

MINUTES

OCTOBER 22, 1980

BOARD OF CORRECTION

A regular meeting of the New York City Board of Correction was held on October 22, 1980 at the office of Tufo & Zucotti, 645 Madison Avenue, New York City.

In attendance were Chairman Peter Tufo, Vice Chairman John Horan, Mr. Angelo Giordani, Mr. Wilbert Kirby, Mr. Jack I. Poses, Mr. David Schulte and Mrs. Rose M. Singer. Present for full arguments on the Burns-McCreary appeal were Messrs. Horan, Giordani, Kirby and Schulte and Mrs. Singer.

The excused absence of Mr. David Lenefsky and the unexcused absence of Rev. Samuel Holder were noted.

Board staff present were Michael Austin, Michael Cleary, Judith LaPook, Tom Prendergast, Sherry Goldstein, Fr. Robert Harrison and Barbara Treen.

Also in attendance were Commissioner Benjamin Ward, Deputy Commissioners Mark Corrigan and Ellen Schall, Associate Commissioner Sharon Keilin and Robert Daley of the Department of Correction; Arthur Eisenberg of the New York Civil Liberties Union, Evan Davis of Cleary, Gottlieb, and his associate, and Archibald Murray and Bart Lubow of the Legal Aid Society.

Peter Tufo and John Horan chaired the meeting and Barbara Treen was secretary.

The Chairman called the meeting to order at 10:05 a.m.

Wilbert Kirby moved that the minutes of the September 9, 1980, meeting be approved with the motion seconded by Angelo Giordani. The Chairman briefed the Board members on the previous day's suicide at the New York City Correctional Institution for Men. Judith LaPook reviewed recent developments in litigation pending before Judge Lasker.

Commissioner Ward then addressed the Board concerning the Juvenile Offenders currently housed at A.R.D.C. and the sentenced felons who are housed in City facilities during post-conviction proceedings.

Commissioner Ward also advised the Board of the outcome of the Department's negotiations with the Office of Management and Budget (OMB) and Correction Officers Benevolent Association (COBA) over the Program to Eliminate the Gap (PEG) reductions and hiring.

Deputy Commissioner Corrigan and Associate Commissioner Keilin then outlined the Department's Master Plan submission to the Mayor. They requested a second opportunity to appear before the Board after members reviewed the Department's proposals. At this time, the Chairman left the meeting.

The Board then heard arguments on the appeal of legal assistants Ms. Naomi Burns and Mr. Thomas McCreary from the Department's determination denying them access to City correctional facilities. Oral arguments were made by Mr. Arthur Eisenberg of the New York Civil Liberties Union, representing Ms. Burns and Mr. McCreary, Mr. Evan Davis representing the Legal Aid Society and Mr. Robert Daley, appearing on behalf of the Department. The Board granted Mr. Daley a ten day extension to submit a memorandum, and it was agreed that attorneys for appellants would have an opportunity to respond to that memorandum, as well as to a memo by Inspector General Larry Finnegan which Mr. Daley distributed at the Board meeting.

The Board considered a request for an opinion received from OMB and decided that the Standards would be violated by a requirement that inmates not desiring to attend outdoor recreation be locked-in during recreation periods. Staff was authorized to issue an opinion incorporating the Board's decision.

Michael Austin discussed the revitalization of the Prison Death Review Board plus the suicide prevention program being implemented at ARDC by the Department of Correction. The report of further staff activities attached to the meeting packet was noted.

The meeting was adjourned by Vice Chairman Horan at 1:10 p.m.