

## **Testimony to the Board of Corrections**

**June 9, 2020**

**By Sarita Daftary, Senior Community Organizer, JustLeadershipUSA**

I'm testifying today on behalf of JustLeadershipUSA and the #CLOSErikers campaign, and as a member of the Jails Action Coalition. We are aware that the number of people in New York City jails is lower than it has been in more than 70 years, and are grateful to the Board for your role in pushing to release people in response to COVID-19. But the nearly 4,000 people still held in City jails are still subjected to inhumane conditions and horrific abuse at the hands of the Department of Corrections.

Recently, the Nunez Independent Monitor released its Ninth Report, at a time when people across the City, nation, and country are witnessing and reacting to video evidence of police aggression and escalation on a daily basis. Incarcerated people and their loved ones know - and this report confirms - that those same acts of aggression, escalation, and brutality are carried out by the New York City Department of Correction on a daily basis, but in secrecy, behind bars.

Today, I want to ask the Board how you are planning to address the findings of the most recent Nunez report. Some of the findings of this report that are most concerning to us, and should be to this Board, include --

- "The conditions that gave rise to the Consent Judgment have not abated since the Effective Date, and the desired outcomes are simply not yet evident. Whether examining use of force ("UOF") trends systemwide, by Facility, or by age group, the number of incidents and UOF rates have increased,... and backlogs in both investigations and Staff discipline over many Monitoring Periods. Further, the Department's use of force rates during the Ninth Monitoring Period reached their highest levels since the Consent Judgment went into effect." p. 3
- "The prevalence of unnecessary and excessive force appears driven in large part by the overreliance on Probe Teams and alarms, the use of unnecessarily painful escort techniques, unnecessary and improper use of OC spray, and hyper-confrontational Staff behaviors. These problems are compounded by uniform leadership's inability to identify these aspects of Staff misconduct, thus failing to address them with their subordinates. The Department remains in Non-Compliance with four of the most consequential provisions of the Consent Judgment" p. 3
- The average monthly use of force rate, relative to the number of people in custody, has more than doubled since 2016 (4.0 to 8.2). p. 14
- The Department has also basically abdicated its own responsibility for disciplining and preventing abuse by its employees. The report describes DOC's internal investigation and discipline process as inadequate and haphazard. It notes that of 13,817 UOF incidents occurring between January 2018 and December 2019, only about 37% have been closed, and approximately 63% are still pending investigation. (p. 65)

These findings are not only deeply troubling, but are further evidence of the structural violence this City carries out against people of color, who comprise 90% of people in the New York City jails.

Two immediate questions we want to pose to the board --

- How will the Board address the backlog of over 8,600 pending investigations of staff misconduct?
- When will the Board meet with Department leadership and the Monitor to review videos of Uses of Force by correction officers which the Independent Monitor identifies as inappropriate, but which the Department identifies as appropriate through their internal reviews (at 2:29:48)? In the January Board meeting, Dr. Cohen requested the opportunity for this joint review, and Commissioner Brann offered to bring this idea up to the Monitor, and get back to the Board.

We are seeing that all over this country, electeds and government administrators are being held accountable to use their power to actively oppose systemic racism and manifestations of it. We call on this Board to find the courage to IMMEDIATELY use every tool in your power to end the Department of Corrections' reign of terror. It will require each of you to have the courage to break old patterns, because those patterns have resulted in countless trauma, injury, and loss of lives at the hands of the Department of Corrections for decades.

Thank you for your work, and we look forward to continuing to work with you to protect the lives of people in the Department's custody.

Sincerely,

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