

Statement before the
New York City Council
Committee on Fire and Criminal Justice Services

Elizabeth Crowley, Chairperson

By Joseph Ponte, Commissioner

NYC Department of Correction

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As prepared for delivery

Good morning, Chair Crowley and members of the Fire and Criminal Justice Services committee. I am Joseph Ponte, Commissioner of the New York City Department of Correction. Thank you for the opportunity to testify today.

As you are all well aware, I have dedicated my time in NYC to transforming how the Department operates. Early on in my tenure, we conducted a thorough assessment of the Department's strengths, shortcomings, and needs. From this assessment, we created that 14-Point Anti-Violence Reform Agenda, which is a holistic approach to reducing violence, encompassing everything from improving search procedures, reducing overtime, improving supply distribution, providing meaningful programming, and reforming our behavior management model. I am proud to inform the Council that we are seeing real impacts of our reforms. We have substantially driven down critical violence indicators, even while reducing the use of punitive segregation by approximately 90% and eliminating punitive segregation altogether for individuals 21 and younger. We have also been successfully implementing new and better models of housing, programming, and healthcare for our inmates, while managing to reduce staff overtime.

Violence Reduction

The PMMR indicates that several critical violence indicators went down in FY16 compared to FY15. These violence reductions were even more significant through December. When compared to CY15, in CY16:

- Uses of Force (UOF) with serious injury decreased by 35%
- UOF with minor injury decreased by 18%
- The total number of UOF decreased by 3%
- Serious injuries to inmates stemming from fights or assaults decreased by 8%

- Assaults on Staff (AOS) with serious injury decreased by 31%
- AOS with minor injury decreased by 19%
- Total number of AOS decreased by 11%

These reductions are significant and demonstrate that our reforms are having a real impact on violence; however, we still have a long way to go. Most importantly, stabbings and slashings increased again in 2016. One factor contributing to this uptick is the prevalence of weapons that we cannot consistently recover. We found 37% more weapons in 2016 than in 2015, but found 20% fewer scalpel blades, which are a common weapon used in slashing incidents. As the Council is aware, we are currently unable to use the ionizing body scanners that are the most effective tool to find these types of weapons. We continue to pursue state legislation to obtain the use of these scanners and I thank the Council for their continued support in that endeavor.

While we are seeing a reduction in most violence, we still have too many incidents of violence, particularly incidents of violence against staff. We are working closely with the Bronx District Attorney to combat violence on Rikers by ensuring that those who hurt someone, staff, visitor, or inmate, while in custody are prosecuted for that assault as they would be if they assaulted someone on the street. Recently, two inmates received consecutive sentences for charges stemming from assaulting staff. Consecutive sentences are critical to deter violence in custody, so I thank the DA for these efforts.

Managing Inmates with Mental Health Needs

The impact of reforms is perhaps most seen among our seriously mentally ill inmates. The programs that we and Health + Hospitals (H+H) have established to treat these inmates have brought about remarkable changes in behavior and reductions in violence. Overall we are seeing trends that suggest that there has been a decrease in inmate involvement in a use of force by 67% in CAPS and 74% in PACE. Most importantly, once placed in CAPS or PACE, inmates showed less aggression towards our officers. They committ fewer assaults on staff, physically resisted staff less often, and make fewer threats against staff.

In PACE and in CAPS, health and correctional staff work hand-in-hand to address inmates' mental health needs in a clinical environment. To date, these units have served nearly 1,000 inmates, most of whom had previously been very difficult to manage. In 2016, we opened our fifth PACE unit and we are diligently working to create more of them, including a unit dedicated to young adults, so that more individuals in custody can receive the treatment they need.

Our focus on treatment of mentally ill inmates is not limited to those in the PACE units. All uniformed staff receive training in Mental Health First Aid, Basic Crisis Management, and Conflict

Resolution/Crisis Intervention in the academy and as part of regular in-service training. Recruits receive training in mental illness, drug identification, interpersonal communication, suicide prevention, safe crisis management, and crisis intervention.

Many members of DOC and H+H staff also receive Crisis Intervention Team (CIT) training. Crisis Intervention Teams have been successful throughout the facilities in responding to incidents and de-escalating situations without using force. CIT training is provided twice each month. Health and corrections staff attend training together to develop, in partnership, the skills needed to assist patients in crisis.

Expanding on these initiatives, DOC has received a federal grant, along with H+H and the Vera Institute of Justice, to create support teams in the clinics and intake areas to assist inmates with mental health needs and to support officers. As stated when the grant was announced, the teams, which consist of mental health staff and correction officers, will “offer support to correctional staff by providing skill refreshers and reinforcement of Mental Health First Aid training and techniques, bringing care packages to staff, and offering guidance. Through their emphasis on mental health first aid and de-escalation, the support teams will strengthen the efforts of the agency’s 14-Point Anti-Violence Agenda, aiming to reduce uses of force in these historically volatile areas.” The support teams will be present during times when uses of force in the intake areas tend to peak, such as in the mornings during court production. We believe that the presence of these targeted teams to support staff during those times will reduce the number of uses of force.

In addition, as part of the ThriveNYC program, we are providing Mental Health First Aid training to many of the inmates in custody, so that when they return to our communities they will be equipped to help friends, family members, and co-workers stay healthy.

Managing Problematic Inmates

The Department has emphasized managing different populations with distinct approaches for housing, programming, and care. We treat adolescents like adolescents, have set up separate systems for young adults, provide unique programs and services to women, and, as mentioned, provide specialized services for the seriously mentally ill. Our reforms are seeing impacts. Due to our adolescent reforms that started in 2014, there were had fewer UOF in RNDC in January and in February 2017 than in any month of 2016, 2015, or 2014.

This same philosophy of targeted management strategy applies to managing inmates who are persistently violent. High custody inmates comprise 25% of the population, but are involved in 75% of incidents.

Inmates in Security Risk Groups comprise less than 13% of the population, but are involved in 70% of incidents. Management and programming must be tailored to this population in a different way than to low custody, non-violent inmates.

To target the most problematic inmates, we created Enhanced Supervision Housing (ESH) in 2015. ESH replaces long-term punitive segregation to manage persistently violent inmates. Having units dedicated to the safe management of problematic inmates is one reason we have been able to reduce our daily punitive segregation by approximately 90%. Unlike punitive segregation, ESH is designed to change behavior by offering meaningful programming and incentivizing positive behavior.

In 2016, we improved on the ESH model by implementing a level system. Now, the inmates in ESH can progress through the levels, earning more out-of-cell time and additional incentives by maintaining good behavior and participating in programming. The programming provided in the unit is designed to prepare these problematic inmates to safely return to general population housing, and to better prepare them to eventually return to our communities. So far, we have seen success with these units.

Model Facilities and Expanded Programming

The Department continues to roll out reforms facility-by-facility, creating “model facilities” within the Department. GRVC became the first model facility in September 2015. In late April 2016, AMKC became the second model facility. OBCC was recently announced as the third.

Model facility transformations include infrastructure upgrades, reclassification of inmates using the Housing Unit Builder (HUB), introduction of on-unit programming, and implementing the Incident Command System (ICS) to respond to alarms. Critically, staff are steadied and increased where necessary. The effect of the reforms in these areas has already been notable, as the number of incidents are significantly lower than expected, compared to historical baselines in housing areas of similar classifications. In GRVC, AMKC, and GMDC (which is the young adult facility and also has restarted units), overall:

- UOF are 69% lower than expected
- AOS are 76% lower than expected
- Stabbings and Slashings are 69% lower than expected

Some aspects of the model facility model are being expanded Department-wide, including staff training, camera installation, and expanded programming. We are working to offer five hours of programming to each inmate every day and plan to meet this goal by this summer.

Reduction in Punitive Segregation

These significant reductions in violence have been achieved while we have reduced our reliance on punitive segregation. Today, we often have fewer than 100 people in a punitive segregation unit, which is more than a 90% decrease from just a few years ago.

The Department reached a monumental milestone in 2016 when we eliminated punitive segregation for all inmates under the age of twenty-two. No state in the country has done this. We began working toward this goal in 2014, when we removed all adolescents from punitive segregation. Throughout 2015 and 2016 we developed and refined therapeutic-based alternatives to punitive segregation to address problematic behavior in young people. Eighteen-year-olds were removed from punitive segregation in June 2016 and nineteen, twenty, and twenty-one year olds were removed in October.

New Tools and Technology

We are also working to modernize the Department by introducing new tools and technology.

We have installed more than 10,000 cameras to date. All housing areas on Rikers Island now have camera coverage.

While we pursue state legislation to renew use of ionizing body scanners, we are in the process of procuring other TSA-style scanners that will be critical aids to finding contraband. New search tools have already increased the amount of contraband we have found on visitors (visit drug contraband finds increased by 45% in CY16 and visit weapon contraband finds increased by 538%) and these scanners, some of which will be installed in visit areas, will further improve our search capability.

Starting in 2016, staff in our Emergency Services Unit (ESU) have been trained to carry tasers. Tasers are important tools that are used in correctional settings around the country. As part of the 14-Point Anti-Violence Reform Agenda, DOC has adopted a comprehensive plan and response protocol called Incident Command System (ICS). ICS is based on the National Incident Management System (NIMS) used by the federal government. ICS is utilized by most jail systems to improve the way staff respond to violent incidents by empowering staff in the decision making process to assess the situation and determine how best to respond to reduce injuries and prevent further escalation of violence. The deployment of tasers is critical to the implementation of the ICS framework. DOC has developed a strategic deployment plan that incorporates appropriate safeguards, protocols, and training, which is founded on an incremental escalation-based response approach to ensure proper usage. Furthermore, the authorized users of tasers

have been trained in the new use of force policy and have received sixteen hours of taser training - double the training duration recommended by the manufacturer. To date, there have been no taser uses, but their presence in several situations has resolved an incident without requiring the use of force.

The Department is also piloting the use of RFID technology to track inmate movement, instead of relying on the paper-based system that has been in use until now. Currently, this technology is being piloted in one jail, so that we can improve on the procedures and expand Department-wide.

Recruitment

Staff are the most important component of these model facilities and critical to the success of all of our efforts. We continue to hire at a record pace, adding more than 1,500 uniformed members of staff since 2015, and another 900 more entered the academy in December. These new recruits help us to reduce overtime, which is critical to maintaining a healthy, capable workforce and a safe environment in the jails. Furthermore, they receive the most up-to-date tools in the academy, including new mental health training and use of force training, so these new officers contribute to the Department's cultural change.

As I have detailed at previous hearings, our new recruitment emphasis does not simply emphasize numbers. We have completely revamped our Applicant Investigation Unit (AIU) and raised our hiring standards to match NYPD's. We have a capable, diverse workforce, which now is better equipped to do the job – due to new training and new tools – than they had been before.

Looking Forward

We are proud of the significant progress that we have made to reduce assaults on staff and uses of force, address overtime, reform our use of punitive segregation, and transform our management philosophy. We recognize that we still face significant challenges – we need new, modern facilities and a new academy, problematic inmates continue to increase as a percentage of the population – but we believe that the changes we have implemented to date create a strong foundation on which to continue to build our reforms.

Thank you for your time. I now introduce my Deputy Commissioner of Financial, Facility, and Fleet Administration, who will speak about the FY18 preliminary budget.

Good Morning, thank you for the opportunity to report on the Department's FY18 Preliminary Budget for both Expense and Capital.

FY18 Preliminary Budget and Its Impact on DOC (January Plan)

The Department's Fiscal Year 2018 Expense Budget is \$1.44 billion. The vast majority of this, 89%, is allocated for Personal Services, and 11% for Other than Personal Services. The Fiscal Year 2018 budget is \$38.3 million more than this year's budget of \$1.40 billion. This increase is mainly due to initiatives that were funded beginning in FY18 and incremental increases to collective bargaining funding.

Included in the Preliminary Budget is an additional \$6.6 million in Fiscal Year 2017, \$54.2 million in Fiscal Year 2018, \$29.8 million in Fiscal Year 2019, \$41.2 million in Fiscal Year 2020, and \$51.9 million beginning in Fiscal Year 2021.

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

- Uniformed Overtime – \$52.1 million in FY18, \$28.7 million in FY19, \$37.3 million in FY20, and \$47.9 million in FY21 and the out years was provided in order to adjust the budget to account for the current projected uniformed overtime spending for FY18 and the out years. With the additional funding, the revised uniformed overtime budget is as follows:
 - \$164.6 million in FY18
 - \$150.4 million in FY19
 - \$150.6 million in FY20 and the out years
- Expansion of Enhanced Security Housing – \$1.8 million in FY17, increasing to \$3.7 million and 46 uniformed positions in FY18 and the out years was provided to expand Enhanced Security Housing to a total of 250 inmates.
- Expansion of I-CAN Programming – \$3.3 million in FY17 for increased usage of the Individualize Correction Achievement Network discharge planning services, also known as I-CAN.

Capital Funding

With regard to capital funding, the Fiscal Year 2018 Preliminary Capital Budget and Commitment Plan totals \$2.5 billion, which covers Fiscal Years 2017 through 2027. In this Plan, the Department was granted an additional \$59.9 million in City funds for various facility renovation and improvement projects as follows:

- \$33.8 million to remediate Americans with Disabilities Act (ADA) compliance issues at the North Infirmary Command, Central Visit facility, and visit areas within the jail facilities.

- \$20.4 million was provided to replace deteriorating and leaking roofs that have passed their useful life at GMDC, EMTC, and VCBC. With this new funding, the Department will be able to replace or substantially repair the roofs of all of facilities.
- \$5.7 million to create control stations at the AMKC West Modular buildings. This will allow for control – remotely and electronically – the opening and closing of housing area entrance doors, fire emergency doors and stairway doors, as well as monitor cameras and intercoms.

Headcount

Under the leadership of Commissioner Ponte, the Department has been able to achieve unprecedented levels of Correction Officer recruitment and hiring. Including the Correction Officer class of 929 recruits that is currently undergoing training at the academy, the Department has hired over 3,600 new Correction Officers since May 2014. These new Correction Officers have enabled us to enact the reforms necessary to provide a safer and better environment for our staff and inmates.

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

- The civilian authorized full-time headcount is 2,188 in FY17 and 2,172 in FY18 and the out-years.
- The uniformed authorized headcount is 10,336 in FY17, 10,420 in FY18, 10,459 in FY19, and 10,475 in FY20 and the out years. The authorized uniformed headcount increases each fiscal year mainly due to the phased new need for additional Program for Accelerated Clinical Effectiveness housing units, also known as PACE, which were funded for two additional housing units per year through FY20 during the FY17 Executive Budget. The average uniformed headcount is estimated to be 9,908 in FY17, which represents an increase of 691 compared to an average of 9,217 in FY 2016.
- The FY17 July 1st 2016 to December 31st, 2016 Civilianization Report provided to the City Council identified 79 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.