

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

ON THE EXECUTIVE BUDGET FOR FISCAL YEAR 2016

June 1, 2015

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

I have now had the opportunity to address the Council on a number of occasions since I started in April of last year. My first testimony before the Council was at last year's June budget hearing, which was a year ago tomorrow. At that time, I told you that it was clear that, despite the tireless, everyday effort of many fine men and women, New York City's Department of Correction was deeply troubled.

I am happy to be able to tell you that today, one year later, our team has made significant and important progress in implementing the reforms necessary to make meaningful, lasting change.

- We have eliminated punitive segregation for 16 and 17 year olds.
- We plan to eliminate it for 18 to 21 year olds by 2016.
- We are reforming the use of punitive segregation overall, minimizing its use and ensuring that it is a useful tool to keep our jails safe.
- We have opened Enhanced Supervision Housing units to house those inmates who drive violence and separate them from the general population.

- We are rolling out new programming, such as the Rikers Rovers program and partnering with CUNY to develop appropriate skill development programs, to reduce idleness, increase services, and keep our staff and inmates safe.

These reforms are critical, but there is still significant work to do. We are not done. As you know, the Department is aggressively pursuing a 14-point Anti-Violence Reform Agenda to immediately combat violence and promote a culture of safety at DOC. This agenda is aimed at reducing violence within our facilities and improving the quality of life for staff and inmates alike. The five major initiatives at the heart of the plan focus on reducing violence. The other nine initiatives move DOC toward a safety-focused culture by creating and expanding common-sense practices to strengthen performance, accountability, ownership, and transparency. I have shared an overview of this agenda with the Council in the past, but would like to take this opportunity to update you all, as it was a central focus of this Executive Budget.

Recent efforts related to five of our major anti-violence initiatives include the following:

- 1) Keeping weapons, drugs, and contraband out of our jails

This initiative encompasses a number of reforms, including reforms to visiting procedures. Since we last spoke, DOC has asked the Board of Correction to revise the current visitation rules to redefine the scope of contact visits, establish a visitor registry, and broaden the criteria for restricting certain visitors who present a concern. I want to reiterate that I, and DOC, understand the importance of visits to maintain family connections, which are critical for the inmate population. DOC is not looking to impede these connections; we actually strive to promote them. We are creating a working group to improve the entire visitation experience, including plans to improve wait times, steady visitation posts, and increase transportation options. We are simply looking to create a common sense approach to visit policy that empowers the Department to limit the opportunity for contraband, particularly weapons, to enter our jails.

In addition to the changes to visit policy, DOC is also enhancing searches for both inmates and staff. We are training our front entrance staff in enhanced TSA-style search procedures. We are starting to utilize K-9s for both inmate and staff searches. Furthermore, we are pursuing state

legislation that would permit the use of the most effective scanning technology available to screen inmates for contraband.

2) Creating an integrated classification and housing strategy

DOC has comprehensively reviewed the current classification system and has developed a new system that aligns with a revised housing strategy that we expect will reduce violence. We have just begun implementing this new system in one of our jails. Lessons from that model will allow us to further improve the new plan and ensure that it will work in all of our facilities, before we implement it Department-wide. We will be implementing this model in conjunction with several other key efforts, such as increased programming, leadership and coaching development, enhanced training, and improved staffing ratios by classification.

3) Providing comprehensive security camera coverage

DOC is committed to increasing our camera coverage to 100% for all inmate areas in all of our facilities -- we are striving to achieve this as early as we can. DOC is committed to having complete camera coverage in priority housing areas (including adolescent and young adults) by the end of 2016. Camera coverage is critical to protect staff and inmates, because it allows us to watch areas in real time and to review past incidents for investigative and intelligence purposes.

4) Designing effective inmate education opportunities and services to reduce idle time

Educational and rehabilitative programming are critically important. Not only does programming reduce idleness and propensity for violence, but it enables inmates to re-integrate into society. A robust adolescent and young-adult behavior-modification strategy has been developed and will be implemented in the coming year, after which DOC will focus on more programming for the adult population. We are working toward designing inmates' days around five hours of daily programming. Concurrently, as I have said before, as we implement our new housing and classification models, we will also be providing broader programming offerings within those model facilities.

One example of the groundbreaking programming we are creating are the Community Program Units, the first of which, known as "EPIC" – Empowering People to Initiate Change, has opened

in VCBC. The unit houses only inmates with high need for addiction services. Program participation is mandatory for each inmate in the house, making the treatment a community effort. Like we have done for adolescents and the mentally ill, we are managing this population uniquely to serve their needs.

5) Redefining first line incident response

DOC is improving incident response procedures. We are training staff in force de-escalation and intervention techniques to try to reduce uses of force. To prevent the need for force, we are working with our partners at DOHMH to implement Crisis Intervention Teams. These multidisciplinary teams of specially trained officers, supervisors, mental health staff and nurses will respond to inmates in mental-health crisis to safely and non-violently de-escalate the situation and remove the inmate to the appropriate location for continued treatment.

In some cases, force will still be necessary. To better respond in those circumstances, we are increasing the effectiveness of our Emergency Services Unit by placing them in key facilities for rapid response, instead of having them centrally located on the island to be dispatched as needed.

These five initiatives are the five that directly target violence reduction. The final nine target violence indirectly. These initiatives are focused on driving DOC's cultural change:

- 6) Improving leadership development and culture
- 7) Redefining the Investigations Division
- 8) Designing a recruitment, hiring, and staffing selection plan
- 9) Designing a staff performance management plan
- 10) Implementing operational performance metrics and analysis
- 11) Creating a well-defined supply distribution process
- 12) Improving custody management processes
- 13) Expanding targeting training for staff
- 14) Raising facilities to a state of good repair

All of these fourteen initiatives are now underway. You might have read this week, for example, that on May 27 we began piloting our new classification system with approximately 600 adult

inmates in GMDC. We plan to expand this new program throughout the department's facilities after gaining tactical insights from the launch at GMDC.

Staff recruitment and performance management are both critical for culture change. DOC is reinstating a dedicated recruitment unit and is designing a recruitment, hiring, and staff selection plan to ensure not just quantity but quality of staff. Once we have people in place, we will also utilize a performance review process for all staff that makes performance standards clear, is fair and transparent, provides a career path for high performers, and holds low performers accountable. Our efforts will create a safe environment for staff and inmates.

DOC conducted an agency-wide survey to identify areas of strength and improvement. I have so far held 29 focus groups, 5 Town Halls, and one Open Forum, meeting with over 1300 members of staff and hearing directly from them about what is most important as we move DOC forward. I am not done listening to my staff. More town halls are coming. Our staff wants real, meaningful change at DOC and we are putting their suggestions into action to shape the transformation we are starting to see in our agency.

Some of these initiatives can be tackled in the short-term, within just a few years. Others, such as capital improvements, will be long-term projects. As each initiative rolls out, we will continue to see improvements in our Department. DOC faces a good number of challenges, but our staff is dedicated and capable and, given the right tools, can turn DOC into a model correction department that is worthy of New York City.

I would now like to introduce DOC's Deputy Commissioner for Financial, Facility, and Fleet Administration, Frank Doka, who will speak about the FY16 executive budget.

Financial and Facility Section

Regarding the FY16 Executive Budget and its impact on DOC (May Plan)

The Department's Fiscal Year 2016 Expense Budget is \$1.21 billion. The vast majority of this, 86%, is allocated for Personal Services, and 14% for Other than Personal Services. The Fiscal Year 2016 budget is \$73 million more than this year's budget of \$1.14 billion. This increase is mainly due to additional headcount and funding to support the Department's Anti-Violence Reform Agenda.

Included in the FY 2016 Executive Budget, an additional \$3.8 million in Fiscal Year 2015, \$51.1 million in Fiscal Year 2016, \$44.7 million in Fiscal Year 2017 and \$41.8 million beginning in Fiscal Year 2018.

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

- Anti-Violence Reform Agenda - \$36.4 million in FY'16, \$36 million in FY'17 and \$33.1 million beginning in FY'18 was provided for 85 civilian and 127 uniformed positions in FY'16 increasing to 152 uniformed in FY'17, to enable the Department to combat violence and promote a culture of safety in its jail facilities. The funding provided will support the reform plan to ensure weapons, drugs, and other contraband are kept out of the jail facilities, create an integrated classification and housing strategy, design effective inmate education opportunities and program services to reduce idle time, and redefine first line incident response. In tandem with the work to be done to provide enhanced safety and security for DOC staff and inmates in our jail facilities, the Department will be investing in its own workforce through leadership training and staff performance accountability.
- State of Good Repair for Staff Common Areas in Jail Facilities - \$8.2 million in FY'16 and \$3.1 million beginning in FY'17 was provided for the replacement of lockers, food and recreation equipment, furniture, and renovations of common areas used by officers

to eat, change, and exercise; thereby providing a cleaner, safer and healthier environment. This funding also includes the building of a centralized fitness center on Rikers Island. To complete these projects, funding was also allocated for additional staff including trade, procurement, project managers, fitness instructors and IT titles.

- Light-Duty Vehicle Lifecycle Replacement Plan - \$3.4 million in FY'16 and \$2.4 million beginning in FY'17 was provided to establish a lifecycle replacement plan for light-duty vehicles and hire additional mechanics and services technicians in order to maintain and support fleet operations.
- Forensic Testing - \$733,248 beginning in FY'16 for contractual services to test Department uniforms as a result of inmate splashing incidents.
- Facility Repairs and Maintenance - \$679,800 in FY'16 and \$745,136 beginning in FY'17 was provided to fund facility-related work performed by in-house staff.
- Training Expansion- \$662,600 in FY'15 and \$1.7 million beginning in FY'16 was provided for 10 civilian instructors assigned to the Correction Academy to aid the Department in expanding its training capacity as well as process larger recruit classes going forward in order to reach and maintain budgeted/authorized staffing levels. Funding to extend recruit training due to the introduction of scenario assessment training.

Capital Funding

With regard to capital funding, the Fiscal Year 2016 Executive Capital Budget and Commitment Plan totals \$1.9 billion, which covers Fiscal Years 2015 through 2025. As part of the Executive Budget, the Department received an additional \$404.6 million over the course of the 10-year capital plan.

Of the \$404.6 million, \$102.4 million was allocated for the Anti-Violence Reform Agenda. The Department is diligently moving forward with the camera expansion initiative with **\$41.9 million** provided in FY'15 through FY'17 for vendor design and installation costs of 4,800 additional cameras for a total of approximately 10,500 cameras system wide.

As a result of investigations conducted by both DOC and DOI, it is evident that the front entrances of our facilities are a prime location for the introduction of contraband. To further limit the ability for drugs and weapons to make their way into our facilities, \$40 million was provided in FY'15 through FY'17 to build officer locker rooms on the external section of the jail facility and for the renovation of the front entrances of the jail facilities, as well as \$1.2 million in FY'16 for 20 dual view entry point search x-ray machines.

Continuing the mission of limiting contraband into our facilities, we are also embarking on expanding the use of canines by both our Emergency Services Unit and our Investigation Division. These loyal animals perform a critical service to the Department through their abilities to detect narcotics and cell phones and enhance investigative operations within the Investigation Division. Expansion of these valuable resources will support our line staff during facility searches as well as outside the facility perimeter. The Department received an additional \$7.5 million in FY'16 through FY'18 to replace our existing K-9 Facility, which is beyond its useful life and cannot support an expansion of up to 80 canines as well as increased staffing.

Given that existing space on Rikers Island is limited to support the expansion of the Investigation Division, K-9 Unit and Programs Services, the Department will purchase trailers to be located on Rikers Island to house the additional staff and resources at a cost of \$1.8 million provided in FY'16 through FY'17.

While evaluating the deficiencies the Department had with regards to staffing and resources that have been addressed largely in this financial plan, we also began to look at the data we collect and how we could utilize it to our advantage. Through the development of the reform agenda, it is apparent that the Department is in critical need of enhanced IT systems and applications to begin to properly utilize data currently collected and housed in an inefficient manner. As a

result, \$10 million was provided in FY'16 for the development of a data analytics system to pull together different data sets the Department collects and utilize it for predictive behavior patterns amongst our inmate population. The ultimate end goal with this data mining would be for the Department to begin to be able to predict hot spots in housing areas where a use of force can arise and mitigate it before it occurs.

In addition to the funding received to support the Department's reform agenda, an additional \$302.2 million was provided in Fiscal Years 2015 through 2025 for critical capital improvements to support our mission:

- \$108 million for Fire Life Safety Phase II
- \$85 million for electrical, facade, window, roof and other structural work
- \$43 million in infrastructure upgrades for Rikers Island such as gas and sewer lines, storm water, water and fire mains, and replacement of the existing methane monitoring system
- \$40 million for heating, ventilation and air conditioning upgrades
- \$26 million in lifecycle replacement of our aging fleet and radios

Headcount

The following is a summary of the Department's civilian and uniformed authorized staffing levels:

- The full-time civilian authorized headcount was increased by 10 positions in FY'15 and another 146 positions beginning in FY'16. The number of authorized full-time civilian positions is 1,747 in Fiscal Year 2015, 1,891 in Fiscal Years 2016 and 2017 then dropping to a baseline of 1,876 beginning in Fiscal Year 2018. The decrease of 15 positions beginning in Fiscal Year 2018 is associated with a drop in the number of maintenance staff necessary for the locker room replacement project.

- The uniformed authorized headcount remains at 9,537 for Fiscal Year 2015, increasing by 116 positions to 9,653 in Fiscal Year 2016 and by an additional 25 positions to 9,678 beginning in Fiscal Year 2017. The upcoming annual increases are directly related to the expansion of several commands as part of the Department's reform agenda - 90 positions for the Special Operations Division (K-9 Unit and ESU), 23 positions for Programs Services, 12 positions for the Investigations Division and 2 positions for the office of the Deputy Commissioner for Public Information.

The average uniformed headcount is estimated to be 8,811 in Fiscal Year 2015, which represents a decrease of 189 compared to an average of 9,000 in Fiscal Year 2014.

I now return the floor to Commissioner Ponte to speak about our incoming recruit class.

Recruit Class

At the end of this month, it is anticipated that approximately 370 new Correction Officers will graduate from the Correction Academy. With this graduation, the Department will have added 700 fresh and energetic Correction Officers to its existing workforce in Fiscal Year 2015.

Although this is a tremendous accomplishment, we are still dramatically short when looking at our authorized headcount for next fiscal year. I am committed to an aggressive recruitment plan for Fiscal Year 2016 and hiring 1,800 new Correction Officers by the end of June 2016. We are on track for 600 recruits to enter the Academy at the beginning of August 2015. Although we are working tirelessly to hire up to our authorized headcount, until we reach that point, existing posts must continue to be filled through overtime.

Conclusion

This is both an exciting and challenging time at the Department of Correction as we undergo unprecedented transformation. I want to take this opportunity to thank our officers for their tremendous dedication and patience as we work towards the light at the end of a dark tunnel. I am very optimistic about the future of the NYC Department of Correction and the direction in which we are heading. However, we could not accomplish these goals if we stood alone. The continued support demonstrated by Mayor de Blasio in both commitment of funding and leadership along with the backing of the City Council, unions, external oversights, and community is paramount to our success. Thank you for the opportunity to testify here today and for believing in the Department of Correction. Our shared goals of providing safety and security for our staff and inmate population as well as inmates' successful re-entry into society will once again make us a national leader in sound correctional practices.

At this point, I'd be happy to take your questions.