

STATE OF NEW YORK

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THE ONE HUNDRED AND TWENTY-SEVENTH  
ANNUAL REPORT

OF

THE CORRECTIONAL ASSOCIATION  
OF NEW YORK

135 EAST 15th STREET, NEW YORK

1971



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

May 1, 1972

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-Seventh 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

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\* 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 of the Legislature of the State of New York, which has been made annually since 1845, and constitutes the one hundred and twenty-seventh 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."

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## THE CORRECTIONAL ASSOCIATION OF NEW YORK

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of the

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1972

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MRS. ALLEN W. DULLES

**MRS. JULIUS OCHS ADLER, 1903 - 1971**

Strong in convictions, dignified in demeanor, devoted in service, firm in principles. This was Barbara Adler — a proud lady.

In early adulthood, Barbara expressed a deep concern and interest in penology. As her involvement intensified, her focus broadened to work in the entire area of the administration of criminal justice. Barbara served faithfully as a member of the Executive Committee of The Correctional Association of New York for twenty-nine years, fifteen as vice-president. She was a member of the Board of Visitors of Westfield Farms, a member of the Board of Directors of the National Council on Crime and Delinquency and worked with the Social Service Bureau of the old Magistrate's Court of the City.

No matter how controversial the issue or unpopular the cause, Barbara never refused to stand up to be counted. She was chairman of one of the most important committees of the Association, the Committee on Recommendations to the Legislature, a Committee which does much to shape the direction and emphasis of the Correctional Association. She chaired the Committee for the 125th Anniversary Dinner of the Association, a most memorable event.

For 29 years she was a faithful colleague.

She will be missed.

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**THE CORRECTIONAL ASSOCIATION'S  
RECOMMENDATIONS  
TO THE 1972 LEGISLATURE  
STATE OF NEW YORK**

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## INTRODUCTION

The months of riot and rebellion in correctional institutions across the country, reaching an apex but not ending with the bloodshed of Attica, have focused society's attention as never before on the problems of the criminal justice system as a whole and inmates in particular. All too often, however, the reaction has been to surface problems without a serious investigation into the fundamentals of the criminal justice system and the society in which it exists. There is a basic ambivalence on the part of the public which views crime and illegal behavior not directly affecting them entirely differently than it views individuals who are caught, convicted and imprisoned. The Robin Hoods, and Bonnie and Clydes of the past and the successful skyjacker who eludes apprehension with \$300,000 and whose name and picture is emblazoned upon thousands of sweatshirts readily sought for by "law abiding citizens", are elevated to the status of popular heroes.

For the criminals who fail and are incarcerated, there is only public disdain and a system of institutionalized vindictiveness against them. An in-depth analysis of the correctional segment of the criminal justice system quickly shows that the administrators of correctional systems have been given impossible tasks and the inmates in their charge suffer. On one hand, administrators are charged with developing rehabilitative techniques to bring offenders to the point where they will voluntarily observe the prohibitions set forth in the criminal law and become constructive contributing citizens in the community. At the same time, these administrators are charged with carrying out a form of aversion therapy—officially punishing individuals to make the threat of punishment a deterrent to future crime. At the same time they are charged with rehabilitation, the available tools and funds necessary to carry out such rehabilitation are so miniscule as to be practically meaningless. Further, the underlying institutionalized vindictiveness expressed by those who confuse humane treatment with coddling often has the opposite effect of creating embittered, hostile individuals.

This conflict and confusion of the means and ends of the criminal justice system extends throughout the entire correctional system to the line officer in day-to-day contacts with inmates. While rehabilitation may be the verbalized goal of officers in their relationships with inmates, this relationship is colored by the underlying "punishment" concept as the purpose of imprisonment. The oft heard expression that individuals are sent to prison as punishment and not for punish-

ment finds little realization in a correctional system which demands total psychological subordination of the prisoner. The inmates describe this situation best in their plea to be treated like men. While other factors such as racial attitudes, status concerns, and socio and economic level conflicts are undoubtedly involved, the overriding problem in officer-inmate relationships is that of the conflicting means used to accomplish the mutually contradictory goals of rehabilitation and punishment.

Superimposed on this fundamental conflict is the fact that while conditions, attitudes and expectations in the free community have changed markedly in the past decade, conditions, attitudes and orientations within correctional institutions have changed only slightly. Correctional institutions are better today than they were in the past, but the degree of change is not nearly as great as that which has occurred in the outside community.

In relation to the overall conceptualization of correction, such issues as that which constitutes humane treatment, depersonalization, privileges, punishment, basic rights, must be examined in juxtaposition with the same issues in the outside community in 1972 and changes made to bring up-to-date attitudes and programs into the correctional system.

## RECOMMENDATIONS TO THE 1972 LEGISLATURE

### CORRECTIONAL SERVICES

#### RECOMMENDATION NO. 1 *INSPECTION/MONITOR/ OMBUDSMAN SYSTEM*

*That an independent objective, impartial non-governmental inspection/monitor/ombudsman program 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 of 1846 were "the amelioration of the conditions of prisoners" and "the improvement of prison discipline and the government of prisoners." 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 their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline". In order to carry out more effectively this

mandate and in order 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.

While the original mandate to the Association was predicated upon then existing conditions within prisons — extensive use of corporal punishment; dark damp and unsanitary cells; and physically brutalizing conditions in general which no longer are the rule — increased knowledge of the behavioral sciences and greater refinements in the protection of constitutional rights of those incarcerated have revealed a new set of more subtle problems both for those who administer the system and its inmates. Just as the general way of life in the free community today is vastly different from that which existed 50 years ago, so are the attitudes and expectations of the inmate of today different from those of 50 years ago. Even within the last 20 years there has been a marked social change — social historians will call it a social revolution — brought about by groups of individuals who in the past have had little or no say in decisions which affected them.

This demand for change in the free society has carried over inside prison walls. The desire for change coupled with the awareness that change is possible has led to extreme dissatisfaction with institutional conditions on both the part of inmates and some administrators. Those correctional administrators who honestly are desirous of bringing about reforms are often slowed because of the complex bureaucracy in which they work involving laws, labor unions, and appropriations. In other instances communication between those at the bottom of the structure — the inmates — and those at the top of the structure — the commissioners or administrators — may be lacking due to subtle intervening conditions such as red tape, purposeful blocking of the means of communication by those intermediate supervision and custody of the inmates, and by a psychological barrier created by a distrust for authority on the part of the inmates.

The most dramatic demonstration of dissatisfaction with the system have been the awesome rebellions which have taken place in New York City and New York State institutions in the past year, culminating in the traumatic uprising at Attica. It has become increasingly obvious that there must be some means of monitoring the system by an outside neutral body to redress the just grievances of inmates, rectify abuses of the correctional system itself and establish a trusted means of communication directly from the inmate population to the top administration.

In the past year there has been a marked increase in the use of legal means through class action suits to correct the situation. However,



there is no set structure for the hearing of inmates' grievances and the examination of the prison system itself by an impartial, knowledgeable body not directly connected with the functioning of the individual institutions. There has been an increasing demand for such a structure on the part of legislators, lawyers and concerned citizenry. The Association proposes to fill this need by providing individuals who will visit institutions in the State on a regular basis to inspect the administrative working of the institution and to maintain a finger on the pulse of the inmate complaints and grievances to bring about change through correcting legitimate grievances before they grow, fester and explode.

## RECOMMENDATION NO. II      RIGHTS OF PRISONERS

*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 have been an increasing number of court decisions mandating safeguards against such procedures in institutional disciplinary proceedings. In *Landman v. Ryster*, the U.S. District Court for the Eastern District of Virginia mandated such safeguards for all institutions in Virginia, saying: "Substantial deprivations 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 no 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 15 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 unhealthy 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, among other things, of 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 the necessary orderly functioning of the institutions.*

**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 50 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 under-

takers 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. III 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 the control of the State Department of Correction. 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 1972, 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 1971.

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 reached the explosion level in 1970. Beds are available in the institutions of the State Department of Correction. 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 in New York State.

#### **RECOMMENDATION NO. IV    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 69 separate autonomous local probation departments servicing 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-dispositional 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 aspect of probation which deals with field supervision be merged with the field supervision agency of Parole within the State's Division of 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. V    SELECTION OF INSTITUTIONAL SUPERINTENDENTS**

*That the position of institutional superintendent be filled by appointment of the Commissioner of Correctional Services rather than from 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. 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 counsellors, 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 be in any way construed as an indictment of the individuals now filling the positions of institutional superintendent in New York State. Giving the Commissioner of Correctional Services increased flexibility in appointing to such an important position should make it possible to recruit the best possible people for this crucial position.

#### RECOMMENDATION NO. VI FURLOUGH

*That legislation be enacted to allow the Commissioner of Correctional Services to release any inmate on furlough for a maximum of 30 days for the purposes consonant with the individual's rehabilitation.*

**COMMENT:** A furlough law would broaden the currently existing work release law to add the classification of community security. Authorities could then release a man from direct custody for a limited period of time without the costly provision of an escort officer. This would allow a man to be transferred to a hospital without 24-hour guard and would permit emergency home visits. An inmate could also be permitted to visit his home community in advance of his release to arrange for employment and a place to live.

## COURTS

### RECOMMENDATION NO. VII

#### A. 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. The results of several surveys show that most people don't even bother to vote for judges and of the ones who do, the majority cannot remember the names of those for whom they had voted. Too often, the only controlling consideration is the party under whose symbol the name appears.

In order to secure the best qualified men to administer the laws of the State and to insure that they will be kept free from any political pressures or obligations, the Correctional Association of New York recommends that the elective system be replaced by an appointive one. Judicial nominating commissions made up of lawyers and laymen would submit a slate of carefully screened judicial candidates from which the appointing authority — the Mayor for New York City and the Governor for the rest of the State — would make the final selection. There would be several such commissions in existence: one for the Court of Appeals, one for New York City, and several throughout the State to make recommendations for the Supreme Court as well as Family, District and County courts.

As lengthy tenure is considered to be indispensable to the estab-

lishment of a steady, secure, independent judiciary, judges would be appointed for terms of ten years, to be reviewed by the judicial nominating commission with its recommendations for reappointment or non-reappointment made to the appointing authority.

#### B. 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 16 different types of courts presently in existence in New York, resulting in duplication of administrative efforts, unequal distribution of judges and non-judicial personnel, differing standards and pay rates from one locality to another, and vastly differing standards of administration of justice. Several changes can be made in the present court structure which would reduce the number of courts to seven and greatly improve their administrative and judicial workings. First, and probably least controversial, is the elimination of the Court of Claims as a court of special jurisdiction. The functions of this court, a hangover from an earlier age, can be most profitably absorbed by the Supreme Court.

The Surrogate's Court can also be absorbed by the Supreme Court. There is basically no reason put forth for the further existence of this court. The efficiency of its excellent staff would not be lost as this staff would be adopted whole by the Supreme Court, a department of which the Surrogate's Court would become. Such a merger would afford better apportionment of judges and court personnel, remove the present conditions of limited jurisdiction which have resulted in having to bring different aspects of a single case before different courts, and end the flagrant usage of this particular court as a means of dispensing political patronage.

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. These two courts should be merged into the single court of the City of New York.

#### C. 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 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.

#### D. NO FAULT INSURANCE

*That the Legislature enact No Fault auto insurance.*

**COMMENT:** From the point of view of society as a whole, the system of handling automobile costs should help, rather than hinder, the work of other important social institutions.

The automobile and its accident costs are so pervasive and overwhelming in reach and impact that change in the automobile accident repair system may, as a practical matter, be a more effective way to strengthen another institution than any achievable, direct modification of that other institution would be.

The institution with the most apparent stake in the automobile reparations system is the judiciary.

Recent U. S. Supreme Court decisions have called upon the courts for more careful surveillance of the administration of criminal laws. Both the community and the accused are entitled to an accessible, uncluttered and undistracted bar and judiciary for the resolution of these questions of ultimate human consequence. Furthermore, lawyers and judges are using the law more and more creatively in the causes of conservation, environmental protection, consumer protection, and safeguarding the rights of those least able to deal, on an even footing, with modern society.

These new works are eminently worthwhile, but they add to the burdens already on the bar and the courts.

Yet of New York's 221,000 pending State civil court cases, about half arose from automobile accidents. The corollary of the victim's

delay in obtaining justice is the burden on the courts in dispensing it. It is highly questionable whether the automobile deserves its dominant share of the docket, whether so much of the energy and attention of the courts should be expended on this one activity. Our constitutions have many guarantees of judicial independence; there is no parallel guarantee of judicial relevance. The resources of the bench and bar are no more unlimited than the resources of the accident reparations system. Both need to set and follow intelligent priorities.

#### E. ABOLITION OF COMMERCIAL BAIL BONDSMEN

*That the Legislature enact legislation similar to that in existence in Illinois abolishing the commercial bail bondsmen and establishing a system whereby the defendant may meet his bail requirements by posting ten per cent of the amount of bail set by the court.*

**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 ten per cent of the amount of bail set by the court. When the accused appears for trial, 90% of the initial deposit is refunded, 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 Legislature to enact a bail reform law similar to the Illinois law.

#### F. 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 are scheduled to go into effect this year. The Correctional Association of New York feels that this "lost" right to speedy trial is one that should be refunded and protected by legislation. It considers a perversion of justice the fact that men in effect serve their sentences before they are even convicted.

## PENAL LAW

### RECOMMENDATION NO. VIII STATE REGULATION OF MORALITY — VICTIMLESS CRIME

"Private sin is different from public crime, and only the latter lies in the province of man-made law." In accord with this quote from St. Thomas Aquinas, the Correctional Association of New York feels that the fact that the possible immorality of certain conduct is not sufficient cause to justify making this conduct punishable by the criminal law. We believe that sin should not be equated with crime and that there should be a marked distinction made between moral law and statute law.

The Association believes that the province of the penal law includes matters of public order, public safety and public health. We deem it inappropriate for the government to attempt to control behavior that has no substantial significance except as to the morality of the actor. Such matters are best left to religious, educational and other influences. For these reasons, the Association calls for revision of those laws of 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. 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 towards 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.

#### B. 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 this 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 itself, 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.

#### C. HOMOSEXUALITY

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

**COMMENT:** The American Law Institute, in a report issued nearly 15 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 re-examine 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 respect 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 the necessary utilization of police in cases involving minors or public solicitation raise 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.

#### RECOMMENDATION IX MARIJUANA

*That the Legislature repeal the existing provisions of the Penal Law which make possession of marijuana for one's own use a criminal offense and either eliminate all penalties or reduce such possession to a violation.*

**COMMENT:** The Correctional Association strongly urges the removal of all criminal penalties, as distinguished from a violation, for the possession of marijuana for one's own use. The Executive Committee of the Association is divided upon the question as to whether no penalty at all should be provided or whether such possession of marijuana should be made a violation punishable only with a fine or maximum sentence of 15 days. Either the removal of all penalties or the reduction to a violation would avoid placing upon an individual the stigma of a life-long criminal record.

#### RECOMMENDATION NO. X GUN CONTROL

*That legislation be enacted to require individuals to obtain 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 Law School of the University of Chicago, 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 result 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. In New York City, with the most stringent gun controls of any major city in the United States, only 25% of the homicides are committed with firearms. When one compares the over-

all 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 also holds true for assaults and armed robberies.

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

1. Licensing of dealers 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.

#### RECOMMENDATION NO. XI      *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 publicly 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."

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**THE CORRECTIONAL ASSOCIATION'S  
GENERAL ACTIVITIES  
STATE  
NATIONAL  
INTERNATIONAL**

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## STATE

### **GOLDMAN PANEL**

Immediately after the rebellion at the Attica Correctional Facility which cost 43 lives, the General Secretary was appointed to a five-man panel to insure the rights of the inmates until functioning at the institution could return to normal. Appointed by Judge Goldman, Presiding Justice of the Fourth Appellate Division, the Panel consisted of, in addition to Mr. Goff, Clarence Jones of the *Amsterdam News*; Louis Nunez, Aspira, Inc.; Austin MacCormick, Osborne Association; and Robert P. Patterson, Jr., attorney, former president of Legal Aid Society of New York. The Panel was in existence for approximately 60 days; much of the time saw at least one member of the Panel actually at the institution. Trips were also made to other correctional facilities in the State to talk with inmates who had been transferred from Attica after the rebellion. The Panel was instrumental in speeding the process of the return of the institution to normal, including reducing the number of inmates held in each cell and regularizing the feeding procedures; protecting the rights of inmates being questioned by the Attorney General's Office investigating the rebellion; arranging for a medical check of all inmates by non-institutional physicians; and convincing the Attorney General and the Governor's Office that the U.S. Attorney General should be requested to conduct the investigation of the retaking of the institution. On November 17, 1971, a final report of the Panel's activities was submitted.

### **ATTICA**

On Monday, November 15, the General Secretary made his final visit to the institution as a member of the Goldman Panel immediately prior to the report being submitted to Governor Rockefeller, Presiding Justice Harry D. Goldman, Fourth Department, Commissioner Russell G. Oswald, Deputy Attorney General Robert E. Fischer, and the members of the press. This visit to the institution and several meetings held there were held as the final check on the situation both in terms of the conditions in the institution and the Deputy Attorney General's investigation. Mr. Goff met with the Superintendent, Mr. Vincent Mancusi. He talked with inmates still being held in a keep-lock situation in A Block, and spent an hour and a half meeting with Deputy Attorney General Fischer on the investigation. The situation remained somewhat tense, with approximately one-third of the population being locked.

On Tuesday evening, November 16, the Counsel for the Governor

called the General Secretary at his home and spoke with him for some time on the telephone concerning the report and the existing situation in the institution. The Governor's Office was advised that a press conference had been scheduled for 9 o'clock on Wednesday morning, November 17, in the office of the Association, at which time those members of the Panel present in the City would answer questions on the report.

On Wednesday, November 17, Mr. Robert Patterson and Mr. Goff, the two members of the Panel in the City, met with representatives from the *New York Times*, the *Daily News*, the *New York Post*, *Long Island Newsday*, *Newsweek Magazine*, CBS-TV, WOR-TV, WABC-TV, Metromedia TV, WINS-Radio, WCBS-Radio, WOR-Radio and WRVR-Radio, from 9 a.m. until approximately noon. In addition, telephone tapings were made later during the day for several other local radio stations.

The mass media seemed particularly interested in the Panel's observation that there was a continuation of hostility and tension in the institution. From this there arose questions as to whether there was need for a permanent inspection monitoring program for New York State institutions, similar to the function that the Goldman Panel had served. Mr. Goff and Mr. Patterson explained an ombudsman program which they felt might fulfill such a need.

The coverage from this press conference resulted in the Association's being contacted by organizations such as the American Bar Association's Committee on Ombudsmen, encouraging the Correctional Association to set up an ombudsman program in the State, a number of individuals seeking employment and persons seeking help with relatives in New York State correctional institutions. In order to meet the requests for copies of the report, we have duplicated 250 sets.

#### **ORDER OF THE U. S. COURT OF APPEALS FOR THE SECOND CIRCUIT, RE ATTICA**

On September 28, October 6 and October 7, 1971, Federal District Court for Western District of New York denied inmates of the Attica Correctional Facility a preliminary injunction restraining the State from engaging in conduct allegedly violating their constitutional rights, including physical abuse and threats and harassment. This decision was appealed, and on December 1, 1971, the Court of Appeals for the Second Circuit reversed the decision of the District Court and directed the District Court to enter a preliminary injunction against the State "against such conduct and to consider any more specific measures that might be ordered to implement the injunction, including the appointment of Federal monitors to serve at Attica." The

court in its decision quoted several times from the Goldman Panel Report. On Page 21 of the decision the ruling states:

"... conclusions have since been confirmed by the Goldman Panel which reported on November 18, 1971, that it had received complaints regarding continued harassment. It concluded, 'The danger of harassment of inmates continues, however, and the likelihood of unjust retaliatory and inflammatory acts in parole and other areas still remain.'"

The situation at Attica is an extremely complex and complicated one. It is one with which we are certain Commissioner Oswald, Deputy Commissioner Dunbar, the Governor's Office and the Attorney General's Office all are attempting to deal fairly. The harassments come basically from the institutional personnel in direct contact with the inmates, and are indicative of the need for intensive human relations in-service training of the staff. Steps have already been taken by the administration to institute such training with a major step being taken by assigning a black deputy superintendent to the institution from the New York City Area Parole Office, Mr. Wilson Walters.

#### **ASSEMBLY CODES COMMITTEE**

The General Secretary was asked to appear and testify before the Assembly Codes Committee which was holding a hearing on prison disturbances. Mr. Russell G. Oswald, Commissioner of Correctional Services, the warden of the Auburn Correctional Institution, Professor Herman Schwartz of the Buffalo Law School, and Mr. Stanley Bass were among those to testify in addition to the General Secretary.

We were particularly pleased to be able to urge the Assembly Codes Committee to support the bill to remove the direction and control of the State Commission of Correction from the Commissioner of the Department of Correctional Services. We were asked specifically to forward to the Codes Committee information concerning mail censorship in correctional institutions.

#### **LEGISLATION**

During the lengthy session, legislative activities required the presence of the General Secretary in Albany for two days a week. The General Secretary was in almost constant contact with sponsors of the various bills, chairmen of the committees to which the bills were referred, influential individuals in both Houses who had an interest in the bills, the State Department of Correctional Services and the Governor's Office. Unfortunately, most of the time and energy at this legislative session were given to consideration of the State Budget

and New York City fiscal affairs. The legislators were unusually deluged by representatives of various groups, particularly civil service employees, those calling for increased aid to parochial schools, and those individuals opposed to the State's present abortion law. This, combined with various internal political pressures being exerted in the Legislature, resulted in a long, tense and harried session with much deserving legislation being lost in the crush of events.

During these trips, the General Secretary also met with the new First Assistant Counsel to the Governor and the Assistant Counsel handling the desk for all legislation involved in the administration of criminal justice. The First Assistant Counsel to the Governor asked the General Secretary to meet with him and other members of the Governor's staff in advance of next year's session to work on the 1972 Governor's Program in the administration of criminal justice.

#### **RIGHTS OF PRISONERS**

One of the main legislative thrusts of the Association was in the area of rights of prisoners. The Association was particularly concerned over the statutory loss of civil rights of all individuals sentenced to New York State prisons and the declaration of "civil death" of all individuals sentenced to life imprisonment in New York State. Initially, work began last year with a meeting with the Governor's Counsel and subsequent meetings with various legislators. We testified before an Assembly Codes Committee hearing in December and later worked with a number of legislators drafting bills to repeal the civil death concept.

The Association held a press conference on the various prisoners' rights bills pending, at which time Commissioner Oswald, Assemblymen Stavisky, Koppell and Corbett, and a parolee who was "civilly dead" were present. The conference, which was held in the Assembly Parlor in Albany on May 12, attracted a great deal of attention. There were some ten news media present representing, in addition to others, the *New York Times*, the *Daily News*, the *New York Post*, the *Long Island Newsday*, and the Associated Press International, as well as Channels 10 and 13 of TV, NBC-TV and CBS-TV. Further radio tapings were done from Albany for stations WOR, WINS, and WHN.

#### **OTHER INTERESTS IN THE RIGHTS OF PRISONERS**

As a result of the combined press conference and the circulation given to the recommendations of the Association, the General Secretary had inquiries from U.S. Senator Birch Bayh, U.S. Senator Philip A. Hart, U.S. Senator Sam J. Ervin, Jr., and a Massachusetts legislator asking assistance in drafting similar legislation for that

state. The American Bar Association's Commission on Correctional Services and Facilities, chaired by former Governor Richard Hughes, contacted the Association, as did the counsel for the U.S. Senate's Subcommittee on Constitutional Rights. It was proposed that the Senate Subcommittee hold hearings on the rights of prisoners here in New York City in the fall at which time the Association would provide witnesses and act as technical consultant.

#### **ASSEMBLY HEARING ON HOMOSEXUALITY**

The General Secretary was the first individual to testify at the first hearing ever held by the New York State Assembly on the State's sodomy laws. This hearing, called by Assemblymen Solarz and Olivieri, drew a great deal of press and TV coverage. In advance of the hearing we had talked with Commissioner Robert K. Ruskin who volunteered to testify as a private citizen in favor of repealing the present sodomy law as it relates to competent consenting adults.

While the Association was principally concerned with the criminal aspects of homosexual behavior, the Assemblymen evinced a great deal of interest in employment discrimination against homosexuals. It is contemplated that in addition to bills to repeal the criminal penalty for homosexual behavior between competent, consenting adults, there will be a series of bills to prevent discrimination against homosexuals, particularly in employment. Since the latter is not in the purview of the Association, we will not take a position on it.

#### **LEGISLATIVE HEARINGS ON VICTIMLESS CRIME**

The Association was active in assisting Assemblymen Antonio Olivieri, Stephen Solarz and Franz Leichter to set up a three-day hearing on the wider field of crime without victims, specifically prostitution, homosexuality and gambling. The Association was able to assist the Assemblymen in obtaining appropriate witnesses for the hearings and also to aid the staff in their research in this area. Copies of the Association's background paper on prostitution was distributed to all of the Assemblymen and staff involved. The General Secretary was one of the keynote witnesses at the hearing.

The second half of the legislative hearings on victimless crime held by Assemblymen Olivieri, Solarz and Leichter allotted a day each to the problems of pornography, marijuana and alcoholism. The Association was extremely active in obtaining witnesses to speak at these hearings. Mr. Goff and Miss Weintraub presented the Association's stand on pornography, and Mr. Isaacs of the Executive Committee gave testimony on his personal position on marijuana. Most of the witnesses who spoke on marijuana agreed that the present

governmental approach of legal proscription should be replaced with possibly a regulatory system similar to that in existence for alcoholic beverages and cigarettes.

#### **DEMOCRATIC CAUCUS**

A meeting was called by several State legislators who were interested in forming a coalition to work for penal reform in the 1972 session of the Legislature. Among those legislators present at the meeting were Deputy Minority Leader Albert Blumenthal and Assemblymen Leonard Stavisky, Franz Leichter, and Richard Gottfried. There was discussion as to specific changes that could be made legislatively which would not require expenditure of more money on the part of the State, and tactics which could be used to insure their passage.

The increased interest in corrections resulted in a growing influx of individuals eager to work to improve the system. This army of individuals newly interested in the problems of corrections often functioned on a level different from that of those who have been working in the field for some time. As a result, the professionals tended to talk in terms of specifically what has to be done and how is the best way to achieve it, while the newcomers were still at the point of discussing why changes were needed. It is hoped that after these individuals have been working for a short period of time, the present difficulty will work itself out and everyone will be working together to achieve much-needed change.

#### **JUVENILE DETENTION — NEW YORK CITY**

On January 20, 1971, the Panel appointed by the Appellate Divisions, First and Second Departments, submitted its report to the respective Presiding Justices with proposals for changes in the administration of juvenile detention in New York City. The Panel, appointed July 17, 1970, was composed of The Honorable Joseph Stone, Judge of the Criminal Court of the City of New York; The Honorable Robert K. Ruskin, Commissioner of Investigations, and the General Secretary of the Correctional Association of New York. Intensive work on the inquiry did not begin until about the first of October, due to the need to gather staff, develop procedures, and review pertinent background reports. The Correctional Association offices served as headquarters for the Panel. From October 1st until the final submission of the report, Panel members and staff worked almost full-time visiting detention facilities, interviewing personnel directly involved in the operation of the detention facilities. In addition, others were interviewed, including judges of the Family Court, legislators, probation officers, representatives of the Mayor's Office,

representatives of the State Department of Social Services, as well as children who were being detained and had been detained in the Spofford complex.

During the course of the inquiry a number of major problems developed which slowed down the inquiry, including a strike of 268 juvenile counselors at the detention centers, a major wave of suicide attempts among the children being detained, the death of a 14-year old drug addict from hepatitis; the arrest of one male detainee for possession of 88 packets of heroin in the facility, and the arrest of a staff member in one of the institutions for selling narcotics.

The 100-page report contains some 46 proposals for modification in the way juvenile detention is administered and operated in the City. These range from removing the operational responsibility of juvenile detention from the judicial branch of government and placing it under the direct control of a child care agency in the executive branch of government, through an entire reorganization of psychiatric services in the centers. Included is the proposal to develop non-secure facilities to house those children who are neither a threat to themselves or to others, and the development of small security facilities in closer physical proximity to the courts of the different boroughs for those few children who require secure detention.

Much of the report focused on the internal administrative organization and matters of management which the Panel considered to be in great need of bolstering. Clear definition of functions and lines of authority were urgently needed immediately.

#### **JUVENILE DETENTION VISITATION COMMITTEE**

As a result of the proposals of the Panel of Inquiry into Juvenile Detention in New York City, a Committee of some 30 governmental and non-governmental individuals was appointed jointly by Mayor Lindsay and Presiding Justices Stevens and Rabin of the two Appellate Departments in New York City to make certain the recommendations are carried out. The General Secretary was appointed by Mayor Lindsay to co-chair this group together with Mr. Wayne Mucci of the Mayor's Office who eventually became responsible for all juvenile institutions in New York City. At the suggestion of the Human Resources Administration, under whose aegis this fell, the Correctional Association acted as the secretariat and home for this committee.

The full committee was divided into five subcommittees, each to pursue a series of recommendations made by the original Inquiry Panel and to report back to the full committee with its findings. The full committee would then in turn advise both the Mayor and the

Presiding Justices on the progress being made in implementing the Inquiry Panel's report.

The transfer of jurisdiction of Juvenile Detention from the Office of Probation to the newly-created office within the Human Rights Administration which was supposed to be routinely effective in September was temporarily held up in the City Council. The transfer was finally voted by the City Council on November 13. With this move, Wayne Mucci, administratively responsible for all juvenile detention, resigned his position as co-chairman of the Visitation Committee, leaving the General Secretary as chairman. The Committee was actively involved in drafting a report detailing the progress that had been made in implementing the recommendations of the Appellate Division Panel Report on Juvenile Detention. When that report is completed, tentatively scheduled for the end of the year, the Committee will be officially disbanded. There are plans to appoint a new, permanent committee, also under the chairmanship of Mr. Goff, to serve as a combined advisory body and monitoring committee for juvenile detention in New York City.

#### **ALLIANCE FOR A SAFER NEW YORK**

The Association was closely involved with the work of the Alliance for a Safer New York through its General Secretary who was elected Chairman of the Alliance. This organization is the New York Chapter of the National Alliance for Shaping Safer Cities formed by the American Jewish Committee in 1970. The New York Alliance is composed of organizations representing a broad spectrum of interests including unions, religious organizations, professional associations in the field of the administration of criminal justice, and broad-based citizen membership organizations. Some of the member organizations include the American Jewish Congress, the National Council on Crime and Delinquency, National Conference of Christians and Jews, New York Central Labor Council, United Federation of Teachers, and the New York Urban League.

The role of the New York Alliance is to educate citizens' groups in the problems of the criminal justice system and to use the weight of their membership to influence constructive change. The Alliance was funded by the Law Enforcement Assistance Administration on September 1, 1971, with a matching grant of \$10,000 from the New York Foundation and in-kind service from the American Jewish Committee. In 1971, the Alliance was involved in three major projects. The first of these was a series of tours to courts, police precincts and New York City detention and sentenced institutions to educate the members of the Alliance itself to what the system is. The staff of the Correctional Association was extremely active both in ar-

-ranging the tours and in the de-briefings held afterwards to interpret the problems of the system to the Alliance members.

A second ongoing program is the development of volunteer programs in the criminal justice system and the coordination of the Alliance membership organizations to serve those programs. Planned are a court monitoring program and some sort of educational program for the City's houses of detention.

The major undertaking of the year was an all-day consultation on "A Safer New York," held on November 10 at New York University, Washington Square. The Consultation featured a combination of speakers and workshops on such topics as victimless crimes, community-police relations, community cooperation with and participation in the criminal justice system, and the problems of the courts and correctional institutions. Major speakers were Milton Rector, National Council on Crime and Delinquency; William Booth, Judge, New York City Criminal Court; Patrick V. Murphy, Commissioner of Police; and Henry Ruth, Criminal Justice Coordinating Council; with the Correctional Association's General Secretary acting as chairman of the Consultation.

#### **COMMISSIONER, STATE DEPARTMENT OF CORRECTIONAL SERVICES**

The General Secretary spent several hours with Mr. Russell Oswald, the former chairman of the State Parole Board and new Commissioner of the New York State Department of Correctional Services, reviewing the future of correction within the State. A number of administrative changes were proposed including changes in the visiting procedures to allow more contact visits, the matter of reading and censorship of outgoing mail, moves toward further "due process" in the matter of inmate discipline, and additional legal services to inmates. Among various legislative changes discussed were the creation of an investigatory body to study and investigate all correctional institutions' deaths and suicides, the existing legislative disabilities imposed upon inmates as they relate to civil rights, and bills providing for speedy trials.

The matter of the rights of inmates and ex-offenders was discussed in detail. The Commissioner agreed to appear at a press conference the Association was organizing on several of the rights of prisoners bills we have been instrumental in having introduced at this session. The Association was at that time attempting to obtain individuals who were seriously affected by the current laws under which they lose the right to bring civil suits while incarcerated and suffer the loss of legal parenthood while in State correctional institutions.



We were most encouraged with both the plans the Commissioner has for future change and the modifications already made in the State correctional system since he assumed office the first of the year. The most serious obstacle facing change within the State Correctional Department is the heavy weight of the status quo and tradition. From a more pragmatic point of view, the new Department of Correctional Services is faced by a fairly strong group of unions which by their very nature are more concerned with the rights and privileges of and making life easier for their membership than for the clients in the prisons whom they are supposed to be serving. Despite these problems, we are confident that within the next few years there will be marked internal changes in the correctional institutions of the State.

#### **COMMISSIONER, NEW YORK CITY DEPARTMENT OF CORRECTION**

In paving the way for the legal services project in the Tombs for which the Association had received a grant, the General Secretary met with Commissioner George McGrath to brief him on the additional services the Association would be providing the Department, and also to discuss the volunteer program contemplated for the Brooklyn House of Detention. The Commissioner was enthusiastic about both projects and pledged his cooperation and support. As an attorney himself, he was particularly interested in the legal services program which would provide both legal counsel and advice to inmates on legal matters not related to their cases and also the liaison with Legal Aid attorneys to be able to interpret to the detainee the status of his present case.

During the discussion we also alerted the Commissioner to the new bail project we were conducting in cooperation with Legal Aid attorneys and made the necessary administrative arrangements with the Commissioner and his counsel to allow bail to be posted by the Association as bailor.

Further meetings were scheduled to work out the specific details of the legal services project such as desk space, notices to each inmate concerning the availability of legal counsel and access to the records for the Association staff person acting in liaison with the Legal Aid Society on the present case.

#### **NEW YORK CITY DEPARTMENT OF CORRECTION — TRAINING PROGRAM**

The General Secretary met with the Director of Training for the New York City Department of Correction to assist in the development

of a new, more meaningful training program for the correction officers in the Department. As a result of the disturbances in the institutions during the summer, the Department obtained a special Law Enforcement Assistance Administration grant to develop more intensive pre-service and in-service training with particular emphasis upon human relations and attitudinal changes among the custodial personnel.

The Association prepared a general outline of both the process and content which should be included in such training with particular emphasis upon guided group interaction sessions to air the feelings and attitudes of staff.

#### **NEW YORK CITY BOARD OF CORRECTION**

Miss Weintraub met with Miss Kitty Hawks, a staff member of the Board of Correction, to inform her of the work of the Association, specifically the services supplied to inmates. Miss Hawks indicated that the Board uncovered many problems in the course of its work with which it does not have the means to deal. She thought that a referral arrangement could be worked out whereby the Correctional Association would be notified of the problems for suitable action.

The General Secretary met with the Chairman of the New York City Board of Correction, Mr. William vanden Heuvel, at his request, to discuss both the direct service work the Association is doing in the detention institutions in the City and general policy and legislative matters affecting the Department. We emphasized that the Department is really a federation of separate institutions with the need for the Commissioner to have more power and authority over the minutiae of operations in each institution. We feel that until such time as the wardens are more under the control of the Commissioner through an appointment process similar to that used within the Police Department and do not move into the position by virtue of a Civil Service examination, the administrative problems involved in operating the Department can effectively bar major changes. We further emphasized that correction is but part of a total continuum involving police, prosecution, Legal Aid, and the courts and until such time as there are improvements in the other agencies, correction will be plagued with problems over which it has no control. Mr. vanden Heuvel completely agreed with our general orientation and volunteered to meet with the Executive Committee at its May meeting to explain the goals and problems of the New York City Board of Correction.

### **BAIL FUND**

The Correctional Association administered a bail fund of \$5,000 put up by an anonymous group of individuals. The money was to provide monetary bail for Legal Aid clients being held in detention in the City's institutions. The only limitation on the use of the fund was that no more than \$250 be put up for any one individual. This fund operated in addition to, but apart from, that which was set up by another anonymous donor in 1970. During the year the Association was able to provide bail for 49 individuals.

### **NEW YORK CLERGY AND INTER-RELIGIOUS COALITION**

The Association met with Arthur Simon and Ralph Ahlberg, representatives of the newly formed New York Clergy and Inter-religious Coalition, and with Leon Dickinson, Secretary for Chaplains for the United Church of Christ, to discuss ways in which individual clergymen and the churches as a group could become involved in the system of the administration of criminal justice. The clergy coalition was formed in the fall of 1970 as an ad hoc group of about 50 individuals to discuss some of the specific problems facing the church, and action programs which could be developed to meet those problems. As a result of the disturbances in the city jails, a separate committee was set up to deal with the problem of prisons. One of the programs under consideration was one in which individuals now detained in the City's jails would be paroled to individual churches pending disposition of their cases. There was discussion about setting up a permanent structure within the various denominations to deal with the problems faced by the criminal justice system. This would also include a re-examination of the role of institutional clergy.

The Association participated in an all-day conference co-sponsored by the New York Clergy Coalition and the New York City Board of Correction to discuss ways in which clergymen can become involved in the administration of criminal justice in the City. In addition to panel discussions with Commissioner McGrath, the head of the Correction Officers Benevolent Association, and clergymen, there was also a series of meetings to discuss prison visits by clergymen, a pre-trial release program to be run by the Clergy Coalition, and the formation of a lobbying group in the area of prison reform. Most of the discussion centered around defining the goals of such a lobbying group. It was decided that there would have to be further meetings of a planning committee to define more clearly the area on which such a group would focus, and the aims it would try to achieve.

### **COMMUNITY SERVICE SOCIETY**

The General Secretary addressed a luncheon meeting of the Committee on Youth and Corrections of the Community Service Society. He was invited to speak on ways in which that organization and the Correctional Association could work together to improve the system of criminal justice in New York State. The group also wanted to hear some of the details of the report of the Panel of Inquiry into Juvenile Detention, of which Mr. Goff was a member. The Committee showed great interest in the work of the Association, particularly in the area of rights of prisoners, which was the main legislative thrust of the Association for this year.

We were pleased to note that the Community Service Society has re-examined its stand on solitary confinement for children in State training schools. The legislation drafted by the Correctional Association in 1970 at the request of Assemblyman Stavisky to limit severely the use of solitary confinement for children was vetoed by the Governor after having passed both Houses of the Legislature. In his message, the Governor specifically cited opposition to the legislation on the part of the Community Service Society. Since that time, the Community Service Society has re-evaluated its stand on the matter and supported some form of limitation of the use of solitary confinement for children.

### **FAMILY COURT VOLUNTEER PROGRAM**

Miss Weintraub met with Mrs. Doris Silverman, organizer of a volunteer program working with children placed on probation with the Community Branch Office of the Queens Family Court. Mrs. Silverman had nine volunteers working as tutors under the informal supervision of probation officers. She was having difficulty defining the purpose of the program and developing a cooperative working relation with the Probation Department. Particular problems centered around confidentiality of probation reports and confidentiality of volunteer-probationer communications. Mrs. Silverman hoped to be able to expand the program to all of the boroughs and was looking for people who would be willing to serve as organizers.

### **NEW DEMOCRATIC COALITION CONGRESS**

The Association was represented at the Penal and Judicial Reform Seminar of the Second Action Congress of the New Democratic Coalition. Panel members at this seminar included William vanden Heuvel, Chairman, New York City Board of Correction; Henry Ruth, Chairman, Mayor's Criminal Justice Coordinating Council;

Carter Burden, City Councilman; Ira Glasser, New York Civil Liberties Union; Stanley Bass, NAACP Legal Defense Fund; and representatives of Legal Aid, Urban Coalition and Fortune Society. The purpose of the meeting was to discuss a "Prisoners' Bill of Rights." It was most heartening to see that other organizations which are active in both legislative and judicial work affecting prisoners' rights have adopted the Association's concept of a "Bill of Rights" for prison inmates. There was also discussion in support of the Association's efforts to repeal the civil death statutes in New York State.

#### **MAYOR'S OFFICE**

The Association was confidentially contacted by Mayor Lindsay's Office after a newspaper reporter had been refused permission to interview an inmate being held in detention to obtain the view of the Association on permitting press interviews with detainees. We explained possible ramifications such as civil suits against the City if the inmate's picture was taken without permission and suggested the Corporation Counsel be contacted on these matters.

If these civil matters can be clarified and subject to administrative rules and regulations, we can see no reason why inmates being detained should not have access to the press.

#### **NEW SCHOOL DOCTORAL CANDIDATE**

The General Secretary met several times in the course of the year with Edward J. Shaughnessy, a doctoral candidate in sociology at the New School for Social Research. Mr. Shaughnessy was working on an analysis of the actual application of the bail system in New York City. He was most interested in tracing the actual forces at work in the bail process and the various interests which those forces represent. The General Secretary was asked to serve as technical adviser for this project.

#### **NEW YORK STATE SOCIAL WELFARE CONFERENCE**

During the year, the Association was quite active in planning for the Corrections Section of the New York State Social Welfare Conference. The topic chosen was "Sharing Responsibility in the Decision-Making Process." An example used was that of a community-based treatment center for juveniles. There was a large turnout at both sessions of the workshops which were structured in such a way as to directly involve all those in attendance in the discussion.

Discussion of the first day's workshop centered around the degree and type of involvement of administration, staff and inmate clients

in the decision-making process within a treatment facility. Interestingly, only the group speaking for the inmate-clients felt that the residents of a facility should have any structured say in decisions governing the running of that facility. All those present on both days agreed, however, that the community must be involved in the workings of the center from its very inception in order to have any degree of success.

The Association's representative also attended the all-day institute on corrections held by Dr. E. Present Sharp, General Secretary of the American Correctional Association.

#### **TEACHERS COLLEGE PROGRAM FOR FEMALE OFFENDERS**

At the suggestion of the Criminal Justice Coordinating Council, the Association was contacted by a member of the Columbia University Teachers College staff who is working on a two-part program for the Women's House of Detention. The first phase of the program included the development and implementation of a full educational program for the new women's institution on Rikers Island. This was run jointly by the Board of Education and Teachers College. The second phase was community-based and would be solely under the auspices of Teachers College. The project called for setting up a storefront in the Morningside Heights area which would be available for remedial education work, general adult education courses, job training, counseling and placement, and other supportive services for women released from the Rikers Island institution. The Association was able to provide Columbia Teachers College with a listing of the few agencies presently active in counseling and placing female offenders. Such questions were discussed as arrangements with Welfare to provide maintenance for the women while they are in program and the possibility of setting up an in-house drug treatment program solely for women.

#### **MORGAN GUARANTY TRUST**

Mr. Wilmerding and Mr. Goff met three representatives of a bank foundation at their suggestion to discuss in general projects and activities of the Association that this foundation might be interested in funding. The preliminary discussions were of a general nature with an emphasis being placed upon the contemplated ombudsman program. A copy of the conceptualization of the ombudsman program was left with them, and an offer made to arrange a tour of Rikers Island.

### **COURT EMPLOYMENT PROJECT**

Miss Weintraub met with two counselors from the Vera Court Employment Project in Manhattan who were involved in obtaining jobs for individuals referred by the court as an alternative to criminal prosecution. They frequently needed emergency funds for their clients for such items as work clothes, carfare, etc. The procedure was established by which clients could be referred to the Correctional Association for such emergency aid.

### **COLUMBIA LAW SYMPOSIUM**

The Association was represented at a Symposium on Bail, Preventive Detention and Speedy Trials sponsored by the Alumni Association of Columbia Law School. The panel included Richard Uviller, professor of law at Columbia; Peter D. Andreoli, Assistant District Attorney in charge of the Supreme Court Bureau of the New York County District Attorney's Office; Irving Lang, Judge, Criminal Court of New York; and Harold J. Rothwax, Judge, Criminal Court of the City of New York. While all of the panelists agreed that the system of monetary bail should be replaced, there was difference of opinion as to what criteria should be used for detaining individuals pending trial. Among the problems of the courts discussed at the meeting were the number of adjournments, especially those requested by defense counsel; the problem of non-appearance in court of police officers and defense attorneys, particularly private members of the bar; the congestion caused by treating criminally such offenses as prostitution and peddling, poor arrest procedures by the police; and other problems of calendaring and utilization of personnel.

### **STATEWIDE JUDICIAL BUDGET**

The Correctional Association of New York is a member of an Ad Hoc Committee formed by the League of Women Voters to secure passage of legislation for a statewide judicial budget. A meeting was held in the League offices to plan strategy. The Association was represented at the press conference sponsored by the League of Women Voters in support of a statewide judicial budget. Speakers at the press conference included Mr. Robert H. Kilroe, chairman, New York State Bar Committee on Judicial Administration; Senator Jeremiah B. Bloom, sponsor of the Unified Court Budget Bill; Mrs. George Ames, president, New York State League of Women Voters; William Green, president, Manhattan Branch NAACP; and William Bowe, treasurer, New York City Central Labor Trades Council. The speakers emphasized the need for a statewide judicial budget to insure

uniform court conditions and decried the broken political promises and silence of the New York City media in this area.

### **JUDICIAL CONFERENCE**

The General Secretary was asked by Mr. Thomas McCoy, Administrator of the Judicial Conference of the State, to review guidelines prepared for judges visiting correctional institutions in accordance with a recent order of the Judicial Conference. He talked with and wrote to the Administrator of the Courts concerning the order itself which he felt to be excellent in principle but poor in details. He proposed that instead of judges visiting detention and sentenced institutions in their own Department's geographic area every three months, a yearly visit be required to all institutions to which the judge commits individuals. This would include detention facilities within their Department as well as the sentenced institutions under the State Department of Correctional Services. Under the present order judges of the Supreme Court in Queens, for example, would be visiting only the detention centers in Queens and Brooklyn. They would not be visiting the Rikers Island complex nor any of the State Correctional facilities.

Despite the weaknesses in the order of the Judicial Conference it was felt that it was a step forward and the Association worked with the Administrative Board to assist in the development of guidelines for the judges to use in their visits.

### **CITY COUNCIL — DEPARTMENT OF CORRECTION**

The General Secretary was asked by Councilman Cuite to appear before a committee of the City Council concerned with the Department of Correction. The four major points on which he focused attention were 1) authorization of the Commissioner to appoint the wardens of the various institutions from the position of deputy warden; 2) the need for City appropriations for clothing and social services for detention prisoners (which the Correctional Association was providing); 3) urging that the present Women's House of Detention, to be vacated when the new Women's House of Detention opened on Rikers Island, be kept for use by the Department of Correction for special projects for male detainees, and 4) a clear definition of the role of the Board of Correction in relation to the Department of Correction.

Much time was devoted to discussion of the last point and questioning of the General Secretary. He was able to point out that the original idea for a Board of Correction came from the Correctional Association a number of years ago and that the Association had a

marked interest in the concept of citizen participation. After completion of his testimony, the General Secretary was approached by a committee staff member and asked if he would participate in re-drafting that section of the City Charter relating to the Board of Correction should the City Council decide to change the statute.

#### **LAW ENFORCEMENT AND THE COMMUNITY**

The General Secretary participated in an all-day conference sponsored by the Association for Public Administration in Rochester. This conference focused on the desirability of establishing an integrated county police department to replace the existing four independent village police departments, five separate town departments, the 350-man Rochester City Police Department and the law enforcement section of the County Sheriff's Office. This plan is an outgrowth of an original overall administration of criminal justice plan the Association, together with the then Rochester Bureau of Municipal Research, introduced in 1964.

Another program that developed in Monroe County from the work of the Association several years ago was the creation of a Continued Care Unit in the County Mental Hospital for 70 alcoholics of the skid-row type who in the past had been repeatedly arrested and committed to the County penitentiary. A study of the effectiveness of this program revealed an annual cash saving to the county of a third of a million dollars. In addition, police and courts are freed to focus their time and energy on more serious crime matters.

#### **ADMINISTRATIVE CODE — CITY OF NEW YORK**

The Association was contacted by a staff member of Councilman Carter Burden's subcommittee which had been redrafting those sections of the Administrative Code which relate to the Department of Correction in New York City. The subcommittee drew very heavily on the Association's Prisoners' Bill of Rights published last year in promulgating what they hope will be a model code. A copy of the Draft has been submitted to the Association for comment and suggestions before open hearings are held later this fall.

#### **STATE BAR ASSOCIATION**

The General Secretary was asked to meet with the newly-formed Committee on the Revision of the Criminal Law to propose a legislative program for that body for the forthcoming legislative session directed toward bringing about greater consistency in the social philosophy of the laws of the State. This group is principally concerned with

the impact of the criminal law upon the social structure in the State, as well as the need to adjust the criminal laws in view of the existing social situation.

The Committee grew out of some of the work the Correctional Association did several years ago in the generalized area of victimless crime, most specifically in our work, mainly in the Rochester area, to shift the handling of the chronic police court offender from a prosecutory to a medical approach.

The chairman of this Committee, Mrs. Hortense Mound, a member of the Correctional Association, first became aware of the Correctional Association's work when she was counsel for the Governor's Advisory Committee on Alcoholism. Since that time we have been in periodic contact with her and provided the philosophic base for the creation of this new State Bar Association Committee dealing with all aspects of the criminal law. We have been assured of the support of this group in any legislative efforts we make in the future.

#### **VOLUNTEER PROGRAM — BROOKLYN HOUSE OF DETENTION**

The Association was instrumental in assisting Mrs. Tina Ruth, a Brooklyn housewife, in setting up a voluntary library program for the Brooklyn House of Detention. Mrs. Ruth, together with other individuals who lived in the neighborhood of the Brooklyn institution, decided that there should be more community responsibility for the men held in the Brooklyn House. The Association was able to arrange meetings with the Commissioner of Correction and the warden of the institution as well as with church representatives who were interested in providing volunteers for such a program. The Association was also able to assist Mrs. Ruth in delineating her program and in giving an orientation to the volunteers. By the end of the year, the program was active in the institution setting up libraries on each floor, soliciting books and magazines from the community at large, and looking into the possibility of operating a remedial education or high school equivalency program for the institution at the request of the warden. Miscellaneous expenses for the program were paid for by the Correctional Association of New York.

#### **CITY COUNCIL — JUVENILE DETENTION**

The General Secretary appeared before the Finance Committee of the City Council in an effort to expedite the transfer of funds to operate the juvenile detention facilities in New York City from the Office of Probation to the Human Resources Administration under the Mayor. While the recommendation of the three-member panel

appointed by the Presiding Justices of the First and Second Departments, on which the General Secretary served, to transfer the administration of juvenile detention in New York City from the judiciary to the executive branch of government was accepted by both the Mayor and the Justices involved almost immediately after it was made, the procedural mechanics were slowed down by one City Councilman. The recommendation was submitted in January 1971, publicly accepted by the Mayor and the two Presiding Justices in April, an administrator appointed by the Mayor the same month, but the necessary transfer of funds which was already appropriated from one unit to another had only very recently been accomplished. In the meantime, since day-by-day operation had to be maintained and some 200 children cared for, the children and staff were in a state of limbo, both suffering from lack of leadership. The Office of Probation, since it knew it would eventually lose administrative responsibility, could not initiate any new programs, and the Human Resources Administration could not assume control until the monies were transferred.

#### GOVERNOR'S OFFICE

The General Secretary met in Albany with Counsel for the Governor to review various monitoring and inspection systems which have been proposed, including the Association's Ombudsman Program. Both the Governor's Office and the Association are researching the Association's authority to visit and inspect state correctional institutions and to interview inmates in private. There are several proposals under serious consideration to: (1) reduce the lack of confidence of the public in correctional handling in general in the State; (2) maintain more effectively a finger on the pulse of the inmate community in correctional institutions and to correct legitimate inmate grievances and (3) provide a clearer channel of communication between the inmate population and lower staff with the top administration of the State.

The Governor's Office appears to be quite aware that while part of the proximate causes of the series of riots that were experienced in the State in the last year may be attributed to radically political inmates, long-standing grievances and unheeded calls for reform constitute the bedrock of causation.

Mr. Whiteman, Mr. Shapiro and Mr. Donnino all stated that they had received extremely complimentary reports on the work of the Goldman Panel and Mr. Whiteman in particular felt the Panel had been most effective. The Attorney General had also reported that the Panel had been of invaluable assistance to Deputy Attorney General Robert Fischer in his investigation.

#### CORRECTIONAL ASSOCIATION'S INSPECTION LAW

At the suggestion of Counsel for the Governor, we researched the inspection law of the Association to make certain it is still in force and effect. The consolidation of the Statutes of the State of New York in 1908 which repealed the majority of the special private and local laws, did not in any way affect the Association's inspection authority as revealed by the Statutory Record of Unconsolidated Laws in 1911. As requested by Counsel to the Governor, this data was forwarded to the Governor's Office. The existence of this statute has become extremely important in view of the present deliberations concerning an inspection/monitoring/ombudsman system for the State's correctional institutions.

#### OMBUDSMAN/MONITORING SYSTEM

In accordance with the resolution passed by the Executive Committee at the November meeting, the General Secretary contracted with a research sociologist knowledgeable in the field of administration of criminal justice, Mr. Edward J. Shaughnessy, to prepare a Feasibility Study of an Ombudsman System for the Association. Mr. Shaughnessy had been known to the Association for over two years, during which time we worked with him on a major study of bail reform. He has also been engaged by the courts to bring about administrative changes in the judicial process.

Mr. Shaughnessy gathered material on ombudsmen, inspection systems and monitoring systems throughout the United States, not only in the field of correction but in other fields, so that the ultimate proposal for the Association would be drawn from the widest possible experiences with programs of this type.

Because of the pressure of time, Mr. Shaughnessy curtailed all other activities, with the exception of his teaching, and devoted full time to the Feasibility Study.

#### STATEWIDE CONFERENCE ON WOMEN'S RIGHTS

The Association was contacted by the Women's Unit of the Governor's Office to assist in the planning for a Statewide Conference on Women's Rights which was held in Albany on November 13 and 14. We met with the Workshop Coordinator to help formulate some of the problems to be discussed in the individual workshops as well as to suggest names of individuals for panel members. Miss Weintraub chaired the workshop panel on crime and corrections.

### "JUSTICE DAY" — THE BREARLEY SCHOOL

The Association took part in a day-long session of seminars and discussions devoted to the criminal justice system, held at the Brearley School. The opening panel was made up of Whitney North Seymour, Jr., United States Attorney, Southern District; Richard Uviller, Professor, Columbia Law School; and Harry Subin, Professor, New York University Law School. The topic was the conflict between individual rights and law enforcement. Miss Weintraub, together with an ex-offender who was one of the clients of the Employment and Relief Bureau, held a seminar on after-care, stressing the problems that an individual faces on his release from prison, and the resources in New York City available to assist him. The session was well-attended, and the response most enthusiastic.

### B'NAI BRITH TALK

Miss Weintraub addressed a chapter of the B'nai B'rith on the subject of crime in the streets. There were several active and retired policemen in the audience which was made up primarily of businessmen. A high degree of interest in the subject was evidenced, particularly the desire to obtain accurate information about crime and law enforcement conditions in New York City. It was somewhat reassuring to hear that a majority of the group realized that the causes of crime are found in the fabric of the society itself and that the answers to crime are never simplistic ones.

### TV DOCUMENTARY

The Association was contacted by the producer of an NBC documentary on juvenile training schools for technical assistance and advice. This documentary, with the working title, "This Child is Rated X," was to be a semi-exposé of the way juveniles are treated in detention centers and state training schools. To our amazement, in looking into the matter we discovered that there are at least five states which permit the staff of training schools for juvenile delinquents to use corporal punishment as a means of discipline. To our knowledge there is no state which has any statutory restrictions upon placing juveniles in solitary confinement or isolation for extended periods of time.

### NEW YORK TIMES PROSTITUTION ARTICLE

The General Secretary was interviewed at some length by Joan Cook, Woman's Page feature writer for the *New York Times*, for an article on prostitution. At his suggestion, Miss Cook contacted Dr.

Lonnie MacDonald to obtain some of his valuable insight on the psychological functioning of prostitutes. Unfortunately, the weekend before the *New York Times* article was to appear, a full length, in-depth feature story appeared in the *New York Magazine*. This resulted in at least a temporary killing of Miss Cook's article.

### RADIO STATION WEVD

The General Secretary appeared on a panel discussion on Radio Station WEVD on the area of victimless crime, with particular emphasis upon alcoholism and drug addiction. Other members of the Panel were Mr. Harry Fleischmann, executive director, National Alliance for Shaping Safer Cities; Mr. John Ruhnke, Vera Institute for Justice; and Mrs. Margery Gross, executive director, Alliance for a Safer New York.

### RADIO BROADCAST — WRVR

Mr. Schulte and Mr. Goff appeared on a live radio program with Adam Powell on WRVR on the topic of penal reform. Both Mr. Schulte and Mr. Goff emphasized the need of the City to reduce its overcrowding in correctional institutions. Mr. Schulte emphasized the need to make use of the two Narcotic Addiction Control Commission facilities which have been closed down, and Mr. Goff again pointed to the waste of not permitting the old Women's House of Detention on Greenwich Avenue in Greenwich Village to be used by the Department of Correction.

### PUBLIC INFORMATION

The General Secretary participated in a one-hour radio program together with Councilman Eldon Clingon and Commissioner George McGrath on New York City correctional institutions. Among the points emphasized were the ultimate need for the State to assume jurisdiction and responsibility for all sentenced prisoners with sentences greater than 30 days to relieve New York City of this responsibility; the desirability of retaining the old Women's House of Detention in Greenwich Village to house overflow from the Tombs when the new Women's House of Detention was opened on Rikers Island, the need for the city to provide clothing for individuals in detention rather than rely upon private agency contributions and the need for social workers on the City payroll to provide social services to individuals being held in detention.

Among the many radio broadcasts in which the General Secretary was involved was one with Senator John Dunne for a series broad-

cast by CBS on prison conditions. This program was carried locally by WCBS for a week and was given national distribution to CBS affiliates.

A second taping was made on WEVD on the topic of the detention of juveniles in New York City. The General Secretary appeared together with Dr. Curtis, Associate Dean, Cornell Medical School, who has a marked interest in the field of child psychiatry; Sister Mary Paul, director of a shelter for delinquent girls; and Miss Leah Marks, counsel of the Citizens Committee for Children.

A third taping was made for WCBS-FM on prison riots. This program involved a panel discussion among Mr. Jeffrey Glen, assistant counsel for the National Council on Crime and Delinquency; Mr. Kenny Jackson, vice-president of the Fortune Society, and the Director of Public Information for the New York State Department of Correction.

#### **SOCIAL SERVICE — BROOKLYN HOUSE OF DETENTION**

Augmenting the already existing service to the Tombs, the Correctional Association began providing a social service worker to deal with inmate problems in the Brooklyn House of Detention. Steve Cumberbatch, an ex-offender who since his time of imprisonment has achieved one college degree and the greater part of a second, was put on staff part-time to set up the program. Mr. Cumberbatch was hired by NAACP Counseling Program and his place was filled by Harry Friedman of the Association's Employment and Relief Bureau who spent two afternoons a week in the Tombs and three in the Brooklyn House of Detention. The warden of the Brooklyn House expressed deep appreciation to the Association for providing this much needed service.

#### **CIRCUS DAY**

Saturday, May 15, was Circus Day for some 100 children and mothers, clients of the Family Service Bureau of the Association. Chaperoned with the assistance of the volunteers, the children, most of whom had never been to a circus nor seen five wild animals, had an exhilarating day at the Greatest Show on Earth.

While such activities as these of the Family Service Bureau are carried on for humanitarian reasons, they form an integral part of the Association's work toward delinquency prevention. The seeds of a criminal life find fertile ground in the children of men who are incarcerated. The plethora of problems confronting them, particularly

in role identification and self-conceptualization, account for much of the successive-generation criminality. Any constructive moves to redirect these children lead to a reduction in delinquency and crime in later years.

#### **TOUR OF RIKERS ISLAND**

The volunteers working with the Family Service Bureau of the Correctional Association of New York toured the Adolescent Remand Shelter on Rikers Island. The facility, originally the New York City Correctional Institution for Men, now houses those males between the ages of 16 and 21 who are awaiting disposition of their cases. Because the institution is equipped to hold individuals in maximum security segregated from the rest of the population, it was housing both the Black Panthers who were awaiting trial and those participants in the riots at the Queens House of Detention who were considered to be the leaders of the disturbances.

The staff of the institution was obviously tense from the constant publicity and investigations which the department was undergoing. As in other City institutions, inmates were confined in cells (two to a cell) barely adequate for one. There was little active program. While a school does operate within the Remand Center, it can serve only a small percentage of those detained. There was one psychologist and one psychiatric social worker for approximately 1,900 inmates.

Construction was underway for an addition to the Adolescent Remand Shelter which should be finished in approximately two years.

#### **WOMEN'S HOUSE OF DETENTION**

The Association arranged a tour of the old Women's House of Detention for a group consisting of the Director of Chaplains for the United Churches of Christ, a student committee from New York University Institute of Public Administration working on corrections, and the Association's volunteers. The General Secretary was able to secure permission for pictures to be taken. The volunteers, who last month visited the adolescent remand shelter on Rikers Island, were greatly struck by the atmosphere of the women's institution. Even though the cells of the Women's House are the same size as those of the men's institutions, the addition of bedsprings, books and decorative pictures made them seem much less stark and forbidding. There also seemed to be less tension evidenced by the staff. Most notably, the visitors were allowed to speak with inmates which they were forbidden to do at the men's institution.



### **FAMILY SERVICE BUREAU VOLUNTEERS**

The first formal meeting of the volunteer group was held in the beginning of October. Many of the volunteers had continued to work with their families throughout the summer. Several new volunteers were added to the program, including a Spanish-speaking married couple who were assigned to a Puerto Rican family living in Spanish Harlem. Another new volunteer is a senior in Home Economics at New York University who is working in the program to satisfy part of a course requirement. She will not be working with one family on a permanent basis but rather will be visiting several of the women to help them with their menu planning, budgeting and food shopping. An advertisement utilizing a picture of a volunteer taken last year was placed in several student newspapers in New York City colleges and universities. The response was quite heartening.

In accordance with Parkinson's Law, the Association's program of volunteers working with the Family Service Bureau clients seems to expand to fill specific needs as they arise. Through a referral from the caseworker in the Federal Reformatory for Women in Alderson, W. Va., the Association has been working with the aunt of an inmate at the Reformatory who is taking care of that woman's six children during her sentence. In the course of working with the family, it was discovered that the children had not seen their mother in the year and a half that she was in West Virginia. One of the students working with the Family Service Bureau program volunteered for her and her husband to take the children on a weekend trip to see their mother. Permission was obtained from the institution, a station wagon was rented and the visit was made. Not only was this the first time the children had seen their mother since she was sent away, but this was the first visit the woman had received in the year and a half she had been in the Reformatory.

This is another example of the wide range of services which can be provided by a volunteer program.

### **BUFFALO FAMILY SERVICES**

Miss Weintraub met with Mrs. Mary Schwartz, a social worker on the faculty of the University of Buffalo School of Social Work. Mrs. Schwartz is the wife of Professor Herman Schwartz of the Law Faculty of Buffalo University, who is on leave of absence to develop court cases in the field of prisoners' rights. Mrs. Schwartz was extremely interested in prison conditions and had started to organize a group in Buffalo to work with the families of prisoners in that area. She had been referred to the Correctional Association by the State Crime Control Planning Board. The Buffalo group was still in the

formative stage and had not yet decided what focus it wished its activities to take. She was greatly impressed with the work which the Association is doing and felt that this was the type of approach her group should adopt. She was supplied with copies of some of the forms used by the Family Service Bureau and other information about the specific details of running such an operation.

### **NATIONAL 101st CONGRESS OF CORRECTIONS**

The Association was represented by both the General Secretary and Mr. Cass at the 101st Congress of Corrections of the American Correctional Association held in Miami Beach, Florida. A major concern of this Congress was the plethora of court cases that have been brought challenging conditions within correctional institutions. The afternoon of the last day was given over to a four-hour session on legal problems in corrections. It was addressed by the Counsel for the State of Missouri, a professor from South Carolina Law School working on compiling cases affecting corrections, a Federal District Judge from Massachusetts who was formerly counsel for parole, probation and corrections of that state, and Walter Dunbar, Deputy Commissioner of Correctional Services for New York State. While the orientation of the first speaker centered around legal efforts to defeat such cases, the other speakers were more concerned with delineating those areas which are vulnerable to attack by the courts and exhorting correctional administrators to change before they are forced to do so. The emphasis of Mr. Dunbar's presentation was that the goal should not be to keep out of court but rather to be fair and to protect the rights of inmates. He was highly critical of the parole process for its secrecy and slipshod record keeping. He suggested among other things that parole boards should invite outsiders to attend their sessions, that they should become less dependent on institutions and police for information and that they should give written reasons to all individuals involved for granting or denying of parole.

During the Correctional Service Federation Annual Business Meeting, a major discontent was expressed with the speakers at the Congress of Corrections and the topics chosen for the individual sessions. A committee was formed to look into means of making next year's Correctional Service Federation sessions relevant, challenging and of national-wide interest through choice both of topic and of speakers. The General Secretary was named Vice Chairman of this committee.

The General Secretary was asked to assist in the promulgation of a resolution for adoption by the American Protestant Correctional

Chaplains Association. Following some of the recommendations which came out of the World Council of Churches Consultation in 1970, the resolution, which was adopted without modification, calls for the individual chaplains to be the conscience of the institutions, and the organized churches to be the conscience of the community towards the criminal justice system.

#### NATIONAL INSTITUTE ON CRIME AND DELINQUENCY

The Correctional Association was one of the co-sponsors of the National Institute on Crime and Delinquency held in Philadelphia. Mrs. Ballantine and Mr. Goff represented the Association at this three-day gathering of professionals and citizens in the field of the administration of criminal justice which is one of the two main meetings held in the United States annually for those individuals interested in post-adjudicatory programs. The other meeting is the Congress of Corrections sponsored by the American Correctional Association.

#### COUNCIL OF STATE GOVERNMENTS

The Association was again requested to prepare the chapter on "Correction, USA" for the Council of State Governments' bi-annual publication, *The Book of the States*. The Council of State Governments is the professional national organization of all state governments in the United States and is most known for the Annual Governors' Meetings it sponsors. In addition to the conferences it conducts on government and working through treaties among the various states such as the Interstate Parole Compact, the Council is looked upon for the guidelines it publishes on various aspects of state government functions. The bi-annual publication, *The Book of the States*, is the central source and acts as "The Bible" for legislators and members of the executive branch. The General Secretary has been writing the chapter on correctional services for this publication for many years.

As has been the practice in the past, letters were sent to the Commissioners of Correction and other individuals involved in the administration of criminal justice throughout the United States requesting information on specific programs which may have been inaugurated in their respective states during the past two years. This information, plus data gathered from other publications constituted the source from which the General Secretary prepared this chapter. Reprints of the chapter are provided by the Council of State Governments to the Association for distribution to overseas correspondents and various organizations in the United States which

are seeking information on general trends in the administration of criminal justice.

#### COURT DECISION — CIRCUIT COURT, STATE OF MARYLAND

In the latter part of July, the General Secretary was asked to testify as an expert witness on a series of petitions filed by 24 inmates of the Patuxent Institution for Defective Delinquents in the State of Maryland. These petitions alleged brutal, unlawful and inhumane treatment in the institution. They ranged from treatment in segregation and solitary confinement, infliction of corporal punishment, deprivation of treatment or rehabilitation programs, through unreasonable and arbitrary restrictions on visiting, and unreasonable restriction on the censorship of mail. The General Secretary spent two days in the institution and at the trial, remaining on the stand under examination for approximately four hours. The attorneys for the plaintiffs were coordinated by Mr. Julian Tepper of the National Law Office of the National Legal Aid and Defenders' Association (appointed counsel), and the State's case was handled by members of the Attorney General's Office. The court was presided over by a two judge panel.

On November 11, 1971, the Court, in a lengthy decision, ordered the Board of the Patuxent Institution to comply in all respects with the matters set forth in the opinion and "to promptly adopt the rules and regulations appended hereto and to otherwise discontinue those practices and procedures which violate the inmates' constitutional rights."

In its decision the Court incorporated many of the points made by the General Secretary and stated, "In coming to its conclusions, this Court has benefited considerably from the testimony of Donald Goff, accepted as an expert in the field of corrections."

The day following the release of the court decision, the General Secretary was contacted by the Baltimore Sun and observed that the Maryland decision was a landmark decision in that it recognized the State's responsibility to provide rehabilitative services to all inmates, and stated, "The treatment program has both formal and informal aspects and exists on all levels of communication between those within the institutional environment, including the correctional officer and the entire custodial staff." On other issues concerning censorship the Court adopted the guidelines proposed by the Correctional Association's "Bill of Rights for Prisoners."

Appended to the decision were a series of rules and regulations. These included an institutional code of conduct, a schedule of punish-

ments, disciplinary procedures, segregation regulations, correspondence rules, medical facilities, visiting rules, dietary regulations, and rules and regulations concerning physical force by custodial personnel. It is regrettable that such rules and regulations have to be promulgated by the courts and had not been established by the Correction Department of the State.

Maryland now follows a number of other states where a court has intervened to make certain that inmates in correctional institutions were being more humanely treated.

#### **AMERICAN BAR ASSOCIATION'S COMMITTEE ON CORRECTIONAL FACILITIES AND SERVICES**

The General Secretary spoke several times with Mr. James V. Bennett, former Director of the Federal Bureau of Prisons and presently a member of the American Bar Association's Committee on Correctional Facilities and Services, chaired by former Governor Richard Hughes of New Jersey. Mr. Bennett was most flattering about the Association's Recommendations to the 1971 Legislature and asked that copies of that material be sent to the members of the Committee. He further asked the Association to contact Mr. Herbert Brownell, recently appointed to head a committee of the Association of the Bar of New York on correction, as he, Mr. Bennett, had suggested to Mr. Brownell that the Correctional Association would be of invaluable assistance to him on his new undertaking.

Further, Mr. Bennett asked us to provide material and the names of individuals to testify before the U.S. Senate Subcommittee on Juvenile Delinquency, presently headed by Senator Birch Bayh. He asked specifically if the General Secretary would be able to testify at the series of hearings to be held in the latter part of April and the beginning of May on the detention and institutionalization of juvenile delinquents.

#### **PRISONERS' RIGHTS CONFERENCE**

The Association was represented at a weekend Conference on Prisoners' Rights held in Chicago, sponsored jointly by the American Civil Liberties Union, the Playboy Foundation and the University of Chicago. The original concept of the conference was to provide lawyers with practical working knowledge of how to bring prisoners' rights suits. Unfortunately, after Attica, so much interest was aroused in the area of prisoners' rights that registration for the conference jumped from an expected 75 to over 400, over half of whom were not lawyers. As a result, the conference split into two groups — the lawyers who wanted to talk about legal techniques and the represen-

tatives of community organizations who wanted to talk about conditions. While this led to a certain amount of confusion, there was still some very valuable information disseminated regarding recent court decision, most notably the Virginia Landsman decision, and the activity being undertaken in various jurisdictions around the country.

#### **NATIONAL COUNCIL OF CHURCHES**

The Association was contacted by the National Council of Churches for assistance in setting up an emergency meeting of denominational heads and national chaplaincy directors of the major Protestant denominations on immediate penal reform.

Mr. Goff, Mr. Arthur Hoyles and Mr. John Adams, Director of Christian Social Concern for the National Methodist Church, the organization which funded and sponsored the development of "Volunteers in Probation," addressed this group. The General Secretary's principal thrust was to urge the organized churches of the United States to focus their energies upon underlying causation factors of the present Attica situation and not expend their energies on the pro's and con's of the five-day riot itself. To achieve this, the General Secretary proposed that a strong support structure be developed in each denomination for chaplains serving in correctional institutions who should be acting as the conscience of the community in the institution.

Many of those who attended this meeting were extremely condemnatory of the way inmates are stripped of their human dignity in correctional institutions and one churchman stated, "the almost paranoia found in some correctional institutions over security." One of the young churchmen present, who also happens to be an attorney, is spearheading a group of NGO's in the UN to censure the U.S.

As an outgrowth of this meeting, the General Secretary is to meet with a group representing the American Correctional Association, the National Council of Churches and the Director of the Federal Bureau of Prisons and his staff.

#### **NATIONAL COUNCIL OF CHURCHES — AMERICAN CORRECTIONAL ASSOCIATION MEETING**

The General Secretary attended a meeting called by the Director of the Federal Bureau of Prisons of both representatives from the American Correctional Association and the National Council of Churches. This meeting was basically the result of the resolution drafted by the General Secretary and the chairman of the Commission of Federal Chaplaincies and passed by the American Protestant Correctional Chaplains' Association in Miami this past August. The

resolution calls for a more active chaplaincy in correctional institutions and for the development of a stronger support structure in the various churches of the United States for chaplains serving in correctional institutions. The purpose of the Washington meeting was to explore ways in which the National Council of Churches and the American Correctional Association might collaborate in utilizing more of the resources of the churches in the United States in bringing about reform in institutional settings.

#### **NATIONAL COUNCIL OF CHURCHES — COMMISSION ON PASTORAL CARE**

Miss Weintraub represented Mr. Goff at the annual meeting of the Commission on Pastoral Care of the National Council of Churches. The Commission has direct responsibility for prison chaplains. The purpose of the meeting was to examine the role of the prison chaplain, redefine that role, and establish recommendations for support structure for the prison chaplain within the denominations themselves. The Commission hopes to be able to set up a meeting with the heads of the various denominations to get denominational support for this move.

#### **RUTGERS SUMMER SCHOOL OF ALCOHOL STUDIES**

For the second year, the General Secretary was asked to be a member of the faculty of the Rutgers Summer School of Alcohol Studies. This school brings together over 400 individuals working in the field of alcoholism throughout the United States. In addition to social workers, counselors and clergy, recent years have seen a marked increase in the number of judges, prosecutors, wardens and parole officers in attendance. It was for the latter group that the General Secretary was originally asked in 1970. This summer's enrollment of those involved in the administration of criminal justice increased so much that two sections had to be created to accommodate those desiring the course on correction. It is interesting to note this increase of interest in the problems of alcoholism among those involved in the judicial process. Among those in the course were three judges and two prosecutors, one attending on a Christopher D. Smithers Foundation scholarship.

The Assistant Prosecutor from Minneapolis became so interested and concerned that after the course he contacted the Association for material and information on setting up a court diversionary project for Minneapolis similar to one the Association helped create in Rochester. Further, copies of a paper on the legal aspects of addiction in the United States prepared by the General Secretary for

presentation at the International Council on Alcohol and Addiction Conference are now being distributed to every judge in Michigan by the Michigan Council on Alcoholism.

#### **INTERNATIONAL UNITED NATIONS ADVISORY COMMITTEE OF EXPERTS ON CRIME**

Representing the Howard League for Penal Reform and the International Council on Alcohol and Addictions, the General Secretary attended the last meeting of the present Advisory Committee of Experts on Crime to the UN prior to its reorganization in 1972. The agenda consisted of a follow-up on the recommendations and conclusions reached at the Fourth Quinquennial Congress on the Prevention of Crime and Treatment of Offenders held in Kyoto in 1970.

The Advisory Committee consists of one member from each of nine countries (to be expanded to 15), together with four non-governmental organization representatives, the World Health Organization, the UN Commission on Narcotic Drugs, and the UN Commission on Human Rights. The rapporteur of the Advisory Committee was Mr. H. G. Moeller, former Deputy Director of the Federal Prisons and presently directing an institute on criminal justice at Eastern Carolina University.

Of particular interest to the Correctional Association of New York was the major agenda item on citizen involvement and the role non-governmental organizations can play in improving the administration of criminal justice in their respective countries. In one of several interventions, the General Secretary pointed out the many constructive ways a voluntary non-governmental organization can help bring about improvement through sophisticated and knowledgeable organization.

Before the meeting commenced, the Association was contacted by the Director of Social Defence Programming for the UN and asked to arrange a series of group visitations for those in attendance. Three such tours were organized. One was to the Rikers Island Complex where the group was addressed by Commissioner McGrath. A second trip was to the criminal courts for a two-hour discussion on the organization of the courts system in the United States by Administrative Judge Ross and the Assistant Court Administrator of the First Judicial Department, Mr. Gerald Stern, plus a visit to an arraignment court and a trial court. The third group went to the State Narcotic Addiction Control Commission for an overview of the narcotic addiction treatment programs in the state and visited several treatment facilities.

As a result of a suggestion from our State Department, the Association, through efforts of Mrs. Stevens Baird, held a reception for those attending the UN meeting and New York City and state governmental officials involved in the administration of criminal justice.

Two days before the meetings commenced, the Soviet Desk of the State Department in Washington asked the General Secretary to arrange a series of private meetings and visits for one of the members of the Advisory Committee, Mr. Boris Victorov, Deputy Minister of Interior, USSR. This request had been made of our State Department by the Soviet Embassy in Washington. Immediately following the Washington request, the Association was contacted by the U.S. Permanent Mission to the UN with a similar request, the U.S. Mission having been contacted by the Soviet Mission. During the ten days of his stay in the United States, the Association arranged two unpublicized meetings for the Deputy Minister, one with Commissioner Karagheuzoff, Commissioner of Traffic for New York City, and the second with Commissioner Murphy of the Police Department. These were in addition to Mr. Victorov's visit with the group to Rikers Island. The night before Mr. Victorov's return to Moscow, the Director of Social Defence Programming, representing the Secretary General of the UN, entertained Mr. Victorov and Mr. Goff at a private dinner in Greenwich Village.

#### **UN SOCIAL RESEARCH INSTITUTE — ROME**

The General Secretary met with Edward Galway, senior advisor and former director of the UN Social Defence Research Institute in Rome, and Dr. Franco Ferracuti, senior research consultant of the Institute, on the reorganization of the Social Defence Section of the UN. Of particular concern was the newly assigned role the new Social Defence Unit will be playing in the area of drug addiction. The meeting focused principally upon ways wherein the International Council on Alcohol and Addictions, through the General Secretary and the Correctional Association, might become a major resource for the Social Defence Section on the social aspects of addiction.

In the past, the UN's principal involvement in narcotics matters focused on the development of international treaties and the definition of substances being abused. In general, the thrust was that of law enforcement and the control of dangerous substances. Little or no attention was paid to the individuals involved in the use of various drugs. Under the new arrangement, a markedly expanded Social Defence Unit, headed by Mr. William Clifford, will become one of a tri-party approach within the UN. It will be working jointly with the Human Rights Commission and the Narcotic Control Board on the total aspects of addiction.

The new concern of Social Defence in this area will follow the lines proposed by the General Secretary in his Intervention at Kyoto, Japan, 1970, asking that the Minimum Standard Rules for the Treatment of Prisoners take into consideration a differential in the handling of drug dependent offenders. It will also follow the memorandum prepared in 1967 by the Association for the International Council on Alcohol and Addictions and submitted to the Human Rights Commission on the study of "The Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile."

Both the staff of the Rome Institute and the newly appointed Officer in-Charge of the Social Defence Unit in New York, Mr. William Clifford, expressed enthusiasm over the efforts the Association has made in the past to develop a UN seminar on the legal aspects of addiction. It will be recalled that preliminary efforts have been made over the law two years to have such a seminar held in order to clarify more fully social policy as it relates to the way individuals addicted either to alcohol or to other drugs such as heroin should be handled by the various nations.

#### **DITCHLEY CONFERENCE — PSYCHIATRY AND THE LAW**

Several years ago, the General Secretary communicated to Mr. Louis Warren of the Executive Committee a concern he had on the philosophic basis for the state's taking away an individual's freedom. Mr. Warren suggested the idea be put in writing. This was subsequently transmitted to the Ditchley Foundation and accepted as the theme of an Anglo-American Ditchley Conference. After much work by the staffs of both the American and English Ditchley Foundations, the frame of reference for this conference was established in May of this year and the General Secretary invited to be one of 15 American representatives at Ditchley in November 1971.

This was the third Anglo-American Ditchley Conference in which the Correctional Association of New York has been directly involved. The first was held in November 1968 on drugs at which Dr. MacDonald and Mr. Goff were in attendance; the second was on society and crime held in February of 1971 which Mrs. Ballantine attended.

Of the 15 Americans and 15 English present, approximately 45% were psychiatrists, 45% judges, lawyers or prosecutors, and the remainder were individuals from other disciplines. Among those attending from the United States were Dr. W. Walter Menninger, Chief Staff Psychiatrist, The Menninger Foundation; Dr. Thomas S. Szasz, Professor of Psychiatry, State University of New York; Dr. Mitchell

S. Rosenthal, Director, Phoenix Programs, Phoenix House Foundation; Hon. David L. Bazelon, Chief Judge, United States Court of Appeals, Washington, D.C.; Hon. George Edwards, Judge of the United States Court of Appeals for the Sixth Circuit, Detroit; Hon. Thomas J. MacBride, Chief Judge, United States District Court, Eastern District of California; Professor Herbert Wechsler, Director, The American Law Institute. Among the British representatives were Mr. D. J. Cowperthwaite, Assistant Secretary, Scottish Home and Health Department; Mr. Francis L. T. Graham-Harrison, Deputy Under Secretary of State, Home Office; H.L.A. Hart, Professor and Author; Sir Roger Ormrod, Judge of the High Court of Justice, Sir Norman Skelhorn, Director of Public Prosecutions. The Conference Chairman was Sir George Waller, Judge of the High Court of Justice, Queens Bench Division.

From the time the Conference was originally conceived and the parameters set, a new Provost came to the Foundation, Sir Michael Stewart, former British Ambassador to the United States, replacing Provost Hodgson.

The day before the Conference began and the day immediately after the Conference, the General Secretary had several meetings in London: one with a group of individuals from NACRO (National Association for the Care and Rehabilitation of Offenders) on the development of halfway houses, and the other with the new executive director of the Howard League for Penal Reform who had just left the staff of the Institute of Criminology at Cambridge University. During the Conference the General Secretary was contacted by the *London Times* and spent three hours with the Home Affairs reporter of that newspaper discussing the present social revolution in the United States and England. The Home Affairs reporter asked for a number of publications of the Association which were promptly forwarded to him upon the General Secretary's return to the United States.

#### **INTERNATIONAL COUNCIL ON ALCOHOL AND DRUG ADDICTIONS DRUG CONFERENCE — BADEN, AUSTRIA**

Meeting with Mr. Henry Krauweel, Director of the Jellinek Klinik in Amsterdam and Vice President of the International Council on Alcohol and Addictions, and Mr. Archer Tongue, Executive Director of the International Council, the General Secretary discussed further the role of the Netherlands Government in establishing a UN seminar on the legal aspects of addiction. It is felt that sufficient preliminary groundwork has been laid for the General Secretary to directly approach the Minister of Public Health of the Netherlands requesting

him to commit formally the Netherlands to be host country for this UN seminar. This step has been taken and we are presently awaiting his response to our request.

#### **FOREIGN VISITORS**

Professor J. Alex Edmison, O.C., Centre of Criminology, University of Ottawa, Canada, a long-time friend of the Association, spent two days in the office pursuing a research project on the influence of American correction upon prisons and the administration of criminal justice in Canada. While Prof. Edmison's interest in meeting with the General Secretary in New York was to gather historical data, his concern and information-seeking focused upon the current situation in American correctional institutions and its possible impact upon the institutions in Canada. There is obviously concern in Canada that the inmates in Canadian correctional institutions may begin to copy the techniques being used by inmates in American correctional institutions to bring about reform and change.

Mr. Arthur Hoyles, Director of Prison Services for the Methodist Church of the United Kingdom, on a tour of American correctional facilities sponsored by the National Methodist Church, U.S.A., spent two days with the Association in New York. In addition to briefing Mr. Hoyles on the "total picture," a tour of Rikers Island and the Manhattan House of Detention for Men, and a meeting with representatives of the Fortune Society were arranged.

Mr. Hoyles represented the Methodist Church of England at the Conference on Penal Reform held by the World Council of Churches in Deboissey, Switzerland, in 1970, which the General Secretary also attended as a representative of the National Council of Churches, U.S.A. He was also a delegate to the Fourth Quinquennial Congress on the Prevention of Crime and Treatment of Offenders sponsored by the United Nations in Kyoto, Japan, in 1970.

The Association also arranged tours of visitation and appointments for Mrs. Nora David, a lay magistrate from Cambridge, England, who was visiting the United States with her husband, the chief executive officer of the Cambridge Press. In addition to spending several hours describing the American judicial system, we arranged for Mrs. David to visit juvenile term of the Family Court and the Criminal Court.

The Association was also contacted by Mr. Henry Krauweel of the Netherlands, and asked to arrange for Dr. Geeling, one of his colleagues, to meet with individuals knowledgeable in the drug field. We arranged for him to meet with Dr. Henry C. Brill and Dr. Donald Louria, to attend a seminar on methadone at Columbia Medical

School, and to spend a day visiting the Narcotic Addiction Control Commission facilities in New York City. Further, since drugs, abortion and pornography are topics of major concern in The Netherlands at the present time, we were able to provide Dr. Geeling with material the Association had developed on all of these topics for use in his classes in psychiatry at the University of Amsterdam Medical School.

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**THE CORRECTIONAL ASSOCIATION'S  
DIRECT SERVICES**

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### **LEGAL SERVICES BUREAU**

The Correctional Association was notified in February 1971 by Mr. Louis Warren of the Executive Committee that a grant of \$25,000 was available from an anonymous donor to be used to help solve legal problems of inmates in New York City detention institutions. For some time prior to this, the Association had been working on the development of a program to provide civil legal services to the detention population. A proposal for this program was approved by the donor as being appropriate for the grant in question. Subsequent to this grant Mr. Warren and Mr. Pierson were able to obtain an additional grant of \$5,000 to expand the proposed services to the New York City Correctional Institution for Women.

Preliminary meetings were held with Commissioner McGrath; Ed Carr, Attorney-in Chief of Legal Aid; Bart Hoff of the Criminal Justice Coordinating Council; and Leland Tolman, Director of Administration for the Appellate Division, First Department. These individuals endorsed the program and promised the full cooperation of their offices. These meetings were to explain to those individuals who would be concerned with such a project just what it entailed and to work out any administrative problems. Discussions were also held with New York University Law School about using third-year law students in one of the University's clinical programs as participants in the Legal Services Bureau. After extensive interviewing, two attorneys were hired in the summer. Michael J. Smith is the full-time coordinating attorney and Eve M. Preminger is the part-time attorney who will be primarily concerned with female detainees. Through the good offices of the Legal Aid Society, Mr. Smith was able to sit in on training classes for new Legal Aid Civil Branch attorneys as well as participate in actual case interviews. He spent approximately two weeks in the two Manhattan offices of Legal Aid obtaining invaluable information on types of civil problems and the means of solving them. In addition, Mr. Schuyler Barrick, head of the 125th St. Legal Aid office, spent an afternoon in the Association's office orienting the two staff attorneys to the particular civil legal problems experienced by their proposed population and the ways to resolve them. Meetings were also held with other community law organizations in New York City to explore means by which the organizations could work to mutual benefit. Legal Aid agreed to accept on referral from the Association's Legal Services Bureau those cases which affect families of detainees still in the community.

A series of meetings was also held with George Camp, Deputy Commissioner in charge of rehabilitation for the New York City Department of Correction. At the request of Commissioner Camp, the Association met with Gary Schultze of Brooklyn Law School who



was interested in providing similar services to inmates of the Brooklyn House of Detention. The Department wanted all services of this nature to be handled by the Correctional Association's Legal Services Bureau. Mr. Schultze had a cadre of law students who agreed to work as volunteers for the Legal Services Bureau doing research, writing memoranda and carrying out any other duties which the coordinating attorney feels necessary. Third-year law students from Professor Harry Subin's Clinical Program at NYU would not be available until the spring semester. In advance of that, Professor Subin assigned a scholarship student to work with Mr. Smith in the initial stages of the program.

The civil legal program was instituted originally in the Manhattan House of Detention for Men, with both Mr. Smith and Miss Preminger doing preliminary interviews of the inmates. In December, with the appointment of a new acting superintendent for the NYCCIFW on Rikers Island, Miss Preminger began the Legal Services Bureau work in that institution. Talks were also being held between Mr. Smith, Mr. Schultze of Brooklyn Law School and Warden James Monroe of the Brooklyn House of Detention with the goal of establishing a program in his institution no later than February 1, 1972.

Flyers were printed in both English and Spanish for distribution to all inmates at the time of their admittance to the institutions. In addition, inmates at the Tombs receive a second copy of the flyer upon assignment to their permanent housing unit. Meetings were also held with the Correction Aide Program staff to explain the workings of the Legal Services Bureau so that they could in turn interpret it to the inmates. In addition to holding preliminary interviews with inmates in the counsel room, Mr. Smith also has access to the floors where he can hold brief conversations with his clients.

As well as developing a cadre of law students to work in the program, the Bureau made attempts to attract volunteer attorneys. Three hundred letters went out from the Association to a New York Law Associate's mailing list of attorneys who had expressed an interest in corrections. In addition, an appeal for volunteer assistants was published in the general Newsletter of the Law Associates. The two staff attorneys were also able to obtain several volunteer attorneys through private sources.

**LEGAL SERVICES BUREAU  
STATISTICAL REPORT  
FOR 1971**

Number of individuals interviewed	132
Number of cases disposed of on initial interview	29
Number of cases pending further information	12
Number of active cases as of December 31, 1971	39
Number of cases closed	12
Number of cases referred to other agencies	31
Number of cases rejected	21

**EMPLOYMENT AND RELIEF BUREAU**

The Employment and Relief Bureau, which has been providing assistance to released offenders since the inception of the Association's work 127 years ago, continued to provide such assistance in 1971. In addition to emergency financial aid given to individuals under supervision of New York State Parole, the Employment and Relief Bureau provided assistance to indigent individuals being held in detention in the City institutions in Manhattan and Brooklyn.

Traditionally, the direct service work of this Bureau was concentrated on providing emergency financial assistance for immediate needs. The amounts involved were usually small, covering such costs as temporary housing, transportation money, lunch money, cost of work clothes and job fees. While all money is theoretically given in the form of a loan, little is repaid, and that usually after a long period of time. Increasingly in the past year, however, the Association was approached for short-term loans of larger amounts for different purposes. The following are three of these cases.

The first of these involved a man under the supervision of the New York State Division of Parole. He and his wife had found a suitable apartment, but did not have all of the money necessary to pay the initial costs. Although he was working, it would take some time for him to save the money and in the meantime he would lose the apartment. The Association loaned him \$100 to defray the cost. The money was repaid six weeks after the loan was made, with a letter expressing warm thanks and the promise of future donations to help other individuals with similar problems.

A second case also involved an individual on parole. He needed \$110.00 to buy a union book which could only be purchased on one day of the week. He had ample money coming from work he had done the previous week, but the check would not arrive until the day after the union book was available. Without union member-

ship he could not work that week. The Association loaned him the money to buy his union book, and the loan was returned the next day when he received his paycheck.

The third individual was one who had been recently released from a federal penitentiary. While he had succeeded in subletting his apartment for the entire time he had been in prison, the last tenant had left without paying two months back rent. The man, just released, was faced with the task of raising four months rent. He was able to raise half of it, and had qualified for a loan. Unfortunately, the loan would not be available until four days after the effective date of the eviction notice. The Association loaned him the \$135 he needed. The money was repaid the following week.

All of these cases are examples of the kind of high-risk loan which could not be obtained anywhere else in the City. After checking the facts of the individual cases, the Association concluded that the only fact prohibiting these individuals from borrowing money from normal sources was their criminal histories. It was decided that this was the type of investment which the Association should make.

**EMPLOYMENT AND RELIEF BUREAU  
ANNUAL REPORT  
1971**

Total number of individuals to whom service was provided	1,615
In institutions	497
Upon release	1,118
Amount of cash relief given	\$15,167.42
Amount of financial aid provided to individuals in institutions, clothing, dentures, etc.)	\$392.71
Legal papers notarized	762

**FAMILY SERVICE BUREAU**

The Family Service Bureau of the Correctional Association of New York was awarded a Law Enforcement Assistance Act grant for \$9,018 to supplement the money it provides to the clients of the Family Service Bureau. This grant was for the calendar year 1971. A greatly expanded grant was approved for the calendar year 1972. The grant, together with the hiring of a new caseworker in March, allowed for an increase in the number of clients serviced by the Family Service Bureau. The additional money also allowed for an

increased frequency of visits made by the clients, ranging from twice a month in most New York State prisons to twice a year in the federal penitentiary in Atlanta. An arrangement was worked out with Greyhound Bus Company by which travel vouchers are given out by the caseworker to be redeemed for specified non-refundable bus tickets. The Association is then billed directly by the Greyhound Co. for the amount of tickets actually redeemed. This has the double effect of reducing the amount of cash being given to clients and also reducing the temptation to use the travel money for other pressing family needs.

The Family Service Bureau also continued the volunteer program initiated in 1970. In addition to regular visits to the homes of the families to work with the children, one of the volunteers and her husband escorted five children to the Federal Reformatory for Women in Alderson, West Virginia, so that they could see their mother whom they had not seen for over a year. The following are two letters received by the Association about its family visiting program.

United States Department of Justice  
Bureau of Prisons  
Federal Reformatory for Women  
Alderson, West Virginia 24910

July 20, 1971

Judith F. Weintraub  
The Correctional Association of New York  
135 E. 15th Street  
New York, New York 10003

RE: Marin, Ms. Carmen  
Reg. No. 17312-170  
McGrew, Ms. Ella  
Reg. No. 17984-170

Dear Ms. Weintraub:

I am very pleased to comply with your request for an evaluation of families making institutional visits. As you are aware, the Federal Reformatory for Women, Alderson, West Virginia, is located in a rather remote area of West Virginia. Visits by families who live long distances away, such as New York City, often pose financial hardships. We attempt to help our women maintain contact with their families by allowing monthly phone calls, but this minor privilege is

often not used because the families lack funds to accept our residents' calls. In general, visits by families, as well as other contact, is seen as essential in maintaining our residents' focus toward the community. All too often, in such an isolated setting and in this self-contained environment, our residents become completely involved in the day to day prison environment. It becomes even more difficult for them to plan for their futures in the community and to place their experience here in perspective with their life goals. Frequent contacts with family members remind and reinforce their total role constellation including those of wife, mother, and daughter.

In regard to the two visits which your agency funded for the families of Carmen Marin, 17312, and Ella McGrew, 17984, both visits were viewed as being extremely rehabilitative. Ms. Marin has been incarcerated here since July 30, 1968. Her mother and her son had been unable to visit during that time due to lack of funds. Phone contacts had also been limited.

Ms. Marin was under considerable emotional strain prior to this visit. Special arrangements had been made to allow special purpose phone calls, but these had not allayed either Ms. Marin's anxiety or her mother's. This visit did help to reassure Ms. Marin's mother regarding her daughter's status. Ms. Marin appears also to have benefited greatly by the opportunity to talk with her mother and son.

Mrs. McGrew has corresponded with your agency on several occasions about her family. Her children have a variety of medical and social problems which have kept her in a continual state of upset and worry. Mrs. McGrew literally "glowed" during and after the visit with her children, and she expressed frequently how reassured she was by seeing them.

I would also like to add that your agency has been a great resource for our New York residents. Many of our residents are from families which live marginal existences and frequently experience problems in daily living. Your correspondence and assistance in behalf of these families has done unmeasurable good for our women. You are meeting a great need and we only wish we had similar organizations to turn to in other major cities.

We look forward to continued cooperation with your agency and greatly appreciate the assistance you have provided.

Sincerely,

s/ Virginia I. Wilson, ACSW  
NARA Caseworker

VIW:ssc

July 16, 1971

Correction Association  
135 E. 15th St.  
New York, N. Y.

Dear Mrs. Friedlander,

I would like to share with you some of my feelings I had when my mother and son came to visit me. The isolation from the ones we love make us lose that feeling of belonging and being loved too. Although we correspond and sometimes talk on the phone, this doesn't seem to be enough.

To me, seeing my son has encouraged me more to do well for myself and also for him. He needs my love and care.

After my visit I was left with a deep thought: I am wanted, needed and loved. These things are very important and very valuable to any human being and sometimes in the solitude of prison life it is forgotten.

Thank you again for making it possible for me.

Sincerely,

Carmen Marin

**FAMILY SERVICE BUREAU  
STATISTICAL REPORT  
FOR 1971**

Families in active category December 31, 1971	28
New Cases accepted	36
Total number of cases during year	64
Cases closed	26
Families in active category December 31, 1971	38
Total amount of financial assistance	\$18,298.30*
Families provided with Christmas dinner and toys (total of 102 persons)	25
Children sent to summer camps	24

\*Includes Law Enforcement Assistance Administration Grant of \$9,018.00.

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**APPENDIX "A"**  
**CORRECTIONAL PROGRAMS**  
**IN THE UNITED STATES**  
*By Donald H. Coff*

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Dissatisfaction with the correctional system in the United States was expressed by both high governmental officials and organizations on one hand, and inmate populations on the other during 1970-71. The seriousness of the discontent was manifest in the series of riots in prisons from California to New York. Efforts in the past decade to obtain a participatory democracy by those having little or no "say-so" over conditions which affected them have produced confrontations, demonstrations and riots among college students, blacks and the poor. Now, inmates in correctional institutions, aided by young civil rights attorneys, have begun demanding basic rights through the same tactics of litigation and violent confrontation.

During the 1960s there was a realization that the root causes of much criminal conduct were found in ignorance, hopelessness and hostility toward established norms of behavior. The thesis that crime and recidivism were but part of a complex social problem led to the realization by the various agencies involved in the administration of criminal justice — law enforcement, prosecution, the courts, and correction—that each was but one aspect of a larger system whose function it was to maintain public safety and order, and to protect the rights of individual citizens. This led to greater research, more experimentation, innovative programs and more cooperation among the various agencies involved. It also led to a serious discontent with the speed with which constructive change in the system was being made.

Correctional institutions do not function in a vacuum. They are markedly affected by the general social atmosphere of the total community in which they exist and must adapt to the social climate both inside and outside of correctional institutions. The rapidly accelerated pace of change in the last generation in the outside community—the revolt of the powerless—led to an equally accelerated desire for change inside correctional institutions.

Combined with this revolt of the powerless in the outside community has been a greater contact between the middle class and the administration of criminal justice. College students have been arrested for campus demonstrations. Children of affluent suburbia have been arrested for marijuana possession. Highly literate, verbal individuals who represented already entrenched power interests have been sentenced to correctional institutions for violation of the draft laws. All these changes have brought into contact with our criminal justice system a segment of our population which previously had no such first-hand knowledge. The exposure of this group to the criminal justice system has both focused public attention upon it and

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Reprinted from the Book of the States, 1972-73, The Council of State Governments, Lexington, Kentucky.

tended to bring about serious questioning about existing conditions.

Inmate populations have changed in another way. Increasingly, individuals who are dedicated to changing the outside system are convicted and sentenced, and carry their dedication with them inside the walls. Literate, organized, and with a clear goal, they form a nucleus for an ever-growing number of inmates who constitute a disadvantaged group which in the past has had little say over what happened to it. Demand for involvement in decisions affecting their lives had already begun prior to their arrest. They simply continued and expanded their concerns to include institutional treatment.

A new generation of civil libertarian lawyers is carrying to the courts cases involving what they consider to be violations of basic rights. When conditions inside the institutions did not change or when the courts were slow, explosions occurred within the institutions.

Warnings of the impending challenge to traditional concepts about crime motivated (1) the 1968 Congress to enact the Omnibus Crime Control and Safe Streets Act to provide grants to state and local governments to develop new approaches to and techniques in crime prevention and control; (2) 100 national, international and regional organizations and public agencies to join together to attack the problem of securing enough trained men and women for correctional systems to bring about the rehabilitation of offenders and thus prevent further delinquency and crime; and (3) the banding together of some black, ethnic, civic, business, and union organizations in 1970 to form a National Alliance for Shaping Safer Cities to prevent either the extreme right from using crime to promote racism and repression or the ultra-leftists from responding by baiting and using the police to promote violent confrontations. To the Alliance "improvement in the criminal justice system will require a new emphasis on reforming the corrections system in order to emphasize rehabilitation and training rather than merely custody and punishment."

These plus other groups including the American Bar Association's Committee on Correctional Facilities and Services, chaired by former New Jersey Governor Richard E. Hughes; the National Conference on Correction organized in response to a memorandum President Nixon wrote to the Attorney General; the National Conference on Prisoners' Rights; and innumerable court decisions resulting from litigation brought by inmates on conditions inside correctional institutions are beginning to motivate both legislators and correctional administrators to examine their programs and practices and initiate new programs while expediting the implementation of previously conceived constructive innovations. The urgency for reform was furthered by the demonstrations and rebellions experienced in correctional institutions.

## MAINSTREAMS IN AMERICAN CORRECTION

### *Humanizing Correctional Institutions*

Spurred principally by a series of state and federal court decisions in New York, Rhode Island, Missouri, Virginia, Maryland, Arkansas and Louisiana, major changes in administrative rules and practices are being made in many correctional institutions throughout the country to reduce the dehumanizing effect of institutionalization and to aid restoration of the dignity of the individual. While efforts in the past have been directed toward de-institutionalizing the correctional system as a whole through the development of work-release programs, furloughs and half-way houses to aid in the transition from confinement to routine normal community living, the more recent thrust emanating principally from the courts has focused on the rights of inmates in the institutions.

The U.S. District Court for Eastern Virginia ordered Virginia state officials to stop imposing bread-and-water punishment on inmates for any infraction of prison rules; to cease using chains, handcuffs, hand restraining tape or tear gas, except in absolute emergencies; to refrain from placing more than one inmate in the same solitary confinement cell; and to desist from interfering with or imposing punishment for efforts by inmates to file court documents and communicate with their attorneys. Further, the court decreed an impartial tribunal to hear charges of institutional infractions against inmates, the right of inmates to have a hearing on disciplinary charges which includes cross-examination and lay counsel and, if there is a possibility of the loss of substantial rights such as "good time," the right to an attorney by the inmates.

Probably a more far-reaching decree was handed down by the Circuit Court in Maryland which in effect ordered the State to provide rehabilitative services to its inmates in its defective-delinquent institution.

In both Missouri and Rhode Island, the courts directed the development of regulations and procedures with regard to disciplining inmates.

Recognition of the rights of offenders, such as basically humane conditions of confinement and treatment, as essential to the achievement of personal change on the part of offenders, is bringing about examination and revision of institutional rules and regulations in many States. More liberal correspondence privileges, with the elimination of censorship of outgoing mail and incoming mail checked only for contraband and valid monetary receipts, have been initiated in a constantly growing number of jurisdictions. In New Jersey, offenders now have opportunity to correspond from the day of arrival at the institution with an unlimited number of family members and

other persons regarded as having constructive influence. They may correspond as frequently as they wish without restriction as to the length of letters. In California, too, the old concept of a list of approved correspondents has been eliminated as has the routine inspection of all outgoing mail. In that State the new procedures permit inmates to correspond with just about anyone.

Permitting inmates to place telephone calls under a variety of circumstances directly from the institution has been instituted in a number of jurisdictions, including the New York City Department of Correction, New Jersey and Pennsylvania.

To help inmates find a more satisfying way of life which does not involve persistent harm to either themselves or others has led more States to change their regulations to permit longer visits with family and friends in a more relaxed sitting-room atmosphere and with outdoor picnic-type visits being authorized in a number of jurisdictions.

The movement toward less repression in institutional living has brought about a revision in the commissary lists to permit inmates to purchase many additional items, including in at least one State, individual transistor radios or TV sets.

The efforts to change the dehumanizing aspects of incarceration or, as it has been succinctly put by the inmates themselves, to "treat inmates as people and not animals," are being felt through an increasing recognition of minor individual tastes, such as the length or style of inmates' hair. One eminent criminologist, addressing a group of wardens, queried, "If you don't cut the hair of women inmates for security or sanitary reasons, why should male inmates' hair be cut?"

Several state correctional systems have or are in the process of completely reviewing approved literature lists to permit a much greater variety of publications and books to be available to the inmate populations. Clearly the trend appears to be in the direction of permitting inmates access to all literature which is legal in the community and which does not represent a clear and imminent danger in the institution. This includes law books, which may help an inmate prepare an appeal, periodicals, newspapers and books.

In mid-1968 California started a pioneering family-visiting program at the Tehachapi institution. This was a program in which wives, children, parents and other immediate family members of inmates were permitted to visit for up to two days in the privacy of small apartments. The Tehachapi pilot project was successful. By early 1971 there had been some 700 visits. On the basis of the Tehachapi experience, California's prison system has accepted and endorsed this long-controversial program so that now nearly all of California's prisons and many of the conservation camps conduct family visits.

### *Community Involvement*

That the high walls erected around prisons to keep inmates in acted to keep the community out to the detriment of all — inmates, administration, and the community as a whole—is an accepted truism in modern correction. In the past local clergy, the Salvation Army, Volunteers of America, and possibly AA were the only contacts other than staff which inmates in correctional institutions had with the community. Institutions were generally constructed far from urban centers in remote areas of the State, making even family visiting extremely difficult. Recognizing the need for community involvement if rehabilitation of inmates was to be accomplished, the movement for community correction began. If community resources were to be made available to the correctional process, institutions would have to be located closer to urban centers. This is now an axiom of correctional standards.

Community involvement is a two-way street. Inmates are leaving the institution on work release, study release and for furloughs. At the same time correctional administrations are urging and welcoming groups of volunteers to enter the institutions to aid in the rehabilitation process.

While work-release laws are not new, having been started in Wisconsin in 1914 for individuals serving short sentences, practically all States have enacted legislation allowing discretion on the part of state correctional administrators to permit selected inmates, even those serving long sentences, to leave the institution for a variety of reasons, including home furloughs, to seek jobs, for educational purposes, as well as a regular employee in a community business.

Community involvement in rehabilitation programs in the institutions is being encouraged in numerous jurisdictions. The U.S. Junior Chamber of Commerce, which has Jaycee Chapters in correctional institutions across the country, takes an active role in providing counseling, recreation, education and training. Reporting on contacts between inmates and citizens, California stated: "They go through the gates for an amazing range of activities, from Alcoholics Anonymous to slot car racing, from bridge clubs to public speaking groups, from black and brown studies to sports events."

Delaware states that volunteers have increasingly played a larger role in the treatment program of adult corrections in that State.

The thrust for community involvement has resulted in both citizens' participation within the institution and inmate participation in the community. Several States have developed programs of having selected inmate speakers to talk to community high school classes, civic clubs, church groups and other interested organizations concerning problems confronting former offenders, drug abuse, and institutional

programs. While not a widespread practice throughout the country, Oregon reports the assignment of one staff member on a full-time basis to be responsible for developing and organizing this program. Since its inception there have been 273 speaking engagements in Oregon to audiences which have exceeded 40,000 in number.

The growth of programs involving volunteers in the administration of criminal justice with emphasis upon juvenile court services and adult misdemeanant and felony probation in Illinois necessitated the establishment of a Governor's Committee on Voluntary Action and the granting of over \$60,000 by an Illinois law enforcement commission to fund an information center. The center's objectives are to plan statewide conferences and regional workshops for the courts for recruiting, planning and supervising volunteers; provide preplanning and continuing consultative services to the courts requesting them; recommend standards for the staff personnel running the local programs and for the volunteers; provide model evaluation forms for the use of local communities in their programs; make the needed expertise available in all program areas; and disseminate information throughout the State by means of brochures, bibliographies, pamphlets and newsletters.

In North Dakota, where there has been a volunteer coordinator for some time, the State Penitentiary recently employed a volunteer coordinator through funds made available by the Law Enforcement Assistance Administration (LEAA). Other States are contemplating such a move.

Quite recently a new source of volunteer assistants to the rehabilitative process has emerged with the organizing of groups of ex-offenders to provide assistance to offenders upon release, advice and counsel to inmates in institutions, and to call dramatically to the attention of the general public from first-hand experiences needed reforms in the correctional system. The possible value of such self-help groups in the rehabilitative process of individuals currently incarcerated is reflected by a current program in Wisconsin in which clinical services staff has been heavily involved in training ex-offenders to be group leaders for groups of inmates currently incarcerated in the Wisconsin Correctional Institution.

On a national level, the National Alliance for Shaping Safer Cities, a federation of some 100 national organizations, and its local affiliates have as one of their objectives the encouragement of broad-based citizen membership organizations to provide volunteers to work in all agencies in the criminal justice system, including correctional systems. At this writing the National Alliance, formed in 1970, has 11 local affiliates.

Concern with the improvement of the correctional system in the

U.S. impelled the American Bar Association to create a Commission on Correctional Facilities and Services, chaired by former New Jersey Governor Richard C. Hughes.

States with large minority groups in their correctional institutions have recently begun a concerted effort to recruit minority group staff members to reduce racism and racial conflicts. California, where nearly half of the inmates and parolees are blacks and Mexican-Americans, launched an intensive recruitment campaign concentrating on minorities. A special minority consultant unit was established. Civil Service testing was revised and the help of black and chicano community groups enlisted in the recruitment drive. In a short time nearly 300 minority employees were added to the Department of Corrections payroll.

Illinois reported that in its community centers a special effort was made to recruit members of minority groups, primarily blacks, into the program. These efforts have been highly successful with 65 percent of the new staff members being blacks.

New York State likewise has begun to recruit minority staff members, particularly for its upstate institutions which in the past, while having an inmate population of over 60 percent blacks and Spanish speaking, had a negligible number of minority staff members.

#### *Examples of State Programs*

The following summary should be considered only as examples of activities in various States. It would not be possible to cite all the significant programs recently inaugurated by the 50 States.

In Pennsylvania a process for granting inmate furloughs has been developed. As a part of the total treatment process and linked with the pre-release concept, selected inmates are periodically released on temporary furloughs for weekend family visits, job-seeking purposes, funerals and visits to seriously ill relatives. During the month of July 1971, a total of 455 furloughs was reached with only two failing to return. Transportation, clothing and responsibility for return in accordance with furlough planning rests with the individual inmate.

In this same State in the latter part of 1970, there were many changes instituted involving what are usually considered inmate privileges within state correctional institutions. Some of the highlights were the elimination of censorship of outgoing mail and the checking of incoming mail only for contraband; procedures for outgoing telephone calls to family and/or friends over a major holiday season; the establishment of guidelines to permit a wide latitude in selecting publications and subscribing to periodicals in order that educational, cultural, informational, religious, legal and philosophic needs of individuals will be satisfied. Early in 1971 all prisoners under sentence



of death were staff-reviewed, and the vast majority moved from "death row" and placed in the general population of the institution.

An intensified training program for all employees throughout the Corrections Division in the State of Hawaii has been made possible through LEAA grants. The program, in addition to on-the-job training, enables training on a stipend basis and on the internship level.

The Hawaii Office of Ombudsman which began operations in 1969, in addition to serving citizens of the State generally, has also become involved in processing complaints and inquiries from adult residents of the State's correctional facilities. While this has created an additional burden on the staff time of the division, the administrator feels it has served to provide the residents with an additional source of assistance should they feel they have not obtained justice through the normal traditional channels.

In August 1971, Hawaii began a furlough program for selected inmates "to ease the process of transition from institutional dependency to economic and personal reintegration to a free environment with the intent to reduce parole failure."

A specialized treatment and counseling program for Indians has been established in Idaho from funds provided by LEAA, as has two specialized treatment programs for the handling of problem inmates. In addition, the Idaho Penitentiary school recently became affiliated with the local city school system so that Idaho inmates who qualify may now receive a certified high school diploma for their work in the penitentiary school. This State has also joined the many others in the country having work-release and study-release programs.

As a means of increasing communication between Division of Adult Corrections officials and inmates, an experiment in prison self-government is under way in the Delaware Correctional Center's medium security building. Every two weeks prison officials report that over one-fifth of all incarcerated inmates in the State work under the work-release program which began in January 1969. Employees have responded well and inmate morale has been greatly enhanced. Public acceptance of this new program is purported to be excellent.

With the start of the Probation Subsidy Program in California, a trend in the courts toward more selective prison sentencing was accelerated in that State. Under the subsidy, the State pays participating counties up to \$4,000 per case for a reduction in the county's rate of commitment to state institutions. The state money is used to improve local probation services.

The constructive impact of this program has exceeded expectations. In 1971 the state prisons received less than 10 percent of all persons convicted of felonies. In 1960 the comparable figure was nearly 30

percent. While the subsidy has been a success, it has changed prison operation in that State. Minimal nonviolent offenders are no longer going to prison, with few exceptions. Hence, the institutions in California now contain a higher proportion of inmates who have committed violent crimes. The crimes of robbery, homicide, assault and rape accounted for about one-third of the prison population in 1960. In 1971 about half of the state prisoners were convicted of such violent crimes.

California, like many other States, is revising its department rules and procedures covering inmate conduct and privileges. The changes already in effect in most places cover such matters as correspondence, disciplinary procedures and visiting.

The Bureau of Parole in New Jersey is cooperating with the State Bar Association in launching an experimental program of attorneys serving as parole aides. Sponsored by the American Bar Association's Commission for Correctional Facilities and Services, the program began in September 1971. It is expected that more than 200 volunteer attorneys will work on a one-to-one basis with parolees under the supervision of parole officers. In its efforts to improve the condition of persons confined and their ties with the community, and as a means of gaining community acceptance of the needs of offenders, New Jersey continues to urge the development and expansion of programs of volunteers.

New Jersey's Division of Correction and Parole continued to stress the importance of learning group counseling skills. In 1970, 59 officer-counselors were involved in the two-group counseling basic workshop series, while 58 were involved in the two advanced series. Group counseling is presently being conducted at eight major institutions in the State.

In Texas, a program known as "Operation Kick It," approved by the Texas Criminal Justice Counsel in May 1970, consists of a four-member inmate panel that travels throughout the State and talks to various public organizations, specifically those composed of teenagers, about the dangers involved in the use of drugs. As of June 1971, the panel had travelled in excess of 33,000 miles and presented its program to over 220,000 people. Due to the overwhelming demand, the project was funded for a second year.

To provide a modern learning center in criminal justice for Texas and the southwestern region of the United States, the Texas Department of Corrections, in collaboration with the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston State University is developing a center for continuing education in criminal justice. This center will provide on a continuing basis: (1) short-term general or specialized education and training in any aspect of

the criminal justice system and related behavioral sciences; (2) facilities for pre-service and in-service training and conferences and meetings of professional organizations connected with the criminal justice system in the State; (4) demonstration projects on methods to prevent and control crime; and (4) a center to coordinate nonacademic training and educational programs needed to upgrade criminal justice in the State.

A barbers' college has been established by the Texas Department of Corrections to provide occupational training to approximately 40 inmates a year. Heavy-equipment operator training programs have been successfully conducted for inmates under the direction of Texas A&M University. Conducted over a 15-week period, the program affords opportunities for 20 individuals. University personnel also conduct a training program in water plant and sewage plant operation providing occupational opportunities for 30 individuals over a 12-week period.

In August 1970, the Indiana Criminal Justice Planning Agency approved a grant to the Indiana Department of Correction to finance an Indiana Correctional Information System project. The purpose of the project is to develop a computerized system for correctional information. This statistical information system concerning offenders will be used (1) to distribute accurate information, such as population counts, on a regular basis to criminal justice agencies, (2) to provide up-to-date information upon request about any subject of the correctional community, and (3) to allow social scientists and correctional administrators to evaluate and reorganize programs, research new ideas, and analyze data.

There is a system of 13 half-way houses under the Department of Corrections in the District of Columbia. In September 1969, the department shifted the base of the work-release program from its warden-correctional complex to half-way houses or community correctional complex to half-way houses or community correctional centers. The population in these centers increased from 165 in September 1969 to 445 in August 1971, when 12 percent of the department's residential population was housed in the community correctional centers. Because of the department's belief in the efficacy of these centers as rehabilitative devices, plans call for a considerable expansion of the program.

In the spring of 1969 the Department of Corrections of the District of Columbia set up a trial prison college program to study the feasibility of higher-level instruction in two of its institutions for sentenced prisoners. After two trial quarters, in which freshman-level courses that carried college credit were taught by instructors from Federal City College, it was decided that the program had suffi-

cient merit to warrant expansion. During the academic years 1969-70 and 1970-71, funds were obtained from LEAA to continue and to expand the prison college program. At the end of 1971 approximately 150 men were involved in the institutional phase of the program, 30 men being bused daily from the prisons to Federal City College in the District of Columbia to take sophomore-level courses, and approximately 80 parolee-collegians were enrolled in sophomore-, junior- and senior-level courses in Federal City College. The latter group represents approximately 80 percent of the department's parolees who had had previous exposure to the college courses in the institutions of the department. The Federal City College-Lorton Project was funded at an expanded level for a third year by LEAA. It had an unusually high rate of retention in college programs after the inmate-students were released to parole; it also showed a very low recidivism rate among the parolee-collegians — in the vicinity of approximately 5 percent recidivism after one year.

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**THE CORRECTIONAL ASSOCIATION'S  
FINANCIAL STATEMENT**

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THE CORRECTIONAL ASSOCIATION OF NEW YORK  
GENERAL FUND  
STATEMENT OF INCOME AND EXPENSES  
YEAR ENDED DECEMBER 31, 1971

INCOME

Donations — Special Purposes		
The Greater New York Fund .. \$ 2,526		
Shaw Foundation .. 5,000		
Legal Aid Service Bureau .. 23,395		
Other Funds .. 7,601		
Total ..	\$38,522	
Donations — Unrestricted ..	30,557	
Total Donations ..		\$ 69,079
Endowment Income (Exhibit III) ..		
Dividends ..	16,189	
Interest ..	35,286	
Total ..		51,475
Sale of Publications ..		1,783
Miscellaneous Income ..		509
TOTAL INCOME ..		<u>\$122,846</u>

EXPENSES

General Administration ..	38,771	
Direct Services —		
Financial Aid — Prisoners and		
Families .. \$27,669		
Financial Aid — Charged to		
Special Purpose Fund .. 8,742		
Family Service Bureau —		
Administration .. 13,649		
Employment Bureau —		
Administration .. 11,317		
Legal Service Bureau .. 8,421		
Total ..	69,798	
Publications ..	6,745	
Travel ..	4,186	
Equipment, supplies, printing and stationery ..	2,975	
Postage ..	1,269	
Telephone and telegraph ..	2,595	
Professional and legislative services ..	3,214	
Investment custodian fees ..	5,573	
House maintenance ..	7,852	
Pensions ..	10,924	
Employees retirement plan ..	3,420	
Social security tax ..	3,179	
Disability and workmen's compensation ..	606	
Insurance ..	1,977	
Membership, periodicals, and miscellaneous ..	5,311	
TOTAL EXPENSES ..		168,395
EXCESS OF EXPENSES OVER INCOME ..		<u>\$ 45,549</u>

## CONSTITUTION AND BY-LAWS

An Act to Incorporate The Correctional Association of New York.\*

Passed May 9, 1964, by a two-thirds vote. (As subsequently amended.)

*The People of the State of New York, represented in Senate and Assembly, do enact as follows*

Section 1. All such persons as now are and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Correctional Association of New York,\* and by that name have the powers that by the third title of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

### ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform.

### ARTICLE SECOND

The officers of the society shall be a president, four vice-presi-

\* FORMERLY, The Prison Association of New York. At a special meeting of the members, the name was changed on February 1, 1961 to The Correctional Association of New York and this change was duly recorded with the Secretary of State.

dents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

### ARTICLE THIRD

The officers named in the preceding article shall be *ex-officio* members of the executive committee, who shall choose one of their number to be chairman thereof.

### ARTICLE FOURTH

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

### ARTICLE FIFTH

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents, shall designate.

### ARTICLE SIXTH

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life, and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

### ARTICLE SEVENTH

A female department shall be formed consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

## ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

## ARTICLE NINTH

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and cooperating with it.

## ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons, as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

## ARTICLE ELEVENTH

This constitution may be amended by a vote of the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects, and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law ordered on the keepers of the bridge-well or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and

disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minority, to such persons and at such places, to learn such proper trades and employment as in their judgment will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 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; provides, 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 situate, shall first have been had and 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.

## BY-LAWS\*

I. There shall be a stated meeting of the Executive Committee on the second Thursday of each month, and special meetings shall be held on the request of the Chairman or any three members of the Executive Committee. The call for a special meeting shall, in all cases, state the business to be transacted at such meeting. The Annual Meeting of members of the Association shall be held on the second Thursday of January in each year at an hour and place to be designated by the Executive Committee.

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meeting, by the executive committee.

II. At every meeting of the Executive Committee a quorum shall consist of five members plus one additional member for every ten members, or fraction, thereof, in excess of fifteen.

At the Annual Meeting and at every other meeting of the Association a quorum shall consist of the lesser of the members entitled to cast 100 votes or one-tenth of the total number of votes entitled to be cast at the meeting.

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. Reading of minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on work of year.
6. Annual report of the treasurer.

IV. The order of business at every other stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.

\* As amended by the Executive Committee of the Association, December, 1931, February, 1938, May, 1954 and May, 1961.

2. Report of treasurer.
3. Report from standing committees.
4. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

V. The chairman shall appoint all standing and special committees and decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's manual so far as they are applicable.

VI. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

VII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; and shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.\*

IX. There shall be at least the following standing committees: executive; finance; law; detentions; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above name committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detentions to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction

\* The position of Associate Treasurer was created by the Executive Committee at its meeting in May, 1961.

of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.
2. The general fund.

*The Endowment Fund.*—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

*The Endowment and General Funds.*—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment funds as are unrestricted, for the general purposes of the Association.

*The General Fund.*—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association, all receipts for payments by him for the association of any kind, nature or description and to have in the central offices immediate record of all his disbursements.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of the general fund the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association. All bank accounts of the Association, except the bank account of the corresponding secretary for current disbursements, shall be subject to the check of such members of the Committee on Finance as shall be designated by the Executive Committee.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall arrange for annual audits of the accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing the investments and the receipts and disbursements of the endowment