



ClaimStat Alert

Office of the New York City Comptroller

Scott M. Stringer



BUREAU OF POLICY & RESEARCH AND BUREAU OF LAW AND ADJUSTMENT

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ClaimStat is an initiative of Comptroller Scott M. Stringer to save taxpayer money and improve services across all City agencies by taking a data-driven approach to the thousands of claims filed against the City of New York. The Comptroller's first [report](#), published in July 2014, focused on claims at five City agencies: the Police Department, Department of Transportation, Department of Sanitation, Department of Environmental Protection, and Health and Hospitals Corporation.

This ClaimStat Alert focuses on new data relating to the Department of Correction (DOC), including claims made and settlements/judgments issued in FY 2014.

As shown below in Chart I, 2,245 Personal Injury Correctional Facility claims were filed against DOC in FY 2014, an increase of 37 percent over FY 2013 and 114 percent since FY 2009.¹

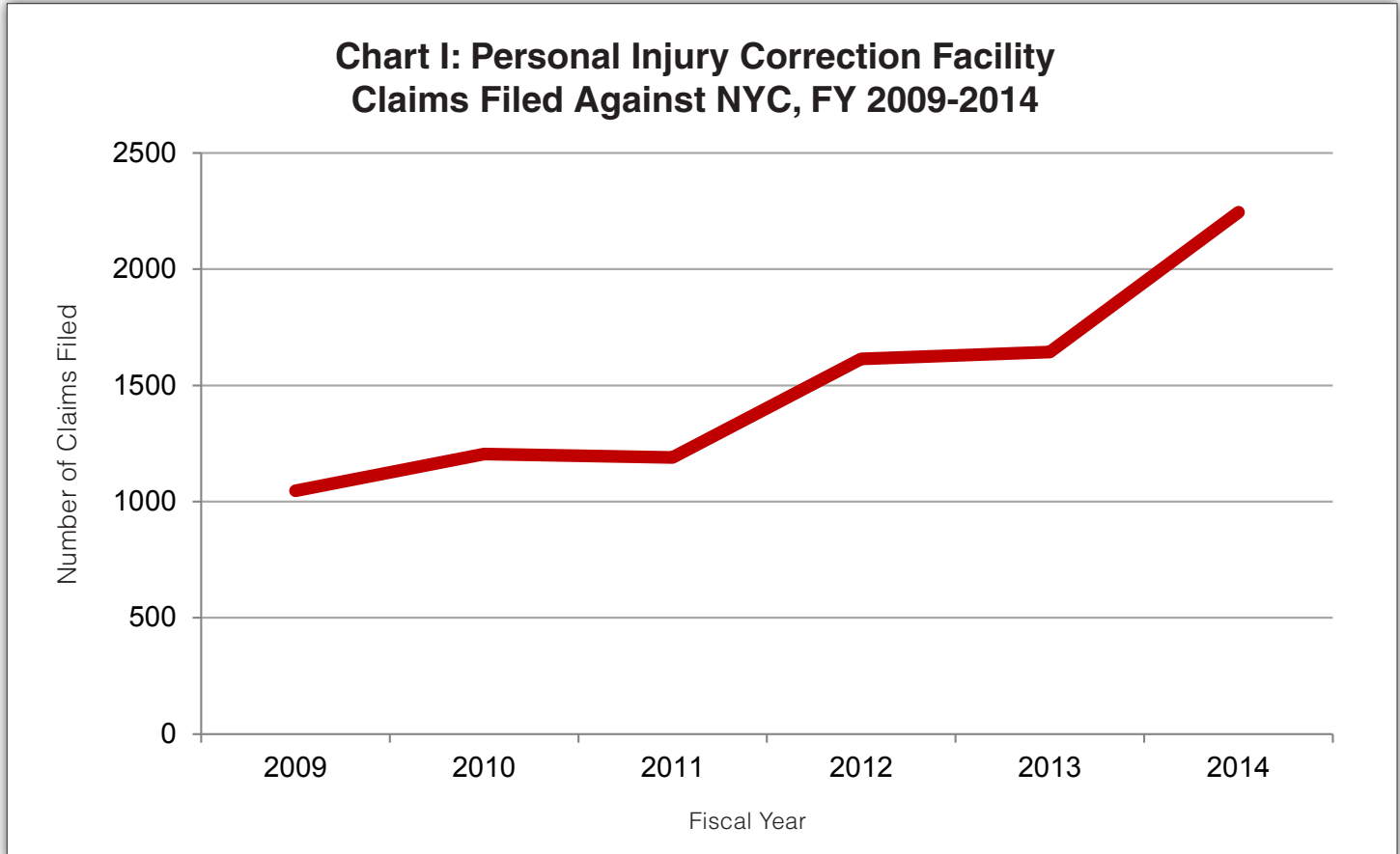
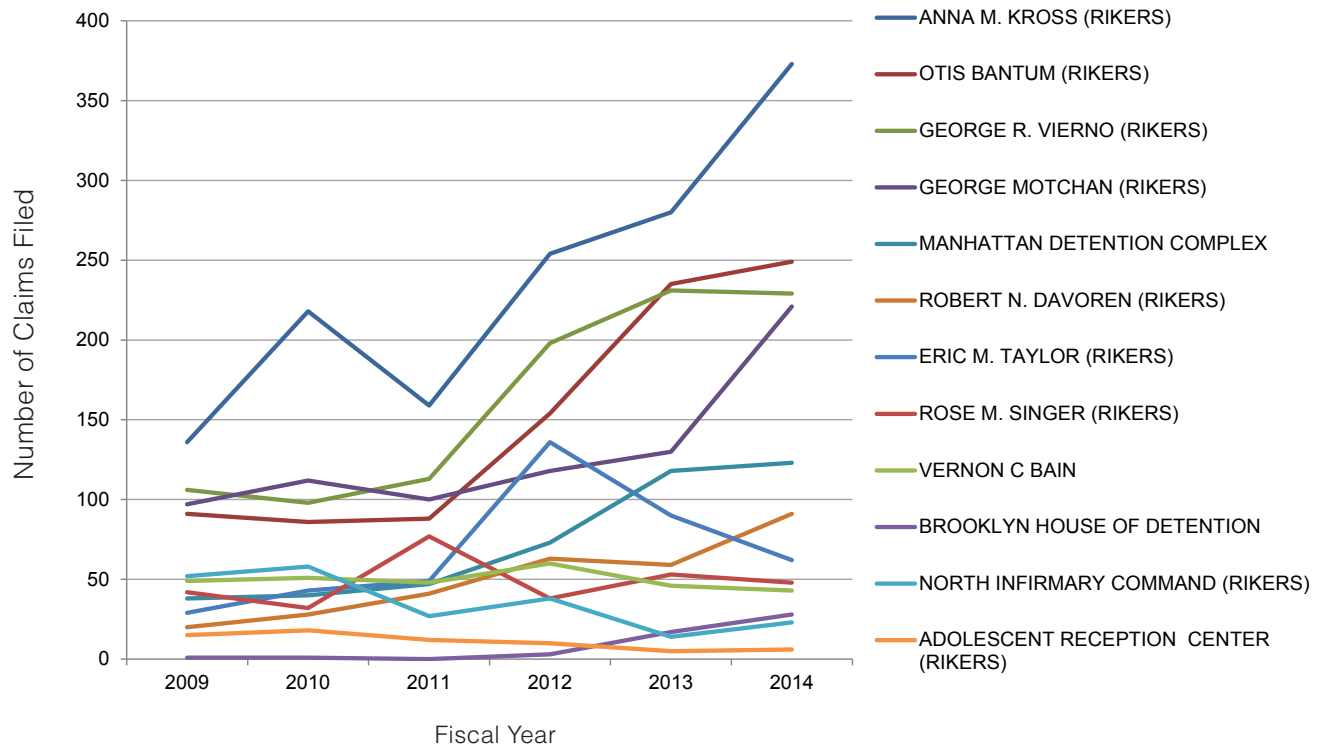




Chart II: Personal Injury Correctional Facility Claims Filed by Facility Against NYC, FY 2009-2014



This rise in claims activity corresponds to a rise in the number of serious allegations of violence at Rikers. Scrutiny of policies and procedures, and a corresponding demand for transparency, has increased following reports of significant problems at DOC facilities by federal prosecutors.

This ClaimStat Alert provides a facility-by-facility breakdown of Personal Injury Correctional Facility claims at the twelve DOC facilities with the highest claims activity, including nine at Rikers Island.² By understanding which facilities are showing positive or negative trends, DOC can more quickly and directly seek to identify possible problems and thereby reduce the number of claims filed against the City.

As shown in the Chart II above, certain facilities at Rikers have witnessed sharp increases in claims activity over the past six years, including Anna M. Kross Center (AMKC), the George R. Vierno Center (GRVC), and the

Otis Bantum Correctional Center (OBCC).

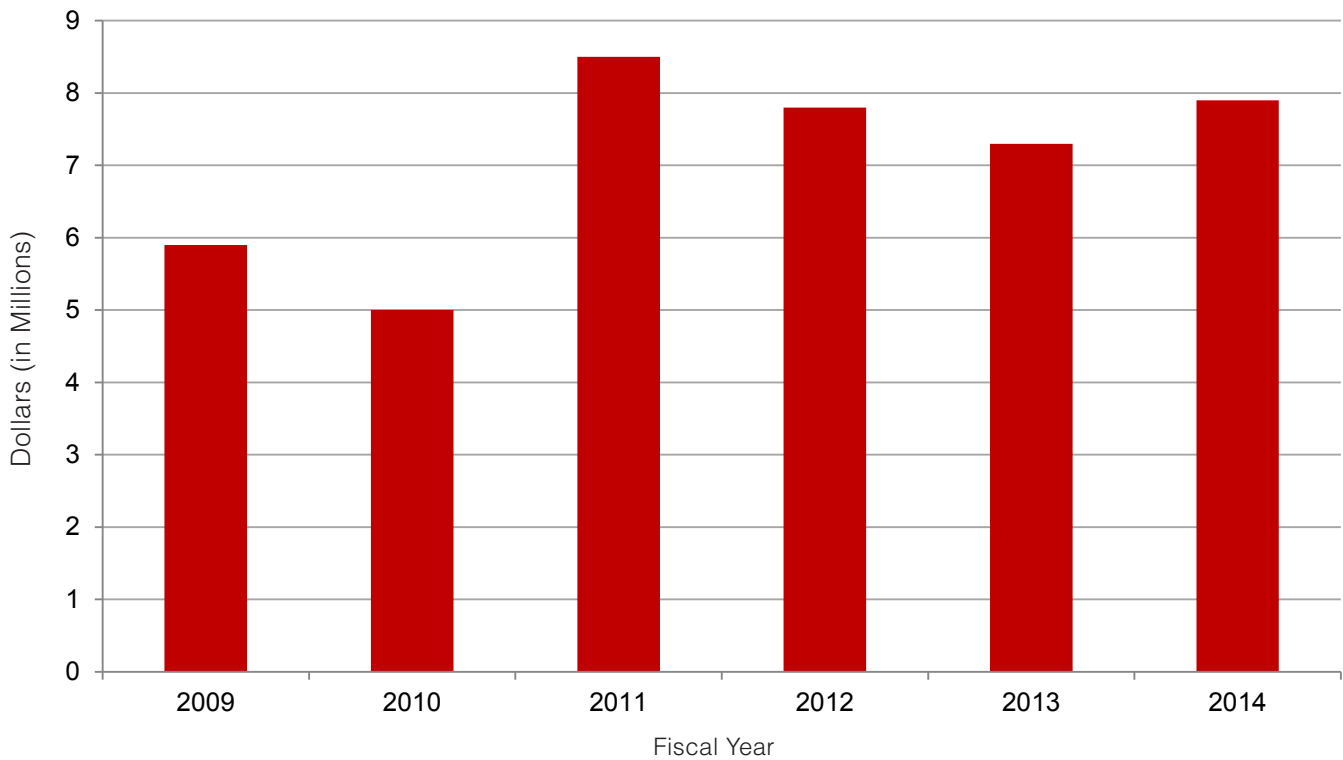
Over the same period, claims have decreased or remained stable at North Infirmery Command, the Rose M. Singer Center, and the Adolescent Reception Detention Center.

Increases in settlement/judgment costs to taxpayers generally follow increases in claims. As shown below, the amount of money paid out in Personal Injury Correctional Facility claims has risen 34 percent between FY 2009 and FY 2014. Given the increase in claims filed between FY 2011-2014, it is likely that costs to the City—whether from claims settlements, litigation costs, or judgments—will rise accordingly in the coming years.

There are a number of possible explanations for these trends. AMKC, which saw a rise in Correctional Facility claims of 33 percent in FY 2014 over FY 2013 (and 174 percent since FY 2009), is home to both a Methadone



Chart III: Personal Injury Correction Facility Settlements/Judgments, FY 2009-2014



Detoxification Unit as well as DOC’s Mental Health Center. The percentage of individuals who suffer from mental illness who are held at DOC facilities has risen sharply in recent years.

A 2013 study commissioned by the Board of Correction (BOC) found that 40 percent of individuals held at Rikers have a diagnosed mental illness, *twice* the rate of merely eight years ago, with a third of those having what the Department considers “serious mental illness.”³

In addition, the study linked the rising use of solitary confinement to the increase in violence, finding that of the individuals held in solitary confinement at any given time, over half of them are mentally ill.⁴ While several facilities at Rikers have punitive segregation units (also known as “solitary confinement”), the largest is the Central Punitive Segregation Unit (CPSU) at OBCC, which has seen a 174 percent increase in Correctional Facility claims between FY 2009 and FY 2014.⁵

In June, City Hall responded to the increase in violence at Rikers and concerns about mental health treatment by forming the Task Force on Behavioral Health and the Criminal Justice System.⁶ The Task Force is charged with developing a plan to “transform the city’s criminal justice system, so that it addresses the needs of individuals with behavioral and mental health issues more appropriately and effectively.”

The Task Force should also take advantage of claims data to hone in on trends at particular facilities and identify best practices that can be shared across the system.



Endnotes

1. Correctional Facility claims are claims filed by inmates or employees of City correction institutions or facilities who were allegedly injured by the actions of City employees or inmates. These are distinct from Civil Rights claims, which involve alleged Federal, State or City statutory or constitutional violations.
2. The Manhattan Detention Complex, the Brooklyn Detention Complex, and the Vernon C. Bain Center (Bronx) are located outside of Rikers Island.
3. <http://solitarywatch.com/wp-content/uploads/2013/11/Gilligan-Report.-Final.pdf>.
4. *Id.*
5. http://www.nyc.gov/html/boc/downloads/pdf/reports/CPSU_Rec_Report.pdf; A snapshot taken by the New York City Board of Correction (BOC) on March 17, 2014 found that 367 adults – 92.4 percent of all adult prisoners assigned to punitive segregation – were housed in the CPSU, along with 22 adolescent prisoners representing 27.8 percent of all teens in punitive segregation on that day. Of those inmates in segregation outside OBCC, some adults are placed in a punitive segregation unit at GRVC and most adolescent male prisoners are assigned to the Robert N. Davoren Complex.
6. <http://www1.nyc.gov/office-of-the-mayor/news/259-14/de-blasio-administration-task-force-behavioral-health-the-criminal-justice-system>.





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