

CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.

"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"



Who's Monitoring The Monitor?

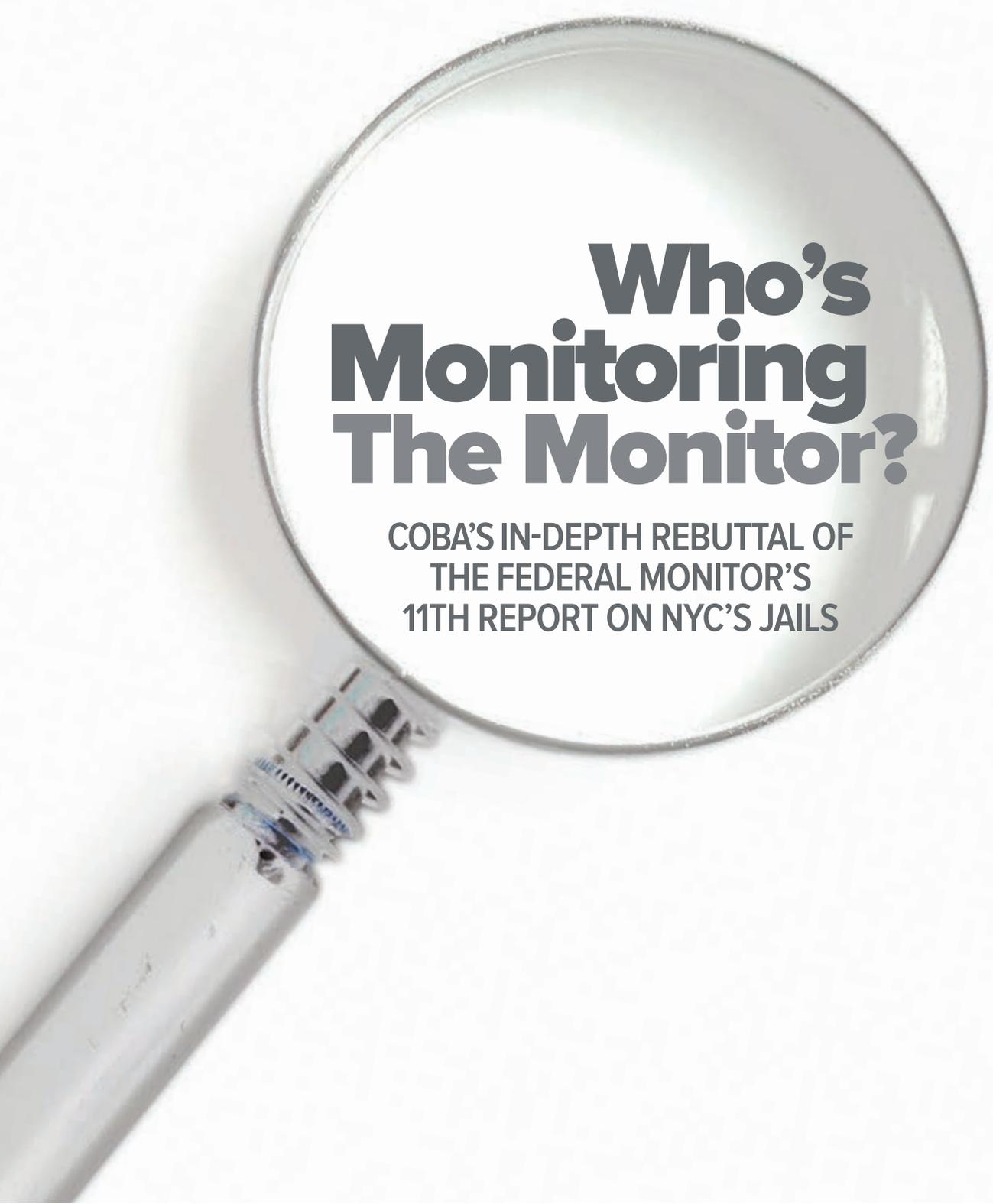
**COBA'S IN-DEPTH REBUTTAL OF
THE FEDERAL MONITOR'S
11TH REPORT ON NYC'S JAILS**

BENNY BOSCIO JR.
President



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WHO'S MONITORING THE MONITOR:

COBA'S REBUTTAL TO THE 11TH MONITOR'S REPORT

On May 11, 2021, DOC Commissioner Cynthia Brann announced her resignation. On the same day, May 11, 2021, the Federal Monitor issued his 11th report. It's no coincidence that these two events happened on the same day and that the Monitor even had advanced knowledge of her resignation and who her successor would be. The report brutalizes DOC, depicting jails in complete disarray and chaos. Yet, inexplicably the 11th Report spared Brann personally from any of the responsibility. How is it possible Brann escaped all personal accountability for the widespread DOC disarray she presided over – and is now abandoning?

The city might like for everything written in the Monitor's 11th report to be pinned on Brann and claim that there is a new day in DOC going forward. It may only work that way in the City's twisted PR spin of the situation. Brann's resignation is a direct result of the immense pressure COBA has put on DOC and the City publicly for months, exposing issues like Triple Tours, missed meals, broken cells, gang-affiliated housing (SRG housing), injuries to COs, failure to conduct searches and countless other safety issues. That's why the Monitor likely held his 11th report until Brann announced her resignation. But we know full well that the Department's epic failures will not simply disappear with her departure. But hopefully her departure will signal the urgency for the agency to create positive changes that will benefit everyone in our facilities.

Our report is a comprehensive rebuttal of key issues raised in the 11th Federal Monitor's Report. We prepared this report to not only expose the litany of misinformation, misrepresentation of facts, and blatant omission of important facts in the Monitor's report, but to also provide the public with the realities we face in the nation's second-largest jail system every day.

THE MONITOR GAINS FINANCIALLY BY DEPICTING NYC JAILS NEGATIVELY

The Federal Monitor's teamed is staffed primarily with executives from the Tillid Group.

THE FOLLOWING IS HOW THE TILLID GROUP PRESENTS ITSELF ON ITS WEBSITE:

Tillid is a group of dynamic and creative professionals committed to empowering public and private entities to make positive and sustainable change. Our team is experienced in working with monitors, regulators, and other oversight bodies to address and/or prevent potential misconduct. This work includes assessments of and improvements to an organization's hiring and recruitment practices, training programs, internal investigations, and disciplinary processes.

Tillid is in the business of Monitors. As long as there is chaos, disfunction and disarray in DOC – the continued existence of the Monitor is “justified” – and the Tillid Group can continue to rake in fees from the city. That means each and every Monitor's report is inherently biased due to the financial stake the Tillid Group has in ensuring that there continues to be a Monitor. This means the people of New York City are paying the Tillid Group to write scathing reports about DOC's disfunction every 6 months. Imagine that. How much money over the past 5+ years? That is anybody's guess because the City has never disclosed a single invoice and has never taken the option it has to submit invoices to the Federal Judge to seek a downward adjustment. The Monitor just blasts DOC every 6 months and the city pays the Tillid Group to do it again the next 6 months. No wonder the 11th Monitor's Report announces that despite already being responsible for evaluating DOC for the past 5 years, the monitoring group needs to take the next 6 – 8 months to engage in an overall staffing analysis for DOC – more on that later. What has the monitoring team been doing for the past 5 years? Sounds like a great way to rake in more fees and guarantee the continued business that is “monitoring” for the Tillid Group. It is time to compel transparency about the financial arrangement between the City and the Tillid Group. Enough is enough!

What we do know about the Tillid Group over the past 5 years is that they have only made the jails worse. Let's analyze the results of the monitoring team's changes. The Tillid Group has reconstructed DOC's entire training curriculum with respect to: Use of Force, Facility Response, Chemical Agents, Baton Training, Tasers, Escort Procedures, Body Cameras and Handheld Videos. More recently the monitoring team has focused on Emergency Service Operations too. So, what are the results of that overhaul? Well, they're all incredibly negative. Staff and inmate injuries have gone up. Officer discipline is at an all time high. All resulting in working conditions so poor that Officers are resigning at unprecedented rates. The Monitor wants to portray DOC as incompetent? The reality is that the only people involved in NYC jails who might exceed DOC's incompetence is the monitoring team themselves! If the current monitoring team hasn't been able to compel any significant progress within DOC in 5 years, then perhaps it is time for a new Monitor.

THE MONITOR SAYS DOC IS INCOMPETENT AT STAFFING; YET THE MONITOR CAN'T OFFER ANY REAL STAFFING SOLUTIONS FOR 6-8 MONTHS

The Department struggles to manage its large number of Staff productively, to deploy them effectively, to supervise them responsibly, and to elevate the base level of skill of its Staff. All of this has a direct impact on the Department's ability to reduce the level of violence and ensure the safety and well-being of Staff and incarcerated individuals (11th Federal Monitor's Report, p. 10)

The above quote is damning. Even the Monitor agrees that the way DOC is running its facilities is unsafe. The Monitor also notes that DOC's understaffing has led to fatigue, impatience and morale problems among staff who are forced to work extra shifts. (11th Federal Monitor's Report, p. 13). Yet despite acknowledging the serious impact DOC's low staffing levels has had on our officers, the Monitor still wants to see more officers face disciplinary charges. The Report also cites that some Staff call out of their regularly assigned shift out of fear of being held over for additional shifts and refers to DOC's workforce as being "inadequately trained."

While the raw facts are compelling and cannot be disputed, the Monitor then proceeds to synthesize those facts into recommendations that are so flawed and misguided that it is inconceivable such opinions could come from a team that has been "monitoring" DOC jails for 5 years. The Monitor cites that approximately 2,040 uniformed Staff (1,825 COs) are unavailable to work full duty because of MM restrictions, sick, maternity, military and FMLA leaves. The Monitor concedes that this is "an extraordinarily large number." However, the Monitor then illogically proceeds to conclude that DOC still has "extraordinarily large number of Staff to operate the jails" despite being left with a worse than 1:1 inmate (5,629) to available uniform Staff (5,520) ratio. Further, instead of calling for the city to hire more Officers, the Monitor calls for the Officers who are out on medical leave to be further scrutinized. If there is no uniformed Staff shortage then why focus on forcing Staff on medical leave back to full duty?

Worse yet, the Monitor also concludes that the staffing issue is merely poor roster management and deployment on DOC's part. You might think the Monitor would make such a claim with facts and details to support it, but that's not the case. Instead, the Monitor cites only one example of mismanagement. In what is a common theme throughout the report, the Monitor uses DOC's mismanagement to attack the prestigious Emergency Services Unit ("ESU"), incredulously stating that ESU exacerbates use of force situations, makes them worse, is over-deployed and overstaffed when it is deployed. The Monitor writes as if simply having and deploying less ESU Officers would solve DOC's staffing crisis on its own – an amateurish and unworkable premise to begin with.

The Monitor offers no other real staffing recommendations. Predictably, the Monitor says a “neutral and independent staffing analysis must be conducted” – what has the monitoring team been doing for the past 5 years? Comically, the monitoring team then volunteers itself to conduct the “complex and time consuming” analysis over the next 6-8 months. First, the concept that the Monitor is “neutral and independent” is probably the biggest misrepresentation in the whole 342-page report. The Monitor is stuck in a conflict of self-interest, incentivized to publish reports that portray no progress and dire conditions in NYC jails, while extending the trail of financial gain indefinitely with each negative report. A positive report would signal the end of the Monitor’s financial gains from NYC taxpayers. Second, it is a disgrace that the monitoring team needs 6-8 months before it can provide recommendations on a staffing crisis in DOC when it has been “monitoring” DOC for 5+ years. You might as well translate the “time consuming analysis” to “expensive” now.

The Chief

'A Slanted and Biased POV Only'

COBA Issues Blistering Reply To Monitor's Recent Report

By RICHARD KHAVKINE Jun 11, 2021 Updated 6 hrs ago 0



CORRECTIONS APPENDED: The union representing the city's Correction Officers has severely chastised the Federal Monitor overseeing Department of Correction jails for what it claims is his failure to thoroughly gauge and evaluate conditions inside the jails. The Correction Officers' Benevolent Association's 17-page refutation of the Monitor's recent report also maintains that he and his team are profiting financially from issuing critical assessments of officers and the DOC.

The Chief-Leader/Richard Khavkine

The union representing nearly 10,000 city Correction Officers has issued a scathing rebuttal to the most recent report by a Federal Monitor on the state of city jails, arguing that he and his team failed to properly assess conditions.

The Correction Officers' Benevolent Association further maintains that the Monitor's recommendations have exacerbated already-dangerous conditions inside the jails for Department of Correction



SCAN
QR-CODE
TO VIEW
ARTICLE

WHILE VIOLENCE IN THE JAILS REACHES ALL TIME HIGHS, THE MONITOR WANTS TO DISASSEMBLE ESU AND RESPOND TO USE OF FORCE INCIDENTS WITH LESS STAFF

In perhaps the most detached from reality set of claims in the entire report, the Monitor had the audacity to write the following:

Across the thousands of incidents that the Monitoring Team has reviewed, all too often, problems are precipitated, exacerbated, and catalyzed by the number of Staff who are present at the scene. A critical area of focus for the Department is to reform practices resulting in an excessive show of force that becomes counterproductive and likely catalyzes the need to use force in the first place. Even as Facility leadership and Staff claim that there is an insufficient number of Staff in the Facilities, time and again, the Monitoring Team observes more Staff than reasonably necessary responding to incidents. (11th Federal Monitor's Report, p. 12)

There is no other way to categorize that paragraph than completely insane psychobabble. The Monitor thinks it is reasonable for Staff to handle the most violent brand of inmate in the entire history of DOC on a 1 on 1 basis, with no assistance and no tactical force unit in support. Because staffing levels are so low, there is barely enough staff to respond to alarms and when there is a response team available, it takes anywhere between 25-30 minutes to arrive on scene. Should the Monitor's recommendations come to pass it would risk the life of each individual CO, permanently compromise the safety in NYC jails and grant the inmates free reign to wreak havoc in every single facility.

The Monitor places every CO in the crosshairs with this premise. Stating that COs and supervisors alike default to triggering Level B alarms to deploy ESU to handle "even the most routine management issues" that should be handled independently by the Staff who triggered the alarm in the first place. What the monitoring team fails to comprehend despite their shouts for "de-escalation" is that many times the alarm itself results in de-escalation before an incident even gets going and before a response team even needs to be deployed. If inmates ignore the alarm itself, when they know what is coming next, then it's not realistic to expect de-escalation to be successful once the emergency response team arrives on the scene.

Then the Monitor places the prestigious ESU directly in its crosshairs; stating that "the demeanor of the Emergency Response Team often escalates the situation, which, combined with the show of force and overall chaos, tends to exacerbate the possibility that a use of force will occur". (11th Federal Monitor's Report, p. 40). The Monitor fails to mention that ESU is trained for and supposed to only be deployed for Level C alarms. If a Level C alarm is triggered it means that de-escalation was already attempted and failed and that a probe team was already deployed and likely outnumbered by inmates. The Monitor completely neglects to state that the only reason ESU is even being deployed to Level B alarms is because DOC is so short staffed that there aren't enough officers to even staff a probe team. Intentionally omitting crucial details like this reveals that the Monitor is reporting from a slanted and biased point of view only. Let alone the additional context that ESU was never trained on or introduced to different protocols for Level B alarm responses or that due to gang-affiliated housing combined with broken cell doors inmates are often immediately at a numerical advantage over officers, and even a probe team, which makes de-escalation impossible and rapid escalation of an altercation very likely.

Instead, the monitoring team portrays its own reality – “It defies logic why Facility leadership, who claim to have insufficient Staff, then deploy excessively large teams of Staff to address issues on the housing unit that could and should easily be managed by the Staff assigned to the location”. (11th Federal Monitor's Report, p. 40). The only thing that defies logic is how the Monitor has the audacity to misrepresent the reality that is present within the jails.

Despite publishing 300+ pages that make it clear the entire monitoring team lacks even a fundamental understanding of how to run a jail, the Monitor criticizes ESU's tactics and strategy in detail.

Far too many ESU Staff report to a scene, creating an outsized show of force that exacerbates rather than resolves problems . . . ESU Teams do not appear to approach each situation with any type of tactical plan and often their approach simply leads to chaos and, subsequently, to serious security breaches (e.g., unsecured doors, failure to utilize cuffing ports, etc.) that create further disorder and often generate additional reasons to utilize force.

ESU Teams are far too frequently hyper-confrontational and unprofessional. They almost always fail to first attempt de-escalation when they arrive on the scene and appear to presume force will be required no matter the circumstance. When force is employed, ESU staff often utilize improper head-strikes, violent body slams and take downs, violent wall slams, painful and unsafe escort holds, unnecessary use of OC spray, and prohibited holds. Further, ESU Staff's default response is often exceedingly disproportionate to the level of threat, including the use of high impact strikes, OC grenades and/or batons.

ESU Staff are not transparent about their activities, as they all too often file incomplete or false reports and fail to properly utilize handheld cameras, especially during in-cell applications of force. Together, these aggressive tactics and the misapplication of the Department's Use of Force Directive produce an unacceptable number of unnecessary, excessive, and/or avoidable uses of force, many of which also result in serious injury. As a result, ESU's involvement has a cascading negative impact that only elevates the level of chaos and disruption in both the housing units and the Facilities, far beyond the incidents themselves. (11th Federal Monitor's Report, pp. 46-47).

The Monitor's arguments fall apart upon even the slightest scrutiny. While the monitoring team might be entitled to its own opinions, it is not entitled to its own facts. The Monitor critiques ESU with the claim that they are deployed without a tactical plan. First, not true. ESU is deployed with the general objective to recover the officer(s) who called for the alarm, get briefed on the situation by any recovered officer(s), a supervisor then assesses and instructs whether any other individuals or issues on scene need to be addressed, and then all inmates who caused the incident must be detained so that the area can be turned back over to facility management. It is impossible for ESU to respond with any additional tactics prior to arriving on scene. Beyond a lay out of the area and a general sense of how many inmates might be involved, ESU responds on an emergency basis in live time. There is no ability to even review footage of how an incident started before responding, even if DOC possessed the technological capabilities to rewind and playback cameras in live action (which it does not), holding off responding to a live use of force to review video could cost countless lives. Even suggesting such shows the monitoring team is completely lost.

The monitoring team attempts to provide just 3 examples over a 6-month period exemplifying its claims, but even those 3 examples immediately fall apart. For example, Example #1 includes an attempt by ESU to de-escalate an incident with 2 inmates where ESU Officers even successfully de-escalate the situation with one inmate – showing that ESU de-escalation tactics were applied effectively in the situation. Force is only used on the other inmate in the incident when the inmate refuses to lock-in. The Monitor asserts that the mere presence of ESU for this type of incident was questionable, which is absurd to state when the inmate refused to comply with orders from ESU, as well as the CO who triggered the alarm to begin with. (11th Federal Monitor's Report, pp. 46-48). ESU was clearly necessary. Further, in another example of biased reporting, the Monitor completely fails to mention that the area in question houses the most notorious, vicious and violent inmates, which are basically held separate from the general population. Part of the response here rightfully considers the dangerousness of the housing area.

The monitoring team's critiques of ESU make it clear that it has no regard for the lives and safety of COs or any uniformed Staff. It is the perfect example of the monitoring team's armchair quarterbacking. It exposes the woeful lack of comprehension and the academic detachment that comes from not being physically present in the jails, which the monitoring team rarely, if ever, is. As former heavyweight champion Mike Tyson eloquently put it – "everyone has a plan until they get punched in the face". The Monitor's 11th Report fails to portray an accurate picture of NYC jails in many respects, but none more than the monitoring team's treatment of ESU. The Monitor has either ignored or refuses to acknowledge that DOC's staffing plan was with an inmate population of 3,600 in mind. Yet, the Monitor's Report itself cites the daily population at around 5,600 during the monitoring period. Assaults by inmates on staff are at an all-time high, up 23%. How high do assaults need to spike before the Monitor will so much as acknowledge it? 50%? 100%? Or is there no limit to the Monitor's bias?

THE MONITOR WANTS DEPARTMENT OF CORRECTION TO CONDUCT LESS SEARCHES

Further exhibiting a disregard for Officer safety, the Monitor attacks searches. First, the monitoring team claims that the sheer number of searches conducted per month are “unusual”. Of course, the Monitor makes no statement as to the frequency with which the searches conducted yield contraband or weapons. The Monitoring team states:

Many searches appear to have a questionable basis and often, the teams execute a more extensive search than is necessary (e.g., conducting a unit-wide search instead of searching specific individuals). The Staff's demeanor when conducting the searches is often hyper-confrontational and the tactics employed are unorganized and chaotic (e.g., the items searched are tossed and scattered around). Video footage of searches reveals an overall lack of planning for executing the search and a troubling lack of oversight by Facility leadership. This leads to a search operation that is chaotic and disorderly. From the Monitoring Team's vantage point, the number of Staff deployed to conduct a search is also far greater than necessary. (11th Federal Monitor's Report, p. 43).

Again, incredulously, the Monitor decides to try to tie in the frequency in which searches are conducted to the reason there is a staffing crisis. As if conducting less searches would somehow prevent officers from needing to work Triple tours. Furthermore, DOC leadership has already admitted that during the months of March and April 2021 it stopped conducting even the minimum mandatory number of random searches required by its own Operations Order. Naturally, the discovery of weapons found in jails during use of force incidents skyrocketed in that time. A crucial fact that the Monitor makes absolutely no mention of in the Report. Once again, begging the question – who's monitoring the Monitor?

Additionally, when faced with providing examples of another misguided premise, the monitoring team again falls flat on its face. The Monitor attempts to attack an intelligence-based search that resulted in a use of force. The Monitor attempts to discredit the necessity for the search in the first place – yet even in the one example the Monitor gave for the entire review period, it involved a search where contraband was ultimately recovered. (11th Federal Monitor's Report, pp. 46-48). Yet again, the monitoring team misrepresents reality. It is as if the Monitor will only be satisfied when there are no rules and zero repercussions for inmates in NYC jails. Pretty soon the only thing the Monitor is going to be monitoring is excessive assaults and inmate violence against uniformed Staff.

THE MONITOR'S VIEW OF OFFICER DISCIPLINE AND USES OF FORCE IS COMPLETELY WRONG

Since 2015, DOC has cowered in fear waiting for the Federal Monitor to release his bi-annual report, highlighting everything that DOC is doing wrong. The plain reality is that DOC's biggest mistake is allowing the Monitor to lead the agency around by the nose with his unfair and biased Report. How can any fair and objective person possibly give any credibility to the Monitor's Report when his very existence depends upon his finding fault with everything that Correction Officers do? In fact, the very minute the Monitor places Correction Officers in a favorable light, the entire rationale for his job folds. His entire budget, staff, salary and future depends upon his ability to continue to spin a false narrative as to what Correction Officers do and how they do it. It is against this totally biased and self-serving backdrop that the Monitor's Report should be evaluated. A perfect example of this is the monitoring team's flawed and misguided assessment of how and when Correction Officers are compelled to Use Force.

The Federal Monitor indicates that there is a "continued and sustained prevalence of unnecessary and excessive force. . ." In his harsh and unfair criticism, the Monitor notes, amongst many things, that Officers exhibit "hyper-confrontational behavior" and "fail to utilize de-escalation techniques." Inexplicably, the Monitor ignores the NYC Mayor's Management Report (MMR) which points out that Correction Officers are dealing with a more violent and aggressive inmate population than ever before. In fact, there has been a 23 % surge over the last year amongst inmates incarcerated for violent felony crimes. Additionally, the Mayor's Report notes that gang affiliated admissions are up by 6 %, and that violence amongst inmates is up by 15%. It's hard to see how the Monitor could have left that out, or concluded that these figures were not relevant in his analysis. To him, it just doesn't seem to matter what Officers are up against in protecting inmates and staff alike.

Curiously, the Federal Monitor's Report is also silent as to the facts cited by the mayor regarding assaults on Officers being up 23% last year. The human side to this statistic is that more Officers are suffering debilitating injuries, including broken bones, cracked ribs, black eyes, facial bruising and swelling about the body. This doesn't even begin to address the issue of Officers being regularly splashed with urine and feces. The vast majority of the inmate assaults that take place are committed by gang members who are housed according to their gang affiliations. This reckless policy of housing all the Bloods with Bloods, Crips with Crips, Trinitarios with Trinitarios, Netas with Netas, has enabled the gangs to create little armies that assault officers and non-violent inmates with impunity. Interestingly, the Monitor says nothing about the DOC's gang-affiliated housing policy, nor anything about the injuries being incurred while Officers are breaking up inmate fights, protecting other staff members and thwarting other significant mischief. None of that is apparently relevant to the Monitor. Nor is the fact that female Correction Officers are regularly subjected to sexual harassment and assaults by inmates, many of whom are being held on rape and assault charges. This astonishing omission is outrageous and would never be tolerated anywhere else.

Again, we understand that giving Officers any credit would be a threat to the Monitor's livelihood, but he should at least pretend to be fair. If he was, he would point out that Correction Officers have been exercising incredible restraint. The Mayor's Report points out that incidents of Use of Force were down at least 22% last year. I'm assuming the Monitor would know that. So why not share it with the rest of us. What makes the decrease in Uses of Force even more compelling is that it occurred despite the vicious and inhumane attacks that Officers endure daily. It's hard to know why the Monitor would fail to address this. The Monitor does note that "allegations" of Use of Force against Officers is down by 50%, from 471 such claims in 2015 to 208 claims in 2020. And of those, he concedes that half of the 208 claims were not even substantiated. One might think that this would force the Monitor to examine the constant blatant and false representations inmates make against Officers. Unfortunately, that's not the case.

One might also think that the above statistics cited by the Monitor would have been a perfect opportunity for him to admit that Officers are becoming increasingly more professional. In fact, Officers more actively de-escalate matters, thereby regularly preventing unnecessary Uses of Force. In short, Officers are doing a much better job ensuring Facility order and safety under increasingly dangerous circumstances. Yet and still, the Monitor denigrates us by saying Officers have "hyper-aggressive attitudes." The Monitor's inherent bias is simply shameful.

In his relentless attack upon Officers, he notes that we are failing to ensure that inmate cell doors are secure. He then highlights this purported lapse as a significant factor resulting in the onslaught of violence. He is indeed correct that the lack of secure cell doors is a problem. He is also correct in asserting that this is leading to unnecessary violence. What the Monitor fails to tell you, however, is that Officers have been pleading regularly with DOC to fix the multitude of broken cell doors throughout the Jail, which simply do not work and are otherwise inoperable. As such, the condition of old, faulty, unsafe and unworkable equipment leading to countless security breaches has NOTHING to do with Officers.

Continuing with his penchant for blaming Officers for everything, the Monitor further notes that inmate escort holds are too tight and unnecessarily painful. It's hard to have any idea where he gets the anecdotal information for which he relies on to draw this false conclusion. As with plenty of other characterizations throughout his Report, he provides no evidence whatsoever to justify his claims. In essence, he is alleging that Officers are overly aggressive in escorting inmates. Yet, Officers are the first to be blamed and disciplined when inmates break free of escort holds and violently attack staff as well as each other.

The Monitor then takes Officers to task by suggesting that they stand too close to inmates when deploying Chemical Agent (OC) to thwart inmate attacks. The rule says Officers "should" be at least three feet away. What the Monitor doesn't tell you is that using OC often terminates the encounter and obviates the need for any physical confrontation at all. This leads to much safer Officer/Inmate interactions. The Monitor also fails to understand the practicality of not being able to precisely measure the distance from an inmate while trying to prevent acts of imminent violence.

In the Monitor's continued effort to depict Officers in a negative and false light, he represents that Officers: a) don't properly de-escalate matters; b) use disproportionate force; and c) engage in violent takedowns. What he doesn't mention is that Officers are regularly disciplined for "FAILING TO USE FORCE" when DOC unilaterally determines that force would have been an appropriate option in any given circumstance. So, should we use force, or shouldn't we? The Monitor also makes no mention of the number of inmates and staff who are protected every day by virtue of the split-second judgments Officers make to secure a Facility.

Also absent from the Monitor's report is any discussion of the Department's policies which are exposing Officers to unreasonably dangerous conditions daily. In DOC's infinite wisdom, they are housing similarly situated gang members in the same housing area. As such, gang members are more emboldened to engage in planned attacks against staff. According to the Monitor, that has no relevance on the safety of the Jails nor on any given Officer's need to use force. Really? Try telling members of the same gang who are grouped together and are engaging in ongoing plots to disrupt the Jail.

And how about the elimination of punitive segregation for inmates, and its impact on inmate behavior? The policy of terminating punitive segregation has had a major negative impact upon Officer safety. This is because there are absolutely no consequences for inmates who disobey Facility rules. With no incentives for inmates to listen—much less be respectful and compliant, the Jail has become an even more dangerous place—as if that was even possible. Inmates continue to engage in attacks against staff and each other with impunity. According to the Monitor, however, policy considerations such as these are apparently irrelevant.

Even more troubling, the Monitor provides no context regarding why a Use of Force might be necessary in the first place. Simply put, many inmates are generally unruly, disruptive, non-compliant, disrespectful and spoiling for a fight. In this regard, it may have been relevant for the Monitor to be honest with the public about the type of inmates who are in our care. The truth is that we are dealing with murderers, rapists, arsonists, domestic abusers, felonious assaulters and other hardened criminals. Similarly, many inmates have accumulated a multitude of infractions within the Jail due to violence, belligerence, and other issues of concern. Officers are not looking to fight with anyone. To the contrary, Officers want to work in peace and return home to our families safely. But when Officers face heavy handed and needless discipline which results in suspensions, the loss of vacation days, and the threat of termination for not keeping order in the facility, we are compelled to act. Officers are responsible for care, custody and control. Yet, the Department is persistently looking to burn us!

In a final effort to demoralize us, the Monitor makes the preposterous claim that we are over-staffed. In making this ridiculous assertion, it's hard to see what jail he's monitoring. Officers have been working triple shifts for over a year— without even a meal break. As essential workers, Officers showed up to work during COVID-19 when a pandemic was ravaging the world. The facts are that the shortage of Officers is so bad that COBA had to go to the New York State Legislature to get a bill introduced that prohibited the Department from keeping us in the Jails in excess of 16 consecutive hours.

One might think the Monitor would be much more concerned with the minimal accountability that inmates have for assaulting Officers. One would also think that everyone would agree that inmates should be swiftly prosecuted to the fullest extent of the law for their violent attacks upon staff. This would be a huge deterrent and would undoubtedly lead to greater safety and security within the Jails. Yet, based upon a multitude of factors, inmates have not been expeditiously prosecuted. While this should be a major source of concern for the Monitor, it clearly is not. Instead, any hint of concern— much less outrage is absent. It makes you wonder why. Inmates must be held accountable for their crimes against staff. As such, legislation providing for inmates to be compelled to serve consecutive time for any transgressions against staff, should immediately be adopted. Inmates who serve any sentence at all, serve concurrent time, which folds any penalty into their current sentence. This makes it open season on Officers. The Monitor could have made this recommendation in his report, but it was not to be.

Lastly, it is unbelievable that the Monitor could advocate for less Officers while at the same time pushing for more staff to discipline us. This is yet another nod to inmate advocates who want nothing more than to decimate and demoralize our Officers. The Monitor notes that the current COBA administration ran on a platform of DOC being too heavy handed with regard to discipline. He is correct, but only because DOC's heavy handedness is unfair and entirely misplaced. In that regard, we find it reprehensible that only 14 cases have been brought to trial at the Office of Administrative Trials & Hearings (OATH) in the past five years. For context, in the past six months, seven (7) trials have already been completed, eight (8) trials are currently in progress and forty-one (41) have been scheduled to take place. We can no longer be bullied by the Monitor and the Department, who do not have our best interest in mind.

So, who's monitoring the Monitor? Please stop with the bias and unfairness towards Officers. Officers have never been more restrained, professional, cordial and attentive to de-escalation techniques and procedures than we are now. But please don't take our word for it— the Mayor's Management Report reflects that fact. Please give the Officers of this Department appropriate credit for doing their jobs and doing them well. It is long past due.

CONCLUSION:

The Monitor's recommendations on many things in the 342-page report fail to recognize that the current jail population is both far higher than DOC accounted for and the criminal histories of our current inmates is far more violent than in the past. The Monitor fails to have a realistic view. Any reasonable person would understand that the current surge in crime, violent crime and shootings across New York City has a drastic impact on conditions inside NYC jails. While the Monitor's job is to effectuate change and make the jails safer, the monitoring team fails to recognize that uniformed Staff also need to be kept safe. The Monitor's recommendations essentially assist in turning over control of the corridors of the jails to the inmates—a reality that continues to jeopardize thousands of lives year after year.



Benny Boscio Jr.
President

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COBA HEADQUARTERS

77-10 21ST AVENUE, EAST ELMHURST, N.Y. 11370
T. 718.545.COBA (2622) F. 718.545.2668

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WWW.COBANYC.ORG