



NEW YORK CITY
BOARD OF CORRECTION

Statement before the New York City Council

Committee on Criminal Justice
Keith Powers, Chair
Sub-Committee on Capital Budget
Vanessa L. Gibson, Chair

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Good afternoon Chair Powers and Members of the Committee on Criminal Justice and Chair Gibson and Members of the Sub-Committee on Capital Budget. My name is Martha King, and I am the Executive Director of the New York City Board of Correction, the independent oversight agency for the City's correctional facilities. Today, I am joined by one of our Board members who was appointed by the City Council, Dr. Robert Cohen.

The Board of Correction is using new resources to strengthen its effectiveness as one of the City's key levers in creating safer, fairer, smaller, and more humane jails. New funding and staff, a renewed commitment from Board members, a focus on data and research, and collaboration with the Department has re-established the Board as a partner in the critical work to build a justice system that reflects this City's values. Over the last year, the Board has successfully monitored and ensured compliance on key strategies to prevent sexual abuse in the jails, established an interagency team and auditing process to drive improvements to the inmate grievance system, and issued multiple assessments leading to policy improvements.

The Board plays a vital role in creating the transparency and accountability needed in this time of change and as we move toward closing Rikers Island. From our experience monitoring the jails for decades, we know that regardless of the future location of NYC jails, they will still need independent and effective oversight.

Background

Since it became independent in 1977, the Board has played a leading role in major reforms to the City's jails. These include, in 1985, making NYC the first jurisdiction to voluntarily require appropriate mental health staffing in its jails, and, in 2015, making NYC the first major prison or jail system to prohibit punitive segregation for adolescents and young adults.

The City Charter outlines the Board's five central functions:

- To establish and ensure compliance with minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held under the jurisdiction of the Department of Correction;
- To investigate any matter within the jurisdiction of the Department;
- To establish procedures for hearing inmate and staff grievances;
- To evaluate the performance of the Department of Correction; and
- To make recommendations on areas of key correctional planning.

Recent Growth

The Board had 16 staff and a budget of \$1.6 million when I arrived in June 2015. With the increased support of the City Council and Administration, a FY19 budget of approximately \$3 million will allow our staff to grow to 36. We have 29 staff today and will reach our head count in FY19. Our recent funding will support a lead investigator of all deaths in custody. This staff member will also manage the work of the City's Prison Death Review Board, which is required by the Board's Standards. Since the 1970's, the Board's death reviews have identified contributing factors and systemic deficiencies to improve policy and prevent future harm.

The growth of the Board has allowed us to update and expand the Board's regulations; carry out strengthened and structured monitoring; and create more transparency through research and public reporting. Today I would like to update you on a few areas of recent progress.

1. Updated, tailored and expanded regulations

The Board's first new chapter of the Minimum Standards in 25 years is designed to prevent and respond to sexual abuse and harassment of people incarcerated in the City's jails. These new Standards became effective in 2017 and include new requirements for training, investigations, cameras, rape crisis counseling services, and public reporting and incorporate many elements of the federal Prison Rape Elimination Act standards.

The Board convenes quarterly interagency meetings with DOC and Health and Hospitals to review compliance, and I issue public updates every six months at the Board's public meetings. The Board has been particularly focused on improving compliance with the requirement that people coming into the jails are properly screened for risk of sexual victimization or abusiveness. This screening is needed so the Department can provide housing, programming and other services in a manner that minimizes risk. Because of the Board's work on this issue, the Department created an electronic method for screening and tracking sexual violence risk across the entire DOC population and a system for tracking the placement of transgender people who are particularly at risk in custody. The Board also intervened when the Department proposed closing the Transgender Housing Unit. Board staff recently published an assessment of the unit and issued recommendations for improvements.

Looking ahead, the Board is in the process of developing new Minimum Standards in two areas: restrictive housing and the Board's variance process.

2. Strengthened and structured monitoring

We continue to grow our monitoring staff whose work is based in the jails. They conduct site visits, resolve and refer complaints from staff and people in custody, monitor compliance with the Minimum Standards, and help to smooth the delivery of basic services. Through this work, staff play an important role in calming tensions in the facilities and helping DOC identify issues which may escalate if left unresolved. Increased funding has allowed more frequent monitoring of the hospital prison wards and courts, extended observations of specialized units, and a focus on improving the inmate grievance system.

The Board helped establish the inmate grievance program in the late 1970s. The grievance system was created to provide people in custody with an administrative process to resolve issues regarding their confinement. Today, we monitor that system through annual program audits, individual case reviews, and we provide an independent recommendation on all cases that reach the highest level of appeal. Additionally, we created an interagency team with DOC and H+H to identify policies and practices that must be improved.

If the Department of Correction limits a person in custody's access to any of eight key programs or services – including visits, law library, and religious services – then that person can appeal the restriction directly to the Board. We have expanded and improved our restriction appeal handling process, responding to approximately 270 appeals in 2017. We issue monthly reports monitoring these appeals and in-depth reports on patterns and practices in these areas. For instance, last week, we published findings regarding 1,100 visit restrictions and our recommendations for a safer and more accessible visiting process. The Board's role as an independent and neutral arbiter in this area is one of few national models for jurisdictions that are trying to improve their jail grievance systems.

Another focus of our monitoring continues to be access to health and mental health care. We work with Health and Hospitals to publish an extensive monthly report that shows, jail-by-jail, whether people have access to every type of health and mental health service. In response, Health and Hospitals and DOC have developed an action plan to improve access. Nationally, these reports are the most comprehensive real-time reporting on health and mental health care in a jail system.

3. More transparency, research, and public reporting

Evaluating operations and outcomes in the jails, sharing data, and increasing transparency are crucial to maintaining compliance with Board Standards. With increased funding, we have expanded this work. For instance, in the past year we issued comprehensive reports on Enhanced Supervision Housing (ESH), the Transgender Housing Unit, the increased use of jail lockdowns, and the first empirical analysis of splashings of staff in the country. Many of the Board's recommendations were adopted in ESH such as narrowing the criteria for admission; providing more individualized programming and timely reviews of progress; including the person in custody in their review; and revising the appeal process.

Additionally, we have worked with DOC to develop multiple public reports to track compliance and performance. In 2017, this amounted to 52 reports from DOC on segregation reform, restrictive housing, young adult programming and for the first time DOC's own audits of their

compliance with the Minimum Standards. These new sources of information inform Board policymaking and are uniquely transparent for a U.S. correctional system.

More cities and states as part of their justice reforms are creating correctional oversight bodies similar to the one New York City has had for over sixty years. Just last week the Washington State Legislature created a new, independent corrections ombuds office. We are thankful that this Administration and City Council have shown increased commitment to a strong, active, and effective Board of Correction. The Board is now better positioned to play an important role in reform, and we look forward to collaborating with the City Council and its many members who are engaged on these issues.

Thank you again to Chair Powers, Chair Gibson, and the Committees for the opportunity to testify today. We are happy to take any questions that you might have.