

Statement before the
New York City Council
Committee on Fire and Criminal Justice Services

And

Committee on Finance

Elizabeth Crowley, Chairperson

And

Julissa Ferreras, Chairperson

By Joseph Ponte, Commissioner

NYC Department of Correction

May 8, 2017



Good morning, Chair Crowley, Chair Ferreras, and members of the Fire and Criminal Justice Services and Finance committees. I am Joseph Ponte, Commissioner of the New York City Department of Correction. I am happy to speak to you all today about the department's Fiscal Year 2018 Executive Budget.

Changes to City Corrections

Over the past few years, the department has been implementing significant reforms to fundamentally transform the way we operate. Two significant developments in the last few months promise to make permanent changes to city corrections.

First, the Mayor announced in late March that the city will work to move the jail population off of Rikers Island over the next decade. This plan would move the city's inmate population from Rikers Island (where approximately 80% of the inmates are currently housed) to facilities around the boroughs.

This plan is contingent on reducing the daily jail population by about half, to 5,000. The jail population is already down 18% since the Mayor took office three years ago. New York City's incarceration rate is lower than any other major city in the country. If we are able to further reduce crime and find additional ways to reduce safely the number of people who enter jail, we believe that the city can meet this goal in the next decade. Success in reducing the jail population to 5,000 over the next decade requires engagement by many different decision makers whose actions affect the size of the jail

population, including courts, district attorneys, defenders, pretrial service agencies, state corrections and parole, as well as of New Yorkers themselves. DOC recognizes its role in providing programming and supports for inmates to reduce recidivism as well as continuing our efforts to produce inmates to courts on time. Equally, if not more, important, though, will be the cooperation of the many different parts of the criminal justice system, in speeding up the time it takes for a case to be completed and ensuring that individuals who can be safely supervised in the community do not enter jail. The Mayor's Office of Criminal Justice has already been leading and coordinating such efforts.

As the Mayor stated when he announced this commitment, there are currently no assumptions about where the jails will be built or how many there will be. We look forward to working with the Council to select sites for new facilities that will serve our city better.

The second significant change to the future of city corrections and criminal justice came in early April, when the state finally passed Raise the Age legislation. Right now New York and North Carolina are the only two states that automatically treat sixteen year olds as adults in the criminal justice system. The Raise the Age legislation raises this age to eighteen by October 2019. The law also requires that all adolescents be moved off of Rikers Island by October 2018, at which time they will be managed by the Administration for Children's Services (ACS) in conjunction with DOC. We are working together to design that new adolescent management model now. The city has strongly supported the Raise the Age initiative and we are very happy that it has finally passed, bringing state law into alignment with the city's goals for our young people.

Recent Events

Before I continue with an update of the department's 14-Point Plan reform agenda and the budget itself, I want to touch upon some recent events. The Department of Investigation (DOI) released a report last week that stated that I and several members of my senior staff violated the city's policy regarding use of personally assigned city vehicles. We now know that certain long-standing DOC practices did not accurately reflect the city vehicle use policy.

In addition, my personal understanding did not accurately reflect city policy. Given the unique nature of my work as commissioner of correction, pursuant to longstanding policy and practice, I am one of the select city government executives who is entitled to a security detail, which includes staff and vehicle use 24 hours a day, seven days a week, for city business or personal use. It is my understanding that the need for my protection and security is the same whether I perform an official or personal task. I now recognize that this same standard does not apply to use of my personally assigned vehicle and I misunderstood the city's vehicle use policy.

As the DOI inquiry into vehicle use at DOC is ongoing, I cannot speak to that directly, but I can tell you what steps I have taken and am committed to taking to ensure that our vehicle use is in full compliance with city policy.

- We have reached out to the City Conflict of Interest Board (COIB) for formal guidance on certain vehicle use. The city is also updating its written rules for vehicle use, so DOC's policies will be updated to align with the new policy and any COIB interpretive guidance.
- We are strengthening our internal compliance checks on vehicle use, to ensure that in the future, a similar situation does not arise. We are designating an internal Department Vehicle Use Compliance auditor and will conduct our own audit of use, as recommended by DOI.
- Finally, as I have previously stated, I will fully reimburse the city for my personal use of my city vehicle.

I cannot speak to DOI's work, because it is ongoing, so there is nothing more that I can tell you on the subject at this point. I have delegated independent authority to our General Counsel to review this matter and take any necessary action. DOI may choose to update you on their findings as soon as their audit is completed.

Reform Agenda Update

As the Council is aware, the department has been proactive in improving how we operate. When I came to NYC just over three years ago, I promised to reform the way the department operates. To determine the department's greatest needs, I consulted the experts: our staff. We conducted an organizational health survey of all DOC staff – uniformed and civilian. This paper survey got an 80% response rate and 700 pages of suggestions and other comments. This feedback demonstrated to me that DOC staff are dedicated to the department and to doing their jobs well. The survey results, which outlined DOC's strengths, shortcomings, and needs, informed the development of the 14-Point Anti-Violence Reform Agenda, which has been the guidebook for our transformation. The initiatives focus on reducing violence and changing the culture at DOC. The fourteen agenda items have included more than 300 initiatives, including everything from installing new line scanners in facilities, to opening canteens to ensure staff have food options throughout their tours, to developing an incentive-based housing system.

The most important change of the last few years might be our new approach of managing different inmate populations to address their unique needs. We have spoken about this approach before. We began in 2014 by overhauling our adolescent housing and management model to more closely resemble juvenile systems. This was followed by the creation of a young adult housing cohort for eighteen to twenty-one year olds, so that they too could be managed in a way that takes into account their

developmental stage. We have created the Program for Accelerated Clinical Effectiveness (PACE), where seriously mentally ill inmates are managed in clinical settings run by DOC and Health + Hospitals' Correctional Health Services. In the female facility, targeted programming and a modified disciplinary system address the needs of the female population, many of whom are known to mental health and have history of victimization themselves. Even the challenging persistently violent population has been the focus of progressive management models and targeted programming, with the elimination of long-term punitive segregation, the creation of Enhanced Supervision Housing (ESH), and a general effort of housing people based on their propensity for violence.

Managing populations differently does not simply mean different management models and programs. The strategies are most effectively implemented through targeted training of our staff. Staff who work with adolescents and young adult inmates receive training appropriate for working with those age groups. Staff who work with the seriously mentally ill population receive additional mental health training, including the training of Crisis Intervention Training (CIT) teams in those jails. Staff in the female jail receive gender-responsive training. Additionally, in my tenure, we have started hand-selecting recruits to work with these populations while they are in the academy, instead of simply assigning new officers where they are needed. This considered selection process allows us to give new officers the tools they will need in their assignments and to take advantage of the staffs' skill sets. For example, a new officer who enjoys working with young people and has experience working with young people in schools or another setting may be better suited to work with adolescents than an officer who is not as comfortable working with kids.

DOC's reforms do not stop with special populations; we are also transforming general population units across the department. In our model facilities, we are shutting down housing areas one-by-one and restarting them as Accelerated Programming Units (APU). In these units, inmates are afforded five hours of daily programming (more than five times more than had been offered in 2015), staff are trained in the new unit management, inmates are classified and balanced with the new Housing Unit Balancer (HUB) system, and an incentive-based behavior management system is implemented, to encourage positive behavior and program participation. The areas are also physically renovated. GRVC became the first model facility in September 2015. AMKC became the second a year ago. OBCC and now MDC have started their model facility transformations this year. GMDC, which houses the bulk of the young adult population, has restarted its housing units, as well.

In addition to the restarted APUs, the model facilities change how they respond to incidents in the jails. Traditionally, any alarm would stop all movement in the facility, for the duration of the incident response. This was regularly disruptive to programs, clinic production, and all other services. DOC is

replacing this old system with the Incident Command System (ICS). ICS is a comprehensive plan and response protocol based on the National Incident Management System (NIMS), which is used by the federal government. It is a tiered response system, which allows facilities to respond to alarm situations in the most appropriate way to prevent escalating an incident and without unnecessarily disrupting other programs and services.

The last major reform I want to touch upon is the department-wide program expansion. Under this administration, we are prioritizing programming in a way that has not been done before. In 2015, an average of forty-five minutes of programming per day was available to each inmate, including mandated services such as barbershop and law library. By the end of the summer, we will offer five hours of programming to each inmate each day, in addition to their mandated services. We are hiring program counselors (eventually eighty positions, up from fewer than twenty), working with several community-based organization partners and universities to offer life skills and vocational skills trainings – everything from art therapy to electrical courses and professional certifications. This therapeutic, educational, and vocational programming helps inmates prepare for release and helps break the cycle of recidivism.

Offering meaningful programs like these not only reduces idleness (and therefore violence), it allows the people in our custody to use their time meaningfully and prepare for their discharges. More than 75% of those in our custody are released directly back to the community – not sent to prison or another jurisdiction – so preparing people for that return is in the city’s best interest.

To that end, the Mayor has recently announced the new Jails to Jobs initiative, which promises employment for each released sentenced inmate. This program is critical to ensure the successful reintegration of incarcerated people into our communities. As outlined in the Mayor’s announcement in March, the Jails to Jobs involves three main components:

- Peer Navigators: Released individuals will be partnered with a Peer Navigator, a formerly incarcerated person who has successfully stabilized his/her life. The Peer Navigator’s goal is to help the newly released person find the same success.
- Transitional Employment: Released individuals will be offered short-term paid jobs, which can help them find long-term employment. Studies have found that giving jobs to released individuals helps them transition back to the community and can reduce recidivism by 22%.
- Trained workforce providers: All City-funded workforce professionals will be trained on the Fair Chance Act and other issues relating to working with people who have criminal records.

These services are good policy because they better serve the population, but they are also sound fiscal policy. Studies have shown that participation in these types of programs could lead to a 40% reduction in recidivism, which could save the city \$4 or \$5 for each \$1 spent.

Violence Reduction

The agency has implemented a comprehensive violence reduction initiative that targets our most violent population. The plan separates our most problematic inmates from the general population, improves coordination and communication of intelligence, intensifies efforts to identify drug networks, takes preemptive measures against backlash from disruption of drug networks, expands and structures institutional searches based on gathered intelligence and breaks up facility searches into small teams, institutes tactical improvements by utilizing specially trained Emergency Services Unit (ESU) staff, improves staff supervision through the use of mentoring Captains, and partnering with the Bronx DA's office to prosecute facility violence.

As I told you in March, our systemic reforms, coupled with the violence reduction initiative, are starting to see real results. The FY17 PMMR, which covered July through August, reported improvements in several critical indicators. The reductions are even more notable over the full calendar year. Several serious violence indicators decreased significantly from 2015 to 2016: uses of force (UOF) with serious injuries were down 35%, UOF with minor injuries were down 18%, assaults on staff (AOS) with serious injury decreased by 31%, and AOS were down 11% overall. These trends are continuing into the new year. While total use of force incidents did rise slightly in January, they declined in February and again in March.

In our restarted accelerated programming units (APU) in the model facilities, where the 14-Point plan reforms have been concentrated, the reduction has been even more significant. From September 2015 through April 2017, the restarted units in GRVC, AMKC, GMDC, and OBCC have had about 70% fewer violent incidents than expected, compared to historical baselines in housing areas of similar classifications.

Violent incidents have reached record lows among our adolescent population in RNDC and our young adult population in GMDC. These are two populations that we have really focused on and the implemented changes are having meaningful impacts. There were fewer UOF in RNDC in every month of 2017 than there had been in any month of 2014, 2015, and 2016. UOF at GMDC began a steep decline in February 2017 and declined further in March.

The first step to reducing UOF incidents is to reduce inmate-on-inmate violence. The ongoing reform agenda focuses on doing just that, including increasing training for staff, reducing inmate idle time, and developing increased programming and treatment services. We still have significant improvements to make, particularly in preventing stabbings and slashings, but these incident reductions show real effects of the changes we are rolling out.

It should be noted that these reductions have been achieved while reducing our reliance on punitive segregation. Since 2016, no inmate under twenty-two is in punitive segregation in New York City. Regular punitive segregation, where someone may be in a cell for up to 23-hours per day, is only used to respond to violent, serious acts and (with very few exceptions) for only thirty days at a time. Today, there are only about 100 inmates in punitive segregation, a 90% reduction from the peak use a few years ago.

As we rely less on traditional punitive segregation as our only response to violent behavior, we must create new housing units that can really help manage inmates' behavior in effective ways. This is why we have opened the Clinical Alternative to Punitive Segregation (CAPS), Enhanced Supervision Housing (ESH), and the array of adolescent and young adult housing options. We are working with the Board of Correction (BOC) now on rulemaking related to restrictive housing, to codify the options that DOC needs to keep people safe.

FY18 Budget Overview

The Mayor's commitment to transforming of our department is demonstrated in the FY18 capital budget. The capital budget includes money for new DOC facilities that is not site specific, allowing the Mayor's office and the City Council to begin the site selection process in earnest.

The budget also includes money for a new correction academy, which will allow us to build on our recent training improvements and give our staff the best tools possible to do their jobs. We have made important improvements already, including developing new recruit and in-service training curricula, building annex academy sites, and providing tablets to all recruits instead of stacks of paper policies, but a new facility will enable us to do even more. In our 120+ year history, we have never had a truly adequate academy and I am glad to be able to say that that will soon change.

Modernizing the Department

As I stated a minute ago, despite the real successes that we have seen so far, we still have important changes to make. One area in which the department (like many government agencies) is sorely behind is technology infrastructure. As the Council is aware, we rely on paper-based systems to track

everything from inmate movement to incident reports to bail payments. We are working with our partner agencies around the city to improve these systems.

Last fall, we began piloting a RFID program to track inmate movement in real time and keep that movement information in a database, instead of just in paper logbooks. This tracking allows us to know where all individual inmates are at all times. The pilot began in early fall 2016 in one jail and one court facility. We anticipate to provide wristbands to all inmates by the summer. Our goal is track all inmate movement through this system by the end of calendar year 2018. I look forward to keeping the Council updated on this important project.

We are creating a collection of applications to track important metrics around the department.

- In calendar year 2015, we implemented a supply distribution solution to manage the distribution of supplies from the storehouses to the facilities.
- To complement our dedication to providing meaningful programming, we have created a program tracking application that allows us to reliably track program participation. This is already being piloted in one of the jails.
- To investigate cases more efficiently, we are developing a Case Management System. The first phase of this project is expected by the end of this calendar year.
- One of the most critical components of our reforms is training for staff. To ensure that training is provided to everyone who needs it, we are selecting a Learning and Performance Management solution. This will enable us to better manage training needs related to job skills, performance, and certifications. We estimate that this will be in place in late 2018.

We have also upgraded the inmate phone system, have integrated tablets for recruits and inmates, and have installed thousands of cameras. The 10,000 mounted cameras allow managers to monitor areas in real time.

One area of important technological improvement requires state legislation: the use of ionizing body scanners. Ionizing body scanners take x-ray images of inmates, to detect contraband that is not detectable by traditional metal detectors, including small blades and non-metal items. They are the best tool available to find the weapons that are used in stabbing and slashing incidents. As many of you know, the department used these body scanners a few years ago before being informed that their use violated a provision of state public health law. We have been working for a few years to get that law changed and hope that it will happen by the end of this session. The bill has been moved out of committee in the

Senate and the Assembly already, and we and City Hall are making every effort to push for its passage this year. I thank the state elected officials from the city and other parts of the state who have support this push, and I thank the City Council for their continuous support of this issue.

Looking Forward

DOC is continuing to roll out reforms and change the way we work, even while the city looks forward to changing our operations over the next decade. Our reform agenda would not be possible without the continuous support of the Mayor and of the Council, so I thank the Council again for your focus.

Frank Doka, the Deputy Commissioner of Financial, Facility, and Fleet Administration, will now speak about the FY18 executive budget details.

FINANCIAL AND FACILITY SECTION

Good Morning, thank you for the opportunity to report on the department's FY18 Executive Budget for both Expense and Capital.

FY18 Executive Budget and Its Impact on DOC (Executive Plan)

The department's Fiscal Year 2018 Expense Budget is \$1.43 billion. The vast majority of this, 88%, is allocated for Personal Services, and 12% for Other than Personal Services. The Fiscal Year 2018 budget is \$23.1 million more than this year's budget of \$1.40 billion. This increase is mainly due to initiatives that were funded beginning in FY18 and incremental increases to collective bargaining funding.

Included in the Executive Budget is an additional \$2.8 million in Fiscal Year 2017, and decreases of \$12.5 million in Fiscal Year 2018, \$2.5 million in Fiscal Year 2019, and \$2.4 million beginning in Fiscal Year 2020.

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

- "Jails to Jobs" Wage Subsidies - \$1.3 million in FY18 and the out years was provided for wage subsidy slots as part of the "Jails to Jobs" initiative, which will provide jobs to all City-sentenced inmates discharged from our facilities.

The following are some highlights of the major savings initiatives included in the budget:

- Civilian Salary Accruals – \$10 million reduction in FY18 only. Due to the current amount of civilian staff vacancies, a one-time savings of \$10 million will be realized in FY18.
- Skilled Trades Overtime Cap – \$6.5 million reduction in FY18 and the out years as part of the citywide initiative to reduce skilled trades overtime.

Capital Funding

With regard to capital funding, the Fiscal Year 2018 Executive Capital Budget and Commitment Plan totals \$2.4 billion, which covers Fiscal Years 2017 through 2027. In this Plan, the department's budget was reduced by a net total of \$70 million in City funds, which is attributed to the passing of Raise the Age legislation, therefore eliminating the department's responsibility to construct a new, long-term adolescent facility. The major funding changes are as follows:

- \$1.1 billion reallocation of funding to a “New Jail Facilities” project. This funding represents the City’s commitment to decentralizing the department’s facilities.
- \$170 million reduction as a result of the removal of the new adolescent facility from the department’s budget.
- \$100 million addition for a new training academy. The location of the new academy is to be determined, however as the Council is already aware, the department is currently working with the Department of Design and Construction on a feasibility study for the use of Fort Totten in Queens.

Headcount

Under the leadership of Commissioner Ponte, the department has been able to achieve unprecedented levels of Correction Officer recruitment and hiring. Including the Correction Officer class of 929 recruits that is currently undergoing training at the academy, the department has hired over 3,600 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 department’s civilian and uniformed authorized staffing levels included in the Executive Plan:

- The civilian authorized full-time headcount is 2,188 in FY17 and 2,172 in FY18 and the out-years.
- The uniformed authorized headcount is 10,336 in FY17, 10,420 in FY18, 10,459 in FY19, and 10,475 in FY20 and the out years. The authorized uniformed headcount increases each fiscal year mainly due to the phased new need for additional Program for Accelerated Clinical Effectiveness housing units, also known as PACE, which were funded for two additional housing units per year through FY20 during the FY17 Executive Budget. The average uniformed headcount is estimated to be 9,918 in FY17, which represents an increase of 701 compared to an average of 9,217 in FY 2016.

Thank you again for the opportunity to testify today and for your continued support. The Commissioner and I are happy to answer any questions that you may have.