness, the personal hygiene.
8 You know something, in Rikers Island it's actually
9 a crime to possess a mirror. So, we talk about
10 hygiene, they don't even let us have a mirror to
11 shave. If a person cares about himself, he wants
12 to take care of himself. If we are deprived of
13 having a mirror, God, what do they want us to
14 think.

15 CHAIRMAN TUFO: We don't have jurisdiction
16 over the Courts. Do you think these standards would
17 alleviate some of the standards that led to con-
18 frontation?

19 MR. FARRAR: We agree.

20 CHAIRMAN TUFO: Any questions from the Board
21 members?

22 MS. KOGAN: Mr. Farrar, your reference to
23 Tylenol disturbed me very much. You said in answer
24 to Mr. Tufo's question about what you do on week-
25 ends, you said one of your things that you do is

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2 go to sick call and then said that the Department
3 must spend a lot of money on Tylenol. Is it
4 standard operating procedure for inmates to get
5 Tylenol? I wish you would explain.

6 CHAIRMAN TUFO: Tylenol is a form of aspirin.

7 MR. FARRAR: What happens when they call, not
8 sick call, but medical business, dispensing of
9 medication, men will leave the blocks just to get
10 out of the block and they will have to go into the
11 medication area and the officer will ask you where
12 it hurts and they give you a setup. I think if
13 you can consume enough time you are setting yourself
14 up with something. We will go there because what
15 else is there to do. The officer will ask if you
16 want a setup and you say yes. So you pop the two
17 Tylenols and you go back, just that you got out of
18 the block for a five minute period. So what I am
19 saying is that that is an over-consumption of
20 Tylenol.

21 MS. KOGAN: If a person don't feel well, they
22 will get the same two Tylenols?

23 MR. FARRAR: Yes, they will give him a setup.

24 CHAIRMAN TUFO: Any other questions?

25 MS. DAVIS: We have heard testimony from an

1
2 organization representing families of inmates to
3 the effect that longer visiting time would be more
4 helpful and more beneficial perhaps than three
5 visits a week, assuming that they were shorter.
6 What is your opinion on that?

7 MR. FARRAR: When you speak of visits, and
8 I speak on behalf of the 1,600 men that I represent,
9 that is near and dear to everybody that is housed
10 on Rikers Island. More visits in question. Again,
11 I have to premise the fact that, one, despite the
12 climate of society clammering for law and order, or
13 hang the criminal or castrate or whatever, we are
14 detainees. We are physically held as detainees
15 and we languish under that misnomer due to the
16 fact that we are prisoners because we have not
17 forsaken our duty and rights because we are not
18 convicted. If I were to put up my bail tomorrow, I
19 would have the comforts of the land with my woman.
20 I could hold my daughter and every man feels the
21 same way about his family. The only reason we are
22 here is because we can't afford to pay the bail.
23 We should be able to see our families often as long
24 as it is feasible for security or whatever. The
25 case of longer and many more visits would alleviate

1
2 a great deal of tension.

3 MS. DAVIS: On the assumption that a choice
4 has to be made between longer visits and a greater
5 number of visits, what would you set as a minimum
6 reasonable length for visits between the time it
7 takes to travel to Rikers Island for your family?

8 MR. FARRAR: Again, that is a difficult
9 question to answer because I want to spend an
10 eternity with my loved ones. I think each man
11 feels the same way. If you ask me a realistic
12 approach -- it's a real difficult question because,
13 again, you are asking how often do I think I
14 should be with my woman? I think I want to be with
15 her forever.

16 CHAIRMAN TUFO: Thank you very much. The
17 other inmates will have an opportunity to testify
18 as the day moves on. You have asked to remain
19 during the proceedings during the day and you are
20 welcome to remain until the last inmate has testified.

21 MR. FARRAR: Thank you very much and the
22 Board.

23 CHAIRMAN TUFO: The next witness is Bella
24 Abzug.

25 MS. BELLA ABZUG: Good morning. I am

1
2 unfortunately running terribly late. There is a
3 lot of brutality in our society including the
4 visits on candidates having made all kinds of
5 schedules. So, I am not going to be able to stay
6 here too long. I will try to get through my re-
7 marks and I ask you, Mr. Chairman, that they be
8 entered into the record.

9 CHAIRMAN TUFO: It will be so done.

10 MS. ABZUG: The present proposals represent
11 Minimal Standards of human care in our City's
12 correctional facilities, and I support them.

13 We are not here discussing tennis courts and
14 cottages for the Mitchells and Haldemans. We are,
15 rather, talking about providing to prisoners daily
16 showers and two sheets; weekly laundry service; a
17 prohibition on putting two people in cells that
18 are too small for even one person and which can only
19 be described as cages.

20 Before you today are proposals for an end to
21 discriminatory treatment of prisoners on the basis
22 of race, sex, sexual orientation, political beliefs;
23 a slight increase in visiting hours for families and
24 friends who have jobs and can only visit on week
25 nights or weekends; a prohibition on censoring

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2 incoming and outgoing mail and publications, unless
3 required by a law enforcement authority pursuant
4 to a subpoena; and the free exercise of the
5 fundamental rights of religious beliefs and access
6 to the courts.

7 I am aware that the Department is already
8 complying with some of these proposed mandates.
9 That is proper. However, many of these standards
10 are not in force, and their adoption is opposed
11 by some city officials primarily because of the
12 potential costs involved.

13 While I am acutely aware of the need at this
14 time to consider carefully the economic impact of
15 any proposals, we cannot make this the issue. In
16 fact, the present proposals do not require re-
17 novations or new constructions. While some of the
18 proposals will require additional personnel, it is
19 not yet clear that this will necessitate an overall
20 increase in the Department's budget. That deter-
21 mination must await analysis of whether the most
22 efficient use of personnel is being made.

23 There must also be a careful study of
24 whether it is necessary to incarcerate some
25 60,000 persons yearly in our City's institutions, in

1
2 view of the fact that 20,000 are released within
3 two weeks of entering the corrections system.

4 By reducing the total numbers of persons
5 who are put in jail to await trial in our City,
6 we can change the equation in terms of monetary
7 costs as well as concentrate on these individuals
8 who are a real and serious threat to the safety
9 and security of our citizens. We must target our
10 criminal justice system to the crime repeater and
11 habitual criminal offender.

12 We must also recognize that the great
13 majority of the proposed standards merely codify
14 existing court orders concerning the New York City
15 facilities as well as State regulations. If we do
16 not take the responsibility for providing decent and
17 Minimum Standards of care in our correctional
18 facilities, the Federal Government will be forced
19 to do it for us.

20 The failure of the executive branch of our
21 City Government to provide leadership and direction
22 in this area is clear. It does not require a
23 constitutional scholar to recognize that being
24 locked in a 42 square foot cell for 16 hours a day
25 or being denied access to the outdoors for daily

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2 recreation will result in mental and physical de-
3 terioration. It has required a Federal judge to
4 point out that forcing corrections guards to work a
5 number of shifts of overtime in one week will
6 result in a tense and dangerous situation for all.

7 It is ironic that a prisoner in the State
8 prison at Attica can receive from family and friends
9 up to four at a time for up to 40 hours a week, can
10 receive packages, is not forced to spend time locked
11 into a cell during the day and gets weekly laundry
12 service, while a pretrial detainee who is innocent
13 until proven guilty is denied these minimal oppor-
14 tunities at the Bronx House of Detention, or
15 Brooklyn, Queens or Rikers Island.

16 I share the concern of New Yorkers about
17 rising crime rates and the fear that keeps so many
18 people imprisoned in their homes, and we know they
19 are not even safe there. Elsewhere, I have made
20 detailed proposals for dealing with criminals. I
21 realize that to the person on the street any talk
22 about improving the situation for people in jail
23 often results in resentment and a "What about the
24 victims?" attitude. I understand that attitude but
25 we cannot let it determine whether we are to provide

1
2 minimally decent standards for people in our jails,
3 many of whom are pretrial.

4 It must be recognized that the overwhelming
5 majority of persons in the New York City jails are
6 poor and the great majority are black and Hispanic.
7 As such, they represent constituencies that have
8 traditionally had the least political clout. It is
9 not a coincidence that the greatly heightened con-
10 cern for prison reform in the mid-1960's paralleled
11 the entry into the prisons of relatively large
12 numbers of middle and even upper class whites as
13 a result of anti-war and drug arrests.

14 It is time to cut through the myths and to
15 demonstrate to the public the real costs involved
16 in not affording basic humane care of prisoners.
17 Thus, the incarceration of a pretrial detainee for
18 even seven or ten days because of an inability to
19 make bail for that period will often result in the
20 loss of a job, with the family of the prisoner
21 forced on to public welfare.

22 Further, as District Attorney Eugene Gold
23 said in his testimony earlier this week, conditions
24 in the jails make it difficult to prepare a legal
25 defense and this is a significant factor in the

1
2 lengthy pretrial process and delays in adjudication.
3 It costs us more to keep people in jail longer and
4 to tie up our courts with unnecessary delays. As
5 has been pointed out repeatedly, the best deterrent
6 to criminal acts is not necessarily the longest
7 sentences or the most harsh institutions but rather
8 the certainty that justice will be dispensed quickly
9 and surely.

10 Present conditions in the City's facilities
11 predictably result in increased tension and
12 frustration and lead to disputes among prisoners and
13 with guards. How do we measure the cost of a
14 serious injury to such persons against the cost of
15 providing an hour of recreation or two sheets?

16 We do know that inmate uprisings and riots
17 have cost the City millions of dollars since 1970.
18 There is no doubt that an improvement in the basic
19 conditions of the City facilities as well as a
20 sense among the prisoner population that there is
21 a responsive leadership among City officials will
22 result in a reduction in such incidents.

23 It is long past time to have informed, long-
24 term planning for corrections in New York City. A
25 1975 report by the Temporary Commission on City

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2 Finances described our Corrections Department as
3 the "stepchild" of the criminal justice system. The
4 New York State Commission of Investigation found
5 in 1974 that "there was no systemwide planning" in
6 New York City.

7 It was welcome news in 1974 when the Department
8 of Correction and the City of New York said they
9 had received a Federal grant of \$250,000. in order
10 to draft and implement a master plan for the entire
11 corrections system. Although the respected archi-
12 tectural firm of Curtis and Davis was hired to
13 draft this plan and a number of committees involving
14 City officials were set up to guide their work, the
15 money now appears to be totally wasted. The drafts
16 are destined for oblivion and remain ignored by
17 Corrections Department personnel. It is likely
18 that a final product will never be produced and
19 the recommendations and conclusions will not be
20 followed.

21 Proper direction and leadership are necessary
22 to avoid such situations. We cannot allow the
23 words due process of law and equal protection to
24 become a mockery in the face of conditions in our
25 City's prison facilities.

1
2 I have not read my entire testimony. I have
3 just pointed out portions of it. I wish to submit
4 the entire balance. Also, I would like to request
5 the permission of the Board to leave.

6 CHAIRMAN TUFO: You are also welcome to
7 submit any additional information later on. I
8 do want to thank you for attending. I know your
9 strong support of these standards is an important
10 indication of the support that exists throughout
11 the City. Thank you very much.

12 Mr. David Dinkins is our next witness.

13 MR. DAVID DINKINS: Good morning. I can
14 understand why you have such a fine product; you
15 have such a find Board. I am going to make the
16 same request. I am going to read these remarks. I
17 want to apologize for not having a copy which, I
18 understand, is on route here. Now, I take it the
19 press has a copy of the release.

20 If I am able to get back later and if there
21 are others who have not been heard, and you wish to
22 question me, I would be pleased to respond.

23 At the outset of my remarks, I would like to
24 go on record commending the work of the New York
25 City Board of Correction and the Minimum Standards

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2 that are now under consideration. That there
3 should be any doubt that there should be Minimum
4 Standards of care and condition in the detention
5 facilities operated by the City of New York comes
6 as much a surprise to me as the fact that there
7 are facilities where detainees do not have shower
8 facilities, adequate recreation or uniform food
9 standards.

10 In this era of burgeoning crime rates and
11 fear-filled streets, there is no responsible public
12 official or informed private citizen who does not
13 desire firm and sure law enforcement processes. In
14 an era where our senior citizens are literally ~~tra~~
15 trapped in their apartments, their sunset dreams of
16 halcyon days of retirement transformed into night-
17 mares of violence and brutality, there is no one who
18 does not want appropriate punishment to be meted
19 out to convicted predators.

20 However, it would seem that in the rush
21 towards justice, in our endeavor to somehow address
22 this most serious problem of crime and criminality
23 which is a part of life of all of our communities,
24 which decidedly determines how long we stay out at
25 night, when our children can go out to play, even

1
2 when we can go to the drugstore, we have missed a
3 very important point. It is a point grounded in
4 law and based upon the foundation of the Constitution
5 of the United States and the State of New York.
6 And that is, quite simply, that a man or woman who
7 is arrested, for any crime, must be presumed
8 innocent until proven guilty. As an attorney, and
9 as a student of the law, it is my understanding
10 that that presumption of innocence is not an idle
11 one, but as serious a right as freedom of speech,
12 freedom of religion or the right of every citizen
13 to vote.

14 Yet, it is unfortunate that in this City, and
15 in too many other cities in this Country, that
16 presumption is not adhered to in fact by our in-
17 stitutional processes. We are not presuming a man
18 innocent before trial when we deny him the right to
19 free and reasonable access to counsel. We are not
20 presuming a woman innocent when we so strictly
21 regulate visiting hours and the conditions thereof
22 that she may not see her children for weeks at a
23 time. We have abandoned the presumption of
24 innocence when we allow such demaning and debasing
25 conditions in our jails to exist, so that, even if

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2 the individual detainee is ultimately acquitted,
3 they have already suffered punishment for which
4 there is no compensation or restitution.

5 It is now estimated that 70 percent of the
6 men and women in the detention facilities of the
7 City of New York are pretrial detainees who are
8 not serving time for crimes for which they have
9 been convicted, but who are living under the
10 presumption of innocence, afforded by the Consti-
11 tution, awaiting trial. It is clear, that under
12 such conditions, we have not only abandoned the
13 constitutional presumption of which I have spoken,
14 we have also served to devalue all of our consti-
15 tutional rights in the process. For is the pre-
16 sumption of innocence can be circumscribed by fiscal
17 considerations, or simply pretending that the
18 problems do not exist or are minimal, then how long
19 is it before other previously cherished rights
20 become disposable for the sake of convenience.

21 And, if in fact 70 percent of the detainees
22 in New York City jails are awaiting trial, it is
23 clear that there are economic considerations that
24 keep them there, as opposed to considerations of
25 law. This, of course, is not within the domain of

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2 the Board of Correction, or the New York City
3 Department of Correction. Nevertheless, I would
4 not feel that many of the problems in the New York
5 City jails are due to the shameful way in which
6 the bail system operates today. We are not here
7 to consider bail reform today, but I would like to
8 point out that the Minimum Standards which we are
9 considering today will not fully address the
10 problems in the jails. I would like to point out
11 that a comprehensive approach to the problems in
12 the jails must include reform of the bail system
13 which serves to victimize poor people, black people,
14 Hispanic people and all people who do not have a
15 knowledge of the so-called system.

16 It is apparent that some of the judges in
17 our system of laws are using bail procedures to
18 implement a process of preventive detention. That
19 in turn serves to place additional burdens upon the
20 Department of Corrections as there may quite well
21 be many people in the jails who do not need to be
22 there. In this violent era in which we live, there
23 is clearly some merit to the concept of preventive
24 detention to the extent that it may protect the
25 victims of crime that live in our many communities

1
2 in this City. However, at present, there are no
3 preventive detention statutes in existence in the
4 State of New York, and preventive detention should
5 not be implemented surreptitiously, but should
6 be freely and openly discussed, with its merits
7 duly considered by all of the people.

8 Another aspect of the crisis in the City
9 jails which must be considered in any comprehensive
10 approach to change, is that many of the arrests
11 which are made today are for essentially victimless
12 crimes. Again, although this topic is not under
13 consideration here, we must think about the types
14 of crimes for which some of the people are in jail,
15 awaiting trial, and whether the gravity of the
16 crimes alleged against them warrant their involvement
17 in the law enforcement process to such an expensive
18 extent.

19 It has been said that if one wishes to con-
20 sider the quality of a particular civilization or
21 society one should look at their jails and prisons.
22 Such a view in this City would produce a startling
23 commentary. The worst part is that there are many
24 competent, qualified and truly concerned members of
25 the New York City Department of Correction, including

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2 its Commissioner, Benjamin Malcom. However, with-
3 out the fiscal and Governmental support necessary,
4 our jails will continue to be repositories of
5 cruel and unnecessary punishment.

6 In closing, I would like to commend the
7 Board, and the Minimum Standards Subcommittee for
8 their efforts to address some of the problems in
9 our detention system to which I have referred.
10 Clearly, humane and uniform standards throughout
11 our jails are an important step in any endeavor to
12 ameliorate this situation. I would like to urge the
13 adoption of these standards and further review and
14 study by the Board in order to address the problems
15 of the pretrial detainee. For in fact, the pretrial
16 detainee is all of us, if we had no money and were
17 unlucky to become involved in the law enforcement
18 system.

19 I would like to thank the Board for this
20 opportunity to speak on this most important issue.
21 New York, being the greatest city in the world, can
22 do better, and these standards are an important part
23 of doing better.

24 CHAIRMAN TUFO: Thank you very much. I
25 appreciate you don't have time to visit for the

1
2 purpose of questions. We will incorporate your
3 remarks.

4 MR. DINKINS: I will, in fact, try to get
5 back.

6 CHAIRMAN TUFO: Is the representative of
7 Congressman Charles Rangel in the room?

8 If not, I note that Commissioner Malcolm has
9 arrived and we invite him to testify.

10 MR. BENJAMIN MALCOLM: Thank you very much.
11 Mr. Chairman, counsel and members of the Board of
12 Correction, I should like to begin by thanking you
13 for the opportunity to testify at this most im-
14 portant hearing, probably the most important hear-
15 ing in the entire history of this august Board and
16 the Department of Correction. At the outset, I
17 would like to applaud the efforts of your staff
18 for the past few hectic weeks. Only the Board and
19 the Department really know how much time and effort
20 drafting and redrafting went into the providing
21 of the document for us today.

22 First, let me repeat what I said at the
23 last public hearing that the Board conducted in
24 June of 1976, and I quote, "This Department is
25 entirely supportive of standards, goals and minimum

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2 standards." To be sure we should have had them
3 years ago. If we had, we might have avoided the
4 terrible riots of 1970, 1972 and 1975. We also
5 might have avoided the many Federal lawsuits that
6 began to take effect at the height of New York City's
7 fiscal crisis. Perhaps the Board's Minimum
8 Standards will be promulgated according to its new
9 Charter mandates will once and for all aid this
10 Department in getting the resources it needs from
11 the Bureau and the taxpayers.

12 Jails and prisons have traditionally been the
13 lowest of human standards. Government jails, even
14 more so. Prisons have been characterized as ware-
15 houses. Even when times are good and money is
16 flowing, dollars rarely go to the penal institutions,
17 the lowest entity of our correctional system. You
18 may rest assure that there will never be anything
19 like the Goodman Bill for education legislative for
20 the penal system. It's our hope that the well
21 thought out set of the Minimal Standards may, in
22 fact, have the same positive effect on corrections.

23 ...I finally believe that the Minimum Standards are
24 essential if we are to have a goal to meet, a yard-
25 stick by which we measure our effectiveness.

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2 As a rule of this historical forum perhaps
3 the set of Minimum Standards which will be promul-
4 gated will serve as a model for jails and correc-
5 tional institutions. I have personally been in-
6 volved in the rehabilitative end of the criminal
7 justice system for the past two years, through
8 parole, probation and finally correction. As a
9 kind of elder statesman in this field, never have
10 there been so many occurrences as have occurred in
11 the New York City system for the past five years
12 and some of the most traumatic changes were im-
13 plemented by high administration or Court orders
14 were mandated.

15 Let me summarize in brief. A correction aid
16 program might have been successful but unfortunately
17 failed in the early phase of the budget crisis.
18 Many telephones were installed for prisoners, for
19 the first time visits were expanded to include
20 children other than family members and friends,
21 censoring of mail was implemented, a prevention
22 program was initiated, inmate councils were started
23 through the system. Law libraries were created
24 in each institution. A manual information system
25 was initiated, a bail profile was started. An

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2 inmates orientation film, the first of its kind for
3 any detainee system, was produced by technology.
4 Limitation of format and manufacture of our own
5 fireproof mattress at less than half the cost. To
6 provide technological assistance to the executive
7 staff, and offering the agreement to more than
8 a thousand volunteers. These and many other
9 costly programs are funded with outside sources.
10 We feel we have turned the corner in the direction
11 and attitude of this Department but we also
12 recognize we have a long road to hoe.

13 On the matter of budget. At this point I feel
14 it necessary to clear some misunderstanding on the
15 matter of Department budget. In past years and
16 until the end of fiscal 1977 the figure balanced
17 for the budget was 145 million dollars, a representa-
18 tion by misleading that that sum was for fringe
19 benefits and I mean the City's share of the pension,
20 the public health plans for employees and the City's
21 share of Social Security. Also 14 million dollars
22 was for direct service of the Department with a
23 Department operating budget for 1977 of roughly
24 104 million dollars. The City Budget Committee
25 eliminated from the budget for fiscal 1978. The

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2 budget is roughly 104 million dollars but in
3 actual terms the net operation costs is \$125,000.
4 less than in 1977 but our population has grown
5 over last year and by Court mandate we have ex-
6 panded our services. We therefore feel in the
7 public's best interest when the analyzation of the
8 City of New York and we stick to a net figure of
9 104 million dollars with 86 million dollars that
10 allocated an administrative cost and 17 and a half
11 allocated for other personnel services. In our
12 fiscal 1978 budget there will also be an increase
13 of a million dollars in Federal funds for additional
14 positions.

15 At this point I would like to talk briefly
16 about the philosophy around correction. I would
17 like to pose some protocol questions, what should
18 a Correction Department be. Are we a law enforcement
19 agency, are we a social service agency, there is much
20 doubt about that. The policeman who has just
21 risked his life arresting a man becomes angry when
22 the judge sets low bail and releases him in his
23 own recognizance and a district attorney working on
24 a case to a great expense to the taxpayer. When the
25 judge and the cost of good time credit and work

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2 release as mandated by legislature finds that same
3 defendant living in the community residential
4 facility a few blocks from the same courthouse
5 where he was convicted. We are not opposed to pro-
6 vide punishment, we must attempt to provide re-
7 habilitation for the inmates. We must treat all
8 defendants alike if they meet the criteria pro-
9 vided for such programs. But the public opinion
10 often changes. We are getting two separate images.
11 First we want you to punish this convict and
12 second, help to rehabilitate him.

13 If the public becomes angry when the system
14 fails to rehabilitate, please help us to direct anger
15 away from the correction officer who in the main
16 has the hardest uniform job in the City and help
17 direct it at legislature where the penal law and
18 correction law often comes in direct contrast with
19 each other as well as public opinion.

20 We understand that some suggestions were made
21 by those testifying. I would like to make brief
22 comments on those suggestions. One official said
23 we should stop censoring mail. I would like to state,
24 we haven't censored mail since 1972. Somebody else
25 asked about free transportation to and from Rikers

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2 Island. We certainly sympathize with those family
3 members who often wind up spending long times to
4 and from the island. Is the Board aware the De-
5 partment has for several years been subsidizing
6 the Standard Bus Company to deliver this service of
7 that run. A loss provision of approximately
8 \$69,000. is set aside for this deficit. This figure
9 is a good deal less than what it would cost for us
10 to provide transportation for all of those wishing
11 to visit family members incarcerated in our
12 institutions. We are in basic agreement that the
13 cost of visiting Rikers Island for transportation
14 alone is enormous for a poor person and if the
15 Board can assist you in any way we would gladly
16 cooperate in trying to settle this sad situation.

17 The Department believes that the Board should
18 further explore with us the Standard mandating the
19 number of visits per weeks, the argument by many
20 inmates that upstate institutions get an unlimited
21 amount of visits. These institutions are far from
22 the City of New York or from any large city as a
23 whole. In a survey a year or so ago, the average
24 number of visits per inmate was nine. But in
25 Greenhaven, closer to the City, it was 15. By

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2 comparison the average number of visits that an
3 inmate receives in the Bronx House of Detention is
4 a little above 50 per year. If more visits are
5 expanded to include more people and carrying it
6 through, the possibility of each inmate having a
7 visitor in the institution with 500, we could
8 theoretically have 1,500 people visiting 500
9 inmates in an area accommodating no more than 50 at
10 a time. We agree, of course, that you are never
11 going to get 100 percent. It also means capital
12 construction that could extend the visiting area
13 far beyond its capacity. We just mean to advise
14 the Board to confer closely with our operation
15 people to Department standards to the physical plan
16 of each institution. I understand that one of
17 this morning's speakers made an excellent suggestion.
18 That speaker, I understand, requested more time per
19 visit but less visits. We feel that is a good idea
20 and should be more fully explored.

21 Congressman Samuels spoke of more Hispanic
22 staff. We recognize that problem for years and
23 in 1974 set up the special recruiting program for
24 Hispanic officers and made arrangements for Civil
25 Service to be given to those many thousands who did

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2 take an exam because we have had the police
3 privileged list. When that list is exhausted we are
4 permitted to go through a selective certification,
5 bringing a sizable number of Hispanic officers. We
6 would like to show all those present here today
7 that a more bilingual staff is a priority of the
8 Department.

9 In the area of overtime, this is one area
10 where the Department feels quite strongly that the
11 Board should put in its final Minimum Standards.
12 Please don't get me wrong. We do not want to be
13 cast in the role of a heavy. No one should have to
14 work more than two 8 hour shifts back to back.
15 A person can often be called upon to work overtime.
16 However, working conditions and overtime are always
17 arrived at after an extensive give and take over
18 the collective bargaining table with the Labor
19 Relations of the City of New York. Whatever is not
20 covered by agreement is usually management. As a
21 rule, those prerogatives should remain with manage-
22 ment; whereas, a person who would volunteer overtime
23 are the officers themselves. No one man can expect
24 to do his job as well after sixteen hours as he does
25 after eight hours. It is physically and emotionally

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2 draining but posts must be manned and, unfortunately
3 officers will get stuck in emergency situations,
4 which are part and parcel of the officer's job.

5 Management must obtain the right to have the staff
6 available for emergency situations, escapes,
7 assaults on others, disturbances which do arise
8 every year, more, in fact, the last year. The
9 average officer works one-hundred and fifty-five
10 hours of overtime per year, approximately three
11 hours per week per man and many do much more, of
12 course, but we have already taken steps to
13 alleviate that situation by getting a variance so
14 that anyone with less than 18 years many volunteer
15 for overtime. Some men actually want to work over-
16 time. Let those who do, work it. But we cannot
17 permit those who work beyond those in their last
18 year of service a large sum of money which would
19 provide a greater additional burden to the taxpayer
20 on retirement.

21 In the second half of fiscal 1977 we have
22 already shown a reduction of 35 percent in our over-
23 time and it's highly unlikely that at this point
24 any correction officer is being stuck more than
25 once a week. In other words, it's highly unlikely

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2 that he is being forced to work more than once a
3 week in the proposed setting. The Department feels
4 that the Board including labor and working con-
5 ditions in their Minimum Standards is in conflict
6 with the New York City Collective Bargaining Law
7 and is not in the best interest of the City of New
8 York and the Law Department.

9 In the matter of the 75 square feet of space
10 for inmates in our dormitories we are philosophical-
11 ly in favor of that but, again, we must bring to
12 the Board's attention, for example, in C.I.M., which
13 is a correctional institution for men, which has
14 dormitory housing, there are currently housed
15 2,000 inmates. If we reduce the dormitory space
16 to 75 square feet that would reduce the population
17 to 1,300 and C-95 capacity would be reduced from
18 a projected 766 to 552. It would be necessary to
19 open C-95 and C-71 to accommodate the overflow and
20 thereby end our negotiations which we have been
21 involved in all morning long with the State for
22 renting space in our system. The American Correc-
23 tional Association, a regional organization, has
24 also recommended 75 square feet. We agree with
25 that principle. We think it's necessary but we

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2 only recommend that the particular standard be
3 gradually phased in to give us time to plan and
4 to construct new wings and new dormitories that we
5 will need to house those displaced by the new
6 standards.

7 In conclusion, I think what the Department
8 of Correction is really saying to the Board of
9 Correction is we don't always have to be in an
10 adversary stand. We want Minimum Standards and, I
11 repeat, we want Minimum Standards. We want stand-
12 ards that we can live with that will be a guidebook,
13 in fact, a Bible. We want to be able to tell the
14 rest of the nation we did it in New York City and
15 we did it first. Thank you very much.

16 CHAIRMAN TUFO: Commissioner Malcolm, thank
17 you. Would it be possible that we might address
18 a few questions to you?

19 COMMISSIONER MALCOLM: Yes.

20 CHAIRMAN TUFO: We have always, at the Board,
21 found it somewhat difficult to carry out our
22 responsibilities as a watch-dog agency because we
23 have great sympathy for objectives. We know you
24 as Commissioner of Corrections, as a leader among
25 citizens of New York City and as one who has devoted

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2 his life to the criminal justice system. So, it's
3 often with regret that we have found necessary to
4 criticize the practices of the Department. I am
5 sure you know that those criticisms were not
6 directed at you personally but were made in an
7 effort to improve the working conditions of the
8 officers and living conditions of the inmates as
9 we saw it necessary.

10 We have also regreted that in the process of
11 promulgating the Minimum Standards there have been
12 misunderstandings within the Department and the
13 Board as to the Board's intentions and as to the
14 Department's responsibilities. I think through
15 your efforts and the efforts of the members of the
16 Board over the past few months we have managed to
17 narrow those differences. There will always be
18 in any governmental setup that requires one agency
19 to oversee the operations of another agency tension
20 and disagreements experienced. In my view, after
21 having spent three and a half years on the Board,
22 there is no need for common objectives to be in
23 the process of advocating opposition points of
24 view or negotiating differences. I believe in the
25 last six months we have come a long way in bringing

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2 the Department of Correction Officers Union and
3 Board members, representatives of the inmate
4 groups and of the community at large together into
5 a consensus regarding what is necessary for our
6 jails, for our short term sentence facilities.
7 That could not have been done without the coopera-
8 tion of our staff and without your leadership in
9 this process. I commend you for it. We all, I
10 know, agree that this is the most important thing
11 that the Board has ever addressed itself to and
12 perhaps the most important event in the history
13 of the Department of Correction and we are going
14 to do our best to consciously consider the re-
15 quirements the voter of the City of New York have
16 placed upon us and they demand that we promulgate
17 the Minimum Standards. It's my hope that you and
18 I will never again have to face the riots of 1975.
19 There are a few points that I would like to ask you
20 about and open it up to other Board members to
21 ask questions after that.

22 You are, I know, aware of the fact that
23 standard number 16 provides for a variance at the
24 discretion of the head of any institution when he
25 feels that there is a threat to the security of the

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institution, that has been mandated by the Minimum Standards that cannot be met because of threats, permits the head of the institution to take whatever measures he or she deems it necessary to meet the threat and requires only that notice to the Board be given of that variance within 24 hours of the actions taken and that variance was put into the standards to meet with the problems you mentioned in which there might be a disturbance that requires involuntary overtime permits, by the Board or during which some other aspect of the standards might necessarily be left for a short duration because we are quite aware that security of the inmates, security of the officers, is equally important as anything else we are going to try to achieve with these standards. It is not the matter of overtime, that is involuntary overtime, that is a subject the Board has taken very seriously. We know you feel it should not be a subject of the Minimum Standards. There are others, particularly among your employees, who feel very strongly that it should be. It may be that we are all caught in the dilemma and I don't know that that can ever be permitted to work, for a man or woman, to work

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2 beyond their capacities with the particular
3 problems they are often confronted with in in-
4 stitutions and as a result we have included this
5 requirement that no more than eight hours of
6 involuntary overtime be permitted. However, it is
7 a subject that we have continued and as a result
8 we have sought advise from our legal counsel and
9 we will take your remarks regarding overtime quite
10 seriously. It would be quite helpful if you
11 could provide us with any statistics that exist
12 under present practices in the Department. The
13 Board's proposals would cause major shifts in
14 assignment of personnel.

15 As to comments regarding 75 square feet, I
16 know that you support that in principle. As you
17 mentioned, the Correction Association has recommended
18 that no inmate in a dormitory setting be provided
19 less than 75 square feet of space and I am sure you
20 are aware that Judge Lasker in the case involving
21 the Bronx House of Detention has orderd that
22 dormitory accommodations in that institution pro-
23 vide at least 75 square feet per inmate and 75
24 square feet per inmate in a dormitory setting, as
25 I am sure you know, would not create a country club

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2 atmosphere and it's a standard that we consider
3 minimal. We realize that it might require opening
4 facilities that are now closed in order to pro-
5 vide additional dormitory space or cell space.
6 That is a question of timing that we intend to
7 pursue with the Department and Bureau of Budget
8 and with the Government of the State of New York
9 since, at present, the State is occupying so much
10 of our bed space with inmates who have already been
11 sentenced and who have not yet been taken into the
12 State system. We will continue to work with you
13 as you know after we hear the points of view of
14 others who are going to testify and with our whole
15 Board will consider what you have said and what
16 others have said in the process and prior to man-
17 dating into law any Minimum Standards we will once
18 more submit the recommendations to you for comment
19 and seriously consider the comments before we give
20 these standards, or whatever standards the Board
21 decides upon, the effect of law.

22 Are there any Board members who have
23 questions for the Commissioner?

24 COMMISSIONER MALCOLM: I would like to make
25 one statement in response to your remarks.

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2 I want to applaud the Board in having the
3 courage to set the square footage standards. I
4 think it's absolutely necessary. I think every
5 member of my Department from the correction officers
6 up would love to see in the dormitory that is now
7 rated for 64 but may have 80 or 90, would like to
8 see 45 or 50. I think it's the proper thing to do
9 and I would hope that in the future that we can
10 certainly get the resources and we can get together
11 to accomplish that goal. I think it is a note
12 worthy goal and I think it has to happen and the
13 sooner it happens, the better. To give an officer
14 the duty to supervise 90 people and anything to
15 that and to place an inmate in a section that has
16 about 45 or 50 square feet, I think is certainly
17 not the goal of a humane system. So, I just want
18 to tell the Board that I am certainly not opposed
19 to that at all.

20 CHAIRMAN TUFO: I appreciate that and I would
21 like to take this opportunity of correcting a
22 misreport of attributing to the Department which
23 at some point implied that the Department's position
24 was that the 75 square feet requirement would
25 require the Department to enlarge cells, break down

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2 existing cells and enlarge them to accommodate
3 75 square feet.

4 COMMISSIONER MALCOLM: No, that is two
5 different issues. As I understand the dormitory
6 requirement, it is just moving into other dormitories.
7 It requires no construction whatsoever.

8 CHAIRMAN TUFO: That standard does not apply
9 to cells.

10 COMMISSIONER MALCOLM: The space is there in
11 C-95 and in C-71 and it could be done.

12 MR. SCHULTE: I would like to say this,
13 Commissioner you mentioned that you received two
14 separate messages and this is most significant.
15 One is to get dangerous criminals off the streets
16 and lock them up, tried or untried and the other
17 is to rehabilitate those that you do have. You
18 have been the recipient of those two messages. Your
19 position has been an extremely difficult one. I
20 have been a member of this Board and a public
21 servant for 18 years and I would like to say for
22 the record that I think your administration and
23 your agents have been magnificent. I think the City
24 is fortunate to have a man like you who understands
25 security and I wish you may continue for many years.

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2 REVEREND HOLDER: I think you should know
3 the Board meets twice a month. At one of the
4 meetings we met by ourselves and the other meeting
5 is with the Commissioner and his staff in develop-
6 ing these proposed Minimum Standards. The Board
7 Committee and the Department staff have met together
8 on these standards and I am sure I have expressed
9 that on my behalf so that the public will know that
10 we are in communication with the Department. I
11 would like to ask you one question.

12 If these Minimum Standards, as I have asked
13 most of the witnesses, the cost matter at present
14 could these Minimum Standards be implemented on
15 the present budget and, if it's not, what will
16 it take to implement these Minimum Standards?

17 COMMISSIONER MALCOLM: Reverend Holder, I
18 regret to tell you that we do not have a cost figure.
19 What I would like to say to the Board is that there
20 is a committee that has been working for the last
21 several days. They have a Mr. Miller, I think who
22 is an economist from the Board of Corrections. We
23 have two representatives of the Office of Management
24 and we have three or four members of our own staff.
25 They are doing a very intensive job in trying to

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2 determine what it would be. I think it would be
3 unfair for me to mention any kind of statement
4 until we have been able to define their job. The
5 first was a draft situation. The next was not a
6 draft. Then there has been a very meanful meeting
7 that you have just alluded to by the Committee from
8 the Board of Correction of the Department of
9 Corrections going over standards. I think it would
10 not be fair to say, even to look at what we have,
11 until the Board has heard all the testimony of
12 different people and set in motion another set of
13 standards and then we can take a look at each one
14 of them. Then there will be a lot of these
15 standards. It's not required money. Some may,
16 but we can not say at this time to give you any
17 definite answers.

18 CHAIRMAN TUFO: I think Mr. D'Elia of the
19 Department is going to testify and we will ask him
20 for details.

21 COMMISSIONER MALCOLM: I don't know if he is
22 going to testify. I think we agreed that we would
23 have one spokesman. I have some of my legal and
24 operational people here that I will gladly bring
25 them up front.

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CHAIRMAN TUFO: We would appreciate very much if you could keep them available throughout the day. We have gotten behind schedule.

MR. GIORDANI: Commissioner, one of the inmates in his testimony this morning mentioned the fact that many of the correction officers were ill-prepared. Would you care to comment on that? Give us some insight on the training program that a correction officer goes through.

COMMISSIONER MALCOLM: Our training program, I must admit, Mr. Giordani, is not what we would like it to be. It was hurt pretty drastically in the fiscal crisis when we had to cut back. The correction officer's job is a very sensitive job. He is dealing with human lives; he is dealing with people from different backgrounds; and he is dealing with the same people that the police deal with. Fortunately, the Police Department has a six month training program. We have a one month training program. We try to cram all that into our program. Our training program was developed with the National Urban League when I first came on the Board with some of my other colleagues to stress human relations. We would like to have each year at

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2 least one or two years service training program.
3 We have had to abandon that. I certainly agree
4 with the remark that we do need more training,
5 there is no question about it.

6 MR. GIORDANI: One other question. In
7 response to the need of the Hispanic inmates, is
8 the only solution that the Department lacks people
9 or guards that are bilingual in Spanish and
10 English. Are there other solutions?

11 COMMISSIONER MALCOLM: One of the things that
12 we did recently, and we are certainly still involved
13 in that, after the disturbances last year on
14 Rikers Island, we asked a group of citizens, both
15 Hispanic, black and white, to come in and form a
16 task force to look at ethnic problems. There were
17 some members of the Board of Correction. I recall
18 Mr. Kirby was a member of that group and they
19 brought to us some very interesting recommendations.
20 One of those recommendations was, of course, that
21 we put into our training program academy, Hispanic
22 people, who were knowledgeable about not just the
23 operational aspect of the system but cultural
24 problems. We plan to extend further. Some of the
25 other recommendations we looked at were in terms of

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2 equalization in job assignments. This is an on-
3 going matter and we certainly, as we did with
4 Father Rizzo, will call upon you in the future to
5 join with us on that. We don't have the answers
6 to get rid of some of these difficulties in this
7 kind of setting. We certainly seek all the help
8 we can get.

9 CHAIRMAN TUFO: Mr. Malcolm, thank you very
10 much.

11 I would like to ask the Vice-Chairwoman of the
12 Board of Correction to take the chair and call the
13 next witness. Vice-Chairwoman Peggy Davis.

14 MS. PEGGY DAVIS: I understand that Mr. Baker,
15 who is the representative of Congressman Rangel has
16 arrived. We welcome you and thank you for coming.

17 MR. MICHAEL BAKER: Thank you and let me just
18 apologize to the Board of Correction for being late.

19 My name is Michael Baker. I am assistant
20 to Congressman Charles B. Rangel, member of Congress
21 from the 19th Congressional District, New York. The
22 Congressman has requested that I read the following
23 statement on his behalf.

24 "I deeply regret not being able to be with you
25 today, but legislative commitments in Washington,

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2 D.C. prevent me from addressing you personally.
3 However, I would like to share with you some of my
4 thoughts on the 16 Minimum Standards proposed by
5 the New York City Board of Corrections Minimum
6 Standards Subcommittee.

7 There is no question that a uniform system
8 of standards for all City correctional institutions
9 is long overdue and indeed necessary. These
10 proposed standards will do much to guarantee that
11 the rights of the over 7,000 prisoners currently
12 in our City's eight major correctional institutions
13 are respected.

14 Presently housed in the City's correctional
15 facilities are a large number of inmates who have
16 been convicted of no crime. These individuals are
17 pretrial detainees who could not afford bail and
18 as a result, are incarcerated "solely for the
19 purpose of assuring their appearance at trial."
20 They are treated as criminals, yet they have been
21 convicted of no crime. The first set of standards,
22 I am happy to learn will have a significant impact
23 on their lives in assuring that they have "close
24 contact with the outside world through visitors,
25 media, mail, telephone calls, and reading material."

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2 The standards which call for maintenance of
3 prisoner personal hygiene, non-discriminatory
4 treatment amongst all groups, prohibition of
5 double celling and overcrowded dormitories, free
6 exercise of religious beliefs, daily outdoor
7 recreation periods, daily telephone calls, an
8 increase in contact visiting hours, a prohibition
9 on reading incoming and outgoing mail along with
10 numerous other reforms will do much to alleviate the
11 tension, frustration and animosity which presently
12 exist in our City's prisons.

13 I hope and I trust that these standards will
14 be speedily implemented and that the City administra-
15 tion will make the necessary monetary commitment
16 that is so vitally necessary if the Minimum Standards
17 are to work effectively in the City's prisons.

18 Finally, I realize that these first 16
19 standards are just the beginning and I join with
20 you, Commissioner Ben Malcolm and others in wishing
21 you good luck and much success as you continue to
22 formulate standards which will effectively address
23 the problems presently faced by the inmate popula-
24 tion of the City's correction system. Thank you.

25 MS. DAVIS: Thank you very much, Mr. Baker.

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2 I cannot resist the temptation to urge that you
3 help us to find Federal dollars to put to use.

4 MR. BAKER: Let me just say that I know that
5 Commissioner Malcolm and other members of the
6 Department of Correction have had some conversations
7 with the Congressman. If there is anything that we
8 can do, perhaps in terms of identifying possible
9 sources of money, feel free to call upon us and
10 we will do the best we can. We can't guarantee,
11 but we can sure try.

12 MS. DAVIS: We will undoubtedly call upon
13 you. Did any members have any questions?

14 Our next witness is the Director of the
15 Prisoners' Rights Project of the Legal Aid Society.

16 MR. MICHAEL MUSHLIN: Thank you for the
17 opportunity to allow me to speak here today.

18 At the outset, we applaud the determination
19 of the Board to fulfill its responsibility under
20 the revision to the New York City Charter to
21 promulgate Minimum Standards. In our view the
22 overwhelming vote of the people of the City to
23 adopt this Charter revision reflects a recognition
24 that for too long the plight of prisoners, and
25 especially pretrial detainees, in New York City

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2 jails has been ignored. Indeed, as a result of
3 this neglect in 1970 serious riots erupted in many
4 of the City's jails. Seven years later, while
5 there has been some progress, the essential
6 conditions in the City's jails are unchanged.

7 Serious overcrowding is rampant in many of
8 the jails. At this moment despite a Federal Court
9 order over 500 youths are double celled at ARDC;
10 and HDM is so crowded that Commissioner Malcolm
11 recently stated that the danger point had been
12 reached. Almost four years after Court decisions
13 that the visiting system used by the City is
14 unconstitutional, visiting conditions remain
15 barbaric in a number of the jails. Meaningful
16 recreation and work opportunities for most
17 detainees simply do not exist; and the physical
18 plan of virtually every City jail is by any con-
19 ceivable yardstick, substandard. These conditions,
20 worse by far than those which sentenced convicts
21 experience, are visited upon persons whom under our
22 system of Government are presumed to be innocent.

23 In short, the state of our City's jails
24 remains tragic. When the Director of the Federal
25 Bureau of Prisons declared that "probably the most

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2 pressing problem in the correctional sphere is the
3 tragic situation of our nation's jails" he could
4 well have been describing New York City. Indeed,
5 the discredited Tombs, a facility not much worse
6 than many others in the City, stands today as a
7 lonely symbol to the Nation of our failure of
8 commitment to basic decency and justice in the
9 treatment of persons committed to our criminal
10 justice process. Our citizens can take little
11 comfort that such harsh treatment is dealt out. In
12 words of District Judge Bryant, who determined that
13 almost identical conditions were unconstitutional
14 in another metropolitan jail, "such conditions
15 means that society does not acknowledge their
16 existence as fellow human beings."

17 In the past several years the Federal Courts
18 have begun to bring humanity and justice to this
19 area for the first time. Judge Lasker in his
20 decision involving the Tombs, had the courage to
21 hold the reality of these deplorable conditions up
22 to the promise of our constitution and to declare,
23 for the first time, that the treatment accorded
24 pretrial detainees was not in accordance with our
25 laws.

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2 In that decision, and others which have
3 followed, the courts have reminded us that under
4 our constitution the most precious right all of us
5 have is our liberty. A pretrial detainee has only
6 been accused and typically is being held because
7 he does not have the money to make bail. He is
8 presumed innocent. The Government which holds him
9 in detention must preserve his liberty to the
10 greatest extent possible. To do so it must use
11 the least restrictive form of detention.

12 I am sad to remind you what many of us know
13 to be true. In the years which have followed this
14 decision, the City has been obstinate in its refusal
15 to adhere to this constitutional imperative. It
16 would take more time than you have for me to cata-
17 logue fully the City's response to these decisions
18 which required only that detention facilities be
19 made decent. But this response is critical to the
20 work of this Board, so I will mention a few:

21 Rather than renovate the Tombs to meet
22 constitutional standards it was closed and its
23 inmates exiled to the House of Detention for Men on
24 Rikers Island, an institution itself far below
25 constitutional standards and remote from courts,

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2 counsel, and family. Last year in an attempt to
3 open the Tombs, the City presented a plan to the
4 Court which proposed spending only a fraction of
5 what City officials three years before told this
6 Board was essential to make it a livable place.

7 Following two appeals court decisions affirm-
8 ing Judge Lasker's opinion that contact visiting
9 was required, the last stating in simple language
10 which any layman could understand that an unconsti-
11 tutional booth at the Tombs is no less so because
12 it sits on Rikers Island, the City continued to
13 resist attempts to implement contact visits at
14 other institutions. Indeed, with the assistance
15 of the Chairman of this Board in September 1976
16 the City finally announced to the press that it was
17 withdrawing its opposition to contact visits. Yet
18 eight long months dragged by from the time of this
19 public promise until a simple one paragraph letter
20 was written to the Court. As a result of the City's
21 refusal to promptly implement the requirements of
22 these decisions, today inmates at the Queens and
23 Brooklyn Houses of Detention have still not received
24 their first contact visit and only a limited program
25 is underway at other facilities.

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2 The list could go on and on: resisting clear
3 and obviously applicable law against overcrowding
4 until a riot occurred at HDM in 1975; refusing to
5 meet court ordered timetables; delaying submission
6 of plans, etc.

7 What it adds up to is a City government which
8 has failed to meet its duty to its citizens to deal
9 fairly and justly with everyone, regardless of his
10 position.

11 This is the problem which this Board must
12 confront. I recognize that the task is enormous
13 but unless this tragedy is to drag on into the next
14 decade, at untold cost to our City and suffering
15 to its citizens, firm and comprehensive action is
16 required by the courts and this Board. I therefore,
17 must candidly tell you that while we applaud the
18 steps that the Board has taken with these draft
19 standards, the standards do not, as drafted, offer
20 the hope that the long nightmare of inhumane deten-
21 tion in New York City will end. This is so for
22 at least three reasons.

23 1. The standards do not even address the
24 problems caused by the archaic bastille architecture
25 of our jails. Although some were built recently,

1
2 these jails reflect an attitude which is simply
3 not consonant with the presumption of innocence.
4 A visitor to one of the major male adult facilities,
5 as you know, will be surrounded by so much steel
6 and concrete that he or she might think he were on
7 a battleship. Row after row of tiny cells and
8 windowless corridors stretch out in dismal monotony.
9 By even the most conservative of recognized correc-
10 tional standards the living space in these cells
11 is inadequate. By the measure of the Task Force of
12 Correction of the National Advisory Commission on
13 Criminal Justice Standards and Goals the cells do
14 not even provide half the adequate space needed to
15 be habitable. William Nagel, a noted correction
16 expert and author perhaps described the architecture
17 of this City's jails best. "For the person who
18 occupies the cell, you are within three solid pieces
19 of steel with a cage front, an open grilled front
20 beyond which there is another open grilled front,
21 and beyond which, in some cases, I believe, there
22 is a third open grilled front. So, as you are in
23 your cell, the only vision you have of the world is
24 three sets of grilles, cage-like grilles, then a wall,
25 a wall that has opaque windows. The light -- you

1
2 see the light, but you see no objects, so from
3 your cell -- the only object you see from your
4 cell are grilles, bars, bars, bars, that is all.
5 That is the effect of an inside cell."

6 These facilities by and large lack adequate
7 real recreation spaces and dayrooms, or common
8 areas. Even meal time, in the realistic zoo-like
9 paralance of prison officials, feeding takes place
10 on one's bed or toilet in the cells of some of
11 these institutions. In my view it is simply
12 impossible to say that constitutional standards to
13 preserve the presumption of innocence are met while
14 these conditions exist. We are disappointed that
15 the Board has not moved forcefully to confront this
16 problem. Unless and until you do the public should
17 not believe the standards of this Board fulfill the
18 constitutional obligation of the City to preserve
19 the presumption of innocence.

20 Other critical concerns are not even addressed
21 by the standards: medical care, searches and shake-
22 downs of cells, freedom of movement within the
23 facility, meaningful work opportunities, community
24 treatment and alternatives to bail.

25 2. Many of the standards do not measure up

1
2 to existing law or approach the least restrictive
3 alternative. We agree with your subcommittee that
4 the standards should exceed the current state of
5 the evolving law. Yet in critical areas the
6 standards do not do so. To mention just one:

7 The visiting standards only allows three hours
8 of contact visits per week. The standard does not,
9 as existing law requires, provide that at least one
10 of these visits be on the evening or weekend. The
11 standard would seem to permit strip seaches with
12 rectal and visual examinations routinely after a
13 visit, a practice declared unconstitutional just
14 this past week even for inmates in solitary con-
15 finement in New York State prisons.

16 I recognize that this standard if implemented
17 would be a step forward given the City's callous
18 behavior which I discussed earlier, but is it
19 consistent with a person's status as an unconvicted
20 citizen? I think not.

21 Much more frequent visits are required,
22 opportunities for privacy and intimacy with spouses
23 and children are essential, intrusive and degrading
24 searches are unnecessary. In this critical area
25 much more than this standard offer is required.

1
2 In other areas which I will not detail, but
3 which I understand have been dealt with by other
4 witnesses, the standards fail to measure or bring
5 the Department up to even existing law; telephone
6 calls, religion, hygiene and sanitation fall into
7 this category.

8 3. Assuming that the standards addressed all
9 the critical areas fully and completely, given the
10 conduct of the City government to date, would they
11 be meaningful or would they be, as my predecessor
12 said last year to the Board, just another elequent
13 document on the shelf gathering dust? The section
14 on variances is disturbing in this regard without
15 notice to anyone, under the standards, this Board
16 can delay or interrupt the applicability of any one
17 of the standards indefinitely. No provisions of this
18 section describe how or what basis various applica-
19 tions are to be granted or denied. There are no
20 substantive standards. There is no list of factors
21 to be considered. There is no provision for public
22 notice. There is no provision for comment by inmates
23 or outside parties. There is no provision for hear-
24 ing or submissions of any evidence in any form
25 except for the application which need only state the

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2 Department's claim. There is no stated procedure
3 for the Board's consideration of the application,
4 there is no requirement of a statement of reasons
5 for any decision rendered. There is no procedure
6 even for subsequent reconsideration at the instance
7 of an aggrieved party.

8 These deficiencies should be rectified; clear
9 procedures should be stated; substantive standards
10 set, for example inadequate staffing or funding
11 cannot constitutionally justify a variance, and
12 the process should be open. Moreover, a full
13 competent committed support staff must be hired
14 to oversee the City's compliance with the standards.

15 There is one standard that cannot be written,
16 but which is the most important of all if any
17 change is to occur. This Board must be genuinely
18 committed to the enforcement of its standards and
19 must be willing to risk disfavor to enforce them.

20 Let me conclude where I began: the reality of
21 jail conditions in this City is a scandal. This
22 Board has the power to end that shame and by doing
23 so provide safe, humane, and constitutional treatment
24 to the City's prisoners. If it does so it will have
25 made inestimable contribution to the life of this

1
2 City and will have set an example to the Nation.
3 This Board should accept that challenge by enacting
4 and enforcing nothing less than standards which
5 protect the constitutional rights of inmates.

6 MS. DAVIS: Thank you very much. Are there
7 any questions?

8 MR. POCHODA: I think there is a general
9 concern about the fact that the City institutions,
10 as is, are physically inadequate and the Commission-
11 er feels that the standards should be adopted with
12 that in mind, the lack of visiting space. The lack
13 of cell space, I am just wondering if you are
14 experienced in terms of other areas in the Country
15 or other location, have there been any occasions
16 where they have required the administrators or
17 particular jurisdiction to, in fact, increase the
18 size of the cells in already existing institutions?

19 MR. MUSHLIN: There have been a number of
20 new cases where new jails have been ordered con-
21 structed in place of existing jails. For example,
22 in the City of Boston, Judge Darby declared the
23 already existing jail inadequate. As a result the
24 City is upon the Department of Correction towards
25 the creation of a new facility which does away with

1
2 these situations, these inhumane architectures and
3 substituted in its place one that is more fitting.

4 If I could, I would like to state that the
5 American Bar Association recently released a
6 report on the legal status of prisoners and in
7 drafting those reports the American Bar Association
8 Subcommittee had to take a look at the very problem
9 this Board has and consider the argument that
10 people, such as Commissioner Malcolm, have made
11 and that is given the inadequate facilities that we
12 just have to live with them and do the best we can.
13 In this position, I would like to submit to the
14 Board what had been rejected by the American Bar
15 Association simply recognizing that within these
16 facilities, those tomb-like facilities, it is
17 impossible to create humane treatment. I would
18 just like to quote a sentence from the American
19 Bar Association to that effect, "To allow the
20 dictation of today's reality to reflect the thrust
21 of these standards is to allow Governmental decision
22 makers to use their own boot strappings to unify
23 institutions and humanitarian principles."

24 I think the teachings of the American Bar
25 Association should be useful to the Board in its

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task.

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MS. DAVIS: Are there other questions? Thank
4 you again.

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MR. MUSHLIN: Thank you very much.

6

MS. DAVIS: I believe we have a second
7 representative of the House of Detention. Welcome,
8 sir.

9

MR. EUGENE PEREZ: My name is Eugene Perez.

10

I am presently housed at the Bronx House of Deten-

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tion but I represent the Spanish. My experience

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covers City, State and Federal. Of all the in-

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stitutions I have been in, the City's are the worse

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ones in conditions, treatment and services. City

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correctional facilities are being run as kingdoms,

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imposing rules and regulations with a minimum of

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services and substandard conditions. Thus creating

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an atmosphere of frustration and flaring tempers,

19

which eventually leads to fighting among detainees

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and to outbreaks, disturbances which eventually

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leads to riots and destruction costing millions of

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dollars in damages and injuries. Money is made

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available for repairs and to cover medical expenses.

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Why not use the money for prevention.

25

Excessive lock-up is frustrating and cruel

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2 when you are only accused and not convicted of a
3 crime. I have witnessed detainees coming out of
4 the cells with flaring tempers and having arguments
5 with officers. I, myself, have asked why the many
6 counts and why the many lock-ups when the institution
7 is maximum security. There are four gates before
8 we enter the main corridor leading to the blocks.
9 After reaching your prospective block, there is an
10 officer on duty who opens the gate to enter the
11 block. Once in the block you cross the bridge,
12 which is the front of the block, then there is
13 another gate before you reach the tier. And, of
14 course, the gate leading into the cell. Have any
15 of you felt at one time or another that the walls
16 were closing in? Well, we at the House of Detention
17 for Men at Rikers Island have them on us everytime
18 we enter our cells, 24 hours a day. The cells are
19 too small and very uncomfortable. To continue under
20 the same conditions will eventually lead to out
21 break of disturbances. The men at the House of
22 Detention for Men at Rikers Island are getting
23 restless and fed-up with the lack of services, con-
24 ditions and the constant harrassment.

25 The Spanish detainees have tremendous pressure

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2 on them, more harrassment and is kept frustrated
3 all the time for lack of communication, and next
4 to nonexistence of Spanish programs. At present
5 there are no Spanish books in the library.

6 These Minimum Standards, ladies and gentlemen,
7 are services and programs and treatments due us
8 under the Human Rights Bill. I honestly believe
9 that if these standards are set down to govern the
10 policy of all the City institutions, there will be
11 less tension, and better relations between detainees
12 and personnel. Thank you.

13 MS. DAVIS: Mr. Perez, I understand that you
14 have experience both in cell housing conditions,
15 and in dormitory housing conditions. Could you
16 give us the differences and your response to the
17 requirement that there be a minimum of 75 square
18 feet in dormitories.

19 MR. PEREZ: I personally dislike dormitories,
20 lack of privacy 24 hours a day. Personally the
21 blocks are unsecure and unsafe. I have no permission
22 to keep them under lock and key so I am against
23 dormitories.

24 MS. DAVIS: Are there other questions?

25 MR. GIORDANI: You mentioned that Hispanic

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2 inmates by and large are frustrated within the
3 House of Detention. Could you expand on that more
4 elaborately.

5 MR. PEREZ: I would speak on specific in-
6 cidents that I encountered when I first arrived at
7 H.D.M. There was an inmate laying there for three
8 months after which we got together, we talked about
9 our cases. I found out that the man was incarcerat-
10 ed unnecessarily because of a lack of communication
11 and not understanding the system on his part. I
12 wrote a letter for him and he went to court.
13 Eventually he got released. I feel that right now
14 there are others at H.D.M. with the same problem.

15 MR. GIORDANI: What would you like to see
16 happen? What are some of the solutions?

17 MR. PEREZ: I heard about Spanish speaking
18 officers. I don't think that is sufficient. What
19 we need is other persons in the institution as in
20 programs and in services other than police.

21 MR. GIORDANI: Like?

22 MR. PEREZ: Right now at H.D.M. there is very
23 little activity programs going on. As far as I am
24 concerned there is no one there to teach English,
25 which is important, so they can understand what your

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2 charge is and how to proceed with your case and
3 preparing a defense. I think if a man comes in
4 there, if he doesn't understand what he is there
5 for, he is not able to prepare his defense. So,
6 there should be more programs to enlighten him why
7 he is there and what steps to take.

8 MR. GIORDANI: So, you would think that
9 education passes the time as well as cultural pro-
10 grams would be helpful?

11 MR. PEREZ: Yes, definitely.

12 MR. GIORDANI: Over at A.R.D.C. there has
13 been quite a bit of tension between blacks and
14 Hispanics. Does that same problem exist at H.D.M.?

15 MR. PEREZ: It's not a problem between blacks
16 and Hispanics. It's just that we are the population,
17 blacks and Hispanics, so if there is a fight, it's
18 not a racial issue, it's just a fight between two
19 guys. He's got his friends and I have got my
20 friends; but not a racial issue.

21 MS. DAVIS: Are there other questions?

22 MR. HORAN: I believe you have said you have
23 been in Rikers Island for three months; is that
24 correct?

25 MR. PEREZ: Six months.

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2 MR. HORAN: Six months, I'm sorry. Do you
3 feel the inmates who testified before you that
4 whatever is done to improve conditions on Rikers
5 Island in the various facilities that the principal
6 source of tension is the delay in getting through
7 your court proceedings?

8 MR. PEREZ: Yes, the delay is tremendous.

9 MR. HORAN: In that regard, do you feel you
10 have now sufficient access to your counsel or
11 sufficient understanding of what is happening in the
12 courts?

13 MR. PEREZ: I, myself, personally?

14 MR. HORAN: Well, speaking as a representative
15 of those who you are here to represent?

16 MR. PEREZ: No. It's lack of communication,
17 lack of interest on the part of the attorneys,
18 court appointed attorneys, lack of communication.

19 MR. HORAN: Are you distinguishing between
20 court appointed attorneys and legal aid attorneys?

21 MR. PEREZ: They are the same; there are no
22 differences, different titles.

23 MS. DAVIS: Thank you very much, Mr. Perez.

24 Is there another representative from the House
25 of Detention for Men?

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MR. CURTIS BROWN: My name is Curtis Brown.

MS. DAVIS: Welcome, Mr. Brown.

MR. BROWN: Thank you very much. I have put together a little address here but after hearing the testimony of certain individuals I intend to deviate somewhat. I heard Commissioner Malcolm state about the conditions, the lack of funds and so many statements and how he would like to have New York City to be a show place for other states in regard to better conditions within City facilities.

First I would like to tell you that as far as the Minimum Standards that is being put forth by the Board I agree with you because of the fact that there are some standards needed and I just happen to be one of the men that was involved with what you called two riots and we consider it a rebellion. We rebelled against conditions, which I myself, find myself under at H.D.M. There are no differences in the mice that were in the Tombs in 1970 and mice in H.D.M. We do not have so many roaches because the mice take care of them.

Now, dealing with showers. Some of us are under the wrong impression. The inmate population

1
2 can take more than one shower a day if they have
3 the towels. Many in 2 block and 2 block is like
4 a reception block where all new inmates come into.
5 These men come in, the majority of the time, between
6 12 midnight and 4:00 o'clock in the morning. These
7 men do not have towels to take a shower. Then,
8 after reaching the shower by using their sheets,
9 these men find scalding hot water in the shower so
10 they are limited to the time that they can utilize
11 the shower. There are conditions at H.D.M. that
12 shouldn't be.

13 Visitors -- I can touch upon all subjects
14 because I have also been a State prisoner and I am
15 a prisoner now. Visitation is limited in certain
16 aspects, such as only certain inmates are allowed
17 three visits a week. I have here a May and June
18 schedule and July schedule for contact visits at
19 H.D.M. On Monday, every Monday children only and
20 adults, accompanied by adults. I am not a married
21 man. I have no kids so I am being penalized. This
22 is unfair to those who are not married and those
23 who do not have kids. One of the other problems in
24 regard to visitors is that on a memorandum was sent
25 to all personnel in E.E.M. pertaining to visits.

1
2 Number 4 states whenever possible inmates are to
3 notify their visitors to come only the days when
4 they are scheduled for visitors. Visitors that
5 come on the wrong days will be asked to return on
6 the proper day. That part here is where the conflict
7 arrives. The exception to this rule will be for
8 new admissions only. A new admission can receive
9 a visitor within 48 hours after being admitted to
10 the institution, regardless of visiting schedules.
11 According to the schedule, this here portion does
12 not apply to the men who come in and within 48
13 hours are not fortunate enough to get a visitor,
14 the visitors are sent back. Also in regard to 2
15 block which is a reception block is the telephone
16 issue. In 2 block there are six phones as Mr.
17 Ferrar stated and only one phone is being utilized,
18 because they are all on the same wire or the same
19 line and 2 block shares the line with 1-A. The
20 total phone schedule which is made up and sent
21 down 11/19/76 is as follows: Block 1-A on odd
22 days, 12:30 p.m. to 2:45 p.m. Evening 8:15 p.m.
23 to 9:15 p.m. On even days 9:00 a.m. to 11:00 a.m.
24 In the evening 4:45 p.m. to 7:45 p.m. Block 2 on
25 odd days 9:00 a.m. to 11:15 a.m. In the evening it's

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2 4:45 p.m to 8:15 p.m. On even days it's 12:30
3 p.m. to 2:45 p.m., evenings 7:00 o'clock p.m. to
4 9:00 p.m. This schedule to be followed by all
5 correction officers assigned to this area. The
6 problem here in regard to the phone is that a new
7 arrival in 2 block, comes in at 12:00 or 1:00 o'clock
8 and if he is lucky he has contact, his family with
9 his one scheduled phone call if he is in the
10 receiving room. If he is not, unfortunately he
11 may be forced to get him the next day in the 2
12 block. The problem with that type of schedule if
13 a man comes in and he has a hundred dollar bail
14 and has five people that can possibly bail him out,
15 this man will have one phone call. Then he must
16 wait for the next day, the following every other
17 day before he can make another call which means he
18 will have a total of ten days in before he can
19 possibly reach the last person if it's number five
20 person is the last person for his phone call. The
21 overcrowding at A.H.D.M. is a factor which we all
22 know and deliberated on. But, I found one thing
23 strange here. I found that everybody states that
24 this is the reason, overcrowding is the reason. But
25 we have to deal with the problem as it is. We have

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2 overcrowding so how do we deal with it? What do
3 we do? What to implement to have things running
4 in such a fashion that animosities between the
5 inmates and the prison personnel does not reach
6 a height of another Tombs.

7 Everything that was promised to us in the
8 Tombs by Commissioner Malcolm and some of his aids
9 were just promises. We are still living under
10 certain conditions and these conditions lead to
11 frustrations, lead towards the inmates to turn on
12 or turn against one another, leads to blacks fight-
13 ing with the Puerto Ricans and Puerto Ricans fight-
14 ing the blacks. We make up the population so if
15 there are any fights there they are fights between
16 us. But the conditions that I have today are similar
17 to the conditions in 1970. They say there is a
18 change; I see no change. I know you all can't deal
19 with the court situation but I say this here that we
20 have to deal with the problem as it exists today
21 even if we have to deal with the overcrowding
22 problem. Thank you.

23 MS. DAVIS: Thank you very much. Are there
24 any questions? Mr. Kirby.

25 MR. KIRBY: Mr. Brown, just to take the range

1
2 of your experience and background in institutions
3 and being that you were incarcerated in the Tombs
4 in 1970, during the riot situation or rebellion and
5 now you are incarcerated at the Manhattan House
6 of Detention for Men on Rikers Island. Going
7 through the 1970 riot situation what could you tell
8 us that could possibly defuse the situation as it
9 exists in H.D.M. today and figuring H.D.M. is now
10 the same system that was used to house Manhattan
11 prisoners as the Tombs were.

12 MR. BROWN: Well, this is a very hard question
13 to answer because of the fact that the money
14 problem which leads into court problems, which
15 leads into lawyer problems, which leads into
16 dormitory problems etc., etc. I hear some of the
17 speakers speak about how the Police Department, the
18 officers, arresting officers, become angry when you
19 turn a man loose after he allegedly committed a
20 crime. Now, this is not the overall thing. You
21 have people in H.D.M. that are not guilty of a
22 crime and these people are suffering. You said we
23 should punish or we should rehabilitate but when
24 you say punish and rehabilitate you are dealing
25 with a society in itself. You are dealing with a

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2 complete society. As far as eliminating some of
3 the problems that bring the rebellion to a head
4 than you have to stop and give us answers and
5 halfway put forth the answers to the problems.
6 In other words, what I am saying is that after the
7 rebellion in the Tombs in 1970 they made a big
8 "to-do" about running in and cleaning up the place,
9 running in and spraying, running in killing the
10 roaches, running in setting traps. This lasted
11 for what? A month. Now when we turned around
12 and do it again everyone wants to find a remedy
13 and how to prevent it. But the remedy that they
14 give us from the beginning is left off somewhere
15 down the line within two or three months, do you
16 follow what I am saying? You go halfway and
17 expect us to go all the way.

18 We have criminal charges against us. I,
19 myself, like to deal in the law. I like to read
20 the law. I like to help my brothers read the law.
21 If they do not win their case at least they can
22 understand what is happening to them. But if you
23 do go to the library you have mass confusion be-
24 cause of the law library you have Social Security,
25 you have Legal Aid Society. You have what amounts

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2 to their law library and there is a mass confusion.
3 A man who wants to deal with the law cannot deal
4 with the law. He has a hour and a half to tend
5 to his problems a day. I stand to face a thousand
6 years, I cannot deal with my problem a hour and
7 a half a day. We need more law libraries. I
8 don't know if I answered your question completely
9 but I intended to.

10 MR. KIRBY: Now, in H.D.M. do you see problems
11 arising to the level as they were in the Tombs in
12 1970 to that same level that your words created or
13 caused a rebellion?

14 MR. BROWN: I do not believe it will reach
15 the same level because conditions then are different
16 from conditions today. At the present time the
17 inmate population is turned inward on itself, all
18 of its anger is staying among themselves. I believe
19 that eventually with things going the way they are
20 going that the inmate population will eventually
21 turn outward and no matter how many guns and no
22 matter how many riot helmets, how many correction
23 officers they have, it won't prevent it if the
24 right match is lit to the torch. The men at
25 H.D.M. are asking to be relieved of some of the

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2 frustration that being detainees brings about. We
3 ask for changes in the courts. We have to deal
4 with the courts and in dealing with the courts that
5 means we have to have the proper type of libraries
6 for those who want to use it. We are asking that
7 some of the pressure that is placed on the
8 correction officers be relieved because in regard
9 to what he said, overtime, or too much overtime to
10 correction officers effect me because he has his
11 own problems and when he has his own personal
12 problems and I have my personal problems something
13 has got to give.

14 REVEREND HOLDER: Mr. Brown, are you saying
15 that the main frustration is not within the prison
16 but it's really in the criminal justice system?
17 Is this the main frustration that you feel that
18 the men have as far as coming to trial and getting
19 things over with quickly?

20 MR. BROWN: Yes, this is the main frustration,
21 you see, for those who are ignored by the law. I
22 happen to be a jail house lawyer and a very good
23 jail house lawyer, which the Correction Department
24 found out in the Tombs rebellion. I take my anger
25 in the law in learning how to deal with the system.

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2 But you have younger men who do not have this
3 knowledge and they may have a heavy penalty before
4 they can acquire this knowledge, only 20 to 30
5 years, one to life. The courts today are geared
6 for one purpose: to punish, not to understand or
7 correct the reason for the so-called punishment,
8 but to punish. You have a lot of Latin brothers
9 that go into Court and a Legal Aid in 14-B who
10 doesn't understand Spanish. This young brother
11 here, he is in trouble because he cannot communicate
12 with his lawyer. He can't communicate with the
13 attorney and he can't communicate with the judge.
14 He can't even have the proper time to visit with
15 his family so what does he do in order to get out
16 of this turmoil that he finds himself in and
17 frustration that he finds. He takes a plea and
18 there all you do is transfer the problem to the
19 State prison so we can rebel up there.

20 MR. SCHULTE: I have one question if I may
21 ask you. You enunciated many problems today, some
22 of which are well beyond the scope of this Board
23 unfortunately, but some would fall within its power.
24 I wonder if you would comment on the Inmates Council.
25 Why haven't the problems that you have enumerated

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2 been presented by the Inmates Council to the
3 Department and the members of the Board of
4 Correction when we met?

5 MR. BROWN: Well to answer your question
6 truthfully.

7 MR. SCHULTE: Yes, please.

8 MR. BROWN: You have a lot of inmates within
9 these prisons that are doing their own thing. They
10 want to get out if they are able by mingling with
11 the administration, cooperating with the administra-
12 tion it would help their chances to get out. Then
13 you have the fighters who are penalized. These
14 fighters are transferred from one institution to
15 the other, like brother Perez. You have Mr. Ferrar
16 who didn't mention the fact that he is at the
17 present time a manager or boxer or whatever you
18 want but the inmates are only doing their own
19 thing. That takes effect on the inmate population
20 that they do not have the trust in the liaison
21 committee members and the ones they do have the
22 trust in refuse to stick their heads out because
23 the system will chop it off.

24 MS. DAVIS: I would just like to ask a brief
25 question. We have as you may know left for future

1
2 discussion the maximum permissible lock-in time.
3 Because you have been in different kinds of
4 facilities, I wonder if you could describe for us
5 lock-in periods, their length at H.D.M. and give
6 us your sense of the amount of lock-in time that
7 is reasonably required to conduct business that the
8 administration can only conduct with inmates locked
9 in?

10 MR. BROWN: Well, I gave an example in
11 regard to the telephone schedule and our reasons
12 for sighting the time schedule is that the total
13 phones in 2 block where it says on even days 4:45
14 p.m. to 7:00 p.m. the populace is locked in on
15 some of these times and the only ones that utilize
16 the telephones would be the house and suicide
17 squad. I cannot set a standard of lock-in and lock-
18 out. I cannot explain. You have to use a man who
19 comes in lonely and frustrated. After these
20 questions, after then he would be able to give a
21 better insight.

22 MS. DAVIS: Thank you very much. Is there
23 anyone else from H.D.M.? I would like to call then
24 the first representative from the Women's House of
25 Detention. Welcome and thank you for coming.

1
2 REPRESENTATIVE FROM THE WOMEN'S HOUSE OF
3 DETENTION: Good afternoon. I am a representative
4 of the Inmate Council, at the New York City
5 Correction Institution for Women; Rikers Island.

6 This afternoon I would like to share with
7 you some of the responses and views of the women
8 at Rikers.

9 I would first like to say that the proposals
10 that I do not speak about today, are the ones the
11 women feel are adequate or already instituted.

12 I agree wholeheartedly with Section 10.8,
13 there should be no limitations as stated. Also
14 it is felt non-family members should be allowed to
15 have open visits. In the institution now there are
16 many women with visitation problems. One woman
17 in particular has the problem of not being allowed
18 open visits because; of the no non-family members
19 ruling.

20 Her family is in Columbus, Ohio and cannot
21 have any regular visits with her. She has two
22 friends which are here in New York. These are the
23 only two people who can bring her clothing, keep
24 her informed of legal matters, such as bail and
25 bond, and handle those matters that can only be

1
2 taken care of by someone on the outside. One
3 person is ill and can only visit. She can not go
4 shopping, buy clothing, and bring them to Rikers.
5 Nor can she travel to the necessary places to take
6 care of outside business of this inmate. The
7 second person holds a position at work which is
8 impossible to leave during the week. The only time
9 she can come is Saturday or Sunday which now is only
10 for open visits. Being that this person is not a
11 family memeber she cannot have an open visit. This
12 friend is her only contact in New York who can do
13 for her. It is very wrong to deprive a person
14 the touch of concern, of friendship, and assurance
15 from someone, someone who can make these things
16 possible. Again this is only because a non-family
17 member is denied an open visit.

18 Now to deal a little with Part II, telephone
19 calls. We feel it is necessary to make calls each
20 day. Let me refer to one example and it can show
21 why daily phone calls are needed.

22 A woman received a letter stating her sister
23 had died. She received this letter informing her
24 of her sister's death two weeks after it had
25 occurred. If this woman had been able to make

1
2 phone calls she would not have been informed so
3 coldly as in this letter. Two weeks would not
4 have passed with her not knowing the tragedy
5 that took place in her home. Possibly she could
6 have known immediately, and then been able to
7 attend the funeral of her sister.

8 I would now like to direct your attention to
9 Section 12.4 concerning incoming correspondence.
10 It is felt that a postal observer should be present
11 when mail is opened. I, myself, received a letter
12 marked legal and confidential. Mail marked in
13 this manner is to be opened in front of the inmate,
14 searched for contraband, and then given to her.
15 When I received my legal and confidential mail it
16 had already been opened.

17 Let's go on to Part 6; access to courts.
18 Nowhere in this section is transportation to and
19 from courts mentioned. If we are brought to court,
20 and we do not see a judge until the afternoon, we
21 cannot return to Rikers on the same fairly com-
22 fortable bus, in which we were brought to court.
23 We are required to come back to Rikers in what is
24 referred to as the "Sardine can" A petition is
25 circulating Rikers at the moment entitled "ban the

1
2 van." This van is all metal, quite small with no
3 windows. In hot weather you suffocate, because
4 of the very poor ventilation. In winter you freeze
5 because there is no heat. We are handcuffed and
6 herded into these vans like cattle. There have
7 been times when twenty or more people were packed
8 in the van. When a bump in the road is gone over
9 you bounce a foot or more in the air. Your head
10 could hit the metal ceiling of the van. There is
11 nothing to hold on to and no way to support your-
12 self. This is totally inhumane treatment and
13 terribly unsafe. Thank you.

14 MS. DAVIS: Thank you very much.

15 MS. SINGER: Is the first lady that you
16 mentioned aware that there are some volunteer
17 organizations at the Women's House of Detention
18 that would be very happy and available to help her
19 with her problems?

20 REPRESENTATIVE: If they help her with her
21 clothing problems, this would still deny her the
22 right of contact visits with a friend that she has
23 notfamily.

24 MS. SINGER: I understood you to say that she
25 couldn't have any matters taken care of because there

1
2 was no one to help her.

3 REPRESENTATIVE: Because of this open visits
4 people can only come on Sunday. The people that
5 can visit her and help her in this way.

6 MS. SINGER: Would it be important for some-
7 one to help contact these friends and let them
8 know what she would like them to know?

9 REPRESENTATIVE: I think you don't really
10 understand. This person can only come on Saturday
11 or Sunday and deal with these legal problems.
12 Saturday and Sunday are for open visits and open
13 visits are for family members. She is a non-family
14 member.

15 MS. SINGER: If they were to take this up
16 with the superintendent do you think something
17 would be done for her?

18 REPRESENTATIVE: She has said that she has
19 written to several people and is now in the process
20 of writing a letter to the judge about this.

21 REVEREND HOLDER: I would like to ask a
22 question. Does the family of this lady contact
23 the prison by phone or any way you know of? The
24 lady who lost her sister you said within two weeks
25 of receiving the letter that she had already been

1
2 buried but did the family contact the prison?

3 REPRESENTATIVE: I really don't know.

4 REVEREND HOLDER: You are saying that if
5 she was allowed to make phone calls she could
6 have found out before.

7 REPRESENTATIVE: I am saying that if she was
8 allowed to call them regularly she would have known
9 the things that were happening in her home.

10 MR. POCHODA: I just want to make clear to
11 you that this group of standards are only the
12 first batch, that there will be others. We
13 particularly wanted to make clear that we under-
14 stand there are some problems that are unique to
15 the women prisoners that are not addressed generally.
16 If you have any suggestions now concerning any of
17 these problems we would like to hear them and if
18 not in the future we will be in touch with you to
19 research these.

20 REPRESENTATIVE: The Inmate Council is
21 constantly meeting and discussing the problems that
22 we have. They will get together and make a list
23 and I don't know if we will be returning to the
24 hearings but written they will be gotten to.

25 MR. POCHODA: There won't be any further

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hearing but you can write.

MS. KOGAN: When you said that this young lady who learned of her sister's death two weeks after had been allowed to call home regularly she could have found out about this disaster. What is considered regular phone calls home? How many times a month say can an inmate use the phone?

REPRESENTATIVE: Well right now we have to go through a social service area and that is seeing two of the social workers there. These two service all of the detainees and part of the sentenced population and they are not in always. It's hard to get to them always, in other words. Right now calls are like occasional. I will take myself. Calls could be something like two weeks, you know, and every two weeks now.

MS. KOGAN: Every two weeks you get a phone call?

REPRESENTATIVE: You see it's nothing regular that certain floors or whatever area would call. It's when you get to your social worker, whenever you could make that connection and she called you and you make a call.

MS. KOGAN: Wouldn't that be a good thing to

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2 bring up to your liaison council to make a different
3 administrative way for telephones so that people
4 could call home sooner or every three or four days?
5 If there are only two social workers maybe some
6 inmates could be used as help to the social workers.
7 Maybe if you ladies could get together and work out
8 something that would be acceptable to the admin-
9 istration, perhaps it would be helpful because
10 they are so short on social workers. Maybe that
11 would be helpful.

12 MS. DAVIS: It should also be pointed out
13 that the standards would correct that.

14 MR. KIRBY: I just want to elaborate a little
15 bit just for my own information. What you are
16 saying is that the Women's House of Detention doesn't
17 have phones in the dormitories like H.D.M. have
18 phones in the block and in contact with this social
19 worker are there any rationale for making telephone
20 calls. Say you contact the social worker and say
21 you want to make a phone call, are you free and open
22 to make that phone call or is there any rationale?

23 REPRESENTATIVE: Well, first of all she is
24 there when the phone call -- isn't private. When
25 we want to make a phone call we have to write a

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2 request slip to the social worker that could get
3 to her the next day, sometimes not even then.

4 MR. KIRBY: What I am trying to find out
5 can she deny this phone call and on what grounds?

6 REPRESENTATIVE: I don't think she would deny
7 by anything written, she would just not call you,
8 that is the only way it would be denied.

9 MS. DAVIS: Are there any other questions?
10 Thank you very much.

11 We have, I believe, two other representatives
12 from the Women's House.

13 REPRESENTATIVE FROM THE WOMEN'S HOUSE OF
14 DETENTION: I have been a resident of the New York
15 City Correctional Institution for Women for the
16 past ten months. This is the first time I have
17 been incarcerated.

18 I have had the pleasure to have been given
19 the opportunity to teach an art class for the past
20 five months. It is one of the few times an inmate
21 has been given this opportunity and it is working
22 out extremely well.

23 I have been an inmate council representative
24 for the past eight months and have been chosen by
25 the council to represent the women and their views

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2 of the proposed Minimum Standards.

3 When we were first informed of the proposals,
4 I called a meeting on the floor where I reside and
5 discussed each proposal in order to gather different
6 views of them.

7 I would like to speak about Part 10 of the
8 proposal on Visitation. I must say that the
9 consensus of opinion is in favor of contact visits
10 and I personally feel that it is extremely important
11 to maintain outside contacts in order to help
12 oneself maintain their sense of identity, which is
13 hard to do in an institutional setting.

14 I also think that by allowing three visitors
15 at one time there can be maintained some semblance
16 of normalcy. It would definitely be a good feeling
17 to be surrounded by several members of your family
18 or several friends at the same time. It would also
19 solve a problem which I have run up against each
20 time I am allowed an open visit. My mother does
21 not drive, and my father, who drives my mother to
22 see me, must sit in his car for more than three
23 hours in all types of weather, in order for my
24 mother to visit. It is hard enough for most visitors
25 to get to the island from their homes, and then they

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2 must be subjected to things such as I have just
3 mentioned.

4 Referring to Section 10.3 on the visiting
5 schedule, it is stated that visits should be
6 permitted on three days between the hours of
7 9:00 a.m. and 5:00 p.m. and two evenings between
8 6:00 p.m. and 10:00 p.m. I think this should be
9 reversed to three evenings per week and two weekday
10 visits. From what I have observed, there are many
11 more visitors that are able to come during the
12 evening hours because a large majority of them
13 are working during the day.

14 In Section 10.6 on contact visits, I think
15 that there should be some clarification made. It
16 is too broad a statement. As of now on a contact
17 visit you are allowed one greeting embrace and one
18 embrace on departure. There is no hand holding
19 allowed and you are required to sit at opposite
20 ends of the table to which you are assigned. I
21 think the type and length of physical contact to
22 be allowed should be set down.

23 There now exists much confusion during open
24 visits. At times we are allowed to hold hands across
25 the table and then most times we are not. There

1
2 have been incidents where children have come to
3 visit their mothers and were not allowed to hold
4 their hands, in the case of older children, and
5 the younger children were not allowed to sit on
6 their mothers' laps. It is usually left to the
7 discretion of the officer in charge of the visiting
8 area and it causes frustration and tears.

9 Can you imagine being told that you cannot
10 hold your own child's hand after not having seen
11 that child for a month? As of now we are allowed
12 one monthly open visit with our children. The
13 whole idea of a mother being separated from her
14 child while incarcerated is difficult enough to
15 say the least, but then not to be able to hold and
16 kiss and comfort that child at a visit once a month
17 is absolutely heartbreaking.

18 Telephone Calls - It is imperative upon
19 admission to an institution to be allowed to make
20 a phone call. We are now allowed upon admission
21 only to send a telephone message. We are given a
22 message form with a small area allotted to write out
23 what we want said to the party we are having called
24 and there must be enough room on that piece of paper
25 for the parties comment. An officer or volunteer

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2 will make the call for you. How much of a
3 message can be put on a little piece of paper and
4 what kind of emotional comfort can you get from
5 reading the return message instead of being allowed
6 to speak to that person yourself.

7 Most of us are in a highly agitated state
8 upon admission and it certainly would be a small
9 comfort to be able to make a phone call. Not only
10 that, but suppose no one that you know, knows that
11 you have been taken to Rikers Island and the party
12 to whom you have written your phone message is not
13 at home, your return message will state that there
14 was no answer and then you will have to wait until
15 the next day to send another message.

16 I know of a woman who was remanded from court
17 to Rikers. She is an out of townner and upon ad-
18 mission asked to be allowed to make a collect call
19 to her family to let them know where she was. Do
20 you know that it took seven days, much emotional
21 turmoil and a near nervous breakdown until she was
22 given permission by a member of the Mental Health
23 staff to make her phone call. This same woman who
24 has no family or friends in this State even now has
25 to rely upon the decision of a Captain as to whether

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2 a call to my mother to find out what had happened.
3 Since it was the evening and the Social Service
4 area was closed, I had to ask a Captain for per-
5 mission to call. She didn't consider my situation
6 an emergency and told me to fill out a telephone
7 message form. Here again I feel this section is
8 stated too broadly and must be clarified. I feel
9 that admission to an institution and return from
10 court constitute an emergency situation and this
11 should be stated in the standards.

12 As it now stands, we can request to make a
13 phone call from our Social Service caseworker.
14 There are now exactly two caseworkers assigned to
15 the Women's House. They must take care of over
16 350 women daily. They are there to help with all
17 kinds of problems and have become glorified tele-
18 phone operators. How can these two people be asked
19 to service all those women with their problems when
20 they are dialing telephone numbers all day in order
21 for the women to call home? And how many women
22 can these caseworkers reach in one day?

23 Also there is no privacy afforded during a
24 phone conversation. You must talk in a room where
25 there are many other women sitting and waiting to

1
2 make their calls.

3 Correspondence - In Section 12.3 of Part 12
4 on correspondence, it states that we should be
5 permitted to receive in correspondence any item
6 that is not deemed a threat to the safety, security
7 and good order of the facility. Here again is a
8 broad statement. I feel that the items which are
9 deemed to be contraband should be listed.

10 A few weeks ago I received a letter and in the
11 envelope was a dried rose. I was called to the
12 mailroom and was shown the flower and was told it
13 was contraband. I was not allowed to keep it and
14 it was thrown in the garbage. Was that flower a
15 threat to the security of the facility?

16 Packages - We are now allowed to receive
17 packages which contain clothing only with special
18 permission.

19 Referring to Section 13.3, where it states
20 that we should be permitted to receive in packages
21 any item which does not constitute a threat to the
22 facility, that again is too broad a statement and
23 should be clarified.

24 The women feel that they should be able to
25 receive any item that they might need for their

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2 personal grooming, such as cosmetics, shampoos,
3 perfumes, conditioners, moisturizers etc., which
4 a woman needs to help her appearance and sense of
5 identity.

6 We also feel we should be allowed to receive
7 foodstuffs which are not easily spoiled and which
8 require no refrigeration. We are now allowed to
9 have only those things which are sold in the
10 commissary and those items are terribly limited.

11 I have been told that these 16 proposals are
12 just the first set of many more to come. I certainly
13 hope so because as much as I agree with the
14 standards set forth, so far the real needs of
15 prisoners have not been touched upon.

16 What we need are specific programs for our
17 re-entry into society. How can one's life be turned
18 around if we are locked up and then set free with
19 nothing more than we came in with. We must be given
20 the opportunity to educate ourselves and the
21 motivation to do so. Thank you.

22 MS. DAVIS: Thank you very much. Mr. Kirby
23 has a question.

24 MR. KIRBY: I just would like to ask this
25 question for a little enlightenment. I wasn't aware

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2 that the Women's House of Detention was exempt
3 from telephone rules. I really think that the
4 inmates would be entitled to make phone calls. I
5 am not aware that the women have to go through
6 these kinds of changes to make a phone call. I
7 don't see the difference in male inmates making
8 phone calls and women inmates making phone calls.
9 As I take it then you are in agreement with 10.6
10 because as it is written here physical contact
11 should be permitted between his or her visitors.

12 REPRESENTATIVE: Yes, in agreement.

13 MR. KIRBY: That is about it. I am just some-
14 what shocked that these kind of things went on at
15 the Women's House. I thought phone rules encom-
16 passed all institutions.

17 REPRESENTATIVE: We are allowed to make phone
18 calls but the point is that there are only two
19 social workers who can allow us to make those phone
20 calls and if these two people have to take care of
21 350 women how can we make phone calls. We don't
22 have telephones on our floors. There was a box but
23 no phone was installed on each floor. The City ran
24 out of funds or the Telephone Company couldn't
25 find a line.

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2 MR. KIRBY: You are still using message
3 slips in the Women's House of Detention?

4 REPRESENTATIVE: Yes.

5 MR. ROSEN: We had testimony the other day
6 to the effect from the representative of families
7 of prisoners to the effect that they would prefer
8 if the number of days have to be limited in order
9 to accommodate the flow of visitors but longer
10 visiting periods would be preferable to the
11 schedule as suggested in the standards. I just
12 wonder if you have a view on that?

13 REPRESENTATIVE: Of course, I would like to
14 have as many open visits as possible but if it
15 did have to be limited I agree that the visits
16 should be longer hours and at times when people are
17 most able to reach us on weekends.

18 MR. POCHODA: That was really helpful for me
19 and I would really urge you to continue that. I
20 know that we don't have the time to go through all
21 the standards in detail. It was really fine so
22 please do it and write it down in terms of visits,
23 the hours that we now propose as stated are the
24 bare minimum in that Federal Court has now ruled
25 that three hours per week per prisoner is a

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2 constitutional requirement. So, I think in terms
3 of any testimony or for the future it may be a
4 trade-off between increasing the number of visits
5 and the time, but I think that it's even less than
6 the bare minimum and, so, three hours at this
7 point is not the controversy.

8 MS. DAVIS: Are there other questions?

9 MS. SINGER: I did want to ask you about the
10 art projects that you are doing which really is
11 very, very lovely because I have seen some of the
12 work that you have done. I don't know whether or
13 not that you are aware that one volunteer organiza-
14 tion is contributing some money for canvases and
15 paints which are going to be given to the residents
16 at your house so that you will be able to help
17 them further.

18 REPRESENTATIVE: Thank you very much. I
19 think this program is really good and think more
20 experimental programs like this should be implement-
21 ed.

22 MS. SINGER: I do hope that you will bring
23 up some of these matters at the inmate council meet-
24 ing so it can be discussed there.

25 MS. DAVIS: I would like to call the first

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2 representative of the Adolescent Center on Rikers
3 Island.

4 MR. HECTOR HERNANDEZ: Good afternoon, my name
5 is Hector Hernandez and, unfortunately, I am the
6 only one representing C-74.

7 I am here representing some 1,300 young men
8 being detained within Rikers Island between the
9 ages of 16 and 21. I would just like to say that
10 I have talked with a great number of the inmates
11 at C-74 and we agree with the proposed Minimum
12 Standards for New York City's correctional facilities.

13 First considering the fact that most of the
14 gentlemen over there are between the young ages of
15 16 and 21 I would like to bring out the point on
16 nutrition. Outside of New York City most of the
17 men drink whole milk from a cow and unfortunately
18 in C-74 they are given powdered milk in the morning
19 for breakfast and with their coffee also for lunch
20 and dinner. Also I would like to point out that
21 other foods with some kind of vitamin such as orange
22 juice or eggs are given to this institution. Most
23 foods are potatoes and rice and rice and potatoes,
24 anything of these combinations.

25 The second thing I would like to say also

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2 from the rule book which is usually given upon
3 admission to the institution you will be given free
4 soap, toothpaste, toothbrush, bedding, a comb,
5 towel and sheets and everything else. Unfortunately,
6 none of these seem to be given out with the ex-
7 ception of one sheet, a towel and blanket. Also
8 unfortunately, the blanket is never changed. You
9 have that same blanket whether you are there for
10 two days or two years. The blankets are never
11 changed over there.

12 Now I would like to talk about the lock-in
13 and lock-out periods. During the weekend sometimes
14 you are locked in for close to 18 hours because
15 they don't have any type of activities for the
16 afternoon. So, literally you are locked out from
17 about 9:00 o'clock in the morning to 11:00 o'clock.
18 From then, you are locked in until 4:00 o'clock in
19 the afternoon. Then you are locked out again for
20 dinner and locked in again until the evening lock-
21 out which is only until 9:00 in the evening.

22 The next thing I would like to speak about
23 is the telephone calls which, unfortunately, we
24 happen to have the same problem as in the Women's
25 House; whereas, we must fill out a telephone request

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2 slip and when you are first put in the institution
3 you are allowed to make one call but how many
4 people can you talk to about 3:00 o'clock in the
5 morning. There are two telephones on each housing
6 area floor. It's just that the Telephone Company
7 says that they are not connected or anything.

8 I would like to say a little bit about the
9 weekends and lack of activity on these weekends.
10 The weekend from about 9:00 o'clock on Friday
11 night till 5:30 Monday morning there is really much
12 less than nothing to do, just like what another
13 gentleman stated before. There is no recreation,
14 no movies. There is nothing besides lock-in and
15 lock-out. On recreation they have an enormous
16 yard which is approximately 20 acres behind C-74.
17 They have many things such as basketball, volleyball,
18 football, shuffleboard and many other sports but
19 we are not allowed to use this yard. What they
20 usually do is herd something like 120 guys into
21 a small yard where they only have two basketball
22 courts.

23 On overcrowding I would like to say when
24 C-74 was built back in 1973 the maximum inmates
25 population was suppose to be 1,080 prisoners.

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2 Today they have the population up to 2,160 prisoners
3 because of double bedding in each cell. In each
4 housing where it used to be 60 it may be 120. It
5 presents many problems to the individuals who are
6 there because they cannot talk to the correction
7 officers to get them help and everything.

8 Last thing I would like to speak on is the
9 visiting and the hardship the visitors go through.
10 I would like to express my concern over the
11 travelling for the visitors to the various City
12 detention facilities. We feel that visitors are
13 subjected to an inconvenience which amounts to
14 actual hardship, especially at Rikers Island.
15 For example, visitors arriving by car must park
16 their vehicle in a lot and wait to have the bus
17 take them across at a cost of 50 cents going each
18 way. The bus comes only about every half hour
19 which means the wait at this point may be consider-
20 able. There is no shelter, not even a bench.
21 Although some try to wait in their car, this is
22 impractical because they can miss the bus. Others
23 are dropped off by friends and with no option but to
24 stand at the bus stop in the rain and cold. I was
25 speaking to a chaplain and he told me the following

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2 incident on Friday, February 25, 1977. On reaching
3 the trailer at which a private vehicle must stop
4 for identification purposes, he found over 20
5 people huddled over the trestle of the roof.
6 There was barely room to shelter themselves from
7 the heavy rain that was falling, in a totally
8 exposed area. We feel that some sort of shelter
9 should be provided and shuttle bus service provided
10 for the visitors that are waiting. The dollar
11 round trip seems like an admission fee to the
12 island. The amount of time spent waiting for an
13 hour's visit with the inmates is unfair.

14 At A.R.D.C. there are three visiting shifts,
15 also those who fail to make the first shift may
16 have their waiting time increased by an hour or
17 more. Visitors push and shove in their rush to
18 get there and old people can get hurt. They are
19 being knocked to the ground. There are no vending
20 machines for food or beverage, since most visitors,
21 especially those who have spent at least an hour
22 and a half in travel just to reach the Island, they
23 may have to spend several more hours before seeing
24 the inmates. We, therefore, suggest that provisions
25 be made possibly like Federal and State policies.

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2 Due to the tension and fatigue with a majority
3 of the visitors and because of foregoing circum-
4 stances we believe that correction officers who
5 deal with visitors should be especially courteous
6 and patient with the visitors. Most visitors who
7 arrive too early are told to return to the other
8 side of the bridge and wait for the proper time.
9 Perspective visitors should be able to find out
10 the visiting hours, as is now the case.

11 As anyone who is aware, who has tried to
12 call the City's detention facilities the effort is
13 neither easy nor quick. Since the switchboard
14 personnel are pressed with many incoming calls,
15 generally the result is often confusion and eventual-
16 ly hurts. We have personally seen on more than one
17 occasion a visitor at the control building being
18 told that he or she arrived too late. We feel
19 there should be a special information number for
20 each institution with regard to announcement in
21 Spanish and English, stating the days and hours of
22 visiting and other pertinent information. Visiting
23 procedures at institutions and locations other than
24 Rikers Island are also in need of improvement. Frank-
25 ly, it is our opinion that the poor quality of

1
2 visiting is an indirect source of many of the
3 problems at the institution. Those who wish to
4 visit inmates at the institution on Rikers Island
5 know only too well that the average visits require
6 a better part of the day. As a result of this, it
7 reduces the frequency of their visits. Thank you.

8 MS. DAVIS: Thank you very much. I would
9 like to ask a brief question. Can you tell us
10 something about the orientation that is provided
11 when you enter the facility and I would specifically
12 like to know whether any special orientation is
13 provided for Spanish speaking inmates and whether
14 you are given any kind of rule book or manual in
15 Spanish or English.

16 MR. HERNANDEZ: When this institution first
17 opened up in 1974 they supposedly were going to
18 have a diagnostic orientation circle; but today
19 it doesn't seem to be there. They use to have a
20 council team with a psychiatrist and social worker
21 and many other people that attempted to help you
22 but now all they have is one person who can make
23 telephone calls, one psychiatrist and one legal aid.

24 MS. DAVIS: Tell me about phone calls. Is
25 the system identical to that which was described as

1
2 being in use at the Women's House. Do you make
3 the telephone calls yourself, or is it made for
4 you? Do you use message slips?

5 MR. HERNANDEZ: Yes, we use request slips
6 unless you are lucky enough to be called downstairs
7 by Miss Middleton who will dial your number for you
8 and allow you to speak approximately three minutes.

9 MS. DAVIS: Under what circumstances are you
10 that lucky?

11 MR. HERNANDEZ: I happen to be from Fort
12 Lois and we go to school so we are down there
13 about every morning and we just happen to be lucky.

14 MR. KIRBY: At this point I want to ask a
15 couple of questions because I am really concerned
16 about the A.R.D.C. situation. Probably, as you
17 are aware I have been called out there on numerous
18 occasions when fighting erupted between blacks and
19 Hispanics. I think one of the main things of
20 human rights prisoner standard in what way would the
21 standard eliminate some of the turmoil that exists
22 between blacks and Puerto Ricans. Would the
23 standard that provides for recreation carry a lot
24 of weight realizing that you are dealing with a
25 population from 16 to 21 and that they have an

1
2 awful lot of energy. Do you think that recreation
3 would be a big part, a big part in eliminating some
4 of the things that exist? What I mean by that,
5 after dinner, after lunch, if the guys were let
6 out into the big yard and maybe eat up a lot of
7 the energy. Just give me some idea of what would
8 eliminate that problem. I see it as a serious
9 problem. In one incident four people were stabbed
10 and another one, thirty something people were
11 stabbed. It seems to be an ongoing circle. What
12 part of the standards could help to alleviate that?

13 MR. HERNANDEZ: The main problem, of course,
14 is overcrowding. Second of all, when you mention
15 recreation if you were given an hour or two at
16 least two or three times a week out in the yard
17 most of the guys will play basketball or football
18 or take it out on the basketball instead of on
19 their fellow inmates. Of course, there is not
20 really that much racial disturbances when you come
21 to the blacks and Puerto Ricans. It's mostly
22 geared to the Caucasians because the feeling is that
23 they are the ones putting them back here.

24 MR. HORAN: I want to pursue that point that
25 Mr. Kirby raised and ask you a different question.

1
2 but if you can be objective about it I would like
3 to have your objective view. I get the impression
4 that recreation is so important. One of the
5 principal problems that the Department raises in
6 dealing with recreation is that they don't have
7 sufficient personnel to supervise. If you can
8 stand back from your position as an inmate, do
9 you agree with that? Do you think as a group you
10 could go out into the yard more often with the
11 present number of personnel and correction officers
12 that you have or is there such tension between the
13 correction officers and the inmates that it would
14 be difficult?

15 MR. HERNANDEZ: I feel it's according to how
16 many housing areas they will allow out at a time.
17 For example, all of Four Building which would be a
18 maximum of 360 guys that would bring down six
19 officers that are working on each housing area and,
20 of course they have two regular yard officers. It
21 would be a total of about 12 officers that would
22 be watching us. My feeling is they should put two
23 or three more officers around the gates. Right now
24 they only have one or two and if they let us out
25 in the big yard they should put more in.

1
2 MR. HORAN: You recognize that they do have
3 a problem from their point of view; but you feel
4 that it could be managed.

5 MR. HERNANDEZ: Yes, I feel that it could be
6 managed. They could take one or two officers out
7 of the receiving room.

8 MR. HORAN: I gather that it's your feeling
9 that if given enough recreation that almost all the
10 young men that are in there would take it out in
11 recreation and there would not be a discipline
12 problem.

13 MR. HERNANDEZ: Right. I feel that the
14 Department should understand that most of these
15 guys, all of them, are under 21 and they are
16 really not violent as yet, except for a few ex-
17 ceptions. If the Department was to try a little
18 harder to rehabilitate and train and make them
19 feel like they are out there playing basketball
20 instead of being in jail it would help consider-
21 ably.

22 MR. SCHULTE: I would like to ask this
23 question. You mentioned the problem of overcrowding
24 modification indicates that the single cell
25 capacity of your institution is one through eighty.

1
2 As of yesterday the population was 1,092. How do
3 you, therefore, account for overcrowding?

4 MR. HERNANDEZ: The count yesterday might
5 have been 1,092 but then again you must understand
6 that there were many guys out in court.

7 MR. SCHULTE: No, these are residents in the
8 institution. I suggest that the reason for over-
9 crowding is that the inmates are vandalizing your
10 institution. I have been out there and I have seen
11 the damage that is being done by the residents of
12 the institution. Do you have any suggestions as
13 to how the inmates themselves can stop the
14 vandalization of A.R.D.C.?

15 MR. HERNANDEZ: I would like to point out
16 that when you are locked in a cell close to 16
17 hours a day, you become hostile after awhile.
18 When they are let out in day rooms they might break
19 things, therefore not enabling the Correction
20 Department to put two guys in every cell. Some
21 cells only have one guy but the majority of the
22 housing do have two guys in the cell.

23 MR. SCHULTE: I suggest that why you have
24 overcrowding is due to the actions of the inmates
25 themselves in vandalizing the cells if my figures

1
2 were accurate and I was told they were.

3 MR. GIORDANI: You would agree that the lack
4 of recreation perhaps in some way contributes to
5 vandalizing which results in overcrowding?

6 MR. HERNANDEZ: Yes, I do. I feel if there
7 was a little more recreation there would be a
8 little less vandalizing.

9 MR. SCHULTE: That is sound reasoning.

10 MR. GIORDANI: Mr. Hernandez, Mr. Ferrar of
11 H.D.M. mentioned earlier that some correction
12 officers were unable to deal with them and they
13 are men. How do you feel about that in your case
14 as an adolescent?

15 MR. HERNANDEZ: First of all, the correction
16 officers in the Men's House are dealing with men.
17 So, therefore, before they hit one of them they
18 think about it twice. In our case all the guys are
19 under 21 and I have seen it many times where a
20 correction officer will take his hand out to smack
21 him for a very small reason.

22 MR. GIORDANI: Then what happens?

23 MR. HERNANDEZ: He could be jumped by a few
24 other inmates because of the simple fact that these
25 C.O.'s are all in their 20's, 30's or 40's and

1
2 everybody here is under 21. Anyway I feel that
3 if the correction officers weren't required to do
4 two shifts back to back, I feel they wouldn't be
5 as hostile as they are just from one shift.

6 MR. GIORDANI: You think that they should
7 have more specialized training?

8 MR. HERNANDEZ: The correction officers that
9 deal with me, I feel they should attempt to learn
10 how to deal with adolescents better than what they
11 already know.

12 MR. GIORDANI: Have you been in the admin-
13 istrative segregation?

14 MR. HERNANDEZ: No, I have not.

15 MR. GIORDANI: Have you spoken to anyone who
16 has been there?

17 MR. HERNANDEZ: I have spoken to a few of
18 them.

19 MR. GIORDANI: I would like to know whether or
20 not you could describe the condition of the cell
21 in the cell blocks that are used for segregation.

22 MR. HERNANDEZ: They are allowed to keep you
23 in there for a maximum of three days because you
24 are locked in all day long and you are allowed to
25 take a shower once a week. Usually you don't have

1
2 any mattress, no clothes, no pillow and you are
3 fed just three times a day. Usually the guys that
4 feed you the food, they might play around with the
5 food or they don't give you enough to eat. So,
6 literally there is no recreation at all for them.

7 MR. GIORANI: Have you any idea of the
8 conditions of the cells?

9 MR. HERNANDEZ: No, I haven't been inside of
10 them so I really can't speak on that.

11 MS. DAVIS: Are there any other questions?
12 Thank you very much, you have been very helpful.

13 I would like to call the representative for
14 the Correctional Institution for Men.

15 REPRESENTATIVE FOR THE CORRECTIONAL
16 INSTITUTION FOR MEN: Good afternoon. My name is
17 Nicholas. My number is 7771543. I am presently
18 serving one year. I would like to speak on the
19 Special Service Department we have up there at the
20 sentenced institution, C-76. I work down in the
21 Social Service Department. There are three social
22 workers, correction officers. There is Officer
23 Riley, Officer Davis and Officer Hawkins and they
24 service the social work for 2,000 inmates that are
25 housed there. As far as a telephone situation goes

1
2 down there there are telephones in all dormitories
3 that from lack of funds they are not in use. So
4 you have to fill an interview slip to get a phone
5 call. Now with 2,000 inmates putting two or three
6 interview slips and there are only three social
7 workers down there, which incidentally they have
8 several other jobs other than taking care of phone
9 calls. Mr. Reily is one of the officers down there.
10 He is in charge of furloughs, and he is also in
11 charge of the school program down there. Mr.
12 Hawkins, he is in charge of community facilities,
13 making sure that every inmates gets a chance to
14 get a interview. Mr. Davis, he is more or less the
15 officer in charge down there. Mr. Davis has to
16 take care of people. Somebody calls in, the guy's
17 wife, she is having labor pains and somebody calls
18 and finds out that one of the fellow's parents has
19 died or somebody has to go to court, somebody has
20 to find out about a warrant. This all falls into
21 their hands. Social service problems down there,
22 you just can't deal with it and they have phones in
23 all dormitories. I don't see why the phone system
24 can't be hooked up because you have 2,000 men and
25 they can't be seen by three officers. If you are

1
2 lucky you get a phone call, you may get one every
3 two or three weeks because I know, I am the one
4 who times it. It's a priority thing down there. I
5 mean that is the way it goes as far as the programs
6 that they have down there. Vista, they have drug
7 programs down there. How can the drug programs
8 function and Vista program function if you don't
9 have escorting officers going through the various
10 housing areas to bring them down. For example,
11 12-U is a segregated dormitory, it supposed to be
12 the house for homosexuals. There are no officers,
13 very few of them that want to go to the annex which
14 is at the far end of the building to pick up these
15 inmates and bring them back. Then, in turn, after
16 they get finished and go back to 12-U they are stuck
17 there all day long. They are escorted to eat and
18 nobody wants to be bothered with them.

19 We have a north side of the building which is
20 administrative segregation, punitive segregation,
21 and a few other things that I have no idea about.
22 You can't get the inmates from over there to see
23 the psychiatrist or social workers for the simple
24 reason they don't have the officers to pick them
25 up. As far as recreation is concerned, over there

1
2 they let us out on weekends to go into the yard.
3 It's supposed to be two hours. A lot of times we
4 don't get the two hours, a lot of times we do.
5 There are not enough officers or there are too
6 many officers. They are always particular officers
7 and what you get is an officer with a cranky
8 attitude and he take it out on the convict. It's
9 not only over work on the officers, it's over work
10 on the inmates. I work from 7:30 in the morning
11 supposedly to 2:00 o'clock in the afternoon. I
12 am down there 6, I started working down there in
13 January. I haven't left my office until after
14 4:30 at night. The inmates that do work there are
15 supposed to get paid for their services. We are
16 the lowest paid inmates of all the facilities. They
17 say we don't have the money because the budget is
18 just so much that they allow for us. They spend
19 money for sheets, they spend money for towels. They
20 spend money for socks, underclothing. Why not let
21 us have those packages sent from home and the people
22 who can afford to send sheets and towels and under-
23 clothing, send them to us. Then, again, one deputy
24 warden, I asked him a question, "Do you have anything
25 against packages being sent from home?" He said,

1
2 "No, I am all for it, just give me the men to
3 supervise it." So, again, you go back to the
4 question or the thing that there isn't sufficient
5 enough officers, that is their excuse. As far as
6 visits are concerned your visitor can get here
7 at 7:00 o'clock in the morning and you may not see
8 him until 3:30, that is not exaggerating; that is
9 exactly how it is.

10 MS. DAVIS: Could you describe for us the
11 dormitory area, the furniture, that is the space
12 usage.

13 REPRESENTATIVE: From what I understand
14 C-76 was built in 1965, the building is 1 or 2 is
15 12 years old. The bathroom in the dormitories, the
16 tankage system, the shower in the one area and
17 commode and stall are in the other area. The tank
18 system for the showers is where the commodes are
19 supposed to be and, it's true, in the showers the
20 tile is falling apart, there is no proper ventilation.
21 The day rooms, if there are 25 chairs in each day
22 room, in fact, that is a lot of chairs and three
23 tables.

24 MS. DAVIS: Three tables and twenty-five
25 chairs for how many men?

1
2 REPRESENTATIVE: The dormitories are supposed
3 to have 64 men. The average housing is anywhere
4 from 89 to 96. I still don't understand what you
5 are trying to say about 75 square feet for each
6 man. Where?

7 MS. DAVIS: That is what your standard would
8 require that there be that much square footage in
9 the dormitory per man. That is the proposal.

10 REPRESENTATIVE: I would like to see the
11 packages come in. I would like not a shorter
12 period of visits but an expanded period because
13 as it is we have visits once a week on alternating
14 days. If you are fortunate enough to have children
15 you can see them on Mondays. I would like to get
16 visits, if possible not twice, but three times a
17 week.

18 MS. DAVIS: Any questions?

19 REVEREND HOLDER: You said that you had a
20 contract to get paid for some work period, was it
21 verbal?

22 REPRESENTATIVE: Each inmate that works get
23 paid.

24 REVEREND HOLDER: In money?

25 REPRESENTATIVE: It's put on commissary. They

1
2 have their budget for so much money per work
3 assignment. You go over to H.D.M. and the inmate
4 over there starts out at \$9.50 - \$10.00 a week.
5 I went down to the Social Service and made \$4.50
6 a week. I am supposed to work six hours a day,
7 I work eight, ten, sometimes twelve. That is not
8 only me, everybody in my unit and in the building,
9 all the inmates that are in this building.

10 REVEREND HOLDER: That time was not accredited
11 to you then?

12 REPRESENTATIVE: No, it's not.

13 MS. DAVIS: Are there any other questions?
14 I understand there are one or two other representa-
15 tives from the same institution.

16 MR. ROBERT COLE: My name is Robert Cole. I
17 am a representative from C-76 Segregation. As you
18 see, I didn't write any notes but, again, how can
19 I forget the harassment that I am going through.
20 They put me there 24 hours a day, seven days a
21 week. There is a thing when you go through C-76
22 that I assume he picks the people he feels are
23 homosexuals. But he picks the people that he feels
24 are homosexuals and put them in the dormitory.
25 Where this man gets his authority to do this, I

1
2 don't know. There are people there, you had
3 better sign this paper or you will be sent to
4 3-M, then, you have your good time taken. It's
5 the same circle over and over again and there are
6 so many of them beaten up in 12-U. You spoke
7 about shortage of personnel. Well, I don't see why
8 any one officer should watch two inmates during
9 daytime. I don't understand the whole system. It
10 is confusing. You people tell me one thing; the
11 system then turns around and does the opposite.
12 If you come to Rikers Island and actually see the
13 pain, you don't show this or say this. We have got
14 to protect the inmates, they need protection. If
15 you go there you will see the differences. This is
16 really the only thing that I can speak on because
17 I have never seen the population.

18 MS. DAVIS: You said you had to sign a
19 paper. Is that a consent form? Can you describe
20 it?

21 MR. COLE: It states that you are, I think
22 it states exactly, I am a homosexual. I wish to
23 be transferred to the dormitory B-4 segregation for
24 protection. If you do not sign, I have heard of
25 occasions where they just slap people around and

1
2 make them do that. In my case he made me take
3 my good time, stuff like that.

4 REVEREND HOLDER: I have one question. Are
5 you objecting to the fact that as you stated, I am
6 just going by what you said, that someone who
7 decides who is a homosexual inmate and puts that
8 person with other homosexuals?

9 MR. COLE: Yes, segregated dormitories allotted
10 for homosexuals.

11 REVEREND HOLDER: How does that effect their
12 mentality or their attitude towards being an inmate
13 in that institution?

14 MR. COLE: It effects them a lot. It directs
15 crime for treatment right there. A man is calling
16 you something that he doesn't know whether your are
17 or not.

18 REVEREND HOLDER: You feel that all inmates
19 should be together whether heterosexuals or homo-
20 sexuals.

21 MR. COLE: I don't know what they are.

22 REVEREND HOLDER: How do you feel if there is
23 a problem it should be solved?

24 MR. COLE: I think if a person wants protection
25 they should volunteer this. Nobody should be told

1
2 you go here and you go here. How can you decide?
3 Everyone who comes into the institution is
4 supposed to be created equal.

5 REVEREND HOLDER: Are there other kinds of
6 segregation as you intimated?

7 MR. COLE: Yes, there is very primitive
8 segregation. There is warrant. Serious warrants
9 that falls on people. Then they put you in 3-M.

10 REVEREND HOLDER: Are you saying that they
11 receive worse treatment than the others?

12 MR. COLE: I say we receive the worse
13 treatment in the whole institution because we
14 don't get nothing. I put in for M.D. They said,
15 no, there is right now no program. We have no
16 gym and we are housed with adolescents, that is
17 illegal.

18 MS. DAVIS: Are you saying that there are
19 adolescents in your unit?

20 MR. COLE: Not directly in the dormitory but
21 right next door which is about from here to her.
22 If you go to the bin you will be housed with an
23 adolescent in the same cell.

24 MR. POCHODA: First of all, in terms of
25 conditions are you saying that when there is this

1
2 labeling of a particular person, a gay prisoner,
3 they are not allowed to mingle with other categories
4 even in programs and recreation, etc.?

5 MR. COLE: Right, exactly.

6 MR. POCHODA: Are you saying it's not pro-
7 vided in the same degree?

8 MR. COLE: It's provided to you on paper,
9 yes; but it is not done. There isn't anybody in
10 my dormitory on any programs on any thing. There
11 are only 14 of us in the whole dormitory.

12 MR. POCHODA: In terms of procedure do you
13 feel that this prisoner says "I want to be kept
14 separate because I feel threatened." that should
15 be done but there should be another occasion in
16 there is an infraction of some type.

17 MR. COLE: I think if a person requests
18 protection that is to be.

19 MR. POCHODA: Or if a person is assaulted, I
20 am not talking about sexual assault, for any reason
21 that person should be segregated.

22 MR. COLE: None of us have the chance to find
23 out.

24 MR. KIRBY: I would like to make a few
25 comments. I think I find that more of an institution

1
2 problem; that is not a Department rule. I visited
3 a lot of jails and see a supposedly gay people
4 having programs with the regular inmates.

5 MR. COLE: This is true in some cases.

6 MR. KIRBY: But in 76 this just doesn't
7 take place?

8 MR. COLE: There are some hidden population.

9 MR. KIRBY: Just off the top of your head,
10 what is the rationale for administration for making
11 it permissible for an adolescent to co-mingle with
12 so-called gays and not an older prisoner?

13 MR. COLE: It's my understanding that maybe
14 an adolescent is more aggressive.

15 MR. KIRBY: Why would they put an adolescent
16 with you rather than an older person?

17 MR. COLE: The more harassment that the
18 adolescent will give. When they are in the group
19 they have to prove they are a man so they have us
20 to practice on, whatever the case may be. I don't
21 know exactly.

22 MS. DAVIS: Are there other questions? Thank
23 you very much.

24 I would like to call the representative of
25 the Queens House of Detention.

1
2 FLETCHER AARON: My name is Fletcher Aaron,
3 I am also from C-76. I guess I am what you call
4 a clean up man. I was left to last to clean up
5 something. Before I even get started I would like
6 to say this. Mr. Kirby, it's not an institutional
7 problem when anyone's rights, gay or straight are
8 denied. It's all of our problems.

9 MR. KIRBY: Not to interrupt, but to clarify
10 my point, before you go ahead. I am saying that
11 the problem of denying gay people the right to
12 involve themself in programs is not the Department's
13 policy because I have seen in other instiutions
14 where, in fact, they do participate in programs
15 with others.

16 MR. AARON: In C-76 we are sentenced inmates
17 and so that seems to mean that we have no rights.
18 Anyway as far as myself I have been fully in
19 State prisons; I have been in H.D.M.; I have been
20 in the Brooklyn House of Detention and now I am
21 in C-76. Through that travelling through the
22 prison system, which I am not too proud of, I
23 have found that the City institutions are the worse
24 in the system. I will just take it down the line.

25 In our dormitory we have six shower stalls,

1
2 occasionally the plumbing does not work and the
3 ventilation does not work. In the shower stalls
4 the water runs over so that where we all sit there
5 is an overflow of water. That is C-76, none of
6 the things work. We get into an argument and have
7 to go to the disciplinary warden. In other words,
8 what I am saying is that the Disciplinary Board,
9 their attitude is that because we are inmates we
10 are definitely lying. We can never be correct. We
11 do not have the right to question the officer who
12 has written up the infraction rule. I am going to
13 lose good time because I was written up whether or
14 not I am actually guilty of an infraction.

15 Okay, overcrowding, our dormitory has beds
16 for 144 men. It is something to see here. You have
17 144 men in the dormitory; 16 chairs for 144 men
18 and four tables. Then they ask you well why are
19 you tense, why are you hasseling each other. If I
20 want to write a letter and 16 men are watching
21 television, I have no chair to write a letter. If
22 three groups of card players are playing cards I
23 don't have a table to play cards. Mr. Schulte, I
24 think you will find this interesting. You were
25 asking about the inmate council. We tried to

1
2 solve this problem on our own. The institution
3 says that they have no money for chairs and tables
4 as such. My council came up with an idea of
5 writing to Health and Hospital Corporation.. We
6 told them we felt that since all City institutions
7 were having fiscal problems then maybe we could
8 help one another out. If we would donate blood
9 would they give us all unused furniture. The
10 hospital wrote us back and agreed to this. When
11 we brought this back to the inmate council we
12 never got an answer. The warden finally said he
13 would contact the Health and Hospital Corporation.
14 What ended up happening is this. Two weeks ago
15 I saw John Cunningham, the warden of our in-
16 stitution, in the hallway and asked him what
17 happened to the blood donation project. He said
18 Warden Buono from headquarters had found out about
19 it and they went to visit and saw the furniture
20 and they are taking the furniture. We tried but
21 got nowhere because you get lied to and you wonder
22 why people don't like to bring their problems to
23 us. You have been at our inmate council meetings
24 and I think you know.

25 MR. SCHULTE: I never heard this point before.

1
2 If you would have written this to me perhaps I
3 could have helped you out. The young man who
4 testified to me and I investigated his problem.

5 MR. AARON: I don't give up Mr. Schulte,
6 sometimes like any other normal human, I get dis-
7 gusted.

8 MS. KOGAN: If the chairs and tables and
9 furniture that you requested was being taken by
10 the Department of Correction anyway. Where was
11 it going?

12 MR. AARON: It wasn't coming to us.

13 MS. KOGAN: What happened to the blood?

14 MR. AARON: Rikers Island. You have H.D.M.
15 and you have Rikers Island Hospital, you have the
16 Women's House of Detention, you have an Adoloscent
17 shelter and you have C-76, and the C-95. Each one
18 of those buildings have its own warden and own
19 administration. Then you have headquarters which
20 is in charge of industrial areas and property.

21 MS. KOGAN: Did they get the blood?

22 MR. AARON: They will not get the blood, you
23 can count on that.

24 MS. KOGAN: Then they didn't get the blood
25 but meanwhile, I think it's a marvelous idea.

1
2 MR. COLE: Because we are inmates people
3 tend to stereotype us. They feel we could not
4 work along with the administration. We try to,
5 but everything we try to do there is a road block
6 put up in front of us and in some way or other
7 we are forgotten. My card wasn't supposed to be
8 pulled in the three days before discharge until
9 we fought like hell and we got it. What I am
10 getting at is that you know we can work with the
11 administration if they let us but they act like
12 we can't because maybe our ideas show too much
13 thought and that is not what they want from us.

14 There was something else I want some
15 clarification on. I don't think you really under-
16 stand what it's like in a City institution. Most
17 of the men have really tried to explain that to you.
18 We are not saying to you, okay, we get arrested
19 this, that and the other. Some of the men in our
20 institution quite naturally are guilty. But in the
21 pretrial detention center these men are not all
22 guilty. Why do you put someone through that type
23 of hardship and then turn around and show us the
24 worst part, you know what I am saying, the worst
25 part of our society that we can see and that is

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2 mistrust, hatred and fear. This is what you show
3 us and then you wonder why. It's shown to us,
4 it's shown to us in this way. When we first come
5 into the institution we learn to fear a person.
6 Believe that because that person can cost us all
7 of your good time and keep you in the institution
8 longer. This is not only with us. The administrator,
9 the Department of Correction they do that too. That
10 keeps the officers writing us up, because they are
11 afraid of getting a reprimand and then we, in turn
12 are losing our good time. This is the kind of
13 system we are dealing with and it makes no sense.
14 What the sense is, I don't know, even they don't
15 get effective control out of the use of fear.
16 Also Commissioner Malcolm does not live in the
17 dormitory of C-76 so I don't think he can fully
18 appreciate the problem of overcrowding. I think
19 he may be sympathetic but if he had to wake up every
20 morning and look at 144 face, going together into
21 the bathroom where the water was flowing onto the
22 floor, if he had to let his pants down and if his
23 pants got wet from water on the floor from a drain
24 which did not work, maybe then he would fully
25 understand. The ventilation system in the bathroom,

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2 they have not worked from the day C-76 was opened,
3 that is a fact. The Department of Correction's
4 own investigator can tell you that the cells are
5 peeling or cracking, tiles on the floor are all
6 messed up. The Department of Correction is quite
7 naturally going to say that because of the lack of
8 manpower which exists, from lack of money that they
9 will not be able to implement most of the Minimum
10 Standards, but the Department of Correction wastes
11 money. If they stop their waste, then maybe they
12 could supply more manpower. For example, why do
13 they have duplication of services? For example,
14 why do they open buildings when they know they are
15 fully constructed and it will cost them more money
16 for maintenance. For example, why do they use
17 five officers which we, even the officers themselves
18 call "Tit man", because they are being nurtured
19 by the Department of Correction to work. Again,
20 officers to the cashiers office, in all the soft
21 jobs, that have no contact with the inmates. They
22 put these men in there and they duplicate each
23 officer while the other officers have to work with
24 us, you know there was one here, there was one
25 there, they feel the brunt of everything while

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2 they know that these men sitting there have an
3 easy job. Why doesn't the Department of Correction
4 take the manpower that is not necessary in the
5 area, bring it into the population and use it where
6 it is necessary. I think Commissioner Malcolm should
7 address himself to that first before he talks about
8 money.

9 I also thing that he should address himself
10 to the fact that the money they just waste in paper.
11 Do you know how many orders an officer has to write
12 out in the course of the day that is unnecessary?
13 Do you know how much money is wasted in just
14 copies of paper, tons of paper, that they use a
15 year? Do you begin to realize that the Department
16 itself, will cry broke and yet know these conditions
17 exist and do nothing about it? When you talk to
18 us and say you will try to be understanding, try
19 to be patient and we see all this, we are wondering
20 why should we be patient; why should we be under-
21 stand? You have told us that we are sentenced
22 because of crimes we committed against society but
23 eventually we are going to re-enter that society.
24 In the meantime, in the space in between before I
25 come back to that society, what you teach is how to

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2 hate, you teach me fear. I become angry. My
3 fantasies which use to be of running through the
4 park with kids, of women, are now how am I going
5 to kill this dude if he hits me. These become my
6 fantasies. Yet you tell me to be patient and to
7 wait. How am I supposed to wait when everyday the
8 officers, even the officers that are working, take
9 the attitude that what the hell is the use the
10 Department doesn't care. They themselves feel like
11 the inmates. The only difference between them and
12 us is that they go home.

13 How am I supposed to wait when we have ad-
14 ministrations that are unresponsive to our needs
15 yet, we are placed in their care and custody. It's
16 another thing that I wonder about is how come you
17 take all responsibility away from us and then ex-
18 pect us to act like responsible men and women. I
19 mean what does it take to give us a little respon-
20 sibility for our own institution. I think we proved
21 that we can do it, by the mere fact that they
22 tried to stop but we got our idea across. I know
23 you don't believe that but I will show you. They
24 have tried to stop us but the way they did it, I
25 mean, for example, the State institutions --

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2 MS. DAVIS: I am sorry to interrupt but
3 could you conclude, we want to make sure that every-
4 body is here and that we have enough time for every-
5 one. We also have a witness who has been waiting
6 and who has to leave.

7 MR. AARON: I think the standards are a
8 good step in the right direction but if you let
9 the Department of Correction cry broke or use that
10 as a means of not implementing the standards you
11 will have failed in your job and you will have left
12 us in a position where we will be right back where
13 we have started from and the only means left for
14 us to gain our right will be to retaliate, will be
15 to act out, will be to hit back. Show us for once
16 that there is another way and we will follow.

17 MS. DAVIS: I am sorry to have to cut you
18 off but we do have a very tight schedule. I want
19 you to submit any further comments, I urge you to
20 submit any further comments in writing. We certain-
21 ly will be open to them and we thank you for coming
22 down.

23 We have now concluded testimony of the re-
24 presentatives from Rikers Island and the institutions.
25 If I am not mistaken we will go to the borough

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2 houses in just a moment, but I know that Mr.
3 Archibald Murray is here

4 MR. ARCHIBALD MURRAY: I am Archibald R.
5 Murray, Attorney-in-Chief and Executive Director
6 of The Legal Aid Society. I also appear before
7 you as the Chairman of the Criminal Justice
8 Committee of 100 Black Men, Inc. I plan to limit
9 my remarks to certain policy aspects of the pro-
10 posed Minimum Standards. In as much as Michael
11 Mushlin of the Society's Prisoners' Rights Project
12 will also be testifying today, he will speak to
13 the technical considerations that are of concern
14 to the Society and our clients.

15 First, I welcome the opportunity to appear
16 before you today and I congratulate the Board for
17 taking this important first step of setting Minimum
18 Standards governing the care and custody of inmates
19 in the Department of Correction. I must emphasize
20 that standards, important as they are, are but a
21 first step. If they are to have any meaning they
22 must be enforced and they must be financed. In the
23 governmental community there has been a long history
24 of substituting statements of policy for the actual
25 implementation of the policies involved. Nothing

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2 system's components may not always function
3 cooperatively, they do impact one another. We must,
4 therefore, not lose sight of the fact that success-
5 ful implementation of these standards will involve
6 more than just the Board and the Department. Recent
7 information shows that some institutions in the
8 Department continue to be crowded beyond capacity.
9 Most of that overcrowding is attributable to
10 detainee population levels. At the same time, there
11 are vacancies on the Criminal Court bench that remain
12 unfilled. If the system is truly to commit itself
13 to making these Minimum Standards a reality, no
14 stone can be left unturned. We cannot afford to
15 allow detainees to accumulate in jail while their
16 cases go unheard and not take steps to urge the
17 filling of these judicial vacancies with lawyers
18 of talent and ability.

19 The Board, therefore, must address itself to
20 all these related concerns if it is to achieve the
21 objective of these standards.

22 As to the specific standards, I urge you to
23 consider this present draft a first step which must
24 be followed promptly by others which deal with the
25 other aspects of inmate care and treatment. I note,

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2 for example, that no effort has been made to
3 address the question of health care in the current
4 draft. I am sure that the Board is aware of the
5 need to address this question and I urge you to
6 do so quickly.

7 The entire question of space allocation has
8 been put to one side while the Board addresses the
9 issue of overcrowding within current allocations
10 of space. I understand the need to set priorities
11 in the solving of problems of this nature, but I
12 urge you not to leave the question of cell size
13 unattended for long.

14 On the question of religion, I commend your
15 effort to develop a working formulation for
16 determination of what is a religion. However, I
17 am not sure that if presented with an application
18 one could make a satisfactory determination of
19 whether or not the asserted religion qualified.
20 There is a requirement in Section 9.9 that the
21 Department maintain a list of all "recognized
22 religious groups". My question is: Recognized by
23 whom? Recognized by the Department or recognized
24 by adherents?

25 I detect one small note of possible economic

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2 discrimination in the standard relating to tele-
3 phone calls. Why in Section 11.4 are sentenced
4 prisoners who can afford it permitted a minimum
5 of two telephone calls a week when the indigent
6 are afforded only one call per week at Department
7 expense? Surely if the minimum allowable is a
8 reasonable number, the indigent ought to be
9 allowed the same number.

10 These criticisms are not intended to be ex-
11 haustive. They are illustrative. Overall, I
12 commend the Board for launching this important
13 process of standard setting. I trust that it marks
14 the beginning of a new era. I hope that today will
15 mark the end of the need to litigate institution
16 by institution to establish basic rights of inmates
17 that have been recognized by the courts in other
18 facilities. I thank you.

19 MR. KIRBY: Mr. Murray, the Board would like
20 to thank you for your input into these hearings.

21 Are there any questions from the Board members?

22 MR. HORAN: Are you satisfied at the present
23 that your agency, The Legal Aid Society has sufficient
24 access to the inmates on Rikers Island to do their
25 job properly?

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2 MR. MURRAY: We have, I believe, sufficient
3 access. What we do not have is in every instance
4 is sufficient personnel to provide the services
5 and that is not our problem. Access, yes; personnel,
6 not always.

7 MR. HORAN: You mentioned also, quite correct-
8 ly the interdependencies on agencies just to
9 accomplish any meanful changes and several agencies
10 will have to be involved. The one you deal with
11 on a daily basis, the courts, Are you satisfied
12 that there is sufficient effort being made now
13 to have relatively speedy trials. We have several
14 witnesses who have been incarcerated for almost
15 six, seven, eight, ten months.

16 MR. MURRAY: No, I am not satisfied. They
17 are trying, I think they can do better. I think
18 they have to do better. I agree that it is a
19 continuing source of frustration and unhappiness.

20 MR. SCHULTE: I think you share a great deal,
21 that is the Legal Aid Society, with the Department
22 of Correction, I think you are both hard working
23 bodies who receive regular criticism. One of the
24 criticisms here today was the fact that there are
25 not enough Spanish speaking lawyers in The Legal Aid

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Society, could you comment on that, please?

MR. MURRAY: Yes, I concede that there are a far higher proportion of Spanish speaking clients in the population than there are Spanish speaking lawyers in the Society. While we do attempt to recruit as many Spanish speaking lawyers as we can, I do not seriously expect that that will solve the problem. In the immediate future for the short run, I think a lot of effort has got to be made towards higher security because even though the lawyer may, himself or herself, speak the language, one is never entirely assured unless this person has been qualified as an interpreter.

MR. SCHULTE: One final question. Do you conceive that it's possible for an inmate to be accused, tried, convicted and sentenced, his trial to be proposed where there is a judge, the attorney or defense lawyer who speaks his language; is that a possibility in our criminal justice system?

MR. MURRAY: It is entirely possible and, in fact, happens.

MR. SCHULTE: That is quite an improvement of the criminal justice system.

MR. KIRBY: Are there any other questions?

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Mr. Murray, once again thank you.

Our next witness will be Mr. Jacobs, who is representing the Borough President of Manhattan, Percy Sutton. He is here to make a brief statement.

MR. THOMAS JACOBS: Thank you, Mr. Chairman. My name is Thomas Jacobs and I represent the Borough President of Manhattan, Percy Sutton. We apologize for the inability of Mr. Sutton to present himself to you in person. He called from Saint Louis where he is attending a N.A.A.C.P. Convention. He asked that we put together his thoughts and present them to you. If I may: "The citizens of the City of New York indicated their concern about our correctional system when, on November 4, 1975, they approved those revisions of the City Charter which strengthened and increased the responsibilities of the Board of Corrections.

The inspection of our correctional system by the Board of Corrections and its report to the citizens and the administration of the City of New York seems to me the beginning of that sorely needed effort to examine and rehabilitate our correctional system.

I commend the Board of Corrections for holding

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2 these public hearings. For is our correctional
3 system proves ineffective then our efforts to deal
4 handily with the occurrence of crime would be as
5 pouring water into a sieve.

6 Crime is the number one problem facing all
7 New Yorkers, of all ages and all backgrounds. Crime
8 is the highest concern of all law abiding citizens.
9 I firmly believe that punishment for crime should
10 be swift, certain and just.

11 But justice does not end with apprehension
12 and detention. There has not been sufficient con-
13 cern with what happens to persons after they are
14 apprehended and detained; for it is important to
15 note that 70 percent of those persons detained in
16 our penal institutions in New York City have not
17 been convicted of any crime but are there because
18 they cannot meet bail set in court.

19 Because of that, the New York City Department
20 of Corrections is placed in the position of exacer-
21 bating criminal behavior or obstructing possible
22 rehabilitation. The New York City Department of
23 Corrections has been faced with conditions of over-
24 crowding which result in a lack of personal hygiene
25 and the even more basic human needs that each of us

1
2 agrees are necessary to sustain basic mental and
3 physical health.

4 Let me say here and now, that I support the
5 Minimum Standards proposed by the Board of Correc-
6 tions. Part of our difficulty in maintaining
7 Minimum Standards in New York City has been the
8 unequal burden of having been required to provide
9 the total cost for our own correctional system;
10 whereas other areas of New York State are subsidized
11 for their institutions by the State.

12 The inequity continues further when persons
13 sentenced to State penal institutions are not
14 promptly processed into those systems, or are
15 recalled into New York City for additional court
16 appearances. The New York City Department of
17 Corrections in these instances is reimbursed at a
18 rate less than the actual daily cost incurred by
19 the City to maintain these prisoners.

20 Although crime is an abhorrence to any
21 civilized community, an equal abhorrence is the
22 maltreatment of any human irrespective of any
23 transgression he or she may have committed against
24 society and its members.

25 The fact that we are a civilized community

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2 demands that we never lose sight of our humaneness,
3 even in the face of irrational animalistic offenses
4 against our community. That crime should be
5 punished is without doubt necessary to the good
6 order of any society; but punishment must be kept
7 within the perspective of our highest regard for
8 human life and the inherent dignity of all human
9 life.

10 At its most effective, punishment for crime
11 has the capacity to provide for its subject the
12 possibility of redemptive reentrance into the
13 community. At its worst, it is mindless and
14 destructive.

15 We cannot separate a concern to reduce crime
16 from an equal concern for that system which is
17 charged to apprehend, judge and confine the
18 transgressors of our laws."

19 MR. KIRBY: Mr. Jacobs, this Board is happy
20 to have the support of the Honorable Percy Sutton
21 in its promulgation of the Minimum Standards and
22 I am sure you will relay that to him.

23 Is there anyone that has any questions for
24 Mr. Jacobs?

25 Mr. Jacobs, once again the Board thanks you.

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Mr. Richard Basoa, President-elect of the Correctional Benevolent Association.

MR. RICHARD BASOA: Mr. Chairman and members of the Board of Correction, I am Richard Basoa, President-elect of the Correction Officers Benevolent Association. Don Cranston, whose term of office expires today, has graciously consented to my representing the COBA before this distinguished body. I welcome the opportunity.

Because I assumed my new role only a week ago and I have been involved in other matters relating to the transfer of leadership in the COBA, I have had not nearly enough time for careful review of the mountain of papers relating to the first 16 draft standards which the Board has advanced for discussion.

We have attempted in this short period to digest the contents of some 200 pages of material, including the text of the draft standards, the Board's commentary on them, the Correction Department's response and lastly, the Board's reply to these comments.

I would be remiss in my responsibility to COBA members if I were to represent to you that my

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2 testimony today is definitive of the COBA's
3 position. Nonetheless, and despite the disability
4 of insufficient time to prepare an appropriate
5 response, I would like to give the Board some
6 general insight to the feelings of the men whom
7 we modestly acclaim are the backbone of the
8 department.

9 Parenthetically, let me say that I understand
10 the Board and the department are engaged in a
11 continuing dialogue for the purpose of clarifying
12 the proposed standards and seeking accommodations
13 that would meet departmental objections, particu-
14 larly with respect to problems of administration
15 which the department envisions.

16 This, of course, is all to the good and I
17 would propose that the COBA be permitted to name a
18 representative to keep in close contact with the
19 Board and the department for the purpose of con-
20 tributing what it can to the on-going dialogue.

21 Let me first deal with some basic propositions:

- 22 1) The COBA is a labor union.
23 2) Our interest, first and foremost, is the
24 welfare of our members.

- 25 3) That means, within the context of why we

1
2 are here today, to provide them with a safe,
3 secure, clean and harmonious working environment.

4 4) That also means that any standards for
5 prisoners must be consistent with the ability of
6 officers to maintain custody and control, to
7 enforce discipline when needed, to do their job
8 free from harrassment and unreasonable restrictions
9 or limitations.

10 Most important, Correction Officers must not
11 be put in the middle of any controversy between
12 the Board on one hand, desiring to provide liberal
13 standards for prisoners and the City on the other,
14 refusing to appropriate money to meet the cost of
15 those standards.

16 We know too well the adverse effect on
17 officers of recent court decisions requiring
18 contact visits, prohibiting double-celling and
19 calling for more recreation and lock-out time.

20 We do not quarrel with these and other
21 changes that will make life more bearable for inmates.
22 We recognize the advantages in terms of less tension
23 and more responsible behavior.

24 But -- and it is a large "but" -- we vigorously
25 quarrel with the fact that these changes were

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2 chiefly made on the backs of Correction Officers.
3 The City, we regret, did not provide enough funds
4 for the necessary manpower that the changes re-
5 quired.

6 The startling facts today are that:

7 1) Excessive overtime is still the rule, not
8 the exception.

9 2) Pass-days are being "appropriated" as
10 a regular event.

11 3) Officers must work long hours, sometimes
12 to the point of exhaustion.

13 4) Home life has been seriously disrupted.

14 5) The fundamental need for rest, relaxation,
15 time with their families has been ignored.

16 6) Morale is continuing to deteriorate at
17 an alarming rate, a fact which is demonstrated, in
18 my opinion, by the results of the recent COBA
19 election.

20 What I am saying is that conditions are bad
21 enough even before the introduction of new standards
22 that potentially could make them worse.

23 I also am saying that Correction Officers
24 cannot -- and will not -- tolerate more of the
25 same or God forbid, even worse working conditions.

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2 On the contrary, we must have relief for the
3 excessive and unreasonable burden placed on our
4 shoulders.

5 Therefore, my first admonition is that the
6 Board not adopt any new standards which would impose
7 new costs that the City does not agree to assume or
8 which it is not forced to assume. The promulgation
9 of any standard involving new costs must coincide
10 with the appropriation of the necessary funds. Or
11 to put it another way, the Board must not mandate
12 the expenditure of money that is not presently
13 available.

14 I say this to prevent increasing the burden
15 on an already overburdened correction force. We
16 just cannot assume it. We will not assume it.

17 Our second admonition is that the Board not
18 adopt any standard which is inconsistent with the
19 safety of officers and the security of institutions.
20 I am sure that the Board agrees that safety and
21 security must be the overriding consideration.

22 As I indicated above, we support single-cell
23 occupancy. We support contact visits. We support
24 more recreation time. We support the introduction
25 of new programs. We support standards of personal

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hygiene.

But we do so on condition that they do not have an adverse effect on safety and security.

You may well ask if our concern for the well-being of inmates is genuine. I can assure you that it is, and that it has been demonstrated many times. That does not mean we do not have greater concern for Correction Officers.

We do, and for that reason I say to you that where a standard, no matter how humane or socially desirable, threatens an officer's safety or an institution's security, that standard must be abandoned or amended to remove such threat.

You may well ask us to be more specific, to relate the standards you have proposed to these two admonitions, namely to refrain from adopting those standards involving costs which the City will not assume, and those which are a threat to safety and security.

As to the City assuming the cost of proposed changes, I have no way of knowing with certainty whether it will or will not. From a reading of the Board's position papers and the department's response, I gather you are equally in the dark.

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2 But taking note of the City's resistance to
3 court-mandated changes and its present precarious
4 financial condition, it is reasonable to assume
5 the City will be most reluctant, even if funds
6 were miraculously to appear, to allocate them to
7 correction needs.

8 We all must be cognizant of the realities of
9 the situation. Correction always has been low man
10 on the totem pole and I suspect, notwithstanding
11 the best intentions and efforts by this Board, that
12 will continue to be the case.

13 The City's position, however, should surprise
14 no one. Elected officials seek to establish
15 priorities according to those set by the people
16 who elect them. And by and large, the electorate
17 does not want its present taxes, let alone have its
18 taxes increased, to improve the lot of those who
19 inhabit our city jails.

20 Justice Lasker in the first Tombs decision
21 indicated as much when he said: "The public,
22 through its government, has not assumed its
23 responsibilities to provide a decent environment
24 within jail walls." Nor, frankly, is it likely to
25 do so.

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2 That raises the question as to whether the
3 Board, like the Federal courts, should, by the
4 adoption of Minimum Standards, force the City to
5 assume what the Board views as the City's respon-
6 sibility to assume. I gather there is support for
7 this proposition, noting in the Board's staff
8 reply the statement that the Board "may set
9 standards that require additional outlays of money."

10 It is not my province to get into debate as
11 to what the Board's power may be.

12 I would challenge, however, the Board's
13 exercise of such power in this regard, if it
14 exists, because of the serious impact it will have
15 on Correction Officers.

16 While the controversy rages and the courts
17 meditate on the legalities involved, we all know
18 who will get the shaft. More overtime, more lost
19 passdays, more tensions, more frustrations, not for
20 the judge or Board members, but for Correction
21 Officers.

22 Again, I say, if money is required to initiate
23 any new standard, get it before the standard goes
24 into effect.

25 That may offend the sensibilities of some but

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2 I will assure you there can be tangible benefits.
3 To put it bluntly, it will help to prevent the
4 correction force from throwing up its hands and
5 telling someone else to man the jails.

6 As to our second admonition -- safety and
7 security -- I take note of a sharp difference of
8 opinion on some specific matters between the
9 Board and the Department, like body search of
10 visitors. I am advised that discussions are going
11 on to resolve these differences. I hope they will
12 be fruitful.

13 Meanwhile, I must tell you the COBA shares
14 some of the concerns of the Department in this area.
15 Perhaps they are unfounded, or in some instances, in
16 constitute nitpicking. We take heart, for instance,
17 that the Board has acceded to some Department
18 suggestions and feels others are based on a mis-
19 reading of the standards, or a misconception of what
20 was intended, or represent an overstatement of the
21 administrative problems involved.

22 Frankly, more study on our part is required
23 if we are to intelligently assess the respective
24 positions.

25 But let it be said that in the long run it will

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2 be experience gained under the new standards that
3 will count. Expected trouble may not materialize;
4 unexpected difficulty may arise.

5 We, of course, reserve the right to seek
6 repeal or amendment of any standard that has an
7 unreasonable impact on Correction Officers in
8 terms of their job conditions, their well-being,
9 their safety and security.

10 I, in no way, want to disguise the fact that
11 the Correction Officer is our number one concern
12 and if push comes to shove, we will not hesitate
13 to take whatever action is required to enforce his
14 rights, to secure his person and to achieve what he
15 perceives as the appropriate relationship between
16 himself and the prisoners under his care.

17 One final point. One of the greatest
18 services the Board of Correction can render is to
19 use its influence and authority to loosen the purse
20 strings which the City holds so we can function
21 effectively and efficiently in meeting the re-
22 sponsibilities we all share.

23 I am deeply grateful for the opportunity to
24 appear before you and for your attentiveness to my
25 testimony. I look forward to working closely with

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2 the Board and with the Department, hopefully, not
3 as an adversary but as a partner in achieving common
4 goals.

5 MR. KIRBY: Thank you, Mr. Basoa. I think
6 that same case you mentioned Judge Lasker ruled also
7 in the closing of the Tombs, that money was not to
8 be a criteria. I think when the Tombs were supposed
9 to be closed or renovated in dealing with institu-
10 tion rights, money was not to be criteria.

11 MR. BASOA: I think the Board is, as your
12 Chairman said before, he joins hands with the
13 Commissioner to go where those with the most power
14 will be to get the money. I don't think it has
15 been determined as to whether or not setting the
16 new standards would entail a cost factor and this
17 Board under mandate to set standards and as a union
18 I guess I have a right to challenge those.

19 MR. SCHULTE: I would like to say, Mr. Basoa,
20 you made a very strong statement. I am sure that I
21 speak for the Chairman and the Board, I think that
22 it's very important that every member of the Board
23 and the public understands what you said.

24 MR. BASOA: I understand what you are saying
25 and I would like to take this occasion to state

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2 publicly that I am sympathetic with the constitution-
3 al rights of all people including correction
4 officers.

5 MS. KOGAN: Would it be possible for us to
6 have a copy of your statement?

7 REVEREND HOLDER: Thank you for coming
8 here, sir. Your statement is one of the things
9 that you have encountered within the community
10 quite a bit. I would like to ask one question and
11 I would like to ask the COBA to do us a favor.
12 First of all, if there are any areas in the Minimum
13 Standards that we can both agree on or we can dis-
14 cuss, you did not mention any particular area.

15 MR. BASOA: Some area probably wouldn't cost
16 that much money or any money at all, I wonder if
17 the COBA can get -- I know you have a copy of the
18 Minimum Standards but also a kind of substitute so
19 that committee and the Board can examine it. I
20 have to apologize to the Chairman and the members of
21 the Board being recently elected to office, I am
22 trying to have an orderly transmission of the ad-
23 ministration. I really haven't had a full opportunity
24 to look at all the Minimum Standards. I can assure
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2 you that you have my full cooperation in working
3 with the Board and I am delving further into
4 those standards.

5 REVEREND HOLDER: We would like to point out
6 that these hearings are an opportunity. We want to
7 hear from every conceivable force within the
8 community of New York City and I would appreciate
9 your opinion.

10 MR. GIORDANI: I am curious as to the per-
11 ception of the body of the correctional officers;
12 how they feel and what their attitudes are concern-
13 ing the standards.

14 MR. BOSOA: Well, Mr. Giordani, I don't
15 believe there are any real true objections by
16 correction officers as far as the Minimum Standards
17 are concerned. I don't think they have the oppor-
18 tunity to have the volume of them. Certainly,
19 they can come to my office and examine them and to
20 make copies to all those interested, in fact it's
21 a very good idea. Perhaps I can get the officers
22 to get some input into the program. Therefore, I
23 can answer that at a future date.

24 MR. GIORDANI: We, too, are concerned with the
25 safety of the correction officers and we are concerned

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2 with moreale because we realize, as you know, the
3 criminal justice system is just that, a system,
4 that feeds in totally closed. One element that is
5 going wrong, will effect another element. I am
6 curious about the morale of the men.

7 MR. BASOA: The moreale of the men at this
8 time, sir, is at a pretty low level. The conditions
9 of the Department of Correction in my estimation
10 are very chaotic, very bad in certain facilities.
11 Those that have to work under such conditions, such
12 as at H.D.M., certainly their morale is going to
13 be less than someone who is working in better
14 conditions; but overall, the morale is at a low
15 ebb.

16 REVEREND HOLDER: I am interested, and I am
17 sure the whole Board is interested, in the total
18 welfare of the officers and the Department and to
19 their safety and to their happiness on their job.

20 MR. BASOA: We all like to be happy on our
21 job.

22 REVEREND HOLDER: We want to see justice and
23 the rights of the inmates protected because they
24 have rights. I notice in your statement you mention-
25 ed something about the possibility of some rejection

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2 to the present Minimum Standards by intervention.
3 Tell me is that the sort of attitude there of a
4 possible strike or something of that sort?

5 MR. BASOA: No, sir. I mentioned nothing
6 about a strike.

7 REVEREND HOLDER: What was that part again?

8 MR. BASOA: Whatever action would be necessary,
9 to any particular points, will be taken to protect
10 the rights of the correctional officers.

11 MR. KIRBY: Mr. Basoa, once again the Board
12 would like to thank you for your input into the
13 Minimum Standards and we would welcome your
14 suggestions.

15 MR. BASOA: The only suggestion we refer to
16 is the one dealing with overtime and I am sure that
17 this is going to be an ongoing discussion between
18 my officers and the Board.

19 MR. KIRBY: Our next witness will be a
20 representative of the Brooklyn House of Detention.

21 You have the right to give your name, omit
22 your name or just represent yourself as representa-
23 tive from the House of Detention.

24 MR. JAMES HARRIS: Good afternoon, my name
25 is James Harris, from the Brooklyn House of

1
2 Detention.

3 At this time I would like to applaud the
4 Committee and the Board and everyone that made this
5 meeting possible. I would like to ask a question.
6 I wonder what is it that made someone get so in-
7 volved to make these things that are being spoken
8 about here today a reality hopefully somewhere in
9 the near future. I want a verbal question but I
10 would like to say about your continuous involvement
11 in trying to make the Minimal Standards a reality
12 in the near future. Before I say anything about
13 the Minimum Standards, that the Brooklyn House of
14 Detention for Men has wholeheartedly, in full
15 support of the Minimum Standards. Also the
16 representatives from the other houses have mostly
17 spoken on the things that I would like to speak on,
18 so I will just add a little to some of the things
19 that they said.

20 In his statement, in his remarks, he spoke
21 of support of everything but human rights of the
22 individuals. You said you support more manpower,
23 more security but the individual that is behind
24 the bars, what about his feelings, what about his
25 family. Everytime the issue comes up about having

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2 something done to recall his constitutional rights
3 or what have you, it's like a broken record, at
4 Attica, Sing Sing, Greenhaven, and Federal peniten-
5 tiaries also. I can appreciate some of the changes
6 that I see now. What I am trying to say is why do
7 they have to, everytime we ask to be allowed to
8 prove that we can live within the changes, figures
9 are always thrown up. The inmates upstate are
10 treated differently than we are. We are what you
11 said, condemned. I would like also to stress the
12 point that communication with the administration
13 as far as the Correction Department is concerned
14 and residents in most of the houses is very bad.
15 Some of the correction officers haven't even seen
16 this Minimum Standard. They can't even speak on it.
17 What I am saying is that we get together, then I
18 think we get a better understanding of things.
19 These are the roots of the problems, the problems
20 that have been going on for a while. The point is
21 that if we don't get to the root of the problems
22 we are not going to solve anything. Communication
23 is important.

24 Why can't we describe that meaning in full
25 communication. I am worried that this is very bad,

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2 because until it does improve we are far from
3 contact. In 1974 City institutions have contact
4 visits, beautiful. The men at the Brooklyn House
5 have even told the warden and have told the
6 Correction Department so they can have visitors.
7 They said, "No." They said they don't have the
8 money. I am saying what are they waiting for,
9 someone to start another 1970. We don't need the
10 Tombs back. Too many people suffered. That is why
11 we are here today. We are here to contribute to
12 this.

13 Where the telephone area is you ask about
14 getting messages. The inmates have to put in a
15 request slip, get it to the social worker. Then
16 she will say, I don't have enough on the slip.
17 This is a problem in housing institutions but I
18 would like to get back to the Minimum Standards
19 again. One thing I would like to say about the
20 Minimum Standards is that if it's implemented as
21 it stands with more improvement then I think it
22 will be a vast change and I think this is a good
23 step forward. Thank you.

24 MR. KIRBY: Mr. Harris, we would like to
25 thank you for your input in the Minimum Standard

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2 hearings. Are there any Board members who have
3 any questions for Mr. Harris.

4 MS. KOGAN: I don't have a question for
5 Mr. Harris but I would like to say he is Chairman
6 of the Brooklyn House of Detention and does a
7 very fine job and we hope that we will be able to
8 do something in all these areas where your problems
9 are but, as we talked about it before, it's a
10 problem.

11 MR. HARRIS: I thank you.

12 MR. KIRBY: Thank you again, Mr. Harris.

13 We are going to have a short break.

14 (The hearing was recessed at 4:00 o'clock p.m.)

15 (The hearing was reconvened at 4:15 p.m.)

16 MR. KIRBY: I would like to call Miss Peggy
17 Brooks from the Legal Action Center.

18 MS. PEGGY BROOKS: Good afternoon. My name
19 is Peggy Brooks and I'm from the Legal Action
20 Center, a public interest law firm which has for the
21 past four years worked to reform the criminal
22 justice area.

23 For the past two and one-half years I have been
24 working on a case involving the Adolescent
25 Reception and Detention Center. During that time

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2 I have had an opportunity to have extensive con-
3 tact with inmates incarcerated at the ARDC and at
4 other institutions in New York City. I have also
5 had contact with various officials of the
6 Department of Correction.

7 I have read the Minimum Standards proposed
8 by the Board of Correction and am favorably im-
9 pressed by them. It seems to me that they are an
10 important step in the right direction.

11 The proposed standard which I would specificial-
12 ly like to comment on today has to do with access
13 to the courts and to counsel. I think this pro-
14 posed standard is extremely important.

15 The Department of Correction seems to be
16 under the impression that the only access to counsel
17 for which its regulations must provide relates to
18 representation in criminal proceedings. Clearly
19 an inmates has the right to receive visits from the
20 attorney representing him in his criminal case.
21 However, many inmates have other legal problems
22 that they would like to bring to the attention of an
23 attorney. And in my experience the Department of
24 Correction has a policy of not permitting attorneys
25 to visit inmates to deal with these problems.

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2 The rationale for the Department's position
3 appears to be that any attorney who is not
4 presently representing an inmate on a criminal
5 matter is only attempting to "steal" a criminal
6 matter away from another attorney. I don't have
7 to explain to the Board of Correction members, many
8 of whom are practicing attorneys, how totally
9 lacking in foundation this position is. However,
10 I do wish to emphasize the importance of the
11 right which is being infringed. And I think that
12 perhaps giving you an illustration of the way in
13 which the Department's policy operates will high-
14 light the nature of what we are talking about.

15 My first introduction to the Department of
16 Correction occurred in February of 1975. I had
17 gotten several requests from inmates at the
18 Adolescent Reception and Detention Center for a
19 visit. I asked for a pass to see those inmates.
20 A pass was issued. On the day of the proposed visit
21 I travelled with another attorney from Manhattan to
22 Rikers Island. We passed all the check points until
23 we got to the door of ARDC. There we were told we
24 would not be permitted to see the inmates whose
25 names were written on our pass. The officer at the

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2 door told us that the pass had been withdrawn. We
3 called the Central Office of the Department. No
4 public official would speak to us. However, some-
5 one told us that the pass was revoked because we
6 hadn't told the Department that the inmates we
7 were proposing to visit "had such heavy cases."

8 The "heavy cases" to which this man was
9 referring were, I presume, the criminal assault
10 and attempted assault charges which had been placed
11 against these inmates as a result of an incident
12 in the institution. The incident was between these
13 inmates and several employees of the Department.
14 As a result of this incident, the inmates who
15 had requested to see us had been seriously injured.

16 We never did get to see those inmates on that
17 day. We drove back to Manhattan and again tried
18 to contact someone with authority in the Department.
19 Finally we succeeded in arranging a meeting. At
20 that meeting we were told that we could only see
21 these inmates if we promised that we would not do
22 anything for them which was related to their
23 criminal cases. Although we had no interest in
24 representing these inmates in criminal matters, of
25 course we could not promise that we would not do

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2 anything related to the criminal cases. For the
3 very reason we had been requested to visit them was,
4 as we understood it, that they were interested in
5 someone taking legal action on their behalf based
6 upon the incident in which they had been injured --
7 the same incident which led to their criminal
8 charges. That the Department of Correction -- a
9 potential defendant in such a case -- could, by
10 denying access to attorneys to potential plaintiffs
11 in such a case, defeat their legal and constitution-
12 al rights is simply outrageous. And that such
13 access was denied with the excuse that the Depart-
14 ment has the obligation to protect attorneys
15 representing clients under its charge -- an excuse
16 which casts doubt on the integrity of virtually
17 the entire bar of the City of New York -- is
18 monstrous.

19 I should add that subsequently we filed a
20 lawsuit on behalf of all inmates at the ARDC. The
21 Department consented to signing a stipulation with
22 us giving us access to inmates at ARDC. However,
23 that agreement covers only attorneys from the
24 Legal Action Center. Your proposed standard on
25 access is far better than the agreement we currently

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2 have with the Department. In addition, of course,
3 the standard would cover all attorneys.

4 There is one more thing I would like to add.
5 I think that the proposed standard on access
6 should include a provision about the length of
7 attorney visits with inmates.

8 Most of the time I have been permitted to
9 interview a client for as long as I felt necessary.
10 However, there have been times when I have been
11 interviewing a client when an officer has approached
12 me with a warning that visits are limited to one-
13 half hour. I think the standards should make it
14 clear that such limitations on visiting time within
15 the regular visiting hours are not to be permitted,
16 unless, of course, someone else is waiting for your
17 seat. However, I have never yet seen the attorney
18 visiting room at ARDC filled to capacity.

19 I would also like to comment briefly on an
20 area which the proposed Minimum Standards do not
21 cover, but which I believe they should. From my
22 experience in dealing with inmates at the ARDC, I
23 believe that the orientation they receive when they
24 enter the institution is insufficient. Many of these
25 young people have not been to prison before and

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2 therefore do not know about how prisons are run.
3 Others have been to different kinds of institutions
4 and do not understand the difference between how
5 those institutions were run and how ARDC is run.
6 The vast majority of the inmates I have interviewed
7 have never received the inmate handbook which is
8 supposed to be given out when they enter the
9 institution. I think the handbook is a good idea,
10 although the one they are supposedly giving out
11 is inadequate to say the least. I think that the
12 prison administration and the officers on the job
13 would have an easier time dealing with their charges
14 if the inmates knew what the house rules are from
15 the very beginning and knew what was expected of
16 them and what they should expect from the staff of
17 the prison. And I think that the Board should
18 have a hand in writing a new inmate handbook and
19 in assisting the Department in setting up meaning-
20 ful orientation programs.

21 Again, I would like to congratulate the
22 Board of Correction on these proposed standards.
23 I think you have done a terrific job and that
24 everyone concerned with corrections in New York
25 City owes you a debt of gratitude. Thank you very

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2 of tension because of no recreation, contact
3 visits. Therefore becoming more important than
4 they would normally be if there was recreation
5 involved, if there was an outlet for the tension
6 which is going on there.

7 Other than this, another priority I feel is
8 dormitory space. The sentenced help is stationed
9 in three dormitories which are roughly 60 by 20
10 feet. That is 1,200 square feet, there are 32
11 prisoners in a dormitory. The Board has suggested
12 a minimum of 75 square feet per man. If you break
13 it down 1,200 square feet divided by 32 comes to
14 about 35 square feet per man. The institution is
15 presently filled to capacity. I basically feel that
16 everything has been pretty well covered by the
17 representatives from Brooklyn and representatives
18 from Rikers Island House of Detention. We endorse
19 Minimum Standards with the exception of possibly
20 Part 16, the variance. If they are to be used as
21 another diversification by the Department of
22 Correction and not used for the purpose I think the
23 Board originally set them up for.

24 MS. DAVIS: Thank you very much. Are there
25 any questions?

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much.

MS. DAVIS: Thank you, Miss Brooks. Are there any questions?

I would like now to call the representative of the Queens House of Detention.

REPRESENTATIVE: Good afternoon. I am a sentenced prisoner to the Queens House of Detention. I am representing pretrial prisoners, 400 prisoners. I think the profiles has been covered by the gentlemen from Rikers Island to the priority of both pretrial and sentenced men.

In contact visits we have had class action suits since the Federal courts decided that contacts were constitutionally mandatory. That was 1973, early 1974. The Department of Correction at this point has done everything in its power I feel and, I am sure the Board feel, to divert the institution of contact visits at Queens and Brooklyn. It's a priority, I think the main priority. This is the consensus of all the prisoners concerned in Queens presently where sentenced help are allowed two visits on weekends and one in the afternoon, one in the evening. There are weekend visits and basically what happens is that there is a great deal

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2 MR. POCHODA: You are a sentenced prisoner
3 who has a job at the Queens House; is that correct?

4 REPRESENTATIVE: That is correct.

5 MR. POCHODA: Because of your job you don't
6 have the time to have recreation or because of some
7 problem at the Queens House itself?

8 REPRESENTATIVE: No, it has nothing to do
9 with the job situation. We are allowed one hour
10 per week in the evening for recreation, that is
11 gym. There is no outside recreation. There is
12 a roof area which is available in the summer months.
13 Basically what happens that a prisoner can be
14 sentenced, most misdemeanants, a maximum of one year
15 which breaks down to eight months with good time.
16 He can enter in September and do his maximum eight
17 months sentence and never even see the sun. For
18 the prisoner in Queens it is the roof facility.
19 The end of June, they still haven't opened the roof
20 facility at all. As I understand it, the last
21 movie that was shown has ended this week. They
22 haven't opened the roof.

23 MS. DAVIS: Are there any questions?

24 MR. GIORDANI: Are there any educational
25 programs in the Queens House for sentenced prisoners?

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2 REPRESENTATIVE: Yes, there is a program
3 set up I believe with LaGuardia College. It's
4 rather limited. There is no other extensive program
5 in terms of higher education. It is limited to
6 basic learning English, speaking. It's minor
7 education. It's not really to get involved with
8 in terms of further education.

9 MS. DAVIS: Thank you again. The representa-
10 tive from the Bronx House please.

11 MR. DELL YOUNG: Good afternoon. My name
12 is Dell Young, chosen delegate from the Bronx House
13 of Detention to represent the inmates therein, and
14 to give personal testimony regarding the issues
15 and conditions, which we are subjected to, of said
16 institution. My present encounter from the date
17 of February, 1977, which I am not pending sentence,
18 as the result of jury conviction.

19 Upon commitment to any correctional facility,
20 inmates are issued a set of rules and regulations.
21 Just as inmates are issued a set of rules and
22 regulations that govern the institution, inmates
23 should in turn be furnished with a set of standards
24 that protect the rights of inmates, in that
25 institution.

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2 The inmates at the Bronx House of Detention
3 for Men want the commissary to be stocked with more
4 of a variety of products; that suit the needs of
5 everyone. For example, such as inmates who do not
6 consume port, etc., etc., there should be products
7 available to suit that need and that the products
8 purchased state the contents therein, dated for
9 freshness, and its expiration period. Instead of
10 the stale and inferior products sold there now.
11 We want to be afforded the same rights as the men
12 of the Rikers Island facility, with such items as
13 a Kosher salami, coffee, all brands of cigarettes,
14 shaving items, body powders, deodorants, facial
15 cosmetics, hair products.

16 Men without funds should be issued some
17 cleaning products, hygiene materials and a clean
18 change of clothing weekly, furnished by the in-
19 stitution.

20 Inmates in the Bronx House of Detention for
21 Men want a more balanced and vitamin filled diet.
22 Presently we find the food improperly prepared, hot
23 meals are never hot, there is no fresh milk. We
24 need more meats that are not pork. We want more
25 fruit, more green vegetables other than the never

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ending beans, potatoes, rice and macaroni.

Inmates of the Bronx House of Detention want the staff to respond immediately to the need of hot and cold running water.

On visitation inmates are subjected to strip searches before entering and upon leaving the visiting area. Before entering the visiting room the inmates must receive a thorough search. After that search his clothing are then taken from him, personal clothing, that's including shoes and socks, and replaced with a machanic's coverall suit. In most cases the suit is either two or three sizes to small or two or three sizes too large. Instead of looking like someone civilized who is going to enjoy the right and privilege of a visit, we are dressed; and paraded in as if we are going to perform in a side show. The first reaction you get from your visitor is startled astonishment and the children they all have the expression of complete bafflement. My daughter actually became frightened; that hurts. You can't begin to imagine how much it hurts. It took me any where from 10 to 15 minutes to solicit a kiss and hug from her and then, she did so with cautious reluctance.

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2 We the inmates of the Bronx House of
3 Detention for Men want the right to wear our
4 personal clothing. We want the capacity of the
5 visiting area extended. We want minimum comfort
6 for all visitors; we want proper receptacles for
7 trash and we want a lavatory in the visiting area
8 to facilitate the needs of all visitors. While I
9 am on the subject of visitation, I must mention
10 a very, very touchy incident. A detainee's wife
11 was subjected to one of the most degrading,
12 appalling acts ever committed on a visitor. The
13 detainee's wife was strip searched by a female
14 correction officer with the removal of her pants,
15 her blouse and bra, in the presence of three male
16 correction officers and in the presence of other
17 visitors. We the inmates of all institutions, want
18 the rights to be afforded all outside visitors,
19 never, never to be subjected to any touch search,
20 under any circumstances whatsoever.

21 We the inmates of all institutions want to be
22 afforded the right to receive evening visiting hours
23 between 6:00 p.m. and 10:00 p.m. We the inmates
24 of all institutions want to be afforded the right
25 to receive weekend and holiday visits. We the

1
2 inmates in the Bronx House of Detention want the
3 right to receive a more than one child visit at
4 a time.

5 Medical is a very important matter. Medical
6 attention of the institution is hideous. An inmate
7 seeking medical attention is scorned, ridiculed, and
8 outright told to go to hell, and that is literally
9 what has happened to some.

10 Each inmate entering any correctional in-
11 stitution must receive a complete physical and
12 mental examination, properly diagnosed and pre-
13 scribe whatever medication needed and if need be
14 admitted to a medical facility to receive proper
15 care. All institutions, should be equipped with an
16 emergency team and an infirmary, equipped with all
17 medical instrumentation and machines, and staffed
18 with qualified personnel, doctors, nurses and aids
19 on duty 24 hours a day.

20 I have witnessed in the past on two occasions
21 inmates succumbing to asthma because the professional
22 medical personnel was inresponsive. A lack of
23 sensitivity regarding that matter.

24 Inmates in the Bronx House of Detention for
25 Men want to be afforded a more positive response and

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2 accessibility to the law library upon request on
3 any given day.

4 And that the law library be extended in size
5 and area. It is presently a 12 by 8 foot bull pen
6 holding approximately eight to ten men. It is not
7 adequately equipped with up to date law books,
8 materials and manuscripts. The law library in the
9 Bronx House of Detention contains one faulty,
10 antiquated typewriter. The Xerox machine is in
11 need of constant repair. I have in visual evidence,
12 if any of you would care to examine the function of
13 the typewriter.

14 The inmates want to be afforded the right for
15 legal attorney or legal assistant to be present on
16 premises at all times to enable proper guidance
17 and handling of all legal matters and papers, etc.,
18 etc. And inmates undergoing disciplinary action
19 be represented properly before final disposition.

20 Please clarify the section that provides for
21 double celling, in particular that part which allows
22 double celling provided one of the inmates who is
23 under mental observation, does this mean the mentally
24 ill inmate to be housed with the sane inmate or
25 the other prisoners consents in writing to the

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double celling.

I and the inmates of the Bronx House of Detention respectfully thank you for allowing me the opportunity to speak before you today.

I have an abiding faith that these of you who are in the position and have the power and with moral and human compassion, endorse and put into existence the standards which will help alleviate the grievances presented today and grant us the relief we seek.

MS. DAVIS: Thank you very much. Are there any questions?

One thing I should point out. All four of the conditions enumerated under section A before double celling can occur. That is, if you have an inmate who is a suicide risk and you have another inmate who has consented in writing to that double celling and only for reasons to prevent suicide.

MR. KIRBY: I would just like to ask you a question. I don't know if you have any details surrounding this incident. Somebody sent me a note on the incident that took place with the young lady. Since I am assigned to that institution, I already received that note. Do you have, yourself,

1
2 any knowledge because I have heard of one similar
3 situation?

4 MR. YOUNG: It verifies that it did take
5 place.

6 MR. KIRBY: I haven't had a chance to check
7 it out yet.

8 MR. YOUNG: I have the information that you
9 have also.

10 MR. KIRBY: Is that a normal procedure?

11 MR. YOUNG: No, as a rule that doesn't
12 happen in any institution. What they do have is
13 a detection machine that you walk through.

14 MR. KIRBY: She must have been -- was the
15 detector, in fact, working?

16 MR. YOUNG: I don't have any idea. I would
17 imagine that if you pay him a visit --

18 MR. KIRBY: I will pay him a visit tomorrow.

19 MS. DAVIS: I would like to thank you all
20 again for coming and certainly do apologize. I
21 understand you have no eaten, and having just eaten
22 about an hour ago, I know how it feels. So, we will
23 puase just for a few minutes so that you can
24 assemble for your trip back and hopefully get some
25 food. We are deeply grateful to all of you. You

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have been most helpful.

Is Miss Andrews here please?

MS. SUSAN ANDREWS: Good afternoon. My name is Susan Andrews. I am here to testify on behalf of the Nassau Coalition for Safety and Justice as that agency's Chairperson of the Pretrial Services Task Force.

The Nassau Coalition for Safety and Justice is a unique Coalition of more than 30 civic, religious and professional organizations in Nassau County, concerned about community safety, the fear of crime, and creating a just and effective criminal justice system to reduce crime.

Within the context of the Coalition there are five Task Forces working to develop policies and programs in areas of 1) Pretrial Procedures, 2) Services to Offenders and their families, 3) Juvenile justice, 4) Neighborhood safety, and 5) Victimless crimes. The Coalition Board meets regularly to discuss priorities for study and action and we meet with the New York State Coalition for Criminal Justice and National Alliance for Safer Cities regularly to promote joint programs. I would like to add that I am a regional director for the New

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2 York Association of Pretrial Services agencies.

3 I should begin by stating the NCSJ enthusias-
4 tically supports the proposed standards, and we
5 would like to compliment the Board of Directors
6 and particularly Don Pachoda and his staff for
7 having drafted the first installment of Minimum
8 Standards in response to the overwhelming needs of
9 Pretrial detainees. Also we would like to commend
10 the staff on process - from their initial steps
11 of information gathering, to their study and
12 analysis of Correctional practices throughout the
13 country, to their keen interest in the views of
14 City Corrections, administrators, staff, union
15 representatives, prisoners, and their representatives,
16 to the early drafts which were sent to interested
17 parties, and finally to these hearings for which
18 we are pleased to have the opportunity to offer
19 input and suggestions prior to the final acceptance
20 of the proposed standards by the Board of Corrections.

21 We feel these standards represent a good
22 beginning toward meeting the mandate. We are
23 especially pleased with the expansion of visitation
24 with guaranteed public access during evening and
25 weekends. This is especially important for pretrial

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2 detainees who often times receive the same
3 treatment as those who have been convicted and
4 sentenced, even though the court has noted that
5 the detainee must be compared to a person free on
6 bail since neither has been convicted of a crime.
7 At this point we would like to recommend that the
8 Board consider hiring additional correctional
9 officers in order to facilitate the expansion of
10 visitation privileges and to avoid a situation
11 that would require overtime above the proposed
12 limit. Since we too feel that the staff will
13 function better and under far less tension with
14 carefully structured and limited overtime.
15 Further, we would like to see more specificity in
16 relationship to the conditions for pretrial deten-
17 tion. In addition we would like to recommend the
18 following procedures to reduce the detrimental
19 effects of pretrial detention:

20 1. Persons in pretrial detention should have
21 access to employment through pretrial work release
22 programs, either to maintain their existing jobs or
23 to aid in finding jobs. (We understand, of course,
24 that this can only be accomplished through legisla-
25 tive process and that it is not within the province

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2 of the Board of Correction.)

3 2. Persons in detention should have access
4 to their attorneys during regular working hours and
5 weekends.

6 3. Persons in detention should have liberal
7 visitation rights with family and friends.

8 4. The detention facility should permit the
9 greatest possible privacy for each defendant.

10 5. Each defendant should have access to
11 social, employment, psychiatric, or medical treat-
12 ment and other services.

13 We are pleased that more standards will be
14 forthcoming to meet additional needs of inmates and
15 staff and recognize that those being considered
16 today are just a beginning.

17 However, we urge that these Minimum Standards
18 be adopted completely as a first step, and that the
19 necessary funding be provided promptly to ensure
20 that this project can move ahead toward full im-
21 plementation.

22 Nassau County residents who are detained at
23 the Nassau County Correctional Center already have
24 the benefit of many of these proposed Minimum
25 Standards, so we feel it is especially important that

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2 those housed in New York City facilities are offer-
3 ed at least as much.

4 Thank you, I think you have done a magnificent
5 thing.

6 MR. KIRBY: I would like to make a comment.
7 I consider the Nassau Coalition on Criminal Justice
8 one of the most effective organizations in the
9 country and other communities would do well to
10 follow their pattern. In fact, I consider myself
11 a member since I usually participate in the annual
12 meetings.

13 CHAIRMAN TUFO: Mr. Seelig is a correction
14 officer in the Bronx House of Detention, welcome.

15 MR. J. SEELIG: Good afternoon, I would like
16 to preface my remarks in a rebuttal.

17 I am from the Bronx House of Detention. The
18 contents of my rebuttal is in reference to the women
19 being searched in the presence of two or three
20 officers. I believe this has been unsubstantiated
21 in real facts and can be considered a rumor until
22 those facts are brought out. As far as his other
23 remarks, I believe there was some basis in terms of
24 the commissary, all though all these other comments
25 were exaggerated. I would like to present my report

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at this time.

I am in basic agreement with the proposed Minimum Standards, however, any establishment of standards for the correctional community would be incomplete without the full consideration of the correction officer. It is the correction officer who has the most direct contact and influence on the correctional client and who will help implement many of the new standards. Yet, the proposed standards devoted only one-half page to the officer. Standards outlined for overtime are acceptable but by providing new programs and restricting overtime, an administrative difficulty is created. Standards must include the manpower to accomplish its goals.

In order to facilitate inmate programs, such as increased recreation and extended visitation privileges, an appropriate inmate-officer ratio must be established. Present personnel coverage does not always meet generally accepted guidelines. Dormitories require two officers because of the need for more control and observation. The nature of the contact visit requires more vigilance than a barrier visit. Special observation areas, such as punitive segregation, administrative segregation and mental

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2 observation units require additional coverage.
3 Sufficient manpower has been eroded by budgetary
4 restraints. This deficiency should be immediately
5 eliminated and personnel should be increased to
6 meet the needs of the new proposals.

7 Officer training is another important aspect
8 which has not been included. The present Correc-
9 tion Academy training can be extended to better
10 prepare the officer for the varied aspects of his
11 job. The Police Academy provides a six month train-
12 ing period while Correctional Academy training is
13 limited to about five weeks duration. Once assigned,
14 the officer should be exposed to continuous train-
15 ing programs to refresh and furnish additional
16 information. Inservice training is a necessary part
17 of any correctional agency. Sufficient funds must be
18 provided to support inservice training, provide
19 equipment, and to compensate officers being trained
20 during non-duty hours. It has been shown that be-
21 cause of the 24 hour coverage and the impracticality
22 of relieving on-duty officers, it is necessary to
23 financially compensate for training time. Fifty two
24 yearly hours is suggested by the American Correction-
25 al Association.

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2 Special training can be made available for
3 those officers working with the cronicallly ill,
4 mentally ill, or drug addicted inmates. Spanish
5 courses should be made available to comply with
6 article 2.3. Tuitional cost should be absorbed by
7 the department for any job related course.

8 Employees should be encouraged to attend
9 higher education schools and financial incentives
10 provided, in addition to testablish leap funds.

11 Instead of an influx of civilian personnel into
12 the correctional system, officers should be trained
13 in a variety of functions to accommodate the many
14 tasks of the correctional environment. Custodial
15 duties can be expanded to counseling, and parapro-
16 fessional levels. These efforts to educationally
17 upgradethe line personnel will be rewarded as the
18 correctional client will be the beneficiary. The
19 officer must work long, tedious hours, working
20 different shifts, different weeks, his life in a
21 sort of perpetual jet lag. Efficiency is impaired by
22 this type of stress. Family life is hampered, life
23 expectancy is shortened, and resistance to illness is
24 decreased. Work schedules should take into account
25 more normal sleep patterns. The proposed standards

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2 have adequately covered overtime but effort should
3 also be made to accommodate those officers who
4 request steady work shifts.

5 The working environment should be altered to
6 create a pleasant atmosphere. Assembly rooms and
7 staff lounges could be provided.

8 Officers are charged with the care, custody
9 and control of inmates. It is relevant to include
10 some comments on control. Security is a vital area
11 to consider. Every attempt must be made to protect
12 visiting civilians from possible violent incidents,
13 within institutional boundaries. Officers should
14 be provided with personal voice communicators or
15 beeper alarms in the event of crisis situations.
16 This proposal cannot be ignored as quick response may
17 save the life of an inmate, civilian or officer.
18 Present stationary alarms are not always accessible
19 in an emergency situation; telephones maybe tied up.

20 It has been my experience that the correction
21 officer has been virtually excluded from policy
22 setting in the organizational structure. Access to
23 decision making, under the leadership of the ex-
24 cutives, is a constructive approach in avoiding a
25 disagreeable organizational climate. Communication

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2 between staff and line personnel must include
3 upward as well as downward movement. Team meetings
4 should become a regular pattern in all institutions.
5 To neglect this point is to alienate the officer
6 and breed resentment of management directives.

7 CHAIRMAN TUFO: Mr. Seelig, we very much
8 appreciate your thoughtful comments. You mentioned
9 the need for personnel in a large system. It's
10 my recollection that the Department, over a year
11 ago, as part of their proposals for new security
12 in the institutions made a commitment to such a
13 system. Have you heard anything?

14 MR. SEELIG: I have not been privileged to
15 that information.

16 CHAIRMAN TUFO: It's a public commitment.

17 MR. SEELIG: Nonetheless, it hasn't been im-
18 plemented. The officers do not have that other than
19 maybe outside patrol who would have a voice communi-
20 cator or some sort of communication system. The
21 deputy warden and the officers are working on it.
22 I can tell you first hand that on numerous occasions
23 I have had an incident where an inmate was attempt-
24 ing suicide, he was hanging up and I called control
25 for assistance and I can't get through. The lines

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2 were tied up. If you press an alarm that tells the
3 administration that something is going on but they
4 don't know if it is a fire, heart seizure, suicide
5 attempt and cannot respond properly. It may be
6 that something can be done. If I have a voice
7 communicator I can call downstairs knowing that I
8 will reach that party and say to the control, look
9 I have a man that seems to be having a heart seizure,
10 send some medical person immediately. Those
11 seconds may be vital.

12 CHAIRMAN TUFO: A beeper signal would not be
13 satisfactory?

14 MR. SEELIG: It could be satisfactory. I
15 don't know if it would be better than a voice
16 communicator in the event that we get a voice communi-
17 cator that beeper system preferable would be over a
18 stationary alarm system. Maybe in an area where I
19 don't have access to this. Then I might have to
20 run 30 or 40 feet. I may be occupied, I may have
21 to get other officers attention. In that eventuality
22 this is a situation that should not go on for any
23 length of time in the event that somebody may be
24 injured.

25 CHAIRMAN TUFO: How long have you been a

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correction officer?

MR. SEELIG: I have been a correction officer four years.

CHAIRMAN TUFO: Based on your experience do you believe that the overtime proposal of the Minimum Standards Committee would decrease the likelihood of confrontations between officers and inmates because of the greater rest that they afford the correction officer kept on duty or returning to duty?

MR. SEELIG: I spend approximately 25 percent of my living hours and maybe 33 percent of my waking hours in jail and the environment is not conducive to good working conditions. It's something like doing time and very often officers say they are doing time and service for every year they spend there they are spending a third or a fourth of the year doing time. I think this kind of problem or feeling could be stopped by bringing about conditions for the officers and for the inmates that are more conducive to working and living in the jails because after all I am in full agreement with your standards because they are upgrading what the jail environment is all about. It calls for conventional wisdom and

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2 I went to do research and what it says is that there
3 should be an upgrading of these kinds of conditions
4 but actually there is a cultural legend that con-
5 dition doesn't exist. What I am saying is you
6 cannot avoid the upgrading conditions for officers
7 because in the end they are the ones that really
8 implement the proposals for the inmates. If you
9 upgrad the officers educationally and if you create
10 a situation where they are not treated by these
11 increased services because they feel it is their
12 burden the extra hours, and they have to accommodate
13 these proposals and hours, because of extra pressure
14 they would be more able to supply these services
15 to the inmates and this inmate will be the bene-
16 ficiary of this kind of imput.

17 MR. GIORDANI: Considering the present train-
18 ing level of the correction officers, do you think
19 that if we said here is the money, you have the
20 money, we are hiring more correction officers, we
21 are bringing in all these great programs, will
22 bring the status of detainees up to the present
23 level so that you have the same privileges afforded
24 the person who has made bail, do you think that
25 they could carry out these proposals successfully?

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2 MR. SEELIG: I can tell you this. You have
3 quite a bit of testimony stating how poor the
4 conditions in the jails are and I think that any
5 steps to try and better those conditions are
6 positive. I think it's necessary to recognize that
7 by training the officers to be better officers you
8 are doing something which is positive for the in-
9 mates and for the jails, for the system. All
10 these sources I was hard pressed to find any source
11 and I will supply you with a copy. I have it all,
12 food needs, the sources which I referred to by
13 the National Advisory Commission on Criminal Justice
14 Standards and Goals; the Manual of Correctional
15 Standards issued by the American Correctional
16 Association; Manual on Jail Administration; Task
17 Force Report; Corrections - The President's
18 Commission on Law Enforcement and Administration of
19 Justice; which I am sure you are familiar with, all
20 include in their proposals something to do with
21 officers training within service and creating an
22 environment which is not jail like, creating an
23 environment which is conducive to helping inmates
24 to getting medical care, to visitation privileges
25 and communication facilities and supplying their

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2 needs and so forth, to know what to do getting all
3 these services out, planning for all these services.

4 MR. KIRBY: I would just like to make a
5 comment on something you said, in fact, I had made
6 a recommendation some years ago and I agree that,
7 in fact, the correction officers should be an intricate
8 cate part of the correction, I think there was
9 nothing wrong being called a psychiatrist correction
10 officer. I find, I think a lot of the officers
11 resent the fact that they make 18 thousand dollars
12 a year to do nothing but turn keys. They are not
13 involved in the intricate running of the jails.
14 We hire a lot of civilian staff to do this. I
15 think the cost would be astronomical to do this
16 but I see it's necessary to be done. In fact,
17 if I am not mistaken, I think the Federal have a
18 two-system type of operation. One dealing with
19 programs and one dealing with security.

20 MR. SEELIG: Thank you, I couldn't agree with
21 you more. I feel the resentment to the program, and
22 civilians going into the jail to implement these
23 programs is that the officer doesn't feel that he is
24 participating in these programs and that he has been
25 shut out from these programs. In terms of people

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2 working there should be team meetings where the
3 officers or officers representatives, are involved
4 in these team meetings and can become a part of
5 what is really going on with correction. It's not
6 a housing area. It is no longer punishment. We
7 are here to try and rehabilitate inmates and if we
8 are going to do that we have to involve all the
9 people in correction. We feel we have been excluded
10 and I think we rightfully feel that. I think
11 endeavors in this area to make the correction
12 officer more a part of the institution making pro-
13 cess will bear fruit. It can only be fruitful.

14 MS. KOGAN: I think that is one of the most
15 significant statements that we have heard so far
16 today. The Board of Correction always felt that
17 the Correction Academy and the Police Academy is
18 a very important item. I think it is so important
19 that we should try in some way to involve it in the
20 Minimum Standards. I don't think that the cost
21 would be that astronomical but I think even if we
22 start small, we ought to start somewhere because it
23 will make a tremendous difference in the entire
24 atmosphere of every institution. I congratulate
25 you.

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2 MR. SEELIG: Thank you. May I just say that
3 Miss Menkin who is running the Correctional Academy
4 is doing a superlative job. It is not her fault
5 but rather the fact that the duration is only five
6 weeks and they can't get deep into many areas that
7 they do cover, such as extending the time, I feel
8 that the people that we have running the program
9 now would do a much better job. We are asking that
10 the time be extended so that these areas that they
11 are covering in the Academy can be delved into much
12 deeper.

13 CHAIRMAN TUFO: Officer Seelig, thank you
14 very much. I hope you have the opportunity to
15 encourage officers to come in to us with their
16 suggestions. We have heard a number of comments
17 from the union and the Department but do encourage
18 other officers to give us their views.

19 MR. SEELIG: May I just say one other thing.
20 In your last statement when you said encourage the
21 officers to come, I didn't touch upon this. However,
22 although your Board was very open, do you know that
23 the rules and regulations stipulate that I must get
24 permission first from the Commissioner to address
25 your Board and although I understand why the rules

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2 printed I feel that this is in some way hampering
3 my constitutional right of freedom of speech.

4 Possibly your Board can address itself to the area
5 whereby officers are not able to speak to outside
6 political boards without the express consent of
7 the Commissioner in writing. Not that he gave me
8 any difficulty but I think that is kind of formal
9 and something which I would like to have eradicated.

10 CHAIRMAN TUFO: That is a very good point.

11 Thank you.

12 Ms. Lynn Walker.

13 MS. LYNN WALKER: Thank you very much. I am
14 very pleased to be here.

15 I am a staff attorney to the N.A.A.C.P. Legal
16 Defense and Education Fund. Our office, which is
17 an organization totally separate from the N.A.A.C.P.
18 has as its objective to seek the advantage and cause
19 of civil rights and basic human rights for blacks
20 and other minority groups who, all too often in our
21 society, have been the victims and lack of oppor-
22 tunity. We have, for years, recognized that any
23 organization which purports to serve the needs of
24 the black people in this country must, of necessity,
25 address problems in the area of criminal justice.

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2 primarily concern myself with those standards of
3 the pretrial detainees.

4 The Board and its staff are to be commended
5 to have these objectives very thoughtfully research-
6 ed and draft these standards. After reviewing them,
7 it has been my judgment that the standards do not
8 go beyond the existing case law. The question for
9 this Board to consider --

10 CHAIRMAN TUFO: May I interrupt you at this
11 point? It has been our belief that in some in-
12 stances the standards do go beyond existing State
13 law insofar as that case law applies to New York City.

14 MS. WALKER: There was some case law outside
15 of New York which I think is much more favorable.
16 When I make such a general statement, I am sure if
17 one went over the standards with a fine tooth comb
18 one might find some minor variance.

19 CHAIRMAN TUFO: I am speaking about New York
20 State law. I would like to understand your comment
21 a little better. You are suggesting that the
22 standards do not go beyond the presently existing
23 law in New York State.

24 MS. WALKER: In substance, part I do not
25 believe go beyond the existing law in New York State.

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2 As I have indicated that may have been --

3 CHAIRMAN TUFO: I think we differ with you.

4 MS. WALKER: It would be my judgment that in
5 the absence of alternative rulings of the United
6 States Supreme Court governing all those areas,
7 while there may be Minimal Standards set forth by
8 the second circuit governing this particular State
9 that this body might very well look into broader
10 enumeration by way of determining.

11 CHAIRMAN TUFO: We did look beyond New York
12 and we tried to consider standards that have been
13 set by courts or states elsewhere in determining
14 what is appropriate.

15 MS. WALKER: I think we understand. If I
16 said it very broadly, I think it substantiates that
17 it does not go beyond most of the case laws in most
18 of the areas.

19 To pose a question as to whether or not these
20 standards should be adopted. In my judgment that
21 is obvious. We must comply with case law as it has
22 been decided by the court. It is in the best interest
23 of the correctional system. It challenges the public
24 to do so for several reasons. In the first place,
25 it should be noted that it is the existence of many

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2 minority groups, particularly law enforcement
3 agencies; that it is essentially negative. They
4 come to our penal institutions in the case of
5 pretiral detainees, who, for the most part, are
6 incarcerated due to the fact that they can't raise
7 adequate funds for bail. They are disadvantaged
8 economically. They are separated from loved ones.
9 These men are presumed innocent until proven guilty.
10 This means that such persons are to be inmates in
11 custody. Now, if every correctional agency re-
12 sponsible for implementing the basic constitutional
13 standards violate them themselves, they set a
14 tremendous example for persons whose rights and
15 interests they are required to protect. To the
16 individuals who are incarcerated, this inconsistency
17 is important in seeking respect for those who are
18 incarcerated asnd for their keepers to scrupulously
19 adhere to it. In this connection I have recently
20 been involved in a very lengthy lawsuit in the State
21 of Georgia where we have had two weeks of trial this
22 last year. The state has estimated that they have
23 spent one million dollars for defense in this law-
24 suit, which, I may be being very foolish here, but I
25 believe the foregoing will be constitutionally one.

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2 I say that to indicate to you that correctional
3 agencies really do not serve the taxpayer or public
4 at large by defending against lawsuits where there
5 is absolutely no basis for trying to save.

6 Now, the Minimum Standards that this Board
7 has presented I think, if enforced once they have
8 been promulgated, will perhaps go a long way towards
9 stopping this waste of public funds and as well
10 freeing up resources from the City. One thing I
11 would like to point out is that when the Rikers
12 Island riot occurred the inmates called upon me
13 to serve as one of their representatives. In this
14 content, that was a very, very sad thing realizing
15 that these men felt that they had no resources. So
16 while I am a lawyer and I handle prisoner rights
17 litigations, it is long and I cannot deal with many
18 of the problems which the governmental agencies
19 do plus address the needs which this body has
20 promulgated seeking to assure the Minimum Standards
21 for treatment and custody of prisoners. I think
22 eventually that all of our interests and perhaps
23 further representation of such hopefulness will not
24 despair.

25 CHAIRMAN TUFO: Your points are excellent and

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I want to thank you.

MS. WALKER: I want to comment specifically, even though by and large I am in agreement with the standard dealing with overcrowding and I note that the standard did not even go as far as some courts have ruled that they must, for example, with regard to the square footage area requirements. I know that there was no such specified square footage standards in these proposed standards. I know that you have done careful research on this matter but I would like to point out in a recent case in an Ala. Alabama Court, Judge Frank Johnson, for pretrial detainees ordered to tear down every existing cell to insure at least 60 square feet per man. It may not be possible but it may be considered for the Court to define a specific square footage standard if, for no other reason, than to apply to any new construction which may occur. In this connection, I believe that the Courts have been indicating even more than 60 square feet. Authoritative sources said 75 square feet for new jail construction.

Now, in conclusion since I have jumped around to many different things, I would like just to share with you a poem which an inmate who is incarcerated

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2 in Georgia wrote to our office but which I think is
3 relevant to this Committee in determining many
4 answers, the reasons and the questions why we
5 should have Minimum Standards. What are the benefits
6 we all can gain from having such standards? The
7 poem is called "Is It Too Much?"

8 "Is it too much to ask for clothing
9 to wear in the winter time?

10 Is it too much to ask for understanding
11 as well as time?

12 Is it too much to ask for human
13 conditions in which to live?

14 Is it too much to ask for a
15 chapel for the prayers we wish to give?

16 Is it too much to ask for society to
17 forgive?

18 Is it too much to ask for us to go on way?
19 For, if it is too much to ask these
20 things than the prisons should not be."

21 That man has summed up in his poem of what I
22 think we are all here today. I only wish the person
23 who wrote this could be here today. I thank you.

24 CHAIRMAN TUFO: Your remarks are being aired
25 over WNYC and your audience is likely to be quite

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2 broad.

3 Mr. Thomas O'Connor.

4 MR. THOMAS O'CONNOR: Mr. Chairman, members
5 of the Board of Correction, ladies and gentlemen:
6 Perhaps I am naive, but the fact is I do believe
7 in the mythical American dream; the one which speaks
8 of civilization and justice. Dostoevski said many
9 years ago and has been quoted ever since that,
10 "the degree of civilization in society can be judged
11 by entering its prisons." When I look at our
12 prisons which we refer to as detention institutions,
13 it immediately indicates to me our very low degree
14 of civilization. The conditions that exist in
15 city detention facilities can only be described as
16 absolutely horrendous. This matter is made much
17 worse when one considers that the persons housed
18 in these institutions are accused but not convicted
19 of crime. The fact is that convicted criminals
20 enjoy far greater conditions than what we provide for
21 detainees. We also profess to believe that a person
22 is innocent until proven guilty and yet we do not
23 practice what we preach.

24 Based on the new charter revisions, we come
25 together to create minimum standards for the

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2 treatment, care and custody of those persons accused
3 of crime. What we are actually attempting is
4 putting into practice the ideals we claim to believe;
5 but I sincerely feel that we are not necessarily on
6 the right track.

7 The Board of Correction has currently developed
8 16 standards in an attempt to bring about inevitable
9 change but these standards do not go far enough to
10 accomplish what is necessary. Some major areas
11 continually complained about by inmates in all of
12 our institutions have been problems with food
13 preparation and distribution, with medical attention,
14 with psychiatric problems inherent with running
15 institutions of this sort, with conjugal visits
16 which even convicted prisoners are receiving in at
17 least one institution in this state. These are
18 major areas which need to be addressed but are as
19 yet not included. Now I understand that the Board
20 intends to continue its development of standards
21 and will eventually cover these areas and when they
22 are covered, I am sure they will be as comprehensive
23 and meaningful as most of the standards are now.
24 However, I must say that I disagree with the method
25 we are using to bring about these changes. I disagree

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2 for instance with the section regarding variances
3 and feel that no variances be allowed excepting
4 those provisions covering unforeseen emergencies.

5 As I read through these standards, they
6 translate themselves into dollars and cents. These
7 dollar amounts stem from the need for more personnel,
8 construction, renovation, and those supplies con-
9 sistent with humane treatment. If we are going to
10 achieve our goal of implementing minimum standards
11 consistent with the idea that people we detain
12 pending trial are entitled to all rights and
13 privileges afforded a free citizen excepting the
14 freedom of movement for the purpose of appearing
15 in court as required by law, a different methodology
16 as I see it should be utilized. I think what we
17 have to do is first create a comprehensive set of
18 minimum standards; second, we must do a cost
19 analysis of those standards; third, create a time-
20 table for implementation; and fourth, but not least
21 bring together all of the public and private sector
22 agencies in criminal justice to stand behind the
23 Department of Correction to demand from our city
24 fathers the necessary appropriation of funds to
25 implement the standards as created. There has been

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2 alot of violence and unrest in our city institutions
3 in the last couple of years. We cannot reasonably
4 expect it to end if we are going to allow this to
5 be nothing other than an exercise in rhetoric.

6 MS. DAVIS: Thank you very much. Are there
7 any questions?

8 MR. POCHODA: Mr. O'Connor, I don't know if
9 you are prepared to discuss this. I know that you
10 are organization recently has been doing some
11 research into the question of access into State
12 facilities. I wonder if you could just briefly
13 describe the preliminary results.

14 MR. O'CONNOR: Certainly I would be happy to.
15 We have been working with inmates council at
16 the House of Detention for Men on Rikers Island.
17 What we have decided to do is deal with the area
18 outside the institution in other areas of criminal
19 justice . What the inmates did was set their first
20 priorities as being the kind of representing that
21 was afforded to indigents. What we asked them to do
22 was to do a survey among the inmates who were
23 represented by this and we produced, I believe,
24 something like an 84 page report, which indicates
25 that 75 percent of the indigents who are represented

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2 by 18-B. The men are not afforded the kind of
3 representation that is required by law. We find
4 that 75 percent of these people receive ten minimum
5 visits in the court. When they do have an interview
6 with their attorney there is no confidence between
7 client and lawyer. Insofar as the interview is
8 concerned, it is held in the presence of the other
9 inmates, inside the bull pen. In many instances
10 we find that the Hispanics were not given the benefit
11 before trial of an interpreter or that there was
12 an attorney who could not possibly prepare himself
13 adequately for trial. We also found out that the
14 administrator conceded every single one of the
15 recommendations that we made for changes they have
16 to go before the various Bar Associations and they
17 claim that the Department of Correction is greatly
18 responsible in that the visiting hours and visiting
19 facilities are not adequate for attorneys as far as
20 I am concerned, I think that the visiting hours have
21 to be changed on Rikers Island. I don't believe
22 that most attorneys have that kind of time to make
23 it over there during the day when they are supposed
24 to be in court. Therefore, I feel that the pro-
25 visions mentioned in the standards regarding the

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2 lawyers access very important and one that I would
3 absolutely support.

4 MR. POCHODA: Is that report in final form?

5 MR. O'CONNOR: Yes, in its final form and I
6 would be happy to share it with the Board. I
7 think Joe Smith has a copy.

8 CHAIRMAN TUFO: I want to note the excellent
9 work you have done in establishing the Committee
10 that has been working in the prison with the
11 Department and the Board under your leadership to
12 alleviate tension between black and Hispanic inmates
13 and commend your prison task force for the work it
14 has done over the years in the New York City prisons.

15 Is Mr. Young here? I am sorry you had to
16 wait so long.

17 MR. WAYMAN YOUNG: I am on the staff of the
18 Administration of Justice Division of the National
19 Urban League. We appreciate this opportunity to
20 publicly support the upgrading of present conditions
21 within the City's correctional facilities.

22 Upon reviewing the draft Minimum Standards
23 and its corresponding commentary, I found them to
24 be basically sound and generally representative of
25 an improvement in existing conditions.

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2 I am happy to see that the Federal courts
3 have sought to avoid the impending explosion by
4 taking the lead in recognizing the fact that since
5 pretrial detainees are presumed innocent and are
6 confined only because of their inability to furnish
7 bail, the state interest involved in incarcerating
8 such persons is a limited one: to insure appearance
9 at trial. Further, the courts have stated that
10 even where the purpose is legitimate, the state must
11 adopt the least restrictive means to accomplish
12 that purpose.

13 Adoption of the proposed standards would be
14 a step in the right direction, but without im-
15 plementation and enforcement they become little
16 more than an academic exercise. Thus, the
17 existing crisis within the City's correctional
18 facilities will continue to escalate. In order for
19 the standards to have a chance for success, en-
20 abling the operation of a more efficient system,
21 there must be a reduction in the number of people
22 who are processed through that system.

23 In my judgment, the most effective and efficient
24 means of accomplishing reduction is through pretrial
25 intervention programs which have been proven

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successful all over the country.

The crucial aspect of pretrial intervention, which has relevance for those of us concerned with criminal justice in New York City is pretrial supervision. Operated through community based programs, this complement to pretrial detention is an efficient and fair means of bringing New York City in compliance with the Minimum Standards I hope the Board of Corrections will adopt.

Without a reduction in the numbers presently incarcerated, the City's correctional officers will continue to be institutionalized into excessive overtime, hypertension, fatigue and resentment. The negative effects of excessive overtime with respect to institutional operation and domestic tranquility were adequately explained in the commentary to the draft Minimum Standards.

Under the existing overcrowding conditions there is serious doubt whether Minimum Standards can actually be enforced.

Community based pretrial supervision becomes an essential component to the implementation of Minimum Standards in New York City's correctional facilities, if we are truly interested in correcting

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existing abuses.

CHAIRMAN TUFO: Any members of the Board have any questions?

MR. YOUNG: Well, I have a question for the Board. I have listened for quite sometime this afternoon and I have noticed that no one else has brought up pretrial supervision. If the committee based programs I think that is the very first and special thing. That is something we must explore because without reducing the number of inmates in the prisons, whatever standards you adopt they will be unable to be enforced.

CHAIRMAN TUFO: I know that many members of the Board agree with your statement but various programs are not under our jurisdiction. As assistants, we can do our best to convince those who are responsible for criminal justice to give more attention to the program and to produce speedier trials and to keep more people out of jail and I appreciate your concern.

MR. YOUNG: Thank you.

CHAIRMAN TUFO: Mr. Berger is our next witness.

MR. JOEL BERGER: Thank you very much, Mr.

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2 Chairman, for selecting me to be here today. I
3 don't have any prepared remarks. I know you have
4 had a very long day, I don't plan to take a great
5 deal of your time. I mostly came to say hello and
6 to commend you for the work you have done so far and
7 to encourage you to continue along this line. I
8 ought to at least say for seven years I was Director
9 of the Legal Aid Society, Prisons' Right Project
10 and last February left that position to succeed
11 Peggy Davis in the work of capital punishment.
12 I certainly haven't replaced her yet.

13 MS. DAVIS: But you have been more successful,
14 I notice.

15 CHAIRMAN TUFO: Mr. Berger, I know you had
16 a chance to review our standards. If you could put
17 yourself back in the position of Director of the
18 Prisons' Right Project, what comment can you make on
19 the likelihood of the standards, avoiding some of
20 the litigations that you have been heavily involved
21 in, successfully involved, over the past year?

22 MR. BERGER: I don't think the standards are
23 to avoid a litigation. I think they are going to
24 bring them about. You have to assume that unless
25 there is strengthening in the next administration,

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2 assuming that it is a different administration, that
3 you are going to be revisited, you will have to
4 build a gate to have the standards.

5 CHAIRMAN TUFO: That may not be a total of
6 five people who are running for Mayor or representing
7 those running endorsing the standards. It's possible
8 that the administration will be endorsing them, but
9 assuming that the law is obeyed and if the Board is
10 able to endorse them themselves, do you think there
11 being in place will make it less likely that there
12 will be further prisoner rights litigations?

13 MR. BERGER: No, I don't think so at all.
14 Mostly because I think that, and this really brings
15 me to the main point I was going to make, which is,
16 I think that the standards are somewhat limited in
17 their vision is the best word to use. I think that
18 although I haven't gone over them line by line where
19 I did in my old job.

20 CHAIRMAN TUFO: Did you say "Limited in vision?"

21 MR. BERGER: Yes. In the sense that I think
22 you have done here is to attempt to pretty much
23 codify existing State law. Perhaps new standards
24 move forward a step or two. What kind of a system
25 should we have five years from now, ten or twenty?

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2 CHAIRMAN TUFO: I would like to point out
3 that the Committee tried to write but attempted
4 maximum recommendations.

5 MR. BERGER: Yes, but it depends on what you
6 think. The Federal Government regularly sets
7 standards in the area of environment. Therefore,
8 two or three years from now, General Motors is going
9 to do vertain things, at least by 1980 or 1985.
10 I think that this Board can take a lesson from that.
11 I think that we know that the cell size in New York
12 City is smaller than that of any Minimum Standards
13 that is currently existence and no one expects to
14 break down and turn three cells into two within
15 the next 12 months, but we have got to be encouraged
16 to say somewhere around 1982 or 1983 you would have
17 done this. Eventually you have to move in that
18 direction and not say we will do that for new
19 prisons because we are not likely to have such mass
20 construction in New York City.

21 CHAIRMAN TUFO: Mr. Berger, I am sure that
22 you will recall that the standards here proposed
23 by the Standards Committee of the Board are the
24 first step; there is no reason they should be the
25 last step.

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2 MR. BERGER: I certainly agree there. I
3 think if you are asking for very broad changes
4 it's essentially appropriate at this time as
5 you adopt your first set of standards. I mentioned
6 the City cells as one item. Another item is really
7 a question of whether you should have cells at all,
8 perhaps you should have outside rooms rather than
9 inside cells. Again I am talking about gradual
10 changes in the City prison system. It is not some-
11 thing that you can do in a year or two but some-
12 thing, I think, has to come of it.

13 I noticed in looking over the standards was
14 the size of the recreation area. I didn't see any-
15 thing like that. Most people upstate have some
16 large recreation yard with very fine acreage and
17 people can move about quite a bit. That is some-
18 thing that we have to consider in New York City.
19 Once again, with the exception of Rikers Island
20 where they have the land but don't use it, it's
21 really a question of some change rather expensive
22 changes. It will mean taking over the parking lot,
23 a piece of City land from, let's say, Brooklyn
24 House, the Tombs if that is ever opened again. It's
25 something that will require a great deal of effort

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2 and money. We can't tell people that he can't
3 run around the yard all the time and work off the
4 tensions but he is going to be stuck in a postage
5 size room. It's usually a parking lot in one form
6 or another. I think we have to begin some long
7 range goals in acquiring some land. I think that
8 other than to make those comments the only thing
9 that I would do is to renew a couple of objections
10 that I made last year when I testified at your
11 first set of hearings. One is that I think you
12 have to be prepared for extensive opposition. I
13 am going by what the mayoral candidates said this
14 morning.

15 CHAIRMAN TUFO: I think you are aware that
16 through the Association of the Bar of the City of
17 New York we have obtained the firm of Willkie, Farr
18 & Gallagher during these proceedings and they are
19 advising us during this period of promulgation and
20 they have made a commitment to represent us in the
21 event that litigation becomes necessary.

22 MR. BERGER: That is very wise. Secondly,
23 I once again must say that I think it is extremely
24 difficult for even the most dedicated of part time
25 servants to make necessary standards become a reality.

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that system resulted in the endorsement of the standards?

MR. BERGER: It certainly has. That is why I said it may be necessary but by no means sufficient.

CHAIRMAN TUFO: We have in the Board of Correction, the concept of one government agency overseeing another. Secondly, we have a concept of unpaid members which, by definition means that we are not dependent on the security. It excludes those that cannot afford to work for nothing. I think serious consideration should be given to our proposals. As I stated to you last year, we have full time paid positions.

MR. BERGER: You put the finger on it. Although the member could be paid and therefore becoming full time, the Chairman would not have any tender that the mayor would be entitled to remove. As I recall the language there is opposition to the State Commissioner by the members and the Chairman are appointed for a term so that they know that, barring catastrophic events that would lead to proceedings against them. that I think would be in the officer for, I think, five years. I think it would be better full time.

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2 I feel that there has to be a full time Board of
3 Correction in New York City. It had to have full
4 time paid members who do nothing but work on this.
5 I want to stress that this is no way determining
6 the incredible number of hours that the members of
7 this Board put in. Is it a job beyond the work
8 that you do for a living. Unfortunately I suppose
9 that some of the best people who are available
10 to serve on the Board are people in other various
11 areas doing good deeds. You go out to the prisons
12 at 2 in the morning; you are spending your weekends
13 and evenings when you could be home with your
14 loved ones. It's a very difficult task and probably
15 the only way that we can begin to get some meaning-
16 ful Minimum Standards would be full time. The
17 State Correction Commission is a full time agency.
18 I don't think it's by any means sufficient, but it
19 may be necessary.

20 CHAIRMAN TUFO: I think it's not a very
21 difficult one. I think there is still a lot that
22 needs to be done. I think to have full time members
23 means that they get full time attention.

24 CHAIRMAN TUFO: As you know, the State members
25 are full time and they are paid \$3,800. a year. Has

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CHAIRMAN TUFO: Thank you very much.

The next witness is Chaplain Hugh Bruce of the Metropolitan Community Church.

Thank you very much for your patience.

CHAPLAIN HUGH BRUCE: Thank you Mr. Chairman, members of the Board. I refer specifically to Section 2, line 1 policy, "Prisoners should not be subjected to discriminatory treatment based upon race, religion, nationality, sex, sexual orientation, age or political belief. Mr. Chairman, you weren't present at that time. There was a very brave young lad from one of the institutions who testified and implied that he had, against his will, been put in, I believe from another institution, at any rate that he had against his will been assigned to the kind of unit that served what the C.O.'s call queer tank or homo quad. That could happen, I am sure, easily. What is worse is that the system by which people are put into such a place merely requires an inmate's signature and saying that they wish to be in there. There is no screening psychiatric evaluation involved. There is no way of determining the sexual orientation of the individual involved. The warden and deputy warden always say to me, rather

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2 defensively, that this is for the protection of
3 the prisoners. Any one who has ever worked in such
4 an institution, they know this protects no one.
5 It provides an opportunity to rip off in every
6 possible sense and sexually by the strong over the
7 weak. As simple as that. How do we determine
8 the sexual preference of an inmate? How could we,
9 to begin with, if we wanted to? Mr. Chairman I
10 can't walk down the street and look at people and
11 make a determination of their sexual orientation.
12 We had a parade in the City last June with 50,000
13 people there. You can't determine a person's
14 sexual orientation by looking. I have had the
15 opportunity, for example, to watch sexual assaults
16 take place while I was offering the Holy Eucharist
17 in the Chapel. This is not something to any
18 special group of people. Anybody who has done time
19 or served any time in an institutional setting knows
20 you take poeple of the same sex and jam them together
21 in the kind of conditions you have there and it is
22 commonplace. I am sure there is going on more in
23 general population than was supposed to be the queer
24 tank. The people who are residing in that queer
25 tank are deprived of all programs, education, social

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2 services. What is suppose to be guaranteeing
3 people is fundamental human rights. Invariably
4 the prisoners I serve are deprived and when I visit
5 I am always told the same sad story, their presence
6 in any program would be a disruptive influence.
7 I have no concrete proposal to make other than this.
8 If we are going to take one complete step towards
9 alleviating this problem can we not insure that
10 individuals assigned to such an area, an unqualified
11 psychiatrist, not a social worker, a qualified
12 psychiatrist give an evaluation of any such inmates.
13 Secondly, that the inmates in these areas, if
14 these abominations are going to go on, not be
15 prevented from attending religious services or not
16 be prevented from being able to avail themselves of
17 all the other services available.

18 CHAIRMAN TUFO: I have to say that I was not
19 aware of the policy of that Department. It may occur
20 to my knowledge that is not the policy.

21 CHAPLAIN BRUCE: I have no doubt it is not
22 a stated policy of the Department.

23 CHAIRMAN TUFO: We will look into that point.
24 Thank you for your attendance.

25 I appreciate the patience, particularly of

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2 the stenographers through the two days of hearings
3 and of those who have stayed with us up through
4 this point. I am going to bring this hearing to
5 a close.

6 (The hearing was adjourned at 6:00 p.m.)
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