

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

May 21, 1974

A regular meeting of the Board of Correction was held on Tuesday, May 21, 1974 in the second floor Board Room of the New School, 65 Fifth Avenue, New York, New York.

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

Also present by invitation of the Board were Nicholas Scoppetta, Commissioner, Department of Investigations;, and Edward Hammock, Deputy Commissioner of Investigations.

Messrs. Lehman, Tufo and Schulte served as Chairmen and Ms. Allen as Secretary of the meeting.

The meeting was called to order at 2:50 p.m. with Mr. Schulte serving as Chairman.

Mr. Brickman stated that he had spoken with David Condliffe of First Deputy Mayor Cavanagh's office and had been informed that Mr. Cavanagh would be the Board's liaison with the Mayor's office. If there were any problems, the Board and/or the Chairman should call his office and arrange a meeting.

Mr. Brickman then told the Board that he and the Chairman had met that morning with Dick Barnett of Athletes for a Better Urban Society to try to arrange for groups of professional athletes to go to the prisons to give exhibitions and clinics. He noted that the program should probably start at the Adolescent Detention Center and the Adolescent Reception and Detention Center and then hopefully expand to other institutions.

Mr. Brickman stated that only Deputy Commissioner Birnbaum had been sworn in earlier that afternoon with the title First Deputy Commissioner, while Deputy Commissioner Cadiz' swearing in was apparently delayed.

Mr. Brickman declared that he had been informed earlier that day that due to the budget cut of provisionals, the Board would be losing some of its staff lines. He stated that he

felt he could manage to keep the staff at its present level, but was doubtful the present vacant staff lines could be filled.

Mr. Brickman noted that he had spoken earlier with staff members of Prison Health Services and it appeared that in the new budget P.H.S. would be losing about 30 percent of its psychiatric and mental health workers and that an attempt would be made to close Branch Queens. He noted that the Health Services Administration was going to fight this and that he had offered the Board's support. However, this was before the Board's own staffing problems had come to light and he urged that the Board's staff matters take first priority.

At 3:05 p.m. Mr. Tufo entered the meeting and assumed the Chair.

Mr. Tufo asked for a report on the status of the preparation of the Board's report on the hearings. Mr. Brickman stated that the transcripts of the first day and a half of the hearings, being prepared by the Department of Investigation, should be ready by the week of June 3, and that the transcripts of the remaining day and a half, being prepared by the Corporation Counsel's Office, should be completed by June 10. Mr. Brickman stated that the staff was waiting to receive the transcripts before beginning the report. However, he declared, the framework of the report could be started now and completed later with details from the transcripts. He noted, however, that the Board had to determine what direction it wanted to move in terms of support of a particular alternative before drafting could be started.

A general discussion of the issue then ensued. Mrs. Singer stated that she likes the suggestion of building an additional adjacent wing to the present structure, with one wing for housing and the other for recreation, if the present cells can be renovated to conform with Judge Lasker's order.

Mr. Jackson stated that he believes that it is a necessity to have an institution in Manhattan and that the present location seems to be the best.

Fr. Rios stated that he has not yet made up his mind as to which alternative is best, as there are many things to take into consideration. He noted that he did, however, have a suggestion as to how the report should be written. He urged that the report be broken down into four sections: 1) stating the problem 2) stating the options or alternatives presented

at the hearings 3) stating the option the Board endorses and the reason why that option was chosen and the others rejected 4) stating specific recommendations as to how this alternative might be implemented and cost figures for this.

Rev. Wilson, Mr. Schulte, Mrs. Singer and Mr. Jackson all stated that they were in favor of a new wing being added to the present Tombs, with renovation of the present structure. Mr. Gottehrer noted that what actually happens in the case of the Tombs is a determination which will have to be made by the City. Mr. Tufo stated that this was true but to the extent the Board could have an input into the decision-making process it should attempt to do so. Mr. Gottehrer stated that he has not yet made up his mind which alternative he favors and wants to see cost analyses from the Department of City Planning before he does this. Mr. Gottehrer noted that he does feel it is necessary to have an institution in Manhattan.

Mr. Tufo stated that he believes that neglect and negligence by various officials in the criminal justice system are the cause of the present problems and that he feels that the Board should come down hard on those who are contributing to delays in sentencing, etc. He added that he too feels that there is a necessity for a detention facility in Manhattan, but not necessarily as the present one is being used. He stated that he is not sure the present Tombs could not be renovated in such a manner as to meet Judge Lasker's decision. He declared, however, that he wanted to see Mr. Zuccotti's figures before actually deciding if renovation or a new structure would be the best alternative.

Ms. Pickman stated that she was in favor of Dean McKay's proposal of closing down the Tombs and housing those inmates presently housed there on Rikers Island and/or Sing Sing, hopefully putting pressure on legislators and administrators to bring about changes in the bail laws and their application. Mr. Nochimson stated that he felt the present facility should be used to house incoming population and those inmates presently on trial in Manhattan, with all others being housed on Rikers Island, as it is important for those inmates on trial to be close to their lawyers and the courts. Mr. Brickman stated that in his judgment, on balance none of the alternatives is wholly satisfactory and it becomes a question of which of the alternatives is least objectionable. He declared that he presently believes that renovation is the least objectionable, and said that it is possible for the present institution to be renovated to meet Judge Lasker's decision. This might include, he declared, a visiting area set up for contact visits revamping the cell structure, and leaving open some cell doors presently locked.

At 3:55 p.m. Mr. Lehman entered the meeting and assumed the Chairmanship.

Mr. Tufo summarized for the Chairman the points upon which the Board was in general agreement. These included the need for a Manhattan facility; the desire for a smaller institution which would house only minimum and possibly medium security inmates; closing or tearing down the present structure would put added burden and pressure on the criminal justice system and would not be fair to the inmates; and a desire to see Mr. Zuccotti's figures before reaching a final conclusion as to which alternative is the best.

At 4:05 p.m. Mr. Scoppetta and Mr. Hammock entered the meeting.

The Chairman told Mr. Scoppetta the Board welcomed the opportunity to meet with him, and offered any assistance the Board and its staff might be able to provide. The Chairman then asked Mr. Scoppetta to report on his investigation.

Mr. Scoppetta stated that to date, all that had happened was that he had had several meetings with Commissioner Malcolm. He noted that the problem of security was more extensive than just screening at the door. He added that eventually, he and his staff would speak not only with the top officials of the Department and of the institutions concerned, but with various line personnel as well. Mr. Scoppetta declared that his investigation was presently at the information gathering stage and that he would welcome any suggestions the Board might have as to how best to proceed. He said that he was not sure how long the investigation would continue, nor certain of the form of its results, such as a report, hearings, prosecution, etc., since he has yet to determine the scope or type of problems they will encounter.

Mr. Brickman asked Mr. Scoppetta to define the distinction between the jurisdictions of his office, the Special Prosecutor's office and the District Attorneys. Mr. Scoppetta noted that his agency was unaffected by the Governor's order superseding the District Attorney's office, when an investigation his office is working on gets to the point where a prosecution is involved, the case is turned over to the District Attorney's office for prosecution, since the Department of Investigation does not have the authority to prosecute.

Mr. Hammock stated he was not sure what to see or how to go about seeing the institutions. He noted that in order to gather the appropriate and necessary information it is

necessary to move slowly and let a relationship develop, e.g., in terms of staff feeling comfortable with giving information, etc. He further stated that it was important for his people to be able to go into the institutions without being identified with the Department of Investigations and without everyone knowing that they are coming into and present in the institution at a particular time. He added, that at present, he and his staff were dealing primarily with Commissioner Malcolm, because he knew him personally and felt comfortable dealing with him at this point.

At 4:50 p.m. Mr. Tufo left the meeting.

Mr. Nochimson asked Mr. Scoppetta if, based on what he had seen so far, he believed that the Department was capable of having a successful Investigations Unit. Mr. Scoppetta replied that this would depend on who the commissioner was, and who was in charge of the unit. He noted that it was important for the head of the Investigations Unit to be in direct contact with the commissioner, rather than going through an intermediary. Mr. Hammock declared that it was possible for this unit to work with the proper staffing.

Mr. Scoppetta declared that he has found the Board's reports most helpful and that he looked forward to a cooperative effort of the two offices, sharing any information which each might come across.

At 5:10 p.m. Messrs. Scoppetta and Hammock left the meeting.

Upon motion duly made and seconded, Mr. Kirby's request for an excused absence was approved.

Mr. Brickman asked how the Board wished him to handle the search for a replacement for Ms. Pickman. After a brief discussion, the Chairman told Mr. Brickman that the Board would discuss the matter in executive session and report to Mr. Brickman.

At 5:20 p.m. Mr. Brickman, Ms. Pickman, Mr. Nochimson and Ms. Allen left the meeting and the Board met in executive session.