

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

By Joseph Ponte, Commissioner
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Good afternoon, Chairperson Crowley and members of the committee on Fire and Criminal Justice Services. I am Joseph Ponte, Commissioner of the New York City Department of Correction.

When I spoke to you last June, I told you that reform of a prison or jail system, especially one as large as ours, would require a team effort. We have an exceptional team in this Department and in this City, and together we are making great changes at DOC.

Before discussing the budget, I would like to describe some of the remarkable strides that the Department has made toward our Number One goal: safety. I have said many times that, without safety, nothing else matters. We have dedicated ourselves to reducing the violence inside our jails to keep both our staff and inmates safe. Since I was appointed in April, we have accomplished a lot, and we recently announced with the Mayor five major initiatives as part of a fourteen-point anti-violence reform agenda that will guide us moving forward.

Past Achievements

1. Adolescents

The DOC placed an immediate focus on changing the way we treat the adolescents in our custody. I spoke to several of you about this in October. The overarching goal of the adolescent reforms has been to tend to their essential development and educational needs, in a safe environment. This was a fundamental change: no longer treating adolescents like adults. Staff travelled to other jurisdictions to learn best practices, and they returned inspired to effectuate change. Among the changes that have been implemented: we increased the ratio of staff to inmates from 1:33 to 1:15, focused on recruiting staff who WANTED to manage (and in many cases, had experience working with) adolescents, and gave them the special training necessary to properly engage with the population. Additionally, we increased the kinds of programming available and modified the school schedule to allow inmates' days to be completely scheduled, which reduces idleness and increases access to educational, recreation, therapeutic, and other services. These combined efforts allowed us to do something that many have been asking for a number

of years -- fully eliminate punitive segregation for adolescents before the end of 2014. With your help, we did that in a matter of months. And we have only just begun. The Adolescent Working Group led by DOC is collaborating with stakeholders to develop new ideas and programs that build on this established foundation. Our priority is to continue to focus on the needs of our adolescents, especially those requiring the most support.

2. Mental health

We have also made great strides in dealing with our inmate population coping with mental-health issues. This group has been a fast-growing proportion of our overall inmate population. In 2007, 24 percent of our inmate population was diagnosed with mental illness. Today, they represent nearly 40 percent of our population. Thanks to the Mayor's Task Force on Behavioral Health and the Criminal Justice System, DOC was funded to build off the successes of our CAPS units and create new PACE units, which offer similar intensive services to inmates who have not infringed. To date, there are two established units, and initial indications show that they seem to be as successful as our CAPS units. We are now working with DOHMH to redesign the RHU model, based on the knowledge and insight gained from the success of the CAPS model. We have worked with health staff to ensure that all staff working in Mental Observation housing areas have the tools and information they need to make those areas as safe as possible – and will continue to look for ways to improve. For example, since the end of last year, security and health staff have met at the beginning of each tour so that all staff know about pertinent inmate behavior and interactions. Also, since last year, all new recruits and many current staff members have received the 8-hour basic Mental Health course, so they have additional tools to better understand and manage the mentally ill population.

3. Enhanced Supervision Housing

In addition, with the help of the Mayor and the Board of Correction, DOC recently created Enhanced Supervision Housing. ESH is a new housing unit meant to better supervise and manage dangerous inmates. This is not a punitive housing unit. Inmates who have shown a propensity for violence, or for inciting violence, will be housed in ESH, where they can be more closely supervised. Inmates in ESH are locked out for seven hours per day instead of the standard fourteen, and only half of each unit is locked out at any one time. During these lock-out periods, inmates are able to participate in specialized programs, make use of services, or congregate in the dayroom. Almost all services are provided in the housing area, to reduce the interaction of these violent inmates with other inmates. Only a small percentage, 7%, of our population is responsible for most of the violence. Enhanced Supervision Housing allows us to manage that small population, and disrupt repeated violence.

4. Punitive Segregation Reform

And because ESH allows us to securely manage the most dangerous inmates in our custody, DOC is able to enact broader changes to punitive segregation. This is another area where many have been asking for change for some time. I am confident, as we implement important safety measures, we can be smarter about our approach to punitive segregation, to ensure swift and certain consequences.

Recent changes include a sentence cap of 30 days per individual charge, a 30 day length of stay limit (and 60 days in 6 months), and the elimination of historically owed-time for past incarcerations. All of these significant changes have already been implemented.

Additionally, inmates found guilty of Grade II and non-violent infractions are locked out for seven hours/day, and no inmates are placed in punitive segregation for a Grade III infraction or an infraction committed during a previous incarceration.

5. Young Adults

Perhaps most notably, the newly adopted BOC rules prohibit young adults from being placed in punitive segregation as of January 1, 2016, provided that the necessary resources for staffing and alternative programming are available. As I mentioned earlier, DOC eliminated punitive segregation for adolescents and instituted new programming founded upon best practices. But creating a new young-adult housing area for 18-21-year-olds and eliminating punitive segregation for this age group is unprecedented – **there is no national model to consider, so we are creating one.** We are creating this new model based on lessons learned from our and others' adolescent reform efforts. We have established diverse working groups to gain insight and feedback from key stakeholders.

Next Steps and 14-Point Reform Plan to Reduce Violence

Now, let me take this opportunity to talk to you about our plan going forward.

We recently announced with the Mayor a 14-point plan to aggressively combat violence and promote a culture of safety at DOC. Five main initiatives target inmate-on-inmate violence directly, with nine additional initiatives helping to move DOC toward a safety-focused culture. Through this combination of initiatives, DOC will create and expand common-sense managerial and operational practices to strengthen performance, accountability, ownership, and transparency. I want to highlight the five major initiatives for you here today:

Five Major Initiatives to Reduce Inmate-on-Inmate Violence

1. DOC needs to keep weapons, drugs, and contraband out of Rikers

DOC will be asking the Board of Correction to revise the current visitation rules to redefine the scope of contact visits, establish a visitor registry, and broaden the criteria for restricting visitors. Recognizing that contact visits present an opportunity for the passing of contraband, permissible contact between a visitor and an inmate during a visit would be a brief kiss and embrace at the beginning and end of the visit. A visit registry would enable the Department to analyze trends and assess whether a visitor is coming to the jail to visit a loved one or is visiting for a gang-related objective or as a paid drug mule. We are also seeking to broaden the criteria for restricting visitors, consistent with the NYS Commission of Correction's rules and regulations. DOC should be able to restrict visitors based on a determination that permitting the visit would cause a threat to the safety, security, or good order of the facility or the safety, security, or health of the inmates, and not based specifically on visit-related events.

But let me be clear, I understand the importance of family connections in supporting our inmates, and keeping them connected to their communities outside the jail. None of these visit reforms will impede those legitimate and important ties. The goal is to create a common sense approach to the visit policy that allows for a case by case review and, when appropriate, imposition of visit restrictions as a means to limit the opportunity for contraband and weapons to enter our jails. In fact, such changes would bring the DOC closer in line with other large jail systems such as Los Angeles, Philadelphia, and Chicago.

In addition, we will be implementing enhanced searches of both inmates and staff through the use of K-9s. While we currently have K-9s, we will acquire additional dogs over the next year. This will complement the fact that 100% of our front entrance staff will also be trained in enhanced TSA-style search procedures by the end of this year. And to support those efforts, we are aggressively pursuing state legislation that will allow us to utilize the most effective scanning technology available to screen inmates for contraband. Such body scanners are widely used around the country but are not permitted in New York State.

2. DOC will create a new, integrated classification and housing strategy

DOC will comprehensively review its classification system, mine and analyze its data, and align that with a revised housing strategy. Only 7% of inmates commit violent infractions while in custody, so the focus will be on ensuring that the most violent inmates in DOC custody are separated from the majority of inmates who are non-violent. It will also serve to limit warring gangs and gang influencers from preying and recruiting inmates within the jails. DOC will look thoughtfully at a combination of statistical analysis

and intelligence to refine the inmate classification process, launching an initial model within a select facility by October 2015. We will use the lessons from that model to further improve the new plan, and ensure that it will work in all of our facilities. A dedicated Housing and Classification Unit will direct a full roll out of the new plan by April 2016.

3. DOC is ensuring comprehensive security camera coverage across Rikers

DOC had previously announced tripling the number of cameras within our facilities to provide 100% coverage of Rikers. DOC is committed to ensuring complete camera coverage of our priority facilities by the end of 2016, including for our adolescent and young-adult housing areas. By February 2018, we will have achieved complete camera coverage within all our facilities on Rikers. This will allow us to not only watch key areas in real-time, review past incidents for investigative and intelligence purposes, and provide protection for staff and inmates.

4. DOC will design and offer effective inmate education opportunities and services

We all know that keeping inmates involved in educational and rehabilitative programming helps to not only reduce their propensity for engaging in violent acts, but also supports their development and ability to re-integrate into society. DOC will institute a comprehensive idleness-reduction program that will dramatically expand the options available to all inmates for non-school classes and activities. All inmates will have the option of attending a minimum of five hours of programming daily, up from the current hour provided. I expect this to help reduce violence by keeping inmates focused on priorities that assist with rehabilitation and skill development.

DOC will provide access to these minimum five hours of programming on a rolling basis, starting with our youngest inmates. 16- and 17-year-olds by August 2015; 18-21 by December 2015, and the rest of the adult population by March 2016.

5. DOC will redefine first-line incident responses

DOC will fundamentally redefine first-line incident response within the Department. We will train over 300 officers as a part of our Emergency Services Unit in non-lethal force de-escalation and intervention techniques. Currently, Emergency Services Units are centrally located and officers are dispatched to facilities as incidents occur. Under the new plan, officers will be placed in key facilities to ensure rapid response, swift resolution of violent incidents and minimize any chance of escalation or collateral violence. In addition, thanks to the Mayor's Behavioral Health Task Force, DOC is working with DOHMH to jointly develop specially trained Crisis Intervention Teams, which will involve training 1,000

officers to de-escalate and respond to incidents that involve special populations like the mentally ill. These teams will start to roll out by July 2015.

Financial and Facility Section

I have never hidden from anyone the state of our Department when I arrived – violence has been on the rise, low morale exists for both inmates and staff, and facilities are deteriorating. Over the years, this situation has created the need for a subsequent increase in oversight and, in several areas, has also resulted in mandated requirements.

I thank the Mayor and the City Council for your support in providing funding in the recent financial plans. This has allowed us to start implementing some of the desperately needed changes to maintain a safe and secure environment for staff and inmates. Continued support will enable the Department to implement the changes we need, which will transform a culture of violence to a culture of safety.

Already Funded Programs

Funding provided in the previous financial plans has allowed the DOC to begin implementation of new programs and initiatives, while expanding others. These include:

- the expansion of inmate programming services, such as I-CAN, which provides skill building and discharge preparation services to eligible inmates;
- better management of our young adult and adolescent population by lowering the inmate-to-officer ratio and eliminating the use of punitive segregation for 16- and 17-year-old inmates;
- enhanced and specialized officer training;
- most notably, the implementation of Enhanced Supervision Housing, as I discussed earlier.

I would also like to thank the members of the Board of Correction for working closely with us and supporting our plans with respect to these new initiatives. Such support is crucial in order for the DOC to move in a positive direction. We all wish that these changes could be easily implemented overnight—at least, I know I do. Unfortunately, the reality is that these changes will take several years to implement, and they will be extremely challenging and costly.

Regarding the FY16 Preliminary Budget and its impact on DOC (February Plan)

The Department's Fiscal Year 2016 Expense Budget is \$1.17 billion. The vast majority of this, 87%, is allocated for Personal Services, and 13% for OTPS budgets. The Fiscal Year 2016 budget is \$30 million more than this year's budget of \$1.14 billion. This increase is mainly due to the annualized value of funding for the additional uniformed staffing provided in the Preliminary Budget.

The Preliminary Financial Plan included additional expense funding for critical needs, new initiatives and programs -- totaling \$20.3 million in Fiscal Year 2015, \$54.3 million in Fiscal Year 2016, and \$43.8 million in Fiscal Year 2017, increasing to \$49.1 million in Fiscal Year 2019 and the out-years.

The following are some highlights of the major programs that were funded:

- \$12.6 million in FY'15 and \$25.3 million beginning in FY'16 was provided for 282 uniformed and 6 civilian positions, including officer training, to reduce the officer-to-inmate ratio to the young adult—18- to 21-year-old—population.
- \$1.1 million in FY'15 and \$2.4 million in FY'16 was provided for facility equipment replacement and repairs, such as water pumps, plumbing pipes, and environmental cleanup on Rikers Island.
- \$1.8 million was provided for the replacement of all ceramic lavatory sinks and fixtures with suicide-resistant stainless steel sink fixtures within all of the Department's facilities over the next four years.
- \$641,000 in FY'15 and \$2.6 million beginning in FY'16 was provided to fund additional civilian positions within our legal, public information, and inmate programming areas. These include:
 - new Deputy Commissioner positions for Adult Programming and Community Partnerships and for Youth Offender Programming
 - 20 Correctional Counselors to work in adolescent and young adult inmate housing areas, responsible for implementing and facilitating rehabilitative and behavioral modification treatment programs. These are specially trained officers to work with these key communities.

- \$783,000 in FY'15 and \$2.3 million beginning in FY'16 was provided for 8 uniformed and 23 civilian positions to enhance and expand the operations of the Applicant Investigation Unit, including additional Investigators, Psychologists, Nurses, and clerical staff.
- \$590,000 in FY'15, \$6.6 million in FY'16, and \$545,000 beginning in FY'17 was provided for vendor fees, officer backfill overtime, training materials and equipment for first responder training, first aid training, and professional development of our officers.
- \$305,000 in FY'15 and \$1.2 million beginning in FY'16 was provided for 12 uniformed and 3 civilian positions to establish a Recruitment Unit.
- \$124,000 in FY'15, \$5.1 million in FY'16 and \$652,000 beginning in FY'17 was provided for the replacement of obsolete and damaged equipment, including tables in housing areas, personal and protective equipment for officers, office equipment, and recreation equipment for inmates.

Capital Funding

With regard to capital funding, the Fiscal Year 2016 Preliminary Capital Budget and Commitment Plan totals \$1.436 billion, which covers Fiscal Years 2015 through 2025.

As you know, many of the Department's buildings are in a state of disrepair, requiring either major rehabilitations or complete replacement. Of the 13 operating jails (with the exception of North Infirmiry Command which has undergone a complete renovation this past September), the average age is 32 years old, 3 of which are more than 50 years old yet house a significant population of inmate and staff. Many of these facilities require major renovations in order to be in compliance with NYC 2008 building codes and mandated Court-ordered requirements. These facilities have been neglected to the point that major renovations are now needed for fire safety, heating, ventilation, A/C, new roofs, and façade restoration, among others repairs.

Facility-renovation projects provide several benefits, most notably a healthier and safer environment for staff, inmates, and the visiting public. This will result in decreased injuries, loss of life, and external mandates. A safer environment will increase staff morale and public perception, and it will contribute toward a reduction of violence in the jails.

In addition, the aged and neglected infrastructure on Rikers Island—including its sewer and water distribution systems, roads, and gas and steam lines—requires major overhaul, replacement, and repairs, due to its deteriorating condition.

I'm pleased that the Mayor has committed to support these critical facility needs and has instructed OMB to work closely with DOC to develop a comprehensive 10-year plan to begin addressing them during the upcoming Executive Financial Plan.

Cameras

\$17.3 million was allocated in FY'15 for the Camera Expansion Initiative. This funding will provide for the purchase and installation of 4,800 cameras and associated equipment to expand coverage at all jails on Rikers. We have begun to conduct a facility-by-facility design analysis to determine necessary camera locations within each facility for full coverage of accessible areas.

A number of priority facilities will be used as a pilot to assess any potential issues encountered before proceeding. The initial focus will be to provide full coverage to our adolescent and young-adult populations. As the camera-installation process begins at these priorities facilities, the design and scope of work for the next facilities will occur concurrently, and upon design completion a task order will be issued for installation services to begin at these facilities. This overlapping process enables the installation of cameras to continue at several facilities at a time depending on the resources available by the vendors and the Department's ability to reallocate inmates to allow access for the vendors to perform the work. This represents a huge effort for us. In the past year, DOC had been averaging thirty camera installations or repairs per month. Moving forward, DOC will accelerate to an average of sixty cameras a month to meet our goals.

Headcount

The following is a summary of the Department's civilian and uniformed authorized staffing levels:

- The full-time civilian authorized headcount was increased by 71 positions in the Preliminary Plan. The number of authorized full-time civilian positions is 1,737 in Fiscal Year 2015 and 1,735 in the out-years. The decrease in the out-years is due to grant and intra-city positions that have not yet been accounted for in the out-year budgets.
- The uniformed authorized headcount increased this year from 9,109 to 9,537, mainly due to the addition of 80 positions for the adolescent inmate population and 282 positions for the young adult inmate population in order to reduce the officer-to-inmate ratios. The

uniformed authorized headcount for Fiscal Year 2016 and the out-years is 9,526, which does not account for 11 grant-funded positions anticipated to be added in the out-year budgets.

The average uniformed headcount is estimated to be 8,815 in Fiscal Year 2015, which represents a decrease of 185 positions, as compared to the 9,000 average in Fiscal Year 2014.

The October 2015 correction officer class size was 155 recruits; of these, 144 graduated in February. Earlier this month, an additional 398 recruits entered into the Academy. Although the number of recruits that have been hired this fiscal year is approximately 50 more than the previous year, the headcount has still not reached our authorized level. To reach the authorized uniformed headcount at all jail facilities, taking into account future attrition and the number of recruits in the academy, would require the hiring of approximately 2,000 officers next fiscal year. We are reviewing all options to ensure the maximum number of recruits can be hired next fiscal year, but due to the size of our academy, the duration of new recruit training, and the necessity to continue to provide in-service training to current staff, the hiring of this number of officers will extend over the next few years. Until that point, posts must continue to be filled on overtime.

I thank our officers for their hard work and dedication and want to reassure them that help is on the way. With the additional funding recently provided for additional personnel and other resources, a Recruitment Unit will be established to increase our recruitment efforts, services by Applicant Investigations Unit will be expanded and enhanced to ensure candidates are thoroughly vetted, and training provided at the academy will be revised to ensure recruits are held to higher standards and are well prepared before joining our family of the boldest.

Conclusion

I am very optimistic about the future of the NYC Department of Correction and the direction in which we are heading. My long experience has taught me that the level of support provided by the administration, council members, external oversights, unions, staff, and the community all play a role in making those changes that will allow a correctional system to perform at optimal levels. With the funding already provided, the commitment shown by Mayor de Blasio, and the assistance of the members of the City Council, we will continue to work tirelessly to implement these changes in order to create a safe and healthy environment for all staff and inmates within our facilities, and to provide programming services to inmates that will enable them to successfully integrate back into our community.

Thank you again for this opportunity to testify. This is my fourth testimony before the Council since coming to DOC in April of last year. I have also spoken with many of you informally outside of this setting. What I have said repeatedly is still true: Despite the tireless, everyday effort of many fine men and women, New York City's Department of Correction is deeply troubled. It will take fundamental change to undo years of declining conditions, and that takes time. We have made significant and dramatic improvements in the last eleven months, but our work is far from done. I commit to you that, with your help, we will make the changes necessary to turn this around.

At this point, I'd be happy to take your questions.