



# ClaimStat Alert

Office of the New York City Comptroller  
**Scott M. Stringer**



BUREAU OF POLICY & RESEARCH AND BUREAU OF LAW AND ADJUSTMENT

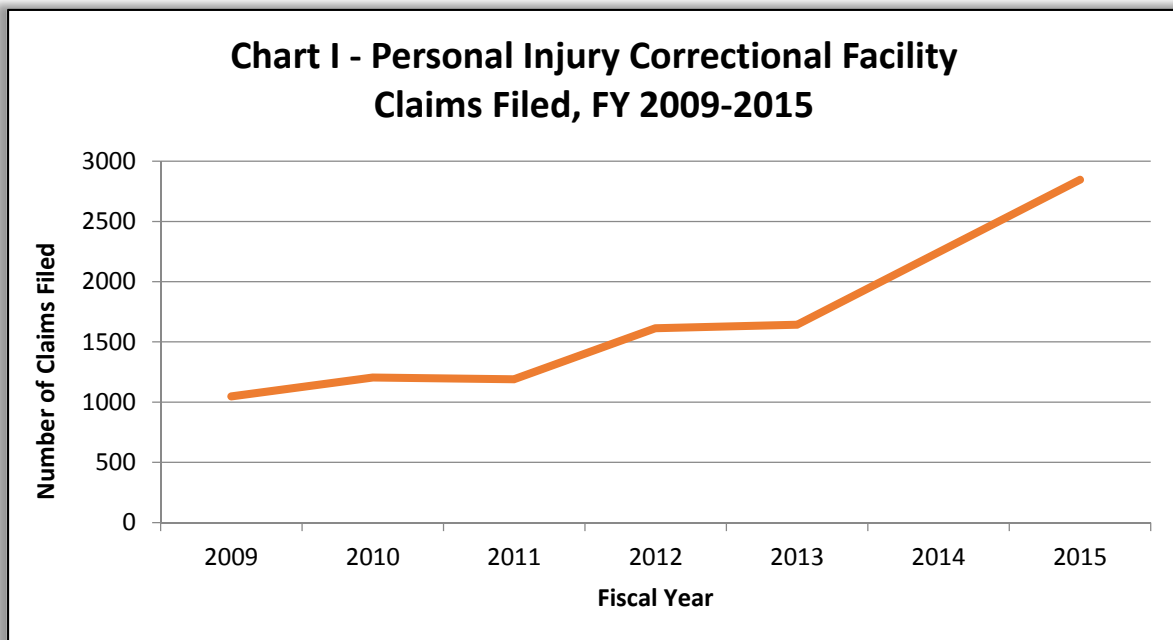
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## Rising Claims and Settlements at Rikers Island

Personal Injury Correctional Facility claims against the New York City Department of Correction (DOC) soared 27 percent between Fiscal Year (FY) 2014 and FY 2015, accelerating a trend that saw record numbers of claims filed against the agency in each of the three prior fiscal years.<sup>1</sup>

Settlements and judgments related to Personal Injury Correctional Facility claims also soared 66 percent year-over-year to \$13.1 million – or more than double the \$5.9 million paid out as recently as FY 2009.

In sum, there were 2,846 claims filed against DOC in FY 2015, 73 percent higher than the number of claims filed in FY 2013, as seen in Chart I.



Fiscal Year	2009	2010	2011	2012	2013	2014	2015
# of Claims	1047	1204	1190	1614	1643	2245	2846

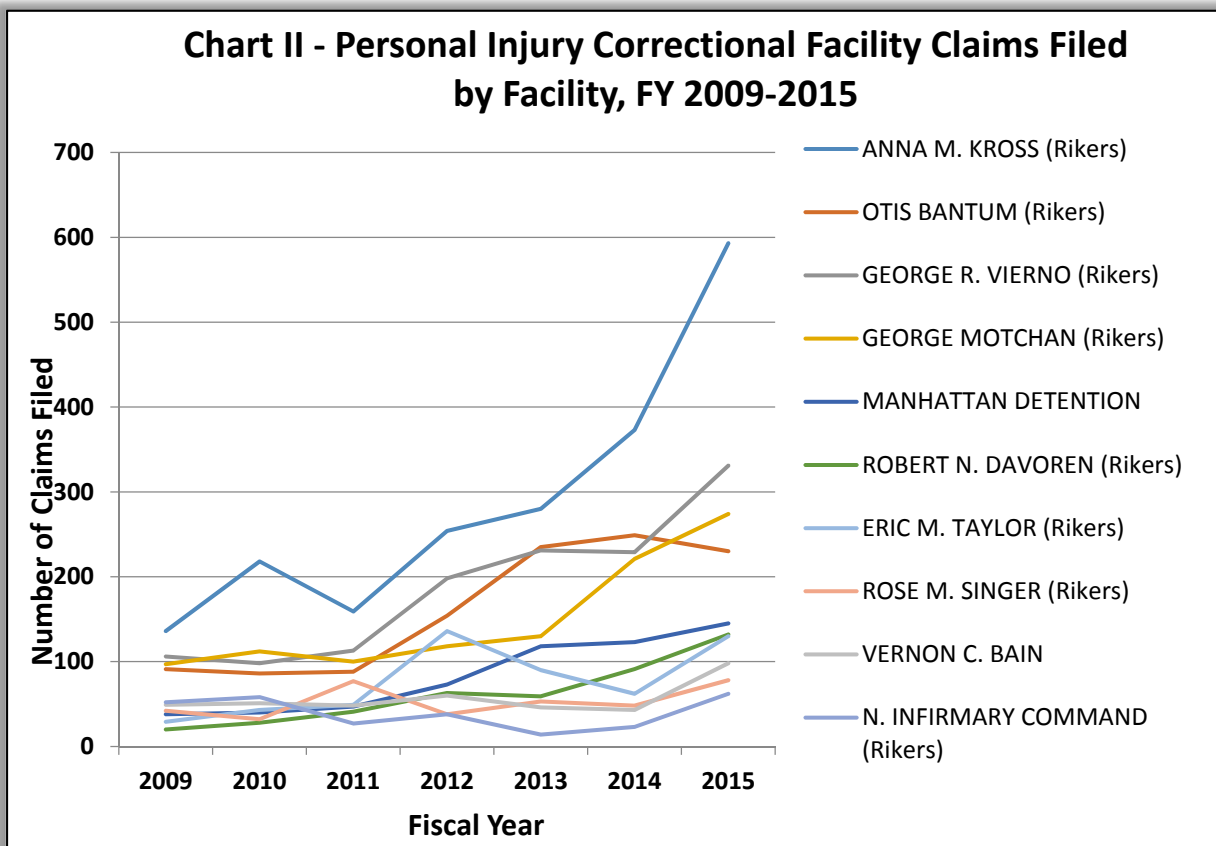


Of the 10 DOC facilities with the highest claims activity, eight are located on Rikers Island.<sup>2</sup> All but one of those facilities—the Rose M. Singer Center, which houses female inmates—witnessed increases in claims between FY 2014 and FY 2015, with certain jails facing particularly sharp increases, as seen in Chart II.<sup>3</sup>

- In absolute terms, the Anna M. Kross Center (AMKC) on Rikers Island continues to experience the highest number of claims, with 593 in FY 2015—a 59 percent rise from FY 2014 (373). AMKC houses both a Methadone Detoxification Unit and DOC’s Mental Health Center.<sup>4</sup>
- The George R. Vierno Center on Rikers Island ranked second, with 331 claims in FY 2015—a 45 percent rise from FY 2014 (229).

- On a percentage basis, several facilities saw increases of over 100 percent between FY 2014 and FY 2015. The greatest percentage rise in claims took place at North Infirmery Command (170 percent), a two-building facility which houses infirmery care inmates and individuals who “require extreme protective custody because of their notoriety or the nature of their cases, and for inmates with HIV and AIDS-related conditions.”<sup>5</sup>

Vernon C. Bain Center (128 percent), which houses medium to maximum security inmates, and Eric M. Taylor Center (110 percent), houses adolescent and adult male inmates sentenced to terms of one year or less, also faced sharp increases. All but the Bain Center are located on Rikers Island.





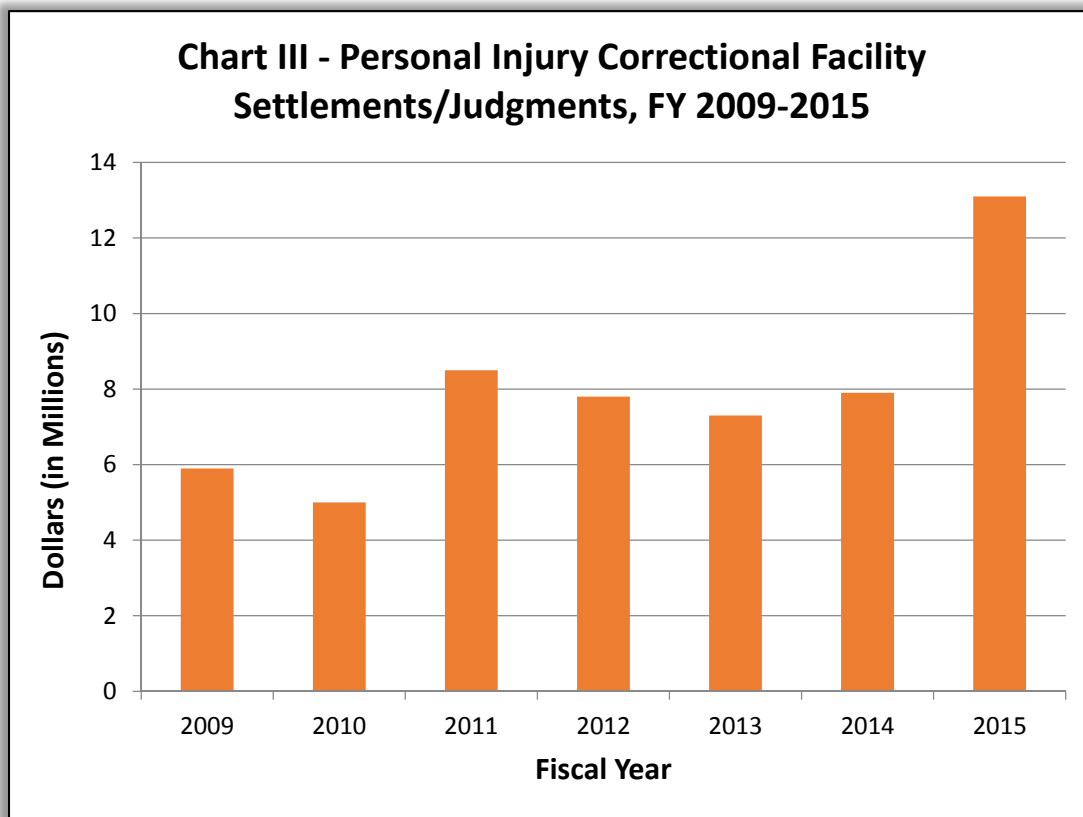
The increase in claims activity shows little sign of abating, with preliminary figures from FY 2016 showing a continued rise in claims, with 2,282 claims filed as of February 25, 2016—an increase of 39 percent over the same time period in FY 2015 (1,647 claims).

Increases in settlement/judgment costs to taxpayers tend to follow increases in claims, a dynamic that appears to be holding true in Personal Injury Correctional Facility Claims.

As shown in Chart III, the amount of money paid out due to Personal Injury Correctional

Facility claims rose 66 percent between FY 2014 and FY 2015, to \$13.1 million. This represents the second straight year of increases and is 122 percent above the \$5.9 million paid out in FY 2009.

Three of these settlements involved men who died while in custody on Rikers Island.<sup>6</sup> Those cases were settled for over \$1 million each, including one settlement of \$2.25 million that was negotiated pre-litigation by the Comptroller’s Office.



***The Past, Present, and Future of Rikers***

New York City has a long and troubled history when it comes to its correctional system. In the late 19<sup>th</sup> century, Blackwell’s Island—now known as Roosevelt Island—was home to New York City’s penitentiary and workhouse. Conditions were notorious.

In response, the City constructed a new facility on Rikers Island in the 1930s.

Over 80 years later, the vision of Rikers as a “model penitentiary” has failed. Instead, as detailed by reports from U.S. Attorney for the Southern District of New York Preet Bharara,<sup>7</sup> Comptroller Stringer,<sup>8</sup> and the New York City Department of Investigation,<sup>9</sup> Rikers faces a litany of serious problems.

The Comptroller’s office recently [found](#):



- **The DOC budget has continued to rise:** The annual cost per inmate reached \$112,665 in FY 2015, an increase of 17 percent over FY 2014, and two to three times the cost of cities like Philadelphia, Miami, and Los Angeles.
- **Violence has increased:** Between FY 2014 and FY 2015, the rate of inmate assaults on staff rose 46 percent and incidents and allegations of the use of force by staff on inmates increased by 27 percent.
- **The jail population has fallen:** The average daily number of inmates held in New York City's jails declined by 10 percent between FY 2014 and FY 2015 to a 31-year low.

Given these ongoing challenges and the hurdles posed by the outdated physical infrastructure of Rikers Island facilities, Comptroller Stringer has stated that the City should plan for the day when Rikers Island can be safely and responsibly closed.<sup>10</sup>

## Conclusion

The continued rise in claims follows an October 2015 consent judgment between the City and a class of plaintiffs (“*Nunez* agreement”), as well as the Federal Government as intervenor, outlining a series of changes that need to be made at Rikers to

improve safety and security for inmates, visitors, and corrections officers.<sup>11</sup>

The changes outlined in the *Nunez* agreement run the gamut, from enacting a new use-of-force policy and ensuring prompt and detailed reporting of every use-of-force incident to installing nearly 8,000 additional video cameras within two years, seeking an alternative site off Rikers for inmates under the age of 18, and improving staff recruiting and training.

As the new claims data suggests, these reforms cannot come soon enough.

As the DOC implements the *Nunez* agreement, ClaimStat may be a helpful tool for identifying areas for targeted improvements in training and infrastructure that can protect inmates, corrections officers, and taxpayers alike.

Furthermore, in making a long-term cost-benefit analysis for the eventual closure of Rikers, the City should take into account the potential cost-savings associated with reduced settlements and judgments stemming from claims emanating from the Island.

By understanding which facilities are showing positive or negative trends, DOC can more quickly identify potential problems, with the goal of reducing the number of claims filed against the City, as well as the conditions that led to such claims in the first place.



## Endnotes

<sup>1</sup> 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. In August 2014, the Comptroller published a ClaimStat Alert on the Department of Correction (DOC), highlighting a sharp rise in Personal Injury Correctional Facility claims filed and settlements/judgments issued between Fiscal Year (FY) 2009 and FY 2014. See: <https://comptroller.nyc.gov/wp-content/uploads/documents/ClaimStat-Alert-0814.pdf>. There are other types of claims filed against DOC, however for the purposes of this report, “claims” refer exclusively to Personal Injury Correctional Facility claims. 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.

<sup>2</sup> The Manhattan Detention Complex and the Vernon C. Bain Center (Bronx) are located outside of Rikers Island. Note that the Brooklyn House of Detention, located at 275 Atlantic Avenue, also had a high number of claims (151). However, because that facility was closed from 2003-2012, an apples-to-apples comparison with the other facilities is not available during the FY 2009-2015 time frame. See: <http://www.nytimes.com/2012/02/04/nyregion/reopening-of-brooklyn-house-of-detention-worries-neighbors.html>.

<sup>3</sup> 628 claims could not be assigned to a particular facility.

<sup>4</sup> As noted previously, 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 2005, with a third of those having what the Department considers “serious mental illness.” See: <http://solitarywatch.com/wp-content/uploads/2013/11/Gilligan-Report.-Final.pdf>.

<sup>5</sup> <http://www.nyc.gov/html/doc/html/about/facilities-overview.shtml>.

<sup>6</sup> The three cases are: (1) Angel Ramirez, a Rikers Island inmate allegedly beaten to death by guards. Settlement: \$1.25 million; (2) Andy Henriquez, a Rikers Island inmate who died because he was allegedly deprived of medical care. Settlement: \$1.2 million; (3) Jerome Murdough, a Rikers Island inmate who died when he allegedly was “baked to death” in an excessively heated cell. Settlement: \$2.25 million.

<sup>7</sup> <http://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/SDNY%20Rikers%20Report.pdf>.

<sup>8</sup> <http://comptroller.nyc.gov/wp-content/uploads/2014/10/Corrections-PP-10-16-2014.pdf>;  
[http://comptroller.nyc.gov/wp-content/uploads/documents/DOC\\_Charts\\_FY15.pdf](http://comptroller.nyc.gov/wp-content/uploads/documents/DOC_Charts_FY15.pdf).

<sup>9</sup> [http://www.nyc.gov/html/doi/downloads/pdf/2015/jan15/pr01rikers\\_011515.pdf](http://www.nyc.gov/html/doi/downloads/pdf/2015/jan15/pr01rikers_011515.pdf);  
[http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers\\_110614.pdf](http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers_110614.pdf).

<sup>10</sup> <http://comptroller.nyc.gov/newsroom/testimonies-and-remarks-rikers-island-reform-it-or-shut-it-down-the-center-for-new-york-city-affairs-at-the-new-school/>.

<sup>11</sup> <http://www.justice.gov/opa/file/624846/download>; <http://www.nytimes.com/2015/10/22/nyregion/judge-approves-settlement-of-suit-on-rikers-island-brutality.html>.

