

MEETING OF THE BOARD OF CORRECTION

March 15, 1977

AGENDA

1. Excused absences for Messrs. Giordani and Schulte.
2. Approval of the Minutes of February 22, 1977.
3. Report on the March 14 meeting of the Death Review Board.
4. Annual Report.
5. Meeting with Commissioner Malcolm and Department of Correction Executive Staff.
6. Date and location of next meeting.

DRAFT
MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

A regular meeting of the Board of Correction was held on Tuesday, March 15, 1977 in the 14th Floor Conference Room at 100 Centre Street, New York. Present were Peter Tufo, Peggy Davis, Reverend Holder, John Horan, Wilbert Kirby, Marjorie Kogan, and Rose Singer. Also present by invitation of the Board were Marc Rosen, Executive Director; and Michael D. Cleary and Joseph V. Smith of the Board staff. Present from the Department of Correction were Benjamin Malcolm, Commissioner; and Arnett Gaston, Luis Cadiz, Alphonso Ford, Joseph D'Elia, Philip Leshin, William Ritholtz, John Buccholz, Roy Adams, Martin Barr, and Brian Malone of the executive staff.

Peter Tufo served as Chairman and Joseph V. Smith as Secretary of the meeting. Chairman Tufo called the meeting to order at 3:30 p.m.

1) Upon motion duly made by Rose Singer and seconded by Marjorie Kogan, the requests for excused absences for Messrs. Giordani and Schulte were approved.

2) Upon motion duly made by Wilbert Kirby and seconded by Peggy Davis, the minutes of the meeting of February 22, 1977 were approved.

3) Marc Rosen reported to the Board on the Prison Mortality Review Board meeting of March 14, 1977 which had reviewed the deaths of José Caban and Julius Williams. Prison Health Service and the Department of Correction had cooperated since these two deaths in providing direct transfers of inmates to the Rikers Island Infirmary and in establishing time limits for all transfers. The right of a prisoner to refuse medical treatment had also been discussed, along with the percentage compliance rate of prisoner patients with medication schedules, and the possible consolidation of hospital prison wards. Marc Rosen reported that he had again requested the comments of the various participants at the meeting on the Board's Report on Prison Suicides August 8 to October 3, 1976.

5) At 3:55 p.m. the representatives of the Department of Correction entered the meeting. Chairman Tufo asked Commissioner Malcolm for comments on the draft minimum standards which had been presented to him. Commissioner Malcolm replied that comments were being prepared and that off-site conferences were being held. He declared that he agreed generally with the standards, that he had some problems, and that some were great. He stated that he had always been an advocate of seven day programs. He felt that the Department in some of its operations exceeded the Board's standards. Humorously, he declared that he needed a "day stretcher". He informed the Board that the Department had been developing a telephone system over the last few years with the Telephone Company. Regarding the correspondence standard, he estimated that free postage would cost approximately \$ 109,000.00 per year based on an estimate of thirty cents per person per week times fifty-two weeks times an average of seven thousand prisoners. He declared that the Department had to have weekend recreation for its prisoners because that's when problems occur now among the idle prisoners. Commissioner Malcolm stated that he had kept the standards draft within the executive staff, the wardens, and A/D/W DiLorenzo, Commanding Officer of the Rikers Island Mental Health Center.

Chairman Tufo stated that the cost estimates for the standards should be discussed as soon as possible so as to avoid a public situation.

Commissioner Malcolm promised that he would get back to the Board with positions and cost estimates as soon as possible. He repeated his support for seven-day recreation. He informed the Board that in an attempt to comply with the fiscal plan, overtime had been reduced from \$555 million in January 1977 to \$358 million in February 1977 through some curtailment of security. He expressed optimism at being able to finish the fiscal year within the plan. Commissioner Malcolm warned that there might have to be a trade-off on some standards due to the fiscal impact of proposals. Discussion followed on indigency and its difficulty to determine and frequently changing status. Commissioner Malcolm stated that the Department would meet with the Board's Minimum Standards Committee at 3:00 p.m. on March 29, 1977 at 100 Centre Street to discuss the department's response to the proposed minimum standards.

Commissioner Malcolm reported that the sick leave reduction program was being very effective and warned members that they might receive complaints from officers about harassment tactics. He said that some officers were in full support of the program. The objective is to reduce sick days from an average of 17.4 to 9 days per person.

Peggy Davis requested that Commissioner Malcolm report on the status of the project to renovate the Kings County Hospital Prison Ward. Commissioner Malcolm reported that it was stagnated on the issue of in-ward toilets. Messrs. Gaston, D'Elia, and Buchholz expanded on that statement. Commissioner Malcolm stated that a meeting would be convened to which the Board would be invited to further discuss the issue with KCH personnel, Health and Hospitals, Montefiore, Prison Health Services, etc.

Contact visiting was discussed. William Ritholtz informed the Board that a letter had been sent to Don Tobias of the Corporation Counsel instructing him that the Department would no longer resist contact visits in any of its court positions and Don Tobias was to forward that information to the bench.

At 4:50 p.m. the Department representatives left the meeting.

AGENDA ITEM 4

Rose Singer declared that the Annual Report was too long. Chairman Tufo advised her that a summary would be included with it.

AGENDA ITEM 3A

Marc Rosen reported on his meeting with DCJS. He informed the Board that an agreement had been reached on funding for the Institutional Compliance and Development Unit, that an increase of approximately \$2,000.00 per annum had been applied to the Senior Compliance Worker slot which James Harding would occupy, that a sixth slot had been added to the grant, and that accruals from the project would be returned to DCJS. Marc Rosen stated that unless there were any objections from the Board, private funds would be used to pay the salaries of ICDU employees for the week until the grant becomes active. No objections were registered. Chairman Tufo stated that attempts at reimbursement from the State Commission of Correction were being made and that on March 30, 1977 he would be going to Albany to meet with the Commission.

AGENDA ITEM 6

It was agreed that the Board would meet on April 4, 1977 in the Twentieth Floor Conference Room at 645 Madison Avenue at 2:30 p.m.

Upon motion duly made by Peter Tufo and seconded by John Horan, the meeting was closed at 5:00 p.m.