



CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

ELIAS HUSAMUDEEN
President

JOSEPH BRACCO
1st Vice President

ELIZABETH CASTRO
2nd Vice President

KAREN TYSON
3rd Vice President

MICHAEL MAIELLO
Treasurer

AMELIA WARNER
Financial Secretary

FREDERIC FUSCO
Legislative Chairman

KENYATTA JOHNSON
Corresponding Secretary

DANIEL PALMIERI
Recording Secretary

BENNY BOSCIO
Sergeant-At-Arms

ALBERT CRAIG
First City-Wide Trustee

ANGEL CASTRO
Manhattan Borough Trustee

PAULETTE BERNARD
Brooklyn Borough Trustee

TYSON JONES
Bronx Borough Trustee

MARK MACK
Queens Borough Trustee

BISHOP WILLIAM
RAYMOND WHITAKER II
Chaplain

WILLIAM KWASNICKI
Retiree Consultant

KOEHLER & ISAACS, LLP
COBA Attorney

June 13, 2019

New York City Department of Correction
Office of Legal Affairs
75-20 Astoria Blvd, Suite 305
East Elmhurst, NY 11370

Re: Notice of Public Hearing - Inmate Rulebook Modifications

To whom it may concern,

I am writing to provide comments on behalf of the Correction Officers' Benevolent Association ("COBA") with respect to the proposed amendments to the inmate rule book published in the City Record on May 20, 2019 and currently scheduled for public comment on June 13, 2019.

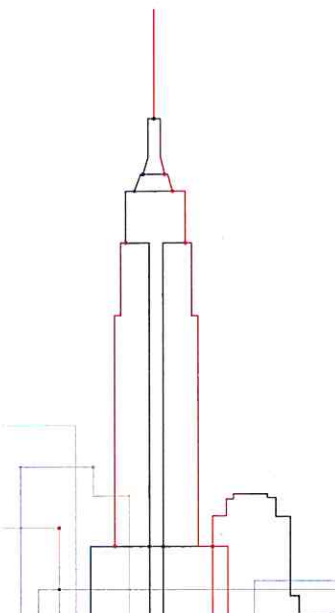
COBA is the certified collective bargaining representative for the over nine thousand women and men serving the Department of Corrections in the Correction Officer civil service title. In particular, we write to support the addition of a prohibition on Sexual Harassment toward staff and the strengthening of the prohibition on Sex Offenses including the new prohibition on *attempted* sexual abuse. Previously, and shockingly, such an attempt was not expressly prohibited.

The Department of Correction ("DOC"), COBA believes, has historically failed to take seriously the sexual misconduct of inmates toward officers. As a result, inmates have engaged in harassing conduct that falls short of overt sexual assault without significant consequences. The harassing conduct is rarely, if ever, about lust. Rather, the conduct is an effort by inmates to intimidate, humiliate and demean officers. These are attacks on the very authority that officers wield in the jails. Thus, whether the conduct involves the same or opposite genders is irrelevant. Similarly irrelevant are the sexual orientations of the involved individuals.

COBA believes that the historical absence of significant consequences for such behavior has emboldened inmates to increase the *regularity* with which they engage in such behavior and also has emboldened them to increase the *severity* of such behavior. Consequently, COBA further believes that punishing sexual misconduct significantly contributes to reigning in jail violence of all types. COBA further believes that, had the DOC taken sexual

COBA MAIN OFFICE
75-01 31st Avenue, Lower Level, East Elmhurst, N.Y. 11370 • T: 718.545.COBA [2622] • F: 718.545.2668

www.cobanyc.org





CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

ELIAS HUSAMUDEEN
President

JOSEPH BRACCO
1st Vice President

ELIZABETH CASTRO
2nd Vice President

KAREN TYSON
3rd Vice President

MICHAEL MAIELLO
Treasurer

AMELIA WARNER
Financial Secretary

FREDERIC FUSCO
Legislative Chairman

KENYATTA JOHNSON
Corresponding Secretary

DANIEL PALMIERI
Recording Secretary

BENNY BOSCIO
Sergeant-At-Arms

ALBERT CRAIG
First City-Wide Trustee

ANGEL CASTRO
Manhattan Borough Trustee

PAULETTE BERNARD
Brooklyn Borough Trustee

TYSON JONES
Bronx Borough Trustee

MARK MACK
Queens Borough Trustee

BISHOP WILLIAM
RAYMOND WHITAKER II
Chaplain

WILLIAM KWASNICKI
Retiree Consultant

KOEHLER & ISAACS, LLP
COBA Attorney

harassment and attempted sexual abuse by inmates against officers more seriously, horrific incidents such as the assault and attempted rape of a female officer at the Anna M. Kross Center during 2016 would have been avoided.

As a result of the foregoing, COBA strongly supports the proposed amendments with respect to sexual harassment and attempted sexual abuse.

COBA is extremely disappointed, however, in two aspects of the proposed amendments. The first aspect is the absence of protection for correction officers from gang assaults. The proposed gang assault prohibition only applies where inmate conduct is directed at *other inmates*. This limitation adds insult to injury for officers such as Jean Souffrant who was assaulted by four inmates during February of 2018 in a highly coordinated and preplanned attack. It is simply shocking that the inmate rule book would omit gang attacks on staff.

COBA's second disappointment is the absence stronger penalties for the infractions created by the proposed amendments. Under the Inmate Handbook's penalties provision, which remain unchanged by the proposed amendments, inmates guilty of sexual harassment, gang assault, and attempted sexual abuse may still receive visitors and recreation without any limitation on occasions or duration. *See* 39 RCNY § 1-05. Further, there is no mention of re-arrest of inmates committing these acts. This is particularly disconcerting in the context of sexual offenses considering that the proposed amendments define sexual abuse by reference to the Prison Rape Elimination Act ("PREA"). PREA, however, does not contain a definition of "sexual abuse" but does address criminal conduct such rape and sexual assault. *See* 34 USC § 30309. In light of this definition, inmates should be placed clearly on notice that sexual misconduct may subject them to re-arrest and prosecution.

COBA appreciates this opportunity to comment.

Sincerely,

Elias Husamudeen,
President

COBA MAIN OFFICE

75-01 31st Avenue, Lower Level, East Elmhurst, N.Y. 11370 • T: 718.545.COBA [2622] • F: 718.545.2668

www.cobanyc.org

