



Testimony of
Timothy Farrell
New York City Department of Correction
before the
New York City Council committee on
Criminal Justice Services
regarding
Safety and Security in DOC Facilities
April 23, 2018

Good morning Chair Powers and members of the Criminal Justice committee. I am Timothy Farrell, the Senior Deputy Commissioner at the Department of Correction (DOC). Today's hearing serves two main purposes: to discuss the critical issue of Safety and Security in DOC Facilities and to discuss three pieces of legislation recently introduced by the Council.

I will start by speaking to the hearing oversight topic of Safety and Security in DOC Facilities. Without question, maintaining safety and security is the most important responsibility of any correction department. If staff and inmates are not safe, then no other policies or reforms matter. In the last few years, we have made fundamental changes to how we operate as an agency. We have incorporated management models that address the needs of individual populations, have expanded vocational training opportunities, and we have significantly increased opportunities to participate in meaningful programming.

When Commissioner Brann testified before the Council last month, she outlined her vision for the Department. She listed the following priorities:

- To move the Department forward to come out from under the Nunez consent judgment, demonstrating that we have made and sustained meaningful, necessary changes;
- Better integrate DOC into the city's Criminal Justice System;
- Develop a lasting leadership pipeline for uniformed and non-uniformed staff;
- Provide necessary tools, such as programming and training, to ensure meaningful and safe engagement between staff and those in custody; and
- Most importantly – ensure that our jails are safe for our staff and for those in our care.

As the Commissioner stated in March, “no meaningful reform and change can happen, if people involved do not feel safe.”

This focus on safety is one of the reasons that the Department supports the City’s plan to create a Smaller, Safer, and Fairer Criminal Justice system, which will include new, state-of-the-art correctional facilities off of Rikers Island. New facilities are designed to be safer than the antiquated facilities that we currently operate within. The issue is not just that our facilities have fallen into disrepair. The building designs themselves do not support modern correctional best practices.

New facilities have better sight lines and incorporate modern technology, both of which make facilities safer and better support staff on post.

Modern designs encourage program participation by incorporating programs and services into housing areas. Having programs in or immediately adjacent to a housing area facilitates access to programs because individuals do not need to move through the facility. Moving inmates through a facility can be a challenge because it creates opportunities for individuals who should not commingle to cross paths. Additionally, an incident involving just one person might disrupt services throughout the facility for several hours. If services are brought to the individuals, instead of the other way around, one incident would not affect others’ access.

New facilities are also designed to reduce stress and tension, which is just as important as improving supervision. Spaces that integrate open space, better natural light, noise reduction features, and climate control have calming effects, which in turn reduces incidents. This positive effect is experienced by those who live and work in the jails. All of these make jails safer environments for everyone.

A borough-based system also helps strengthen ties to the community for those in our custody. Easier access to attorneys and to meaningful support systems alleviates stress, minimizes issues, and creates better outcomes.

Reform Agenda

As important as these new borough facilities are, we are not waiting to implement the long-needed changes.

We have moved away from a one-size-fits-all management model and created models that are tailored to best serve individual groups. We now manage adolescents with systems based on juvenile justice best practices, and we have created young adult systems based on similar philosophies. With Correctional Health Services (CHS), we have created clinically-focused environments to offer real care for those who have serious mental illnesses. We have targeted programming and services for our female inmates. Most recently, we have opened a housing unit for veterans, so that those who have served our country can receive tailored care to address their unique needs. Finally, we have created therapeutically-oriented, structured housing units for persistently violent individuals. These units allow us to focus on preventing future incidents of violence, instead of merely reacting to violence after the fact. Each of these populations receive

specially designed programming and services to best suit their unique needs. Just as importantly, staff who regularly work with these populations receive specialized training that equips them to work effectively with these groups, creating a safer environment for everyone. For example, DOC and CHS staff who work with mentally ill populations attend Crisis Intervention Team (CIT) training. The two groups train together to best prepare them to work together as unified teams to respond to individuals in crisis.

Our reforms have not stopped with specialized populations. Our management of our general population has also been redefined in the last few years. We now incorporate programming into inmate management in a way we had not been able to do before. We offer five hours of programming every day, which provides structure, reduces idle time, and allows individuals to use their time in custody productively. Much of our programming supports development of hard and soft skills critical to re-entry. These skills can aide in employment readiness post-release as well as address underlying issues that might cause negative behavior. If we can address those issues, we can create a safer environment for everyone.

Investment in our staff has been a critical part of the Reform Agenda. All staff have received new training in the last few years that gives them better tools to work with the population under their care. The academy recruit training has been extended to twenty-four (24) weeks and they now spend more time in on-the-job training (OJT) before graduating. We have also increased in service training for tenured staff members. All uniformed staff have received the Special Tactics and Responsible Techniques (START) training, which is a five-day curriculum on the new use of force policy, including defensive tactics and de-escalation techniques. Use of force training was required by the Nunez consent judgment, but the training developed by our academy and provided to our staff goes above and beyond the requirement, to make sure that our staff have the best training possible. The second phase of this training (refresher on use of force policy plus several days of training on de-escalation techniques) is starting now. The skills taught in these courses enhance officers' ability to foresee incidents, allowing them to intervene and de-escalate situations without the need to use force.

Security Indicators

As the Commissioner described last month, our reforms have yielded significant results, but we still have a long way to go. Between FY14 and FY17, DOC made sustained improvements in incident levels, particularly for more vulnerable and problematic populations. As we continue through FY18, we are encouraged by continued progress that the Department has made in preventing certain types of violent incidents, particularly those related to inmate-on-inmate assaults. The Department has reduced the number of fights between inmates by 6.4% in the first three quarters of FY18, compared to the same period in FY17. We have reduced serious injuries to inmates resulting from an assault or fight by 14% during the same time frame. Critically, we have reduced slashings and stabbings by 41%.

During this same time period, however, we have experienced upticks across other indicators. In particular, UOF and AOS have continued to increase. UOF are 13% higher in FY18 (first three

quarters) than the same period in FY17, and AOS are 8% higher. There has been an increase in incidents involving serious injuries, but, importantly, most incidents do not result in any injury to either inmate or staff member. In FY14, 52% of UOF resulted in a minor or serious injury. Now, that figure is 39%. In FY14, 72% of AOS incidents resulted in a minor or serious injury. Now, only 54% do.

As with all aspects of inmate management, incident management does not warrant a one-size-fits-all solution. DOC has made targeted efforts to better manage institutional misconduct and reduce institutional violence. These efforts have included opening a variety of new housing areas that allow close, targeted management of specific populations. These specialized units have been especially successful to reduce incidents.

In CAPS and PACE, two units designed for specialized treatment for inmates with serious mental illness, incident rates decrease dramatically for inmates brought into the units. On average, inmates show a decrease in the rate of UOF in CAPS and PACE of 41% and 70% respectively, and a decrease in the rate of AOS of 48% and 67% respectively.

The Secure Unit and Enhanced Supervision Housing (ESH) were both created as alternatives to punitive segregation to manage highly violent and problematic inmates. Secure Unit serves the young adult population and ESH serves both young adults and adults. On average, inmates who are moved into Secure Unit and ESH show decreases in rates of UOF of 49% and 15%, respectively, and decreases in the rate of AOS of 100% in Secure Unit.

Additionally, our restarted General Population units continue to be effective. Inmates who move into these units show decreased rates of UOF (down 50%), AOS (down 40%), and slashings (down 59%).

Nunez Monitor Report

The Nunez monitor's fifth compliance report was released last week. This report found that DOC has achieved substantial or partial compliance in 98% of provisions evaluated. This is the highest compliance rate we have attained so far. Importantly, DOC has improved from non-compliance to substantial or partial compliance in the following areas:

- Handheld Cameras;
- Timely service of disciplinary charges for UOF violations;
- Timeliness of Facility Conducted UOF Investigations; and
- Develop and Implement an age-appropriate classification system for 16-17 year olds.

The Monitor recognizes the Department's successes, noting that we have reached this level of compliance because we have, "worked diligently to develop and implement new policies, procedures, and training." The report also highlighted several areas where DOC is still facing challenges. The overall rate of UOF is trending downward, but we still have not met the primary goal of "reducing the use of unnecessary and excessive force." There are two main concerns in this

area. One is that our UOF numbers are still higher than we or the Monitor want them to be and increased during the reporting period (for those over the age of 18). The other challenge is that the UOF incidents are too often avoidable or disproportional.

Despite the tremendous progress we have made, which often goes beyond the requirements of the Consent Judgment, we expect to be better and continue to reexamine our policies, procedures, and operations to identify areas of improvement. To that end, we are launching a UOF Improvement Action Plan. This plan includes:

- Deploying special use of force de-escalation teams
- Boosting gang intel to stop violence before it triggers a use of force
- Increasing real-time video monitoring and analysis
- Revamping DOC's Rapid Review process to more quickly identify and correct unnecessary uses of force
- Assigning Mentoring Captains to provide staff with re-training

Legislation

In addition to this important oversight topic, we are here today to discuss three pieces of legislation currently being considered by the Council. I will now speak to each of those bills.

Int. 779 and Int. 447: Reports on Taser Use and on Lockdowns

Intros 779 and 447 both require the department to regularly report specific data. DOC appreciates the importance of transparency and we have worked to be as transparent as we can in the last few years. We support the idea of these bills, but would like to work with the Council to refine some details of these bills, such as ensuring that the definitions are consistent with DOC definitions.

As we discuss these new requirements, I also invite the Council to sit with us and review existing reporting requirements, to ensure that useful and meaningful information is being shared. NYC DOC is one of the most transparent law enforcement agencies in the country. We are proud of this transparency. We would like to ensure, though, that we are sharing meaningful information and our staff resources are used in the most effective way possible.

Int. 741: Elimination of Phone Call Costs

Intro. 741 would require that DOC not accept revenue from phone calls and provide all phone calls at no cost. We appreciate the Council's initiative to relieve the financial burden for those in our custody and their loved ones. Since 2014, the Department has been in a revenue-sharing agreement with a vendor to provide inmate phone services. Revenue generated from inmate calls is remitted back to the City's general fund and categorized as miscellaneous revenue.

We have spoken to City Hall and OMB, and the City is open to reducing or eliminating the revenue and making calls as inexpensive as possible for inmates. We are already assessing what contract changes would be necessary to achieve this goal. A new procurement might be required, which would require a longer implementation window than the bill currently includes. We would like to work with Council to figure out how to make our telephone system as fair as possible, while maintaining the necessary services and safety features that the contractor provide. These changes are not for DOC alone to make, but we are happy to participate in these conversations moving forward.

It is important to note free phone calls are already provided in several circumstances. Indigent detainees receive three free calls per week and sentenced inmates receive two free calls per week. A free local call is provided to all detainees upon admission and phone calls to several specific phone numbers are provided at no cost. Additionally, aside from the phone calls, there are other valuable services the Department requires such as:

- The Department requires expensive hardened phones, which the company installs, maintains and replaces when damaged;
- The vendor provides advanced call recording technology, which allows us and our partner law enforcement agencies to effectively analyze conversations to investigate incidents and prevent future incidents of violence or contraband smuggling;
- The phone software includes voice identification services, so that we can identify whether someone is using someone else's ID and PIN.

I thank the Council for the opportunity to speak on all of these topics. My colleagues and I are happy to answer any questions that you have.

NEW YORK CITY
BOARD OF CORRECTION

Statement before the New York City Council

Oversight Hearing: Safety and Security in DOC Facilities
Committee on Criminal Justice
Keith Powers, Chair

April 23, 2018

By Martha W. King, Executive Director
New York City Board of Correction

Good morning Chair Powers and Members of the Committee on Criminal Justice. My name is Martha King and I am the Executive Director of the New York City Board of Correction. Today, I am joined by two of our Board members who were appointed by the City Council, Dr. Robert Cohen and Stanley Richards. I am also joined by the Board's Deputy Executive Director of Research, Emily Turner. Thank you for inviting us to testify today on safety and security in DOC facilities.

The Board of Correction is an independent oversight agency. The City Council enshrined the Board in local law in the 1950's and the City's voters gave the Board greater independence and powers in the Charter revisions of the 1970's. Our role is to regulate, monitor, and inspect the City's jails in support of safer, fairer, smaller, and more humane jails.

The Board's Minimum Standards govern basic conditions necessary for safe and humane incarceration including access to health and mental health care, showers, mattresses, recreation, defense counsel, and community connections via visiting, telephone, and letters. Today, I will focus on changes in the use of punitive segregation and the simultaneous development of new forms of restrictive housing in the jails. We are here today because the levels of violence in the jails is unacceptable and a fair and effective restrictive housing system is a critical part of keeping people safe. The restrictive housing system serves two purposes: to hold perpetrators of wrongdoing accountable and to take security precautions to prevent future violence.

In 2015, the Board — with the full support of the Mayor, many Council Members, and other elected officials, the Department of Correction, Correctional Health, and many advocacy groups — amended the Minimum Standards to create safe limits on the use of punitive segregation to minimize its harm to individuals and communities. These reforms went through a transparent and publicly informed rulemaking process: over 80 people testified at the public hearing and many more submitted written comment to the Board.

Today, the Minimum Standards prohibit punitive segregation for young people ages 16 through 21, and those with serious mental illness or serious physical disabilities. The reforms further established safeguards on how long someone can be held in segregation and for what reasons. They also permit the Department to impose longer sentences for serious assaults on staff and the flexibility to override sentence limits when someone engages in serious violence. For example, in

the first sixteen months post-reform, the Department used overrides 164 times to return people to segregation after they had committed assaults causing serious injury to others.

When the Board created limits on segregation, it based its decisions on numerous evidence-based studies showing that misused and overused segregation is not an effective behavioral management tool, and that isolation of an individual for extended periods of time results in a distinct set of emotional, cognitive, social, and physical pathologies, particularly for young people and those with serious mental illness.

Before the reforms, close to 20% of adolescents in custody were in 23-hour lock in and the number of people in isolation had grown 225% in ten years. At the peak of its use in 2012, over 850 people were held in punitive segregation on any given day. New York City had one of the highest rates of isolation in the nation and was overusing punitive segregation for low-level misconduct.

It is not only well-established that punitive segregation causes significant psychological harm to those who are placed in it for extended periods, but there is also no evidence that it results in safer jails. In fact, during the period when DOC increased the number of people in punitive segregation, violence indicators continued to rise. For example:

- Slashings more than doubled from 35 to 72 from 2011 to 2012.
- The monthly rate of use of force per 1,000 incarcerated persons grew from 13.5 to 20.6 from 2011 to 2012.
- The monthly rate of serious injury to staff per 1,000 incarcerated persons was .27 in 2012 or just above what it was in 2017 (.24).
- And, the number of lockdowns in 2012 was about the same as in 2017.

As the approach to incarceration changes around the country, correctional systems are joining New York City in reforming their use of punitive segregation — this includes jails and prisons in Cook County, Texas, Washington, Colorado, the Federal Bureau of Prisons, and elsewhere. Today, the segregation population in our jails is just a fifth of what it was the year before enactment of the 2015 reforms and a tenth of what it was in 2012 when the segregation population peaked.

As part of punitive segregation reform, the Department created Enhanced Supervision Housing, or ESH, which the Board also included in its 2015 amendments to the Minimum Standards. ESH was created as an alternative to long-term segregation to prevent and respond to violence. Adults with a history of jail violence are placed in ESH while young adults are placed there immediately after commitment of a slashing or other act of violence leading to serious injury. There are three levels of ESH — at its most restrictive level, when people are out of their cell, they are restrained to desks via leg irons. They receive seven hours out of cell per day or half the hours in general population. They can also be subject to restrictions on their visits, correspondence, commissary, recreation, and access to law library. There are currently 129 people in ESH, including 19 young adults. A third of the people in ESH are in restraint desks, including nine young adults.

Since the reform of punitive segregation, the Department has created other restrictive housing options, particularly for young people. When the Department sought to establish alternative housing that conflicted with Minimum Standards, the Board granted variances upon conditions for

oversight and reporting. In just the past two years, the Department has requested, and the Board has approved, 19 separate variances related to restrictive housing.

There are now 47 restrictive housing units in the jail system, reflecting 16 unique types of restrictive housing. This includes the Transitional Restorative Unit, Second Chance Housing, ESH, Secure, Clinical Alternative to Punitive Segregation, and others. There are just over 450 people housed in these units who may be subject to restrictions on out-of-cell time, co-mingling, movement, visits, recreation, law library, commissary, television, showers, packages, mail, and/or personal property.

The Department also still uses punitive segregation as part of its response to violence. There are currently 124 people in punitive segregation, about 1.5% of the DOC population. Recent studies by the Board, the Vera Institute of Justice, COBA, and the SCOC suggest there is still work to do to maintain a disciplinary system that is effective at promoting safety and accountability. For years on any given day in the jails, there are hundreds of incarcerated people who have been sentenced to segregation for an infraction, but have not yet served their punishment. Nearly half of these people may never be disciplined for their offense. The Department says that space constraints, not the Minimum Standards, are the reason for this backlog.

When a person does serve his punitive segregation sentence, he will wait on average 13 days between the incident and punishment. The Board will continue to study these problems and urge the Department to adopt an effective disciplinary system that ensures that consequences for wrongdoing are swift, certain, and fair.

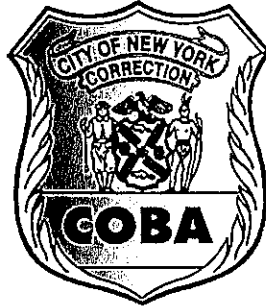
Most misconduct in the jails is not violent or chronic. This includes acts like insubordination that do not cause injury. While such behavior does not warrant placement in 23-hour lock-in or ESH, it does warrant a response. The Board — along with the Nunez Monitor in its report last week and the Vera Institute in its 2017 report — has recommended that the Department institute a formal system of additional disciplinary options. The Department already has the power to utilize a range of sanctions, but it needs to create a formal system to do so. The Board also recommends that the Department structure this system so that its impact on violence can be evaluated at both the individual and system level.

The Board will continue to monitor, report, and make recommendations on the Department's work in these areas. Last year, we published two reports on ESH. In these reports, the Board found grounds for optimism, including a structured approach to programming and multidisciplinary management. The Board also found several areas where DOC could improve ESH, including policies related to level progression, access to medical care, lock-out, and steady staffing. In recent months, the Department has embraced a number of our recommendations.

Ultimately, 76% of the people who enter the City's jail system are released directly back to the community. This fact highlights the rationale for punitive segregation reform as well as the urgent need for ongoing work to better prevent and respond to violence in the jails. This work includes the Board's restrictive housing rulemaking to ensure restrictive housing reflects the best available evidence to address violence in custody and promote rehabilitation for successful reintegration into our communities. We look forward to working with the Council, our partners in the

Administration, and the many community stakeholders in tackling these challenging issues and improving safety in the jails.

Thank you again for this opportunity to testify and we welcome your questions.



“SAFETY AND SECURITY IN DOC FACILITIES”

**COBA PRESIDENT ELIAS HUSAMUDEEN’S
TESTIMONY BEFORE THE COMMITTEE ON
CRIMINAL JUSTICE**

**KEITH POWERS
CHAIRMAN**

NEW YORK CITY COUNCIL

APRIL 23, 2018

Good morning Chairman Powers and the distinguished members of your committee. My name is Elias Husamudeen and I am president of the Correction Officers' Benevolent Association, the second-largest law enforcement union in the City of New York. Our members, as you know, provide care, custody, and control of over 9,000 inmates daily and over 55,000 inmates in just last year alone.

We are here today to discuss the topic of safety and security in the New York City Department of Correction. Before I begin, I would first like to express my gratitude to both City Council Speaker Corey Johnson and Committee Chairman Keith Powers for agreeing to hold this hearing at our request, several months ago. We are eager to discuss the most important issue facing the city's jails-safety and security. For the past two years the "Close Rikers" debate has pushed this critical issue aside when in fact this issue should be everyone's immediate priority.

New jails, whenever they are built, will never be safe and secure if the current DOC and BOC policies, which have made our facilities less safe, are permitted to continue.

I want to frame my testimony today by making clear that creating safer jails is not just a question of achieving the correct policy, it's a question of doing what's morally correct as well. In his State of the City address, Mayor Bill de Blasio referenced the vicious attack that occurred on Correction Officer Jean Souffrant on February 10, 2018. The Mayor said quote, "We will hold those responsible for this

heinous attack fully accountable and we will take the actions necessary to protect our brave Correction Officers who do so much for us. We will not allow our Correction Officers to be assaulted, period.”

In a period of just six weeks following the assault on Officer Souffrant, four more New York City Correction Officers were viciously beaten including one who was beaten and burned by an inmate who threw scalding hot water on him. And one of the four Officers who was attacked was a female Correction Officer who was punched in the face and sustained a broken nose after she attempted to break up a fight between a group of inmates. All of the inmates who committed these violent crimes are ages 21 and under. And herein lies the reason why the Mayor is actually not holding these inmates accountable and why he is not taking the necessary actions to protect our Correction Offices, as he proclaimed in his State of the City address.

In 2016, Mayor de Blasio, eliminated punitive segregation for inmates 19-21 years old even after the explicit warning from then DOC Commissioner Joseph Ponte, who stated in a letter to the Board of Correction that, quote “Regrettably, punitive segregation for 19-21-year-old young adults cannot be safely eliminated at this time End quote.” Ponte made that claim because of the reality that the majority of the jail violence we see throughout the Department of Correction is committed by guess who? 19-21-year-olds.

Even prior to 2016, the Mayor’s administration placed significant restrictions on how New York City Correction Officer can penalize and restrain violent criminals in city jails, seemingly to ensure the safety and well-being of inmates and officers alike. But the mayor’s policies have actually made the jails less safe for everyone,

as the data regarding inmate violence reveals. In 1998, when more than 17,500 prisoners were packed into New York City jails on any given day, inmates committed 6,458 violent assaults. By 2017, the average daily inmate population had dropped to just 9,500—yet the behind-bars violent-assault total nearly doubled, to 12,650. Much of that rise happened over the last three years, during which violent assaults jumped 43 percent, even as, during that same period, the number of Correction Officers increased, from 8,922 to 10,862. (Source: *“Equity Before Security”* Mangual, Rafael, *City Journal*, March 15, 2018)

In fiscal year 2017, a total of 642 Correction Officers were assaulted by inmates. They represent nearly half of the over 2,000 Correction Officers assaulted by inmates since 2014. There was a total of 747 splashing incidents in fiscal year 2017 as well. (Source: NYC DOC Office of Labor Relations) Splashing incidents, if you are unaware, are incidents that involve an inmate ambushing a Correction Officer with Urine, Feces, Blood, Saliva and sometimes a combination of all of those. If the numbers I have just provided contradict what you just heard from the Department, then it is clear that their reporting on jail violence requires much greater scrutiny from this committee and the City Council.

In 2017, Correction Officers recovered a total of 3,976 weapons, a 69% increase from the 2,348 recovered in 2014. And inmate on inmate slashing and stabbings rose to 161 from 131 in the previous year. (Source: NYC DOC)

So, when you look at the assaults on Correction Officers, the inmate on inmate slashings and stabbings, the splashing incidents, and the staggering number of weapons recovered, it is unmistakably clear that the policies of this administration have only accelerated the jail violence we see today.

I am not here to simply describe the problems, I'm here to outline a series of sound policy changes which are precisely what is needed to dramatically reduce the jail violence we face daily.

There are four primary ways to reduce jail violence.

First- Disciplinary Sanctions- penalties for inmates when the rules are violated, regardless of their age.

Second-The ability to use punitive segregation for inmates who are guilty of committing violence regardless of their age.

Third-Re-arrest inmates who have committed criminal acts while incarcerated in the city's jails.

Fourth- Stronger charges issued by the District Attorneys, like gang assault and gang- related violence, and if and when convicted, consecutive sentencing.

Two of the four of the above policies are actually happening. It is obvious that the jails in the surrounding counties already implement recommendations #1 and #2 in order to keep the violence down and the jails safe.

Here are our proposals:

COBA PROPOSAL #1

Inmate Disciplinary Sanctions on Inmate Privileges

In an effort to reduce violence while holding inmates accountable for committing crimes and infractions during incarceration, COBA recommends placing disciplinary sanctions upon inmate privileges.

The use of COBA's proposed inmate disciplinary sanctions will serve as a powerful deterrent - the sheer perception to the inmates that it is just not worth it to engage in such activity. If inmate disciplinary sanctions have their desired effect, we can envision a Department with less restrictive housing, greater compliance, fewer injuries to staff and inmates, and a real change in morale and culture. Implementing these disciplinary sanctions may even have an impact on recidivism

Visits

We must consider that certain aspects of the Board of Correction Minimum Standards and Directive 2007R-C, "Inmate Visit Procedures," effectively work against the Department and its efforts to deter violence and directly puts staff, visitors and members of the public at risk. The Department cannot limit or deny a visit to an inmate or visitor unless the criminal act is committed (or expected to be committed) in conjunction with a visit.

We can only limit or deny a visit if a litany of parameters is met and then there is the appeal process where the Board too often acts as an inmate/visitor advocate rather than an objective entity.

The Board of Correction must relax the constraints put on the Department and permit it to temporarily suspend visits even in cases where the inmates offending act is not directly or indirectly in conjunction with the visit. This type of inmate disciplinary sanction will serve as a powerful deterrent. This will help to send the message that it is just not worth it to engage in acts that violate inmate rules. It may even have an impact on recidivism.

Telephones

The Board mandates that detainees be permitted one call per day at a minimum of six minutes per call. Beyond the right to speak by telephone to counsel, phone use is a privilege. This privilege should be curtailed when inmates commit acts of violence. Such actions would serve to deter violent criminal activity. The Department should be able to deny or limit access to telephones for rule violations.

Haircuts

Currently, the Board of Correction mandates that inmates must be afforded haircuts. It does not, however, stipulate where and when these haircuts take place. The Department of Correction should be able to remove the privilege of taking a trip to the barbershop.

We recommend that when found guilty of rule violations, inmates should be charged for haircuts except when going to court.

Commissary

Commissary access is a privilege. Immediate sanctions should be enforced to deny commissary access to any inmate who commits any act of violence, Commissary access should be limited to personal hygiene products. Such denial should be extended for violent acts committed during a denial period.

Recreation

Currently, the Board of Correction mandates, "recreation may only be denied only with an open conviction of an infraction for misconduct on the way to, from, or during recreation." This rule is outdated. As a deterrent to violence, the Department needs to have the ability to deny or limit recreation for any violation of inmate rules.

We recommend the Department of Correction have the ability to deny or limit recreation as a disciplinary sanction for violation of inmate rules and regulations.

Disciplinary Sanctions for Splashing and Spitting Incidents

While no crimes against a Correction Officer should be tolerated, particularly egregious and frequent crimes are splashing and spitting incidents. The Board of Correction and the Department of Correction must take these incidents seriously and impose serious deterrence measures like the above proposed inmate disciplinary sanctions. The Department of Correction needs to be able to sanction an inmate's use of telephone, recreation, visits, law library, and haircuts when an inmate subjects our staff to potential pathogens. Inmates who splash or spit on staff should be denied everything except basic minimum standards for a finite period of time. Only this way will the Department of Correction be able to truly stop the increasing incidents of spitting and splashing.

COBA PROPOSAL #2

Restoration of Punitive Segregation in Limited Circumstances

The City of New York widely publicized its goal of "reforming" the Department of Correction. One of these "reform" measures was to eliminate the use of punitive segregation-a tool widely misrepresented as solitary confinement- for 16-21-year olds. The use of punitive segregation on the adult inmate population over age 21 was also significantly limited.

Many elected leaders complain about how harmful punitive segregation is, yet they turn a blind eye when inmates in our jurisdictions are regularly shipped off to other jurisdictions like Nassau County, Suffolk County, Westchester County, Rockland County and Albany where they are placed in punitive segregation. And those same officials who bemoan the high costs of housing inmates in the city's jails say

absolutely nothing about the over \$150 a day that the city pays to those jurisdictions to house an inmate we shipped off to them. The city currently has 35 inmates who have been transferred to other jurisdictions where punitive segregation exists.

The fact of the matter is that the elimination and limitation of punitive segregation has directly led to an increase in violence (As reported in the Mayor's Management Report from 2013 to 2017). The problem is clear: in an unbelievable display of poor management and oversight, both the Department of Correction and Board of Correction eliminated punitive segregation — an effective violence deterrence tool — without a plan to fill the void that was left. The Department of Correction failed to implement any alternate measures that could effectively deter violence and violation of the rules. Programs such as Secured Unit, ESH, the Transitional Restorative Unit (TRU) or Second Chance are void of disciplinary sanctions and fail to address the underlying reason for why an inmate is being placed in such programs or units.

Thus, the Department of Correction's mission to reduce the use of punitive segregation has actually empowered inmates to further commit crimes while incarcerated, because they know that there is no further penalty, accountability, or deterrent to their unlawful behavior beyond being detained in jail or criminally prosecuted.

COBA recommends that the Department of Correction consider reinstating some form of punitive segregation for 19 to 21-year-old inmates in very limited circumstances — against those who commit serious offenses. We recommend this measure be used only when absolutely necessary and for the shortest duration and in the least restrictive manner possible. We also ask that its use be coupled with what we refer to above as “inmate disciplinary sanctions.”

For example, if inmate disciplinary sanctions don’t work, then and only then, should punitive segregation be used on inmates 19-21 years of age. Further, if punitive segregation doesn’t work, inmates (regardless of age), should be removed from our custody and turned over to the DOH/MH or a separate facility should be created to house them. This facility should be operated by the DOH/MH and other health care professionals with Correction Officers providing security and escort only. (Los Angeles has a model of such a facility).

COBA PROPOSAL #3

Inmate Idleness Reduction

As an incentive and deterrent, COBA recommends that the Board of Correction consider standards for idleness reduction for inmates. Too often Department of Correction programs come and go with little measurable effect. In fact, the Department of Correction implements many of its programs in a bubble. Further, we understand that the Department of Correction has earned a less than optimal track record for submitting Monthly Management Reports in a timely and accurate manner and has been reluctant to enact measures to truly measure program effectiveness. We urge the City Council to hold the Department of Correction accountable for that.

COBA PROPOSAL #4

Other Disciplinary Sanctions

There are many other disciplinary sanctions such as 1. Being locked in their cells for 4, 6, 8 hours or an entire tour. 2. Receiving a non-contact visits for a specified number of times and other disciplinary sanctions to be explored by all parties involved.

COBA PROPOSAL #5

A Summit of all Stakeholders

While we believe that our overview accurately reflects how to improve the security and safety for Corrections Officers, staff and inmates alike, it is time for all stakeholders to be in the same room, at the same time to discuss these issues of great importance.

These proposals are the real deterrents. These proposals are real measures that will effectively curb jail violence and increase safety. These proposals will, if given a chance to succeed, will have a tremendous positive impact on the New York City Department of Correction.

In addition to these proposals, Correction Officers need sufficient tools and training to enable us to perform our ever-growing responsibilities and to enhance

safety and security. First and foremost, Correction Officers desperately need a new Correction Academy. Even the Federal Monitor cited in his reports that the current academy is not sufficient to provide optimal levels of training. We need a state of the art academy consistent with the training academies that the city provides to other agencies, such as the NYPD. This is an issue that the Council has already begun to pursue, yet it mysteriously disappeared from last year's budget negotiations.

Correction Officers also need personalized Gas Masks assigned and fitted for each officer. We need smart phones and tablets just like the Police Department allocates to police officers. These devices can be used for an institutional inmate count, injury reports for inmates and officers, use of force reports, etc. They would help streamline all DOC paperwork and enable us to make important statistics readily available to the Council.

Firearms Range Improvements. The NYPD currently has seven ranges at Rodmen's neck. The DOC is currently operating with one range "Adam Range." There are approximately 10,000 Members of Service capable of carrying a firearm. Ten lines need to be budgeted for a support team in order to continuously train current members and recruits. The DOC needs to operate with two ranges to meet the current needs of the agency.

Emergency Service Unit improvements. The 911 system of the DOC is ESU. Our ESU needs a strict training budget to fund drills on a daily basis. Our ESU needs a new facility to accommodate an increase in occupancy needs. Our ESU needs funding to enable the harbor unit to safe guard the perimeter of Rikers Island for security reasons.

New Riot Gear. We also need new equipment for our response/probe teams and new riot gear in the staging areas. We should have light-weight, state of the art vests, helmets and batons. The equipment we currently have is too heavy and antiquated.

For the past four and half years, we have heard a great deal of rhetoric about jail reform. But if you are going to impose radical jail reform, then that reform must be anchored by a secure system that puts law and order ahead of politics and ahead of ideology with no exceptions. The COBA will not allow Correction officers to continue to be demonized when those reforms fail. We are not shrinking from our responsibility. In fact, as evidenced by my testimony before you today, we are proposing far more ideas on how to actually make the jails safer than what this administration has proposed for over four years.


We are also asking for shared accountability among all the stakeholders in our criminal justice system. And that means accountability from this committee and the City Council as well. The question before you is whether your allegiance to your political ideology should trump your obligation to do what is morally correct? What is morally correct is making the jails safer. What is morally correct is protecting Correction Officers and inmates alike and giving us the tools necessary to do just that. What is morally correct is helping us actually reduce jail violence, as opposed to just talking about your concerns about jail violence.

With that, I am happy to answer any questions you may have.



CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.

"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"



**REDUCE
JAIL
VIOLENCE**

**PROPOSALS TO REDUCE JAIL VIOLENCE IN
THE NEW YORK CITY DEPARTMENT OF CORRECTION**

A BRIEFING BOOKLET PREPARED BY:
THE CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.

ELIAS HUSAMUDEEN
President

2018

VIOLENCE ON THE STREETS OF NEW YORK CITY IS DEALT WITH BY ARRESTING AND SEGREGATING THE PERPETRATORS FROM THE PUBLIC AND SENDING THEM TO JAIL.

BUT WHAT HAPPENS WHEN THESE PERPETRATORS CONTINUE TO COMMIT VIOLENCE IN JAIL?

PUNITIVE SEGREGATION IS A JAIL WITHIN IN A JAIL. IT ENABLES CORRECTION OFFICERS TO SEGREGATE VIOLENT OFFENDERS JUST AS THE POLICE SEGREGATE VIOLENT OFFENDERS ON THE STREETS OF NEW YORK CITY, WHEN THEY MAKE ARRESTS.

DAILY NEWS

21-YEAR-OLD MAN FATALLY STABBED OUTSIDE OF VIOLENCE-RIDDEN BROOKLYN SHELTER



February 26, 2018

A man was stabbed to death Sunday outside a violence-ridden Brooklyn homeless shelter, cops and witnesses said.

Miguel Acosta, 21, was standing in front of the Atlantic Armory Shelter at Bedford and Atlantic Aves. in Crown Heights when the killer, armed with a knife and a grudge, approached him about 1 p.m., police said. The two men exchanged a few words before the assailant plunged a knife into the other man's chest and ran off.

Acosta, clutching his chest and gushing blood, limped half a block before stumbling facedown onto the rain-slicked pavement, a witness said.

Medics tried in vain to revive him before rushing him to Interfaith Medical Center, where he died.

A witness who lives in the shelter said it appeared the two men knew each other.

"I think he might have already had the knife in his hand. It was one of those double-bladed pocket knives," he said. "(The victim) was clutching his chest and saying, 'My bad! My bad!' His last words — he said 'my bad' four times. Those were his last words. It gave me goosebumps. "The

ambulance came with the paramedics and did everything they could to revive him," the witness added. "That dude is gone. That corner right there just turned into a murder scene."

The witness said he recognized the victim as a fellow shelter resident but said the killer was "not from around here."

A Department of Homeless Services official insisted the victim did not live at the shelter. Police listed his address as another homeless shelter — on Blake Ave. in Brooklyn. Durwin Adams, who has stayed at the 350-bed shelter since July, said it is plagued with violence.

"Just last week a man pulled a knife on me that was about 8 inches long," he said. "I was like, how the hell did you even get that through the metal detectors?" The suspect was described as a 5-foot-6 Hispanic man in his 20s, wearing a black wool cap, black jacket and blue jeans.

Earlier this month, Homeless Services officials said they had doubled the number of officers onsite and moved their training facility to the armory. There are a minimum of 11 security staffers on duty there at all times. Last week, the Daily News reported on an array of quality-of-life concerns surrounding the shelter in the rapidly gentrifying neighborhood.

INTRODUCTION

IT'S BEEN SAID THAT “THE DEFINITION OF INSANITY IS DOING THE SAME THING OVER AND OVER AGAIN AND EXPECTING A DIFFERENT RESULT”

The Department of Correction is still attempting to resolve the issue of jail violence through the creation of so-called specialized housing units/programs. However, regardless of whether we call them restrictive housing units, enhanced supervision housing, enhanced housing, transitional-restorative units, secure units, or enhanced supervision re-start, they will not address the core issue at hand-jail violence.

The Department of Correction thinks that the mere creation of housing units/programs with elaborate names somehow means they are creating something new. They are not. They have not changed anything during the last four years and continuing these failed programs, while expecting a different result, is the definition of insanity.

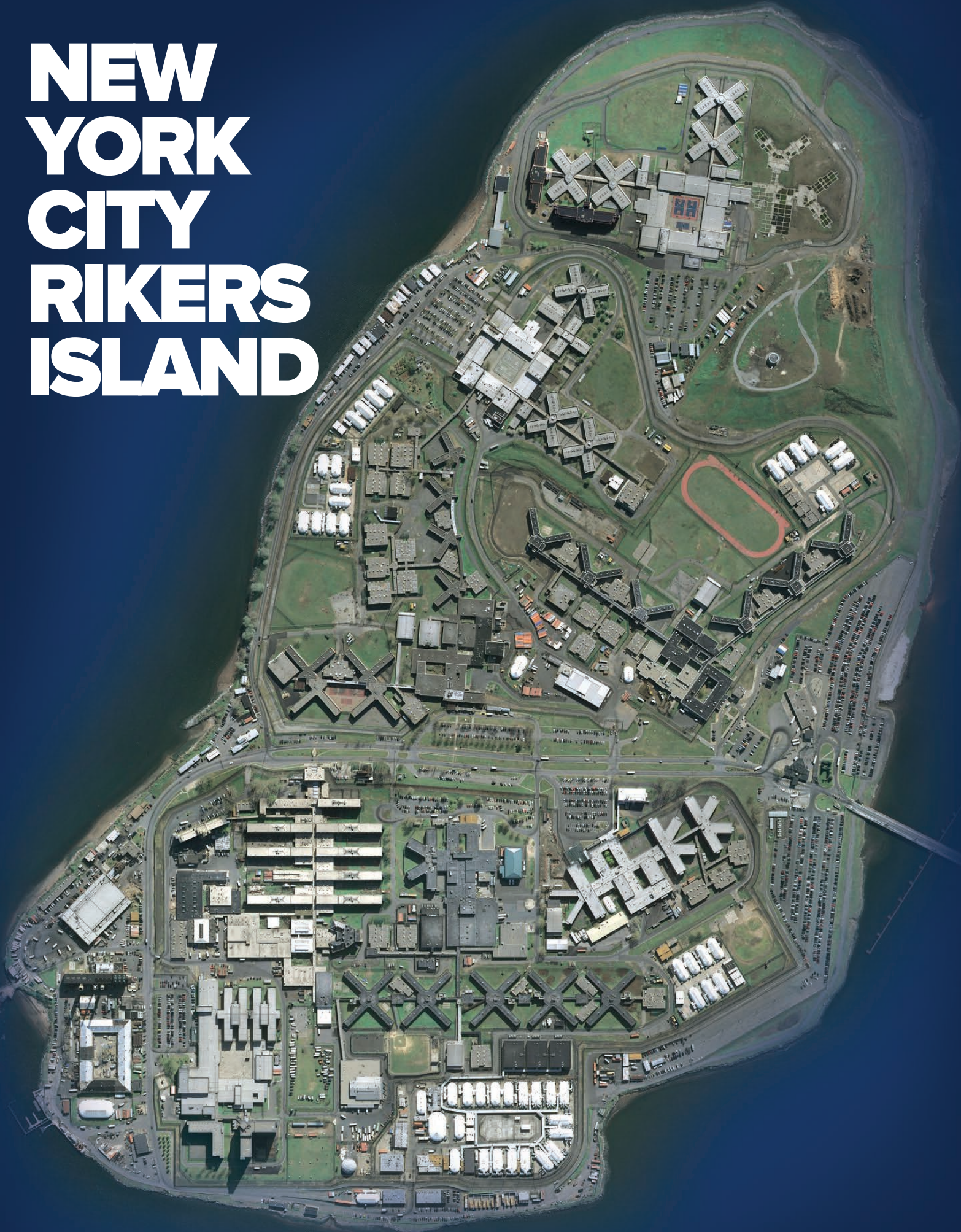
Second, despite the fact that these units and other “reform policies” have been in place for four or more years, very little progress has been made to ensure jail safety (Mayor’s Management Report 2013-2017). Correction Officers, staff, and inmates continue to be assaulted at alarmingly high rates on a daily basis without accountability or sanctions placed upon violent offenders (Federal Monitor’s Reports I-IV).

The Department of Correction has been unable to lower the jail violence across every major category (Mayor’s Management Report 2013-2017). Despite the failure of these policies, the Department of Correction continues to stand by them and has not developed any new or effective initiatives to effectively reduce jail violence.

Thus, the Department of Correction has failed to learn from recent history and it continues to repeat its mistakes at the expense of Correction Officers, staff, inmates, and the public.

The Mayor’s continued failure to listen to these sound recommendations from law enforcement experts and the boots on the ground is directly connected to the continued increase in violence in our jails.

NEW YORK CITY RIKERS ISLAND



RIKERS ISLAND & NEW YORK CITY JAILS

9 RIKERS ISLAND FACILITIES

1. RNDC: The Robert N. Davoren Center
2. EMTC: The Eric M. Taylor Center
3. GMDC: The George Motchan Detention Center
4. AMKC: The Anna M. Kross Center
5. NIC: The North Infirmary Command
6. OBCC: The Otis Bantum Correctional Center
7. WF: West Facility
8. RMSC: The Rose M. Singer Center
9. GRVC: The George R. Vierno Center

IN ADDITION TO THE 9 JAILS RIKERS HAS:

- POWER PLANT
- GARAGE
- GAS STATION
- CAR WASH
- FIRE RESPONSE UNIT
- MEDICAL UNITS
- BAKERY
- CENTRAL LAUNDRY
- TAILOR SHOP
- PRINT SHOP
- A K9 UNIT
- STORE HOUSE
- APPROXIMATELY
1500 PARKING SPACES

BOROUGH FACILITIES

BROOKLYN DETENTION COMPLEX (BKDC)

MANHATTAN DETENTION COMPLEX (MDC)

BRONX COURTS (BXCTS)

VERNON C. BAIN CENTER (THE BARGE) (VCBC)

QUEENS COURTS QDC)

HOSPITAL UNITS

ELMHURST HOSPITAL PRISON WARD (EHPW) QUEENS

BELLEVUE HOSPITAL PRISON WARD (BHPD) MANHATTAN

A GLIMPSE OF RIKERS ISLAND & NEW YORK CITY JAILS

	FY17
2017 ADMISSIONS	58,226
NUMBER OF REPEAT OFFENDERS.....	41,545
AVERAGE DAILY POPULATION	9,000
INMATES IN SECURITY RISK GROUP (% ADP)	14.7%
JAIL-BASED RE-ARRESTS OF INMATES	1,126
POPULATION IS ON TRIAL	85%
AVERAGE LENGTH OF STAY	60.7 DAYS
PERCENT RELEASED TO THE COMMUNITY	76%
RIKERS ISLAND	420 ACRES
INMATES TRANSPORTED TO AND FROM COURT DAILY.....	1,000
INMATE VISITORS PER DAY	1,600

POPULATION DEMOGRAPHICS FY17

AGE	NEW ADMISSIONS	AVG. DAILY POP	% OF ADP
16-17	332	143	1.5%
18-21	1,381	947	10.2%
22-25	1,967	1,373	14.8%
26-29	2,181	1,321	14.2%
30-39	4,033	2,440	26.3%
40-49	2,597	1,560	16.8%
50-59	1,981	1,240	13.4%
60-69	348	226	2.4%
70+	39	21	0.2%
unknown	86	5	0.1%

BOROUGH OF ARRAIGNMENT

	NEW ADMISSIONS	AVG. DAILY POP	% OF ADP
Brooklyn	3,107	1,720	18.5%
Bronx	2,304	1,458	15.7%
Manhattan	4,538	3,010	32.4%
Staten Island	728	319	3.4%
Queens	2,606	1,571	16.9%
Other	1,662	1,198	12.9%

NEW YORK CITY DEPARTMENT OF CORRECTION

USE OF FORCE

FY FEBRUARY 2017 - FEBRUARY 2018

2017 YEAR IN REVIEW	FYTD 2017
INMATE VIOLENCE - SLASHINGS/STABBINGS	133
TOTAL USE OF FORCE "A"	156
TOTAL USE OF FORCE "B"	1,239
TOTAL USE OF FORCE "C"	2,221
TOTAL USE OF CHEMICAL AGENTS	2,280
ASSAULTS ON STAFF INCIDENTS	642
USE OF FORCE "A"	28
USE OF FORCE "B"	295
USE OF FORCE "C"	319
USE OF FORCE "A" –STAFF INJURIES	24
USE OF FORCE "A" –INMATE INJURIES	27
SERIOUS INJURY TO INMATE BY INMATE	152
TOTAL # OF INMATE FIGHTS	4,702
INFRACTIONS FOR INMATE ON INMATE ALTERCATIONS	9,694
ASSAULT ON STAFF W/O UOF	438
SPLASHING	744
SPITTING/SPAT	268
UOF STAFF - STOP INMATE FIGHT	1,727
CRIMINAL ACTS - ON CIVILIAN STAFF	121

3 ACTUAL USE OF FORCE INCIDENTS

***UOF (A)** REQUIRES MEDICAL ATTENTION BEYOND OVER THE COUNTER ANALGESICS
(LACERATION, PUNCTURE, FRACTURE, SUTURE, INTERNAL INJURIES)

INCIDENT DATE	JAIL
03-13-2018	GRVC

AT 1911 HOURS, IN HOUSING AREA 19B (ADULT/MO), INMATE MCMILLAN (BLOOD, ENH, REST CL23) WALKED UP TO OFFICER AND STRUCK HIM SEVERAL TIMES IN THE FACIAL AREA. AS A RESULT, A USE OF FORCE OCCURRED WITH THE BELOW LISTED STAFF, THIS INCIDENT IS CLASSIFIED AS AN "A" USE OF FORCE. VIDEO SURVEILLANCE: YES/ CHEMICAL AGENT (OC) UTILIZES: YES. INJURIES TO CORRECTION OFFICERS (CO A) LACERATION TO THE FACE (CO B) SPRAIN WRIST, INJURY TO INMATE CONTUSION TO THE NOSE

***UOF (B)** ADMINISTRATION OF MINOR FIRST AID
(SUPERFICIAL BRUISE, SCRAPE, SCRATCH, MINOR SWELLING)

INCIDENT DATE	JAIL
03-02-2018	MNCTS

AT 1625 HOURS IN MANHATTAN COURT NEW ADMISSION PEN #2, INMATE HUGGINS (SRG BLOOD, CL, 7, AMKC, NEW ADMISSION) WAS BEING ESCORTED BY OFFICER TO PEN #2, WHEN THE INMATE THREW PUNCHES TOWARDS THE OFFICER, NOT MAKING CONTACT, AS A RESULT, A USE OF FORCE OCCURRED WITH THE BELOW LISTED STAFF, THIS INCIDENT IS CLASSIFIED AS A "B" USE OF FORCE, VIDEO SURVEILLANCE: NO/ CHEMICAL AGENT (OC) UTILIZED: NO INJURY TO CORRECTION OFFICER OR INMATE.

***UOF (C)** NO INJURY

INCIDENT DATE	JAIL
03-12-2018	OBCC

AT 1515 HOURS, IN HOUSING AREA 5 SOUTH (ADULT/ GP), INMATES HENRY (NSRG, CL.19) AND COOPER (SRG-BLOOD, ICR, CL. 28) WERE INVOLVED IN A FIGHT, OFFICER ORDERED THE INMATES TO STOP AND WARNED CHEMICAL AGENT (OC) WOULD BE UTILIZED. THE INMATES DID NOT COMPLY. AS RESULT, A USE OF FORCE OCCURRED WITH THE BELOW LISTED STAFF. THIS INCIDENT IS CLASSIFIED AS A "C" USE OF FORCE, VIDEO SURVEILLANCE: YES/ CHEMICAL AGENT (OC) UTILIZED: YES. NO INJURY TO CORRECTION OFFICER OR INMATES.

ANALYSIS OF VIOLENCE ON RIKERS ISLAND FOR FISCAL PERIOD FEBRUARY 2017 - FEBRUARY 2018

In 2017, Correction Officers had in its custody approximately 65,000 inmates who were housed on Rikers Island and other New York City jail facilities. Out of the 65,000 approximately 41,000 were recidivist (arrested 2-9 times that same year).

THERE WERE APPROXIMATELY 3,616 USE OF FORCES (WHICH REPRESENTS LESS THAN 6 PERCENT FOR THE PERIOD IN QUESTION) WITH THE FOLLOWING BREAKDOWN: **156 CLASS (A) USE OF FORCES, 1,239 CLASS (B) USE OF FORCES, 2,221 CLASS (C) USE OF FORCES.**

Correction Officers used Chemical Agents a total of 2,280 times which resulted in no injury to inmate or Correction Officers. Between February 2017 and February 2018, there was a total of 642 Correction Officers assaulted by inmates. 28 of those assaults were Class "A" Uses of Forces resulting in Correction Officers being sent to the hospital for lacerations, punctures requiring sutures, fractures, internal injuries, broken orbitals, fractured jaws, broken/fractured noses, sprain of the hands, wrists, shoulders, ankles, back injuries, or missing teeth. Some were the result of an out right attack on Correction Officers by an inmate or inmates, while most are assaults resulting from Correction officers intervening in inmate fights or altercations. A total of 1,727 Use of Force involved Correction Officers breaking up or stopping inmate fights.

There were a total 438 incidents of inmate assault against Correction Officers where no force was used by Correction Officers. Correction Officers were splashed a total of 744 times with urine, feces and other unknown liquids by inmates. Correction Officers were spit/spat on a total of 268 times by inmates. Inmates usually spit in the face of Officers. These numbers do not include civilians. There was a total of 121 criminal acts (which includes assaults, splashing and spitting) against Civilians staff.

During this same period, there were 4,702 Inmate fights in total. Over 152 Inmate on Inmate Serious Injuries and 133 incidents of Inmate Slashing and Stabbings, mostly committed by adolescents, mentally ill and high custody inmates.

In FY2017, Adolescent inmates (16-21 year olds) who despite comprising only 1,713 of the total inmate population, are a group with higher than average lengths of stay in custody, more serious criminal charges (charged with one or more felonies), the top charges being (Robbery 1 and 2 and Murder 2) and a higher level of involvement in jail incidents. Since January 2018 to date there has been more than 150 Use of Force involving 16-17 year olds (mostly involved Correction Officers breaking up inmate fights).

In FY2017 Inmates identified as members of security risk groups (SRG), which include gangs, represent approximately 14.7% of the population and are involved in about a quarter of all jail incidents. High-custody inmates, identified as having a high propensity for institutional violence, but are involved in close to half of all jail incidents.

Correction Officers have been successful in running one the best operation in our profession. New jails and shutting down Rikers won't do anything to reduce the violence in the jails, if Correction Officers are not allowed to enforce the law behind bars.

INMATE BURNS AND BEATS CORRECTION OFFICER



On March 17, 2018, J'von Johnson, an inmate housed in an Enhanced Supervision Housing unit at the Otis Bantum Correctional Center, who is charged with murder and three assaults, lashed out and attacked a Correction Officer as he was completing his tour.

The inmate threw scalding hot water on the officer and then proceeded to punch him repeatedly. The officer was transferred to the Emergency Room at New York Cornell Hospital and was treated for 1st and 3rd degree burns and a broken nose. **This same inmate was responsible for assaulting another Correction Officer just last year in the same exact housing unit.**



J'VON JOHNSON (Age 21)
INMATE

DETAILS:

STREET CHARGE:
MURDER (A FELONY)

CHARGE:
ASSAULT-2ND DEGREE (D FELONY)

CHARGE:
ASSAULT-2ND DEGREE (D FELONY)



THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE'S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.

MULTIPLE INMATES ASSAULT CORRECTION OFFICER FRACTURING HIS NECK



On February 10, 2018, the inmate and Bloods gang member, Steven Espinal, walked up to the uniformed officer in a vestibule of the George Motchan Detention Center and punched him, knocking him to the floor. Within moments, four other inmates rushed the officer, kicking and pummeling him for about eight seconds until two correction officers came to his aid, including one who used pepper spray, according to a video of the attack.

The injured officer, Jean Souffrant, 39, fractured his neck and was treated for bleeding on the right side of his brain.



THE FOUR INMATES WHO ATTACKED OFFICER SOUFFRANT



INMATE ESPINAL
Age 18

DETAILS:
STREET CHARGE:
Attempted MURDER
B Felony



INMATE BURNS
Age 18

DETAILS:
STREET CHARGE:
Attempted MURDER
B Felony



INMATE FRANCIS
Age 18

DETAILS:
STREET CHARGE:
Attempted ROBBERY
3rd E Felony

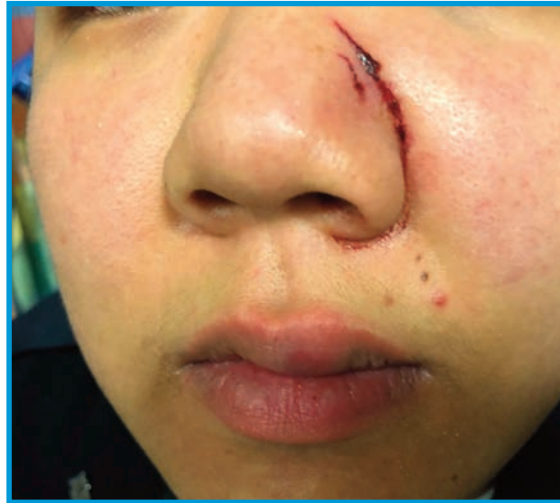


INMATE WATSON
Age 18

DETAILS:
STREET CHARGE:
Crim Poss weapon-2nd Degree
C Felony

THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE'S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.

INMATE ASSAULTED A FEMALE CORRECTION OFFICER, BREAKING HER NOSE



While attempting to break up a fight between multiple inmates at the George R. Vierno Center, on March 8, 2018, a Correction Officer was punched in the face by inmate Xavier Blount. She was sent to the Emergency Room and treated for a fractured nose.



BLOUNT, XAVIER (Age 21)
INMATE

DETAILS:

STREET CHARGE:
CRIM POSS CONTRL SUBST-3RD B Felony

STREET CHARGE:
Court Order

STREET CHARGE:
ASSAULT -2ND D Felony



THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE'S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.

INMATE ASSAULTED A CORRECTION OFFICER, SLASHING HIM ACROSS HIS FACE



After refusing to return a hot pot of water to a Correction Officer, inmate Benjamin McMillan assaulted the Correction Officer in a housing area at the George R. Vierno Center on March 13, 2018, The Correction Officer was slashed across his face and sent to the Emergency Room.



MCMILLAN, BENJAMIN (Age 61)
INMATE

DETAILS:

STREET CHARGE:
ASSAULT -2ND D Felony

STREET CHARGE:
OBSTRUCT GOVERNMENTAL ADMINIS
A Misdemeanor

STREET CHARGE:
Attempted ASSAULT-1ST C Felony



THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE OF HIS CLASSIFICATION AS A "MENTALLY ILL" INMATE. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC.

HOW DOES NYC DOC HANDLE VIOLENT 16-21 YEAR OLD INMATES?

Since the elimination of punitive segregation in NYC jails for the Adolescent population, the Department's solution for handling this population is to transfer them to the surrounding counties such as Suffolk, Nassau and Albany.

Currently, the NYCDOC has approximately 40 inmates who are transferred to surrounding counties at a cost of approximately \$150 per day.

These surrounding counties all have punitive segregation, but most are called administrative segregation.

When DOC inmates are transferred to the outside counties they are placed in administrative segregation because these counties don't want to expose their population to this population of inmates.

THE BENEFITS OF NYCDOC TRANSFERRING INMATES TO OTHER JURISDICTIONS:

1. We can have them placed in punitive segregation but not by us.
2. It separates this violent population from NYC Correction Officers, Civilians and inmates.
3. This population becomes someone else's problem.

THE DOWNSIDE TO TRANSFERRING THIS POPULATION OF INMATES:

1. It costs the city approximately \$150 per day that they're with the outside counties.
In addition to the \$247,000 it costs to incarcerate them annually.
2. It gives the appearance that NYCDOC and NYC cannot handle this population of violent inmates.
3. It creates a hardship for the family members to travel to visit them.
4. The additional costs involved with NYCDOC personnel who's responsible for ALL transportation of picking up and delivering these inmates for all hearings and court appearances in NYC and returning to them to the outside counties.
5. It forces their lawyers or legal representation to travel outside the city.



Mr. de Blasio said during his weekly appearance on NY1 that whatever validity there was to their claim about punitive segregation being a deterrent, “SOLITARY CONFINEMENT, UNFORTUNATELY, EATS AWAY AT THE HUMAN SOUL. SO I UNDERSTAND HOW FRUSTRATING IT MUST BE FOR OFFICERS WHO FEEL THAT SENSE OF DANGER, AND WE FEEL FOR THEM, WE WANT THEM TO BE SAFE AND THAT’S WHY WE’RE INVESTING AND WE’RE GOING TO MAKE SURE THEY’RE SAFE, BUT SOLITARY CONFINEMENT IS NOT THE ANSWER.”

- BILL DE BLASIO, NEW YORK CITY MAYOR



Former DOC commissioner Martin F. Horn believes that the policy shifts and the recent spike in inmate violence are connected. “IT’S CERTAINLY PART OF THE STORY,” he says, adding that de Blasio and his team “MAY HAVE TRIED TO ACCOMPLISH TOO MUCH, TOO FAST.”

“In many jails throughout the U.S. and even within New York State, prisoners are not routinely out and about for more than an hour a day. New York City is an anomaly by providing that prisoners are allowed to "lock out" of their cell for up to 16 hours a day. The Minimum Standards of the State Commission on Corrections that govern the operation of the City's jails and those of all other jails in the State nowhere require that length of "lock out" time. Only New York City affords that "privilege" to its prisoners.

- MARTIN HORN, FORMER DOC COMMISSIONER



New York City Department of Correction “The first step to reducing UOF incidents is to reduce inmate-on-inmate violence. We still have significant improvements to make, particularly in preventing stabbings and slashings.” “The Department has consulted with the Nunez Monitor throughout the implementation of the Young Adult plan and has advised the Monitor of the facts and circumstances set forth above. The Monitor and his team of experts - who have experience eliminating the use of punitive segregation in other jurisdictions - have continuously advised the Department on the need to be thoughtful and deliberate in our approach to punitive segregation reforms and have cautioned that moving too quickly towards the ultimate goal of ending punitive segregation can undermine the success the Department has already achieved through reforms to the management of this population. The Monitor has advised the Department the variance request is consistent with sound correctional practice and that he believes it represents the most reasonable and prudent approach in light of the current facts and circumstances.”

- JOSEPH PONTE , FORMER DOC COMMISSIONER



“For all of the successes, we still have a long way to go. There are still too many officers being assaulted. There are still too many uses of force and fights. There are far too many stabbings and slashings.”

“For every 10,000 Correction Officers across the country, there are 254 workplace assaults and violent injuries. That is 36 times higher than the rate for all American workers. How many of you in this room today would continue to go to your place of employment everyday if those numbers were associated with your profession?”

- CYNTHIA BRANN, CURRENT DOC COMMISSIONER



“An effective way to reduce uses of force is to reduce the number of inmates fights. We also realize that, as a Department, we need to be flexible enough to revisit policy decisions that have been made in the past, determine **WHAT IS WORKING** well and **WHAT IS NOT**, and amend those policies as needed. This includes issues such as punitive segregation, managing the mentally ill and adolescents, and basic custody management practices.”

- MARK CRANSTON, FORMER ACTING DOC COMMISSIONER



“Segregation has been and will continue to be a tool that is necessary to manage legitimate safety concerns. Reforms in the use of this practice will only be successful if the safety of inmates and staff is maintained or improved in the process.”

- DAN PACHOLKE, FORMER CANDIDATE FOR DOC COMMISSIONER



“I understand that that minimum standards for incarcerated persons are necessary for the operation of a humane jail system, but I think it is time to determine if the opportunity exists to establish--within the framework of those minimum standards--graduated sanctions that are proven to increase public safety and reduce violence.”

“Correction Officers must be empowered to prevent, reduce and stem violence on Rikers by employing swift, certain and immediate response to incidents that do not rise to the level of a criminal offense but still has the effect of disrupting order.”

“HOWEVER, I CANNOT PROSECUTE OUR WAY OUT OF THE VIOLENCE AND DYSFUNCTION of Rikers Island jails. Prosecution should be the last resort.”

- DARCEL CLARK, BRONX COUNTY DISTRICT ATTORNEY



“Protecting Inmates is our legal responsibility but protecting Correction Officers is our moral and ethical responsibility.”

- JOSEPH BORELLI, CITY COUNCILMAN



“Let’s not forget today, let’s not forget tomorrow, let’s not forget next year. Ten years from now sounds nice, but it may never happen and if it doesn't happen, what do we do about the safety in Rikers Island?”

PAUL VALLONE, CITY COUNCILMAN



SIMPLY PUT, PUNITIVE SEGREGATION IS A JAIL WITHIN A JAIL. It is a public safety imperative that punitive segregation be permitted as a disciplinary tool for repeatedly violent inmates who put correction officers and other inmates in harm’s way, regardless of their age. Rather than completely removing it from the disciplinary toolkit, this punishment should be judiciously applied with oversight that takes mental health imperatives and violent behavior into account. We cannot and will not accept an either-or proposition between justice and safety. In the nation’s second-largest jail system, we must have both!

ERIC ADAMS, BROOKLYN BOROUGH PRESIDENT



“If I’m going to choose between the good guys and the bad guys, I’m going with the good guys. Inmates should be treated humanely, but when they attack correction officers, there has to be very serious repercussions.”

JOHN FLANAGAN, NEW YORK STATE SENATOR & SENATE MAJORITY LEADER

The city and agency went far beyond the court consent degree “Which includes the elimination of Punitive Segregation”

STEVE MARTIN, INDEPENDENT MONITOR

THERE ARE FOUR PRIMARY WAYS TO REDUCE/CONTROL JAIL VIOLENCE

FIRST _____
Disciplinary Sanctions- penalties for inmates when the rules are violated, regardless of their age.

SECOND _____
The ability to use punitive segregation for inmates who are guilty of committing violence regardless of their age.

THIRD _____
Re-arrest inmates who have committed criminal acts while incarcerated in the city's jails.

FOURTH _____
Stronger charges issued by the District Attorneys, like gang assault and gang- related violence, and if and when convicted, consecutive sentencing.

Two of the four of the above policies are actually happening. It is obvious that the jails in the surrounding counties already implement recommendations #1 and #2 in order to keep the violence down and the jails safe.



CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.

“PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK”

PROPOSALS

COBA PROPOSAL #1

DISCIPLINARY SANCTIONS
ON INMATE PRIVILEGES

COBA PROPOSAL #2

RESTORATION OF PUNITIVE SEGREGATION
IN LIMITED CIRCUMSTANCES

COBA PROPOSAL #3

INMATE IDLENESS REDUCTION

COBA PROPOSAL #4

OTHER DISCIPLINARY SANCTIONS

COBA PROPOSAL #5

A SUMMIT OF ALL STAKEHOLDERS

COBA PROPOSAL #1

DISCIPLINARY SANCTIONS ON INMATE PRIVILEGES

In an all-out effort to reduce violence while holding inmates accountable for committing crimes and infractions during incarceration, COBA recommends placing disciplinary sanctions upon inmate privileges. We recommend that the Department of Correction task managers effectively and judiciously utilizes the existing inmate discipline measures and analyzing their effectiveness. They should begin tracking COBA's proposed sanctions the same manner to those indicators tracked on the Monthly Facility Management Reports so that their effectiveness can be comparatively evaluated. The use of COBA's proposed inmate disciplinary sanctions will serve as a powerful deterrent - the sheer perception to the inmates that it is just not worth it to engage in such activity. If inmate disciplinary sanctions have their desired effect, we can envision a Department with less restrictive housing, greater compliance, fewer injuries to staff and inmates, and a real change in morale and culture. Implementing these disciplinary sanctions may even have an impact on recidivism.

LIST OF INMATE PRIVILEGES

- To Watch television ✓
- Utilize the telephone ✓
- Shop in the commissary ✓
- Receive a contact visit from family, friends and otherwise ✓
- Attend Recreation 1 hour each day ✓
- Attend Law Library ✓
- Access to Religious Affiliation and services ✓
- Access to haircuts (Barbershop or Beauty pallor) ✓
- Right to send and receive mail, publications, magazines and packages ✓
- Opportunity for gainful Employment ✓
- Ability to have money placed into their account ✓
- Mechanic Program ✓
- Cooking Program ✓
- Sports Programs ✓
- Officer Assistant ✓
- Maintenance ✓
- Religion ✓
- Empowerment Groups ✓
- Job Preparation ✓
- Gym ✓

A FEW EXAMPLES:

VISITS

We must consider that certain aspects of the Board of Correction Minimum Standards and Directive 2007R-C, “Inmate Visit Procedures,” effectively work against the Department and its efforts to deter violence and directly puts staff, visitors and members of the public at risk. The Department cannot limit or deny a visit to an inmate or visitor unless the criminal act is committed (or expected to be committed) in conjunction with a visit.

We can only limit or deny a visit if a litany of parameters is met and then there is the appeal process where the Board too often acts as an inmate/visitor advocate rather than an objective entity.

The Board must relax the constraints put on the Department and permit it to temporarily suspend visits even in cases where the inmates offending act is not directly or indirectly in conjunction with the visit. This type of inmate disciplinary sanction will serve as a powerful deterrent. This will help to send the message that it is just not worth it to engage in acts that violate inmate rules. It may even have an impact on recidivism. *That would be a great joint Board of Correction-Department of Correction initiative that would have a direct impact on safety. The impact we can have here is beyond measure.*

TELEPHONES

Let’s consider telephone use by the detainee population. The Board mandates that detainees be permitted one call per day at a minimum of six minutes per call. Beyond the right to speak by telephone to counsel, phone use is a privilege. This privilege should be curtailed when inmates commit acts of violence. Such actions would serve to deter violent criminal activity.

THE DEPARTMENT SHOULD BE ABLE TO DENY OR LIMIT ACCESS TO TELEPHONES FOR RULE VIOLATIONS.

HAIRCUTS

Currently, the Board of Correction mandates that inmates must be afforded haircuts. It does not, however, stipulate where and when these haircuts take place. The Department of Correction should be able to remove the privilege of taking a trip to the barbershop.

WE RECOMMEND THAT WHEN FOUND GUILTY OF RULE VIOLATIONS, INMATES BE CHARGED FOR HAIRCUTS EXCEPT WHEN GOING TO COURT.

COMMISSARY

Commissary access is a privilege. Immediate sanctions should be enforced to deny commissary access to any inmate who commits any act of violence, Commissary access should be limited to personal hygiene products. Such denial should be extended for violent acts committed during a denial period.

RECREATION

Currently, the Board of Correction mandates, “recreation may only be denied only with an open conviction of an infraction for misconduct on the way to, from, or during recreation.” This rule is outdated. As a deterrent to violence, the Department needs to have the ability to deny or limit recreation for any violation of inmate rules.

WE RECOMMEND THE DEPARTMENT OF CORRECTION HAVE THE ABILITY TO DENY OR LIMIT RECREATION AS A DISCIPLINARY SANCTION FOR VIOLATION OF INMATE RULES AND REGULATIONS.

LAW LIBRARY

The COBA does not seek to limit or deny any inmate the right to legally defend him or herself. We believe the Board’s current rule that inmates be permitted access for at least two hours each day the law library is open to be sufficient. Currently, the Department of Correction may only deny access to the Law Library for disrupting the orderly function of the Library or using it for a purpose other than for what it is intended. Even if an inmate is prohibited from physically accessing the Law Library, the Board permits the Department of Correction to develop alternate access to legal materials for effective legal research. The Department of Correction needs more latitude to effectively deter the violent inmate.

WE RECOMMEND THE DEPARTMENT OF CORRECTION BE ABLE TO DENY OR LIMIT ACCESS TO THE LAW LIBRARY FOR RULE VIOLATIONS EVEN IF SUCH VIOLATIONS DO NOT OCCUR IN THE LIBRARY ITSELF.

DISCIPLINARY SANCTIONS FOR SPLASHING AND SPITTING INCIDENTS

While no crimes against a Correction Officer should be tolerated, particularly egregious and sadly frequent crimes are splashing and spitting incidents. To be clear, these are incidents where inmates assault Correction Officers with hot water, saliva, urine, semen, and feces. The Board and the Department must take these incidents seriously and impose serious deterrence measures like the above proposed inmate disciplinary sanctions. The Department of Correction needs to be able to sanction an inmate’s use of telephone, recreation, visits, law library, and haircuts when an inmate subjects our staff to potential pathogens. *Inmates who splash or spit on staff should be denied everything except basic minimum standards for a finite period of time.* Only this way will the Department of Correction be able to truly stop the increasing incidents of spitting and splashing.

COBA PROPOSAL #2

RESTORATION OF PUNITIVE SEGREGATION IN LIMITED CIRCUMSTANCES

The City of New York widely publicized its goal of “reforming” the Department of Correction. One of these “reform” measures was to eliminate the use of punitive segregation — a tool widely misrepresented as solitary confinement — for 16-21-year olds. The use of punitive segregation on the adult inmate population over age 21 was also severely limited. ***We do not seek to debate the pros and cons of punitive segregation.*** However, the elimination and limitation of punitive segregation has directly led to an increase in violence (as reported in the Mayor’s Management Report 2013-2017). The problem is clear: **in an unbelievable display of poor management and oversight**, both the Department of Correction and Board of Correction eliminated punitive segregation — an effective violence deterrence tool — without a plan to fill the void that was left. The Department of Correction failed to implement any alternate measures that could effectively deter violence and violation of the rules. ***Programs such as Secured Unit, ESH, the Transitional Restorative Unit (TRU) or Second Chance*** are void of any real or effective disciplinary sanctions and fail to address the underlying reason for why an inmate is being placed in such programs or units. *Thus, the Department of Correction’s mission to reduce the use of punitive segregation has actually empowered inmates to further commit crimes while incarcerated, because they know that there is no further penalty, accountability, or deterrent to their unlawful behavior beyond being detained in jail or criminally prosecuted.*

COBA recommends that the Department of Correction consider reinstating some form of punitive segregation for 19 to 21-year-old inmates in very limited circumstances — against those who commit serious offenses. We recommend this measure be used only when absolutely necessary and for the shortest duration and in the least restrictive manner possible. We also ask that its use be coupled with what we refer to above as “inmate disciplinary sanctions.” For example, if inmate disciplinary sanctions don’t work, then and only then, should punitive segregation be used on inmates 19-21 years of age. ***Further, if punitive segregation doesn’t work, inmates (regardless of age), should be removed from our custody and turned over to the DOH/MH or a separate facility should be created to house them.*** This facility should be operated by the DOH/MH and other health care professionals with Correction Officers providing security and escort only.

COBA PROPOSAL #3

INMATE IDLENESS REDUCTION

As an incentive and deterrent, COBA recommends that the Board of Correction consider standards for idleness reduction for inmates. Too often Department of Correction programs come and go with little measurable effect. In fact, the Department of Correction implements many of its programs in a bubble. Further, we understand that the Department of Correction has earned a less than optimal track record for submitting Monthly Management Reports in a timely and accurate manner and has been reluctant to enact measures to truly measure program effectiveness. We urge the Board of Correction to hold the Department of Correction accountable for that.

If programs are to be continued, we need programs that will stand longer than any one administration and provide stability for staff and inmates. The Department of Correction should mandate programs that foster teamwork and good sportsmanship.

COBA PROPOSAL #4

OTHER DISCIPLINARY SANCTIONS

There are many other disciplinary sanctions such as 1. Being locked in their cells for 4, 6, 8 hours or an entire tour. 2. Receiving a non-contact visits for a specified number of times and other disciplinary sanctions to be explored by all parties involved.

COBA PROPOSAL #5

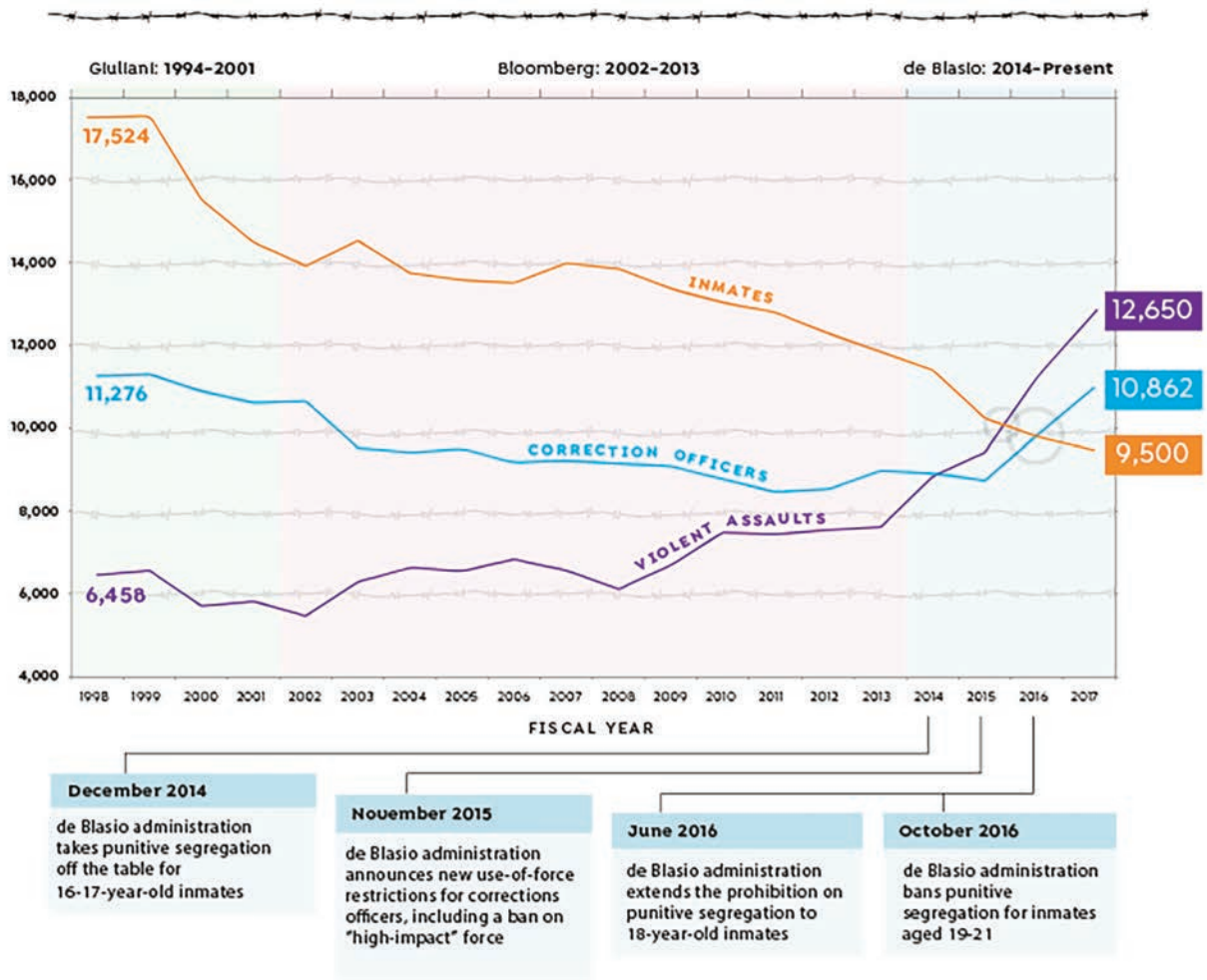
A SUMMIT OF ALL STAKEHOLDERS

While we believe that our overview accurately reflects how to improve the security and safety for Corrections Officers, staff and inmates alike, it is time for all stakeholders to be in the same room, at the same time to discuss these issues of great importance. Through real conversation and dialogue, we are confident we can obtain great results and stop the insanity.

In closing, we urge you to say “YES” to true progress as embodied in COBA’s proposals. These proposals are the real deterrents. These proposals are real measures that will effectively curb jail violence and increase safety. These proposals will, if given a chance to succeed, will have a tremendous positive impact on the New York City Department of Correction. Please give these proposals serious consideration.

“EQUITY” BEFORE SECURITY

ARE THE MAYOR’S CORRECTIONS POLICIES MAKING NYC JAILS LESS SAFE?



While the most recent Mayor’s Management Report admits that reducing punitive segregation appears to correspond to a rise in inmate violence, the report argues, circularly, that the successful diversion of nonviolent offenders from jails has concentrated the population of violent inmates, thus leading to more violence: “There is an increasing share of people in custody who face felony charges and have gang affiliations. These inmates are significant drivers of jail violence.

The core function of city government is to maintain security. In city jails, that task falls to New York’s Boldest, but the mayor’s progressive policies have altered the conditions in which they work—and data show that these policies have failed. Will de Blasio heed the counsel of those doing the job and reverse course? Not as long as he puts “equity” before security.

Rafael A. Mangual is the deputy director of legal policy at the Manhattan Institute for Policy Research, where he writes and researches in the areas of criminal justice reform and crime.

ADP BY TOP ARREST CHARGE BASED ON 1ST 6 MONTHS FY17 CROSS-SECTIONS

CHARGE CATEGORY	ADP
ROBBERY	1,273
MURDER/ATT MURDER/MANSLTER	1,080
WARR/HOLDS	902
OTHER FELONIES	916
ASSAULT	802
DRUG FEL SALE	790
DRUG FEL POSSESS	776
BURGLARY	741
WEAPONS	590
OTHER MISD	486
GRAND LARCENY	387
MISD LARCENY	242
MISD ASSAULT	234
OTHER SEXUAL OFFENSES	227
DRUG MISD	192
RAPE/ATT RAPE	153
VEHICULAR	144
MISD WEAPONS	74
OTHER	34
MISSING	27
VIOLATIONS	10
LOITER/PROSTITU	10

LESS THAN 1% OF THE 9,100 INMATE POPULATION IS RESPONSIBLE FOR THE MAJORITY OF THE JAIL VIOLENCE COMMITTED THROUGHOUT THE NYC DEPARTMENT OF CORRECTION

CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"



SCAN TO VIEW OR DOWNLOAD
www.cobanyc.org/ReduceJaiViolence



COBA HEADQUARTERS

77-10 21ST AVENUE EAST ELMHURST, N.Y. 11370 • T 718.545.COBA (2622) • F. 718.545.2668

www.cobanyc.org

Testimony of Robert L. Cohen, MD
New York City Council Committee on Criminal Justice
Committee Chair Keith Powers
April 23, 2018

Commissioner Powers and members of the City Council:

My name is Bobby Cohen, Dr. Robert L. Cohen. I am one of the three City Council appointees to the Board of Correction. I have been honored to serve in this position since 2009. From 1981 through 1986 I worked on Rikers Island every day, as the Director of the Montefiore Rikers Island Health Services. From 1986 through 1988 I was the Vice President for Medical Operations of the NYC Health and Hospitals Corporation. I have served as a Federal Court appointed monitor overseeing health care services in Florida, Connecticut, Michigan, Ohio, and New York State. I served 17 years as a Board member of the National Commission for Correctional Health Care, representing the American Public Health Association. I am honored to represent the Council, and appreciate the opportunity to speak before you today.

I support each of the three bills being considered today. Although the Department of Correction requires the ability to lock down a housing area, a jail, or, on the rarest of occasions, the entire system, the Board of Correction is concerned about the Department's excessive use of lockdowns. I commend the Council for identifying that inappropriate and prolonged use of lockdowns decreases safety in the jails. It unnecessarily increases tension, disrupts essential jail functions, including access to health and mental health services, telephone calls, and denies detainees access to their families and attorneys. In some instances, the inappropriate use of lockdowns amounts to collective punishment. Adding the Council's vigilance to the oversight of the Department makes sense and will improve the management of the jails.

Telephone calls should be encouraged by eliminating financial barriers. Maintaining linkages to family and friends reassures detained men and women of the support of their communities. It is my understanding that telephone calls from the jails were not a financial burden in the past, and I commend the Council for its effort to decrease the isolation of detainees, most of whom are in jail because they lack the financial ability to make bail.

Finally I would like to speak in strong support of the measure which expands the Council's oversight of the use of dangerous control mechanisms in our jails. The

current administration has undertaken, with strong Council support; a number of initiatives of national significance:

- The elimination of solitary confinement for persons under 22
- The reduction of the use of solitary confinement for the rest of the population
- The plan to house persons based upon their gender identity; and
- The commitment, led by the City Council to dramatically reduce the population of detainees, and close Rikers Island

However, there have been initiatives of the Correction Department which have served to reinforce the fundamental culture of violence which continues to characterize New York City's Jails:

- Increased use of Active Alert German Shepherd dogs for the intimidation of detainees
- Prolonged shackling of men in Enhanced Supervision Housing, or ESH
- Increased Use of Chemical Agents
- The use, and now the commitment by DOC to expanding the use of TASER electric shock weapons throughout the jails:

I urged the Department not to use TASERS because Taser use is associated with deaths in prison. The Board's Committee on Violence, which I Chair, met with the Department to discuss the potential lethality of these weapons. I have reviewed all of the occasions of Taser Use in the jails.

1. I am aware of at least three separate occasions in which Tasers were used, all directed against the same person who was being housed in permanent solitary confinement, by order of Judge Steven Barrett of the Bronx;
2. On at least one occasion the Taser discharges failed to achieve their purpose;
3. On one occasion, the Taser use occurred when the detainee was already restrained;
4. Subsequent to one of these three episodes, discipline of the ESU Captain who discharged the Taser was recommended based upon violation of the Department's Taser policy. I do not know if he was actually disciplined.

5. The Department has now expanded its TASER policy to allow all members of the ESU, not just ESU Captains, to discharge Tasers.

The Council's concern is justified. Unchecked, Taser use in jails expands rapidly, and is associated with unnecessary injury, sometimes death. Steve Martin, the Nunez monitor, has stated: "Of the hundreds and hundreds of Taser incidents I've reviewed over the years in jails and prisons, I can't count on one hand when it was used appropriately." <https://www.reuters.com/investigates/special-report/usa-taser-jails/>)

There is a profound and continuing culture of violence that characterizes the NYC Department of Correction. The Department's use of excessive force is dangerous, unconstitutional, and, under this administration, getting worse. Steve Martin, the Monitor for the *Nunez* Consent Agreement, issued his Fifth Report last week. He stated, in the Executive Summary:

Given that the conditions giving rise to the Consent Judgment were the result of a long period of mismanagement, limited resources, and antiquated and bureaucratic processes at the Department, fully resolving the complex issues surrounding the improper use of force and inmate violence could not reasonably be achieved in two years. Despite the Department's efforts this Monitoring Period to achieve compliance, the Department has not yet made significant progress toward the primary goal of reducing the use of unnecessary and excessive force.

The use of force has continued to increase rather than diminish, even as the inmate population has decreased. This Monitoring Period ended with the highest monthly number of UOF incidents during the life of the Consent Judgment. Of greater concern is the continuing pattern of seriously problematic incidents.

As discussed in the Staff Use of Force and Inmate Violence Trends section, many of the aspects of misuse of force that existed two years ago continue to plague the DOC, including head strikes, misusing chemical agents, use of prohibited holds, needlessly painful escort tactics, and incidents escalated by Staff (including hyper-confrontational Staff demeanor), and an overreliance on Probe Team responses.

The excessive use of force in the NYC Department of Correction is chronic and long standing, but it cannot be tolerated. I applaud the Council's engagement in civilian oversight of the City's jails.



New York City Council
Committee on Criminal Justice

Oversight - Safety and Security in DOC Facilities

Int 447 - In relation to requiring the department of correction to report on the rate of lockdowns.

Int 741 - In relation to prohibiting fees for telephone calls from inmates in city jails.

Int 779 - In relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

April 23, 2018

10:00 A.M.

New York, New York

Mary Lynne Werlwas
Zachary Katznelson
Prisoners' Rights Project

Leadership Must be Held Responsible for the Rising Staff Violence in City Jails

New York City appears unable to reduce the rampant misuse of force in its jails, despite two and a half years under a federal consent decree mandating reforms. Violence and a culture of impunity continue to define the jails. The rate of use of force rose 38% between November 2015 and December 2017. Use of force continues to climb even as the jail population steadily goes down. The patterns of misuse of force that precipitated the federal consent judgment continue: illegal head strikes, misuse of pepper spray, and staff provocation and hyper-confrontation, escalating incidents that should never lead to force.

These abuses were documented yet again just last week by the independent federal monitor appointed in *Nunez v. City of New York*, a case Legal Aid brought to end staff abuse of people in the City jails.¹ The Report bears close reading. It depicts grim realities of abuse suffered by our clients, almost all of whom are people of color, and the pervasive, deeply alarming tolerance of such brutality by many jail supervisors.

This particular incident in the Monitor's Report sums up so much of what is wrong now in the City jails:

This incident involved a Probe Team captain who used an MK-9 canister to repeatedly strike the inmate's head. The video also confirmed use of a prohibited hold and at least six applications of OC spray. There were also obvious reporting violations. The Facility Investigator and the Tour Commander concluded their investigative findings by stating that the force was consistent with, and well within, Department guidelines. Both the Facility Warden and Deputy Warden concurred with these findings. That the three top officials at the Facility, all of whom have been trained on the New Use of Force Directive, signed off on an incident with these facts would be very troublesome even if it were an isolated event. Unfortunately, it is not.²

At this point, there is no excuse for the City's longstanding failure to hold supervisory staff – wardens, deputy wardens and captains – responsible for the misuse of force, unprofessionalism, and inept and biased investigations on their watches. If the Department of Correction does not demand competence from its supervisors, and replace those who cannot meet the task, it will not reduce the level of violence in our jails.

Most urgently, the abysmal facts depicted in the Monitor's Report highlight the challenges City leadership must tackle head-on as it moves the youngest people off Rikers and to new adolescent facilities, as required by the Raise the Age legislation passed in Albany last year. By this fall, all 16 and 17 year olds must be moved off Rikers, but DOC staff will still run the teenagers' housing units in their new facilities, just as they do now at Rikers. And DOC has yet show any substantial or sustained decrease in the rate of violence against, and among, these teenagers.

¹ Fifth Report of the Nunez Independent Monitor, *Nunez v. City of New York*, April 18, 2018 (Dkt. No. 311) (“Report”).

² *Id.* at 33.

It is imperative that City leadership treat this violence as the public health crisis that it is, and act immediately to prevent this crisis from being exported from Rikers to the new adolescent facilities. There are some excellent senior leaders who have shown their ability and desire to change the way New York City treats incarcerated adolescents. Those leaders should be deeply engaged in the new facilities, and bring with them the right staff for new adolescent jails—and not the staff who remain entrenched in old, violent ways.

Comments on Proposed Legislation

The Legal Aid Society supports the three bills being heard today: Int. 447, requiring DOC to report on lockdowns; Int. 779, requiring DOC to report on use of tasers; and Int. 741, prohibiting fees for telephone calls from people held in City jails.

Int 447 - In relation to requiring the department of correction to report on the rate of lockdowns.

This bill provides a crucial first step towards mitigating the health, safety and educational consequences of DOC's increasing reliance on "lockdowns." During a lockdown, individuals must remain in cells and all movement, programming and services cease. The Board of Correction reports a 96% increase in lockdowns since 2014.³ While sporadic or brief lockdowns may be inevitable, recent changes in Departmental policy—such that an entire facility is locked down after an incident in a discrete location—now mean that lockdowns are a routine occurrence, and can last for several days.⁴ Over 1/3 of the lockdowns in 2017 were due to uses of force, many of which we know are unnecessary to begin with, as made clear by to the *Nunez Monitor's Report*.⁵

These frequent and prolonged lockdowns present risks to health and safety. Very few jails are air-conditioned, and during summer lockdowns, the risk of heat-related illness soars because people are trapped in their cells and no longer have access to cool showers. People report that they are not taken to medical or mental health appointments during lockdowns, despite DOC's assurances to the contrary. Excessive use of lockdowns further destabilizes the jails, since "as a security response that impacts a large number of people and services, lockdowns also contribute to perceptions of unfair and excessive punishment, frustrations, and tensions in the facilities."⁶

Lockdowns prevent young people from attending school, frequently resulting in the NYC Department of Education being unable to meet its legal obligation to teach a full school day. Visits, too, are suspended during lockdowns, causing stress to family members who have taken

³ See NYC Board of Correction Lockdowns Report, <http://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Lockdown-Report-Jan-8-2018.pdf>.

⁴For example, on April 7, 2017 the Department placed the OBCC jail under lockdown for three days. On March 24, 2017 the Department placed the Manhattan jail (MDC) under lockdown for three days. On March 23, 2017 the Department placed the Brooklyn jail (BKDC) under lockdown for five days. See Board of Correction Website at <http://www1.nyc.gov/site/boc/news/2017.page>.

⁵ *Id.* at 3.

⁶ NYC Board of Correction Lockdowns Report at 1.

time off work, and to incarcerated people who do not know when they will see their children or parents next.⁷

Requiring DOC to collect and provide accurate information about the reasons for and extent of lockdowns will allow the City to determine whether the lockdown exception has become the rule. The negative effect of excessive lockdowns on health, security and access to legally protected services warrants such oversight.

Int 779 - In relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

This bill requires DOC to report on its uses of tasers or similar shock devices. This is a modest, reasonable and necessary measure. Tasers are new to the New York City jails, and to confinement settings generally. Given their potential to cause harm or even death, it is imperative that their use be strictly controlled. DOC has a directive governing use of tasers, but as the *Nunez Monitor's* reports have demonstrated, the Department has a poor track record ensuring that its workforce follows such written policies. It is crucial that oversight bodies and policymakers have the basic information to monitor our City's experiment with this potentially deadly device. This bill is good step in that direction.

Int 741 - In relation to prohibiting fees for telephone calls from inmates in city jails.

This bill seeks to end one of New York's most egregious taxes: requiring incarcerated people and their families, who are overwhelmingly poor and from Black and Latino communities, and the vast majority of whom are held pre-trial, to pay for phone calls from City jails. This bill would stop the unjust wealth transfer of millions of dollars a year from people who can least afford it to City coffers and a private phone contractor.

About The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest provider of legal services, is an indispensable component of the legal, social and economic fabric of New York City—passionately advocating for low-income individuals and families on a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States. The Society's law reform and social justice advocacy efforts also benefit some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact.

⁷ See also BOC's November 2, 2016 and September 12, 2016 Notices of Violation (describing interruption of services during days-long lockdowns), available at <http://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/November-2016/Letter%20from%20Chair%20Brezenoff%20to%20Commr%20%20Ponte%20re%20violation%20of%20minimum%20standards%2011%202%2016.pdf>.

The Society's Criminal Defense Practice is the primary public defender in the City of New York. Our Prisoners' Rights Project (PRP) has addressed problems in the New York City jails for more than 40 years. Through advocacy with the Department of Correction (DOC) and Correctional Health Services, individual and class action lawsuits, PRP has sought to improve jail conditions, access to medical and mental health care and to reform the systems for oversight of the use of force and violence in the jails. Each week PRP receives and investigates numerous requests for assistance from individuals incarcerated in the City jails, their families, and their defense lawyers from the Criminal Defense Practice and elsewhere. Years of experience, including daily contact with individuals involved with the criminal courts, and with incarcerated individuals and their families, have given The Legal Aid Society a firsthand view of problems in the criminal justice system and in the New York City jails.



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It is imperative that City leadership treat this violence as the public health crisis that it is, and act immediately to prevent this crisis from being exported from Rikers to the new adolescent facilities. There are some excellent senior leaders who have shown their ability and desire to change the way New York City treats incarcerated adolescents. Those leaders should be deeply engaged in the new facilities, and bring with them the right staff for new adolescent jails—and not the staff who remain entrenched in old, violent ways.

Comments on Proposed Legislation

The Legal Aid Society supports the three bills being heard today: Int. 447, requiring DOC to report on lockdowns; Int. 779, requiring DOC to report on use of tasers; and Int. 741, prohibiting fees for telephone calls from people held in City jails.

Int 447 - In relation to requiring the department of correction to report on the rate of lockdowns.

This bill provides a crucial first step towards mitigating the health, safety and educational consequences of DOC's increasing reliance on "lockdowns." During a lockdown, individuals must remain in cells and all movement, programming and services cease. The Board of Correction reports a 96% increase in lockdowns since 2014.³ While sporadic or brief lockdowns may be inevitable, recent changes in Departmental policy—such that an entire facility is locked down after an incident in a discrete location—now mean that lockdowns are a routine occurrence, and can last for several days.⁴ Over 1/3 of the lockdowns in 2017 were due to uses of force, many of which we know are unnecessary to begin with, as made clear by to the *Nunez Monitor's Report*.⁵

These frequent and prolonged lockdowns present risks to health and safety. Very few jails are air-conditioned, and during summer lockdowns, the risk of heat-related illness soars because people are trapped in their cells and no longer have access to cool showers. People report that they are not taken to medical or mental health appointments during lockdowns, despite DOC's assurances to the contrary. Excessive use of lockdowns further destabilizes the jails, since "as a security response that impacts a large number of people and services, lockdowns also contribute to perceptions of unfair and excessive punishment, frustrations, and tensions in the facilities."⁶

Lockdowns prevent young people from attending school, frequently resulting in the NYC Department of Education being unable to meet its legal obligation to teach a full school day. Visits, too, are suspended during lockdowns, causing stress to family members who have taken

³ See NYC Board of Correction Lockdowns Report, <http://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Lockdown-Report-Jan-8-2018.pdf>.

⁴For example, on April 7, 2017 the Department placed the OBCC jail under lockdown for three days. On March 24, 2017 the Department placed the Manhattan jail (MDC) under lockdown for three days. On March 23, 2017 the Department placed the Brooklyn jail (BKDC) under lockdown for five days. See Board of Correction Website at <http://www1.nyc.gov/site/boc/news/2017.page>.

⁵ *Id.* at 3.

⁶ NYC Board of Correction Lockdowns Report at 1.

time off work, and to incarcerated people who do not know when they will see their children or parents next.⁷

Requiring DOC to collect and provide accurate information about the reasons for and extent of lockdowns will allow the City to determine whether the lockdown exception has become the rule. The negative effect of excessive lockdowns on health, security and access to legally protected services warrants such oversight.

Int 779 - In relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

This bill requires DOC to report on its uses of tasers or similar shock devices. This is a modest, reasonable and necessary measure. Tasers are new to the New York City jails, and to confinement settings generally. Given their potential to cause harm or even death, it is imperative that their use be strictly controlled. DOC has a directive governing use of tasers, but as the *Nunez Monitor*'s reports have demonstrated, the Department has a poor track record ensuring that its workforce follows such written policies. It is crucial that oversight bodies and policymakers have the basic information to monitor our City's experiment with this potentially deadly device. This bill is good step in that direction.

Int 741 - In relation to prohibiting fees for telephone calls from inmates in city jails.

This bill seeks to end one of New York's most egregious taxes: requiring incarcerated people and their families, who are overwhelmingly poor and from Black and Latino communities, and the vast majority of whom are held pre-trial, to pay for phone calls from City jails. This bill would stop the unjust wealth transfer of millions of dollars a year from people who can least afford it to City coffers and a private phone contractor.

About The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest provider of legal services, is an indispensable component of the legal, social and economic fabric of New York City—passionately advocating for low-income individuals and families on a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States. The Society's law reform and social justice advocacy efforts also benefit some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact.

⁷ See also BOC's November 2, 2016 and September 12, 2016 Notices of Violation (describing interruption of services during days-long lockdowns), available at <http://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/November-2016/Letter%20from%20Chair%20Brezonoff%20to%20Commr%20%20Ponte%20re%20violation%20of%20minimum%20standards%2011%202%2016.pdf>.

The Society's Criminal Defense Practice is the primary public defender in the City of New York. Our Prisoners' Rights Project (PRP) has addressed problems in the New York City jails for more than 40 years. Through advocacy with the Department of Correction (DOC) and Correctional Health Services, individual and class action lawsuits, PRP has sought to improve jail conditions, access to medical and mental health care and to reform the systems for oversight of the use of force and violence in the jails. Each week PRP receives and investigates numerous requests for assistance from individuals incarcerated in the City jails, their families, and their defense lawyers from the Criminal Defense Practice and elsewhere. Years of experience, including daily contact with individuals involved with the criminal courts, and with incarcerated individuals and their families, have given The Legal Aid Society a firsthand view of problems in the criminal justice system and in the New York City jails.



**BROOKLYN
DEFENDER
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An organization of the United

TESTIMONY OF:

**Kelsey DeAvila – Jail Services Social Worker
BROOKLYN DEFENDER SERVICES**

Presented before

**The New York City Council Committee on Criminal Justice
Oversight Hearing on Safety and Security in City Jails**

Int 0447-2018 - Requiring the dept of correction to report on the rate of lockdowns.

Int 0741-2018 - Prohibiting fees for telephone calls from inmates in city jails.

Int 0779-2018 - Requiring the DOC to report on use by dept staff of any device designed to incapacitate a person through the use of an electric shock.

April 23, 2018

My name is Kelsey DeAvila; I am the Jail Services Social Worker at Brooklyn Defender Services. I would like to thank the Committee on Criminal Justice, and in particular Chair Keith Powers, for convening this hearing on safety and security in New York City jails, as well as three important pieces of legislation. BDS provides comprehensive public defense services to more than 30,000 people each year, thousands of whom are incarcerated in the city jail system either while fighting their cases or upon conviction of a Misdemeanor and a sentence of a year or less. BDS' Jail Services Division provides supportive services and direct advocacy on behalf of our incarcerated clients. This testimony draws on the experiences of our clients and staff in the jails. BDS has testified to the Council on these topics before, most recently at the Oct. 25, 2017 hearing on violence in City jails. In addition to our comments today, we also call the Committee's attention to the Fifth Report of the Nunez Independent Monitor ("Nunez Report") regarding the Department of Corrections' ("DOC" or "Department") efforts to reduce violence

under the settlement reached in that case. Ultimately, we continue to urge the City to close the jails on Rikers Island.

BDS Supports Int 0447-2018 - Requiring DOC to report on the use of lockdowns.

In its January 8, 2018 report on lockdowns, the Board of Correction revealed that, “Despite a 32% decrease in the DOC average daily population (ADP) since 2008, there has been an 88% increase in lockdowns.”¹ During lockdowns, people are confined to their cells and generally denied any and all access to programs and services. They cannot go outside for recreation, shower, use telephones or law libraries, access religious services, attend school, or receive family or counsel visits. They are often denied medical care, including mental health care. Some clients have reported being denied toilet tissue. Missed counsel visits can require cases to be adjourned, prolonging pre-trial detention. Missed mental health treatment can result in the rapid decompensation of vulnerable people. BOC’s report also found lockdowns often lead to violations of the Minimum Standards.²

Lockdowns amount to group punishment, apparently used by DOC as a convenient management tool with little regard for the rights of people in its custody. People are effectively held in solitary confinement for days at a time with no due process.

Int. 0447 will require regular reporting on the number of lockdowns and the underlying reasons for the lockdowns. Such basic transparency will assist policymakers and the public in analyzing DOC policies and practices. Ultimately, a new statute or Minimum Standard is needed to ensure that DOC does not abuse its ability to lockdown housing units or facilities, but this legislation is an important first step.

BDS Strongly Supports Int 0741-2018 - Prohibiting fees for telephone calls from inmates in city jails.

Every year, the City of New York anticipates approximately \$20.5 million in revenue from the Department of Corrections, with the bulk of that money coming from incarcerated people and their families and friends. (In 2016, DOC actually collected \$22.4 million.) The majority of people in City jails are detained on bail they cannot afford, presumed innocent but, in effect, very severely punished. It is unconscionable that the City would turn to this population for revenue.

Approximately \$13 million is generated from people who are incarcerated themselves who are forced to pay high mark-ups on items in the commissary. These commissary purchases are often critical supplements to what is provided by DOC – food to offset a minimal diet, pain relievers for those with chronic injuries, feminine products for women.³ Outrageously, regulations promulgated by the State Commission on Corrections (SCOC) require that local jail commissaries “provide a modest return above costs,” with profits “deposited in a separate bank account and shall be utilized only for purposes of prisoner welfare and rehabilitation.” In its

¹ NYC Board of Correction Lockdown Report (2018), available at: <http://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Lockdown-Report-Jan-8-2018.pdf>.

² Ibid.

³ NYC Council, Report of the Finance Division on the Fiscal 2018 Preliminary Budget - Department of Correction (2017), available at: <http://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/03/072-DOC.pdf>.

February 2018 report on the worst jails in New York State, SCOC explicitly cited NYC DOC for failing to generate this return, instead finding it operates at a loss.⁴ It is unclear whether this allegation is founded. Regardless, programs and services for incarcerated people should not be paid for by those whose liberty and economic means have been taken away.

Another \$5 million is generated in kickbacks from Securus, the company contracted by the City to provide telephone services. This is also unacceptable. Exorbitant rates for calls from City jails punish whole families and exacerbate inequality. The high rates force people to forgo food or other necessities just to be able to accept a call from a loved one. When our clients are in jail and, in many cases, ripped away from their jobs, the public has an interest in ensuring they can connect with their support networks and plan for the future. The government should not financially benefit by erecting barriers to these critical support networks. BDS applauds Speaker Corey Johnson for introducing Int. 0741 to end this injustice and urges the Council and the Mayor to enact it in this current budget.

I also note that one of the services provided by Securus and paid for by our clients and their families is warrantless surveillance. Securus and the government record and listen to phone calls made from within the jails and share the recordings with police and prosecutors to be used in criminal cases or other unrelated investigations. This practice raises serious Constitutional issues, as the City and a for-profit contractor are effectively waiving protections of the 4th Amendment for tens of thousands of people detained pre-trial every year without their consent, with a disparate impact that mirrors disparities in pre-trial liberty overall.

BDS Supports Int 0779-2018 - Requiring the DOC to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

BDS was alarmed to learn, via the press, that DOC would be providing Tasers to its staff. Already, corrections officers too often use violence not as a last resort but as a means of control and punishment. On their own, Tasers can be deadly, and they pose specific risks to people with medical conditions about which corrections officers are not typically aware. DOC staff will not be checking people's medical records before Tasing them, just as they do not check for asthma or other respiratory illnesses before using pepper spray.

If Tasers are readily available, we urge the Council to add this weapon to the list of categories to be disaggregated for reporting on uses of force. This information will help policymakers and the public analyze DOC policies and practices. Ultimately, BDS does not believe DOC can be trusted to safely and appropriately use Tasers.

Safety and Security in New York City Jails

⁴ REPORT: The MOST PROBLEMATIC LOCAL CORRECTIONAL FACILITIES of NEW YORK STATE (New York State Comm'n on Corr. 2018), available at: <http://www.scoc.ny.gov/pdfdocs/Problematic-Jails-Report-2-2018.pdf>.

In any discussion about improving jail security, it is crucial to first acknowledge the vast number of people who simply should not be incarcerated in the first place. For example, many thousands of New Yorkers are needlessly detained each year because they are unable to immediately pay bail, resulting in short jail stays with devastating consequences. Individuals are separated from families and communities; risk loss of employment, benefits and housing; suffer interruptions in medical care; struggle to maintain their mental health; and endure chaotic and often violent stays in custody. Thousands more are detained for longer stretches because bail is set, either intentionally or neglectfully, in an amount and form their families could never afford. Meanwhile, high turnover in the jail population puts a strain on staff, housing and healthcare resources in the jails. Broken Windows policing and the widely-discredited Drug War needlessly sweep masses of people into the criminal legal system; of the 268,775 arrests in New York in 2016, more than 122,000 stemmed from allegations relating to fare evasion, drugs, petit larceny (often baby food, laundry detergent and other essentials), trespass (often related to shelter-seeking), graffiti, or sex work. Taken together, people fighting drug charges constitute the largest group of people in City jails on an average day.⁵ In addition to mitigating harm to individuals, ending unnecessary arrests and discriminatory bail practices that discriminate against poor New Yorkers will contribute to reducing violence and easing other management challenges.

Nevertheless, addressing endemic violence in New York City jails will take more than reducing population turnover and crowding. More broadly, the Department and City officials must act urgently to address the culture of violence which remains deeply entrenched among uniformed jail staff at all levels.

The Culture of Brutality Persists in NYC Jails

The Nunez Report details the same disturbing behavior routinely reported by our clients: “As discussed in the Staff Use of Force and Inmate Violence Trends section, many of the aspects of misuse of force that existed two years ago continue to plague the DOC, including head strikes, misusing chemical agents, use of prohibited holds, needlessly painful escort tactics, and incidents escalated by Staff (including hyper-confrontational Staff demeanor), and an overreliance on Probe Team responses... The Department does not consistently identify Staff misconduct when it occurs, and even when misconduct is identified, the Department does not always respond to it timely.”⁶

Claims that the behavior of incarcerated people justifies current rates of violent force are easily belied by the data. According to the Fourth Nunez Report, during the monitoring period, uses of force to prevent harm declined by 78% and those in response to fights dropped by 18%. Meanwhile, uses of force in response to “resisting restraints” doubled, and those responding to “refusal to comply” were up 35%. Altogether, the Report finds that nearly a quarter of use of force incidents were avoidable – a third of those arising from unprofessional staff behavior. In

⁵ NYC Dep't of Corr., NYC Department of Correction at a Glance (2017), https://www1.nyc.gov/assets/doc/downloads/pdf/DOC_At_a_Glance-9-14-17.pdf.

⁶ Steve J. Martin, et. al., Fifth Report of the Nunez Independent Monitor (Nunez Monitoring Team 2018), https://static1.squarespace.com/static/59578aade110eba6434f4b72/t/5ad78195aa4a99b89ba58ca9/1524072853887/5th_monitor_report_04.18.18.pdf.

sum, rather than exercising patience, restraint and common sense, uniformed staff too often fuel conflict through belittling name-calling and provocation, then jump at the chance to use violence.

We are deeply troubled by frequent and persistent reports that staff use pepper spray indiscriminately and without provocation. BDS clients have reported several incidents which illuminate the problem. In one instance, an officer flew into a rage during a verbal disagreement with our young client. Despite no physical threat to the officer or others, the officer took out her MK9 pepper spray. When our client fled, the officer unleashed the pepper spray as she chased him through the mess hall, dousing everyone else in the area. The excessive pepper spray triggered a severe asthma attack which left our client coughing up blood. He was taken to intake where he waited several hours before receiving medical care. The incident likely sent many bystanders to the clinic as well.

This story is but one among many. I and other BDS staff members frequently take reports about entire housing units enshrouded in a fog of chemical agents. Staff's lack of restraint with respect to the use of chemical agents is galling. Just last week I witnessed officers on the bus jeering as their colleague regaled them with stories of emptying canisters of pepper spray on people – including one in which the officer “made a grown man cry.”

More challenging to quantify than staff use of force, but nevertheless disturbing, is that our clients frequently report that staff are complicit in, encourage, and facilitate gang violence to do their bidding. In one recent incident, an officer engaged our client in a verbal argument, ultimately threatening to place him in a unit housing rival gang members. Making good on this threat, our client was later moved to a cell in the jail's intake where he encountered approximately seven members of a rival gang. As planned, he was attacked and suffered two deep cuts on his face, requiring several stitches.

People in Rikers Are Subject to Daily Humiliations and Deprivation

Beyond the most serious cases of brutality, stemming the tide of violence in city jails requires addressing the myriad humiliations people in city jails endure on a daily basis. These structural and social cruelties contribute to an environment rife with tension. For example, most young people are limited to visits devoid of meaningful physical contact – separated by a wide table and plexiglass barrier. Ostensibly a security measure, the enforced separation of young people from their mothers' loving touch breeds deep resentment. To make matters worse, conversations during visits are often dominated by the humiliating ordeal visitors endure to get through “security procedures” prior to seeing their loved ones.

Other everyday cruelties include officers tightening handcuffs to the point that hands lose their feeling, then twisting the wrists to cause shooting pain while uttering threats of further violence. At GMDC, young people describe an area in intake known as the “forget about me cells” where people are left and ignored for hours without food or water, as a form of retaliation, punishment, or simple negligence. In isolation units and similar high-security units, people rely on officers for their most basic needs. When officers deprive people of toilet paper, food, showers, outdoor recreation and other necessities, people become desperate, and in their desperation, may act out – thereby deepening the cycle of violence and isolation. People join gangs for survival and access to basic amenities. The list of daily humiliations is endless.

All agree that reducing violence among incarcerated people is a worthy aim. As a first step, it is paramount to address the ways staff practices fuel the broader culture of violence in city jails. So long as humiliation remains a celebrated tactic and gangs are manipulated to control or intimidate, violence will likely remain unabated in New York City jails. Unfortunately, the Department's investigation and promotion practices only reinforce the conclusion that uniformed staff are permitted to brutalize the people in their care with impunity.

Internal Investigators Help Cover-Up of Abuse

At the facility-level, supervisors routinely ignore evidence of collusion and decline to interview victims or witnesses of uses of force, opting instead to rubber-stamp the statements of officers they are tasked to oversee. Inquiries by the Department's Investigation Division also exhibit substantial deficiencies, and are plagued by severe delays.

Interviews with victims or witnesses of use of force regularly take place within earshot of other people and staff. Uniformed staff are known to retaliate against people who report misconduct, both violently and through more subtle means, for example, denying access to commissary or visits, or through repeated and continuous verbal harassment. Fearing reprisals, many of our clients are unwilling to give full accounts of an incident without guarantees of confidentiality. When victims and witnesses choose to make statements despite the risk of retaliation, their accounts are too often discredited without justification.

The apparent consequence is an investigations process that fails to uncover staff misconduct or serves to justify it, rather than enforce accountability. As noted by the Nunez Monitor, 92% of investigations between January and June 2017 found no staff wrong-doing, despite clear objective evidence of much higher rates of unjustified force. In rare cases that an investigation finds staff misconduct, discipline is delayed and largely ineffectual, except in certain high-profile cases.

DOC Supervisors Model Bad Behavior

A major shift in Department culture can only be engendered when supervisors and management respect the basic human dignity of the people in their care, demonstrate a baseline of professionalism, and ensure accountability among the rank and file. At present, this is sadly far from the case. This challenge is of the Department's own making. The long-standing and consistent failure to meaningfully investigate staff misconduct and bring those responsible to account has allowed many of the individuals responsible for that misconduct to advance into leadership roles.

BDS staff spend considerable time in the jails and are dismayed by the demeaning language and dehumanizing attitudes routinely on display among supervisors. As a matter of course, people in department custody are almost never referred to as "people" – at best they are "packages" or "bodies," frequently they are called "animals" and too often they are referred to only by expletives or racial epithets. Rather than setting an example of professionalism, supervisors routinely exchange gossip and insults about incarcerated people. During a jail tour last year, a

BDS staff member witnessed a supervisor laughing enthusiastically as their subordinate recalled threatening to empty a canister of pepper spray into the open mouth of a person who was lying prone on the floor, handcuffed.

It is not uncommon to hear supervisors encourage cruelty, disrespect and violence toward incarcerated people. More disturbing, however, is the frequency with which supervisors themselves are responsible for unnecessarily escalating conflicts and encouraging their subordinates to resort to violent force quickly and excessively. Once an incident is underway, supervisors sometimes participate in the very acts of brutality they should intervene to prevent.

The Nunez Monitor documents one such incident in which a Deputy Warden ordered officers to use military-grade pepper spray on an individual who was restrained, facing a wall and not resisting. Such misconduct on the part of supervisors sends a clear message to line staff that violence against incarcerated people is permissible and encouraged.

We urge the Department and city officials to closely review promotions, demand a baseline of professionalism and competence from supervisors, and strictly enforce accountability. With even a semblance of adequate supervision, we believe some of the most egregious incidents could be avoided. In the long-term, it is imperative that management and supervisory staff embrace and demonstrate respect for the dignity of the people in their custody. Similarly, the city must hold Department leadership accountable for policies and practices that continue to violate the human rights of people in New York City jails.

Solitary Confinement is NOT the Answer

Solitary confinement is at the core of mass incarceration in the United States – and, in particular, New York. It is the center of the onion of our inhumane and ineffective punishment system. In a letter of support for the HALT Solitary Confinement Act, Dr. Bandy X. Lee, Assistant Clinical Professor of Psychiatry at Yale and an internationally-recognized expert on correctional psychology and the prevention of violence, wrote: “It has now become evident that the opposite of solitary confinement—that is proper socialization, interaction, and training—is what brings about the result we all desire.”

In the wake of the attention to Kalief Browder’s tragic death, the New York City Board of Correction (BOC) heeded the call of grassroots activists, attorneys for incarcerated people, and mental health professionals, and implemented new minimum standards to dramatically curtail the use of existing solitary confinement units in City jails and prohibit it altogether for young people. However, these regulations explicitly allowed DOC to create new units for the indefinite isolation of the very people BOC sought to protect. BOC’s new standards failed to bring about the fundamental transformation of the punishment paradigm that is needed. Certainly, any rollbacks of these reforms would be a major step in the wrong direction. Rather, further steps are necessary to achieve the protection that BOC sought to create – ensuring that DOC cannot indefinitely isolate people is a necessary step towards promoting safety and security in the City’s jails.

Improving Security and Preserving Family Bonds by Encouraging Contact Visits

Research compiled by the VERA Institute shows that jail visitation preserves critical “pro-social supports” that improve behavior and, for young people, school performance.⁷ VERA also found that “Incarcerated men and women who maintain contact with supportive family members are more likely to succeed after their release. For example, people in prison “who had more contact with their families and who reported positive relationships overall are less likely to be re-incarcerated. Families can motivate formerly incarcerated relatives to seek or continue drug treatment or mental health care, and they most frequently provide housing for newly released family members.”⁸ Research conducted by the Minnesota Department of Corrections further found that “Visiting can help offenders build support networks they will need after release...[P]ositive interactions with friends and family can lower recidivism.”⁹

Our experience with clients in City jails affirms these findings. Beyond data and outcomes, visiting also provides immeasurable relief from the extreme stress of the jails. For our clients in solitary confinement, we are often the only people they see, other than occasional security staff, for days or weeks at a time. Others in General Population may get very few visits, even though they have family and friends who wish to support them. That should not be the case. However, the hardships of visiting at Rikers, in some cases coupled with unnecessary and humiliating security restrictions preclude many families and friends from being present during this difficult period. While we applaud the recent decision to restart a DOC bus that will bring visitors to Rikers, DOC has actively sought other policies and implemented other new practices to make visiting more difficult.

The Department has repeatedly argued that visiting restrictions are necessary to improve the security of the facility. For example, at the City Council Oversight Hearing on Violence in City jails on October 25, 2017, when asked what tool the Department needed in order to curb violence, and again at other more recent public hearings, DOC’s Commissioner Cynthia Bran said DOC sought more authority and autonomy to restrict and limit visits. If the primary concern of the Department is reducing violence, the Department should be working to improve access for visitors, make family visits more child-friendly, and reform the arduous visiting procedures to which families are subjected. Making visits more difficult and limiting physical contact will discourage family members from visiting, causing further isolation and desperation among the incarcerated population, thereby fomenting further violence.

DOC has not presented any compelling evidence to demonstrate that visitors are a significant source of contraband smuggling, but cited this purported concern when initiating its crackdown on visiting. To justify its request for a rule change to the BOC, the Department cited 29 individuals who were arrested with weapon contraband during the first 6 months of 2015. They also noted 24 weapons found in visiting rooms, although they do not define what constitutes a weapon. The Department stated that up to 1,500 people visit Rikers daily, though sadly that

⁷ Sandra Villalobos Agudelo, *The Impact of Family Visitation on Incarcerated Youth’s Behavior and School Performance* (2013) at <http://archive.vera.org/sites/default/files/resources/downloads/impact-of-family-visitation-on-incarcerated-youth-brief.pdf>

⁸ Ryan Shanahan and Sandra Villalobos Agudelo, *The Family and Recidivism* (2012) at <http://archive.vera.org/files/the-family-and-recidivism.pdf>

⁹ Minnesota Dep’t of Corr. visiting information website at <https://mn.gov/doc/family-visitor/visiting-information/>

number has apparently declined by nearly a third in its most recent report.^{10,11} Starting with the Department's data, if all the weapons referenced were smuggled in on one day – that would mean approximately 1,447 people (or 96%) had nothing to do with smuggling contraband. To capture the full six-month period, the number of visits jumps to 270,000, meaning that 269,447 visits had nothing to do with contraband smuggling during that period. It was absurd to adopt rule changes impacting hundreds of thousands of visits due to alleged smuggling by .0001% of visitors. What's worse, by making visiting an unnecessarily degrading and arduous endeavor, the reduction in the number and frequency of visitors means that the benefits of regular family visits are forgone, to the detriment of overall safety.

The Department of Investigation has found that a large majority of contraband is smuggled into the jails by uniformed and civilian staff and has since directed its enforcement efforts accordingly. BOC has found that a majority of weapons in the jails are made from materials found in the jails and not from smuggled items—another reason to shut down these decrepit facilities.¹² Either way, there is no justification for harsh limits on visiting.

To be clear: Adding curtailment of visiting rights to the list of sanctions available to DOC will only decrease safety and security in the facilities.

Ultimately, we must now secure the release of every person from Rikers Island and close the jails as quickly as possible.

Thank you for your time and consideration of our comments. If you have any questions, please feel free to reach out to Jared Chausow, our Advocacy Specialist, at 718-254-0700 ext. 382 or jchausow@bds.org.

¹⁰ NYC Dep't. of Corr. visiting information website at <http://www.nyc.gov/html/doc/html/visit-an-inmate/visit-schedule.shtml>

¹¹ NYC Dep't of Corr., NYC Department of Correction at a Glance (2017), https://www1.nyc.gov/assets/doc/downloads/pdf/DOC_At_a_Glance-9-14-17.pdf.

¹² New York City Department of Investigation, Commissioner Mark Peters, New York City Department of Investigation Report on Security Failures at City Department of Correction Facilities, November 2014. Available at http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers_110614.pdf

April 23, 2018

To: Councilman Keith Powers
NYC Committee Chief
Committee on Criminal Justice
cc: Councilwoman Carlina Rivera
Councilman Rori I. Lancman
Councilman Robert Holden
Councilwoman Alicka Ampry-Samuel

Kelly Grace Price
Jails Action Coalition

Dear Chair Powers and Committee Members,

RE: Oversight - Safety and Security in DOC Facilities

Int 447 - In relation to requiring the department of correction to report on the rate of lockdowns.

Int 741 - In relation to prohibiting fees for telephone calls from inmates in city jails.

Int 779 - In relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

I thank you Councilman Powers for holding this hearing and the other members of the committee for allowing me to appear today and speak. It was only a few weeks ago CM Powers that JJ and I sat here and we discussed how the council could stop the milking of our most vulnerable neighbors who like I was, are taken from our own warm beds and placed in cages on Rikers Island. I am Kelly Grace Price of the Jails Action Committee and I ask you to consider my comments.

1. \$\$\$\$ MONEY FROM OUR POCKETS ref: Int 741: First a brief comment in support of this bill. I applaud the Council for prohibiting fees for telephone calls from inmates in city jails but PLEASE we extend this stringency in profiting off people in our City jails to video visiting calls as well for calls FROM families TO the jails and vice-versa. Not just outbound but now there will be video visiting let's make sure as these plans are developed and rolled-out that the mandate is NO COST to families. Secondly: regarding phone calls to and from the jails: there is a perverse stink to charging people to incriminate themselves: the DOC listens in on those conversations and even the calls with legal counsel are handed-over to prosecutors by request literally charging people to inform on themselves and their defense strategy. I think JJ has already spoken extensively on this.

CASHING CHECKS GIVEN TO PEOPLE WITHOUT BANK ACCOUNTS ON RELEASE FROM SHORT-TERM DETENTION: Regarding costs in general: there are many other fees I'd like to see the City look into. For instance: as a trafficked woman whose entanglement with the criminal justice system was directly related to economic abuse and manipulation I had no bank account at the time of my arrests. Each time I was arrested and released I was given a check from accounts that were impossible to cash a check against. I was not arrested for anything related to prostitution and I'll save you the details of the tyranny of my malicious prosecution but the reality was each time I was arrested: and I lost count which is amazing because

I don't have ONE single criminal charge on my record—but Each and Every time I was arrested all my CASH was taken from me.

I only had cash to survive on. When I was released I was always given checks from the DOC and NYPD that were impossible to cash. One account specifically from the NYPD with Chase BANK was marked "DO NOT CASH CHECKS FROM THIS ACCOUNT" in big letters across the screen if a teller tried to cash a check. This meant that you had to have a bank account to cash the check. So many people that cycle through the system—especially women like myself whose monetary and financial instruments had been subsumed by my abuser—don't have the ability to cash these checks. The system literally forced me to rely on people I knew would exploit me to get a few dollars in my pocket. Again-- foisting a cycle of abuse on me that only guaranteed me further misery and complications with law enforcement. Where is this money going from people who are never able to cash these checks? I think I still have one of these checks dating back to 2012 I can provide with an account number. I'd like to trace where this money ends up. Many, many people don't have bank accounts and the checks aren't accepted at Check Cashing businesses either.

2. #####NUMBERS NUMBERS REPORTS!!!!!!!!!!!!WE NEED BETTER REPORTS!!!! Intros 447 and 779: Lastly and most importantly my comments are regarding both intro 447 and 779 which propose amendments to Local Law 33 in regard to reporting. I am in support of these bills and want to encourage this august panel of councilmembers to push deeper into the revisions of Local Law 33 to include greater mandatory reporting form the Department of Correction regarding rape, sexual assault and sexual harassment reporting. **REPORTING TO THE CITY COUNCIL ON RAPE, SEXUAL ASSAULT AND HARASSMENT RIKERS IS SCANT AND BEGS REVISION:** Currently Local Law 33 only requires the department to report annually the number of rape and sexual assaults complaints filed on Rikers. We've had TWO years of reporting and I want to share with you literally all the department has provided annually.

Local Law 33 of 2016

Sexual Abuse Allegations and Incidents	
CY 2015	
(1) allegations of sexual abuse of an inmate by an inmate	57
(2) substantiated incidents of sexual abuse of an inmate by an inmate	0
(3) allegations of sexual abuse of an inmate by staff	131
(4) substantiated incidents of sexual abuse of an inmate by staff	1

- Finally: this backlog has caused a chilling effect on complainants. Initially we saw a swelling of complaints as word made it into Rosie's and other jails on the island the department was being mandated to take complaints seriously: but literally Rikers is the worst place in America to be raped. **A 0% closing rate for investigations is a crisis of epic proportions for a department just handed a blank check to fix the problem eighteen months ago.**
- Don't let the department boondoggle you into thinking there is some sort of paperwork juggernaut that accounts for the 0% closing rate: they were given plenty of money in the budget to hire people to implement PREA and to do the paperwork. The rule mandates staffing, reporting etc. which they are still very behind on, as well as referrals to outside care when they are released, a staffing plan and on and on.
- I heard the department last week trying to blame one of the PREA rules: 5-39 ("Sexual Abuse Incident Reviews") which required that by January 1, 2017: "DOC shall conduct a sexual incident review at the conclusion of every sexual abuse investigation in accordance with subdivisions (a) through (e) of this section." Etc. for the backlog in closings in rape and SA investigations. How difficult can the paperwork be? These people have been raped? What about that isn't more difficult than paperwork?
- I've posted a document of all the available information we have from the DOC about stats from the DOC from the past decade. I would like to have a longer conversation with you about digging into Local Law 33 immediately to get greater reporting STAT.

Curbing sexual violence and setting up transparent and streamlined complaint and investigative processes that give survivors a sense that justice is being served is fundamental to creating stability in any population. The one thing we all share as humans of New York is our choice in how we express ourselves sexually. In cages this is mitigated. We are most vulnerable to sexual conscription when we are not in our comfort zone—when things aren't familiar—when basic services are not available to us—. If people can't be guaranteed that they won't be violated and touched and maimed and exploited than your population will be at constant unrest. We act differently when under stress and I don't understand why PREA keeps getting shelved and no one is holding the department accountable for missing its own self-imposed reporting deadlines by years—not months—years. You can perhaps send a strong message to the DOC by presenting a robust reporting bill to them with vast information reports. This is a good towards responsible stewardship of the DOC. We need to start to try to give our detained population a chance to feel safe and that their voices matter.

YEAR	COMBI																										
	DOC TOTAL	SEXUAL	ASSAULT	Sex Harrassment	Investigatio	COMP #	UNDE	Pendin	Compl	stanti	RATIO	INVO	TURB	WOM	# ON	# ON	SEXUAL	HARAS	TOTALS	DETAI	DETAI	EE	EE	Totals	BY		
	TS	MENT	LT	SUBST	leted	D	aints	ated	N	N	RLS	NS	BOYS	T	SMENT	STAFF	L	MENT	NEE	NEE	SEXUA	HARASS	DETAI	NEE	NEE		
2006																											
2007	38	16	22	0													18	10	28	4	6	10					
2008	52	22	22	0													28	11	39	2	11	13					
2009	45	11	22	0													33	5	38	1	6	7					
2010	54	17	22	3													27	8	35	10	9	19					
2011	111	13	22	3													83	4	87	15	9	24					
*2012	97	28	22	2													64	13	77	5	15	20					
*2013	105	17	22	3													74	14	88	13	18	31					
*2014	119	9	22	0						47	20	9	34	73													
**2015	188	0	22	1																							
2016	828	347	22	8		31	792	8									335	227	562	153	120	275					
2017	1151	652	22	466	0		1151										574	432	806	143	201	345					
TOTALS*	2788	1232	242	666													1626	722	1952	343	890	840					
BLUE =DOC #S																											
BLACK =																											
DOMHH #S																											
*Years that DOC numbers vary from DOMHH #s																											
due to the variety of data reported from Y2Y in some cases we only have numbers for sexual assaults & rape & not harassment as																											
opposed to other years where data sets have been combined.																											
**years wo harrassment numbers included																											



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Stanley Richards

Address: 1 Centre St

I represent: Board of Correction

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Emily Turner

Address: 205 W 84th St. Apt 20 NY, NY 10024

I represent: BOC

Address: 1 Centre St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Robert G. G. G.

Address: 1 Centre St

I represent: BOC

Address: 1 Centre St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Maria Vargas

Address: 149 S Killman Ave 1B Brooklyn

I represent: BOC

Address: 1 Centre Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 779, 741 Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Victoria Phillips

Address: 40 Beeker St, 9th floor NY, NY 10006

I represent: Jails Action Coalition

Address: 40 Beeker St 9th floor NY NY 10006

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 779, 741 Res. No. 0741

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ashley Grace Price

Address: 530 W 137th

I represent: Jails Action Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ZACHARY KATZNELSOHN

Address: 199 WATER ST NYC 10039

I represent: LEGAL AID - PRISONERS' RTS PROJECT

Address: 199 WATER ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. I 2018-1001
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elias Husamudeen

Address: _____

I represent: President of COBA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Timothy Farrell

Address: Senior Deputy Commissioner

I represent: DOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Hazel Jennings

Address: Chief of Department

I represent: DOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Jeff Thamkittikasen

Address: Chief of Staff

I represent: DOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Patricia Lyons

Address: Associate Commissioner

I represent: DOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Brenda Cooke

Address: Deputy Chief of Staff

I represent: DOC

Address: _____

Please complete this card and return to the Sergeant-at-Arms