

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

June 10, 1974

A special meeting of the Board of Correction was held on Monday, June 10, 1974 in Mr. Tufo's office, 645 Madison Avenue, New York, New York.

Present at the meeting were Mr. Lehman, Mr. Gottehrer, Mr. Jackson, Mr. Kirby, Fr. Rios, Mr. Schulte, Mrs. Singer and Mr. Tufo. Present by invitation of the Board were John M. Brickman, Executive Director; Mary D. Pickman, Assistant Executive Director; Kenneth Nochimson, Co-Director, Investigation and Reporting Unit; and Barbara Allen, Secretary to the Executive Director.

Mr. Lehman served as Chairman and Ms. Allen as Secretary of the meeting.

The meeting was called to order at 2:20 p.m.

Fr. Rios stated that he had spoken with Mr. Gaston in Commissioner Malcolm's office and had been informed that the Pellagrino case was now under investigation by Mr. Nadjari's office.

The Chairman stated that he had a meeting scheduled with First Deputy Mayor Cavanagh regarding the future of the Tombs and that he would like to take some recommendations from the Board to the meeting. The Chairman stated that all who testified at the hearings seemed to indicate a need for reform of the criminal justice system and stated that he hoped the Board's final report would focus on reform of the criminal justice system.

A memorandum of June 6, 1974 which the Board had been sent in preparation for this meeting was then discussed.

Mr. Brickman stated that one of the advantages of adopting the Dominick Commission recommendations is that the rehabilitation process would then begin shortly after a defendant's entry into the criminal justice system following arrest, rather than waiting for some time later in the process for that to start. He further noted that a rich man and poor man would have an equal opportunity for release pending trial, as it would be the seriousness of the crime and resultant likelihood of return to court, rather than the ability to pay bail, which would determine a person's release before trial.

Mr. Schulte declared that he feels adoption of the Dominick Commission recommendations could cause havoc and that they should be tried first on a small basis. He added that the community should have a say in this. He questioned how adoption of the recommendations would help the citizens of New York feel free from fear of crime.

Mr. Gottehrer declared that he supports the Dominick Commission recommendations and that he feels bail reviews should be conducted by judges in the institutions.

Mr. Tufo stated that he supports the Dominick Commission recommendations, but feels that the report must focus on the original purpose of the hearings, which was the future of the Tombs. If the Board favors adoption of the Dominick Commission recommendations, he declared, this recommendation should be made in light of the hearings. He stated that he also felt that the report should urge that elected officials who have not done so in the past be called upon to give a high priority to court reform.

At 2:55 p.m. Mr. Jackson entered the meeting.

Mrs. Singer stated that she was in agreement with the Dominick Commission recommendations, but declared that she would like to read the memorandum of June 6, before making a final decision, as she had not had a chance to do so before the meeting.

Mr. Kirby stated that he was in favor of the Dominick Commission recommendations.

Mr. Schulte asked what process must legally happen before the Dominick Commission recommendations could be put into effect. Mr. Brickman replied that a bill must be passed by the State Legislature and signed by the Governor. He added that if the recommendations were put into effect, he was not at all sure they would result in a decrease in the prison population; they might even result in a rise.

There was general agreement by the Board, except for Mr. Schulte, that the adoption of the Dominick Commission recommendations in some form should be recommended in the report. Mr. Schulte declared that he will write a dissenting opinion.

There was general agreement that the Pre-Trial Services Agency should be expanded to boroughs other than Brooklyn as quickly as possible, and that a real bail review procedure

must be established.

There was general agreement that a strong centralized court administration is vital. Mr. Brickman declared that some judges are able to handle a large number of cases on a given day, while others will simply "sit on them." He noted that it is important to have a centralized court administration to minimize this.

Mr. Tufo declared that the Board should urge that a rule be adopted that if a case is not resolved in 90 days, and if the reason for non-resolution is beyond the control of the defendant, the individual must be released. Mr. Brickman stated that this should be the goal and a date should be established by when this would occur. The Board was in general agreement on this proposal, excepting Mr. Schulte, who will write a dissenting opinion.

The Board agreed generally that it was important for judges to visit the prisons, without concluding how frequently or when these visits should occur.

The Chairman declared that there was a question as to how specific the Board should be in its report and said that since any proposals the Board came up with had to be passed upon by many people, perhaps the more general the better.

Mrs. Singer stated that if the Tombs were closed and the inmates moved to Rikers Island, there could be a transportation problem in delivering them to court in Manhattan. Ms. Pickman replied that many individuals on trial in Manhattan were already housed at Rikers Island, and that only an additional 45 to 90 inmates per day would have to be transported.

Mr. Jackson stated that even though the facility is in bad condition, many of the inmates currently housed in the Tombs would prefer to remain there rather than being housed on Rikers Island. He added that some of the institutions on Rikers Island were as bad as or worse than the Tombs.

Mr. Gottehrer stated that he was in favor of closing the Tombs.

At 3:50 p.m. Mr. Gottehrer left the meeting.

Mr. Schulte stated that under no conditions should the Tombs be closed unless a new institution can be opened simultaneously.

At 3:55 p.m. Mr. Schulte left the meeting.

Mr. Nochimson distributed a memorandum he had prepared, urging that the Tombs not be closed, but rather that the population be reduced to a maximum of 300 inmates housed on three renovated floors at maximum security. Mr. Nochimson declared that he felt the Tombs should remain as a reminder of the problems facing the City's prisons and the criminal justice system. He recommended that only maximum security inmates, as well as new admissions awaiting classification and inmates currently on trial in Manhattan be housed in the Tombs. He noted that his reason for urging that the Tombs be used for housing maximum security inmates is that one of the fears of maximum security is movement. If the Tombs were used to house maximum security inmates, there would be less transportation and movement. After discussion Mr. Nochimson stated that he could be convinced to change some of his views, but that he definitely felt the Tombs should house no more than 300 inmates.

It was noted in general how difficult it was for visitors to get to Rikers Island and, once there, to be cleared to go to the institutions. Also noted generally was the lack of inmates' access to telephones. Mr. Brickman urged that the Board's report should be strong in calling for the installation of telephones on Rikers Island as quickly as possible.

Mr. Brickman distributed a copy of a memorandum from John E. Zuccotti, Chairman of the City Planning Commission, with cost figures for demolition, building a new structure, and renovation of the current Tombs structure. The Chairman stated that he questioned how much these figures would go up before any work actually began. Fr. Rios questioned whether renovation could be done as cheaply as the figures indicated. The Chairman stated that renovation would definitely cost less than building a new structure. Mr. Jackson noted that if the Tombs were closed and not gutted, the Department might continue to use it. Therefore, he declared, it must be closed with a definite plan in mind.

Mr. Brickman stated that no matter what was done to the Tombs, once it was closed there were going to be

problems with all the alternatives and the Board should look for the least onerous one.

Mr. Jackson declared that if the City gets one minimum security prison that much will have been accomplished. Fr. Rios stated that Judge Lasker had called for the minimum necessary to guarantee appearance in court.

Upon motion duly made and seconded, with Mr. Kirby abstaining, it was:

RESOLVED THAT the Board recommend the closing of the Tombs; no new structure should be built. More specific recommendations will be made at the Board's next meeting.

Upon motion duly made and seconded, the meeting was adjourned at 4:55 p.m.