

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

March 3, 1975

A regular meeting of the Board of Correction was held on Monday, March 3, 1975, in the 14th floor conference room, 100 Centre Street, New York, New York.

Present were Mr. Lehman, Mr. Jackson, 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; Michael Cleary, Executive Secretary/Fiscal Officer; Jerome Cappellani, Stephen Fisher and Charles Hamiel, Staff Assistants; and Father Malcolm Gordon, Coordinator for the New York City House of Detention for Men, Clergy Volunteer Program.

Present from the Department of Health, Prison Health Services, were Dr. Lloyd Novick, Associate Commissioner and Executive Medical Director of Prison Health Services; Dr. Edward Allan, Director of Psychiatry, Prison Mental Health Services; George Jacobs, Assistant Commissioner; and Rena Murtha, Director of Nursing.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; Joseph D'Elia, Director of Operations; Al Jackson, Inspector General; Arnett Gaston, Executive Assistant to the Commissioner; Agenor Castro, Director of Public Affairs; and William Ritholtz, Director of Legal Affairs and Trial Commissioner.

Messrs. Lehman and Tufo served as Chairmen and Messrs. Cappellani and Fisher as Secretaries of the meeting.

The meeting was called to order at 12:15 p.m.

Upon a motion duly made by Mrs. Singer and seconded by Father Rios, requests for excused absences from Mr. Kirby and Reverend Wilson were approved.

It was agreed that a letter would be sent to Mr. Gottehrer, requesting a statement of his intentions with respect to his Board membership.

The Chairman introduced Father Gordon, CVP Coordinator at the NYCHDM. Father Gordon presented a "Report on the New York City House of Detention for Men," attached hereto. After reading the report that was distributed, he added some further observations, and a general discussion ensued.

At 12:45 p.m., Mr. Schulte entered the meeting.

The Board members expressed their thanks for the oral and written reports. At 1:05 p.m., Father Gordon left the meeting, and Mr. Fisher began acting as secretary of the meeting.

It was noted that the CJCC Grant Proposal was in its drafting stages, and it was agreed generally that final approval authority be delegated to the Chairman.

In response to Father Gordon's report on the conditions at the New York City House of Detention for Men, it was suggested that the Board set up office hours at the institution. It was noted that the situation posed serious problems. It was the consensus of the Board that HDM would be the perfect spot for implementing Board hours at institutions, and it was agreed generally that it would be done. Mr. Schulte and Mr. Jackson expressed their willingness to visit the HDM during the week.

At 1:35 p.m. Mr. Hamiel entered the meeting.

The Chairman described his perception of the functions of the Board and how it must act in the public interest. To this end, it was noted that the Board must draft a strong report to the Mayor on the crisis that the City faces regarding the rise in the detention population. It was further noted that the report to the Mayor would include such factors as the rise in the detention population, the decreasing services, the cutback in workers, and what impact the recent court decisions would have on the future of the City prisons.

The matter of the recent escape attempt at the New York City House of Detention for Men was discussed. It was noted that the press reports seemed to indicate a cover-up by the Department of Correction as to what actually happened at the institution, and that the Department has the public responsibility to report the truth about events in the prisons. The Board was urged to take a strong position with the Department so that it would not lie again to the Board and to the public. It was agreed generally that the Chairman would draft a short letter to the Commissioner regarding the episode of the conflicting reports.

A general discussion then ensued about placing a full-time staff member at the NYCHDM on a regular basis. It was noted that the Board was severely understaffed at the moment, and that to put someone there on a permanent on-going basis would be impossible. Upon motion duly made by Mr. Tufo and seconded by Mr. Schulte, it was:

RESOLVED THAT one full-time staff member operate at the New York City House of Detention for Men as soon as possible on a regular basis with additional support staff as determined by the Executive Director

It was suggested that this project be undertaken for two to three weeks, and that Mr. Fisher head up the project with two other people. It was suggested that to get the inmates' point of view, the Board staff should interview the Inmate Liaison Committee representatives at HDM.



Upon motion duly made by Mr. Schulte and seconded by Father Rios, the minutes of the meeting of February 8, 1975, were approved.

At 2:35 p.m., Dr. Novick, Dr. Allen, Mr. Jacobs, and Ms. Murtha entered the meeting.

The Chairman welcomed the staff of Prison Health Services to the Board meeting. He expressed his regrets that he had to excuse himself from the meeting to attend another meeting at City Hall, but noted that nothing interests the Board more than the delivery of health care to inmates. The Chairman asked that Mr. Tufo serve as Chairman of the meeting in his absence, and Mr. Tufo assumed the chair.

Dr. Novick introduced his staff to the Board.

Dr. Novick described the problems that face Prison Health Services at the moment. He noted that the intake and screening exam upon admission to an institution is, at best, cursory. Most physicians or physician associates who perform the initial medical exam have not been instructed as to what should be done, he said; at times, the writing on charts is illegible. He noted also that diagnostic procedures need to be tightened up. Sometimes people who are scheduled for OPD clinics never get to the clinics because of the correction officers' schedules.

The most severe problem that Prison Health faces at the moment is the reduction in staff, Dr. Novick declared. He stated that at present, there are 72 vacant positions at Prison Health and that this represents a loss of 10 percent of staff in the past three months. It was noted that so many staff vacancies exist because most of the staff have been either terminated or were provisionals. The biggest shortage is in the nursing staff, he said, especially at the four Rikers Island facilities, covered by Prison Health Services. Just by attrition alone, PHS is approaching the point that precludes the minimum medical care needed in the prisons, Dr. Novick said. He noted that PHS had lost psychologists at the NYCHDM and the Correctional Institution for Men. He also noted that every Quantitative Analyst who was on staff at the PHS central office has been lost by attrition or by cutbacks. Therefore, no statistics or annual report as to the amount of care provided to inmates in the past three years is available, he said.

Dr. Novick then stated his objectives as Executive Medical Director of Prison Health. He declared that it was not the policy of the Health Department to provide direct care to prisoners, and that this should ideally be done on an affiliation basis. He noted that Montefiore Hospital would be taking over health care at the NYCHDM and the Correctional Institution for Men at some point this year. He declared that Montefiore Hospital had the capability to attract better people because it offers a better pay scale, and for Montefiore Hospital to provide health services would be far better for the future.

Dr. Novick stated that his second objective is to reorganize the central administration of PHS. He would like to make people accountable in each institution for the actions they take and to implement a reporting system where peoples lives count against the dollar value placed on the work that is performed, he said. He added that another objective is to increase the quality of care offered in the City's prisons. To implement this objective, Dr. Novick declared that he would like to establish written guidelines for doctors to follow as well as have peer review by other doctors. Finally, he said, he would like to improve psychiatric referrals to hospitals. He noted that two out of three inmates who go for psychiatric referrals are returned to an institution without any action taken. Usually they are seen at the hospitals but are not admitted, he declared.

It was noted that Montefiore Hospital carried out the mandate of the contract and that they are ultimately responsible to the Health Department.

Dr. Novick was asked about the nursing shortage. He reiterated his position that if the shortages continue, they will truncate the ability of PHS to provide adequate medical assistance in the institutions. He noted that Commissioner Bellin had a meeting planned with Deputy Mayor Cavanagh to discuss this problem. If there is no positive response from Deputy Mayor Cavanagh, he said, then the Board might be able to assist PHS to achieve its objective of getting more nurses.

The Board raised the matter of the death of Paul Grimsley at Rikers Island Hospital in December and the related problems of getting an ambulance to the hospital. Dr. Novick reported that Prison Health is moving towards a satisfactory resolution of the problem. He noted that Correction ambulances should be used, but that a back-up procedure must be implemented. He also stated that it appeared to be an error on the part of a correction officer for the Grimsley death and getting an ambulance to the Rikers Island Hospital. In addition, it also represented a basic flaw in the system itself, he said.

The matter of dealing with mentally disturbed inmates was discussed. The Board asked Dr. Allan how the use of drugs was used for discipline as opposed to treatment. Dr. Allan responded that often the Department of Correction asked the psychiatric staff to do something about an inmate who poses a problem to the population. At times, they are dealing with a difficult situation and the determination has to be made as to what type of medication, if any, this inmate needs, he said. After some discussion, Dr. Allan noted that medicating inmates for the purposes of quieting them was much less prevalent now than it was a few years ago.

Dr. Allan then stated the four categories of mentally disturbed inmates which he has identified. They are: overt psychotic; suicidal risk; emotional problems, e.g., alcohol, drugs; and personal and personality i.e., assaultive behavior. As for staffing, Dr. Allan stated that he has four full-time psychiatrists who work 20 hours per week each; all the rest are part-time psychiatrists who work three to eight hours per day. He further noted that the real priorities for Prison Mental Health

disorders, i.e., assaultive behavior. As for staffing, Dr. Allan noted that he has four full-time psychiatrists who work 20 hours per week each; all the rest are part-time psychiatrists who work three to eight hours per day. He further noted that the real priorities for Prison Mental Health are the identification of disturbed inmates by admitting correction officers and medical doctors and that this would be accomplished through training which he hoped to establish. In addition, he hoped to improve the level of treatment for mentally disturbed inmates and noted the difficulty in treating "patients" and "inmates."

At 3:35 p.m., Dr. Novick and his staff left the meeting. Commissioner Malcolm, Deputy Commissioner Birnbaum, and Messrs. D'Elia, Jackson, Gaston, and Castro entered the meeting; and Mr. Cappellani resumed as Secretary of the meeting.

At 3:37 p.m., Mr. Lehman returned and assumed the chair.

A discussion ensued of the Theodora Feldman case. The main problem is that she posted bail, is now back at the NYCCIFW, and cannot get the bail refunded. It was suggested that separate letters on Ms. Feldman's behalf be sent to Judge Evans from the Department of Correction and the Board, and it was agreed that action would await a status report from Ms. Feldman's attorney.

Mr. Birnbaum reported that the Department is seeking personnel from the CETA program. He added that due to the lack of proper training, such personnel would not be used on the floors. He declared that he envisioned utilizing CETA people at desk jobs, thereby freeing more uniformed personnel to work on the floors.

The Commissioner was asked the reason for Departmental reluctance to request more Correction Aides. He replied that institutions become dependent upon services provided by the aides, leaving a void when aides are terminated.

Concerning the problem of overcrowding, the Commissioner warned that the Department is at the point where each bed must be counted. Sentenced people are transferred from CIFM to serve as maintenance crews at detention facilities. The housing shortage is so severe that central office must now consider placing detainees in the vacant beds at the sentenced institution. The Commissioner noted that the Department of Correction is presently at 92 percent of capacity. He was asked whether the figure was 92 percent of usable or rated cells. He stated it was of usable cells. Mr. Birnbaum observed that it was 92 percent of rated, not usable cells. It was suggested that the true figure must be higher than 92 percent, and the Commissioner agreed.

At 4:05 p.m., Mr. Ritholtz entered the meeting.

The Commissioner observed that the population is increasing weekly. He declared that as of the time of the meeting, there were 6,276 detainees; with the addition of sentenced prisoners, the figure amounted to 8,351 people. He noted that the City institutions are in serious trouble.



Concerning the question of whether the Department was utilizing the classification system order by Judge Lasker, the Commissioner stated that a system is being implemented.

To meet the current situation, the Commissioner declared that he has requested a declaration of emergency to install interior screening in the dormitories at CIFM so that they may then be used to house approximately 200 detainees. He added this may have to be implemented before there is a declaration. A second measure under consideration, he said, is an application to the court for permission to reopen the Tombs.

The Commissioner was asked about the main causes of the radical increase in population. He noted an increase in the number of arrests in 1974 over 1973, and a longer period of detention averaging out to 18 more days per person.

The Commissioner declared that he had visited the Federal Detention Headquarters in Manhattan, and that it was his opinion that the cells in that facility looked very much like cages because they have bars across the ceilings.

Concerning New York City institutional procedures, the Commissioner informed the Board that the Department intends to implement contact visits.

The Commissioner was asked to give the Department's account of the various incidents that occurred since the last meeting.

The first incident he described was the March 3 escape from HDM. He said that four inmates then set fire to a window, took a broom, wrapped the end in rags to muffle the sound, poked a hole in the window, and climbed through the hole. Three were recaptured between 10:30 and 11 p.m., and the fourth was apprehended later, he declared. The Department suspects that the igniting fluid used was a substance obtained from the xerox machine. The Commissioner noted that upon being recaptured one escapee asked, "Why didn't you shoot me, I got nothing to lose?"

Mr. D'Elia declared that on the night of March 3, an inmate escaped from the Bronx House of Detention and had not yet been apprehended.

The Commissioner stated that during the week prior to the Board meeting three inmates overcame a correction officer and fled while being delivered at 111 Centre Street. He noted that one has been recaptured. The failure of an officer to come down from the ninth floor and escort the delivering officer and inmates was cited as the cause for the escape.

The next incident discussed was the escape attempt by alleged members of the Black Liberation Army located in cellblock 1A at HDM. At 8:55 p.m., on March 16, an inmate named Bell requested to use a phone. A correction officer brought Bell to the phone. Bell shoved the officer against the grating at the front of the cellblock and put a sharp stick to the officer's

neck while another inmate grabbed his keys. The officer was bound and placed in a cell. The inmates then asked a second correction officer to enter the cellblock to repair a television. He was also bound and placed in a cell. The inmates then proceeded to saw the windows with hacksaw blades. At about 9:55 p.m., a correction officer spotted the inmates sawing the window and called for help. The inmates, realizing their attempt had failed, then cut loose the two captured officers and surrendered.

A separate incident occurred at HDM in cellblock 5 when inmates set fire to the windows. The Department suspects that the igniting fluid used was a substance obtained from the xerox machine.

Referring back to the escape attempt of Mr. Bell and his fellow inmates, the question was raised as to how the inmates obtained hacksaw blades.

The Commissioner stated that he was not sure. He noted a broken window in one of the visiting booths had recently been discovered. He speculated that possibly a similar situation had occurred prior to the escape attempt.

Mr. D'Elia pointed out that alleged BLA members are high security risks, and that they should always be strip searched when they return to the institution. However, he stated that Departmental officials are frequently accused by the courts of harrassing inmates. As a result, the alleged BLA members are not always strip searched. Mr. D'Elia declared that these inmates are clever people who can estimate when they will not be searched and thus will be able to sneak contraband into the institution.

The Commissioner was asked why there had recently been so many escape attempts in a relatively short time span. He cited the transfer of inmates from the Tombs to HDM and the compulsory housing of New York City detainees at Ossining Correctional Facility as the primary causes of increased tension among inmates.

Mr. Birnbaum added that the City layoffs and the overcrowded conditions have created a morale problem among Departmental personnel that affects the way they carry out their duties.

The Commissioner observed that effective supervision cannot be attained when one correction officer must oversee 300 inmates. One day in a recent week there were 338 people in one cellblock, he said. The Department has proposed splitting the blocks into units of 60 so that even if the number of inmates increases to 75, there would still be a manageable number in each self-contained unit, he declared.

Concerning the question of overtime, the Commissioner stated that correction officers want it when it is convenient for them. He added that the Bureau of the Budget should recognize a recently conducted Departmental post survey.

Returning to the subject of reopening the dormitories at CIFM, the Commissioner stated that it is first necessary to construct a screen which would protect the windows, and provide a catwalk for correction officers.

It was noted that part-time chaplains are being removed from the institutions and that CVP personnel are now being asked to perform functions previously performed by chaplains and correction aides. There was an inquiry as to whether the chaplaincy program could be reinstituted. The Commissioner replied that the City is in deep fiscal trouble and that a new program seems out of the question.

The next topic of discussion was the matter of Michael Barr, CVP Coordinator at the Queens House of Detention. The issue was whether the CVP members' performance of a liaison function interfered with the attorney-client relationship. The Commissioner requested that before any such function is performed, it be cleared first with central office.

It was noted that CVP members have had access problems at the Brooklyn House of Detention. Mr. D'Elia asserted that the problem was not one which had to be resolved at so high a level. He was informed that a letter had been sent to Assistant Commissioner Ford. The matter was resolved through an agreement under which all problems will first be referred to Warden West; if his response is unsatisfactory, Mr. D'Elia will be contacted.

It was brought to the Commissioner's attention that the Board wishes to monitor HDM for a one-month period. It was explained that the Board wishes to gain firsthand knowledge of the institution in order to submit a well-documented report to the Mayor. To facilitate this, the Board asked to have Mr. Tufo, Mr. Brickman, and a few staff members speak with Warden Thomas. The Commissioner pointed out that the warden is a very busy man, and that Board members and staff may have to consult with the deputy warden.

In response to the Board's request for a location within HDM where inmates could bring their complaints, the Commissioner expressed his desire that the project not further aggravate the situation. He noted that inmates may misinterpret the Board's role.

It was pointed out that the Board wishes to make it clear that its role will be that of an observer. Moreover, it was declared that the project could be used as a means of ameliorating the relationship between Correction personnel and the Board.



The Commissioner observed that correction officers do not feel the Board is on their side. He expressed the opinion that the Board is not really concerned about the officers.

It was agreed that the project would not be implemented until the matter is discussed further with Mr. Birnbaum.

The next meeting was scheduled for April 1, at 2 p.m., at Mr. Tufo's office.

Upon motion duly made and seconded the meeting was adjourned at 5:55 p.m.