

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

January 6, 1976

A regular meeting of the Board of Correction was held on Tuesday, January 6, 1976, at Mr. Tufo's office, 645 Madison Avenue, New York, New York.

Present were Mr. Tufo, Mr. Kirby, Mr. Schulte and Mrs. Singer. Also present by invitation of the Board were Marc Rosen, Executive Director; and Stephen Fisher, Staff Assistant.

The meeting was called to order at 3:00 p.m.

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

It was suggested that the Board adhere to its past practice and schedule its meetings on the first Monday and third Tuesday of each month. The Chairman stated that events during the past few months have prevented this, but he would try to adhere to that schedule in the future.

The Chairman stated that he had just been served with papers naming him and the other members of the Board of Correction as well as other City and Department officials as defendants in a suit filed by correction officers. The officers claimed that they had been forced to work overtime in violation of their constitutional rights. According to the lawsuit, each Board member is being sued for two million five hundred thousand dollars. A discussion ensued on the legal representation that the Board would receive in this lawsuit and it was noted that the Corporation Counsel could represent the Board in this matter. However, the Chairman stated that he will try to have a private law firm represent the Board members since the members were being sued as individuals as well as members of the Board. He suggested they would probably move to dismiss the suit against the Board because the Board has no operational responsibility and could not control the amount of overtime that the officers worked.

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

Upon motion duly made by Mrs. Singer and seconded by Mr. Schulte, the minutes of October 14 and November 3 were approved.

It was agreed that the next meeting of the Board of Correction would be held on January 20, 1976 at 2:00 p.m. at 100 Centre Street. Commissioner Malcolm will be invited to attend the meeting at 2:00 p.m.

A discussion ensued on the recent ruling handed down by Judge Lasker ordering single-cell occupancy at the New York City House of Detention for Men (HDM) effective January 16, 1976. Under the ruling the Department will be allowed to double-cell an inmate for no more than 30 days.

The Chairman noted that the Department had not formally applied to Judge Lasker for permission to reopen the Tombs yet. A discussion ensued on this matter, and it was the opinion of the Board that there is a possibility that the emergency which existed in the beginning of December regarding the overcrowding at the New York City House of Detention for Men and necessitating the reopening of the Tombs may not exist anymore. It was suggested that a special committee report be prepared and presented at the next Board meeting to determine whether the problem still exists and whether the reopening of the Tombs is warranted at this time. Mr. Fisher reported on his visit to the Tombs when the State Commission of Correction made an inspection of that institution during the first week in December.

Mr. Rosen reported that a head count taken the previous night at HDM indicated that there were 382 inmates double-celled and 612 inmates single-celled. There were 579 cells which were unoccupied. It was noted that Warden Greco estimates 200 inmates will have to be housed in another institution once the single-cell occupancy ruling becomes effective at HDM. The question was raised whether the Department would argue that these inmates should go to the Tombs. In addition, it was noted that the unencumbered 1973 Law Enforcement Assistance Administration funds that are being sought for the operation of the Tombs may not include funds for the renovation of the institution to comply with Judge Lasker's order. Following a general discussion, the staff was directed to prepare a report on the feasibility of using C-71 as opposed to the Tombs.

The question was raised whether there would be a State takeover of the City correctional system or, in the alternative whether there would be a contribution by the State to the operation of the system. It was noted that this subject will be included in the Board's hearings originally scheduled for January 12.

It was stated that the inmates of the Bronx House of Detention are doubled up at the moment, and it is only a matter of time before the Legal Aid Society brings a suit to extend the single-cell occupancy ruling to that institution. The Chairman noted that the Commissioner has stated that if it is necessary to satisfy court orders, he will release inmates.

Mr. Rosen reported on the Adolescent Reception and Detention Center monitoring project. It was stated that the problems at that institution do not seem to be at severe a level as they were at HDM last spring. However, the Chairman will solicit Mr. Jackson's and Father Rios' opinions on this matter.

The Chairman stated that the Citizen Volunteer Program was ready to begin operation. He declared that Mark Fishman, an attorney, was his recommendation for the position of Assistant Executive Director and Project Director of the Citizen Volunteer Program. He is a graduate of Harvard University and Harvard Law School and has been involved in community action programs. The Chairman stated that if any Board member wishes to interview Mr. Fishman he or she is more than welcome to do so. Mr. Schulte and Mrs. Singer stated that they would go along with the Chairman's opinion.

The Chairman stated that he would like to issue the Juan Cisneros report within a few days and the John Wessley Thompson report next week.

Mr. Rosen stated that the 1975 Annual Report will be prepared and submitted to the Board within a period of 30 days.

The Chairman stated that the hearings scheduled for January 12 would be postponed because of the shortage of staff and the pressure of recent events. He noted that the Ford Foundation has agreed to give the Board \$15,000 if the Board can find matching contributions of at least \$15,000. The money would be used to hire people to work on the hearings and to prepare for the Board's new charter powers. He stated that he would like to hold the hearings in February and has spoken with Jay Islin of Channel 13 about the possibility of televising the hearings.

At 4:13 p.m., Mr. Kirby entered the meeting.

Mr. Kirby raised the problem with the operation of the Clergy Volunteer Program. He noted that Ms. Armstrong had been Acting Director for many months and should be appointed its permanent director. The Chairman stated that if Father Rios and Reverend Wilson were agreeable to the appointment, he favored it also.

Upon motion duly made by Mrs. Singer and seconded by Mr. Schulte, the meeting was adjourned at 4:27 p.m.