## NEW YORK CITY COUNCIL HEARING TESTIMONY FROM GREGORY MCLAUGHLIN, WARDEN OF SUPPORT SERVICES DIVISION DEPARTMENT OF CORRECTION

### Committee on Fire and Criminal Justice Services September 27, 2012

Good afternoon Chair Crowley and members of the Committee on Fire and Criminal Justice

Services. I am Gregory McLaughlin, Warden of the Support Services Division at the Department of

Correction, and I am here to testify about the Department of Correction's operation of Hart Island and

Introduction 804, a bill that would require the Department to post the Hart Island visitation policy on

line and make it available to anyone who requests it. I had the opportunity to address the council last

year on the topic of Hart Island and am happy to continue our discussion today.

As you know, and as set forth by the city's administrative code, the Department of Correction operates and maintains the city cemetery located on Hart Island. DOC is responsible for burials of individuals who cannot provide for their own, who have not been identified, or for those whose next of kin cannot be located. The Department strives to provide loved ones with access to an area on the island set aside for reflection, where we built a gazebo. Community groups and religious organizations, such as Picture the Homeless, St. Mary's Star of the Sea, and students from Fordham Prep, also visit Hart Island regularly to honor the memories of those who are laid to rest there. Greater access to the island, on a regular basis, is difficult at this time. There is no public transportation; the only access to Hart Island is by a boat from City Island operated on a limited schedule by the NYC Department of Transportation. The boat is not a passenger ferry; its primary purpose is to transport vehicles used by the Office of the Chief Medical Examiner to carry the deceased to Hart Island for burial. On Hart Island, there are no utilities, and so amenities such as restrooms and water fountains are not available.

Following last year's hearing, the Department revisited its visitation policy and is making changes. Anyone who has determined that a loved one is buried on Hart Island and would like to pay their respects is invited to call the Department of Correction's Office of Constituent Services (718-546-1500) to request a visit to Hart Island. No documentation regarding the deceased or relationship with the deceased will be required. If others are interested and space is available, they are welcome as

well. The Department will arrange for access to Hart Island at least once a month, weather permitting.

DOT's boat has a limited number of seats; we plan to accommodate requests on a first-come, first-serve basis. If a loved one cannot travel to Hart Island on that day, we will do our best to accommodate the visitor on another day that the ferry is operating. All visits, however, will depend on weather conditions and burial activities.

As some of you know, DOT's dock on City Island was disabled when a securing cable snapped on May 7, 2012, rendering it unsafe to carry ME and DOC vehicles. Immediately after that, DOT arranged for the dock on Hart Island to also be examined. It, too, was determined to be unstable to be used until repaired. Pending the completion of repairs, ME vehicles have been transported to and from another dock on Hart Island and a dock in lower Manhattan. Additionally, all four of the visit requests for visits that we received this summer were honored. The Department of Transportation expects repairs to be completed and the docks on City Island and Hart Island to be fully operational this December.

I raise the issue of the docks in part, because this past spring, before the problem arose, the Department had hoped to hold a memorial program near the gazebo that we built on Hart Island on or about Memorial Day. Council Member Crowley also expressed interest in having a program honoring the deceased. In preparation, old structures nearby the gazebo were closed and painted. Several dilapidated buildings were demolished. We also worked with the Horticulture Society of New York late winter through last spring landscaping the area. Once the ferry is running again and the weather allows, we will complete this work, which includes paving a path nearby the gazebo and planting flowers. Preparing for and executing these improvements has been and will continue to be an inter-agency effort, and it is our intention to bring it to fruition as quickly as possible.

Thank you for your kind attention. DC Yaremchuk and I ready to answer any questions that you may have.

#### **NEW YORK CITY COUNCIL HEARING**

### TESTIMONY FROM JEAN YAREMCHUK, DEPUTY COMMISSIONER OF INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER

#### DEPARTMENT OF CORRECTION

#### **Committee on Fire and Criminal Justice Services**

#### **September 27, 2012**

Good afternoon Chair Crowley and members of the Committee on Fire and Criminal Justice

Services. I am Jean Yaremchuk, Deputy Commissioner of Information Technology and the Chief

Information Officer of the New York City Department of Correction. I am here today to discuss

Introduction 803, which will require DOC to make an electronic database of people buried since 1977 on

Hart Island publicly available on the Department's website.

The Department of Correction supports this bill and has been working since 2009 to develop a database containing burial information. A vendor was contracted in 2009 to both take aerial photos of Hart Island and transcribe log book entries into Excel files. The Excel files contained burial data for adults and children from June 1977 through June 2010, with some earlier records included, and from January 1981 through June 2010 for infants. The files were delivered to DOC Information Technology in December 2011 and analyzed to determine completeness of the fields and possible search criteria.

DOC's Support Services Division subsequently updated the data and delivered the completed file to IT, which parsed the data and merged it into the database.

Application design began in February 2012 and programming was completed in May. The City's Department of Information Technology and Telecommunications was contacted to plan the hosting of the database and the placement of the URL link and supporting text on the nyc.gov website and to set up the staging environment. Once that is complete, DOC will load the application and data and joint testing will take place. DoITT anticipates that the application can be in production by the early in 2013.

In addition to the nyc.gov website, users also will be able to access the search service from the Department's website. We are working with the Department of Health and Mental Hygiene to include a

link on its website as well, perhaps on the page with information about death certificates. The city's 311 call center will also be able to tell people how to find this information. Few people know that the Department of Correction oversees burials on Hart Island, so we want this information to be as widely accessible as possible.

When it is online, users will be able to search the database by a single field or combinations of fields. (These fields include name, age, date or range of dates of death, location of death and gender).

There are no required fields other than selecting Adult or Infant indicators, and searches can be performed with one to three characters. The search results will display the names, ages, and dates and places of death responsive to the request.

The Hart Island application will not only allow the public to access this information, it will also enable the DOC to migrate from paper files and maintain its own records electronically, and DOC staff will continue to update the database with new burial information.

The application we have built will enable the public to identify individuals buried on Hart Island and I am happy to report that it will be up and running soon. I will now turn over the podium to my colleague, who will address the second proposed bill as well as Hart Island procedures in general, and then we will both answer any questions you may have.

## Hart Island Project Testimony New York City Council September 27, 2012

My name is Melinda Hunt. I am director of The Hart Island Project, a nonprofit organization registered in New York and New Jersey. The mission of The Hart Island Project is partly to advocate on behalf of families and friends in search of relatives buried on Hart Island, the 101 acre public cemetery in Bronx, NY.

To date, we have over 2500 registered members of the Hart Island Project. We host a database of burials from 1980-2011. We have successfully located relatives for 512 families ever since receiving records through a Freedom of Information request in 2008. Over 45 volunteers helped to create a database at no cost to the taxpayers. New York State Council for the Arts is helping to fund a posthumous wiki to allow for people to post stories and photos about the buried listed in our database.

I wish to comment on the two amendments to the administrative code. Int.

No. 803 needs to specify that <u>all</u> information pertaining to Hart Island burials be listed in the DOC database and be published on-line within a month of each burial. In the past, our lawyers have had to file motions to get burial records without redacted information. It generally takes a year for our lawyers to get burial records. Two volumes of infants from 1977-1981 are missing despite repeated requests.

These bills must specify that the DOC database must list permit numbers, dates of death and place of death in addition to names and dates of burial. All information must be listed for families to be able to confirm a burial with the Medical Examiner. Additionally, the DOC needs to post information about how to

contact their agency regarding visitation and ensure that e-mail is checked, calls returned, e-mails read.

That being said, I have two important recommendations to this Committee. Firstly, I recommend that the Council accept my offer from last year that we partner and work out a licensing agreement whereby data already entered by the Hart Island Project be used on the DOC server. The data is already entered on excel spreadsheets. We are continually updating our on-line database. We can offer one sheet per ledger book page that can be used to create any type of database. This would be the most feasible solution for NYC. We know how to read Correction Officer handwriting from the late 1980s.

My second recommendation is that the <u>Bill Int. 848</u>, that has not yet had a public hearing, and updates the administrative code transferring jurisdiction over Hart Island from the department of correction to the department of parks and recreation be passed and that the Department of Parks handle visitation. If you enact No. 848, we don't need 804. Here is why we should pass bill 848 not 804.

For the past, year I have had on-going complaints about DOC being unresponsive to families who have scheduled visits or ordered disinterments through the Office of the Chief Medical Examiner. On a couple of occasions, I have had to work through Councilwoman Crowley's office because voicemail boxes on DOC phones are full and correction officers unresponsive to people arriving from abroad. Similarly, for the Medical Examiner, there is no way to know how long the Department of Correction will take to disinter a body and families have difficulty planning memorial services.

With regard to Int. No. 804, The Hart Island Project is advocating on behalf of Laurie Grant and Elaine Joseph who are here today and representing hundreds of women who wish to visit a grave of an infant. Last year, I testified on behalf of Mae Jean Adams who travelled here from South Dakota.

These mothers each want to visit the actual grave of their child. The gazebo is not sufficient. The analogy I use to describe the difference is: if the Metropolitan Museum decided as a nonprofit organization to only let people visit their gift store and look at art in books or on posters but not to enter the actual galleries and see original art. It is not acceptable for the DOC to decide that people visiting Hart Island should stay within fenced area near the ferry nowhere near any burials and not actually permitting anyone to visit the public cemetery.

Setting foot on Hart Island is not the same as access to the cemetery. A visitation policy needs to involve visiting gravesites. None of the more than 850,000 burials are located within 150 feet of the ferry.

Additionally, it is inappropriate for the Department of Correction to claim to be providing spiritual solace and closure. Families are not asking New York City to provide emotional comfort. The people who come the Hart Island Project are asking New York City to provide access to graves.

Further, it is not appropriate for DOC to subject people to prison processing.

Families should not be required to share personal information with correction officers. For example last March, Elaine Joseph was questioned by DOC regarding whether I was her friend and therefore qualified to accompany her to Hart Island.

Elaine is retired military personnel. She told me that she felt that the questions were inappropriate.

I believe that the City Council has excellent intensions in presenting these amendments. However, I worry that they are not nearly sufficient to make any difference regarding public access to Hart Island. I really hope to soon be able to testify on behalf of transferring jurisdiction to the Department of Parks and Recreation and I hope they will soon arrive at a better plan for public visitation.

Thank you for inviting me to speak on behalf of The Hart Island Project.

Melinda Hunt, Director The Hart Island Project 8 South Division St. Peekskill, NY 10566 http://hartisland.net 914-402-5992 212-260-7156



### The New York City Council

City Hall New York, NY 10007

#### Legislation Details (With Text)

File #:

Int 0848-2012 Version:

Name:

Transfer of jurisdiction over Hart Island from the

department of corrections to the department of

parks and recreation.

Type:

Introduction

Status:

Committee

In control:

Committee on Fire and Criminal Justice Services

On agenda:

4/30/2012

Final action:

**Enactment date:** 

Enactment #:

Title:

A Local Law to amend the administrative code of the city of New York, in relation to a transfer of

jurisdiction over Hart Island from the department of corrections to the department of parks and

recreation.

Sponsors:

Elizabeth S. Crowley, James Vacca, Brad S. Lander, Gale A. Brewer, Daniel Dromm, Letitia James,

Peter A. Koo, G. Oliver Koppell, Karen Koslowitz, Stephen T. Levin, Annabel Palma, Jumaane D.

Williams, Ydanis A. Rodriguez, Melissa Mark-Viverito, Daniel J. Halloran III

indexes:

#### Attachments:

Date	Ver.	Action By	Action	Result
4/30/2012	. *	City Council	Introduced by Council	
4/30/2012	*	City Council	Referred to Comm by Council	

Int. No. 848

By Council Members Crowley, Vacca, Lander, Brewer, Dromm, James, Koo, Koppell, Koslowitz, Levin, Palma, Williams, Rodriguez, Mark-Viverito and Halloran

A Local Law to amend the administrative code of the city of New York, in relation to a transfer of jurisdiction over Hart Island from the department of corrections to the department of parks and recreation.

#### Be it enacted by the Council as follows:

Section 1. Section 9-103 of the administrative code of the city of New York is REPEALED.

§2. Section 21-110 of the administrative code of the city of New York is amended to read as follows:

§21-110 Potter's field. The commissioner shall have charge of the Potter's Fields, and when the necessity therefor shall arise, shall have power to lay out additional Potter's Fields or other public burial places for the poor and strangers and from time to time enclose and extend the same to make enclosures therein and to build vaults therein, and to provide all necessary labor and for interments therein. The Potter's Field on [Hart's] <u>Hart</u> island, however, shall [remain] be under the control of the department of [correction] parks and recreation.

File #: Int 0848-2012, Version: \*

and the burial of deceased paupers therein shall [continue] occur under rules and regulations established by the joint action of the departments of social services, [and] correction[,] and parks and recreation or in case of disagreement between such departments, under such regulations as may be established by the mayor.

§3. This local law shall take effect one hundred eighty days after its enactment.

KS LS#3013 4/2/12 New York City Council 250 Broadway, 14<sup>th</sup> Floor Public Hearing for: Int. No. 804 Int. No. 803

#### September 27, 2012

My name is Laurie Grant, an Obstetrician/Gynecologist and the mother of a stillborn daughter, one of the 27,769 infants buried on Hart Island between 1981 and 2011. My daughter was not homeless, unidentified, unplanned or unclaimed. She was born at Lenox Hill Hospital July 13, 1993, but buried on Hart Island without my knowledge or consent in August 11, 1994.

A nurse at Lenox Hill told me that the City would take care of the burial of my child and that I would be able to visit her grave. I did not give legal consent for her burial in a mass grave. For eighteen years I was unable to get any information from City agencies about the site or cemetery until 2011 when, through The Hart Island Project database, I found my name listed.

This database is an extensive and important resource that should be purchased by New York City and hosted on the Department of Correction website. The Hart Island Project provided me with a copy of the handwritten ledger page including my name among with the names of 35 other women. The death date and year are listed incorrectly by the Department of Correction. I have not received a certificate of stillbirth. I ask the City Council, are you going to allow the DOC to continue to require families to produce death certificates?

I had no opportunity to bury my child. Now, having finally located her place of burial, I cannot visit her grave because the Department of Correction is free to

invent "closure visits" to Hart Island and define "spiritual solace." All they have to do is post whatever they come up with on their website. Does a gazebo with prison guards constitute appropriate access to Hart Island?

As a physician who has delivered stillbirths, I am concerned about women like myself who are not informed or offered any choices regarding the handling of their infants. To that end, I have requested an opportunity to visit my child's gravesite on Hart Island rather than sue New York City for violating of my rights to sepulcher.

In May 2012, my lawyers received a written response, which I attach, from the Department of Correction, which buries infants, 1000 per grave, informing me that I cannot go to the actual grave. Instead, I have been offered a "closure visit" to a gazebo, not in view of the gravesite, and "spiritual solace" among correction officers. In June, we appealed and received no response.

The provisions laid out in these two bills are insufficient, as Int. No. 803 does not provide a deadline for when the DOC database must appear on-line. Will future mothers wait eighteen years as I did, and can people expect to find burials listed within six month? This must be specified in the administrative code. Will the DOC cross check their data with the Department of Health and the Medical Examiner, including margins of error? The City Council must specify the time frames and specific standards to be met. The data is presently available through the Hart Island Project. Therefore, there is no need for delay.

Int. No. 804 is grossly insufficient because it does not direct the DOC to take visitors to gravesites. I am not interested going to a gazebo, nor am I interested in

begging for relief in court. However, as a physician licensed in New York State, I contend that it is an basic human dignity issue having a direct impact on the emotional and physical health of a family or a mother to be able to visit the grave of her child.

I was hospitalized for two weeks following the cesarean delivery of my daughter and was unable to see or make arrangements for her. Now I want to see where my daughter is buried, in person. I am here today because I am not alone in my sincere belief that a woman and/or her family has the right to visit the grave of her child buried on publicly owned land in New York City.

Laurie Grant MD 31 Burnsdale Ave. Valhalla, NY 10595 914-289-0117



### NEW YORK CITY DEPARTMENT OF CORRECTION Dora B. Schriro, Commissioner

Office of the Commissioner

75-20 Astoria Blvd East Elmhurst, NY 11370

> 718 • 546 • 0890 Fax 718 • 278 • 6022

May 14, 2012

Mr. Mark C. Taylor Rankin & Taylor, Attorneys at Law 350 Broadway, Suite 701 New York, NY 10013

Dear Mr. Taylor:

I write in response to your letter dated April 4, 2012 concerning Ms. Laurie Grant and her request to visit Hart Island.

The Department of Correction arranges for relatives of decedents interred at the Potter's Field on Hart Island to visit the Island for closure and spiritual solace. To accommodate such visits, the Department built a small gazebo near the dock on Hart Island where clergy or family members can hold a memorial service.

Ms. Grant and her family are welcome to schedule a visit Hart Island and hold a memorial service at the gazebo. We are unable, however, to accommodate a gravesite visit due to security restrictions. There are inmate workers assigned to Hart Island and we do not have sufficient uniform personnel to ensure the safety and security of civilians. In addition, Hart Island does not have the necessary infrastructure to accommodate visitors, including inadequate roadways and decaying buildings that are not structurally sound.

In order to arrange for a visit, please advise Ms. Grant to contact Sharman Stein, Deputy Commissioner for Public Information and Community Affairs at (718) 546-0898 or <a href="maintenantoring-sharman.stein@doc.nyc.gov">sharman.stein@doc.nyc.gov</a>. I will ensure that Ms. Grant's visit is arranged at her convenience.

Lastly, as for the error in the date of death, kindly be advised that the Department maintains individual records of those buried on Hart Island. Dates of death are forwarded from the Office of the Chief Medical Examiner. In this case, the burial permit indicates a date of death of July 13, 1993. It appears that there was an error when transcribing this information into the Department's log entry for this burial. Departmental records have been updated to reflect the accurate information.

Please feel free to contact me if I can answer any additional questions about the Department's management of Hart Island or related matters. I hope that this information is useful.

Sincerely,

Maggie Peck

Executive Director of Constituent Services and External Affairs

### Rankin & Taylor

Attorneys at Law

350 Broadway, Suite 701 New York, NY 10013

Mark@DRMTlaw.com Phone: 212-226-4507

Fax: 212-658-9480

#### VIA REGULAR MAIL ONLY

June 8, 2012

Maggie Peck
Executive Director of Constituent Services and External Affairs
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

RE: Request to Visit Actual Gravesite on Hart Island On Behalf of Laurie Grant

Dear Ms. Peck:

This letter is an appeal of a denial of a request, made by my offices, on behalf my client Laurie Grant. I requested, on April 4, 2012, that Ms. Grant be given permission to visit the actual gravesite of her stillborn child ("Baby Grant") on Hart Island. A copy of the original request has been included for your convenience.

In the denial letter, dated May 14, 2012, two reasons were given as to why my client's request to visit the gravesite of her stillborn child was being denied. Neither of these reasons justifies the denial. First, security restrictions were cited, as inmate workers are assigned to the island. The letter stated that the New York City Department of Correction ("NYC-DOC") does not have adequate personnel on the island to ensure the safety of "civilians", such as my client. In response, Ms. Grant would be happy to schedule her visit for a time when the inmates are not at work on the island, thereby avoiding any safety or security concerns.

Second, the denial letter addressed the concern of lack of infrastructure on the island. The letter claims that Hart Island lacks adequate roadways and that its decaying

buildings are structurally unsound, and so cannot accommodate visitors. My client does not wish to visit any of the buildings on the island, but rather the gravesite of her child. She does not request any special transportation. Whatever means used by those who work on the island will suffice. Accordingly, her visit would require no special "infrastructure." Furthermore, my client is willing to sign a waiver releasing the NYC-DOC and any other parties from liability associated with her visit. Therefore, neither of the reasons given in the letter for denying my client's request is legitimate.

In lieu of a visit to the gravesite, the denial letter offers my client the option of visiting the "small gazebo near the dock" on Hart Island. This is not what was requested, and this is not an adequate substitute. My initial letter requested a visit to the actual gravesite, and explained the reasons for this request. Furthermore, I repeat that my client gave her child to the city under the assumption that she would be able to visit the gravesite. When family members go to a cemetery to pay respect to a lost love one, or for their own solace, they do not stop at the gates. These sacred and solemn rites are performed at the gravesite. Accordingly, I must, on behalf of my client, decline your offer for a visit to the "gazebo." I again request that my client be allowed to visit the actual gravesite of her child. This request is reasonable of my client to make, and it is reasonable of her to expect your office to comply.

If you have any questions about this request or about our proposed visit please feel free to contact my office. I appreciate your ongoing service to the City of New York.

Very best regards,

Mark C. Taylor

MCT/wj cc: client

Enclosure – Original Request of 4/4/12

Testimony Re: Int. No. 803 Int. No. 804

Elaine Joseph

My name is Elaine Joseph. I live in Fresh Meadows, New York. In January of 1978 my infant daughter died at Mt. Sinai Hospital in Manhattan. For several days I was unable to contact the morgue to discuss how I needed to proceed to have my daughter buried. I was informed that due to a massive snowstorm, the morgue had been unstaffed and that her body was sent to the city cemetery for burial. A few months later, I received a death certificate but it did not list the name of the cemetery.

For years I tried to track down her whereabouts. It wasn't until about five years ago that I came about the Hart Island Project. It was through the project that I was directed to the New York City Department of Correction to request a visit to Hart Island. I was told that I had to have a death certificate with the city cemetery listed on it in order to visit the island. I tried searching the New York City Archives on Chambers Street but was unable to come up with records from 1978. I was told by the clerk these records were missing.

With encouragement from The Hart Island Project, I again requested a visit to Hart Island despite not having a cemetery listed on the death certificate. I was approved to visit the cemetery by the Department of Corrections. When asked who would accompany me, I gave my friend's name, Melinda Hunt. I then received an email and phone call from The Deputy Commissioner for Public Relations who asked me if Ms. Hunt was a family member of the deceased. I explained that she was my support person. She tried to encourage me to bring someone else. After I insisted, I was given permission to bring Ms. Hunt.

On March 21, 2012, I was scheduled to visit Hart Island. The entire journey from beginning to end was like being in a bad novel. I had to meet correction officers on City Island and be chaperoned on an old stand up ferry boat. I got off the boat and was escorted about 75 yards to an old run down gazebo. This was as far as I was able to go. From there all I could see was a dilapidated, run down island that looked like a ghost town. I saw no graves; not even a grave marker. I

was not able to take photographs or even use my phone to call my son who lived out of town. I was not afforded any privacy.

How do I know that my baby is buried there? How do we confirm that anyone is buried there? Why do I need an escort from the Department of Correction? Neither my child nor I are criminals. I am a retired United States Navy Officer, having served 23 years. I had to show identification to "visit" the island. After almost 35 years of waiting, I did not feel any sense of closure. I actually felt worse knowing that if she is buried there, and I have no record to prove that because infant record books from 1977-1981 are missing. What an awful place to spend eternity. I am asking the city to locate the infant records from 1977-1981. I am also asking the city to define Hart Island's visiting policy to include visits to gravesites and make maps available. I do not feel that the Department of Corrections is the proper city agency to handle family visits.

### THE COUNCIL THE CITY OF NEW YORK

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