

Statement before the  
**New York City Council**

**Committee on Fire and Criminal Justice Services**

Elizabeth Crowley, Chairperson  
and

**Committee on Finance**

Julissa Ferreras-Copeland, Chairperson

By Joseph Ponte, Commissioner  
**NYC Department of Correction**

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Good morning, Chair Crowley, Chair Ferreras-Copeland, members of the Fire and Criminal Justice Services committee, and members of the Finance committee. I am Joseph Ponte, Commissioner of the New York City Department of Correction.

For two years, I have been speaking to you about the transformation that the Department is undergoing and promising that the slow process of change would result in improvements. I am here to tell you today that our reforms are working. We have already made a difference, though we are not done. Serious violence is down. From calendar year 2014 to calendar year 2015, Uses of Force (UOF) “A” decreased by 24%. Assaults on staff with any level of injury went down 4% and, most importantly, assaults on staff causing serious injury decreased by 11%. The reductions continue. When compared to January-April of 2015, in 2016 there have been:

- 50% fewer UOF “A”
- 17% fewer UOF “B”
- 41% fewer assaults on staff causing serious injury
- 25% fewer assaults on staff causing any injury
- 17% fewer assaults on staff overall

These successes have been achieved even while we have reduced the use of punitive segregation.

I have now been at NYC DOC for two years and in that time, we have made many impactful, department-wide changes. As you are aware, our 14-point Anti-Violence Reform Agenda aims to reduce violence, upgrade infrastructure, and change our culture. Some of these reforms, such as expanding camera coverage and improving front gate searches, is being rolled out across all facilities. Other reforms are being implemented facility-by-facility, creating “model facilities” within the department. The most significant decrease in violence has occurred in these model facility units.

We have spoken about these changes in the past, but I will quickly update you on a few of the most noteworthy.

## **Department-Wide Reforms**

### ***Punitive Segregation***

We have fundamentally transformed the use of punitive segregation within the Department. When I came to New York City two years ago, there were close to 600 people in punitive segregation. Now, there are only about 180 inmates in punitive segregation, including those who are in modified punitive segregation units where they may come out of their cells for several hours each day. That is already a decrease of 70%. The total will come down even more when young adults are removed from punitive segregation. Adolescents have already been removed.

Using punitive segregation less means using it as a more meaningful tool. Inmates no longer serve any time that was accrued during a previous incarceration. There is now a tiered system, so that only serious, violent infractions earn full punitive segregation time, and those who commit less serious or non-violent infractions receive seven hours of out-of-cell time each day. The most minor infractions no longer earn punitive segregation time. With few exceptions, we have capped the maximum sentence to thirty days and have set length of stay limits.

### ***Targeting Special Populations***

Historically, the Department managed all inmates uniformly, regardless of the inmates' needs. We have moved away from that cookie-cutter model and are instead separating certain populations, namely the seriously mentally ill, adolescents, and young adults, to manage them better.

We have created clinically-focused units to serve the seriously mentally population. We are expanding on this successful model and will be building even more clinically-focused units over the next few years. These units have high levels of correction and health staff. They are designed around a strong collaborative effort between the two staffs, an excellent example of the good working relationship between DOC and NYC Health + Hospitals.

In adolescent areas, we have lowered censuses and increased staffing ratios. Punitive segregation has been eliminated and replaced with therapeutic alternatives to manage behavior. All adolescents receive expanded programming, including daily access to indoor recreation spaces.

DOC has also created a new housing cohort of young adult inmates, ages 18-21, who are also being managed in an age-appropriate way that suits their developmental stages. The staffing ratios that the Nunez/DOJ consent judgment requires for 18-year-olds is being applied to the entire age group. Dynamic

programming has been developed for this group, including career and technical education. The adults' disciplinary system, which relies on punitive segregation, is being replaced with a holistic approach to behavior management.

Critically, starting this summer, discharge planning services will be offered for adolescents and young adults through the Friends of Island Academy. This is the first time that meaningful discharge planning services are available for adolescents.

### ***Camera Coverage***

Another big focus of the anti-violence reform agenda has been expanding camera coverage to 100% of inmate areas. This has been achieved in our adolescent facility, our young adult facility, and in the first model facility. We will have department-wide coverage by the end of this calendar year.

### **Model Facility Reforms**

As I mentioned earlier, we are rolling out all of the reforms together facility-by-facility, creating "model facilities" within the Department. GRVC became the first model facility in September. In late April, AMKC became the second model facility; they are beginning their transformation now.

As jails become model facilities, infrastructure upgrades are made in housing areas, inmates are rehoused using the Housing Unit Builder (HUB), available programming is increased so that five hours are offered daily, and incident response procedures are revamped. Critically, staff are steadied and increased where necessary. The effect of the reforms in these areas has already been notable, in both violence reduction and staff satisfaction.

Staff are the most important component of these model facilities, and fundamental to our success. In the model facilities, officers are empowered to control their houses by using basic correctional practices and engaging with inmates on a daily basis. Ultimately, the combination of policy, resources, and support will change the culture throughout our Department.

### **Expanded Training & Recruiting**

Before I turn the floor over to my Deputy Commissioner to speak about the FY17 budget, I want to touch upon hiring and training. All of the reforms I have just discussed depend on having the highest caliber of qualified, trained, dedicated staff in place.

We are happy to report that new posts have been funded in upcoming years. New posts are critical for our reforms. Expanded programming, such as the five hours of daily programming we are offering to all adult inmates, requires additional programming staff. Many of our new units, including CAPS and

PACE, adolescent areas, and young adult areas, require higher staff to inmate ratios than the Department has traditionally used. We are hiring to fill these positions as quickly as we can, without compromising our new vetting standards and while ensuring that each new recruit receives the thorough training he/she needs to succeed at DOC. Our last few academy classes, including the other graduates this month, have had more than 600 recruits. We expect to have more than 700 starting in June.

Even as we train more recruits, we are providing more training to our current staff, to give them the best tools possible to do their jobs. Over the next few years, staff will receive the following in-service training:

- Use of Force,
- Crisis Intervention and Conflict Resolution,
- Defensive Tactics,
- Direct Supervision and Safe Crisis Management for those working with adolescents and young adults,
- Probe Team Tactics for those working in intake area,
- Cell Extraction,
- Crisis Intervention Training,
- PREA, and,
- Additional specific trainings for those working with special populations, such as mental observation areas and high custody adolescent and young adult areas

As we discussed in March, training new recruits and in-service training does present significant operational challenges, because our academy was not designed to serve such large numbers. We continue to work with City Hall and our agency partners to identify suitable spaces to accommodate our training needs.

I thank the Council for your support as we continue to transform our Department.

Now, I introduce Frank Doka, our Deputy Commissioner of Financial, Facility, and Fleet Administration, who will discuss the FY17 budget.

## **FINANCIAL AND FACILITY SECTION**

Good Morning, thank you for the opportunity to report on the Department's FY17 Executive Budget for both Expense and Capital.

### **FY17 Executive Budget and Its Impact on DOC (April Plan)**

The Department's Fiscal Year 2017 Expense Budget is \$1.37 billion. The vast majority of this, 88%, is allocated for Personal Services, and 12% for Other than Personal Services. The Fiscal Year 2017 budget is \$24.7 million more than this year's budget of \$1.34 billion. This increase is mainly due to initiatives that were funded beginning in FY17 and incremental increases to collective bargaining funding.

Included in the Executive Budget is, an additional \$28.7 million in Fiscal Year 2016, \$61.1 million in Fiscal Year 2017, \$85.1 million in Fiscal Year 2018, \$108 million in Fiscal Year 2019 and \$109.4 million beginning in FY20.

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

- Correctional Health Initiatives – Funding has been provided to both DOC and Health + Hospitals to rollout 2 additional Program for Accelerated Clinical Effectiveness (PACE) units per fiscal year for the next five years. This funding also includes the use of TeleHealth system, which will enable inmates to teleconference directly with healthcare providers and create additional mini-clinics within our facilities. Staffing and funding was provided as follows:
  - FY17 -- 70 positions (69 uniformed and 1 civilian) at \$6.6 million,
  - FY18 -- 108 positions (107 uniformed and 1 civilian) at \$9 million,
  - FY19 -- 147 positions (146 uniformed and 1 civilian) at \$12.6 million, and
  - FY20 and out years -- 163 positions (162 uniformed and 1 civilian) \$13.9 million.
  
- 14-Point Plan Anti-Violence Reform Agenda - \$1.6 million in FY16, \$6.7 million in FY17 and \$4.2 million beginning in FY18 was provided for an additional 42 uniformed and 15 civilian positions to further support three of our critical initiatives: Keeping Weapons and Drugs out of Rikers, Targeted Training and Create a Well-Defined Supply Distribution Process. Limiting the entrance of contraband into Rikers Island has been paramount to ensure safety for both our staff and the inmates in our care. Additional positions will be allocated to DOC's Central Visits facility to allow the command to establish steady staffing to support greater search capabilities via both line scans and magnetometers. The Learning Management System, estimated at \$2.5 million, will be procured to replace the existing legacy system currently used by the DOC Training Academy. This new system will be able to manage course administration including:

course scheduling, participant enrollment, monitor attendance, tracking qualifications and re-certifications. Proper supply distribution within the Department's facilities to their respective housing areas has been identified as a key measure towards violence reduction. Each Department facility has been establishing and/or bringing order to their current facility-based storehouses to work in conjunction with the Department's Central Warehouses. The additional staffing resources provided will enable facility-based storehouses to electronically document inventory received from the Central Warehouses of needed supplies on hand and fulfill requests to housing areas on a daily basis.

- Correction Intelligence Bureau (CIB) – 17 positions (5 uniformed and 12 civilian) funded at \$0.2 million in FY16 and \$1.4 million beginning in FY17. This enhancement of staffing for CIB will support the expansion of both the Central Arrests and Intelligence Research units as well as the establishment of the Department's first Evidence Collection unit. The expansion of CIB will support the Department's commitment to working alongside the new Bronx District Attorney to bring swift justice to cases involving violence conducted within our jail facilities.
- Institutional Inmate Uniforms – funding in the amount of \$500,000 in FY17, \$200,000 in FY18, and \$700,000 beginning in FY19 was allocated to support the replacement of inmate uniforms.
- Correction Officer Cadet and Captain Training Program - \$1.3 million in FY17, \$3.9 million in FY18 and \$5.6 million beginning in FY19 was provided to establish this program through John Jay College.
- COBA Collective Bargaining - \$34.6 million in FY16, \$49.7 million in FY17, \$71.6 million in FY18 and \$88.9 million beginning in FY19 was provided to support the ratified labor contract with the Correction Officers Benevolent Association.

### **Capital Funding**

With regard to capital funding, the Fiscal Year 2017 Executive Capital Budget and Commitment Plan totals \$2.2 billion, which covers Fiscal Years 2016 through 2020. In this Plan, the Department was granted an additional \$435 million in City funds for various facility renovation and improvement projects as follows:

- \$170 million to build a new facility for adolescent inmates currently housed at Rikers Island. This allocation of funding by the Administration demonstrates the commitment to make the best efforts to move the adolescent population as stipulated by the DOJ/Nunez consent judgment.
- \$168 million was provided to replace deteriorating temporary wood modular structures located at GRVC and RNDC that have long exceeded their life expectancies. These new housing units will also provide “swing-space” for various major facility renovation work.
- \$70 million was provided to build new 400 seat schools at GMDC for young adult inmates and GRVC for male adult inmates.
- A total of \$21 million was allocated to allow for the renovation of classroom and program space for the adult inmate population at AMKC, EMTC, and RMSC.

## **Headcount**

The following is a summary of the changes to Department’s civilian and uniformed authorized staffing levels included in the January Plan:

- The full-time civilian authorized headcount increased by 27 positions in FY16 and 28 beginning in FY17. The number of authorized full-time civilian positions is 2,172 in FY16 and FY17 and decreasing to 2,157 beginning in FY18. The decrease of 15 positions beginning in FY18 reflects the reduced level of staffing required to implement the Department’s Centralized Fitness Center on Rikers Island which was funded in the FY16 Executive Budget.
- The uniformed authorized headcount is increased by 47 positions to 10,242 for FY16, 116 positions to 10,336 for FY17, 154 positions to 10,374 for FY18, 193 positions to 10,413 for FY19 and 209 positions to 10,429 for FY20. The average uniformed headcount is estimated to be 9,228 in FY16, which represents an increase of 432 compared to an average of 8,796 in FY 2015.
- The FY16 3<sup>rd</sup> Quarter Civilianization Report provided to the City Council identified 98 uniformed staff working in civilian functions. The Department is committed to bringing that number down by backfilling previously funded vacated civilianized positions. Additionally, the Department will continue working to identify additional positions that could be civilianized and address funding requirements with OMB at the appropriate time.

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.