

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

September 16, 1974

A regular meeting of the Board of Correction was held on Monday, September 16, 1974 in Room 1410, 100 Centre Street, New York, New York.

Present were Mr. Lehman, 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; Marc Rosen, Assistant Executive Director; Greg Harris, Director, Clergy Volunteer Program; Michael Cleary, Executive Secretary/Fiscal Officer; Stephen Fisher, Staff Assistant; Sylvia Kronstadt, Staff Assistant; Barbara Allen, Secretary to the Executive Director; Caroline Kearney, law interne; and Kenneth G. Nochimson, Volunteer Consultant to the Executive Director.

Present from the Department of Correction were Benjamin J. Malcolm, Commissioner; Jack Birnbaum, Deputy Commissioner; Luis Cadiz, Deputy Commissioner; Alphonso Ford, Assistant Commissioner; Joseph D'Elia, Director of Operations; and William Ritholz, Director of Legal Affairs.

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

The meeting was called to order at 12:50 p.m.

Upon motion duly made and seconded, Mr. Gottehrer and Rev. Wilson were excused from the meeting.

The Chairman gave a brief summary of what had happened over the summer. He noted that he had met with the Mayor and told him that the Board could be better used and asked for better ties with City Hall, as Deputy Mayor Cavanagh was (and he himself admitted) too busy to act as liaison with the Board. The Chairman stated that Deputy Mayor Judah Gribetz had thus been designated liaison with the Board. He stated that he had met with Deputy Mayor Gribetz and had asked for his assistance in the telephone situation on Rikers Island.

Mrs. Singer stated that the Friendly Visitors had received permission to have a telephone installed in their office in the Women's House, and that there were 45 extra calls made on the telephone at inmate's request. Mr. Brickman declared that this just shows the need for telephones on the Island.

The Chairman noted that in connection with Rhem v. Malcolm, 14 out of 267 eligible inmates housed at the Tombs had chosen to go to Rikers Island.

At 1:05 p.m. Mr. Tufo entered the meeting.

A brief discussion ensued concerning access to the prisons. Mr. Brickman suggested that these problems be raised with Commissioner Malcolm.

The Chairman stated that he had raised the Board's need for a car with Deputy Mayor Gribetz. Mr. Jackson asked if there was identification to be used on Board members' private automobiles when on official business. Mr. Brickman stated that the Department has placards permitting Department staff to park in institutional parking lots, and stated that he would speak to Deputy Commissioner Birnbaum in an effort to arrange this for Board members.

Mr. Nochimson delivered farewell remarks, reflecting on his tenure with the Board. He made several recommendations for directions which the Board might take in the future. These included establishing office hours at the various institutions, to give the Board greater visibility and open up better lines of communication with correction personnel. He said that the Board should attempt to get the Department's Investigations Unit functioning properly. The Chairman stated that the Criminal Justice Coordinating Council had just approved funding of a new and stronger Investigations Unit and that he was fairly certain that this would be approved by the State. Mr. Nochimson declared that the Board should make every effort to see that its Investigation and Reporting Unit continues when funding runs out next June. He added that the Board should attend and become more involved in inmate liaison committee meetings and make more informal frequent visits to the prisons.

At 1:50 p.m. Father Rios entered the meeting.

Mr. Nochimson then declared his willingness to help the Board in any way possible, and expressed the hope of a joint project involving the Board and the Youth Board.

In response to Mr. Nochimson's comments, Mr. Tufo asked if it might be reasonable to take one institution and use that institution as a pilot project to point up problems existing in all the institutions. It was agreed generally that this would be looked into.

Mr. Brickman announced Ms. Allen's retirement from the Board staff. Upon motion duly made and seconded, Mr. Brickman was directed to take appropriate steps for recognition of her services to the Board.

Mr. Brickman stated that Charles Hamiel, an interne with the Board staff, would be filling the position vacated by Ms. Shanahan when she assumed Mr. Nochimson's position.

Mr. Harris stated that he understood that inmates enrolled in the John Jay College courses while incarcerated were, upon being released and attempting to continue courses, finding that their credits had not been transferred and that there was no record of their having taken the courses. Mr. Harris noted that he had been in touch with Assistant Commissioner Ford concerning this, but that he had not yet heard from him and declared that the Board should look into the matter. Mr. Brickman declared that before any action is taken, a response from Assistant Commissioner Ford should be had.

The Chairman declared that Board members' attendance at Inmate Liaison Committee meetings had been very poor. Mr. Brickman stated that to the extent that the Board was to have impact, it was necessary to be represented at these meetings by both Board and staff members. The Chairman stated that if it was not possible for a Board member to attend Inmate Liaison Committee meetings, he or she should let the staff know and the member's name would be removed from the list. Mr. Fisher stated that he now sends Inmate Liaison Committee meeting minutes to the Board members responsible for the various institutions. The Chairman asked that if the minutes of a particular meeting were important they be sent to all Board members. Mr. Fisher agreed.

Mrs. Singer noted that she was disturbed by the excessive number of attempted suicides and self inflicted injuries at the Adolescent Detention Center.

Mr. Brickman stated that it was also important for Board members to visit the institutions for other than Inmate Liaison Committee meetings, and noted the importance of Board members being seen in the institutions. He noted that a resolution had been passed by the Board in June 1971, stating that each member of the Board, after consultation with the Chairman, would be assigned to a particular prison, and should visit that prison at least once each month and report back to the Board. He added that visiting the prisons was mandated by the City Charter as a responsibility of the Board.

Mr. Schulte asked what a Board member should do about any problem he encountered. Mr. Brickman stated that he should be informed and he or whoever on the staff was responsible for the particular area would look into the matter. The Chairman stated that if on a visit to an institution the Board member could note three or four areas which need attention, this information could be passed on to the next Board member visiting that institution to check on.

Mr. Brickman stated that he would like the Board's approval to file the Wallace v. Kern brief this week, as it was the appropriate time. Ms. Kearney circulated an insert for the brief. After a brief discussion, it was agreed upon motion duly made and seconded to file the brief as amended and reviewed by Mr. Brickman.

The Chairman stated that the area of prison health services was of great concern to him and noted a few of the problems he was aware of.

At 2:40 p.m. Mr. Brickman and Mr. Harris left the meeting.

Mr. Fisher gave a detailed description of Prison Health Services, enumerating the recent personnel changes. Mr. Fisher stated that he did not know how many complaints concerning medical care were now coming in, but declared that he believed that there has been a significant decline in the quality of medical services provided.

The Chairman asked the staff to prepare a full scale report on Prison Health Services, in order for the Board to decide what action to take.

The Chairman declared that without objection by members of the Board, the next meeting of the Board would be held on Monday, October 7, 1974 at 12:30 p.m. in Room 1410, 100 Centre Street, and the following meeting would be on Tuesday, October 22, 1974 at 2:00 p.m. in Mr. Tufo's office. Mr. Schulte asked to be excused for both meetings.

Fr. Rios asked about the status of the Chaplaincy Task Force, and what had happened to the Hispanic Criminal Justice Task Force.

At 3:25 p.m. Commissioner Malcolm and his staff entered the meeting.

The Chairman asked the Commissioner about the present status of the Tombs. The Commissioner stated that the appeal will be heard on September 27, and that the result was now difficult to determine. The Commissioner added that there had recently been an increase in the Tombs population, but that the total number of inmates was still down from a year ago. Commissioner Malcolm stated that the Department hoped to have all mental observation cases out of the Tombs by the date the appeal would be argued. Deputy Commissioner Birnbaum stated that there was still much work yet to do to ready the Branch Queens facility for them, and doubted that the goal would be met.

The Chairman asked the Commissioner if he had any possibilities for a successor as head of Prison Health Services. Deputy Commissioner Birnbaum stated that Dr. Rostain was now acting director, and that only today George Jacobs, former Assistant Commissioner of the Department of Correction had been named Assistant Commissioner, Prison Health Services. Commissioner Malcolm stated that he sees a real problem in Prison Health Services in the next several months. Mr. Schulte asked the Commissioner if he wanted health services back under the jurisdiction of the Department. The Commissioner stated that if he were given the option with the appropriate budgetary allocation, he would take health services in the prisons back under the Department's control. The Commissioner stated that his biggest concern now was getting a liaison with Prison Health Services. The Chairman informed the Commissioner that he had asked the staff to conduct a study of prison health services.

The Chairman asked the Commissioner about the status of the chairs for the Brooklyn House. The Commissioner replied that the order has been approved, and in a day or two he could tell the Chairman exactly when the chairs would be in.

A general discussion of accessibility by Board members to institutions ensued. Mr. D'Elia stated that with the Commissioner's approval, he would write a strong new directive regarding Board members' access and put this on the agenda for the next heads of institutions meeting. The Commissioner agreed. The Commissioner noted that if a Board member encountered problems, he should let Mr. Gaston know immediately about the incident, since if a week or more goes by it becomes increasingly difficult to find out who was involved and correct the situation.

The Chairman stated that it might be useful if other members of the Board could attend the Department off-site workshops, which he and Mr. Brickman had attended in the past. The Commissioner stated that he hopes that this will be the case.

The Commissioner stated that the Board of Estimate had approved a resolution last week that permitted work to go ahead on installation of a telephone system on Rikers Island. After it was agreed by the Bureau of the Budget that there were no available construction sites already present on the Island to house the telephone system, and the Department agreed to do part of the necessary work, reducing the cost from \$120,000 to \$60,000, the Board of Estimate approved the project. He noted that this would cut approximately six months from the scheduled completion plan and that a patch-work system had been worked out whereby phones should be available for inmates' use in most, if not all, of the institutions on Rikers Island by Christmas. In an additional three or four months, he added, the whole system should be completed.

Assistant Commissioner Ford stated that according to complaints he had received, 18-B lawyers did not seem to be representing properly the inmates to whom they were assigned, and asked if the Board might talk to the Presiding Justice if the situation warranted.

The Commissioner stated that each agency has again been asked by the Bureau of the Budget to reduce personnel, and asked the Board's support in whatever action the Department might take to meet this request. Deputy Commissioner Birnbaum declared that he expected another cutback to be necessary between December 31, 1974 and June 30, 1975.

At 4:40 p.m. upon motion duly made and seconded, the meeting was adjourned.