

THE CORRECTIONAL ASSOCIATION
OF
NEW YORK
130TH ANNUAL REPORT TO THE LEGISLATURE
1975 REPORT OF THE MANAGEMENT

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This is an official report of The Correctional Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the one hundred and thirtieth of the series.

Paragraph 6 of Article XI of the Act incorporating The Correctional Association of New York (as amended by Chapter 398 of the Laws of 1973) provides that "The said executive committee [of The Correctional Association of New York] by such committees as they shall from time to time appoint shall have power to visit all the prisons in the state, and annually report to the legislature their state and condition, and all such other things in regard to them as may enable the legislature to perfect their government and discipline."



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THE CORRECTIONAL ASSOCIATION OF NEW YORK
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February 25, 1976

HON. HUGH L. CAREY
Governor of the State of New York


HON. MARY ANNE KRUPSACK
Lieutenant Governor and President of the Senate


HON. STANLEY STEINGUT
Speaker of the Assembly

DEAR GOVERNOR CAREY, MADAM PRESIDENT AND MR. SPEAKER:

Pursuant to Chapter 163 of the Laws of 1846, as amended by Chapter 398 of the Laws of 1973, this One Hundred and Thirtieth Annual Report is presented to you on behalf of the Board of Directors with the request that you lay the same before the Legislature.

Respectfully,


GEORGE G. WALKER
Chairman


EVE M. PRIMMINGER
President

1975 REPORT OF THE MANAGEMENT

Dear Fellow Members of the Association:

This report covers the core activities of the past sixteen months. Several constructive results were achieved despite adverse conditions.

Prison Visits

Eight visits by a Board committee and staff were made to ten facilities of the New York City Department of Correction. The committee's observations

are summarized beginning on page 7. A copy of the full report was sent to Commissioner Malcolm, New York City Department of Correction, whose cooperation and that of the wardens was complete.

Copies were also sent to Mayor Beame and other public officials and professionals who deal with criminal justice problems.* Two visits were made to Rikers Island. Among the major recommendations were that the Bronx House of Detention remain open and that certain federal funds be used to help staff the Rikers Island facilities. Both of these actions have been taken.

Civil Legal Services

Approximately 850 inmates in New York City institutions, too poor or otherwise unable to get legal help, were assisted by Association lawyers on their civil legal problems. This initiative of the Association in 1971 was first supported by a generous grant from a private citizen concerned with criminal justice, and augmented by Association funds. It was expanded in 1973 through a Federal grant to all ten City correctional facilities. Until the Association's Legal Services began its operation, no civil legal assistance was available to inmates unable to pay for their own counsel.

The accomplishments of this project are outlined starting on page 12. Inmate clients, wardens and independent observers agree it helps to improve prison discipline, to relieve tension, to change negative attitudes toward the legal process, to reduce dehumanization of incarceration by the inmate's contact with his or her attorney, to obtain funds for release on bail, and to open other avenues of release for participation in community programs. It costs the New York City taxpayer about \$4100 to keep an individual in pretrial detention for the average stay of 95 days. The average cost per case of the Association's services is about \$150. The economic gain for each inmate released through the efforts of Legal Services is significant. No New York City tax monies are contributed.

Since May 1975, when the Federal grant was drastically reduced, the staff of Legal Services has been cut to two full-time attorneys who attempt to cover all facilities on Rikers Island either through visits or telephone contact.

Recommendations to the Legislature

Eleven recommendations were made to the State Legislature in May 1975: These recommendations and the essence of the reasoning behind them are on pages 14 to 23. Two bills reflecting the Association's recommendations were enacted into law, and

three bills whose principles the Association supported were signed into law by Governor Carey.

In addition, the Association was asked by Counsel to the Governor for an analysis and opinion on five bills. The Association supported three and opposed two. All five became law.

For several years the Association has urged the Legislature to create a commission on judicial conduct. This was done by constitutional amendment in November 1975.

Other Direct Services

The Association's Family Services and Correctional Social Services assisted incarcerated individuals, ex-offenders and the families of both in a variety of ways throughout this period.

In the sixteen months from September 1974 through December 1975 there were over 300 Family Services client visits. These included visits to the office, home visits by a caseworker, and visits to spouses and other family members in institutions. This latter was most important in working through family problems and strengthening family ties.

During this same period there were over 500 Correctional Social Services client visits, including office visits and those made to the institutions where both personal and institutional problems were dealt with by the caseworker.

In addition, 74 appearances were made on behalf of clients to courts, the Division of Parole, welfare centers, and to other allied social agencies.

Since May of 1975 the Association has provided telephone information virtually around the clock on criminal justice procedures, a service especially vital to individuals who have had no previous experience with the system. Emergency help is also now available after regular office hours. The Association continues to be a clearinghouse for information on various aspects of the criminal justice structure.

*The full report was also sent to the Chairman of the New York State Commission of Correction, the Chairman of the Assembly Codes Committee, the Chairman of the Senate Committee on Crime and Correction, the President of the New York City Bar Association, and the Chairman of the Bar Association's Special Committee on Penology.

Financial

Financial results for 1975 were better than 1974. The 1975 loss, as shown on page 31, was \$36,749, after taking into income a \$16,781 capital bequest and \$10,522 realized gain on investments. This compares with a 1974 loss of \$292,166 which included a \$104,807 loss from a forced sale of investments to raise cash because of the City's delinquency. On a cash in-cash out basis the 1975 gain was \$104,735 in contrast with a 1974 loss of \$338,658.

The problem of collecting for legal work done for the City in City jails remains the same. The City owed the Association \$21,195 at 1975 year end, an improvement over the \$189,263 owed at the end of 1974.

When the City does not pay on time, the Association has to sell securities to meet payroll and other expenses at a loss in income and appreciation potential. There is no problem for the City to raise the cash, as funding comes from the Federal Government through the State.

The market value of investments was \$740,000 at February 11, 1976, the date used by the auditors, in contrast with \$477,000 at the end of 1974. Part of this increase was due to reinvestment of funds collected from the City early in 1975.

The land and building occupied by the Association are owned free of debt. No provision is made for depreciation of plant or equipment.

Board Changes

Harold K. Hochschild, a member of the Board of Directors for 46 of the Association's 130-year life, resigned from the Board and was elected a Director Emeritus. Always a pillar of strength, Mr. Hochschild provided invaluable guidance and support which are impossible to adequately record. The Association is fortunate that he is willing to attend Board meetings as often as he can.

Harry W. Fowler, President and Chairman of the Board from 1971 to 1974, Melber Chambers in the same post from 1960 to 1971, who both led the Association to imaginative, fundamental achievements in criminal justice, and other distinguished former Board members, Donald Agnew, George F. Baker, Jr. and R. Brinkley Smithers, were also elected Directors Emeriti. The Directors Emeriti remain as active in Association affairs as their sched-

ules allow, and are urged, but not obliged, to attend Board and committee meetings.

Douglas Ades, Vice President for Community Affairs of Chemical Bank, John H. F. Shattuck, National Staff Counsel of the American Civil Liberties Union, and Malcolm MacKay, Senior Vice President of Blue Cross/Blue Shield of Greater New York, have been elected to the Board. The Board is most strengthened by these additions.

John L. Hawkins and Sidney Mann resigned from the Board because their other duties conflicted with Board meetings. The Board is most grateful for their service.

Management Succession

Eve M. Preminger became Acting President in November 1974, following the resignation of Robert H. Fosen who accepted the position of Executive Director of the Commission on Accreditation for Corrections of the American Correctional Association. Ms. Preminger had been appointed Attorney-in-Chief of Legal Services in May 1972. She has just completed service as a Special Assistant Attorney General on the staff of the Attica Inquiry headed by Judge Bernard Meyer. Ms. Preminger wishes to return to the private practice of law, although she continues to supervise the activities of Legal Services on a part-time basis, and to conduct a clinical seminar in connection therewith at Columbia Law School.

Adam F. McQuillan, former warden of the Queens House of Detention, was elected President of the Association, effective January 1, 1976. Mr. McQuillan is a well-known advocate of intelligent and humane treatment of offenders. He brings to the Association a solid record of enlightened and imaginative leadership.

Outlook

While the authors of the figures on crime caution that they are not 100% accurate, it is known that in 1975 \$97 billion were lost to crime in the United States, an increase of \$46 billion in five years. The nation spends about \$120 billion on health care. The dollar cost of crime of about \$450 per man, woman and child does not include the suffering of victims and their families, or the often cruel and inhuman treatment of prisoners and detainees, or the frequent substandard working conditions of cor-

rectional personnel. One out of four households will have been hit by crime in 1975.

Over 70% of prison inmates are repeat offenders and over one-half of crime committed is by persons who have been in prison before. For the past sixteen months we have concentrated on visits to ten New York City prisons and reports on these visits to the authorities. Our recommendations to the Legislature have met with some success and our programs have contributed to a change in attitude of many of the prisoners and detainees we have served.

Professionals whose careers are devoted to the study of crime seem to agree that money alone is not the answer to controlling crime. The odds in favor of the criminal getting away with crime are 98 to 2. The severity of punishment appears less important than the certainty that criminals will forfeit any liberty at all. The experience of the Association, particularly in recent months in New York City prisons, points to the conclusion that the potential for reducing the costs of crime, reducing the prison populations, improving the treatment of prisoners and detainees, and increasing the certainty that criminals will forfeit liberty for their criminal acts, lies in the far better cohesion in the criminal justice structure than now exists.

The New York City Charter Revision approved in the November 1975 election takes a solid step forward in providing for a Criminal Justice Coordinator. This should be implemented promptly. The Association supported the restructuring on the State Commission of Correction accomplished on August 13, 1975, under the leadership of Governor Carey and Senator Marino, Chairman of the Senate Committee on Crime and Correction. This was a constructive move.

Plans for 1976

The Association plans to do what it can in the following areas:

- Continue visits to City, State and County institutions.
- Expand the Association's civil legal services if funding can be obtained.
- Legislative changes are required to create alternatives to imprisonment for non-dangerous offenders and to make more efficient use of existing alternatives such as halfway houses, probation, fines, volunteer work for minor offenders in community programs. The creation of such alternatives is

doomed to fail without a concurrent effort to develop a fair and effective classification system for prisoners.

- Job opportunities for ex-offenders should be improved, and training and education should be provided in conjunction with employment. Employment barriers for ex-offenders and former drug users should be removed.

- Elimination of wasteful and discriminatory bail procedures which create lengthy pretrial incarceration of persons unable to raise minimal amounts of bail, often for \$10, \$25 or \$100.

- The privacy of the individual involved in the criminal justice process should be protected, especially in regard to information on all medical records, education, mental health and family relationships. These are extremely sensitive areas and should be safeguarded as to privacy. The State should establish administrative standards and privacy protection for all criminal justice files.

On behalf of the Board,

George G. Walker
George G. Walker
Chairman

Eve M. Preminger
Eve M. Preminger
President

The Board wishes to record an expression of appreciation to Eve M. Preminger for her outstanding contribution to the work of the Association in its best tradition, and for advancing the protection of the rights of indigent inmates in New York City institutions. The Board is glad that she continues as a Board member.

Report Of The Committee On Institutions And Offender Services

In July of 1974 the Committee began a series of eight fact-finding visits to the ten facilities of the New York City Department of Correction:

Branch Queens House of Detention
Broxus House of Detention for Men
Brooklyn House of Detention for Men
Queens House of Detention for Men
The Rikers Island Complex:
Adolescent Reception and Detention Center
Adolescent Detention Center
House of Detention for Men
Correctional Institution for Men-Sentenced
Correctional Institution for Women
Rikers Island Hospital

Accompanying the Committee members on some of these visits were representatives of the Bar Association. The Association's Legal Services Bureau attorney assigned to each institution briefed those about to make the visit and accompanied them on the tour. Whenever possible visits were made at a time when the warden would be available to the group. Information was gathered on the availability and distribution of institutional rules, food preparation and service, admission recreation facilities, arrangements for family visits, facilities for telephone and mail communication and communication with legal counsel, and maximum security or disciplinary areas.

The following are the chief conclusions and recommendations of the Committee:

1. Contact visits for inmates with their families or friends should be made generally available in every institution. This will probably require better space, additional personnel for supervision, and facilities such as electronic equipment for minimizing smuggling of contraband.
2. The Central Office of the Department of Correction should insist on the existence and ready availability, including to an inmate upon arrival, of the rules of each institution both in English and Spanish.
3. Libraries, including the law library, should be better stocked. This is an area where the help of citizens and volunteer agencies should be enlisted.
4. Increased effort should be made to facilitate court appearances for detainees and to minimize the

loss of time, particularly for custodial personnel, a source of serious waste. This is a particularly inefficient operation at Rikers Island because of its remoteness.

5. Serious overcrowding in some of the institutions has become particularly threatening since the closing of two institutions and the announced intention to close a third, especially the housing of two inmates in a single cell, in many instances against the preference of the inmates. [As of this writing a Federal Court order has been issued forbidding involuntary doubling up of inmates in the Brooklyn and Queens Houses of Detention, a decision which could affect all City institutions.] Other serious consequences include the shortage of custodial personnel, reduction in family visits, and the availability of educational and recreational programs. Certainly the overcrowding contributes heavily to the very difficult situation at the House of Detention for Men on Rikers Island. [See report on the emergency visit to the HDM, below.]

6. Without undue interference with institutional authorities, the Department of Correction Central Office should coordinate activities at the several institutions more actively. For instance, data are or should be available showing the respective populations and the distribution of custodial personnel. At present, distribution appears uneven. The Committee found that the various visits enabled it to evaluate with the help of comparisons. Comparisons and evaluations can to a certain extent be made from data, but visits from the Central Office, some unannounced, are advisable.

7. Health care and services, not least in the field of mental health, leave much to be desired, although transfer of responsibility from the Department of Correction to the Health Services Administration has apparently improved the situation. Part of the problem arises from the fact that medical personnel are not subject to the orders of the warden, but to Health Services Administration officials. Differences between the Department and the HSA can at present be settled only at the level of the Mayor or Deputy Mayor. Consequently both sides have complaints, and the inmate may fall between two stools. Development of medical services by contract with institutions such as Montefiore Hospital should be explored.

8. Rikers Island offers a particularly difficult problem. Its remoteness, both from the courts and from visitors, is a serious drawback. There should be

improvement in public and other means of transportation. An effort should be made to have ball evaluation hearings on the Island, and perhaps some other parts of the judicial and administration processes.

9. There is some thought of State takeover and State financing of the City institutions. It is important to remember that incarceration in an institution remote from the City has serious drawbacks, particularly for prisoners and their families.

10. Alteration and construction of facilities should be made only after careful consideration of the undesirability of institutions housing over 500 inmates. Unsatisfactory features of present structures, particularly noticeable at the House of Detention for Men on Rikers Island, must be avoided.

11. Most of the present stresses and strains can be alleviated if funds are available, in some cases by an increase in personnel and in other cases by alterations in the plant.

12. The committee feels very strongly that many people are detained unnecessarily prior to trial at great cost to the taxpayers and to the detriment of the individual. There should be aggressive and imaginative efforts to find alternatives to detention, including a change in the bail system.

13. The committee feels that, considering the difficulties of operating institutions in New York City and the shortage of funds available to the City, a commendable job is being done by the Commissioner and the Central Office, and by the wardens and other institutional personnel. However, the committee remains of the opinion that a more thorough system of overview by the public should be inaugurated. Such an attempt is described in this report. But some system involving the ombudsman concept, as proposed in State legislation, should be set up. It should involve the necessary public funds, but be as independent as possible of the City and State governments.

The following is a summary of the Committee's observations:

Custodial Personnel: The impression was unexpectedly favorable. The proportion of black officers, including the higher ranks, seemed appropriate to the makeup of the institutional population. The proportion of Spanish-speaking personnel should have been higher.

Cleanliness: Good standards observed, notably in kitchen and food service areas, although the observation was during a single visit of which advance notice had been given. Exceptions were in and around cells and cell-block passages.

Crowding, Lock-in and Lock-out: Frequent lock-ins and lock-outs, scarcity of recreation, and double-celling were said to be the result of insufficient personnel. However, at some institutions the ratio of officers to inmates seemed rather high. A more systematic allocation responsive to shifts in population might improve this situation.

Detainees and Sentenced Inmates: In contrast to sentenced inmates, problems are caused for detainees because of uncertainty of length of stay, trips to court and the concentration of efforts on their criminal trials. It is difficult to arrange family visits, manage regular educational efforts, or deal with medical problems on any thorough basis. Sentenced prisoners, who serve as a work force in the detention institutions, are subject to less restriction than detainees and are entitled to more privileges, thereby further lowering detainee morale. A nearly universal complaint of detainees was the lack of access to lawyers representing them on criminal charges due to limited opportunities to see or to telephone them, and the lack of interest or diligence on the part of the lawyers. There was also frequent dissatisfaction with the quality of the representation.

Substitutes for Pretrial Detention: Although the average length of stay in detention, as reported by the various institutions, may be as low as 30 days, there were instances of pretrial detention of more than two years. This, of course, implied inability to post bail, in some cases as low as \$100. The high cost to the taxpayer for incarceration (\$16,000 per year per inmate for operating expenses only) and, of course, the harm to many detainees make it obvious that methods other than detention should be developed to deal with persons charged with a crime.

Remoteness of Rikers Island: This island can be reached from the mainland by only one bridge. Public transportation to the island end of this bridge is inadequate, and most visitors, including inmates' families, may not park on the Island. Transportation on the Island is by departmental bus, where intermittent scheduling causes delay in reaching the various institutions. There is further difficulty in getting prisoners to and from courts. Families do not have easy access to inmate-clients, and families find visiting difficult. Since the closing of the Tombs

and Branch Queens House of Detention, the City's inmate population has become increasingly concentrated on Rikers Island, thereby compounding the already serious problems caused by its inaccessibility.

Visits: At the Brooklyn House of Detention visitors, because of lack of interior space, have had to wait on the sidewalk, regardless of weather conditions, if they arrive before visiting hours begin. In many of the institutions a visit consists of a relatively short encounter during which the inmate is in a booth on one side of a barrier and the visitors in a booth on the other side. There is no physical contact, only visual observation through the glass. Communication is through obsolescent telephone equipment, much of it World War II military surplus. When phones are out of order, which happens frequently, the number and length of visits must be reduced. Reasons given for unavailability of contact visits were lack of appropriate space and insufficiency of personnel to permit the necessary supervision.

Wardens' Influence: The influence of the warden, or in some cases the deputy warden, was decisive in determining the nature of the institution. Some encouraged recreation, including outdoor exercise. Others did not. Some top personnel were concerned not only with security, but with what could be done to improve the lot of the inmate. Others, particularly if the institution was overcrowded and perhaps prone to serious disturbances, gave minimal consideration to factors other than security.

Disciplinary Process: There was undue variation in the area of disciplinary procedures. In some institutions serious effort was made to help an inmate contest the penalty for infractions of rules, for instance by facilitating the availability of possible witnesses; personnel assigned below the warden (who usually made the final decision) were reasonably well versed in the principles of fair procedure. In other institutions the impression was that the concept of "running a tight ship" was paramount to the extent of insuring that what the management considered prompt justice was meted out.

The availability to inmates of institutional rules varied from adequate to sporadic. In several institutions the reason given was that revisions were being made. This seemed an inadequate excuse.

It was observed that some programs, such as education and recreation, were sometimes used chiefly as a system of reward and punishment, intended to insure good behavior.

Inmates' Councils or Committees: To the extent feasible, inmate councils are to be encouraged as a channel of communication between inmates and custodial staff. They permit inmates to air grievances, and offer the warden an opportunity to explain the reasons for certain rules and actions. The Committee attended such a council meeting at the Correctional Institution for Men. It was impressively run by the warden, and inmate participation was free and articulate, but orderly and generally intelligent.

Records Concerning Inmates: A serious problem arises from the lack of information on personnel records of detainees concerning their behavior while detained. After trial nothing is usually available to the judges on this subject, which could be highly relevant in connection with sentencing. The detainee is thereby deprived of one incentive to good behavior. A similar failure to inform sentenced inmates of the reasons for denial of parole should be eliminated by effective implementation of recent legislation which the Correctional Association had urged.

Medical Care: Treatment was for the most part limited and, except for methadone withdrawal cases, only partly adequate in the case of detainees. Wherever possible, medical treatment was postponed. In some cases tranquilizers and other medicines were not delivered promptly or as frequently as needed. Psychiatric care seemed to consist primarily of administering tranquilizers.

Since health care is a concern of the Health Services Administration and not the Department of Correction, medical personnel are not under the command of the wardens, a situation which inevitably creates problems. A hopeful beginning for outside medical care has been made with Montefiore Hospital.

Miscellaneous: The adequacy of mail delivery services and the possibility of telephoning family and lawyers varied unduly.

The commissaries seemed adequate.

The architecture of the buildings often accentuated the noise level. There was frequently undue reliance on too few elevators, a potential danger as well as an inconvenience. Where there were several tiers of cells one above the other in long wings, the custodial problem was aggravated. For the most part inadequate space has been built for recreation, and heating and ventilation left much to be desired in a number of places.

With the closing of the Tombs and Branch Queens, the House of Detention for Men on Rikers Island was overcrowded at the time of the visit in April. It seemed to be run in a very strict manner, leading to an atmosphere of tension which could easily result in serious disturbances. This was aggravated by the stated shortage of custodial personnel and the inaccessibility of the facility, a particularly serious matter for detainees who must go relatively frequently to court off the Island, and who have special need for easy accessibility to and by lawyers. (See report of emergency visit below.)

Some Good Features: There is much hope in three programs used in some institutions: work release, furloughs, and community participation in art, music and other recreational or educational projects. The remoteness of Rikers Island is a curtailing factor.

The use of sentenced prisoners for service, both for chores and more rewarding work, e.g., teaching at the Brooklyn House of Detention, was encouraging. This should be extended to detainees whenever possible. It reduces idleness, permits a sense of usefulness, and saves money.

In many institutions care is taken to try to avoid successful suicide attempts, including the use of fellow inmates to be with those with suicidal tendencies in watches around the clock. Special custodial care in segregated areas made it possible regularly to watch out for and prevent these occurrences.

The existence of law libraries and personnel to counsel inmates on their use were notable features in most institutions. Considerable use was made of these facilities, no doubt increasing the awareness of inmates of their rights and privileges. However, personnel shortages limited availability of the law libraries.

The use of civilians as correction aides was also a commendable feature in many institutions, for instance in teaching and in manning telephones for calls by inmates. These services have been seriously curtailed since the budgetary crisis.

Treatment of homosexuals appeared to be relatively liberal. Every effort was made to protect non-consenting individuals, but those who wished to be housed near other homosexuals were permitted this arrangement.

The Committee acknowledges the high degree of cooperation received from Commissioner Benjamin

Malcolm, the wardens and other personnel of the Department of Correction.

Report on the Emergency Visit to The New York City House of Detention for Men

Those who followed the news reports in early July, 1975, were warned of the risk of riots and violence in the New York City House of Detention for Men on Rikers Island (HDM). The Correctional Association of New York Committee on Institutions and Offender Services had visited HDM on April 16, 1975. As a result of that visit, and of the warnings of the press and the well researched and documented June 30 report of the New York City Board of Correction, which reached conclusions similar to those described below, the Committee felt further observation was imperative. On July 16, 1975, it met with Benjamin Malcolm, Commissioner of the New York City Department of Correction, visited HDM, met with Warden Arthur Rubin and toured the institution.

Overcrowding

The Committee found that in the previous nine months the correctional system of New York City had lost the facilities for a total of 2,053 inmates as a result of the closing of Branch Queens, the Tombs, the Adolescent Detention Center and the partial closing of the Bronx House of Detention. The Bronx House of Detention was scheduled to be completely closed as of June 30, but the closing has been delayed and the institution remains partially open. HDM has had to provide facilities for a great many of those moved because of the closings. At HDM one cell block out of a total of eight was closed for renovation and at least one will be, according to the renovation plan, closed for the next two years. There are always some cells closed for needed repairs. The result is that there is overcrowding in the general population so that in a good many cases it is necessary to place two men in a cell five feet wide by eight feet long. The population is likely to increase during the summer months, according to past experience.

Personnel Shortages

The Department of Correction has lost 240 officers as a result of the City's financial problems. This loss is reflected in HDM. According to Warden Rubin, HDM and the Mental Observation Unit,

which is administered under HDM, are authorized 373 officers. On July 16, 361 officers were assigned to HDM, thus leaving the institution 12 officers short. The decrease in assigned officers, aggravated by the increase in sick calls, forces the Warden to assign overtime, making already bad working conditions worse. The result is increased demand for transfer and many officers calling in sick. On July 7, 24 officers called in sick. Two officers have been suspended because of abuse of sick leave.

In addition to the reduction in available officers, HDM has also lost 30 members of its civilian staff as a result of budget cuts. These were correction aides who helped with inmate problems such as making telephone calls for inmates, checking on their property and generally taking pressure off the officers. The number of officers has thus been reduced while their workload has increased. At the present time, according to Warden Rubin, each officer is working an average of 12 hours a week overtime. Some officers are required to work two tours of duty back to back, or 17 hours in one day.

It is clear from our observations that there is a certain number of posts at the House of Detention for Men which must be manned. For example, as long as there is a prison population in a cell block, there must be a minimum of four officers assigned to that cell block. The cell block designs are such that, even with a full complement of personnel, it is difficult to get adequate supervision to maintain security and protect inmates from danger from other inmates. Cuts in personnel can only result in increased overtime, since there is no way because of the structure of the facilities to reduce the number of officers needed in the cell blocks.

Construction Changes

HDM was built over forty years ago to house sentenced prisoners. Its design and location are deplorable for housing detainees. It is impossible, without a greatly increased staff of officers, to maintain adequate supervision of the inmates. There is inadequate protection for supervisory officers who must man a post in the general inmate population. The amount of noise, because of the bad design, is intolerable; it appears to be "cruel and unusual" punishment, forbidden by the Eighth Amendment to the U.S. Constitution.

In the past, officers have considered HDM the worst assignment in the corrections system. After two visits, the Committee agrees. Cuts in staff and an increase in population have made it worse. The

Committee found that the number of officers applying for transfer from HDM has increased very greatly in the past few months.

The Committee believes that in a system that has been overcrowded, visits by families are more important than ever. Access to HDM is very difficult for persons from Manhattan or the Bronx. A family or friend has to travel many hours to reach Rikers Island, only to spend more hours to get to the institution and waiting to see the inmate. Normal visiting facilities at the institution are inadequate for present visits. Although there is talk of instituting contact visits for families and friends, there are insufficient personnel to supervise them, inadequate facilities to deal with them, and little use of modern technology for controlling contraband that could be brought in by visitors.

Recommendations

1. As a result of its investigation, the Correctional Association recommends that the Bronx House of Detention for Men remain open to relieve the pressures on HDM. Transferring the remaining prisoners to HDM would exacerbate existing conditions by increasing the overcrowding. Closing the Bronx facility would increase the pressure further because of inaccessibility of HDM to families, friends and lawyers.

2. The Association opposes the cutbacks in officer personnel, which reduce the number below what is safe or fair. It recommends that civilian staff, either voluntarily or otherwise — possibly through Comprehensive Education and Training Act funds — be arranged for to place phone calls for inmates since too much of the officers' time is now taken up by handling the telephone.

3. The Association also recommends that as a temporary measure to relieve some of the structural problems at HDM, the cell blocks be divided into four smaller units with better protection being given to the officers. It feels that it is unwise to build or operate facilities that house over 500 persons because of greater difficulty in providing services and supervision. Breaking down the HDM cell blocks would bring units into manageable size.

The Committee found the situation at HDM unsatisfactory and potentially dangerous. Working conditions are unacceptably difficult for officers, and living conditions are unacceptably bad for inmates. The Committee expected that the cuts in staff and the increased population would have sub-

stantially increased the tension that is observed when it visited on April 16, before the arrival of Warren Rubin. Based on what it saw and heard during its two visits, the tension on July 16 was not as great as the Committee expected.

However, the Committee believes that if something is not done promptly to relieve the overcrowding, the overtime on officers and the structural conditions, the situation at HDM could become explosive.

Legal Services Bureau

Background

Early in 1971 the Correctional Association became aware that inmates in the New York City correctional facilities were besieged by innumerable civil legal problems. In *Johnson v. Avery*, 393 U.S. 483 (1969), at p. 488, the Supreme Court noted:

... the initial burden of presenting a claim to post-conviction relief usually rests upon the indigent prisoner himself with such help as he can obtain within the prison walls or the prison system. In the case of all except those who are able to help themselves — usually a few old hands or exceptionally gifted persons — the prisoner is, in effect, denied access to the courts unless such help is available.

The need for assistance with civil legal problems is even more acute, since in this area there are no "jailhouse lawyers." But the vast majority of detainees, and many of those already sentenced, are poor. They not only cannot afford to retain private counsel for their criminal defense; they cannot afford lawyers for civil cases. Yet, until the Legal Services Bureau of the Correctional Association began its operation, no legal assistance was available to indigent detainees in New York City institutions for their civil legal problems. These related primarily to their lives outside the institution: divorce, child custody, eviction without proper notice, loss of wages, social security, or other benefits. But many cases were specifically connected with their arrest, adjudication or imprisonment: inability to obtain their own funds to make bail; inability to reclaim forfeited bail or to recover property seized at the time of arrest; the need to vacate Family Court warrants which interfere with work-release and other diversionary programs; immigration and deportation problems.

Sparked in large part by increased public awareness of the need for immediate change in prison

conditions, The Correctional Association of New York implemented a pilot civil legal services program in October 1971, a month after Attica, supported by funds from a private donor. The project operated initially with two attorneys in the Manhattan House of Detention for Men (The Tombs) and the Brooklyn House of Detention for Men. In February of 1973, with a grant from the Law Enforcement Assistance Administration, a federal agency, the service began its expansion to the then eleven City detention and correctional facilities, increasing to a staff of nine attorneys.

Activities

From February 1973 through September 1975 a total of 3,631 inmates were interviewed. Of these interviews 2,813 (77%) resulted in civil legal cases. Successful conclusions were achieved in 2,047 cases (73% of those cases involving legitimate civil legal issues), and 346 lawsuits were instigated. Cases handled by the Legal Services Bureau break down as follows:

- 37% Issues arising from arrest and incarceration (e.g., posting bail, obtaining possessions from police property clerk)
- 30% Domestic relations issues (e.g., marriage, divorce, child custody)
- 23% Personal finances, consumer protection, landlord/tenant problems, problems with former employers
- 10% Relationships with official agencies (e.g., immigration, social security, social services)

However, these statistics do not reflect the full range of problems confronting the indigent inmate which the Legal Services Bureau attempts to resolve. For example, Bureau attorneys are engaged in long-term litigation to protect the parental rights of a former drug addict released from the Women's House of Detention. This was decided in favor of the mother by the Appellate Division, and is now pending appeal by the institutional caretakers of the children in the New York State Court of Appeals. Through the efforts of a Legal Services Bureau attorney, a male in the process of undergoing a sex change was housed in city and state institutions for females, rather than in facilities for men. At times attorneys intervened with medical staff to assure that their clients received proper medication and necessary medical care. They assisted inmates in ob-

taining release from detention so that they might participate in community programs.

Because they were regularly present in the institutions the Bureau attorneys became aware of institutional problems which required broader solutions than could be accomplished on a case-by-case basis. A number of attorneys were involved in activities which resulted in system change.

After experiencing problems in obtaining bail funds for adolescents, the attorney assigned to those facilities investigated and found there was a general lack of uniform regulations concerning procedures in posting bail. After discussion with representatives for the Department and for the Board of Correction, the attorney obtained the Department's agreement to her suggestions on both uniform procedures and acceptable forms of alternatives to cash bail. This agreement was later codified in a departmental order distributed to all City Institutions and Legal Aid Society representatives, so that inmates could utilize the new procedures.

In another facility the Legal Services attorney was asked by the Inmates' Council to represent them with certain collateral grievances which, after negotiation, were greatly alleviated.

Another general problem discovered and resolved was that encountered by adolescent inmates wanting to receive visits from their illegitimate children. The required proof of relationship was difficult and time-consuming to obtain, and the inmate was deprived of the opportunity to retain or strengthen family ties. The Legal Services Bureau arranged for new regulations, and a departmental order was issued eliminating the need for documentary proof and permitting visits upon an inmate's statement that a particular child was his.

Accomplishments of the Project

The immediate and direct achievement of the project was the assistance to inmates with the many and varied civil legal problems confronting them. However, as described above, the regular presence of the Legal Services Bureau attorneys in the institutions uncovered many institutional and administrative problems which they were instrumental in solving.

A most important long-range result is that it is now evident that quality legal services, in civil matters at any rate, could be delivered to indigent inmates at an average cost of \$125 per case. This is

a minuscule amount when considered in light of major benefits:

1. Frustration and tension in the institution are eased through the assistance of attorneys, on a one-to-one basis, in handling legal problems with which the indigent inmate is otherwise helpless to cope. In 1973, two years after the establishment of the Legal Services Bureau, the American Bar Association Resources Center on Correctional Law and Legal Services stated in a report on legal services to prisoners that a program of legal services to inmates would probably help both prison discipline and prisoner rehabilitation by reducing inmate tensions and, perhaps, by changing negative attitudes toward the legal process. The latter statement is confirmed by a comment made by a Legal Services Bureau client: "I never knew the law could work for me."

2. The ABA report further cited a national study done by the Center for Criminal Justice of Boston University School of Law which found that 97.2% of the institutional treatment directors contacted believed that:

"... an inmate's eventual rehabilitation and successful reintegration into society are significantly affected by unresolved legal problems, and that such unresolved legal problems are an impediment to effective participation in treatment programs." (original emphasis)

3. The dehumanization of incarceration is to some extent reduced by the inmate's contact with his attorney, one individual who sees his case through from beginning to end, an individual who is regular in his visits and consistent in his efforts.

4. There is considerable financial saving to the City whenever a Legal Services attorney helps a client obtain funds for release on bail, or assists in obtaining release from detention to participate in an outside program. It costs the New York City taxpayer almost \$4,100 to keep a detainee in prison for the average stay of 95 days. The average cost per case of a Correctional Association Legal Services attorney is roughly \$125, to which no New York City tax monies are contributed.

Current Status and the Future

In May of 1975 the LEAA grant came to an end. In anticipation of this, Legal Services Bureau had earlier begun work on a Manual for Inmates to instruct inmates in the preparation of those cases for which legal representation is not required. Printing

of the Manual will be financed by the LEAA, and assistance to inmates in its use has been promised by the Department of Correction's Legal Services and Library staffs. Distribution of the Manual is expected to be made at the end of 1975.

Just before the May cutoff date a brief extension was granted for a drastically reduced staff of two attorneys, a supervising attorney and minimal secretarial help. Primarily to wind up existing cases and complete the Manual, the reprieve also gave the Bureau additional time to seek funding for its continued existence.

As of this report, a second extension has been granted to February 29, 1976, with the proviso that The Correctional Association of New York raise funds to carry it through until February 28, 1977. The original donor has agreed to additional support, but fund raising is the overriding problem of the Legal Services Bureau of the Correctional Association.

Recommendations Submitted To The 1975 Session Of The New York State Legislature

RECOMMENDATION NO. 1

RIGHTS OF PRISONERS

The individual's freedom of movement should be the only right denied while the individual is imprisoned. Any other right which does not threaten the safety of the institution or the surrounding community, or violate the rights of other inmates and staff of the institutions, should be allowed and protected in law.

A. CIVIL DEATH

That all remnants of the civil death concept presently found in New York State statutes be repealed.

DISCUSSION

By the imposition of civil death the State withdraws all rights from the citizen. A common law concept, developed as an alternative to the death penalty for noblemen and clergy, civil death has long been abandoned in England, yet still applies to individuals serving sentences in New York State correctional institutions. Since the complete denial of rights to those serving sentences serves no dis-

cernible purpose other than additional punishment, any remnants of this archaic law presently in statute form should be repealed.

B. CONDITIONS OF INCARCERATION

That statutory provisions be enacted to insure that all prisoners confined in New York State have the rights of ordinary citizens to the extent consistent with public safety and national standards as to incarceration promulgated by organizations such as the American Correctional Association.

DISCUSSION

In addition to provisions guaranteeing civil rights, the laws of the State of New York should extend to inmates of both State and local correctional institutions rights enjoyed by ordinary citizens, to the extent that those rights would not endanger the safety of other inmates and staff, or disrupt the necessary orderly functioning of the institutions. For example, an inmate should be permitted to send an unlimited number of unopened and uncensored letters to any person and to receive an unlimited number of uncensored letters from any person. If the superintendent of an institution or his designee judges that incoming mail should be opened to intercept suspected contraband, the mail should not be opened except in the presence of the inmate or his designee. Once the contraband is removed, the mail should be delivered directly to the inmate. Secondly, every inmate should have the right to confer in private with any visitor, unless the superintendent has reason to believe that a particular visit would jeopardize the security of the institution or the inmate's rehabilitation. If the superintendent chooses to disapprove a visit, he should notify the inmate of his decision in writing, giving the reason for his decision. Furthermore, he should extend to the inmate, aided by counsel, an opportunity to be heard in opposition. To enable inmates to maintain contact with lawyers, family and friends, free access to a telephone should be permitted at all times, consistent with the orderly functioning of the institution.

As in 1974, a great many bills supporting the extension of rights to inmates have been proposed to the Legislature. These include the right to confer in private with any visitor of choice; to send and receive unlimited and uncensored mail; to visit with a spouse once a month in private, without supervision; to appear and testify at court proceedings for

determination of custody of a child; to provide women with the same rehabilitation programs as are provided to men; and the establishment of minimum standards for care, custody, correction, treatment, etc.

The Correctional Association urges most strongly that the Legislature give serious consideration to these and other proposals for amelioration of the conditions of incarceration.

ACTION BY THE LEGISLATURE

Numerous bills were introduced into the 1975 Legislature relating both to civil rights of inmates and conditions of incarceration. Among these were bills to 1) permit an inmate to institute court action on matters other than those arising out of his arrest, trial, conviction or detention; 2) make mandatory the payment of a rate not less than prevailing minimum wage for work performed during imprisonment; 3) grant the right to confer in private with visitors of the inmate's choice, including attorneys, clergy, and representatives of news media, subject to reasonable regulations; and 4) permit inmates to send and receive unlimited unopened and uncensored mail, subject to reasonable regulations to prevent receiving of contraband. Although none of the above were passed by the Legislature, three bills whose principles the Association supported were signed into law by the Governor:

A-7981/7991

Establishes rules for grievance and appeals procedures for inmates in state correctional facilities. Provides for 5-member grievance committees to include two inmates and a non-voting chairman.

A-7550-a

Provides that written copies of institutional rules, both in English and Spanish, be prominently posted in all New York State correctional facilities, and be distributed to all new inmates. This new law will prevent arbitrary action on the part of correctional personnel that can result from unwritten rules; the statement of precise disciplinary sanctions will prevent inequitable disciplinary measures.

A-4167-a

Requires notice of adoption and an opportunity to be heard for parents who have been deprived of civil rights. Right to be heard is granted only at the discretion of the court, a limitation not imposed on an individual who is not incarcerated.

One reason given for this limitation is the prohibitive cost of transporting an inmate from out of state to a hearing in New York State.

RECOMMENDATION NO. II

EMPLOYMENT OF EX-OFFENDERS

That the present statutory bars to employment of ex-offenders be repealed except for the provision that certain specific offenses directly related to the employment sought may be considered as a reason for refusing such employment; that a clearly defined process be instituted to hear appeals of cases where employment is denied on such limited grounds.

DISCUSSION

In New York State every individual convicted of a felony incurs some legal disability for future employment. Regardless of the nature of his crime, a released felon cannot work in any capacity in a supermarket or restaurant with an alcoholic beverage license, for a firm which transports alcoholic beverages, or in any branch of medicine. No one should be denied employment or licensing solely on the basis of a criminal conviction. When an ex-offender's crime has a direct bearing on the employment sought, so as to constitute a possible threat to his welfare or the welfare of others, exclusion should be discretionary rather than mandatory with a clearly defined process of appeal from any such decision.

ACTION BY THE LEGISLATURE

Over half a dozen bills were introduced into the Legislature to correct the existing job discrimination against ex-offenders. These would have 1) made it unlawful for an employer or labor organization to discriminate against an individual because of prior incarceration; 2) prohibited a person or agency from inquiring as employer or prospective employer as to record or history of arrests of any person applying for employment 3) prohibited such inquiry of an applicant either verbally or in writing by an employer, credit or finance company, financial institution or bank.

Only one of the bills introduced reached the Governor's desk for signature. This was S-761 which provided that a "person shall not be disqualified from employment by state or political subdivision, nor shall a person whose civil rights have been restored be disqualified to practice, pursue or engage in occupation, trade, profession or business for which license, permit or certificate is required solely because

of prior conviction of felony or misdemeanor, except if felony or misdemeanor for which convicted relates thereto."

Although this bill would have prevented discrimination generally only in public employment, prohibition of other discrimination being restricted to those occupations requiring a license, permit or certificate, the Association actively supported its passage since it removed some barriers to the employment of ex-offenders. A broader bill which the Association supported never reached the Senate floor. At the request of Counsel to the Governor the views of the Correctional Association on S-761 were sent to his Office. The bill was vetoed on August 9.

RECOMMENDATION NO. III

SELECTION OF INSTITUTIONAL SUPERINTENDENTS AND DEPUTY SUPERINTENDENTS

That the positions of institutional superintendent and deputy superintendent of State Department of Correctional Services facilities be filled by appointments made by the Commissioner of Correctional Services in accord with:

- 1) a specified set of published job qualifications consistent with the functions of superintendent and deputy superintendent (e.g., experience in institutional management, education, experience in criminal justice);
- 2) the advice and consent of the Commission of Correction as to job qualifications and each appointment pursuant to them.

That the Commissioner of Correctional Services develop and implement procedures for reviewing the performance of superintendents and deputy superintendents periodically during the term of their appointment, and, with the advice and consent of the Commission of Correction, remove from office superintendents whose work performance is judged unsatisfactory.

DISCUSSION

The positions of institutional superintendent and deputy superintendent of State correctional facilities should be exempt from Civil Service classification and be filled by direct appointment. Because the incarceration and rehabilitation of felons presents very complex problems for institutional administration, these positions require incumbents with unique and

diverse talents which are not developed through any one line of experience. For this reason the procedure of advancement through merit, which is the cornerstone of the Civil Service System, does not produce an appropriate reservoir of candidates for these sensitive positions. The Commissioner of Correctional Services should have the broadest possible freedom to appoint the most qualified candidates to these positions and to remove from office those individuals whose work performance is judged unsatisfactory.

The requirement that the advice and consent of the Commission of Correction be sought in all appointments to these positions provides a safeguard that candidates would be qualified to administer institutional programs designed according to standards set by the Commission.

In March, 1975, Assemblyman Richard N. Gottfried introduced Bill #A5605, amending the Correction Law to remove the position of correctional facility superintendent from Civil Service classification. Similar legislation proposed in 1973 and 1974 failed to pass. The Correctional Association urges its passage in this session of the Legislature.

ACTION BY THE LEGISLATURE

This year the Legislature passed and the Governor signed into a law a bill of the type the Association has been recommending for many years. The new law places institutional superintendents in a non-competitive confidential class of specified permanent civil service employees. They are to have at least three years of experience in correctional work in the department, will be appointed by the commissioner and will serve at the pleasure of the commissioner. Other qualifications, based on knowledge, skills and abilities required, and other factors affecting the position, will be prescribed by the commissioner. Implementation of this new law should ensure a more cooperative relationship between the commissioner and his superintendents which in turn may offer hope of improved institutional conditions.

RECOMMENDATION NO. IV

VICTIMLESS CRIME

A. MARIJUANA

That the Legislature repeal the existing statutory provisions which make the possession of marijuana for one's own use a criminal offense.

B. GAMBLING

That all existing constitutional bars to gambling be repealed.

C. PROSTITUTION

That the act of prostitution between mentally competent, consenting adults be no longer criminal and that the State limit its concern only to the problem of open solicitation when it constitutes a public annoyance and the accompanying offense of recruitment for prostitution and exploitation of a prostitute.

D. HOMOSEXUALITY

That the present law making sodomy between mentally competent, consenting adults a crime be abolished.

E. PORNOGRAPHY

That there be no legislation controlling the creation and dissemination of written, visual, or auditory pornography to adults who solicit such material.

DISCUSSION

Although the harmful effects of most of these acts are debatable, the harm caused by the current laws has been clearly demonstrated. Individuals involved in these acts are needlessly exposed to extortion and harassment. Rather than preventing people from gambling, etc., many of these statutes enable organized crime to maintain a very lucrative business and provide a natural opportunity for official corruption. As long as gambling, prostitution, pornography and marijuana are outlawed, the citizen will go outside the law and organized crime will supply the service.

The effect of these restrictive laws on the criminal justice system is a serious problem. In the past year a great deal of attention has been focused on the malfunction of the system, crippled by a backlog of cases, lack of planning and coordination, and budget deficiencies. Clearly, legislation against these acts contributes to the breakdown of the system and undermines respect for law by encouraging extortion and harassment.

ACTION BY THE LEGISLATURE

Numerous bills were introduced into this session of the Legislature in the area of victimless crime, relating to consensual sodomy, the use of marijuana, and pornography. None were enacted into law.

RECOMMENDATION NO. V

GUN CONTROL

That legislation be enacted to better enforce the requirement that individuals must obtain a permit to possess or purchase handguns in New York State;

that all handguns be registered in a central state registry; and that all ammunition for handguns be sold only to individuals with a license for such weapons; and that legislation be enacted to enforce existing New York State law as to illicit importation, transportation and sale of all handguns.

DISCUSSION:

The number of homicides committed in New York State each year with illicit handguns attests to the fact that the Sullivan Law, without a proper enforcement procedure, is ineffective in controlling the use of handguns in crime. Little is known about the transportation of such weapons into and within the State. There are no special law enforcement programs operating in the State to deal with this illegal traffic. Legislation is needed to strengthen existing New York State law in regard to this traffic so that adequate law enforcement programs can be developed to deal with the problem.

ACTION BY THE LEGISLATURE

Literally dozens of bills were introduced to try to achieve some sort of control over the use of firearms. These included restrictions on the manufacture of handguns of the "Saturday Night Special" type; provision as to who may sell and who may purchase ammunition; more severe sentences for crimes involving a loaded firearm. None of these were enacted into law.

RECOMMENDATION NO. VI

STATE COURT SYSTEM

That the Legislature establish a centrally administered and financed State court system.

DISCUSSION:

The court structure in New York State today continues to reflect the requirements and thoughts of an earlier age. There are 16 different types of courts presently in existence in New York, resulting in duplication of administrative efforts, unequal distribution of judges and non-judicial personnel, differing standards and pay rates from one locality to another, and vastly differing standards of judicial administration.

Since central administration is effective only when it is accompanied by central fiscal control, statewide equality of justice can only be provided by a unified statewide judicial budget. The 1974 session of the

Legislature passed a bill to amend the Constitution to provide for supervision of a unified court system by a Chief Administrator appointed by the Chief Judge of the Court of Appeals. Under this bill the costs of operating and maintaining the system would be borne by the State, with some expenses reimbursed by local governments. The required second passage of the bill during the current session is urged so that the amendment to the Constitution can be placed on the ballot for ratification and approval at the general election in November.

ACTION BY THE LEGISLATURE

The required second passage by the 1975 session of the Legislature of the bill to establish a centrally administered and financed court system brought the issue directly to the voters in the November general election, appearing on the ballot as Amendment #3. It was rejected by an extremely slim margin.

RECOMMENDATION NO. VII SELECTION OF JUDGES

That the Legislature change the method of selecting judges from the present system of election to a merit appointive system.

DISCUSSION:

In order to remove the selection of judges from the political arena, to lessen the possibility of undue influence in the nomination of judicial candidates and the selection of judges, and to insure that high standards of quality be met in the selection of judges, the Association recommends that the Legislature provide a method of selecting judges by appointment based on merit. Judicial qualification commissions should be established to evaluate the qualification of candidates for judicial office throughout the State and to recommend to the Governor and to the chief executives of local jurisdictions candidates for judicial appointment as vacancies occur. The law should also require that the Governor and the other chief executives be limited in their selection to those candidates nominated by the commissions.

Governor Carey has created special judicial nominating committees to scrutinize the fitness and qualification of prospective appointees to the bench. The plan covers all judgeships presently filled by gubernatorial appointment, including those interim appointments made to fill vacancies on courts whose judges are elected at the polls. The nominating committees will be bi-partisan and composed of both

lawyers and non-lawyers. The Governor will make his appointments from those persons recommended to him by the committees. Chief Judge Charles D. Breitel has declared the move a marked improvement over the present process whereby judges are appointed by the Governor with the advice and consent of the Senate. The Correctional Association believes that the same process of screening and appointment should apply as well to those judgeships which are presently filled through election.

ACTION BY THE LEGISLATURE

Several bills were introduced into the Legislature to establish judicial certification commissions to select nominees, and to provide for the appointment by the governor of certain judges with the advice and consent of the commissions, instead of their direct election at the polls. None of these bills were enacted into law.

RECOMMENDATION NO. VIII MISCONDUCT AND DISABILITY OF JUDGES

That the Legislature establish a commission on judicial conduct to provide surveillance of the fitness of judges and to provide procedures for removal from office for misconduct or disability.

DISCUSSION:

The Court on the Judiciary has met only half a dozen times during the 26 years of its existence. Throughout these years serious challenges have been made by others regarding inappropriate conduct or physical or mental impairment of a sitting judge. Yet the Court on the Judiciary has chosen to hear only a minuscule number of these challenges.

The Correctional Association believes that a commission, composed of the judiciary, members of the bar and representatives from the community at large, would be the preferred means of supervising on a regular and ongoing basis the fitness and conduct of judges.

Senate Bill 7406-B, passed by the 1974 session of the Legislature, would reconstitute the Court on the Judiciary and create such a commission on judicial conduct by amendment to the Constitution. The Correctional Association urges the required second passage of this bill (now S-414) so that the amendments can go to the voters for ratification and approval at the general election in November.

ACTION BY THE LEGISLATURE

The required second passage of the bill to reconstitute the Court on the Judiciary and create a commission on judicial conduct by constitutional amendment was achieved in the 1975 Legislature. It was placed on the ballot in the November election as Amendment #2, and was approved by the voters.

RECOMMENDATION NO. IX DEATH PENALTY

That the death penalty should be eliminated from the penal law.

DISCUSSION:

In the absence of any definite evidence that the death penalty is a deterrent to crime, the Correctional Association urges that no bills be passed to expand the death penalty as both the efficacy and morality of imposing such a sentence is questionable. In addition, the Correctional Association urges repeal of the legislation enacted during the 1974 session of the Legislature imposing the death penalty for murder of a police officer or employee of a correctional facility performing his official duties, and for a defendant in custody or confinement serving a life sentence who is more than 18 years old at the time of the murder.

ACTION BY THE LEGISLATURE

The bills introduced into the Legislature on capital punishment called for expansion of the death penalty to defendants found guilty of first degree arson where a death occurred, and for defendants convicted by a jury verdict of kidnapping. These bills did not pass.

RECOMMENDATION NO. X IMPROVEMENT OF METHODS FOR DEFENDING INDIGENTS IN CRIMINAL CASES

That Statewide methods for the defense of indigents in criminal cases be strengthened through the establishment and enforcement of stricter standards as to qualifications for admission to assigned counsel panels, through the provision of adequate compensation to assigned counsel, and through the establishment of procedures whereby inmates represented by assigned counsel may present complaints about their representation and whereby such complaints might be reviewed.

DISCUSSION:

In 1971, the average cost per case of criminal defense of indigents ranged from approximately \$47.12 to \$244.74 statewide. The lowest per case cost occurred in Legal Aid defended cases in New York City and the highest average cost occurred in New York City cases defended by 18-b assigned counsel. Despite this higher average cost for 18-b assigned representation, there is a wide disparity in the quality of this defense. It is not uncommon to encounter prisoners who, despite lengthy incarceration, have not been visited by their assigned attorneys and who are unable to obtain any information from them about the status of their cases. Furthermore, there exists at present no mechanism in the courts for receiving and reviewing complaints from inmates about their assigned representation.

Stricter standards as to qualifications for admission to the assigned counsel panels should be established, along with a procedure for enforcing these standards at the time of admission and during the period an attorney remains on the panel. In general, the quality of assigned representation should be no less than what the defendant should expect from privately retained counsel.

The rate of compensation should be increased for the attorneys and they should be compensated for all the time they devote to their assigned clients' cases.

Finally, a procedure should be developed whereby inmates may present complaints concerning their assigned representation and have them properly reviewed.

In 1974 a law was enacted amending the County Law to allow counties, in extraordinary circumstances, to pay assigned counsel compensation and reimbursement for expenses before completion of assigned representation rather than after work is completed. This is a step toward the provision of quality legal service for the indigent defendant.

ACTION BY THE LEGISLATURE

None of the bills introduced in the Legislature to increase compensation to counsel assigned to indigent defendants were passed.

RECOMMENDATION NO. XI

PAROLE

That the decision-making process followed by the Parole Board in granting or denying parole and the

present method of community supervision be changed to insure greater fairness and practical assistance to the parolee.

DISCUSSION:

Serious critics have recently suggested that the present parole system is so inadequate that it should be entirely abolished. While not supporting this position, the Correctional Association nevertheless recognizes that major reforms are necessary in the areas of parole determination and community supervision if the present system is to be maintained.

In reaching a decision to grant or deny parole, the Board should be required to give its reasons, including the findings of fact relied on and the reasoning used in reaching its decision. An inmate appearing before the Parole Board should be permitted representation by a lay advocate — such as a minister, social worker or institutional employee — or an attorney at the inmate's expense.

The parole conditions now imposed should be substantially reduced. For example, it should not be necessary for parolees to consult a parole officer prior to obtaining a marriage license, or changing residence. Nor should warrantless searches be permitted. Parole officers should also have more resources made available to them by the Department of Social Services so they could perform a useful function in assisting parolees to find employment and decent housing.

ACTION BY THE LEGISLATURE

Of the many bills introduced in the Legislature that would have provided greater fairness in the matter of parole, two which the Association supported were signed into law.

The first requires that a prisoner must be informed in writing of the reasons for denial of his parole.

The second provides that inmates sentenced for 2nd degree murder prior to September 1, 1967 (before the revision of the Penal Law), and who would not sooner become eligible for release on parole, are now eligible after service of the same minimum period of imprisonment (8 years 4 months) as those sentenced after September 1, 1967. This bill establishes equal requirements for parole eligibility, regardless of the date of sentencing. It eliminates a situation which caused great frustration among inmates who saw individuals admitted to the institution later than themselves become eligible for parole at an earlier date.

Other Legislative Action

The Association was asked by Counsel to the Governor for an analysis and opinion of several bills. We responded as follows:

1. Supported reorganization of the State Commission of Correction to strengthen it and enable it to be more effective in dealing with the problems of the State's correctional system. Approved by the Governor.

2. Supported bill to give credit for street time to conditional releasees who were returned to prison, since parole time is in fact part of the time served on a sentence and should be counted in the cases of parolees reincarcerated on a violation. Approved by the Governor.

3. Supported with modification a bill to remove the requirement that a probationer be visited in his home by probation officer, thus eliminating the invasion of privacy and increasing officer's time for more constructive probationary services. Suggested modification so that contact would be by appointment as and when the officer felt it was necessary, and not at specified times. Approved by Governor as passed by Legislature.

4. Opposed amendment to penal law on consecutive and concurrent sentencing, whereby sentence for individual already sentenced for a prior crime would be determined by the jurisdiction in which the prior crime occurred. The Association argued that sentencing practices should apply equally in all cases. Approved by Governor.

5. Opposed a bill providing that pre-sentence memoranda be made available to the parole board on the grounds that this material is not always reliable, containing at times such errors as reports with similar names being attributed to the wrong individual. The Association recommended a provision be added that the prospective parolee be given an opportunity to correct errors in the report. Approved by Governor as passed by the Legislature.

In the course of their work in the New York detention and correctional institutions, the staff attorneys of the Legal Services Bureau came to realize that many of their clients' problems are insoluble because of existing statutes. The statutory impediment is often the result of failure to anticipate all the consequences of a particular piece of legislation, rather than the embodiment of a deliberate legislative intent.

The following recommendations, based on the attorneys' experiences in the institutions, were made to the Legislature in an effort to correct some of these unanticipated consequences:

RECOMMENDATION I-LS

RIGHTS OF PRISONERS

To insure adequate representation of the rights of prisoners, CPLR 208 should be amended and expanded to toll all statutes of limitations for incarcerated plaintiffs.

DISCUSSION

In 1973 when the Legislature amended §79 *et seq* of the Civil Rights Law to extend to persons in State correctional facilities the right to initiate and prosecute civil lawsuits in any court in the State, it concurrently amended §208 of the Civil Practice Law and Rules (CPLR) to remove the provision which tolled all statutes of limitations for incarcerated plaintiffs. While this was logical in view of the granting of the right to sue, the practical realities of the condition of confinement, as a general rule, make it extremely difficult for prisoners to exercise their new right within ordinary time limitations.

As a result, prisoners now find themselves in a worse position than they were in previously. They must now move quickly to find attorneys (either by themselves or through the help of their families, often many miles away) to represent them while they are incarcerated, or be forced to represent themselves. Even if the prisoner is lucky enough to find an attorney, the attorney may be unable to prepare his or her client's case because of the distance which separates them.

We believe the rights of prisoners would best be served by recognizing that they need protection while they remain under the care and custody of State or local authorities. We therefore believe that while the attack on the concept of civil death should continue, CPLR 208 should be amended once again in light of the difficulties of instituting lawsuits during confinement. Accordingly, we recommend that the old language of this section be restored and expanded, as necessary, to guarantee incarcerated plaintiffs their day in court on causes of action arising during their incarceration and on those causes of action that arose prior to incarceration. To continue the present language of CPLR 208 is inequitable as it has the effect of allowing civil defendants to benefit from a prisoner's incarceration on matters which are gener-

sally separate and apart from the reasons leading to incarceration.

Further, the Legislature should also create tolls of the various short statutes of limitations which generally require the service of Notices of Claims or Intention to Sue the State, local municipalities, authority or board within ninety (90) days of the time of action accrues, and the institution of a lawsuit within one year and ninety days from the accrual of the cause of action. The rationale for these short statutes of limitation has always been to allow the public corporation to make a timely investigation, to protect against fraudulent and stale claims and to allow preparation of cases while witnesses' memories are fresh. Once again, the difficulties in preparing and filing a timely Notice of Claim can be insurmountable when one is incarcerated — especially since most prisoners do not have regular access to attorneys who can advise them of this necessary prerequisite to the institution of a lawsuit.

Statutes such as General Municipal Law 50e (which requires the filing of a Notice of Claim within ninety days after the accident occurs) were never tolled by CPLR 208. Generally, cases which argued that incarceration amounted to a physical disability under General Municipal Law §50e (5) (1) or its equivalent statutes so as to allow the filing of a late Notice of Claim were unsuccessful. Interestingly, the Courts, in reviewing filing procedures under The Court of Claims Act (which requires the filing of a Notice of Claim or the Notice of Intention to File a Claim within ninety days of the accrual of the cause of action), did not recognize CPLR 208 as a toll of this statute, but did recognize the civil death statute as one. This obvious discrepancy was never worked out, but no doubt if today presented with the question, the courts would have to rule that the Court of Claims Act could not be tolled for any reason since civil death is no longer applicable.

RECOMMENDATION II-LS

BAIL

In order to allow pre-trial detainees the opportunity to have forfeited bail remitted, the present requirement that an application for bail remission be made within one year should be amended.

DISCUSSION

At the present time, §540.30 of the Criminal Procedure Law sets out the provision for remission of forfeited bail. Subdivision 2 of this section states

that "The application must be made within one year after the forfeiture of the bail is declared . . ." Courts have held that the one-year period is absolute and in the reported cases it has not been extended for any reason. However, it has been the experience of The Correctional Association's Civil Legal Services Bureau that arrestees may have great difficulties in meeting this very short and very strict statute of limitations.

In some cases it has been found that while the person might know his bail has been forfeited he does not have the information needed to bring on the motion — such as the date it was forfeited, where it was forfeited, what judge forfeited it — and the painstaking process involved in acquiring all of this information will sometimes require more time than the one-year period. In addition, the statute and the courts do not recognize a case where the one year passes while an inmate is committed to a correctional facility for the criminally insane. Further, where an inmate is released on bail on one charge, and is rearrested on another so that he is not produced in court on the first charge, his bail is forfeited. The process of erasing the bench warrant and recouping the bail can be complicated by the problems indicated above.

Accordingly, it is our recommendation that §543.30 (2) of the Criminal Procedure Law be amended to state simply that the entire period of incarceration shall not be included as part of the one-year period.

RECOMMENDATION III-L5 CONCURRENT AND CONSECUTIVE TERMS OF IMPRISONMENT

Definite multiple sentences of imprisonment shall run concurrently unless the court directs otherwise at the time of sentencing.

DISCUSSION

The current law became effective on September 1, 1967, and provides that a definite sentence runs concurrently with a sentence imposed at the same time and consecutively with any other sentence unless it is provided otherwise at the time of sentencing. Generally, all other sentences run concurrently.

The reason for distinguishing between indeterminate and definite sentences in this respect is unclear. However, one rationale appears to be that a sentencing judge will be aware of prior indeterminate

sentences through pre-sentencing reports. However, as Peter Preiser points out in the Practice Commentary to §70.25 of the Penal Law,

"Definite sentences are often imposed without any investigation, and in a busy jurisdiction, the judge may not be aware of prior sentences. This is especially true of the City of New York, where a person who is under detention can appear in different parts of the criminal court, held in the same or different counties, and can be sentenced by more than one judge on the same or on consecutive days. The rule places a burden upon the defendant to draw the court's attention to other sentences and request a specification with respect to the present sentence."

There have been many cases of this kind occurring in the penal institutions, especially in the City of New York, where communication is often inadequate and the courts are overworked. In addition, it places an undue burden upon the defendant who may be represented by two or more different attorneys. The attorneys may not realize that they should ask for the sentences to run concurrently, and as a result the judge may not specify that the definite sentences are to run concurrently. Therefore, it is recommended that a definite sentence should run concurrently with any other sentence unless it is provided otherwise at the time of sentencing.

RECOMMENDATION NO. IV-L5 CREDIT FOR JAIL TIME

The Correction Law should be amended to allow for jail time to be credited against the minimum period of imprisonment in all cases.

DISCUSSION

Penal Law §70.30(3) provides that in the case of an indeterminate sentence with a fixed minimum period set by a court in excess of one year, jail time must be deducted from the minimum period of imprisonment. Correction Law §212(2) gives the Parole Board the power to make a determination as to the minimum period to be served in any case where a prisoner is serving an indeterminate sentence and the court has not fixed a minimum period of imprisonment. However, the Parole Board takes the position that it need not consider jail time accumulated by inmates with such sentences in setting the minimum period of imprisonment which must be served prior to an initial Parole Board hearing. The

Board's view was upheld in *People ex rel. Robert Johnson v. Montayne*, 42AD 1041 (4th Dept. 1973), where the court contrasted the flexible and discretionary function of the parole release process with the inflexibility of the mandatory minimum sentence imposed by a court. However, the contemplated change in jail time credit would merely fix a minimum period of imprisonment prior to an initial hearing for parole release and would in no way hamper the Board from taking into consideration at the hearing the wide range of factors it considers relevant in deciding when to release a prisoner.

ACTION BY THE LEGISLATURE

No legislation was introduced that would fulfill the intent of these four recommendations. At the end of the 1975 session of the Legislature the recommendations were still under consideration by the Senate Committee on Crime and Correction.

Other Direct Services

Family Service Bureau Correctional Social Services Bureau

Direct service to the individual, a vital function of the Correctional Association since its inception, helps families of offenders through the Family Service Bureau, and inmates and releasees through the Correctional Social Services Bureau.

The goal of the Family Service Bureau is to keep the family intact so there is a solid home environment to which the released offender can return. Family visits to the institutions are an important aspect of this effort. Although funds are no longer available to provide direct transportation, car pools have been set up and family visits continue, even though they are less frequent. Supportive counseling enables the wives and children to work out problems that confront them. The Bureau frequently acts as advocate in clients' dealings with schools, welfare offices and other city agencies, those bureaucracies which so often intimidate the client population. The annual Christmas party brings together the children whose self-image is often poor because of the shame attached to having a parent in jail. At the end of the day each child is aware that (s)he is not alone in this very difficult life situation. Sharing a pleasurable time with other children of offenders helps to restore self-respect and respect for the incarcerated parent.

The Correctional Social Services Bureau assists

releasees and those who are incarcerated. A caseworker visits nearby facilities to intervene where possible on behalf of the inmate who has institutional problems, and to help work out domestic problems, difficulties with children, planning the family's future, etc. The latter strengthens family ties by helping the inmate maintain an active role in family affairs. Crisis intervention counseling and referral services are provided for releasees. The Bureau has an arrangement whereby several labor unions have agreed to accept skilled ex-offenders for placement in union jobs. Although resources are limited, the Bureau provides funds where there is immediate need for union dues or tools in order to start on a job.

Small annual grants from The Havens Relief Fund Society and the Lotts Fund for the Aid of Discharged Convicts provide emergency financial assistance, and earfare and food money for the newly-employed client until the first paycheck is received.

The following are examples of the Bureau cases:

Jose B.

This young man, threatening suicide, was referred by the National Save-a-Life League. He arrived at the Association's office rain-soaked and tearstained, 22 years old, neatly but shabbily dressed. He had been held for 14 days on Rikers Island on a misdemeanor charge which was then dropped. On his release he found that he had lost his job and had been locked out of his room. He was accepted for emergency public assistance, but before being accepted on a regular basis he had to get his birth certificate from Puerto Rico. Although he applied for it immediately, it was not received within the required 30 days and his public assistance was terminated. The welfare worker refused to listen to his pleas. Faced with the prospect of being on the street without money or hope of a job, Mr. B's despair brought him to the brink of suicide.

The young man was immediately given a Havens Fund grant for room, rent and food. A call from the caseworker to the Department of Social Services reopened his case, and his public assistance grant was restored. The immediate problem was thus solved. The caseworker then discussed with him the advisability of psychiatric treatment for his depression; an appointment was made for him at Bellevue and he has been in therapy ever since. He was given funds to pay his debts, and the caseworker helped

him work out a budget so that he would no longer need to borrow. Although still unemployed, his self-esteem has risen to the degree where he is applying for admission to college and planning a future.

Harry C.

Mr. C. had originally been assisted by the Correctional Association over 35 years ago after his release from numerous incarcerations on drunk-and-disorderly charges. Now, 68 years old, he had been working and supporting himself until he was mugged and seriously injured. After 13 weeks in the hospital he was told he would be permanently disabled. Mr. C. immediately applied for Social Security benefits, but his savings ran out before he received his first check. A Havens fund grant of \$70 helped him maintain himself until his benefits began. Because he was fearful of having this money lost or stolen, he came to pick it up \$10 at a time.

But Mr. C.'s problems were more than financial. No longer able to work and be with people, he was desperately lonely. In his talks with the caseworker he mentioned that he had once been a carpenter. Arrangements were made for him to join a Senior Citizen's Club where, as a volunteer, he teaches woodworking. He now spends his time surrounded by friends, a useful, self-sufficient human being.

Ida P.

Although three of her four children were having severe problems in social adjustment, Mrs. P. was neglectful in keeping therapy appointments for them. She rationalized by saying, "My kids aren't crazy." She would not be convinced that therapy benefits not only "crazy" people, that seeing a psychologist could help her children reduce their emotional suffering by working through their feelings about their father's incarceration. The caseworker finally visited the father who was anxious to do what was best for his children. On her next visit Mrs. P. was told that her husband had mentioned the children's social problems to the facility's social worker and that appointments had been made for psychiatric evaluation and counseling through the institution's social service unit. Mr. P. told his wife that failure to keep appointments would look bad for him and might adversely affect his parole. From then on Mrs. P. made sure that all the children's appointments were kept. She was so pleased with their improvement that after a short time she requested appointments for herself because "talking things out would help."

Dolores G.

Mrs. G. was an independent woman who wanted desperately to get off public assistance and support herself and her family. But she was bogged down with problems which prevented her from leaving her children to go to work. Her oldest son, age 12, was severely traumatized and blamed his mother for his father's incarceration. Mrs. G., aware that she could neither help nor handle him, was at the point of requesting PINS (Persons in Need of Supervision) status for him and having him placed by the court. The caseworker convinced her that this step was too severe and irrevocable, and urged her to seek alternatives. With the caseworker's assistance during a visit to the institution, the parents arranged a plan for the boy to live with Mr. G.'s parents until the father's parole. The caseworker then met with mother and son to deal with the child's feelings. Shortly before the start of the school year the boy moved into his grandparents' home. Since he knew several neighborhood children from previous visits, he had no difficulty adjusting.

Mrs. G. was then ready to seek employment. However, not having worked in 13 years she needed a refresher course in typing and almost a whole new wardrobe. The Association provided a Havens grant of \$50 for clothing. An excellent seamstress, Mrs. G. stretched that amount to cover the cost of a complete winter wardrobe. She spent a week at the Association offices practicing her typing, and then began to look for work. On her second interview she was hired by a brokerage firm, and by the end of September the family was off Welfare. Her son improved rapidly in the new environment, and by the end of the school year his reading had increased four full grades.

From September 1974 through October 1975, the following services were provided:

FAMILY SERVICE BUREAU

Clients in Office	213
Home Visits	62
Visits to spouses, relatives in institutions	32
Cash to clients:	\$801.25

CORRECTIONAL SOCIAL SERVICES BUREAU

Clients in Office	305
Clients in Institutions	229
Cash to clients:	\$1,694.80

In addition, 74 visits were made on behalf of clients to courts, the Division of Parole, welfare centers, and to other allied social agencies.

Information and Emergency Service

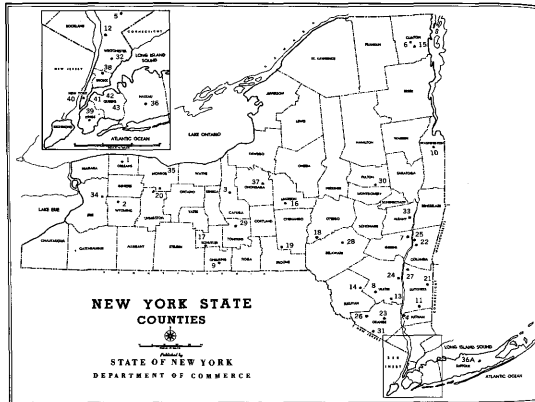
The Correctional Association of New York receives many calls from individuals who have a relative or who are themselves caught up in the strange and frightening web of the city's courts and jails. While some information is available at the institutions, their staff social workers are not familiar with many of the resources open to the individual. For instance, a call was received from a volunteer staff worker on behalf of an arrestee who had been told by the judge that if he could "get into a program" he would be placed on probation. Information on possible programs was given to the volunteer.

Since May we have provided information virtually around the clock on procedures following an arrest; this is particularly vital for individuals who have had no prior contact with the system and might otherwise be overcome by panic. Many calls are received

from anxious parents wanting to know what will happen next to a son or daughter who has been arrested. Information is provided describing each step of the process, which helps to allay some of the fear; it is the unknown which is terrifying.

Emergency help is also now available after regular office hours. One such emergency occurred when a former client was picked up on a minor traffic violation in another country. A routine check disclosed a warrant outstanding against him, and he was arrested. What had started as a pleasant day's outing for the family suddenly turned into a nightmare. His frightened wife telephoned the Association in the middle of the night. The caseworker on duty was able to calm her down, and then informed the police officer that the warrant was an old one that had been dismissed. Further investigation revealed a computer error and verified the caseworker's statement. The man was immediately released, paid his traffic fine, and took his family home. Without the Correctional Association he would have been put in jail, with his wife and children helpless and unable to return home.

STATE AND MAJOR LOCAL CORRECTIONAL INSTITUTIONS
IN NEW YORK STATE



NEW YORK STATE CORRECTIONAL
FACILITIES

- 1 Albion State Correctional Facility
- 2 Attica Correctional Facility
- 3 Auburn Correctional Facility
- 4 Beacon State Institution
- 5 Bedford Hills Correctional Facility
- 6 Clinton Correctional Facility
- 7 Coxsack Correctional Facility
- 8 Eastern New York Correctional Facility
- 9 Elmira Correctional Facility
- 10 Great Meadow Correctional Facility
- 11 Green Haven Correctional Facility
- 12 Ossining Correctional Facility
- 13 Wallkill Correctional Facility
- 14 Woodbourne Correctional Facility

Division of Correctional Camps

- 15 Camp Adirondack
- 16 Camp Georgetown
- 17 Camp Monterey
- 18 Camp Pharsalia
- 19 Camp Summit

NEW YORK STATE DIVISION
FOR YOUTH

- 20 Agricultural and Industrial School, Industry
- 21 Amenia Center for Girls, Amenia
- 22 Brookwood Center for Girls, Claverack
- 23 Goshen Center for Boys, Goshen
- 24 Highland School for Children, Highland
- 25 New York School for Girls, Hudson
- 26 Otisville School for Boys, Otisville
- 27 Overbrook Center for Children, Red Hook

- 28 South Kortright Center for Boys, S. Kortright
- 29 South Lansing School for Girls, S. Lansing
- 30 Tyrone School for Boys, Johnstown
- 31 Warwick School for Boys, Warwick

COUNTY PENITENTIARIES

- 32 Westchester County Penitentiary, Westchester County Jail, Westchester Women's Detention Unit, Valhalla
- 33 Albany County Penitentiary
- 34 Erie County Penitentiary
- 35 Monroe County Public Safety Building and Jail
- 36 Nassau County Jail
- 36a Suffolk County Jail
- 37 Onondaga County Penitentiary

NEW YORK CITY DETENTION FACILITIES

- 38 Bronx House of Detention for Men
- 39 Brooklyn House of Detention for Men
- 40 ~~Manhattan House of Detention for Men~~
Closed 12/20/74
- 41 Rikers Island: New York City Adolescent Reception and Detention Center
New York City Adolescent Remand Shelter
Closed 6/20/75
New York City Adult Remand Shelter
Rikers Island Hospital
Sentence Institutions: Correctional Institution for Men
Correctional Institution for Women
- 42 ~~Branch-Queens House of Detention for Men~~
Closed 11/11/74
- 43 Queens House of Detention for Men

IN MEMORIAM

EDWARD R. CASS, 1890 - 1976

Edward R. Cass, former General Secretary of The Correctional Association of New York, died on January 20, 1976, after a long illness.

Mr. Cass joined the staff of the then Prison Association of New York in 1913 as an assistant secretary. In 1922 he was elected General Secretary of the Association, a position he held for 40 years, and served on the Board of Directors from 1963 until his death. In 1922 he was also elected General Secretary of the American Correctional Association and became president of that organization in 1928.

Mr. Cass served on the New York State Commission of Correction from 1936 to 1974, and was elected a vice-chairman in 1956. He was active in corrections on the international as well as the national level, representing this country at the Quinquennial International Penal and Penitentiary Congresses in London, Prague and Berlin, and meetings of the International Penal and Penitentiary Commission in Italy and Switzerland; he was official U.S. delegate in 1960 to the Second UN Congress on the Prevention of Crime and Treatment of the Offender in London, and represented the State of New York at the Third UN Congress in Stockholm in 1965.

Among the many honors awarded to Mr. Cass was the establishment by New York State in 1962 of the Edward R. Cass Youth Rehabilitation Camp at Rensselaerville, in recognition of Mr. Cass's service to the State with emphasis on his interest in youth. Dedication ceremonies were attended by over 400 persons, including Governor Rockefeller, Lt. Governor Malcolm Wilson, members of the Legislature and Judiciary, and Commissioners of State Departments.

Under Edward Cass's leadership the Correctional Association flourished, and through his activities its reputation grew. We mourn the loss of this man whose life was devoted to public service and dedicated to aiding those whose whose misfortune it was to be imprisoned.

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*Deceased January 20, 1976