



Derrick D. Cephas, Chair  
Stanley Richards, Vice-Chair  
Robert L. Cohen, M.D.  
Hon. Bryanne Hamill  
Jennifer Jones Austin  
James Perrino  
Michael J. Regan  
Steven M. Safyer, M.D.  
Jacqueline Sherman

**BOARD OF CORRECTION**  
**CITY OF NEW YORK**  
1 CENTRE STREET, RM 2213  
NEW YORK, NY 10007  
212 669-7900 (Office)

Martha W. King  
*Executive Director*

Statement before the 2019 Charter Revision Commission  
Gail Benjamin, Chair

May 9, 2019

By Stanley Richards (Vice Chair), Robert Cohen (Board Member),  
Martha King (Executive Director)  
New York City Board of Correction

**Stanley Richards:**

Good Evening Chair Benjamin and Charter Revision Commissioners. My name is Stanley Richards, and I am the Vice-Chair of the New York City Board of Correction, the independent oversight agency for the City's jails. The City Council appointed me to the Board in 2015. I am also the Executive Vice President of the Fortune Society, a New York City-based non-profit that supports successful reentry from jail and prison and promotes alternatives to incarceration. I also serve on the Mayor's Justice Implementation Task Force, advising on the plan to close Rikers Island.

In November 1975, the Board's recommendations to the Charter Revision Commission were adopted when the electorate approved revisions that strengthened the Board, providing regulatory authority; subpoena power; Board Member appointments by the City Council, Mayor, and Judiciary; and our own staff. Today, we support an additional and equally important Charter amendment: an independent budget for the Board.

We are a nine-person board that regulates, monitors, and inspects the correctional facilities of New York City. The NYC Charter<sup>1</sup> gives the Board broad powers and duties to: (1) establish and ensure compliance with minimum standards "for the care, custody, correction, treatment, supervision, and discipline" of all people held under the jurisdiction of the Department of Correction ("DOC")<sup>2</sup>; (2) investigate serious incidents, such as deaths of people in custody; (3) review grievances from incarcerated people and staff; (4) evaluate DOC's performance; and (5) make recommendations

---

<sup>1</sup> Charter § 626 sets forth BOC's powers and duties.

<sup>2</sup> The Board's Minimum Standards regulating the conditions of confinement and correctional health and mental health care in the City's jails are codified in Title 40 of the Rules of the City of New York. *See* 40 RCNY § 1-01, et seq. (Chapter 1: Correctional Facilities); § 2-01, et seq. (Chapter 2: Mental Health Minimum Standards); § 3-01, et seq. (Chapter 3: Health Care Minimum Standards); and § 5-01, et seq. (Chapter 5: Elimination of Sexual Abuse and Sexual Harassment in Correctional Facilities).

on areas of key correctional planning. This proposed Charter change would safeguard the Board's independence and provide stable resources so that we can effectively meet these broad mandates.

Since its first members were appointed in 1957, the Board has played a leading role in major reforms to the City's jails, such as the creation of specialized mental health units and a suicide prevention program and the elimination of solitary confinement for young people. While the current Council and Administration have supported the Board's mission, an independent budget is necessary to ensure adequate oversight during periods of political change. Given the Board's role as the independent monitor of the City's jails, its rules, investigations, and public reports may be perceived as unfavorable and controversial, making it a target for political retaliation. For instance, in 1994, Mayor Giuliani attempted to eliminate the Board's entire budget. Although the Council refused to accept the plan, BOC staff was reduced by 50 percent. Further, during the Bloomberg administration, the Board saw harmful budget cuts that threatened to compromise the Board's ability to meet its mandate and to maintain independence.

Therefore, we ask that you propose a charter amendment to provide the Board an independent budget that ties ours directly to the budget of the agency we monitor and oversee. This amendment would reflect best practice for independent oversight of law enforcement, preserve our independence, protect against retaliation, and ensure proportionate resources in the long term.

From our experience monitoring the jails for decades, we know that regardless of the future location of NYC jails, they will still need strong and independent oversight. An independent budget would strengthen the Board to effectively serve in this critical role for years to come.

**Robert Cohen:**

Good Evening Chair Benjamin and Charter Revision Commissioners. My name is Bobby Cohen, and I am a Member of the Board of Correction. The City Council appointed me to the Board in April 2009. I was the Director of the Montefiore Rikers Island Health Services from 1982 to 1986, and I have served as a federal court appointed expert and monitor overseeing health care for prisoners in five states.

New York City's Board of Correction is a nationally unique and extremely valuable jail oversight entity. We must do all we can to protect and strengthen this resource for all New Yorkers, policymakers, people in custody, and jail staff. An independent budget for the Board will insulate the City's correctional oversight from changing political winds and secure adequate staff and resources.<sup>3</sup>

The criminal justice system is in a remarkable moment of change in which stakeholders and policymakers recognize the urgent need to decrease the jail population, improve workplace safety, and minimize the significant mental, physical, and community harms of incarceration. The success of these efforts is contingent upon independent and consistent public monitoring and oversight by

---

<sup>3</sup> BOC should also be afforded budget protection allowing it to submit its annual budget estimate directly into the Mayor's Executive Budget without revision, similar to the Campaign Finance Board. *See* Charter § 1052(15)(b)(3) (requiring the Campaign Finance Board annually submit to the Mayor its financial needs and requiring the Mayor, "include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper.")

the Board. We know from our experience in New York City and this country knows from its history of mass incarceration, that jails are generally dangerous places that do not uphold the community's standards for the treatment of human beings and disproportionately detain people of color. The Board must document and report on conditions inside of jails where the public and reporters are generally not welcome – and to engage stakeholders in improving those conditions for people in custody and staff.

When the current Council and Administration are gone, current federal consent decrees have been terminated, and this moment of criminal justice reform has passed, the Board's Minimum Standards and its independent oversight on behalf of New Yorkers will remain as the frontline defense of the vision for safer, fairer, smaller, and more humane jails.

An independent budget for the Board is identical to the budgetary provisions of at least ten oversight agencies throughout the country<sup>4</sup> and has been recommended by multiple blue-ribbon panels on law enforcement oversight, including the American Bar Association<sup>5</sup> and the Chicago Police Accountability Task Force.<sup>6</sup>

The Charter Revision Commission staff's impressive preliminary report recognizes the need for this type of budget protection for "those oversight bodies that find themselves on the short end of David-and-Goliath relationships with the entities they are meant to check" and identifies the Board of Correction as one of those bodies. We concur that the Board is certainly in that position, and we ask the Commission to recommend an independent budget to support strong independent jail oversight.

We also support this type of budget protection for our law enforcement oversight colleagues such as the Civilian Complaint Review Board and the Inspector General for the NYPD.

**Martha King:**

Good Evening Chair Benjamin and Charter Revision Commissioners. My name is Martha King, and I am the Executive Director of the Board of Correction.

---

<sup>4</sup> See NYC Charter § 259(b) (allotting 10% of the Mayor's Office of Management and Budget to the Independent Budget Office (IBO)); NYS Edu. Law § 2590-u(2) (further increasing IBO's budget by 2.5%); Chicago MCC § 2-78 (designating 1% of the Chicago Police Department's budget to the Civilian Office of Police Accountability); Chicago MCC § 2-56-010 (designating 0.14% of the total funds appropriated by Chicago's City Council to the Office of Inspector General); New Orleans Home Rule Charter § 9-401(3) (allotting 0.75% of the General Fund operating budget to both OIG and the Ethics Review Board); Calif. Gov't Code § 83122 (appropriating an annual increase of one million dollars to the Fair Political Practices Commission's fixed budget, adjusted for cost-of-living changes); and Phil. Home Rule Charter § 2-300(4)(e) (securing a minimum budget for the Philadelphia Board of Ethics' first two years of operation and authorizing the Board to sue if it fails to receive adequate funding in subsequent years); City of Miami, Florida Charter and Code, Sec. I 1 .5-35 (requires that its Civilian Investigative Panel "be operated on an annual budget that shall be no less than one percent of the approved regular salaries and wages line item of the city's police department general fund budget."

<sup>5</sup> Am. Bar Ass'n, *Report on Key Requirements for the Effective Monitoring of Correctional and Detention Facilities* (2008) (affirming the need for fixed budget allocations to protect the independence of correctional monitoring). [https://www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_policy\\_am08104b\\_authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b_authcheckdam.pdf) .

<sup>6</sup> Police Accountability Task Force, *Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities They Serve* (April 2016) [https://chicagopatf.org/wp-content/uploads/2016/04/PATF\\_Final\\_Report\\_4\\_13\\_16-1.pdf](https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_4_13_16-1.pdf).

Four years ago, the Board had 16 staff and a budget of \$1.6 million. Since 2015, with increased support from the Council and Administration, the Board's budget grew from .1% to .2% of the Department of Correction's budget, and our staff more than doubled in a short time. With this increase, we have shown that more resources dramatically increase the Board's impact on jail safety and fairness and more humane conditions.

The Board developed and passed its first new chapter of Minimum Standards in 25 years in 2015, intended to eliminate sexual abuse of people in custody inside the City's jails. The Board also passed nationally unique rules, which prohibit the placement of young people in solitary confinement and limit solitary confinement for adults to no more than 30 days. Before these rules, New York City had one of the highest rates of segregation in the country, a practice that we know to be dangerous and ineffective. The Board's regulations led to an 80% drop in the segregated population.

With adequate and proportional resources, the Board is able to meet more of its mandates. For example, we produced double the number of studies in 2018 as the Board produced in 2014 and 2015 combined. These public reports evaluated DOC operations in areas such as visits, lockdowns, health care, injuries, grievances, and investigations. Evaluating operations and outcomes in the jails, increasing transparency, and sharing data are crucial to the Board's mission and to compliance with Board Standards. We also worked with DOC to develop public reports to track performance. In 2018, DOC released 60 reports required by the Board on issues critical to New Yorkers such as young adults, segregation, restrictive housing, and programming. The Board's requirements also led to the first public audits of jail conditions in New York City.

The Board increased its investigations into individual restrictions by 200% in the last four years. If the Department of Correction limits a person in custody's access to any of eight key programs – including visits, law library, and religious services – then that person can appeal the restriction directly to the Board. In 2018, we investigated and responded to approximately 400 appeals, including the Board's first appeals regarding limitations on the practice of religion. The Board's role as an independent and neutral arbiter on appeals is a national model for jurisdictions that are trying to improve their jail grievance systems.

These are just some of the initiatives we have been able to develop in recent years because the City increased funding to the Board. However, our capacity and impact are still severely limited by the size of our budget relative to the Department of Correction. This year the Department has over 12,000 staff members and a budget over \$1.4 billion. We are operating at less than a quarter of one percent of that budget. We are also limited by 40 years of drastic budget fluctuations and a continued lack of stability necessary to plan for the future. The Charter Revision Commission and the City's voters can address this and truly empower the Board as the public's eyes and ears on Rikers Island and in future borough jails.

We thank you for your critical work and your consideration of our proposal.