

DRAFT MINUTES

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

A regular meeting of the Board of Correction was held on Tuesday, February 22, 1977, in the 14th Floor Conference Room at 100 Centre Street, New York, New York. Present were Peter Tufo, Angelo Giordani, Reverend Holder, John Horan, Wilbert Kirby, Marjorie Kogan, and Rose Singer. Also present, by invitation of the Board, were Marc Rosen, Executive Director; and Dan Pochoda, Michael D. Cleary, and Joseph V. Smith, staff. Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Arnett Gaston, Deputy Commissioner; Luis Cadiz, Deputy Commissioner; Alphonso Ford, Assistant Commissioner; Joseph D'Elia, Director of Operations; Thomas Binnie, Director of Administration; William Ritholtz, Director of Legal Affairs; John Bucholz, Director of Design and Engineering; Philip Leshin, Director of Public Affairs; and Roy Adams, Executive Assistant to the Commissioner.

Peter Tufo served as Chairman of the meeting and Joseph Smith as Secretary. Chairman Tufo called the meeting to order at 2:50 p.m.

Upon motion duly made by Rose Singer and seconded by Marjorie Kogan, excused absences for Peggy Davis, Reverend Holder, and David Schulte were approved.

The Secretary was directed to ammend the minutes of the meeting of February 7, 1977, to reflect that in the discussion of Resolution number 1 it was the sense of the meeting that Board members would report to one another about developments in their respective institutions. Upon motion duly made by Wilbert Kirby and seconded by Marjorie Kogan, the minutes were approved as ammended.

Chairman Tufo reported to the Board on his response to the February 11, 1977 escape of three detainees from custody at ARDC. He described the situation at the institution upon his arrival at approximately 11:30 p.m., the perimeter response, and the condition of the cell from which the three escaped. He stated that he had met with Warden Buono and discussed the incident and ways to avoid its recurrence. Discussions followed:

Marc Rosen commented on the escape and then reported on the Department of Correction's Management Review Meeting which he had attended on Monday, February 14. He stated that the Department had distributed its reorganization plan, reported on its performance under the fiscal plan, discussed future plans for the housing of state prisoners in the city system, reported on compliance with court mandates, was undertaking a post survey with the Office of Management and Budget, and mentioned the State Commission of Correction's concern about the conditions at the New York City House of Detention for Men at Rikers Island. Discussion followed.

At 3:20 p.m. the representatives of the Department of Correction entered the meeting.

Chairman Tufo requested that Commissioner Malcolm explain the rationale behind the reorganization plan. The plan, according to Commissioner Malcolm, was based on a combination of in-house upgrading of positions and lateral entry into the department. He cited reductions in overtime and sick leave as results of better management. Discussion followed.

Commissioner Malcolm reported on the February 11, 1977 escape, declared that there were institutional procedures designed to prevent such incidents, and questioned the adherence of personnel to those procedures. Chief D'Elia commented that an escape is made on an officer, not on a system. Commissioner Malcolm indicated that an investigation was underway and that while he

anticipated a whole lot would come out of it he was not at liberty to discuss it with the Board. Discussion followed.

Angelo Giordani raised the question of a formal means of communication within the Department regarding changes in procedure as opposed to the "grapevine" now in existence. Philip Leshin replied that a proposal for a department newsletter was being considered by City Hall but so far there had been no response. Discussion followed.

Chairman Tufo reported on the Board's minimum standard's project, informing the Commissioner that Dan Pochoda and staff had been conducting interviews with department personnel and researching and drafting a proposed set of standards. The Chairman stated that draft standards would be given to the Department for comment, then released, public hearings held, and then final standards issued after charter-mandated review by the Commissioner and Mayor. Dan Pochoda stated that the issuance of standards would be an ongoing process. Discussion followed.

Commissioner Malcolm reported on the introduction of kosher food into the institutions so that Orthodox Jewish detainees would not have to fast upon admission to a Department of Correction facility. This action was taken upon learning that the Board of Orthodox Rabbis had been providing this service. Discussion followed.

Rose Singer inquired about the housing of female federal detainees in the Correctional Institution for Women. Commissioner Malcolm replied that this was a contractual agreement with the federal government and that the department received \$22.50 per day for the service. He commented that there was sufficient space available to separate civil cases from criminal detainees.

At 5:05 p.m. the representatives of the department left the meeting.

At 5:15 p.m. Chairman Tufo called the meeting back to order.

Dan Pochoda reported on developments in the minimum standards project.

Discussion followed.

Marc Rosen reported on the activities of the personnel subcommittee.

Discussion followed.

At 5:30 p.m. Chairman Tufo requested that Michael D. Cleary leave the room. The questions of the Board's lack of a Deputy Executive Director was discussed as well as Michael D. Cleary's suitability for the position. Upon motion duly made by Rose Singer and seconded by Marjorie Kogan it was unanimously

RESOLVED THAT Michael D. Cleary be appointed Deputy Executive Director.

Wilbert Kirby favored the resolution but cautioned the Board not to deviate from its avowed policy of making a conscientious effort to hire minority candidates for supervisory positions. Discussion followed.

At 6:15 p.m., upon motion duly made by Reverend Holder and seconded by Angelo Giordani, the meeting was closed.