

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

December 17, 1974

A regular meeting of the Board of Correction was held on Tuesday, December 17, 1974, in Mr. Tufo's office, 645 Madison Avenue, New York, New York.

Present at the meeting were Mr. Lehman, Mr. Jackson, Mr. Kirby, Fr. Rios, Mr. Schulte, Mrs. Singer, Mr. Tufo, and Rev. Wilson. Present by invitation of the Board were Marc Rosen, Assistant Executive Director; Michael Cleary, Executive Secretary; Greg Harris, Director, Clergy Volunteer Program; and Jerome Cappellani, Staff Assistant.

Mr. Lehman served as Chairman and Mr. Cappellani as Secretary of the meeting.

After a meeting in executive session, staff members were admitted at 3:20 p.m.

The Chairman initiated the discussion with the subject of the proposed cutback of five staff members - Barbara Armstrong, Michael Cleary, Stephen Fisher, Greg Harris, and Eileen Shanahan. The Chairman declared that it was a disgrace for the Department to make such a cutback. He then asked Mr. Cleary to give a brief summary on personnel changes within the past year.

Mr. Cleary declared that the Board had already diminished its personnel number prior to the mayoral cutbacks, indicating that the Board has already assumed its share of the economic burden that rests upon the City. The most recent cutback would leave the Board with only three people on full-time City-funded lines, he said.

It was proposed that the Board meet with Tom Roche to try to remedy the situation.

Mr. Tufo was in favor of personally confronting Commissioner Malcolm and Deputy Commissioner Birnbaum before meeting with City Hall. Mr. Jackson said he would be willing to talk to Commissioner Malcolm.

The Chairman expressed his desire to hold a meeting at 2:00 p.m. in the conference room in Room 929 at 51 Chambers Street, on Friday, December 20. The Board agreed. It was further agreed that should the matter concerning the cutbacks be resolved before then, the meeting would be cancelled.

Mr. Rosen read to the Board a draft letter to Commissioner Malcolm, protesting the Commissioner's proposed cutback in the Board of Correction staff. With several changes, it was agreed that the letter would be sent.

Mr. Tufo stepped out to make a phone call to Deputy Commissioner Birnbaum.

The Chairman quoted an article in Fortune News stating that there is virtually no effective rehabilitation in prisons. The Chairman declared that he would like to go further into the matter.

Mr. Tufo returned and reported on his conversation with Deputy Commissioner Birnbaum. Deputy Commissioner Birnbaum had informed him that the Department of Correction was given only one hour to cut 25 provisionals, he said, and the choice was either emasculating the staff of the Department or the Board. He added that Deputy Commissioner Birnbaum further conceded that the Department's move was designed to compel the Board to go to City Hall to protest the cutback with the hopeful result that the Department of Correction would be forced to cut only 20 of the allotted 25 without ever having to approach City Hall.

Mr. Cleary then disputed Deputy Commissioner Birnbaum's figures, stating that the Department really had many more than 50 provisionals from which the cutback could have been made. He added that the Department had much longer than one hour to make its decision.

Mr. Tufo said that Deputy Commissioner Birnbaum was going to notify Commissioner Malcolm, who would then return Mr. Tufo's call.

Mr. Tufo declared that he was very disappointed in the Department's position. He stated that the Department now has three strikes against it - the Tombs, the Branch Queens House, and the present cutback - and that "three strikes and you're out."

The rest of the Board was similarly disposed. The general outlook was that the Board can no longer count on the Department of Correction.

Father Rios asked what should be the Board's stance toward the Department.

Mr. Schulte suggested that it should go public with its reports. It was noted that the Board should be sure to take full credit for whatever changes it is instrumental in bringing about.

Mr. Tufo left the room to make a second call to Deputy Commissioner Birnbaum. He reported that Deputy Commissioner Birnbaum had spoken with Commissioner Malcolm, and the Commissioner had agreed that the cut-back of Board personnel was too severe, and that he would be willing to call City Hall and state that the Board's five people should not have been cut. Further, said Mr. Tufo, he was willing to have somebody from the Department accompany the Board members in their meeting with Mr. Roche.

It was unanimously decided to send the letter of protest to Commissioner Malcolm despite the Commissioner's most recent position.

The Board then turned to the health study project. Mr. Rosen reported that the preliminary research will be completed by next Monday (December 23). He stated that the Board already has a report on the rights of inmates.

According to Mr. Rosen, there are three main problems involving central administration; the contract with Montefiore; the closing of Branch Queens and a more condensed population at Rikers Island, making administration of services more difficult.

The Chairman raised the question of whether the Board is equipped to take on a complex health study by itself or whether it should work in cooperation with an outside group with more expertise.

Mr. Tufo suggested that it may be possible to limit the study to the problems of provision of services without venturing into the area of medical competence. Mr. Rosen agreed with Mr. Tufo and stated that the main reason for the failure of services is the lack of direction from central headquarters. The Chairman stated that the lack of direction is at least in part attributable to personnel turnovers at the top levels of the Health Services Administration. The Chairman noted the problem of familiarizing the Board in the area of health services. It was agreed to hold further discussion after Mr. Rosen's preliminary report on the health study.

Mr. Schulte brought up the fact that Mayor Beame wants to transfer the City's responsibility for the Department of Correction to the State. This raised the question of whether the New York City Board of Correction would be phased out, since it would then have overlapping jurisdiction with the State Commission of Correction. It was noted that the jurisdictions

already overlap. Mr. Tufo declared that in order to phase out the Board, there would have to be legislation to amend the City Charter.

Upon motion duly made and seconded the meeting was adjourned at 4:35 p.m.