PROPOSALS TO REDUCE JAIL VIOLENCE IN THE NEW YORK CITY DEPARTMENT OF CORRECTION

A BRIEFING BOOKLET PREPARED BY:
THE CORRECTION OFFICERS’ BENEVOLENT ASSOCIATION, INC.

ELIAS HUSAMUDEEN
President

2018
C O B A  n C 2 d o F y 1 7

21-year-old man fatally stabbed outside of violence-ridden Brooklyn shelter

February 26, 2018

A man was stabbed to death Sunday outside a violence-ridden Brooklyn homeless shelter, cops and witnesses said.

Miguel Acosta, 21, was standing in front of the Atlantic Armory shelter at Bedford and Atlantic Aves. in Crown Heights when the killer, armed with a knife and a grudge, approached him about 1 p.m., police said. The two men exchanged a few words before the assailant plunged a knife into the other man’s chest and ran off.

Acosta, clutching his chest and gushing blood, limped half a block before stumbling facedown onto the rain-slicked pavement, a witness said.

Medics tried in vain to revive him before rushing him to Interfaith Medical Center, where he died.

A witness who lives in the shelter said it appeared the two men knew each other.

“I think he might have already had the knife in his hand. It was one of those double-bladed pocket knives,” he said. “His last words — he said ‘my bad’ four times. Those were his last words. It gave me goosebumps. “The ambulance came with the paramedics and did everything they could to revive him,” the witness added. “That dude is gone. That corner right there just turned into a murder scene.”

The witness said he recognized the victim as a fellow shelter resident but said the killer was “not from around here.”

A Department of Homeless Services official insisted the victim did not live at the shelter. Police listed his address as another homeless shelter — on Blake Ave. in Brooklyn. Durwin Adams, who has stayed at the 350-bed shelter since July, said it is plagued with violence.

“Just last week a man pulled a knife on me that was about 8 inches long,” he said. “I was like, how the hell did you even get that through the metal detectors?” The suspect was described as a 5-foot-6 Hispanic man in his 20s, wearing a black wool cap, black jacket and blue jeans.

Earlier this month, Homeless Services officials said they had doubled the number of officers onsite and moved their training facility to the armory. There are a minimum of 11 security staffers on duty there at all times. Last week, the Daily News reported on an array of quality-of-life concerns surrounding the shelter in the rapidly gentrifying neighborhood.

VIOLENCE ON THE STREETS OF NEW YORK CITY IS DEALT WITH BY ARRESTING AND SEGREGATING THE PERPETRATORS FROM THE PUBLIC AND SENDING THEM TO JAIL.

BUT WHAT HAPPENS WHEN THESE PERPETRATORS CONTINUE TO COMMIT VIOLENCE IN JAIL?

PUNITIVE SEGREGATION IS A JAIL WITHIN A JAIL. IT ENABLES CORRECTION OFFICERS TO SEGREGATE VIOLENT OFFENDERS JUST AS THE POLICE SEGREGATE VIOLENT OFFENDERS ON THE STREETS OF NEW YORK CITY, WHEN THEY MAKE ARRESTS.
INTRODUCTION

IT’S BEEN SAID THAT “THE DEFINITION OF INSANITY IS DOING THE SAME THING OVER AND OVER AGAIN AND EXPECTING A DIFFERENT RESULT”

The Department of Correction is still attempting to resolve the issue of jail violence through the creation of so-called specialized housing units/programs. However, regardless of whether we call them restrictive housing units, enhanced supervision housing, enhanced housing, transitional-restorative units, secure units, or enhanced supervision re-start, they will not address the core issue at hand—jail violence.

The Department of Correction thinks that the mere creation of housing units/programs with elaborate names somehow means they are creating something new. They are not. They have not changed anything during the last four years and continuing these failed programs, while expecting a different result, is the definition of insanity.

Second, despite the fact that these units and other “reform policies” have been in place for four or more years, very little progress has been made to ensure jail safety (Mayor’s Management Report 2013-2017). Correction Officers, staff, and inmates continue to be assaulted at alarmingly high rates on a daily basis without accountability or sanctions placed upon violent offenders (Federal Monitor’s Reports I-IV).

The Department of Correction has been unable to lower the jail violence across every major category (Mayor’s Management Report 2013-2017). Despite the failure of these policies, the Department of Correction continues to stand by them and has not developed any new or effective initiatives to effectively reduce jail violence.

Thus, the Department of Correction has failed to learn from recent history and it continues to repeat its mistakes at the expense of Correction Officers, staff, inmates, and the public.

The Mayor’s continued failure to listen to these sound recommendations from law enforcement experts and the boots on the ground is directly connected to the continued increase in violence in our jails.
NEW YORK CITY
RIKERS ISLAND
RIKERS ISLAND & NEW YORK CITY JAILS

9 RIKERS ISLAND FACILITIES

1. RNDC: The Robert N. Davoren Center
2. EMTC: The Eric M. Taylor Center
3. GMDC: The George Motchan Detention Center
4. AMKC: The Anna M. Kross Center
5. NIC: The North Infirmary Command
6. OBCC: The Otis Bantum Correctional Center
7. WF: West Facility
8. RMSC: The Rose M. Singer Center
9. GRVC: The George R. Vierno Center

IN ADDITION TO THE 9 JAILS RIKERS HAS:
- POWER PLANT
- GARAGE
- GAS STATION
- CAR WASH
- FIRE RESPONSE UNIT
- MEDICAL UNITS
- BAKERY
- CENTRAL LAUNDRY
- TAILOR SHOP
- PRINT SHOP
- A K9 UNIT
- STORE HOUSE
- APPROXIMATELY 1500 PARKING SPACES

BOROUGH FACILITIES

BROOKLYN DETENTION COMPLEX (BKDC)
MANHATTAN DETENTION COMPLEX (MDC)
BRONX COURTS (BXCTS)
VERNON C. BAIN CENTER (THE BARGE) (VCBC)
QUEENS COURTS QDC

HOSPITAL UNITS

ELMHURST HOSPITAL PRISON WARD (EHPW) QUEENS
BELLEVUE HOSPITAL PRISON WARD (BHPD) MANHATTAN
A GLIMPSE OF RIKERS ISLAND & NEW YORK CITY JAILS

FY17

2017 ADMISSIONS ................................................................. 58,226
NUMBER OF REPEAT OFFENDERS ........................................ 41,545
AVERAGE DAILY POPULATION ........................................... 9,000
INMATES IN SECURITY RISK GROUP (% ADP) ...................... 14.7%
JAIL-BASED RE-ARRESTS OF INMATES ............................. 1,126
POPULATION IS ON TRIAL ..................................................... 85%
AVERAGE LENGTH OF STAY ............................................... 60.7 DAYS
PERCENT RELEASED TO THE COMMUNITY ....................... 76%
RIKERS ISLAND ..................................................................... 420 ACRES
INMATES TRANSPORTED TO AND FROM COURT DAILY ............. 1,000
INMATE VISITORS PER DAY ............................................... 1,600

POPULATION DEMOGRAPHICS FY17

<table>
<thead>
<tr>
<th>AGE</th>
<th>NEW ADMISSIONS</th>
<th>AVG. DAILY POP</th>
<th>% OF ADP</th>
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<tbody>
<tr>
<td>16-17</td>
<td>332</td>
<td>143</td>
<td>1.5%</td>
</tr>
<tr>
<td>18-21</td>
<td>1,381</td>
<td>947</td>
<td>10.2%</td>
</tr>
<tr>
<td>22-25</td>
<td>1,967</td>
<td>1,373</td>
<td>14.8%</td>
</tr>
<tr>
<td>26-29</td>
<td>2,181</td>
<td>1,321</td>
<td>14.2%</td>
</tr>
<tr>
<td>30-39</td>
<td>4,033</td>
<td>2,440</td>
<td>26.3%</td>
</tr>
<tr>
<td>40-49</td>
<td>2,597</td>
<td>1,560</td>
<td>16.8%</td>
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<tr>
<td>50-59</td>
<td>1,981</td>
<td>1,240</td>
<td>13.4%</td>
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<tr>
<td>60-69</td>
<td>348</td>
<td>226</td>
<td>2.4%</td>
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<tr>
<td>70+</td>
<td>39</td>
<td>21</td>
<td>0.2%</td>
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<tr>
<td>unknown</td>
<td>86</td>
<td>5</td>
<td>0.1%</td>
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BOROUGH OF ARRAIGNMENT

<table>
<thead>
<tr>
<th>BOROUGH</th>
<th>NEW ADMISSIONS</th>
<th>AVG. DAILY POP</th>
<th>% OF ADP</th>
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<tbody>
<tr>
<td>Brooklyn</td>
<td>3,107</td>
<td>1,720</td>
<td>18.5%</td>
</tr>
<tr>
<td>Bronx</td>
<td>2,304</td>
<td>1,458</td>
<td>15.7%</td>
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<tr>
<td>Manhattan</td>
<td>4,538</td>
<td>3,010</td>
<td>32.4%</td>
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<tr>
<td>Staten Island</td>
<td>728</td>
<td>319</td>
<td>3.4%</td>
</tr>
<tr>
<td>Queens</td>
<td>2,606</td>
<td>1,571</td>
<td>16.9%</td>
</tr>
<tr>
<td>Other</td>
<td>1,662</td>
<td>1,198</td>
<td>12.9%</td>
</tr>
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C O B A N Y C  6  D O C F Y 1 7
### 2017 YEAR IN REVIEW

<table>
<thead>
<tr>
<th>Category</th>
<th>FYTD 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmate Violence - Slashings/Stabbings</td>
<td>133</td>
</tr>
<tr>
<td>Total Use of Force &quot;A&quot;</td>
<td>156</td>
</tr>
<tr>
<td>Total Use of Force &quot;B&quot;</td>
<td>1,239</td>
</tr>
<tr>
<td>Total Use of Force &quot;C&quot;</td>
<td>2,221</td>
</tr>
<tr>
<td>Total Use of Chemical Agents</td>
<td>2,280</td>
</tr>
<tr>
<td>Assaults on Staff Incidents</td>
<td>642</td>
</tr>
<tr>
<td>Use of Force &quot;A&quot;</td>
<td>28</td>
</tr>
<tr>
<td>Use of Force &quot;B&quot;</td>
<td>295</td>
</tr>
<tr>
<td>Use of Force &quot;C&quot;</td>
<td>319</td>
</tr>
<tr>
<td>Use of Force &quot;A&quot; – Staff Injuries</td>
<td>24</td>
</tr>
<tr>
<td>Use of Force &quot;A&quot; – Inmate Injuries</td>
<td>27</td>
</tr>
<tr>
<td>Serious Injury to Inmate by Inmate</td>
<td>152</td>
</tr>
<tr>
<td>Total # of Inmate Fights</td>
<td>4,702</td>
</tr>
<tr>
<td>Infractions for Inmate on Inmate Altercations</td>
<td>9,694</td>
</tr>
<tr>
<td>Assault on Staff W/O UOF</td>
<td>438</td>
</tr>
<tr>
<td>Splashing</td>
<td>744</td>
</tr>
<tr>
<td>Spitting/Spat</td>
<td>268</td>
</tr>
<tr>
<td>UOF Staff - Stop Inmate Fight</td>
<td>1,727</td>
</tr>
<tr>
<td>Criminal Acts - On Civilian Staff</td>
<td>121</td>
</tr>
</tbody>
</table>
# 3 ACTUAL USE OF FORCE INCIDENTS

**UOF (A)** REQUIRES MEDICAL ATTENTION BEYOND OVER THE COUNTER ANALGESICS (LACERATION, PUNCTURE, FRACTURE, SUTURE, INTERNAL INJURIES)

<table>
<thead>
<tr>
<th>INCIDENT DATE</th>
<th>JAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-13-2018</td>
<td>GRVC</td>
</tr>
</tbody>
</table>

At 1911 hours, in housing Area 19B (Adult/Mo), inmate McMillan (Blood, Enh, Rest Cl23) walked up to officer and struck him several times in the facial area. As a result, a use of force occurred with the below listed staff. This incident is classified as an "A" use of force. Video surveillance: yes/Chemical Agent (OC) utilizes: yes. Injuries to correction officers (CO A) Laceration to the face (CO B) Sprain wrist, injury to inmate Contusion to the nose.

**UOF (B)** ADMINISTRATION OF MINOR FIRST AID (SUPERFICIAL BRUISE, SCRAPE, SCRATCH, MINOR SWELLING)

<table>
<thead>
<tr>
<th>INCIDENT DATE</th>
<th>JAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-02-2018</td>
<td>MNCTS</td>
</tr>
</tbody>
</table>

At 1625 hours in Manhattan Court New Admission Pen #2, inmate Huggins (SRG Blood, Cl, 7, AMKC, New Admission) was being escorted by officer to Pen #2, when the inmate threw punches towards the officer, not making contact, as a result, a use of force occurred with the below listed staff. This incident is classified as a "B" use of force. Video surveillance: no/Chemical Agent (OC) utilized: no. Injury to correction officer or inmate.

**UOF (C)** NO INJURY

<table>
<thead>
<tr>
<th>INCIDENT DATE</th>
<th>JAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-12-2018</td>
<td>OBCC</td>
</tr>
</tbody>
</table>

At 1515 hours, in housing Area 5 South (Adult/GP), inmates Henry (NSRG, Cl.19) and Cooper (SRG-Blood, ICR, Cl. 28) were involved in a fight. Officer ordered the inmates to stop and warned Chemical Agent (OC) would be utilized. The inmates did not comply. As result, a use of force occurred with the below listed staff. This incident is classified as a "C" use of force. Video surveillance: yes/Chemical Agent (OC) utilized: yes. No injury to correction officer or inmates.
ANALYSIS OF VIOLENCE ON RIKERS ISLAND FOR FISCAL PERIOD FEBRUARY 2017 - FEBRUARY 2018

In 2017, Correction Officers had in its custody approximately 65,000 inmates who were housed on Rikers Island and other New York City jail facilities. Out of the 65,000 approximately 41,000 were recidivist (arrested 2-9 times that same year).

THERE WERE APPROXIMATELY 3,616 USE OF FORCES (WHICH REPRESENTS LESS THAN 6 PERCENT FOR THE PERIOD IN QUESTION) WITH THE FOLLOWING BREAKDOWN: 156 CLASS (A) USE OF FORCES, 1,239 CLASS (B) USE OF FORCES, 2,221 CLASS (C) USE OF FORCES.

Correction Officers used Chemical Agents a total of 2,280 times which resulted in no injury to inmate or Correction Officers. Between February 2017 and February 2018, there was a total of 642 Correction Officers assaulted by inmates. 28 of those assaults were Class "A" Uses of Forces resulting in Correction Officers being sent to the hospital for lacerations, punctures requiring sutures, fractures, internal injuries, broken orbitals, fractured jaws, broken/fractured noses, sprain of the hands, wrists, shoulders, ankles, back injuries, or missing teeth. Some were the result of an outright attack on Correction Officers by an inmate or inmates, while most are assaults resulting from Correction officers intervening in inmate fights or altercations. A total of 1,727 Use of Force involved Correction Officers breaking up or stopping inmate fights.

There were a total 438 incidents of inmate assault against Correction Officers where no force was used by Correction Officers. Correction Officers were splashed a total of 744 times with urine, feces and other unknown liquids by inmates. Correction Officers were spit/spat on a total of 268 times by inmates. Inmates usually spit in the face of Officers. These numbers do not include civilians. There was a total of 121 criminal acts (which includes assaults, splashing and spitting) against Civilians staff.

During this same period, there were 4,702 Inmate fights in total. Over 152 Inmate on Inmate Serious Injuries and 133 incidents of Inmate Slashing and Stabbings, mostly committed by adolescents, mentally ill and high custody inmates.

In FY2017, Adolescent inmates (16-21 year olds) who despite comprising only 1,713 of the total inmate population, are a group with higher than average lengths of stay in custody, more serious criminal charges (charged with one or more felonies), the top charges being (Robbery 1 and 2 and Murder 2) and a higher level of involvement in jail incidents. Since January 2018 to date there has been more than 150 Use of Force involving 16-17 year olds (mostly involved Correction Officers breaking up inmate fights).

In FY2017 Inmates identified as members of security risk groups (SRG), which include gangs, represent approximately 14.7% of the population and are involved in about a quarter of all jail incidents. High-custody inmates, identified as having a high propensity for institutional violence, but are involved in close to half of all jail incidents.

Correction Officers have been successful in running one the best operation in our profession. New jails and shutting down Rikers won’t do anything to reduce the violence in the jails, if Correction Officers are not allowed to enforce the law behind bars.
On March 17, 2018, J’von Johnson, an inmate housed in an Enhanced Supervision Housing unit at the Otis Bantum Correctional Center, who is charged with murder and three assaults, lashed out and attacked a Correction Officer as he was completing his tour.

The inmate threw scalding hot water on the officer and then proceeded to punch him repeatedly. The officer was transferred to the Emergency Room at New York Cornell Hospital and was treated for 1st and 3rd degree burns and a broken nose. **This same inmate was responsible for assaulting another Correction Officer just last year in the same exact housing unit.**

**J’VON JOHNSON** (Age 21)

**INMATE**

**DETAILS:**

**STREET CHARGE:**
MURDER (A FELONY)

**CHARGE:**
ASSAULT-2ND DEGREE (D FELONY)

**CHARGE:**
ASSAULT-2ND DEGREE (D FELONY)

**THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE’S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.**
MULTIPLE INMATES ASSAULT CORRECTION OFFICER FRACTURING HIS NECK

On February 10, 2018, the inmate and Bloods gang member, Steven Espinal, walked up to the uniformed officer in a vestibule of the George Motchan Detention Center and punched him, knocking him to the floor. Within moments, four other inmates rushed the officer, kicking and pummeling him for about eight seconds until two correction officers came to his aid, including one who used pepper spray, according to a video of the attack.

The injured officer, Jean Souffrant, 39, fractured his neck and was treated for bleeding on the right side of his brain.

THE FOUR INMATES WHO ATTACKED OFFICER SOUFFRANT

**INMATE ESPINAL**  
Age 18  
DETAILS:  
STREET CHARGE: Attempted MURDER  
B Felony

**INMATE BURNS**  
Age 18  
DETAILS:  
STREET CHARGE: Attempted MURDER  
B Felony

**INMATE FRANCIS**  
Age 18  
DETAILS:  
STREET CHARGE: Attempted ROBBERY  
3rd E Felony

**INMATE WATSON**  
Age 18  
DETAILS:  
STREET CHARGE:  
Crim Poss weapon-2nd Degree  
C Felony

THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE’S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.
INMATE ASSAULTED A FEMALE CORRECTION OFFICER, BREAKING HER NOSE

While attempting to break up a fight between multiple inmates at the George R. Vierno Center, on March 8, 2018, a Correction Officer was punched in the face by inmate Xavier Blount. She was sent to the Emergency Room and treated for a fractured nose.

**BLOUNT, XAVIER** (Age 21)
INMATE

**DETAILS:**

**STREET CHARGE:**
CRIM POSS CONTRL SUBST-3RD B Felony

**STREET CHARGE:**
Court Order

**STREET CHARGE:**
ASSAULT -2ND D Felony

THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE HE’S 21. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC. WHEN SENT TO SURROUNDING COUNTIES IS PLACED IN SEGREGATION MORE RESTRICTED THAN NEW YORK CITY.
INMATE ASSAULTED A CORRECTION OFFICER, SLASHING HIM ACROSS HIS FACE

After refusing to return a hot pot of water to a Correction Officer, inmate Benjamin McMillan assaulted the Correction Officer in a housing area at the George R. Vieno Center on March 13, 2018. The Correction Officer was slashed across his face and sent to the Emergency Room.

MCMILLAN, BENJAMIN (Age 61)
INMATE

DETAILS:
STREET CHARGE:
ASSAULT -2ND D Felony

STREET CHARGE:
OBTURCTOR GOVERNMENTAL ADMINIS
A Misdemeanor

STREET CHARGE:
Attempted ASSAULT-1ST C Felony

THIS INMATE CANNOT BE PLACED IN PUNITIVE SEGREGATION AND HIS PRIVILEGES CANNOT BE ELIMINATED BECAUSE OF HIS CLASSIFICATION AS A “MENTALLY ILL” INMATE. BUT WHEN HE WAS ARRESTED BY THE NYPD FOR HIS STREET CRIMES, HE WAS REMOVED AND SEGREGATED FROM THE GENERAL PUBLIC.
HOW DOES NYC DOC HANDLE VIOLENT 16-21 YEAR OLD INMATES?

Since the elimination of punitive segregation in NYC jails for the Adolescent population, the Department’s solution for handling this population is to transfer them to the surrounding counties such as Suffolk, Nassau and Albany.

Currently, the NYCDOC has approximately 40 inmates who are transferred to surrounding counties at a cost of approximately $150 per day.

These surrounding counties all have punitive segregation, but most are called administrative segregation.

When DOC inmates are transferred to the outside counties they are placed in administrative segregation because these counties don’t want to expose their population to this population of inmates.

THE BENEFITS OF NYCDOC TRANSFERRING INMATES TO OTHER JURISDICTIONS:
1. We can have them placed in punitive segregation but not by us.
2. It separates this violent population from NYC Correction Officers, Civilians and inmates.
3. This population becomes someone else’s problem.

THE DOWNSIDE TO TRANSFERRING THIS POPULATION OF INMATES:
1. It costs the city approximately $150 per day that they’re with the outside counties.
   In addition to the $247,000 it costs to incarcerate them annually.
2. It gives the appearance that NYCDOC and NYC cannot handle this population of violent inmates.
3. It creates a hardship for the family members to travel to visit them.
4. The additional costs involved with NYCDOC personnel who’s responsible for ALL transportation of
   picking up and delivering these inmates for all hearings and court appearances in NYC and returning
   to them to the outside counties.
5. It forces their lawyers or legal representation to travel outside the city.
Mr. de Blasio said during his weekly appearance on NY1 that whatever validity there was to their claim about punitive segregation being a deterrent, “SOLITARY CONFINEMENT, UNFORTUNATELY, EATS AWAY AT THE HUMAN SOUL. SO I UNDERSTAND HOW FRUSTRATING IT MUST BE FOR OFFICERS WHO FEEL THAT SENSE OF DANGER, AND WE FEEL FOR THEM, WE WANT THEM TO BE SAFE AND THAT’S WHY WE’RE INVESTING AND WE’RE GOING TO MAKE SURE THEY’RE SAFE, BUT SOLITARY CONFINEMENT IS NOT THE ANSWER.”

- BILL DE BLASIO, NEW YORK CITY MAYOR

Former DOC commissioner Martin F. Horn believes that the policy shifts and the recent spike in inmate violence are connected. “IT’S CERTAINLY PART OF THE STORY,” he says, adding that de Blasio and his team “MAY HAVE TRIED TO ACCOMPLISH TOO MUCH, TOO FAST.”

“In many jails throughout the U.S. and even within New York State, prisoners are not routinely out and about for more than an hour a day. New York City is an anomaly by providing that prisoners are allowed to "lock out" of their cell for up to 16 hours a day. The Minimum Standards of the State Commission on Corrections that govern the operation of the City’s jails and those of all other jails in the State nowhere require that length of "lock out" time. Only New York City affords that "privilege" to its prisoners.

- MARTIN HORN, FORMER DOC COMMISSIONER

New York City Department of Correction“The first step to reducing UOF incidents is to reduce inmate-on-inmate violence. We still have significant improvements to make, particularly in preventing stabbings and slashings.” “The Department has consulted with the Nunez Monitor throughout the implementation of the Young Adult plan and has advised the Monitor of the facts and circumstances set forth above. The Monitor and his team of experts - who have experience eliminating the use of punitive segregation in other jurisdictions - have continuously advised the Department on the need to be thoughtful and deliberate in our approach to punitive segregation reforms and have cautioned that moving too quickly towards the ultimate goal of ending punitive segregation can undermine the success the Department has already achieved through reforms to the management of this population. The Monitor has advised the Department the variance request is consistent with sound correctional practice and that he believes it represents the most reasonable and prudent approach in light of the current facts and circumstances.”

- JOSEPH PONTE, FORMER DOC COMMISSIONER

“For all of the successes, we still have a long way to go. There are still too many officers being assaulted. There are still too many uses of force and fights. There are far too many stabbings and slashings.”

“For every 10,000 Correction Officers across the country, there are 254 workplace assaults and violent injuries. That is 36 times higher then the rate for all American workers. How many of you in this room today would continue to go to your place of employment everyday if those numbers were associated with your profession?”

- CYNTHIA BRANN, CURRENT DOC COMMISSIONER
“An effective way to reduce uses of force is to reduce the number of inmates fights. We also realize that, as a Department, we need to be flexible enough to revisit policy decisions that have been made in the past, determine WHAT IS WORKING well and WHAT IS NOT, and amend those policies as needed. This includes issues such as punitive segregation, managing the mentally ill and adolescents, and basic custody management practices.”

- MARK CRANSTON, FORMER ACTING DOC COMMISSIONER

“Segregation has been and will continue to be a tool that is necessary to manage legitimate safety concerns. Reforms in the use of this practice will only be successful if the safety of inmates and staff is maintained or improved in the process.”

- DAN PACHOLKE, FORMER CANDIDATE FOR DOC COMMISSIONER

“I understand that that minimum standards for incarcerated persons are necessary for the operation of a humane jail system, but I think it is time to determine if the opportunity exists to establish--within the framework of those minimum standards--graduated sanctions that are proven to increase public safety and reduce violence.”

“Correction Officers must be empowered to prevent, reduce and stem violence on Rikers by employing swift, certain and immediate response to incidents that do not rise to the level of a criminal offense but still has the effect of disrupting order.”

“HOWEVER, I CANNOT PROSECUTE OUR WAY OUT OF THE VIOLENCE AND DYSFUNCTION of Rikers Island jails. Prosecution should be the last resort.”

- DARCEL CLARK, BRONX COUNTY DISTRICT ATTORNEY

“Protecting Inmates is our legal responsibility but protecting Correction Officers is our moral and ethical responsibility.”

- JOSEPH BORELLI, CITY COUNCILMAN
“Let’s not forget today, let’s not forget tomorrow, let’s not forget next year. Ten years from now sounds nice, but it may never happen and if it doesn't happen, what do we do about the safety in Rikers Island?”

Paul Vallone, City Councilman

Simply Put, Punitive Segregation is a Jail Within a Jail. It is a public safety imperative that punitive segregation be permitted as a disciplinary tool for repeatedly violent inmates who put correction officers and other inmates in harm’s way, regardless of their age. Rather than completely removing it from the disciplinary toolkit, this punishment should be judiciously applied with oversight that takes mental health imperatives and violent behavior into account. We cannot and will not accept an either-or proposition between justice and safety. In the nation’s second-largest jail system, we must have both!

Eric Adams, Brooklyn Borough President

“If I’m going to choose between the good guys and the bad guys, I’m going with the good guys. Inmates should be treated humanely, but when they attack correction officers, there has to be very serious repercussions.”

John Flanagan, New York State Senator & Senate Majority Leader

The city and agency went far beyond the court consent degree “Which includes the elimination of Punitive Segregation”

Steve Martin, Independent Monitor
THERE ARE FOUR PRIMARY WAYS TO REDUCE/CONTROL JAIL VIOLENCE

**FIRST**
Disciplinary Sanctions- penalties for inmates when the rules are violated, regardless of their age.

**SECOND**
The ability to use punitive segregation for inmates who are guilty of committing violence regardless of their age.

**THIRD**
Re-arrest inmates who have committed criminal acts while incarcerated in the city’s jails.

**FOURTH**
Stronger charges issued by the District Attorneys, like gang assault and gang-related violence, and if and when convicted, consecutive sentencing.

Two of the four of the above policies are actually happening. It is obvious that the jails in the surrounding counties already implement recommendations #1 and #2 in order to keep the violence down and the jails safe.
CORRECTION OFFICERS’ BENEVOLENT ASSOCIATION, INC.
“PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK”

PROPOSALS

COBA PROPOSAL #1
DISCIPLINARY SANCTIONS ON INMATE PRIVILEGES

COBA PROPOSAL #2
RESTORATION OF PUNITIVE SEGREGATION IN LIMITED CIRCUMSTANCES

COBA PROPOSAL #3
INMATE IDLENESS REDUCTION

COBA PROPOSAL #4
OTHER DISCIPLINARY SANCTIONS

COBA PROPOSAL #5
A SUMMIT OF ALL STAKEHOLDERS
COBA PROPOSAL #1
DISCIPLINARY SANCTIONS ON INMATE PRIVILEGES

In an all-out effort to reduce violence while holding inmates accountable for committing crimes and infractions during incarceration, COBA recommends placing disciplinary sanctions upon inmate privileges. We recommend that the Department of Correction task managers effectively and judiciously utilizes the existing inmate discipline measures and analyzing their effectiveness. They should begin tracking COBA's proposed sanctions the same manner to those indicators tracked on the Monthly Facility Management Reports so that their effectiveness can be comparatively evaluated. The use of COBA’s proposed inmate disciplinary sanctions will serve as a powerful deterrent - the sheer perception to the inmates that it is just not worth it to engage in such activity. If inmate disciplinary sanctions have their desired effect, we can envision a Department with less restrictive housing, greater compliance, fewer injuries to staff and inmates, and a real change in morale and culture. Implementing these disciplinary sanctions may even have an impact on recidivism.

LIST OF INMATE PRIVILEGES

- To Watch television .................................................................
- Utilize the telephone ...............................................................
- Shop in the commissary ...........................................................
- Receive a contact visit from family, friends and otherwise .........
- Attend Recreation 1 hour each day ...........................................
- Attend Law Library .................................................................
- Access to Religious Affiliation and services ..............................
- Access to haircuts (Barbershop or Beauty pallor) ....................
- Right to send and receive mail, publications, magazines and packages ....
- Opportunity for gainful Employment ........................................
- Ability to have money placed into their account ........................
- Mechanic Program ...............................................................
- Cooking Program .................................................................
- Sports Programs .................................................................
- Officer Assistant ..................................................................
- Maintenance ........................................................................
- Religion .............................................................................
- Empowerment Groups ........................................................
- Job Preparation ....................................................................
- Gym .................................................................................
A FEW EXAMPLES:

VISITS

We must consider that certain aspects of the Board of Correction Minimum Standards and Directive 2007R-C, “Inmate Visit Procedures,” effectively work against the Department and its efforts to deter violence and directly puts staff, visitors and members of the public at risk. The Department cannot limit or deny a visit to an inmate or visitor unless the criminal act is committed (or expected to be committed) in conjunction with a visit. We can only limit or deny a visit if a litany of parameters is met and then there is the appeal process where the Board too often acts as an inmate/visitor advocate rather than an objective entity.

The Board must relax the constraints put on the Department and permit it to temporarily suspend visits even in cases where the inmates offending act is not directly or indirectly in conjunction with the visit. This type of inmate disciplinary sanction will serve as a powerful deterrent. This will help to send the message that it is just not worth it to engage in acts that violate inmate rules. It may even have an impact on recidivism. That would be a great joint Board of Correction-Department of Correction initiative that would have a direct impact on safety. The impact we can have here is beyond measure.

TELEPHONES

Let’s consider telephone use by the detainee population. The Board mandates that detainees be permitted one call per day at a minimum of six minutes per call. Beyond the right to speak by telephone to counsel, phone use is a privilege. This privilege should be curtailed when inmates commit acts of violence. Such actions would serve to deter violent criminal activity.

THE DEPARTMENT SHOULD BE ABLE TO DENY OR LIMIT ACCESS TO TELEPHONES FOR RULE VIOLATIONS.

HAIRCUTS

Currently, the Board of Correction mandates that inmates must be afforded haircuts. It does not, however, stipulate where and when these haircuts take place. The Department of Correction should be able to remove the privilege of taking a trip to the barbershop.

WE RECOMMEND THAT WHEN FOUND GUILTY OF RULE VIOLATIONS, INMATES BE CHARGED FOR HAIRCUTS EXCEPT WHEN GOING TO COURT.

COMMISSARY

Commissary access is a privilege. Immediate sanctions should be enforced to deny commissary access to any inmate who commits any act of violence. Commissary access should be limited to personal hygiene products. Such denial should be extended for violent acts committed during a denial period.
RECREATION

Currently, the Board of Correction mandates, “recreation may only be denied only with an open conviction of an infraction for misconduct on the way to, from, or during recreation.” This rule is outdated. As a deterrent to violence, the Department needs to have the ability to deny or limit recreation for any violation of inmate rules.

WE RECOMMEND THE DEPARTMENT OF CORRECTION HAVE THE ABILITY TO DENY OR LIMIT RECREATION AS A DISCIPLINARY SANCTION FOR VIOLATION OF INMATE RULES AND REGULATIONS.

LAW LIBRARY

The COBA does not seek to limit or deny any inmate the right to legally defend him or herself. We believe the Board’s current rule that inmates be permitted access for at least two hours each day the law library is open to be sufficient. Currently, the Department of Correction may only deny access to the Law Library for disrupting the orderly function of the Library or using it for a purpose other than for what it is intended. Even if an inmate is prohibited from physically accessing the Law Library, the Board permits the Department of Correction to develop alternate access to legal materials for effective legal research. The Department of Correction needs more latitude to effectively deter the violent inmate.

WE RECOMMEND THE DEPARTMENT OF CORRECTION BE ABLE TO DENY OR LIMIT ACCESS TO THE LAW LIBRARY FOR RULE VIOLATIONS EVEN IF SUCH VIOLATIONS DO NOT OCCUR IN THE LIBRARY ITSELF.

DISCIPLINARY SANCTIONS FOR SPLASHING AND SPITTING INCIDENTS

While no crimes against a Correction Officer should be tolerated, particularly egregious and sadly frequent crimes are splashing and spitting incidents. To be clear, these are incidents where inmates assault Correction Officers with hot water, saliva, urine, semen, and feces. The Board and the Department must take these incidents seriously and impose serious deterrence measures like the above proposed inmate disciplinary sanctions. The Department of Correction needs to be able to sanction an inmate’s use of telephone, recreation, visits, law library, and haircuts when an inmate subjects our staff to potential pathogens. Inmates who splash or spit on staff should be denied everything except basic minimum standards for a finite period of time. Only this way will the Department of Correction be able to truly stop the increasing incidents of spitting and splashing.
COBA PROPOSAL #2
RESTORATION OF PUNITIVE SEGREGATION IN LIMITED CIRCUMSTANCES

The City of New York widely publicized its goal of “reforming” the Department of Correction. One of these “reform” measures was to eliminate the use of punitive segregation — a tool widely misrepresented as solitary confinement — for 16-21-year olds. The use of punitive segregation or the adult inmate population over age 21 was also severely limited. We do not seek to debate the pros and cons of punitive segregation. However, the elimination and limitation of punitive segregation has directly led to an increase in violence (as reported in the Mayor’s Management Report 2013-2017). The problem is clear: in an unbelievable display of poor management and oversight, both the Department of Correction and Board of Correction eliminated punitive segregation — an effective violence deterrence tool — without a plan to fill the void that was left. The Department of Correction failed to implement any alternate measures that could effectively deter violence and violation of the rules. Programs such as Secured Unit, ESH, the Transitional Restorative Unit (TRU) or Second Chance are void of any real or effective disciplinary sanctions and fail to address the underlying reason for why an inmate is being placed in such programs or units. Thus, the Department of Correction’s mission to reduce the use of punitive segregation has actually empowered inmates to further commit crimes while incarcerated, because they know that there is no further penalty, accountability, or deterrent to their unlawful behavior beyond being detained in jail or criminally prosecuted.

COBA recommends that the Department of Correction consider reinstating some form of punitive segregation for 19 to 21-year-old inmates in very limited circumstances — against those who commit serious offenses. We recommend this measure be used only when absolutely necessary and for the shortest duration and in the least restrictive manner possible. We also ask that its use be coupled with what we refer to above as “inmate disciplinary sanctions.” For example, if inmate disciplinary sanctions don’t work, then and only then, should punitive segregation be used on inmates 19-21 years of age. Further, if punitive segregation doesn’t work, inmates (regardless of age), should be removed from our custody and turned over to the DOH/MH or a separate facility should be created to house them. This facility should be operated by the DOH/MH and other health care professionals with Correction Officers providing security and escort only.

COBA PROPOSAL #3
INMATE IDLENESS REDUCTION

As an incentive and deterrent, COBA recommends that the Board of Correction consider standards for idleness reduction for inmates. Too often Department of Correction programs come and go with little measurable effect. In fact, the Department of Correction implements many of its programs in a bubble. Further, we understand that the Department of Correction has earned a less than optimal track record for submitting Monthly Management reports in a timely and accurate manner and has been reluctant to enact measures to truly measure program effectiveness. We urge the Board of Correction to hold the Department of Correction accountable for that.

If programs are to be continued, we need programs that will stand longer than any one administration and provide stability for staff and inmates. The Department of Correction should mandate programs that foster teamwork and good sportsmanship.
**COBA PROPOSAL #4**

**OTHER DISCIPLINARY SANCTIONS**

There are many other disciplinary sanctions such as 1. Being locked in their cells for 4, 6, 8 hours or an entire tour. 2. Receiving a non-contact visits for a specified number of times and other disciplinary sanctions to be explored by all parties involved.

**COBA PROPOSAL #5**

**A SUMMIT OF ALL STAKEHOLDERS**

While we believe that our overview accurately reflects how to improve the security and safety for Corrections Officers, staff and inmates alike, it is time for all stakeholders to be in the same room, at the same time to discuss these issues of great importance. Through real conversation and dialogue, we are confident we can obtain great results and stop the insanity.

In closing, we urge you to say “YES” to true progress as embodied in COBA’s proposals. These proposals are the real deterrents. These proposals are real measures that will effectively curb jail violence and increase safety. These proposals will, if given a chance to succeed, will have a tremendous positive impact on the New York City Department of Correction. Please give these proposals serious consideration.
While the most recent Mayor’s Management Report admits that reducing punitive segregation appears to correspond to a rise in inmate violence, the report argues, circularly, that the successful diversion of nonviolent offenders from jails has concentrated the population of violent inmates, thus leading to more violence: “There is an increasing share of people in custody who face felony charges and have gang affiliations. These inmates are significant drivers of jail violence.

The core function of city government is to maintain security. In city jails, that task falls to New York’s Boldest, but the mayor’s progressive policies have altered the conditions in which they work—and data show that these policies have failed. Will de Blasio heed the counsel of those doing the job and reverse course? Not as long as he puts “equity” before security.

Rafael A. Mangual is the deputy director of legal policy at the Manhattan Institute for Policy Research, where he writes and researches in the areas of criminal justice reform and crime.
### ADP BY TOP ARREST CHARGE BASED ON 1ST 6 MONTHS FY17 CROSS-SECTIONS

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LESS THAN 1% OF THE 9,100 INMATE POPULATION IS RESPONSIBLE FOR THE MAJORITY OF THE JAIL VIOLENCE COMMITTED THROUGHOUT THE NYC DEPARTMENT OF CORRECTION

Source: NYC Department of Correction
CORRECTION OFFICERS’ BENEVOLENT ASSOCIATION, INC.

“PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK”
SCAN TO VIEW OR DOWNLOAD
www.cobanyc.org/ReduceJailViolence