



Statement before the
New York City Council
Committee on Criminal Justice and Subcommittee on Capital Budget

Keith Powers, Chairperson

Vanessa L. Gibson, Chairperson

By Cynthia Brann, Commissioner

NYC Department of Correction

March 15, 2018

Good Morning, Chair Powers, Chair Gibson, members of the Committee on Criminal Justice, and members of the Subcommittee on Capital Budget, and welcome to the new Members. My name is Cynthia Brann. I am the Commissioner of the New York City Department of Correction (DOC). I – and my colleagues – am happy to speak with you all about the Department’s FY19 preliminary expense and capital commitment plan and the FY18 PMMR. I look forward to working with the new Speaker and the Criminal Justice committee over the next few years. In that context, I would like to take this opportunity to explain to all of you my vision for the Department, my goals, some of our challenges, and ultimately, about some of DOC’s recent work as it relates to our budget and recent PMMR.

As you all know, DOC is a vast, complex organization, more in the public eye now, than ever before – which is quite the change from just five years ago before this Administration took over. We have more than 10,000 members of staff and process more than 60,000 admissions and discharges every year. We currently operate twelve separate jail facilities, on and off Rikers, as well as two hospital prison wards and court facilities in each borough. In addition, we operate support service divisions including our transportation division and facility maintenance division. Our staff are responsible for the care, custody, and control of approximately 9,000 individuals every day. This number is down significantly from the start of the de Blasio administration, reaching under 9,000 for the first time in over thirty years, but those in our custody have unique needs and challenges, which we strive to meet. Even before the reduction in population, we took a conscious effort to move away from a one-size-fits-all model, and specifically look at how we could provide more tailored management – a combination of both security and care – to smaller sub-populations that all have different needs. We are responding to the lowering population by better serving those unique populations. We have vastly increased programming, services, training, and tools, all while changing our custody management models.

We strive, regardless of where we are, to be the best Correctional Department in the country. My vision – my goal – is:

- to move the Department expeditiously out from under the Nunez consent judgement (which I will speak to later), because this will prove we have not just made, but sustained, the changes we know are necessary;
- to more meaningfully support and better integrate the Department into the City's broader Criminal Justice System;
- to develop a lasting leadership development pipeline for our uniform and non-uniform staff;
- to provide the tools, programming, and training to ensure meaningful and safe engagement between staff and those they care for; and, most importantly,
- to ensure our jails are safe – that our staff go home safe every day and those in our care have every opportunity to leave better than they arrived – because no meaningful reform and change can happen, if people involved do not feel safe.

Smaller, Safer, Fairer

With that said, the Department fully supports the city's plan to replace the facilities on Rikers Island with a modern, updated borough-based jail system. Research shows that people are more successful when they are closer to their support systems during incarceration, so we think it is important to rely on borough facilities that facilitate maintaining connections to family, friends, and other important community members. Borough facilities also make it easier for attorneys to visit their clients, strengthening access to the justice system. More importantly, borough facilities will mean new, modern facilities, constructed to meet the needs of best correctional practices that are far more focused on integrating safety and access to services and programming. These are not principles that are reflected in the facilities we have now.

Moving the population off of Rikers requires two things: further reducing the population and building new facilities. The city has already reduced the incarcerated population to the lowest it has been in over thirty years. New York City has one of the lowest rates of incarceration in the country. Reducing it further requires the continued commitment from city agencies as well as the District Attorneys and the Office of Court Administration. State legislation, including bail reform legislation, is critical to achieving this goal.

For the Department, closing Rikers is an opportunity to build new, modern jails, which we desperately need. DOC's facilities are old and outdated. Several have fallen into disrepair, and all of them have antiquated designs that do not align with modern correctional best practices. As I noted, new jails are designed to improve safety but also fundamentally integrate services and programs to give staff and people in our custody the best opportunities to succeed.

New facilities have better sight lines and incorporate modern technology, both of which make areas safer and more efficient. They are designed to not just offer, but facilitate and encourage programming and access to services. Anyone who has worked or lived in a jail can tell you that

ensuring access to services is not just humane, it is important for preventing conflicts. In our facilities, most programs and services are offered in make shift central areas, so individuals must be brought from their houses to the program space, which might be at the other side of the building. This can be challenging. Individuals who are usually kept apart might see each other in common spaces, so hallways and program areas may provide opportunities for altercations. If there is an incident in a common space, it can interrupt everyone else's access to that program area for a few hours or the rest of the day. In modern facilities, programs and services are provided in or immediately adjacent to housing units. This reduces movement, reduces possibilities of altercations, and ensures more consistent access to services.

Furthermore, new facilities incorporate design features that work to reduce tension, which makes people healthier and reduces violence. Improved light, sound, and space create a better environment for both staff and incarcerated individuals. For example, in some jurisdictions, housing areas have walls or ceilings that absorb acoustics. This reduces the noise level in areas, which reduces stress levels, which can reduce fights.

We have been renovating our facilities to try to accomplish some of these goals, but we are very limited by our structures – some of which you have seen. Ultimately, the full scope of what constitutes best correctional practices and design are impossible in our current facilities. We are literally unable to make the changes necessary without tearing down facilities and starting anew. New, modern facilities would enable us to create a much safer, better environment for everyone.

Focus on Reforms

Of course, looking ahead cannot distract us from focusing on the needs of the present. We cannot wait for new facilities to implement necessary changes. My responsibility is to ensure that everyone in our facilities – staff, inmates, and visitors – are safe. To that end, over the last few years we have been reforming how we approach corrections. At the beginning of this administration, DOC conducted a thorough institutional health survey. We combined this insight from our staff with national best practices to formulate the 14 Point Anti-Violence Reform Agenda, which focuses on reducing violence and supporting culture change at DOC through a multi-pronged, long-term effort. In fact, our agenda informed details of the Nunez consent judgment that were ultimately agreed to and went into effect in late 2015.

Our reform agenda has focused on a few major areas. Perhaps most importantly, we have focused on our staff. Training for recruits has been extended to twenty-three weeks from roughly seventeen. Recruit and in-service training now includes a substantial focus on de-escalation techniques, negotiation and mental health first aid, crisis intervention, improved defensive tactics, and specialized training appropriate for working with specific populations, such as gender-responsive training and dialectical behavioral therapy for our youth. Our goal is to ensure that our staff have the tools they need to do their jobs, engage meaningfully, and go home safely.

Another critical piece has been moving away from a one-size-fits-all management model, as I said in the beginning, toward models tailored to address the diverse needs of the population. We began by redesigning our adolescent management strategy to mirror juvenile justice best practices. Building on this, we created a young adult population cohort to provide age-appropriate

programming and management. With Health + Hospitals (H+H), we have created clinically focused housing areas to provide a high level of mental health care. We continue to identify groups for whom we can tailor management, to create a safer environment for everyone.

For all of our populations, we have begun emphasizing programming and reentry services. In fact, we now provide re-entry services to every individual who enters our system. Previously, re-entry was only focused on those designated as having mental health issues. We now offer five hours of programming every day, up from less than forty-five minutes at the beginning of the administration. Programming is critical to support DOC's overarching goal of increasing safety for staff, inmates, and our communities. In the short-term, programming reduces idleness, which is an effective mechanism to reduce violence. In the long-term, meaningful programming better prepares individuals to return to our communities. If people can receive hard and soft skills training while in custody, they are more likely to be successful after returning home.

Programming is also incorporated into our new models for managing behavior. We have reduced our reliance on punitive segregation and have instituted a continuum of alternative sanctioning options. Programming complements this by incentivizing positive behavior. More importantly, our focus now is not on simply controlling behavior but on changing behavior, with targeted programming to address underlying issues.

This is a key point – we are actively moving away from a punishment-only model and focused on building a safe, but productive, engagement model that balances incentives and consequences. Before, we utilized very limited options, either keeping people in general population or placing them in varying days of punitive segregation, including some individuals who were in for hundreds of days. We do not believe that approach has been effective. We now have a broader spectrum of response to infractions, increasingly saving our most restrictive sanctions for the small population of our most violent individuals.

Between the end of 2014 and 2016, the Department ended the use of punitive segregation for our 16-21 year olds. We are the first in the nation to do so for 18-21 year olds. We have also limited the use of punitive segregation to only respond to our most violent infractions. We have made changes to limit punitive segregation stays to no more than thirty consecutive days and no more than sixty days in a six-month period, with limited exceptions. We have reduced the number of people in punitive segregation from over 675 in a day to roughly 100, which is a decrease of more than 80%.

There are sanctions available for those who infract. Adults who are the most violent can still be placed in punitive segregation. Both adults and young adults (aged 18-21) can be placed in Enhanced Supervision Housing (ESH). ESH is a level-based management tool that is designed for those who are persistently violent or gang leaders. Individuals are placed in progressively less restrictive lock-out times – starting with seven hours out and progressing to ten and fourteen hours out – if they consistently participate in programming, engage with multi-disciplinary teams to address their violent behavior, and follow house rules and do not further infract. Let me be clear, though: we NEED more. We need a broader set of intervention strategies that respond to negative behavior designed to operate in conjunction with each other to increase accountability, ensure

safety, and reduce recidivism by preventing future criminal behavior. A system of graduated responses provides a way to address both positive and negative behavior. While we have plethora of individual and group incentives available to grant as a reward for sustained compliance of good behavior, currently, our ability to impose meaningful consequences for infractions is limited.

Security Indicators

We recognize that violence remains a concern, and we will not hide from our obligations to continue to address these issues. While we are not done, our initiatives have yielded important results. Between FY14 and FY17, incidents resulting in serious injuries have decreased significantly. Uses of Force (UOF) resulting in serious injury are down 47%. Assaults on Staff (AOS) resulting in serious injury are down 59%. Serious injury to inmates from fights/assaults are down 12%.

Those patterns hold for Young Adults, a particularly problematic population. Among 18-21 year olds, UOF resulting in serious injury are down 53%, AOS resulting in serious injury are down 61%, and serious injury to inmates from fights/assaults are down 36%. These positive trends have continued even as we have eliminated punitive segregation for this extremely challenging population.

We started focusing reforms on adolescents early in 2014, and there results among this population have been exceptional. UOF resulting a serious injury are down 50% and UOF resulting in in ANY injury are down 17%. AOS resulting in serious injury are down 100%. There were no AOS resulting in serious injury among the adolescent population in FY17. All incidents among adolescents decreased from FY16 to FY17.

One area where progress has been more limited is slashings/stabbings, although our work to reduce these incidents did result in some improvement in the first half of FY18. We have been addressing this issue through searches, recovering 3,976 weapons in FY17, an increase of 69% since FY14. Of course, as the Council is aware, our ability to search for certain weapons is limited by state law that prohibits the use of certain body scanners. We continue to work with the state to pass legislation that would allow these scanners to be used.

We see some encouraging signs for FY18. As indicated in the PMMR, the rate of violent inmate-on-inmates incidents is down 6%, with the rate of serious injury from such assaults down 21%. In the PMMR period, slashings/stabbings were down 41%, a remarkable decrease.

The PMMR also highlights where we must continue to improve. The data shows increases for Uses of Force (UOF) and Assaults on Staff (AOS) resulting in serious injury. Serious UOF are still less than 4% of the total UOF, despite the increase. We take these increases seriously. In the past few years, we have worked with the Nunez monitor to revamp our UOF policy and have provided all uniformed members of staff with the five day training on UOF policy, de-escalation techniques, and defensive tactics. We are now beginning our second phase of training for all staff. There is more work to do, and we are not where we want to be. Fully resolving the complex issues surrounding UOF is a challenge.

But targeted efforts are already producing results. In those areas where we have targeted specialized reforms to serve particular groups, we see dramatically lower rates of incidents. In units designed for treatment for inmates with serious mental illness, incident rates decrease dramatically

for inmates brought into the unit. On average, individuals show a decrease in the rate of UOF in CAPS and PACE¹ of 41% and 70% respectively, and a decrease in the rate of AOS of 48% and 67% respectively. In our Secure Unit and ESH, designed for highly violent and problematic inmates, on average, inmates who are moved into the units show decreases in rates of UOF of 49% and 15%, respectively, and decreases in the rate of AOS of 100% in Secure Unit. ESH, which houses many of the inmates responsible for slashings, sees the average rate of slashings for inmates who enter decrease by 62%. Our restarted units in general population, where we have concentrated reforms, also continue to be effective. Inmates who move into these units show decreased rates of UOF (down 50%), AOS (down 40%), and slashings (down 59%).

All of these data points provide evidence that targeted intervention works. Because not all inmates and not all incidents are the same, the responses and approaches must be likewise specific and target to address root causes and specific inmate needs.

FINANCIAL PLAN UPDATE

Critically, our work to improve our system and incorporate correctional best practices receives ongoing support from City Hall. This support means that we finally have both the financial resources to implement reforms and the ability to partner with other agencies in meaningful ways.

FY19 Preliminary Budget and Its Impact on DOC (January Plan)

The Department's Fiscal Year 2019 Expense Budget is \$1.40 billion. The vast majority of this, 88%, is allocated for Personal Services, and 12% for Other than Personal Services. The Fiscal Year 2019 budget is \$45.2 million less than this year's budget of \$1.45 billion. This decrease is mainly due to the closure of the George Motchan Detention Center (GMDC) on Rikers Island, which takes full effect in Fiscal Year 2019.

Included in the Preliminary Budget is an increase of \$4.2 million in Fiscal Year 2018, and decreases of \$31.7 million in Fiscal Year 2019, and \$34.4 million in Fiscal Year 2020 and the out years.

The following are some highlights of the major programs that were included in the budget:

- **The closure of the GMDC** - \$10.2 million savings in FY2018 and a \$55.2 million savings in FY2019 and the out years. This includes the elimination of 698 uniformed positions through attrition. No staff are being laid off due to this facility closure.
- **Initiatives to Support the "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island" report:**
 - \$846 thousand and 17 positions in FY2018, increasing to \$1.7 million in FY2019 and the out years for Strategy 16a: Create expedited transportation to Rikers Island through dedicated buses that transport visitors from more convenient locations;

¹ CAPS is the Clinical Alternative to Punitive Segregation and PACE is the Program for Accelerated Clinical Effectiveness. Both units are run by DOC and H+H to provide high levels of care to those who have serious mental health needs.

- \$1 million in FY2018 for Strategy 16b: Renovate the Central Visits facility to allow for better initial screening and reduce the need for additional searches that slow the visit process; and
 - \$1.2 million and 13 positions in FY2018, increasing to \$1.1 million in FY2019 and the out years for Strategy 18: Expand supportive services for correctional officers (CARE).
- **Additional Active Supervision Posts** – \$8.2 million in FY2018, increasing to \$14 million and 186 positions in FY2019 for additional Correction Officer posts necessary to maintain active supervision in all required housing areas.
 - **Nunez Compliance Unit** – \$761 thousand in FY2018, increasing to \$1.5 million and 12 positions in FY2019 to establish a unit dedicated to monitoring and implementing reforms required by the Nunez Consent Decree.
 - **RMSC Visit Initiative** – \$1.6 million and 8 positions in FY2019 and the out years to improve visits for incarcerated women, especially those with children, in order to maintain family ties during incarceration.

Capital Funding

With regard to capital funding, the Fiscal Year 2019 Preliminary Capital Budget and Commitment Plan totals \$2.1 billion, which covers Fiscal Years 2018 through 2022. In this Plan, the Department was granted an additional \$3 million in City funds to support the Mayor's "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island" report:

- \$2 million for an Inmate Assessment Tracking System for Strategy 15c: Implement a new technology tool that will ensure continuity of stabilizing support, in order to assess the needs of inmates as they enter the Correctional system; and
- \$1 million for buses as announced in the Mayor's "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island" report for Strategy 16a: Create expedited transportation to Rikers Island through dedicated buses that transport visitors from more convenient locations.

Headcount

During the past four years, the Department has been able to achieve unprecedented levels of Correction Officer recruitment and hiring. Including the record setting Correction Officer class of 1,144 that graduated in November 2017, and the class of 856 recruits that is currently undergoing training at the Academy, the Department has hired over 5,700 new Correction Officers since May 2014. These new Correction Officers have enabled us to enact the reforms necessary to provide a safer and better environment for our inmates and staff.

The following is a summary of the changes to Department's civilian and uniformed authorized staffing levels included in the January Plan:

- The civilian authorized full-time headcount is 2,195 in FY2018 and 2,202 in FY2019 and the out-years. The authorized headcount increase from FY2018 to FY2019 is due to newly funded initiatives that will not begin until FY2019.
- The uniformed authorized headcount is 10,427 in FY2018, 9,967 in FY2019, and 9,983 in FY2020 and the out years. The authorized uniformed headcount decreases from FY2018 to FY2019 due to the closure of GMDC, which takes full effect in FY2019. The average uniformed headcount is estimated to be 10,712 in FY2018, which represents an increase of 824 compared to an average of 9,888 in FY 2017.
- The FY2018 July 1st 2017 to December 31st, 2017 Civilianization Report provided to the City Council identified 53 uniformed staff working in civilian functions. The Department is committed to bringing that number down by backfilling previously funded vacated civilianized positions. Additionally, the Department will continue working to identify additional positions that could be civilianized and address funding requirements with OMB at the appropriate time.

Thank you again for the opportunity to testify today and for your continued support. Without the Mayor and Council's vision for Criminal Justice Reform, we would not be able to talk about the many reforms we have undertaken. I look forward to working with you all in the years to come. My colleagues and I are happy to answer any questions that you may have.