

MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

March 6, 1972

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A regular meeting of the Board of Correction was held on Monday, March 6, 1972, in the 14th floor conference room, 100 Centre Street, New York, New York. Present at the meeting were Messrs. vanden Heuvel, Dribben, DeMonte, Kirby, Becker, Carrion and Schulte, and Mrs. Singer. Also present by invitation of the Board were John M. Brickman, Executive Director of the Board; Lesley J. Spector, Director, Clergy Volunteer Program, Board of Correction; Kenneth Nochimson and Averell Satloff, Law Internes of the Board; Benjamin J. Malcolm, Commissioner, Department of Correction; Joseph D'Elia, Director of Operations, Department of Correction; George Camp, Assistant Commissioner, Department of Correction; A. L. Castro, Director of Public Affairs, Department of Correction; James Latham, Acting Director of Legal Affairs, Department of Correction; Arnett Gaston, Executive Assistant to the Commissioner, Department of Correction; Terry Strauss, Research Assistant, Criminal Justice Coordinating Council; and Norman Palmer, Director of the College Adapter Program, City University of New York. Mr. vanden Heuvel acted as Chairman and Miss Spector as Secretary of the meeting.

The Chairman called the meeting to order at 4:15 P.M. Upon motion duly made and seconded, the minutes of the meeting of February 7 were approved.

Mr. Schulte stated that there was a bill presently before the State Legislature sponsored by Senator Dunne which would create a board of visitors for every prison in the State, including, he believed, New York City prisons. He added that the bills were numbered 8242 in the Senate and 8456 in the Assembly, and that they are up for their third reading at the present time. The Chairman asked that Mr. Brickman check into the matter and report back to the Board.

Commissioner Malcolm announced the appointment of Jack Birnbaum as Deputy Commissioner of the Department, and Ronald Zweibel as Director of Legal Affairs for the Department. He added that Mr. Zweibel's appointment becomes effective March 27, 1972.

Commissioner Malcolm stated he felt it was important to bring the Board up to date on the situation at the Adolescent Remand Shelter. He stated that on February 1, there was a confrontation at the ARS between correction officers and adolescents. He added that tear gas was fired and several windows were broken. He declared that the trouble stemmed from inmates' refusal to lock in because they resented the fact that they had to eat at tables in the day rooms on the floor.

Commissioner Malcolm stated that on February 3 he spoke to about 125 men. He further stated that he learned of two problems which were troubling inmates--the use of only one shower on the floor, and the lack of pork substitutes for inmates whose religious beliefs did not permit them to eat pork. He further stated that the Department was in the process of correcting both problems. He added that he told the inmates that it was a Departmental decision to move the tables into the day rooms in order to cut down on feeding time.

On February 27, hostages were seized at the institution. Commissioner Malcolm stated that the disturbance was allegedly a result of moving two brothers from their cellblock. Commissioner Malcolm stated that when he arrived at the institution, he asked that the hostages be released, but that the inmates refused to do so until they had an opportunity to talk. Commissioner Malcolm stated that procedure was unacceptable, and that one-half later, he told the prisoners that officers would be coming in if the hostages were not released. The hostages were not released, and the correction officers went in and quelled the disturbance. He added that 55 men were sent to the hospital and two were kept there overnight. There were other officers and inmates treated outside of the hospital. He declared that hundreds of windows were broken, pillows and mattresses were destroyed, and that the total damage is now estimated at approximately \$100,000.

Commissioner Malcolm stated that by Monday night (February 28), all inmates had blankets and mattresses, and that on Tuesday, he began talking to the inmates involved in the disturbance.

He declared that on March 6 he returned to the institution to talk to additional inmates, most of whom told him that they had wanted nothing to do with the disturbance, but were told by the alleged ringleaders that if they did not assist, the ringleaders would fight them as well. He further declared that it appeared as though there were approximately 15 ringleaders.

Commissioner Malcolm stated that there were 315 adolescents housed on the cellblock where the disturbance had occurred, and that of those 315, 77 had already been convicted but were awaiting sentencing.

Commissioner Malcolm declared that a Departmental survey indicated that on February 1, there were 270 inmates in the cellblock, - 182 were 20 years old, two were 16 years old; the vast majority were 19-20 years old.

Commissioner Malcolm stated that he had still been unable to specifically identify the grievances of the men in the cellblock, and that he had not interviewed the "ringleaders" of the disturbance since District Attorney Burton Roberts had objection to his doing so.

The Chairman stated that he thought the Commissioner handled the entire disturbance extremely well, and that the officers involved behaved very well under extremely difficult circumstances. He added that the injured were attended to promptly.

Mr. Becker asked why it took the personal intervention of the Commissioner to get things accomplished in an institution, i.e., why the wardens were unable to handle intra-institutional problems. Commissioner Malcolm stated that he disagreed with Mr. Becker.

Mr. Dribben stated that he felt most wardens only worked eight hours a day, five days a week, and that it was important for the wardens to be in the institution more hours than that. Mr. De'Elia stated that some wardens are in their institution in the evenings and on weekends.

Mr. Becker explained that he had been in touch with Alfred "Hap" Gary, an inmate at the Tombs, who had been conducting classes on the tenth floor of the institution. He further explained that Mr. Gary had now been moved into administrative segregation. Commissioner Malcolm stated that the Department would check into the situation.

The Chairman stated that the State Bar Association may take the position that no detention institution should be on Rikers Island.

Mr. Schulte stated that Warden Glick had told him that there are several hundred prisoners in City institutions who have been convicted but not yet sentenced, and that the delay seems to be caused by a lack of typists in the courts. The Chairman stated that he and Commissioner Malcolm had met with Judge Rabin about this problem and that the City is going to put out a contract to hire additional typists.

Mr. Schulte then reported that the problem with the delivery of toilets to the City institutions has been a shipping problem. The manufacturer has advised that it is more expensive to ship 99 bowls than to ship 100, so that it waits for an order of at least 100 bowls before it ships them. Mr. Schulte stated that the manufacturer will advise within a week whether it can adapt the bowls to the existing molds in the institutions. The Chairman asked Mr. Schulte to prepare a written memorandum outlining all information pertaining to the delivery and installation of the bowls. Mr. Schulte added that he has been advised that it would be well worth the \$350 expenditure per bowl to purchase steel bowls. Mr. D'Elia stated that steel bowls are almost as easy to break as are the china ones. Commissioner Malcolm expressed his appreciation for any assistance which the Board could give in this area.

The Chairman stated that he had attended the first meeting of the Women's Prison Council and that he felt it was a very hopeful beginning. He stated that the level of discussion was very good, and that the correctional personnel seemed to be very impressed. He stated that he had been in touch with Health Services Administrator Gordon Chase and asked him to appoint a member of his staff to serve on the Council. He declared that he thinks it is important to give high level attention to the problems that are brought up at these meetings in order to show that we are sincere in efforts to encourage communication within the institution. He added that one of the grievances presented by the inmate delegates at the first meeting was the fact that filter tip cigarettes were not sold in the commissary. Commissioner Malcolm declared that the Department has completed a commissary report and is now investigating the possibility of some changes in the system. Additionally, he stated that the Department would introduce a policy to place the commissary employee on the City payroll so that Commissary prices could be kept to a minimum. The Chairman stated that it would be helpful if an answer could be given to the inmate delegates at the next Council meeting.

The Chairman stated that he hoped that the Department would encourage some press coverage of the prison council meetings. Mr. Castro stated that he hoped he would be able to allow minimal press coverage in the near future.

The Chairman stated that he felt that any prisoner who wanted to be interviewed for television should be allowed to do so, providing he signs a release and his lawyer agrees to the interview. The Commissioner stated that he is prepared to allow such interviews.

The Chairman declared that he had received indications from the Ford Foundation that it would be willing to finance an ombudsman program on a pilot basis and that if such a commitment is forthcoming, he would like to meet with the Commissioner, Mr. Dontzin and a representative from Ford to discuss implementation of such a program. The Commissioner stated that he and Chief D'Elia were planning to go to Washington, D.C. in the near future to look at the ombudsman program there. He further stated that the Department had a grant application pending with the Criminal Justice Coordinating Council for investigators for the Department and that all such similar programs must be integrated if they are to work. The Chairman stated that he would like to try the ombudsman program in three institutions, each program to be administered differently so that the best method of administration can then be utilized in the other prisons.

The Chairman announced the resignation of Miss Spector as Executive Secretary of the Board and her appointment as Director of the Clergy Volunteer Program.

Commissioner Malcolm stated that big churches should be urged to begin to raise low cash bail. The Chairman declared that the clergy should organize to meet with the courts concerning low cash bail cases.

Commissioner Malcolm stated that he felt the whole bail system needed to be reformed. The Chairman declared that the money bail system should be abolished and that supervised release should be the alternative. Commissioner Malcolm stated that there are over 1,000 inmates in City institutions who have been convicted and are awaiting sentencing.

Commissioner Malcolm stated that he would inform the courts that if a successful rehabilitation program were to be conducted at the Reformatory, the courts would have to stop sentencing people to that institution once it reached 100% of capacity.

Mr. Kirby introduced Mr. Palmer to the members of the Board and the Department. Commissioner Malcolm stated that he had received a proposal from Mr. Palmer regarding an educational program in the prisons, and had forwarded it to Commissioner Camp for his review. Mr. Palmer stated that the staff of his program was primarily Black and Puerto Rican, and that the staff would be available to the Department to talk about how some of the programs of the College Adapter Program could be implemented in correctional institutions. He added that the foundation of what he was suggesting was a series of "tutoring libraries" in each facility where there would be available to each inmate program materials with some assistance from program staff and eventually from prisoners who could administer the program. He further stated that services could be coupled with services outside the institution. He suggested that the programs should emphasize English as a second language. Commissioner Malcolm suggested that Mr. Palmer visit some of the institutions at Rikers Island to see some of the problems there, and that he saw a great need at the ARS for the programs of which Mr. Palmer spoke.

Commissioner Malcolm asked whether a program could be devised for detention inmates. Mr. Palmer responded that the typical student in his program participates for a period of approximately 6 months. He further stated that some of

the students who enter the program with a reading level of grade 7 go on to college after the six-month period. Commissioner Malcolm stated that after Commissioner Camp had reviewed the proposal, he would like to meet with Mr. Palmer.

The Chairman stated that Mr. Becker had worked out a plan with the New York Board of Rabbis to supply kosher food, phylacteries, prayer shawls, etc., to all Jewish inmates who request such items.

Commissioner Malcolm stated that the Department had applied to the Criminal Justice Coordinating Council for a grant of \$90,000 for prison libraries.

The Commissioner stated that the Board should help in organizing a lobbying effort to change some of the legislation presently affecting New York City prisons, prisoners and ex-offenders. The Chairman stated that the Board is working on developing a massive lobbying effort. Miss Strauss stated that she would check with Dick Brown, the Mayor's Legislative Representative, concerning correction legislation presently pending in Albany.

Mr. Becker stated that the Human Rights Commission is holding public hearings on civil rights for ex-offenders. The Chairman suggested that he and the Commissioner should testify together at those hearings.

Commissioner Malcolm stated that the Department had established "suicide prevention aides" in the prisons, where inmates will be selected to work on suicide watch of other inmates.

The Chairman raised the question of selling prisoner's art work, and stated that the Board found no legal impediment to doing so. He suggested that the clergy could become involved in the selling of the art and inmates could have the funds put in a special account for them. Mr. Latham stated there might be a problem concerning the price of the art work. The Chairman suggested that the inmates could sign a release stating the price they wanted their art work sold for, and authorizing the proper agent to sell for them. Mr. Brickman stated that he would draw up a proposal for the sale of the art work to be presented to the Board at its next meeting.

The Chairman stated that he had met with correction officers in the Tombs, and that their major grievance was that they had not been paid overtime due them for over 14 months. Commissioner Malcolm stated that the 14 month figure is not accurate, but that they have not in fact been paid their overtime for several months. The Chairman stated that one of the areas on which focus had to be made this year was the problems of the correction officer, and that he would like to arrange a tour of duty in the institution so that he could better understand some of their problems.

Mr. Carrion stated that he would be meeting with the New York Central Labor Council later this month to talk about their participation with the prisoners on the outside and hopes to get a commitment from the Council in terms of available jobs for ex-offenders. Commissioner Malcolm asked for Mr. Carrion's assistance in setting up a meeting of all of the labor leaders in the City at Rikers Island. Mr. Carrion volunteered to help organize such a meeting.