



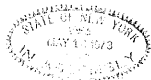
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STATE OF NEW YORK

THE ONE HUNDRED AND TWENTY-EIGHTH
ANNUAL REPORT
OF
THE CORRECTIONAL ASSOCIATION
OF NEW YORK
135 East 15th STREET, NEW YORK
1972



ONE HUNDRED AND TWENTY-EIGHTH ANNUAL
REPORT OF THE CORRECTIONAL ASSOCIATION
OF NEW YORK *

May 15, 1973

Hon. Malcolm Wilson
Lieutenant Governor and President of the Senate:

Hon. Perry B. Duryea, Jr., Speaker of the Assembly:

Sirs: — In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the One Hundred and Twenty-Eighth Annual Report of The Correctional Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE CORRECTIONAL ASSOCIATION OF NEW YORK

By Harry W. Fowler, President

Donald H. Goff, General Secretary

*The name of the Association was changed from The Prison Association of New York to The Correctional Association of New York on February 16, 1961 at a special meeting of the members.

PREFACE

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 twenty-eighth of the series.

Paragraph 6 of Article XI of the act incorporating The Correctional Association of New York provides that "the said executive committee [of The Correctional Association] by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of 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."

CONTENTS

	Page
Letter of Transmittal	1
Preface	iii
Officers and Members of the Executive Committee, 1973	ix
In Memoriam: C. Suydam Cutting	xi
Recommendations to the 1973 Legislature	
Introduction	1
I. Mandatory Sentences and Life Imprisonment	2
II. Special Commission on Treatment of Offenders	2
III. Ombudsman System	3
IV. Commission of Correction	5
V. Rights of Prisoners	6
VI. State Control Over Sentenced Prisoners	9
VII. Merger of Probation Supervision and Parole	10
VIII. Selection of Institutional Superintendents and Deputy Superintendents	11
IX. Courts	12
A. Unified Court System	12
B. Statewide Budget	12
C. Selection of Judges	13
D. Speedy Trial	13
X. Abolition of Commercial Bail Bond System	14
XI. Victimless Crime - State Regulation of Morality	15
A. The Alcoholic Offender	16
B. Marijuana	16
C. Gambling	17
D. Prostitution	18
E. Homosexuality	19
F. Pornography	20
XII. Death Penalty	21
XIII. Gun Control	22
State	24
Ombudsman Project	24
Select Committee on Correctional Facilities and Programs	24
New York State Department of Correctional Services Task Force on Classification	26
National Program for the Development of Strategies for Juvenile Delinquency Prevention	27
Juvenile Detention Visitation Committee	27
Legislative Public Hearings	29
Senator Goodman's Advisory Board	30
Legislation	30
League of Women Voters	31
Urban Coalition	31
Community Service Society	32

	Page
Committee for Modern Courts	32
Penal Reforms - Coalitions	33
Coalition for Penal Reform	33
National Association of Social Workers	34
Radio Show - WNYC	34
National Alliance of Business Men Debriefing	35
New York Chamber of Commerce	35
Queens Ethical Culture	35
Civic Assembly	36
Community Service Society Volunteer Program	36
Parole and Probation Officers Institute	37
Summer Students	37
John Jay College	37
Medgar Evers College	38
Center for Legal Education and Research Project	38
Human Rights Commission Hearing	38
Model Cities	39
Barry Farber Radio Show	39
Community Service Society	39
Community Service Society Volunteers	40
Legal Aid Casework Project	40
Testimonial Honoring Commissioner Malcolm	40
New York University Film	41
UFT - Retired Teachers Chapter	41
John Jay College and International Association to Relieve Group Tensions	41
Fordham School of Social Work	41
Preparatory School Students	42
Muslin Luncheon - The Tombs	42
Puerto Rican Correctional Facilities Assistance Committee	42
Workmen's Circle	42
Rikers Tour	42
WNBC	43
Ball Reevaluation Project	43
NYU Course - Law and Society	43
Pretrial Release Project	43
New York Junior League	44
Mayor's Office of Volunteers	44
Reality House	44
Testimonial Dinner - R. Brinkley Smithers	45
Alliance for a Safer New York	45
City Council	47
Interagency Council, New York City	47
New York City Department of Correction	48
"Rhem v. McGrath"	48
State University of New York Student Internship Program	49
New York State Women's Correctional Institution	49

	Page
Appellate Division - First Department	50
Green Haven Tour	51
Assembly Committee on Social Services	51
Student Assistants	52
State Division for Youth	52
Department of Correctional Services Volunteer Program	52
Long Island Student - Film on Prisons	53
Prisoners' Rights	53
Bedford Stuyvesant Jaycees	53
Coxsackie Correctional Facility	53
Training, Department of Correctional Services	54
Sing Sing Seder	54
New York State Welfare Conference	55
National	55
American Correctional Association	55
U.S. Commission on Civil Rights	56
AMA-ABA Medical Survey	56
National Alliance for Shaping Safer Cities	57
Violation of Constitutional Rights - Baltimore	58
Prisoners' Rights Litigation Unit	58
Correctional Service Federation Meeting	59
Volunteers in Probation	59
Middle Atlantic States Conference of Correction	59
Middlesex County Prosecutors School	60
New Jersey Correctional Association	60
Rutgers Summer School of Alcoholism Studies	60
Ford Foundation Study	61
State of Massachusetts - Addiction Services	61
Carbon Dioxide Rapid Coma Detoxification	61
National College of the State Judiciary	62
Federal Community Treatment Centers	62
Parade Magazine	63
International	63
UN Committee on Crime Prevention and Control	63
UN Working Party on the Standard Minimum Rules for Prisoners	65
UN Social Defence Staff	65
International Council on Alcohol and Addictions	65
Consulate General, United Kingdom	66
British Magistrate	66
Direct Services	68
Legal Services Bureau	68
Family Service Bureau	70
Correctional Social Services Bureau	73
Appendix A: The Feasibility of a Correctional Ombudsman	77
Financial Statement	111

THE CORRECTIONAL ASSOCIATION OF NEW YORK

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OF THE
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1973

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C. SUYDAM CUTTING

1889 — 1972

Mr. C. Suydam Cutting, for 38 years a strong supporter of The Correctional Association of New York . . .

A friend and confidante of the world-trotting Theodore and Kermit Roosevelt, master of the now nearly defunct game of kings — court tennis, and naturalist par excellence. This was Suydam Cutting, the man.

Joining the Executive Committee of The Correctional Association in 1934, Mr. Cutting began an era of 38 years of strong support for the ideals and objectives of the Association. Despite the need to curtail his direct personal involvement in the activities of the Association in later years, he continued to express his confidence in its work through his philanthropic generosity. By the many friends he had, not only in The Correctional Association of New York, but through his lifelong series of expeditions to nearly every corner of the globe, he is sorely missed.

THE CORRECTIONAL ASSOCIATION'S

RECOMMENDATIONS

TO THE 1973 LEGISLATURE

STATE OF NEW YORK

RECOMMENDATIONS TO THE 1973 LEGISLATURE

Introduction

The principal concern and priority of effort of The Correctional Association of New York since its founding in 1844 has been to bring about the rehabilitation of offenders through the improvement in the operation of correctional institutions and the formulation and implementation of more humane conditions and effective programs. Almost from its inception, the Correctional Association, in accord with the conclusions of all major commissions which have studied the problems of correction -- including the President's Crime Commission -- has recognized that conditions in other parts of the criminal justice system have a direct and marked effect on the correctional process and the rehabilitation of offenders. The efficiency of operation and solution of problems facing the courts have a major impact on the respect for justice and personal attitudes of offenders committed to correctional institutions; the speed with which criminal cases are tried as well as the functioning of the bail system and the development of alternatives to secure detention determine whether or not the detention institutions throughout the State are overcrowded; and the very definition by the Penal Law of what constitutes a crime, determining those who are committed to correctional institutions and the extent of their penalties, has a great impact on the way in which correctional systems must function.

For these reasons, in order to have an effect on the serious problems facing correctional institutions, it is necessary to direct attention not only to proposals for change in correction itself, but also to those parts of the criminal justice system which directly impinge on the area of principal concern of The Correctional Association of New York -- the rehabilitation of offenders.

RECOMMENDATION NO. I MANDATORY SENTENCES AND LIFE IMPRISONMENT

That no penal legislation be enacted providing for mandatory sentences with no possibility of probation, or for life imprisonment with no possibility of parole.

COMMENT: Mandatory sentences of life imprisonment with no possibility of parole have been proposed by the Governor in an attempt to combat the increase in drug addiction and drug-related crime. The historic response to an increase in crime has usually been an attempt to deter its rise by inflicting greater punishment for commission of the crime.

Unfortunately, statistics indicate that there is no stable relationship between increased punishment and a lower crime rate. On the contrary, the consensus of expert opinion recognizes that it is the certainty and swiftness of the punishment rather than its severity that deters crime. This is true in part because the average criminal thinks his crime will be one of the statistically large number that escapes detection and, even more importantly, because excessively severe penalties make a jury hesitant to convict so that the deterrent effect advanced in support of harsher penalties does not exist.

The proposed legislation is not the proper response to legitimate public concern. The State has a responsibility not to enact penalties which are essentially retributive and counterproductive to their goal of deterrence as a sop to public concern. The State should continue to assess the failure of present drug programs, which have operated to a great extent without any accounting controls. It should support the only recently begun study in depth of the causes, treatment, and control of the drug problem by qualified organizations.

There are many other considerations — religious, humanitarian, constitutional — which militate against such penal legislation, but the Correctional Association feels that the practical considerations alone are sufficient reason to defeat the proposed legislation.

RECOMMENDATION NO. II SPECIAL COMMISSION ON TREATMENT OF OFFENDERS

That a special temporary commission be established to reexamine the function of incarceration, probation and parole, and to consider the use of release under supervision in appropriate cases in place of confinement in prisons.

COMMENT: The proposed commission should restudy the whole concept of sentencing a convicted person to a term in a correctional

institution in order to ascertain whether many could better be released under supervision, thus reducing the institutional population and enhancing the likelihood of rehabilitation.

It is now recognized that the prisoner upon release frequently comes out worse than when he went in. Having received little or no education or training during the period he was segregated from his family and friends, he finds himself without a job and without the opportunity of getting one. The result is nearly certain: within a short time he will commit another crime and be back in prison for another sentence.

It must be acknowledged that many persons convicted of serious crimes cannot be rehabilitated; but there are many more who might be restored to a useful life if given a chance, if guided and controlled while remaining a member of society. The proposed commission might find better means to identify this larger group through a discernment of the causes and motivation for the commission of the crime. Once identified and given some degree of freedom, this group might truly be helped and perhaps rehabilitated.

In the recent words of Chief Justice Burger, "The deadly monotony of a confinement with no constructive or productive activity apart from ordinary daily work is bound to be devastating. [We should] develop better means to identify those convicted persons who should not be sent to prisons, but should be released under close supervision."

RECOMMENDATION NO. III OMBUDSMAN SYSTEM

That a non-governmental ombudsman/monitoring/inspection system be established for the correctional institutions of the State.

COMMENT: Two of the objectives of The Correctional Association of New York as set down in its Act of Incorporation in 1846 were: "The amelioration of the conditions of prisoners" and "The improvement of prison discipline and the government of prisons." In order to achieve these ends, the law creating the Association stated that "[it] shall have power, and it shall be its duties to visit, inspect, and examine all of the prisons of the state and annually report to the legislature of their state and condition and all such other things in regard to them as may enable the legislature to perfect their government and discipline." To carry out this mandate more effectively, and to monitor more closely the complex community structure of correctional institutions of New York in the 1970s, The Correctional Association of New York is seeking to establish an ombudsman program for the correctional institutions of the State.

It is now two calendar years since the awesome tragedy of Attica.

Since that time in September 1971, there has grown almost universal agreement that essential to the prevention of another Attica is an effective system for hearing and dealing with the grievances of individuals in the State's correctional institutions. There have been many proposals put forth for an "ombudsman" system since the Correctional Association first made its proposal a year ago. The recommendation of the Select Committee on Correctional Institutions and Programs — the Jones Committee — called for a reorganization of the State Commission of Correction to serve this ombudsman function. This recommendation has been supported by such prestigious individuals as Dean Robert McKay, chairman of the New York State Special Commission on Attica, and Henry Ruth, Director of New York City's Criminal Justice Coordinating Council. There have been other similar recommendations calling for the Commission of Correction to serve an ombudsman function. However, most of these schema place the Commission in the Executive branch of government under the direct control of either the Governor or the head of the Division of Criminal Justice. Until a constitutional amendment can be effected, the Commissioner of the Department of Correctional Services serves by constitutional mandate as the chairman of the Commission of Correction. Even if this were not a time of widespread and all-pervasive crisis of confidence in government, there would be severe questions raised as to the efficacy of an ombudsman program, by definition objective, being headed by the chief of the Department towards which the program is supposed to be impartial. In the present climate of popular distrust wherein major scandals involving illegal acts by political parties in collusion with or with the knowledge of the highest government officials are shrugged off by the general public with the assumption that all government is corrupt and all government officials lie, what belief can there be in an ombudsman system directly under the control of the very people whose actions it is designed to monitor? For an ombudsman to be truly effective, it must have the trust of the people it seeks to serve. What inmate or correction officer — or member of the general public — is going to believe in the impartial integrity of an ombudsman commission whose chairman is the Commissioner of Correctional Services or who reports and is controlled by the Chief Executive?

For these reasons The Correctional Association of New York believes that the ombudsman function for the correctional institutions of this State must be filled by an organization with no governmental affiliation which has proven impartiality and objectivity as well as an intimate knowledge of the system it seeks to serve.

The Association believes it can best fill such a role and proposes to initiate a system whereby individuals will visit institutions in the State on a regular basis to inspect the administrative working of the institution, to monitor the complaints and grievances of those individuals within the institutions, and to bring about change by correcting legitimate grievances of those individuals within the institutions before they grow, fester, and explode.

RECOMMENDATION NO. IV COMMISSION OF CORRECTION

That the Constitution be amended to remove the Commissioner of the Department of Correctional Services from the position of Chairman of the Commission of Correction, and that the Commission be reorganized as an autonomous body in the Executive Department of the State.

COMMENT: The Correctional Association of New York was the first organization to point to the inherent conflict in having the man responsible for all the correctional institutions in New York State act as chairman of the body charged with inspecting those institutions. The concept of an independent commission of correction is one which has gained wide acceptance. It has been endorsed by many members of the Legislature and the Commissioner of the Department of Correctional Services himself, as well as the two prestigious committees appointed in 1971: the New York State Special Commission on Attica (McKay Commission) and the Select Committee on Correctional Institutions and Programs (Jones Committee).

The Correctional Association feels a special responsibility toward the Commission of Correction since it was at the instigation and urging of the Correctional Association (then known as the Prison Association of New York) that the Commission was originally formed. It is imperative that the Commission attain a position of independence and objectivity so that it can function as a viable and influential inspection unit for the institutions in New York State. The Commission should also have the power to establish broad policy guidelines for the Department of Correctional Services, as well as to inspect physical plant and monitor ongoing programs of all detention and sentence institutions, local and state.

It is essential to these two goals that the Commission be an independent body, not part of any other agency, and report directly to the Governor. This is necessary not only for its own effectiveness but also for the degree of trust and confidence to be gained from both the institutional community and the society at large.

The Correctional Association feels quite strongly that the possible addition of an ombudsman role to the already enumerated responsibilities of the Commission would again put it in a position of conflict within itself. The agency charged with setting broad policy should not be the same one which will receive and evaluate complaints against that policy. To be effective, an ombudsman service must have no connection with the system which it is serving. This is especially true in our current age of widespread mistrust of all governmental agencies. To operate properly, an ombudsman system must be believed in by those whom it attempts to serve. It is unrealistic to think that an inmate of a correctional facility will believe in the objectivity of an ombudsman employed by the very

same organization which sets the policies that govern his daily life in the institution. It is equally unrealistic to believe that the general public would accept such a claim to objectivity.

An independent, influential commission of correction has an important role to play in the administration of correctional facilities. The specialized and sensitive role of ombudsman, at least at the outset, should be left to a more appropriate, non-governmental agency.

RECOMMENDATION NO. V RIGHTS OF PRISONERS

"If prisoners are to learn to bear the responsibilities of citizens, they must have all the rights of other citizens except those that have been specifically taken away by court order." These words from the official report of the New York State Special Commission on Attica formed the first of that Commission's seven recommendations for the basic changes necessary to reform the correctional system in New York State.

The interest in the area of rights of prisoners has been growing rapidly in the past few years. The Superior Court of Delaware has stated:

The question is - what rights should be restricted or even taken away entirely? Our statutes restrict those rights demanding of their very nature free movement of the body. This would seem that the primary punishment of a prison is restriction of movement. A natural consequence would seem to be that the prisoner is entitled to those same rights as any other citizens which are not in conflict with the order of the court restricting the free movement of the body.

In the conclusion to the study on Rights of Prisoners which the Correctional Association undertook in 1970, it stated that recognition of the rights of prisoners can harm no one. Denial, it seems, would be based on the unholy illogic that tells a man to be something which he is prevented from being at every attempt. A man cannot be rehabilitated and at the same time be held from the basic freedoms, responsibilities, and rights that constitute rehabilitation.

A. That legislation be enacted to ensure safeguards in all institutional disciplinary hearings which result in a change in condition of custody or loss of good time; that such safeguards include notification of charge in writing, opportunity to cross-examine the individual bringing charges, opportunity to present witnesses, opportunity to be represented by individuals of one's choosing, and provisions for a speedy appeal.

COMMENT: Institutional disciplinary hearings can have serious effects on the conditions under which an individual is held and the length of time he must serve. Institutional punishments can range from simple loss of privileges to placement in solitary confinement with total loss of privileges, in some instances for extended periods of time, to transfer to an institution with a greater degree of security, to loss of earned good time which has the effect of delaying the date of the individual's release. In spite of the gravity of the consequences of such disciplinary proceedings, few institutions have even the remnants of procedural protections for the accused. It is not uncommon for the officer lodging the charges to sit on the panel determining the validity of those charges. Nor is the individual always told who has brought the complaint against him. Procedures to allow an inmate to present an organized defense are rare. Too often the outcome rests on the personalities of the individuals making up the disciplinary board.

There has been an increasing number of court decisions mandating safeguards against such procedures in institutional disciplinary proceedings. In Landman v. Royster, the US District Court for the Eastern District of Virginia mandated such safeguards for all institutions in Virginia, saying: "Substantial deprivation of rights even in matters called civil where no misconduct is alleged have not been provided without due process. Reasons of security may justify restrictive confinement, but that is not to say that such needs may be determined arbitrarily or without appropriate procedures."

B. That legislation be enacted to provide that individuals can be placed in punitive solitary confinement only after a hearing with appropriate safeguards; that there be specified periods of time in isolation for specified offenses, and that the maximum period of solitary confinement for any one offense be not more than fifteen days; that the confinement cell be identical to those used for normal housing; and that the individual not be deprived of his normal clothing.

COMMENT: "Cruelty exists for example in imposing on a man the anguish of continued uncertainty as to his fate, with knowledge that severe consequences may befall him for unforeseeable reasons against which he is powerless to defend himself." This is the comment of a Federal court on the lack of any schedule of specific appropriate punishments for specific offenses. All too often punishment meted out in an institutional disciplinary hearing depends on the whim of the individuals sitting on the disciplinary board. Such punishments are not necessarily standardized, nor does the inmate know in advance what punishment will be imposed for what offense.

It has not been an uncommon occurrence for individuals to be held in solitary confinement for extended periods of time running to a year in some instances. There is no support for such practice in any of the accepted manuals prepared as models of institutional administration. An increasing

tide of court decisions is finding such extensive stays in solitary as constituting "cruel and unusual punishment."

In testifying before a circuit court in Maryland hearing a case brought by inmates in that state's Patuxent Institution for Defective Delinquents, the General Secretary of The Correctional Association of New York testified that a stay of fifteen days in solitary confinement is quite long and should be the absolute maximum period of time allowable. In the same decision the court found the use of strip cells, lack of cleanliness, lack of proper light and ventilation and sanitary conditions, as well as not providing adequate exercise or proper items to maintain personal hygiene as constituting "cruel and unusual punishment."

The Correctional Association of New York knows of no valid reason to pen men in cages under the most unhealthful and inhumane conditions for extended periods of time. Such treatment must be destructive of the very aims of compliance with rules that it is supposed to be promoting. For these reasons it strongly urges the Legislature to enact into law those provisions which will prevent the inhumane abuse of the use of punitive segregation.

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

COMMENT: Civil death is the imposition of disabilities by the state that withdraw all the rights of the ordinary citizen. A common law concept long since abandoned in England, civil death still applies to individuals who receive life sentences in New York State penal institutions. Vestiges of it, such as the section of the Election Law which deprives anyone with a felony conviction of the right to vote, apply to all those serving felony sentences in prisons. The original 1799 statute still in force deprives the individual of, among other things, the right to institute suit, the right of parenthood, and automatically annuls a marriage.

Developed as an alternative to the death penalty for nobles and clergy, the civil death concept is today an anachronism. Any of the remnants presently in statute form should be repealed.

D. That statutory provisions be made to insure that prisoners have the rights of ordinary citizens to the extent consistent with incarceration.

COMMENT: The one right which is removed by due process upon an individual's imprisonment is the right to freedom of movement. A prison inmate cannot go where he wants to when he wants to do so. All other activity which does not endanger the safety of the other inmates and staff or disrupt the necessary orderly functioning of the institutions should be allowed. There can be no valid reason for continuing such practices as reading of mail, limiting of correspondence and visitors, or banning of reading matter which can legally be mailed.

E. 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 statutory grounds.

COMMENT: In New York State every individual convicted of a felony incurs some legal disability for future employment. This hidden penalty in some instances is actually more severe than the sentence of imprisonment imposed by the court. The list of statutory prohibitions for ex-offenders includes over fifty occupations, professions, licenses, or privileges, including the right to vote. Among the licenses specifically prohibited by statute are those which have to do with any branch of medicine, including veterinary medicine, as well as undertakes and embalmers. The State Alcoholic Beverage Control Law specifically prohibits an individual holding a liquor license from employing anyone who has been convicted of a felony or certain specifically enumerated crimes, including vagrancy. This means that an individual with such a history cannot work in any capacity in a supermarket, as a truck-driver or a helper for a trucking firm which transports alcoholic beverages, as a doorman, waiter, even dishwasher in a restaurant with an alcoholic beverage license. An individual with a felony conviction wanting a driver's license needs the permission of the Commissioner of Motor Vehicles following an investigation or a hearing. The application process is usually a long and frustrating one, often unrewarding.

The Correctional Association of New York believes that no individual should be denied employment — or licensing — solely on the basis of a criminal conviction. The only exception should be if the crime had a direct bearing on the employment sought and the combination would constitute a threat to the public welfare. Even then, exclusion should be discretionary rather than mandatory with a clearly defined process of appeal from any such decision. Those crimes considered disabling for certain areas of employment should be enumerated specifically for the license which they affect. There should be complete removal of any ban on motor vehicle licensing or employment by an enterprise holding an alcoholic beverage license in any capacity not solely concerned with the sale of alcohol.

RECOMMENDATION NO. VI STATE CONTROL OVER SENTENCED PRISONERS

That legislation be enacted which would place all sentenced individuals, regardless of the length of sentence, under the control of the State Department of Correctional Services.

COMMENT: For a number of years The Correctional Association of New York has been urging that all sentenced prisoners be placed under control of the State Department of Correctional Services. This would

mean that individuals presently serving sentences in local county jails or penitentiaries would be placed in state correctional institutions where they can get the training and treatment they so sorely need. It would also mean, however, that arrangements would have to be made for the maintenance of detention facilities which is now being provided by sentenced inmates.

The present distinction which sends those individuals sentenced to less than one year to the county and those for greater than one year to the state is an arbitrary one without meaning. In 1973 it is an anachronism. It is extremely discouraging and frightening to see three men awaiting disposition in New York City jammed into a cell constructed for one because the urgently needed space is being used by prisoners sentenced to the City. It is also almost a practical reality when 2,500 city prisoners were housed in state prisons in 1972.

Were the state to take over all sentenced prisoners, two problems would be ameliorated simultaneously. The first, that of providing constructive rehabilitation programs for the men who simply wait out their time for release in upstate jails. The second result would be a reduction in the population in the New York City Department of Correction which has been at the explosion level since 1970. Beds are available in the institutions of the State Department of Correctional Services. They are not available in the institutions of New York City.

The Correctional Association joins with the State Investigation Committee and the Governor's Special Committee on Criminal Offenders in urging that steps be taken immediately to bring about this change from local to state jurisdiction of all sentenced prisoners of New York State.

RECOMMENDATION NO. VII MERGER OF PROBATION SUPERVISION AND PAROLE

That the presently existing probation service be split into its two functional parts; that the function of pre-sentence investigation and Family Court services remain under the jurisdiction of the courts; and that the function of field supervision be merged with the Division of Parole of the State Department of Correctional Services.

COMMENT: There are presently in New York State sixty-nine separate autonomous local probation departments serving the Criminal and Family Courts. These departments exist under a confusing skein of administrative responsibility and financing. As an arm of the courts, the probation departments are responsible to the administering body of the state courts, specifically the Appellate Division for the department in which they function. Ultimate authority and control is vested in the Administrative Board of the Judicial Conference. However, local probation departments also fall under the supervision of the State Division of Probation, a

function of the State Executive. The Division has general supervision over administration of local probation departments, including establishing standards, rules and regulations, and procedures. This agency controls disbursement of state aid to the local probation departments. Financially, probation is supported by local governments reimbursed by the state. This means it is dependent upon budgets formulated by the local executive and approved by the local appropriating authority. Ultimately probation is responsible to all branches of government, both on the local and state level. The result of the confusion of lines of authority is that local probation departments in reality function more or less independently. The President's Crime Commission, among many other experts in the field, concluded that "probation offers one of the most significant prospects for effective programs in correction." However, this essential service in the administration of criminal justice is allowed to exist on a fragmented basis with no overall coordination or planning, financing or staffing.

A functional analysis of the duties of probation reveals that it is in fact two separate units. One major division of duties is to provide pre-sentence investigation for the criminal courts and necessary services for the Family Court. The other division is that which deals with active field supervision of individuals placed on probation. The first is a pre-dispositional court service. The second is a post-dispositional correction service, probation being a sentence imposed by the court. Once this split is exposed, it becomes obvious that both functions of probation cannot be administered properly if they are considered a single entity.

The Correctional Association believes that since the pre-disposition work of probation is a service directly and uniquely for the courts, it should remain under court administration. It strongly recommends, however, that the present Probation Department be split functionally and that the aspect of probation which deals with field supervision be merged with the field supervision agency of Parole within the State's Department Correctional Services. Such an administrative reorganization should allow for clearer lines of authority, better allocation of money and personnel, and a more equitable statewide probation service.

RECOMMENDATION NO. VIII SELECTION OF INSTITUTIONAL SUPERINTENDENTS AND DEPUTY SUPERINTENDENTS

That the positions of institutional superintendent and deputy superintendent be filled by appointment of the Commissioner of Correctional Services and not be limited to the civil service lists.

COMMENT: Civil service was originally instituted to guard against the abuse of political appointment in governmental positions and to insure continuity of service in spite of changing administrations. All positions in correctional institutions are filled by appointment from civil service lists up to and including the position of institutional superintendent. The Jones

Committee pointed out that this has had the unfortunate effect of confining those available for the top institutional position to individuals coming from the custodial staff, excluding those from the social service areas such as counselors, social workers, medical and psychiatric staff, etc. It also prevents hiring from outside the state, even though such individuals may be perfectly competent for the position.

Such a recommendation should not in any way be construed as an indictment of the individuals now filling the positions of institutional superintendent and deputy superintendent in New York State. Giving the Commissioner of Correctional Services increased flexibility in appointing to such important positions should make it possible to recruit the best possible people for these crucial positions.

RECOMMENDATION NO. IX COURTS

A. UNIFIED COURT SYSTEM

That the present court structure be simplified by elimination of courts of special jurisdiction with their duties to be absorbed by the State Supreme Court; by replacing the many local courts with unified District Courts; and by merging the Civil and Criminal Courts of the City of New York.

COMMENT: The court structure in New York State today continues to reflect the requirements and thoughts of an earlier age rather than those of the present. There are sixteen 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 administration of justice. Several changes can be made in the present court structure which would reduce the number of courts and greatly improve their administrative and judicial workings. Courts of special jurisdiction, such as the Court of Claims and the Surrogate's Courts could have their functions absorbed by the Supreme Court.

In order to insure high standards of performance and statewide uniformity in the administration of justice, the present multiplicity of city, town, and village courts should be replaced by unified district courts staffed by competent, legally trained judicial personnel. There is no logical justification for the continued existence of separate civil and criminal courts in New York City. The two courts should be merged into the single Court of the City of New York.

B. STATEWIDE BUDGET

That the present system of local financing of court costs be replaced by a statewide budget.

COMMENT: To provide for the effectuating of the foregoing recommendations, particularly that concerning the establishment of district courts, the present patchwork method of court financing should be replaced with an overall statewide budget. 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, prepared by the Judicial Conference and certified to the state legislature for appropriation.

The Correctional Association believes that these reforms of the administrative and financial structure of the courts are not necessary if the workings of the law in New York State are to be brought more closely in line with the principles of equality before the law and the impartial administration of justice - two cornerstones of the philosophic thought of this country.

C. SELECTION OF JUDGES

That the present procedure of electing judges be abolished and an appointive process as is presently being used by certain other states and the federal government instituted to insure the highest level of civil and criminal justice in the state.

COMMENT: The quality of the judiciary in large measure determines the quality of justice, and the method of selection does much to determine the quality of the judge. There are three methods of judicial selection currently in use in New York State: executive appointment (New York City Criminal Court and the Appellate Division); executive appointment with Senate confirmation (Court of Claims); and straight election for all the remaining courts.

The process whereby judges are appointed as candidates of a political party and required to electioneer and politic in the same way as candidates for political offices has not proved an effective system for attracting and selecting those best qualified to hold judicial posts. Far from removing the administration of justice from the political sphere, it has had the opposite effect, resulting in the open scandals of judges "buying" their judgeships or receiving them as rewards for faithful party service. Nor has the exercise of popular elections been any effective control on the selection of the judiciary. The people as a whole rarely have a say in choosing the names which appear on the ballot on Election Day.

D. SPEEDY TRIAL

That the Legislature enact a law specifically guaranteeing speedy disposition of case for all individuals being held on criminal charges.

COMMENT: The delay in disposing of criminal cases, whether on the lower court or Supreme Court level, is one of the major contributing factors in the serious overcrowding being experienced in the state's

detention institutions. The backlog in cases and the sometimes quite extended periods of time for their disposition has meant that many individuals, unable to post the bail, have to spend long periods of time languishing in detention after which they may indeed be found innocent of the crime with which they were charged.

The Constitution of the United States guarantees to everyone the right to speedy trial. This right has all but disappeared under the heavy weight of court backlog. It is significant that most of the demands of the prisoners' rebellion in the New York City House of Detention known as The Tombs in the fall of 1970 had to do with this very question of court backlog and disposition of case. The judiciary has in part tried to respond to this problem by issuing administrative rules and regulations. Such administrative orders went into effect in the Federal Court in 1971.

Similar rules and regulations promulgated by the administrative board of the Judicial Conference of New York State were scheduled to go into effect last year. They were superceded by legislation which replaced the mandatory speedy trial rule of the courts with a provision which mainly required the District Attorney to state he was ready to proceed and which would allow delays for lack of courtroom space. In the first six months after the enactment of the so-called "Ready Rule," the backlog in the detention institutions in New York City was as great as ever. The situation is so critical that the Court of Appeals has set a limit on the time an individual's case can be delayed because of courtroom unavailability and has invited individuals jailed for lengthy periods pending trial to challenge those delays.

The Correctional Association of New York feels that this "lost" right to a guaranteed speedy trial is one that should be refund and protected. It considers a perversion of justice the fact that men in effect serve their sentences before they are even convicted.

RECOMMENDATION NO. X ABOLITION OF COMMERCIAL BAIL BOND SYSTEM

That the Legislature eliminate the need for a commercial bail bond system by repealing that section of the Criminal Procedure Law (520.10-1.4) which defines an insurance company bail bond as an authorized form of bail to be accepted by the court to fulfill the amount of bail fixed, and enact legislation similar to that in existence in Illinois establishing a system whereby the defendant may meet his bail requirements by posting cash with the court in the amount of 10% of his total bail to replace the present system which compels the defendant to pay a minimum of 10% in cash to a bail bondsman and also compels him to furnish the bondsman with collateral securing the full amount of the bail.

COMMENT: The United States is one of the only two countries in the world that retain a commercial bail bond industry (the other

is the Philippines). A unique and amazing fact about the bail bond business as practiced in New York and other states is that the bonding companies require indemnity from their general agents who in turn require indemnity from the bondsmen who in return often require collateral from their clients. A report of the Association of the Bar of the City of New York commented: "The ultimate decision as to detention is therefore left with the bondsman — not by virtue of the legally fixed premium, but through an unfettered decision as to the amount of collateral he will demand...."

There are six companies presently engaged in writing bail in New York, with two of these companies writing almost all the New York City market, and these two and one other the upstate market. For these companies the writing of bail bonds is a relatively minor, albeit profitable part of their entire business. It is extremely rare for a company to suffer any loss through writing bail bonds — basically the companies are merely lending their names to the administration of bail.

In the mid-1960s, Illinois enacted legislation mandating the courts to accept from the accused 10% of the amount of bail set by the court. When the accused appears for trial, 90% of the initial deposit is refunded, and 10% (1% of bail amount) is applied toward administrative costs. Upon failure to appear, the defendant is charged with the crime of bail jumping in addition to the original charge.

The Correctional Association of New York urges the New York State Legislature to enact a bail reform law similar to the Illinois law.

RECOMMENDATION NO. XI VICTIMLESS CRIME — STATE REGULATION OF MORALITY

Serious crime, increasing continuously year after year, poses immense problems for our system of criminal justice. Today, however, every element of our criminal justice system — police, prosecutors, defense counsel, courts, and correctional institutions — is being diverted from the operations required to handle serious crime by the plethora of laws creating victimless crimes.

The Correctional Association believes that the province of the penal law should be limited to matters of public order, public safety, and public health. We deem it inappropriate for the government to define as criminal behavior that which has no substantial significance beyond the moral or physical health of the actor. In defining these limitations from another vantage point, St. Thomas Aquinas stated: "Private sin is different from public crime, and only the latter lies in the province of man-made law."

For these reasons the Correctional Association calls for the elimination of those laws from the Penal Law which base their authority on the immorality of the acts committed and not on matters of public order, public safety, and public health.

A. THE ALCOHOLIC OFFENDER

That the Legislature enact legislation to handle the chronic alcoholic under medical and social service auspices instead of the present practice of sentencing such individuals to short jail terms.

COMMENT: It is estimated that throughout the United States, 50% of the individuals in local county correctional institutions are alcoholics committed on public intoxication charges. The State of New York is no exception. A safe estimate is that 90% of all those individuals committed to local county correctional institutions on public intoxication charges are ill with alcoholism.

Two United States Courts of Appeal have declared unconstitutional the conviction and sentencing of these individuals to correctional institutions. The Attorney General of the United States has stated public his support of these decisions and his official position that alcoholism is a disease which must be treated medically and not punitively. The development of appropriate facilities to deal with the treatment problems involved with almost half of the jail population of the State of New York is urgently needed to cope with this medical-welfare problem. The Correctional Association of New York urges the Legislature to adopt the Uniform Alcoholism and Intoxication Treatment Act drafted by the National Conference of Commissioners on Uniform State Laws at its Annual Conference in August of 1971. It would be unfortunate if the state should continue with the legal means and facilities to handle those who are presently "serving life sentences on the installment plan."

B. MARIJUANA

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

COMMENT: The possession of marijuana for personal use is an excellent example of conduct which may be condemned by certain parts of the society but which harms no one with the possible exception of the offender. The latter is becoming increasingly doubtful as the scientific community fails to come up with any firm evidence of longlasting detrimental effect of using marijuana in spite of mammoth studies which have been undertaken in the last several years.

The present widely held views on the dangerousness of marijuana use were artificially created in the 1930s to bolster official policy which had already been decided upon. Prior to that time marijuana was in common use in this country, and indeed was part of the standard medical pharmacopoeia.

An argument for a continued ban on marijuana use is that such usage leads to heroin addiction. At no time has anyone ever been able to prove any causal relationship between the smoking of marijuana and the subsequent use of heroin. As Basil Paterson, former State Senator and presently Vice Chairman of the National Democratic Party, stated: "Remember, all addicts started on mother's milk."

While the harmful effects of marijuana are doubtful, the harmful effects of the current laws are obvious to all. Enormous amounts of money and manpower are diverted from more important needs, such as the suppression of heroin traffic, by being assigned to stopping the importation of marijuana, arresting sellers on college campuses, and raiding suburban "pot parties." The influx of these people so often into the already overburdened court system means that individuals will stay just that much longer in jail before their cases can be heard and receive that much less time and attention from the courts. Probably most serious of all, an entire class of citizens — those already questioning the basis of our society — are artificially branded as criminals. It is impossible to assess the damage done to the future of our society by raising an entire generation who believe in the hypocrisy of law.

C. GAMBLING

That all existing constitutional bars to gambling be repealed and that the Legislature enact appropriate statutory controls and procedures.

COMMENT: It would be impossible for anyone not knowing the specific laws of the state concerning gambling to deduce them by riding in public transportation or walking down the main street of any city or town in the state. Ubiquitous ads tell you that your friendly state bookie is only a telephone call away — place your bet with OTB; there is constant urging to buy a ticket in the State Lottery — they even have 50¢ tickets now for people who can't afford the more expensive dollar ones; and the sign, "Bingo Tonight," that can be seen in any area where more than three people reside would lead an observer to believe that gambling must be legal in the state. In fact, the constitutional provision on gambling is as confusing as the actuality.

Gambling is a true victimless crime in that if there is any harm attached, it is only to the individual who gambles. There has long been a popularly held moral revulsion to the idea of gambling. Unfortunately, some forms of gambling seem to be more reprehensible to society than others. Hence, it is perfectly acceptable to lose money at church bingo, but not in a poker game. One is encouraged to participate in the State Lottery as a patriotic duty, but it is a crime to play the numbers. It is legal to place a bet on a horse race with OTB, but not on a dog race with your neighborhood bookie. The effect on law enforcement agencies' being asked to enforce a law believed in by no one, least of all the legislators who made it, results too often in the corruption so vividly documented in hearings in New York City last year.

The Correctional Association of New York therefore recommends that the constitution be amended to remove the blanket bar on gambling and that the Legislature enact any subsequently necessary procedures and controls.

D. PROSTITUTION

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

COMMENT: The Correctional Association of New York questions the right of the state to intervene in matters of morality when an impairment of public order, public safety, or public health is not involved. The Association believes that such questions of private morality should be handled by religious institutions and the individual citizen devoid of governmental regulations. We therefore believe that prostitution, per se, should not be proscribed by the Penal Law.

On September 1, 1969, the maximum sentence for prostitution was raised from 15 days to three months. Six weeks later one of the city's newspapers which had been most vocal in pointing out the need for such an increased penalty ran a feature article stating: "The impact of a stiffer penalty for prostitution... has failed so far to put any appreciable dent in the city's streetwalker population...."

Not only has the new increased maximum had no effect, but the office of the District Attorney of New York County has gone on record with the courts in opposition to the dragnet police arrests of prostitutes which account for 15% to 20% of the arrests made in New York County daily. The District Attorney's Office characterized these arrests as "groundless and a denial of every constitutional right of due process." The District Attorney's Office further described the present situation as "an exercise in futility [that] accomplishes nothing." The police department explains that it has been put in the untenable position of enforcing a law passed by the State Legislature which the public prosecutor's office will not prosecute in court. At a time when the concept of respect for law is suffering attacks from every quarter, The Correctional Association of New York questions the continuance of laws which, in the words of the District Attorney's Office, have "made a mockery and a sham of our judicial system."

When, however, behavior threatens public order or public safety, that behavior ceases to be private and justly falls under the province of state control. Accordingly, we recommend that open solicitation, when it constitutes a public nuisance, should be proscribed by criminal statute (and

propose that this offense be made a class B misdemeanor). We also feel that the recruitment of the young for prostitution or exploiting a prostitute, both offenses being the exploitation of another person, should be prohibited by criminal law. The act of prostitution, regardless of the question of its morality, is in the province of personal conscience and religion and is not a matter for evoking the penal sanctions of the state.

E. HOMOSEXUALITY

The present law making sodomy between competent, consenting adults a crime be abolished.

COMMENT: The American Law Institute, in a report issued nearly fifteen years ago, urged reform of the criminal law to eliminate punishment for sex practices performed in private between consenting adults. The report stated in part:

...no harm to the secular interest of the community is involved by atypical sex practices in private morals is a distinct concern of spiritual authorities. It has been recognized in a recent report by a group of Anglican clergy with medical and legal advisors calling upon the British government to reexamine its harsh sodomy laws. The distinction between civil and religious responsibility in this area is reflected in the penal codes of such predominantly Catholic countries as France, Italy, Mexico, and Uruguay, none of which attempt to punish private misbehavior of this sort. The penal codes of Denmark, Sweden, and Switzerland also stay out of this area....

As in the case of illicit heterosexual relations, the existing law is substantially unenforced and there is no prospect of real enforcement except in cases of violence, corruption of minors, and public solicitation. Statutes that go beyond that permit capricious selection of a very few cases for prosecution and serve primarily the interest of blackmailers. Existence of the criminal threat probably deters some people from seeking psychiatric or other assistance for their emotional problems; certainly conviction and imprisonment are not conducive to cures. Further, there is a fundamental question of the protection to which every individual is entitled against state interference in his personal affairs and when he is not hurting others. Funds for personnel in police work are limited and it would appear to be poor policy to use them to any extent in this area when large areas of atrocious crimes remain unsolved. Even when necessary, utilization of police in cases involving minors or

public solicitation raises the special problems of police morale because of the entrapment practices that enforcement seems to require and the temptation to bribery and extortion.

In the instance of homosexual behavior, should such activities be accomplished with violence, constraint, or fraud, punishment according to the type of violence, constraint, or fraud committed should be meted out without the sexual element being considered a relevant or aggravating circumstance. The province of the law is to preserve public order and to provide protection against exploitation and corruption of others, especially those who cannot protect themselves. Otherwise all acts committed between competent adults in private fall outside the ambit of the Penal Law.

F. PORNOGRAPHY

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

COMMENT: The Correctional Association believes that the right of the individual to be free from government control so long as he is not harming himself or others includes that which he voluntarily desires to see, read, or hear in a private home or such other places as are closed off from view by the general public and are entered only by persons seeking admissions. In a 1969 ruling, the United States Supreme Court declared unconstitutional those laws which affect viewing pornography in an individual's home. The Correctional Association feels that this should be extended to allow the publication and sale of pornographic materials to adults.

The basic reason for state regulation of individual action is to prevent the disruption of public order, and maintain public safety and public health. The Kinsey Institute for Sex Research has completed several studies on the effect of pornography on both the normal population and sex offenders. The conclusion reached was that pornography is not a cause of sex crimes.

In addition, Wardell B. Pomeroy, one of the co-authors of The Kinsey Report and a leading researcher for the Kinsey Institute, has stated that pornography does not rank especially high as a source of sexual stimulus. Based on interviews with over 18,000 individuals, the conclusion was offered that sex offenders are less often aroused by pornography than the rest of the male population.

Indications from Denmark, which removed its controls on pornography in two steps in 1967 and 1969, show a trend toward decreased sex crimes with the increased availability of pornographic materials.

Since there is no substantiated evidence that pornography contributes a threat to public order, public safety, or public health, The Correctional Association of New York believes that the distribution of pornographic materials to those adults who solicit them should not be prohibited.

In the 1971 session of the legislature a bill was passed which protects individuals in public places from pornography which is not of their seeking. Now that the public as a whole has been legislatively protected, the Correctional Association strongly urges the passage of the other half of its recommendation to allow an individual the exercise of his basic freedom of choice.

RECOMMENDATION NO. XII DEATH PENALTY

That the death penalty be eliminated from the Penal Law.

COMMENT: The Penal Law now requires a sentence of life imprisonment for murder, except that the death penalty may be imposed if:

- (a) the victim of the crime was performing his official duties as a police officer, or as an employee of a jail, penitentiary, or correctional institution, or
- (b) the defendant was serving a sentence of life imprisonment; and if the defendant was over 18, and there are no substantial mitigating circumstances which render the sentence of death unwarranted.

There have been no executions in the State of New York since 1965, or in the United States since 1967. The Correctional Association is opposed to the death penalty for the following reasons:

1. All objective evidence points to the fact that the death penalty is not a deterrent to homicide. There is no valid statistical evidence to suggest that executions by the state reduce the number of homicides committed by individuals.
2. When the death penalty is in effect it is applied only against the poorest offenders, and predominantly against those who are also from minority groups, especially blacks. It is an inherently discriminatory penalty, incapable of equitable and impartial application.
3. The cold-blooded taking of life by the state tends to endorse violence as a means of solving problems and to impair respect for law, order, and justice.
4. Any system of justice must recognize the possibility that innocent persons may be convicted. The death penalty once applied is irrevocable, so that errors cannot be corrected.

RECOMMENDATION NO. XIII GUN CONTROL

That legislation be enacted to require individuals to obtain a permit to possess or purchase a rifle or a shotgun in this state; that all firearms be registered in a central state registry; that ammunition be sold only to individuals with license for appropriate weapons; and that possession by private citizens of weapons firing a missile larger than 12 mm be prohibited.

COMMENT: "How many more people have to get assassinated in this country?" Since that question was asked on the floor of the Senate in the midst of a heated debate on gun control after the assassination of President Kennedy, there have indeed been other major assassinations in the United States — those of Martin Luther King, Jr. and Robert F. Kennedy. There has been no truly significant gun control legislation.

The Correctional Association of New York urges the state to enact a gun control law similar to the one enacted in New York City and in the State of New Jersey. It is somewhat difficult to understand why New York State, with its strict Sullivan law regulation on hand guns, does not have another equally strict statute on long guns which would bring all firearms under the control of the state.

A study of homicides published in the Law Review of the University of Chicago Law School, in pointing out that the majority of homicides result from emotional outbursts of friends or relatives of the victim, also stated that altercations involving knives result in a 2% fatality rate whereas altercations involving guns result in a 12% fatality rate. It can be concluded from this that if guns were not as readily available, there would be a reduction in the number of homicides in this country.

The Correctional Association of New York, in considering this matter, recognizes that since it is estimated that there are approximately 100 million guns in the United States at the present time, any legislation to bring rifles and shotguns under control must be looked at from a long range point of view. It also recognizes that in view of the number of weapons in the United States, an individual with serious criminal intent, regardless of legal controls imposed, could obtain a weapon illegally. Since, however, the great majority of homicides results from emotional explosions of a friend or relative, the ready availability of guns is undoubtedly affecting the number of homicides in this country. In the weak gun control cities of Dallas, Texas and Phoenix, Arizona, 72% and 66% respectively of all homicides were committed with firearms. When one compares the overall murder rate, the results are even more striking. In four states with weak gun control laws — Nevada, Louisiana, Mississippi, and Texas — the overall murder rate per 100,000 ranges from 9.1 to 10.8. In the four highly urban states of New York, New Jersey, Pennsylvania, and Massachusetts, all of which have stringent hand gun controls, the murder rate per

100,000 ranges from 2.8 to 5.4, approximately one-third that of the weak gun law states. The same comparison holds true for assaults and armed robberies.

We would propose the following points to be considered essential for an effective gun control law in the state:

1. Licensing of all firearms.
2. Requiring permits for the possession of rifles and shotguns, excluding certain individuals such as convicted felons, minors, individuals with a history of drug addiction, or confinement in mental institutions, except where they can prove possession of a firearm would not be dangerous.
3. A central state registry of all firearms.
4. Sale of ammunition only to those individuals with a permit for the appropriate weapon.
5. Outlawing all destructive devices such as mortars and anti-tank guns.

THE CORRECTIONAL ASSOCIATION'S

GENERAL ACTIVITIES

STATE

NATIONAL

INTERNATIONAL

STATE

OMBUDSMAN PROJECT

The major portion of the efforts of the Correctional Association during 1972 went into the development and attempt to implement an inspection/monitoring/ombudsman program for the state correctional institutions. With the funds authorized at the end of 1971, a research sociologist was hired to conduct a feasibility study for such a program. Data were obtained of all known projects relating to a system of monitoring administrative procedures of various governmental bureaucracies. It was decided that there were three necessary components of such a program: objectivity, impartiality, and expertise. In order to be accepted by inmates, staff and administration, such a program had to be completely divorced from any ties with administration, staff, or inmates.

After the feasibility study was concluded, efforts at fund-raising began. Promises of grants were obtained from a major bank and a private donor. Numerous meetings were held with the Commissioner and Deputy Commissioners of the Department of Correctional Services. The procedure suggested was to begin a pilot program with existing staff serving as the ombudsman team in the women's correctional institution at Bedford Hills. This was chosen for several reasons. First, staff was available in the persons of Miss Weintraub and Miss Preminger. Secondly, the women's institution was the least "critical" institution in the state. I could provide a safe testing ground for the program. In October, Miss Weintraub officially started in Bedford Hills. Almost immediately, Commissioner Oswald was notified by the Governor's Office to withdraw his approval for the Bedford Hills pilot project. At the end of the year attempts were still being made to obtain the acquiescence of the Governor to the program. While approval of the Governor was neither necessary nor desirable for the implementation of an ombudsman program, such a program could not be started in New York State institutions without the cooperation of the administration.

SELECT COMMITTEE ON CORRECTIONAL FACILITIES AND PROGRAMS
(JONES COMMITTEE)

Staff members of the Select Committee met with the General Secretary to discuss various panel reform proposals which the Committee might consider. These ranged from the Association's ombudsman program through means of providing improved medical services through administrative changes; from the crash training program of personnel through inmate councils. The Association was further asked for a confidential assessment of steps being taken in the State of New Jersey to develop communication between inmate populations and citizen boards.

Many of the recommendations of Phase I of the Committee's work resulted from various meetings which the General Secretary had with staff members of the Committee. The model for the expansion of the authority of the State Commission of Correction was drawn from the experience of the General Secretary in the State of New Jersey and was based upon the old statute placing policy making power in the hands of citizen boards. The appointment of superintendents of state correctional institutions from outside the classified civil service proceedings was copied directly from the Association's recommendations, as was the inmate furlough proposal. The development of a Bill of Rights proposed by the Select Committee was taken from the Association's research and proposal on this matter to the 1971 legislature.

We were asked to prepare a list of individuals who should be requested to testify before the three hearings of the Select Committee and provided a four-page listing to the Committee. The General Secretary presented extensive testimony at one of these public hearings on Report #1 of the Select Committee on Correctional Institutions and Programs held in New York City in February. In addition to commenting on specific recommendations in the report based upon the principals and philosophy of the Correctional Association, the testimony included what should be the Committee's framework for viewing correctional programs by addressing the issue of what the system should be accomplishing. The objectives of the New York State correctional system were spelled out in the Preliminary Report of the Governor's Special Committee on Criminal Offenders of June 1967, in terms of general deterrence, the prevention of anomie, and the use of sanctions as a vehicle for administering rehabilitative techniques, individual deterrence, and a preventive force through incarceration.

With the election of Hugh R. Jones, Chairman of the Committee, to the State Court of Appeals, the future of the Select Committee became somewhat in doubt. Further, there was question as to the desirability of continuing this Committee. The Association felt that the monitoring activities it conducted, reported in their fourth report, was a very valuable service. It was questionable, however, whether this function should be continued by a Committee which was given a specific time-limited mandate.

To obtain varying points of view on the possible continuation of the Select Committee, the General Secretary met with Mr. John Delaney, former staff member of the Committee, and separately with Senator John Dunne, also a member of the Committee. Both felt that the monitoring aspect of the Committee was desirable and that the existing Select Committee might not be the proper agency to do this. The idea of a new temporary commission on post-adjudicatory services was raised with Senator Dunne who immediately expressed complete agreement with the concept and his willingness to carry such a proposal on the legislative side.

A subsequent meeting with representatives of the Governor's Office indicated that the Administration is bending toward closing out the Select Committee. Further, the creation of a temporary commission on post-adjudicatory services appeared not to be in keeping with the Governor's 1973 legislative program as it would relate to correction in the state.

NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES
TASK FORCE ON CLASSIFICATION

One of the problems confronting Commissioner Oswald upon his appointment as Commissioner of the Department of Correctional Services was the lack of a viable classification program within the institutions of the department. As a result of almost total emphasis upon maximum security construction in the past, there was a lack of classification ability among the institutions. This meant that, with few exceptions, all adults were housed in maximum security prisons, and within the individual institutions there was little in the way of individualized program prescription. Before Commissioner Oswald could make an adequate study and examination of the entire classification process of the department, Attica occurred and the next few months of the department's staff time were absorbed in its aftermath. In June, as a result of an LEAA grant to the department, staff was detached solely for the purpose of developing a total classification scheme for all institutions.

After gathering basic information, the task force director and his assistant met with the General Secretary to obtain his views on both inter-institutional and intra-institutional classification. Among other things pointed out at this meeting were:

1. The need to break up as quickly as possible the existing maximum security institutions into smaller units, possibly by wings, which would allow for a diversity of security and programs. Using Attica as an example, each of the four major blocks in that institution (each holding approximately 600 men) could be looked upon almost as a distinct facility, with a different security classification and different programs for each block. In the past no such distinction was made save in unusual circumstances, resulting in all 2,400 men being handled on a mass basis. Such a step would be intermediate to the ultimate development of much smaller facilities within the cities of the state themselves.
2. Since classification depends upon the treatment programs in existence, every effort should be made to increase the number of available programs through the use of volunteers. Additional professional staff should be added to the institutions and every effort made to replace inmate teachers with paid staff teachers.

3. While basic assignment to specific institutions would be made by the central office, each institution should have its own classification committee responsible not only for working with the inmate in developing a plan for his training and treatment, but also responsible for the implementation of that plan.
4. All decisions concerning housing, employment, training, and treatment should rest exclusively with the classification committee of the institution and not with the deputy warden in charge of custody.

In view of the integration of parole services within the institutions in the new Department of Correctional Services created January 1, 1971, and in view of the efforts to develop a meaningful classification program in the institutions, consideration was given to the function and area of operation of the institutional parole staff vis-a-vis the classification committee. It was proposed to the task force that the institutional parole officers should be concerned only with preparing reports for the parole board's consideration and should not act as a liaison between the inmate and his family. This function would properly fall within the purview of whatever institutional social service staff is available.

NATIONAL PROGRAM FOR THE DEVELOPMENT OF
STRATEGIES FOR JUVENILE DELINQUENCY PREVENTION

The General Secretary attended a two-day conference in Albany conducted by the Institute for Social Research of Fordham University to explore alternatives to the present treatment of juvenile delinquents and youthful offenders by the criminal justice system. The conference focused on reassessment of present public policies for dealing with youthful deviants and on the development of new linkages between and understanding of what causes such activities and what can and should be done about them in policy terms on the federal, state, and local levels. The small group (approximately 25 individuals) which was closeted for two days included such individuals as the Hon. Francis Bergen, Associate Justice, New York State Court of Appeals; Mr. Peter Preiser, Director, New York State Probation; Mr. Milton Luger, Director, Division for Youth; Judge Joseph B. Williams, Administrator, Model Cities Administration for the City of New York; the Hon. Clark C. Wemple, Assemblyman, and the Hon. Robert Garcia, Senator, Select Committee on Penal Reform; and the Hon. Duncan S. McNabb, member of the Judicial Conference of the state.

JUVENILE DETENTION VISITATION COMMITTEE

The final report and proposals on juvenile detention for the City of New York of the Juvenile Detention Visitation Committee created by Mayor John Lindsay and the two Presiding Justices of the First and Second

Departments and chaired by the General Secretary, was submitted on February 17. The report's main thrust was in the direction of continuity of care for all children coming to the attention of the Family Court, and the development of a more integrated child care program in the city. A major step was taken in this direction when, on November 13, 1971, the administration of juvenile detention for the city was formally transferred from the Office of Probation in the judiciary to the Human Resources Administration in the executive branch of the government. Already there have been signs of improvement. Health problems uncovered during a child's stay in detention are now being referred to outside community health services for follow up when the child leaves detention. Despite this move toward continuity of care of children, there are still many problems extant in detention in New York City. A marked conflict continues to exist between the two public schools operated in the detention facilities and the detention facility administration itself. There still remains the problem of removing all children under the age of 12 and their placement in foster homes rather than in a maximum security facility pending a disposition of their case by the Family Court. There is still the problem of selective intake by private agencies which covertly discriminate against minority children. And there still remains a plethora of internal administrative problems involving unions, status conflicts, and an administratively weak top echelon staff.

In March the Committee met for the last time in the Blue Room at City Hall to receive the personal thanks of the Human Resources Administration and to be discharged.

The Mayor, recognizing the valuable work of this group, asked the General Secretary several months before its discharge to draft a plan and propose membership for a permanent Advisory Council on Juvenile Facilities and Programs in New York City to function similarly to the Board of Correction of the city and the Commission of Correction of the state. Mayor Lindsay appointed Mr. Goff as Chairman for a three-year term of this newly-created Council. The Council is charged with:

- monitoring the effectiveness of existing programs;
- recommending new programs, or suggesting modifications in current operations;
- publicizing existing programs and policies;
- providing individual experience and expertise in solving specific problems, or in designing specific programs;
- consulting on long-range policies and programs;
- recommending proposals for legislation to the Mayor and the City Council.

The Council consists of the following:

Viola Bernard, M.D., Clinical Professor of Psychiatry,
Columbia University

Robert Burns, Board of Directors, Harlem Lawyers' Association
Edward Chase, Staff Attorney, Family Court Branch, Legal Aid Society

Thomas De Stefano, Associate Director, Division of Child Care and Field Operations, Brooklyn Catholic Charities
Joseph Gavrin, Executive Director, Council of Voluntary Care Agencies

Jerome Goldsmith, Executive Director and Executive Vice President, Jewish Board of Guardians
David Harris, M.D., Associate Director, Mt. Sinai Hospital
Maurice Hunt, Administrative Vice President, Federation of Protestant Welfare Agencies

Adolfina Montes, Treasurer, National Alliance for Shaping Safer Cities

Dr. Patricia Morisey, Associate Professor, School of Social Services, Fordham University

Sister Mary Paul, Director of Social Services, Sisters of the Good Shepherd Residences

Fifi Rogers, Principal, P.S. 233-X, NYC Correctional Institution for Women

T. George Silcott, Executive Director, Wiltwyck School for Boys

George B. Smith, Jr., Law Secretary to Judge Stevens

Ex-officio members are:

Barbara Blum, Assistant Administrator/Deputy Commissioner, Special Services for Children

John Wallace, Director, Office of Probation

Henry Ruth, Director, Criminal Justice Coordinating Council

Florence M. Kelley, Administrative Judge, Family Court

The principal work of the Council at the onset was to continue the work started by the Appellate Division panels on juvenile institutions in developing diversionary programs to secure detention for youth in New York City in trouble with the law. To carry out its monitoring mandate, the Council was divided into three subcommittees, each responsible for periodic visits and inspection of several facilities in which children and youth of the city are being maintained. To carry out its mandate concerning program development, content committees were established to examine special areas, including education and medical. For the latter subject, the chairman is hopeful of being able to tie in the Council membership's medical expertise with the County Medical Society in the development of standards for mercal services for children and youth in the city's shelters, detention centers, and group homes.

LEGISLATIVE PUBLIC HEARINGS

The Association was asked to set up three separate legislative

hearings; the first, working with the Assembly central staff, involved organizing the hearing of the Assembly's Committee on Social Services on juvenile delinquency and youth crime; the second, a hearing on the same topic conducted by the Minority Task Force on Training Schools; and the third, for the Minority Task Force on Victimless Crime.

The General Secretary testified at the first two, and Dr. Lonnie MacDonald, representing the Ad Hoc Committee on Narcotic Addiction, testified at the third which was directed toward narcotic addiction.

SENATOR GOODMAN'S ADVISORY BOARD

The General Secretary, a member of Senator Goodman's Advisory Board on Crime, met with other members of the Board, the Senator, and his counsel to consider various legislation in bill form and future programs the Senator might undertake when the 1972 Legislature adjourns. We specifically proposed the development in New York City of a security hospital which might be used by all branches of government for the medical treatment of all individuals requiring security. This would include police, the courts, the Department of Correction, as well as Probation and Parole.

The Association had originally proposed such an undertaking in 1964 at the time of a major renovation in Bellevue Hospital. Due to budgetary restrictions we were unsuccessful at that time. The Association took this opportunity to enlist the support of the State Senator from Manhattan to lend his weight to reactivating this plan. In addition, the Association further urged the Senator to support increasing the appropriations for the courts and probation in an effort to overcome some of the causes of overcrowding in the detention institutions in the city. The Association further discussed with the Senator our opposition to the Administration's speedy trial bill introduced by Assemblyman Pisani, but were advised that there was little likelihood that sufficient opposition can be mustered to prevent this bill from being enacted.

LEGISLATION

The General Secretary joined with the Association of the Bar, Legal Aid Society, New York Civil Liberties Union, and others in a press conference called at the Association of the Bar in opposition to legislation to reinstate the death penalty for felony homicides in New York State. The conference was chaired by Judge Bernard Botwin who acted as principal spokesman and was joined by District Attorney Burton Roberts, Commissioner Benjamin Malcolm, and Mr. Goff. It is the Correctional Association's contention that all objective studies indicate that the existence of the death penalty does not act as a deterrent to homicide, and that capital punishment, where it does exist, is administered in a highly

discriminatory manner. The legislation ultimately failed of passage.

In order to coordinate the legislative efforts of the Legal Aid Society, Urban Coalition, Community Service Society, and the New York Civil Liberties Union with those of the Correctional Association, a strategy meeting of the legislative representatives of each of these organizations was held to develop final tactics for the 1972 legislative session. Miss Weintraub acted as the secretary for this ad hoc group, receiving reports from the full-time representatives of these organizations, and advising them of the progress or lack of it of other legislative representatives on specific bills.

LEAGUE OF WOMEN VOTERS

The Association was represented at a meeting called by the League of Women Voters to discuss strategy with regard to possible legislative implementation of court reform, particularly a statewide judicial budget. Also at the meeting were representatives of Citizens' Union, Women's City Club, the New York City Bar Association, various chapters of the League of Women Voters, and Mrs. Hubbard representing the State League of Women Voters. The consensus was that state assumption of costs of the judiciary was not feasible this year. Also, all changes in the judicial system were being postponed pending the report of the Special Commission on which Mrs. Hubbard was serving. It was thought that the League of Women Voters' Committee could in some way address itself to the question of speedy trial, which will be an important one in this legislative session.

Subsequent to the above meeting, the Committee to Re-save the Courts of the League of Women Voters met to consider taking a position in support of speedy trial legislation. An assistant district attorney from the Bronx was invited to present the stand of the District Attorney's Association for a "ready rule" as opposed to the Judicial Conference's "trial rule." It was suggested that the Committee take a position in support of legislation calling for implementation of the Judicial Conference rules together with appropriation of the monies necessary to bring them about.

URBAN COALITION

For the last two years the Correctional Association has been a member of an informal coalition meeting under the aegis of the Urban Coalition which has been working for legislative change primarily in the area of legal disabilities of ex-offenders. The purpose of this meeting was to explore a possible expansion or shift in the area in which this group has been working. It was decided that, while there will continue to be efforts to enact legislation on employment disabilities of ex-offenders,

legislation will also be drafted in the area of crimes without victims and overall rights of ex-offenders.

COMMUNITY SERVICE SOCIETY

In advance of the 1973 legislative session, Mr. Goff and Miss Weintraub met with Community Service Society at their request to develop a uniform front on several correction issues. The first involved the pre-trial service agency proposed by the Criminal Justice Coordinating Council of the city, and the second related specifically to legislation concerning the State Commission of Correction.

Working with other organizations to enlist their support of the legislative programs of the Association and to lend support to theirs has been a long-standing practice of the Association. An exception to this organizational cooperation has been the Community Service Society which until only three years ago was in many instances taking antithetical positions to The Correctional Association of New York without any prior discussion. For the past three years, however, this organization has been utilizing many of the positions of the Correctional Association as bases for their own.

The Association also worked actively with the Legislative Committee of the Alliance for a Safer New York which is made up of representatives of many of the large citizen-membership organizations which belong to the Alliance. The purpose of the Legislative Committee is to review legislation affecting the criminal justice system and to decide which bills will be circulated to the membership organizations and recommend on which bills the Alliance should take a specific position. During the last legislative session the Association was able to make wide distribution of its legislative positions through the Legislative Committee of the Alliance.

COMMITTEE FOR MODERN COURTS

Mr. Goff and Mr. Chambers were directors of the Committee for Modern Courts, an organization of lawyers and laymen formed to implement the recommendations of the 1958 Report of the Tweed Commission. The Committee had been inactive since its efforts to formulate a new judicial article for the New York Constitution at the time of the Constitutional Convention. A meeting was called to explore whether the Committee should reactivate and under what guise in light of the pressing court problems today. Some 40 organizations were represented at the exploratory meeting chaired by John McCloy, president of the Committee for Modern Courts. Topics discussed concerned whether the Committee should be reactivated, what its relationship would be to the other organizations working for court reform, the limitations of its work,

and a schedule of priorities. It was decided that a steering committee would be appointed by the chairman to consider the points discussed at the meeting and prepare a tentative program to be submitted at another meeting for the full Committee in a month's time.

In order to be of greater assistance to the Temporary Commission on the Courts appointed by Governor Rockefeller in 1970, the reactivated Committee for Modern Courts created five panels with the Correctional Association represented by Mr. Chambers, Mrs. Powers, and Mr. Goff on three. These were the panels on the Family Court, the Criminal Court, and Judicial Selection.

As a member of the Board of Directors of the Committee for Modern Courts, the General Secretary reviewed the recommendations of the five panels. The General Secretary was also asked to edit the recommendations for content and thrust in the development of the Committee's reaction to the anticipated report of the Temporary Commission on the Courts.

The Committee, through several foundation grants, will be holding a consultation in early spring 1973 for 100 selected leaders in the field of criminal justice reform to add the additional strength to those aspects of the reports of the Temporary Commission on the Courts with which it agrees.

PENAL REFORMS — COALITIONS

As a result of the Attica situation, numerous organizations have sprung up to deal with penal reform. In an effort to make use of this groundswell for penal reform, various coalitions are being organized by political figures who are attempting to capitalize on this area. There is, however, a constructive coalition which has been organized among legislators who in the past have worked seriously toward reforms in the administration of criminal justice. This coalition, consisting principally of the New Democratic Coalition legislators with the general approval of the minority leader, is pushing for the legislative enactment of a number of the bills the Association urged at the last session and one of our tentative recommendations to the 1972 legislature concerning the appointment of wardens. The Association met with representatives of this group which includes Deputy Minority Leader Assemblyman Al Blumenthal, and Assemblymen Olivieri, Leichter, and Stavisky to discuss various legislative proposals to improve the administration of criminal justice in the state.

COALITION FOR PENAL REFORM

Among the coalitions for penal reform organizing throughout the state

is one spearheaded by Assemblyman Richard Gottfried. At the onset, this coalition appeared to have the tacit support of a number of responsible legislators as well as many organizations. In view of the possibility that this coalition might move principally into the political arena, the Correctional Association did not affiliate but maintained a close liaison relationship.

A natural leadership of the group started to emerge, primarily Ken Norwick of the New York Civil Liberties Union, and Khoren Arisian of the Ethical Culture Society. The Society's offices were used as headquarters of the group. A cocktail part for penal reform was held in an attempt to raise money both to pay some of the routine costs of the organization as well as pay for rental buses to have a penal reform lobbying day in Albany. Although not enough money was taken in to afford the rental of buses, the Coalition decided to go ahead with a penal reform day, relying on car pools and public transportation.

Unfortunately, the Coalition could not decide whether to be a coordinator of the legislative activities of the many organizations already in the field, or an action body in its own right. As a result of the lack of clear definition of purpose, the Coalition could not sustain the interest of its potential members and died aborning.

NATIONAL ASSOCIATION OF SOCIAL WORKERS

Assemblyman Arthur Eve, member of the Attica Negotiating Committee, and Mr. Goff were the principal speakers at a meeting held by the New York Chapter of the National Association of Social Workers on "After Attica - What?" Mr. Eve was one of the most vocal members of the Negotiating Committee, calling for the impeachment of Governor Rockefeller and the criminal prosecution of Commissioner Oswald and Deputy Commissioner Dunbar.

At this particular meeting Mr. Eve continued to insist that Commissioners Oswald and Dunbar, in collusion with the Governor's Office, purposely reported that the hostages had been killed by inmates and that one hostage had been emasculated before he died. The Association's call at this meeting was for an objective examination of facts in the development of penal reform. The General Secretary also listed certain topics which he considered worthy of serious consideration, including a modification of civil service requirements for correctional workers.

RADIO SHOW - WNYC

Miss Weintraub represented the Association on the WNYC radio show, "Towards a Better New York." This weekly series highlights positive programs going on in the city and those groups which are working toward productive change. This half-hour show was devoted solely to the

problems of employment of ex-offenders. Also on the show were Margery Gross, Executive Director of the Alliance for a Safer New York, and Phil Dawes, Executive Director of the NAACP Project Rebound.

NATIONAL ALLIANCE OF BUSINESS MEN DEBRIEFING

Debriefing for a group of National Alliance of Businessmen representatives on loan to Urban Coalition following tours of Rikers Island was held at the Correctional Association's offices. These individuals represented such firms as AT&T, Singer, Mobil Oil, and Chemical Bank were on loan to Urban Coalition from their corporations to take part in the Coalition Jobs Program. The tour was an effort to get them interested in the plight of the ex-offender and the problems of job training within institutions. One of the individuals who took the tour had already gone back to his own company to find out what their policies were with regard to employment of ex-offenders. One of the suggestions made at the debriefing was that all of the individuals could contact their own firms to find out corporate policy as well as asking all businessmen with whom they come into contact in the Coalition Jobs work. There was also some discussion as to how business can become involved in institutional vocational training. There was continued cooperation during the year between Coalition Jobs and the Jobs Committee of the Alliance for a Safer New York on this problem of training inmates and employment of ex-offenders.

NEW YORK CHAMBER OF COMMERCE

The General Secretary, in his capacity of chairman of the Alliance for a Safer New York, met with representatives of the New York City Chamber of Commerce to help them draft a proposal for training and employment of inmates and ex-offenders. The General Secretary presented an overall schema which would allow the Chamber to be involved in training within correctional institutions, training provided by individual industries to inmates in work-release programs, and finally, on-the-job training to ex-offenders. The Chamber already has a first commitment to work with releasees from the New York City Department of Correction. The schema was so drawn, however, that it allowed for numerous combinations of plans according to the wishes of the individual members of the Chamber.

QUEENS ETHICAL CULTURE

The Assistant General Secretary addressed a meeting of the Queens Ethical Culture Society on the topic, "Prison Reform: Both Sides of the Question." This group was sponsoring a volunteer program in the Queens House of Detention for Men. Based primarily around library services, they also offered arts and crafts and remedial education, as well as more

sophisticated studies in foreign languages and minority history and culture. They were most interested to hear the combination of practical reality and theoretical idealism in prison reform.

CIVIC ASSEMBLY

Mr. Fowler and Mr. Goff attended the first meeting of the reactivated Civic Assembly of which the Correctional Association is a member, held in City Hall. This Assembly consists of over 100 private, non-profit organizations in the city which are concerned with improving New York. As Mayor Lindsay presented it, the Assembly is to act as a window into city governmental operations, to become aware of the problems of city government, and, conversely, it is to be a vehicle for civic groups to make their views known to governmental officials. The full Civic Assembly was divided into nine separate subcommittees representing various areas of interest. The Correctional Association was represented on the subcommittee on court and penal reform.

At the first meeting of the Subcommittee on Courts and Prison Reform most interest was focused on the constantly rising detention population and the serious delays in court processing which contribute to it. Henry Ruth of the Criminal Justice Coordinating Council gave details of the proposed pretrial agency which he hoped would have some effect on detention populations. The group agreed to assume as a priority issue the matter of detention overcrowding and to discuss possible means of alleviating the situation at its next meeting.

The second meeting was taken up with a discussion of the use of volunteers in the city Office of Probation. John Wallace, director of that office, reported that they were moving into the area of utilizing volunteers to supplement probation services. Since he did not yet have a citywide Office of Volunteer Coordinator, he was working in individual boroughs as groups interested in such volunteer service approached him. Volunteers in probation has been a growing phenomenon around the country and has proved to be a way in which government can provide the much-needed services to probationers for which they generally do not have funds available, and at the same time directly involve the community.

COMMUNITY SERVICE SOCIETY VOLUNTEER PROGRAM

The Association met with two volunteers from a Community Service Society group which was trying to formulate a volunteer program working with offenders and ex-offenders. They were strongly inclined to establish a project in the area of finding jobs for individuals with criminal histories. They had canvassed services available in the city and were evaluating the need for a program of their own, the type of program which would

be most effective, and those organizations, if any, with which they could be affiliated.

PAROLE AND PROBATION OFFICERS INSTITUTE

The Association was represented at the Annual Institute on Criminal Justice held by the State Parole and Probation Association. Addressing the group were, among others, Police Commissioner Murphy, Dean Robert McKay, and Senator John Dunne. It was interesting to note that, although this was a conference being sponsored by the Parole and Probation Association, there was neither mention nor discussion of the crisis which probation in New York City was experiencing. It was also interesting to note that no individual who spoke talked about his own professional area. Everyone discussed and described the problems existent in another part of the criminal justice system, primarily corrections which was not represented at the regular session.

SUMMER STUDENTS

Through arrangements with New York University, the Association had six work-study students full time during the summer to work with both the Family Service Bureau and the Legal Services Bureau of the Association. Further, as a result of a meeting of Mr. Isaacs, Mrs. Powers, and Mr. Goff with the Administrator of the First Department and his Assistant, the Association provided one student to the courts to conduct a bail study. The student was under the joint supervision of the Correctional Association and the First Appellate Division. Among the areas of interest were the number of individuals charged with victimless crimes who were detained, which would include individuals arrested for simple possession of marijuana for one's own use; the extent to which the courts were following the ROR recommendations of the Probation Department; and the number of individuals held in detention on low bails.

JOHN JAY COLLEGE

Professor Charles Bahn and his assistant at John Jay College met with Mr. Goff to advise him of John Jay's interest in working toward developing a national college for correctional personnel and of the college's need for an associate dean to head up their correction curriculum. These long-range plans called for developing a correctional component within the college which would approximate in size and scope the existing training program for police in New York City. Approximately 1,000 police were involved annually in the police training component. The college planned to be in continued contact with the Association in regard both to the curriculum development aspect and to personnel.

MEDGAR EVERS COLLEGE

The Association received a request from an instructor in urban affairs at Medgar Evers College for information on the criminal justice system in general and corrections in particular. His class had expressed an interest in the area and he was unable to find materials for them. He was supplied with back issues of the Newsletter as well as the Association's recommendations to the 1972 Legislature and other pertinent materials.

CENTER FOR LEGAL EDUCATION AND RESEARCH PROJECT

The Center for Legal Education and Research of New York University Law School was commissioned by the Mayor's Office to undertake a study on the effect of plea-bargaining on presentence investigation reports by probation departments. The chief researcher of this project was advised by the director of CLEAR to spend some time with the General Secretary in advance of data gathering to obtain both an orientation to plea bargaining and to the value of presentence investigation reports as well as assistance in resources which might be helpful in such a study. The General Secretary spent several hours with the director of this project reviewing both the theoretical value of presentence investigation reports as well as their practical application not only in the sentencing process but also in the subsequent treatment of offenders.

Shortly before this meeting Mr. Goff had talked at the Middle Atlantic Conference on Correction with a chief probation officer from another state who was extremely discouraged over the use being made of presentence investigation reports his office was preparing in view of the extensive plea bargaining going on in his jurisdiction. It was quite obvious to him that the presentence investigation report played little role when plea bargaining was involved in the disposition of a case since an agreement as to disposition had already been made prior to the conviction of the individual and prior to the presentence investigation report.

HUMAN RIGHTS COMMISSION HEARING

The Association was contacted by the New York City Human Rights Commission and asked to aid in setting up public hearings on employment difficulties faced by ex-offenders. A general framework for such a hearing was presented, outlining the four major obstacles involved in employment problems of releasees. These were legislative restrictions, a negative attitude on the part of many employers to employing ex-offenders, general lack of specific skills, and problems unique to individuals being released from highly structured correctional institutions. Further, a list of some forty individuals and agencies who should be invited to testify to present their point of view was provided, and, lastly, a number of organizations were contacted and encouraged to publicize the hearings.

The Association was represented on the first day of the scheduled four-day hearings by Miss Weintraub, who described a number of specific case situations with which the Association had worked. Further, the position of the Association was given, proposing that ex-offenders not be given favorable treatment, but that they likewise not be excluded from employment simply because of their history. Ex-offenders should be evaluated by employers using the same criteria as those used for non-ex-offenders, realizing that the backgrounds of individuals referred by organizations such as the Correctional Association are much better known than individuals employed off the street. It was also pointed out that the removal of legislative disabilities would be fruitless in employers continually refused to give jobs to individuals solely because they had served a prison sentence.

MODEL CITIES

The General Secretary met with a representative of Model Cities to discuss possibilities in which that office might become involved in the problems of juvenile detention. The Model Cities Program was beginning to examine the entire problem of children who come before the Family Court to see where their program could possibly function most advantageously. It was suggested that perhaps they could begin with the development of community-located alternatives to secure detention for juveniles.

BARRY FARBER RADIO SHOW

Miss Weintraub appeared on a Barry Farber Radio Show to discuss the Alliance for a Safer New York, of which the Association is a member and the General Secretary is chairman. Although only a half hour of this show was devoted to a discussion of the Alliance, Mr. Farber indicated that the entire two hours of a future show would be devoted to a discussion of the problems of the criminal justice system and the role of the Alliance and its affiliate bodies in trying to solve them.

COMMUNITY SERVICE SOCIETY

The General Secretary addressed the Committee on Youth and Correction of the Community Service Society on the Association's position concerning citizen participation in the correctional process. It was pointed out that the Correctional Association believed in strong citizen involvement, and it was urged that greater responsibility and authority be given to the Commission of Correction of the State.

In the discussion that followed Mr. Goff's presentation it became obvious that some members in attendance opposed citizen commissions and authorities which had any power. They felt that the elected or appointed official responsible for the operation of any area of government should not be able to obscure this responsibility by shifting it to a Commission or Board.

COMMUNITY SERVICE SOCIETY VOLUNTEERS

The General Secretary participated with Burton Roberts, District Attorney, Bronx County; Henry Ruth, Director, Criminal Justice Coordinating Council; Robert Kasanof, Attorney-in-Charge, Legal Aid Society Criminal Court Branch; and Judge Joseph Williams, Director of the Model Cities Program, among others, in an evening's educational seminar for board members and volunteers of the Community Service Society interested in the administration of criminal justice. Some 100 board members and friends attended this evening training session held at the Ford Foundation, to become more knowledgeable in the problems confronting the administration of criminal justice in the city and state. Each of the guest experts was assigned a group of board members and volunteers to delve into various aspects of crime.

LEGAL AID CASEWORK PROJECT

The Assistant General Secretary met with Tina Bell, the Legal Aid Casework Coordinator for the Bronx. Legal Aid was developing a program by which they would be able to assist their clients with their social service needs as well as their legal problems. Each borough had its own coordinator and they were in the process of developing source materials on the agencies in New York to which they could refer their clients.

The Association had previously been contacted by telephone by coordinators of other boroughs for information on what services the Association could supply to their clients. Miss Bell was interested also in locating all of the resources available in New York City to assist ex-offenders and their families.

TESTIMONIAL HONORING COMMISSIONER MALCOLM

The General Secretary was a dais guest at a testimonial dinner sponsored by Morehouse College honoring Commissioner Benjamin Malcolm. Among those on the dais were Commissioner John Quinn, New York State Parole Commission; Michael Dantzin, Assistant to the Mayor; Henry Ruth, Executive Director of the Criminal Justice Coordinating Council; and a number of additional commissioners and governmental officials attending to honor Mr. Malcolm upon his appointment as Commissioner of the Department of Correction.

Commissioner Malcolm had been long known to the Correctional Association, dating back to 1948 when he joined the then New York City Parole Board as a field parole officer. In meetings with Commissioner Malcolm since his appointment, he continually mentioned the fact that the telephone number of the Correctional Association was burned in his memory as it was the only organization in existence which provided the needed assistance

and help in New York for parolees and members of their families. Further, he had made the same statement publicly on several occasions.

NEW YORK UNIVERSITY FILM

The General Secretary delivered a lecture on the philosophy of criminal justice and correction to a graduate course at the New York University Law School. The class consisted of graduate attorneys, many of whom had been in practice a number of years, who were interested in shifting to the criminal justice field. The principal thrust was to discuss with this highly educated group the basic philosophy of the objectives of the criminal justice system, the means of accomplishing its objectives, and the little recognized problems involved in the complex system.

UFT — RETIRED TEACHERS CHAPTER

Miss Weintraub addressed a meeting of the Retired Teachers Chapter of the United Federation of Teachers on the problems of the criminal justice system in New York City and State. In spite of a bad snow and hail storm on that day, over 100 people were present at the meeting. Their primary interest was what they, as citizens, could do to influence constructive change of the system. It was suggested that the Chapter consider adopting as a special program providing volunteers to the city institutions to run high school equivalency classes, remedial education, art, music, and libraries.

JOHN JAY COLLEGE AND INTERNATIONAL ASSOCIATION TO RELIEVE GROUP TENSIONS

The Association was represented on a panel at a public meeting held by John Jay College and the International Association to Relieve Group Tensions. Joining with the General Secretary of the Correctional Association was a deputy police commissioner, chairman of the Department of Criminology of the John Jay College, the executive director of the Ethical Culture Society, and an ex-offender.

FORDHAM SCHOOL OF SOCIAL WORK

The General Secretary addressed a graduate class at the Fordham School of Social Work studying the administration of criminal justice. These students, some 20 in number, consisted of selected probation and parole officers already working in the field, plus a few professionals who were interested in changing their work to correctional institutions and probation and parole.

PREPARATORY SCHOOL STUDENTS

Sixteen students of various private schools in New York City, including the Browning School for Boys, Brearley School, Finch, and Chapin, spent two hours in the offices of the Association talking with staff and an ex-Attica inmate about conditions in the prison in general and the Attica rebellion in particular.

MUSLIM LUNCHEON — THE TOMBS

The Legal Services Bureau coordinator, Michael Smith, was invited to attend a luncheon held in the Tombs to celebrate a religious holiday of the Muslim faith. In addition to Commissioner Malcolm and other invited guests, there were approximately 100 detainees incarcerated in the Manhattan House of Detention for Men who wore of the Muslim faith. At the luncheon Mr. Smith was told by the host, Mr. Salaan, that this was the only means at the disposal of his fellow Muslims to express thanks for the services provided by the Bureau.

PUERTO RICAN CORRECTIONAL FACILITIES ASSISTANCE COMMITTEE

The Association was contacted by the director of the Puerto Rican Correctional Facilities Assistance Committee, a group of leading members of the Puerto Rican community in New York City who had organized since Attica to address themselves to the problems of the criminal justice system, particularly as it affects the Puerto Rican. Specifically, Mr. Arroyo, who was also the Director of the Morningside Renewal Council, needed information for work that he is doing on women's prisons. A client of the Association accompanied Mr. Arroyo and a city commissioner on a tour of the correctional facilities on Rikers Island and was of great assistance to them in interpreting many of the things that they saw.

WORKMEN'S CIRCLE

Miss Weintraub addressed the Brooklyn chapter of Workmen's Circle on the administration of criminal justice in the city. The group was quite interested in many of the positions of the Association and asked to receive regularly materials sent out, particularly the Newsletter. The chapter also made a contribution to the Association in support of its work.

RIKERS TOUR

A tour of two of the facilities on Rikers Island was arranged for a representative of a bank which had expressed interest in possibly providing some of the funds for the Association's ombudsman program. The tour included the

Adolescent Remand Shelter and the former Reformatory, then being used to house only individuals being detained awaiting trial. This was the first time either of the two individuals had ever been inside a correctional institution and both were deeply distressed by what they saw. The Reformatory especially, with its demoralized staff and disorganized administration, was both bewildering and shocking to them.

WNBC

As part of a series of radio broadcasts on voluntary nonprofit organizations in New York, the General Secretary appeared on a radio program together with Mr. Robert Webber of the Greater New York Fund, and representatives of the Osborne Association and the Women's Prison Association. The topic discussed was the difficulty ex-offenders have in finding employment and being reintegrated into the community.

BAIL REEVALUATION PROJECT

The Association was contacted by the Deputy Commissioner of Rehabilitation of the City Department of Correction and asked to translate into Spanish the flyer to be circulated for their Bail Reevaluation Project. This project, funded through the Law Enforcement Assistance Administration, will review all ROR reports to attempt to secure the release of those individuals who might be considered marginal. There was also envisioned a social service component which would attempt to place these individuals in jobs, therapy, and other appropriate programs. The Association was able to make several suggestions as to the format, presentation and language of the flyer as well as translating it into Spanish.

NYU COURSE — LAW AND SOCIETY

One of the student members of the Family Service Bureau volunteer program discussed with the General Secretary a course in Law and Society being developed by New York University students as part of a special program. The course was envisioned as lasting two years, covering all aspects of the criminal justice system from the philosophic through the practical. At the end of the course the students hoped to have been able to reach an evaluation of the present system and recommendations for change, either on the practical or on the basic philosophical level. In addition to helping the students perfect their course outline, the Association recommended Mr. Edward Shaughnessy, a sociologist long known to it, as course instructor. Mr. Shaughnessy was ultimately chosen for the project.

PRETRIAL RELEASE PROJECT

Miss Weintraub met with the Project Director of a Pretrial Release Program

being run by the New York Lawyers' Committee for Civil Rights Under Law. The program, funded by the Law Enforcement Assistance Administration, attempted to secure the release of individuals who were not found eligible for ROR, or have their bail reduced to an amount which could be posted by the individual. Social services for the program were being provided by the Urban Coalition. At the time of the meeting there was some confusion as to the extent of these services. Individuals were interviewed in detention. For those who were deemed acceptable for this program, jobs or appropriate therapy was to be arranged. The Committee's lawyer's then went to court to attempt to secure the individual's release to this program. While not held legally liable, the program would represent the individuals at court at their appointed time. The program was written so as to exclude addicts or undomiciled individuals, a major percentage of the inmates in New York City institutions. The program started in the Brooklyn House of Detention in the beginning of February. The Association was able to place one of its clients as a counselor in the social service unit.

NEW YORK JUNIOR LEAGUE

One of the projects of the New York Junior League was the development of a library for the detention institutions in New York City. To understand better the total operation of correction in the city, the project committee asked the Association to orient it to the "big picture." This committee project was an outgrowth of an attempt made approximately four years ago by several individual members of the Junior League to have that organization undertake a volunteers in probation project which had emanated from an article in the Association's Newsletter.

MAYOR'S OFFICE OF VOLUNTEERS

The Director of the Mayor's Office of Volunteers contacted the Association to discuss areas in the criminal justice system where volunteers might be profitably used. She was particularly interested in volunteer programs in correctional institutions themselves. She was supplied with information about current programs in New York City and elsewhere, as well as given suggestions as to areas which her office might wish to develop. She was also most interested in the two volunteer programs which the Association was running, and offered to refer any lawyers contacting her office for possible use in the Association's Legal Services Bureau.

REALITY HOUSE

Miss Weintraub met with the Director of Social Services for the Reality House drug treatment program. That program had received a sizeable grant to work with drug addicts in New York City and was in the midst of setting up lines of referral so that they could double their caseload by the end of the

year. The program as constituted had three parts: The first was to appear in court on behalf of drug addicts in an attempt to have them paroled to the program rather than sentenced to an institution. The second was to work with addict inmates in Green Haven Correctional Institution prior to their release, initiating their participation in the program which would continue after they left the institution and returned to the city. The third, and by far the largest portion of the program, was working with drug addicts in New York City. The program, in addition to counseling, also provided an educational component as well as job counseling and job placement. They hoped to have a residential facility available some time in the winter of 1973.

Procedures were worked out whereby the Association could refer its addicted clients to Reality House and also assist Reality House with some of the correctional problems they have.

TESTIMONIAL DINNER — R. BRINKLEY SMITHERS

Both Mr. Harry Fowler and Mr. Goff attended a testimonial dinner given by the National Council on Alcoholism for R. Brinkley Smithers, a member of the Executive Committee and chairman of its Ad Hoc Committee on the Alcoholic Offender. Persons came not only from New York and other states in the US, but also from Europe to honor Mr. Smithers for his major contributions to the prevention and treatment of alcoholism. The principal speaker at this dinner in honor of Mr. Smithers was Attorney General Mitchell who conveyed greetings and appreciation to Mr. Smithers from President Nixon.

The Correctional Association of New York has been honored to have Mr. Smithers as a member of its Executive Committee and chairman of its Ad Hoc Committee on the Alcoholic Offender for the past eleven years, and is indebted to him for the support he has given to the Association in its effort to remove one victimless crime, alcoholism, from the penal laws and have it treated through medical and welfare, rather than in a criminal manner.

ALLIANCE FOR A SAFER NEW YORK

The General Secretary was elected for a second term as chairman of this coalition of civic, business, union, ethnic, and religious organizations, plus organizations whose prime work is in the area of the administration of criminal justice. The Alliance moved in several broad areas in its second year of existence. It opened the year with a meeting which focused on alternatives to detention, the proposed construction of the Tombs annex, and a proposed pretrial services administration for the City of New York. Addressing the meeting on these issues were Mayor Lindsay; Commissioner Malcolm; Peter Gray, Assistant Director of the Criminal Justice Coordinating

Council; and Milton Rector, Director of the National Council on Crime and Delinquency.

The Mayor chose this meeting to announce the withdrawal of administration support for building the annex to the Tombs, and the implementation of a pretrial service agency planned for January 1973. The shift in the Mayor's posture on the construction of an annex resulted in part from the efforts of the Alliance over the past ten months. (The Tombs annex proposal was officially withdrawn at a meeting of the Site Selection Board the following week. The pretrial service agency ran into difficulty with clearance by the State Office of Crime Control Planning which controls all state IEAA funding. It was finally approved by that body in December.) Commissioner Malcolm detailed several proposals which he developed to allow for better utilization of the current buildings at his disposal. His proposals include converting two half-floors of the Tombs from housing to program areas. He would place these on intermediate floors so that they would be accessible by stairway, thus reducing reliance on elevators for transporting inmates from one area to another. He also developed plans to subdivide the long cellblocks in the Adolescent Remand Shelter into four areas of eighty men each. Each area would be self-contained with its own dayroom. Included in Commissioner Malcolm's plan was the conversion of the small Branch Queens facility into a specialized institution for work-release, intermittent sentences, and other specified purposes. The opening of the new Adolescent Remand Shelter on Rikers Island was announced for some time in 1973, and the Commissioner felt that, even with the planned structural changes in the Tombs, the Department would have a net increase of some 700 beds.

Also during the year the Alliance held two open hearings, one on victimless crime and one on heroin addiction. Both followed the same format with a panel of experts and a counsel receiving testimony and questioning witnesses. Counsel for the victimless crimes hearing was Basil Paterson. Areas covered were gambling, prostitution, and possession of marijuana. The three-hour proceedings were taped by Open Channels for broadcast over cable television. The second public hearing on drug addiction was devoted to six different, although not necessarily mutually exclusive, approaches to the heroin addiction situation in New York City. The points of view presented were drug-free therapeutic communities, methadone maintenance, law enforcement and prosecution, heroin antagonists, heroin induction, and heroin maintenance.

Following its hearing on victimless crimes, the Alliance published a well-researched pamphlet entitled "Crimes with No Victims," for which the General Secretary and Assistant General Secretary served as consultants. The pamphlet covers the areas of alcoholism, use of marijuana, heroin addiction, sex acts between consenting adults, gambling, pornography, and, superficially, Sunday "blue laws." Much of the materials developed by the Correctional Association, including its recommendations in this area, were used as source material for the pamphlet.

In a second approach to fulfilling its role of public education, the Alliance held a seminar for the program chairmen of membership organizations on the problems of neighborhood safety and the effects of prosecution of victimless crimes on the criminal justice system. Held in the auditorium of the National Conference of Christians and Jews, the meeting was well attended, with representatives from organizations including B'nai B'rith, American Association of University Women, United Federation of Teachers, Federation of Housing Councils, and many others.

The third major area of activity of the Alliance was in stimulating the business community to become involved in the problem of training and employment of ex-offenders. The Association was especially valuable in this effort in using its experience in inmate and ex-offender counseling and its extensive knowledge of the needs of training programs in institutions. The Jobs Subcommittee of the Alliance spent a major portion of its time working toward the development of a seminar for top-level executives which would result in the formation of an ongoing committee of businessmen to work with the Jobs Subcommittee to develop ways of involving business in the problem of training and employment of ex-offenders.

CITY COUNCIL

Having worked for several months with staff of Councilman Carter Burden, Chairman of the City Council's Committee on Public Safety, the General Secretary was asked to testify on a draft bill revamping that section of the City Charter pertaining to correction. While the General Secretary commended the Committee for many of the points included in the bill, he made a number of suggestions for changes in the proposed bill relating principally to the rights of prisoners, discipline procedures, and the powers and duties of the Board of Correction. With particular reference to an ombudsman section of the bill, it was proposed that if the duties of the present Board of Correction were not to be changed, the Board should assume the ombudsman role as a compromise to having an outside independent agency, which was preferable.

The General Secretary was questioned by members of the Public Safety Committee for over an hour and a half while on the stand, after which he was asked to continue to provide the Committee with the Association's documents and studies.

INTERAGENCY COUNCIL, NEW YORK CITY

The Association was invited to become a member of the Mayor's Inter-agency Council in the latter part of 1971. This Council periodically brings together the principal voluntary agencies concerned with social welfare in New York City with the Mayor and Administrator of Human Resources Administration to develop the city's general social welfare policies. The

Association was invited to become a member of this Council by virtue of its key work in the field of juvenile detention in the city.

The General Secretary, representing the Association, attended the regular March meeting of the Council at which time, among other items, the development of a network of alternatives to maximum security detention for children being held for final disposition by the juvenile courts of the city was discussed and considered. The thrust made by the Association through the General Secretary's appointment to the Appellate Division's Panel on Juvenile Detention was being adopted and gradually implemented by the Criminal Justice Coordinating Council and several voluntary social agencies. The Human Resources Administration was also projecting a major cutback in the use of the present Spofford Juvenile Detention Center in the Bronx.

NEW YORK CITY DEPARTMENT OF CORRECTION

The General Secretary spent several hours meeting with the newly appointed Commission of the Department of Correction of the city, reviewing ways in which the Association could work cooperatively with the new administration of the Department. Further, in his role as Chairman of the Alliance for a Safer New York, the General Secretary extended an invitation to the Commissioner to make use of the corps of volunteers the Alliance had developed to provide direct services inside the Department's facilities. The Alliance had already supplied fifteen volunteers to assist in a bail reevaluation project being conducted through a Law Enforcement Assistance Administration grant.

During the meeting the backlog of cases in detention awaiting final disposition was reviewed as well as the problems this backlog causes the Department. The Commissioner was urged to continue his meetings with the Presiding Justice of the Second Department in order to expedite movement of the high number of Kings County cases awaiting disposition. Since this problem seems to be inexorably involved with the tendency toward status quo in probation in that county, it was encouraging to learn that the State Office of Probation had begun an investigation of probation procedures, forms and organizations in Kings County directed toward speeding up the dispositional process.

"RHEM V. McGRATH"

Some two years ago a class action suit alleging that conditions in the Manhattan House of Detention for Men constitute cruel and unusual punishment was brought against the City of New York by the Legal Aid Society. The case, which went through many adjournments and delays as well as pretrial conferences, began November 13. Earlier in the fall, at the request of Judge

Lasker, federal judge sitting in this case, the General Secretary became involved as an expert witness.

A series of meetings was held by the General Secretary with the attorneys from the Legal Aid Society as well as Commissioner Malcolm in an effort to bring about an out-of-trial agreement between the two parties involved. While there was movement from dead center on the part of both parties after the General Secretary became involved in the case, no agreement could be reached and the case went to trial.

The General Secretary, called as an expert witness, testified for approximately three and a half hours on accepted standards and administration of correctional institutions. On both direct testimony and cross-examination by the City Corporation Counsel, the principal points of his testimony were: 1) that there would be no overcrowding of the city institutions if all sentenced inmates were transferred to the state; 2) that a viable classification program would permit the housing of from 60% to 80% of the detention cases in non-maximum-security units.

After four days of trial with the presentation of the complainants, Judge Lasker adjourned the case until January because of scheduling, at which time the Department will present its arguments against the constitutional charge of cruel and unusual punishment.

STATE UNIVERSITY OF NEW YORK STUDENT INTERNSHIP PROGRAM

The Association was assigned two student interns from a State University of New York pre-law program. This program brings students from all over the state to New York City for one semester to take special seminars, do independent study, and most important, to work as interns in governmental and private agency offices. The two students worked in the Association offices for the spring semester, involving themselves in all aspects of its work.

NEW YORK STATE WOMEN'S CORRECTIONAL INSTITUTION

Miss Weintraub, Miss Preminger and Mrs. Friedlander visited and toured the Women's Correctional Institution and Reformatory at Bedford Hills, New York. Both institutions are now housed in the same buildings, the women's prison having been moved to the new buildings on the reformatory grounds approximately two years ago. The former women's prison is being used to house approximately 300 New York City sentenced inmates on a contract arrangement with the State.

There are three 120-bed housing units as well as an administrative building, a school building, and an old structure being used for medical care, the nursery, reception, housing for the elderly, and administrative and punitive segregation. On the day of the visit the institutional population was 310.

One of the problems expressed by Superintendent Lynch was the lack of flexibility allowed by housing arrangements. With housing units comprised of 60-bed wings, she could not implement the classification and selective housing program which she felt was fundamental to the proper handling of the inmates. In addition, dayroom space was woefully inadequate. There was one small room for each 120 inmates. The institution had made available two rooms in the basement of each housing unit — a "television room" with one TV set and chairs, and a "recreation room." These two additional rooms were available for evening recreation.

Another problem is that of the special housing units located in one of the original buildings. The cells were small, dark, and lacked plumbing. Chamber pots had to be used. The reception wing was deemed particularly unsuitable for newly-arrived inmates who had to be kept there for a two-week period for medical quarantine, testing, and classification.

There was also a problem of insufficient teachers in the school. While there was a modern gymnasium, large arts and crafts room, and a music room with three practice rooms, these facilities were rarely used because of the lack of staff.

At the time of the visit some twenty individuals were leaving the institution daily under the state's work-release law. Of these, three were attending classes at a nearby university, three commuted daily to New York City to work, several worked at jobs in the immediate area, and approximately half a dozen were serving as volunteers in neighboring hospitals. A special housing unit was set up for these women. The program had been in effect since November 1971. Arrangements were being made so that individuals can transfer to other colleges, obtain employment in local VA hospitals, and continue their work-release jobs after their release. The institutional staff was most optimistic about the success of this program and the effect it will have on the inmates who participate in it.

As a result of the visit the Family Service Bureau received several referrals from the institution's correctional counselors. Mrs. Friedlander made arrangements for advanced technical education for a releasee and intervened with the New York Department of Social Services to obtain increased rent allowances for families of inmates whose rents had been raised. The Association provided short-term financial assistance to a releasee to enable her to further her education, and assisted an inmate to secure a scholarship to continue the college education she had started while at Bedford.

APPELLATE DIVISION - FIRST DEPARTMENT

Mr. Isaacs, Chairman of the Law Committee, and Mrs. Powers, together with the General Secretary, met with Lee Tolman and Gerald Stern, Administrator and Assistant Administrator respectively of the First Department

Appellate Division, to review problems and steps that were being taken to relieve the overcrowding in the detention centers of the city. Various programs in operation were discussed and suggestions were made by the members of the Correctional Association on ways in which a buildup of detention cases might be prevented.

As a result of the meeting the Department conducted a bail study during the summer months, utilizing one of the Correctional Association's law students. The results of this study, which were confidentially sent to the Association as well as to the Office of Probation, revealed a number of administrative difficulties which led to individuals being released who had not met the necessary ROR criteria, as well as some individuals not being recommended for ROR who did meet the necessary criteria.

GREEN HAVEN TOUR

Members of the Executive Committee went on an all-day tour of the Green Haven Correctional Institution in Stormville. This institution, the newest in the state, was opened in 1949 after having originally been run by the federal government for military purposes. It is a maximum security prison built on the same lines as the other institutions in New York State.

During the tour the Executive Committee members were able to see housing units, industry, the library (including the law library), and the hospital. They had opportunity to talk with the doctors, the law librarian, a member of the social services unit, some of the inmates, as well as the Superintendent and Deputy Superintendent. Participating in the tour were Messers Bryan, Isaacs, Pierson, Walker, and Wilmerding.

ASSEMBLY COMMITTEE ON SOCIAL SERVICES

The Association testified at an executive hearing of the Committee on Social Services on the handling of juvenile delinquents and youthful offenders in the state. The primary thrust of the testimony was to extend more humane and meaningful treatment of youthful offenders in public institutions through the development of administrative rules and regulations, principally by the Division for Youth, to protect more adequately the children and youth involved against arbitrary and capricious disciplinary procedures. The General Secretary further urged the development of an external inspection/monitoring system for the juvenile institutions similar to that being considered by the Association for the adult correctional institutions. That section of the report of the Appellate Division panel on which the General Secretary served as a member dealing with the philosophy of juvenile courts was used by the Committee for background for their examination into the ways in which juveniles and youthful offenders were being dealt with in the state's institutions.

STUDENT ASSISTANTS

At the suggestion of Judge Tyler and the Assistant Director of the Crime Control Planning Division of the State, a student in the graduate school of law at New York University met twice with the General Secretary to discuss a paper being prepared for Judge Tyler on the development of a communications system for inmates. The law student, Mr. Lawrence Gentile, was a practicing lawyer in the State of Florida, and for five years a staff counsel for the National Labor Relations Board in Washington.

STATE DIVISION FOR YOUTH

For the past several months, at the request of the Minority Task Force on Crime and Delinquency, the General Secretary has been working with the staff consultant on juvenile training schools and representatives of the Citizens' Committee for Children and the Division for Youth, mediating between the Division and the Committee on an ombudsman program for the training schools of the state. It was our proposal which was accepted by the Task Force to permit the Division for Youth's plan for a monitoring program to be tried for one year at the same time the Citizens' Committee for Children be permitted voluntarily to monitor the inspection program. If at the end of the year the state's program does not appear satisfactory, then we proposed the legislation be enacted to mandate an outside, independent inspection program for the training schools similar to that which the Association contemplates for the adult correctional facilities.

Subsequent to a legislative decision to support the Division for Youth's own program, the Association was contacted by the Division and asked if it would consider contracting with the Division to provide the training, supervision, and employment of child advocates of the Downstate training schools. This we had to regretfully decline.

DEPARTMENT OF CORRECTIONAL SERVICES VOLUNTEER PROGRAM

The Association met with the New York area coordinator of the newly established Department of Volunteers of the New York State Department of Correctional Services. There were at that time a state-wide coordinator of volunteers, Mrs. Margaret Appe, and individual coordinators for the different regions of the state. Ultimately there will be a local coordinator of volunteers in every state institution as well. The New York area coordinator met with the Association to discuss our experience in dealing with volunteers and to find out in what way we might be able to assist him in setting up and coordinating volunteer programs for the state institutions closest to New York City.

LONG ISLAND STUDENT — FILM ON PRISONS

At the request of Senator John Dunne, the Association met with a recent graduate of Long Island High School who did his senior project on prison conditions in the state, particularly those which affect the 16-21-year-old age group. The young man became so involved in his subject that he is attempting to use his research to make a 30- to 45-minute documentary film on prison conditions. He was negotiating with the educational TV channel on Long Island for financial backing for the project. We were able to discuss with him the point of view such a documentary might have and some of the questions with which it should deal.

PRISONERS' RIGHTS

The Association was contacted by the Fortune Society about the case of an individual serving a sentence in Elmira who had been notified that his wife was putting his children up for adoption. The inmate wanted to contest the adoption proceedings and did not know if he was able to do so. The Fortune Society lawyers had advised him that there was nothing he could do. When they called the Association to check on this we were able to tell them that Article 79 of the Civil Rights Law, which deprives felons serving sentences in state prisons of their civil rights during the term of sentence, specifically excludes those individuals sentenced to Elmira Reformatory. We told them that we were not sure what the change in nomenclature of the state institutions, which went into effect January 1 of this year, might have on this exclusion, since all institutions are now known as correctional facilities. However, even if the exclusion does not presently apply, if the individual were sentenced prior to January 1 he may still have been protected under the old law. The lawyers were most pleased to get this information.

BEDFORD STUYVESANT JAYCEES

At the suggestion of the chairman of the Corrections Program of the National Jaycees, the Association was contacted by the Bedford Stuyvesant Jaycees who were trying to start a chapter inside the Green Haven Correctional Institution. They were also arranging to provide bus transportation for institutional visits for families of inmates in Auburn Correctional Institution. Topics such as programs which the Jaycees could undertake, ways in which to gain the acceptance of the inmates, and services which they could provide, such as sponsoring a father-son day at the institution were discussed.

COXSACKIE CORRECTIONAL FACILITY

The General Secretary represented the Correctional Association at ceremonies held at Coxsackie Correctional Facility to mark the first successful graduating class of an electrical applications training course in industrial

and commercial power distribution. The course was conducted by the New York State Department of Correctional Services in cooperation with the Electrification Council. It marked the first cooperative effort in inmate programming undertaken by the state correction system and an industry education group, and is an example of the new trend in correction in New York State.

TRAINING, DEPARTMENT OF CORRECTIONAL SERVICES

The Association was contacted by Mr. Irving Millgate, president of Xicom Corp., a corporation involved in management, communication, and employee training. Mr. Goff had worked with Mr. Millgate some fifteen years ago while with the State of New Jersey. Mr. Millgate, noting the involvement of Mr. Goff in matters of correction in the state, proposed that his corporation might be of some help to the Department of Correctional services in training personnel in conflict resolution. The corporation had been conducting this type of training for Ford Motor personnel and the United States Navy Polaris submarine crews. It recently began an exploratory program in Connecticut in training correctional personnel to cope with personal confrontation situations with inmates.

The General Secretary arranged for a joint meeting with the Director of Training for the Department of Correctional Services and staff at Xicom in Sterling Forest Park to assess the applicability of the confrontation search lab techniques to the training of correctional officers. The General Secretary and the Director of Training spent approximately four hours in the laboratory learning the procedure and discussing possible application of the procedure to correctional personnel at the present time. It was the consensus that the seriousness of the present tense situations in the state correctional facilities is such, coupled with the need for basic training in the fundamentals of personal defense and human relations, that the Xicom program would be too sophisticated.

Future introduction of the confrontation search laboratory program as an integral part of the Department's training program will be considered.

SING SING SEDER

Miss Weinstraub and Mrs. Friedlander were invited guests at the seder held for Jewish inmates at the Sing Sing Correctional Institution. This was the first year that families of inmates were allowed to attend the dinner held in the mess hall of the hospital. The inmates were impressed by the fact that the warden attended personally, visitors were allowed to carry their private belongings, such as handbags, into the dinner, and the inmates were not searched when they returned to their cells. Over sixty individuals attended, including twenty-eight Jewish inmates of Sing Sing. The expense of the dinner was assumed by various Jewish charitable organizations.

NEW YORK STATE WELFARE CONFERENCE

The Assistant General Secretary represented the Association on the Planning Committee for the Corrections Section of the New York State Welfare Conference held in New York City in November. The topic chosen for the two Corrections Sections was "The Impact of Power Shifts on the Criminal Justice System." The first day was devoted to discussion of the degree and type of power which should be assumed by the community, administrators, staff and clients. The second day was devoted to shifts in participatory power, primarily the use of volunteers, paraprofessionals, and former clients to staff programs.

NATIONAL

AMERICAN CORRECTIONAL ASSOCIATION

At the 102nd Congress of Correction held by the American Correctional Association in Pittsburgh, the beginnings of change were noted in the content and attendees of the meetings of this national body. Further, a major revision of the constitution and by-laws of this group, which was formed as a result of the efforts of the then Prison Association of New York, was voted at the meeting of members. There were fewer simultaneous meetings scheduled with expanded meetings on topics of controversial nature and wide-spread interest. Some of the major topics covered included violence, inmate-officer encounter groups, rights of people including such minority groups as blacks (represented by Dr. John A. Morsell, Assistant Executive Secretary, NAACP), Spanish-speaking (represented by Louis Nunez, Assistant Staff Director, United States Commission on Civil Rights), women (presented by Gloria Steinem and Kate Millet. Correctional personnel was presented by Commissioner Oswald and adjudicated juveniles by Austin Mac-Cormick.

There was a noticeable increase in the number of individuals from minority groups in attendance in all the sessions as well as a noticeable increase in the number of young, energetic workers in the field. At several meetings marked ideological clashes occurred between those adhering to past attitudes and approaches and those seeking to reform the system.

Changes in the constitution and by-laws represent an effort to broaden the decision-making power base of the Association. Changes such as a secret mail ballot to the members of the Association, the preparation and distribution of resolutions in advance of the Congress, and change in broad representation to include ex-offenders, minority groups, non-custodial

institutional personnel, and non-institutional workers in the field are all aimed at democratizing the Association.

U.S. COMMISSION ON CIVIL RIGHTS

The General Secretary and approximately twenty other individuals knowledgeable in the field of correction, including the Commissioner of Correction from the State of California, the Director of the Federal Bureau of Prisons, the Director of the American Bar Association's Commission on Correctional Facilities and Programs, and the Commissioner of the New York City Department of Correction, were constituted into an advisory body to assist the US Commission on Civil Rights undertake a study of civil rights in the correctional process. As a result of the Correctional Association's paper, "The Rights of Prisoners," and our thrust to abolish the civil death statutes and loss of civil rights upon a felony sentence, the Commission decided to review inmate populations in toto as the minority group instead of its original intention to examine into policies and practices in correctional institutions which discriminated against the minorities in the communities — blacks, Puerto Ricans, Chicanos, and Indians. The advisory group will be called upon for assistance throughout the study as well as in the preparation of the final report. The study, which is anticipated will take eighteen months, will be used by the Commission as the basis upon which they will make recommendations to Congress for legislation to correct any improper conditions they find.

Miss Weintraub testified at the hearing held by the New York Regional Board of the US Civil Rights Commission on the problems which female ex-offenders have upon being released from prison, particularly in obtaining employment. The Commission held several days of hearings on the whole spectrum of problems of offenders and ex-offenders, male and female. They seemed to be especially interested in how being a member of a minority group exacerbated problems faced by this category of individuals. Several members of the Commission expressed interest in the work of the Association and in the fact that it was privately funded.

AMA-ABA MEDICAL SURVEY

Mr. Fowler and Mr. Goff met in Chicago with Gordon Fryer, Director of the joint American Medical Association and American Bar Association survey of medical services in correctional institutions in the United States, and Bernard Harrison, Director of the Division of Medical Practice, the unit of the AMA under which the survey is being conducted. The purpose of the meeting was to extend to the AMA an offer of the cooperation of the Correctional Association in this area of mutual interest.

While the original intent of the AMA was to review medical services in all correctional institutions in the United States, it was finally decided that the area in most need of assistance was the county jails. Some 3,000

questionnaires were sent to county sheriffs and jail wardens throughout the United States seeking information on the medical services available. Over 1,000 responses had been received by the time of the meeting. While the data were not yet compiled, indications were that there is a crying need to improve medical care of jail inmates.

Tentatively the AMA is considering establishing an accreditation program after they have developed the minimum standards. The actual inspection and reporting on accreditation would be done by the local state medical association on a voluntary basis. It is the hope of the AMA that they will be able to interest the state medical societies sufficiently in medical services in correctional institutions so that the state medical societies will undertake a campaign to update medical treatment in their own states.

Funds for the survey are being provided basically by the AMA itself. However, a tentative budget of \$650,000 to carry on the full accreditation program with funds being sought from outside sources is being considered. Mr. Fowler proposed that the Correctional Association would be willing to consider an in-depth pilot study in either New York or New Jersey as one way to assist in the national survey. We were advised that the AMA would be in touch with us as soon as the raw data had been compiled to consider further ways in which the Association might work with the AMA.

NATIONAL ALLIANCE FOR SHAPING SAFER CITIES

As a member of the Board of Directors of the National Alliance for Shaping Safer Cities, the General Secretary attended the National Board meeting to report on progress of the New York Alliance which he chairs. While the National Alliance is only slightly over a year old, there are already local alliances in fourteen cities in the United States, with the New York Alliance being the most active. The General Secretary was able to report to the National Board that the New York Alliance consists of fifty-eight separate organizations ranging from the Episcopal Diocese of New York through the Vera Institute of Criminal Justice. The work of the New York Alliance — its all-day consultation on criminal justice, its public hearing on the various approaches to the heroin problem, its pending seminars for businessmen on employing ex-offenders, and its numerous radio and television appearances — are being closely observed by other cities as well as the Law Enforcement Assistance Administration itself.

A major concern of the board at this meeting was a proposed resolution on the handling of the heroin problem. A resolution supporting the introduction of heroin maintenance as a means of treating heroin addiction was overwhelmingly defeated. In its stead the General Secretary was asked to draft an alternative resolution to be circulated to the members of the board and voted on at the next National Board meeting.

Both the National Alliance and the local New York Alliance are receiving funds from the New York Foundation as a result of the fund raising department of the American Jewish Committee. In addition, Equitable Life Assurance Company was also approached by the fund raising department and made a small grant. This was in addition to approximately \$125,000 that the American Jewish Committee itself contributed to the financial support of the National Alliance for Shaping Safer Cities.

VIOLATION OF CONSTITUTION RIGHTS — BALTIMORE

The General Secretary was called as an expert witness in a suit by the Legal Aid Society of Baltimore alleging the violation of the United States constitutional rights of inmates in the Baltimore County Jail. Among the issues involved relating to cruel and unusual punishment were the use of dark, stripped solitary cells, the tampering with the right of a detainee to confidential visits with his attorney, and the use of such charges as "trouble-maker" and "agitator" to isolate detainees for extended periods of time. During the trial itself administrative changes were made which set up probably the most advanced procedure for insuring due process for inmates on disciplinary charges of any institution in the country. The City government established the position of "impartial hearing examiner" and employed an outside attorney not connected with the administration of the institution to hear all disciplinary cases and to mete out punishments when indicated. To our knowledge, this was the first time where a truly impartial board has had the authority to hear and discipline inmates in correctional institutions for institutional rule infractions. The development of this procedure was directly attributable to the trial.

After the hearing the Association was contacted by an attorney in Maryland who had been asked to provide an expert source for the recruitment of a Director of Correction for that city. The attorney wanted to obtain our permission before he suggested to the Mayor and the Council that the Association be contacted.

While the final decision had not been handed down on the suit, it appeared that the Mayor and Council of the city were in the process of looking for a replacement for the present warden and were seeking help in obtaining this replacement.

PRISONERS' RIGHTS LITIGATION UNIT

The Association was contacted by the Administrative Director of the newly formed Prisoners' Rights Litigation Unit in Washington, D.C. She had been known to the Association for some time through her work on abortion and, more recently, in Carter Burden's office, specifically concerned with legislation on prison conditions and rights of inmates. Office and policy for this new group were still in the formation state. Top priority at

that time was being given to fund raising. There were, however, several anticipated projects including compilation of prison rules and regulations from all of the states in an attempt to draft one or several model rules for prisons.

CORRECTIONAL SERVICE FEDERATION MEETING

Miss Weintraub and Mrs. Friedlander, the Family Service Bureau caseworker, attended a meeting of the Correctional Service Federation held in Baltimore, Maryland. The major topic was the direction in which traditional prisoners' aid organizations should move. Many of the organizations were either seriously cutting back on their direct service, or abandoning direct service completely. They were moving into the legislative and program development fields. Others were substituting pilot projects for individual casework, primarily because of the availability of federal funds for such pilot programs. There was considerable interest in the breadth of work done by the Association and we were asked to supply copies of our Annual Report for the board meeting of the Maryland Prison Association as a guide for the direction in which that organization might go.

VOLUNTEERS IN PROBATION

The Association was represented at the Second National Conference of Volunteers in Probation held in Memphis, Tennessee. This organization grew out of the project in Royal Oaks, Michigan, which used volunteer citizens to augment that community's scanty probation service. Originally called Project Misdemeanant, VIP, Inc. held its first national conference in the fall of 1970. Since that time the volunteer movement in this country has mushroomed, not only in court services but in institutional programs and after-care as well. VIP has recently become part of the National Council on Crime and Delinquency.

The Memphis Conference attracted over 1,000 registrants, almost half of whom were themselves volunteers. A wide range of topics was covered, from recruitment, selection and training of volunteers, and evaluation of volunteer programs to client reaction to the use of volunteers. There were many ex-offenders at the conference, some of whom were active in volunteer programs. The most useful sessions were the small roundtable groups of ten or twelve, discussing their particular experience, problems, and questions about the use of volunteers.

MIDDLE ATLANTIC STATES CONFERENCE OF CORRECTION

The Correctional Association was one of the co-sponsors of the annual meeting of the Middle Atlantic States Conference of Correction held in Atlantic City, New Jersey. This conference brought together professionals in

the field of correction from New York, New Jersey, Delaware, and Maryland to discuss problems of mutual concern and to test innovative program concepts with other practitioners in the field.

In the preparatory phase for this year's meeting the General Secretary was contacted by the Chairman of the Program Committee for program ideas. We proposed two topics for consideration: non-governmental ombudsman programs and employment disabilities of ex-offenders. Both of these topics were included in the final program with the General Secretary asked to speak to the conference on both topics.

For the session on non-governmental ombudsman, chaired by Richard Fowler of the New York State Department of Correctional Services, the General Secretary was joined by Austin MacCormick of the Osborne Association, and G. Richard Bacon of the Pennsylvania Prison Society. The strongest position presented in opposition to the Correctional Association's proposal was that governmental officials should be given additional time to improve the correctional programs in their states before an outside independent ombudsman/monitoring/inspection program was introduced into the system. This position was generally refuted, and the assistance such a program can provide to the three main power factions involved in correctional institutions, namely administration, staff, and inmates, was emphasized by the General Secretary and supported by a number of members of the audience.

MIDDLESEX COUNTY PROSECUTORS SCHOOL

The General Secretary addressed 40 members of the Middlesex County, N.J. Prosecutors School on legal aspects of alcoholism. This was an excellent opportunity to gain support for the Association's position to remove the prosecution of alcoholics for being publicly intoxicated and to develop medical and welfare resources in its stead.

NEW JERSEY CORRECTIONAL ASSOCIATION

The General Secretary met with two representatives of the Essex County Chapter of the New Jersey Correctional Association. They represent a group trying to rejuvenate this chapter through the establishment of a residence for juveniles in trouble. Details of such a residence, including the age group to be served, coordination with other governmental organizations, staffing, community involvement, etc., were discussed. They hope to be able to use this project as the nucleus for other work of the organization in the area of legislation and reform of the court system.

RUTGERS SUMMER SCHOOL OF ALCOHOLISM STUDIES

Once again the General Secretary conducted the course on Alcoholism and

Corrections for the Rutgers Summer School of Alcoholism Studies. As part of the course he escorted his class and members of several other classes on a tour of night court and the Department of Correction detention pens which service the courts. There were many probation and parole officers in the group who were both impressed and aghast by what they saw. They were markedly impressed with the speed with which individuals were processed through the arraignment phase of the court procedures. It is not unusual in many other jurisdictions for a considerable period of time to elapse between arrest and arraignment. They were impressed by the fact that a 12-hour backlog which had developed in the processing of the cases was considered a serious cause for concern in New York City. On the other hand, they were aghast at the sheer numbers and diversity of cases to be handled and at the seemingly informal procedures in the court.

FORD FOUNDATION STUDY

The Association was contacted by Omar Hendri, former head of the Correction Aid Program of the New York City Department of Correction, for assistance in a study which he was doing on a Ford Grant for the Women's Prison Association. The Ford Foundation, interested in the possibility of putting some money into the problem of aid to female offenders, was trying to obtain an evaluation of those programs currently in existence. We were able to assist Mr. Hendri in defining and limiting the scope of his research as well as providing him with basic resource materials and names of individuals to interview.

STATE OF MASSACHUSETTS — ADDICTION SERVICES

The General Secretary was contacted by the State of Massachusetts and asked for the names of individuals who might be interested in heading up a new Addiction Treatment Service for that state, with principal thrust on alcoholism. The General Secretary was subsequently contacted and asked if he was interested in assuming this position.

CARBON DIOXIDE RAPID COMA DETOXIFICATION

Through arrangements made by Mr. Meyer, Chairman of the Ad Hoc Committee on Narcotic Addiction, members of this committee visited the Hahnemann Hospital in Philadelphia to observe the carbon dioxide rapid coma detoxification program in operation. The use of carbon dioxide therapy for rapid detoxification of both alcoholics and drug addicts has been experimented with for several decades. The research staff at Hahnemann Hospital in Philadelphia believes that they have developed a process which not only speeds the detoxification process without the use of drugs, but also has long term effects in curing addicts. The

regimen consists of subjecting voluntary patients desiring to be free of their addiction to a two-week stay in the hospital as in-patients with daily inhalations of a mixture of carbon dioxide and oxygen to the extent of producing a brief coma. At the beginning of the treatment the patient is subjected to from three to five inhalations a day, gradually tapering down to one daily. Upon release after approximately two weeks, the patient voluntarily returns as an out-patient several times a week for treatment.

The hospital was seeking funds to test scientifically the efficacy of this technique for heroin addicts, but appeared to be meeting with reluctance on the part of funding agencies due to the disrepute of this technique as a result of ill-conceived past experiments with inflated claims of success.

Mrs. Ballantine, Mr. Meyer, Mr. Schulte, and Mr. Goff, who made up the visit, made several suggestions to Mr. Schrober, President of the Medical College, for possible fundings sources which might consider a grant.

NATIONAL COLLEGE OF THE STATE JUDICIARY

The National College asked the Association to assist in setting up regional meetings for judges of lower courts on dealing with the problems of addicted individuals, with particular emphasis upon alcoholism. These regional meetings will be held throughout the United States by the National College, using persons recommended by the Association as faculty to focus upon the development of local diversionary programs. This is in accordance with the Association's recommendation on dealing with alcoholics.

FEDERAL COMMUNITY TREATMENT CENTERS

The Association was contacted by a representative of the Federal Community Treatment Centers of New York City to discuss ways in which the two agencies might help one another. There were three Federal "halfway house" residences in the city — one at Sloane House and two in midtown Broadway hotels. A fourth was being contemplated for the Federal Correctional Complex planned for construction at Foley Square. In spite of extremely liberal acceptance criteria, the then existent centers were not at 100% of capacity. The difficulty appeared to be in the referrals being made by institutional caseworkers. There had recently been a shift in the operation of the centers from emphasis on providing in-house services to a move to utilize services already existing in the community.

PARADE MAGAZINE

At the request of the Correctional Association, Parade Magazine did a feature article on the problems ex-offenders face in trying to obtain employment. Sid Ross, who had worked with the Association on many articles in the past — most recently those on abortion and capital punishment — was assigned to do the story. In addition to providing Mr. Ross with background information on the problem, the Association was able to arrange for interviews with unemployed ex-offenders. The majority of those interviews took place in the Association's offices, as requested by the individuals being interviewed. We were also able to put him in contact with prisoners' aid organizations in Boston, Chicago, St. Louis, Philadelphia, and Washington to get some of the details of the problems in those cities.

In response to the article, the Association received many letters from companies offering to employ those individuals profiled in the story. Among these were a large moving firm located in the midwest, and a division of Allis-Chalmers.

INTERNATIONAL

UNITED NATIONS COMMITTEE ON CRIME PREVENTION AND CONTROL

As a result of a recommendation of the Fourth Quinquennial Congress on the Prevention of Crime and the Treatment of Offenders held in Kyoto, Japan, in 1970, the General Assembly of the United Nations established a Committee of Experts on Crime Prevention and Control. The first meeting of this Committee was held in New York in May. The General Secretary, as an NGO representing the Howard League for Penal Reform in England and the International Council on Alcohol and Addictions with headquarters in Lausanne, Switzerland, was invited by the Economic and Social Council to attend the meeting. In addition, the Director of the Social Defence Programs for the United Nations asked the Correctional Association to act as host for the Committee and to arrange programs of visitation for those in attendance.

Through the courtesy of its president, the Association held a buffet reception for those in attendance, members of the Executive Committee, and other selected individuals involved in the administration of criminal justice in New York. Further, two all-day group tours were arranged and conducted by the Association. One was to the Rikers Island complex of the New York City Department of Correction, involving tours of the new

Correctional Institution for Women, the Adolescent Remand Shelter, and the adult division facilities, as well as talks by staff members of the Department of Correction. The second, arranged with the Presiding Justice of the First Department, involved an orientation to the judicial system in the state by the Administrator of the Criminal Court and the Assistant Administrator for the First Department; a meeting with Judge Ross, Administrative Judge of the Criminal Court; a visit to a trial in the Supreme Court; luncheon and meeting with Attorney General Lefkowitz and Judge Lang of the Criminal Court; and an orientation to the Complaint Bureau of the District Attorney's Office. In addition, a group visit was conducted on a subsequent evening through the detention pens and night court at 100 Centre Street, with a meeting with Judge Roberts who was presiding.

The General Secretary also arranged with Commissioner Murphy for the Italian representative and the Director of Programs for the UN Social Defence Research Institute in Rome to spend an evening in a patrol car in the Bedford Stuyvesant area. Further, at the request of Mr. Anatoly Tkachev, the Russian representative, the General Secretary accompanied him on a tour of the close circuit TV surveillance of the Port Authority and the computerized traffic control through the Lincoln Tunnel.

Special arrangements were made for W.R. Cox, Director-General of the Prison Service of the United Kingdom, to visit the Tombs and to spend a day in Harlem with an after-care worker for the Division for Youth to view at first hand one of New York's delinquency areas. Mr. Cox was also guest speaker at the May Executive Committee meeting of the Association.

In view of the questions raised by members of the Committee concerning the Correctional Association subsequent to the meeting, a kit of materials describing the Association's work was forwarded to each Committee member in attendance.

At the closing meeting of the Committee, Mr. Ahmad Khalifa, United Arab Republic representative and chairman of the Committee, joined William Clifford, Director of the Social Defence Programs for the United Nations, in expressing the heartfelt thanks of all members of the Committee for both the social and the professional arrangements the Correctional Association had made. The rapporteur, Mr. Rios, from Brazil, the French representative, Maurice Aydalot, Premier President de la Cour Cassation; Atsushi Nagashima, the Japanese representative and Director of the UN's Far East Institute in Fochoo; and several others individually expressed an enthusiastic appreciation for the Association's role in making this first Committee meeting of international experts such a success.

UNITED NATIONS WORKING PARTY ON THE STANDARD MINIMUM RULES FOR PRISONERS

One of the recommendations forthcoming from the UN Quinquennial Congress on the Prevention of Crime and Treatment of Offenders held in Kyoto, Japan in 1970 was the greater dissemination of the Standard Minimum Rules for the Treatment of Prisoners, and the encouragement of additional governments to adopt these rules. To help bring this about, a consultant and a working party were named to develop commentary which might make the rules more understandable. Paul Cornil, former Minister of Justice of Belgium and an old friend of the Correctional Association, was appointed as the consultant. For a year and a half Mr. Cornil worked to develop a commentary which was subsequently submitted to a working party which met in New York in September 1972. The General Secretary, as an NGO, participated in this working session.

Through the courtesy of its president, the Association held a reception for the members of this working party, selected UN staff, local and state governmental officials, and members of the Executive Committee. This reception was particularly timely in that Thorsten Eriksson, former director of the Swedish prison system which had experience with an ombudsman program, attended and provided an opportunity for members of the Executive Committee to discuss with him the Association's proposed program. Mr. Eriksson offered to arrange for the Association to meet with the Swedish ombudsman in Stockholm, as did Daniel Wiklund, member of the Swedish Parliament who had been a member of the Association for the past ten years, and with whom the General Secretary talked in Amsterdam in the early part of September.

UNITED NATIONS SOCIAL DEFENCE STAFF

At the request of William Clifford, Chief, Social Defence Programmes, the Association took the staff of the UN Social Defence Unit on separate tours of Rikers Island and of night court. Both the women's institution and the prison (C76) were visited on the Rikers Island tour. The Social Defence Unit staff was impressed with the enormity of the numbers of people with whom the city Department of Correction must deal. Dr. Franco Ferracuti, of the UN Defence Research Institute, joined the unit's staff for the tour of night court and the court pens which serve them.

INTERNATIONAL COUNCIL ON ALCOHOL AND ADDICTIONS

The General Secretary, as a member of the Executive Committee and Board of Directors of the ICAA, again presented a paper at the Council's international meeting held in Amsterdam in the early part of September. Since first being urged by Mr. Smithers of the Association's Executive Committee to become involved with the ICAA, the Association has for the last

eight years been reporting at the Council's international meetings on the legal status of alcoholism and the handling of alcoholics in the United States. The paper for Amsterdam continued this series.

CONSULATE GENERAL, UNITED KINGDOM

W. R. Cox, head of the Prison Service of the United Kingdom, suggested to Mr. Goff that he contact John A. Ford, new Consulate General for the UK, since Mr. Ford had expressed an interest in continuing the British Consulate relationship with the Correctional Association. Following the suggestion there was a lengthy meeting at the Association's offices to discuss ways in which the Association and the Consulate might work together in a mutually beneficial manner. Mr. Ford further expressed a great deal of interest in volunteering his personal service to the Association to work with inmates in correctional institutions. The Association will continue its longstanding role of arranging programs for British government officials interested in the administration of criminal justice, and in tracking down lost British nationals who become involved with the law in the United States.

BRITISH MAGISTRATE

Fortuitously, on the same day of the meeting at the Association with the British Consulate General, R. K. Nuttall, a British magistrate and founder-trustee of Langley Houses in England, arrived in the office on his way back to England from a Commonwealth meeting of magistrates in Bermuda. Not only was Mr. Nuttall introduced to the Consulate General, but arrangements were made for him to visit the Stanley Shepard Home of the Division for Youth, the Rikers Island complex, night court, and small claims court during his week's stay in New York.

THE CORRECTIONAL ASSOCIATION'S

DIRECT SERVICES

LEGAL SERVICES BUREAU

During 1972 the Legal Services Bureau operated a program which provided free civil legal services in three city detention institutions: the Manhattan House of Detention for Men, the NYC Correctional Institution for Women, and the Brooklyn House of Detention for Men. Although the original concept of the Bureau was to deal exclusively with detainees, this was found impractical. All three facilities also had sentenced persons living in them — half and half in the women's facility and a small proportion of sentenced men working in Brooklyn and Manhattan. It was immediately apparent that enormous resentment on the part of sentenced inmates would have resulted from denying them the services available to detainees. The policy was changed to include all persons incarcerated in the institutions.

When the program was begun, the types of civil legal problems which would be encountered were not known. It soon became apparent that, with a few exceptions, the legal problems inmates faced were quite similar to those arising in an ordinary neighborhood law office: landlord-tenant, matrimonial, welfare, administrative agency, consumer relations, and child custody disputes. The fact that the neighborhood law office (the Legal Services Bureau of the Correctional Association) was located in a prison inevitably created some differences in the focus of these problems. First, there was less emphasis on disputes involving title to property because the inmate clients, particularly detainees, owned very little. Second, certain legal problems are either aggravated by, or at least emphasized by, incarceration. It was not uncommon, for instance, for an inmate to receive a divorce summons while in the institution. A spouse may have become "fed up" by this most recent manifestation of criminal behavior, or may have concluded that the detention provided an opportunity to be certain of locating an errant spouse. Also, a person who had been arrested and detained suddenly found himself with a good deal of time on his or her hands, which, possibly for the first time in years, is drug-free. He turned his attention to resolving a marital situation, and often to either locating or involving himself with his children. The Legal Services Bureau found that it is not only women who suddenly become interested in renewing their ties with their children. The fathers of illegitimate children were often obsessed with the desire to exercise more control over the destinies of their offspring. The thought was often expressed that if their son or daughter were to die in an accident they would not even be notified. Many requests were received to change the children's names and to formally establish paternity.

In addition to family problems being emphasized by incarceration, the inmate's relationship to the numerous governmental administration agencies that had been involved in his outside life created new problems. Welfare no longer paid for his rent; he was evicted and his furniture sold or held by the Department of Sanitation; and he was powerless even to communicate with the agency involved.

The type of problem in a prison law office usually has more of a social service component than a strictly legal one. The social service facilities in the various institutions are inadequate to meet the needs of the inmates (slightly less so in the women's facilities than in the others). The inmate tends to see all agency people and social workers as part of "the system." He is extremely confused and generally resentful and distrustful of the programs being offered him. He is forced to repeat the same story to several different people he doesn't know and doesn't trust. If, however, he has established a good attorney-client relationship (informal and, most important, non-official) with a particular individual, some of this confusion can be alleviated, and a simple phone call or direct referral can start things on the proper road. The importance to the inmate of seeing the same person over and over again, who knows his name and not just his number, cannot be overemphasized. The average inmate's level of despair is such that he is often not willing to make any effort to solve his problems, even the slight effort of stating the problem. This pattern was broken by the building of mutual trust and understanding, coupled with a demonstration that something could actually be accomplished. For example, the LSB was able to obtain a settlement of approximately \$1,100 for an inmate in a Welfare/Police Property Clerk dispute. During an informal chat, when the check was transmitted, the inmate admitted that she was a bigamist and requested aid in resolving that situation. She would not have revealed this difficulty had she not finally become convinced that the lawyer was working for her and was not part of the agency and institutional world.

The Bureau's relationship to the prison staff has been excellent and trouble free. The attorneys were asked on several occasions to address both staff and inmates, and the activities of the Bureau were voluntarily advertised by the staff and by the correctional aides far in excess of just distributing the flyers prepared by the Bureau. This may have been due in some part to the respect the Correctional Association had with both staff and inmates, and to the attorney-client status of the LSB relationship with inmates.

In the beginning of the program, the Bureau relied on volunteer law students to assist its attorneys in preparation of cases, legal research, and fact-finding interviews. It was quickly discovered that the students' early excitement and high level of motivation could not be sustained for any appreciable period of time. Volunteer work was eliminated and replaced with two clinical-teaching programs at Brooklyn and Columbia Law Schools. Pursuant to these programs, the students accompanied the attorneys on institutional visits on a rotating basis, and became responsible for a caseload stemming from those visits, so that the same student, like the same lawyer, continued with a particular inmate.

Following are the statistics for the program's operation in 1972:

Number of individuals interviewed	656
Number of cases disposed of on initial interview	107
Number of cases pending further information	11
Number of active cases as of Dec. 31, 1972	158
Number of cases closed	466
Number of cases referred to other agencies	72

FAMILY SERVICE BUREAU

Two years ago the Family Service Bureau had an active caseload of approximately 30 families of individuals in prison to whom it gave long-range supportive counseling and financial assistance, including money to make visits to the institutions.

As a result of additional money provided through an LEAA Family Prison Visiting grant, the Bureau serviced 132 families in 1972, better than 400% increase over its past caseload. During the year 491 individuals made 544 prison visits to every institution in New York State, as well as to institutions in New Jersey and the federal penitentiaries in Atlanta, Ga., Lewisburg, Pa., Marion, Ill., Danbury, Conn., and Alderson, W. Va.

During 1972 a law went into effect in New York State allowing inmates of the correctional institutions who met certain criteria to be released on short furloughs to visit families and make arrangements for work and housing prior to release. One of the prerequisites to qualifying for this furlough program was that the individual have enough money for his round-trip fare. The Family Service Bureau provided money for 12 individuals to come home on furlough, primarily during the Thanksgiving-Christmas holiday season. It also provided Christmas visits for all of the families on its regular caseload as well as on its waiting list.

There were many occasions during the year when the Bureau was called upon by institutional social service units to provide assistance to families who had been unable to visit the incarcerated family member for extended periods of time. The Bureau was also able to respond to emergency situations and provide an immediate grant so that a mother could visit a critically ill son, or a wife could see a husband who was going through a period of severe mental and emotional stress.

The Correctional Association has considered work with the families of incarcerated individuals of paramount importance for well over 100 years. Through the impetus of the two years of federal grant, the Association has been able to raise substantially the number of clients to whom it gives service.

The Family Service Bureau expanded to include one case aide employed under the federal work-study program who works with clients in the office as well as making home visits and escorting families to

institutions as necessary. Volunteers were also utilized during the year to work with families on a regular basis in the community.

The effect of a program such as Family Prison Visiting is one which is extraordinarily difficult to measure quantitatively. There are, however, subjective criteria which can be used to indicate the importance of maintaining the integrity of a family unit while one member is institutionalized. The following are some of the very many letters which have been received from clients (both families and the individuals receiving the visits) as to the meaning and importance of these visits.

Box 51
Comstock N.Y. 12821
July 13, 1972

My dear Mrs. Friedlander:

I received your name and address from my grandmother... and felt it necessary that I personally write and thank you for the assistance you've given to her-- and thereby, to myself also.

I'm sorry for the delay in writing to you, but it was unavoidable and not my fault. I had attempted to write you right after my grandmother was up to visit me and explained the circumstances, but my letter was returned. I had to get you approved, and your name placed on my correspondence list before I could write. This has now been done, and hopefully there will be no further trouble in regards to my writing.

Being incarcerated, it is very important to be able to see your loved ones, as it makes the whole experience a little more bearable. The work that the Correctional Association is doing to assist us is beautiful and very, very appreciated. Keep up the good work, as it is sorely needed. I'm very happy that things worked out so well, and that my grandmother will be able to see me regularly. It's a most welcome asset for me to see her and to be able to talk to her.

It's very difficult to write this thank-you letter, as there's so much I wish to say, but am unable to find the words to express what I feel. I can but say, very sincerely, thanks....

As I know you're quite busy, and not to take up any more of your valuable time, I will close this for now.

Once again, thank you for everything....

Very truly yours,
James P. Murphy #29701

Lewisburg Prison, Pa.
July 23, 1972

Dear Mrs. Friedlander,

I would like to take a few minutes of your time and introduce myself. My name is Frank Massaro (71976). I'm an inmate here at the Lewisburg Federal Prison. My wife, Margaret, visited your office a few weeks ago for some financial assistance.

I wish to take this time to "Thank You" and your fine organization for all the help and courtesy you have afforded her.

Margaret has told me how nice you were toward her, and we are both very grateful for all the help you have given us. Thanks to you and your organization, Margaret and my daughter, Lisa, were able to visit me without the worry of depriving both herself and the child of the necessities that are needed to live on, which are so little to start with. Needless to say, what help it has been in holding a family together.

Perhaps someday I'll be able to "Thank You" in person and repay, all or part of, whatever help you can continue to afford us. Until I can Mrs. Friedlander, I will remain sincerely grateful.

Frank P. Massaro 71976

July 25, 1972

Mrs. Friedlander,

I'm taking time out to write your organization a letter of "thanks."

It's so hard to put into words how my husband and I appreciate the financial help I get from you, for my visits to him.

I say my husband and I because these visits are important to him. He looks forward to my weekly visits, as I and my children do. If it weren't for your help, I could never afford these weekly visits. It makes time go faster. Most important, he is in a good frame of mind.

I believe very strongly that this is what will help a man never to commit a crime again. If he couldn't see me and the children so often, I believe he would get bitter, mean and hard against society. By seeing us so often, he wants to be with us more, and they can see how hard we have it outside and wouldn't do this to us again. So you see, your organization does more than you realize. (Or maybe you do realize this.) More than any punishment a judge can give them to teach them not to break the law, this does more.

Also, I can never tell you how much you helped me mentally. I could not accept this or talk about that my husband was in prison, but your talks helped me through this. Most important, you made me realize you care about inmates and their families. I only hope that your organization will always be there to help everyone who has these problems.

Once again, thank you for making it possible that I can see my husband and he can see his children and thanks for caring.

Always grateful,

Mrs. Camille Gambrillo and children

Following are the statistics for the program's operation in 1972:

Families in active category Dec. 31, 1971	38
New cases accepted	79
Total cases during year	117
Cases closed	40
Families in active category Dec. 31, 1972	77
Total financial assistance	\$34,412.08
Families provided with Christmas dinner and toys (total of 142 persons)	60
Families not in active category provided with special Christmas visits	15
Furloughs provided	12
Children sent to summer camps	25

CORRECTIONAL SOCIAL SERVICES BUREAU

Several years ago the Correctional Association expanded its services to inmates and ex-offenders by sending a caseworker into one of the city institutions to help with some of the problems faced by the inmates. These problems were primarily ones of securing clothing for an indigent inmate, notarizing court papers, and making telephone calls which the

inmate could not make. In the past year the Association expanded the scope and changed the emphasis of its correctional social services. The caseworker, John Delgado, interviews inmates in the two Queens Houses of Detention to try and identify those social service problems facing the *individuals which have their roots in the community*. The caseworker, with the assistance of volunteers and student interns, then attempts to effect a solution. The following are several types of community-based social service problems faced by men in jail:

P. had been arrested a week before. Although the amount of bail set within his family's means, he did not know how to get in touch with his mother to let her know where he was. His mother, who spoke no English, did not have a telephone. P. was sure that the landlord had a telephone but he did not know the number and did not know how to get it. The caseworker was able to find the number and called the superintendent, making an appointment to call and speak with the mother. When he called back he was able to explain to the mother, in Spanish, where her son was, how to travel to the institution, and how much bail was needed. The next day the mother was able to bail her son out of jail.

Due to overcrowding in the city institutions, D. was transferred from the institution near to where he lived to one in another borough. His wife, eight months pregnant and with two small children at home, was unable to make the long subway trip necessary to visit him in the new institution. Already under emotional pressure stemming from his arrest, D. became suicidal under the stress of this last crisis. After interviewing the inmate, Mr. Delgado conferred with the institutional psychiatrist who agreed that the situation was serious and indicated that he would endorse Mr. Delgado's recommendation that the inmate be transferred back to the original institution. The caseworker made his own recommendation, then coordinated the report of the psychiatrist so as to fulfill the necessary requirements to effect an institutional transfer. The inmate was transferred back to his original institution the next day.

J. had been in the Tombs for one month. During that time he had not heard from his mother, or indeed from any other family member. His mother had no telephone and he had been unable to reach her by letter. The Correctional Association caseworker went to the *apartment house on the upper west side, which was her last known address*. He found the apartment empty. In talking with the postman he discovered that the woman had moved, although the postman was not aware of any forwarding address. From the Housing Authority Police he learned the name of the janitor of the building where the mother had lived. The janitor was able to direct him to a woman in that building who had been a good friend of the inmate's mother. She told him that the mother had moved to Puerto Rico and left no forwarding address. Further, she had left all her son's possessions with an uncle whose address the friend had. The caseworker talked with the uncle who confirmed the fact that he did indeed have all his nephew's possessions and that he would hold them until his nephew was finally

released from jail. This information was immediately imparted to the inmate.

While these cases appear trivial in scope and easy of solution, they are neither trivial nor easy to an individual sitting behind bars. Such a person is impotent — he can do nothing to affect his own life. The time in detention before sentence is one of great psychological and emotional pressure on an individual. His future is totally in doubt. In such a condition of turmoil *any other problem takes on enormous magnitude*. Anything that can be done to ease the pressure on such an individual by resolving his simple personal problems not only provides a service to the inmate himself, but also adds to the well-being of the institution as a whole.

Following are the statistics for the program's operation in 1972:

Total number of individuals to whom service was provided	314
*In institutions	4
Upon release	310
Amount of cash relief given	\$9,588.88

*For the months of November and December only.

APPENDIX A

THE FEASIBILITY OF A CORRECTIONAL OMBUDSMAN

A Report to the Correctional Association of New York

January 7, 1972

Donald H. Goff
General Secretary

Edward J. Shaughnessy
Project Study Consultant

INTRODUCTION

There is always a difficulty in distinguishing the viable from the ridiculous in the heat of a confrontation situation. What must be done is to distinguish between dissent and disruption. Dissent must be encouraged; disruption must not be tolerated. In fast moving situations, often made more frenetic by the mass media, all the "good guys" and all the "bad guys" begin to look alike. One identifies with the viewpoint he shares and tends to lump the whole lot into one side. This is seldom the case. In many instances, clever young storm troopers have been able to lure proponents of reasonable demands into more extreme positions in the name of so-called solidarity and the general public has been only too willing to accept and view with alarm this apparent solidarity. On the contrary, what observers must do in such situations is to examine closely who is saying what. In this age of media, we are all observers. Yet all of us cannot undertake investigations. There is a need then for someone to fulfill the role on behalf of all of us to isolate the semiprofessional destroyers from the meritorious demands and deal with each appropriately.

Dissent must be recognized as the precursor of orderly change in a democratic society and it must be encouraged. Dissenters take to a "public forum" because they say no other means are available to get a hearing for their grievances. It does not matter whether their contention is true or not. What does matter is that they are there, and they want to state their grievances. Whenever they are encouraged to engage in rational discourse, two benefits accrue. First, their contention that avenues to present their grievances are unavailable will be shown to be false and second, it will be immediately clear whether or not they really have anything to say. On the other hand, if legitimate and reasonable dissent is suppressed, especially if it is done violently, the claims of radical groups that society is afraid of their ideas will be validated, and the general public will be prevented from ever knowing whether they do in fact have something to contribute.

Does it matter from whom we hear, "I want to be a person, not a number" to have reminded ourselves of Jefferson's intent in the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal and that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness..."

The concept of an ombudsman system is one which further enhances the Jeffersonian ideal.

CHAPTER I

INTRODUCTION TO THE CONCEPT

The Classic Concept

The Swedish defined the role of an ombudsman as the exercise of a "general supervision to insure that laws and regulations were complied with and that public servants discharge their duties properly."¹ This Office of Supreme Procurator, Högste Ombudsmannen, was created in 1713.

This Swedish model has given the name and formalized the concept. The basic concept is: As society becomes increasingly complex it is more difficult for the head of state to have first-hand knowledge of the state's activities. Additionally, it is more difficult for the state's bureaucracy to serve its public equitably. Some office is needed to see that this is done. This office inspects, observes or monitors and hears grievances. This office, characterized by impartiality, has upper echelon responsibility and independence. The office possesses qualities both active and passive.

The Swedish model ombudsman has adapted to modern society while its conceptualization remains constant. "The maintenance of a free society depends upon the confidence of the people in their government,"² has become the modern rationale.

The Modern Concept

Modern government reflects modern society: it is complex; it multiplies services in relation to increased needs; it is administratively very large; its agencies overlap.

As a result, the role of the ombudsman has become more specialized. It finds expression in the American army as the Office of the Inspector General, in the United States Congress as the General Accounting Office, and in the New York City Police Department as the Internal Affairs Division. Each is an independent arm of its service, responsible to its highest officer only. While this gives some degree of autonomy and independence, it is an "agency" of that service, incorporated within its system. It is not totally independent nor responsible to anyone outside that service. Its value is correspondingly limited.

As recently as 1963 the United States Congress considered instituting the office of ombudsman in order to relieve the legislators of non-legislative responsibility. Congressman Henry S. Reuss, a Democrat from Wisconsin, proposed to the Congress the creation of a system of Congressional ombudsmen who

shall review the case of any person who alleges that he believes he has been subjected to any improper penalty or that he has been denied any right or benefit to which he is entitled under the laws of the United States, or that the determination of or any award of any such right or benefit has been . . . unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States. ³

Reuss' rationale bases itself on the growing complexity of government function, with greater discretionary powers vested in administrators. Such increased discretionary latitude may lead to increased arbitrariness in decision-making. Second, Common Law, which provided the basis for local decision making, has lost its flexibility and no longer is an effective instrument for remedying the wrongs of modern administrative action.

Ralph Nader in an article, "Ombudsmen for State Governments," remarks that the state constitutions with the ideal theoretical separation of government into legislative, executive and judicial branches allegedly balancing and checking one another, make no provisions for the rise of a vast state bureaucracy. This administrative state has undermined the ability of the old institutions to maintain the separation of powers and to employ checks and balances on each other. The ability of the state agencies to make, enforce and sanction administrative law is a discretionary power vested in the agencies when they are set up. The scope of administrative authority is great. Such scope provides avenues for abuse. A need arises for an office, a system, in this complex modern society, to which the citizen can go for information or with a grievance. There is a need for a system which will monitor complex growth, observe administrative operation and report impartially on its function and dysfunction. It must be a monitor-observer system whose function is to deal with maladministration which is not subject to court review nor serious enough to warrant court review in the first instance.

The problem is that modern bureaucratic structures tend to promote their own efficiency. They incline to formalism, rigidity and impersonality which are dysfunctional for the population bureaucracies are to serve.

- (1) An effective bureaucracy demands reliability of response and strict devotion to the regulations.
- (2) Such devotion to the rules leads to their transformation into absolutes; they are no longer conceived as relative to a set of purposes.
- (3) This interferes with ready adaptation of the special conditions not clearly envisioned by those who drew up the general rules.
- (4) Thus, the very elements which conduce toward efficiency in general produce inefficiency in

specific instances. Full realization of the inadequacy is seldom attained by members of the group who have not divorced themselves from the meanings which the rules have for them. These rules in time become symbolic in cast rather than strictly utilitarian. ⁴

It is in the canonization of procedures that the public who demands service with a just urgency is frustrated.

As our society becomes increasingly complex and bureaucratized, it is imperative that we find improved channels of communication for the resolution of problems. The citizen in pursuit of some legitimate goal wants to "cut through red tape." He wants to speak to someone who may be able to "do something" about an issue. He wants to "tell someone off." The citizen, as student, as laborer, as taxpayer, as prisoner, needs to be able to express himself. He needs to articulate problems and issues to solve them while they are in manageable proportion.

The need is evident; the means to meet it are still unclear. What non-bureaucratic systems can be set up to resolve problems? "Action Line" in the local newspaper, writing to one's congressman, Box 100, calling the radio station are all acceptable for short-range goals. For the long range what is needed is a system which will provide a series of "bridge builders" to rational discourse in a multitude of areas of life.

Citizen awareness of inadequate procedures or the breakdown of services is most commonly predicated on first-hand experience. The quality of life in a given framework of personal need is affected and possibly changed through suffering, hardship, inconvenience and taxes. There are, however, many inadequate procedures and breakdowns of which the citizenry has no first-hand knowledge. The experience is vicarious. Reports of deadlocks in negotiations, confrontations, strikes, and violence characterize the vicarious experience of citizens about deficient services. The cost of these deficiencies is borne by the entire society.

Every society's survival is predicated upon its ability to deliver basic services and to provide basic amenities for the good of the whole. Failure to do these things leads to social disintegration. The members of any social group cannot exist with a high degree of uncertainty in terms of basic needs without becoming frustrated.

This frustration may express itself in withdrawal.

Do you know
 It no longer seems worthwhile to speak to anyone!
 No - it isn't that I want to be alone
 But that everyone's alone - or so it seems to me
 they make noises, and think
 they are talking to each other:
 They make faces, and think they understand each other,
 And I am sure they don't.⁵

This frustration may express itself in strikes, lock-outs, sit-ins and acts of violence. These socially disruptive activities highlight another dimension of failure of rational discourse.

Both the introverted and the extroverted expression of frustration reveal what Emile Durkheim called "anomie," or lack of conformity to laws and norms.⁶ "This inner compulsion to conformity arises from a number of social factors such as authority, respect, fear and the sacred," according to Lunden.⁷

In the process of social change in society due to increased division of labor and heterogeneity the unifying forces of society tend to weaken. The standards and norms which had regulated society in the past become obsolete and inoperative or meaningless.⁸

The resultant loss of restraints leads to social chaos. The growth of modern bureaucracy reflects the increased division of labor and heterogeneity which make the standardization of norms impossible.

The breakdown of communication results from a lack of common ground for discourse.⁹

This study's premise is that the office of ombudsman, in the field of correctional services, can reduce social disintegration, introverted or extroverted, by providing the common ground for reasoned discourse. It will be a communication system for problem solving.

CHAPTER II THE OMBUDSMAN RATIONALE

The Specific Rationale

The office of monitor/inspector/observer, which we shall call Ombudsman, must be independent. The Office of Ombudsman exists to protect the rights of citizens. The Office of Ombudsman does not function on a presumption of innocence or guilt of any petitioner nor on the basis of correctness of a complaint. The Ombudsman system exists to investigate what it observes and to respond to complaints which are presented to it. It is the function of the Ombudsman system to suggest improvements in an administration. It is the function of the Ombudsman system to persuade in the solving of problems through enlightened discourse, but not itself to be involved in the implementation of solutions. Its power of persuasion comes as the result of careful investigation, inspection and monitoring. The integrity of the Ombudsman system is built upon its ability to investigate impartially. This is the source of its power. The Ombudsman system has no power in and of itself to make or alter administrative decisions. Decisions may be modified, clarified and streamlined intelligently as the result of the Ombudsman system.

Independence and impartiality form an objective correlative. The population of the correctional facility must be placed in its totality. All ties to the Governor's office, administration and staff place an added burden of credibility on the office of Ombudsman. His salary and tenure in office must not depend on the system scrutinized.¹⁰

Irving Goffman, in his book *Asylums*¹¹ describes the difficulties of life in what he calls a total institution. It is one in which the inhabitant has given over, by choice or by necessity, his freedom to another. In such systems of total institutions the life of the inhabitants is directed by administrative procedures established by others. Even in such total institutions those who are in it are entitled to constitutional safeguards and preservation of basic human and civil rights. The correctional facilities of the State of New York are one type of total institution.

TOTAL INSTITUTION "SELF-CONTAINED RELATIONS"

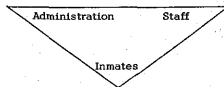


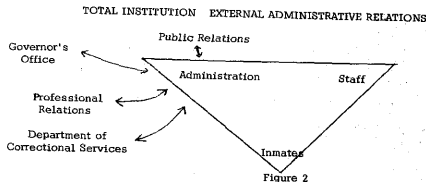
Figure 1

The Court's Role

Court decisions have spelled out in some detail how the rights of the inhabitants of correctional facilities are supposed to be safeguarded. In the November 1971 decision of the Circuit Court of Montgomery County, Maryland, in a class action by the inmates of the Patuxent Institution, against the State of Maryland and the Patuxent Institution Administration, the petitioners sought redress and substantive relief for violations of their civil and constitutional rights as protected by the First, Fifth, Sixth, Eighth and Fourteenth Amendments.¹² In granting relief to the petitioners against unlawful and inhuman practices, the judges in this decision appended rules and regulations to be adopted by the Patuxent Institution to insure that the treatment accorded to the inmates was not in violation of their constitutional and civil rights. What is of interest in this procedure is that it became necessary for the court to undertake, in consultation with the Patuxent Institution Administration, the writing of administrative rules and regulations. These rules covered clothing, medicine, searches, visitations, discipline, punishment and supervision which are administrative functions. While it is important to observe that such regulations are being established, there is no provision for a system to observe, monitor or inspect with regard to their implementation. Naturally, without the presence of some neutral observer it is very difficult to establish whether a policy is being implemented, whether a form of conduct is arbitrary or inconsistent or based on circumstances which may be discriminatory. The presence of a neutral observer would be of value in noting patterns of behavior and in helping in the determination of what is arbitrary or inequitable.

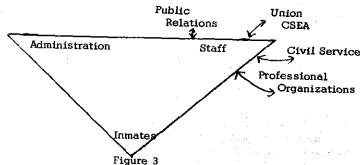
The courts' interest in due process and rights guaranteed under the First, Sixth and Eighth Amendments to the U.S. Constitution is clear.¹³ In any total institution much of the ongoing day-to-day relationship of inmates, staff and administration is of an administrative or regulatory nature. Most areas of conflict between inmate and staff center about infractions of rules and regulations. It cannot be said that the kind of problems which arose at Patuxent would not have arisen had there been an Ombudsman. However, they might have been solved or ameliorated in a context more humanizing and consistent with the rehabilitation principles of the institution and the lives of the prison population. They might have been solved without the necessity of litigation which consumes the resources of the court and slows the routine administration of criminal justice.

The courts' involvement in the correctional institutions resulted from documented charges of flagrant violations of rights. The external relations of correctional institutions are not generally in the hands of inmates. The administration and the staff handle such matters.



The administration has direct access to external groups.

TOTAL INSTITUTION EXTERNAL STAFF RELATIONS



The staff has unimpeded access to these external groups for the articulation of problems and needs. The external groups provide a supportive forum, for example The Journal of the American Correctional Association.¹⁴

The inmates have access to the external society in a different form.

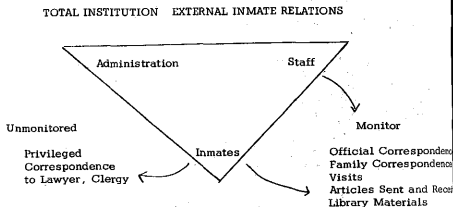


Figure 4

No public relations group, or union, represents the inmate population, nor may they by law. Actual power to reach the general public resides in the administration and staff.

Rights of the Inmate Population

The administration and staff function under governmental rules and regulations. Administration may also develop local procedures. What redress then has the inmate population against rules and procedures which it may consider arbitrary or unfair? They are the privileged communication or monitored external correspondence. Since the internal problems of the inmate population are not handled by any representative organization, such as a union, the inmate population is at a disadvantage in reaching the general public.

Inspection Agencies

Inspection agencies exist in the State of New York, such as the Commission of Corrections, and the committees of the Senate and Assembly. These bodies have no legislative authority to interview inmates.

TOTAL INSTITUTION INSPECTION BY EXTERNAL AGENCIES

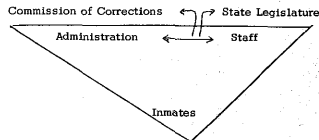


Figure 5

While the Court may hear inmates it is done via appeals and briefs submitted by lawyers on behalf of inmates, at which time it may deal with the substance of the brief before the Court. The internal inspection of the Department of Correctional Services may hear inmates also. The basic problems of credibility, orientation to staff and administration remain a handicap in soliciting information and grievances from inmates.

The Ombudsman system inquires and scrutinizes. The system provides an opportunity for the rights of all the inmates in a total institution to be secure.¹⁵ The system balances an existing inequity by providing direct service to administration, staff and inmate population on an independent and impartial basis.¹⁶

It is the role of the Ombudsman system to hear citizens' complaints, even in a total institution such as a prison, and to investigate. It is the role of the Ombudsman system to monitor the regulatory activity of the prison to insure that it does not conflict with these basic constitutional and human rights.¹⁷ It is the role of the Ombudsman system to observe and recommend changes or improvements, or continuation of procedures which are in the best interests of the population in general of such a total institution as determined by law and justice.¹⁸

Ombudsman system is one which can see that fundamental fairness is provided in all procedural matters. The system will have available the grievance procedures of the American Arbitration Association.¹⁹ It is a truism that administrative agencies, when they are being observed, are more apt to operate according to procedural guidelines than when they are not being observed.²⁰ In a total institution in which the largest population is held against its will, more problems abound. The system must function as a receiver of complaints, as a source of information and communication when norms and laws cause confusion and lead to Durkheim's view of "social chaos."²¹ The Ombudsman system functions as an expeditor and an improver of communications among all parties concerned with

the best functioning of the total institution. The Ombudsman system is one based on concern for the rights and dignity of the person in his relationship to bureaucratic administration.

The system is a balancing force, a protector of rights, and an arm of citizen control for that abstract person, "the citizen", who pays the costs of maintaining total institutions in terms of dollars and cents, in terms of wasted human potential and in terms of a continuing crime problem in the day-to-day life of the citizen. The member of the general public, whose norms and values differ from many in a total institution such as a correctional facility, has a right to know the course of events in such a facility. The citizen has the least access yet the ultimate responsibility for the course of events within.

The Ombudsman must be a system, not a bureaucracy of new proportions. It must be flexible.²² It must be open-ended and it must be independent as well as of such an unimpeachable character that the very articulation of recommendations will be a persuasive force in achieving their implementation.

CHAPTER III THE OMBUDSMAN SYSTEM

Introduction

The concern of the Correctional Association of New York is to develop an ombudsman system of inquiry and scrutiny within the correctional facilities of the State of New York. To do this successfully the relevant experience of others with such a monitoring system is set forth.

Existing Analogous Structures

The District of Columbia

Under a grant from the Office of Economic Opportunity the Center for Correctional Justice was established in Washington D.C. in 1971.²³ A non-profit District of Columbia Corporation, it was authorized by the Department of Corrections to sponsor unique and comprehensive legal services under the Department's jurisdiction. The District of Columbia project will deal with offender grievances and develop non-judicial methods to settle disputes.

Evaluation

While the Center for Correctional Justice recognizes that all inmates' needs are not legal,²⁴ the project is strongly legal in its orientation. Since it is still a pilot project, it is too early to tell what forms for resolution or grievances it may develop. Its pilot project is oriented towards juvenile offenders rather than adults. The necessity to develop grievance machinery came about even though there are staff psychiatrists, guidance counselors, clergy and social workers within the institutions. Also, the program exists at the pleasure of the Department of Corrections of the District of Columbia and can end at any time.

The Federal Bureau of Prisons

The Federal prisons have a part-time staff of aides who receive written complaints. These aides are not in the institutions and they do not deal with prisoners face to face.

Evaluation

The most significant social relationship that can be had is face to face.²⁵ In an ombudsman program the physical presence

of an outside "agent" would serve several important purposes. First, it enables the complaint or request to be evaluated and acted on in the presence of the aggrieved. Second, it enables the aggrieved to explain the issue in detail and clarify it.

California

In 1971 legislation was introduced which would create an office of Ombudsman for Corrections.²⁶ The office is to be filled by a nominee of the Joint Legislative Committee on Corrections Administration who will serve for a four-year period. The ombudsman is appointed and removed by a concurrent resolution of the Legislature.

This bill allowed the following areas for investigation:

10711. An appropriate subject for investigation is an administrative act of an agency, which may be:

- (a) Contrary to law;
- (b) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law;
- (c) Based on a mistake of fact;
- (d) Based on improper or irrelevant grounds;
- (e) Unaccompanied by an adequate statement of reasons;
- (f) Performed in an inefficient manner; or
- (g) Otherwise erroneous.

The Ombudsmen may investigate to find an appropriate remedy.²⁷

Evaluation

The California ombudsman for corrections, while having a four-year term of office, may be removed by a concurrent resolution of the Legislature before the term is expired only for misconduct, neglect of duty or disability.

Under Section 10714(a) the ombudsman may make inquiries and obtain information as he sees fit, enter without notice, inspect the premises and hold hearings. The ombudsman has all the powers of a head of a department. He may also bring suit in state court.

The California office has qualities of freedom of operation in investigative matters and the legislative power to implement investigations is in the bill.

While subpoena power is not specified in this bill it is implied in Sections 10714(a) and 10715. The powers described are similar to those granted the Correctional Association of New York by the Legislature of the State of New York.

§6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duties to visit, inspect, and examine, 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. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situated, shall first have been had an obtained, which order shall specify the name of the prison to be examined, the name of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.²⁸

The size of California's staff would be minimally five with power to expand. It would include the Ombudsman for Corrections, his chief assistant, a lawyer, an investigator and a criminologist. The Ombudsman's compensation would be equivalent to the Director of Corrections.²⁹

Central to this legislation is the concept that the ombudsman system investigates on behalf of any complainant in the total institution. It is not selective. The system exists to ameliorate the conditions of administrators, staff and inmates. The responsibility to humanize a complex total institution can not be limited to one part of a total institution.

New Jersey

The role of ombudsman, or inmate counselor, in the Bergen County Sheriff's Office marks the first step of county penal institutions in New Jersey to originate an ombudsman-type program. The ombudsman job was inaugurated in the early months of 1971 with the appointment of Peter R. Del Vecchio, a sheriff's aide who has an LLB degree, serving as ombudsman. The post necessitates personal daily contact with every inmate in the institution. The counselor actively serves as the inmate's contact with the outside world and his voice in the institution. According to Mr. Del Vecchio, "In the daily tour of our institutions, it is not uncommon to make 20 calls a day for various inmates to lawyers, friends or family. The job is definitely one which requires a good ear and requires an understanding of the inmate's personal problems. Our program goes so far as to even try to obtain employment and housing for inmates on their release. In our daily travels through our institutions we do a great deal in the line of referrals such as parole, Legal Aid, private attorneys, bail bondsmen, pastoral, and psychological and medical problems." 30

Evaluation

The Bergen County Ombudsman or inmate counselor program represents a step in the line of observer and counselor. Mr. Del Vecchio serves the inmates as a communications link with the outside world and as an aide to the inmates' resolution of their problems which are, because it is a county institution, of a short-term variety. However, Mr. Del Vecchio is an officer of the staff of the Bergen County Sheriff's Office. He is not, therefore, truly an independent observer. He serves at the pleasure of the Sheriff and has no authority to deal with problems which may arise beyond the county's jurisdiction. The program also seeks gainful employment for those soon to be released.

Hawaii

The most comprehensive ombudsman system in the United States is the Ombudsman Office in the State of Hawaii. This office covers all administrative agencies in the State of Hawaii, under Section 96-16 of the Hawaii Revised Statutes. 31

One agency under its jurisdiction is the Department of Social Services and Housing, Division of Corrections. The entire Department of Social Services had eighty-three inquiries. 32 Appendix A of the Hawaii Ombudsman Report lists three selected case summaries for consideration by the Division of Corrections. 33 One reason for the small number of complaints may be the new internal grievance procedures of the Division of Corrections. 34

Evaluation

The Office of Ombudsman, State of Hawaii, expresses comprehensively the function of monitor, observer, inspection for which an ombudsman system strives. Since it is an office covering all administrative agencies, how much self-generated investigation it may undertake is not clear from the report. The program of an Ombudsman office for a particular agency, as proposed in California, suggests a more active role. 35

Oregon

The Oregon State Penitentiary has developed an ombudsman position. The Superintendent of the prison has selected a correctional sergeant with many years of experience as the first ombudsman for the inmate population. The ombudsman post is designed as an administrative staff-type position without line authority. The ombudsman reports directly to the Superintendent. The Oregon State Penitentiary ombudsman is particularly designed to improve communication between the administration and the inmate body. The ombudsman's role has been, according to Superintendent Hoyt C. Cupp, of considerable assistance to the staff, particularly to the counselors and middle management members who are continually plagued with questions concerning the status of individual inmate's problems. Such data is now funneled to the ombudsman's office which also serves as an information center for the inmate body as well. 36

Evaluation

Again the ombudsman has been appointed by the chief officer of the institution and is responsible to him. It is a staff-type position, without line authority, that is, direct responsibility to the Superintendent. While the correctional sergeant chosen is considered to be a man who is the type who would "stand up and be counted" 37, he is still close to the correctional role rather than a neutral observer. His training and experience as a sergeant of corrections makes him apt to be enculturated by the administrative system rather than retain status as an observer/monitor/inspector who is impartial and neutral. He is still a bureaucratic figure even though he may be extremely honest and impartial as a person. It is difficult for him to be totally neutral as he is employed by one side and perhaps too close to the guard role.

Philadelphia, Pennsylvania

The Pennsylvania Prison Society, in cooperation with the Superintendent of Philadelphia Prisons, placed an individual in Holmesburg Prison to serve as an ombudsman beginning November 3, 1971. 38 This is the result of a nine-month effort to develop a prison ombudsman program.

Evaluation

The principal significance of this program rests in the ombudsman's independence from any governmental administrative agency. He is salaried by the Philadelphia Foundation.³⁹ He reports to the Pennsylvania Prison Society. This program expresses well in design the correlatives of independence and impartiality in inquiry and scrutiny.

The Correctional System — New York

A report of the Senate Committee on Crime and Correction, 1970, John R. Dunne, Chairman, entitled "The Hidden Society", makes clear that there are a large number of areas in need of observation, monitoring and administrative reform.⁴⁰ The uniqueness of the New York State correctional situation indicates that it needs a kind of ombudsman system for corrections rather different from other programs described. Recent events at Auburn and Attica, New York, have sustained Dunne's thesis.

The State of New York has particular needs in terms of a system of inquiry-scrutiny within the correctional facilities of the State. There exist already several agencies with authority to perform some of these functions. Among these organizations are the Commission of Corrections, the Department of Correctional Services, and local arrangements which have been made by various wardens and superintendents of institutions.

Commission of Corrections - State of New York

The Governor of the State appoints the Commissioners of Correction and those appointments are ratified by the State Legislature. There are seven Commissioners and a staff.

The Commission of Correction

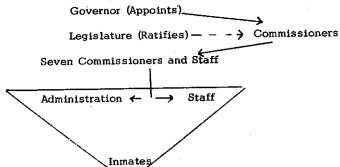


Figure 6

Commissioners of Correction

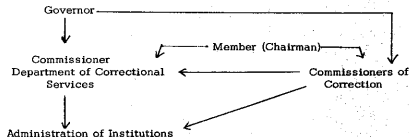


Figure 7

The Commission of Correction works in the following ways:

1. It is to inspect and visit the correctional facilities to prevent cruel and degrading practices.
2. It is to inspect physical surroundings to see they are not detrimental to the health of the detainees. This power is granted to the Commission under Chapter 1026 of the Laws of 1895, State of New York.
3. The Commission is to see to the humane and economical administration of the facilities and to the quality of the sanitary conditions.
4. It is to investigate the conduct of officials and their management.
5. It is to recommend and review plans to approve, to renovate and to reconstruct facilities.
6. It is empowered to close inadequate facilities. It has this power under the Correctional Law, Article III, Section 46.

Evaluation

The Commission of Correction is a self-regulatory agency of the State. It is an instrument for internal evaluation in the Department of Correctional Services. It has the power to enter, to inspect and to visit the institutions of the State of New York which it generally does on an annual basis. It has the power to examine all the county facilities to see that they meet the legislative, constitutional requirements for detainees. The State Commission of

Correction is well suited to the functions of management and planning as specified by its legislative authority under the Governor, and serves for four years. Its Albany staff is from the Department of Correctional Services. The Commission is chaired by the Commissioner of the Department of Correctional Services. It does not possess the specific power to interview inmates. Its major forte is in the supervision of the physical plant and the design, renovation and rehabilitation of institutions. Even here, its limitations due to political and economic considerations are obvious.

Department of Correctional Services

Within the structure of the Department of Correctional Services there is a possible instrumentality for the observation and the monitoring of the workings of the correctional institutions. Such observation and monitoring are analogous to the role which is played by the General Accounting Office of the United States Congress in reporting to the Congress. It is similar to the Office of Inspector General in the Internal Affairs Division of the New York City Police Department. All of these agencies exercise a modicum of independence and responsibility in reportage to the chief officer of the organization or institution, usually its commissioner or commander-in-chief. It is the function of such internal inspection agencies to visit, to examine how those carrying out the duties of that particular agency or department. Its strengths lie principally in its independence from the usual train of bureaucratic command. It reports directly to the commissioner or to its unit commander. It has the power to investigate with a wide degree of latitude, and it is usually composed of carefully chosen investigative staff.

Evaluation

In the examples above, those who investigate a branch of government happen to be members of that very same branch. They are professional personnel of that same branch. They are hired by that branch. They do lack independence and to some extent impartiality. Such agencies run the usual human problem of knowing how far to pursue an investigation which may seriously reflect upon their own department. Such difficulties are illustrated in recent days by the Knapp Commission hearings on the New York City Police Department and the investigation of the Mylai incident by the Office of the Inspector General of the United States Army. As has been noted at the outset, bureaucratic structures tend to promote their own efficiency. Much of the investigation and examination that is performed by internal inspection services usually promote the internal operating efficiency rather than deal with the entire issue of overall responsibility. There is at this writing no internal inspection service within the Department of Correctional Services.

Internal Local Structures

The chief officer of any institution may at his pleasure appoint someone to serve in the capacity of observer/monitor or inspector of the operations of the institution. That individual on the local level functions as a microcosm of the wider internal inspection system. The situation of course is more delicate because the person appointed by the chief officer of the institution, or elected by the entire population of the institution, takes on a particular responsibility towards the operation on a day-to-day basis of the institution. The strengths of such an appointment are many. First, it provides a means by which the chief officer of the institution is able to keep apprised of many of the details which would not be personally drawn to his attention. Second, it provides a channel for grievances and a direct line of communication in case of emergency or unusual need. However, such a person is placed in a position of great delicacy because he or she is there to oversee in some way the functioning of colleagues or subordinates. This very clearly may alter the relationship of the individual to those colleagues.

Evaluation

Some weaknesses in such a structure are 1) the designated appointee may be too close to the structures observed; 2) the institutional staff or population of the total institution may or may not choose to use those services, may or may not choose to confide in that person; 3) the degree of accessibility that the local inspector has to all information depends to a large extent on the power given to him by the chief officer of the institution or those who elected him. It may therefore vary from place to place, from institution to institution, depending upon how the appointment or election is structured. The case of the Oregon State Penitentiary and the Holmesburg Prison in Philadelphia, Pa., are two illustrations of such differing functions.

Since the disturbances at the Attica Correctional Facility, Attica, New York, in September, 1971, the Department of Correctional Services has enlisted the services of a Senior Parole Officer and placed him in the role of monitor and observer with the rank of Deputy Warden. This is the only internal inspection program in the Department of Correctional Services.

CHAPTER IV

THE EXTERNAL NON-GOVERNMENTAL
FORM OF OMBUDSMAN SYSTEM

The nature of the external, non-governmental ombudsman system is quite different from any of the systems which have been described. The very fact of its being external rather than internal, non-governmental as opposed to governmental enables it to be independent in its reportage and neutral in its performance of duty. An external, non-governmental ombudsman system services a total institution; it serves the total population. It is not an agent of the administration nor the staff nor the inmate population. It is not part of bureaucratic structure of the governmental system in any way. Thus, the on-site inspector is in no way constrained by the system he studies. He will be more free to observe, to fact-find and to report. Such a system is one which is designed to monitor, to inspect, to observe, to communicate, to fact-find, to recommend, to persuade, to assist.

The external, non-governmental ombudsman system the Correctional Association of New York proposes will provide the kinds of services just described. The Correctional Association of New York has the power to inspect and to interview and to enter the correctional facilities of the State of New York. This power has been granted to it under Article XI, Section 6 of the Constitution and By-Laws of the Correctional Association of New York as passed by a two-thirds vote of the Legislature of the State of New York on May 9, 1846. The Correctional Association of New York has a long history of working towards humanizing prison conditions, and it stands on its record as the most appropriate body to establish and operate an ombudsman program. It will function to provide services not presently being rendered under any extant system of inspection or observation. The program designed by the Correctional Association of New York will provide for uniform services to the total population of the total institution. It will serve as an expediter, as the communicator, responding to the inquiries, to the complaints and to the needs which are presented to it and which it discovers as the fruit of its own inspection, observation and fact-finding. It is evident that in a total institution environment some of the members it will serve in that environment, namely the prison inmates, are least inclined to express their grievances, to air their needs to the members of the staff and administration, especially when those problems may reflect upon the character and performance of those institutions and their administration, or lead to retribution. The institution, although designed to serve the population which is incarcerated, builds its program to maximize its own efficiency of operation.⁴¹ The external, non-governmental, neutral observer system will be able to serve the facility not simply by hearing inmates but by pointing out ways in which administration makes rules and staff carries out regulations. These observations are designed to maximize efficiency of operation while humanizing the conditions in the

total institution. The external, non-governmental ombudsman will be able to communicate needs and articulate problems which might not be seen by other services such as internal inspectors or by the State Commission of Correction. For example, the Correctional Association of New York possesses the power to interview the inmates. Unlike members of the legal profession who are there to counsel inmates on an individual basis, the Correctional Association has a much broader ability to interview and to examine the operations of the institution. The presence of the external, non-governmental ombudsman system would provide for an additional channel of communication outside the institution for reporting on issues and problems.

The external, non-governmental ombudsman provides a service to the population of the total institution in administrative matters. The system will be so designed as to enable individuals who feel that administrative decisions which have been rendered really do not reflect the best interests of all parties concerned, and wish to have the issue re-examined, to appeal to the ombudsman system. The ombudsman system as a fact-finding body would be able to investigate, to study and to report if the decision was as equitable as possible or what possible other ways of concluding the matter might be equitable. The presence of an ombudsman system would enable issues which are not such flagrant violations of administrative procedures or rules to be examined within the institutional context rather than be handled through extensive, lengthy and embarrassing court litigation which is exhaustive of the resources of the court and of the correctional facility.⁴²

The Correctional Association Schema

The office of ombudsman is not intended to replace normal channels of administrative procedures nor to replace the grievance machinery that already exists within any correctional facility. It is an exceptional procedure, to be used only when the normal channels of communication do not adequately respond. It is a program which ministers to the entire system. It is an office, not merely an individual. The office of ombudsman, or the ombudsman system, is to function as a monitor, an observer, a fact-finder, a communicator when the normal channels do not respond. It is important to stress at this point that the ombudsman system does not have power in the usual sense of the term. The ombudsman system cannot punish nor can it reverse administrative decisions. The power which the ombudsman system has is the power of persuasion, of prestige and of influence.⁴³ It is a system which is designed to observe and recommend procedures and changes or improvements which will humanize to their fullest potential the conditions which exist in every total institution under the system's program.

The Areas of Responsibility

First, the ombudsman system of the Correctional Association of New York will be geared to providing equity. It is to help inmates, administration and staff in specific cases to get just and equitable treatment in matters affecting institutional life. Second, the ombudsman system is also designed to recommend and report; that is, on the basis of independent inquiry, observation and experience to recommend such changes in procedure and practice as may seem to be appropriate and to make report of these recommendations to the General Secretary of the Correctional Association of New York.

Methods Appropriate to the Ombudsman System

The methods appropriate to the ombudsman system will be those which will enable the system to fulfill the functions mentioned above. As to equity, the ombudsman will: first, afford full opportunity for the preservation in confidence of any complaint or grievance from any inmate or any member of the staff or administration alleging unfairness, inequity, undue delay, or other malfunctioning of the processes of the Department of Correctional Services; second, to investigate in confidence to determine the degree of validity of any complaint; third, to mediate or otherwise resolve the problem, arriving in confidence at what appears to be a just resolution of the complaint.

One of the most important qualities of the ombudsman system is that it is designed to reach the people who can help to solve the issue which is of immediate concern. The ombudsman system is designed to cut through red tape. It is designed to use contacts that can bring relief as quickly and as positively as possible for resolution of justified complaints or grievances.

Critical Review

First, the ombudsman system will first be receptive to all suggestions, comments and criticisms regarding functioning of the correctional facility, its processes and procedures. Second, the ombudsman system will be structured to make inquiries on the basis of observation of function in the correctional facility. Third, the ombudsman system can make recommendations in confidence to the administrative officer in charge of each correctional facility.

Powers of the Ombudsman System

The ombudsman system will have access to all records pertinent to any allegation of inequity or injustice or any other grievance coming under its jurisdiction.⁴⁴ It has the right to inquire of any officer or administrator or of any member of the staff, or any inmate in connection with any inquiry, and to receive full and complete answers.

The Operation of the Correctional Association System

The headquarters of the Correctional Association of New York will be the central office of the system. The system will be under the direction of the General Secretary of the Correctional Association of New York. He will be assisted by a system coordinator, responsible for overall daily operations. There will be four full time regional ombudsmen teams and one part time team for the women's correctional facility.

The regional teams will operate out of the New York headquarters. Each week they will visit at least once each facility in their region. Each team will spend one day each week at headquarters reviewing field reports and evaluations.

Considerations in the Appointment of Ombudsman System Staff

The office of ombudsman should be staffed by experienced criminal lawyers with a background in the social sciences. Members of the staff should be intimately familiar with institutional administration. The field representatives of the ombudsman system will be a lawyer and a social scientist who will work together as equals in all matters relative to the ombudsman system.

The Ombudsman for Correctional Law

The ombudsman for correctional law will be chiefly responsible for hearing the grievances of prisoners, staff and administrators, to direct them to the proper parties for the handling of legal matters. The ombudsman for correctional law will be concerned with conditions of institutional administration such as issues of infractions of rules, legal and constitutional rights, issues of parole, hearings and appeals. The ombudsman for correctional law is to direct himself to these particular matters.

The Ombudsman for Correctional Services

The other partner in the ombudsman field team is to be called the ombudsman for correctional services. He will be responsible for inspection of physical plant, cell, food, sanitary, medical and psychiatric services, communication problems, family relationships, working conditions and personal needs. It will be his function to examine all aspects of institutional life.

Each field representative is to make himself highly visible to the total population of the correctional facility. He is to attempt by his presence to encourage people to present themselves and to provide a means for redress of realistic problems and grievances. He is to visit the entire physical plant. He should handle cases brought to him advising the complainants to seek first the normal channels of recourse for the resolution of problems.

Qualities of the Field Ombudsman

In the light of the duties and functions entrusted to the office of ombudsman, the field ombudsman for correctional law and the field ombudsman for correctional services must be chosen because they are believed to possess certain specific qualifications. They may have a law degree in the appropriate area, and in-depth prior experience in dealing with correctional institutions. The ombudsmen who are field representatives of the system are to be chosen for their freedom from bias, personal integrity, rational approach to the resolution of problems. The ombudsman is not a factional representative. He is the advocate of none and the defender of all. He must be aware of the role and place of emotion in the resolution of conflicts. They must be aware that it is specifically a function of the ombudsman field team to balance emotion with intelligence and objectivity. The field men are to be of proven trustworthiness and diplomacy. The role of the field ombudsman is both active and passive. They, as a team, are to observe, report and recommend on what they themselves encounter in the field. They are also to receive and investigate matters which are brought to their attention.

The Coordinator of ombudsmen will function in the areas of information, education and public relations. He will direct in-service training, recruit, screen, fill in for field men on vacation or sick leave. He will supervise field teams, correlate records, study input and act as liaison with governmental agencies as necessary. He will share office staff and equipment. His credentials are to be similar to the field men.

The Structure and Function of the Ombudsman System

The ombudsman system is predicated on the qualities of the personnel which we have just described. It is expected that the field representatives of the ombudsman system will do as much as they can by persuasion, by tact and diplomacy in the field to communicate needs, to channel requests, to monitor and to observe and to report on the basis of their own common sense and understanding. What follows is a procedural explication of the details of the system which will enable the ombudsman in the field to have some procedural reference in dealing with problems which go beyond the scope of the field team.

Controls for the Escalation of Responsibility

Each ombudsman is to solve as many problems on a first-person, first-hand basis as possible. Results, especially for inmates, are as important as procedures. Where an individual ombudsman feels issues reach beyond personal response, he should first consult with his co-worker and determine the possibility of resolution of the problem; second, if on the basis of this consultation a solution is evolved, the field men, if they judge it is a matter of concern to the General Secretary of the Correctional Association, should advise him of the course of action to be taken. Review of all conditions met in the institutions will take place at the regular weekly meetings.

The ombudsman in the field should arrange to have periodic meetings with the officers, staff and the administrative personnel of the correctional facility. It is important that they develop informal working relationships in order to be able to assist in the resolution of problems, to improve the understanding of the workings of the institution, and to bring down formal barriers inhibiting communication.

Field Procedures

The complainant must be individually interviewed in a confidential situation. The privacy of the individual who comes to the ombudsman in the field must be assured. If the issue for remedy is personal and a name must be used, it is only after consent has been obtained. The ombudsman in the field should observe the following procedures in dealing with issues which are brought to his attention in the total institution of the correctional facility. He should advise the complainant to work out the problem directly himself and should give help on how this may be done. The issue may become a matter for the concern of the ombudsman system if, after all usual remedies have been exhausted, the problem is not resolved to the satisfaction of the person bringing the complaint. In special circumstances this "all normal channels" procedure may not be necessary, and here again is where the power of the field representative of the ombudsman system to persuade, to inquire and to seek relief should be used. It is at this level that he is most free to function. If the complainant is confused and fearful, then the ombudsman may have to try to set up appointments and to assure the complainant that an equitable solution for his problem may be found. This can be done by letters, by requesting reports, and any other way that the field man feels will help to achieve equitable solution. If issues seem to be beyond the immediate attention of the ombudsman in the field, in order to preserve his neutrality he may have to direct the complainant to services of counsel from outside the institution. It is important that the ombudsman make clear to the complainant what the office of ombudsman is able to do, and to explore with the complainant issues of regulations, factors of time and problems of personality which may be at stake in the resolution of difficulties. One of the most important considerations in the resolution of many conflictual situations is understanding.

The ombudsman should have a complete portable record-keeping system. This will be a check list of inquiries, complaints and referrals which are received. He may keep also a record of observations which he has made and reports he has undertaken on his own initiative. The field records will be made on portable dictating machines and will be transcribed in the office where they will be prepared and filed for his review at his regular weekly group sessions at the Correctional Association. In the field the ombudsman should have available to him some office space where he may consult with clients in privacy. He will bring with him his records and files as necessary. The ombudsman in the field will have no official local office. He will carry with him all his records but he will be in regular contact by telephone with the Correctional Association office in New York City. For this purpose a twenty-four hour telephone service will be

available and conference call hook-ups will be arranged on forty-eight hours notice to provide regular report sessions and also to arrange for discussion of issues which are of urgency.

The ombudsmen in the field will be expected to report to the headquarters of the Association on a weekly basis in person at which time they will brief the coordinator, and General Secretary of their week's work, the nature and scope of the problems encountered, and they will discuss ways in which they can assist in the resolution of problems. It is in the pooling of resources and information and understanding of issues that the ombudsman system will work most efficiently. It is in the atmosphere of the office that the field ombudsmen will receive support, the technical assistance and expertise they need to continue in the performance of their regular duties. It is in these conferences that the plans for action will be determined by the coordinator and General Secretary should issues warrant action on an institution-wide basis. Such plans of action may constitute a report to the Legislature, to the Commissioner of the Department of Correctional Services, to the Governor, to the public, or initiation of litigation.

Guidelines for the ombudsmen in the field under the aegis of the system sponsored by the Correctional Association of New York will be the Correctional Association's publication, "The Rights of Prisoners", March 1971,⁴⁵ and the United Nations document, "Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations", The Department of Economic and Social Affairs, New York, 1958.⁴⁶

CONCLUSION

The recognition of the need to humanize the institutions of our society affirms the presence of social sensitivity. In an age that is conscious of ecology, wasted human potential is one of our greatest losses.

How do you wish the population of the prison, a total institution, to function in the wider society? Some men emerge from within prison reborn, like Jawaharlal Nehru, late prime minister of India, after deep human struggle.

"Time seems to change its nature in prison. The present hardly exists, for there is an absence of feeling and sensation which might separate it from the dead past. Even news of the active, living and dying world outside has a certain dreamlike unreality, an immobility and an unchangeableness as of the past. The outer objective time ceases to be, the inner and subjective sense remains but at a lower level, except when thought pulls it out of the present and experiences a kind of reality in the past or in the future. We live, as Auguste Comte said, dead men's lives, encased in our pasts, but this is especially so in prison where we try to find some sustenance for our starved and locked-up emotions in memory of the past or fancies of the future....

"There is a stillness and everlastingness about the past; it changes not and has a touch of eternity, like a painted picture or a statue in bronze or marble. Unaffected by the storms and upheavals of the present, it maintains its dignity and repose and tempts the troubled spirit and the tortured mind to seek shelter in its vaulted catacombs. There is peace there and security, and one may even sense a spiritual quality.

"But it is not life, unless we can find the vital links between it and the present with all its conflicts and problems. It is a kind of art for art's sake without the passion and the urge to action which are the very stuff of life. Without that passion and urge, there is a gradual oozing out of hope and vitality, a setting down on lower levels of existence, a slow merging into non-existence. We become prisoners of the past and some part of its immobility sticks to us. This passage of the mind is all the easier in prison where action is denied and we become slaves to the routine jail life.

"Yet the past is ever with us and all that we are and that we have comes from the past. We are its products and we live immersed in it. Not to understand it and feel it as something living within us is not to understand the present. To combine it with the present and extend it to the future, to break from it where it cannot be so united, to make of all this the pulsating and vibrating material for thought and action — that is life."⁴⁷

Other men are cast out like so much dross upon the society's refuse heap.

Society can less and less afford this waste.

NOTES

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