



Testimony of

**Commissioner Cynthia Brann,
New York City Department of Correction**

before the

**New York City Council committee on
Fire and Criminal Justice Services**

regarding

Jail Violence

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Good morning Chair Crowley and members of the Fire and Criminal Justice Services committee. I am Cynthia Brann, the Commissioner of the Department of Correction (DOC). I was recently appointed as DOC's commissioner, but I have been with the Department since August 2015.

In my testimony today, I will focus on the main areas that I believe are crucial to DOC's continued transformation. Since this is my first meeting with most of you, I would like to take a moment to introduce myself and tell you about my vision for the Department. I have worked in law enforcement for more than thirty-five years, beginning my career as a police officer and then moving to corrections, starting as a probation officer and eventually advancing to oversee all adult probation, parole, and facility services. I came into law enforcement because of a desire to make a positive impact in my community and on people's lives. I have spent my career looking for opportunities where I could be most helpful, which is why I came to New York two years ago.

I took on the role of Commissioner because I have confidence in the dedicated, hard-working men and women of this agency and their commitment to continuing the difficult work of a top to bottom reform effort. Often, a change in leadership causes a pause in work and the reassessment of everything happening in an agency. I did not want that to happen here. We have come too far to let anything slip backwards. We owe it to the Department, every member of our staff, the inmates in our care, and the citizens of this city – to continue, without disruption, the critical work already underway.

As the Commissioner, I am continuing the Department's commitment to the major reforms developed three years ago. That reform agenda continues to guide our work as we implement best correctional practices across the agency. Under my leadership and with the help of my executive team, wardens and our uniform and non-uniform staff, we will expand in areas that have shown positive results while continuing to improve our practices and programs. It is my goal to have the court release DOC from the oversight of the federal monitor during my tenure. When that happens, it will be a testament to our collective efforts in moving the agency forward to become a national leader in corrections.

Today, I will focus on those major areas of reform that have begun transforming how we do our work and are delivering positive results:

First, Managing Populations According to Their Unique Needs

One major area of focus was moving away from the one-size-fits-all management approach. We have identified several populations with unique needs and developed management models to address those needs. In particular, we developed tailored programming, treatment, and staffing models to meet the unique needs of adolescents, young adults, women, those with mental health issues, and the most persistently problematic or violent.

We now recruit officers who are interested in and are best suited to work with specific populations. We take advantage of diverse backgrounds and prior experience to make strength-based assignments so they can be successful. Staff assigned to a special population unit are provided with additional targeted training to ensure they are best equipped to deal with challenging behaviors or unique needs of the inmates in their care.

Over the last three years, DOC redesigned our adolescent management model to better align with juvenile justice systems around the country. We reduced the number of adolescents in each housing area, increased staffing ratios, expanded programming options, incorporated educational needs into the housing model, introduced job readiness skills training, and replaced punitive segregation with supportive environments. Since implementing these reforms, the level of violence among the adolescents has dropped significantly. In fact, there have been several months of record low uses of force (UOF). There was a 65% drop in UOF from the first quarter of FY17 to the last quarter.

Building on the success of the adolescent changes, we created a young adult housing area cohort of eighteen to twenty-one year olds. For this age group, we also lowered housing unit censuses, increased staffing ratios, and expanded programming to including vocational training. In FY2017, young adults completed more than 2,000 job skills training programs, which will allow them to gain employment upon returning to their communities. We took a bold step as the first correctional agency to completely eliminate the use of punitive segregation for everyone under the

age of twenty-two. We recognized their stage of brain development presents unique behavior challenges that could best be addressed by replacing punitive segregation with a continuum of supportive housing areas. Now, both individual and group services address the underlying causes of negative behavior in order to change a person's way of thinking, in an effort to ensure long term pro-social, positive behavior.

DOC and Correctional Health Services (CHS) have developed safe, clinical environments to treat seriously mentally ill inmates. The dedicated therapeutic units, known as the Clinical Alternative to Punitive Segregation (CAPS) and the Program for Accelerating Clinical Effectiveness (PACE) offer in-patient settings to patients in our custody. Treating inmates like patients in safe, comfortable spaces has not just improved their health; it has improved safety for them and for staff. As stated in the Mayor's Smaller, Safer, Fairer report, UOF rates are about 70% lower than expected for this group. We and CHS are committed to opening several more PACE units, bringing the total to twelve by 2020.

To address the unique needs of the female population, we have implemented targeted programming and services, including discharge planning, substance abuse programs, art therapy, hard and soft vocational skills training, parenting classes, educational programs, and partnerships with community based organizations including the Fortune Society, Osborne Association, and Hour Children. Staff who work with the female population are provided trauma-informed, gender-responsive training, to make sure staff have the best tools available to do their jobs effectively.

Second: Transforming General Population

While specializing management for certain populations, we also transformed our general population (GP) housing units, where most of our inmates are housed. In the Accelerated Programming Unit (APU) model for GP, an incentive-based behavior management model has been instituted. This model rewards positive behavior, which in turn offers alternative sanctioning options for negative behavior. The APUs also utilize the new Housing Unit Balancer (HUB) classification system, which is based on an inmate's assessed propensity for violence. Staff in these units are trained on the new unit management system, and the areas are physically renovated to make them safer and a better environment to live in. The APU restarts began just over two years ago, one housing area at a time. Today, there are restarts in six of the jails. Approximately 1,400 inmates (about 18% of our adult detainees) live in restarted units, and we are continuing to expand the model.

The GP restarts are accompanied by the introduction of the Incident Command System (ICS) method of responding to incidents. Under ICS, incident responses are tailored to the need of the situation, starting with de-escalation techniques whenever possible. The improved incident responses of ICS lead to better outcomes, as demonstrated by the significant drop in uses of force resulting in injury and a slight drop in total uses of force from FY16 to FY17.

We have begun offering five hours of programming every day to all GP inmates, regardless of whether they are already in an APU. Programming is critical to running a safe facility. Some programs, such as anger management and therapeutic activities, can address the underlying causes of violence. Vocational and life skills prepare people to successfully return to our communities, which helps reduce recidivism, which in turn reduces violence. The total number of inmates participating in vocational training programs increased by 143% from FY16 to FY17. In addition to positively promoting important reentry and life skills, programming reduces inmates' idle time, which in itself can reduce violence.

These housing models create safer environments in the jails and prepare people to be more successful when they return to our communities. When we provide those in our custody with supportive environments and opportunities to change their lives, we believe that most will take advantage of those opportunities, and our jails and communities will become safer places.

Third: Management of Problematic Inmates

While the majority, 96%, of pretrial detainees and city-sentenced inmates are never involved in any violence or misconduct while in DOC custody, there are a relatively small number of inmates who drive violence and threaten the security of the facilities. This challenging population has also been the focus of reforms and improved management models.

Historically, inmates in DOC custody who persistently violated rules would accrue punitive segregation days and could have stayed in punitive segregation for months on end. While punitive segregation can provide a short-term, immediate response to violence, it is not a successful long-term management solution. The impacts of long-term segregation can actually increase violent tendencies, which is detrimental for the staff, inmates, facilities, and our communities. DOC has been at the forefront of segregation reform. In addition to removing all inmates under the age of twenty-two from punitive segregation, we reduced time spent there to thirty days maximum at any one time and a sixty day cap within a six months period. Today, punitive segregation is only used as an immediate response to a serious, violent act – such as a stabbing or slashing – to ensure safety for staff and inmates in the facilities.

For long-term management of challenging inmates, we have created Enhanced Supervision Housing (ESH). In ESH, inmates are “locked out,” meaning that they are able to commingle in the dayroom, for at least seven hours every day. Through positive behavior and program participation, they are able to move through the ESH level system and earn additional lock out time. Incentivizing positive behavior is critical for changing behavior, as is the targeted programming and training that is offered in the unit.

Fourth: Staff Training

One of the most critical components of the reform agenda is providing more enhanced and relevant training to our staff so they have the tools necessary to do their jobs safely and effectively. In recent years, we expanded our new recruit training to twenty-three weeks and increased their on the job training (OJT) time. Additionally, we have increased in-service training opportunities for our tenured staff. In order to ensure we are training the most relevant content and cutting edge correctional techniques to new recruits, the National Institute of Corrections will conduct an evaluation of the curriculum in early 2018 and make recommendations for improvement where appropriate.

Most recently, we redesigned the Academy structure, putting a Deputy Commissioner in charge of all staff uniform and non-uniform staff training. There are now three distinct divisions within the Academy: recruit, in-service, and leadership development. With this configuration, trainers and resources can be more appropriately deployed and managed. By adding a leadership development track, staff will be able to take management and leadership classes in preparation of advancement, rather than after the fact or not at all.

Finally: The Nunez Consent Judgment

As the Council is aware, the Department entered into a federal consent judgment in fall 2015. This consent judgment codifies many of the reforms that the Department had committed to implementing. As I previously stated, my goal as Commissioner is to get us out from underneath the monitor's oversight. To me, that would be a testament to the hard work our staff has engaged in and that the best correctional practices have been embedded in our daily work.

One major focus of the consent judgment was our excessive and unnecessary use of force. Currently, all uniformed members of staff have received the five-day START training, which includes training on proper use of force, defensive tactics training, and training in de-escalation skills. We will begin the second part of that training which is a refresher in the UOF policy and several days of de-escalation techniques training. These skills will enhance officers' ability to foresee an inmate's potential escalation of negative behavior, intervene, and de-escalate situations without the need to use force.

Crisis Intervention Team (CIT) skills training is also provided to staff who work in areas with seriously mentally ill inmates. DOC and clinical staff attend CIT training together so they are able to respond to those in crisis as a cohesive and unified team who understand both the security and clinical concerns within the unit. These critical trainings better equip staff to respond to incidents without needing to use force.

Assaults on staff (AOS) and uses of force involving serious injury have both decreased significantly in the last few years: AOS with serious injury have dropped 65% from FY14 to FY17

and UOF with serious injury have decreased 53% from FY14 to FY17. I expect to see further reductions as more staff are trained and they are able to hone their skills.

When the Nunez monitor's fourth compliance report was recently released, it showed what we already knew: the Department has come far and seen some success, but we are not yet where we need to be. We are subject to 316 unique stipulations of the judgment and are in compliance with over 95% of those stipulations currently under review. I understand that everyone would like us to be further along than we are, but I also understand that sustainable culture and practice change takes time. The monitor clearly stated that we are twenty months into the monitoring and there was no expectation that we would be further along than we are now.

Looking Forward

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. We must always work to do better. I believe that by supporting our staff, expanding the reforms that have already begun showing positive results and providing inmates with opportunities for change, that we will create safer jail environments for staff, visitors, and individuals in our custody.

I thank you for the opportunity to testify today and am happy to answer any questions that you have.