



NEW YORK CITY
BOARD OF CORRECTION

Statement before the New York City Council

Committee on Criminal Justice
Keith Powers, Chair

Committee on General Welfare,
Stephen Levin, Chair

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Good afternoon Chair Powers, Chair Levin, and Members of the Committees on Criminal Justice and General Welfare. I am Michele Ovesey, the Acting Executive Director and General Counsel 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 Acting Deputy Executive Director, Emily Turner. The City Charter outlines the Board's broad mandates, including establishment of local regulations, investigation of any matter within the jurisdiction of the Department of Correction (the Department or DOC), and evaluation of the Department's performance.

The Board of Correction has monitored the City's jails for the past 62 years. In this time, the Board and its staff have monitored the development and re-development of jails across Rikers Island and the boroughs. Empowered by the City Charter and decades of expertise, we stand committed to independent oversight of the City's plan to close Rikers Island.

Much needed recent investments in the Board have strengthened its effectiveness and solidified the Board as a critical partner in building a criminal justice system

that reflects the City's values and brings dignity and respect to people held within, working in, or connected to the system. With dedicated Board members, an expanded staff, a focus on data and research, and ongoing collaboration with the Department, the Board is committed to creating safer, fairer, smaller, and more humane jails.

Since the 1970's, in reports and public meetings, the Board has stated that the Rikers Island infrastructure and its isolated location creates major barriers to compliance with the Board's Minimum Standards, including access to health and mental health care, connections to the community via visiting, and access to courts and legal counsel. The physical structures of the current borough-based facilities also pose serious barriers to compliance.

For example, last month, the Board published a report documenting jail conditions and operations during the July 2019 Heat Emergency. The report presents findings of our tours and review of relevant documentation prior to and during the heat emergency, both on and off-island. We found restrictive housing cells as hot as 97.9 degrees Fahrenheit; over 500 people whom medical staff had deemed heat-sensitive but were housed in units without air conditioning; and relatively ineffective heat mitigation practices throughout the system. We ultimately concluded: "Jail areas without air conditioning are too hot and the mitigating responses are too limited, despite concerted efforts by DOC leadership, Correction Officers, and other staff who work in the jails. People should not be detained or required to work under these conditions, which are inhumane, pose health risks, and make DOC's violence prevention efforts more challenging." This is an infrastructure problem that must be addressed immediately.

Today's hearing and the City's work over the past five years make clear that there is an opportunity right now to change the future of the NYC jails. However, it will take more than new jails to solve entrenched problems that the Board's independent monitoring has documented over the past 62 years. The Board has monitored the opening of many jails on Rikers Island which showed great promise but, in the end, fell far short of operating humanely, safely, or effectively.

The Board has provided independent oversight of every major jail construction initiative of the past 50 years. In 1974, the Board held three days of public hearings

on the future of the Tombs and available alternatives. In 1979, we conducted investigations, issued reports, and facilitated multiple days of public hearings on the proposed transfer of Rikers Island to the state. In the 1980's, amidst dangerous overcrowding, the Board issued reports and recommendations to Mayor Koch on jail construction on Rikers Island. In the 80's and 90's, the Board monitored blueprints and operational plans for Sprung housing, modular units at RNDC, the Staten Island Ferry, and three barges. In the late 80's and early 90's, the Board monitored and reviewed plans for construction of GRVC, RMSC, and OBCC expansion. In the early 90's, the Board's Executive Director traveled to Louisiana to inspect VCBC, the boat, prior to its delivery to New York City. In the 2000's, DOC presented to the Board blueprints for a new punitive segregation jail. And the list goes on.

The City now has a plan for new, air-conditioned jails, which exceed minimum standards for light, recreation, programming, visiting, and clinical services. These structural conditions will help, as will proximity to courts and population centers. Equally important, the City needs a plan for how operations within the new facilities will be managed. For example, the Board of Correction is currently working on new rules that would govern restrictive housing — both punitive segregation and the different housing types established as alternatives to punitive segregation in 2015. These rules would serve to minimize the harms associated with restrictive housing and afford due process protections in connection with placement in such housing.

Similarly, as the City seeks a new criminal justice model, stakeholders need to develop new program and staffing plans across all aspects of jail operations, including medical and mental health services, young adult-specific services and programming, information technology infrastructure and data analysis efforts, and support and training for Correction Officers. We must not expect new buildings — in and of themselves — to be a cure-all for problems that have plagued the jails for decades.

Ultimately, all jails and prisons need strong, independent oversight. 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 to ensure safer, fairer, and more humane jails. Whether on Rikers Island or in the boroughs, the Board of Correction must be

empowered to 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.

Finally, since its inception, the Board has advocated for alternatives to incarceration and decreases in the jail population. The City’s jail population is around 7,200 people today with a plan to reduce the population to 4,000. In 1991, the average jail population was 21,669 people. The Board applauds our colleagues inside and outside of local and state government who have contributed to this historic and long-overdue decarceration effort.

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.