

MEETING OF THE BOARD OF CORRECTION

May 5, 1977

1. Excused absence for Mr. Giordani.
2. Report on April 28th meeting between Deputy Mayor Scoppetta and Commissioner Chinlund.
3. Report on May 3rd Management Review Meeting.
4. Minimum Standards.
5. Personnel - Institutional Compliance and Development Unit.
6. Date for next meeting. *May 17th*

David Schulte stated that the changes involved in the proposal to provide seventy square feet per person in the dormitories were being evaluated at the Correctional Institution for Men to determine impact. Dan Pochoda replied that the proposal is reflective of a current court order and that the reevaluation of facilities would have had to occur anyway. David Schulte suggested offering a peace-pipe to the Department. Chairman Tufo stated that he felt that attempts to cut off funds were the equivalent of going for the jugular and that the releasing of information to the press about Board personnel had only exacerbated the situation.

Vice-Chairwoman Davis suggested an attempt to meet informally with Commissioner Malcolm. Dan Pochoda stated that he felt that that would ameliorate some of the tensions but that he also felt that the Board should respond publically to the department's misrepresentations. Reverend Holder characterized the work of the Minimum Standards committee as a real "bang-up" job, stated that they should be highly commended, and expressed concern that there was a problem with the Department. Chairman Tufo used the example of the COBA's public response to the proposals where they state that the standards have to be reviewed and that they agree in principle with the Board's work as being opposite to that of Commissioner Malcolm who chose to attack the Board with lies.

Chairman Tufo requested volunteers to meet with Commissioner Malcolm and one or two of his deputies on an informal basis, all except John Horan volunteered. Chairman Tufo stated that he would talk to the Commissioner about such a meeting.

It was the opinion of Marjorie Kogan, David Schulte, and Rose Singer that Commissioner Malcolm would find it increasingly difficult to work with the Board again if a negative public statement was released concerning him. Peggy Davis suggested that herself, Chairman Tufo, and Reverend Holder have lunch with Commissioner Malcolm. David Schulte characterized the situation as being confused by the interchanging of emotions for facts.

Chairman Tufo suggested the issuance of the draft statement following deletion of some buzz words and consensus editing. Both David Schulte and Marjorie Kogan stated that they did not wish to be associated with such a statement, if issued.

suggested that the statement be released as a statement by Chairman Tufo only. John Horan cautioned the Board to consider a Board statement as Commissioner Malcolm liked to personalize matters. Peggy Davis moved to issue a majority statement. Chairman Tufo declared that it should be a Board statement. David Schulte stated that he wanted an opportunity to ~~say he was sorry to~~ ^{reason wish} Commissioner Malcolm. Peggy Davis suggested the issuance of a Board statement agreed to by the members and commented upon or dissented from if and only if specifically asked to do so. David Schulte proposed that he be allowed to call Commissioner Malcolm and say that if relations are not improved ~~he would be forced by his~~ ^{some of his} co-members ~~to~~ ^{would might} sign a negatively oriented statement. Wilbert Kirby repeated John Horan's warning against personalizing the matter because when one spokesperson or one staff person or a position is attacked, the Board is being attacked and must be defended.

Reverend Holder, Marjorie Kogan, David Schulte, and Rose Singer stated that they were opposed to a Board statement and in favor of an informal lunch with Commissioner Malcolm. Marc Rosen asked if it could be attended by the members, if it were scheduled for the next day. Reverend Holder and David Schulte replied affirmatively. The minimum standards committee stated that they unanimously supported the issuance of a Board statement and it was the consensus of the meeting that if a statement was to be issued, that is how it would be made.

At 5:00 p.m. upon motion duly made by Chairman Tufo and seconded by Reverend Holder, the meeting was closed.

suggested that the statement be released as a statement by Chairman Tufo only. John Horan cautioned the Board to consider a Board statement as Commissioner Malcolm liked to personalize matters. Peggy Davis moved to issue a majority statement. Chairman Tufo declared that it should be a Board statement. David Schulte stated that he wanted an opportunity to try to reason with Commissioner Malcolm. Peggy Davis suggested the issuance of a Board statement agreed to by the members and commented upon or dissented from if and only if specifically asked to do so. David Schulte proposed that he be allowed to call Commissioner Malcolm and say that if relations are not improved some of his fellow Board members might sign a negatively oriented statement. Wilbert Kirby repeated John Horan's warning against personalizing the matter because when one spokesperson or one staff person or a position is attacked, the Board is being attacked and must be defended.

Reverend Holder, Marjorie Kogan, David Schulte, and Rose Singer stated that they were opposed to a Board statement and in favor of an informal lunch with Commissioner Malcolm. Marc Rosen asked if it could be attended by the members, if it were scheduled for the next day. Reverend Holder and David Schulte replied affirmatively. The minimum standards committee stated that they unanimously supported the issuance of a Board statement and it was the consensus of the meeting that if a statement was to be issued, that is how it would be made.

At 5:00 p.m. upon motion duly made by Chairman Tufo and seconded by Reverend Holder, the meeting was closed.

MINUTES OF THE BOARD OF CORRECTION MEETING

MAY 5, 1977

Peter Tufo's Office, 645 Madison Avenue

Peter Tufo, Chairman
J. Kenneth Jackson
Wilbert Kirby
Rev. Louis J. Rios
David A. Schulte, Jr.
Rose M. Singer
Rev. Martin Lee Wilson
Mark Rosen
Executive Director

BOARD OF CORRECTION
CITY OF NEW YORK
NEW YORK, N. Y. 10007
212 264-8307
212 266-3826

The meeting was called to order at 2:45 p.m. Present were Rev. Samuel Holder, John Horan, Marjorie Kogan, David Schulte, and Rose Singer. Present from the Board of Correction staff were Marc Rosen, Michael D. Cleary, Dan Pochoda, Gay McDougall, and Diane Steelman.

Since neither the Chairman or the Vice-Chairman were present a motion was made by Rev. Holder to have Mr. Schulte chair the meeting until they arrived. The motion was seconded by Mrs. Kogan and was passed. Mr. Schulte assumed the chair. A motion was made and seconded to grant an excused absence to Mr. Angelo Giordani. The first item of business was a report on the personnel situation of the Institutional Compliance and Development Unit. Mr. Horan, a member of the Board's Personnel Committee reported on the selection process used to hire Mr. Joseph Little for the Institutional Compliance Unit. Mr. Horan stated that Wilbert Kirby, Marc Rosen and other members of the Personnel Committee had interviewed Mr. Little. These individuals were aware that Mr. Little had been convicted of manslaughter and had done time at Attica. They were also aware that while at Attica in September 1971 Mr. Little had been a member of the Attica negotiating committee that met during

the Attica riot. According to Mr. Horan, the individuals who interviewed Mr. Little were aware of the implications of Mr. Little's indictment for actions he was alledged to have committed during the Attica riot. They were also aware that these charges had been dismissed. None of the individuals who interviewed Mr. Little asked for the particular accounts of the indictment against Mr. Little. According to Mr. Horan, Mr. Little did not attempt to hide the fact that he had been indicted for charges at Attica although he did not go into specific detail as to the bill of particulars. Mr. Horan stated that Mr. Little's interview with Wilbert Kirby, Marc Rosen and himself had been successful. Mr. Little then saw Peter Tufo and Peggy Davis talked with several of Mr. Little's references.

Rev. Holder made a motion that resumes of all individuals selected by the Personnel Committee be sent to all Board members before any final action is taken. The motion was seconded by Mrs. Kogan. Mr. Horan stated that the suggestion to do away with the that the motion suggest that the Personnel Committee be eliminated which appears to indicate a lack of confidence in the Personnel Committee by the Board as a whole. Passing such a motion was according to Mr. Horan could mean that the Board would act as a committee as a whole for all personnel matters. Mr. Horan said that such an arrangement could be administratively impossible. Rev. Holder stated that if the motion were passed all Board members would be informed of all actions of the Personnel Committee and would give Board members veto power for any hirings. Mr. Horan stated that the Personnel Committee

had informed the full Board of all its hirings decisions and that the Board had ratified these hirings. When this information had been presented to the Board no questions had been raised. Mr. Horan went on to say that he felt that this new procedure was an overreaction. However, if the full Board wants to be involved in every personnel action of the Board, then Mr. Horan suggested that the Personnel Committee be eliminated. Mrs. Kogan felt that it was unfair for a three-person committee of the Board to be forced to take full responsibility in a matter such as the Little/Harding cases in question pointed as rightfully full responsibility of the entire Board. Mrs. Kogan also stated that the Board as a whole was not informed that Mr. Harding and Mr. Little were going to be hired by the Board. Mr. Schulte stated that passage of this resolution would ensure that the Personnel Committee reported to the Board. Mr. Horan stated that the Personnel Committee did report to the Board on all its hiring decisions. Mrs. Kogan stated that she and Angelo Giordani were supposed to sign authorization for all Board staff to go into Department of Correction facilities and that they had not been asked to grant this authority to Mr. Little or Mr. Harding. Peggy Davis entered the meeting at 2:55. Ms. Davis stated that the Personnel Committee had reported to the Board on Mr. Little and Mr. Harding prior to February 7, 1977. Mr. Horan stated that no one was suggesting that the Personnel Committee should not report to the full Board and that in the instant case this had been done. Marc Rosen stated that the Personnel Committee's report on the hiring of these

individuals is contained in the minutes of the Board meeting. Since Joe Smith, Secretary to the Board, was not present, and is the keeper of the Board minutes specific reference to the Board minutes regarding this issue has to await his arrival. Ms. Davis assumed the chair upon her arrival at the meeting. A vote was taken on the motion on the floor and was passed unanimously. Marc Rosen then reported further on the facts surrounding the Joe Little case. After a description of the ICDU grant for which Mr. Little was selected, Mr. Rosen stated that Mr. Little had written him a letter indicating that he was interested in employment with the Board. The letter stated that after having served four years in Attica and having been a member of the Attica negotiating team, Mr. Little had been employed for four years by the Bronx Court Employment Project. Marc Rosen stated that he subsequently interviewed Mr. Little and had been impressed by the interview. Mr. Little had submitted approximately a half a dozen references including David Rothenberg's of the Fortune Society, Judge Kohn of the Civil Court, Professor Novegard at Long Island University, Brooklyn Center. These individuals were either contacted by phone or wrote letters of recommendation all of which indicated that Mr. Little would be an asset to the Board staff. After his interview with Mr. Rosen, Mr. Little met with the Personnel Committee. Marc stated that he knew Mr. Little was an ex-inmate having served time for one conviction. He also was aware that Mr. Little had been a member of the Attica negotiating committee in September 1971 and had charges lodged

against him at Attica resulting from his alleged participation in the riot. Mr. Rosen also stated that he was aware that these charges had been dismissed. Mr. Rosen stated that he did not ask Mr. Little the specific charges contained in the indictment but was aware of the general nature of these charges. Although he did not know specifically that Mr. Little had been charged with assault on a correction officer. Mr. Little met with Peter Tufo on May 4, 1977 and discussed the matter during that meeting. Peter Tufo stated that he did not know of Mr. Little's full record specifically the alleged assault on the correction officer.

It was during the normal Department of Correction processing that this information came to light. In filling out his paperwork required for approval prior to appointment to this position Mr. Little had declared that he was indicted for charges at Attica in 1971 although he did not spell out specifically what those charges were. Mr. Little was fingerprinted and the prints sent to Albany through NYSIIS. His Department of Personnel paperwork was approved prior to the return of Mr. Little's prints from Albany. Mr. Little's prints returned on April 20, 1977 at no time since that date had the Department of Correction contacted the Board of Correction directly to indicate that they had any problems in issuing Mr. Little a pass. In fact, Mr. Little had been issued a temporary pass by the Department of Correction Personnel Division when he had filled out his paperwork. It is also of note that Mr. Little carried a pass signed by Commissioner Malcolm when he was an employee of the

Bronx Court Employment Project and also a pass for the OAR Program also signed by the Commissioner. Ms. Davis stated that during the interviews with the Personnel Committee, Mr. Little did not attempt in any way to hide the fact that he had been indicted for charges at Attica. While Mr. Little did not indicate these specific charges contained in the indictment, neither did the members of the Personnel Committee ask Mr. Little at any point to specifically enumerate these charges. Marc Rosen indicated that Mr. Allen Levine, American Civil Liberties Union, Mr. Little's attorney was outside the meeting room and would like to meet with the Board to discuss the Joe Little matter and answer any questions the Board might have. Mr. Schulte said he would not meet with the lawyer, Mr. Holder questioned the purpose of the meeting with Mr. Little's lawyer. Ms. Davis stated that the Chairman had been quoted in the press that Mr. Little had not fully disclosed his record. Mr. Little and his attorney were both very concerned about those statements and that a lawyer was present to explain these charges and the disposition. Rev. Holder suggested that the lawyer meet with the Personnel Committee. Rev. Holder made a motion that if need be Mr. Little should meet with the Personnel Committee and the Personnel Committee could bring a report of that meeting to the next full Board meeting. The motion was seconded by Mrs. Kogan. Mr. Horan stated that Board members had complained earlier in the meeting of not being part of the hiring process and that this motion to have the lawyer meet with the Personnel Committee was contrary to that early sentiment.

Peter T. ...
J. Kenneth Jackson
Wilbert Kirby
Rev. Louis I. Rios
David A. Schulte
Rose M. Singer
Rev. Mannie Lee Wilson
Mark Rosen
Executive Director

Mr. Horan saw no problem at all in meeting with the lawyer and hearing what he had to say.

Peter Tufo entered the meeting at 3:25 p.m. and assumed the chair. The meeting went into Executive Session.

Peter Tufo, Chairman
I. Kenneth Jackson
Wilbert Kirby
Rev. Louis J. Rios
David A. Schulte, Jr.
Rose M. Singer
Rev. Manolo Lopez
Mark Rosen
Executive Director

Board of Correction
City of New York
NEW YORK, N. Y. 10007
312 566-3856