

**NEW YORK CITY**  
**BOARD OF CORRECTION**  
**MEETING OF JUNE 12, 1991**

Members Present

Judge William Booth, Chairman  
John R. Horan, Vice-Chairman  
Louis A. Cruz, Esq.  
Peter Johnson, Jr., Esq.  
Stanley Kreitman  
David Lenefsky, Esq.  
Barbara Margolis  
David A. Schulte

An excused absence was noted for Rev. Irvine Bryer, Jr.

Representatives of the Department of Correction

Allyn Sielaff, Commissioner  
Gerald Mitchell, Chief of the Department  
Sharon Keilin, Deputy Commissioner  
Allison Lewis-Smith, Deputy Commissioner  
Arthur Sinai, Deputy Commissioner  
Vito Turso, Deputy Commissioner  
Robert Daly, General Counsel  
Toni Bair, Assistant Commissioner  
John Shanahan, Assistant Commissioner  
Leslie Keenan, Associate Commissioner  
Hector Eugui, Deputy Chief

Others In Attendance

John Guzman, New York State Commission of Correction  
Jack Beck, Legal Aid Society  
Jonathan Chasen, Legal Aid Society  
Dale Wilker, Legal Aid Society  
Leslie Hurdle, Mayor's Office of Operations  
Mary Jo Mullan, Office of Compliance Consultants  
Michael McClure, Office of Compliance Consultants  
Frank Reay, State Senate Committee on Crime and Corrections  
George Jordan, New York Newsday  
Mark Mooney, New York Post  
Selwynn Raab, New York Times  
Ruby Washington, New York Times

The meeting began at 2:15 p.m. Chair William Booth welcomed the representatives of the Department of Correction and other guests. Mr. Booth thanked the Commissioner and other members of the Department, especially Department Counsel Robert Daly, for the warm welcome they had extended to him on being named Chairman by Mayor Dinkins. He said that he was grateful for the support members and staff of the Board had extended to him in the past. Mr. Booth then introduced and welcomed the new members of the Board, Peter Johnson, Jr., Esq. and Stanley Kreitman. Mr. Johnson said he was honored to be a member of the Board and would do everything in his power to do what is fair for both inmates and the Department. Mr. Kreitman said that he was looking forward to being part of the Board and would do everything in his power to assist the Chairman. Board member David Schulte then said that the Board should recognize the tremendous contribution Vice-Chairman John Horan had made to the Board as Acting Chair.

Mr. Booth called for a motion to adopt the minutes of the Board meeting of May 8, 1991. The motion was made by Mr. Schulte, seconded by Mr. Horan and approved by all Board members present.

Mr. Booth said that the Chair's report would address several matters. He said that he was considering a number of measures that would bring the Board into closer contact with events at the jails, including conducting Board meetings on the Island and in other boroughs and assigning Board members to specific institutions. Mr. Booth also said that he would like to arrange for the Board to formally recognize the contributions former Mr. Robert Kasanof and longtime Board member Rose M. Singer had made to improving conditions in the jails for both inmates and staff. He said that these were matters he wished to discuss in more detail with the Board at a later meeting.

Mr. Booth said that he had met with members and staff from the Board, the Departments of Correction and Health, Deputy Mayor Mollen's office and other City agencies regarding proposals to cut the entire mental health budget for the Department. He asked those present to communicate their opposition to such cuts to the Mayor and to their various constituencies. Mr. Schulte said the Board should consider filing a lawsuit regarding the mental health cuts because they would result in unconstitutional conditions at the jails. Mr. Booth said the Board would delay further consideration of such an action until after the final budget was approved. He said that among the options the Board should consider was initiating its own suit or joining a suit with the Legal Aid Society.

Mr. Booth then reported that he would join the Commissioner, Department staff and Board Executive Director Richard Wolf in Albany to lobby the legislature for its support of Departmental initiatives to improve the effectiveness of alternatives to incarceration programs and other programs designed to reduce the system's population.

Mr. Booth then asked Mr. Wolf to present the Board's staff report. Mr. Wolf said that the Board had received a request from Katherine Lapp, Chief of Staff and Special Counsel to Deputy Mayor Mollen, requesting variances from several of the Health Care Minimum Standards. Deputy Director Maddy deLone said that the Legal Aid Society had requested that the Board delay action on these variance requests until interested parties had sufficient time to review and comment upon the requests. Mr. Wolf noted that the Board could approve the variance until the next meeting, thereby permitting interested parties to comment on the variances while allowing the City and Department to operate the jails in compliance with the Minimum Standards. Board member David Lenefsky motioned that the Board therefore approve the request until the next Board meeting. The motion was seconded by Mr. Schulte and approved by all members present. Mr. Booth noted the Board's vote did not indicate either that the Board agreed or disagreed with any position the Legal Aid Society might take with regard to the variances.

Mr. Wolf introduced the Department's variance requests. He explained that the Department had requested space variances at certain institutions and the renewal of existing program variances. He then asked Deputy Chief Eugui to report on the status of the variance bed reduction program. Chief Eugui said that the Department was now only 26 beds short of its scheduled bed reductions. Mr. Booth noted that, as most of those present already knew, in the past he had consistently opposed emergency variances but that in the light of the Department's good faith efforts to reduce the number of variance beds, he felt the Board should approve the Department's variance requests. Mr. Schulte then motioned that the Board vote to approve the pending program and space variance requests. Mr. Lenefsky seconded the motion and all members present voted to approve the motion.

Mr. Booth then requested that the Commissioner report on the Department's response to the City Department of Investigation (DOI) and the State Commission of Correction reports on the riot at the Otis Bantum Correctional Center (OBCC) in August of 1990. Mr. Sielaff summarized the Department's response to the reports noting that the Department had improved and increased the training of correctional officers and had introduced new policies and procedures as well as strengthened existing policies and procedures to prevent similar occurrences.

Mr. Schulte commented that the reports by the DOI and the

State Commission were devastating in their criticism of the Commissioner and the Chief of the Department. He asked whether cameras used by the Department for security surveillance were now fully operational. Lewis-Smith responded that all cameras in place were 100 percent operational. Mr. Horan asked whether the Department intended to take action against those officers and other staff who used excessive force during the disturbance. Ms. Lewis-Smith said that she had been working on this matter since she arrived at the Department in January but that transactional immunity had been conferred on anyone who might have submitted a report. She said she would, nevertheless, make every effort to identify those individuals responsible and discipline them. Mr. Horan responded that Department's explanation of why written reports regarding the incident were not prepared was unsatisfactory. Mr. Horan said that notwithstanding both the Commissioner's and Ms. Lewis-Smith's position to the contrary, the investigation of the riot by the City's Department of Investigation (DOI) and the State Commission of Correction did not create practical or legal barriers to taking disciplinary action against the many officers that participated in the unwarranted beatings of inmates during the disturbance at OBCC. Mr. Lenefsky said that he was in agreement with Mr. Horan. He also said that he was concerned that the Commissioner did not take a more active role in trying to limit the violence that took place during the disturbance.

Deputy Chief Eugui then reported on the status of the backlog of state-ready inmates. He said there were approximately 1500 male and female inmates on the backlog as of today's Board meeting. He said the City was being reimbursed for 963 of these inmates. Mr. Eugui explained that the State was now able to take between 400 and 500 inmates each week. He also reported that it would take several weeks before the Department would be able to reduce the backlog of state-ready inmates to Department's goal of approximately 400 inmates.

Mr. Schulte then reported that he had toured the kitchen at the Anna M. Kross Center and had found the floor there so severely dilapidated that it made the preparation of food unhealthful. He noted that the Department of Health had cited the Department for not adequately repairing the floor on numerous occasions. Deputy Commissioner Keilin explained that the Department had repaired the floor numerous times but had been unable to find a satisfactory long term alternative to the tiles presently used. She explained that the Department planned to serve that facility and other nearby facilities from a semi-central kitchen. Mr. Schulte asked when that kitchen would be in place. Ms. Keilin replied that it would not be in place for about two years. Mr. Schulte asked what would be done in the meantime. Ms. Keilin replied that, unfortunately, the Department did not have an expense budget with which to respond to such problems until after the new budget was in place in July, but

that she would see what measures were available to the Department to respond to the problem prior to the approval of the new budget.

Mr. Booth thanked the representatives of the Department of Correction and others present for their participation. The meeting was adjourned at 3:30 p.m.