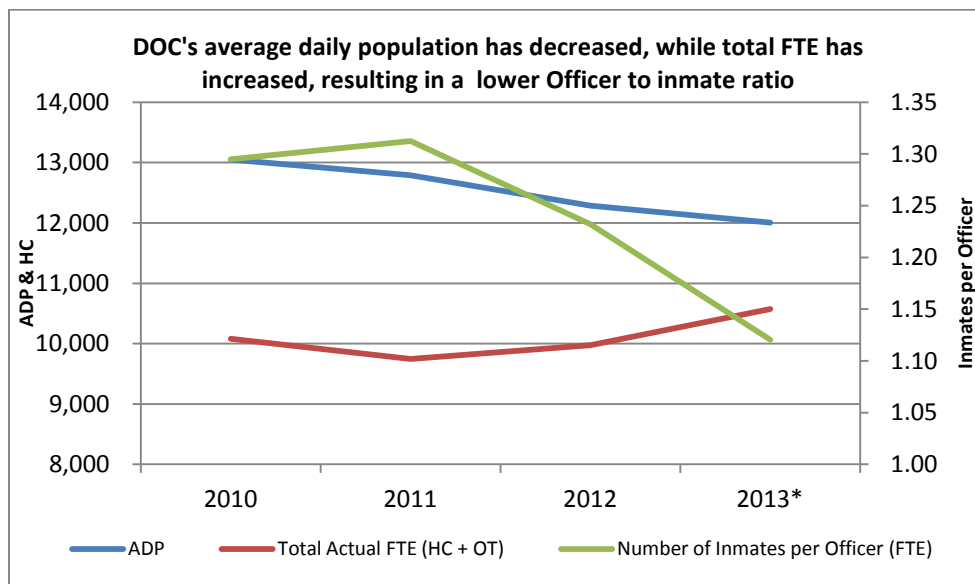


Statement
to the
New York City Council
Committee on Fire and Criminal Justice Services
Elizabeth Crowley, Chairperson
by
Dr. Dora B. Schriro, Commissioner
NYC Department of Correction
March 7, 2013

Good afternoon, Chairperson Crowley and members of the Committee on Fire and Criminal Justice Services. I am Dr. Dora Schriro, Commissioner, New York City Department of Correction. Thank you for the opportunity to discuss the Mayor’s Preliminary Budget for Fiscal Year 2014.

DOC’s Fiscal Year 2014 Preliminary Operating Budget is \$1.059 billion, of which \$936 million¹ (88 percent) is allocated to Personal Services and \$123 million (12 percent) for Other-Than-Personal-Services. The Department’s total authorized headcount for Fiscal Year 2014 is 10,440 – 8,869 uniformed and 1,571 civilian – personnel and includes 275 additional uniformed positions plus \$24 million for Correction Officer salaries that was agreed to in the November Financial Plan.

These additional positions are deeply appreciated and much needed. They reflect your concern and represent the administration’s commitment to allocate resources critical to safety. Despite PEGs taken over the past several years, as a result of new positions approved our uniformed headcount will show a net increase of 293 by FY2014 compared to the start of FY2011.



¹ About 89 percent of our uniformed staff is assigned to posts within the jails and courts and are directly involved in the custody of the population; another seven percent are allocated to transportation and central security posts; and the remaining four percent to other important support services such as central administration. Our civilian staff also performs a number of important functions in support of the agency. Nearly half of the civilian staff is devoted to three broad functions – facility maintenance (25 percent), food/nutritional services (15 percent), and occupational health and safety (4 percent). The remaining 56 percent perform necessary administrative, legal, financial, investigative, information technology, and programmatic functions.

We are hiring more officers, more often.

We received authorization in FY 2012 to hire recruits to keep pace with attrition, instead of waiting for vacancies to build up. This is important. It means that on average, over the course of a year, we will never have a vacancy.

It has also been quite an undertaking. Since then, six classes – up to 300 recruits per class – have graduated close to 1,500 probationary Correction Officers² and a seventh class is about to begin next month. These six classes amount to more than all of the recruits we hired during the previous four fiscal years combined and we plan to continue to hire at the same aggressive rate in Fiscal Year 2014. By this summer, the Department will have also hired all of the 275 additional uniformed staff included in the Mayor’s FY2014 Preliminary Budget³. It is then that we will have caught up and then, will continue to keep pace with retirements and resignations.

We are filling more posts on straight-time instead of overtime.

It is always preferable to have permanently-assigned officers work steady posts in our jails. It’s the best way to ensure that each member of service learns everything he or she needs to know about the inmates under his or her supervision and the security issues associated with that post. By the end of Fiscal Year 2014, the additional headcount we received combined with our new hiring schedule will permit us to operate on average 110 more posts on straight time, just about 80 percent of the 136 posts that would otherwise be run on overtime.

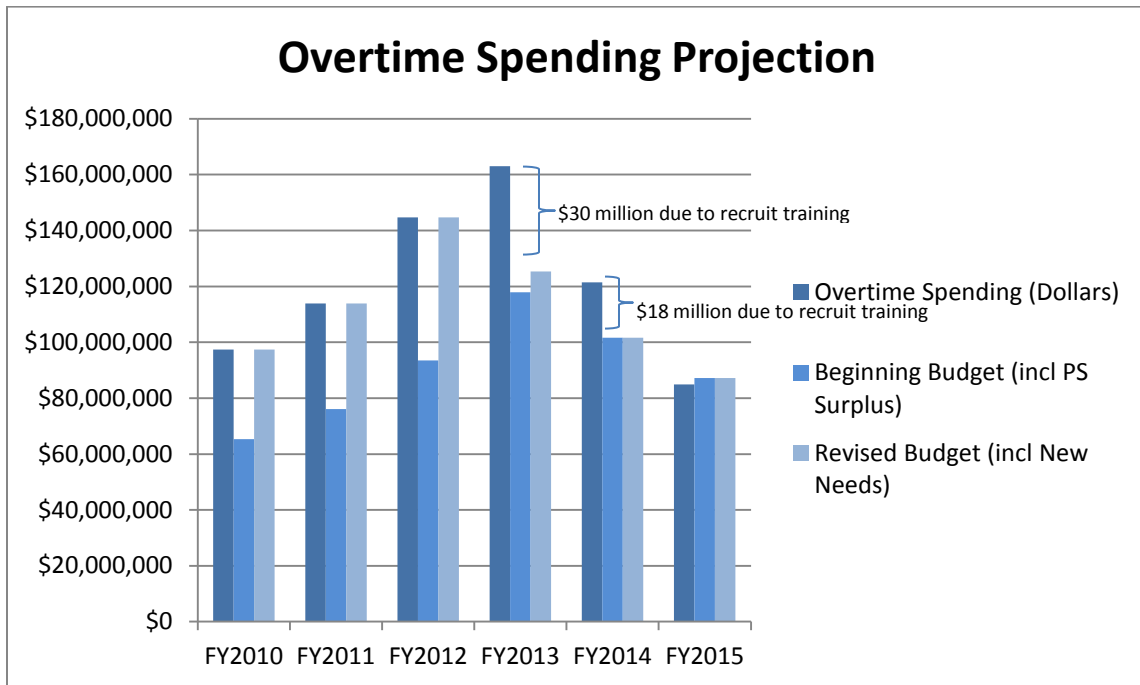
We have a viable plan in place to cut overtime spending in half by the end of FY2014.

We will cut overtime spending in half from current levels and increase our available staffing levels by continuing to bring on new recruits faster than we expect existing staff to retire (or resign). Up until last year, our hiring schedule only allowed for recruit classes to come on board if we had vacancies to fill. The delay between each position being vacated and then filled with a new recruit generates overtime, as does the first 16 weeks after that vacancy is filled because the recruit is assigned first to the Academy and only after graduation, to a jail to work a post. The cost to transition from the old to new way of hiring will be cost neutral by the end of the next fiscal year (FY2014).

In addition, ongoing efforts to ensure that overtime, when used, is being used in the most efficient manner possible, will continue. These efforts, which require careful consideration by uniformed managers include personnel reviews within each jail by the warden and his or her team and then further assessment by the Chiefs.

² This figure includes three classes in Fiscal Year 2012 (573 Correction Officers), two classes so far this fiscal year (596 Correction Officers) and one additional class graduating on April 25 (308 Correction Officers).

³ As of the March 1st payroll, DOC employs 8,820 uniformed staff and 1,375 civilian personnel.



Like all other city agencies, DOC must still do its part to contain the growth in City expenses. The Department’s cost saving measures included in the Mayor’s Preliminary Budget total \$41.4 million (four percent of the total operating budget) in Fiscal Year 2014. Aside from ongoing efforts that enable us to redeploy more uniformed staff to security posts, we are eliminating over 100 Civilian positions by identifying existing long-term vacancies, as well as achieving other staffing efficiencies such as redeploying tradespersons within our Support Services Division consistent with the workload. We will continue to work diligently to identify more areas for consolidation and additional efficiencies, while still providing a safe and secure environment in which to work and for those in our custody.

In addition to the initiatives submitted during the financial plan process, we continue making progress towards more efficient operations in other areas as well, such as energy efficiency. We have reduced our energy costs by more than \$600,000 during the first six months of Fiscal Year 2013 when compared to the same time period last year. This is on top of a reduction of \$1.4 million in Fiscal Year 2012 compared to the previous fiscal year, for a two year savings of more than \$2 million. These cost savings are due, in part, to ongoing lighting retrofits throughout our facilities, steam pipe insulation and the opening of an energy-efficient, central laundry facility.

The Capital Budget

In addition to the annual operating budget, the Mayor’s Preliminary Budget includes the FY 2013-2023 Ten-Year Capital Strategy of \$1.38 billion, funding critical to maintain existing facilities and complete important capital projects through the remainder of FY2013 and in FY2014 (\$1.02 billion).

Our capital plan includes \$151 million to replace fire safety systems and to address other critical fire safety conditions; \$176 million for critical infrastructure projects including heating, ventilation,

plumbing, and other structural upgrades; \$58 million for IT infrastructure projects, including \$7 million for the installation of additional cameras throughout our facilities, and \$22 million for critical contraband detection security equipment and state-of-art radios and personal body alarms that will enhance communications and further everyone's safety and wellbeing.

Between FY2006 and FY2009, DOC registered \$46.4 million capital dollars on average annually. Since FY2010, we have increased our capital registrations to an annual average of \$79.7 million. And in FY2013 to date we surpassed that annual average and have registered \$89.7 million as of March 1. These funds are being used to fully resolve longstanding commitments – fire safety projects, as well as other critical projects impacting sanitation, ventilation and lighting, which are also driven by the Benjamin litigation.

Since our last budget briefing in June we have made considerable progress installing fire alarm systems, with significant headway towards fully operational systems in three facilities (AMKC, MDC and RNDC), and work begun in two additional facilities (OBCC and QDC). Despite set-backs due to budget constraints, we will have begun installation of fire alarm systems in every jail that requires a fire alarm system by the end of this calendar year⁴. Approximately two thirds of inmate housing areas will have fire alarms by the end of calendar year 2013, and the remaining areas will be completed in 2014 and 2015⁵.

DOC also continues to aggressively pursue rehabilitation projects in shower areas to help improve sanitation conditions in the jails; we have completed renovations in 116 out of 181 housing areas. We will complete the renovations in the remaining areas by the end of this calendar year.

The Department also developed a plan to address decommissioning of our most obsolete housing stock. Out of a total of 74 existing modular and sprung structures, we plan to demolish all but nine housing structures. Thirty-five units including 25 sprung and 10 modular structures are no longer fit for confinement and they have been vacated. We expect to demolish these 35 units and an additional 30 structures by the time the new Rikers Island facility opens in 2018⁶. The only modular structures that will remain in our inventory upon the completion of the demolitions will be those nine that are solid steel structures.

In addition to the Department's many maintenance and upkeep projects within our jails, we continue to invest in our infrastructure and the future of Rikers Island. Later this year, we will break ground for a new Rikers Island facility. Funding totaling \$626.5 million is available for this project, of which \$34.1 million has been committed since last fiscal year for design. The new jail, capacity 1,500 beds, will serve as the central admissions center for all male inmates on Rikers Island and will include a 225-bed infirmary and an expanded detox unit. The project also includes a central storage facility that will be

⁴ DOC has operational fire alarm systems at BKDC, NIC and GRVC. AMKC and NIC are also receiving full fire life safety upgrades this year, which includes sprinklers and improved fire smoke separation. Fire alarm installation will start at RMSC, GMDC, VCBC and EMTC, pending completion of current projects

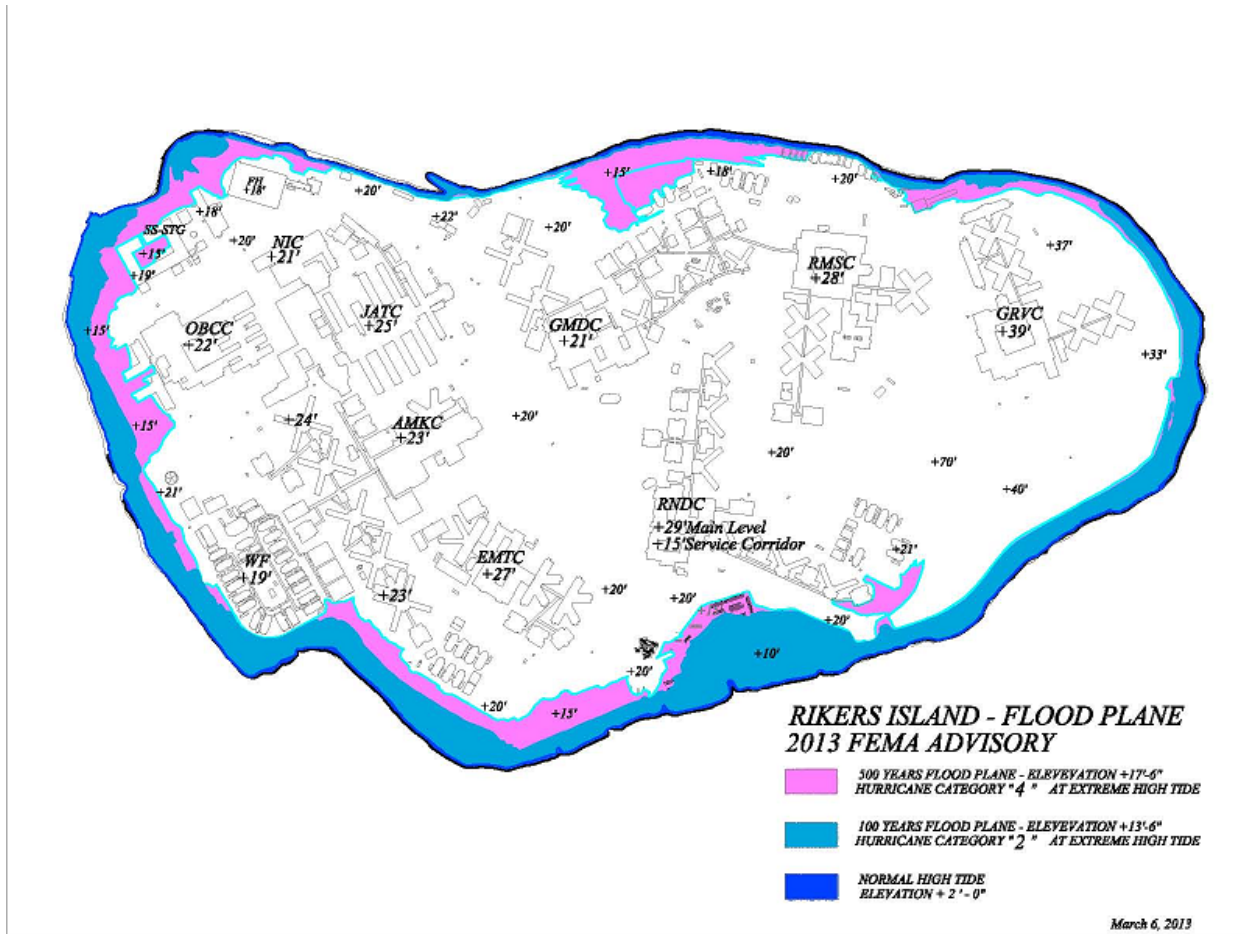
⁵ 285 housing areas will have operational fire alarm system by the end of calendar year 2013. An additional 130 housing areas will receive operational fire alarm systems by 2014 and the remaining 45 housing areas will be completed by 2015.

⁶ These 30 remaining modular structures are currently vital as swing space while we complete important fire safety and sanitation projects.

located adjacent to the visitor registration center and will greatly improve storage and retrieval of inmate property.

Lastly, funding in our capital budget will enable us to continue upgrading security equipment by acquiring four additional full-body imaging scanners (for a total of 10) so that more jails can better intercept dangerous contraband on – and in – inmates that cannot be detected by other means.

Super Storm Sandy



I'd like to take this opportunity to recognize again the resourcefulness and resiliency of our workforce before, during and after Super Storm Sandy, as evidenced by uninterrupted operations on the island. We did not lose power, we had ample food and medical supplies and staff did its level best to report to work. In fact, we were able to respond immediately to affected communities throughout the city and lend assistance in Sandy's aftermath. Correction Officers provided security at relief stations, transported relief workers, and delivered foodstuffs and other emergency relief supplies. We laundered clothes for thousands of New York City families temporarily residing in shelters after the storm and participated in other meaningful ways. They perform with excellence in good times and bad.

Still, Sandy did take a toll that needs to be addressed. The Mayor's Preliminary Capital Budget provides the Department \$68.6 million to assess, repair and recover from the damage we sustained. Although

all of the jails on Rikers Island are at elevations of 15 feet or more and did not suffer any damage, the northern shore line lost about 4 acres of land, and a number of trailers along that road are now close to the water. We have assessed the condition of the trailers, decommissioned four of them, and can say with certainty after inspections by an engineering firm that the remainder is safe for occupancy. The Buildings Department and PESH have also looked at the Donald Cranston Justice Center, the most heavily used of the affected trailers. Nonetheless, in anticipation of future storms, we are planning the relocation of all of the units occupying these trailers⁷ and the overall area is continuously monitored to ensure ongoing safety. Also on Rikers Island, the Anna M. Kross Center sustained significant roof damage. To ensure minimal impact on our operations, we retained a design consultant so that a new roof can be installed expeditiously. Off island, the electrical substation for the Vernon C. Bain Center, the City's jail barge located in the Hunts Point section of the Bronx, should be raised to meet FEMA's new floodplain standards. We also retained a consultant to evaluate the current grade of the parking lot and visitor's access. We are working very closely with OMB and FEMA to ensure that the City recovers all the costs the Department incurred related to this disaster. Going forward, the new FEMA advisory data confirms that Rikers Island can continue to withstand a Category 4 hurricane.

Safety and Security

Our core mission is care, custody and control. The work is three-fold: To provide the necessary care to ensure the safety and well-being of both the prisoners in our custody and the personnel who supervise them; to meet, if not exceed, the conditions of incarceration as set out in statute and minimum standards; and to manage the population by the most effective and efficient means to protect the public at large.

The department has two key security indicators – Uses of Force (and its subsets, Assaults on Staff and Serious Injuries to Staff assaulted) and Inmate-on-Inmate violence (and its subset, Serious Injuries to Inmates). Both of them generally are triggered by an incident involving one or more inmates – either an assault on staff or a fight between or an assault on other inmate(s).

Uses of Force

The total number of Uses of Force A (any injury to either an officer or inmate requiring more than basic first aid) decreased 30 percent (from 52 to 40) during the PMMR reporting period. The total number of Uses of Force C (no injury to either an officer or inmate) increased 66 percent (from 291 to 484) during the PMMR reporting period. This is good news.

Although uses of force with serious injuries decreased and incidents with no injuries increased, the total number of incidents and allegations of Uses of Force has gone up by about 400 incidents. About half of the increase is attributable to the rise in Uses of Force C (193); the rest is due primarily to an increase of 200 Uses of Force B (an injury to either an officer or inmate requiring basic first aid). Lowering the number of UOF B is an area clearly in need of improvement and I am confident that we can do it. During the PMMR period, we increased OC usage 63 percent and now fully 49 percent of all

⁷ All units will be relocated out of the north shoreline by August 2013.

uses of force utilize OC only, eliminating any physical contact. Likewise, 49 percent of all uses of force resulted in no injury to anyone. Continuing to use OC as often and as soon as warranted, is expected to result in more responses with no injury and fewer with minor injury. We have already fine tuned the instruction provided to emphasize earlier intervention in the UOF training. Efforts like these have already produced measurable results in CPSU where uses of force decreased by 31 percent during the PMMR period. Additional training and supervision to ensure all safety equipment is used as intended is under way as well and should make a positive difference.

Indicator	Definition	FY12	FY13	% +/-
Use of Force (UOF) A,B,C	UOF counts uses of force in response to inmate misconduct and reflects the extent to which an injury was sustained by the MOS and/or the inmate(s) involved in the underlying incident or the UOF that followed.			
UOF-A (Serious Injury) Rate: 1000 ADP	An injury requiring more than basic first aid n=	1.05 52	0.83 40	-21% -30%
UOF-B (Minor Injury) Rate: 1000 ADP	An injury requiring basic first aid only n=	7.09 351	11.38 551	61% 57%
UOF-C (No Injury) Rate: 1000 ADP	No injury to anyone n=	5.88 291	10.00 484	70% 66%
Incidents and Allegations of UOF	All UOF plus allegations, included those determined to be unfounded.	819	1213	48%
Assaults on Staff (AOS) Rate: 1000 ADP	This indicator is a subset of Use of Force. It is the force used by a MOS in response to an assault on uniformed staff by one or more inmates. The most common AOS involve throwing a liquid or an article of clothing at an officer and bodily physical force.	3.8	4.3	15%

Assaults on Staff (and serious injury to an officer resulting from an Assault on Staff)

The total number of Assaults on Staff (any physical contact with an officer by an inmate or an object thrown by an inmate) increased 9 percent during the PMMR reporting period from 186 to 204. The total number of Assaults on Staff resulting in a serious injury to an officer (an injury requiring more than basic first aid) decreased by 9 percent during the PMMR period from 13 to 12.⁸ Half of the injuries to staff was sustained during the assault; the other half during the UOF that followed. Here, too, ensuring OC is used as often as it is feasible should continue to lower the number of injuries sustained by our staff.

⁸ During PMMR FY12, 7 of the 13 AOS resulted in an A-injury; the remaining 6 A-injuries occurred during the UOF that followed. During PMMR FY13, 6 of the 12 AOS resulted in an A-injury; the remaining 6 A-injuries occurred during the UOF that followed.

Indicator	Definition	FY12	FY13	% +/-
Assaults on Staff (AOS) Rate: 1000 ADP	This indicator is a subset of Use of Force. It is the force used by a MOS in response to an assault on uniformed staff by one or more inmates. The most common AOS involve throwing a liquid or an article of clothing at an officer and bodily physical force.	3.8	4.3	15%
	n=	186	204	9%
Serious injury to staff as a result of an inmate assault on staff (AOS-A) Rate: 1000 ADP	AOS-A is also a subset of Use of Force. It is a serious injury (any injury requiring more than basic first aid) to either the MOS and/or the inmate(s) involved in the AOS or UOF that followed.	0.3	0.3	-11%
	n=	13	12	-9%
	<i>Assault</i>	7	6	
	<i>Use of Force followed</i>	6	6	

Violent Inmate-on-Inmate Incidents (and serious injuries to an inmate)

This indicator captures three types of incidents. They are fights, assaults, and assaults with a weapon (a slashing or a stabbing). During the PMMR period, reported inmate-on-inmate incidents increased by 17 percent or 170 incidents. The most frequently occurring inmate-on-inmate incident is fighting. Together, fighting and assault⁹ make up 98 percent of all of these incidents.¹⁰ The number of serious injuries to an inmate (an injury requiring more than basic first aid) as the result of an inmate-on-inmate incident increased by 2, or 5 percent, from 40 to 42.

While assaults with weapons make up the remaining 2 percent, it is a growing number of incidents and it is of great concern to us. Adolescents and M-inmates are the most likely to engage in fights. SRG members are the inmates most often to assault other inmates, including assaults by means of slashing. The next section highlights plans in place to address these concerns.

Indicator	Definition	FY12	FY13	% +/-
Violent inmate-on-inmate incidents Rate: 1000 ADP	There are 3 kinds of violent inmate-on-inmate incidents – fights, assaults, and slashings/stabbings.	24.9	29.28	17%
	Fight/Assaults	1120	1390	
	Slashing/Stabbing	15	27	
Serious injury to inmate (SITI) as a result of violent inmate-on-inmate incidents Rate: 1000 ADP	A serious injury to an inmate as a result of a violent inmate-on-inmate incident – fight, assault, or slashing/stabbing – is defined as an injury to an inmate that requires more than basic first aid. It is not the result of a UOF.	1.11	1.43	28%
	n=	40	42	5%

⁹ A fight is an incident where two or more inmates assault one another. An assault is where one inmate attacks another who does not reciprocate.

¹⁰ The increase in the number of reported fights may be due in part to the installation of over additional 1200 cameras in housing units and other areas of the jails to which inmates have access. Reviewing video on a daily basis has led to the identification of incidents that occurred out of staff's view. Similarly, as we identify more of the fights that occur, we are also issuing more infractions, holding more inmates accountable.

Violence Prevention efforts

Four indicators capture several of the ways that the department strives to improve safety and security. They are jail-based arrests of inmates, fight and assault infractions, facility searches, and weapons confiscation.

Jail-based arrests of inmates have increased by 33 percent during the PMMR period. The primary reasons for inmate arrests are contraband (29%), assault on staff (28%), and obstruction of government administration (14%). Half of the contraband arrests were for weapons and a third for drugs.

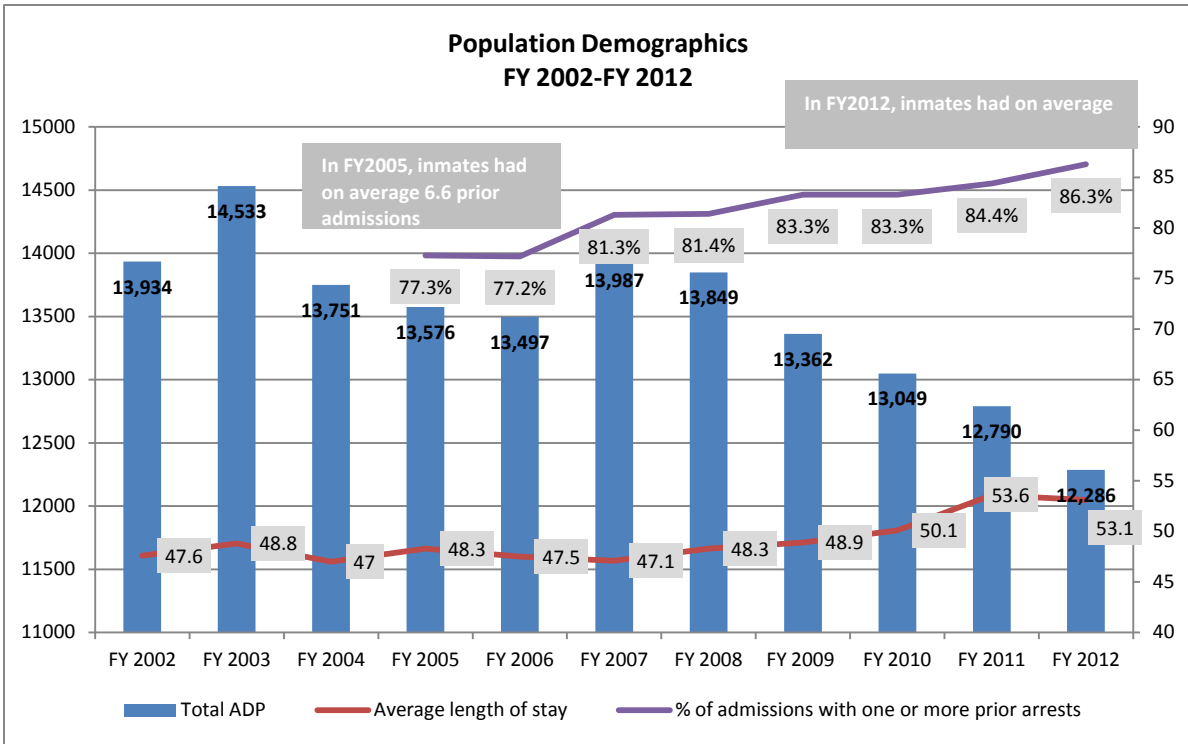
Infractions issued for fights and assaults increased by 23 percent. As noted above, we are identifying more fights than before; the number of inmates participating in a fight has remained constant at 2 to 3 per incident.

Facility searches increased by 1,930 and yielded a similar percent increase in the confiscation of weapons. The weapons that we are finding have changed over time. Completing maintenance and repair projects have eliminated much of the weapons-grade material that had been used as weapons. Now, we are intercepting appreciably more razor blades and scalpels.

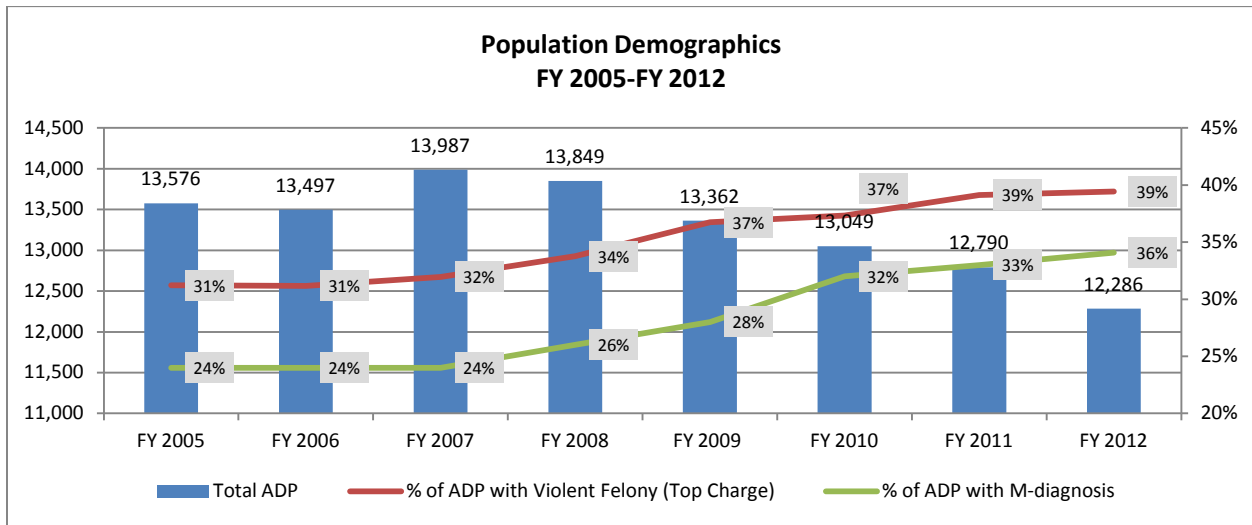
Indicator	Definition	FY12	FY13	% +/-
Jail-based arrests of inmates	Arrests of inmates for jail-based criminal incidents, notably, Assaults on Staff, Contraband, Slashings, Destruction of Property.	220	292	33%
Fight/assault infractions	Jail-based rules violation issued for fighting or assaulting another inmate.	2287	2804	23%
Searches	Search of a specific physical area within a correctional facility (i.e., living quarter or common area).	77082	79012	3%
Weapons recovered	Including: Jail/prison shanks/shivs, factory manufactured knives, razor type instruments, scalpels, hobby blades, unsharpened metal, nails	654	676	3%

Significant Additional Measures to Improve Safety and Security

The inmate population is increasingly 'jail-wise' and with more time in detention, they have more opportunities to violate rules and regulations. Over time, the average number of prior admissions to jail has increased from 6.6 to 8.7 per inmate. Similarly, the percent of population with prior jail stays has risen from 77 to 86 percent. Likewise, the average length of stay in detention continues upwards from 47 to 53 days.



Key characteristics of the population contributing to institutional misconduct have changed as well. Over time, the percent of inmates in custody with a violent felony has increased from 31 to 39 percent of the average daily population. The percent with a mental health diagnosis has grown as well from 24 to 36 percent. The percent of inmates with SRG affiliations has risen from 10 to 19 percent.



A number of measures that we have taken are applicable to all inmates and they are taking hold. These are several notable examples. To ensure sanctions for assaults on staff, violent inmate-on-inmate incidents and other serious rule violations are imposed in a swift and certain manner; we increased the capacity of punitive segregation and within a year eliminated the longstanding backlog of

inmates who had been cleared by DOHMH, the first time in anyone's recollection. To address the remaining backlog made up of inmates with mental health or medical conditions that preclude their clearance, DOC along with DOHMH developed an alternative to MHAUII. Focusing first on adolescents, the first restricted housing unit opened last May and since then, 173 have been transferred to the unit. None of the young men who completed its 3-step program has re-infracted. In October, we opened a restricted housing unit for adult males. We are meeting with similar success. Plans are underway to expand its capacity this year.

The imposition of swift and certain penalties through the disciplinary process coupled with more arrests and referrals for prosecution are critical. Increasing activities to reduce idleness and build skills critical to pro-social problem solving in jail and after release, are also crucial. DOC recently announced several significant initiatives towards this end as well. They include ABLE, a behavioral program for all adolescents, 16 – 18 years of age; I-CAN, discharge planning and preparation for inmates 19 years of age and older who are at heightened risk of returning to jail; and borough-based resource hubs to identify earlier, prepare better and divert sooner a segment of the Brad H population who are at low to moderate risk of reoffending, from jail to community-based providers.

A number of measures that we have put into place have been tailored specifically to improve outcomes for inmates who disproportionately and repeatedly participate in incidents. These inmates are the mentally ill,¹¹ adolescents,¹² and gang (SRG) members.¹³ I've already highlighted several of the reforms that focus on M-inmates. Many changes have also been instituted at RNDC where the majority of adolescents are assigned. These include moving most of the population from dormitories to cell housing areas, increasing uniformed coverage and supervision, exchanging personal clothing for uniform apparel and shoes, pushing up the curfew, adding an after-school program provided by DOE, providing behavioral programming every day to improve pro-social problem-solving, and adding both an ombudsman and integrity control officer. Early results have been promising and as the changes in custody management take hold and the new programs are fully implemented, we are confident that measurable improvements in jail safety and recidivism will be realized.

SRG-involved inmates make up the third group that must be addressed. Members of gangs and street crews are increasingly carrying rivalries from the community into the correctional system. We have taken a number of steps to identify gang members sooner, develop intelligence faster and intercept their contraband more quickly to eliminate gang-related violence. These steps include the acquisition of full-body scanners similar to equipment that the TSA uses, more facility and visitor searches resulting in the confiscation of greater numbers of scalpels and razors, more arrests and referrals for

¹¹M-inmates are most likely to participate spontaneously in incidents; they are 38 percent of the ADP and engage in 54 percent of all incidents either as the perpetrator or victim. The disproportionate involvement is even more significant among the acutely mentally ill who make up 6 percent of the ADP and are involved in 16 percent of all misconduct.

¹² Adolescents are spontaneous as well and are far more likely than adults to fight; they make up 6 percent of the ADP and participate in 28% of all fights.

¹³ Gang members are the most likely to participate in premeditated assaults, particularly assaults with weapons.

prosecution, an agreement by the Bronx DA to seek significant penalties, greater coordination with NYPD, and the opening of a restricted housing unit for predators.

Going forward, we're steadying-up assignments to ensure regularly assigned and specially trained staff is consistently assigned to special units. Both K-9 and special search teams will be expanded. Every initiative that has been put into place will be monitored closely for strict compliance. Adjustments will be made whenever warranted for optimal outcomes.

Recent, Unlawful Access to City Jails

Last Thursday evening, we became aware that the day before, an individual, posing as a Department of Correction investigator, had entered and exited the Manhattan Detention Center without being detected at first. Within hours, investigating officers from the Intelligence Unit identified the individual as Matthew Matagrano, age 36. The Chiefs distributed his picture to all of the jails and directed staff, as a priority, to be on the lookout for him. Late Friday afternoon, less than 24 hours later, Matagrano entered the Bronx courthouse. One of our COs assigned to the court recognized him immediately and called for assistance while two other COs distracted him. Minutes later, several of our captains apprehended and held him. The Intelligence Unit made the arrest.

The DOC investigation has turned its full focus and resources from apprehending the intruder into a complete and candid assessment of the entire matter: What happened; how did it happen; what we must do to ensure it never happens again. I have directed that each of the facilities submit a full report. Those reports are due on my desk by the close of business tomorrow. The investigation must and will be concluded as quickly as possible, but at the same time we can all agree that it must also be accurate and thorough if we are going to get to the bottom of the matter and fix it in full.

This does not mean that I am waiting for the reports to take steps right away to improve security – and, in fact, we are doing just that. In just the last few days, the Chief and Deputy Chief of Department undertook a review of each jail's security operating plans and personnel with the Supervising Wardens and Wardens to ensure they meet the Department's highest standards; Wardens and Deputy Wardens for Security have been providing additional security training at shift briefings; and all of the ID cards issued by the Department to paralegals have been reviewed and the criteria narrowed; and consistent with the new criteria, some are being revoked.

We will get to the bottom of this together, and together we will make sure this never happens again.

In Closing

Thank you for your time, attention, and support. We welcome your input and are ready to answer your questions.