



NEW YORK CITY
BOARD OF CORRECTION

Statement before the New York City Council

Committee on Criminal Justice
Keith Powers, Chair

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Good afternoon Chair Powers and Members of the Committee on Criminal Justice. 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, and our Deputy Executive Director of Research, Emily Turner. The City Charter outlines the Board's broad mandates, including to establish local regulations, investigate any matter within the jurisdiction of the Department of Correction (the Department or DOC), and evaluate the Department's performance.

The Board of Correction is using much needed, 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 the City's values and brings dignity and respect to people held within, working in, or connected to the system. Today, I will explain our current budget and share some highlights of our oversight during the past year.

Recent Growth

The Board had 16 staff and a budget of \$1.6 million 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 currently are hiring for seven positions and expect to reach our headcount in the coming year. This recent growth has supported: our development of groundbreaking new rules on restrictive housing; strengthened monitoring in the areas of sexual abuse, health care access, and grievances; and increased transparency and data-driven policymaking in the jails.

We look forward to continuing our discussions with Council and OMB on our need for a new secure information technology system that will keep pace with DOC's technology and the

Board's mandates to investigate and evaluate jail conditions and monitor compliance with the Standards. In 2018, an independent consultant identified serious deficiencies, inefficiencies, and risks in the Board's current technology. The Department of Information Technology and Telecommunications (DoITT) uncovered similar concerns in their 2019 review.

Recent Highlights

1. Updated and expanded regulations

In 2018, the Board voted to approve 21 variances from the Minimum Standards. This process requires DOC and CHS to explain the reasons why they cannot meet the relevant Minimum Standard and to propose alternate plans. The process also allows for public comment prior to voting. At its 2018 public meetings, the Board received over 90 public comments. Most of last year's variances related to changes in restrictive housing practices by DOC. In these cases, the Board imposed conditions, often reflecting recommendations from its studies, that have led to safety improvements and increased fairness in restrictive housing units.

In one of the Department's largest restrictive housing units, Enhanced Supervision Housing (ESH), Board interventions led to faster reviews of individuals' progress through the program, a multidisciplinary team leading these reviews, and the participation of the person being reviewed in the process. As a result of Board conditions and oversight, the amount of time young adults spend in ESH has decreased 29%, from 86 days in 2017 to 61 days by the end of 2018. The percent of young adults in ESH placed in restraint desks decreased from 90% in 2017 to 56% in 2018. Furthermore, in the last quarter of 2018, 58% of young adults who left ESH did so because they successfully moved to a less restrictive unit, compared to zero in the first quarter. These are significant steps toward fairness, transparency, and the goals of the program, and the Board continues to commend DOC on this progress.

In 2016, the Board voted to pursue rules regarding restrictive housing in the jails. In 2018, the Board completed fact-finding, which included meeting with more than 30 stakeholders. These rules will establish oversight over the continuum of restrictive housing options so they safely, fairly, and in the least restrictive manner necessary respond to safety and security risks. The rules will emphasize restorative justice and accountability in restrictive housing and the jails' response to violence. They will also emphasize procedural justice through a commitment to improve due process, perceptions of fairness, and the overall effectiveness of restrictive housing. Finally, the rules will require transparent public reporting that allows for more effective Board monitoring.

2. Strengthened and structured monitoring

Our monitoring staff, whose work is based in the jails, conduct site visits, resolve and refer complaints from staff and people in custody, monitor compliance with the Minimum Standards, and help facilitate 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 grievance system, investigations, and health care access.

Following recommendations from the Board's annual study of the grievance program and our oversight efforts through an interagency team, the Department updated their grievance policy.

They now provide more information to people in custody about the process. They also improved their response to grievances submitted through 311. Finally, the Department now tracks all complaints in a centralized electronic system and has provided the Board direct access to check the status of complaints, review patterns, and inform future Board audits.

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. In 2018, we investigated and responded to approximately 400 appeals, including the Board's first appeals regarding limitations on the practice of religion. This is a 200% increase in the number of appeals received by the Board since 2014. 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.

In 2018, we also focused on monitoring DOC's investigations into sexual abuse and harassment, releasing an audit of these investigations. This led to corrective action by the Department to improve the process and close the backlog of cases sitting open for more than 90 days. The Board has scheduled a special hearing for April 23rd that will focus solely on compliance with the Minimum Standards on the elimination of sexual abuse and harassment in the jails.

We continue to focus on access to health and mental health care. In addition to monitoring monthly reports on health care access, we released a report on jail sustained injuries to incarcerated people and found significant underreporting of serious injuries. We will release a report on hospital specialty clinics this year.

3. More transparency, research, and public reporting

Evaluating operations and outcomes in the jails, increasing transparency, and sharing data is crucial to maintaining compliance with Board Standards. In 2018, the Board released 25 reports on issues such as visiting, lockdowns, health care access, injuries, grievances, violence, and investigations. This is more than double the number of reports issued by the Board in 2014 and 2015 combined.

Additionally, we have worked with DOC to develop multiple public reports to track compliance and performance. In 2018, DOC released 60 reports required by the Board on segregation reform, restrictive housing, and young adult programming. The Board's conditions led to unparalleled data access for the public about young adults in custody and the first public audits of jail conditions in New York City. These new sources of information inform policymaking and make the City a national leader in correctional transparency. This higher level of transparency and increased engagement by the Board has meant more fact-based and data-driven policy decisions in the jails. After Board investigations this year, the Department pursued reforms and new policy in areas such as transgender housing, young adults, injury prevention, and lockdowns, including a 20% decrease in lockdowns.

We are thankful that the City Council and this Administration have shown increased commitment to a strong, active, and effective Board of Correction, and we look forward to collaborating with the Council and its many members who are engaged on these issues. Thank you for the opportunity to testify today. We are happy to take any questions.