

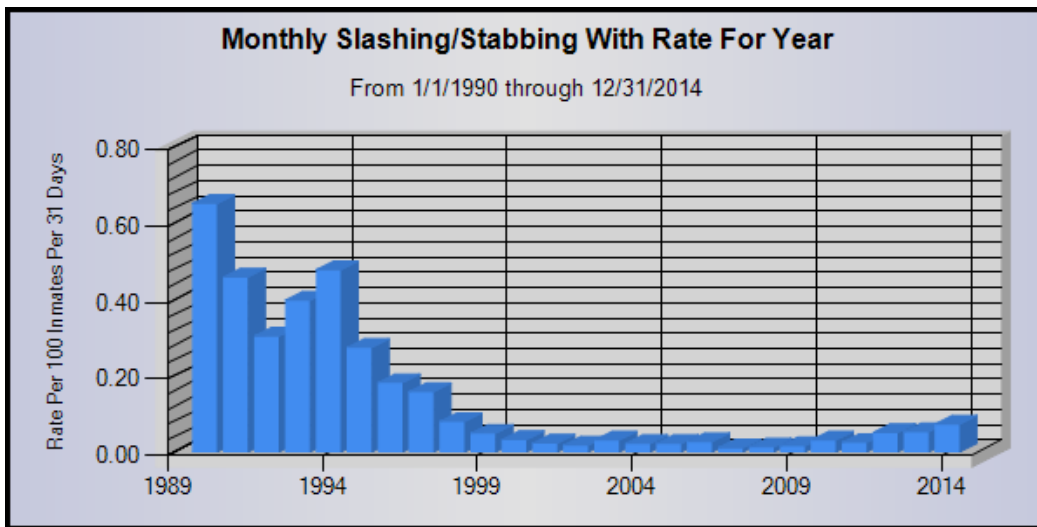
BOARD OF CORRECTION STAFF REPORT

COMPARISON OF HISTORICAL RATES OF VIOLENCE BETWEEN INMATES AND RATES OF STAFF USE OF FORCE ON INMATES

Data that the Board of Correction has received from the Department of Correction shows a sharp drop in rates of serious inmate on inmate violence (slashings and stabbings) from the 1990s to the present day.

Slashings and stabbings in the New York City jail system have dropped from a remarkable high of **1552** per year in 1990, to **73** in 2013 and **93** in 2014.

This dramatic decrease in rates of criminal violence among inmates (inmate on inmate violence) happened during a period of time that New York City saw a decline in crime rates city-wide. From 1988 on, the number of serious crimes report in New York City fell precipitously. In 1988 “there were approximately 720,000 FBI Unified Crime Report Index (UCR) crimes. By 2008, there were only 198,419 crimes – a remarkable 72 percent reduction.”¹



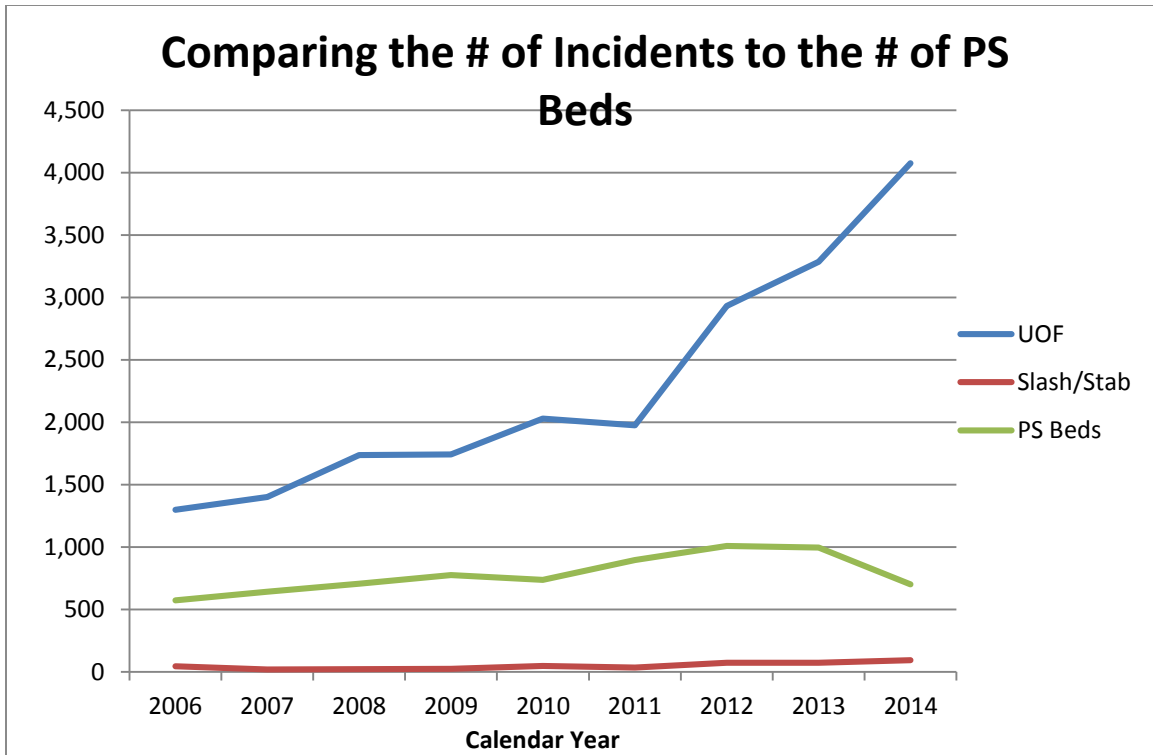
¹ Austin and Jacobson, *How New York City Reduced Mass Incarceration: A Model for Change?* January 2013.

http://www.brennancenter.org/sites/default/files/publications/How_NYC_Reduced_Mass_Incarceration.pdf

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
1990	163	116	153	107	130	143	134	125	117	121	135	108	1552	0.652	20,207	365
1991	112	77	120	121	119	96	102	80	76	85	82	100	1170	0.459	21,669	365
1992	68	50	66	57	64	78	60	58	68	64	53	49	735	0.304	20,480	366
1993	72	65	68	96	101	61	74	68	51	81	65	69	871	0.398	18,608	365
1994	45	62	79	66	70	74	101	97	117	99	113	114	1037	0.478	18,409	365
1995	87	86	76	65	34	51	37	37	33	31	23	35	595	0.274	18,437	365
1996	27	40	42	45	29	34	34	26	30	43	30	33	413	0.182	19,258	366
1997	39	33	48	33	26	32	34	22	17	11	19	21	335	0.158	17,984	365
1998	20	16	18	17	21	17	17	7	6	10	10	8	167	0.080	17,836	365
1999	9	9	6	8	5	12	7	6	11	6	9	7	95	0.049	16,556	365
2000	6	5	4	5	2	3	9	4	2	6	6	4	56	0.032	14,714	366
2001	3	7	5	5	4	3	4	1	1	1	3	1	38	0.023	14,188	365
2002	2	4	6	0	2	6	3	0	3	3	1	1	31	0.018	14,267	365
2003	4	5	4	7	7	2	4	5	4	4	3	3	52	0.031	14,151	365
2004	4	0	4	2	5	5	3	1	4	2	3	2	35	0.022	13,708	366
2005	2	4	0	2	5	3	1	3	4	4	2	5	35	0.022	13,416	365
2006	1	3	3	3	4	3	8	7	2	3	3	4	44	0.027	13,789	365
2007	1	1	1	3	2	3	4	0	1	1	1	1	19	0.011	14,060	365
2008	1	2	1	1	1	5	2	2	2	0	2	2	21	0.013	13,545	366
2009	1	1	5	1	1	2	3	2	2	1	3	3	25	0.016	13,194	365
2010	2	6	4	3	1	4	5	3	8	3	4	5	48	0.031	13,023	365
2011	2	3	0	7	2	1	4	5	4	3	1	4	36	0.025	12,419	365
2012	7	7	3	2	7	10	10	4	4	9	6	4	73	0.051	12,078	366
2013	9	6	1	4	7	4	5	3	7	6	8	13	73	0.053	11,687	365
2014	4	3	8	8	11	14	7	8	9	9	6	6	93	0.072	10,909	365

DOC’s initial increase in the use of punitive segregation did not reduce inmate-on-inmate violence system-wide.

The chart below explains how the number of punitive segregation beds in use has compared to violence rates over time. Again, bearing in mind that slashing and stabbing numbers were in the thousands in the 1990s, and are much lower in this decade, the most salient recent increase in inmate-on-inmate violence happened between 2007 and 2012. In this five years, the number went from 19 per year to 73 per year. During this 5 year period there was a dramatic increase in the use of punitive segregation beds. In 2007, there were 641 segregation beds used, whereas in 2012, that number had risen to 1009 beds in use.



Year	UOF	Slash/Stab	PS BAS	PS Inm
2006	1,299	44	573	508
2007	1,402	19	641	577
2008	1,737	21	708	654
2009	1,742	25	776	691
2010	2,030	48	738	665
2011	1,975	36	896	806
2012	2,932	73	1,009	874
2013	3,285	73	995	823
2014	4,074	93	701	571

The chart above shows a dramatic increase in the Use of Force (UOF) on inmates by correction officers. This number has continued to increase, steeply, each year since 2006. During both the times of increasing use of segregation beds, and decreasing use of segregation beds, the UOF rates have continued to climb.

The definition of Use of Force has not changed over time. Uses of force without injury have always been recorded, and have been called grade “B” or “C” over time. There was not a time between 2006 and 2014 when the requirements for reporting all uses of force have changed. The definition is explained below.

DEFINITIONS OF Use of Force Classifications

(From Directive 5006-C dated 1/31/2008 and Teletype Order HG-01519-0 dated June 29, 2011)

a. CLASS "A" USE OF FORCE

- i. A Use of Force or allegation of a Use of Force shall be considered a Class "A" Use of Force if it requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those Uses of Force resulting in one (1) or more of the following treatments/injuries:
 - Multiple abrasions and/or contusions;
 - Chipped or cracked tooth;
 - Loss of tooth;
 - Laceration;
 - Puncture;
 - Fracture;
 - Loss of consciousness, including a concussion;
 - Suture;
 - Internal injuries, e.g., ruptured spleen, perforated eardrum, etc.; and
 - Admission to a hospital.

b. CLASS "B" USE OF FORCE

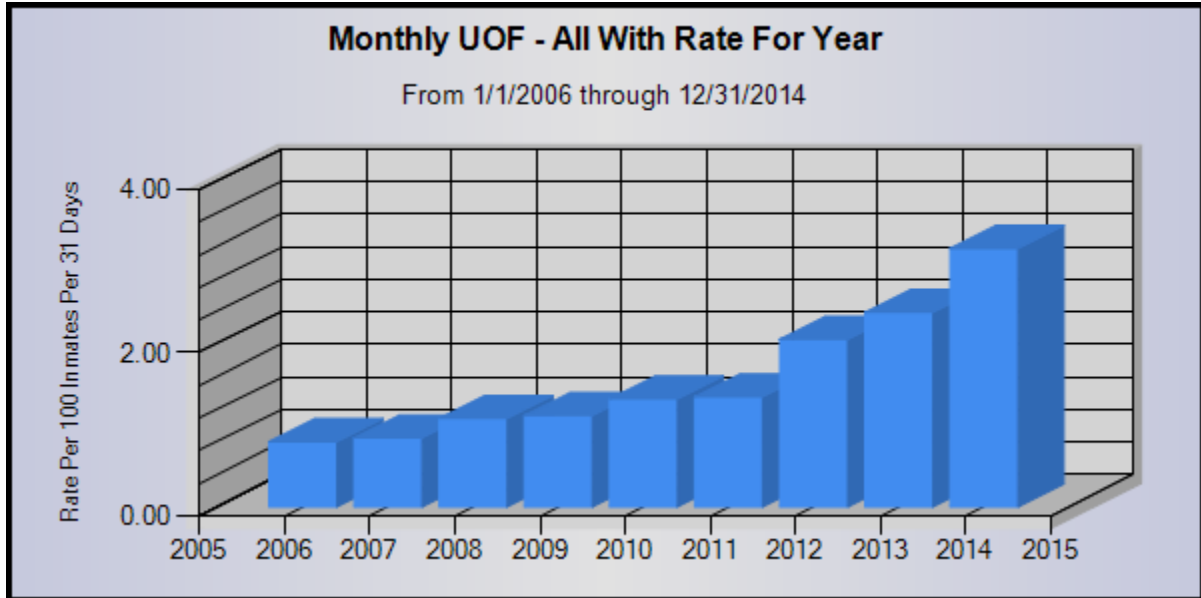
- i. A Use of Force or an allegation of a Use of Force which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid (A Use of Force which results in a superficial bruise, scrape, scratch, or minor swelling is generally a Class "B" Use of Force).
- ii. The forcible use of mechanical restraints in a confrontational situation that results in no or minor injury is a Class "B" Use of Force. (Ed: see change in 2011, when these and pepper spray use became labeled "C")

EFFECTIVE JULY 1, 2011

c. CLASS "C" USE OF FORCE

A USE OF FORCE OR AN ALLEGATION OF A USE OF FORCE THAT RESULTS IN NO INJURY TO STAFF OR INMATE INVOLVED IS A CLASS "C" USE OF FORCE. CLASS "C" USE OF FORCE INCLUDES INCIDENTS WHERE USE OF OC-SPRAY RESULTS IN NO INJURY, BEYOND IRRITATION THAT CAN BE ADDRESSED THROUGH DECONTAMINATION.

Officer-on-Inmate Uses of Force



Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
2006	88	84	115	105	115	114	124	106	102	130	102	114	1299	0.800	13,789	365
2007	112	80	134	131	97	111	107	122	110	148	144	106	1402	0.847	14,060	365
2008	130	107	107	133	176	129	148	136	144	156	174	197	1737	1.086	13,545	366
2009	148	132	142	158	150	149	147	143	126	141	155	151	1742	1.121	13,194	365
2010	168	146	160	190	168	175	186	169	168	176	166	158	2030	1.324	13,023	365
2011	139	136	152	174	190	155	172	160	190	173	156	178	1975	1.351	12,419	365
2012	219	204	217	229	259	257	291	242	252	287	245	230	2932	2.056	12,078	366
2013	241	230	253	239	252	212	255	282	301	352	304	364	3285	2.387	11,687	365
2014	387	334	330	264	291	324	347	342	406	362	327	360	4074	3.172	10,909	365

Rates of uses of force by correction officers on inmates at the end of 2014 were at an all-time high. When an inmate is held in jail, the Supreme Court has made clear that the Constitution imposes upon the jail and municipality a duty to assume some responsibility for the inmate’s safety and general well-being. *County of Sacramento v. Lewis*, 523 U.S. 833, 851 (1998) (quoting *DeShaney v. Winnebago County Dept. of Social Servs.*, 489 U.S. 189, 199-200 (1989)); see also *Randle v. Alexander*, 960 F. Supp. 2d 457, 471 (S.D.N.Y. 2013). The U.S. Department of Justice noted in its August 4, 2014 letter to the Department of Correction, which found a pattern and practice of unconstitutional violence against adolescents, that

Our focus on the adolescent population should not be interpreted as an exoneration of DOC practices in the jails housing adult inmates. Indeed, while we did not specifically investigate the use of force against the adult inmate population, our investigation suggests that the systemic deficiencies identified in this report may exist in equal measure at the other jails on Rikers.

Since the time of that report, DOJ has decided to intervene in the pending class action lawsuit concerning violence for all inmates, *Nunez v. City of New York*, 11 Civ. 5845 (LTS) (THK).

The rising level of use of force over the past eight years is a crisis. Evidence-based investigation of the root cause of this crisis is important and should be conducted so that appropriate remedies and reductions in injuries to inmates might be achieved in the future.