



Correction Officers' Benevolent Association, Inc.

"Patrolling the Toughest Precincts in New York"

City of New York

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Correction Officers' Benevolent Association President Norman Seabrook's Testimony to the City of New York Board of Correction Regarding the Proposed Amendments to the Minimum Standards for New York City Correctional Facilities

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Koehler & Isaacs, LLP
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Good afternoon Mr. Wolf, Chairwoman Simmons, and members of the Board of Correction. First and foremost, I would like to thank you for the opportunity to testify before you today and to convey my concerns regarding the proposed amendments to the minimum standards for New York City Correctional Facilities.

As some of you may know, my name is Norman Seabrook and I am President of the New York City Correction Officers' Benevolent Association, representing one of the most important law enforcement jobs in the world, maintaining both safety and security to the public, as well as, providing the care, custody and control over the thousands of detainees within the city's jail system.

I am pleased to be joined with the President of the Assistant Deputy Wardens/Deputy Wardens Association and the President of the Correction Captains Association. Along with each of our union's executive boards, we have carefully reviewed the proposed amendments to the original minimum standards, which were adopted by the Board of Correction nearly 30 years ago.

Today you will hear testimony from the Department of Correction, various inmate advocacy groups and the public. But it is the thousands of men and women from our organizations who are literally at the front lines of the

city's correctional facilities and who will be directly effected by whatever amendments this board ultimately adopts. Therefore, let me address a number of concerns we have with some of the proposed changes.

My first concern is with Section 1-01 which relates to the requirement that facilities have a sufficient number of employees and volunteers fluent in Spanish. When this procedure is changed to "procedures must be employed to ensure that non-English speaking prisoners understand all written and oral communications from facility staff members..." I become concerned. Confusion on the part of inmates causes anxiety and this anxiety can lead to frustration and disruptive conduct which impacts the safety of the officers. It is important that all communications to inmates who do not speak English be as clear as possible. The Hispanic population in New York City has grown geometrically in recent years and Hispanic inmates have to be accommodated in such a way as to ensure the safety of jails.

My second concern is with the proposed repeal of Section 1-03 which relates to overtime for Correction Officers. The Board of Correction is

considering the Department of Correction's proposal to eliminate Section 1-03

(a) through (d) which states:

(a) Policy

Involuntary correctional officer overtime shall be limited and adequate time between shifts provided.

(b) Involuntary Overtime

A correctional officer shall not work more than one full shift of overtime during any work week unless he or she consents to do so.

(c) Consecutive Hours

A correctional officer shall not work more than two consecutive shifts.

(d) Turnaround

Upon the completion of two consecutive shifts of work, at least one of which is involuntary, a correctional officer must be afforded at least ten hours before returning to duty, unless he or she consents to return after one shift.

The COBA strongly believes that it is imperative that Section 1-03 (a) through (d) remains exactly as it is currently stated. There is a direct correlation between an officer's ability to receive adequate rest between his or her shifts and the safety and security of that officer's facility. As you may recall, following the jail riots that occurred in the 1980's, it was determined that Correction Officers were over-worked and the lack of sufficient rest they received between their shifts diminished their alertness and thus impeded their ability to perform their duties at optimal levels. The bottom line is that the proposed repeal of Section 1-03 is not good for the safety and security of the officers and not effective for providing the utmost care, custody, and control of the inmates.

Regarding Section 1-04, this union has a very serious problem with the variance related to the number of square feet available to each inmate housed in dormitories. Changing the number of square feet available from 60 square feet to 50 square feet per inmate adds 10 inmates to each dormitory. This means that there will be 60 inmates in each dormitory. It also means that there will be 120 inmates in paired modular dormitories. Adding 10 additional inmates to each side is significant.

It is totally inappropriate to compare New York City to the other jurisdictions which have the same or less square footage per inmate. For example, in Los Angeles the inmates are locked in all the time. Correction Officers do not often have contact with inmates and do not enter and move among the inmates in dormitories and Los Angeles does not have contact visits. There is an entirely different environment and housing system in Los Angeles. It is different in Chicago and it is also different in Philadelphia. With all of the activity and movement, contact visits, law library, outside recreation, etc., there are many, many more opportunities for inmates to acquire weapons or to

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victimize other inmates or cause other problems for Correction Officers in New York City jails. It is unsafe to change the number of inmates permitted in the dormitories.

Finally, the COBA has serious problems with Section 1-15, concerning "Variances". We understand the need to simplify the process under which DOC seeks variances, however, "best practice" is a very broad term. In addition, "pilot" is a very broad term. The union desires to be notified and informed and given an opportunity to discuss requested variances with the Board. The union has a legitimate concern regarding safety and the union has a legitimate need to provide input to the Board regarding the safety of the jails. If anyone knows when there are unsafe conditions or when changes might create danger, it is the Correction Officers who work in the jails every day of the year. Making changes in a more streamlined way makes sense, but this union wants to be notified of variance applications and the Board should really want the unions input to prevent potential blunders. This should also apply if the change is a "best practice" or a "pilot".

I would now like to highlight a few of the proposed amendments, which this union firmly supports. First, placing inmates in uniforms as proposed in Section 1-03 (g) is a good idea. Can we also expect that sentenced inmates and detainees will have different colored uniforms so that officers can recognize the higher security risks typically posed by the detention population? This is particularly important in view of other proposed changes which will often permit sentenced and detainee inmates to be housed together. Secondly, we support the proposed amendment to Section 1-10 that would authorize the Department of Correction to listen to and monitor prisoner telephone calls. This new security measure will enhance our officers' ability to potentially identify and prevent any inmate plans for illegal activity.

And finally, the Board of Correction has proposed that a new subdivision (h) be added to Section 1-07, entitled "Limitation of Access to Recreation", which would authorize the DOC to deny recreation for up to five days for prisoner misconduct on the way to, from, or at recreation. No such limitation currently exists in the current standards. While we support this proposal, we

believe that recreation should be denied for a minimum of five days going up to twenty days, for prisoner misconduct on the way to, from, or at recreation.

Moving forward, when the Board of Correction votes on the proposed amendments, I strongly urge each of you to carefully consider the issues we have raised and our reasons for raising them. The safety and security of our members, the inmates, and the City of New York are at stake. At this time, I am happy to answer any questions you may have.