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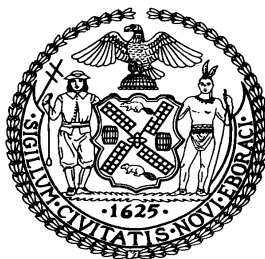
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THE COUNCIL

**BRIEFING PAPER AND REPORT OF THE
GOVERNMENTAL AFFAIRS DIVISION**

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COMMITTEE ON FIRE & CRIMINAL JUSTICE SERVICES

Hon. Elizabeth S. Crowley, Chair

COMMITTEE ON JUVENILE JUSTICE

Hon. Sara M. Gonzalez, Chair

December 15, 2010

**OVERSIGHT: JAIL VIOLENCE AT ADULT AND ADOLESCENT FACILITIES ON RIKERS
ISLAND**

1. INTRODUCTION

On December 15, 2010 the Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley and the Committee on Juvenile Justice, chaired by Council Member Sara M. Gonzalez, will hold a joint oversight hearing regarding jail violence at adult and adolescent facilities on Rikers Island. Those invited to testify include representatives from the Department of Correction (“DOC”), the Office of the Criminal Justice Coordinator, the Administration for Children Services, as well as advocates and other interested parties.

II. BACKGROUND

The New York City correctional system is presently comprised of 14 facilities, ten of which are on Rikers Island.¹ In Fiscal Year 2010, the DOC had 95,385 admissions and managed an average daily inmate population of 13,049 individuals.² The average length of stay was 50.6 days for detainees and 36.1 days for sentenced inmates.³

III. NEW YORK CITY CORRECTIONAL FACILITIES AT RIKERS

The DOC Rikers Island facilities include: The Robert N. Davoren Complex (“RNDC”), the George Motchan Detention Center, (“GMDC”), the Eric M. Taylor Center (“EMTC”), the Anna M. Kross Center, (“AMKC”), the Rose M. Singer Center (“RMSC”), the Otis Bantum Correctional Center (“OBCC”), the George R. Vierno Center (“GRVC”), the James A. Thomas Center (“JATC”), the West Facility (Contagious Disease Unit), and

¹ N.Y.C Dep’t of Correction, *Facility Locations*, at http://www.nyc.gov/html/doc/html/facilities/locate_facility.shtml.

² http://www.nyc.gov/html/doc/html/stats/doc_stats.shtml.

³ *Id.*

the North Infirmery Command (“NIC”).⁴ Off-Island facilities include the Brooklyn Detention Complex (“BDC”), the Manhattan Detention Complex (“MDC”), the Vernon C. Bain Center (“VCBC”) (the Barge) and the Queens Detention Complex (“QDC”).

RNDC houses, in separate quarters, adolescent male detainees between the ages of 16 to 18 and adult male detainees in: (i) modular dormitories; (ii) sprung structures (rigid frame tents capable of housing 40 or more individuals)⁵; (iii) and cells.⁶ The total capacity of the RNDC facility is 2,238.⁷ As of December 7th there were 631 adolescent male detainees and 27 male adolescent sentenced inmates in the facility.⁸ Approximately 85% of adolescent inmates were housed at RNDC as of December 7th.

GMDC houses adult males and has a capacity of 2,978.⁹

EMTC houses adolescent and adult male inmates sentenced to terms of one year or less.¹⁰ Most of the facility’s housing is dormitory style. The current capacity of EMTC is 2,351 individuals.¹¹ As of December 7th this facility houses 76 sentenced male adolescents.¹²

AMKC houses adult male detainees in 40 housing areas spread over 40 acres. It includes a Methadone Detoxification Unit for detainees and DOC’s Mental Health Center.¹³

RMSC has an 800-bed facility for female detainees and sentenced inmates.¹⁴ Additional modular housing has increased capacity to 1,139 individuals.¹⁵ The facility

⁴ DOC at http://www.nyc.gov/html/doc/html/facilities/locate_facility.shtml

⁵ DOC at http://www.nyc.gov/html/doc/html/about/facilities_overview.shtml

⁶ *Id.*

⁷ *Id.*

⁸ Email from DOC staff on file with the FCJS Committee.

⁹ Supra note 5.

¹⁰ *Id.*

¹¹ *Id.*

¹² Supra note 8.

¹³ Supra note 5.

also features the nation's first modern 25-bed jail-based baby nursery.¹⁶ The facility also houses adolescent females. As of December 7th there were 31 adolescent female detainees and 5 adolescent female sentenced inmates in the facility.¹⁷

OBCC contains dormitory and cell housing, including the DOC's 400-bed Central Punitive Segregation Unit ("CPSU").¹⁸ The CPSU houses inmates who commit infractions while in jail.¹⁹ As of December 7th there were 96 adolescent male detainees in the facility.²⁰

GRVC is comprised of two facilities that hold 850 and 500 beds respectively for adult male detainees.²¹

JATC is a 1,200 bed, maximum security single-cell facility for adult male detainees.²²

The West Facility was designed to be a 940 bed facility. Part of the facility has been converted into the Department's Contagious Disease Unit ("CDU"), which contains 140 specially air-conditioned housing units reserved for male and female inmates with contagious diseases such as tuberculosis. With the exception of the CDU, the facility is presently in reserve status.²³

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Supra note 8.

¹⁸ Supra note 5.

¹⁹ *Id.*

²⁰ Supra note 8.

²¹ Supra note 5.

²² *Id.*

²³ *Id.* The facility is in effect off-line until needed.

NIC consists of two infirmary buildings. The facility has a 500-bed capacity housing infirmary care, non-infirmary and general population inmates.²⁴ NIC also houses inmates who require extreme protective custody because of the notoriety or the nature of their cases. A special dormitory houses inmates with AIDS and AIDS-related cases.²⁵ As of December 7th there were five adolescent male detainees in the infirmary and two adolescent male sentenced inmates in the non-infirmary section of the NIC.²⁶

IV. VIOLENCE STATISTICS

The Board of Correction (“BOC”), which oversees the DOC, has a long standing practice of tracking several jail violence indicators.²⁷ Among those indicators are: Use of Force (A),²⁸ Use of Force (B)²⁹, stabbings/slashings, and serious injuries to inmates resulting from inmate on inmate fights.³⁰ The BOC notes that while it closely tracks homicides and suicides, they occur so infrequently that no conclusions about changes in overall jail violence can be drawn from them.³¹ The BOC has found it useful to compare the rates at which indicator incidents occur and has concluded it is the most reliable way to gauge the DOC’s success in controlling and reducing violence.³² In November of 2010 the

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Supra* note 8.

²⁷ Board of Correction Bi-Monthly Staff Report, December 11, 2008, on file with the FCJS Committee.

²⁸ See, http://www.nyc.gov/html/doc/html/stats/doc_stats.shtml. Use of Force Class (A) are incidents during which staff used force resulting in a class (A) injury (an injury requiring medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid) to staff and/or inmate(s).

²⁹ According to the BOC, Use of Force (B) is any use of force that does not result in a class (A) injury. See email from BOC Staff to FCJS Committee Staff, December 13, 2010, on file with the FCJS Committee..

³⁰ *Id.* According to the BOC, a serious injury is one that causes a substantial risk of death or disfigurement, is a loss or impairment of a bodily organ, a bone fracture (excluding fingers and toes) or one that is defined as serious by a physician.

³¹ *Id.*

³² *Id.* Rates are calculated by dividing the number of incidents occurring in a period by the average daily census for the period, multiplying by 100, and then adjusting to a monthly rate by multiplying by 31 over the number of days in the period.

BOC prepared such a report and presented its findings at its bi-monthly meeting.³³ The first table below indicates Use of Force (A) incidents throughout the city jail system from the period from 2005 through 2010. The second table below indicates Use of Force (A) incidents at RNDC as compared to the total jail population throughout the same period.

Use of Force - A

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
2006	4	6	9	6	10	15	10	13	8	11	9	12	113	0.070	13,789	365
2007	6	6	8	13	6	5	2	6	7	7	6	5	77	0.047	14,060	365
2008	11	9	4	11	7	8	9	5	11	15	14	14	118	0.074	13,545	366
2009	7	7	7	7	8	4	6	13	6	12	12	6	95	0.061	13,194	365
2010	15	12	10	19	11	6	10	12	13	8			116	0.092	12,984	300

RNDC

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	DOC Total	DOC Rate	DOC Census	Days
2006	0	2	2	1	1	2	0	1	0	4	0	3	16	0.093	1,458	97	0.067	12,331	365
2007	0	1	0	2	0	0	1	1	0	1	2	1	9	0.051	1,601	68	0.046	12,459	365
2008	3	1	1	0	0	1	1	0	0	1	3	3	14	0.085	1,423	104	0.073	12,121	366
2009	1	1	0	1	1	0	1	2	1	1	2	0	11	0.068	1,308	84	0.060	11,886	365
2010	3	2	1	6	4	2	3	5	2	1			29	0.227	1,343	87	0.077	11,642	300

Of particular note, the BOC report concluded that through October of 2010 the total rate of incidents of Use of Force (A) throughout the city jail system increased from 2009 to 2010 by 50.8%. The report also concluded that RNDC's 29 incidents represent 25% of all Use of Force (A) incidents for 2010.

The next table below indicates Use of Force (B) incidents throughout the city jail system from the period from 2005 through 2010.

Use of Force B

³³ When issuing its report, the BOC noted that while the data they used to create comes from daily DOC 24 reports, the DOC had not yet reconciled the BOC numbers and the numbers for November and December were unavailable. The Committees have asked the DOC to reconcile and update the numbers but had not received the reconciliation or update at the time of this report. Portions of the BOC report are reproduced herein.

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
2006	84	77	106	99	104	99	113	93	94	119	93	101	1182	0.728	13,789	365
2007	105	74	126	118	91	106	105	116	103	141	138	101	1324	0.800	14,060	365
2008	119	98	103	122	169	121	139	131	133	141	160	183	1619	1.012	13,545	366
2009	141	125	135	151	142	145	141	130	120	129	143	145	1647	1.060	13,194	365
2010	153	134	150	171	157	169	176	157	155	151			1573	1.252	12,984	300

Of note, the BOC report concludes that the total rate of Use of Force (B) incidences throughout the city jail system has increased 18% since last year and 72% since 2006. The BOC report also concludes that 20% of the incidents occurred at RNDC, which represents 10% of the population.³⁴

The following two tables reflect stabbings/slashings and inmate injuries from fights for the period of 2006 through 2010, respectively.

Slashings and Stabbings

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
2006	1	3	3	3	4	3	8	7	2	3	3	4	44	0.027	13,789	365
2007	1	1	1	3	2	3	4	0	1	1	1	1	19	0.011	14,060	365
2008	1	2	1	1	1	5	2	2	2	0	2	2	21	0.013	13,545	366
2009	1	1	5	1	1	2	3	2	2	1	3	3	25	0.016	13,194	365
2010	2	6	4	3	1	4	5	3	8	3			39	0.031	12,984	300

The BOC report concludes that the slashings/stabbings rate has doubled since last year but is approximately the same as 2006. The BOC report also opines that the small number of incidences makes it impossible to draw conclusions concerning trends and that no facility stood out as having a disproportionate number of incidents.

Serious Injuries From Fights³⁵

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Rate	Census	Days
2006	15	9	15	23	12	9	21	13	13	17	12	13	172	0.106	13,789	365
2007	17	14	15	15	8	16	8	14	11	10	5	8	141	0.085	14,060	365
2008	7	9	14	12	11	18	10	11	8	7	12	7	126	0.079	13,545	366

³⁴ BOC Bi-monthly report, November, 2010, On file with the FJCS Committee.

³⁵ Supra note 30.

2009	12	8	11	9	14	8	9	6	8	11	9	9	114	0.073	13,194	365
2010	9	12	10	10	15	22	7	18	8	17			128	0.102	12,984	300

Of note, the BOC report concluded that there is no discernable trend from 2006 to 2010 but that 23% of the incidents occurred at RNDC, which has a rate more than twice the system rate. The Committees note that the rate from 2009 to 2010 increased by almost 40%.

Although not captured in the BOC report, the Committees find it noteworthy that the DOC reported an increase in Inmate Assaults on Staff class (A)³⁶ incidents from 53 in Fiscal Year (“FY”) 2008, to 63 in FY 2009, to 83 in FY 2010.

V. RECENT ATTACKS AGAINST CORRECTION OFFICERS

During 2010 there were a number of instances where Correction Officers were attacked and suffered injuries at the hands of inmates at Rikers Island. On March 27, 2010, 13 Correction Officers were injured when they were attacked by inmates who refused to return to their cells, with one officer requiring 20 stitches.³⁷ Correction Officers Benevolent Association President Norman Seabrook was reported to have said, “Had the proper staffing numbers been in place to begin with, this incident could have most likely been avoided.”³⁸ DOC officials responded that there was no indication that staffing levels had anything to do with the incident.³⁹

³⁶ Inmate Assaults on Staff Class (A) are incidents involving an inmate assault on staff resulting in a staff use of force and a class A injury (an injury requiring medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid) to staff and/or the inmate(s).

³⁷ http://www.nydailynews.com/news/2010/03/28/2010-03-28_melee_at_rikers_island_jail_leaves_12_correction_officers_3_inmates_injured.html?r=news

³⁸ *Id.*

³⁹ *Id.*

On October 19, 2010, a violent fight at RNDC sent seven Correction Officers to the hospital.⁴⁰ The incident reportedly occurred when inmates refused to be locked in their cells.⁴¹ The matter was referred to the Bronx District Attorney's Office.⁴²

On November 23, 2010, 16 Correction Officers suffered minor injuries after 25 inmates at Rikers attacked them.⁴³ Two unrelated fights broke out in the area holding suspects awaiting trial.⁴⁴ When officers tried to break up the melees, the inmates turned on them.⁴⁵ Finally, on December 3, 2010, a Rikers inmate about to be transferred to a clinic bit off part of a Correction Officer's thumb and injured two other officers.⁴⁶

VI. VIOLENCE INVOLVING ADOLESCENTS AT RIKERS ISLAND

A. The Death of Christopher Robinson and its Aftermath

On October 20, 2008, Christopher Robinson, an 18 year old inmate at Rikers Island was found dead in his jail cell.⁴⁷ On January 22, 2009, Bronx District Attorney Robert T. Johnson and New York City Department of Investigation Commissioner Rose Gill Hearn announced that a grand jury had indicted three New York City Correction Officers and twelve adolescent inmates on charges including manslaughter, conspiracy, enterprise corruption and other offenses stemming from an investigation into the death of Mr. Robinson.⁴⁸ The four month investigation into the fatal beating of Mr. Robinson uncovered numerous other alleged criminal acts against adolescent inmates, including

⁴⁰ http://www.nypost.com/p/news/local/bronx/guards_injured_in_rikers_brawl_cxKT0IGieSQZa812IG7IAP

⁴¹ *Id.*

⁴² *Id.*

⁴³ http://www.nypost.com/p/news/local/rikers_thugs_attack_guards_OhVmM6zZ3tsvQVRqrM0DzO

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ http://www.nypost.com/p/news/local/bronx/inmate_takes_bite_out_of_law_FqS20VAgf6f5Iy0bN8N8KP

⁴⁷ *Teen found dead in Rikers cell*, New York Daily News, October 20, 2008; Simone Weichselbaum and Alison Gendar.

⁴⁸ *The Death of an 18 year old Inmate on Rikers Island Last October Leads to Numerous Criminal Charges Against Three Correction Officers and Twelve Teenage Inmates*, Office of the Bronx District Attorney Press Release, January 22, 2009.

assaults, acts of coercion, larceny and extortion.⁴⁹ The crimes charged in the indictment involved nine different victims on nine separate occasions between July 10, 2008 and October 18, 2008.⁵⁰ It was alleged that two officers acted as managers for an organization referred to as “the Program” that operated within the RNDC.⁵¹ The officers would allegedly cede responsibility for maintaining order to inmates known as “the Team” whom they personally selected. In exchange for maintaining order in the unit, these officers allegedly authorized the “Team” to extort personal property from their victims and to coerce them in a variety of ways.⁵² Upon information and belief, these charges are still pending. Additionally, as a result of an unrelated incident, on August 6, 2010, a former Correction Officer was sentenced to six years in jail for ordering six inmates to beat two others at Rikers in 2007.⁵³

B. City Council Hearings and Promises of Change from the DOC

In the wake of the Christopher Robinson’s death the Committees held two hearings⁵⁴ examining the unique problems faced by adolescents at Rikers including the problem of violence. During those hearings, former DOC Commissioner Martin Horn testified that the DOC was undertaking several steps to address the level of violence involving adolescents, including, among other things: (i) launching the Institute for Inner Development⁵⁵ and training all officers working in RNDC adolescent housing areas

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

⁵³ http://www.nypost.com/p/news/local/bronx/rikers_fight_club_guard_jailed_sM1FjbK9YXY1I07D2riEeI

⁵⁴ See joint FCJS, Juvenile Justice, Youth Committee Oversight hearing on November 24, 2008 and joint FCJS, Juvenile Justice oversight hearing on February 23, 2009.

⁵⁵ Testimony of DOC Commissioner Martin Horn, Joint Oversight Hearing of the Fire and Criminal Justice Services and Juvenile Justice Committees, February 23, 2009, on file with the Committees. Institute for Inner Development, which seeks to imbue adolescents with the skills and desire to change their patterns of destructive behavior, and utilizes Correction Officers trained to serve as mentors and coaches.

regarding its curriculum;⁵⁶ (ii) installation of video cameras in excess of what had been mandated through legal settlements;⁵⁷ (iii) changing classification procedures;⁵⁸ (iv) creating a variety of new housing areas to enhance the Department's ability to separate vulnerable inmates from predatory ones;⁵⁹ (v) gaining the authority to listen to inmate calls;⁶⁰ (vi) enhancing supervision of the commissary and the use of telephones and television;⁶¹ (vii) creating separate high and low security classifications for 16, 17 and 18 year olds;⁶² (viii) identifying the most difficult housing areas in RNDC and adding an additional Correction Officer in those units thereby reducing the staff to inmate ratio in those areas;⁶³ and (ix) enhancing the adolescent mental observation unit.⁶⁴ The Committees look forward to learning the status of these efforts from DOC and to the extent changes were made, whether they have been successful.

C. Local Law 29 of 2009

On April 22, 2009 the Council passed Local Law 29 of 2009 ("Local Law 29"), which requires the DOC to post information on its website regarding adolescents in city jails, including: (1) yearly census data,⁶⁵ (2) 18 categories of security indicators on a

⁵⁶ *Id.*

⁵⁷ *Id.* Commissioner Horn testified that the DOC was obligated to place 800 cameras in city jails through legal settlements but had placed 3,000.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ The census data required consists of information concerning the total number of adolescent admissions to city jails broken down by age and gender along with information regarding prior admission to DOC or department of juvenile justice facilities, if any.

quarterly basis;⁶⁶ and (3) three categories of security indicators on a yearly basis.⁶⁷ The reports must also indicate the average daily population for the reporting period.

The DOC began complying with Local Law 29 by posting the data required by the law in the 1st quarter of FY 2010. Some of the data that DOC reported regarding the adolescent population in RNDC (which comprises approximately 85% of the adolescent jail population) are highlighted below.

RNDC Adolescent Quarterly Data

	FY 10 1 st Quarter	FY 10 2 nd Quarter	FY 10 3 rd Quarter	FY 10 4 th Quarter	FY 11 1 st Quarter
Incidents of Use of Force resulting in non-serious injury	44	50	28	47	33
Incidents of Use of Force that result in no injury	9	3	28	40	37
Use of Force with chemical agents	37	27	31	52	44
Fight Infractions	222	349	411	501	539

⁶⁶ Disaggregated by facility, for the total number of: stabbings involving an adolescent; slashings involving an adolescent; assaults on staff by adolescents; fight infractions written against adolescents; allegations of major use of force (A) involving adolescents ; incidents of major use of force (A) involving adolescents; allegations of minor use of force (B) involving adolescents; incidents of minor use of force (B) involving adolescents; adolescent hospital admissions as a result of use of force (A); incidents of use of force involving adolescents that result in no injury; serious injuries as a result of adolescent on adolescent fights; hospital admissions of adolescents as a result of adolescent on adolescent fights; homicides involving adolescents; attempted suicides by adolescents; suicides by adolescents; substantiated incidents of adolescent on adolescent sexual assault; substantiated incidents of staff on adolescent sexual assault.

⁶⁷ Disaggregated by facility, for the total number of: allegations of adolescent on adolescent sexual assault, allegations of staff on adolescent sexual assault; and adolescent on adolescent fights that result in (a) loss of consciousness, including concussions; (b) internal injuries, not otherwise reported.

The Committees are concerned that since the implementation of Local Law 29 the DOC has reported five successive quarters of increased fight infractions written against adolescents in RNDC, from 222 in the 1st quarter of FY 2010, to 349 in the 2nd quarter, to 411 in the 3rd quarter, to 501 in the 4th quarter and finally to 539 in the 1st quarter for FY 2011. The Committees anticipate learning what DOC believes are the causes of these increases and what changes, if any, DOC is considering after analyzing this data.

VII. ISSUES AND CONCERNS

The Committees have been and remain concerned with the increasing level of violence at Rikers Island in both adult and adolescent facilities. The death of Christopher Robinson, the ensuing indictments of Correction Officers and adolescent jail inmates, the revelation of prior orchestrated incidents of violence, and the recent increase in violence against Correction Officers are deeply troubling. The recent increase in incidents of Use of Force (A), Use of Force (B), stabbings and slashings and serious injuries as a result of fights are equally troubling. The Committees are particularly concerned with the continuing increase of fight infractions in the adolescent portion of RNDC. The Committees also note that the changes in policy and enhanced training announced in 2009 do not appear to have been successful in leading to a decrease in violence and are fearful that budget cuts will only exacerbate these problems.

The Committees are holding this hearing because they have the following goals: (i) systems in place to quickly identify any increases in violence; (ii) all allegations of violence be thoroughly investigated; (iii) all Correction Officers be appropriately screened, trained, supervised, and held to the highest standard of conduct; (iv) all appropriate

measures to reduce violence be undertaken; (v) that further reductions in staff and/or decreases in jail staff be avoided.