

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

December 11, 1972

A regular meeting of the Board of Correction was held on December 11, 1972 in the Auditorium, Bronx House of Detention, 653 River Avenue, Bronx, New York.

Present at the meeting were Messrs. vanden Heuvel, Dribben, Becker, Kirby and Schulte, and Mrs. Singer. Also present by invitation of the Board were John Brickman, Executive Director of the Board; Peter A. Lesser, Executive Secretary of the Board; Kenneth Nochimson, Legal Advocate; Joel Sperber, Director of the Literacy Program; Greg Harris, Director of the Clergy Volunteer Program and Sara Sackett, Senior Research Associate.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; Richard Aneiro, Assistant Commissioner; George Camp, Assistant Commissioner; Joseph D'Elia, Director of Operations; A.L. Castro, Director of Public Affairs; Arnett Gaston, Executive Assistant to the Commissioner; and Salvatore Perez, High School Urban Program Assistant to the Commissioner. Also present were Warden Arthur Singerman and Deputy Warden Charles Clark of the Bronx House of Detention. Messrs. vanden Heuvel and Dribben acted as Chairmen and Mr. Lesser as Secretary of the meeting.

The meeting was called to order at 3:20 by Mr. Dribben. After Mr. Brickman noted certain corrections, upon motion duly made and seconded, the minutes of the meeting of November 13, 1972 were approved. Upon motion duly made and seconded, a request for an excused absence from Mr. DeMonte was accepted.

Mr. Nochimson delivered a report on the Legal Advocate Program's hearings into the quality of legal representation afforded indigent defendants in the City of New York. He noted that a written report was being compiled which would include a list of recommendations which were gained from the testimony of the hearings. This report will be submitted to the Board members for their comments, after which it will be released to the general public. Mr. Nochimson also noted that a study of the competency of criminal defendant inmates who are sent to Bellevue or Matteawan would be undertaken in the near future by LAP.

Mr. vanden Heuvel arrived at 3:37, and assumed the chair at that time. Mr. Becker also arrived at 3:37.

Mr. Lesser then distributed a preliminary proposal revised organization chart of the Department of Correction, and discussion ensued. Mr. Lesser explained that the basic purpose of the proposed reorganization was to correct the apparent present absence of a direct flow of information to the Commissioner from his subordinates. In the present scheme, everything flows through the Deputy Commissioner, while in the proposed system there would be four Deputy Commissioners, each of whom would have direct access to the Commissioner. Mr. Lesser noted that what was really needed was a professional management study of the Department, rather than a cursory look by one member of the staff.

Warden Singerman then discussed the methadone detoxification program in the Bronx House of Detention. He noted that there was no round-the-clock coverage of nurses or doctors. Mr. Dribben requested a breakout of the methadone detoxification budget. The Chairman noted that he would like to discuss the entire methadone detoxification program with the Health Services Administration. Warden Singerman acknowledged that doctors in his institution have

a tendency to use psychotropic medication excessively, it is prescribed by psychiatrists and is used in an attempt to keep inmates quiet. Mr. Schulte suggested that Gordon Chase be urged to invite the wardens to HSA meetings so that they can personally present the problems of the prisons. The Chairman agreed that overmedication was definitely a problem in the prisons. The Warden declared that one month ago (November, 1972) in the Bronx House of Detention, 300 of the 800 inmates were on psychotropic medication. The Chairman noted that there was a balancing here between drugging the inmates under the guise of keeping them quiet versus the problems that would be encountered if no medication were prescribed and the inmates were allowed to "act out." The Warden acknowledged that his job was easier with the excessive medication; although he has complained to the psychiatrist that there seems to have been an overmedication in the institution. The Chairman announced that he will ask Dr. Franzblau and the New York County Psychiatric Association to send in a task force comprised of several psychiatrists to evaluate the entire use of psychotropic medicine in the prisons. The other members of the Board agreed with the Chairman's proposal and expressed their desire to initiate such a program.

Warden Singerman then raised other problems of the Bronx House of Detention, principally overcrowding. The Warden acknowledged that his services were breaking down. The Bronx House of Detention was built for 465 inmates, yet it is presently housing 800. The Warden stated that "its like a five-ton truck carrying a 100-ton load, sometimes it has to break down." The Warden noted

that 80% of the detention population had been there more than three months and that he sends a list every month to the Bronx District Attorney's office of those who are detained for more than a year, and that the DA has been successful in expediting their cases. The Warden noted that 60 to 80% of the prisoners who are called to the courts on a given day never get into court and that this is a tremendous waste of time and personnel and an inconvenience to the detention population. He noted that years ago in Manhattan, it was a practice to call for prisoners from the prison who were no longer there, thereby putting the blame on the Department of Correction if they did not show up for their court date. The Chairman noted that the Harvard Business School Association could be asked to donate some volunteer systems experts to look into devising a better method of delivering prisoners to the court.

Warden Singerman noted that he has never delayed an attorney in his institution for administrative reasons. There are six available cubicles in which to interview prisoners and that at any given time no more than four of them were being used by attorneys visiting inmates.

Mr. Kirby arrived at 4:34 P.M. Commissioner Malcolm and his staff arrived at 4:44 P.M.

The Commissioner discussed, the status of the telephones in the prisons. The report was the result of a statement by Representative Mario Biaggi that excessive long distance phone calls have been made by prisoners. The Commissioner read prior correspondence between the Department of Correction and the New York Telephone Company which called for the installation of cut-off mechanisms

in the control room. New York Telephone at that time was unable to comply with the request without a long delay. As a result, each institution was supposed to set up its own controls to prevent excessive use of the phones. Each system was to be approved by the Department. From May 1971 through July 1972 the bills were monitored by the Department and the Department was not dissatisfied. In July of 1972 the bills from the Bronx, Manhattan, and Brooklyn Houses of Detention rose substantially. The greatest problems were at the Brooklyn House of Detention where it is alleged that two inmates made several calls to San Juan, Puerto Rico. The Brooklyn House did respond by putting in a time cut-off system of five minutes per conversation. It was noted that it would be four months before a general area cut-off could be installed in the Manhattan House of Detention at a cost of some \$20,000. Part of the problem, it was noted, was that the prisoners were doing the dialing themselves and that general time cut-offs would be necessary in order to bring the bills down to a more acceptable level. The Chairman asked that the Department of Correction respond to Representative Biaggi's charges, noting that the press had been too eager to pick up his side only.

Commissioner Malcolm reported that the Department of Correction has no investigative staff at this time but that such a staff was in the process of being formed. This staff would also look into the recent escape from the Tombs. The Chairman noted that he had sent 28 questions to the Mayor, pertaining to the escape, to which he had requested answers. Deputy Commissioner Birnbaum reported that disciplinary action would be taken against correction officers if it was found necessary.

The Chairman asked the Deputy Commissioner "Are you waiting for the District Attorney to tell the Department of Correction that there should be action taken?" There was no reply from the Department. Mr. Schulte was asked to look into what security measures has been instituted in the rear areas of the Manhattan House of Detention since the escape.

Deputy Commissioner Birnbaum reported on the progress of the new Adolescent Remand Shelter and stated that the Department had still not established the working task force. The Chairman requested that courtroom space be made available in the new ARS.

Assistant Commissioner Aneiro reported that the Department was in the midst of its own bureaucratic reorganization negotiations.

Deputy Commissioner Birnbaum was asked if he would care to explain to the Board of Correction his reasons for tendering his resignation. The Deputy Commissioner noted that the main reason was professional frustration. In addition the upper staff had become more and more like line personnel and he didn't feel that he could renegotiate with the Bureau of the Budget what had previously been negotiated and promised to the Department but not delivered.

Deputy Commissioner Birnbaum than reported on the status of the Legal Orientation Program saying that he had received three bid proposals and a letter without a bid from the Legal Aid Society. The Department has set up an evaluating committee to consider the bids.

Mr. Sperber reported on the Literacy Program and the progress

that has been made since its inception in September.

Mr. Harris reported on the Clergy Volunteer Program and stated that he had already met twice with Commissioner Camp regarding implementation of the recommendations of the Task Force on the Church and the Prisons. The Department of Correction has named its two members to the Appointment Board.

Messrs. Dribben, Schulte, Brickman and Lesser recommended to the Board that an outside CPA be brought in to do a six-month audit of the Board of Correction account which would be in compliance with standard accounting practices and procedures.

It was reported that a furlough program had been started in the Department, that a new work-release program had gone before the State Board that week for approval, and that the Department was beginning to bring back men who had previously been sent to upstate facilities, so that they would be available for work release programs in the City.

The next regular meeting was scheduled for January 8, 1973.

Upon motion duly made and seconded, the meeting was adjourned at 6:05 P.M.