

DRAFT MINUTES OF THE MEETING OF THE BOARD OF CORRECTION

DECEMBER 14, 1977

A regular meeting of the Board of Correction was held on Wednesday, December 14, 1977 in the Twentieth Floor Conference Room at 645 Madison Avenue, New York. Present were Peter Tufo, John Horan, Wilbert Kirby, David Schulte, and Rose Singer. Also present by invitation of the Board were Marc Rosen, Executive Director; and Dan Pochoda, Harvey Alter, and Joseph V. Smith of the Board staff.

Peter Tufo served as Chairman and Joseph Smith as Secretary of the meeting. Chairman Tufo called the meeting to order at 4:00 p.m.

Chairman Tufo informed the Board that Angelo Giordani had requested that the Chairman vote as his proxy. Marc Rosen informed the Board that Peggy Davis had asked him to vote as her proxy. There was no objection to either proxy.

Chairman Tufo stated that the purpose of the meeting was a review of the minimum standard proposals preparatory for their adoption that afternoon. A standard by standard review followed.

It was the sense of the meeting that the Wilkie, Farr, and Gallagher memorandum of December 14, 1977 to the Board from Howard C. Buschman III regarding the Board's authority to promulgate an overtime standard was not sufficient to counter the written opinion from the Corporation Counsel which the Department of Correction had obtained. The Corporation Counsel's opinion had stated that the Board did not have the authority to set standards in this area. Chairman Tufo directed Dan Pochoda to contact Wilkie, Farr, and Gallagher and request that they prepare ~~an~~ ^{A MORE THOROUGH} opinion ~~to counter the Corporation Counsel's opinion.~~ ^{on the matter.}

David Schulte requested additional information regarding the proposal to allow detainees at the Adolescent Reception and Detention Center to wear personal clothing rather than uniforms. Discussion followed during which various alternatives for the Department of Correction were suggested, including use of the variance request if they could support their objections with facts.

David Schulte expressed reservations regarding the correspondence standard. He requested information to clarify the intent of the standard.

It was the sense of the meeting that section 6.2 (iii) should be amended to read:

Within 60 days of the effective date of this standard, the Department shall submit to the Board its list of institutions, if any, that require more than two hours of lock-in during the day because of unique problems. Pursuant to Part 16, the Board shall determine if any variance from the requirement of Section 6.2(ii) is necessary.

It was the sense of the meeting that a consensus on the proposals had been reached. Chairman Tufo declared that any Board member could vote and issue a dissent from a standard at a later date. The Chairman suggested that the Board take a standard by standard vote on proposals to be drafted consistent with the language expressed at this meeting.

Upon motion duly made by Peter Tufo and seconded by David Schulte, it was RESOLVED that the proposals be moved to a vote. The Board unanimously adopted the proposals on Non-Discriminatory Treatment, Classification, Overcrowding, Recreation, Religion, Access to Courts, Visitation, Telephone Calls, Packages, Publications, Access to Media, and Variances. The Board adopted the Overtime standard subject to the receipt of a *satisfactory* opinion from counsel refuting the Corporation Counsel's opinion. The Board adopted the Lock-in proposal subject to the aforementioned redrafting. The Board adopted the Correspondence ^{and Personal Hygiene} proposals noting David Schulte's reservations ^{and request for information} thereon.

Chairman Tufo directed Dan Pochoda to incorporate the Board's changes into the adopted proposals for distribution to the Board on December 15, 1977.

Rose Singer suggested that the next meeting of the Board be a joint meeting with the Executive Staff of the Department of Correction. The next meeting was scheduled for December 21, 1977 at 100 Centre Street, at 3:30 p.m. with the Commissioner of Correction and his staff, if his schedule permits.

Chairman Tufo stated that the staff was organizing a holiday party and suggested that each member contribute ten dollars to the party fund. He stated that he would contribute twenty dollars. There were no objections to this suggestion.

At 4:40 p.m. upon motion duly made by Peter Tufo and seconded by Rose Singer, the meeting was adjourned.