



NEW YORK CITY DEPARTMENT OF CORRECTION  
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November 4, 2014

Mr. Gordon Campbell  
Chair  
NYC Board of Correction  
51 Chambers Street  
New York, NY 10007

Re: Supplemental Information: Enhanced Supervision Housing Variance Request

Dear Mr. Campbell:

I write to supplement the October 22, 2014 variance request of the New York City Department of Correction ("DOC") to establish Enhanced Supervision Housing (ESH), which is a critical piece of DOC's overall operation plan to combat violence in the New York City jails and create a safer environment for both staff and inmates.

As Correction Commissioner, I recognize the great challenges facing DOC. Over the past seven months, DOC has and continues to implement agency-wide reforms. We are also in the process of a top to bottom review of the DOC's policies, practices and personnel, with particular attention to the adolescent and mentally ill populations, and the application of punitive and administrative segregation. We are changing DOC's organizational structure, reviewing programs, streamlining policies and procedures, focusing on specialized training options and customizing how we manage the inmate population given the tools available to DOC.

DOC is also revamping its long-standing performance management system, known as TEAMS, to respond to immediate day-to-day security concerns, promote accountability and provide clear guidance to improve facility operations. In addition to DOC's internal review, the Mayor's Office has retained McKinsey and Company, a leading international management consulting firm, to work with us under the supervision of the City University of New York Institute of State and Local Government. CUNY and McKinsey are working with my staff, conducting interviews of key stakeholders, observing and documenting existing practices, reviewing policy documents, reporting metrics and operational logs and holding workshops to identify underlying drivers of performance and opportunities for improvement.

Our roadmap for reducing violence began when we conveyed to staff at all ranks—from the executive management team to the line staff—that violence reduction is DOC's number one priority. And it continues with, among other things, redesigning staff training, pursuing developmentally appropriate custody management and programming for our youngest inmates and implementing newly funded specialized housing for high custody inmates and those with significant mental health needs. While we have a broad range of agency priorities, we submit that the key to reducing violence is a variance to establish Enhanced Supervision Housing units. DOC needs to redefine the ways in which staff interact with inmates by providing officers with the tools to effectively avoid and prevent incidents within his or her housing area.

An example of how a simple policy change can reduce violence is evidenced by DOC's decision to adopt a 2100 hour (9 pm) mandatory lock-in for our population. During the lock-in, DOC maximized staff availability and

minimized the opportunity for incidents. The adoption of the 2100-hour mandatory lock-in was designed to reduce violence and incentivize positive behavior. Our decision to institute this policy was based on an analysis of incident data, which indicated that during FY14, there were a total of 428 incidents between 9pm and 11pm that may have been avoided, totaling 11 percent of all incidents, including uses of force, slashings and serious injuries to inmates. In particular, 21 slashings, accounting for 24 percent of all slashings, occurred during these 2 hours (9-11pm). One reason why incidents may have occurred during this block of time is that a large cadre of uniformed staff are not always available after 2100 hours despite the fact that inmates were able to move around the facility. Linking the lock-out periods more closely to the availability of the maximum number of officers in the facility afforded greater monitoring of inmate activity. It also limited the number of potential incidents and provided an opportunity for earned incentives, as housing areas that do not present with issues may be granted extra lock-out time beyond 2100 hours.

To effectuate fundamental change in facility management, the Department evaluated the recruit and staff training to ensure that staff at every level have the skills to address the diverse needs of the inmate population. While we undertake the longer term redesign of our Training Academy and its curriculum, staff are attending targeted training geared towards dealing with the most challenging populations. The Mental Health First Aid course was recently rolled out to new recruits and will soon be available for all in-service staff. This training will assist staff with identifying signs and symptoms of mental illness, engaging with the mental health population in a safe way that avoids escalating incidents and facilitating mental health treatment. Additionally, staff working in Clinical Alternatives to Punitive Segregation (“CAPS”), Restrictive Housing Units (“RHU”) some mental observation settings and the Programs for Accelerated Clinical Effectiveness (“PACE”) units are receiving the Basic Crisis Management Skills course offered by the Director of Safety at New York State Office of Mental Health (“OMH”) that demonstrates de-escalation techniques and helps build the skills necessary to work in areas with high concentrations of mentally ill inmates. For staff working with our younger population, we are rolling out the Safe Crisis Management training approach to adolescent and young adult inmates. This training provides information on youth brain development, crisis prevention and management, as well as trauma-informed care practices for adolescents. To further staff insight, develop expertise in managing a younger population and limit the use of punitive segregation in favor of alternative approaches, we have coordinated visits with other jurisdictions. Civilian and uniform staff have visited facilities in Massachusetts, Washington State, Virginia, and other NYC agency administered facilities to learn alternative management techniques and best practices.

We are also working to strategically address the factors that challenge our ability to effectively manage the population. For example, as part of our larger property initiatives, within the next year we will have institutional uniforms for all inmates. This will aid in storage and management of inmate property and curtail impermissible items from being secreted into the facilities. It will make it more difficult to smuggle and conceal contraband. Additionally, in an effort to respond to gang violence in the jails, we are refocusing the former Intelligence Unit (now called the Correction Intelligence Bureau, or CIB) to prevent incidents by investigating those that do occur and deciphering and disseminating relevant information to the commands that can be useful. CIB will also maintain relationships with Confidential Informants and other sources of information to develop the intelligence necessary to prevent incidents. Additionally, by monitoring and identifying influential and/or problematic inmates, we expect CIB will be able to anticipate gang activity and minimize the safety and security risks posed by the security risk groups.

The management of challenging populations also requires enhanced oversight. We are taking several steps to ensure that staff act appropriately and all incidents are appropriately documented and investigated. We also plan to roll out additional cameras to various areas, including high-risk areas. We expect to fully cover the adolescent areas at RNDC, the young adult housing areas at GMDC and GRVC and several other locations throughout the agency that are believed to need camera coverage. Mindful of available resources, we are constantly re-prioritizing this list, and are open to feedback from various sources, like DOHMH and outside entities, to ensure that all areas that present a risk are accounted for.

We are also enhancing our Investigation Division (“ID”). Under its new leadership, ID has been evaluating its case review procedures, staffing, and case management strategies to ensure that investigations are conducted in a

thorough, meaningful and expedient manner. ID is in the process of hiring new investigators. Recently, ID also implemented an initiative to address matters of concern at RNDC. Specifically, it located dedicated ID staff at the facility to monitor use of force in RNDC. The team is currently staffed by (1) Deputy Director, (1) Supervisor, and (4) investigators.

To prevent violence, inmate housing must be appropriately controlled and maintained in ways that limit the potential for violence. To this end, we are recalibrating our security classification system to ensure that those inmates at the greatest risk for jail-based violence are categorized as Maximum Security and are separated from those at lower risk. This entails a focus on violent behaviors and the immediate reclassification of anyone involved in violent incidents.

While managing those at increased risk for jail violence more closely is a necessary step to controlling incidents, we must also protect those at increased risk of victimization in the jails. Accordingly, we are preparing to open a unit for transgender women (anatomical males who identify as females) at the North Infirmity Command (“NIC”). The goal of this unit is to provide an optional housing alternative for transgendered inmates that is safe from the vulnerabilities of general population while also sensitive to the needs of this population.

We are also focused on changing our approach to certain key populations within the jails that are over-represented in incidents: adolescents, young adults, and the mentally ill. We are pleased to note recent and sustained improvement among the adolescent population. Our adolescent strategy reforms focus on five main areas: staff recruitment and training, custody management, educational services, program and reentry services, and family engagement. These reforms have resulted in a significant reduction in uses of force at RNDC. Our goals are to foster positive youth development where possible, reduce violence among adolescents and assist adolescents in their transition back home after they are discharged. In order to effectively manage these young people, DOC implemented a 15:1 inmate-to-staff ratio (down from the 33:1 ratio previously) and dedicated significant programming resources to the population. Similarly, the goal in creating Young Adult housing for those inmates aged 18-21 is to provide an age-appropriate setting in which young people can focus on education, programming and skill-building.

A key component in our management of the adolescent population, and in line with the Department’s general philosophy towards customized inmate management is the newly established Second Chance housing unit. Implemented in September 2014, the unit is staffed by officers who have received specialized training that focuses on youth brain development, crisis prevention and management, as well as trauma informed care practices for adolescents. Adolescents may become eligible for a conditional discharge to the unit upon completion of 66% of their punitive segregation time and submission of an essay which requests permission to be placed in the unit and explains how placement could assist in modifying one’s behavior. Once in the program, adolescents have access to enrichment and educational programs and support geared towards positive behavior reinforcement with the goal of reintegration into General Population housing. At this time, 24 inmates have successfully transitioned into the program.

We are also working very closely with the Department of Health and Mental Hygiene to implement new approaches to the management of the mentally ill, from the expansion of the CAPS-style intensive treatment approach that will inform the soon-to-open PACE units to better managing the movement of mental observation inmates through the jails, ensuring safe, appropriate housing decisions that take treatment needs into account.

Finally, we are rethinking our approach to punitive segregation. This housing type has long been used for two related purposes: punishing those convicted of jail-based infractions and keeping violent actors separated from the general population in a more controlled setting. However, recent literature on the subject makes clear that this approach to inmate management needs to change. As we have said publicly, by the end of this year, we will have ended punitive segregation for adolescent inmates. We also do not send the Seriously Mentally Ill to punitive settings. We have been clear in public and with the Board that our goal is to reform punitive segregation in a way that prioritizes swiftness and certainty in punishment over severity.

In order to do so, the Department must first deal with the backlog of inmates who have been found guilty of an infraction but have not served a penalty because of lack of bed space in the CPSU or RHU, as indicated. We have proposed a plan that will remediate this backlog within 10 months that also accounts for shorter sentences for infractions committed post-reform and reduces reliance on 23-hour lock-in as punishment for non-violent or non-serious offenses. However, it must be noted that there are a small subset of inmates in our system whose behaviors are dangerous when they are left in general population where there is limited ability to exert control. The Enhanced Supervision Housing areas are designed to limit the opportunity for those inmates with demonstrated risks to institutional safety to engage in violent behavior. These housing areas are designed to become the longer-term management areas for dangerous inmates whom we will no longer manage in long-term segregation. As we discussed when I met with you and several members of the Board and its staff, Enhanced Supervision Housing, as described by our variance request letter, is an integral strategic and tactical component to a continuum of management that allows for the safe, secure management of some of the most violent inmates in our system.

If the Board approves the requested variances, implementation of the Enhanced Supervision Housing units would be accomplished in phases, with several areas identified and ready to open. We have identified three housing areas at OBCC for immediate conversion: 1W, 3W, and 5W. 5W is completed and is open again as general population housing and could be converted immediately into ESH units. 1W and 3W are both scheduled for completion on December 1<sup>st</sup>. Additionally, designated housing areas in GRVC are completed and could be opened.

The punitive segregation reform strategy that the agency has outlined previously requires Enhanced Supervision Housing in that a secure, suitable housing unit is needed for inmates who have shown a propensity for significant violence before they can be safely released from punitive segregation. (Please refer to the attached Revised Draft Sentencing Grid). From the first day ESH is available, the Department can cease the practice of enforcing historical owed punitive segregation time. Inmates who enter the system having owed time can be excused from that time, however, if someone should return to custody with a violent history, he can be directed to ESH for more secure housing. Approximately 1 month from the opening of the last ESH housing area, the Department could open "Punitive Segregation Lite" housing and remove from CPSU and/or RHU those inmates whose high charges were Grade 2 offenses and cease the practice of sentencing Grade 2 offenders to 23-hour lock-in. The Department would require the month to prepare for oversight of an additional new housing type. Additionally, on the same day, the Department could operationalize the alternative sanctions that will become the primary sentences for Grade 3 infractions and release any Grade 3 infractions from punitive segregation. Finally, approximately 1 month following the opening of the last "PS-Lite" housing area, the Department could implement the new sentencing guidelines, moving to 30-day maximums. By this point, the Department should have seen and resolved any unforeseen ESH housing concerns, allowing for the smooth continuum of security that would need to exist for violent infractions as they move out of punitive segregation into ESH at the conclusion of much shorter sentences. Of course, should unforeseen circumstances require DOC to adjust its plans, we would work with all involved to ensure a smooth and orderly transition.

As illustrated above, the Department's strategic violence reduction plan is guided by the core principles of adopting best practices, providing specialized training for officers and addressing the unique needs of inmates in our custody through customized housing units. Establishment of the Enhanced Supervision unit is an integral aspect of the overall plan.

If you require additional information, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph Ponte". The signature is fluid and cursive, with the first name "Joseph" written in a larger, more prominent script than the last name "Ponte".

Joseph Ponte