

Statement of Martin F. Horn, Commissioner of Correction
To the New York City Board of Correction
Concerning Amendments Proposed to the Minimum Standards of the Board

April 17, 2007

Madame Chairperson and members, I want to commend this Board for undertaking the thankless task of considering amendments to the Board's minimum standards, promulgated 30 years ago and in need of review. I appreciate the thoughtfulness and care that your sub-committee led ably by Stanley Kreitman has brought to the task, and while we don't agree with all your proposed amendments, the process has been a deliberate and careful one. Thank you.

Rather than taking your time this afternoon with detailed line-by-line analysis of the proposed amendments and what we like or don't like about each, I will be submitting a letter to the Board detailing our thoughts on each. Instead, today I would like to speak in broad strokes to some of the underlying operational issues that cause the Department to support most of the proposed amendments.

The most important issue we face is keeping staff and inmates safe. I believe deeply that the most fundamental requirement for a jail is that it be a safe environment. We recognize the unfortunate reality that we are confining people to a place they don't want to be and the potential exists for people to get hurt. Experience teaches us that in jails bullying sometimes occurs. This is even truer when drugs are involved. A corrections institution that is not drug free, or dedicated to being drug-free is undeserving of the name "correction." Drugs corrupt our mission, corrupt our staff, give the lie to any pretense of rehabilitation and make persons in custody unsafe.

In New York City, the men and women of the Department of Correction have done a remarkable job making the jails safer. In 1995 there were over 1,000 stabbings and slashings in our city jails. Last fiscal year there were 37, and there were only 88 instances where a use of force resulted in serious injury to either the inmate or staff. While it is true we have fewer individuals in custody today than we had in 1995, nonetheless this record of making the jails safer reflects not only the City's reduction in crime, but also an improvement in jail safety that exceeds the drop in population. This reduction in violence began before I arrived but I am proud to say we have improved further on what was already an impressive accomplishment.

That said, more remains to be done. We now look at every inmate fight and every serious injury to an inmate in an attempt to discern what the causative factors are in order to take action against predatory individuals and to prevent such things from happening in the future. We have learned that most often these fights and assaults committed by inmates upon inmates are the result of gang identification, drugs, tobacco, and extortion. Most of the time, the victim won't testify against his or her assailant.

I want to make clear that in New York City we don't have the gang problem that other jurisdictions are experiencing. Ours is a much different phenomenon. We have one of the most aggressive gang interdiction programs in the nation and our Gang Intelligence Unit is sought out by other jurisdictions for training and advice. In our jails, what we see is groups of individuals in different housing areas and different jails self identifying as a "gang" for purposes of exercising control over scarcity in the housing units. Jail is an artificial world. We apportion access to telephones, and food, we prohibit sexual contact, tobacco and drug use. These things then become precious and stronger individuals or groups of individuals may prey on the weakest to obtain what they want.

Our most difficult challenge is to balance the rights and needs of the individuals in our custody with the right of every other individual in our custody to be safe and to be left alone. We take this challenge seriously every day and seek to keep those interests in balance at all times. We believe that the Board's proposed standards will better enable us to maintain safety and security in an environment that also respects individual rights.

We ask this Board to give us the tools to do this. The Board's minimum standards, dating to 1978, shackle us in our attempt to run safe jails in ways no other jail in the State of New York is restrained.

We are asking for three key things to help us in our effort.

- First, we are asking for the ability to obtain the intelligence information needed to determine who the bullies are in a housing unit; to learn who is smuggling contraband and how; to prove, often after the fact, who among our staff might have compromised the safety of their brother and sister staff by smuggling contraband or have engaged in prohibited contact, sometimes sexual contact, with persons in custody. These are tools that every jail in the state has available to it and that most use; the ability, upon notice and with safeguards to protect privileged communication, to record and monitor phone calls made from inside our jails by persons in our custody. It does not compromise the privilege of attorney client communication elsewhere in the State and it won't in New York City.
- Second, we are seeking the Board's approval to better search for and limit the introduction of contraband, and to keep inmates safe by reducing the issues they fight about. Today persons committed to our custody enter jail with the clothes on their back, often clothes they have been wearing for several days on the street, soiled and in disrepair. Only the most fortunate individuals are able to obtain new clothing from family and friends. The least fortunate have to settle for what's available at the facility clothes box. Individuals who do have nice clothes are at risk of having them taken. Clothing with many pockets and seams, clothing brought to the jail in packages from family and friends are often found to contain contraband. Such clothing often includes small buttons,

metal zippers and other articles that diminish our ability to properly search inmates utilizing walkthrough magnetometers or other electronic devices. This requires staff to perform pat frisks or strip searches when the less intrusive electronic search could have sufficed. Allowing us to provide clean uniform clothing to all detainees in our custody, and requiring us to provide a means to launder the clothing on a reasonable and regular basis is one of the most necessary and fundamental changes we seek. While escape from New York City's jails is a rare occurrence, when it happens the ability of an escapee to flee in street clothes puts our city at risk. Putting detainees in uniform clothing, clothing that is clean and need not be demeaning, will promote public safety, contribute to the healthy environment of the jails and assist in the fight against violence and drug use in the jails. There is a reason every other jail in the state does it. Please don't deny us this valuable and proven tool.

- Third, we support your proposed amendment to the standards that will recognize practice pursuant to current standards that allow sentenced inmates to be housed in dorms of up to 60 persons. There is no evidence to demonstrate it is a problem. You now permit us to house up to 60 detained inmates in a limited number of dormitories with 50 square feet per inmate, rather than 60. This has been permitted for two years pursuant to a variance you gave us and there have been no problems with it. The proposed change will allow us to continue to maximize the number of inmates in air conditioned housing and also will enable us, as we move forward with our plan to reduce the capacity of the jail system to move greater numbers of inmates off Rikers Island. This proposal is consistent with the standards followed by other counties throughout the State and I am aware of no evidence that it has been deleterious to good jail operation or the welfare of persons confined in our adjacent counties.

Thank you again for taking the time and making the effort to "refresh" these rules, so important to every New Yorker.