

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

April 1, 1975

A regular meeting of the Board of Correction was held on Monday, April 1, 1975 at Mr. Tufo's office, 645 Madison Avenue, New York, New York.

Present were Mr. Lehman, Mr. Jackson, Mr. Kirby, Father Rios, Mr. Schulte, Mrs. Singer, and Mr. Tufo. Also present by invitation of the Board were John M. Brickman, Executive Director; Marc Rosen, Assistant Executive Director; Greg Harris, Director, Clergy Volunteer Program; Jerome Cappellani and Stephen Fisher, Staff Assistants; Richard Bernard, Law Intern and Kathy Roisen, Student Intern.

Mr. Lehman served as Chairman and Mr. Fisher as Secretary of the meeting.

The meeting was called to order at 2:20 p.m.

Upon motion duly made by Mrs. Singer and seconded by Mr. Schulte, requests for excused absences from Mr. Gottehrer and Reverend Wilson were approved.

The Chairman stated that he had received a letter from Mr. Gottehrer requesting a six-month leave of absence. After discussion, and some uncertainty whether the Board could grant such a request, upon motion duly made by Mrs. Singer and seconded by Mr. Tufo, Mr. Gottehrer was granted excused absences from meetings for a period of six months.

Upon motion duly made by Mr. Schulte and seconded by Mr. Tufo the minutes of the meeting of March 3, 1975 were approved.

At 2:23 p.m. Mr. Jackson entered the meeting.

The matter of the CJCC grant proposal was raised. It was stated that Commissioner Malcolm would not support the Board's efforts to establish a Citizen Volunteer Program and an Inmate Assistance Unit. Mr. Rosen reported that the CJCC staff was enthusiastic about the grant proposal, but that the application could not be processed at the State

level until Commissioner Malcolm submitted a letter of approval for the grant application. Mr. Rosen then informed the Board of the Commissioner's objections to the grant proposal. He stated that the Commissioner believes that the Board would operate beyond the bounds of its Charter authority because it would be delivering services in the institutions. He also stated that the Commissioner feels that the Board should not be operating programs. Mr. Rosen added that the Commissioner had also informed him that he felt it would enhance competition between the Board and the Department, i.e., that the Board was trying to take over part of his responsibilities. As for the Inmate Assistance Unit, Mr. Rosen stated that the Commissioner felt it was an ombudsman effort being made by the Board, and that this effort should come from the Department.

A general discussion then ensued about the need to obtain CJCC funds for the coming year. Mr. Brickman noted that the denial of CJCC funds would have a severe impact on the Board's presence in the prisons. He observed that there would also be a substantial loss of staff. The Chairman then left the meeting to call the Commissioner.

The Chairman returned and reported that Commissioner Malcolm would meet with him after the meeting.

At 3:20 p.m. Mr. Kirby entered the meeting.

The matter of the approval of a certificate of appreciation to the Reverend Maurice M. Bell for his continuing efforts to help make conditions in New York City's jails more humane was raised. Upon motion duly made by Mr. Lehman and seconded by Mr. Schulte, it was:

RESOLVED THAT as a member of the Clergy Volunteer Program from April 1, 1972 to the date of this Citation, Reverend Bell played an essential role in developing the concept of a revolving cash bail fund for New York City pre-trial criminal defendants, as well as constantly assisting throughout in managing operations of the fund and in obtaining additional fund resources. In addition, he displayed a unique awareness of the criminal justice problems facing the City of New York, and recognized a responsibility of the City's religious community to aid in resolving those problems. In furtherance of that recognized responsibility, he was instrumental in organizing a group of representative religious

leaders into an effective Ecumenical Criminal Justice Task Force, thereby providing invaluable assistance and support to the ongoing operations of the Clergy Volunteer Program.

The staff reported on the progress of the HDM monitoring project. A general discussion ensued, and it was noted that a preliminary report was due on April 10, which would end three weeks of monitoring at the institution. It was also noted that many of the ideas that Correction personnel had about the institution were similar to that of Commissioners Malcolm and Birnbaum.

At 3:45 p.m. Harold Brown, President; Donald Cranston, Vice President; and Frank J. Prial, Counsel; all of the Correction Officers Benevolent Association ("COBA"), entered the meeting at the Board's invitation.

The Chairman welcomed the guests to the meeting and introduced them to the Board.

The Board expressed its desire to cooperate closely with the COBA. It was stated that if the Board could be of help to the union, it should be informed of this. If the COBA wished more meetings, then Chairman or Executive Director should be informed.

Mr. Brown reported on several grievances that he had with the Board of Correction. He declared that there seemed to have been a problem with Board members coming into the institutions with people who are not authorized to come into a particular institution. Therefore, a confrontation develops and the officer is put in an awkward position because a captain or another superior officer has to be called. Mr. Brown also stated his objection to the Board of Correction investigating inmate complaints where an officer is involved. He believed that the Board of Correction should stay out of the investigation until all other investigatory bodies have finished their investigations. He noted that correction officers believe that the Board unilaterally supports inmates.

The Chairman responded that any matter such as those described above be brought to his attention. He noted that at this point he cannot deal in generalities but must have specific allegations.



It was stated that the Board of Correction is conscious of both the inmates' problems and the officers' problems. Responding to a discussion on security in the City's jails, the Board informed Mr. Brown that it is conscious of the security needs in the institutions and the City, and that it will act in any case where there is a demand or a need for more security.

Mr. Brown declared that the COBA had no objection to reforms and changes in the criminal justice system that were in the interest of all concerned. However, he noted that the City was courting fiscal irresponsibility by its proposal several months ago to lay off several dozen correction officers. He noted that at present there are 180 vacancies for correction officers. He declared that in no other uniform force is there so much responsibility given to one individual.

The matter of the status of Correction Officer Betterman was raised. Mr. Brown responded that in general there are guidelines dealing with officers who call in sick and who are on sick leave. He noted that the rules need to be revised regarding this matter, and told the Board that as long as a man is out sick he should not leave the City without informing the institution first.

Mr. Prial noted that there was basically a problem in communication between the Board and the COBA. He noted there seemed to be an adversary relationship between the Board, the line organizations, and the Department of Correction.

It was noted that the only power that the Board actually has is to make recommendations to the public, and its good access to news media is due to responsible news stories.

The Chairman designated Mr. Schulte as liaison with the Correction Officers Benevolent Association and invited the union to come to the Board when it has any problems. It was also requested that each member of the Board receive the COBA newsletter every month.

At 4:30 p.m. the representatives of the COBA left the meeting.

Mr. Brickman then introduced Richard Bernard, a law intern with the Board's staff who has been working on the court monitoring project for several months. Mr. Bernard presented the statistical findings made through the staff's observations of the Criminal Term of the Kings County Supreme Court in November-December 1974. Noting that the November-December monitoring was actually the fourth time Board of Correction personnel had observed the Criminal Term in Brooklyn, Mr. Bernard explained that the nexus between the Board's mandate with respect to the city's prisons and its interest in the courts was two-fold: 1) the Board had a direct interest in the performance of the Department of Correction in its delivery of detainees to the courts, and 2) the Board had an indirect interest in the overall efficiency of the courts by virtue of the inverse relationship that exists between the speed in which detained defendants' cases are processed through the courts and the size of the detained population. All other things being equal, Mr. Bernard said, cutting all case disposition time in half (i.e., doubling the speed of case disposition) would halve the detainee population.

In presenting the data, Mr. Bernard also pointed out the narrow focus of the effort: the concern is one of efficiency -- how much adjudication time is lost due to absent parties, poor scheduling practices, early closings and the like -- across the Criminal Term as a whole. The study is neither an investigation of the conduct of particular individuals nor a judgment upon participant's behavior in carrying out the non-administrative functions assigned to them by the criminal justice model, he said. The particular findings include: 1) actual adjudicatory functions comprise less than 50% of the six hours each day during which the courts are supposed to be operating, and 2) the Department of Correction's failure to produce detainees accounts for 10% of the dealy time (or 5% of the six operating hours). The statistical findings make up Part III of a four part report which will also explore delay factors in the felony process in Brooklyn through a step-by-step format and will include recommendations to improve court efficiency which will, pending approval of the Board be based in part upon the views of selected justices.

A general discussion then ensued as to whether it was within the mandate of the Board to undertake such a project, as well as whether this report should be presented to

Judge Damiani before the April 8 CJCC Board meeting. It was decided that any action on the matter would be held off until the Board has a chance to read Mr. Bernard's report. It was also noted that the Chairman had sent a letter to Judge Damiani on March 19th, enclosing a copy of the report, and that therefore the matter was moot.

At 5:45 p.m., upon motion duly made by Mr. Schulte and seconded by Mrs. Singer, the meeting was adjourned.