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April 20, 2007

BY E-MAIL

Richard T. Wolf, Executive Director
Members of the Board of Correction
49-51 Chambers Street
New York, N.Y. 10007

Dear Mr. Wolf and Board Members:

We are writing about the ongoing review process for the proposed amendments to the minimum standards.

As we have stated in our written comments and our public testimony, we believe the Board's process in formulating, proposing, and considering the amendments is irredeemably flawed, and the proposed amendments should be rescinded and a new and more open process instituted.

However, if the Board does not do so, there remain significant procedural issues which should be addressed.

1. At this week's public hearing, the Chair mentioned that Board meetings are open to the public and that members of the public may speak at them, and that the proposed amendments will be considered at the June meeting of the Board.

In light of the great interest displayed by members of the public at the public hearing, especially the fact that more people attended than could fit in the room and speakers were limited to 10 minutes each, we respectfully request that the June Board meeting be held in a larger room than the usual Board room, and that the room be set up so that members of the public can hear and speak. In light of the turnout and the media coverage of the hearing and the proposed amendments generally, it would not surprise us if even more people seek to attend the June meeting than did the hearing. Further, in light of the Board's invitation at yesterday's hearing for members of the public to submit additional proposals for amending the standards, there will undoubtedly be proposals before the Board that the public will have had no prior opportunity to comment on.

2. We are concerned that the Department of Correction, per Commissioner Horn's statement at the hearing, will only be commenting on most of the proposed amendments at some unspecified date between now and May 21. We expect that as a practical matter, the Department's concerns will be disproportionately influential. (Our

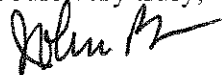
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concern is heightened by the fact the Department has already had considerable opportunity to communicate its views to the Board in the process of formulating the amendments, and those communications have not been made public. The perception of on-going confidential communication between the Board and the Department was exacerbated by the fact that the Board did not have a single question for the Commissioner at yesterday's hearing, even though the Commissioner alluded to revisions that he claimed not to support but did not identify.) Concerned members of the public should have an opportunity to review the Department of Correction's comments and to respond to them, especially with respect to any factual assertions the Department may make that have not previously been aired. We believe permitting such an opportunity will serve both the fairness of this proceeding and the accuracy and completeness of the information before the Board for consideration—though, as noted, they will not remedy the more fundamental deficiencies of this process.

This request could be accommodated either by extending the comment period for a reasonable time or by arranging with the Department of Correction to submit their comments a reasonable time before the close of the comment period. We would think that a reasonable time, for this purpose, would be no less than three weeks.

Thank you for your consideration.

Yours very truly,



JOHN BOSTON
Project Director