

City Council Panel Advises Overhaul of Penal System

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A vast overhaul of the city's penal system—including new bail procedures, an end to prison censorship and the appointment of ombudsmen—was recommended yesterday by a City Council subcommittee on penal and judicial reform.

The panel's chairman, Councilman Carter Burden, said the city's prisons were "no better" now than they were a year ago, when riots raged in houses of detention.

The recommendations were in an 80-page report that followed six months of subcommittee study and hearings. Much of the report read like an indictment of the City Correction Department.

It charged that the department's leadership had not "evinced the aggressiveness, courage and candor needed to truly reform and remold a re-

gressive and antiquated system."

Last evening, Correction Commissioner George F. McGrath said at a news conference at City Hall that, on the basis of a quick reading of the report, he agreed "in principal" with almost every proposal.

He said the report was unfair in not giving credit to his office for certain reforms, but he added: "I'm a public official, and I'm paid to take certain amount of abuse."

The Commissioner expressed the hope that the Council would follow through on the recommendations by providing the money to enact them.

Central to the report, and differentiating it from the dozen or so similar studies that have been made in the last two years, was proposed legislation

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that Councilman Burden hopes will be substituted by the City Council for the section of the Administrative Code that deals with the Department of Correction.

The current statutes, Mr. Burden said, have not been revised for 31 years, and they reflect "a 19th-century bread-and-water attitude."

They have not, he added, taken account of the transformation in recent years of the city system from one that primarily housed men convicted of crimes to one whose foremost present concern is men awaiting trial. Under law, these inmates are presumed to be not guilty.

Mr. Burden's subcommittee concluded that "the conditions under which pretrial inmates live are considerably worse than those for prisoners who have been judged guilty and sentenced." This determination influenced many of the subcommittee's legislative proposals.

amendment to mandate strict separation of pretrial inmates, felons, misdemeanants, juveniles and drug addicts. At present the city's 12 detention facilities are all strained by overpopulation, and the department has not always been able to keep groups of inmates in separate quarters.

The report calls overcrowding the obvious greatest obstacle to reform. Since the riots, the report says, overcrowding has continued, running as high as 202 per cent of capacity at the Bronx House of Detention. The subcommittee's chief recommendation to alleviate this condition is a major change in bail procedures.

Oppression of Poor Charged

The Council has no jurisdiction in regard to this, and so the report asks that the State Legislature authorize the city to establish a new pretrial agency and also set a six-month limit on the time that an inmate may be detained before trial.

"Our present bail system," the report says, "constitutes a de facto system of preventive detention of the poor; the process by which a person is detained bears less relationship to considerations of justice or correction than to economic status."

It goes on to say that more than 40 per cent of all defendants are remanded to detention, "not because they are likely to commit a crime or jump bail but because they lack sufficient resources to post bond."

A pretrial service agency, the report says, could investigate accused men and their roots in the community and make

recommendations to the arraignment judge on their release pending trial. It could also arrange custody of defendants to third parties, such as churches, labor unions, civic groups or antipoverty agencies.

At present 8,000, or 70 per cent, of the men in city jails are being detained for trial, the report notes, and it suggests that many of these could be released on their own recognizance without danger to the community if a pretrial agency were established.

All of the other recommendations lay in the total purview of the Council which can enact them as amendments to the Administrative Code. Many of these have been suggested as administrative reforms after investigations by legislative committees; the City Board of Correction, headed by William J. vanden Heuvel, and by a number of civic groups.

A number of the recommendations, such as the easing of censorship and greater accessibility of inmates to newsmen, have been adopted by the Correction Department. But Councilman Burden said he would like to see these things mandated by law rather than left to the discretion of administrators.

Other points covered in the legislative package included education programs on a voluntary basis for all those detained, the establishment of libraries in all jails, methadone maintenance therapy for all detained addicts, the establishment of uniform rules and procedures covering disciplinary hearings and the creation of an office of ombudsman to hear and conciliate prisoner complaints.