



**NEW YORK CITY COUNCIL FINANCE DIVISION**

**New York City Council**

Hon. Melissa Mark-Viverito, Speaker of the Council

**Finance Division**

Latonia McKinney, Director  
Tanisha Edwards, Chief Counsel  
Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director

**Evaluation Prepared by:**

Steve Riester, Legislative Financial Analyst  
Eisha Wright, Unit Head

**April 24, 2015**

**Term and Condition (T&C) - Jail Safety:**

Fiscal 2015 Term and Condition is in relation to jail safety at the Department of Correction.

As a condition to the expenditure of funds appropriated to the unit of appropriation numbers 001, 002, 003, and 004, the Department shall provide quarterly reports to the Council detailing the actual numbers of occurrences of jail violence. Such reports shall include the number of: 1) violent inmate-on-inmate incidents; 2) serious injury to inmate(s) as a result of violent inmate-on-inmate incidents; 3) inmate assault on staff; 4) serious injury to staff as a result of inmate assault on staff; 5) Department use of force incidents with serious injury; 6) Department use of force incidents with minor injury; and 7) Department use of force incidents with no injury.

**Rationale:**

In the last three years, the reporting methods for some of the Department’s performance indicators have drastically changed. To account for fluctuations in population, jail violence indicators have changed to report data on either a monthly rate per 1,000 of the average daily population (ADP), or as a rate per 1,000 of the ADP. While it is a reasonable performance management methodology, it is not raw data, and it does not accurately reflect the number of incidents that are occurring in the City’s jails. The quarterly reports from the Department will allow the Council to accurately gauge the number of occurrences of jail violence.

**Overview:**

The City Charter authorizes the Council to attach terms and conditions to any unit of appropriation in either the expense budget or the capital budget that impose certain requirements as a condition of spending. These requirements often consist of reporting on indicators related to the progress of spending the appropriated funds, or certain programmatic aspects of the spending. The Fiscal 2015 Budget for the Department of Correction includes a term and condition that requires a report to related to jail safety.

**Frequency of Reporting:**

The term and condition requires quarterly reports to be submitted as follows: the first report shall be submitted on or before October 15, 2014 and shall cover the period beginning July 1, 2014 and ending September 30, 2014. The second update shall be submitted on or before January 15, 2015 and shall cover the period beginning October 1, 2014 and ending December 31, 2014. The third update shall be submitted on or before April 15, 2015 and shall cover the period beginning

January 1, 2015 and ending March 31, 2015. The fourth update shall be submitted on or before July 15, 2015 and shall cover the period beginning April 1, 2015 and ending June 30, 2015.

The Department of Correction submitted the first quarterly update on jail safety on December 23, 2014, which was after the deadline of October 15, 2014. The Department of Correction submitted the second quarterly update on jail safety on January 16, 2015, one day after the deadline of January 15, 2015. The Department of Correction submitted the third quarterly report on jail safety on the deadline of April 15, 2015. The Department of Correction provided all the necessary information to address the term and condition.

**Analysis of the T&C:**

The total number of jail violence occurrences in the first quarter was 2,540, 43 percent of total incidents were violent inmate-on-inmate incidents and 11 percent of the total incidents were inmate assault on staff. Total jail violence occurrences increased to 2,557 in the second quarter and four out of seven categories saw an increase in the second quarter. The total number of incidents of violent inmate-on-inmate incidents increased to 1186 or 47 percent of total jail violence occurrences. In the third quarter of Fiscal 2015 the total number of jail violence occurrences was 2,617, an increase of two percent from the second quarter. Violent inmate-on-inmate incidents decreased two percent to 1,158 incidents in the third quarter, while inmate assaults on staff increased by 23 incidents to 263 in the third quarter. The total number of jail violence occurrences from July 2015 to March 2015 was 7,714.

| <b>Department of Correction: Jail Safety Quarterly Report</b> |   |                                    |                                    |                                    |                                 |
|---|---|------------------------------------|------------------------------------|------------------------------------|---------------------------------|
| <b>Fiscal 2015 First, Second, and Third Quarters</b>          |   |                                    |                                    |                                    |                                 |
|   | Jail Violence Indicators  | <b>1st<br/>Quarter<br/>JUL-SEP</b> | <b>2nd<br/>Quarter<br/>OCT-DEC</b> | <b>3rd<br/>Quarter<br/>JAN-MAR</b> | <b>Diff. 2nd Q<br/>to 3rd Q</b> |
| <b>1</b>  | Violent inmate-on-inmate incidents  | 1,089                              | 1,186                              | 1,158                              | (28)                            |
| <b>2</b>  | Serious injury to inmate(s) as a result of violent inmate-on-inmate incidents | 69                                 | 73                                 | 86                                 | 13                              |
| <b>3</b>  | Inmate assault on staff   | 281                                | 240                                | 263                                | 23                              |
| <b>4</b>  | Serious injury to staff as a result of inmate assault on staff                | 9                                  | 9                                  | 10                                 | 1                               |
| <b>5</b>  | Use of force incidents with serious injury                                    | 35                                 | 34                                 | 38                                 | 4                               |
| <b>6</b>  | Use of force incidents with minor injury                                      | 502                                | 431                                | 477                                | 46                              |
| <b>7</b>  | Use of force incidents with no injury   | 555                                | 584                                | 585                                | 1                               |
|   | <b>Total Incidents</b>  | <b>2,540</b>                       | <b>2,557</b>                       | <b>2,617</b>                       | <b>60</b>                       |