

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

June 2, 1975

A regular meeting of the Board of Correction was held on Monday, June 2, 1975 in room 1410, 100 Centre Street, New York, New York.

Present were Mr. Jackson, Mr. Kirby, Father Rios, Mr. Schulte, Mrs. Singer, Mr. Tufo and Reverend Wilson. Also present by invitation of the Board were Marc Rosen, Acting Executive Director; Greg Harris, Director, Clergy Volunteer Program; Michael D. Cleary, Executive Secretary/Fiscal Officer; Barbara Armstrong, Deputy Director, Clergy Volunteer Program; Jerome Cappellani and Stephen Fisher Staff Assistants, and David Jones, law intern.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; Alphonso Ford, Assistant Commissioner; Joseph D'Elia, Director of Operations; A.L. Castro, Director of Public Affairs; William Ritholtz, Director of Legal Affairs; and Constantine Mellon, Captain, Inspector General's Office.

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

The meeting was called to order at 2:15 p.m.

Upon motion duly made by Father Rios and seconded by Reverend Wilson, the Board agreed that the signatures on the Board's bank account would be amended, to conform with the change in personnel substituting Mr. Tufo's signature for Mr. Lehmann's and Mr. Rosen's for Mr. Brickman.

The Chairman briefly recounted an incident which occurred in the punitive segregation area at the House of Detention for Men on the weekend of May 10. It was agreed generally that there appeared to be a conflict of stories between what the staff of the Board was told by the inmates and what the institution is telling the Board.

A general discussion ensued on the Rikers Island visiting report. It was stated that it was an objective and intelligent piece of work, and that the recommendations contained therein should be submitted to Commissioner Malcolm and Chief of Operations D'Elia.

The release of the Juanita Robinson report was discussed. Copies of the press coverage it received in the Daily News and the New York Times were distributed to the Board. It was suggested that the staff follow up within a month to see if procedural changes reportedly implemented by the Police Department and Montefiore Hospital's Rikers Island unit have, in fact, been carried out.

The matter of the Pelligrino case was raised. It was stated that the case had first been investigated by the Inspector General and had since been referred to the office of Special Prosecutor Maurice Nadjari. It was agreed that the staff would check with Mr. Nadjari's office on the status of the case.

Per the Board's directive at its May 20 meeting, a report on the inmate release procedure in institutions was presented and discussed. The Board agreed to ask Commissioner Malcolm whether any new procedures had been formulated since the escape at the Queens House of Detention.

Father Rios reported on the escape of two inmates from the Brooklyn House of Detention on May 25. He stated that he was notified at 4:30 in the morning more than six hours after the escape was discovered and arrived at the institution a few hours later. After Father Rios completed his report a general discussion ensued on the escape. It was noted that the Department of Investigation was also looking into the incident and will cooperate with the Board in its efforts to find out what occurred.

At 3:40 p.m. Mr. Schulte entered the meeting.

The matter of recent personnel developments was raised. It was noted that Thomas Roche, Assistant to the Mayor, had responded through a subordinate to Mr. Rosen's memorandum regarding the possible termination of three staff members who were on supervising clerk lines because of the promulgation of a civil service list. It was Mr. Roche's contention that the Department would not be given permission to promote all the people on the list and therefore, the positions of Ms. Armstrong, Mr. Cappellani and Mr. Hamiel would be jeopardized.

It was also noted that Mr. Harris had submitted his resignation effective the end of business June 13, 1975. After some discussion on Mr. Harris' impending departure, upon motion duly made by Mrs. Singer and seconded by Mr. Schulte, it was resolve

RESOLVED THAT the Board of Correction accepts with extreme regret the resignation of Greg Harris, who has served as Director of the Clergy Volunteer Program since October 1972. Mr. Harris' commitment and devotion to the ideals shared by all of us, his dedication to people and their problems, his enormous capacity for hard work and long hours and his tireless determination have set a standard of excellence for all those connected with the Board. He will be sorely missed and not only by the Board and its staff but by the hundreds of clergy volunteers brought into the program under his leadership and direction.

The Chairman reported that the Charter Revision Commission would be holding public hearings on Friday on its Criminal Justice Recommendations. He noted that he would be testifying with Mr. Brickman before the Commission.

At 3:30 p.m. the staff was excused from the meeting and the Board met in executive session. After this session, the Board announced the appointment of Mr. Rosen as Executive Director and Barbara Armstrong as acting Director of the CVP. In addition, Father Rios and Reverend Wilson will do an evaluation of the CVP.

At 3:55 p.m. Commissioner Malcolm, Deputy Commissioner Birnbaum, Assistant Commissioner Ford, and Messrs. Castro, D'Elia, Mellon and Ritholtz entered the meeting.

The Commissioner reported on the escape attempt at the Brooklyn House of Detention. He declared that the alleged BLA inmates have learned to manipulate the system. He further stated that the courts do not want to try Henry Brown, one of the inmates who tried to escape, on escape charges and the Department does not want to press charges against him.

The Commissioner was questioned why the Board was notified so late. He responded that Mr. Castro was called by the newspapers for a statement, and that was the first he learned of the escape attempt. Mr. Castro then called Deputy Commissioner Birnbaum, and they both arrived at the institution around 10:00 p.m. The reason for the delay in the notification was that the numbers to call in the event of an emergency were locked in the safe, and the institutional tour commander did not have access to the numbers. Mr. D'Elia declared that the incident was very well planned and that the inmates who attempted to escape must have known what was on the other side of the metal wall. The Commissioner declared that the District Attorney was calling in all people who worked on the floor during the last six months in an attempt to determine whether it was an inside job.

The Commissioner then reported on the budget crisis facing the City of New York and its effect on the Department of Correction. He reported that the austerity budget of Mayor Beame would take away 100 positions from the Department plus an additional 184 which were already lost. Under the crisis budget, 816 people are to be dropped from the Department of Correction's payroll. The Budget Bureau has notified the Department that they want the Brooklyn and Bronx Houses of Detention closed. The Commissioner declared that this would be impossible because it would put an extreme burden on the District Attorney's office, the Department's Transportation Division, attorney visits, families and institutional visits. In addition, the Commissioner stated that he has been negotiating with the Budget Bureau in an attempt to find other cost savings. He declared that there was a possibility that the Adolescent Detention Center would be closed and that the adolescents would be doubled up at the Adolescent Reception and Detention Center. Further, if Federal Judge Orin Judd's recent decision on single cell occupancy is upheld by the Court of Appeals, the Department will have even more problems housing inmates.

It was the concensus of the Board that they should go on record letting the Mayor know the problem that the Department of Correction is facing. The Commissioner added that the Department is being forced to carry a disproportionate share of the budget cuts as compared with other agencies.

Deputy Commissioner Birnbaum stated that in some instances the Department is running minimum security in a housing area where there should not be minimum security. He noted that they are short 200 correction officers on the old post structure and they are 349 officers short on what the Department deems necessary to run the institutions.

The Commissioner informed the Board that the Department's work-release program was being investigated by Investigation Commissioner Nicholas Scoppetta. There have been allegations of people being able to buy their way into work-release programs.

Upon motion duly made by Mrs. Singer and seconded by Reverend Wilson, the meeting was adjourned at 4:45 p.m.