

MINUTES

March 3, 1982

Board of Correction

A regular meeting of the New York City Board of Correction was held on March 3, 1982 at the Board's office at 51 Chambers Street.

Board members in attendance were Chairman Peter Tufo, Vice-Chairman John Horan, Wilbert Kirby, David Lenefsky, David Schulte and Rose M. Singer.

Board staff in attendance were Michael Austin, Michael Cleary, Judith LaPook, David Johnson, Sherry Goldstein, Rolando Torres, Barbara Treen, Tom Prendergast and Fr. Robert Harrison.

The meeting was called to order at 2:45 p.m. by Peter Tufo. Sherry Goldstein was secretary for the meeting.

An excused absence was approved for Angelo Giordani.

The minutes of the previous meeting were approved.

Judith LaPook presented to the Board the appeal of Nelson Wilson, a former staff member of the Legal Aid Society's Prison Legal Assistant program who had been denied access on August 18, 1980 by the Department of Correction to its facilities based on confidential information that he presented a threat to the safety and security of the City's jails. Mr. Wilson was appealing this denial of access pursuant to section 9.5 c of the Board's minimum standards. Following discussion it was agreed that staff would prepare a written presentation of this appeal for consideration by the Board at its next meeting.

At 3:15 p.m., First Deputy Commissioner Richard Koehler, and Deputy Commissioners Sharon Keilin and Ellen Schall joined the meeting to discuss the Department's requests for amendments to the following sections of the Board's minimum standards.

- Section 6.3 Optional Lock-in
- Section 9.6(a)(ii) Law Library
- Section 10.3 Visiting Schedule
- Section 11.4 Indigent Sentenced Prisoners Telephone Calls.

These amendments were originally requested in the attached Department of Correction letters to the Board of January 11 and January 27, 1982.

Mike Ciaffa, staff counsel with the Legal Aid Society's Prisoners' Rights Project, also joined the meeting to present Legal Aid's opposition to these amendment requests.

First Deputy Commissioner Koehler stated that these amendment requests were necessitated by the City's need to reduce operating expenses and are part of the Department's Program to Eliminate the Gap (PEG). Before discussing each of the individual amendment requests, Commissioner Koehler presented the Board with written answers to specific questions posed to the Department by the Board following a review of the Department's formal amendment request of January 11, 1982. He indicated that this response on the standards-related proposed PEG cuts was only a first cut which needed additional work and revision but would serve as a basis for initial discussions between the Board and the Department. He also stated that these amendment requests must be viewed in the context of the severe fiscal constraints facing the City. According to Commissioner Koehler, the savings represented by the amendment requests constitute only a small portion of the Department's overall FY83 PEG reductions and should not be viewed as an attempt to cutback on inmates' rights by vitiating the intent of the minimum standards.

Detailed discussion followed on each of the four requested amendments during which the Board members expressed serious concerns about the operational impact on the jails of these amendments as compared to the projected savings, the apparent withdrawal by the City of its support for the minimum standards, inmates' rights and decent jail conditions, and the lack of detailed planning by the Department in preparing and presenting such major requests for revisions to the Board's standards. Given the lack of information regarding these amendment requests and the number of open questions raised by the Board, it was agreed that a decision on these requests would be deferred until the next meeting during which time the Department would prepare a revised amendment request including more detailed information responsive to the questions and concerns raised by the Board.

Judith LaPook stated that the Board must decide whether it can grant these amendment requests since there are also federal court orders governing many of these areas. In any event, even if the Board granted the Department's requests, the City would have to apply to the Federal courts for modifications to the current consent judgments before they could legally make changes in the areas.

Commissioner Koehler agreed with this assertion indicating that it was the City's strategy to attempt to win the Board's support for these requested changes before petitioning the federal courts for modifications to the orders covering these areas.

Mike Ciaffa then presented the Legal Aid Society's opposition to these amendment requests as indicated in the attached Legal Aid Society letter of January 27, 1982.

Judith LaPook reported on the status of the Legal Aid motion to appoint a master.

Mike Austin reported that William Delgado Keane had been added to the field staff.

The meeting was adjourned at 5:25 P.M.