

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Keith Powers
Chair, Committee on Criminal Justice



Report of the Finance Division on the
Fiscal 2022 Preliminary Plan for the

Board of Correction

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Table of Contents

Board of Correction Overview	1
Financial Plan Summary.....	1
Financial Plan Changes.....	2
Budget and Headcount	3
Coronavirus Response	4
Reports and Oversight	5
Appendix	6
A. Contract Budget.....	6

Board of Correction Overview

The Board of Correction (BOC or the Board) is a nine-person, non-judicial oversight board that regulates, monitors, and inspects the City’s correctional facilities. The Board members are appointed by the Mayor, the Council, and presiding justices of the Appellate Division of the Supreme Court for the first and second judicial departments (in joint nomination with the Mayor). These are non-paid appointments. The

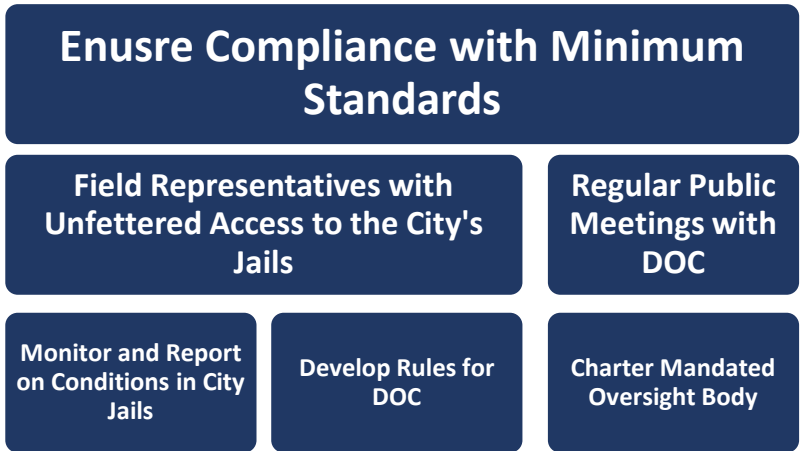
Board members serve on a rotating basis for terms of six years, and the Mayor designates the Chair from among the members. The City Charter mandates the Board’s five functions.

The Board monitors conditions in the City’s jails, investigates serious incidents, evaluates the performance of the Department of Correction (DOC or the Department), reviews inmate and employee grievances, makes recommendations of DOC’s programs and capital planning, and produces ad hoc reports. The BOC’s published reports can be found on the Board’s website.¹

This report provides a review of BOC’s Preliminary Budget for Fiscal 2022. In the first section, the highlights of the \$2.6 million Fiscal 2022 expense budget are presented in a Financial Plan Summary chart that details BOC’s budget by unit of appropriation, funding source, and headcount. BOC does not have a Capital Budget.

Financial Plan Summary

The table below outlines BOC’s actual budgets for Fiscal 2019 and Fiscal 2020, the Fiscal 2021 Adopted Budget, the Fiscal 2021 current budget, and the Fiscal 2022 Preliminary Budget, including funding sources and headcount. The Board of Correction’s budget is one unit of appropriation (U/A) pair, personal services (PS) and other than personal services (OTPS). Included in this U/A pair are funds for all the Board’s functions and staff. The Fiscal 2022 Budget totals \$2.6 million with \$2.5 million, or 99 percent, for PS and \$134,000 for OTPS. The budget is entirely City funded.



¹ [BOC Reports](#)

BOC Financial Summary						
<i>Dollars in Thousands</i>						
	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY21-FY22
Spending						
Personal Services	\$2,298	\$2,342	\$2,499	\$2,272	\$2,504	\$5
Other Than Personal Services	297	215	164	162	134	(\$29)
TOTAL	\$2,594	\$2,557	\$2,663	\$2,434	\$2,639	(\$24)
Funding						
City Funds			\$2,663	\$2,434	\$2,639	(\$24)
TOTAL	\$0	\$0	\$2,663	\$2,434	\$2,639	(\$24)
Budgeted Headcount						
Full-Time Positions - Civilian	29	27	32	26	32	0
TOTAL	29	27	32	26	32	0
<i>*The difference of Fiscal 2021 Adopted Budget compared to Fiscal 2022 Preliminary Budget.</i>						

Financial Plan Changes

The Fiscal 2022 Preliminary Budget is just \$24,000 less than the Fiscal 2021 Adopted Budget. A \$5,000 increase in the PS budget is offset by a \$29,000 reduction in the OTPS budget in Fiscal 2022. The Preliminary Financial Plan (the Plan or the Preliminary Plan) includes a limited number of budget adjustments and no new needs in BOC's Fiscal 2021 or Fiscal 2022 budgets.

<i>Dollars in Thousands</i>	FY21			FY22		
	City	Non-City	Total	City	Non-City	Total
BOC Adopted FY21 Budget	\$2,663	\$0	\$2,663	\$2,673	\$0	\$2,673
PEGS						
Hiring and Attrition Management	(\$56)	\$0	(\$56)	\$0	\$0	\$0
OTPS Savings	0	0	0	(29)	\$0	(29)
PS Accruals	(153)	0	(153)	(5)	0	(5)
Subtotal, PEGs	(\$209)	\$0	(\$209)	(\$34)	\$0	(\$34)
Other Adjustments						
Managerial/OJ Furlough Savings	(\$18)	\$0	(\$18)	\$0	\$0	\$0
Office Supplies Savings	(1)		(1)	0	0	0
Subtotal, Other Adjustments	(\$19)	\$0	(\$19)	\$0	\$0	\$0
TOTAL, All Changes	(\$229)	\$0	(\$229)	(\$34)	\$0	(\$34)
BOC FY22 Preliminary Budget	\$2,434	\$0	\$2,434	\$2,639	\$0	\$2,639

The November 2020 Financial Plan and the Preliminary Plan introduced budget adjustments and savings initiatives that reduced the Board's budget by \$229,000 in Fiscal 2021 and \$34,250 in Fiscal 2022. These savings were derived mostly by cutting PS surpluses and eliminating vacant positions. In Fiscal 2021, these reductions are approximately nine percent of the Board's budget. In Fiscal 2022, the cuts are just over one percent. Since the Fiscal 2021 Executive Budget, the Board's Fiscal 2021 Budget has been reduced by \$744,200 and its Fiscal 2022 Budget has been reduced by \$539,551. As a result, BOC's Fiscal 2021 Budget in Fiscal 2021 in the Fiscal 2022 Preliminary Plan is reduced by 23 percent when compared to the Fiscal 2021 Budget in the last Preliminary Plan. The Fiscal 2022 Budget sees a 17 percent reduction in this Preliminary Plan compared to the Fiscal 2021 Preliminary Plan.

Total Financial Plan Changes since the FY21 Preliminary Plan

	FY21	FY22
Total Reduction Since FY21 Preliminary Plan	(\$744,200)	(\$539,551)
Percent Change	-23%	-17%

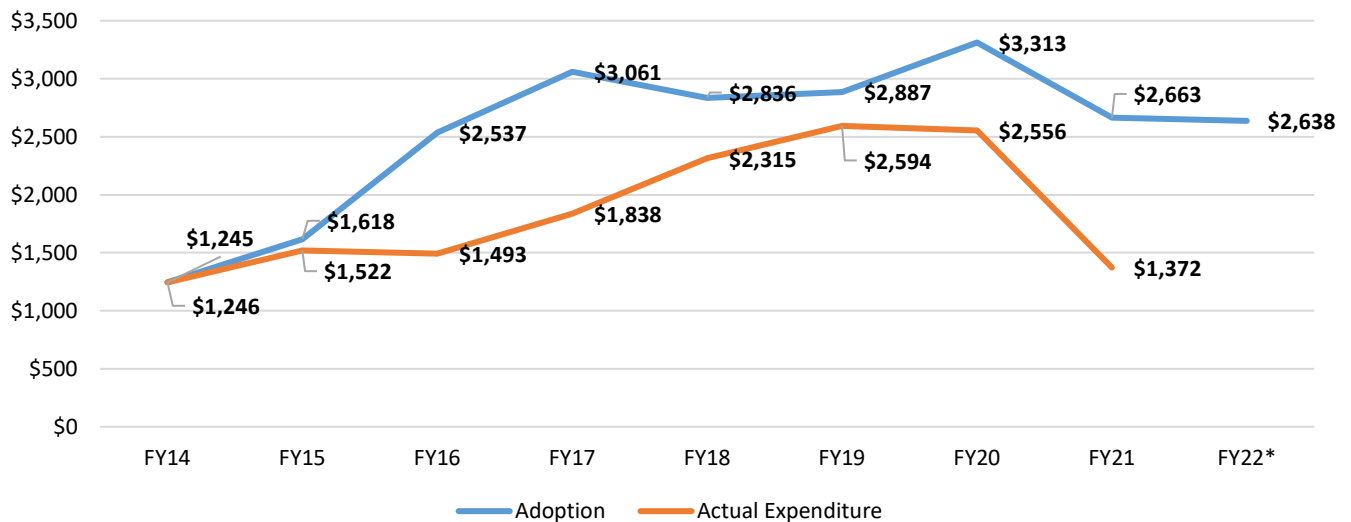
- PS Accruals**-The November 2020 Financial Plan included a reduction of \$72,790 from PS accruals in Fiscal 2021 and the Preliminary Plan included a reduction of \$80,386. Together, these actions reduce the Board’s PS budget by \$153,166 in Fiscal 2021.
- Hiring and Attrition Management**- The Preliminary Plan reflects a reduction of \$56,000 in Fiscal 2021. This action is part of a larger Citywide initiative to generate savings from hiring for vacant positions and eliminates six positions.

Budget and Headcount

The Board’s budget grew from \$1.2 million in Fiscal 2014 to a peak of \$3.3 in Fiscal 2020. At the same time the City’s criminal justice and jail system underwent several developments that involve the Board including the Nunez Federal Monitor, DOC’s 14 Point Reform Plan, closing Rikers and the transition to Borough Based Jails, Bail plan, and the COVID-19 Pandemic. Amidst these changes, the Board’s role has increased. This section will discuss the Board’s budget and headcount since Fiscal 2014.

Budget. As an oversight agency, BOC has a significant mandate, broad responsibilities, and rulemaking powers. In addition to its Charter mandated role, the Council has also supplemented the Board’s mandate through legislation. Local Law 145 of 2019 created a task force with government and community representatives to identify and address issues faced by transgender, gender non-conforming, non-binary, and/or intersex people in custody and present findings to the City.

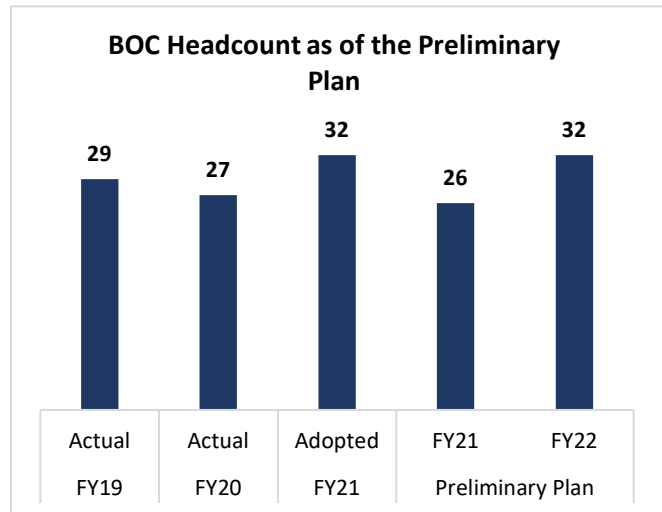
Adopted Budget vs. Actual Expenditure since Fiscal 2014



The chart above shows BOC’s adopted budget and actual expenditures since Fiscal 2014. The Board’s budget grew substantially from Fiscal 2014 to Fiscal 2017. The Fiscal 2016 Adopted Budget included a baseline increase of \$780,000 for administrative and investigative staff to support the Board. Since that time, the Board’s budget has fallen by nearly as much. The Board’s budget dipped after 2017,

rose again in Fiscal 2020, and, as of the Fiscal 2022 Preliminary Plan, is nearly back to its Fiscal 2016 level. However, since Fiscal 2015, the Board’s actual expenditures have remained under budget.

Headcount. When the Fiscal 2021 Budget was adopted in June, the Board’s budgeted headcount was 32 positions and the Board’s actual headcount was 27. Since adoption, the Board has not hired up to its budgeted headcount and as of January, BOC’s actual headcount was 23. Preliminary Plan reduces the Board’s budgeted headcount by 6 positions from 32 to 26, a 19 percent decrease, in Fiscal 2021. The Preliminary Plan brings the headcount back to 32 positions in Fiscal 2022 and the outyears.



The majority of the BOC’s budget supports the Board’s staff, who are City employees. BOC staff includes the Executive Director’s office, research units, and monitoring units. The monitoring team has standards specialists who conduct site visits at DOC facilities, as well as court pens and hospital wards. The standards specialists have unfettered access to the jails in order to promote compliance with the Board’s Minimum Standards.

Coronavirus Response

The Board has played a large role in monitoring, assessing, and supporting the City’s response to COVID-19.

Advocacy. On March 17, 2020, BOC called on the City to begin releasing people from jails to prevent the spread of COVID-19 in the jails and protect the health and lives of staff and people in custody. The Board asked that people at higher risk of COVID-19 be removed from the City’s jails and that the jail population be reduced. Shortly after, the Administration instituted a policy of actively releasing vulnerable individuals serving City sentences through the DOC Commissioner’s authority to release those held on City sentences to work-release programs.

Monitoring. Since April of last year, the Board has published detailed data on DOC’s COVID-19 strategies and the impact of COVID-19 within the jails.²

- **Housing Density.** The Board regularly monitors housing unit density, jail population, and COVID-19 cases and makes this information publicly available on its website. Reports have shown that both the jail population and housing density has steadily increased, with a notable recent increase during October 2020. The majority of open housing areas exceed 50 percent capacity, and the majority of the jail population has been housed in an area that exceeded 75 percent capacity, preventing the implementation of effective social distancing strategies.
- **DOC’s COVID-19 Response.** The Board monitors surveillance camera footage to provide an independent assessment of DOC’s operations and conditions within the jails. The Board found

² <https://www1.nyc.gov/site/boc/covid-19.page>

that there were immense structural challenges to protecting both people in custody and staff from the spread of COVID-19 in the jails such as the conditions and layout of facilities.

- **Jail Population.** The Board holds regular virtual meetings where DOC and Correctional Health Services (CHS) update the Board on their efforts to reduce the spread of COVID-19 and maintain health and safety for staff and people in custody. The Board also provides critical tracking of population trends, releases of vulnerable individuals, and the status of incarcerated individuals.

The Board maintained its oversight work throughout the pandemic and its ability to publicly exchange with DOC over policy, management, and operations through remote public meetings.

Reports and Oversight

The Board released the following reports unrelated to COVID-19 last year:

- **New York City Jail Heat Conditions and Operations - Mid-Summer 2020 Report.** In August 2020, the Board released a report on heat conditions in the City's jails. The Board has monitored heat conditions for decades. The heat report makes recommendations and tracks DOC's commitments to the Board's suggestions from last year.³
- **Report on the Death of Layleen Xtravaganza Cubilette-Polanco.** This report presents findings and recommendations stemming from its investigation of the death of Layleen Polanco, a 27-year-old transgender woman who died in 2019 in a punitive segregation housing unit. The report makes 25 recommendations concerning both DOC and CHS policies that address mental health status and punitive segregation, better communication among agencies in the chain of custody, and better identifying at-risk people.⁴

³ <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Mid-Summer-Heat-Report-2020-08-21.pdf>

⁴ https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/2020.06_Polanco/Final_Polanco_Pub

Appendix

A. Contract Budget

BOC FY22 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	FY20 Adopted	Number of Contracts	FY21 Executive	Number of Contracts
Prof. Services - Direct Educational Services to Students	\$550	1	\$550	1
Prof. Services - Other	56,800	1	39,300	1
TOTAL	\$57,350	2	\$39,850	2