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"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

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January 29, 2020

Via Email

Margaret Egan, Executive Director
Jacqueline Sherman, Interim Chairperson
Stanley Richards, Vice Chairperson
Members, NYC Board of Correction

Re: Stakeholding Parties

Dear Board:

First, I offer congratulations to Ms. Egan for her courage in taking a posting which seems to have a built-in revolving door at an agency that has become the surrogate of jail abolitionists. This was never so clear as in the closing minutes of the last December, 2019 CAPA hearing when Vice Chair Richards went out of his way to address, on live video^[1], the small ad-hoc group sitting in the auditorium known as the Jails Action Coalition ("JAC"), stating that something "crystalized for me **when We went and met with** the Jails Action Coalition." Although an off-shoot of the Urban Justice Center, which otherwise does good work for the under-represented, the "JAC" is not a legal organization that even has any clients in the criminal justice system. And yet "members" sit on City-sponsored committees, advisory boards, and meet in secret private meetings with the BOC and other policy makers.

As far back as 2015 COBA demanded to know the procedure that the Board is bound by law to establish "for the hearing of grievances, complaints or requests for assistance . . . (2) by any employee of the department." Then-Chair Brezenoff's response was a snub. He relegated a Chartered constituency of the Board - DOC staff-- to the "public." He indicated that the public comment period is open for one and all, no matter how confidential the need for employees of the DOC to speak in confidence. This is simply unacceptable as COBA is the representative of 90% of the uniformed staff of this Department. This is especially true in light of how JAC and other constituent - free "groups" of overlapping memberships have undue influence over policies touching on the safety of others. This denigrates the role of staff, and underscores this Board's disdain for the rule of law. Yet since 2013 this union has continued to appear monthly before the Board.

COBA MAIN OFFICES

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No longer. The BOC Is not an adjudicatory and does not employ any criminal justice experts. COBA will no longer give legitimacy to what an advisory body is doing to usurp the DOC's Chartered obligation. Submissions on rulemaking and litigation made necessary shall continue (just as Legal Aid's Prisoner Rights' project finds necessary) but BOC meetings do not warrant this union continuing to denigrate its members by appearing at the "public" comment period to air concerns of 10,000 people in 3 minutes.

The BOC has abdicated its responsibilities under the New York City Charter to the DOC's *employees*. It is for this reason that COBA was obliged to bring an action in New York State Supreme Court – to which the City of New York's response was not to address dangerous inmates but rather seek dismissal of the suit as "assaults on staff are completely unavoidable and inherent dangers."

The City lost that Motion months ago, and has yet to seek to sit down and negotiate the dangers pointed out by COBA in attempts to settle the case.

The City has systematically failed to do what is necessary to keep City workers safe. The Board – as another agency of the City - is a hair's breadth from reaffirming itself as being part of that system that the Judge found so inadequate. As such, COBA is weighing its legal options concerning any set of jail-abolitionist inspired rules which will only see a furtherance of the past four year's increase in serious injuries to staff, increased payouts in Workers' Compensation, increased costs in the jails, larger pay-outs to inmates due to violence in the jails, and continued disdain for the job of the Commissioner of the Department of Correction to run Her jails without undue social experimental interference.

In closing, should the BOC want to take its charge under the City Charter seriously, and forge a future that is truly respectful of "stakeholders," I suggest a complete moratorium until we meet outside of the public comment period to discuss the serious security concerns raised by these changes just like the Board met with JAC.

Very truly yours,

Elias Husamudeen
President

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Cc:

Carl Heastie, NYS Assembly Speaker

Andrea Stewart-Cousins, NYS Senate Speaker Patrick Ferraiuolo, CCA President

Joseph Russo, DWA/WA President

Frederic Fusco, Legislative Chairman, COBA

Mayor's Office of Criminal Justice

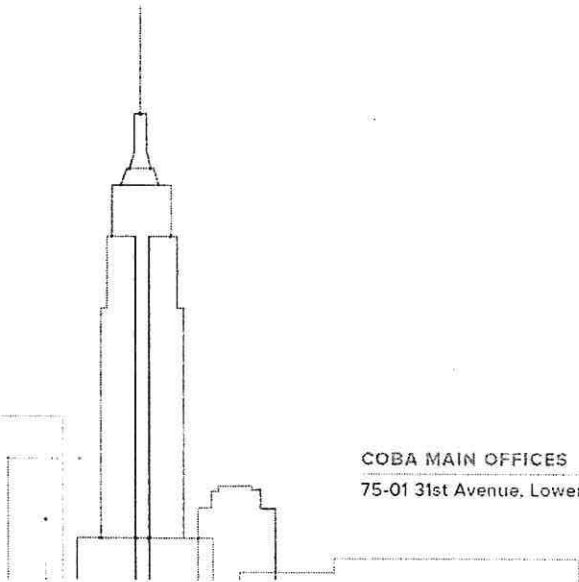
NYC First Deputy Mayor Dean Fuleihan

New York State Commission on Correction

Scott Stringer, NYC Comptroller

Chief of Department Hazel Jennings

Department of Correction Commissioner Cynthia Brann



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