



# Correction Officers' Benevolent Association, Inc.

*"Patrolling the Toughest Precincts in New York"*

City of New York

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APR 12 '07 PM 12:34

April 10, 2007

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Richard T. Wolf, Executive Director  
New York City Board of Correction  
Room 923  
51 Chambers Street  
New York, New York 10007

**Re: Amendments to the Minimum Standards**

Dear Mr. Wolf:

The Correction Officers' Benevolent Association's Executive Board and I, along with the President of the Correction Captains Association and the President of the Assistant Deputy Wardens/Deputy Wardens Association reviewed the suggested amendments to the minimum standards and I am submitting this amended written response in advance of the public hearings to be held on April 17, 2007. I look forward to attending these hearings. I will notify you shortly as to when I prefer to deliver my testimony on April 17<sup>th</sup>.

My first concern is 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:

**(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.

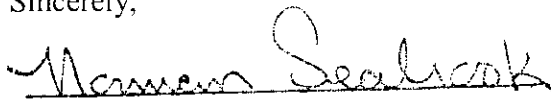
Placing inmates in uniforms as proposed in Section 1-03 (g) is a good idea. Can I expect that sentenced inmates and detainees will have different colored uniforms so that officers can recognize the higher security risks typically posed by the detention population? This is particularly important in view of other proposed changes which will often permit sentenced and detainee inmates to be housed together.

Regarding Section 1-04. The 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 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 victimize other inmates or cause other problems for Correction Officers in New York City jails. I think it is unsafe to change the number of inmates permitted in the dormitories.

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.**

Finally, the COBA has serious problems with the 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 the union wants to be notified of variance applications and the Board really should want the unions input to prevent potential blunders. This should also apply if the change is a "best practice" or a "pilot".

Sincerely,

A handwritten signature in cursive script that reads "Norman Seabrook". The signature is written in black ink and is positioned above a horizontal line.

Norman Seabrook  
President

NS:jl