

Statement
to the

New York City Council
Committee on Fire and Criminal Justice Services
Elizabeth Crowley, Chairperson

By

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NYC Department of Correction
March 27, 2014

Good afternoon Chairperson Crowley and members of the Fire and Criminal Justice Services Committee. I am Mark Cranston, Acting Commissioner of the New York City Department of Correction. Thank you for inviting me to testify on the Department's Preliminary Budget for Fiscal Year 2015.

My statement today will cover two broad subject areas. I will begin by describing the proposed budget and the key issues that inform it, including new programming introduced to meet the special needs of some of our population. This will be followed by a discussion of the Department's performance from July 1 through October 31, 2013, as reported in the Fiscal Year 2014 Preliminary Mayor's Management Report.

Fiscal Year 2015 Preliminary Expense Budget

DOC's Fiscal Year 2015 Preliminary Expense Budget is \$1.06 billion, of which \$936 million (88 percent) is allocated to Personal Services and \$127 million (12 percent) for Other-Than-Personal-Services. The Department's total authorized headcount for the fiscal year is 10,467 – 8,873 uniformed and 1,594 civilian staff. This includes an increase of four uniformed positions and 23 civilian positions, which I will describe in greater detail later in my testimony.

As you know, the Department's core mission is to provide for the care, custody and control of individuals incarcerated in New York City jails and to ensure their safety and the safety of our staff and the public. Over the past decade the number of people in our jails on any given day—our Average Daily Population—has decreased by 14 percent, from 13,751 in Fiscal Year 2004 to 11,825 in Fiscal Year 2013. However, in recent years the characteristics of those who end up in our custody has also changed. Notably, the percentage who are mentally ill has increased, from 24 percent in Fiscal Year 2007 to nearly 40 percent today. The Department has taken many steps to respond to this change, often in partnership with other city agencies.

Last month, for example, the first of five Court-based Intervention Resource Teams, or CIRTs, opened in Manhattan. The CIRTs, which were years in planning and will be active in each of the city's boroughs later this

year, use DOC data about defendants' risks and needs to divert eligible individuals who have a diagnosed mental illness to community-based alternatives to jail. Another mental health-related innovation introduced this year is the Clinical Alternative to Punitive Segregation, or CAPS. Developed in partnership with the Department of Health and Mental Hygiene, CAPS is a non-punitive, hospital-style setting in which seriously mentally ill inmates who violate departmental rules receive intensive therapy directed by mental health professionals.

These programs build on the Department's earlier work with key stakeholders and other City agencies to develop evidence-based programs to reduce idleness and give inmates the tools they need to successfully return to the community upon their release.

In Fiscal Year 2013, DOC launched two initiatives geared at the adult and adolescent inmate populations. The first is the Individualized Correction Achievement Network program, also known as I-CAN, which is available to both detained and sentenced adults. It is expected to reduce recidivism by 10 percent. The program is open to inmates who are at high risk for return to jail within one year of discharge and who are expected to remain in custody 20 days or more. DOC determines eligibility by thoroughly evaluating each inmate at intake using validated assessment instruments. Contracted providers work with inmates throughout their incarceration and for as long as six months after their release to realize crucial milestones ranging from acquiring a valid state ID or earning a high school equivalency to preparing a resume, finding and securing a job, and maintaining abstinence from substance use. Since it was introduced in January 2013, I-CAN has served nearly 2,200 inmates.

The second initiative is the Adolescent Behavioral Learning Experience (ABLE), a cognitive behavioral therapy intervention provided to nearly all adolescents. Adolescents in three DOC facilities participate in the ABLE program five days per week, either in the school or in their housing area. Enhanced recreation activities offered after school provide opportunities for the adolescents to apply the learned behavioral principles. Since May 2013, we have brought the ABLE program to more than 4,373 adolescent inmates. We are delighted by progress to date on all of these programs, and are hopeful that time will show these investments to be beneficial, both in terms of safer facilities, and better outcomes for participants.

As I noted at the outset of my comments, personnel costs are a significant part of DOC's budget. Since we last appeared before you in May 2013, the Department graduated another 682 recruits from the Correction Academy. In both Fiscal Years 2012 and 2013, the Department was able to graduate three recruit classes, adding 1,475 new recruits to the rank of Correction Officer. We have graduated two recruit classes thus far in Fiscal Year 2014, and we continue to have discussions with OMB regarding future classes in order to continue the practice of keeping pace with attrition. Preliminarily, our next class is scheduled to enter the academy in late April.

Although building our workforce will go a long way toward addressing another major budgetary item, overtime, we are also taking other steps to reign in these costs. Two months ago, the Department's overtime projection

for Fiscal Year 2014 was \$151 million. Since my appointment as Acting Commissioner on February 1st, I have made a personal commitment to curtail discretionary overtime spending and ensure that we begin living within our means. Over the past eight weeks we have brought our projected overtime down by \$8 million, or 5 percent, to \$143 million. Overall, we are now projecting to spend \$11 million less this year than we did last year. All of our managers, from the top down, are being held accountable for overtime spending within their jails. All staff are reminded that security is always at the forefront, but spending more money does not always lead to better results. Additionally, we are taking a hard look at recently enacted initiatives that lack sufficient funding and budgeted headcount to support them. The Fiscal Year 2015 overtime budget totals \$73.7 million. We will continue to seek further reductions in overtime spending in Fiscal Year 2015 when our new Commissioner joins us in April.

During the Fiscal Year 2015 November financial plan, OMB included 26 new positions for the Department's Investigation Division (ID) and one Crime Scene Unit Director who will help improve procedures to respond to, secure, document, and process crime scenes and contraband. ID investigates incidents involving uses of force, inmate deaths, and other serious matters that require an internal investigation. The additional positions will help the department conduct thorough investigations in a timely manner and decrease the average caseload per Investigator. Four of the new positions are additional uniformed supervisors to serve as Integrity Control Officers. They are tasked with ensuring that staff are held to high standards of integrity and held accountable as appropriate when they violate DOC policy.

The Department also received additional OTPS funding in the Fiscal Year 2015 November Plan for equipment directly related to ensuring the safety of both our inmate population and staff. Approximately 2,000 protective vests that are worn by officers daily during emergency responses in the jails will be replaced by the end of June.

Additionally, new funding will be used to continue to purchase cleaning products that are safer for our inmates to utilize when cleaning their housing areas.

The Department's operating budget is vital to maintaining day-to-day operations and so is the investment in infrastructure and equipment. In Fiscal Year 2014, the Department has committed \$121.1 million in capital funds. This is the largest total amount of capital funds committed in one fiscal year in the last 15 years. The two largest commitments to date for the Department in Fiscal Year 2014 are \$31.8 million related to the construction of the Rikers Island Co-Generation Power Plant and \$38 million for the ongoing work to replace fire alarm and smoke systems on Rikers Island. The Department's five-year capital budget (Fiscal Year 2014-Fiscal Year 2018) totals \$1.1 billion. The capital plan includes:

- \$609.6 million for capacity replacement, as well as support space not directly related to inmate housing

- \$335.3 million for Fire Life Safety projects and various upgrades such as electrical, lighting, facades, windows, roofs, HVAC, showers and plumbing
- \$79.2 million for Hurricane Sandy related projects
- \$61.5 million for IT infrastructure, telecommunications and security equipment
- \$25.2 million for upgrade and replacement of miscellaneous equipment such as nutritional services equipment, generators, etc.
- \$19.4 million for lifecycle vehicle replacements

DOC continues to upgrade its infrastructure, modernize support systems, expand the use of new technology, and replace legacy applications. We are also in contract negotiations to upgrade our inmate phone system to provide enhanced security features such as call transcription, key word alerts, automated call recording, and voice recognition. The upgrade is a revenue share model, costing the City no capital outlay for implementation. DOC continues to work on its new Jail Management System (JMS), which when complete, will allow the Department to retire its 25-year old Inmate Information System (IIS) with an integrated system that greatly improves functionality, accountability and the Department's ability to analyze data. We also continue to expand the IP video surveillance system with capital funds.

Preliminary Mayor's Management Report

Having discussed changes to our expense and capital budgets, I would like to turn now to the Department's performance during the Fiscal Year 2014 Preliminary Mayor's Management Report (PMMR) period, July 1 through October 31, 2013. During this reporting period, the Department admitted 27,258 inmates, 6 percent less than during the same period in Fiscal Year 2013. The average daily population was also down, from 12,101 in Fiscal Year 2013 to 11,726 in Fiscal Year 2014. However, compared to 51.4 days during the year-ago period, the average length of stay for inmates admitted during the PMMR period was 53.2 days. The rising length of stay is in part because a larger proportion of the population in custody are admitted on a felony charge and/or are mentally ill. Despite the lower overall population, today's population is also harder to manage because of their criminal charges, numbers of prior incarcerations, mental illness, and gang affiliation. In Fiscal Year 2014, 38 percent of the ADP had diagnosed mental illness, 39 percent were in custody on a violent felony top charge, and 20 percent (compared to 17 percent in Fiscal Year 2013) were validated members of security risk groups.

As you have seen from the published PMMR, agency performance was not up to anyone's expectations. The number of uses of force increased, violence within the jails increased, and more inmates and staff suffered injuries. Over the past few months we have focused on some key Departmental practices and the early results

are promising. Rather than go through the numbers specifically, let me tell you about some of the changes we are already undertaking to improve performance.

An effective way to reduce uses of force is to reduce the number of inmate fights. Facility staff are working to ease inmate tension by identifying underlying reasons for inmate frustration and ensuring that line staff are addressing inmate concerns in a timely manner. We are encouraging Wardens to develop incentives for good behavior, and to manage the population in non-traditional ways. This includes facilitating reconnections to inmates' families, especially for the adolescent population.

We are making sure that all staff understand the goals we are working toward and that they are part of the solution to reduce violence in the jails. Wardens are setting the tone for the workplace and are expected to create a positive, professional environment to work in, where management supports staff, and address their concerns quickly and effectively. All managers must take the time to understand what officers think they should do in certain situations and their intent when responding to incidents, evaluating what was done, and determining the best course of action for remediation or discipline.

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.

We look forward to continuing to develop these efforts with the incoming Commissioner.

Thank you again for this opportunity to discuss the Department of Correction's Preliminary Budget for Fiscal Year 2015 and the Mayor's Fiscal Year 2014 PMMR. I am happy to answer any questions you may have at this time.