

THE CORRECTIONAL ASSOCIATION  
OF  
NEW YORK

132ND ANNUAL REPORT TO THE LEGISLATURE

1977

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

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

1977 N.Y.S.L.D. - G00514

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THE CORRECTIONAL ASSOCIATION OF NEW YORK  
135 East 15th Street  
New York, New York 10003

June 1, 1978

Hon. Hugh L. Carey  
Governor of the State of New York


Hon. Mary Anne Krupsack  
Lieutenant Governor and President of the Senate

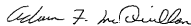
Hon. Stanley Steingut  
Speaker of the Assembly

Dear Governor Carey, Madam President and Mr. Speaker:

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

Respectfully,

  
George G. Walker  
Chairman

  
Adam F. McQuillan  
President

REPORT FOR 1977

This 132nd Annual Report covers another very active period in crime and criminal justice in New York. Of primary importance, there seems to be at this writing better understanding and cooperation between officials of the state and New York City responsible for criminal justice.

There is much need for this since 75% of the state prison population of 20,000 comes from New York City, and state tax dollars supply a large portion of the city's criminal justice budget.

The Association has been active in supporting efforts of the state and city to reduce overcrowding at the House of Detention for Men on Rikers Island and improve unsanitary and unsafe conditions there. The deadline of September 1, 1977, for these accomplishments was not met, although some improvements were made, and we understand discussions are presently being held on transferring

parts of the city-owned and operated Rikers Island prison complex to state control, and on providing pretrial detention facilities elsewhere in the city. When a definition of understanding is known, the Association will be in a better position to form a judgment on the concept.

Major activities of the Association were:

- \* Concentration on conditions at the House of Detention for Men at Rikers Island.
- \* Securing funding for a joint project with the Citizens' Inquiry on Parole and Criminal Justice to find out where the \$2 billion spent on criminal justice in New York go and why they go there.
- \* Continuing examination of state and federal sentencing proposals. The Association was encouraged by the Governor's appointment in December, 1977 of a commission to study the sentencing problem, a move which was urged by the Association and others early in 1977.
- \* Preparation of a grant application to fund direct services to offenders, ex-offenders and their families.
- \* Taking action to reduce the cash deficit and put the Association on a no-loss basis.

With the election of Mayor Edward I. Koch, there was new emphasis on criminal justice in New York City. The appointment of Herbert Sturz as Deputy Mayor for Criminal Justice augurs well for achievement.

Following is a summary of activities:

#### Prison Visits

In 1977 the Board's Institutions Visiting Committee was expanded to include eleven men and women who are not Board members. These were business people, attorneys (including an Associate Dean of Columbia Law School), a housewife, and two ex-offenders. Their participation has provided a broader base for observations on the prison visits.

From January, 1977 through March, 1978, Board members, staff and Visiting Committee members made 44 visits to 20 state, county and New York City correctional facilities, and one visit to the federal Manhattan Correctional Facility. Among these was the visit of the Association's President to Monroe County Jail in Rochester, N.Y., prior to his testifying in federal court on the lack of contact visits at that institution. In addition, Mr. McQuillan toured

the Southern Ohio Correctional Facility in Lucasville, Ohio, having been invited by the American Civil Liberties Union of Ohio Foundation to testify in federal court as an expert witness on conditions at the facility, most serious of which was severe overcrowding. The decision was in favor of the plaintiffs, who won single-cell occupancy and a reduction of population. A summary of prison visits begins on page 10.

#### Rikers Island

With present severe overcrowding in the state prisons, and an expected further increase in inmate population, the state is seeking ways to provide additional housing space. In late May, 1978, it was reported that New York State and New York City are close to developing a "memorandum of understanding" on the transfer of substantial parts of the Rikers Island complex to state control, with provision made for rehabilitation of The Tombs and the construction of new pretrial detention facilities in Manhattan, Brooklyn and the Bronx.

The problems at the House of Detention for Men at Rikers Island are not yet completely resolved. The report beginning on page 15 describes the problems, outlines what has been done, and discusses the Association's role in the effort to achieve a solution.

#### New Administration: New York City

In November, Edward I. Koch was elected Mayor of the City of New York. He gave indications of concern about the criminal justice system in the city, and in December created a Transition Team on Corrections to assist him in assessing the Department of Correction and in planning for change. Association President Adam F. McQuillan was invited to serve on this team with Robert McKay, former Dean of NYU Law School and present Director of the Aspen Institute for Humanistic Studies; Kenneth Jackson, President of Offender Aid and Restoration; David Rothenberg, Executive Director of the Fortune Society; and Rose Singer, member of the New York City Board of Correction. A summary of the Association's report to the Mayor is on page

In a letter to the Mayor-elect, the Association urged that he retain the post of Deputy Mayor for Criminal Justice, observing that it would boost the effectiveness of those working in criminal justice to know they are represented by a Deputy Mayor in the key post called for under the City Charter Revision. On January 4, 1978, it was announced that Herbert Sturz, Director of the Vera Institute for Justice, had been appointed to this position. The Association feels the choice is excellent, and that Deputy Mayor Sturz and those working with him will be an effective force in defining and getting at the major problems of the city's criminal justice system.

In February, 1978, the President and Chairman attended the swearing-in ceremony for William Ciaros, Jr., new Commissioner of Correction for

the city. At a subsequent meeting with the Commissioner, the President, the Chairman, and representatives of Board committees discussed many of the problems facing the Department, particularly the re-opening of the Tombs — a move which the Association opposes.

Mayor Koch held out hope in regard to prison conditions in his statement on criminal justice to the New York City Bar Association on March 28, 1978, when he said, "No longer will representatives of this City stonewall in defense of inhumane conditions." He reported that the city had reached agreement with the Legal Aid Society on a number of changes that could be effected immediately, e.g., reduction of visitors' waiting and processing time at Rikers Island; facilitation of attorneys' visits to clients; adolescents' access to telephones; and elimination of various dress restrictions.

#### Sentencing

Following its December 1976 Roundtable Discussion on the Problem of Sentencing, the Association initiated a letter to Governor Carey signed by 32 persons active in criminal justice, urging that a commission be created to review New York State sentencing policies and practices, including parole and probation, and to make recommendations for change. In his reply, David Burke, Secretary to the Governor, advised us that the cabinet-level Task Force on Criminal Justice had made the Governor aware of the need to assess sentencing policies.

In July, 1977, responding to a letter in which we again raised the question of the commission to study sentencing, the Governor wrote that his staff was preparing background material and that he intended to establish such a commission within a short period of time. Early in December, Governor Carey named Manhattan District Attorney Robert M. Morgenthau to head a committee of 15 legislators, lawyers and law professors who were to examine the state's criminal sentencing structure and its parole and probation procedures. Mr. Morgenthau brings the experience, skill and judgment called for in such a job.

#### Recommendations to the Legislature

In 1977, instead of submitting its usual formal recommendations to the legislature, the Correctional Association responded to requests from the Governor and various legislators for its position on criminal justice bills that had been introduced. During this year, in which so much criminal justice legislation was introduced, the Association felt that its support of, or opposition to, specific bills was an effective way of presenting its position.

Of the 22 bills the Association supported, five were enacted into law. Of the nine bills opposed, eight failed to pass, and the ninth — to extend the death penalty — was passed by the legislature and vetoed by the Governor.

The veto was subsequently sustained. A summary of these legislative positions begins on page 18.

#### Direct Services

In 1977, the Association provided counseling and assistance to 411 ex-offenders, visited 180 offenders in prisons, and 35 families involving 150 family members were interviewed and given help. About 90% of the offenders and ex-offenders were in, or released from, state prisons whose population at the end of 1977 was 19,462.

What the Correctional Association does is to supplement the very sparse counseling provided by the state to offenders on their release from its institutions. This work cost the Association \$35,435 in 1977, or about \$59 for each of the approximately 600 offenders and ex-offenders helped. These costs relate to costs estimated at between \$15,000 and \$23,000 per year per individual to house offenders in New York State institutions.

The Association believes its work in helping ex-offenders get jobs, and in helping offenders maintain family ties while in prison, aids them in their return to society to become useful and productive citizens and helps them avoid returning to a pattern of crime. Indeed, many of those successfully helped by the Association have maintained that the humane influence of our direct services has been an indispensable catalyst contributing to their motivation to improve the patterns of their lives.

The Association is unable to continue these direct services unless it can secure funding. Such support is being sought. A description of direct services begins on page 24.

#### Testimony/Consultation

Association President Adam F. McQuillan testified in June, 1977 at the New York City Board of Correction hearings on minimum standards for New York City correctional facilities.

In February, 1978 a written statement was submitted for a public hearing in Albany of the Senate Standing Committee on Codes on definite sentencing.

Also in February, 1978, Mr. McQuillan was asked to comment on a draft report of practical proposals for reform of the city's criminal justice system. This report was being prepared by the Subcommittee on City Management and Governance of the New York State Assembly Committee on Cities. Subcommittee counsel Daniel L. Feldman noted that the final report incorporated some of Mr. McQuillan's ideas.

Summaries of these statements, as well as of the President's report as a member of the Transition Team on Corrections noted above, begin on page 26.

Joint Project: Correctional Association/Citizens' Committee on Parole

There is but sparse and tardy information available to the citizen where taxpayer dollars are spent in the criminal justice system in New York. The figures for 1975 show that in New York State over \$2 billion, or 8.5% of total government expenditures, were spent on criminal justice. Only three states exceed New York's per capita expenditure for criminal justice.

The unavailability of cost information has hindered effective public participation in the debate over criminal justice policy. The Association believes that citizen involvement in policy-making would be facilitated by making costs visible and understandable.

To this end it has asked the Citizens' Inquiry on Parole and Criminal Justice to join it in a project to find out where taxpayer dollars go and why. Funding for this project in the amount of \$40,000 has been secured by grants from the Veatch Program of the North Shore Unitarian Society, the Mary Reynolds Babcock Foundation, Chemical Bank, three members of the Association, and Citizens' Inquiry on Parole and Criminal Justice. A summary of the project is on page 28.

Financial

To meet the 1977 cash deficit, it was again necessary to invade capital and draw down \$49,187 from the marketable securities owned by the Association. In September, the Board directed the officers to put the Association on a no-loss basis as rapidly as possible. For the first five months of 1978 the cash deficit was considerably less than for the same period of 1977.

Board Changes

In the period since the last Annual Report, the Board elected to its membership John P. E. Brown, Senior Consultant for Corporate Accounts of the Diners Club. In his brief time on the Board, Mr. Brown has taken an active part in the work of the Association. The Board will gain much from his membership.

Early in 1978, Henry L. Pierson submitted his resignation from the Board, effective in April at the end of his current term. Mr. Pierson joined the Board in January, 1965, and has been an active and dedicated member through the years. His participation on the Institutions Visiting Committee was particularly valuable in helping to formulate recommendations for improvement in the correctional facilities visited. The Board will miss Mr. Pierson's active membership, but is pleased that he will continue to participate as a Director Emeritus.

With the death of George F. Baker, Jr., in December 1977, the Board lost a good friend and generous supporter of the Association's work. Mr. Baker was a member of the Board from 1948 through 1972, and a Director Emeritus from 1973 until his death. Always deeply concerned about those in need, he will be greatly missed.

We wish to thank the members of the Association for their interest and for their financial support. We also wish to express grateful thanks and appreciation for the innumerable and generous ways that the Association has been helped and sustained by its Board members who volunteer large amounts of their time, and for the dedicated work of the staff.

On behalf of the Board,

*George G. Walker*

George G. Walker  
Chairman

*Adam F. McQuillan*

Adam F. McQuillan  
President

REPORT OF ACTIVITIESPRISON VISITS

From January, 1977 through March, 1978 the following prison visits were made by members of the Correctional Association staff, Board and Institutions Visiting Committee:

1977

Jan. 8	Fishkill Corr. Facility	July 9	Fishkill Corr. Facility
Feb. 3	Lincoln Corr. Facility	July 27	Attica Corr. Facility
Feb. 7	Rikers Island: Corr. Facility for Women	Aug. 1	Queens House of Detention
Feb. 15	Manhattan Corr. Facility (Federal)	Aug. 4	Queens House of Detention
Feb. 20	Fishkill Corr. Facility	Aug. 10	Eastern New York Corr. Facility
Feb. 25	Parkside Corr. Facility	Aug. 12	Rikers Island: House of Detention for Men
Feb. 28	Fishkill Corr. Facility	Aug. 30	Rikers Island: House of Detention for Men
Mar. 8	Fishkill Corr. Facility	Sept. 1	Ossining Corr. Facility
Apr. 6	Westchester County Penitentiary and Jail	Sept. 15	Brooklyn House of Detention
Apr. 8	Rikers Island: House of Detention for Men	Sept. 30	Suffolk County Corr. Facility
Apr. 13	Queens House of Detention	Oct. 7	Arthur Kill Corr. Facility
Apr. 19	Queens House of Detention	Oct. 20	Taonic Corr. Facility
May 5	Rikers Island	Oct. 20	Bedford Hills Corr. Facility for Women
May 10	Bronx House of Detention	Oct. 25	Westchester County Penitentiary and Jail
May 19	Brooklyn House of Detention	Oct. 27	Fishkill Corr. Facility
May 20	Southern Ohio Corr. Facility, Lucasville, Ohio	Nov. 12	Rikers Island
June 4	Green Haven Corr. Facility	Nov. 21	Rikers Island: House of Detention for Men
June 14	Brooklyn House of Detention	Nov. 22	Bayview Corr. Facility
June 18	Fishkill Corr. Facility	Dec. 22	Queensboro Corr. Facility
June 24	Queens House of Detention		
July 8	Green Haven Corr. Facility		
July 9	Green Haven Corr. Facility		

1978

Jan. 11	Rikers Island	Mar. 11	Westchester County Penitentiary and Jail
Jan. 23	Rikers Island	Mar. 13	Monroe County Jail
Mar. 7	Nassau County Jail		

Summary Reports of Major VisitsNEW YORK CITY

Brooklyn House of Detention (5/19/77; 6/14/77)  
 Bronx House of Detention (5/10/77)  
Queens House of Detention (6/24/77)

The overriding issue in each of these institutions was that of contact visiting. Although the city had agreed on September 27, 1976 that it would no longer oppose through court action the implementation of contact visits, this matter remained in the courts through 1977.

In May 1977, the Brooklyn House of Detention denied entrance to Adam McQuillan, the Association's President, and architect Kenneth Ricci, both of whom had been retained as expert witnesses by the Legal Aid Society which was bringing action against the city. It was not until after a court ruling that the two were permitted, on June 14, to enter the facility with the Legal Aid attorneys. In November and December a series of affidavits was filed in federal court, including Mr. McQuillan's in support of swift implementation of contact visits and his reply to the city's opposition. On December 16, Federal Judge Henry Brønwell ordered that contact visits were to begin on February 1, 1978. The order was finally implemented when contact visits for sentenced prisoners began on February 24, and for detainees on February 27.

On May 10, 1977, Mr. McQuillan visited the Bronx House of Detention with attorneys from the Legal Aid Society to prepare for his testimony before Federal Judge Morris Lasker on May 12 in Legal Aid's effort to expand the limited interim contact visit program. As a result of Judge Lasker's order on November 22, 1977, the program was increased to three contact visits per week with family and non-family persons. This began at the end of January, 1978. The previous plan had permitted two one-hour visits with family members only. The Legal Aid Society hopes to expand the program to a full seven days a week.

In a report of the June 24, 1977 visit to the Queens House of Detention, Mr. McQuillan recommended that contact visits should be implemented immediately. He observed that the impact of denying contact visits to inmates in one institution and granting them to those in others is explosive. The Department has advised that as of July 5, 1978, inmates will receive two one-hour contact visits a week. This program should be expanded as new correction officers are hired.

COUNTYSuffolk County Correctional Facility, Riverhead, N.Y. (9/30/77)

The visiting group found the institution remarkably clean and quiet, with all inmates assigned to single cells equipped with wash basins and enclosed toilets. All but a few high security risks are permitted to have contact visits.

Approximately \$2 million of a \$7 million budget was for transportation of prisoners, due in part to the fact that Suffolk is a rural area and great distances must be traveled to and from court. The Association recommended that to reduce this travel judges should come to the facility more often for arraignments, motions or suitable hearings. Also suggested was the possibility of closed circuit TV for certain hearings.

The Association supported Sheriff John J. Finnerty's proposal to cancel a capital plan to improve the Honor Farm, which is no longer useful and is a danger to the county complex that has built up around it. The Sheriff would prefer to build new facilities to correct some of the institution's shortcomings, such as lack of medical facilities and interior gym, inadequate library space, and archaic disciplinary cells.

Nassau County Jail, East Meadow (3/7/78)  
Westchester County Penitentiary and Jail, Valhalla (3/11/78)  
Monroe County Jail, Rochester (3/13/78)

In February 1978, Mr. McQuillan was asked by the Monroe County Legal Assistance Corp. in Rochester, N.Y., to testify as an expert witness on behalf of the plaintiffs in a federal court case entitled Marcera v. Chinlund. This suit had been filed in November, 1976 on behalf of Monroe County Jail trial prisoners who were denied contact visits.

In preparation for his testimony, Mr. McQuillan observed contact visiting at the Nassau and Westchester County Jails. Visiting areas in both institutions are well ventilated and well lighted, with inmates and visitors seated across from each other at tables similar to those found in fast-food restaurants. Areas in both facilities are secure and separated from the main prison area. Proper search procedures keep the problem of contraband to a minimum, and wardens at both facilities stressed that contact visits have done a great deal to heighten inmate morale and reduce the depressive atmosphere of incarceration.

On March 13, 1978, Mr. McQuillan toured the Monroe County Jail prior to testifying. He observed that although the facility is modern and provides much in the way of programs and services, visiting conditions are the source of much inmate distress. Visits are conducted in booths, with inmate and visitor separated by a glass partition and communicating by telephone. Since there are only 21 phones and an average population of about 300, visiting periods are limited to approximately ten minutes.

On March 14, the Rochester Times-Union quoted from Mr. McQuillan's testimony:

"The Monroe County Jail is one of the finest institutions I have visited in the state. . . . They have a host of programs, but one most important one is missing — contact visits. . . . I think it's disgraceful," he said. "To

give them a taste of seeing their mother, wife or child and then to take it away [referring to the ten-minute visit] — it's only asking for trouble."

#### NEW YORK STATE

##### Green Haven Correctional Facility, Stormville, N.Y. (7/8/77)

In addition to visits by the social worker, Mr. McQuillan made an emergency visit to Green Haven Correctional Facility on July 8. The social worker had been notified by inmates' families that a strike was in progress and they were very concerned about what was happening.

At the facility Mr. McQuillan learned that on the previous day the inmates had engaged in a peaceful work stoppage to protest the legislature's delay in passing a bill proposed by Governor Carey to provide good time credit on minimum sentences. They had returned to work on the day of Mr. McQuillan's visit. Superintendent David Harris felt that the stoppage had also been a protest against changes in disciplinary practices that had been implemented following a series of stabbings that had resulted in the death of two inmates. Mr. McQuillan's talks with several inmates confirmed this, but the inmates also agreed that the institution would run more effectively with good discipline.

##### Eastern New York Correctional Facility, Napanoch, N.Y. (8/10/77)

The President went to this facility two days after a serious disturbance during which 11 hostages were seized. Order had been restored in about 12 hours, with all hostages released unharmed and only minor injuries sustained by inmates and correction officers. During negotiations the inmates had demanded better food service, and expressed dissatisfaction that the legislature had failed to pass the Governor's bill providing good time credit on minimum sentences — the same issue that had caused the work stoppage at Green Haven in July. Mr. McQuillan went through the facility, but because the rioters had obtained legal representation he was not permitted to speak with any inmates; this would have been a violation of their constitutional rights. Mr. McQuillan observed in his report that the institution appeared to be well run, and that he believed the disturbance had been provoked by a small radical group.

##### Ossining Correctional Facility, Ossining, N.Y. (9/1/77)

Mr. McQuillan reported that despite its age and size the facility seems to be in good condition and proper sanitary standards are maintained. A principal inmate grievance was the termination of about 140 men from work release and furlough programs, the result of several incidents of violence in New York City by individuals on work release. Some of the inmates who had been removed expressed concern that there had been a violation of their work release contracts when they were withdrawn without notification. Prisoners' Legal Services of New York is representing the inmates in a class action suit on this matter. There has not yet been a decision, but as of December 1977, all but 19 of the inmates involved had been paroled or otherwise conditionally released.

Taconic Correctional Facility (Pre-release), Bedford Hills, N.Y. (10/20/77)  
 Bayview Correctional Facility (Work-release), New York City (11/22/77)  
 Queensborough Correctional Facility (Community-based), Long Island City,  
 (12/22/77)

Inmates from the metropolitan area who are within two years of parole or other release date are eligible for housing at these facilities. At Bayview preference is given to residents of the Chelsea area of Manhattan, where the institution is located.

Taconic has excellent classes in radio and TV repair, and drafting. A pre-release program run by selected inmates prepares those soon to be released for job placement, interviewing and other situations they will face in the outside world. The administration thinks highly of this program. Inmates are involved in the ongoing maintenance program at the facility, and are depended upon also for carpentry, cooking, etc.

At Bayview the amended work release program law has reduced population to 84 of a possible 195, making the cost per inmate quite high. The Association recommended merging this unit with another work release center if the number of inmates cannot be maintained at capacity. Eight programs operate to find jobs for inmates, whose average stay is eight months. There are no educational programs, but parole officers assist inmates in preparing for job interviews. Income earned is deposited in an account handled by the facility, out of which the inmate's daily expenses and purchases are paid. If an inmate fails to get a job within a reasonable time, or if he is involved in violence, use of drugs or absconding, his case is reviewed for possible transfer to a non-work release facility.

Queensborough is a minimum security, general confinement facility opened in 1975 in space formerly occupied by a narcotics rehabilitation center. At the time of the Association visit the population was 287, just three short of the 290 capacity, and the dormitory areas seemed crowded. Although unlimited and unrestricted contact visits are permitted six days a week, there is no visitors' waiting room. The Association recommended that this be included in capital plans and that inmates' rooms be equipped with doors to protect property and privacy.

Programs include training in air conditioning and refrigeration, automotive repair, welding and woodworking, and basic adult education and high school equivalency. An individual program is created for the inmate on his arrival, but no attempt is made to link this with past vocational training at the inmate's prior institution. The Association recommended that programs be coordinated with both upstate programs and realistic employment opportunities in the metropolitan area.

Inmates at all three facilities prefer them to incarceration in upstate institutions.

#### House of Detention for Men Rikers Island

When New York City Deputy Mayor Basil Paterson was sworn in in January 1978, he commented — in connection with the Christmas Day visit Mayor Koch and he had made to Rikers Island — that some people have done things to make them serve time, but they don't have to lose their humanity.

A primary function of The Correctional Association of New York is to carry out its legislative mandate to visit prisons in the state, and to submit to the authorities responsible for them reports and recommendations on conditions that are potentially dangerous and threaten the humanity not only of inmates, but correction staff as well. These two groups in effect serve time together. As an independent citizen organization, the Correctional Association is in a strong position to speak out and press for changes in such conditions.

Rikers Island, through which 55,000 inmates passed during 1976, is probably the largest single concentration of prisoners in the free world. Its average daily population that year was 5,000.

#### HDM - The Problems

The House of Detention for Men (HDM) on Rikers confined over 16,000 inmates in 1976 and had an average daily population of over 1,600. It has been a major trouble spot of the city correction system and the focus of much attention of the Association. HDM was built to house convicted prisoners serving sentences of up to one year, who were assigned to work details and had their time occupied more or less constructively. Since 1968 it has housed detainees, men imprisoned while awaiting trial, in many cases because they cannot afford even minimal bail. These inmates have no work assignments since there is no way to determine how long they will be available for assigned tasks; the average stay is less than two months. Crews for maintenance and other work at HDM are composed of sentenced prisoners housed there for that purpose, about 13% of the population. Boredom resulting from enforced idleness, and lack of adequate recreation and programmatic activities cause tension to build up.

Contact Visits Tension was aggravated by the fact that sentenced prisoners on the Island enjoyed contact visits — where inmates and visitors are permitted physical contact — while detainees were restricted to telephone conversations in booths, separated from their visitors by a glass panel. In May, 1977 contact visits were finally implemented at HDM, a progressive step to which the Association contributed through its reports and recommendations, and the testimony of its President, Adam F. McQuillan, in federal court.

Overcrowding Closing of the Manhattan and Branch Queens Houses of Detention at the end of 1974 caused severe overcrowding at HDM. Added to the pernicious boredom and deplorable physical conditions, this results in an ironic situation where detainees suffer harsher treatment than



do convicted and sentenced prisoners. Yet they are constitutionally innocent since they have not been convicted of any crime.

In July, 1975 the Association reported that the overcrowding, the overtime required of officers and the structural conditions could lead to an explosive situation. On November 23 the explosion occurred, with an inmate revolt in which five correction officers were taken hostage and five cellblocks were seized. The population at this time was about 1,900 — 50% over the 1974 census.

#### Call to Close HDM

In April, 1977 the New York City Board of Correction and the New York State Commission of Correction — the government "watchdog" agencies — called for the closing of HDM because of overcrowding and other unsatisfactory conditions. The Association visited the facility and reported to the State Commission on the deplorable physical condition of kitchen and mess hall. Other serious problems cited were conditions in the receiving room where a complete paint job was needed, pen area sinks and toilets were broken, and there was no privacy for inmates using lavatory facilities.

Exacerbating the potentially explosive situation caused by overcrowding was poor morale among officers, primarily because of the excessive overtime required, and resentment that HDM was undermanned and that other units on Rikers had better working conditions.

The Association submitted a series of recommendations, including a reduction of population, opening of two adjacent unused facilities, and suggestions for a permanent maintenance task force.

#### City-State Agreement Reached

In May 1977 the State Commission announced an agreement with Nicholas Scoppetta, Deputy Mayor for Criminal Justice, and New York City Correction Commissioner Benjamin Malcolm to reduce HDM population to 1,200 by September 1, 1977, and to continue efforts to correct deficiencies in the physical plant, with special attention to the kitchen and receiving areas.

The Association wrote to Governor Carey and Mayor Beame in June, urging them to use the power of their offices to end overcrowding at HDM. The Governor's reply expressed concern and gave assurance that solutions were being sought. On visits in August, Mr. McQuillan found that despite cleanup attempts the kitchen was still dilapidated and grimy, and a large sewer line was exposed in the central mess hall corridor under the kitchen. Plumbing fixtures were still missing from receiving room wash basins, and many pen areas had no drinking water facilities — inhumane in the August heat. On August 30, one day before the September 1 deadline, the population was 1,576: 376 over the agreed maximum.

#### State Applies to the Court

In September the Commission ordered the city to reduce population to 1,200 by October 1, and to correct unsafe or insanitary conditions by November 1. The city did not comply with the population order, and on October 27 the Commission instructed its counsel to apply to the State Supreme Court for an order directing the city to comply with the previously issued directive. An Association staff member attended the two meetings at which these actions were authorized, and Chairman Stephen Chinlund thanked the Association for its HDM reports which had been part of the basis for the Commission's findings.

On November 1 the HDM kitchen was closed for repairs, and meals for the inmates were prepared in the kitchen of one of the unused facilities. Population was still above the ordered level.

At the beginning of December, the Association wrote to congratulate Allen G. Schwartz on his appointment as Corporation Counsel by Mayor-elect Edward Koch, noting that the press had reported Mr. Schwartz's concern about Rikers Island. Mr. Schwartz replied that he intended to involve himself intensively in this matter and would welcome the Association's help.

#### Attorney General Acts

At this same time Attorney General Louis Lefkowitz served notice that he would seek an order in the State Supreme Court to force the city to take immediate steps to relieve overcrowding and unsanitary conditions. The Association submitted its findings and recommendations to the Attorney General, with an offer to contribute any help necessary to bring about enforcement of the agreement.

Aware that legal proceedings might be inevitable, the Association still sought some way to avoid a long and costly struggle in the courts — costly in terms of money and in continued human misery at HDM. Just before Christmas inquiries were made into the possibility of arbitration, and in letters to Chairman Chinlund and Deputy Mayor Scoppetta, the Association suggested this method to conclude the dispute.

Chairman Chinlund responded with his thanks to the Association for its offer to help with arbitration and his appreciation of its past help. Deputy Mayor Scoppetta replied, in part, that reports from the Association had been invaluable and that his office looked forward to its continued assistance.

#### Current Status

Several court hearing dates were set and subsequently adjourned in and effort to settle HDM's problems out of court.

By the beginning of April 1978, the unsafe and unsanitary conditions in the receiving room had been corrected. Renovation of the kitchen is expected to begin by June, but not date is estimated for completion. The city

stated that by April 17 the population would be down to 1,200 inmates (exclusive of parole violators and other state prisoners). On April 21 there were 1,391 detainees and 125 state prisoners housed at HDM, or a total population of 1,516.

One of the five buildings in the adjacent unused C-71 facility is being renovated for use as a new mental health center. After this is completed, the present mental health center (also a C-71 building) will be used to house overflow HDM inmates. The Department of Correction expects this to be some time in October 1978, at which time the maximum population at HDM should be 1,000. Recruitment and training of new officers, which is necessary for staffing the new facility, is a problem since first efforts to hire must lists that are over two years old.

\* \* \* \* \*

#### LEGISLATIVE RECOMMENDATIONS

In 1977, rather than presenting formal recommendations to the legislature, the Correctional Association at the request of the Governor and various legislators submitted its position on the following 31 criminal justice bills. We believe that support of, or opposition to, bills already introduced is an effective way of accomplishing change through the legislature.

#### Senate Bills

S-1922: To empower correctional facility administrators, on approval of local legislature, to establish contact visits.

Opposed: Could deprive detainees of constitutional rights by giving too much discretion to administrators.

#### Failed of Passage

S-2285: To require notification of prisoner in writing at least three days prior to appearance before parole board.

#### Supported

#### Now Chapter 121, Laws of 1977

S-2479: In relation to purchase from other sources of articles manufactured in state correctional facilities.

Opposed: Would tend to reduce what little vocational training is presently given to inmates.

#### Failed of Passage

S-2681: In relation to leasing of Ossining Correctional Facility to New York City, to remain in effect 6 years instead of 4 years.

Opposed: New York City has two fairly new unoccupied facilities available. Cost of transporting and maintaining city detainees at Ossining is an unfair burden on New York City taxpayers. Housing city detainees in Ossining is a hardship on families.

#### Failed of Passage

S-3052: In relation to imposing fine on person found, after hearing by commissioner, to have willfully violated rule or regulation relating to correctional facility affairs or care, treatment and discipline of inmates.

Opposed: Levying fine will not correct deficiency. A stronger method of enforcement must be introduced to provide constitutional safeguards.

#### Failed of Passage

S-4692: In relation to transfer of persons, under certain conditions, from custody of correctional services department to secure detention facility of state office of drug abuse services.

Supported: This is a positive measure to aid in the regeneration of drug addicts.

#### Failed of Passage

S-5860: In relation to court reform amendment relating to manner of selecting judges of court of appeals, administration of a unified court system, and the creation of commission on judicial conduct.

Supported: The Association has been recommending passage of the first measure since 1971, and the second since 1967.

The bill achieved the required second passage by the legislature and appeared on the ballot in November general election as three separate amendments which were approved by the voters.

S-6010: In relation to release or prisoner, under certain conditions, after one year of confinement.

Supported: First felony offenders for the most part do not readily return to criminal behavior and gain little by remaining in prison. Safety of the community is engendered by utilizing parole for those who pose no great degree of danger to society.

#### Failed of Passage

S-6912: In relation to creating state division of parole in executive department.

Supported: Would speed overall process of parole, establish some criteria for appointment of parole board members by setting minimum qualifications.

Now Chapter 904, Laws of 1977

Assembly Bills

A-10: Reduces charge of unlawful possession of small amounts of marihuana to violation punishable by fine.

Supported

Now Chapter 360, Laws of 1977

A-2096: To provide that inmate shall not lose right of common law copyright or of first publication in his/her literary or artistic work because of confinement.

Supported

Failed of Passage

A-2545: In relation to repealing civil death provisions of civil rights law.

Supported: This measure has been supported by the Association since 1970.

Failed of Passage

A-2876: In relation to including rehabilitation in the functions of the State Commission of Correction.

Supported: Would provide opportunity for offenders who wish to be regenerated to avail themselves of rehabilitative pursuits.

Failed of Passage

A-6430: In relation to parole revocation hearing procedures.

Supported: Would strengthen constitutional safeguards of due process consideration.

Failed of Passage

A-6431: In relation to parole release standards.

Opposed: Standards and guidelines not specific enough.

Failed of Passage

A-6432: In relation to restricted release standards in certain cases.

Supported: Persons who are a danger to society and have been convicted of crimes of violence must come under stricter standards of parole release.

Failed of Passage

A-6433: In relation to qualifications of parole board members.

Opposed in present form. There is no evidence that a lawyer, psychiatrist or psychologist, or person employed in parole, corrections or law enforcement can predict a parolee's future conduct any more accurately than any other college graduate.

Failed of Passage

A-6434: In relation to fixing provisions to be followed as conditions of parole.

Supported: This bill provides for specific guidelines for parolee, rather than allowing too much discretion to paroling authority as exists under current vague statutory conditions for parole supervision.

Failed of Passage

A-6435: In relation to parole release hearing procedures.

Opposed: Seems to indicate no change in present procedures.

Failed of Passage

A-6483: In relation to good behavior credit in certain cases.

Supported: A step in the right direction. We would, however, favor a good time minimum for all sentenced prisoners.

Failed of Passage

A-6485: In relation to new provisions for fixing minimum period of imprisonment.

Opposed in present form. A very hazy bill.

Failed of Passage

A-6486: In relation to parole discharge before maximum term.

Supported: Most parolees would be eligible for discharge from parole prior to expiration of full maximum term after serving at least 30 months on unrevoked parole. For such person the prognosis is strong that they will not revert to criminal behavior.

Failed of Passage

A-7212: In relation to housing persons committed to county jails.

Supported: Sets up strict safeguards for segregation and safety of civil prisoners, witnesses and those committed for contempt, without preventing participation in programmatic activities. Recommended that all educational, vocational and religious programs be given only with written consent of inmate.

Failed of Passage

A-7309: To establish a unified court budget.

Supported: The Association has supported this measure since 1970.

Now Chapter 32, Laws of 1977

A-7891: In relation to extending provisions relating to establishment of furlough programs.

Supported: The furlough program has helped to keep families intact and to provide opportunities for medical, educational and emergency leaves.

Failed of Passage

A-7892: Provides for increased and certain punishment for unlawful possession of handguns, and strengthens regulation for lawful possession.

Supported: The Association has supported measures for stricter handgun control since 1970.

Failed of Passage

A-7893: In relation to time allowances for good behavior on indeterminate sentences.

Supported: The Association endorses the concept of credit for good time on minimum sentences.

Failed of Passage

A-7894: To require appointment of temporary release committee for each institution under correctional services department to meet regularly to review all temporary release applications.

Supported: In addition to continuing temporary release programs, the Association favors strengthening release procedure safeguards to protect the community.

Failed of Passage

A-7895: To create a temporary state commission on community correctional services to plan unified system of community supervision, to examine and assess community correctional services and bail practices generally.

Supported: We favor merger of state probation and parole, and the utilization of diversionary programs instead of jail for minor offenders. Release of such offenders to community programs is a situation which needs an in-depth study, as do bail practices in general.

Failed of Passage

A-7959: In relation to direct probation services to counties and the City of New York in certain cases and making an appropriation therefor.

Supported: Transfers responsibility for probation services to state, a measure necessary in light of fiscal problems of New York City and other localities.

Failed of Passage

A-30010: To extend the death penalty.

Opposed

Passed both houses of legislature. Vetoes by the Governor.

[On April 12, 1978, the Senate voted to uphold the Governor's veto.]

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DIRECT SERVICES

January - December 1977

## Clients seen:

In office	498
In institutions	
by social worker	60
by Association	
President	120
In home	33
	<hr/> 711

Visits to institutions, including court pens and hospital prison ward: 10

Appearances in court for clients 19

The Ex-Offender

On the day of release from prison the average ex-offender in New York State is given a shirt, a tie and a business suit, \$40 in cash, lots of good wishes, and very little counseling or guidance. Some individuals who have been in prison for many years are unable to readjust to working in a free society. They have become institutionalized. The long routine in prison, with every move determined for them in advance, renders them unfit to act on their own initiative. Most persons who have served long prison terms are not prepared by the penal authorities for obtaining jobs upon their release. Without counseling and job referral, the ex-offender's potential for reverting to criminal behavior is great. The revolving-door principle in New York State criminal justice is exemplified by a recidivism rate of over 65%. Community safety can be increased markedly if those released can be helped in the search for employment.

Following a short period of counseling during which the social worker instructs ex-offenders in the proper way to approach prospective employer, the clients are interviewed in terms of experience, training and attitude and are assisted in seeking employment. We make referrals through the following agencies: Private Concerns, Inc.; Project Upgrade; Manhood Foundation; Fortune Society; NAACP Project Rebound; Just One Break; Federation Employment Service; New York State Employment Service.

In 1977, 90% of our clients who were referred were either placed in positions of employment or in vocational training programs leading to employment.

Every year hundreds of ex-offenders, bewildered by the sudden change from restricted prison life to life in the free community, seek help from the Association. We believe that their lives can be reshaped toward socially constructive ends by intervention that is designed to reduce anti-social behavior. Intelligent direction and guidance, together with sympathetic understanding, can do much to help regenerate the ex-offender. It is a means of protecting society, and it is valuable insurance that the individual will not revert to a life of crime.

The Families

We have long been aware that those who are unjustly punished when an individual is sent to prison are the family members — most often the wife and children — who are left behind. The man in prison is clothed, fed and sheltered. Even his recreation is provided. The family, on the other hand, is usually left without means of support and in most cases is forced to depend on public assistance. Most serious, the wife of the offender is usually left alone with the responsibility of preserving a family unit, and with no one upon whom to draw for sympathy, understanding and support. It is in this office that women can discuss problems which affect them as wives of incarcerated offenders, problems that cannot be talked about with friends who do not want to hear, or with relatives who too often disapprove and turn their backs. These can be brought to the social worker.

There is a second purpose to our work with families. In this time of shrinking welfare allotments and rapidly rising living costs, we provide in special situations small amounts of money to meet extreme emergencies and to cover items not included in welfare payments. Traditionally, the Association has considered it most important that the family be able to visit the incarcerated person and maintain some continuity. Public welfare does not provide funds for such visits. For a woman, this often means being cut off from personal contact with her husband. For a child it means not seeing his or her father for years, until he finally comes home — by then a complete stranger. The Association has attempted to fill this need by providing carfare for visits to a very few families in dire financial straits.

Direct Service Achievements in 1977

During 1977 the Association provided counseling and assistance for 411 ex-offenders at our office at 135 East 15th Street in New York City. The social service worker made eight visits to upstate New York prisons to provide counseling and assistance to incarcerated persons and their families. These visits to Attica, Green Haven and Fishkill were in addition to 36 visits made by the Association's President to state, county and local facilities. Approximately 35 families of persons imprisoned in New York State facilities, consisting of about 150 family members, were interviewed and assisted.

In addition to group and family counseling, our social worker appeared in court on behalf of clients on 19 occasions. Lawyers were notified that we

were available to speak on behalf of the clients, and meetings were held with probation, parole and judicial administrators to give reasonable assurance that the clients would abide by the terms set by the court or paroling agency. Of the 13 clients for whom we appeared, six were released on their own recognition on our guarantee (one was dismissed to our program at a second appearance); one was dismissed to our program on the first appearance; one had change of custody arranged on our recommendation; one was a family dispute referred to the Bureau of Child Welfare; four were in detention, charged with serious crimes, and remained there.

The social worker's presence at many sentencing procedures and the fact that social service counseling would be available to the client has resulted in adjournment contemplating dismissal, or outright dismissal, for many petty offenders. This not only reduced the overall cost to the taxpayer, but helped to straighten out the lives of many first offenders and others involved in minor violations of the law.

#### Work with children

On December 17, 1977, the Association organized a Christmas party at the Con Edison cafeteria on Irving Place in New York City for 100 children of inmates. Each child was given several gifts of toys and clothing contributed by Association members and other donors.

In response to an appeal by the warden of the Arthur Kill State Correctional Facility, we obtained a donation of about 200 toys which were given by the inmates to their children on the Christmas visit.

During the summer of 1977, the Association sponsored a camp program for children of inmates incarcerated in New York State prisons. Twenty-two needy children were sent to day-camps and country camps where they spent from two to four weeks. This program was funded in part by the Association, with the balance provided by the YMCA, churches, partial camp scholarships, and relatives of the children

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#### TESTIMONY AND CONSULTATION

##### Testimony

In the period since the last Annual Report, Association President Adam F. McQuillan presented major testimony on two occasions:

June 30, 1977: Mr. McQuillan testified before the New York City Board of Correction at its hearing on minimum standards for New York City correctional facilities. He stressed that the total environment

of an inmate is at least as important as physical housing conditions. Mr. McQuillan noted particularly the need for speedy and effective medical treatment, psychiatric and rehabilitative counseling, and educational or vocational training — a program he believed would enable the inmate to break out of the revolving-door criminal justice system. He urged unions, and public and private sector agencies to do their share in providing these programs. In his statement he stressed that minimum standards must include plans for orientation of new employees and continuous training of experienced ones. He observed that an area of utmost importance is the preparation of a new rule book for employees to replace the one presently in use, which was issued in 1956.

February 14, 1978: A written statement was submitted for a public hearing of the Senate Standing Committee on Codes on definite sentencing, which was held in Albany. Mr. McQuillan urged that good behavior time be deducted from the minimum term of imprisonment for all sentenced prisoners in the state, which would serve particularly as an incentive to long-termers. It would also contribute to a reduction of overcrowding, and help administrators to manage their facilities better and to control inmate behavior. Morale, in general, would be raised.

##### Consultation

##### Transition Team on Corrections

In early December 1977, Mr. McQuillan was invited by Mayor-elect Edward I. Koch to serve on a transition team on corrections, whose purpose was to provide the new mayor with recommendations and guidelines for improvement of the city's correction system. In a statement submitted on December 22, the following issues were dealt with:

1. Administrative reorganization of the Department of Correction
2. Relocation of Department headquarters to Rikers Island
3. Creation of a citizens' advisory group
4. Third-party mediation of pending court cases on constitutional standards
5. Rikers Island: unused facilities, security
6. Reduction of suicides and suicide attempts
7. The Tombs
8. Classification of inmates/employment of detainees
9. Morale of correction officers/reduction of overtime

##### New York State Assembly Committee on Cities: Subcommittee on City Management and Governance

In February, 1978, Mr. McQuillan discussed the Association's past legislative recommendations with subcommittee counsel Daniel L. Feldman, who was preparing a report on practical proposals for reform of the city's criminal justice system. In commenting on the draft of the report in March, Mr. McQuillan agreed philosophically with the overall report. He expressed disagreement in

- the following areas: 1) a three-year minimum sentence for first offenders;  
2) reopening of the Tombs to relieve overcrowding of the city's correctional system;  
3) treatment of children age 13 or older who commit second designated felony offenses as first-time adult offenders.

In a letter accompanying the final report, Mr. Feldman noted that it incorporated some of Mr. McQuillan's ideas. Primary was the elimination of reference to the three-year minimum sentence for first offenders.

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JOINT PROJECT: CORRECTIONAL ASSOCIATION/CITIZENS' INQUIRY

At a time of rising crime rates and dwindling resources, criminal justice policymaking must include citizen participation. In New York State nearly a half-billion tax dollars are spent annually on state and local corrections. Because no clear, detailed picture of current costs is readily available, the public is unable to insist on a rational and effective allocation.

The Correctional Association has joined with the Citizens' Inquiry on Parole and Criminal Justice to develop a citizens' accounting program to monitor the costs of corrections. This program will educate the public on corrections costs and propose some measures for expenditure effectiveness. By spotting areas of potential savings or more effective service delivery, and pressing for change, the project can have a positive impact on corrections.

The initial phase, for which funding has already been obtained, includes preparation of a report and publication of a pamphlet based on federal, state and local records, and on original surveys. They will place corrections costs in the context of New York State's \$2 billion total criminal justice expenses. The second phase will establish a public education effort, with meetings and debates organized around the economic issues of criminal justice. The Correctional Association will set up regular mechanisms for monitoring corrections expenditures and reporting to the public.

Citizens' Inquiry on Parole and Criminal Justice, whose chairman is former U.S. Attorney General Ramsey Clark, was founded in 1972, and — like the Correctional Association — is committed to criminal justice service and public education. It has published the only comprehensive study of parole in New York State, and has prepared a manual to educate inmates about their rights and responsibilities regarding parole and probation.

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THE CORRECTIONAL ASSOCIATION OF NEW YORK

Balance Sheet  
at December 31, 1977 and 1976

	<u>1977</u>	<u>1976</u>
<b>ASSETS</b>		
Cash	\$ 25,039	\$ 10,290
Investment in marketable securities - at cost (approximate market value of \$584,000 in 1977 and \$735,000 in 1976)	605,119	714,102
Property and equipment, at cost	163,084	163,084
Less accumulated depreciation	<u>60,845</u>	<u>52,016</u>
	102,239	111,068
Other assets	<u>4,240</u>	<u>6,340</u>
	<u>\$736,637</u>	<u>\$841,800</u>
<b>LIABILITIES AND FUND BALANCES</b>		
Accounts payable and accrued expenses	\$ 3,682	\$ 9,799
Deferred Support*	6,584	
Fund balances:		
Current funds - unrestricted:		
Designated by governing board for investments	425,504	511,338
Available for general activities	8,613	6,195
Endowment fund	190,015	203,400
Property and equipment fund	<u>102,239</u>	<u>111,068</u>
Total fund balances	<u>726,371</u>	<u>832,001</u>
	<u>\$736,637</u>	<u>\$841,800</u>

\* Director Emeritus, May 1978

\*\* Deceased December 1977

\* The Association received contributions during the year ended December 31, 1977 for a specific project that will commence once the necessary funding is obtained.