

**Testimony before the  
New York City Council  
Committee on Criminal Justice and Finance  
Chairs Keith Powers and Danny Dromm  
By  
Cynthia Brann, Commissioner  
NYC Department of Correction**

**May 20, 2021**

Good afternoon Chair Powers, Chair Dromm, and members of the Criminal Justice and Finance Committees. I am joined this afternoon by members of my leadership team including First Deputy Commissioner Lynelle Maginley-Liddie, Chief of Department Hazel Jennings, Chief of Staff Brenda Cooke, Deputy Commissioner for Financial, Facilities, and Fleet Administration Patricia Lyons, Deputy Commissioner of the Investigative Division Sarena Townsend, Deputy Commissioner for Legal Matters Heidi Grossman, Deputy General Counsel Lisa Richardson, and Deputy Commissioner for Programs and Partnerships Judy Beale. I am pleased to have this opportunity to update the Council on some of the critical issues facing this Department and speak about the Fiscal Year 2022 executive budget.

The Department of Correction is at a pivotal place in its cultural and operational transformation. Over the course of my tenure at the Department of Correction, I have had the privilege of realizing a number of critical reforms, including important changes that many had not thought possible. We have focused on improving conditions for both staff and those in custody and I am proud of the work we've accomplished. All of our staff now have access to a state-of-the-art wellness center where they can tend to their physical, emotional and spiritual well-being. Training has been updated and expanded and now includes professional development courses as well as a myriad of online classes that can be accessed from any network computer. For those in our custody, our work resulted in an 80% reduction in the use of punitive segregation and the commitment to end it completely this year; the provision of free phone calls; and an unprecedented investment in programming and reentry support.

The Department is also in compliance with over 90% of the Nunez Consent Decree requirements, which required building new data systems, vetting and training thousands of staff, and developing new programs and policies. We acknowledge, however, there is a lot more work to be done. While there are still significant challenges, I am confident that we are well-positioned us to address these matters with purpose, transparency, and most of all, accountability.

As we look to our future, it's critical that we understand the issues facing the Department today and the steps we must take to successfully move forward. As compared to previous years, our current population is more likely to be affiliated with a security risk group and more likely to be incarcerated awaiting trial for a serious violent felony. However, understanding this trend is critical to devising meaningful and impactful solutions that help maintain the safety of our facilities and support successful reentry. As such, the Department is shifting to an individual case management model that will address the specific needs of each person in our care. Over the course of my tenure, I have been proud to partner with several sister agencies in efforts to improve overall public safety. For the safety and well being of those in our care, it is my hope that these partnerships will be built upon in the years to come.

Before turning to the Department's Fiscal Year 2022 budget, I would also like to address the impact the pandemic has had on our staff. Department of Correction staff have been on the front lines of this crisis since the earliest days of this pandemic. For fifteen months, my staff and I have worked to provide the public with round the clock updates on our efforts to stop the spread of COVID-19 and modify long established services to provide them in a safe manner. Together, we have succeeded in managing a crisis, but individually, our staff have also experienced the same personal and familial traumas as all New Yorkers.

As the Council knows, in our effort to afford safe social distancing, the Department reopened a recently closed facility and temporarily halted plans to close two other jails. Although these were necessary steps to take in light of the COVID-19 pandemic, it resulted in the operation of more housing units and more facilities than had been contemplated at this point in the borough-based jails consolidation plan, which meant that there were many more posts that needed to be filled by a smaller number of available uniform staff. As the pandemic continued, we have seen the toll that this scope of operation has had on our staff, all of whom have been on the front lines of this crisis since its earliest days.

I want to be clear that the leadership of this agency is doing everything possible to reduce overtime, eliminate instances of staff working into a triple tour, and support our hard-working officers during this difficult time. The Office of Administration closely monitors the length of staff tours and oversees redeployments of uniform staff into jail facilities from every corner of the Department. We have closely reviewed facility scheduling, stationed a medical doctor at our headquarters to help clear staff who have been medically modified for full duty posts, and taken important steps to ensure sick leave guidelines are being properly adhered to. This week we were able to once again close EMTC, allowing for redeployment of staff to our remaining open facilities. In addition, this Fall, the Department will welcome a class of 400 new officers, all of whom will further support safe jail operations. As difficult as these months have been, I believe we are on the right path to overcoming our overtime challenges and creating a better workplace for our staff.

## **Fiscal Year 2022 Executive Budget and Its Impact on DOC**

### **Expense Budget**

The Department's Fiscal Year 2022 Expense Budget is \$1.18 billion. The vast majority of this, 87% is allocated for Personal Services, and 13% for Other than Personal Services. The Fiscal Year 2022 budget is \$38.0 million more than this year's budget of \$1.14 billion. This increase is largely due to the addition of a Correction Officer class, various collective bargaining funding and miscellaneous adjustments for utilities.

### **Capital Funding**

With regards to capital funding, the Fiscal Year 2022 Executive Capital Budget and Commitment Plan totals \$9.7 billion, which covers Fiscal Years 2021 through 2031. I'd like to highlight several changes to the funding stream for the Borough Based Jails program; to better align the projected cashflow based on the current procurement schedule, a total of \$147.7 million was shifted from FY21-FY24 to FY25 -FY27 and a total of \$92.6 million was moved from DOC's miscellaneous construction lump sum to other agencies for projects supporting the Borough Based Jail Points of Agreement.

### **Headcount and Overtime**

Although there were ambitious goals outlined in prior financial plans to close several DOC facilities to align with a projected substantial decrease in the average daily population in custody, COVID-19 has prevented the Department from safely fulfilling all of the financial plan assumptions. We will continue to work closely with OMB to ensure the Department and the City receive adequate reimbursement from the Federal government as it relates to the costs of keeping facilities operating longer than expected to promote safety and social distancing for our staff and those in our custody. Over the past several years, we have been able to reduce uniformed overtime spending from \$240.4 million in Fiscal Year 2017, to \$198.1 million in Fiscal Year 2018, to \$154.8 million in Fiscal Year 2019, to \$129.0 million in Fiscal Year 2020, to a projected \$133.8 million in Fiscal Year 2021. Given decreased staffing levels and the need to keep open housing units and facilities that had been slated for closure in order to promote safe social distancing, the Department does not anticipate a reduction in overtime this year.

### **Conclusion**

In closing, I want to say to all New Yorkers that it has been an honor to cap my forty-year career in law enforcement with four years of leading this agency. The individuals working for the Department of Correction are among the most dedicated and hard-working people I know. Together, we have laid a foundation that will not only support a significant shift in correctional practices at our Department, but will serve as a model for others across the nation.

Thank you again for the opportunity to testify today and for your continued support. My colleagues and I are happy to answer any questions that you may have.