

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

Jointly with

SUBCOMMITTEE ON CAPITAL BUDGET

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March 15, 2018  
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HELD AT: Council Chambers - City Hall

B E F O R E: Keith Powers  
Chairperson

Vanessa L. Gibson  
Chairperson

COUNCIL MEMBERS:

Alicka Ampry-Samuel  
Robert F. Holden  
Rory I. Lancman  
Carlina Rivera  
Barry S. Garodnick  
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## A P P E A R A N C E S (CONTINUED)

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Commissioner of NYC Department of Probation

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Deputy Commissioner of Administration at DOP

Gineen Gray  
Deputy Commissioner of Juvenile Operations at  
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## A P P E A R A N C E S (CONTINUED)

Robert Cohen  
Board of Corrections Appointee

Elias Husamudeen  
President of Correction Officers Benevolent  
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Angel Castro  
Manhattan Borough Trustee for Correction Union

Natalie Reyes  
Center for Court Innovation

Kate Rubin  
Youth Represent

Tiffany Bryant  
Public Theater

Jelani Anglin  
Good Call

Malik Reeves  
Good Call

Jennifer Parish  
Urban Justice Center

Kelly Grace Price  
Jails Action Coalition

Towaki Komatsu



2 CHAIRPERSON POWERS: [gavel] Good

3 morning. My name is Keith Powers. I'm Chair of the  
4 Criminal Justice Committee. Thank you all for being  
5 here today for what I say is our version of March  
6 Madness, which is not maybe quite as exciting and  
7 maybe less upsets. But I'm proud to be appointed  
8 recently the Chair of the Committee. As you know,  
9 this Committee has big challenges ahead, including  
10 the future of Rikers Island and the City's criminal  
11 justice reform efforts. I want to thank the Speaker,  
12 Corey Johnson, for his confidence in my ability to  
13 steer this committee. Today, we'll be reviewing the  
14 Fiscal 2019 Preliminary Budget and the Fiscal 2018  
15 Preliminary Mayor's Management Report for the  
16 Department of Probation, the Department of  
17 Correction, and the Board of Correction. We will  
18 begin with the Department of Probation. I want to  
19 thank Commissioner Bermudez for being here and for  
20 the work that she's doing on behalf of the City as  
21 well as her team. The Department's Fiscal 2019  
22 Preliminary Budget totals 101.4 million dollars, a  
23 decrease of approximately two percent when compared  
24 to the Fiscal 2018 Adopted Budget. The Department's  
25 budget supports a budgeted headcount of approximately

2 1,058 personnel. The Fiscal 2018 Budget does not  
3 include funding for any new initiatives. I'm  
4 concerned that the Department budget does not include  
5 new funding, considering a possible lack of state  
6 funding for Raise the Age and the Administration's  
7 huge task and its roadmap for closing Rikers Island.  
8 DOP, in my view, is an essential part of the City's  
9 criminal justice system, so I'm interested in how the  
10 Council can be a partner in making sure the  
11 Department's budget needs are met. The Committee  
12 looks forward to learning more about the Department's  
13 initiatives, the Department's ongoing efforts to  
14 create programs that reduce recidivism, budget  
15 priorities for Fiscal 2019, and the Department's role  
16 in the City's overall criminal justice reform  
17 efforts. I also want to make sure-- first, let me  
18 recognize that we've been joined by Council Member  
19 Alicka Apmry-Samuel and Council Member Bob Holden who  
20 are both members of the Committee. I thank them for  
21 being here. I also want to make sure that we thank  
22 our wonderful committee staff for their hard work,  
23 Financial Analyst for the Committee Jen Lee [sp?],  
24 Unit Head Aisha Wright [sp?], Committee Counsels  
25 Brian Crow [sp?] and Josh Kingsley [sp?], Policy

2 Analyst Will Hongak [sp?], and my Chief of Staff  
3 Emily Walsh, and my Legislative Director Abigail  
4 Bessler for their work on this as well. Before we  
5 get to hear from your testimony we have to swear all  
6 of you in. So, we're going to go ahead and do that.

7 UNIDENTIFIED: Please, if you're  
8 testifying please raise your right hand and-- do you  
9 affirm to tell the truth, the whole truth and nothing  
10 but the truth in your testimony before this committee  
11 and to respond honestly to Council Member questions?

12 CHAIRPERSON POWERS: Thank you. So,  
13 Commissioner, when you're ready.

14 COMMISSIONER BERMUDEZ: Good morning  
15 Chair Powers and members of the Committee. I'm Ana  
16 Bermudez, Commissioner for the New York City  
17 Department of Probation, and I'm here today with my  
18 cabinet, Deputy Commissioners Sharun Goodwin, Gineen  
19 Gray, and Michael Forte, and General Counsel Wayne  
20 McKenzie. Thank you for the opportunity to testify  
21 about the important work of the Department of  
22 Probation and its Preliminary Fiscal Year 2019  
23 Budget. I first want to take a moment to frame  
24 probation's unique position in the criminal and  
25 juvenile justice systems, which is in the middle of

2 the continuum of agencies that promote community  
3 safety. So, in the one hand we have police, right,  
4 and we know they're not social workers and they  
5 shouldn't be. On the other hand we have CBOs,  
6 community-based organizations that provide services,  
7 but they don't have enforcement powers. So, we sit  
8 in the middle essentially providing both, and many  
9 times in collaboration with NYPD and/or community-  
10 based organizations. Now, many people confuse  
11 probation and parole, right? So, while together they  
12 make up what is called community corrections, parole  
13 is really a status and probation is a sentence, and  
14 the status comes out of the sentence of  
15 incarceration, of prison, right? So, parole, you've  
16 been prison and now you're returning home under state  
17 supervision. For probation, you stay home under the  
18 City's Department of Probation's supervision. So,  
19 our job is basically to safely supervise people in  
20 their own communities while helping them change the  
21 behavior that will prevent incarceration. So,  
22 basically, then, we have multiple roles, right? To  
23 be comprehensive about achieving those justice  
24 outcomes, we need to leverage both risk management  
25 and risk reduction. Risk management being a



2 monitoring intensity, if you will, and risk reduction  
3 is getting people to partake in opportunities and  
4 programs that get people to change. That is the  
5 combination that we know works in creating the  
6 individual accountability needed and the behavior  
7 change needed for someone to stay out-- get out and  
8 stay out of the juvenile and criminal justice  
9 systems. So, ultimately, that's the critical role  
10 here of our department, keeping youth and adults out  
11 of prison or jail, juveniles out of placement, and  
12 more people in their communities through that balance  
13 of structure and support. And this is no small task,  
14 as on any given day we have under our care about  
15 21,000 people which is more than double the City's  
16 daily jail population. And we do all this in and  
17 within the communities that people on probation call  
18 home. Through the work of our incredible staff and  
19 our government and community partners, we're  
20 essentially putting community, the word community and  
21 the action of community back in to Community  
22 Corrections. This holistic approach helps to ensure  
23 that people on probation are capable of the behavior  
24 change necessary to address the factors that  
25 initially brought them to us as they work towards

2 creating what we refer to as their "new now." New  
3 York City entered 2018 as the safest and least  
4 incarcerative [sic] big city in the nation. As the  
5 City's largest alternative to incarceration, last  
6 year Probation provided intake, investigation, and  
7 supervision services for 55,444 cases and directly  
8 supervised 27,000 adults and 2,258 juveniles. Our  
9 intelligence unit completed a total of 2,352 field  
10 enforcement actions which include the recovery of  
11 illegal guns and drugs, gang-related investigations,  
12 DUI field visit checks, failure to report home  
13 visits, bench warrant enforcement actions, as well as  
14 having assessed thousands of NYPD domestic incident  
15 reports and transported prisoners to and from  
16 jurisdictions, you know, from nearby Connecticut all  
17 the way to Seattle. Just on Tuesday, in fact, in  
18 conjunction with NYPD's anti-crime team intel  
19 conducted a field enforcement action that resulted in  
20 the recovery of 100,000 worth of heroin, 230,000  
21 dollars in cash and other drug paraphernalia. For  
22 Fiscal Year 2019 the Department of Probation has a  
23 Preliminary Budget of 101.4 million dollars as  
24 compared to our Fiscal Year 2018 Adopted Budget of  
25 103.4 million dollars. When compared to our current

2 budget of 108.9 million dollars, the Fiscal Year 19

3 Preliminary Budget of 101.4 million dollars is seven

4 million or 7.4 percent less, just primarily

5 attributable to intercity funding that generally

6 comes in, is added to our budget post-adoption. Of

7 the 101.4 million dollars allocated to our

8 Preliminary Budget, 73 percent or 74 million is

9 allocated to personnel services and 27 percent or

10 27.3 million dollars is allocated to other than

11 personnel services; 80.2 million dollars are city tax

12 levy funds, 14.9 million dollars are state funds, 6.3

13 million dollars are intercity funds, and 36,000

14 dollars are federal grant funds. State funding,

15 which previously reimbursed almost half of local

16 probation costs, now provides only 14.6 percent of

17 our operating costs. Our budget priorities reflect

18 critical investments in meeting the unique needs of

19 people on probation, especially our young people,

20 their families and the larger communities they call

21 home. So, this morning, I want to highlight three

22 important areas that help us do that: Credible

23 Messengers, Raise the Age, and our Neighborhood

24 Opportunity Networks, also known as NEONs, which many

25 of you have visited in the past. In our work it is

2 not only the services and resources that we offer,  
3 but it's often how and by whom they're delivered that  
4 really makes a difference. In that sense, Credible  
5 Messengers are, you know, people whose life  
6 experiences including their own criminal and juvenile  
7 justice involvement help them to engage justice  
8 involved or disconnected young people and their  
9 families in ways that other system holders alone  
10 cannot. As formerly system-involved individuals are  
11 often the most willing and best able to address some  
12 of the toughest challenges facing their own  
13 communities, we utilize Credible Messengers in key  
14 areas of our work, effectively leveraging these  
15 trusted relationships to transform communities. Our  
16 Arches Transformative Mentoring for 16 to 24-year-  
17 olds on probation, which relies on Credible Messenger  
18 mentors is now a proven success. As you know, the  
19 recently released independent evaluation of Arches  
20 conducted by the Urban Institute found that one year  
21 after beginning probation Arches' participants felony  
22 reconviction rates are 69 percent lower and two years  
23 after remain 57 percent lower compared to those not  
24 in the program. You know, any expert will tell you  
25 these results are simply unprecedented. The positive

2 impact was especially high among 16 and 17-year-old

3 Arches participants. So, with Raise the Age

4 beginning this fall a similar Credible Messenger

5 mentoring opportunity for our new Family Court

6 population will be crucial to ensuring that the

7 legislation accomplishes its and our goals,

8 preventing young people from further justice system

9 involvement. For Isabella, Arches did just that. In

10 her own words she said, "When you come here you feel

11 free to speak. They take time to talk and listen and

12 build a relationship. I realized I was changing when

13 they asked questions and I knew positive things to do

14 instead of arguing or fighting. Arches saved my

15 life. If not for them, I would be in jail." In

16 Arches, Credible Messenger Mentors run group session

17 using a cognitive behavioral intervention and are

18 available 24/7 for one on one support. Working with

19 the probation officers, mentors help young people

20 make better and safer decisions, pursue their goals,

21 repair relationships with family and community, and

22 connect to educational, work readiness and employment

23 opportunities. The Arches program changes the futures

24 of youth at high risk for continued justice

25 involvement from merely surviving to thriving while

2 also increasing safety for the participants and their  
3 communities. To address the needs of our younger  
4 probation clients and their families we also use  
5 Credible Messengers as parent coaches in our Family  
6 Court Parent Support Program. Parent coaches whose  
7 own children have been justice involved provide  
8 individual support to parents, guardians and families  
9 who are so often confused, frustrated, overwhelmed in  
10 navigating the juvenile justice system. So far, we  
11 have served over 1,000 families and as a result seen  
12 increased parental understanding of the system, and  
13 more importantly, a reduction in placement outcomes  
14 as parent coaches and families work together to find  
15 community-based options to support their children. I  
16 want to thank you again, Chair Powers and the members  
17 of this committee, for partnering with us on the  
18 Arches announcement last month. Since the model is  
19 scalable and adaptable, it has already been  
20 replicated in targeted New York City Housing  
21 Authority developments in the form of Next STEPS,  
22 which stands for Striving for Engagement and Peaceful  
23 Solutions, as well in Washington, D.C. We've also  
24 had an influx of requests from other jurisdictions  
25 such as Los Angeles, San Diego, Seattle, and Detroit

2 to name a few, asking that we teach them how to  
3 replicate the Credible Messenger model. This  
4 inspired us to expand existing partnerships with the  
5 Bronx-based nonprofit Community Connections for Youth  
6 and the Silberman School of Social Work at Hunter  
7 College CUNY to create the Credible Messenger Justice  
8 Center, the CMJC. The CMJC has many functions. As a  
9 trainer and technical assistance provider, a clearing  
10 house and convener and as a model site learning  
11 laboratory for interested jurisdictions nationwide.  
12 CMJC is also committed to ensuring that Credible  
13 Messengers have personal and professional supports  
14 they need to thrive in their current positions and  
15 grow beyond. To that end, in partnership with CUNY's  
16 Murphy Institute for Worker Education, we will begin  
17 offering a 16-credit certificate program in community  
18 leadership for Credible Messengers that wish to  
19 pursue their higher educational-- that want to pursue  
20 higher educational opportunities. I had a promising  
21 meeting on this with Council Member Barron earlier  
22 this week and would like to invite the partnership of  
23 this committee and the Higher Education Committee on  
24 the establishment of Council-funded scholarships for  
25 Credible Messengers. The Arches intervention parent

2 coaches and Credible Messengers are what works in  
3 criminal justice. The evaluation shows that not only  
4 do community-based approaches to engaging justice-  
5 involved young people work, but that connecting young  
6 people at high risk of justice system involvement to  
7 Credible Messenger mentors strengthens communities  
8 and helps to keep people out of prison and jail.

9 Informed by our experience with this age group in  
10 Arches, two years ago we launched Anyone Can Excel,  
11 or ACE, which is a supervision model tailored  
12 specifically for young people ages 16 to 24. Prior  
13 to ACE, our emerging adults made up approximately  
14 one-third of our caseloads, but disproportionately  
15 represented almost half of our re-arrests. And yet,  
16 in the Department we had them in caseloads combined  
17 with 45-year-olds, 55-year-olds, even though their  
18 needs and their developmental stage was totally  
19 different. Since starting the model, we've added  
20 2,629 clients to ACE and preliminary data shows that  
21 those being supervised in ACE are on-track for better  
22 outcomes than those who started probation before the  
23 model began. Now, a key component of ACE that we  
24 recently expanded agency-wide is an individualized  
25 case planning process known as the Individual Action



2 Plan, or IAP. So, the IAP serves as the  
3 accountability and behavior change guide to  
4 successfully complete each person's probation  
5 sentence. You've probably heard of precision  
6 policing, or the IAP lets us do precision and one-  
7 size-fits-one probation, which is really important to  
8 get people out of the system. Our Department  
9 presented on the IAP earlier this year at the  
10 American Probation and Parole Association Winter  
11 Institute, and the interest was incredible across the  
12 country and in part was that those connections that  
13 the IAP makes to those individual aspects of the  
14 client, the probation client given their risk  
15 factors. Furthering our efforts towards more age  
16 appropriate justice interventions, last year, the  
17 state legislature raised the age of criminal  
18 responsibility, as you all know. Beginning-- so,  
19 beginning on October 1<sup>st</sup>, most-- of this year-- most  
20 16-year-olds who would have previously have been  
21 adjudicated in adult or criminal court will now fall  
22 under Family Court jurisdiction. Raise the Age will  
23 be phased in over two years with 17-year-olds  
24 included beginning in October of 2019. This is a  
25 very welcomed change, one that I certainly lobbied

2 for with other city officials and advocates such as  
3 Credible Messenger Lancman who was here before and  
4 who has a lot of experience on this issue, and that's  
5 because research shows that emerging adults do not  
6 yet have the same decision-making capacity and  
7 impulse control as full-fledged adults, and our  
8 justice system must account for that in its  
9 sentencing and treatment, basically age appropriate  
10 criminal justice and juvenile justice. The Raise the  
11 Age will require us to expand our current operations.  
12 We welcome the opportunity to prevent even more youth  
13 from having additional or even more serious  
14 involvement in the justice system. Raise the Age  
15 will allow us to build on the robust juvenile  
16 services continuum we have already developed as well  
17 as expand some of our excellent resources, including  
18 transformative mentoring and parent coaches. Another  
19 ground-breaking and effective way that we put the  
20 community back into community corrections has been  
21 through opening neighborhood opportunity-- I mean,  
22 Neighborhood Opportunity Networks, sorry, our  
23 neighborhood probation offices in the seven  
24 communities where there are significant number of  
25 people on probation, the South Bronx, Harlem,

2 Jamaica, Bed-Stuy, Brownsville, East New York, and  
3 Northern Staten Island. This allows us to engage our  
4 NEON population within walking distance of where they  
5 live, and because NEONs are partnered with other  
6 nonprofits and community-based organizations in those  
7 neighborhoods, they help connect the social capital  
8 of that community to people on probation. We created  
9 the NEON model because research supports the  
10 connection between expanded community programming and  
11 reduced incarceration. When you look across data  
12 from 264 cities over a 20-year period, it is  
13 estimated that for every 10 additional organizations  
14 focusing on reducing crime and improving community  
15 life, there is a nine percent reduction in the murder  
16 rate, a six percent reduction in the violent crime  
17 rate, and a four percent reduction in the property  
18 crime rate. That is why our NEONs are full-service.  
19 People on probation can meet with their probation  
20 officer, and along with other members of the  
21 community, can access services such as enrolling in  
22 IDNYC and health insurance or further their education  
23 through high school equivalency classes or OSHA  
24 certifications. All this in addition to our  
25 signature initiatives, our NEON Nutrition Kitchens,

2 NEON Clothing Closets, NEON Sports, and NEON Arts.

3 Open to people on probation and other community

4 residents our nutrition kitchens, NEON Nutrition

5 Kitchens, fed roughly 80,000 people last year, and

6 served approximately 200,000 people citywide since

7 first opening. NEON Clothing Closets ensure that

8 people have access to proper attire for job

9 interviews, graduations and other life milestones.

10 We are in our third year of NEON Sports and are

11 partnering with the Parks Department and other local

12 organizations to expand access to the benefits that

13 sports leagues provide such as discipline, team

14 building and other interpersonal skills. Finally,

15 NEON Arts, our public/private partnership with

16 Carnegie Hall has invested over 1.4 million dollars

17 of arts and cultural programming in underserved

18 neighborhoods. NEON Arts has partnered with 38

19 community arts organizations, awarded 93 grants to 44

20 unique recipients and held community events reaching

21 over 7,000 people citywide. Council Member Ampry-

22 Samuel, you got to experience NEON Arts at the

23 Brownsville NEON last fall when you attended our free

24 verse open-mic, which is now even broader in the

25 City, the free-verse. So, be glad that you did.

2 Some of the free-verse poets just performed at  
3 Carnegie Hall's Main Stage this past Sunday. It was  
4 an incredible experience. Though not traditionally  
5 considered core probation work, we have seen  
6 firsthand the positive effects that NEON Arts has had  
7 on our clients and their communities. Data confirms  
8 this, the social impact of the art study by the  
9 University of Pennsylvania shows that increasing  
10 access to arts and culture in underserved New York  
11 City communities had many positive outcomes,  
12 particularly an 18 percent decrease in the serious  
13 crime rate. To join us in expanding this effort we  
14 ask for your support of Carnegie Hall's NEON Arts  
15 speaker funding request so that this program can have  
16 even more impact on New York City neighborhoods.  
17 NEON Arts is such an effective model for achieving  
18 cultural and social well-being in New York City that  
19 it has no achieved national recognition in our field  
20 as well. This past January, at the same American  
21 Probation and Parole Association meeting, we received  
22 the 2017 Excellence in Community Crime Prevention  
23 Award for the cutting-edge use of arts in community  
24 corrections. So, as you've heard, probation is  
25 singular in its role of providing community-based

2 accountability and support for those who otherwise  
3 would be incarcerated, keeping them in their  
4 communities where they can thrive. A great example  
5 of this is Linden [sp?], I'll leave you with this,  
6 with Linden's story, who is a former client and  
7 Arches participant and who like many people on  
8 probation had a path to success that was anything but  
9 straightforward. But it was through participating in  
10 Arches and NEON Arts that Linden began to thrive and  
11 connect with some of DOP's other programs and even  
12 landed a job with one of our partners, the animation  
13 project or TAP. He excelled there to the point that  
14 when we launched the Made in New York Animation  
15 Project, a partnership with TAP and the Mayor's  
16 Office of Media and Entertainment, he became the  
17 program's fulltime recruiter. From designing and  
18 implementing new outreach strategies to recruiting  
19 youth from different NEON neighborhoods across the  
20 five boroughs, Linden has been so successful at TAP  
21 that he was promoted to supervisor. As Linden puts  
22 it himself, "Thanks to the DOP and TAP I have a dream  
23 job that I love." So, now that we call a "new now."  
24 That's the essence of our work, creating a new now  
25 for people on probation in a one-size-fits-one

2 approach so that we're successful in our mission of  
3 strengthening communities and changing lives. Thank  
4 you for the opportunity to testify about the critical  
5 work performed by the committed staff of this  
6 department. We are pleased to answer any questions  
7 that you have.

8 CHAIRPERSON POWERS: Thank you and thank  
9 you for the testimony, a lot to unpack there, but  
10 congratulations on your award and success of Arches  
11 and other programs we'll talk about momentarily. I  
12 want to note we're also joined by Council Member  
13 Carlina Rivera, Council Member Lancman's here,  
14 returning, and I don't know if he's still here, but I  
15 did see our former Comptroller John Liu was in--  
16 somewhere in the crowd as well, so welcome to all.  
17 Just as a reminder for folks, this is the Criminal  
18 Justice Budget Hearing. We're hearing Department of  
19 Probations, Department of Correction is after this,  
20 and then the Board of Correction, and then we'll hear  
21 from public testimony as well. If you want to sign  
22 up to testify you can fill out a slip over here at  
23 the desk, and we'll be hearing you after the Board of  
24 Corrections. Thank you for being here. So, I wanted  
25 to talk about a lot of the pieces of testimony, but

2 just take a step back and thank you for that, and  
3 just broader budget stuff here, you know, any-- I  
4 talked about it early, I mean, some of the success  
5 that you talked about seem like programs that deserve  
6 our attention and the City's recognition, and I'd  
7 like to-- I do, I think, share-- well, first off all,  
8 thank you for sharing for everybody, always  
9 clarification on the role of Department of Probation,  
10 because I do sense that there is sometimes a lack of  
11 sort of clarity there, but just generally any new  
12 needs from the Department that you had requested to  
13 OMB, but didn't receive funding for in this  
14 Preliminary Budget or anything you're seeking funding  
15 for in the budget new?

16 COMMISSIONER BERMUDEZ: Other than what I  
17 mentioned in the testimony, no, we have right now we  
18 have-- we're in a good position to move forward with  
19 Raise the Age and a number of other initiatives, and  
20 Arches has been baselined in our budget, so that's a  
21 stable source of--

22 CHAIRPERSON POWERS: Got it, thank you.  
23 And with your budget, in the Preliminary Budget was  
24 101.4 million and a headcount of 1,058. Do you feel



2 like you're adequately funded to carry out your  
3 duties in the coming year?

4 COMMISSIONER BERMUDEZ: AT the moment, we  
5 are. That doesn't mean that we're not going to have  
6 other needs.

7 CHAIRPERSON POWERS: sure.

8 COMMISSIONER BERMUDEZ: As Raise the Age  
9 is implemented, we're going to see a lot of where  
10 that shakes out, but right now we believe we have the  
11 capacity to start implementing, and then we'll take  
12 it from there.

13 CHAIRPERSON POWERS: And I have it for a  
14 question later, but why don't we just talk about it  
15 then right now with Raise the Age. What is the  
16 impact on it? Are there any new programs,  
17 initiatives that are going to be improved or enhanced  
18 in the future as that comes on line?

19 COMMISSIONER BERMUDEZ: Right, so  
20 everything we have is just going to be expanded, you  
21 know, the capacity--

22 CHAIRPERSON POWERS: [interposing] Right.

23 COMMISSIONER BERMUDEZ: it needs to be  
24 expanded. Right now, because juvenile arrests have  
25 gone down significantly we're in a position where we

2 can grow within what we have. So, right now, there  
3 is no -- we're not seeing a particular need yet.

4 We're going to have to as young people come in assess  
5 whether the programs and that we have the continuum  
6 that we have, we'll be able to serve the increased  
7 capacity.

8 CHAIRPERSON POWERS: And do you see if  
9 it's-- do you see if it's-- since it starts in-- it  
10 starts next year, October 28.

11 COMMISSIONER BERMUDEZ: It starts October  
12 2018.

13 CHAIRPERSON POWERS: 2018, do you see a  
14 fiscal impact this year to you that you're asking for  
15 funding for or you need funding for?

16 COMMISSIONER BERMUDEZ: It's very-- the  
17 funding for this is complicated for us, because there  
18 is a state component to this, and the statute  
19 anticipates full funding for probation work. So,  
20 we're not right now in a position to say one way or  
21 another how much if any funding is needed, extra  
22 funding is needed.

23 CHAIRPERSON POWERS: Okay. I think we're  
24 going to come back to that. Just back on sort of  
25 broader questions around budget, one of the things

2 that we had noticed there wasn't, I think, very  
3 broken-out budgets for adult supervision  
4 investigation versus juvenile supervision  
5 investigation. I mean, I think you did talk about  
6 the critical population around 16 and 17 up to 24.  
7 Do you guys have separate information about the  
8 different budgets for both the adults and then the  
9 juvenile population?

10 COMMISSIONER BERMUDEZ: We can provide  
11 that for you.

12 CHAIRPERSON POWERS: You can provide that.

13 COMMISSIONER BERMUDEZ: Yeah.

14 CHAIRPERSON POWERS: So, we'll follow up.

15 Okay, thank you. So, more generally, Arches, you  
16 just had an independent study for successful by I  
17 think in a third-party metric, and I applauded you  
18 for that, and I was happy to join you and you  
19 announced it. I got to say congratulations to you for  
20 that, but more generally, how do you study the  
21 effectiveness of the program since you're funding and  
22 we're funding? And I assume not everyone has a third  
23 party doing an assessment tool of it. So, how do  
24 you-- how are you measuring your success on the  
25 different programs that you--

2 COMMISSIONER BERMUDEZ: So, evaluation in  
3 our field are really difficult because-- or they take  
4 time for the impact, the type of impact evaluation we  
5 did in Arches, right? Because sentences are long,  
6 right? You know, probation, if you're on felony  
7 probation you're with us for five years, and you  
8 know, and then some variation of that. So what we do  
9 is we try to look at what we call lead indicators,  
10 both attendance. We look at the various-- you know,  
11 each of the programs that we contract with have  
12 outcome measures that they're supposed to follow as  
13 well. So, then whether they're meeting their  
14 contract, their outcomes per the contracts. You  
15 know, we do some also focus group, I guess is what  
16 you would call, with the participants to make sure  
17 that it's meeting, the programs are meeting their  
18 needs, and so we use a variety of essentially real-  
19 time assessments, but it's not a-- it could never  
20 reach an impact evaluation.

21 CHAIRPERSON POWERS: And would--  
22 theoretically, if you wanted to do more objective  
23 study, I mean, some subject and some objective there--  
24 - are you able to do that with funding or would you  
25 seek money to do that. I mean, I'm always interested

2 in looking at the actual outcomes, and with the study  
3 you did I think it was remarkable the outcomes you  
4 did. I think the question is, you know, are there  
5 ways that you would seek to do more in terms of being  
6 able to value your programs, as you know that you  
7 guys are sort of a place, an alternative to our  
8 incarceration?

9 COMMISSIONER BERMUDEZ: Right. So, a lot  
10 of the programs we have actually have been done in  
11 partnership with New York Opportunity, Center for  
12 Economic Opportunity in the City, and many of them  
13 include an ongoing evaluation. They're not the same  
14 as impact evaluations necessarily, but there is a  
15 component to that, and we have mechanisms by which to  
16 do it. So, right now we haven't needed any extra  
17 funding for assessing our programs.

18 CHAIRPERSON POWERS: Got it. And with  
19 the-- thank you for that. And with Arches,  
20 particularly, is there any plans to expand that in  
21 the-- I mean, success should breed, you know,  
22 replication and expansion, but any plans to expand  
23 or-- and if so-- well, let's start with that.

24 COMMISSIONER BERMUDEZ: So, right now  
25 Arches does have the capability of taking in 16 and

2 17-year-olds and since Raise the Age starting in  
3 October, so for this year the existing Arches can  
4 probably absorb a lot of the influx, so then next  
5 year we're going to be in a position to figure out  
6 then where it all, you know, falls into it, but  
7 definitely there will need to be an expansion into  
8 Family Court that is more significant that-- we're  
9 now in talks internally and with stakeholders to see  
10 what that would look like, and then we would make our  
11 request as needed.

12 CHAIRPERSON POWERS: Okay, so please let  
13 us know if you feel like that's a program that  
14 requires more attention, because--

15 COMMISSIONER BERMUDEZ: [interposing] Yep.

16 CHAIRPERSON POWERS: as I said, the  
17 successful program should breed expansion  
18 replication. Credible Messengers, by the way, are  
19 not included in your headcount, right?

20 COMMISSIONER BERMUDEZ: No. No, they're--  
21 -- we have-- they're employed by the agencies that we  
22 contract with.

23 CHAIRPERSON POWERS: Okay.

24 COMMISSIONER BERMUDEZ: So, they're not  
25 employees of the Department.

2 CHAIRPERSON POWERS: Got it. Got it. I  
3 was going to take a st-- I was going to stop there  
4 briefly, and I know we have some of my colleagues  
5 here who want to ask questions, and I'll come back  
6 and ask a few more. So, first is Council Member  
7 Ampry-Samuel who I know I think has been to one of  
8 your programs, but also is the Chair of the Public  
9 Housing Committee here, so some of the NYCHA work  
10 you're doing. I'm sure something she's interested  
11 in. Thanks.

12 COUNCIL MEMBER AMPRY-SAMUEL: Good  
13 morning everyone. So, I just want to say that the  
14 NEON program in Brownsville in 444 Thomas Boyland is  
15 an amazing program, and I've watched it grow since it  
16 started, and whatever I can do to be of support and  
17 service in any kind of way. Do not hesitate to reach  
18 out to me. But along the lines of what's happening  
19 with Raise the Age, and I know you mentioned that the  
20 funding, it's conversations happening now, but we  
21 know that from what we're told that the juveniles  
22 will be released, and because of the proximity of the  
23 NEON program in my district at 444 and Crossroads  
24 right in the next block, is there any conversation  
25 that is happening related to the work that you can

2 really anticipate that's going to be needed to  
3 service that particular community and that particular  
4 population? There's a lot of rumors that are going  
5 around, but it's inevitable. We know that something  
6 is coming and we need to prepare now and not just  
7 wait until it all falls into our plate come October  
8 or January of next year. So, is there anyone that  
9 can speak directly to what conversations are  
10 happening now and how we can be of any kind of help  
11 as it relates to funding and providing that extra  
12 level of support and advocacy from the Council?

13 COMMISSIONER BERMUDEZ: So, I think-- let  
14 me make sure that I understand what you're referring  
15 to. Are you referring to the removal of the 16 and  
16 17-year-olds from Rikers?

17 COUNCIL MEMBER AMPRY-SAMUEL: The 16 and  
18 17-year-olds that are going to be housed at Horizon,  
19 but we also know that the juveniles from Horizon will  
20 be held at Crossroads, and we know that we will have  
21 that population which is in the next block from  
22 Thomas Boyland and the community is aware and there's  
23 a lot of conversations about it, and we're just  
24 really trying to figure out how we can be supportive  
25 of those families and the youth.



2 COMMISSIONER BERMUDEZ: So, we are joined  
3 at the hip in a way in juvenile justice with ACS with  
4 the Division of Youth and Family Justice. So, we are  
5 part-- any conversations that are happening around  
6 that we are definitely part of, and we definitely  
7 have the expertise and the ability and the readiness  
8 to, you know, absorb anything in the community as  
9 needed. I think that-- I can't really speak for  
10 them, but DYFJ has a lot of great programming at  
11 Crossroads and Horizons, and I think that that will  
12 go a long way to have the young people, you know, be  
13 able to still maintain certain social connections and  
14 skills building while they are in the facilities, but  
15 because-- yes, because of our proximity we will be  
16 working very closely with them. There's nothing  
17 specific right now for probation, for a role of  
18 probation, though, to report.

19 CHAIRPERSON POWERS: Thank you. Council  
20 Member Rivera?

21 COUNCIL MEMBER RIVERA: Hi, good morning.

22 COMMISSIONER BERMUDEZ: Good morning.

23 COUNCIL MEMBER RIVERA: Thank you for all  
24 of your work. I wanted to ask, one of my priorities,  
25 and I think a lot of the Council Members' priorities

2 is alternative to incarceration programs. And so we  
3 have here a little bit of information on some of the  
4 funding and the termination of the justice scholars,  
5 and I would like some details on what is going to  
6 replace programs like that as well as other  
7 alternative to incarceration programs that you think  
8 have been successful in each of the five boroughs?

9 COMMISSIONER BERMUDEZ: So, actually, the  
10 Justice Scholars Program is an example of what Chair  
11 Powers was talking about before in a sense that-- so,  
12 when we were looking at the utilization and the  
13 outcomes of Justice Scholars, right, as the contract  
14 was expiring. We didn't terminate it ahead of time.  
15 So, the contract was expiring. We-- and there was no  
16 additional funding at the time for it. So, when we  
17 looked at what are we going to do about this and we  
18 looked at the outcomes, that the program model  
19 overlapped a lot with justice community, which was  
20 having better results with the young people, and so  
21 that's what the dec-- how the decision was made that  
22 we're still meeting the needs that Justice Scholars  
23 was attempting to meet to then, you know, channel  
24 that through justice community. You know, and so we  
25 continue to partner with as many organizations as

2 possible. There's a lot out there that exists that a  
3 lot of programs that can partner with us that have  
4 never thought of partnering with us. You know, we  
5 consider ourselves the largest alternative to  
6 incarceration program there is, right? Because of  
7 how many people we can serve. And so there are, I  
8 believe, a lot of connections to be made with  
9 existing community-based organizations to benefit  
10 our-- further benefit our probation clients. So,  
11 rest assured that if we identify something that needs  
12 funding that we can't find it, we will come to you.  
13 That is for sure. You know, and if you also--  
14 frankly, if you see something that you would-- I  
15 think it would be, you know, good for people on  
16 probation to be connected to, we're happy to, you  
17 know, to do that as well and meet with folks, because  
18 it's really important to really be community-  
19 grounded.

20 COUNCIL MEMBER RIVERA: I'd be happy to  
21 make sure that you're connected with the groups I  
22 think that are doing great work in my district.

23 COMMISSIONER BERMUDEZ: Great.

24 COUNCIL MEMBER RIVERA: I'm sure all the  
25 council members feel the same, and I think especially

2 with some of our more at-risk areas and places that  
3 have been historically underserved, and--

4 COMMISSIONER BERMUDEZ: [interposing]  
5 Absolutely.

6 COUNCIL MEMBER RIVERA: I'm going to have  
7 mention NYCHA, and I know you're trying to do work  
8 around that. So, I would love to be in touch with  
9 you after this. Thank you.

10 COMMISSIONER BERMUDEZ: Definitely.

11 CHAIRPERSON POWERS: Thank you. So, I  
12 wanted to just ask maybe two more questions, and this  
13 is a round of 16 versus one in March Madness. We'll  
14 be back, but then we're going to follow up with you.  
15 But I just wanted to note, I had two more questions  
16 and note that I know Department of Corrections is  
17 here and we have the Subcommittee joining us. So,  
18 close to home, I know state budget is making cuts to  
19 that and proposing to cut funding for Close to Home  
20 which I guess would be resolved in the next two weeks  
21 the state budget comes to a close, we hope. If  
22 funding is cut, is there a contingency plan form the  
23 City and the Agency and is there an impa-- what's the  
24 impact on your budget?

2 COMMISSIONER BERMUDEZ: So, there's no  
3 impact there on our budget, because that has to do  
4 with the running of the facilities for placement, and  
5 those are run by ACS, by the Division of Youth and  
6 Family Justice. Our part of Close to Home is keep  
7 them home, you know? So, that legislation was  
8 larger than just the facilities, but we continue to  
9 operate the continuum to try to keep the young people  
10 form placement in the first place and have continued  
11 to reduce the population of young people in placement  
12 through the variety of things we offer our probation.

13 CHAIRPERSON POWERS: Got it. Thank you.  
14 And just to close out here and then unless colleagues  
15 have follow-up questions is we noted that in the  
16 Mayor's Management Report enrollments in the  
17 Alternative to Placement Programs and DOP-managed  
18 programs decreased during the first four months of  
19 Fiscal Year 2018. Any thoughts on what happened?

20 COMMISSIONER BERMUDEZ: Sure. So,  
21 there's been a reduction in the number of young  
22 people coming through. So, that's also good.  
23 Judges-- I mean, we're better-- we're-- the system  
24 has gotten really good at matching, you know, sort of  
25 risk levels and severity of offenses and so on and so

2 forth to appropriately tailor the level of probation  
3 that they're on. So, judges are also using the whole  
4 continuum much more rather than just-- you know,  
5 assuming that any kid who presents in a particular  
6 way needs an alternative to placement. So, that's  
7 also actually good given where we are in Raise the  
8 Age because then that means that we have capacity,  
9 and assuming that the 16 and 17-year-olds might  
10 present higher risk level, alright, and we have the  
11 ability to absorb them into existing ATPs-- that's  
12 what I was saying before-- and then we'll see whether  
13 there's a gap in service among those ATPs or not. You  
14 know, and like I said we're anticipating we're going  
15 to have to grow some of them, but we don't know  
16 exactly which ones.

17 CHAIRPERSON POWERS: Thank you. and just  
18 to follow up on that, I don't know the answer, so I'm  
19 just-- what is the difference between who goes into  
20 the programs you guys manage and then for the other  
21 ATP programs, who-- how is the determination made  
22 about which program you end up in?

23 COMMISSIONER BERMUDEZ: Well, in Family  
24 Court, all the, you know, the programs, what are  
25 called the ATPs, the Alternatives to Placements, are

2 actual sentences. The judge says you're going to  
3 probation for this program, right? And it's co-  
4 managed between probation-- partnership between  
5 probation and a community-based organization. So,  
6 that's part of their sentence. For our 16 to 24-  
7 year-olds in adult probation, those are contracts.  
8 We have referrals we make, and those are based on  
9 whatever need. The sentence is still probation. It's  
10 not as layered as Family Court.

11 CHAIRPERSON POWERS: I got you. I got  
12 you. And are there-- if you don't end up at one of--  
13 there's a population that doesn't end up in one of  
14 those programs, either ATP or probation, and if not,  
15 where do they--

16 COMMISSIONER BERMUDEZ: well, so in  
17 Family Court you can get an adjournment in  
18 contemplation of dismissal. It's the least. And then  
19 after that there's conditional discharge. Then  
20 there's four layers of probation, and then placement.  
21 Right? So, there's a lot to use. And with adults  
22 there's less of a range, but still basically if you  
23 don't end up on probation or something better, you  
24 end up in prison or jail.

2 CHAIRPERSON POWERS: Got it. Thank you.  
3 Any? Thankyou. Thanks for being here. Next time,  
4 we're going to get the four of you on the microphone,  
5 too. I promise. Thank you guys for being here.  
6 Thank you for the testimony. We'll take, you know,  
7 two, three minutes and then we'll ask the Department  
8 of Corrections to testify. Thank you.

9 [break]

10 CHAIRPERSON POWERS: Good morning. Thank  
11 you for being here. My name is Keith Powers. I'm  
12 the Chair of the Committee on Criminal Justice. We  
13 are going to resume the budget hearing with  
14 Department of Corrections, and we've been joined by  
15 the Subcommittee on Capital Budget which is chaired  
16 by Chair Vanessa Gibson. We've also been joined by  
17 Council Member Matteo, Council Member Grodenchik, and  
18 I think we'll be joined by more moving forward.  
19 Thank you again for being here. Thank you to the  
20 Commissioner and your staff for being here today.  
21 So, this is the Department of Correction. The  
22 Department's Fiscal 2019 Preliminary Budget totals  
23 1.4 billion dollars, a decrease of approximately 40  
24 million dollars from last year. Department's  
25 headcount totals 12,169 with 9,967 uniformed



2 positions and 2,202 civilian positions for Fiscal  
3 Year 2019. The Department re-estimates its Fiscal  
4 2018 Preliminary Budget by recognizing a reduction of  
5 10.2 million dollars in Fiscal 2018 and 55.2 million  
6 dollars in Fiscal 2019 and the out-years from closing  
7 the door at GMDC facilities and adding new needs that  
8 total 13.8 million dollars in Fiscal 2018 and 23.5  
9 million dollars in Fiscal 19 and the out-years. The  
10 expense budget introduces funding for new initiatives  
11 that's in the Mayor's Smaller, Fairer-- Smaller,  
12 Safer, Fairer Roadmap to closing Rikers Island such  
13 as expanding visitor transportation to Rikers Island  
14 and renovating central visit areas to further improve  
15 visitor's experiences. We're interested in learning  
16 more about these initiatives as well as how the  
17 budget addresses other key parts of the Mayor's  
18 Roadmap, especially how we can make New York City  
19 jails safer. DOC's Capital Commitment Plan includes  
20 2.1 billion dollars for Fiscal 2018 to 22, including  
21 major capital projects such as the new jail facility  
22 and construction of a new training academy. On  
23 January 25<sup>th</sup>, 2018, the architecture firm Perkins  
24 Eastman was awarded 7.6 million dollars contract to  
25 study the design and location of city jails to

2 replace Rikers Island. On February 14<sup>th</sup>, 2018, the  
3 Administration and the City Council announced four  
4 new sites for the borough-based jails and a timeline  
5 and a process for the Manhattan Detention, Queens  
6 detention, and Brooklyn Detention and the NYPD tow  
7 pound in the Bronx. Last committee-- last month, the  
8 Committee toured Rikers Island and reaffirmed my  
9 belief, and I think others, that we can build safer  
10 facilities and put people close to home and in close  
11 proximity to their family and loved ones, and I just  
12 want to take a note to thank you, the staff and the  
13 DOC who joined us, and for putting together the tour  
14 and all who joined us for helping us get better  
15 insights into the tough job that the people who run  
16 it and work in it have, and in my view again need for  
17 safer facilities and new modern facilities that are  
18 closer to home. In my view, these facilities need to  
19 be upgraded, modernized, and made and safe and secure  
20 for everybody. I was, as I said, impressed by the  
21 staff that we met and their commitment to the job,  
22 and also recognize that there are people on the  
23 island who are not guilty who potentially could not  
24 be found guilty. The campaign to close Rikers Island  
25 was grounded in incarcerated peoples' real

2 experiences and not just an ideological goal. I know  
3 that there are and will continue to be a lot of  
4 questions and concerns from the community, but the  
5 Council and the community will work together to  
6 provide the oversight and dedication that all these  
7 issues deserve. Along with an update on the new  
8 jail's project, I'm also interested in talking about  
9 the new training academy project and other capital  
10 projects the Department is currently working on.  
11 Additionally, I'm interested in learning more about  
12 the 14-point plan, how the Council can support the  
13 Department regarding getting state support for the  
14 use of body scanners and how we can further improve  
15 the City's bail system. Just a quick word about  
16 bail. The Comptroller's Office put a report out and  
17 estimates the marginal cost to the city to deem [sic]  
18 pre-trial who aren't able to make bail. Bail is  
19 about 100 million dollars annually, 10 million  
20 dollars which is no longer associated with  
21 incarcerating those-- which is associated with  
22 incarcerating those who ultimately pay bail and  
23 released back into society before their case ends. I  
24 know that we've been working with the Administration  
25 on this matter, and Council Members have concerns as

2 well, but there are a lot of opportunities to divert  
3 more funding, in my belief, for re-entry and  
4 alternative to incarceration programs, which would  
5 not only help inmates and their families, but also  
6 help save the City money in the long-run. I thank  
7 you again for being here. I'm going to hand it off  
8 to the Chair of the Subcommittee on Capital Funding,  
9 Vanessa Gibson, for an opening statement.

10 CHAIRPERSON GIBSON: Thank you so much to  
11 my colleagues, to our Chair of the Committee, Keith  
12 Powers. Thank you so much. Good morning to  
13 everyone. Thank you, Commissioner, to you and your  
14 team for being here. I welcome you all to City Hall  
15 to our chambers. I am Council Member Vanessa Gibson.  
16 I am proud to represent the 16<sup>th</sup> District in the  
17 borough of the Bronx, and I am proud to serve as the  
18 Chair of the newly formed Subcommittee on Capital  
19 Budget. I thank you all for being here. I want to  
20 congratulate my colleague, Council Member Keith  
21 Powers, for his appointment to serve as Chair of the  
22 Committee on Criminal Justice. Certainly, I look  
23 forward to working with my colleague and Chair and  
24 all of my colleagues in the City Council. This  
25 morning, both committees will review the Department

2 of Corrections both expense and capital budgets. As  
3 Chair of the Subcommittee on the Capital Budget, I  
4 will focus today on the Department's Fiscal 2019  
5 Preliminary Capital Budget and the Fiscal 2018  
6 through 2022 Preliminary Capital Commitment Plan that  
7 totals 1.1 billion dollars. Sorry, it totals 2.1  
8 billion dollars. More than half of the Capital Plan  
9 is reserved for new jail facilities with 1.1 billion  
10 dollars and a new training academy at 100 million  
11 dollars. These projects are crucial for the  
12 Department's future success. I want to hear this  
13 morning how the Department will plan, design,  
14 procure, and build facilities that put safety and  
15 security first. I also want to discuss the  
16 conditions of the Department's 15 facilities, capital  
17 investments in the buildings on Rikers, and in the  
18 outer boroughs are essential to improving conditions  
19 for all of the people in our system: corrections  
20 Officers, uniformed members of services, detainees,  
21 visitors, and medical staff and others. Given the  
22 plan to close Rikers Island, spending decisions  
23 related to Rikers must be carefully and strategically  
24 made. I am concerned about the Department's current  
25 budgeting practices as well as its ability to carry

2 out capital work. In Fiscal 2017, the Department's  
3 capital commitment rate was 16 percent. This shows  
4 that the Department was not able to carry out its  
5 approved plan and that the plan was unrealistic. The  
6 Department's Preliminary Commitment Plan shows 82  
7 percent of all plan commitments in Fiscal 2018. This  
8 is also unrealistic. The new jails and the training  
9 academy will not be complete in the next two fiscal  
10 years. Furthermore, the 1.1 billion dollars for new  
11 jails is really a placeholder, but the plan should  
12 begin to allocate by individual facilities. The  
13 committees this morning are interested in learning  
14 more about the Department's Commitment Plan as well  
15 as the plan envisioned for new facilities, the  
16 training academy for officers and much more. I'm  
17 also interested in how the plan for new jails will  
18 impact my district in the Bronx, the community that I  
19 represent as I represent all of the civic area and  
20 all of the courts. Before we begin today's hearing I  
21 want to recognize the committee staff for all of  
22 their work, our Financial Analyst Jen Lee [sp?], our  
23 Unit Head Aisha Wright [sp?], Deputy Directors Nathan  
24 Toth and Regina Poreda-Ryan, our Finance Committee  
25 Counsels Rebecca Chaisson [sp?] and Eric Burnstein

2 [sp?], our Committee Counsels Brian Crow and Josh  
3 Kingsley [sp?], our Policy Analyst Will Hungosh  
4 [sp?], and my Chief of Staff, Dana Wax. I want to  
5 thank the Commissioner for being here, and I want to  
6 recognize the members of my subcommittee. Although  
7 we're a small group we're doing a lot of work, our  
8 Minority Leader Stave Matteo, Council Member Barry  
9 Grodenchik, Council Member Helen Rosenthal, and my  
10 fellow Co-Chair Council Member Keith Powers. And  
11 before I end, I want to take a quick opportunity to  
12 recognize one of our former members of this body that  
13 served with honor as a member of the City Council.  
14 He is now a professor at my Alma Mater, Baruch  
15 College, and he is here with his students, the  
16 Economic Analysis of Public Policy students at Baruch  
17 College. I want to recognize our friend, former  
18 colleague and professor, John Liu. Thank you so much  
19 for being here, John, and to all of the students, I  
20 hope you get a lot out of today's hearing. Make sure  
21 you take notes, because we want to continue to see  
22 great work from all of you from Baruch College. We  
23 wish you well, and I look forward to today's hearing.  
24 Thank you so much. Now, I turn this back over to my  
25 Chair, Chair Powers.

2 CHAIRPERSON POWERS: Thank you, and I  
3 share the affinity for Baruch College. I know that  
4 my colleague Carlina Rivera who has Baruch College in  
5 her district the same, and it feels the same. Thank  
6 you. I want to note we've also been rejoined by  
7 Council Member Rory Lancman and joined by Council  
8 Member Helen Rosenthal as well. Thank you. Thank  
9 you all for being here and thank you, Chair. So I'd  
10 like to welcome and thank Commissioner Brann and our  
11 Correction Officers and staff on Rikers Island and  
12 throughout correctional facilities for all their  
13 work. I want to thank everybody. I know here from  
14 both the Mayor's Office and the Department who I'm  
15 sure put a lot of work into making sure you have  
16 great testimony and the work you do on a daily basis  
17 on behalf of New Yorkers. So, with that being said  
18 we're looking forward to hearing your testimony, and  
19 the Committee Counsel will swear you in.

20 COMMITTEE COUNSEL: Please raise your  
21 right hand. Do you affirm to tell the truth, the  
22 whole truth and nothing but the truth in the  
23 testimony to this committee and to answer honestly to  
24 Council Member questions?

25 UNIDENTIFIED: I do.



2 CHAIRPERSON POWERS: Thank you. You can  
3 begin when you're ready.

4 COMMISSIONER BRANN: Good morning, Chair  
5 Powers, Chair Gibson, members of the Committee on  
6 Criminal Justice, and members of the Subcommittee on  
7 Capital Budget, and welcome to the new Members.  
8 Before I begin, I would like to introduce the staff  
9 that is with me here at the table starting to my left  
10 is First Deputy Commissioner Angel Villalona [sp?],  
11 Associate Commissioner Patricia Lyons [sp?], Chief of  
12 Department Hazel Jennings, and Chief of Staff Jeff  
13 Thamkittikasem. I am Cynthia Brann, the Commissioner  
14 of the New York City Department of Corrections, and  
15 I'm happy to speak with you all about the  
16 Department's Fiscal Year 19 preliminary expense and  
17 Capital Commitment Plan and the FY18 PMMR, and I look  
18 forward to working with the new Speaker and the  
19 Criminal Justice committee over the next few years.  
20 In that context, I would like to take this  
21 opportunity to explain to all of you my vision for  
22 the Department, my goals, some of our challenges, and  
23 ultimately, about some of DOC's recent work as it  
24 relates to our budget and the recent PMMR. As you  
25 all know, DOC is a vast and complex organization,

2 more in the public eye now, than ever before, which  
3 is quite the change from just five years ago before  
4 this Administration took over. We have more than  
5 10,000 members of staff and process more than 60,000  
6 admissions and discharges every year. We currently  
7 operate 12 separate jail facilities, on and off  
8 Rikers, as well as two hospital prison wards and  
9 court facilities in each of the boroughs. In  
10 addition, we operate support service divisions  
11 including our Transportation Division and Facility  
12 Maintenance Division. Our staff are responsible for  
13 the care, custody, and control of approximately 9,000  
14 individuals every day. This number is down  
15 significantly from the start of the de Blasio  
16 administration, reaching under 9,000 for the first  
17 time in over 30, but those in our custody have unique  
18 needs and challenges, which we strive to meet. Even  
19 before the reduction in population, we took a  
20 conscious effort to move away from a one-size-fits-  
21 all model, and specifically look at how we could  
22 provide more tailored management, a combination of  
23 both security and care, to smaller sub-populations  
24 that all have different needs. We are responding to  
25 the lowered population by better serving those unique

2 populations. We have vastly increased programming,  
3 services, training, and tools, all while changing our  
4 custody management model management. We strive,  
5 regardless of where we are, to be the best  
6 Correctional Department in the country. My vision  
7 and my goal is this: to move the Department  
8 expeditiously out from under the Nunez consent  
9 judgement, which we will speak to later, because this  
10 will prove we have not just made, but sustained, the  
11 changes we know are necessary; to more meaningfully  
12 supportive and better integrated at the Department  
13 into the City's broader Criminal Justice System; to  
14 develop a lasting leadership development pipeline for  
15 our uniform and non-uniform staff; to provide the  
16 tools, programming, and training to ensure meaningful  
17 and safe engagement between staff and those they care  
18 for; and, most importantly, to ensure our jails are  
19 safe, that our staff go home safely every day and  
20 those in our care have every opportunity to leave  
21 better than they arrived, because no meaningful  
22 reform and change can happen, if people involved do  
23 not feel safe. With that said, the Department fully  
24 supports the city's plan to replace the facility on  
25 Rikers Island with a modern, updated borough-based

2 jail system. Research shows that people are more  
3 successful when they are closer to their support  
4 systems during incarceration, so we think it is  
5 important to rely on borough facilities that  
6 facilitate maintaining connections to family,  
7 friends, and other important community members.

8 Borough facilities also make it easier for attorneys  
9 to visit their clients, strengthening access to the  
10 justice system. More importantly, borough facilities  
11 will mean new, modern facilities, constructed to meet  
12 the needs of best correctional practices that are far  
13 more focused on integrating safety and access to  
14 services and programming. These are not principles  
15 that are reflected in the facilities we have now.

16 Moving the population off of Rikers requires two  
17 things: further reducing the population and building  
18 new facilities. The city has already reduced the  
19 incarcerated population to the lowest it has in over  
20 thirty years, and it has the lowest rates of  
21 incarceration in the country. Reducing it further  
22 requires the continued commitment from city agencies  
23 as well as the District Attorneys and the Office of  
24 Court Administration. State legislation, including  
25 bail reform legislation, is critical to achieving

2 this goal. For the Department, closing Rikers is an  
3 opportunity to build new, modern jails, which we  
4 desperately need. DOC's facilities are old and  
5 outdated. Several have fallen into disrepair, and  
6 all of them have antiquated designs that do not align  
7 with modern correctional best practices. As I noted,  
8 new jails are designed to improve safety but also  
9 fundamentally integrate services and programs to give  
10 staff and people in our custody the best  
11 opportunities to succeed. New facilities have better  
12 sight lines and incorporate modern technology, both  
13 of which make areas safer and more efficient. They  
14 are designed to not just offer, but facilitate and  
15 encourage programming and access to services. Anyone  
16 who has worked or lived in a jail can tell you that  
17 ensuring access to services is not just humane, it is  
18 important for preventing conflicts. In our  
19 facilities, most programs and services are offered in  
20 make shift central areas, so individuals must be  
21 brought from their houses to the program space, which  
22 might be on the opposite side of the building, and  
23 this can be challenging. Individuals who are usually  
24 kept apart might see each other in common spaces, so  
25 hallways and program areas may provide opportunities

2 for altercations. If there is an incident in a  
3 common space, it can interrupt everyone else's access  
4 to program areas for a few hours or the rest of the  
5 day. In modern facilities, programs and services are  
6 provided in or immediately adjacent to housing units.  
7 This reduces movement, reduces possibilities of  
8 altercations, and ensures more consistent access to  
9 services. Furthermore, new facilities incorporate  
10 design features that work to reduce tension, which  
11 makes people healthier and reduces violence.

12 Improved light, sound, and space create a better  
13 environment for both staff and incarcerated  
14 individuals. For example, in some jurisdictions,  
15 housing areas have walls or ceilings that absorb  
16 acoustics. This reduces the noise level and reduces  
17 stress levels, which can reduce fights. We have been  
18 renovating our facilities to try to accomplish some  
19 of these goals, but we are very limited by our  
20 structures, some of which you have seen. Ultimately,  
21 the full scope of what constitute best correctional  
22 practices and design are impossible in our current  
23 facilities. We are literally unable to make the  
24 changes necessary without tearing down facilities and  
25 starting anew. New, modern facilities would enable

2 us to create a much safer, better environment for  
3 everyone. Of course, looking ahead cannot distract  
4 us from focusing on the needs of the present. We  
5 cannot wait for new facilities to implement necessary  
6 change. My responsibility is to ensure that everyone  
7 in our facilities, staff, inmates, and visitors are  
8 safe. To that end, over the last few years we have  
9 been reforming how we approach corrections. At the  
10 beginning of this administration, DOC conducted a  
11 thorough institutional health survey. We combined  
12 this insight from our staff with national best  
13 practices to formulate the 14-Point Anti-Violence  
14 Reform Agenda, which focuses on reducing violence and  
15 supporting culture change at DOC through a multi-  
16 pronged, long-term effort. In fact, our agenda  
17 informed details of the Nunez consent judgment that  
18 were ultimately agreed to and went into effect in  
19 late 2015. Our reform agenda has focused on a few  
20 major areas. Perhaps most importantly, we have  
21 focused on our staff. Training for recruits have  
22 been extended to 23 weeks from previously 17.  
23 Recruit and in-service training now includes a  
24 substantial focus on de-escalation techniques,  
25 negotiation and mental health first aid, crisis

2 intervention, improved defensive tactics, and  
3 specialized training appropriate for working with  
4 specific populations, such as gender-responsive  
5 training and dialectical behavioral therapy for our  
6 youth. Our goal is to ensure that our staff have all  
7 the tools they need to do their jobs, engage  
8 meaningfully, and go home safely. Another critical  
9 piece has been moving away from a one-size-fits-all  
10 management model, as I said in the beginning, toward  
11 models tailored to address the diverse needs of the  
12 population. We began by redesigning our adolescent  
13 management strategy to mirror juvenile best  
14 practices. Building on this, we created a young  
15 adult population cohort to provide age-appropriate  
16 programming and management. With Health + Hospitals,  
17 we have created clinically focused housing areas to  
18 provide a high level of mental health care. For all  
19 of our populations, we have begun emphasizing  
20 programming and re-entry services. In fact, we now  
21 provide re-entry services to every individual who  
22 enters our system. Previously, re-entry was only  
23 focused on those designated as having mental health  
24 issues. We now offer five hours of programming every  
25 day, up from less than forty-five minutes at the



2 beginning of the administration. Programming is  
3 critical to support DOC's overarching goal of  
4 increasing safety for staff, inmates, and our  
5 communities. In the short-term, programming reduces  
6 idleness, which is an effective mechanism to reduce  
7 violence. In the long-term, meaningful programming  
8 better prepares individuals to return to our  
9 communities. If people can receive both hard and  
10 soft skills training while in custody, they are more  
11 likely to be successful after returning home.

12 Programming is also incorporated into our new models  
13 for managing behavior. We have reduced our reliance  
14 on punitive segregation and have instituted a  
15 continuum of alternative sanctioning options.

16 Programming complements this by incentivizing  
17 positive behavior. More importantly, our focus now  
18 is not on simply controlling behavior but on changing  
19 behavior, with targeted programming to addresses  
20 underlying issues. This is a key point - we are  
21 actively moving away from a punishment-only models  
22 and focused on building a safe, but productive,  
23 engagement model that balances incentives and  
24 consequences. Before, we utilized very limited  
25 options, either placing people in general population

2 or in varying days of punitive segregation, including  
3 some individuals who were in for hundreds of days.

4 We do not believe that approach has been effective.

5 We now have a broader spectrum of response to  
6 infractions, increasingly saving our most restrictive  
7 sanctions for the small population of our most  
8 violent individuals. Between the end of 2014 and

9 2016, the Department ended the use of punitive  
10 segregation for our 16-21 year olds, the first in the

11 nation to do so for 18-21 year olds. We have also  
12 limited the use of punitive segregation in response

13 to our most violent infractions. We have made

14 changes to limit punitive segregation sentences to no  
15 more than 30 consecutive days and no more than 60

16 days in a six-month period, with limited exception.

17 We have reduced the number of people in punitive

18 segregation from over 675 in a day to roughly 100,

19 which is a decrease of more than 80 percent. There

20 are sanctions available for those who infract. Those

21 over 21 who are most violent can still be placed in

22 punitive segregation, and both adults and young

23 adults aged 18 to 21 can still be placed in enhanced

24 supervision units. ESH represents a level-based

25 management tool that is designed for those who are

2 persistently violent or gang leaders with individuals  
3 placed in progressively less restrictive lock-out  
4 times, starting with seven hours out and progressing  
5 to 10 to 14 hours out if they consistently  
6 participate in programming, engage with multi-  
7 disciplinary teams to address their violent behavior,  
8 and follow house rules and do not further infract.

9 Let me be clear, we need more. We need a broader set  
10 of intervention strategies that respond to negative  
11 behavior designed to operate in conjunction with each  
12 other to increase accountability, ensure safety, and  
13 reduce recidivism by preventing future criminal  
14 conduct. A system of graduated responses provides a  
15 way to address both positive and negative behavior.

16 While we have plethora of individual and group  
17 incentives available to grant as a reward for  
18 sustained compliance of good behavior, currently, our  
19 ability to impose meaningful consequences for  
20 infractions are limited. We recognize violence  
21 remains a concern, and we will not hide from our  
22 obligations to continue to address these issues.

23 While we are not done, our initiatives have yielded  
24 important results. Between FY14 and 17, incidents  
25 resulting in serious injuries have decreased

2 significantly. Uses of Force resulting in serious  
3 injury are down 47 percent. Assaults on Staff  
4 resulting in serious injury are down 59 percent.

5 Serious injury to inmates from fights or assaults are  
6 down 12 percent. Those patterns hold for Young

7 Adults, a particularly problematic population. Among

8 18 to 21 year olds, Use of Force resulting in serious

9 injuries are down 53 percent, Assault on Staff

10 resulting in serious injuries are down 61 percent,

11 and serious injury to inmates from fights or assaults

12 are down 36 percent. These positive trends have

13 continued even as we have eliminated punitive

14 segregation for this extremely challenging

15 population. We started focusing reforms on

16 adolescents early in 2014, and the results among this

17 population have been exceptional. Use of Force

18 resulting a serious injury are down 50 percent and

19 Use of Force resulting in in any injury are down 17

20 percent. Assaults on staff resulting in serious

21 injury with the adolescents are down 100 percent.

22 There were no Assault on Staff resulting in serious

23 injury among the adolescent population in Fiscal Year

24 17. All incidents among adolescents decreased from

25 FY16 to FY17. One area where progress has been more

2 limited is slashings and stabbings, although our work  
3 to reduce these incidents did result in some  
4 improvement in the first half of Fiscal Year 18. We  
5 have been addressing this issue through searches,  
6 recovering 3,976 weapons in Fiscal Year 17, an  
7 increase of 69 percent since FY14. Of course, as the  
8 Council is aware, our ability to search for certain  
9 weapons is limited by state law that prohibits the  
10 use of certain body scanners. We continue to work  
11 with the state to pass legislation that would allow  
12 these scanners to be used. We see some encouraging  
13 signs for FY18. As indicated in the PMMR, the rate  
14 of violent inmate-on-inmates incidents are down six  
15 percent, with the rate of serious injury from such  
16 assaults down 21 percent. In the PMMR period,  
17 slashings and stabbings were down 41 percent, which  
18 is a remarkable decrease. The PMMR also highlights  
19 where we must continue to improve. The data shows  
20 increases for Uses of Force and Assault on Staff  
21 resulting in serious injury. Serious Use of Force is  
22 still less than four percent of the total Use of  
23 Force despite the increase, and we take these  
24 increases seriously. In the past few years, we have  
25 worked with the Nunez monitor to revamp our Use of

2 Force policy and have provided all uniformed members  
3 of staff with the five-day training on Use of Force  
4 policy, de-escalation techniques, and defensive  
5 tactics. We are now beginning our second phase of  
6 the training for all staff. There is more work to  
7 do, and we are not where we want to be. Fully  
8 resolving the complex issues surrounding Use of Force  
9 is a challenge. But targeted efforts are already  
10 producing results. In those areas where we have  
11 targeted specialized reforms to serve particular  
12 groups, we see dramatically lower rates of incidents.  
13 In units designed for treatment for inmates with  
14 serious mental illness, incident rates decrease  
15 dramatically for inmates brought into the unit. On  
16 average, individuals show a decrease in the rate of  
17 Use of Force in CAPS, which is our Clinical  
18 Alternative to Punitive Segregation, and PACE1, which  
19 is the Program for Accelerated Clinical  
20 Effectiveness, of 41 and 70 percent respectively, and  
21 a decrease in the rate of Assault of Staff of 48  
22 percent and 67 percent respectively. In our Secure  
23 Unit and ESH, designed for highly violent and  
24 problematic inmates, on average, inmates who are  
25 moved into the units show decreases in rates of Use

2 of Force of 49 percent and 15 percent, respectively,  
3 and decreases in the rate of Assault on Staff of 100  
4 percent in Secure Unit. ESH, which houses many of  
5 the inmates responsible for slashings, sees the  
6 average rate of slashings for inmates who enter  
7 decrease by 62 percent. Our restarted units in  
8 general population, where we have concentrated  
9 reforms, also continue to be effective. Inmates who  
10 move into these units show decreased Use of Force  
11 down 50 percent, and Assault on Staff down 40  
12 percent; slashings are down 59 percent. All of these  
13 data points provide evidence that targeted  
14 intervention works. Because not all inmates and not  
15 all incidents are the same, the responses and  
16 approaches must be likewise specific and target to  
17 address root causes and specific inmate needs.  
18 Critically, our work to improve our system and  
19 incorporate correctional best practices receives  
20 ongoing support from City Hall. This support means  
21 that we finally have both the financial resources to  
22 implement reforms and the ability to partner with  
23 other agencies in meaningful ways. The Department's  
24 Fiscal Year 2019 Expense Budget is \$1.4 billion. The  
25 vast majority of this, 88 percent, is allocated for

2 Personal Services, and 12 percent for Other than  
3 Personal Services. Fiscal Year 2019 budget is \$45.2  
4 million less than this year's budget of \$1.45  
5 billion. This decrease is mainly due to the closure  
6 of the George Motchan Detention Center on Rikers  
7 Island, which takes full effect in Fiscal Year 19.  
8 Included in the Preliminary Budget is an increase of  
9 \$4.2 million in Fiscal Year 18, and decreases of  
10 \$31.7 million in Fiscal Year 19, and \$34.4 million in  
11 Fiscal Year 2020 and the out years. The following  
12 are some highlights of the major programs that were  
13 included in the budget: The closure of the GMDC,  
14 \$10.2 million savings in FY18 and a \$55.2 million  
15 savings in FY19 and the out years. This includes the  
16 elimination of 698 uniformed positions through  
17 attrition. No staff are being laid off due to this  
18 facility closure. Initiatives to Support the  
19 "Smaller, Safer, Fairer: A Roadmap to Closing Rikers  
20 Island" report: \$846,000 for 17 positions in FY18,  
21 increasing to \$1.7 million in FY19 and the out years  
22 for Strategy 16a, which has created expedited  
23 transportation to Rikers Island through dedicated  
24 buses that transport visitors from more convenient  
25 locations; \$1 million in FY18 for Strategy 16b:



2 Renovate the Central Visits facility to allow for  
3 better initial screening and reduce the need for  
4 additional searches that slow the visit process; and  
5 \$1.2 million and 13 positions in FY18, increasing to  
6 \$1.1 million in FY19 and the out years for Strategy  
7 1.8: Expand supportive services for correctional  
8 officers, which is CARE. Additional Active  
9 Supervision Posts, \$8.2 million in FY18, increasing  
10 to \$14 million and 186 positions in FY19 for  
11 additional Correction Officer posts necessary to  
12 maintain active supervision in all required housing  
13 areas. The Nunez Compliance Unit: \$761 thousand in  
14 FY18, increasing to \$1.5 million and 12 positions in  
15 FY19 to establish a unit dedicated to monitoring and  
16 implementing reforms required by the Nunez Consent  
17 Decree. And the RMSC Visit Initiative: \$1.6 million  
18 and eight positions in FY19 and the out years to  
19 improve visits for incarcerated women, especially  
20 those with children, in order to maintain family ties  
21 during incarceration. With regard to capital  
22 funding, the Fiscal Year 2019 Preliminary Capital  
23 Budget and Commitment Plan totals \$2.1 billion, which  
24 covers Fiscal Years 18 through 22. In this Plan, the  
25 Department was granted an additional \$3 million in

2 City funds to support the Mayor's "Smaller, Safer,  
3 Fairer: A Roadmap to Closing Rikers Island" report:  
4 \$2 million for an Inmate Assessment Tracking System  
5 for Strategy 15c: Implement a new technology tool  
6 that will ensure continuity of stabilizing support,  
7 in order to assess the needs of inmates as they enter  
8 the Correctional system; and \$1 million for buses as  
9 announced in the Mayor's "Smaller, Safer, Fairer: A  
10 Roadmap to Closing Rikers Island" report for Strategy  
11 16a: Create expedited transportation system to Rikers  
12 Island through dedicated buses that transport  
13 visitors from more convenient locations. During the  
14 past four years, the Department has been able to  
15 achieve unprecedented levels of Correction Officer  
16 recruitment and hiring. Including the record setting  
17 Correction Officer class of 1,144 that graduated in  
18 November 2017, and the class of 856 recruits that is  
19 currently undergoing training at the Academy, the  
20 Department has hired over 5,700 new Correction  
21 Officers since May 2014. These new Officers has  
22 enabled us to enact the reforms necessary to provide  
23 a safer and better environment for our staff and  
24 inmates. The following is a summary of the changes  
25 to Department's civilian and uniformed authorized

2 staffing levels included in the January Plan: The  
3 civilian authorized full-time headcount is 2,195 in  
4 FY18 and 2,202 in FY19 and the out-years. The  
5 authorized headcount increase from FY18 to FY19 is  
6 due to newly funded initiatives that will not begin  
7 until FY19. The uniformed authorized headcount is  
8 10,427 in FY18, 9,967 in FY19, and 9,983 in FY20 and  
9 the out years. The authorized uniformed headcount  
10 decreases from 18 to 19 due to the closure of GMDC,  
11 which takes full effect in FY19. The average  
12 uniformed headcount is estimated to be 10,712 in  
13 FY18, which represents an increase of 824 compared to  
14 an average of 9,888 in FY 2017. The FY18 July 1st,  
15 2017 to December 31st, 2017 Civilianization Report  
16 provided to the City Council identifies 53 uniformed  
17 staff working in civilian functions. The Department  
18 is committed to bringing that number down by  
19 backfilling previously funded vacated civilianized  
20 positions. Additionally, the Department will  
21 continue working to identify additional positions  
22 that could be civilianized and address funding  
23 requirements with OMB at the appropriate time. Thank  
24 you again for the opportunity to testify today and  
25 for your continued support. Without the Mayor and

2 Council's vision for Criminal Justice Reform, we  
3 would not be able to talk about the many reforms we  
4 have undertaken. I look forward to working with all  
5 of you in the years to come. My staff and I are able  
6 to answer questions at this time.

7           CHAIRPERSON POWERS: Thank you. Thank  
8 you for that testimony and a lot of new information.  
9 Obviously, a lot to unpack there. And so, I'll ask  
10 some questions. I know my-- the Chair of the  
11 Subcommittee on Finance has a lot of questions on  
12 capital funding needs, and then I know a number of  
13 the colleagues have questions on particular projects.  
14 So, I'll do a-- I'll try to do my part short, but I  
15 did want to talk about just the overall budget, new  
16 jails, safety and security, maybe in round one, and  
17 then we'll come back, and I know there's questions  
18 about the Academy and overtime and other categories  
19 that you touched upon. So, just taking a 10,000-foot  
20 view here. New needs for the Department, I ask this  
21 of every agency, but any new needs that were  
22 requested to OMB that didn't end up into the  
23 preliminary budget that you think you need funding  
24 for?

2 COMMISSIONER BERMUDEZ: So, I would like  
3 Associate Commissioner Lyons to talk about those  
4 needs.

5 CHAIRPERSON POWERS: Thank you.

6 ASSOCIATE COMMISSIONER LYONS: Good  
7 morning. So, any new needs that were not funded in  
8 this financial plan are being reviewed as part of the  
9 next budget submission by OMB.

10 CHAIRPERSON POWERS: Sorry so-- I'm  
11 sorry, say that again.

12 ASSISTANT COMMISSIONER LYONS: Any new  
13 needs that we requested during the Preliminary Budget  
14 process that have not been funded, we are under  
15 review with OMB for the Executive Budget process.

16 CHAIRPERSON POWERS: Okay, got it. And  
17 can you share with us what those might be?

18 ASSISTANT COMMISSIONER LYONS: Sure. We  
19 have additional needs still related to the Nunez  
20 Consent Judgement which are under review, and some  
21 potential new needs related to this CPSD study.  
22 We're trying to get ahead of the game with that in  
23 terms of requesting funding for design demolition.  
24 And additionally, we have new needs for our PREA  
25 unit.

2 CHAIRPERSON POWERS: For PREA?

3 ASSISTANT COMMISSIONER LYONS: Yes.

4 CHAIRPERSON POWERS: Okay, thanks. And  
5 the-- obviously, the total budget here, Preliminary,  
6 is 1.4 billion dollars. We had Finance and OMB here  
7 for their hearing. I think one of the points that  
8 the Speaker made to Finance and OMB, you know, not to  
9 you directly, but still concerning you is around  
10 transparency around the budget specifically around  
11 how we pro-- the units of appropriation, and I note  
12 that when we looked at-- and actually use the jail  
13 operation's budget for Department of Corrections as  
14 the example there. Not to make a-- not to make you  
15 the focus of that larger effort, but you know, jail  
16 operations, I did note too kind of spans a number of  
17 units of appropriation. Could you tell us why that  
18 is and if the agency supports putting maybe more  
19 transparency to the budget for all of us around the  
20 unit appropriation, how you're spending money?

21 ASSISTANT COMMISSIONER LYONS: So, in  
22 relation to the unit of appropriation question and  
23 the expense budget, we do have a limited amount and  
24 the title is, you know, not as detailed as it could  
25

2 be. So we're happy to work with OMB going forward to  
3 make any necessary changes.

4 CHAIRPERSON POWERS: And we would like to  
5 see, I think, we would like to be part. I mean, it  
6 just provides more clarity into how money is getting  
7 spent. It's not targeted DOC, particularly, but you  
8 are an example of it, and to ensure that the public  
9 and those who like myself and Council Members who are  
10 interested in how we're spending the money and where  
11 the money goes, and I think one of those  
12 appropriations is like a gigantic-- it's like a  
13 billion dollars plus-- so having a little more  
14 clarity on it, but I think the example used was  
15 actually by different jail facilities, actually  
16 different jails rather than one sort of big  
17 appropriation. So we'll follow up with you on that.  
18 The-- I noted, you know, we noted that it makes a  
19 modest re-estimate of about 40 million dollars, 39.9  
20 million dollars, even as the inmate population is  
21 decreasing, and can you just share with us and the  
22 committee how you're going to budget for the  
23 Administration's goal to reduce the City's inmate  
24 population? One might expect the budget would go  
25 down and make re-estimates, but can you share more

2 information as the number goes down what the budget  
3 impact and how the Department's going to deal with  
4 that?

5 CHIEF THAMKITTIKASEM: Sure, Chair. I  
6 think that while we won't speak to the specific  
7 numbers I think generally there are three things we  
8 should consider. One, from a budget standpoint, we  
9 do still focus on the population that we do have now  
10 and trying to ensure that we provide a lot of the  
11 broader culture and training changes that we want to  
12 make for both our staff and the inmates. So, in so  
13 far as we're moving forward with-- even though the  
14 population is going down, we have changed the method  
15 by which we are addressing this population to not do  
16 a one-size-fits-all model as the Commissioner stated  
17 that has increased kind of funding and budget  
18 requirements for specific units like those for the  
19 severely mentally ill, those for the adolescents and  
20 the young adults for which we have negotiated with  
21 the Nunez Consent Judgement to lower the staffing  
22 ratios. And then also, to proactively move forward  
23 and increase programming reentry service and other  
24 things. So, we believe that that is an effort that  
25 regardless, and probably is something that requires a



2 bit more funding in these facilities, because they  
3 are not in the modern design that allows all of it to  
4 happen as you've seen during your tour. Furthermore,  
5 there are other funding that I think that MOCJ will  
6 be testifying to you later in the week that are more  
7 focused on the actual reduction of population,  
8 programs that we're working with with other agencies,  
9 and I think they can probably speak a little bit more  
10 to that.

11 CHAIRPERSON POWERS: Got it. So, I think  
12 to summarize here, there's part, an addition of  
13 changing the one-size-fits-all model to be to more  
14 targeted populations plus an addition of services may  
15 not result in what one would expect to be a drastic  
16 reduction in budget, but would be an enhancement to  
17 the budget based on changes in population and  
18 services. I want to talk about new jails. The, I  
19 think the Capital Commitment Plan, and I know Council  
20 Member Gibson is concerned about this too or  
21 interested in it, is a 1.1 billion dollars allocation  
22 for new facilities. I know earlier this year you had  
23 assigned a contract, an RFP, to Perkins Eastman to be  
24 the consultant for that project for 10-month study,  
25 7.6 million dollars. Just wanted to get some updates

2 on that. Have they started the study? Expected  
3 timeline? Where are we in the process of that  
4 project?

5 CHIEF THAMKITTIKASEM: The contract was  
6 recently awarded and then recently registered so that  
7 all of the contractors and their subcommittees can  
8 start work. I know of particular emphasis, and I  
9 think all of you have been kind of contacted about  
10 this, has been focused on the community engagement.  
11 The CPSD has, you know, slated to last around 10  
12 months, and we'll focus first on community engagement  
13 to get and develop design principles to focus on what  
14 the new jails should look like, the options  
15 available. We'll take a look at the sites that were  
16 already identified. I think as you know, three of  
17 existing sites and a site in the Bronx. Trying to  
18 figure out within those areas what's the maximum  
19 population and availability for really designing a  
20 jail that not only deals with the population, but  
21 also incorporates a lot of the safety and security  
22 features that new modern jails should include, and  
23 then by the end of the 10-month period those design  
24 principles will be provided so that full actual  
25 design plans could be made.

2 CHAIRPERSON POWERS: So, when is it due?  
3 When is that study due to be completed?

4 CHIEF THAMKITTIKASEM: So, if 10 months, I  
5 would-- just going back from February, somewhere  
6 around November.

7 CHAIRPERSON POWERS: November.

8 CHIEF THAMKITTIKASEM: Yeah.

9 CHAIRPERSON POWERS: And when's the ULURP  
10 process supposed to begin?

11 CHIEF THAMKITTIKASEM: So, I think as the  
12 Council kind of talked through there, your aim is for  
13 the end of the year.

14 CHAIRPERSON POWERS: So that again?

15 CHIEF THAMKITTIKASEM: To be completed by  
16 the end of the year for--

17 CHAIRPERSON POWERS: [interposing] To  
18 start at the end of the year.

19 CHIEF THAMKITTIKASEM: Yeah.

20 CHAIRPERSON POWERS: Yeah. And so we will  
21 have coinciding things happening. We'll have design  
22 study that's done and then we'll be starting the land  
23 use process, which to me raises the question of  
24 whether the design study should be incorporated into  
25 the ULURP as we certify it, and then whether we're,

2 you know,-- how those two items work together where  
3 we have eight million, or 7.5 million dollars, spend  
4 on a study and then we start a land use process,  
5 which we all believe is important, and so I'm not  
6 trying to distract from that, but how does that-- how  
7 does that study incorporate with the process for  
8 citing the sale [sic]?

9 CHIEF THAMKITTIKASEM: So, two things.

10 One, CPSD study will be actually involved in  
11 gathering a lot of information that would ultimately  
12 go into an environmental impact study that is  
13 required for a ULURP. So we will leverage the  
14 information that's collected and as Associate  
15 Commissioner Lyons mentioned, there is still work to  
16 be done on the CPSD that will focus on specifically  
17 moving forward with environmental impact study, and  
18 once the information that is-- at least a portion of  
19 the information collected during the CPSD will be  
20 brought into that environmental impact study which  
21 will then be provided and used for the ULURP purpose.  
22 So there is some connection there. I would defer a  
23 little bit to MOCJ to speak a little more fully to  
24 what the later end of that is, but that's where we  
25 reside in that process.

2 CHAIRPERSON POWERS: And what is the  
3 estimate the upgrade, the existing cost estimate  
4 upgrade, the existing facilities in Manhattan,  
5 Brooklyn, and Queens?

6 CHIEF THAMKITTIKASEM: That we don't know  
7 just because part of the effort of the CPSD is to  
8 fully focus on what the design principles are for  
9 those locations. So, that is a part of the CPSD  
10 study.

11 CHAIRPERSON POWERS: And then what is 1.1  
12 billion dollars for the new jail facilities for?

13 CHIEF THAMKITTIKASEM: In incorporates a  
14 couple of different sections. Patricia may have to  
15 help me a little bit with this, but ultimately it  
16 combines both funding pulled previously from what we  
17 had planned for modifications that we would make on  
18 the jails, but because of the fact that we have  
19 announced "Close Rikers," we do have and want to  
20 participate fully in the CPSD. There are changes  
21 that we will make certainly for fire safety  
22 improvements, but there are some decisions that have  
23 to be made on what facilities and what order we  
24 should make any other repairs depending on what the  
25 findings are from the CPSD.

2 CHAIRPERSON POWERS: Got it. And are--  
3 does it mean there were projects that were cut that  
4 were due for capital improvements for-- that were  
5 then reallocated for a different purpose?

6 CHIEF THAMKITTIKASEM: So, some of them  
7 were, yes.

8 CHAIRPERSON POWERS: What projects?

9 CHIEF THAMKITTIKASEM: Well, again, as  
10 you mentioned earlier, some of the things for the  
11 borough facilities were incorporated because they  
12 were specifically identified as jails that would be  
13 new sites for community-based jails, and then there  
14 were older jails for which we knew now if we are on  
15 a, at least you know,-- not at least, but striving to  
16 go faster, but a 10-year timeline, and some of the  
17 older facilities would probably not necessarily need  
18 to get focused if the CPSD showed us that we would  
19 need those sites.

20 CHAIRPERSON POWERS: Got it. Just moving  
21 to-- on the same sort of topic, but something that  
22 was in the testimony you'd mentioned, newer  
23 facilities, safer, modern, and an opportunity to  
24 provide both better services within them, but also  
25 better security. You provided some examples, but I

2 think we're all curious, and this is a conversation  
3 we had when we were on the tour, and then happens to  
4 be ongoing, which is do the new facilities create a  
5 safer environment, not just from sound? I understand  
6 that's-- I'm not telling you how to do your job, but  
7 I'm sure that's a problem, but really from the  
8 contact between inmate and inmate, the contact  
9 between inmate and officer, and mental-- probably  
10 mental health services. I think that we're in a  
11 moment where a lot of us are talking about safety  
12 across the board, and that includes the people that  
13 are in there and making sure that they're safe. You  
14 noted, and I think correctly, it's four percent  
15 estimate population that's really causing the  
16 violence in the jail facilities and reducing that  
17 four percent would-- is an important goal to get it  
18 maybe never to zero. We'd love to zero, but never to  
19 zero. But could you give us more information on  
20 that? It's a topic that has been discussed, and I  
21 think I believe that there's an opportunity to make  
22 these jails safer and provide better services, but  
23 elaborate to us on why that's true and why these--  
24 what actually in the facilities could be added in to

2 provide better security and better safety and better  
3 services?

4 COMMISSIONER BRANN: So, the first thing  
5 that you take a look at is our housing units, and I  
6 believe you have been to some of the housing units.

7 CHAIRPERSON POWERS: Yeah.

8 COMMISSIONER BRANN: They're dark places.  
9 They're built in a way where officers can't see  
10 everyone in one particular location. The sight lines  
11 are dangerous, because you can't keep track of where  
12 everyone is. So, in a modern facility, the housing  
13 units are self-contained. They're bright. They have  
14 natural light. Their recreating space is right off  
15 the housing unit so you reduce movement. You  
16 incorporate programming space into the unit so there  
17 are dedicated room where people can go and engage in  
18 programming without everyone else distracting them  
19 from that. All of the multi-disciplinary team  
20 members would have space also in the unit so they  
21 could be a part of the security team as well so that  
22 there is an exchange of information on a daily basis.  
23 We talk about sound, but when you're in a housing  
24 unit that's very loud. There's 50 people talking,  
25 TVs are going. People are awake at night. It does



2 create an environment for frustration and for  
3 altercations. So, each of these housing areas are  
4 self-contained. It reduces mass movement in the  
5 corridors. You build your food services close to  
6 where your housing units are so they can feed in-  
7 house, and your medical services are designed also to  
8 be close to the housing areas. And then you have  
9 administrative wings elsewhere in the building so  
10 that all your inmate services are located in one  
11 spot. So it reduces the need to have people moving  
12 around the facility, creating a much safer  
13 environment for staff, for visitors, contract  
14 providers. We also would have these facilities built  
15 with modern technology. Right now, we're still a  
16 paper-based system and using technology to our  
17 advantage to be able to lock doors, to make log book  
18 entries, to have an inmate tracking system where we  
19 know where everybody is at any one give time creates  
20 a safer environment.

21 CHAIRPERSON POWERS: But to be fair, some  
22 of those are already incorporated into-- I think the  
23 inmate tracking system is new. I think it's the one  
24 [inaudible] we saw. So those are incorporated. Our  
25 food services and other services closer to the inmate

2 non-- I just-- sincerely [sic], I mean, I sound-- I  
3 just remember from our tour that some of those seem  
4 to be already incorporated into the existing  
5 facilities. So, I do believe there is an opportunity  
6 to provide more security, but some of those things  
7 seem to be already included.

8 UNIDENTIFIED: In some of the facilities  
9 we do have that. However, in a few of the facilities  
10 we're still taking inmates out in mass movement to go  
11 to chow and, like, mess halls.

12 CHAIRPERSON POWERS: Got it. So, not--  
13 so how many facilities on Rikers Island have services  
14 like even just food or other services in the building  
15 or in the facility that they're in versus needing to  
16 be moved.

17 UNIDENTIFIED: So, we currently have--

18 CHAIRPERSON POWERS: [interposing] That's  
19 a vague question.

20 UNIDENTIFIED: Yeah. Three facilities  
21 that are still taking inmates out of the housing area  
22 as opposed to in-house feeding.

23 CHAIRPERSON POWERS: Is any of those-- is  
24 one of those being closed or not? Are there--

25 UNIDENTIFIED: [interposing] One, GMDC.

2 CHAIRPERSON POWERS: That's one of the  
3 three.

4 UNIDENTIFIED: That's one of--

5 CHAIRPERSON POWERS: One of the three.  
6 So you'll have two that remain after this that are--  
7 you're taking inmates out and moving them around.

8 And what about material? I mean, one of the things  
9 that we noted when we were there, or was point of  
10 discussion, was the years even after the facilities  
11 were built and whether that can cause safety concerns  
12 even from the materials they use. One building we  
13 noted would be a mess if you had to demolish it in  
14 terms of doing safety precautions. But do new  
15 facilities offer ways to make it safer from an even  
16 sort of materials used standpoint?

17 COMMISSIONER BRANN: Yeah, so one example  
18 would be our facilities aren't climate controlled.  
19 So, we have to use fans during hot weather. Those  
20 large metal fans provide an opportunity for people to  
21 fashion weapons out of.

22 CHAIRPERSON POWERS: And all facilities  
23 are using fans or some have air conditioning?

24

25

2 COMMISSIONER BRANN: not all facilities  
3 are using fans, but not all facilities have air  
4 conditioning.

5 CHAIRPERSON POWERS: Right.

6 COMMISSIONER BRANN: So that was an  
7 example of how just materials present in--

8 CHAIRPERSON POWERS: [interposing] Yeah,  
9 yeah, yeah.

10 COMMISSIONER BRANN: can provide  
11 opportunities to make weapons.

12 CHAIRPERSON POWERS: And the Manhattan,  
13 Queens and Brooklyn facilities are going to be rebuilt  
14 or expanded or enhanced? I think Perkins Eastman  
15 will tell us if it does.

16 CHIEF THAMKITTIKASEM: Yes.

17 CHAIRPERSON POWERS: Bronx will be  
18 totally new. We will see a difference in-- because  
19 you're new versus existing footprints and existing  
20 facilities, are we going to see-- does the Bronx  
21 offer something different to safety or location that  
22 the others don't because of their existing facilities  
23 from a safety standpoint or from services standpoint,  
24 mixed use?

2 CHIEF THAMKITTIKASEM: I think that  
3 ultimately we're waiting for CPSD to provide us the  
4 study on what is possible on each of the sites, and I  
5 think that would dictate a bit more of what the  
6 differences might be, though the premise of each of  
7 the facilities, as the Commissioner described, is  
8 really focused on integrating programs and services  
9 to each of the housing areas. They are relatively  
10 self-contained. So I think there are going to be  
11 principles that are aligned with each of the  
12 different sites, but the actual design, we'll wait  
13 for the CPSD to give us more information on what's  
14 possible.

15 CHAIRPERSON POWERS: Got it. I'm just  
16 going to do one more, staying on security here and  
17 operations, and then I'll end it. I'll hand it off on  
18 the capital side. We noted looking through some of  
19 the numbers you provided us. I mean, there are  
20 categories of violence. That seemed to be trending  
21 upward. I think in the first four months we looked  
22 there was a few categories going up. Any explanation  
23 you can offer to us about why certain categories are  
24 going up. I mean, we could pull-- I could pull the  
25 categories. I don't-- you have them.

2 CHIEF THAMKITTIKASEM: Sure, no, I think  
3 as we stated early-- and the Commissioner's remarks,  
4 we are concerned and we're taking a look at certainly  
5 increases in kind of both use of force and assaults  
6 on staff that has resulted in more serious injury.  
7 We have tried to address a bit more the growing  
8 percentage of SRG or gang-related population that we  
9 do have, but we are focused on better intel  
10 collection to try to identify those gangs and split  
11 them up and separate them within our housing.  
12 Another contribution of the new facilities will be  
13 allowing us to do that more efficiently than we can  
14 do now.

15 CHAIRPERSON POWERS: Yeah, and with  
16 respect, I think you talked about what you're going  
17 to be doing in the future. Any explanations for why  
18 the violence might be going up in the short term?

19 CHIEF THAMKITTIKASEM: Again, I think--

20 CHAIRPERSON POWERS: [interposing] But it  
21 trended down and then it's spiked back up.

22 CHIEF THAMKITTIKASEM: Yeah, I think  
23 again some of the-- you can see in some of the  
24 percentage of the population as well, the increase in  
25 the percentage of the population that is gang

2 affiliated is one thing. Certainly, efforts within  
3 those organizations to maintain kind of their  
4 criminal conduct and movement of contraband and drugs  
5 are an effort, and we are doing a bit more in  
6 actually confiscating and finding more weapons and  
7 destructing those networks.

8 CHAIRPERSON POWERS: Got it. And the SRT  
9 population, I think you just noted, it's going up.  
10 Any cause of-- any reason? I mean, we can't-- we  
11 don't control necessarily what happens, but what do  
12 you-- what does DOC-- what's an explanation for why  
13 we're seeing a rise in that population?

14 CHIEF THAMKITTIKASEM: Well, I certainly  
15 think that there's a tremendous effort by the NYPD in  
16 actually taking down larger gang organizations, and  
17 so as I think the Commissioner kind of alluded to in  
18 her remarks, while we can do what we can in trying to  
19 manage better the population that comes into our  
20 care, we don't control necessarily the population  
21 that comes into it, and if other law enforcement  
22 actions are taken outside, we take care of the people  
23 that do come in.

24 CHAIRPERSON POWERS: Right. I understand  
25 that. And certain-- and I think I we noted searches

2 have been going up as well. I think it's a 21 percent  
3 increase in searches. Can you tell us why here's  
4 increase in searches? Is it-- wait what's going on?  
5 By 20-- we noted a 21 percent increase in searches,  
6 and we're wandering what the cases might be.

7 COMMISSIONER BRANN: we created special  
8 teams to focus solely on searching for weapons and  
9 contraband in the jails.

10 CHAIRPERSON POWERS: Gotcha [sic]. What  
11 has the success rate been so far in terms of finding  
12 contraband and weapons?

13 COMMISSIONER BRANN: Well, I think I  
14 stated the statistic of the increase and the finding  
15 of the weapons.

16 CHAIRPERSON POWERS: Yeah.

17 COMMISSIONER BRANN: We certainly do need  
18 the scanners to help us find the--

19 CHAIRPERSON POWERS: [interposing] Yeah.

20 COMMISSIONER BRANN: that were on people  
21 themselves that we can't locate. But we are doing a  
22 much better job using both our canines, our telephone  
23 monitoring, and our special search team to go into  
24 the jails and find these things.



2 CHAIRPERSON POWERS: Got it. And I'll  
3 stop here, but we'll certainly come back, and I know  
4 the Chair has some questions on the Capital Budget.  
5 From the standpoint of-- from the contraband side and  
6 your notable increases, I know there was a report a  
7 few months ago that came out about the Manhattan  
8 Detention Center, I think it was the Brooklyn  
9 Detention Center, about things getting brought in.  
10 Are any con-- I mean, what are the concerns right now  
11 about items get either ending up in-- what are the  
12 concerns of our contraband? Are the ways that-- I  
13 would just note that I think about 30 of our  
14 colleagues in the City Council joined a letter in  
15 support of the body scanners. We were in Albany on  
16 Monday or Tuesday-- Tuesday-- and raised this concern  
17 with both the Senate Republicans and the Assembly  
18 Democrats about the need for additional security  
19 measures, and I think they were receptive to it, but  
20 we hold out-- we still hold our, you know, hold out  
21 hope that it actually will occur and raised it with  
22 the Governor as well. So, we heard you. We hear  
23 you, and we're happy-- and I can speak for myself, at  
24 least to support the goal of making everybody safer  
25 in there. But we were concerned about the increase

2 of contraband going in and concerns about that report  
3 that came out, I think it was in February. Any  
4 additional new protocol? You announced some of them,  
5 but can you tell us about the new protocols that  
6 might be taking place in response to that?

7 CHIEF THAMKITTIKASEM: So, we do take  
8 that seriously. We've installed cameras certainly in  
9 the Manhattan Court entrances as well to kind of  
10 complement the increase in cameras that we had  
11 already placed in the facility. We've certainly  
12 taken a look at the findings, and we've had a lot of  
13 emphasis on taking a look at everybody, including  
14 staff entrances, to the ports of entry in each-- for  
15 the entire facility, and obviously we remain  
16 committed to kind of improve training during this  
17 effort.

18 CHAIRPERSON POWERS: Gotcha. And sorry,  
19 so one more last question. The number of searches  
20 went up 21-- I think we said-- we know 21 percent. I  
21 think you-- you can tell us if you agree with that  
22 number or not. But that's in only inmates, that  
23 surge, that increase, the 21 percent?

24 COMMISSIONER BRANN: That's-- yeah.  
25

2 CHAIRPERSON POWERS: Okay. And does not  
3 include staff?

4 COMMISSIONER BRANN: That's correct.

5 CHAIRPERSON POWERS: Does-- how much  
6 staff gets searched in fiscal-- last year, how much  
7 of the staff got searched? Isn't that--

8 COMMISSIONER BRANN: So, any staff,  
9 uniformed, civilian staff-

10 CHAIRPERSON POWERS: [interposing] Yeah.

11 COMMISSIONER BRANN: visitors,  
12 contractors-- I'm sorry, not visitors-- contractors,  
13 H+H staff all go through a search procedure entering  
14 the front gate of any facility.

15 CHAIRPERSON POWERS: Sorry, can you say  
16 that one more time?

17 COMMISSIONER BRANN: So, anyone walking  
18 into any of our facilities go through a search  
19 procedure, go through magnometers, and have their  
20 property go through line scanners as they enter the  
21 facility.

22 CHAIRPERSON POWERS: So, does, like, a  
23 contractor and, like, a visitor go through the same  
24 search process?  
25

2 COMMISSIONER BRANN: Visitor goes through  
3 a different type of process, but you asked about  
4 staff.

5 CHAIRPERSON POWERS: I did.

6 COMMISSIONER BRANN: Yeah.

7 CHAIRPERSON POWERS: But contractor or  
8 staff. I mean, I know the contractor is somebody who  
9 is a third-party doing business with the Department  
10 of Corrections. A visitor is somebody coming to see  
11 a family member. Strikes me, maybe they should go  
12 through the same search process.

13 COMMISSIONER BRANN: SO, all staff have  
14 to go through the front entrance procedure searches.

15 CHIEF THAMKITTIKASEM: Including  
16 contractors.

17 COMMISSIONER BRANN: Including  
18 contractors. And I think the visitors in terms of  
19 the essential visits also go through magnometer and  
20 line scan. So, while not exactly the same, we do  
21 institute the same technology to try to addresses for  
22 each of them.

23 CHAIRPERSON POWERS: Okay. Thank you.  
24 And we'll follow up on this topic, and thank you for  
25 your answers and educating me on some of these

2 topics. I wanted to hand it over to Chair Gibson. I  
3 think we'll come back, and we'll ask-- I know some of  
4 the Council Members have questions.

5 CHAIRPERSON GIBSON: Thank you so much,  
6 Chair Powers, and once again, thank you so much,  
7 Commissioner, to your and staff for your testimony  
8 and certainly for the work overall that the  
9 Department of Corrections continues to do. I do  
10 think in this Administration we have certainly  
11 learned a lot and we've attempted to make an  
12 incredible amount of progress. I think DOC is doing  
13 some things very good, but I also want to be very  
14 honest and acknowledge that we continue to have  
15 major, major challenges. In your testimony you  
16 alluded to the PMMR highlighting some of the serious  
17 issues that we continue to have within the system  
18 around violence. And so the numbers that you  
19 described, the security indicators, the number of  
20 assaults on uniform staff, civilian staff, detainees  
21 on detainees, I appreciate, but I still want to be  
22 very cognizant of the challenges that remain, and  
23 some of the limitations that you talked about in your  
24 testimony where we're using incentives to try to  
25 drive violence down, but the small population that

2 continues to make life hell for everyone on Rikers  
3 Island, I want to get to that specifically, because  
4 that is a major problem, and as we talk about the  
5 closure plan and how my borough of the Bronx is going  
6 to be impacted because Manhattan, Brooklyn, Queens  
7 have existing facilities. The Bronx does not. So,  
8 we're talking about a brand new construction of a  
9 facility and all of the violence that continues to  
10 happen on Rikers, so you can imagine how my residents  
11 feel. And so I am encouraged that there is work  
12 being done. The 10-month study, I appreciate, but  
13 really I wish we would have waited to announce a new  
14 site in the Bronx until this analysis was done,  
15 because people in the Bronx are hearing that they're  
16 getting a new jail, but they see and hear about the  
17 violence, and they think that's going to come in  
18 their neighborhood. And so I want to specifically  
19 ask since the Chair did open up the conversation  
20 around the violence that continues to happen on the  
21 island and the limitation the Department faces. So,  
22 my plain question: what are we doing to reduce  
23 violence on Rikers Island today, and what  
24 alternatives and options does the Department have to  
25 continue to draw down on that violence? And violence

2 against everyone, right? So, this is against  
3 uniformed members of staff, the detainees, the  
4 medical staff. This is everyone that we are trying  
5 to keep safe. So, what are we doing? What are our  
6 limitations, and how can we really achieve reducing  
7 violence on the island?

8 CHIEF THAMKITTIKASEM: So, I think as  
9 we've started to say, there are a couple things I'll  
10 lay out. One, we are focused more on intel gathering  
11 and focused on phone monitoring, increasingly using  
12 the camera coverage that we've expanded over the last  
13 two years to identify particular perpetrators, as you  
14 noted. We do have a small population that is  
15 persistently violence, and while we've done a better  
16 job across some of the general population, we need to  
17 focus on this population. It's not a challenge that  
18 we take lightly. We have focused also on better  
19 separation and identification and building a new  
20 housing classification to really identify both kind  
21 of gang affiliation, those who are violent, and then  
22 moving them and separating them. That is something  
23 that will actually be helped by modern facilities  
24 that allow for those that limit movement and provide  
25 better separation. And also, we are focused on

2 compliance. We are focused on the ability to kind of  
3 take a use of all of the tools that we do have right  
4 now and leverage them. We have instituted certain  
5 alternatives and sanctions, but we need more, as the  
6 commissioner asked. We are looking to develop what  
7 those sanctions can be so that we can use those as  
8 not just kind of a set of incentives that we provided  
9 in terms of better programming, but also things that  
10 we can take away. So, I think through a combination  
11 of those things, those are the things that we are  
12 trying to do right now.

13 CHAIRPERSON GIBSON: Okay. So, the SRG  
14 population that we're talking about, is that the  
15 majority of detainees that are the most and  
16 persistently violent?

17 CHIEF THAMKITTIKASEM: It's not just  
18 those.

19 CHAIRPERSON GIBSON: Okay.

20 CHIEF THAMKITTIKASEM: I mean, honestly,  
21 there's a population of some who are--

22 CHAIRPERSON GIBSON: [interposing] Other  
23 categories?

24 CHIEF THAMKITTIKASEM: Other categories,  
25 just people who are, sad to say, just persistently



2 violent. They're not necessarily associated. There  
3 are some who are mentally ill and have some mental  
4 health designation.

5 CHAIRPERSON GIBSON: Okay.

6 CHIEF THAMKITTIKASEM: This is not to say,  
7 by the way, that the mentally ill are far more  
8 violent, because I know that has been said in the  
9 past, but that's not true.

10 CHAIRPERSON GIBSON: Understand.

11 CHIEF THAMKITTIKASEM: But those  
12 populations do separate themselves. You'd want to  
13 deal with them separately.

14 CHAIRPERSON GIBSON: And are many of them  
15 spread throughout the facilities, or are they in  
16 enhanced supervised housing? How does that work  
17 where you determine where they go?

18 CHIEF THAMKITTIKASEM: So, we take into  
19 account their violent history, gang affiliations and  
20 other things to make housing decisions. We do focus  
21 on several locations that have more restrictive  
22 housing that separates these individuals from the  
23 general population, that includes, as you said,  
24 enhanced supervision housing, punitive segregation.  
25 We also have more restrictive housing units that we

2 have used within the north infirmary [sic] command  
3 that we have focused on. So we really try to focus  
4 on separating them out, lowering the numbers and not  
5 mixing them with others who are in the general  
6 population.

7 CHAIRPERSON GIBSON: Okay, and as it  
8 relates to the staffing, there's a certain percentage  
9 of CO's that need to be monitoring many of these  
10 detainees, so in terms of staff reduction,  
11 Commissioner, you talked about some of the changes in  
12 terms of your budgeted headcount of uniformed members  
13 of service-- sorry, I have a PD hat on, I can't help  
14 it. I chaired Public Safety for four years-- but the  
15 uniformed members of service. So, because of this  
16 small population that is the most persistent, do you  
17 put more COs in thee units to monitor them, and how  
18 does that affect the overall staff?

19 COMMISSIONER BRANN: We do put more staff  
20 in those units that contain the inmates that are more  
21 violent, and they're given specialized training and  
22 we support them with services throughout the  
23 facility.

24 CHIEF THAMKITTIKASEM: We have also, and  
25 I'll let the Chief speak to this, but we've also

2 moved beyond just increasing staffing ratios which I  
3 think are important, providing more tools, but we're  
4 also enhancing kind of the availability of both  
5 special search teams and our enhanced-- our emergency  
6 service units in the facilities.

7 CHAIRPERSON GIBSON: Did you say SERT  
8 [sic] teams?

9 CHIEF THAMKITTIKASEM: Search.

10 CHAIRPERSON GIBSON: Search, what does  
11 that stand for? Is that another acronym?

12 CHIEF JENNINGS: We-- no, we currently  
13 have a dedicated team that go out and search daily on  
14 two tours.

15 CHAIRPERSON GIBSON: Oh, okay, okay. I  
16 have SERT in my head. Are these the co-response  
17 teams that we had been talking about some time ago  
18 that focus-- so it's not just COs, but it's also  
19 medical staff as well, or is that something  
20 different?

21 CHIEF THAMKITTIKASEM: That is something  
22 different.

23 CHAIRPERSON GIBSON: Okay.

24 CHIEF THAMKITTIKASEM: We do focus that  
25 on the severely mentally ill--

2 CHAIRPERSON GIBSON: [interposing] Right.

3 CHIEF THAMKITTIKASEM: where we do have  
4 joint teams, crisis intervention team.

5 CHAIRPERSON GIBSON: Right.

6 CHIEF THAMKITTIKASEM: And those are the  
7 co-- these are emergency service units, specially  
8 trained, basically response teams that we're focusing  
9 in and using those special teams in facilities.

10 CHAIRPERSON GIBSON: Okay. And staying on  
11 security measures, I know there was talk recently and  
12 probably still ongoing about the TSA-style scanners  
13 that I'm assuming remain in storage. State  
14 legislation, state approval needs to happen. Are  
15 there any updates on those conversations?

16 CHIEF THAMKITTIKASEM: I think actually  
17 Chair Powers kind of mentioned what-- probably the  
18 latest in terms of conversations we know, that what  
19 we've done is tried to reassure and answer questions  
20 to people who are taking the vote.

21 CHAIRPERSON GIBSON: Right.

22 CHIEF THAMKITTIKASEM: We have certainly  
23 put in, and I know it's in the budget, to purchase  
24 new machines once the law is passed so that we have  
25 those available and ready to go, but we do have to

2 wait for any legislation to actually use those types  
3 of machines.

4 CHAIRPERSON GIBSON: So, while we wait  
5 the machines remain in storage and then they will no  
6 longer be necessary because we'll have to purchase  
7 new ones, right?

8 CHIEF THAMKITTIKASEM: Well, we will also  
9 use any technology we have available to us, kind of  
10 especially if the law passed. We'll implement  
11 everything we can right away and then we'll, you  
12 know, have to wait for new machines to be delivered  
13 anyway to expand the number that we have.

14 CHAIRPERSON GIBSON: Okay. So, besides  
15 the scanners that we're talking about, what other  
16 equipment, DOC equipment, is being used in terms of  
17 security measures? I remember conversations in my  
18 last term where we talked about other features that  
19 we could give correction officers and others to just  
20 maintain and enhance safety. Is that still a  
21 conversation as well?

22 CHIEF THAMKITTIKASEM: I certainly think,  
23 and I'll let the Chief speak a little bit more to  
24 this, but I think that we seek any and all tools that  
25 we can to use, and I think that many of you know we

2 have expanded one, the camera coverage. We've  
3 provided Tasers to the Captains of our ESU, and  
4 Chief, if there's any other stuff you'd like to add?

5 CHIEF JENNINGS: Right.

6 CHAIRPERSON GIBSON: Okay. Is there  
7 anything else?

8 CHIEF JENNINGS: We purchased some Cell  
9 Sense [sic] machines that we're currently utilizing.

10 CHAIRPERSON GIBSON: What kind of  
11 machine?

12 CHIEF JENNINGS: Cell sense--

13 CHAIRPERSON GIBSON: okay.

14 CHIEF JENNINGS: They actually-- right.  
15 They pick up for different metallic elements, and  
16 we've also upgrade dour line scans, machines.

17 CHIEF THAMKITTIKASEM: And I think you  
18 know we are piloting body cameras as well, and so as  
19 soon as the assessment of that goes forward we will  
20 look to leverage those more.

21 CHAIRPERSON GIBSON: Okay, got it. So, I  
22 want to get a little bit into just the capital itself  
23 in my new role. We are meeting with many agencies in  
24 terms of their capital plans, so both the actual  
25 commitment plan and the commitment rate, and DOC's

2 average commitment rate over the past two years has  
3 been 16 and 18 percent, and that percentage really  
4 means the number of contracts that are registered by  
5 the Comptroller's Office. OMB signs off on it, and  
6 we're able to begin construction. So, what I've  
7 learned about DOC is 82 percent of the Department's  
8 commitments were put in year one, right? Which  
9 assumes that 82 percent of the work will start in  
10 year one. That has not happened with DOC. So, what  
11 I'd like to understand is 82 percent in the  
12 commitment in the first year, is there any reason why  
13 DOC upfronts most of its capital money in year one?  
14 Is there an assumption that we're going to achieve  
15 that in year one, or is that just poor planning on  
16 our part? How does that work?

17 ASSISTANT COMMISSIONER LYONS: For those  
18 two specific projects, it's not necessarily been  
19 intentional that the funding's been put in FY 18 and  
20 19. I'm speaking to the new facilities' 1.1 billion  
21 and academy funding, but because we're awaiting the  
22 CPSD study actually on both, the CPSD for the Academy  
23 and the CPSD for the new facilities, it's been  
24 difficult to plan out or appropriately plot out the  
25 funding throughout the at least initial five-year

2 window for design and construction. So, moving  
3 forward as things evolve, we're going to work with  
4 OMB to appropriately plot out that funding, because  
5 that's the majority of our funding in the first two  
6 fiscal years is for those two projects.

7 CHAIRPERSON GIBSON: Okay, but wouldn't  
8 it make more sense to wait until the study is done  
9 and then make those projections. I mean, before we  
10 made these announcements and before the Mayor  
11 committed the capital money for the new jail and the  
12 closure plan, the Department recognized that we had  
13 to include an external company to actually do the  
14 feasibility study. So, that to me, was nothing new.  
15 So, wouldn't it make sense on the Department to plan  
16 after that study is done so that the commitment rate  
17 would actually be more accurate and not do it on the  
18 front end? Wouldn't that make more sense?

19 ASSISTANT COMMISSIONER LYONS: So, I  
20 understand, yes, what you're saying. So, initially  
21 as the Chief of Staff mentioned, we had to remove  
22 funding from existing projects to create a lump sum  
23 for the new facilities, so that was the first step.  
24 Then the second step will be appropriately planning  
25 out how that funding should be utilized, and you're



2 correct, it's difficult to plot that out before the  
3 CPD study is finished. So, likely, you know, during  
4 the September commitment plan, that's the agency's  
5 opportunity to do roll-overs and reassess. So, the  
6 CPD study should be completed toward the end of the  
7 calendar year, so hopefully timing will line up  
8 correctly that we can then reallocate that funding  
9 appropriately.

10 CHAIRPERSON GIBSON: Okay. In the study  
11 that is underway, are we looking to achieve community  
12 input? So, I realize that Perkins Eastman has a 10-  
13 month time frame to do a feasibility study of  
14 borough-based facilities, and again, my concern as a  
15 representative of the Bronx is that I don't know if  
16 that includes Bronx residents being included in these  
17 conversations. So, what is the expectation from DOC  
18 of what this study is seeking to provide? Is there a  
19 vision? Is there a purpose? What are we looking to  
20 get in these 10 months that we're waiting for them to  
21 determine the feasibility of borough-based  
22 facilities? Because we've already announced  
23 locations. We have sites in Brooklyn, Queens, and  
24 Manhattan, but specifically for the Bronx, like, what  
25 are we expecting this feasibility study to tell us,

2 and are we really going to involve community  
3 residents that live and work in these neighborhoods  
4 where these sites are going to be housed?

5 CHIEF THAMKITTIKASEM: Yes, Chair, I  
6 mean, as a part of the CPSD-- so three separate  
7 points. First, yes, community engagement is a key  
8 factor in the CPSD. They have specific  
9 subcontractors identified to work with the-- and  
10 they'll be working with the City, with the elected  
11 officials, with Community Boards to identify a  
12 schedule that actually elicits information, opinions  
13 and concerns from the community. Secondly, they  
14 are going to take not just that, but they also have  
15 those who we'll be interviewing correctional design  
16 experts, not just those in the City, but outside, to  
17 really take a look at what principles are available.  
18 And to your point, part of the effort to identify  
19 these sites and then do the CPSD is to actually take  
20 the square footage and the area and realize what  
21 options are available to maximize those spaces to  
22 offer the combination of safety, programming, and  
23 other housing considerations you want to place into  
24 those facilities.

2 CHAIRPERSON GIBSON: Okay. And when you  
3 said some contractors, you talked about the local  
4 Community Board. Will that also include local  
5 community-based organizations as well, and how  
6 involved are you with this study in terms of knowing  
7 who these folks are? Are we putting all of our trust  
8 in this study and allowing them to determine who the  
9 local stakeholders are that will be included?

10 CHIEF THAMKITTIKASEM: If you don't mind,  
11 I will defer that one to MOCJ who will be--

12 CHAIRPERSON GIBSON: [interposing] Okay.

13 CHIEF THAMKITTIKASEM: answering  
14 questions, only because--

15 CHAIRPERSON GIBSON: [interposing] Okay,  
16 sure.

17 CHIEF THAMKITTIKASEM: they're a little  
18 more involved in the actual planning of that process.

19 CHAIRPERSON GIBSON: Okay. And just one  
20 last question on the feasibility study, because it's  
21 also going to look at environmental impacts. Is it  
22 going to look at not just the borough-based  
23 facilities, but training as well? Do we expect that  
24 part of the study to be completed as well?  
25

2 CHIEF THAMKITTIKASEM: Sorry, can you  
3 repeat that, the training academy?

4 CHAIRPERSON GIBSON: Yes. Yes. Is that  
5 included?

6 CHIEF THAMKITTIKASEM: So, no. So the--

7 CHAIRPERSON GIBSON: [interposing] That's  
8 on a separate timeframe?

9 CHIEF THAMKITTIKASEM: Yes. The City is  
10 looking at the training academy, so that is not  
11 something that the city is ignoring. We do have  
12 several-- there's no site that's been selected, and  
13 so they're taking a look at sites as well for those  
14 locations. But it's not officially a part of this  
15 CPSD study for the new facilities.

16 CHAIRPERSON GIBSON: Okay. So what time  
17 frame is that on? What timeframe? It's not a part  
18 of the study, so is that simultaneously happening, or  
19 is that happening at a different timeframe?

20 CHIEF THAMKITTIKASEM: Certainly, right  
21 now, I think they're taking a look. There is a CPSD  
22 study that is currently out right now for a location.  
23 They're taking a look at what the feasibility might  
24 be at Fort Totten, I think we've said that, as a  
25 study, and I think there are other sites they're just

2 taking a look at that other people are proposing. I  
3 don't know what the timeline for that is.

4 CHAIRPERSON GIBSON: Okay. Well, the  
5 reason why I'm asking is because we're putting a lot  
6 of confidence in this study and we're expecting  
7 things to be done. So while we're waiting I just  
8 want to make sure we are looking at the feasibility  
9 of a new training facility for correction officers,  
10 because it's shameful that they are trained in a mall  
11 in Queens. Not acceptable. I've said that many, many  
12 times, and we don't give them enough respect like we  
13 do police officers. We built a multi-million-dollar  
14 facility in College Point for NYPD, but then when it  
15 comes to DOC they get second class training. So, that  
16 has to happen at the same time that we're looking at  
17 the feasibility of borough-based facilities. So what  
18 I want is I want answers on specific timeframes,  
19 because if we are waiting 10 month, then I'm going to  
20 expect answers in 10 months. So if we don't talk  
21 about it now and talk with this company and make sure  
22 that these questions are a part of the study. It's  
23 very, very important. Borough-based facilities are  
24 going to have correction officers. Training is  
25 always underway, and I want to make sure that we're

2 talking about two different parts of DOC, but at the  
3 same time. So, if someone-- I'm happy to talk to Liz  
4 Glazer and MOCJ, but DOC is involved, and I really  
5 want to make sure that we have answers to thee  
6 question, okay?

7 CHIEF THAMKITTIKASEM: We're as committed  
8 as well, Chair.

9 CHAIRPERSON GIBSON: Okay. So, we're  
10 going to turn it over to some of colleagues that have  
11 questions, and then I'll circle back. Thank you,  
12 Chair.

13 CHAIRPERSON POWERS: Thank you, thanks.  
14 And I know those further questions on the Academy,  
15 we'll get to. So I wanted to hand it over to Council  
16 Member Rory Lancman.

17 COUNCIL MEMBER LANCMAN: Thank you,  
18 Chairs, and good afternoon. So, first let me say  
19 that in terms of the siting of the jails, we're going  
20 to have MOCJ, my committee's going to have MOCJ, the  
21 Committee on Justice System on March 20<sup>th</sup> so we can  
22 continue that conversation there. I want to talk  
23 about violence in the jails, and I apologize, I've  
24 been bouncing back and forth. We got a hearing next  
25 door. But you know, the indicators are going in the

2 wrong direction, and I don't think either you or us  
3 or anyone is really satisfied about the status of  
4 violence in the jails, and I want to talk about  
5 something that you testified to regarding punitive  
6 segregation, because I'm having a little difficulty  
7 understanding exactly what the policy is, and then  
8 broader, exactly what it is your plans are. And you  
9 testified that, "We've reduced the number of people  
10 in punitive segregation from over 675 a day to  
11 roughly 100 which is a decrease of more than 80  
12 percent." So--

13 CHIEF THAMKITTIKASEM: [interposing]

14 [inaudible]

15 COUNCIL MEMBER LANCMAN: What?

16 CHIEF THAMKITTIKASEM: No, no.

17 COUNCIL MEMBER LANCMAN: So what happened  
18 to other 575? Were they all juveniles? How did you  
19 achieve that very significant tremendous reduction?

20 CHIEF THAMKITTIKASEM: So, there were  
21 several things. One, obviously we eliminated its use  
22 for 16 and 17 year olds, then the 18 and 21 year  
23 olds.

24 COUNCIL MEMBER LANCMAN: So--

2 CHIEF THAMKITTIKASEM: [interposing] We  
3 changed the--

4 COUNCIL MEMBER LANCMAN: [interposing] Let  
5 me just stop you.

6 CHIEF THAMKITTIKASEM: Sure.

7 COUNCIL MEMBER LANCMAN: so that-- let's  
8 try to do it category by category or method. Like,  
9 how many of that is just from the 16 to 21 year olds?

10 CHIEF THAMKITTIKASEM: I couldn't tell you  
11 only because I don't have the numbers in terms of  
12 just exactly one, the population changes every day,  
13 and so the population-- we have gone through one,  
14 population reduction over the last four years. We  
15 have changed, as the second part of my answer would  
16 be, the application of punitive seg so that it is  
17 focused specifically on Grade I Violent Infractions,  
18 and two, we have significantly limited the-- we've  
19 limited the use of punitive segregation in so far as  
20 a maximum sentence can only be 30 days, and it would  
21 be only 60 days in a six-month period with few  
22 exceptions. Before, that was not in place. So you  
23 could sentence people for 90 days. You could keep  
24 them there for hundreds of days, and you could  
25 calculate owed time so that if you left from the



2 facility and came back on a separate charge, that  
3 punitive segregation sentence would still be waiting  
4 for you so you would continue to serve it out. We've  
5 eliminated several of those things, changed them  
6 because we believe more in kind of immediate and  
7 direct consequence. So, if you are going to be  
8 placed in punitive segregation, you should know why  
9 you're going into punitive segregation and not wait x  
10 months to kind of wait-- coming back into a system  
11 just to go back into punitive seg. So, that  
12 describes a lot of the reduction. It is kind of a  
13 full approach that incorporates not just elimination  
14 for some sub-population of that, but also through  
15 changes we had in our policy and the way that we  
16 measure the infractions.

17 COUNCIL MEMBER LANCMAN: And you  
18 mentioned for this the term "class one" or "stage  
19 one."

20 CHIEF THAMKITTIKASEM: Grade One.

21 COUNCIL MEMBER LANCMAN: Grade One. What  
22 would be an example? Then it goes what, one, one  
23 through what?

24 COMMISSIONER BRANN: Three.  
25

2 COUNCIL MEMBER LANCMAN: One through  
3 three. So a grade two would not get you a punitive  
4 segregation, correct?

5 COMMISSIONER BRANN: Not necessarily.

6 COUNCIL MEMBER LANCMAN: Not necessarily.  
7 So, well, I thought it was not at all. Am I correct  
8 that--

9 CHIEF JENNINGS: So, we do have punitive  
10 segregation light for some offenses, but those  
11 numbers are small.

12 COUNCIL MEMBER LANCMAN: I see. So what  
13 would be the most what we would think, what the lay  
14 person would think would be the most serious grade  
15 two offense?

16 CHIEF THAMKITTIKASEM: So, in terms of  
17 grade two they're nonviolent. They're probably  
18 possession of contraband and drugs and intent to kind  
19 of continue that criminal organization.

20 COUNCIL MEMBER LANCMAN: So, any kind of  
21 violent offense--

22 CHIEF THAMKITTIKASEM: [interposing]  
23 Whereas grade one are more violent in slashings,  
24 stabbings, serious assaults on inmates or staff.

2 COUNCIL MEMBER LANCMAN: Okay, alright.

3 So your testimony is-- and I'm reading it here.

4 After you discuss the punitive segregation, "Let me

5 be clear, though, we need more. We need a broader

6 set of intervention strategies that respond to negate

7 behavior designed to operate in conjunction with each

8 other to increase accountability, ensure safety and

9 reduce recidivism by preventing future criminal

10 behavior. I don't see though where you specifically

11 list the "more." That's a description of the more.

12 What's the "more?" What more do you need, in your

13 words, "We need more," and what's the plan for doing

14 that? Because, like I don't want to be dramatic at

15 the hearing. I just want to do nuts and bolts, but I

16 share my colleague's, Chair Gibson's, profound

17 concern that the correction officers who do this

18 extraordinarily dangerous and difficult work are not

19 getting the protection that they deserve, and I and

20 others are bonafide [sic], progressive, justice

21 reformers, but we got to keep these men and women

22 safe. So, what's the more?

23 COMMISSIONER BRANN: So, I share your

24 concern, sir.

25 COUNCIL MEMBER LANCMAN: I'm sure you do.

2                   COMMISSIONER BRANN: My staff safety is  
3 my most important goal. So everyone who comes  
4 through our doors goes home safe at night. So, these  
5 are the things that keep me up at night as well. The  
6 use of punitive segregation is not a one-size-fits-  
7 all, and it doesn't work in isolation. When I say  
8 that, only punishment is not a tool that changes  
9 behavior. It isolates behavior. So, we need other  
10 things. It can't be an all-or-nothing type of tool.  
11 It is one tool in our tool box. What we have to be  
12 clear on is what is a right and what is a privilege  
13 when you are incarcerated, and I think there's been  
14 some disagreement on what is a right and what is a  
15 privilege. So, for example, the right to have a  
16 visit is a right by New York State Law. You have the  
17 right to have visits while you're incarcerated. What  
18 could be considered a privilege is who do you have a  
19 right to visit with? Is it anyone off the street?  
20 You don't have to have a connection to the person.  
21 You're free to come into the facilities and perhaps  
22 pass contraband. We believe that clearly defining  
23 what is a right and what is a privilege, and what can  
24 we restrict as privileges are meaningful consequences  
25 to people who do not follow the rules. So, if I

2 don't follow the house rules, maybe my commissary  
3 gets reduced. If I continue to infract, then  
4 something else that's meaningful gets reduced, my  
5 visits, more commissary, the inability to go to  
6 enhanced rec, how many times you get to go to the  
7 barbershop. These things have to be meaningful to the  
8 people who actually commit the violations in our  
9 facility, and right now, we are restricted in  
10 creating and enforcing rights versus privilege  
11 restrictions.

12 COUNCIL MEMBER LANCMAN: My last  
13 question: Restricted by whom? State law? The  
14 courts? The Board of Corrections? Us?

15 COMMISSIONER BRANN: Minimum standards.

16 COUNCIL MEMBER LANCMAN: What's that?

17 COMMISSIONER BRANN: Minimum standards.

18 CHIEF JENNINGS: Minimum standards.

19 COUNCIL MEMBER LANCMAN: From the Board?

20 COMMISSIONER BRANN: Yes.

21 COUNCIL MEMBER LANCMAN: Well, I'd like  
22 to continue that conversation with you and see if we  
23 can't have some influence with the Board where it's  
24 appropriate, and you know, we'll be hearing from them

2 later as well. Thank you. Thank you, Chairmen,  
3 Chair-folks.

4 CHAIRPERSON POWERS: Thank you, Council  
5 Member. We will be hearing from Board of Corrections  
6 next. I have in order of questions, Council Member  
7 Rivera, Council Member Holden, Council Member  
8 Grodenchik, and then Council Member Rosenthal.

9 COUNCIL MEMBER RIVERA: Hi. Good  
10 afternoon. I want to ask about Raise the Age. So,  
11 in the recently passed Raise the Age it says that no  
12 youth will be at Rikers by April 2018 if practicable,  
13 and I want to know with over a year that this has  
14 been in discussion and with the preparation that you  
15 have been taking, why isn't this practicable? Why  
16 isn't this able to happen, and in terms of the  
17 timeline of taking youth off Rikers Island, where are  
18 you in terms of the resources?

19 CHIEF THAMKITTIKASEM: A couple of  
20 points, Council Member, so one, I think that a big  
21 effort has been on much like Close Rikers is  
22 identifying the space. As the law requires, it would  
23 be kind of a facility that is run by ACS and in joint  
24 connection with DOC. So really upgrading kind of  
25 facilities that don't have-- we have about 125 to

2 130, kind of, adolescents at this point who would be  
3 moving off-island, so we need a space for them to go,  
4 and a lot of the work that has to happen in order to  
5 upgrade facilities. Right now, we're really focused  
6 on Horizon, which is an ACS facility; that takes  
7 time. And so April, there's still work being done on  
8 kind of changes to the doors, making sure program  
9 space is available for such a large population that's  
10 going to go in there. We have made commitments as a  
11 city to educate those adolescents, to provide them  
12 the programming, and we don't want to lose any of  
13 that. So, to try to kind of make sur a lot of  
14 progress we have actually made within the Department  
15 replicates itself in another facility takes time.

16 COUNCIL MEMBER RIVERA: So, we're looking  
17 for an October 2018 timeline of--

18 CHIEF THAMKITTIKASEM: [interposing] And  
19 we are still, you know, we're looking at that time.  
20 we are still requesting kind of the state to also  
21 further help us, because I think that there are  
22 things that they can do as well to kind of support  
23 us, particularly with a facility they have in there  
24 that they might be able to provide, which would give  
25 a lot of easier access to a lot of the things we've

2 been talking about in terms of separation and  
3 programming and education.

4 COUNCIL MEMBER RIVERA: I just want to  
5 shift really quickly to the services, specifically on  
6 H+H. I didn't see much on your testimony. You  
7 mentioned clinically focused housing areas to provide  
8 a high level of mental health care and identifying  
9 groups where you could create a safer environment for  
10 everyone. How many correctional health staff are on  
11 Rikers Island, and how many times a week does the  
12 Department of Corrections check in with H+H?

13 CHIEF THAMKITTIKASEM: So, I don't have  
14 the exact number, and I think that will be probably  
15 part of H+H's testimony, but we do work closely with  
16 them. I know at the facility level people meet with  
17 them every day. The Chief can speak a little more to  
18 the facility at the higher levels. I know that we  
19 meet both weekly and monthly at the executive levels  
20 to discuss issues that come forward, but the Chief  
21 may want to speak a little bit more.

22 CHIEF JENNINGS: So, daily, in each  
23 facility they do have group morning huddles, and in  
24 these housing units we do have H+H staff that work  
25 alongside with deflection officers in the house.



2 CHIEF THAMKITTIKASEM: And I would only  
3 add I think that this is-- she said. We work closely  
4 not just in every day in the facility, but we have  
5 specific units that we've developed. So, while H+H  
6 incorporates themselves with the Department, we also  
7 have specific units like those for the severely  
8 mentally ill where we have specifically joint-trained  
9 teams so that we can level both of our skills for  
10 dealing with some of the most kind of needy of our  
11 population.

12 COUNCIL MEMBER RIVERA: So, besides kind  
13 of the daily check-in on some of the, I guess, more  
14 serious areas, you said weekly and monthly, more or  
15 less.

16 CHIEF JENNINGS: Right.

17 CHIEF THAMKITTIKASEM: Yeah, certainly at  
18 the leadership executive team we do that.

19 COUNCIL MEMBER RIVERA: Executive, okay.  
20 So, in terms of the Department of Corrections staff,  
21 what is the training in identifying inmate mental  
22 health needs? Are they all trained to at least  
23 identify some of the-- some of their needs in terms  
24 of maybe some of the symptoms, the ways that they can  
25 help and put them into-- on the path to care.

2 CHIEF JENNINGS: So, all of the staff  
3 that work in those areas, they get additional  
4 training. So we have a group that actually deals  
5 with that to show you, recognize the behaviors, and  
6 then deal with each one of those symptoms as to what  
7 is accepted and how they should handle them.

8 COUNCIL MEMBER RIVERA: But does all of  
9 your staff have at least some basic training in  
10 making those identifications?

11 CHIEF JENNINGS: Yes.

12 COUNCIL MEMBER RIVERA: And so given the--  
13 - it's a sizable population of the mentally-ill that  
14 are in our City's jail system. What are the health--  
15 what's Correctional Health Services plan for when  
16 Rikers closes and how we are in the transition of  
17 these individuals into different places, into  
18 different facilities and proper care?

19 CHIEF THAMKITTIKASEM: So, they're fully  
20 involved in the conversations that we're having. I  
21 would let them speak a little bit more to kind of  
22 their own plans and concerns. Certainly, we, in  
23 terms of our joint programs, want to replicate a lot  
24 of the good work. We have focused on working with  
25 them to develop training like the Mental Health First

2 Aid that the Chief spoke about, to incorporate that  
3 with all of our staff, and we have these dedicated  
4 units, but I'll let H+H speak a little more to kind  
5 of how they're planning, but they are involved.  
6 They're dealing with, as a part of the City, joint  
7 committees to talk about these things.

8 COUNCIL MEMBER RIVERA: So, I plan to ask  
9 them, maybe at one o'clock, maybe not, depending on  
10 how the time is going. I just like to know what  
11 you've seen and heard in terms of how patient medical  
12 care is being handled by H+H in your facilities, and  
13 if you would commit to advising them to be a little  
14 bit more transparent in terms of their data. So,  
15 it's kind of a two-part question. I guess one is an  
16 ask. You know, we've struggled with transparency with  
17 H+H, which I intend to address during the hearing,  
18 but also kind of what have you seen and heard in  
19 terms of how patient medical care is delivered in  
20 your facilities?

21 COMMISSIONER BRANN: We'd be happy to  
22 discuss those issues with H+H and work to some  
23 resolution.

24 COUNCIL MEMBER RIVERA: Okay.

25 CHAIRPERSON POWERS: We'll follow up.

2 COUNCIL MEMBER RIVERA: Sure. Thank you.  
3 Thank you, Chair.

4 CHAIRPERSON POWERS: Thank you, and thank  
5 you, and I know you're having a hearing on H+H. So  
6 if you care about the topic, I think it's next door  
7 at one o'clock. Thank you. Next is Council Member  
8 Holden.

9 COUNCIL MEMBER HOLDEN: Good morning. I  
10 just want to talk about punitive segregation now. We  
11 eliminated-- we are the first in the nation to  
12 eliminate segregation 18 to 21 year olds. You might  
13 want to rethink that with all the attacks on the  
14 correction officers. It would seem that there may be  
15 little difference between a 20-year-old and a 22-  
16 year-old. Also, in visiting Rikers, I noticed  
17 there's a frustration with the officers, especially  
18 in visiting group one. These are-- actually they're  
19 segregated, the offenders, in group one, and they  
20 could commit an attack and still not have any  
21 consequences. They're still in there. They're still  
22 in the same group. So we may have to rethink that.  
23 I know your thoughts on-- you say punitive  
24 segregation may not work, the studies have shown, but  
25 when you actually do a one-size-fits-all, which is

2 the 18 to 21 year olds, there are different--  
3 obviously some are more mature at 20 than others.  
4 So, I think it needs-- that needs and individual  
5 basis. We really have to evaluate the inmate and  
6 look and just decide well, this person should be  
7 separated. A number of violent acts have occurred,  
8 and they should be separated. So, might you want to  
9 rethink the 18 to 21 year olds punitive segregation?

10 COMMISSIONER BRANN: I just want to  
11 clarify. What I said was punitive segregation alone  
12 does not work to change behavior. It just stops  
13 behavior for the time they're isolated. And so those  
14 who go to ESH Level I and engage in programming, they  
15 can earn their way out of that unit into the more or  
16 less restrictive units.

17 COUNCIL MEMBER HOLDEN: They go to group  
18 two or group three.

19 COMMISSIONER BRANN: Yes, absolutely.

20 COUNCIL MEMBER HOLDEN: Right. And the  
21 group two, they start getting video games and start  
22 getting some of their rights back, and actually group  
23 three they have video games, which the general  
24 population really doesn't have so much, or--  
25

2 COMMISSIONER BRANN: [interposing] So  
3 what we're trying to do with these inmates who are  
4 persistently violent and problematic is incentivize  
5 the continuation and maintenance of good behavior.  
6 So, as the rest of the levels, yes, they get more  
7 privileges, they get more time out, and those video  
8 games are used as a reward. If they fail to follow  
9 the rules, those games are taken away from them. They  
10 don't sit and play video games all day in unit. They  
11 still have to partake in programming, and they get to  
12 use that as a reward for continuing good behavior and  
13 keeping the unit clean and doing what they're  
14 supposed to do.

15 COUNCIL MEMBER HOLDEN: So, the recent  
16 attacks on the officers, you attribute to the  
17 physical plan of Rikers Island. So, it's not really  
18 anything-- it's not your policies. It can't be the  
19 policies. It can't be the more lenient policies and  
20 the experiments; it's the physical plan.

21 COMMISSIONER BRANN: The attacks on our  
22 officers were a conscious choice of the inmates who  
23 assaulted them.

24 COUNCIL MEMBER HOLDEN: SO, but that  
25 doesn't really answer the question. What I'm saying

2 here is, maybe it's time to rethink, try something  
3 else, and give the officers a fighting chance. The  
4 attacks are-- and we just had three more recently, I  
5 think within the last one-- you know, day and a half  
6 or so. So, it continues to happen and yet we're not  
7 doing anything. It doesn't' seem we're doing  
8 anything about it.

9 COMMISSIONER BRANN: I don't agree  
10 we're not doing anything about it, sir.

11 COUNCIL MEMBER HOLDEN: No, I'm--

12 COMMISSIONER BRANN: [interposing] What I  
13 said about the facility layout, not that it causes,  
14 but it is a safety concern, because officers can't  
15 maintain a sightline of all the inmates in a housing  
16 unit at one time. So, if you're walking down a  
17 housing area on a tier to check on the individual  
18 cells, people can get behind you. You don't'  
19 necessarily know what's going on behind you or below  
20 you. That's what I talk about with regard to seeing--

21 COUNCIL MEMBER HOLDEN: [interposing] I  
22 mean, there's certainly things that could be done to  
23 correct that instead of just changing the entire  
24 building, mirrors and so forth and technology, so I'm  
25 not quite sure about that one, but I just think we

2 have to start to rethink. We have I think a backlog  
3 of punitive segregation, and it just seems-- let me  
4 just switch gears. I'll agree with my colleague,  
5 Council Member Gibson, on the training facilities. I  
6 visited the Middle Village Training Facility, and  
7 quite honestly it looks like it was built in the  
8 1980s, and inadequate is an understatement. It is  
9 depressing. It is a disgrace that the officers are  
10 put in that situation, put in that building even, and  
11 building a new training academy, much like the NYPD,  
12 should have been a top priority years ago. I'm  
13 talking, and it's not your fault, obviously, decades  
14 ago. So we have a situation here. There's not even  
15 facilities training. SO you're not actually--  
16 they're not training the recruits or the officers in  
17 a real life situation like a real jail or a real  
18 facility, and that would be a huge problem. Where you  
19 go to the NYPD and they have all the latest  
20 technology. They have situational things that they  
21 put into the courses. So, you guys are-- correction  
22 officers are at a distinct disadvantage in training.  
23 And quite frankly, I couldn't spend more than hour in  
24 that facility. You don't know-- there's no windows.  
25 You don't know what's going on outside. There's no



2 light, and you talk about light in the jails being  
3 dark, dark, flickering lights, a gym that just looks  
4 like a small little warehouse. I mean, it just--  
5 there's nothing put into that. So, I would hope that  
6 we have some light at the end of the tunnel as to  
7 when, you know-- where is it? Fort Totten, whatever  
8 it's going to be, let's get moving on that, and if we  
9 can push somebody, let us know, but I just was  
10 appalled. I didn't see John Jay, I guess it's just  
11 classrooms, is that right?

12 CHIEF JENNINGS: That's correct.

13 COUNCIL MEMBER HOLDEN: Yeah, so, you  
14 know, there was a suggestion to move the training  
15 facility onto Rikers a while ago. Was that last year  
16 or the year before that?

17 COMMISSIONER BRANN: Yes.

18 COUNCIL MEMBER HOLDEN: Did that get any  
19 traction? I guess not.

20 CHIEF THAMKITTIKASEM: We're taking a  
21 look at all the option.

22 COUNCIL MEMBER HOLDEN: You're taking a  
23 look. Are there any other locations that you can  
24 mention? How many square-- how many square feet do  
25

2 we need for a proper training facility. Some of the  
3 Council Members might look in their district.

4 CHIEF THAMKITTIKASEM: We'll have to get  
5 you that number, sir. We actually do have a general  
6 square footage, what would be necessary. We'll have  
7 to get that to you. I don't--

8 COUNCIL MEMBER HOLDEN: [interposing] If  
9 you can get that, yeah.

10 CHIEF THAMKITTIKASEM: Sure, absolutely.

11 COUNCIL MEMBER HOLDEN: We have-- there's  
12 a lot of buildings that-- I think NYPD wanted to  
13 purchase or at least lease a warehouse in Maspeth for  
14 a property, and they just stopped that. They didn't  
15 go through with that, but that might be another  
16 solution. If we knew the square footage and we knew  
17 what was needed.

18 CHAIRPERSON POWERS: Thank you, and we  
19 will follow up, and I share the commitment to try to  
20 help get a new academy built.

21 CHIEF THAMKITTIKASEM: We appreciate it.

22 CHAIRPERSON POWERS: I think you agree,  
23 because you stated when we met with you that a world,  
24 you know, a world class facility, and we have the  
25 money for it. It would be-- it would be part of an

2 effort to make sure that our jails are safer and  
3 people are safe. We have the best, you know,  
4 correction officers. We have great correction  
5 officers and they're well-trained. Can I just ask  
6 one question just to follow-up on that? Is 100  
7 million dollars the cost of what you think you need  
8 for-- I know you need-- you have to do a square  
9 footage analysis, and real estate markets are  
10 different in every single neighborhood, but is the  
11 100 million dollars you believe enough to build a new  
12 facility, or you-- would you need additional funding?

13 ASSISTANT COMMISSIONER LYONS: We would  
14 hope, but as we await the result of the CPSD study  
15 and then further analysis of other locations, we'll  
16 see, but 100 million is a good start. It's more than  
17 we had before.

18 CHAIRPERSON POWERS: Thank you, and I'm  
19 just going to reaffirm that we would like-- I think I  
20 share the sentiment that-- and I know you do-- that  
21 this is important. We want to make sure that the  
22 resources, you know, amongst the City, the City's  
23 resources and staff and personnel are putting this  
24 into a priority category for your agency and across  
25 the board to get it built, and everybody's got--

2 everybody's got places where in their districts they  
3 could probably point to that are potential sites, and  
4 I know Council Member Holden's, the local Council  
5 Member for the-- I believe you are-- for site, the  
6 current one--

7 COUNCIL MEMBER HOLDEN: [interposing]

8 Yeah, Middle Village.

9 CHAIRPERSON POWERS: not John Jay, but the  
10 site at Middle Village, and so you know, I thank you  
11 for going to visit it. Next up is Council Member  
12 Grodenchik.

13 COUNCIL MEMBER GRODENCHIK: Thank you,  
14 Mr. Chairman. Thank you, Madam Chair. Before I get  
15 into my other questions, as Chair of the Parks  
16 Committee of the New York City Council I would  
17 greatly appreciate it if you are looking at Fort  
18 Totten, when you find what you're looking for, if  
19 it's at that site, I would greatly appreciate being  
20 apprised of the site. We have a lot of youth  
21 activities there. A good chunk, if not most of Fort  
22 Totten is a New York City park now. We have the Army  
23 Reserve still there. It's not in my district. It's  
24 in Paul Vallone's district. There's only one way to  
25 get in and out of Fort Totten, kind of like Rikers

2 Islands, but much nicer youth. We have-- the police  
3 are there. The Fire Department is there. EMS  
4 Training Academy is there. The Coast Guard is there,  
5 and there's lots and lots of other activities that  
6 are at the fort, and there really aren't big roads  
7 leading in and out of it, so I would appreciate that.  
8 With regard to your-- the idea of closing Rikers and  
9 building new jails, can you tell me the last time the  
10 New York City Department of Corrections built a new  
11 jail? I'll take an answer from any one of you.

12 CHIEF THAMKITTIKASEM: Yeah,--

13 [interposing] Yeah, I think it's the  
14 last--

15 COUNCIL MEMBER GRODENCHIK: [interposing]  
16 Last new jail built in the City of New York.

17 CHIEF JENNINGS: building was 1991, and  
18 that was--

19 COUNCIL MEMBER GRODENCHIK: [interposing]  
20 1991, so I was 31. I'm now 58, so it's at least 27  
21 years old if my math is still good. Can you tell me  
22 which jail that was?

23 CHIEF JENNINGS: The George R. Vernon  
24 Center.

2 COUNCIL MEMBER GRODENCHIK: And where is  
3 that? Is that on Rikers Island?

4 CHIEF JENNINGS: On Rikers Island.

5 COUNCIL MEMBER GRODENCHIK: And so would  
6 it be fair to say that you're really not in the  
7 business of building jails since you haven't done it  
8 for 27 years? I know you're in the business of  
9 maintaining jails and correctional facilities, but  
10 you haven't built a jail in 27 years. What I'm  
11 getting at is I am concerned that we are throwing  
12 around very, very large numbers of city tax payer  
13 dollars here, and I'm worried that the Department of  
14 Corrections doesn't have any expertise in building  
15 modern facilities. So, let me-- I see somebody  
16 shaking their head there, but he's not up here. So,  
17 would somebody like to tackle that? Commissioner,  
18 I'll take--

19 CHIEF THAMKITTIKASEM: [interposing] Sure,  
20 I think--

21 COUNCIL MEMBER GRODENCHIK: it from  
22 anybody.

23 CHIEF THAMKITTIKASEM: One, the DOC is  
24 not in the business of building jails. That's why we  
25 participated in kind of the citywide effort on Close

2 Rikers included in the CPSD study for design. We  
3 have actually contracted out outside experts to help  
4 us as well as the expertise of the rest of the city  
5 agencies.

6 COUNCIL MEMBER GRODENCHIK: So, you  
7 wouldn't be building new jails-- if the Close Rikers  
8 idea comes through fruition and I favor it for the  
9 most part, but I do worry about siting, and those  
10 kind of issues, but so the Department of Corrections  
11 would be building the new jails, wouldn't be building  
12 in partnership with DDC, what do you anticipating?

13 COMMISSIONER BRANN: So, we act as  
14 consultants to whatever design firm is awarded a  
15 contract and as the corrections operations  
16 professionals, we have input into the layout and  
17 content inside the walls, the walls of the facility.

18 COUNCIL MEMBER GRODENCHIK: Okay. Do you  
19 think-- we had discussion the other day with Governor  
20 Cuomo and one of the matters that came up was design  
21 building, which it seems to be able to-- that process  
22 seems to be able to move things a little bit faster  
23 along. Do you think that would help, in your  
24 professional opinions, getting the new jails built  
25 once we decide where they might go?

2 CHIEF THAMKITTIKASEM: Yes.

3 COUNCIL MEMBER GRODENCHIK: Yes. Alright,  
4 that's a pretty-- that's a synced answer, but I  
5 appreciate it. Does the City of New York-- I'll get  
6 off the new jails-- does the City of New York use  
7 electronic monitoring?

8 COMMISSIONER BRANN: DOC--

9 COUNCIL MEMBER GRODENCHIK: For inmates.  
10 So if a judge had wanted to decide, and I apologize  
11 because I'm not on this committee, but I am on the  
12 Subcommittee on Capital. Do we use any electronic  
13 monitoring? I mean, I know that there are people  
14 that have a bracelet put on them and other locals.  
15 Do we do that?

16 CHIEF THAMKITTIKASEM: So the Department  
17 does not, but you can ask MOCJ more a little bit more  
18 about what plans are for other alternatives to  
19 detention and kind of diversion.

20 COUNCIL MEMBER GRODENCHIK: So, nobody in  
21 the City of New York currently--

22 CHIEF THAMKITTIKASEM: [interposing] DOC  
23 does not.

24 COUNCIL MEMBER GRODENCHIK: Okay. Oh,  
25 ATI programs, too. Okay, thank you. The last



2 question I have, Mr. Chairman, Madam Chair.

3 According to the New York City Council Department of

4 Fin-- Division of Finance, the average cost per

5 inmate a year is 270,876 dollars. I find that number

6 to be absolutely astonishing, and I want to know in

7 my next 34 seconds how you plan on reducing that. I

8 could, you know, we could send these people to

9 Harvard instead. You know, it would be nicer just

10 not-- this number is just beyond my comprehension,

11 and I think if I share that number as I might tonight

12 with some of my civic groups, they'd probably be

13 shocked as well. We're reducing the number of

14 inmates, and I realize I have a background in

15 economics, so as your-- as your fixed costs remain

16 high and you're reducing the number of inmates, the

17 average goes up, but what is the plan to get this

18 number down to say maybe 200,000 dollars a year per

19 person?

20 CHIEF THAMKITTIKASEM: Well, so a couple

21 different things, sir. I think that something that

22 we had said earlier is--

23 COUNCIL MEMBER GRODENCHIK: [interposing]

24 I'm sorry I had to miss some of the hearing.

2 CHIEF THAMKITTIKASEM: That's quite  
3 alright.

4 COUNCIL MEMBER GRODENCHIK: Yes.

5 CHIEF THAMKITTIKASEM: We just want to  
6 make sure that a lot of the investment we have made  
7 also is changing the culture itself. So, in so far  
8 we are dramatically increasing a lot of access for  
9 the population to programming. So, we have increased  
10 programming from less than 45 minutes to over five--  
11 to five hours per person offered to each person  
12 coming into our facilities. We are really focusing  
13 on subpopulations and changing a model that used to  
14 be a one-size-fits-all. So we're dealing with  
15 different populations specifically, severely  
16 mentally-ill. We now have much higher staffing  
17 ratios and a combination with our health partners to  
18 deal with them. We also have been working with the  
19 Federal Monitor and kind of increased the staffing  
20 ratio for the adolescents and for our young adults,  
21 which is far different than we had before where we  
22 were closer to 30 individuals to one, now 15 to one.  
23 So those are all changes we're making not just for  
24 the purposes of just, you know, just spending money,  
25 but because we actually believe that particularly

2 within these facilities and the limitations that we  
3 have, those are proper investments to both security  
4 and safety of our staff, but also the better  
5 treatment of the population in our custody.

6 COUNCIL MEMBER GRODENCHIK: I appreciate  
7 that safety, especially in a correctional facility  
8 has to be paramount, but I have to tell you in all  
9 honestly that I don't share your optimism based on  
10 the track record, and since I have to vote on the New  
11 York City budget along with the rest of my  
12 colleagues, we really need to start to see a lowering  
13 of that number. I understand you're trying to put  
14 new programs in, but the number of inmates has been  
15 steadily falling. We project it to continue to fall,  
16 and the tax payers are entitled to a better bang for  
17 their buck. Thank you, Mr. Chair.

18 CHAIRPERSON POWERS: Thank you, and thank  
19 you for those comments. I think Council Member  
20 Rivera had one more comment because she has to run to  
21 a committee and then it's Council Member Rosenthal  
22 and Council Member Ampry-Samuel.

23 COUNCIL MEMBER ROSENTHAL: Thank you,  
24 chairs.

2 CHAIRPERSON POWERS: Wait, Carlina had  
3 one more questions.

4 COUNCIL MEMBER RIVERA: Oh, it's just--

5 COUNCIL MEMBER ROSENTHAL: [interposing]  
6 Sorry.

7 COUNCIL MEMBER RIVERA: a comment, Helen.  
8 I just wanted to say that you all are in charge with  
9 the care, custody and control of every individual  
10 that comes through your facilities, so I know that  
11 you deferred a lot of what I asked the H+H, which I  
12 will get to in terms of interviewing that agency, but  
13 I really feel like I didn't really get any of my  
14 questions answered, and you don't have a lot of the  
15 data. Considering that Correctional Health Services  
16 transferred from Horizon to Health and Services in  
17 fiscal year 2016, so the effectiveness of H+H in  
18 these facilities is still a little unclear especially  
19 because of the lack of transparency that I mentioned  
20 in my earlier comment. So what I'm going to do is  
21 I'm going to put these questions probably in a letter  
22 to you, and I'm hoping that you could provide in some  
23 detail some of the answers. Okay?

24 COMMISSIONER BRANN: Thank you, we will  
25 respond.

2 COUNCIL MEMBER ROSENTHAL: Great. Thank  
3 you. Thank you, Chairs. Welcome Commissioner. I  
4 just as quick background, I used to have a job where  
5 I visited the Rikers, and I appreciate the work that  
6 the officers do every day, the work that you do.  
7 It's not an easy job. So, I just wanted to  
8 acknowledge that. Quick question that I want to get  
9 out of the way. In miscellaneous, in your  
10 miscellaneous revenue line in the Preliminary Budget  
11 we're seeing what I think is an increase in  
12 miscellaneous revenue from commissary funds and maybe  
13 inmate telephone fees. Can you confirm if I'm seeing  
14 that correctly, or is the expected number static?

15 ASSISTANT COMMISSIONER LYONS: So I  
16 believe for the commissary funds you're like leasing  
17 that correctly, because as the Commissioner and Chief  
18 of Staff have noted, commissary can be increased.  
19 Commissary can be used as positive incentive for  
20 behavior, so there would be increased usage of the  
21 commissary services to the inmates.

22 COUNCIL MEMBER ROSENTHAL: I'm sorry, so  
23 the benefit is they get to pay more money for the  
24 commissary?

2 ASSISTANT COMMISSIONER LYONS: They get to  
3 shop more.

4 COUNCIL MEMBER ROSENTHAL: Why would we  
5 want to take more money from these people? Let's go  
6 into it another time. I find that baffling.

7 CHIEF THAMKITTIKASEM: Just to clarify  
8 one thing. I think what the Associate Commissioner  
9 was saying is simply that there are-- we have  
10 expanded the ability for our population to purchase  
11 more if they wanted more things.

12 COUNCIL MEMBER ROSENTHAL: So, it's that-

13 -

14 CHIEF THAMKITTIKASEM: [interposing] Okay.  
15 We can talk more about it. I just wanted to clarify  
16 that.

17 COUNCIL MEMBER ROSENTHAL: If I were-- I  
18 hear what you're saying. I think it's an odd way to  
19 raise revenue. I get the idea of having expanded  
20 selection, but I wouldn't-- I'm going to move on.  
21 That one's still baffling to me, but I'll-- sounds  
22 like there's something there. So, what I really want  
23 to talk about is headcount and overtime, and I'm--  
24 you know, the biggest picture is I remember sitting  
25 her a couple of years ago with Chair Ferreras-

2 Copeland, and my understanding was that there was an  
3 agreement about adding funds to the budget to come up  
4 with a headcount that was acceptable, good, that  
5 everyone agreed was "the right number," and I think  
6 55 million, for some reason that number stays in my  
7 mind as how much money we added, and the agreement was  
8 that overtime would actually correspond to what the  
9 budgeted overhead-- overtime number would be. So, in  
10 other words, OMB budgets overtime because there's  
11 some planned overtime, right? But that has not  
12 panned out, and in fact overtime has increased-- the  
13 actual number has increased from year to year, so and  
14 from what I understand unless I'm reading this wrong,  
15 you are-- the number of filled uniformed positions is  
16 not only at 100 percent to what you expected, it's  
17 668 officers more. And I get it that you're going to  
18 use attrition going forward as you close jail,  
19 whatever. I'm having a hard time wrapping my head  
20 around all these numbers. They do not answer the  
21 smell test, and I'm just wondering who's driving the  
22 overtime. I'm wondering who's driving the headcount.  
23 You know, according to our documents, you're-- the  
24 Academy is training, I think-- let me look at it so I  
25 get the number right. It's something like 100 more

2 officers, yeah, 150 more officers between May 16<sup>th</sup>  
3 and November 17 that came out of the Academy.

4 Nothing fits.

5 FIRST DEPUTY COMMISSIONER VILLALONA: So,  
6 thank you. As you pointed out, we have received  
7 additional headcount which we have been hiring up  
8 for. However, our projected, our expected hiring has  
9 lagged what it is that we would expect to have on  
10 board. So, to answer your questions, specifically to  
11 us being above headcount, the numbers that you  
12 pointed to, that number includes those that we have  
13 in the Academy, which is over 800 right now. It also  
14 covers everyone who is on payroll, but is not always  
15 available to work a post, based on--

16 COUNCIL MEMBER ROSENTHAL: [interposing]  
17 Right, and your vacancy rate is 10 percent, so I  
18 could understand if you were 400 over, but not-- the  
19 math doesn't add up.

20 FIRST DEPUTY COMMISSIONER VILLALONA:  
21 We're sit-- according to the number that you pointed  
22 out, we're 600 over, and we have over 800 in the  
23 Academy.

24 COUNCIL MEMBER ROSENTHAL: And--  
25



2 FIRST DEPUTY COMMISSIONER VILLALONA:

3 [interposing] And so, but beyond that we have over  
4 the last several--

5 COUNCIL MEMBER ROSENTHAL: [interposing]

6 But your vacancy rate, right, is 10 percent.

7 FIRST DEPUTY COMMISSIONER VILLALONA: So,

8 over the last--

9 COUNCIL MEMBER ROSENTHAL: [interposing]

10 So you should be filling, right, a certain number. I  
11 mean, if you're saying that for a period of time, but  
12 more importantly, if you're saying that for a period  
13 of time every year there is duplicative numbers  
14 between attrition and how many you're training  
15 because you're training more to bring them in, that  
16 would be captured in your actual number that OMB has.  
17 So, if that's a disagreement that you have between  
18 OMB and yourselves, or a timing problem, that should  
19 be captured in the numbers that are budgeted.

20 FIRST DEPUTY COMMISSIONER VILLALONA: So,

21 there is no disagreement between us and OMB. As the  
22 Commissioner and others have pointed out, over the  
23 last several years we have made additional strides  
24 and taken on additional effort in how we treat our  
25 inmate population. Part also of the Nunez--

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 As I say, you're doing your job, and God bless you

4 for doing your job, dead serious, but I'm not

5 interested in hearing that you need more officers.

6 OMB budgeted you at a certain level. There was an

7 agreement made between the City Council and DOC two

8 years ago to increase staffing by 55 million with the

9 understanding that overtime would meet actual

10 overtime would equal budgeted overtime. That has not

11 transpired for the last two years. So, telling me

12 that your job is hard doesn't answer the question.

13 Telling me that you're trying to do additional things

14 like going from 30 to one to 15:1, doesn't answer the

15 question. That explains why the city agreed to fund

16 more staff. So, I'm having-- as I say, I'm having a

17 hard time wrapping my head around this.

18 CHIEF THAMKITTIKASEM: With all due

19 respect, ma'am, so a couple of different things.

20 One, I think that what is not accounted for, we did

21 put out a plan to kind of increase headcount with a

22 lot of the programs we had placed in the beginning of

23 the Administration. I think we have been pretty

24 honest with the fact that what we have been trying to

25

2 do over the last two years is expand other programs,  
3 deal with different regulations--

4 COUNCIL MEMBER ROSENTHAL: [interposing] I  
5 know, God bless you, and it's funded.

6 CHIEF THAMKITTIKASEM: And, ma'am, I  
7 think that every time that we go forward with this,  
8 we are trying to figure out at the same time with  
9 other requirements that we have under Nunez and other  
10 places where the entirety of our staff have to go  
11 through the training programs--

12 COUNCIL MEMBER ROSENTHAL: [interposing]  
13 Right, so now you're starting to talk about it. So,  
14 perhaps it's because of agreements you have with the  
15 unions about--

16 CHIEF THAMKITTIKASEM: [interposing]  
17 There's not a union agreement, ma'am. This is a--

18 COUNCIL MEMBER ROSENTHAL: [interposing]  
19 OH, I didn't hear you.

20 CHIEF THAMKITTIKASEM: federal monitor.  
21 I'm sorry. That was a federal monitor.

22 COUNCIL MEMBER ROSENTHAL: The federal  
23 monitor. So are you now saying that the agreement  
24 that you have with the federal monitor is not being  
25 accounted for by OMB in the actual numbers?

2 CHIEF THAMKITTIKASEM: No, ma'am, I  
3 think--

4 COUNCIL MEMBER ROSENTHAL: [interposing]  
5 Or the budgeted numbers.

6 CHIEF THAMKITTIKASEM: As I think you  
7 were referencing to an earlier number, every time we  
8 record with our budgetary plan, we account for the  
9 things that we're going to spend for.

10 UNIDENTIFIED: We're live [sic].

11 CHIEF THAMKITTIKASEM: I may be  
12 misunderstanding the conversation.

13 COUNCIL MEMBER ROSENTHAL: You know, we  
14 can move on and I'm happy to have an internal meeting  
15 about this, but so far you're really not explaining  
16 why you are abrogating the agreement that was made  
17 with Council Member Ferreras-Copeland to control  
18 overtime when the City Council agreed to put 55  
19 million dollars more in the budget for headcount, and  
20 nothing you've said so far has explained 55 million  
21 dollars of what was already put in the budget and why  
22 you need all of that overtime. So, happy to follow  
23 up with you, but I'm still struggling. It's been  
24 five minutes.

2 CHAIRPERSON POWERS: Yeah, it's been five.  
3 We'll follow up with you on the point, and I know  
4 Council Member Rosenthal feels strongly about it, and  
5 we want to make sure that her voice is heard. We're  
6 going to do Council Member Ampy-Samuel, and we're  
7 going to try to like a very quick speed round to  
8 close it out. I know you guys have been here for a  
9 while, and thank you to the public and the Board of  
10 Corrections as well for sitting with us. I know it's  
11 been-- we're running late, so sorry about that.

12 Council Member?

13 COUNCIL MEMBER AMPRY-SAMUEL: Thank you.  
14 I just want to go back to the Raise the Age question.  
15 I have both Crossroads and Ella McQueen in my  
16 district, and I just wanted some clarification around  
17 what's happening with Ella McQueen and the state, and  
18 there's a lot of back-and-forth between the City and  
19 the State right now around a whole lot of issues.  
20 and so, in the event you are not able to have access  
21 to Ella McQueen, are there any alternatives to where  
22 you might have intake and reception and, you know,  
23 just like what's the plan if you are not able to go  
24 into Ella McQueen?

2 CHIEF THAMKITTIKASEM: So, one, we are  
3 working with the state and we have made the request.  
4 So, I don't know exactly where things stand with  
5 that, and that's a question that'll have to be  
6 deferred to somebody else. However, in the-- we are  
7 planning, moving full forward with Horizon and  
8 Crossroads. Each has an intake. Obviously, the  
9 ideal thing is to use Ella McQueen as a central  
10 intake, and if those are not available, at least  
11 Horizon and Crossroads both have intakes.

12 COUNCIL MEMBER AMPRY-SAMUEL: Okay, so  
13 there wouldn't be no-- there would be no problem at  
14 all with the actual process of moving everyone into  
15 Crossroads and Horizon. Ella McQueen is not a factor  
16 if it doesn't happen and you don't need any  
17 alternative space. You can do everything you need to  
18 do with Raise the Age between the two facilities,  
19 Horizon and Crossroads.

20 CHIEF THAMKITTIKASEM: The plan is to  
21 actually include Ella McQueen in Horizon and  
22 Crossroads, particularly to kind of ease up on kind  
23 of intake. So someone else can talk to-- I think  
24 MOCJ can speak a little bit more to the Ella McQueen  
25 kind of update. Basically, we have a plan for

2 Horizon and Crossroads. It is help to have Ella  
3 McQueen. I think we would prefer it and there are  
4 some adjustments that we'd have to make if we didn't  
5 Ella McQueen.

6 COUNCIL MEMBER AMPRY-SAMUEL: Okay, but  
7 if you don't have Ella McQueen, you're able to  
8 complete the process with the two facilities,  
9 Crossroads and Horizon?

10 CHIEF THAMKITTIKASEM: It would be very  
11 crowded.

12 COUNCIL MEMBER AMPRY-SAMUEL: Thank you.

13 CHAIRPERSON GIBSON: Let me say on this  
14 real quick second. You guys are the Department of  
15 Corrections. Who's leading this conversation on  
16 acquiring Ella McQueen? Is it MOCJ or DOC?

17 CHIEF THAMKITTIKASEM: The City is  
18 engaged with the state.

19 CHAIRPERSON GIBSON: Okay. So, the City  
20 meaning the Mayor's Office or DOC?

21 CHIEF THAMKITTIKASEM: So--

22 CHAIRPERSON GIBSON: [interposing] Because  
23 you're deferring the question to someone else, but  
24 you didn't say who the someone else.

2 CHIEF THAMKITTIKASEM: MOCJ and the  
3 Mayor's Office.

4 CHAIRPERSON GIBSON: Okay, so I guess the  
5 reason why we're asking is Raise the Age was passed  
6 by the legislature last year. It's an unfunded  
7 mandate that we have to comply with, right? So, if  
8 we are looking at Crossroads, Horizon, and Ella  
9 McQueen, we're asking about where the level of  
10 conversations are. This is a mandate that we have to  
11 comply with in a certain timeframe. So, if there are  
12 ongoing conversations, where are we with acquiring  
13 these sites? Is OCFS going to give us Ella McQueens?  
14 There's state staff there. There's a lot of things  
15 that need to happen. So if we are in the process of  
16 having conversations, what is the update that we can  
17 get today? Who's making the decision on if we're  
18 going to acquire these properties or not?

19 COMMISSIONER BRANN: So we're working with  
20 ACS and MOCJ every day on the Horizon and Crossroads,  
21 and we have plans in place to have those facilities.  
22 With regard to Ella McQueen, that discussion is in  
23 the Mayor's Office.

24 CHAIRPERSON GIBSON: Okay, thank you.  
25 That's what I wanted, an answer. It's in the Mayor's



2 Office. So, if we have questions, we need to call  
3 the Mayor, because I want to be very cognizant and  
4 realistic that these are not final agreements. So,  
5 if it doesn't work out with Crossroads, it doesn't  
6 work out with Horizon or Ella McQueen, we have to  
7 have a contingency plan, right? We have to make sure  
8 these young people are going somewhere, and so if  
9 these conversations are ongoing and they're leading  
10 to dead-ends, I don't want to wait 'til that happens  
11 and say we're stuck and we have no place for these  
12 young adults to go, okay? So, I will defer a lot of  
13 my frustration with the Mayor's Office, and his staff  
14 is here so he will hear that, you know, we just want  
15 answers. We want to make sure the 16 and 17 year  
16 olds have a place to go that is not Rikers Island.  
17 That's the bottom line. It's an unfunded mandate, and  
18 I have to stick on that point. I was told that the  
19 estimated amount of Raise the Age implementation is  
20 about 200 million. You can correct me if that's not  
21 correct, but those are the numbers that I have, but  
22 whatever the number is, there is a number. The state  
23 has not given us any money to implement Raise the  
24 Age. So when you talk about the staffing and all of  
25 the level of services and programs that we have to

2 provide, who is going to pay for these services and  
3 the staff? How is that going to work if we don't get  
4 a dime from Albany?

5 CHIEF THAMKITTIKASEM: I don't know what  
6 that cost is.

7 COMMISSIONER BRANN: We don't have a  
8 dollar amount for that cost. What I will tell you is  
9 that we provide the security staff, and ACS will be  
10 providing programming.

11 CHAIRPERSON GIBSON: Okay, so DOC will  
12 provide security and ACS staff will do the human  
13 services, social services, etcetera.

14 COMMISSIONER BRANN: Yes, correct.

15 CHAIRPERSON GIBSON: Okay, okay, thank  
16 you very much.

17 CHAIRPERSON POWERS: Thank you, and  
18 Council Member Holden and Council Member Rosenthal  
19 had one more question.

20 COUNCIL MEMBER HOLDEN: Just a quick point  
21 and a question. I was very impressed with the  
22 educational program visiting Rikers for the 16 and 17  
23 year olds. It's mandatory. They have to attend  
24 classes. However, in the 18 to 21 they're offered  
25 education classes, yet only I think about 10 percent-

2 - it's not mandatory-- only 10 percent really take  
3 advantage of that. Is there any way, I mean, to  
4 increase the budget to actually-- or is it against  
5 their rights to make it mandatory for the 18 to 21's  
6 to attend classes?

7 CHIEF THAMKITTIKASEM: I think that is a--  
8 that's a state change, so we wouldn't-- for a  
9 mandatory change that is not within our power.

10 COUNCIL MEMBER HOLDEN: It's a state?  
11 Yeah, okay.

12 CHAIRPERSON POWERS: Council Member  
13 Rosenthal?

14 COUNCIL MEMBER ROSENTHAL: Sorry, just a  
15 quick question, again, just want to nail this down.  
16 So, last year overtime was roughly-- for the uniform--  
17 - was roughly 240 million. This year you're budgeted  
18 for 164 million for this fiscal year. Where are you  
19 at right now and where do you expect year-end to be?

20 ASSISTANT COMMISSIONER LYONS: So, when  
21 looking at last fiscal year for the first six months  
22 of the year, July to December to this current fiscal  
23 year, July to December, spending is down by 14  
24 percent.

25 COUNCIL MEMBER ROSENTHAL: Overtime?

2 ASSISTANT COMMISSIONER LYONS: Yes.

3 COUNCIL MEMBER ROSENTHAL: Or uniform?

4 ASSISTANT COMMISSIONER LYONS: Total.

5 COUNCIL MEMBER ROSENTHAL: It's down 14  
6 percent from last year's?

7 ASSISTANT COMMISSIONER LYONS: Comparing  
8 the expenditures for the first six months of last  
9 fiscal year to this fiscal year.

10 COUNCIL MEMBER ROSENTHAL: Right, right,  
11 but the reduction is higher than 14 percent that's  
12 needed.

13 ASSISTANT COMMISSIONER LYONS: So, we're  
14 still monitoring overtime spending each payroll, but-  
15 -

16 COUNCIL MEMBER ROSENTHAL: [interposing]  
17 Do you think you're going to meet the 164 that's in  
18 the budget right now, or do you think you're going to  
19 spend more than 164 million, at the current rate  
20 which is 14 percent lower than last year?

21 ASSISTANT COMMISSIONER LYONS: It's too  
22 early to predict at this time.

23 COUNCIL MEMBER ROSENTHAL: How much have  
24 you spent year-to-date?  
25

2 ASSISTANT COMMISSIONER LYONS: I don't  
3 have that number on me right now.

4 COUNCIL MEMBER ROSENTHAL: But you know  
5 it's 14 percent less.

6 ASSISTANT COMMISSIONER LYONS: I know that  
7 statistic, yes.

8 COUNCIL MEMBER ROSENTHAL: year to year.  
9 So what was the number year to year for-- what was  
10 the number for the first quarter?

11 ASSISTANT COMMISSIONER LYONS: I can get  
12 those numbers for you.

13 COUNCIL MEMBER ROSENTHAL: How do you  
14 know it's-- okay, thank you very much.

15 CHAIRPERSON POWERS: Thank you, thanks.  
16 So, I'm going to-- I, just again, thank you. I know  
17 we're running late. I'm just going to want to-- I'll  
18 clean up here and just kind of go through a couple  
19 questions remaining. Thank you for taking so much  
20 time with us. The last couple last questions here,  
21 and then we're going to have the Board of  
22 Corrections. The Council had passed a number of  
23 bills related to some compliance related to the DOC  
24 last fall. I wasn't lucky enough to be here to vote  
25 on any of them, but I wanted to just check in on your

2 ongoing compliance with a number of them. One was  
3 about blacked out on paying bail, blacked out periods  
4 for paying bail, bringing DOC inmates to a Grand  
5 Jury, not bringing them, and bringing them in plain  
6 clothes, providing bail facilitation, and then also  
7 access to property for recently incarcerated people.  
8 I will admit that we've heard that the Department is  
9 not in full compliance with a number of all those or  
10 a portion of them at least. I wanted to get and I  
11 know I just hit on a few of them, but where we are in  
12 complying, what's the compliance rate, or what is the  
13 expectation of being compliant?

14 CHIEF THAMKITTIKASEM: Yeah, I think just  
15 in a speed round as well.

16 CHAIRPERSON POWERS: [interposing] Yeah,  
17 yeah.

18 CHIEF THAMKITTIKASEM: Basically, we have  
19 been delayed on the closing of blacked out window  
20 while they're on transportation from the court to the  
21 jails, but we will within a couple of few weeks  
22 actually be able to close that. All the IT is in  
23 place. We just have to get the training done. So,  
24 that's there. Accepting bails near a court was  
25 another requirement. We have instituted that within

2 queens, but we're trying to figure out other options  
3 because DOC doesn't technically have facilities near  
4 the courthouse in Bronx or Staten Island. So, those  
5 two areas are-- we're trying to find options in terms  
6 of property to pay bail. During the new admissions,  
7 inmates are now able to deposit money so they can  
8 kind of pay that. Bail facilitators have been  
9 brought on but we're looking at other options to  
10 expand that, and then online bail is another effort  
11 that I think we'll be focused more on April, speed  
12 round.

13 CHAIRPERSON POWERS: We'll follow up on  
14 details we need. The Council had done an inquiry, I  
15 think, about telephone services and cost of the  
16 telephone services, in particularly breakdowns. The  
17 Speaker actually I think had a bill in the past  
18 related to moving the cost-- changing the cost  
19 structure, changing the cost. After you accept it,  
20 anything you could tell us or can we get information  
21 of that inquiry related to--I know there's contacts  
22 in place, but I think it's an inquiry that still  
23 remains.

24 CHIEF THAMKITTIKASEM: Yeah, I think we  
25 have an interesting contract, and we're happy to talk

2 to even more about it. I don't actually have the  
3 information in front of me, so--

4 CHAIRPERSON POWERS: [interposing] We may  
5 look at that bill--

6 CHIEF THAMKITTIKASEM: Absolutely, sure.

7 CHAIRPERSON POWERS: and may introduce it  
8 at some point in time I would like just like, you  
9 know, have relationship where we can get that  
10 information. We're undergoing an evaluation of it.  
11 The Country is going under an evaluation of claims  
12 around sexual harassment, other types of abuse. Can  
13 you tell us, do you guys report that number of either  
14 enforced incidents, or allegations? Do you do  
15 reporting on that?

16 COMMISSIONER BRANN: Yes, we do, and by  
17 the end of this week our report will be public on our  
18 website.

19 CHAIRPERSON POWERS: Okay, can you send us  
20 a copy if you don't mind as well. Helen Rosenthal  
21 has one more question. Just keep-- because I just  
22 want to go-- how many current beds are-- we talked  
23 about CAPS and PACE which are the, you know, I think  
24 services for people with mental health needs. How  
25



2 many current beds does it have in the PACE, and did  
3 you anticipate your need of an increase?

4 CHIEF THAMKITTIKASEM: So, roughly I  
5 think about 190 to 200 beds are currently available.  
6 We do already have plans to expand some of the PACE  
7 units and then other special with H+H.

8 CHAIRPERSON POWERS: Okay, thank you.  
9 And last thing on ESH, and I think we're going to  
10 look at this later down the road and so some  
11 evaluation of it, but how-- We saw different units.  
12 Some are restrained, some aren't. How many-- it  
13 changes, I'm sure. But how many people are  
14 restrained now or what is like sort of the level --

15 CHIEF THAMKITTIKASEM: [interposing] In  
16 ESH?

17 COUNCIL MEMBER HOLDEN: Yeah.

18 CHIEF THAMKITTIKASEM: Roughly it's 138  
19 total in ESH in all the three level. In terms of a  
20 breakdown, I believe it's roughly around 50 or 60  
21 that might be kind of 50 in level one, and then it  
22 goes-- the majority are in level two, which are  
23 without the restraints, and then level three is the  
24 smallest population probably in the 10s or 15s.

2 COUNCIL MEMBER HOLDEN: And that's of all  
3 ages.

4 CHIEF THAMKITTIKASEM: Yes, it's all  
5 ages.

6 COUNCIL MEMBER HOLDEN: Yeah, yeah, yeah,  
7 okay. Got it.

8 CHIEF THAMKITTIKASEM: By the way, we can  
9 get you the exact numbers. I just wanted to--

10 CHAIRPERSON POWERS: And we talk about---  
11 we talk about-- one last question I'm sorry to  
12 interrupt. Council Member Holden talked about, and  
13 you talked about it and we saw that, good behavior  
14 for anybody who is held on Rikers Island, good  
15 behavior could result in a reward or something. We  
16 talk about video games and other things as well. Do-  
17 - for reduction in violence, do the supervisors  
18 receive-- I mean, I guess my question is, is like is  
19 there an-- I mean, there's obviously an incentive,  
20 nobody wants violence in a jail ever, but does that  
21 transfer over to people that work in a jail as well  
22 to supervise wardens about ensuring that-- I mean, I  
23 guess my point is like are there rewards for reducing  
24 violence in a particular unit for a time period?

2 COMMISSIONER BRANN: We recognize staff  
3 when they perform well and have been able to achieve  
4 their goals. So we do celebrate those successes.

5 CHAIRPERSON POWERS: I do too but I hope  
6 there's something, more of an elaborate answer at  
7 some point. Thank you for that. I will end it  
8 there. We have many more questions as you can  
9 expect. We also have many more hearings to cover a  
10 lot of other topics. So, I wanted to thank you to--  
11 I'll let Council Member Rosenthal ask her final  
12 question and then we'll close out.

13 COUNCIL MEMBER ROSENTHAL: Alright, just  
14 to-- I did the math myself. So you were supposed to  
15 have a 30 percent reduction in overtime. You were  
16 able to tell us it's 14 percent although you didn't  
17 have the number. So I guess the real question is  
18 what's your plan to get to what was agreed upon,  
19 right? Commissioner?

20 COMMISSIONER BRANN: So, we monitor  
21 overtime usage every day. We have a call with all of  
22 the facility wardens. They are required to report on  
23 every hour of over time that they use and why they  
24 use it. We put plans in place to reduce that  
25 overtime. We are now starting a second round of

2 Nunez required training and PREA training which will  
3 require all of our staff who are currently in our  
4 facilities to go through that training, and that  
5 requires backfill. We're also coming up to the pick-  
6 - prime vacation pick season, and we will be  
7 monitoring every day continuously--

8 COUNCIL MEMBER ROSENTHAL: [interposing]

9 Again, Commissioner--

10 COMMISSIONER BRANN: [interposing] We will  
11 make every effort to reach that cap.

12 COUNCIL MEMBER ROSENTHAL: Again--

13 COMMISSIONER BRANN: [interposing] Today  
14 sitting here, I cannot give you that answer.

15 COUNCIL MEMBER ROSENTHAL: Right, but  
16 again, I appreciate the impossible work that you do.  
17 I mean, I couldn't do it, right? Many of us  
18 couldn't. You are doing this and seriously thank  
19 you, but you had an agreement, and the agreement took  
20 into account all the knowledge that you have about  
21 vacations, about incidents, that-- I'm not about  
22 that. What I'm curious about is, you got more staff.  
23 You agreed to a reduction of 50 million dollars in  
24 overtime. You're-- that's a reduction of 30 percent,  
25 28-30 percent, and you're at 14 percent. I want to

2 know how you're going to get to the now more than 30  
3 percent you're going to have to get to in order to  
4 get to your annualized number, and I think it's a  
5 reasonable question for tax payers to ask you for a  
6 plan of action, and yeah.

7 COMMISSIONER BRANN: I agree with you--

8 COUNCIL MEMBER ROSENTHAL: [interposing]

9 Thank you.

10 COMMISSIONER BRANN: and I will meet with  
11 you personally, and we can discuss some of those  
12 issues, and then I can give you a full plan on how I  
13 intend to do the best that we can to reach that goal.  
14 I don't think, quite frankly, with all due respect,  
15 that two years ago we knew the amount of training and  
16 overtime because of the Nunez settlement that was  
17 going to come upon this agency.

18 COUNCIL MEMBER ROSENTHAL: So, it sounds  
19 to me like you got more staff and with that you got  
20 more overtime. I'm happy to sit down with you, but I  
21 think it's the public that deserves an answer.

22 CHAIRPERSON POWERS: Thank you. We'll  
23 follow up and we'll-- perhaps set up a phone call or  
24 a time to speak in more detail. Thank you. Council  
25 Member Gibson is going to close it down.

2 CHAIRPERSON GIBSON: Thank you so much.  
3 Thank you once again for your patience and I really  
4 appreciate it. I just want to ask a quick question.  
5 A few years ago I sponsored legislation that was  
6 codified into Local Law that focused on the Rikers  
7 Island nursery, and I want to ask the question about  
8 our female detainees. The future closure plan, what  
9 are we going to do with females and young women that  
10 are entering our system? Where are they going to be  
11 housed, and are we looking at female inmates as a  
12 part of this conversation?

13 CHIEF THAMKITTIKASEM: Absolutely, Chair.  
14 We are-- they'll be part of the CPSD. One of the  
15 main principles we put out is to not minimize any of  
16 the services that we have tried to build up for that  
17 population now. They are going to be a part of that  
18 population, and the CPSD is taking them when they're  
19 in the design principles, a lot of the things we've  
20 already done here in Roses [sic].

21 CHAIRPERSON GIBSON: Okay, so we'll still  
22 have the nursery for young mothers as well.

23 CHIEF THAMKITTIKASEM: WE'll have nursery,  
24 we'll have maternity, all that.

2 CHAIRPERSON GIBSON: Okay, great.

3 Commissioner, in your testimony you talked about a  
4 new addition of two million dollars for an inmate  
5 assessment tracking system for Strategy 15C. I  
6 wanted to ask, is that the same as the inmate  
7 management system which was formerly called the Jail  
8 Management System. There's a 10.3 million dollar  
9 commitment in Fiscal 2018 for a new inmate management  
10 system, but as I understand, the funding for this  
11 project has been in DOC's capital budget since Fiscal  
12 2009, and every year the Department has talked about  
13 issues and challenges because of the 14-point plan  
14 that could have delayed the implementation of this  
15 system. So can you help me understand where we are  
16 and are these two systems the same that we're talking  
17 about or is it different?

18 CHIEF THAMKITTIKASEM: I think they're--

19 COMMISSIONER BRANN: No.

20 CHIEF THAMKITTIKASEM: Okay.

21 ASSISTANT COMMISSIONER LYONS: No, they  
22 are not the same systems. So Jail Management System,  
23 yes, you're correct has been in the budget for quite  
24 some time. over time the project continually  
25 evolves, and at this time we've recently completed an

2 engagement with a vendor to review requirements for  
3 the future system and we hope to enter into the  
4 procurement phase this coming April, the  
5 implementation of the system beginning in December  
6 2019.

7 CHAIRPERSON GIBSON: December of 2019 is  
8 when--

9 ASSISTANT COMMISSIONER LYONS:  
10 [interposing] Yes.

11 CHAIRPERSON GIBSON: you expect.

12 ASSISTANT COMMISSIONER LYONS: To begin  
13 implementation.

14 CHAIRPERSON GIBSON: Okay, so what's the  
15 difference between these two systems?

16 FIRST DEPUTY COMMISSIONER VILLALONA: So,  
17 the Jail Management System has many modules and  
18 different components. I can speak to specifically to  
19 that piece, but one of the issues that we've had in  
20 the past is that we tried to come up with one system  
21 that did all things, and we tried to approach this  
22 implementation differently. So, going forward we  
23 hope that this approach is going to help us to  
24 achieve-- successfully replace other jail management  
25 system.



2 CHAIRPERSON GIBSON: Okay, well I guess  
3 my concern is you acknowledge that we roll this money  
4 over year after year after year. We're almost on 10  
5 years now with an implementation in 2019 at a cost of  
6 10.3 million dollars.

7 COMMISSIONER BRANN: So, the Jail  
8 Management System is different from the tracking  
9 system. The tracking system is the RFID system, so  
10 we-- the wristbands, we know where people are.

11 CHAIRPERSON GIBSON: Okay.

12 COMMISSIONER BRANN: The Jail Management  
13 System is our information system that contains all  
14 information about anyone in our facility, historical  
15 data, housing unit, date of entry, booking case  
16 number, times to medical, what bed they're in, it's a  
17 technological solution to managing our operations.  
18 And so when you-- when we procure and we sign a  
19 contract, then we have to design all of the module  
20 sin that management system. that's why it takes a  
21 year, year and a half, to bring all of the operations  
22 people together to sit down and what do they need  
23 built into that system so they can have the  
24 information at their fingertips.

2 CHAIRPERSON GIBSON: Okay, well, no I  
3 understand that. It sounds complicated, but I mean,  
4 it's been more than two years. So, I just want to  
5 acknowledge that, you know, this has taken quite some  
6 time, and so the existing system we have today, is it  
7 a complete, like, rehab? Is it a brand new system,  
8 or is it modeling off of the existing one with  
9 advancements?

10 FIRST DEPUTY COMMISSIONER VILLALONA: You  
11 are correct. it's-- our current system is-- we have  
12 multiple legacy systems, which do a good enough job  
13 at this point, but we would like to advance and add  
14 some newer technologies to it, some of which were  
15 spoken about here today, including the inmate  
16 tracking system.

17 CHAIRPERSON GIBSON: Okay.

18 FIRST DEPUTY COMMISSIONER VILLALONA: In  
19 addition to-- just really quickly, in addition to  
20 what the Commissioner had pointed out, it also tracks  
21 every single transaction. So when we talk about 60-  
22 70,000 admissions and all of the court processes  
23 going back and forth from Rikers to court and even in  
24 between our facilities, it's going to require a lot  
25 to change. So, that's part of the hurdle.

2 CHAIRPERSON GIBSON: Okay.

3 FIRST DEPUTY COMMISSIONER VILLALONA: I  
4 can--

5 CHAIRPERSON GIBSON: [interposing] Okay,  
6 and I guess my final question, and I have to ask as a  
7 representative of the Bronx, my colleagues would  
8 appreciate it, but what is the future plan for the  
9 barge [sic] that sits in Hunts Point that was  
10 supposed to be temporary? It's been there for many,  
11 many years. As I understand there are about 800  
12 detainees that are there on a daily basis plus staff,  
13 and then I also wanted to understand the methodology  
14 or some of the metrics behind the site selection that  
15 we acquired and are looking to use, the NYPD tow  
16 pound location. So, if it's not DOC, if it's MOCJ,  
17 the Mayor's Office, please let me know because these  
18 are conversations that we have to have with Bronx  
19 residents, and we need to know who are the decision  
20 makers and what sort of metrics that we used.

21 CHIEF THAMKITTIKASEM: So, on the barge,  
22 the focus obviously was on design of the different  
23 facilities, and once we have a better sense of what  
24 the timeframe and needs are, then we can talk a lot  
25 more about kind of the transition period and where

2 that falls into the transition. Can't answer it now  
3 just because the CPSD is done and kind of those  
4 design [inaudible]. In terms of the Bronx, I think  
5 that MOCJ can speak more to it. I will tell you some  
6 of the criteria we're focused on proximity to the  
7 courts, public transportation and enough space to  
8 kind of design those facilities that would allow for  
9 a fair distribution of kind of the population once  
10 off, and it hits the ultimate mark of around 5,000 as  
11 a population.

12 CHAIRPERSON GIBSON: Okay. Well, I'll  
13 end with just saying that, you know, we continue to  
14 talk and discuss, but please understand that out of  
15 the entire City of New York with a closure plan, the  
16 Bronx is the only borough that is getting a brand new  
17 facility. So it makes sense that we do not have the  
18 barge and a brand new facility, because that  
19 essentially means to the residents I represent that  
20 we have two jails. The barge is a jail. There's  
21 staff. There are detainees. There are services  
22 there, and if we're looking to build a brand new  
23 standalone facility in the Bronx, something has to  
24 happen to the barge. So I want to make clear and go  
25 on record, because I've said to the Mayor's Office

2 talk about the closure and talk about the barge as  
3 well. Do not forget that it exists. Do not forget  
4 it sits in Hunts Point and do not forget that it's in  
5 the borough of the Bronx. That is very important to  
6 us to make sure that we don't forget about this large  
7 entity that is operating every single day in our  
8 borough. So, I thank you all. There's always a lot  
9 more we can talk about, but certainly I appreciate  
10 the work you're doing. There is a lot more that we  
11 can do. The commitment rate has to get better. DOC  
12 has to get these projects registered. I'm happy to  
13 work with you working with OMB in making sure that  
14 these projects can get up on the ground and running,  
15 but overall I want to appreciate the work, the  
16 correction staff, the medical staff, the civilian  
17 staff. Many of them are friends. They do great work  
18 and they don't get the credit. You only hear about  
19 the bad things, and maybe that behooves all of us to  
20 talk about the good things that are happening to make  
21 sure that the media talks about the good things and  
22 not the bad things, because there is a lot of good  
23 that is happening, and I want to make sure that we  
24 use it as an opportunity to learn to improve and  
25 improve efficiency so we can really make sure that

2 our jails are safe for everyone. So thank you,  
3 Commissioner. Thank you to my Chair for being  
4 patient. I look forward to working with you.

5 CHAIRPERSON POWERS: Thank you, and I  
6 will echo that sentiment and I know the Commissioner  
7 actually had a statement that I agree with recently  
8 which is that the Department of Corrections doesn't  
9 get the appropriate enough of attention to the  
10 agency. Yet, a good quote that I agree with about  
11 sort of the attentiveness of the agency, and I thank  
12 you for repeating that and talking about it. That  
13 concludes Department of Corrections. Thank you  
14 everybody for sticking with us. We will now take  
15 just a 30-second break to get Board of Corrections up  
16 here and resume and then the public. Thank you.

17 [break]

18 CHAIRPERSON POWERS: Good afternoon, and  
19 thank you for sticking with us. This is the  
20 Committee of Criminal Justice continuing our hearing  
21 on the 2019 Preliminary Budget. We are joined by the  
22 Board of Correction. The Board's Fiscal 2019  
23 Preliminary Budget totals three million dollars. It  
24 increased by 193,000 dollars when compared to the  
25 Fiscal 2018 Adopted Budget. The budget of the Board

2 supports a headcount of 39 personnel. Just a very  
3 quick overview: The Board of Corrections is a nine-  
4 person, non-judicial oversight board that regulates,  
5 monitors and inspects the correctional facilities of  
6 the City. I should note that the City Council  
7 appoints three members to the nine-member board. The  
8 Board establishes and ensures compliance of the  
9 minimum standards regulating conditions of  
10 confinement and correctional health and mental health  
11 care in all City correctional facilities. The City's  
12 jails continued to be plagued by violence, as we  
13 noted, and I believe the Board had played and will  
14 continue to play an important role as an oversight  
15 board. We're particularly interested in the Board's  
16 role of implementation of Raise the Age as well as  
17 the role in the Administration's overall criminal  
18 justice efforts. I'd like to welcome Martha King,  
19 Executive Director of the Board of Correction who  
20 will be testifying, and thank you for being here  
21 today, and before we hear from you we have to swear  
22 you in. So, I'll have staff do that.

23 COMMITTEE COUNSEL: Please raise your  
24 right hand? Do you affirm to tell the truth, the  
25 whole truth and nothing but the truth in your

2 testimony before this committee and to answer  
3 honestly to Council Member questions?

4 EXECUTIVE DIRECTOR KING: I do.

5 CHAIRPERSON POWERS: Thank you, and I  
6 should have noted we're also joined by Bobby Cohen  
7 who is one of the City Council appointees who has  
8 been kind enough to join as well. So, you can begin  
9 when you're ready.

10 EXECUTIVE DIRECTOR KING: Good afternoon  
11 Chair Powers and Members of the Committee on Criminal  
12 Justice and Chair Gibson and Members of the  
13 Subcommittee on Capital Budget. My name is Martha  
14 King, and I am the Executive Director of the New York  
15 City Board of Correction, the independent oversight  
16 agency for the City's correctional facilities.  
17 Today, I am joined by one of our Board members who  
18 was appointed by the City Council, Dr. Robert Cohen.  
19 The Board of Correction is using new resources to  
20 strengthen its effectiveness as one of the City's key  
21 levers in creating safer, fairer, smaller, and more  
22 humane jails. New funding and staff, a renewed  
23 commitment from Board members, a focus on data and  
24 research, and collaboration with the Department has  
25 re-established the Board as a partner in the critical



2 work to build a justice system that reflects this  
3 City's values. Over the last year, the Board has  
4 successfully monitored and ensured compliance on key  
5 strategies to prevent sexual abuse in the jails,  
6 established an interagency team and auditing process  
7 to drive improvements to the inmate grievance system,  
8 and issued multiple assessments leading to policy  
9 improvements. The Board plays a vital role in  
10 creating the transparency and accountability needed  
11 in this time of change and as we move toward closing  
12 Rikers Island. From our experience monitoring the  
13 jails for decades, we know that regardless of the  
14 future location of NYC jails, they will still need  
15 independent and effective oversight. Since it became  
16 independent in 1977, the Board has played a leading  
17 role in major reforms to the City's jails. These  
18 include, in 1985, making NYC the first jurisdiction  
19 to voluntarily require appropriate mental health  
20 staffing in its jails, and, in 2015, making NYC the  
21 first major prison or jail system to prohibit  
22 segregation for adolescents and young adults. The  
23 City Charter outlines the Board's five central  
24 functions: To establish and ensure compliance with  
25 minimum standards for the care, custody, correction,

2 treatment, supervision, and discipline of all persons  
3 held under the jurisdiction of the Department; to  
4 investigate any matter within the jurisdiction of the  
5 Department; to establish procedures for hearing  
6 inmate and staff grievances; to evaluate the  
7 performance of the Department; and to make  
8 recommendations on areas of key correctional  
9 planning. The Board had 16 staff and a budget of  
10 \$1.6 million when I arrived in June 2015. With the  
11 increased support of the City Council and  
12 Administration, a Fiscal Year 19 budget of  
13 approximately three million will allow our staff to  
14 grow to 36. We have 29 staff today and will reach  
15 our head count in Fiscal Year 19. Our recent funding  
16 will support-- our most recent funding will support a  
17 lead investigator of all deaths in custody. This  
18 staff member will also manage the work of the City's  
19 Prison Death Review Board, which is required by the  
20 Board's Standards. Since the 1970's, the Board's  
21 death reviews have identified contributing factors  
22 and systemic deficiencies to improve policy and  
23 prevent future harm. The growth of the Board has  
24 allowed us to update and expand the Board's  
25 regulations; carry out strengthened and structured

2 monitoring; and create more transparency through  
3 research and public reporting. Today, I would like  
4 to update you on a few areas of recent progress. The  
5 Board's first new chapter of the Minimum Standards in  
6 25 years is designed to prevent and respond to sexual  
7 abuse and harassment of people incarcerated in the  
8 City's jails. These new Standards became effective  
9 in 2017 and include new requirements for training,  
10 investigations, cameras, rape crisis counseling  
11 services, and public reporting and incorporate many  
12 elements of the federal Prison Rape Elimination Act  
13 standards. The Board convenes quarterly interagency  
14 meetings with DOC and Health and Hospitals to review  
15 compliance, and I issue public updates every six  
16 months at the Board's public meetings. The Board has  
17 been particularly focused on improving compliance  
18 with the requirement that people coming into the  
19 jails are properly screened for risk of sexual  
20 victimization or abusiveness. This screening is  
21 needed so the Department can provide housing,  
22 programming and other services in a manner that  
23 minimizes risk. Because of the Board's work on this  
24 issue, the Department created an electronic method  
25 for screening and tracking sexual violence risk

2 across the entire DOC population and a system for  
3 tracking the placement of transgender people who are  
4 particularly at risk in custody. The Board also  
5 intervened when the Department proposed closing the  
6 Transgender Housing Unit. Board staff recently  
7 published an assessment of the unit and issued  
8 recommendations for improvements. Looking ahead, the  
9 Board is in the process of developing new Minimum  
10 Standards in two areas: restrictive housing and the  
11 Board's variance process. We continue to grow our  
12 monitoring staff whose work is based in the jails.  
13 They conduct site visits, resolve and refer  
14 complaints from staff and people in custody, monitor  
15 compliance with the Minimum Standards, and help to  
16 smooth the delivery of basic services. Through this  
17 work, staff play an important role in calming  
18 tensions in the facilities and helping DOC identify  
19 issues which may escalate if left unresolved.  
20 Increased funding has allowed more frequent  
21 monitoring of the hospital prison wards and courts,  
22 extended observations of specialized units in the  
23 jails, and a focus on improving the inmate grievance  
24 system. The Board helped establish the inmate  
25 grievance program in the late 1970s. The grievance

2 system was created to provide people in custody with  
3 an administrative process to resolve issues regarding  
4 their confinement. Today, we monitor that system  
5 through annual program audits, individual case  
6 reviews, and we provide an independent recommendation  
7 on all cases that reach the highest level of appeal.  
8 If the Department of Correction limits a person in  
9 custody's access to any of eight key programs or  
10 services including visits, law library, and religious  
11 services, then that person can appeal the restriction  
12 directly to the Board. We have expanded and improved  
13 our restriction appeal handling process, responding  
14 to approximately 270 appeals in 2017. We issue  
15 monthly reports monitoring these appeals and in-depth  
16 reports on patterns and practices in these areas.  
17 For instance, last week, we published findings  
18 regarding 1,100 visit restrictions and our  
19 recommendations for a safer and more accessible  
20 visiting process. The Board's role as an independent  
21 and neutral arbiter in this area is one of few  
22 national models for jurisdictions that are trying to  
23 improve their jail grievance systems. Another focus  
24 of our monitoring continues to be access to health  
25 and mental health care. We work with Health and

2 Hospitals to publish an extensive monthly report that  
3 shows, jail-by-jail, whether people have access to  
4 every type of health and mental health service. In  
5 response, Health and Hospitals and DOC have developed  
6 an action plan to improve access. Nationally, these  
7 reports are the most comprehensive real-time  
8 reporting on health and mental health care in a jail  
9 system. Evaluating operations and outcomes in the  
10 jails, sharing data, and increasing transparency are  
11 crucial to maintaining compliance with Board  
12 Standards. With increased funding, we have expanded  
13 this work. For instance, in the past year we issued  
14 comprehensive reports on Enhanced Supervision  
15 Housing, ESH, the Transgender Housing Unit, the  
16 increased use of jail lockdowns, and the first  
17 empirical analysis of splashings of staff in the  
18 country. Many of the Board's recommendations were  
19 adopted in ESH such as narrowing the criteria for  
20 admission; providing more individualized programming  
21 and timely reviews of progress; including the person  
22 in custody in their review; and revising the appeal  
23 process. Additionally, we have worked with DOC to  
24 develop multiple public reports to track compliance  
25 and performance. In 2017, this amounted to 52

2 reports from DOC on segregation reform, restrictive  
3 housing, young adult programming, and for the first  
4 time, DOC's own audits of their compliance with the  
5 Minimum Standards. These new sources of information  
6 inform Board policymaking and are uniquely  
7 transparent for a U.S. correctional system. More  
8 cities and states as part of their justice reforms  
9 are creating correctional oversight bodies similar to  
10 the one New York City has had for over 60 years. Just  
11 last week the Washington State Legislature created a  
12 new, independent corrections ombuds office. We are  
13 thankful that this Administration and City Council  
14 have shown increased commitment to a strong, active,  
15 and effective Board of Correction. The Board is now  
16 better positioned to play an important role in  
17 reform, and we look forward to collaborating with the  
18 City Council and its many members who are engaged on  
19 these issues. Thank you again to Chair Powers, Chair  
20 Gibson, and the Committees for the opportunity to  
21 testify today, and we're happy to take any and all  
22 questions.

23 CHAIRPERSON POWERS: Good, and I should  
24 have said Doctor Cohen.

25 ROBERT COHEN: Yes, thank you.

2 CHAIRPERSON POWERS: Because you earned  
3 it. Thank you both for being here. Thank you for  
4 that in-depth testimony and for proving us some more  
5 information. The question I have sort of asked-- the  
6 question I've asked sort of all-- all agencies have  
7 come to us today. It's generally you're funding, do  
8 you feel like your needs are being met? Is there  
9 funding you've asked for from OMB that hasn't been  
10 met, and any new funding that you'd be seeking  
11 beyond, you know, generally beyond what you're-- is  
12 in your Preliminary Budget?

13 EXECUTIVE DIRECTOR KING: As I mentioned,  
14 we're very excited about the growth that we've had,  
15 doubling our staff and our budget, and we're still  
16 hiring to get to our full headcount, which I expect  
17 will happen this coming fiscal year. You know, as  
18 plans to close Rikers, as other needs emerge, I think  
19 we'll revisit it, but right now we're just focused on  
20 the doubling of our budget and doubling of our staff.

21 CHAIRPERSON POWERS: Thank you. And  
22 you've added-- as you've added the headcount, can you  
23 give us an idea of what that impact has had on the  
24 Board's ability to do its job and serve its role and  
25 ways it's improved of work, of you know, how do we



2 tell that it's working, but also sort of what the  
3 work that's been done as you've added headcount over  
4 the last few years?

5 EXECUTIVE DIRECTOR KING: Sure. So, the  
6 new staff has allowed us to visit the prison hospital  
7 boards and the courts much more frequently. We  
8 didn't have a presence there for some years. So,  
9 that's been an important change. A lot of the staff  
10 resource have also been focused on using data and  
11 using data to monitor the performance of the  
12 Department and making that much more transparent, so  
13 there's been a significant increase in our  
14 communication about what we know and sharing that  
15 information which has been important, and the most  
16 recent additional funding is going to allow us to  
17 have a dedicated death investigator. So, last year  
18 there were actually the fewest number of deaths in  
19 the jail ever, which is very good news, but we've  
20 revised our process for the death investigations  
21 which are extremely complex and sensitive, and we  
22 think this dedicated person will allow for a much  
23 more robust, a much more transparent and coordinated  
24 process with DOC and H+H.

2                   ROBERT COHEN: We have a few things. I  
3 think the reports that have been produced by the  
4 board over the past year have been excellent in  
5 quality and very informative to the City and surely  
6 to the Council, and those are published on our  
7 websites, and certainly be happy to give it to any  
8 Council Member directly. Preparing these reports is  
9 complex, because as you heard a few minutes ago, the  
10 Department's management systems in terms of data  
11 collection are not quite up to what they feel that  
12 they need, and our reports basically are taken off of  
13 texting, which is the way that the Department hears  
14 about what's-- and reports what's going on within the  
15 jails, and that requires staff time, but we feel that  
16 what we've produced on that is extremely-- is  
17 extremely valuable. I think that the Board has  
18 worked very closely with both H+H and the Department  
19 of Correction on issues around medical care, which we  
20 should all be concerned about, those particularly,  
21 and we identify those issues by requiring the H+H and  
22 the Department to provide us with monthly information  
23 about appointments that were scheduled and  
24 appointments that were not kept involving trips to  
25 hospitals particularly, trips for specialty care and

2 on-island specialty care, and the base-- and  
3 collecting that data and analyzing has pushed both  
4 Departments, H+H and Corrections, to work together to  
5 substantially improve that. It is still something  
6 that requires much greater improvement. A  
7 substantial number of referrals to specialty care are  
8 not being made, but I believe there's a commitment on  
9 both H+H and DOC to make that happen. That's another  
10 example of the work that we've been doing.

11 CHAIRPERSON POWERS: Thank you for that,  
12 and I was going to ask a question about healthcare,  
13 because I note that the Chair of the Hospitals  
14 Committee that oversees H+H I think is in a room  
15 around here having her hearing, but had noted the  
16 concerns that we had seen in some of the reportable  
17 data to us about appointments and meeting the needs  
18 of all individuals and making sure that H+H is doing  
19 a good job. I know that they took over a few years  
20 ago. We always want to make sure that we're seeing  
21 that the needs of people are being met. The-- just  
22 on-- you talked about the new position to investigate  
23 all the deaths of people in DOC custody. Can you  
24 just tell us a little bit more about sort of how that  
25 will improve your operations? Is that an unmet-- is

2 that an unmet position right now, and is it new, or  
3 is it in addition?

4 EXECUTIVE DIRECTOR KING: Yes, it's a new  
5 position, and the-- So, the Board thinks that this  
6 type of investigation is really crucial to preventing  
7 future harm, right? And the Board doesn't do  
8 investigations for the purposes of pursuing criminal  
9 culpability or individual discipline. This is about  
10 looking at anything that might have gone, all of the  
11 contributing factors, and trying to then generate  
12 lessons and changes in policy to prevent future harm,  
13 and we've had a great consultant from the UK with the  
14 lead death investigator in prisons there, and we  
15 fully revised our process, and it's just going to be  
16 much better coordinated with DOC and H+H and much  
17 more transparent and more robust.

18 ROBERT COHEN: I'd like to add something  
19 to that. A number of years ago when I was Director of  
20 the Health Services on Rikers Island for Montefiore  
21 we reviewed deaths and we reviewed suicides, a very  
22 important-- something that happens in jails,  
23 something that is preventable, and we identified  
24 serious problems in the delivery of mental health  
25 services, and out of that developed as Martha

2 referred to, the standard on mental health services.

3 These reviews are sentinel event reviews of deaths,

4 and they involve all the-- you know, they involve the

5 Department. They involve the Health Department.

6 They involve the Board, and they could involve as

7 they have in the past the coroner, you know, the

8 medical examiner's office, the hospitals. Now that

9 H+H involved it's going to involve the hospitals and

10 the hospital care that people receive. So we think

11 that this a -- this is the way to understand deaths

12 do happen in jail. Some of them are not preventable,

13 but often they are, and this is something which will

14 benefit everybody who's living there.

15 CHAIRPERSON POWERS: Great, thank you.

16 I'm just going to keep moving in the interest of time

17 and have my colleagues also ask questions. Just on

18 the transgender unit, we had heard some conversation,

19 perhaps not everybody knows exactly that it's

20 available and there's services, and you guys have

21 done some work on this. Can you tell us about the

22 work you've done it and assurances that people that

23 need appropriate services and attention we're getting

24 them?

25

2 ROBERT COHEN: Well, we issued recently a  
3 report on the transgender unit, and it is a news  
4 report which describes a unit that's functioning, but  
5 it was a very-- it was a fairly critical report  
6 regarding a number of aspects of DOC functioning  
7 versus relative to the transgender persons. It  
8 described a system in which half of the people who  
9 ended up in the system never had an application. It  
10 described a situation where people who applied waited  
11 many, many months to get in. It created-- described  
12 a system where people did not know how to apply and  
13 there was not the capacity to appeal. We've raised  
14 all these issues to the Department. They're aware of  
15 them, and we asked them two other specific questions  
16 at our meeting this week. One, will the unit remain  
17 open? We were told, "We'll get back to you on that."

18 CHAIRPERSON POWERS: Okay. Can you keep  
19 us posted on that, please?

20 ROBERT COHEN: Yes. [inaudible]

21 CHAIRPERSON POWERS: ESH, obviously the  
22 Board had implanted new rules, I think in 2015,  
23 related to punitive segregation and ESH. Can you  
24 give us in your opinion how effective is ESH? Has it  
25 helped reduce violence and other measures that the

2 Board has looked at either in the past or looking in  
3 the future related to preventing violence and other  
4 measures for discipline?

5 EXECUTIVE DIRECTOR KING: Sure. So,  
6 you're correct about the history of ESH and it was a  
7 part of the segregation reforms that the Board and  
8 the Department and the City worked on. We've issued  
9 two public reports on ESH and a lot of improvements,  
10 I think, and recommendations from those reports have  
11 been implemented. The nature of the unit has changed  
12 many times in the past two years out of three years  
13 that it's been operating. So I don't think it's-- it  
14 would be fair to judge or evaluate its impact at this  
15 moment. I mean, obviously, violence remains a  
16 concern. Safety is, right, the headline. And so it  
17 doesn't-- it's not clear that ESH is reducing  
18 violence, but its changed, and it keeps changing and  
19 it keeps hopefully improving. The Board and Doctor  
20 Cohen as a member of this Committee is looking at all  
21 of the restrictive housing practices in an effort to  
22 write new rules related to ESH, but also all of the  
23 alternatives to punitive segregation that now exists.

24 ROBERT COHEN: I agree with Martha. It's  
25 a complex issue, and some of the questions raised

2 before were very important. There are 68 people  
3 today in restraint status in ESH. The Board tries to  
4 track this number very closely. In our most recent  
5 report, so we described a situation where 80 percent  
6 of the people in the ESH were not progressing out,  
7 but in fact were only leaving when they left the  
8 system. Since January and February the Department  
9 has changed its policy and is now more frequently  
10 evaluating people and the numbers that are being  
11 transferred into non-- into general population or  
12 have not left restrictive housing has improved, and  
13 we're glad to see that. We think that our reports  
14 are important to that. It should also be stated that  
15 there are multiple other disciplinary units for the  
16 young adults. There's a TRU. There's a Second  
17 Chance Unit. There's a Secure Unit, and three levels  
18 of ESH. There are questions that the Board has  
19 raised about appropriate placement of persons in  
20 these units. We think that there have been very  
21 significant cases where persons should perhaps have  
22 been placed in a more secure unit rather than a less  
23 one, based upon the reason, the infraction that they  
24 committed, and we are in discussions with the  
25 Department about that.



2 CHAIRPERSON POWERS: Thank you. And the  
3 Department when they were here in their testimony  
4 said we need more. We asked them to kind of flesh  
5 out what more looked like. They didn't, I think,  
6 provide concrete examples of what more means or what  
7 it looks like, but they stated a belief that they-- I  
8 could find their testimony and repeat it. I think  
9 that leaves a couple questions for members who are  
10 not here, so I wanted to re-ask their question, which  
11 is do you believe that the-- beyond what's being  
12 provided right now, that the Department-- you agree  
13 with the Department, I guess, that they need more  
14 tools to use for discipline, and if so what might  
15 those be?

16 EXECUTIVE DIRECTOR KING: So, I think  
17 that the Board has been clear and the Department has  
18 been clear that the disciplinary system still needs  
19 to be updated and that is, you know, why this rule-  
20 making is taking place. I think the Board is awaiting  
21 a proposal from the Department on that issue. I  
22 think-- there's the issue of more alternative  
23 housing, and then I guess there's the issue of  
24 alternative restrictions or sanctions, and I think we  
25 believe that the Department will make a proposal to

2 the Board that involves both, and the Board and the  
3 Department are also looking at the existing use of  
4 the housing that we have and the restrictions that  
5 are available, and so I think, you know, there are  
6 lots of restrictions including segregation that are  
7 not currently being used at the capacity or to the  
8 end that they could be used.

9 ROBERT COHEN: I'd like to add. The  
10 Commissioner Ponte used to say, and I agreed with  
11 him, that you know, that it's hard to have a  
12 graduated sanctions when you don't have much to take  
13 away, and it's been the case in the New York City  
14 Department of Corrections for a long time that it was  
15 just a pretty brutal place without programs, without  
16 things that people wanted, and therefore, the  
17 sanctions were quite limited. I don't think it's  
18 correct to conflate the fundamental rules of the  
19 Board of Corrections with things that should be  
20 liable to sanction. Previously, more should not be  
21 on the visits I believe. More-- when the Department  
22 proposed as they, I guess, will be proposing again to  
23 limit access to visits, they were particularly-- we  
24 analyzed that closely with them, and the visitors who  
25 are going to be denied access to the island were

2 people who were the family and friends of the people  
3 who were on Rikers Island, and because of a system of  
4 criminal justice which puts too many people in jail,  
5 they would be not allowed onto the island because of  
6 their past history, and the Council supported it  
7 strongly, the Board in not supporting those  
8 proposals. So, I-- I'm not looking forward to that  
9 with commissary. The Board has no problem with it,  
10 and you know, but I think this is a difficult thing.  
11 We've also-- one other thing, we've offered the  
12 Department the ability to use time-outs and  
13 individual on-the-spot sanctions which COBA has asked  
14 for and the Department has consistently refused to do  
15 that. So, I think there's room to do things.

16 CHAIRPERSON POWERS: Got it. Thank you.  
17 and we'll follow up with some more questions on that  
18 and I think look at this in the future to- I know  
19 it's obviously because of the conversation amongst  
20 all different parties, both the use of restraints,  
21 but also the what's allowed, what's limited. Just  
22 going to the actual facilities for a second, we were  
23 there recently. We were joined by COBA. We were  
24 joined by Board of Corrections members and had a, I  
25 think, an interesting conversation both about the

2 safety and security, but also the facilities  
3 themselves. Can you give us what the Board's  
4 assessment is of the current facilities under  
5 Department of Corrections' jurisdiction?

6 EXECUTIVE DIRECTOR KING: Sure, very  
7 briefly. The Board has been supportive, generally, I  
8 think of the plan to move off of Rikers in large part  
9 because of the sort of current state, poor state, of  
10 the facility, and has written reports in the past  
11 about how the poor state of facilities does also  
12 contribute to weapons and violence on the island.

13 ROBERT COHEN: Yeah, I mean, I worked  
14 there in the 80s. There are many facilities that I  
15 worked in are still there. It's a decrepit place.  
16 It should be closed down. It's not a place that  
17 makes you want to go to work. I think it's very  
18 important for all of the staff who work there to be  
19 in a facility which is clean, well-lit, not vermin  
20 infested, and it can be much safer than this one is.  
21 So, I certainly, and I think the Board looks forward  
22 to creating a new and better system off the island  
23 where people will have access to the courts easily,  
24 and where their lawyer will have access and their  
25 families will have access.

2 CHAIRPERSON POWERS: Great, thank you.  
3 I'm going to hand it over to Chair Gibson for  
4 questions.

5 CHAIRPERSON GIBSON: thank you so much.  
6 Thank you for being here. Thank you for the work  
7 that's done by BOC. I just had two quick questions.  
8 In the testimony you talked about the focus of the  
9 Board being access to health and mental health.  
10 Chair Carlina Rivera, who is chairing a hearing right  
11 now, spoke a little bit about H+H, and I wanted to  
12 understand fully your role in making sure that  
13 detainees are given quality services, particularly  
14 when they first arrive at Rikers Island and there's  
15 an assessment that's done in terms of their level of  
16 care, the continuity of services, and maybe I speak  
17 out of personal experience of knowing individuals  
18 that have entered Rikers Island that have medical  
19 staff on the outside, and there hasn't been a  
20 continuity of care, because there's an initial  
21 assessment that's done, but there's no discussion  
22 with the outside medical staff in terms of that  
23 individual's level of care that they were already  
24 receiving before they entered the island. So, how  
25 does that work with Board of Corrections in terms of

2 your relationship with H+H as it relates to the  
3 administering of health and mental health services  
4 for detainees on the island?

5 EXECUTIVE DIRECTOR KING: Sure, thank  
6 you. So, the Board has standards on mental health  
7 care and on healthcare in the jails, including the  
8 requirement that someone is screened and assessed  
9 within 24 hours of coming into the system. The Board  
10 works with H+H on a monthly basis to release a lot of  
11 data, focused on the issue of access up to substance  
12 use healthcare to nursing to dental work to every  
13 type of service. So, the Board, just like it  
14 monitors, you know, the other conditions of  
15 confinement, monitors these health and mental  
16 healthcare standards. I think you raise a very good  
17 question and point about the continuity of services  
18 for people, and I think the transition to H+H  
19 correctional health talks a lot about hopefully that  
20 improving the continuity of care and the ability for  
21 the doctors inside to collaborate with Health +  
22 Hospital doctors on the outside to improve continuity  
23 of care.

24 ROBERT COHEN: Well, you know, our  
25 standards, they're Chapter Two, I think, of our book

2 describe in detail what should be done at intake.

3 They don't say-- I don't think they-- I don't know if

4 they particularly refer to contacting an outside

5 doctor, but I would if I were family or if I were a

6 person think that would be a very reasonable thing to

7 ask if there's information that's required that's not

8 being respected. Most medications I think that are

9 being-- conditions that are being described on

10 admission probably are respected, but in certain

11 cases, I assume ones that you're describing, they're

12 not, and in those cases they have telephones, the

13 staff there, and they should be calling. We have not

14 monitored that, but I speak with H+H and ask them

15 about that question.

16 CHAIRPERSON GIBSON: Okay.

17 ROBERT COHEN: And you can ask them

18 directly.

19 CHAIRPERSON GIBSON: Okay, no, no, we

20 certainly will, because I do think there is a concern

21 that's been raised before, and certainly I would

22 encourage the Board to work with H+H, because not

23 just is it an issue of continuity of care, but it's

24 also about the level of prescriptions and medicines

25 that are available. I mean, there are changes when

2 you're on the outside and you have a dedicated staff,  
3 you have a diagnoses, things change when you get on  
4 the island, and it's not consistent, and I know H+H  
5 is still fairly new to this process, but certainly it  
6 makes sense for BOC to be on top of H+H to ensure  
7 that individuals are either being sustained in terms  
8 of their medical issue, and they don't get worse  
9 while they're inside. I mean, the goal is to make  
10 them better and rehabilitate them if they have a  
11 diagnosis, if there's some sort of a disability, but  
12 there are many cases where individuals leave and  
13 they're worse, and it's because of the medical care.

14 ROBERT COHEN: Well, you know, we-- we  
15 have set standards. We have-- at this point don't  
16 have the complete capacity to monitor--

17 CHAIRPERSON GIBSON: [interposing] Right.

18 ROBERT COHEN: compliance with all the  
19 standards, but I think the issue that you've raised,  
20 it's a very important issue, and it's not just  
21 restricted to Rikers Island. People are on certain  
22 medicines, sometimes those medicines are not  
23 available in the formulary. Sometimes don't believe  
24 people about what medicines they're on, and these



2 things have to be dealt with individually and right  
3 away.

4 CHAIRPERSON GIBSON: Okay. And I guess  
5 my second and final question is a little bit on the  
6 safety and security, the punitive segregation, a lot  
7 of the rules and regulations that are set forth by  
8 the Board that are ultimately administered by the  
9 Department of Corrections, there have been lots and  
10 lots of changes, and I along with many of colleagues  
11 we get many, many emails from BOC on changes and  
12 rules and regulations. So, when DOC was before this  
13 committee earlier today, I mean, we acknowledge that  
14 progress has been made, but I think it's also  
15 important to acknowledge that we still have a lot of  
16 challenges. We don't hear about all the violence  
17 that's going on on Rikers Island, but that doesn't  
18 mean it's not happening. It just means that it's not  
19 hitting the public, but DOC, BOC, I mean we are very  
20 cognizant of the continuous competitive cycle of  
21 ongoing violence by the small population of violent  
22 individuals that make life unbearable for everyone.  
23 So, my question is with some of the changes that  
24 we've made, one of my colleagues talked about  
25 punitive segregation, the enhanced supervised

2 housing, but what is the Board of Corrections doing  
3 to reduce the violence on Rikers Island? Just point  
4 blank question, what are we doing to make sure that  
5 we reduce violence on the island? Because again, I  
6 brought it up earlier, if the violence isn't reduced  
7 on Rikers Island, then the assumption for many New  
8 Yorkers is that violence is going to transcend to the  
9 borough-based facilities, and no one wants that, so  
10 that's been my key issue because it's a real issue  
11 and lives are at stake, everyone. And so I want to  
12 understand from BOC's perspective what is happening  
13 and what are we doing to reduce violence on the  
14 island?

15 EXECUTIVE DIRECTOR KING: Thank you. so,  
16 the Board standards are a product of lots of fact-  
17 finding and collaboration with many parties,  
18 including the segregation reforms, and the new  
19 restrictive housing rule-making that the Board is  
20 engaged in is directly focused on this issue of safe-  
21 housing and violence in the jails, and the Board's  
22 role in creating regulations is often a responsive  
23 one also, and so as I said, I think we're looking to  
24 DOC to give us a proposal on some of these issues. I  
25 think the board has also been supportive of the

2 City's 14-point plan, which we do think is  
3 comprehensively addressing to the issue that need to  
4 be addressed, including training and programming and  
5 cameras and culture change and more accountability.

6 ROBERT COHEN: I'd like to add and  
7 amplify and not put things in exactly that context.  
8 All of the changes that are in our rules currently  
9 about the establishment of ESH, about the elimination  
10 of solitary confinement for young adults and for  
11 adolescents, for the establishment of ESH are all--  
12 were all proposed by Commissioner Ponte. We were  
13 moving towards that, but everyone-- these are not  
14 rules that the Department, that Board of Correction  
15 pulled out of a hat somewhere. They were based upon  
16 theories and practices supported by the Commissioner  
17 and by the Mayor and they would not have passed the  
18 Board if they hadn't done that. I would add,  
19 Councilman, that there is a culture of violence on  
20 Rikers Island, which is beyond what we're talking  
21 about right now in terms of ESH and punitive  
22 segregation. That's why there is a lawsuit which is  
23 going to issue its fifth report in a month or so, a  
24 fourth report which is hard to read but I recommend  
25 you reading to understand better the situation there.

2 This describes a culture of violence which has been  
3 going forever, and I've only worked on and about  
4 Rikers Island for more than 35 years. There's  
5 nothing new in terms of-- and there's no new  
6 explanation in terms of the violence there. The  
7 accusation against gangs will be there in the New  
8 York Times if you look back 25 years or you look back  
9 35 years. So there's a lot of work to be done, and  
10 it involves training. I think it involves smaller  
11 jails. I think it involves adequate staff, but I  
12 just want to add that to our understanding of what  
13 the problem is and the needs for the Bronx as well.

14 CHAIRPERSON GIBSON: No, no, I agree, and  
15 I appreciate the honesty. It is a systemic practice.  
16 It doesn't mean it's impossible to achieve. It is a  
17 culture and its environment, and sometimes I think  
18 it's something that the system created. One of the  
19 things you describe when you talk about all the  
20 different factors, the biggest part of this is  
21 accountability. People don't feel that they are held  
22 accountable to anything. There are certain standards  
23 that we talk about, minimum standards, which we have  
24 to achieve, but I would say we have to increase those  
25 minimum standards. It's not enough. All of the work

2 we've done, the 14-point plan, security measures, the  
3 cameras, are important and they're a part of the  
4 conversation, but it's simply not enough. If people  
5 feel that when they go on Rikers they have to use  
6 violence as a means of survival, then they're going  
7 to do it. If they do it and they get away with it,  
8 they're going to continue to do it, and I worked very  
9 hard with the Bronx District Attorney with Darcel  
10 Clark in implementing the Prosecution Unit that's on  
11 Rikers today. That wasn't an easy conversation, but  
12 it was necessary, and now with Darcel leading, you  
13 know, I'm seeing that things are happening and  
14 changes are happening, but the violence is still  
15 very, very real, and I don't know how to say it any  
16 more than to just say, yes, our job is still not  
17 done. We have to be creative. We have to look at  
18 other options. We cannot be complacent, and you  
19 know, we can't say with confidence that we're  
20 satisfied at where things are, and I think as long as  
21 we continue to acknowledge and talk and be honest  
22 about what's really happening, then our work will  
23 continue. So, I appreciate the work that the Board is  
24 doing, and certainly encourage you particularly on  
25 the health aspect to really dig in a little bit more

2 to find out the consistency and some of the  
3 deficiencies that are already in the system-- very,  
4 very important. If we're talking about borough-based  
5 facilities, all of these issues have to be addressed,  
6 because we'll still be talking about them in each  
7 borough, and so we want to make sure that these  
8 conversations we're having today. So, I thank you  
9 for your work. Thank you for your time today, and  
10 I'll turn it back over to Chair Powers.

11 CHAIRPERSON POWERS: Thank you. Thanks  
12 for the questions, and thank you for being here. We  
13 have a lot more questions, and we'll certainly follow  
14 up, and I think we'll have some additional hearings  
15 on the subtopics that we discuss, so we'd love for  
16 you to come back and share your opinions and your  
17 expertise on those topics. In the respect of time  
18 since we're way over already, I wanted to make sure  
19 we get to the public as well. Thank you both for  
20 sharing your testimony, and I know for digging deep  
21 into the issues that concern everybody under sort of  
22 the headline of corrections and [inaudible] are doing  
23 their best to try to keep people safe. So, thank you  
24 for that and we'll now move on to public testimony.  
25 Thank you.

2 EXECUTIVE DIRECTOR KING: Thank you.

3 ROBERT COHEN: Thank you.

4 CHAIRPERSON POWERS: We're going to start  
5 with the public testimony. Again, apologies for the  
6 delay. We will start with the representatives from  
7 the Correction Officers Benevolent Association.  
8 Thank you. Thank you for being here, and again,  
9 note-- thank you for staying through what was a long,  
10 I know a very long, process. So, let's get right  
11 into it. If you don't mind, just introducing  
12 yourself, and then you could read your testimony.  
13 Thanks.

14 ELISA HUSAMUDEEN: Good afternoon. I'm  
15 Elias Husamudeen. I am the President of the  
16 Correction Officers Benevolent Association, and I'm  
17 here with one of my board members, Angel Castro, who  
18 is the Manhattan Borough Trustee for the Correction  
19 Union. I know this is a budget, Preliminary Budget  
20 hearing, but I sat there for hours listening to some  
21 things that I just have to take 30 seconds or  
22 whatever to address. The one thing that Doctor Cohen  
23 forgot to mention, he quoted the former Commissioner  
24 Joseph Ponte, the one thing he forgot to say is that  
25 Joseph Ponte in writing begged them not to eliminate

2 punitive segregation. That's the one thing that  
3 Joseph Ponte did. He begged them not to eliminate  
4 punitive segregation. His reason was he said it was  
5 too violent, and that he needed more time to bring  
6 the violence down before eliminating punitive  
7 segregation for the 18 to 21 year olds. I think  
8 everybody wants to ignore that, and I don't think  
9 that it's fair. I think also to have Judge Cohen--  
10 Doctor Cohen sit here and say that Rikers Island is a  
11 culture of violence is also disingenuous and unfair  
12 to those of us who are charged with care, custody and  
13 control. If you listen to District Attorney Clark  
14 and her testimony before the Board of Corrections,  
15 she made it very clear, look at who we are arresting.  
16 We're arresting gang members. We're arresting them  
17 for what? Violence. Where are we putting them?  
18 Rikers Island. That's where we're putting them. So,  
19 unless we're under the impression that once they get  
20 to the island because they're there for attempted  
21 murder, gun charges, assault, felony assault, unless  
22 we think that that behavior is going to change, then  
23 to say that correction officers have created or have  
24 allowed a culture of violence to go on inside the New  
25 York City jails is unfair and he should never say it



2 again, and you guys should not allow anybody to say  
3 that, because the fact of the matter is, the NYPD  
4 arrest these people. The District Attorneys are  
5 arresting these people, and since we're not arresting  
6 marijuana smokers and people who urinate on benches  
7 or jump train stiles anymore, who are you arresting?  
8 You're arresting the more violent ones, aren't you?  
9 So, of course they're coming to Rikers Island, and of  
10 course there's a culture of violence. The other  
11 thing is, one of your-- I forgot her name, but she  
12 was really heavy on this overtime thing. The one  
13 thing that the Department failed to say, we are an  
14 agency that's faced with mandatory overtime. So, if  
15 you're in the NYPD, and Ms. Gibson, I think you can  
16 testify to this, if two police officers don't come to  
17 work on a particular day, do you know what happens?  
18 They shut down that sector, or they'll have another  
19 sector do both sectors. And in the New York City  
20 Department of Corrections, if two correction officers  
21 don't come to work, we have mandatory overtime. We  
22 can't leave 50 to 100 inmates without supervision.  
23 So guess what happens? I, as a correction officer,  
24 get stuck for overtime. If we have an incident that  
25 breaks out at 2:30 in the afternoon and I get off at

2 3:00, guess what happens? I'm stuck for another  
3 eight hours until we finish either searching or  
4 whatever it is that we have to do to address this  
5 issue. So, I get where she's going, and I guess  
6 she's just stuck on, you know, the 50 percent or the  
7 50 million, but at the end of the day, we're an  
8 agency that requires mandatory overtime. The last  
9 thing, then I'll read and I'll stop. I think that  
10 Commissioner Brann and the Agency should not be  
11 allowed to get away with passing the buck. She as  
12 the Commissioner of this agency can override any  
13 minimum standards when it comes to safety and  
14 security. If safety and security of a facility is  
15 jeopardized, she can override any minimum standards,  
16 and she doesn't need permission from the Board of  
17 Corrections or the State Commission of Corrections or  
18 any other oversight committee, that's the Supreme  
19 Court law. She's responsible for keeping the inmates  
20 safe. I am COBA President. Thank you for inviting us  
21 to speak. I'm a little bit upset that we're  
22 considered the public when we're actually the biggest  
23 stakeholder in this entire process. I mean, I have  
24 10,400 correction officers and I'm testifying as part  
25 of the public. I'm not really part of the public.

2 I'm not the Administration, but so be it. Good  
3 afternoon, Chairman Powers, Chairwoman Gibson, and  
4 members of the Criminal Justice Committee. My name  
5 is Elisa Husamudeen and I am the President of the  
6 Correction Officers Benevolent Association, which is  
7 the second-largest law enforcement union in the City  
8 of New York. Our members, New York boldest [sic],  
9 are responsible for the care, custody, and control of  
10 the inmate population in the nation's second-largest  
11 municipal jail system. I thank you for the  
12 opportunity to address the committee today concerning  
13 the Department of Corrections Preliminary Budget  
14 request. With regards to upcoming budget  
15 negotiations, we have identified a number of areas  
16 where the City needs to invest its resources to  
17 enhance our ability to perform our job. These  
18 requests, if granted, will not only improve job  
19 performance, but will also help to support efforts to  
20 maintain the safety of correction officers and  
21 inmates alike. First and foremost, correction  
22 officers desperately need a Correction Academy, which  
23 you guys covered today. Even the Federal Monitor  
24 cited in his report that the current academy is not  
25 sufficient to provide optimal levels of training. We

2 need a state-of-the-art academy consistent with the  
3 training academies that the City provide to other  
4 agencies. This is an issue that the Council has  
5 already begun to pursue, yet, it mysteriously  
6 disappeared from last year's budget negotiations. I  
7 am going to quote from the Council's own response to  
8 the 2018 Fiscal Year Preliminary Budget Report issued  
9 last year, "The Council calls the Administration to  
10 increase DOC's Capital Budget to support the  
11 construction of a new training facility off of  
12 Rikers. DOC's current training academy is limited in  
13 space and in poor physical condition. These  
14 deficiencies inhibit the DOC's ability to reliably  
15 and consistently train its staff. The current  
16 facility is in use 24 hours a day. There are few  
17 bathrooms. There are 12 window-less classrooms and  
18 space is crowded. The building condition inhibits  
19 students' ability to practice and learn techniques.  
20 To accommodate recruit and staff training, DOC has  
21 moved some training classes to John Jay College, but  
22 that space is limited and only temporary. A new  
23 training academy will allow DOC to adequately train  
24 its staff in a safe and consistent manner." We were  
25 told by the Mayor's Office last year that 100 million

2 had been allocated in the Mayor's Budget for a new  
3 correction academy. We were even told that an actual  
4 site for the new academy had been selected. So, on  
5 behalf of the thousands of correction officers who  
6 will be joining the Department of Corrections over  
7 the next couple of years, I am asking you to hold the  
8 Mayor's Office accountable. Help us make the vision  
9 for a new academy a reality. Correction officers  
10 also need personalized gas masks assigned and fitted  
11 for each officers. We need smartphones and tablets  
12 just like other agencies have. They would help  
13 streamline all the DOC paperwork and enable us to  
14 make important statistics readily available to the  
15 Council. Actually, those smartphones, when you ask  
16 these people that sat here before me questions, if we  
17 have smart phones we're able to actually use them as  
18 other agencies, then they won't be able to sit here  
19 and say, "I don't have that information, or I'll get  
20 it to you." Firearms range improvement: The DOC is  
21 currently operating with one range, Adam Range, which  
22 actually belongs to the NYPD. There are  
23 approximately 10,000 members of service who are  
24 required to have firearm training. Ten lines need to  
25 be budgeted for a support team in order to

2 continuously train current members and recruit. The  
3 DOC needs to operate with two ranges to meet the  
4 current needs of the agency. DOC facility repairs and  
5 upgrades: The current DOC facilities are old and  
6 falling apart. There is a great need for  
7 reconstruction and repairs to be made on existing  
8 buildings, and that's something that the Council  
9 should actually continue to push because if you're  
10 not going to have four new jails for 10 years, can  
11 you fix the ones that we're currently in? Emergency  
12 Service Unit improvement: the 911 system of the DOC  
13 is our Emergency Service Unit, ESU. Our ESU needs a  
14 strict training budget to fund drills on a daily  
15 basis. Our ESU needs a new facility to accommodate  
16 increase in occupancy needs. Our ESU needs funding  
17 to enable the Harbor Unit to safeguard the perimeter  
18 of Rikers Island for security reasons. We need new  
19 riot gear. We also need new equipment for our  
20 response pro teams and new riot gear in the staging  
21 areas. Some of the equipment that we're using is so  
22 outdated, eight years old, 10 years old. We have  
23 vests that weigh 50 pounds, where nowadays you can  
24 get a vest that weigh a pound that does the same  
25 thing. So, we need our equipment to be updated, the

2 state-of-the-art vests, helmets, and batons. The  
3 equipment we currently have is too heavy and is  
4 antiquated. In closing, I thank you for the  
5 opportunity to submit these budgetary requests which  
6 are essential to our members' ability to perform  
7 their duties and responsibilities. I would be happy  
8 to meet with you and your fellow committee members to  
9 discuss these requests in greater details. With that  
10 said, I am happy to answer any questions you may have  
11 at this time.

12 CHAIRPERSON POWERS: Thank you. And  
13 thank you again for being here and standing through a  
14 long day of testimony. It's not a term of disrespect  
15 to say you're a member of the public, in fact you're  
16 a member of the public that represents 10,000 people  
17 who are people that we all share and care about and  
18 perhaps a noted comment here that we could do better  
19 in the Council of us letting stakeholders testify  
20 early, which I think we have made a goal to try to  
21 do, and apologize if that was disrespect. So, I  
22 wanted to talk about your-- first of all, I'll just  
23 reiterate. We probably and should have committed  
24 even more time to talk about the training academy.  
25 We'll hold them responsible for providing us more

2 information. The money, as you know, is getting put  
3 into the budget. I think Chair Gibson has made a  
4 good point throughout these different hearings that  
5 the agencies tend to put money in, but with an  
6 expectation to roll it over, and our job, I think, is  
7 to make sure that that money either gets spent, or  
8 you know, we don't misrepresent to the public what  
9 our priorities are. So, I think there's a commitment  
10 from the Council to assist with that and to actually  
11 find locations, to find out what the cost is. I find  
12 it a little bit disconcerting that we couldn't even  
13 get whether the 100 million dollars is actually the  
14 right amount of money or not, let alone locations  
15 that they're looking at or they might have even  
16 found. SO, we will take that as a follow-up item and  
17 we will follow up with it, and asked them to report  
18 back to us on actual status updates. I think we  
19 could have spent a little more time on it, but in  
20 trying to get you and everybody else up, we had to  
21 move through it. Council Member Holden, particularly  
22 I know visited it, and has a-- and has taken interest  
23 in ensuring that that gets built as others have as  
24 well. The-- I wanted to go through the budget items.  
25 I know we have a lot to talk about on other stuff as



2 well. The-- and thank you for raising new items that  
3 I-- we had not previously had discussed. The--  
4 wanted to talk about, first, you had-- asked for  
5 personalized gas masks that are assigned and fitted  
6 to each officer. How many do you need? I'm guessing  
7 that--

8 ELISA HUSAMUDEEN: Currently--

9 CHAIRPERSON POWERS: [interposing] And  
10 then--

11 ELISA HUSAMUDEEN: [interposing] I'm  
12 sorry. Currently, the way it's set up for correction  
13 officer, we of course, as you know, we use gas--

14 CHAIRPERSON POWERS: [interposing] Yeah.

15 ELISA HUSAMUDEEN: we call it OC [sic].  
16 Unfortunately, when we use it or when we respond to  
17 an area we have to actually go to a staging area,  
18 grab a mask, suit up, and go. Whereas, it would be a  
19 much safer, much better situation if we actually have  
20 the mask as part of our equipment that we actually  
21 wit-- that we actually have as part of our uniform.  
22 Currently, we have about 10,400 correction officers,  
23 probably about 6-700 Captains and Assistant Deputy  
24 Wardens, and currently none of us have any  
25 personalized masks. So we have to actually run into

2 areas once the spray of the gas is used, and we find  
3 ourselves in the same situation as the people that  
4 we're spraying.

5 CHAIRPERSON POWERS: Does that-- so,  
6 okay. So that's a different-- so you don't have gas  
7 masks at all?

8 ELISA HUSAMUDEEN: Not personalized.

9 CHAIRPERSON POWERS: Not personalized, but  
10 there are gas masks, but they're not--

11 ELISA HUSAMUDEEN: [interposing] Yes, and  
12 they're not enough.

13 ELISA HUSAMUDEEN: And so if you are-- if  
14 you have to use-- if you're a correction officers you  
15 have to use gas, you'd be-- you're saying you're  
16 running away.

17 ELISA HUSAMUDEEN: Pretty much.

18 CHAIRPERSON POWERS: Okay.

19 ELISA HUSAMUDEEN: If you watch the  
20 videos where we end up spraying, we end up running  
21 just like the inmates.

22 CHAIRPERSON POWERS: Yes, that's  
23 concerning. And we'll follow up with that.  
24 Smartphones and tablets, we had- you had mentioned  
25 this, I think, on our tour as well, what would that--

2 is that replacing something that's being used right  
3 now?

4 ELISA HUSAMUDEEN: Well, currently,  
5 unfortunately, we still use carbon paper. Like for  
6 instance, I'll give you an example. I'm 30 years as  
7 a correction officers. Thirty years ago when I came  
8 into the jail when we did a count of the inmates, we  
9 had this paper we called-- what did we call it, the  
10 paper for the count-- you had to get a carbon paper,  
11 write it down and then send it. If we have a  
12 situation where we're doing a count and it's-- and we  
13 can use a smartphone, guess what? That would help in  
14 so many other different ways. Sometimes just in  
15 talking-- like for visitors who are complaining about  
16 waiting for the count to clear, that's because we're  
17 literally in 2018 doing paper count, walking around  
18 with a paper count. There are other things, inmate  
19 infractions. There are other things, inmate  
20 requesting to go to the clinic, they're requesting to  
21 go here or there. There's so many different things  
22 that can be done to actually streamline. New York  
23 City Department of Corrections, I think, is probably  
24 one of the only agencies that still use paper, carbon  
25 paper for everything.

2 CHAIRPERSON POWERS: I think the former  
3 Speaker found out they're using fax machines, too,  
4 and was--

5 ELISA HUSAMUDEEN: [interposing] Yes.

6 CHAIRPERSON POWERS: particularly  
7 concerned about it. The firing range, the-- you have  
8 one range. Where is it?

9 ELISA HUSAMUDEEN: Currently, we're in  
10 Rodman's Neck, which is a city out where the NYPD  
11 range is. That range that we use actually belong to  
12 the NYPD. It's on loan to the New York City  
13 Department of Corrections, and quite often, like  
14 right now, we have 822 recruits in the Academy. We  
15 have to schedule them going to the range to train and  
16 qualify with their guns that they use for on duty.  
17 Everything has to be done and scheduled around that  
18 one range, which is why you have a lot of officers  
19 who are "not qualified." And you need--

20 CHAIRPERSON POWERS: [interposing] And  
21 you theoretically, you're excuse [sic], you said  
22 you're sharing that with the NYPD right now? That's--  
23 - and if they added one-- I mean, I'm sure you want a  
24 dedicated one--

2 ELISA HUSAMUDEEN: [interposing] If we  
3 added one, at least by our estimate, it would  
4 actually better assist us in qualifying correction  
5 officers who by law have to be qualified, because  
6 right now we have situations where if the NYPD gets a  
7 big class, then guess who--

8 CHAIRPERSON POWERS: [interposing] Yeah.

9 ELISA HUSAMUDEEN: is pushed on the  
10 backburner? We are.

11 CHAIRPERSON POWERS: Gotcha, okay. I  
12 think agreement on the idea of upgrading and  
13 renovating the assisting facilities and whether it's  
14 10 years or six and a half years, we want to make  
15 sure. So we'll follow up with the Administration on  
16 what's there. I mean, I note there's this idea that--  
17 - you know, I think there's always this tension, I'm  
18 not saying it's your tension, but I think tension on  
19 the spending side of a plan to move off of the island  
20 and to put new money in there, concerns about it.  
21 You know, spending things on things you're going to  
22 eventually exit in the next couple of years, but I  
23 understand the concern.

24 ELISA HUSAMUDEEN: Well, the reality is,  
25 when this happens, you're not going to be in office.

2 Maybe you might even be in a higher office. When  
3 this happens, I will be retired drinking lemonade.  
4 So all of this closing down Rikers Island in 10  
5 years, five years, we shouldn't allow that to take  
6 away from the fact that we have these facilities  
7 today, and I think that you know, I think that to  
8 neglect them, to continue to neglect them, most of  
9 the jails are younger than the schools. I mean,  
10 hell, I went to school up in Harlem, 117<sup>th</sup> Street and  
11 Lenox. It's still there, and it's still in the same,  
12 you know, the same condition. The janitor's doing  
13 the same thing. They still-- so, at the end of the  
14 day, we need to improve the conditions of the  
15 facilities that we have until new facilities,  
16 whatever that mean, are actually built.

17 CHAIRPERSON POWERS: Yeah, and can--  
18 we'll talk about this at another hearing, but do you  
19 agree that new modernized facilities will make you  
20 safer? Forget-- I know that that's not your prime  
21 concern, but do you agree that a new facility has the  
22 possibility, and then my second question will be the  
23 likelihood to keep your members safer?

24 ELISA HUSAMUDEEN: I really don't. I  
25 don't think that the newness of a facility has

2 anything to do with the mindset of the inmates that's  
3 being turned over to us. I don't think that the gang  
4 members in the projects where we now have cameras and  
5 nice elevators, it's not stopping them from  
6 committing crimes, and it's not going to stop them  
7 from committing crimes when they come to a jail, even  
8 if it's a new facility. I think that the reality is  
9 that what-- this is jail, brother, and violence will  
10 always exist in jail. What we have been successful  
11 over the last 30 years of doing is keeping the  
12 violence down. We haven't been able to keep the  
13 violence down in the last four years, and I know  
14 everybody-- no one wants to hear it, but we haven't  
15 been able to keep it down because of the changes in  
16 the policy. Punitive segregation, despite what most  
17 people thing, actually work. You're looking at  
18 someone who was a punitive segregation correction  
19 officers for four years, and I often say to people--  
20 they say, "Well, how do you know it work?" I say  
21 because 99 percent of the inmates that came into  
22 punitive seg where I work never came back. Although,  
23 they never left jail. And I--

24 CHAIRPERSON POWERS: [interposing] I

25 don't-- I think we just don't agree [sic], and I

2 think, and you made this-- I think it was a good  
3 valid point with the Department of Corrections  
4 together at our tour that it's a small population and  
5 controlled by--

6 ELISA HUSAMUDEEN: [interposing] Very  
7 small.

8 CHAIRPERSON POWERS: You're very small.

9 ELISA HUSAMUDEEN: Less than 100.

10 CHAIRPERSON POWERS: And I'm not-- my  
11 question was not necessarily about the mindset. I  
12 agree with you that there will always be some  
13 expectation of-- and we should-- hopefully none, but  
14 there will always be an expectation on some. My  
15 question is really do you believe that there was an  
16 opportunity in the new jails through design, and you  
17 should be part of that conversation, to limit the  
18 interactions or to change interactions. I mean, the  
19 Department talked about sight lines and things like  
20 that, point of contact. The question is really is  
21 there an op--

22 ELISA HUSAMUDEEN: [interposing] well, if  
23 you're going to build new jails and the correction  
24 officers are going to have less interaction, then of  
25 course, you're going to have less assault against



2 correction officers. It's not going to do a whole  
3 lot for the inmates. See, we talk about the  
4 correction officers because that's who I represent.

5 CHAIRPERSON POWERS: Yeah, sure.

6 ELISA HUSAMUDEEN: But there are 700  
7 inmates in the last four years who have been slashed,  
8 stabbed, and cut not by correction officers, by other  
9 inmates. So they're still going to be in contact  
10 with each other. So, unless we're going to build  
11 these jails the way they have them in certain states  
12 where it's like away from home or whatever the hell  
13 you're going to call it, I don't know how that's  
14 going to produce safer jails for the inmates. Yes,  
15 depending on the design, it might produce a safer  
16 jail for officers, but what about the inmates?

17 CHAIRPERSON POWERS: Yeah, no. Fair  
18 point. Fair point, but I-- you-- we talk. I mean,  
19 it's been a common, you know, thing we've talked  
20 about which is safer, and the Mayor's plans obviously  
21 that safer and a part of it, so just wondering what  
22 opportunities lie ahead there. There's this ongoing  
23 study about where the site, site design and things  
24 like that. I certainly would welcome input from a  
25 number of groups into that so it's not a mandate,

2 it's a conversation about all, you know, all people  
3 that are there about how to keep them safer.

4 ELISA HUSAMUDEEN: Right.

5 CHAIRPERSON POWERS: I have more  
6 questions, but I'll-- hand questions off to the  
7 Chair.

8 CHAIRPERSON GIBSON: Thank you so much,  
9 Mr. President, to you and your colleague. Thank you  
10 for being here, your patience, the work you do. We  
11 have history, so--

12 ELISA HUSAMUDEEN: [interposing]  
13 Absolutely.

14 CHAIRPERSON GIBSON: you know how I feel.  
15 I didn't realize that DOC recruits used Rodman's  
16 Neck. I thought honestly that you had your own  
17 facility and you used that as an overflow, but I  
18 didn't know that was the only range. So I guess I'm  
19 even more concerned, because there's 275 million  
20 dollars that the NYPD has in its budget to do noise  
21 mitigation and extensive repairs at Rodman's Neck--

22 ELISA HUSAMUDEEN: [interposing] Right.

23 CHAIRPERSON GIBSON: while it remains  
24 open. So I'm concerned and we should talk offline  
25 about that and how we can make sure that there's a

2 continuity of services, but overall, with the  
3 conversations of a new academy, are we also talking  
4 about having your own firearms training facility, or  
5 is that like not a conversation?

6 ELISA HUSAMUDEEN: It hasn't-- the only  
7 thing that they said to us was a "state of the art  
8 academy." Whether or not that include a range, they  
9 never said. I doubt it.

10 CHAIRPERSON GIBSON: That's a good  
11 question.

12 ELISA HUSAMUDEEN: There are so many  
13 requirements to opening or setting up a range.

14 CHAIRPERSON GIBSON: Right. Okay, and I  
15 don't know that anyone's ever raised that question,  
16 so I will make it a point and take the privilege of  
17 asking DOC, because I don't know. It's never been  
18 talked about to my knowledge.

19 ELISA HUSAMUDEEN: Right.

20 CHAIRPERSON GIBSON: Okay. So, the Chair  
21 was alluding to some of the equipment that you  
22 referenced, the gas mask and other measures, and  
23 we've been talking about this for several budgets, so  
24 this is not new.

25 ELISA HUSAMUDEEN: Yes.

2 CHAIRPERSON GIBSON: So, DOC has not moved  
3 on any of this, and to your knowledge, is there an  
4 estimated amount or a cost that could be shared with  
5 the Council that you could provide for us so we can  
6 reach out to others if--

7 ELISA HUSAMUDEEN: [interposing] No, I  
8 don't have a cost. I can probably get it, but--

9 CHAIRPERSON GIBSON: [interposing] Okay.

10 ELISA HUSAMUDEEN: no, I don't have that.

11 CHAIRPERSON GIBSON: Okay. Well, no, I  
12 guess the bottom line and what I've always tried to  
13 say with NYPD, with DOC, and with all law  
14 enforcement, everyone should be treated equally, and  
15 it has not been happening through this  
16 Administration, and I don't know what it's going to  
17 take for it to happen. And just like we have the  
18 beautiful Police Academy, last year we put in four  
19 million dollars to allow firefighter to purchase a  
20 second pair of boots--

21 ELISA HUSAMUDEEN: [interposing] Yes.

22 CHAIRPERSON GIBSON: at a cost of 600  
23 dollars a piece, because it was a necessity.

24 ELISA HUSAMUDEEN: Yes.  
25

2 CHAIRPERSON GIBSON: And so I don't know  
3 what it's going to take for everyone to get it  
4 together to recognize that there are clear  
5 necessities that DOC and correction officers need in  
6 its tool box.

7 ELISA HUSAMUDEEN: Yes.

8 CHAIRPERSON GIBSON: And so that's been a  
9 frustration for me, and I'm sure it's been a  
10 frustration for you. I wanted to ask about Raise the  
11 Age. We've talked about it a lot, and the  
12 Commissioner indicated that with the new facilities,  
13 whether it's Crossroad, Horizon, Ella McQueen, or  
14 whatever we decide on, DOC staff is going to provide  
15 the security for those locations, and ACS staff is  
16 going to provide the social services and programming.  
17 Are you understanding that that is the case as well,  
18 and are you involved in the conversations?

19 ELISA HUSAMUDEEN: This is my problem  
20 with the Raise the Age--

21 CHAIRPERSON GIBSON: [interposing] Okay.

22 ELISA HUSAMUDEEN: Albany went about doing  
23 this Raise the Age, they never involved us in any of  
24 these conversations. They simply said what we were  
25 going to do, but we were never involved. As I sit

2 with President Anthony Wells of 371, he wasn't  
3 involved either in the conversations, and we're still  
4 not involved. We have a situation where my guys, my  
5 correction officers we are commissioned to deal with  
6 adults, adults, not juveniles, not adolescents at  
7 all. So, as of October 1<sup>st</sup>, 2018, we technically  
8 should have nothing to do with the 16 and 17 year  
9 olds. But as you hear the Commissioner says here,  
10 we're supposed to provide security and escort.

11 What's my problem with that, ma'am? This is my  
12 problem: As you listen to Judge-- Doctor Cohen and  
13 others, three, four, five years ago, correction  
14 officers were the worst thing that ever happened to  
15 16 and 17-year-old inmates. According-- they even  
16 brought in the Federal Monitor, the Department of  
17 Justice came in. they said we had fight clubs. They  
18 said we were abusing them. They said that we were  
19 doing all kinds of things. We had the program. Now,  
20 here we are, four years later, guess who they want to  
21 provide security and escort? The people that they  
22 say that they need to take the 16 and 17 year olds  
23 away from, but now we're the best qualified to handle  
24 security and escort. Look, are we qualified? We are  
25 absolutely qualified. I don't know. I mean, I guess

2 they're going to eventually come to COBA and say,  
3 hey, this is what we're doing, because we do have a  
4 collective bargaining agreement, and we did take a  
5 test to work with adults, and we do not work for the  
6 state, and I believe it's called the New York State  
7 Department of Juvenile Justice, and I believe the  
8 Administration of Children's Services has nothing to  
9 do with the New York City Department of Corrections.  
10 So, to answer your question, this is what they're  
11 saying, and I'm still waiting for someone to talk to  
12 me about it since we're the ones who hold the  
13 collective bargaining agreement or certificate for  
14 correction officers, including the Commissioner, and  
15 I explained to her that we're not doing it.

16 CHAIRPERSON GIBSON: Okay. Well, we got  
17 a couple months to get it together.

18 ELISA HUSAMUDEEN: Yeah, they have a  
19 couple months.

20 CHAIRPERSON GIBSON: So we are going to  
21 have to figure something out.

22 ELISA HUSAMUDEEN: Let me point one more  
23 thing out to you about this Raise the Age. In  
24 talking to Westchester COBA, Rockland COBA,

2 Westchester, Nassau COBA-- with this Raise the Age  
3 it's a statewide thing, right?

4 CHAIRPERSON GIBSON: Uh-hm.

5 ELISA HUSAMUDEEN: You are aware, and  
6 Nassau, they don't even have a facility to deal with  
7 16 and 17 year olds. So, I'm wondering, are they  
8 going to be bringing the 16 and 17 year olds from  
9 Oswego and Onondaga and Albany to Brooklyn or to the  
10 Bronx since most of these other jurisdictions don't  
11 even have the set-up to even deal with 16 and 17 year  
12 olds? Because remember, they were treating them as  
13 adults as well. I don't know who did this  
14 legislation, but I can say to you that they did not  
15 think this thing through, and they have a couple of  
16 months to figure it out.

17 CHAIRPERSON GIBSON: Okay. Well, thank  
18 you. I appreciate it, and where I can be helpful in  
19 my capacity here, certainly I will do so. There's a  
20 lot of work that needs to be done, a lot of  
21 conversations, but we need to make sure we're a part  
22 of these conversations. I supported Raise the Age,  
23 and I know it was important to Speaker Carl Hasty  
24 [sp?], but I have a real problem that there's no  
25 money that's coming with it, and so I'm asking



2 questions. Who's paying for all of these services?

3 And no one has answers. So, we need to get answers

4 and we need to stay involved and stay engaged,

5 because at the end of the day these are mandates that

6 we have to comply with and I just want to make sure

7 that we are prepared.

8 ELISA HUSAMUDEEN: Right.

9 CHAIRPERSON GIBSON: You know, that's

10 something we do and we don't always do it well as an

11 Administration, and we just have to be prepared for

12 what is going to happen. So, I hope that if you are

13 not included, you need to be included. I include

14 myself all the time when I'm not included because

15 it's important to me. The borough-based facilities,

16 the sites that were identified are not in my

17 district, but the courts are in my district, so I am

18 making it my business to be involved, because I want

19 to have a say in how individuals are funneled through

20 the system whether they go through family court or

21 criminal court, and wherever they go in the Bronx,

22 they are my business.

23 ELISA HUSAMUDEEN: I think one--

24 CHAIRPERSON GIBSON: [interposing] And so

25 I make myself involved.

2 ELISA HUSAMUDEEN: I think you should  
3 also be aware of one thing as a Bronx representative.  
4 Not only do you have the barge, you also have Rikers  
5 Island. Don't forget. Rikers Island--

6 CHAIRPERSON GIBSON: [interposing] I  
7 don't.

8 ELISA HUSAMUDEEN: comes under the  
9 jurisdiction of the Bronx. So, why the Bronx is  
10 getting a jail, a new jail is beyond me when they  
11 already have the nine jails that's on Rikers Island.  
12 But hey, that's for minds bigger than mine to figure  
13 out.

14 CHAIRPERSON GIBSON: My colleagues agree  
15 with you. Thank you so much, I appreciate it.

16 ELISA HUSAMUDEEN: Thank you.

17 CHAIRPERSON POWERS: Thank you, and we'll  
18 follow up on some of the items and talk to the  
19 Administration, the pricing of some of these items,  
20 and when we get to Executive Budget, so I appreciate  
21 you giving us the items. I don't know if we had a  
22 chance to talk about it 'til today, or I had not it  
23 looks like. So, thank you.

24 ELISA HUSAMUDEEN: Thank you.

2 CHAIRPERSON POWERS: And thank you for  
3 being here. Thank you for waiting as well.

4 ELISA HUSAMUDEEN: You're welcome.

5 CHAIRPERSON POWERS: We are going to have  
6 a panel come up now. We have Natalie Reyes from the  
7 Center for Court Innovation, Keith Ruben from Youth  
8 Represent, Tiffany Bryant from the Public Theater,  
9 and Jelani Anglin from Good Call. Following this  
10 panel we're going to have Jennifer Parish from Urban  
11 Justice Center and Kelly Grace Price from Jails  
12 Action Coalition. Thank you. And I know some of you  
13 have been here for the whole time, so thank you, and  
14 apologies. I know from having testified before  
15 myself that these are long days and obviously we're  
16 trying to hear everybody. So, thank you for waiting,  
17 and hopefully it was substantive and educating as  
18 well. So, we are going to have three-minute limit  
19 just to make sure that we can get everything done in  
20 a responsible fashion since we're way late, and then  
21 we'll have an opportunity to ask questions as well.  
22 So, thank you. We can begin I guess from your right  
23 to left. Just hit the button.

24 TIFFANY BRYANT: Hello, I'm Tiffany  
25 Bryant, Government Affairs Coordinator at the Public

2 Theater. Thank you to Councilman Powers for holding  
3 today's hearing regarding the intersection of  
4 cultural nonprofits and the New York City criminal  
5 justice system. Conceived nearly 60 years ago, it's  
6 one of the nation's first nonprofit theaters. The  
7 public engages one of the largest and most diverse  
8 audiences in New York City and a variety of venues  
9 including the Delacorte Theater and our landmark  
10 downtown home which houses five theaters and Joey's  
11 [sic] Pub. Through all of our programs we serve  
12 about 350,000 people each year. We are very proud to  
13 serve formerly and currently incarcerated people.  
14 This is through our two programs, the Mobile Unit and  
15 Public Works. The Mobile Unit tours Shakespeare  
16 Productions for underserved audiences throughout New  
17 York City's five boroughs. We do this twice a year.  
18 We visit about 20 venues per tour, including five  
19 parks and seven correctional facilities, two  
20 facilities that provide services for homeless and  
21 three community-based organizations. We're proud to  
22 have partnered with the New York City and New York  
23 State Department of Corrections, the New York City  
24 Department of Parks in selecting our performance  
25 sites and partner organizations. Over the past seven

2 years, the Mobile Unit has become an indispensable  
3 part of our mission. The results of our tours have  
4 been astounding. Through our Public Works program we  
5 engage deeply with eight community-based  
6 organizations to provide year-round classes,  
7 workshops and community building activity, and create  
8 annual large-scale participatory Public Works  
9 productions featuring over 200 New Yorkers, and this  
10 is presented at our largest stage, the Delacorte  
11 Theater in Central Park. We are also pleased to  
12 partner with the Fortune Society for this since 2013.  
13 As I'm sure you know, the Fortune Society is an  
14 organizations and advocacy group whose mission is to  
15 support re-entry from prison and promote alternatives  
16 to incarceration. So we partner with the Fortune  
17 Society to create programming and essentially to  
18 uplift its members. In our first of our partnership,  
19 teaching artists led twice weekly acting classes for  
20 Fortune Society members and staff with the goal of  
21 fostering talent and creating opportunities for  
22 creative expression. And finally, at The Public, we  
23 are committed to the goals and values of the New York  
24 City cultural plan through program like Public Works,  
25 Mobile Unit, and we're looking [sic] for [sic] to

2 baselining 10 million dollars received by CIGs in  
3 FY18 and providing an additional 20 million dollars  
4 in funding to be shared between CIGs and program  
5 groups. Thank you.

6 CHAIRPERSON POWERS: I will note that you  
7 used exactly your three minutes. We-- efficiency is  
8 well done. Thank you.

9 NATALIE REYES: Good afternoon, Chairman  
10 Powers, Chairwoman Gibson. My name is Natalie Reyes,  
11 and I'm the Deputy Director of the Midtown Community  
12 Court, a project of the Center for Court Innovation.  
13 I'm here to urge the City Council to support the  
14 Center for Court Innovation as it seeks to strengthen  
15 and expand its alternative to incarceration youth  
16 diversion and access to justice programs through one  
17 million dollars in support from the City Council in  
18 Fiscal Year 2019. This includes a 500,000 dollar  
19 continuation of funding for ongoing alternative to  
20 incarceration option and a 500,000 dollar enhancement  
21 to spur the growth of youth justice and access to  
22 justice programs. Support from the City Council is  
23 crucial to the continuation of our alternative to  
24 incarceration work throughout the five boroughs,  
25 which includes the Midtown Community Court, Redhook

2 Community Justice Center, and Bronx Community  
3 Solutions. Our programs, which serve tens of  
4 thousands of New Yorkers each year, play an important  
5 role in the overall goal of reducing incarceration  
6 and working towards the closure of Rikers Island.  
7 Through alternative sentencing, our programs provide  
8 off-ramps from the criminal justice system and from  
9 jail sentences at Rikers, and we have also recently  
10 expanded the use of supervised release, helping  
11 countless individuals who are unable to afford bail  
12 to avoid jail time. Our programs also work with  
13 people to avoid recidivism after incarceration as  
14 well. This year, Raise the Age reforms which start in  
15 October can also play a crucial role in reducing  
16 incarceration. The Center's diversion programs in  
17 Manhattan, Brooklyn, Queens, and Staten Island  
18 currently serve thousands of young people each year  
19 through counseling, academic support, and workforce  
20 development. One example of the success of our work  
21 in this area is a story of "G" who was mandated to  
22 four sessions with the Midtown Community Court's  
23 Adolescent Diversion Program. G's justice  
24 involvement was linked to a history of negative peer  
25 influence, but through his sessions with us he

2 focused on developing responsible decision-making  
3 skills. While participating in our program, he also  
4 honed his vocational goals and took steps to become a  
5 hospital x-ray technician. I heard earlier today  
6 he's actually volunteering at a hospital right now.  
7 Looking forward, the Center's diversion programs like  
8 the one at Midtown Community Court can serve  
9 countless others like G, as Raise the Age is  
10 implemented. With Council support, the Center could  
11 expand its current diversion work to serve an  
12 estimated 30 percent more youth in boroughs such as  
13 Queens and Staten Island. The Midtown Community  
14 Court has also requested member item support from  
15 your office, Council Member Powers, that will  
16 directly advance the programmatic needs of our Up  
17 Next Fatherhood and Employment Readiness Program.  
18 Individuals that are involved in this program are  
19 often formerly justice involved which has a direct  
20 link to our goal of reducing incarceration and  
21 keeping individuals from re-entering the justice  
22 system. The member item funds would support Up Next  
23 graduates who are accepted into a competitive six-  
24 week fellowship that includes a paid internship at  
25 the Midtown Community Court or a partner



2 organization. The City Council support has been  
3 invaluable to the success of the Center for Court  
4 Innovation, and the Center looks forward to  
5 continuing to work with the Council to reduce  
6 incarceration and to enhance youth justice. We  
7 respectfully urge you to continue your support to  
8 support our work, and I thank you for the opportunity  
9 to speak.

10 CHAIRPERSON POWERS: So close. Thank you  
11 for that. I know the Council's been big supporters  
12 of your program and certainly interested in  
13 maintaining that on both [inaudible].

14 NATALIE REYES: Thank you.

15 KATE RUBIN: Good afternoon, Chair Powers  
16 and Chair Gibson. Thanks so much for the opportunity  
17 to testify. I'm Kate Rubin. I'm the Director of  
18 Policy at Youth Represent. We provide holistic legal  
19 services to young people involved in the justice  
20 system who are under 25. I-- it's been a long day so  
21 I'll try to be brief in my spoken comments, and I  
22 have longer written comments. It's clear from the  
23 preceding's today that the City is really at a  
24 pivotal point, undertaking both the implementation of  
25 historic Raise the Age legislation and the monumental

2 task of permanently closing Rikers Island. My  
3 comments today address three issues. My written  
4 testimony goes into more detail. So very quickly,  
5 legal services for justice involved youth, we have  
6 been very fortunate to partner with the City through  
7 the Friends of Island Academy Youth Re-entry Network  
8 to provider services, legal services, to young people  
9 at Rikers Island. I just want to highlight the  
10 importance of those legal services for stabilizing  
11 young people in moments of crisis and keeping open  
12 paths of opportunities to education, employment,  
13 housing, and other arenas. To [sic] monitoring Raise  
14 the Age legislation, this is really I think less  
15 specifically for this committee, but I can't resist  
16 the opportunity to raise it. The law is going into  
17 effect. There is supposed to be a statewide  
18 monitoring body that hasn't been named yet. I know  
19 there's a taskforce here in the City that's working  
20 very, very diligently on implementation, but I just  
21 want to emphasize the importance of really monitoring  
22 what happens once it's in effect, making sure the  
23 goals are met, and that as well as all of the City  
24 and advocate stakeholders, there really need to be  
25 families and young people at that table, also. And

2 then I want to take the rest of my short time to  
3 really talk about this issue of specialized secure  
4 detention for older youth, the 16 and 17 year olds  
5 who will be moved off of Rikers in October, and once  
6 the law is in effect will be categorized as  
7 adolescent offenders and charged as adults in the  
8 justice system. Thank you, Council Member Gibson,  
9 for raising the issue of who will be supervising  
10 those kids, and thank you, Council Member Powers,  
11 because I know you've already weighed in on this with  
12 the Mayor which we really appreciate. I rarely have  
13 the opportunity to say that I am fully in agreement  
14 with the COBA President, in thinking that-- we really  
15 don't think the Department of Corrections staff  
16 should be the ones who are supervising children at  
17 Crossroads, Horizon or any other ACS facility for a  
18 number of reasons, which I go into in much more  
19 detail in my written testimony. But you know, I  
20 think we've talked-- the Nunez report and-- I'm  
21 sorry, the Nunez case and monitor's reports have been  
22 cited a lot. I really, really suggest even just  
23 reading the executive summaries if you haven't  
24 already, which you may well have. They highlight  
25 sort of-- well, let me just say, things like staffers

2 are too quickly to aggressively taking inmates to the  
3 floor. Cell extraction teams appear to frequently  
4 enter cells at full speed, forcibly, and apply the  
5 shield when inmate resistance is passive or minimal.  
6 I won't go on. I'll just say that young people  
7 should be at facilities supervised by ACS staff.

8 CHAIRPERSON POWERS: Thank you. Thanks  
9 so much.

10 KATE RUBIN: Thank you.

11 JELANI ANGLIN: Good afternoon. Thank  
12 you, Chair Gibson, Chair Powers, for giving us the  
13 opportunity to testify. I am Jelani Anglin. To my  
14 left is Malik Reeves [sp?]. I am the Co-Founder and  
15 Co-Executive Director of Good Call. We run a  
16 completely free hotline in case of arrest. The way  
17 this hotline works is God-forbid anyone's arrested,  
18 you can call our hotline 24 hours a day, seven days a  
19 week, and be connected a legal service provider.  
20 Right now, this hotline is staffed by Bronx Defenders  
21 and Legal Aid Society. Since we have started we have  
22 connected over 500 people to legal support, have a  
23 user satisfaction rate of over 90 percent, a hold  
24 time of under a minute, and we have done all of this  
25 with under 200,000 dollars. We are self-funded. We

2 want to expand citywide. We talk about ending mass  
3 incarceration. We talk about cutting down on folks  
4 being in pre-trial detention. We need to discuss the  
5 entryways and how they're getting there. Many times  
6 folks are being arrested and speaking to cops and not  
7 having legal representation, which leads to folks  
8 copping pleas for things they didn't do and many  
9 other things for trivial arrests. This cannot  
10 proceed. If we're thinking about how we want to  
11 change the City to make it so big and fair, we  
12 actually have to do some new things. Constantly  
13 funding other organizations that don't do things--  
14 I'm trying to speak properly and not say what I want  
15 to say-- is not right. I had to sit here and hear  
16 about mismanagement of funds, and it's disgusting,  
17 because we are surviving on nothing. To my left is  
18 Malik. Malik utilized our hotline, and we see a  
19 clock [sic]. Malik's going to tell you his story.

20 MALIK REEVES: Good afternoon. My name is  
21 Malik Reeves. Okay, how I utilized the system: I  
22 was arrested back in October of 2017 on my way home  
23 from work. I had my uniform on. There was no  
24 assistance at the booth. I swiped my Metro card. It  
25 said "see agent." There's no one around. I go

2 through the gate. An undercover detective approached  
3 me. I tried to explain my story. They asked me to  
4 step to the side, asked for my ID. I showed them  
5 that I had my uniform on, coming from work, ran my  
6 name, arrested me. I get to 14<sup>th</sup> Street Precinct. I  
7 remember a friend of mine was working with Good Call.  
8 So, I called the Call. I got an attorney right away.  
9 Her name was Nefriti [sp?]. She assisted me  
10 tremendously, and I had the help and support that I  
11 never thought I would have. From my experience I  
12 want people to have that same experience. I was  
13 treated different. They brought me McDonald's, which  
14 is so funny because you don't really get that type of  
15 support, and the process went so fast, and ever since  
16 then I've been working with Jelani here handing out  
17 cards to NYCHA, being a neighborhood manager, and  
18 just trying to, you know, press the issue on what's  
19 going on in the community.

20 JELANI ANGLIN: So, I see that we have  
21 five seconds left. We're asking for 500,000 dollars  
22 from City Council so that we can bring this citywide.  
23 We are running self-funded completely right now, and  
24 if we are actually thinking about ending mass  
25 incarceration and thinking about cutting down on the

2 population of pre-trial detention, we really need to  
3 do something about it. And though we are a new  
4 initiative, we have the technology to work. The  
5 technology is ready. We can supply the support to  
6 all five boroughs. All we have to do is deal with  
7 the bureaucracy. So, we need you guys to let us do  
8 what we want to do, which is help folks. So, please  
9 support Good Call.

10 CHAIRPERSON POWERS: Thank you, and  
11 educating for me. I didn't know about Good Call, and  
12 I knew some-- I know some are in the district and  
13 some others serve in the district, so I thank all of  
14 you for being here. One thing I'd say beyond the  
15 hearing today, and I appreciate you bringing your  
16 issues, initiatives, and requests here is to talk to,  
17 you know, offline. I'm happy to meet with any of the  
18 groups to talk about your funding requests as well  
19 and ways that the committee can support the work  
20 you're doing, even beyond that, which is it sounds  
21 like for Good Call, like getting people to know that  
22 you are an available service. Seems like an  
23 important place where the committee and the council  
24 can assist in that. So, I would ask, you know, to  
25 follow up, and also we have a Finance staff who is, I

2 think, around that also I think would be interested  
3 to know the work. We're in obviously interested in  
4 measurable outcomes as well, so knowing how many you  
5 serve, how it works, and then the subjective part of  
6 it which is the-- or the anecdotal part of it which  
7 is the people that actually are served and putting  
8 faces to it is actually important for us to hear the  
9 stories. So, I thank you for both the work you're  
10 doing, for looking for the Council to be partners in  
11 that and looking for more resources to add to your  
12 efforts. The-- I don't really think I have any  
13 follow-up questions. You guys were all pretty  
14 thorough and all in that three-minute range, which we  
15 appreciate, but I'm happy to talk to everybody  
16 offline about individually and the Council's role in  
17 supporting the work you're doing. And again, I  
18 apologize you had to sit through hours of testimony  
19 to get to this point, but I'm appreciative of-- I'm  
20 amazed on a daily basis of how many groups are doing  
21 work in this space, but then throughout the City of  
22 New York that come and tell their story and we didn't  
23 know about or we're finding more about and the work  
24 that you're doing, and I know the Council has a--  
25 does have an interest in supporting diversion and



2 supporting work to prevent it from ever happening and  
3 putting people-- and looking at this as more of a  
4 human issue beyond just a punitive issue. So, I  
5 appreciate the work you're doing. I don't know if  
6 you have-- no? Thank you. Thanks everybody for  
7 being here.

8 UNIDENTIFIED: Thank you.

9 CHAIRPERSON POWERS: Next, we're going to  
10 have Jennifer Parish from the Urban Justice Center,  
11 Kelly Grace Price from Jails Action Coalition, and  
12 Towaki Komatsu [sp?] representing himself. Thank  
13 you. Thank you for being here. We'll-- you can kick  
14 it off, and we'll-- same thing. We'll have you guys,  
15 three-minutes. Obviously, if you're close you can  
16 take the extra time, and then we'll follow up.  
17 Thankyou. Thanks for being here.

18 KELLY GRACE PRICE: Thank you, Chairman  
19 Powers. Thank you, Chairwoman Gibson. It's nice to  
20 see you here at the end of yet another meeting. I'm  
21 Kelly Grace Price from the Jails Action Coalition. I  
22 come to testify at these hearings, because as an  
23 innocent person I was crushed by the criminal justice  
24 system when I was thrown in Rikers Island by  
25 everyone's favorite Manhattan DA, Cy Vance. I was

2 charged with 324 counts of a now unconstitutional  
3 statute, but as a person who had never encountered  
4 the criminal justice system-- I think once in  
5 graduate school in Boulder, Colorado I was pushing my  
6 Vespa down the street drunk and got arrested, but  
7 that was dismissed and sealed. Never any other nor  
8 any reaction with the criminal justice system, found  
9 myself on Rikers Island where a doctor examining me  
10 tried to conscript me into a program of rape. I was  
11 bailed out of Rikers before he could make his move on  
12 me, but he was seasoning me to put me in that  
13 position, and I swore when I walked off the island  
14 that I would on this issue. That was 2011. It's now  
15 2018, and the Department of Correction still has not  
16 implemented a Prison Rape Elimination Act plan even  
17 though the Board voted on it two years ago. In your  
18 budget for 2018 and for 2017 you had, I think it was--  
19 - thank you so much.

20 UNIDENTIFIED: You're welcome.

21 KELLY GRACE PRICE: I think it was eight  
22 million dollars to hire new investigators, and that  
23 number, it could be completely wrong. It could be  
24 three. I could be remembering it incorrectly. But  
25 regardless, the Department has not hired those

2 investigators. People making rape complaints-- in  
3 2016 we had 828 rape complaints, but only eight of  
4 those complaints were closed, and as a matter of  
5 fact, we don't even know if those eight tack [sic]  
6 directly to the 828 that were made in 2016. Those  
7 eight that were closed could have been from 2015 or  
8 2014, we don't know. But this money in your budget  
9 for these investigators is just sitting there and  
10 nothing is happening. This is an issue I'm going to  
11 keep carping about. Perhaps you need to create a  
12 separate city investigative agency for rape and  
13 sexual assault in the incarcerative [sic]  
14 environment. I know the CCRB is making moves and  
15 noises towards doing investigations when people make  
16 complaints of rape and sexual assault against NYPD  
17 officers, but the CCRB has no training and no  
18 investigators that are equipped to do a rape or  
19 sexual assault FETY [sic] investigation. This  
20 particular budget item I really want to keep  
21 screaming about, investigations, Rikers, nothing  
22 being done, money disappearing, not being used, and  
23 people like me being sent to Rikers, which is  
24 basically a rape machine. And my last 30 seconds I  
25 want to talk very quickly about the other way that

2 the Department is making money off of us. I was  
3 bailed out in 2011. The charges were dismissed and  
4 sealed in 2010. It is 2018 and I still do not have  
5 my 2,500 dollars bail back. The Department, that  
6 entire methodology they publish once a year in a  
7 newspaper, money's still out there. That money goes  
8 into some fund. I believe Ruben Blau [sp?] just did  
9 an article about it. Something needs to be done  
10 about the way the Department is keeping our  
11 commissary money, the way it's selling our property  
12 when we leave it there for 30 days and the way it's  
13 not giving our bail back. I could talk forever about  
14 the way it's making money off of us in phone calls,  
15 in commissary, but I've used my three minutes. Thank  
16 you so much for listening.

17 CHAIRPERSON POWERS: Thank you for the  
18 testimony, before I move on I'll just note that I  
19 think on the Committee side, we are interested in the  
20 money aspect of this, not only just the additional  
21 burdens that are added onto somebody during these  
22 proceedings and if they're held, which is to--  
23 obviously, again, not getting your bail money back  
24 that's owed to you is of concern, but also the tel--  
25 you know, one of the last questions we asked DOC is

2 about telephone calls, the cost. I think the Speaker  
3 had a bill in the past about changing the cost as  
4 well, and I read the same article that you had around  
5 it, which I think is a topic we would like to dig  
6 into. We didn't have enough time, or we wanted to get  
7 to everybody else today, so we didn't have enough  
8 time to dig into it, but we will, and we'd ask you to  
9 come testify at that point as well, and to-- we'll  
10 let you know as we're looking at those topics to add  
11 some personal experience, and then some broader  
12 lessons to be learned around potentially, you know,  
13 revenue sources that should not exist for the DOC.  
14 Thank you.

15 KELLY GRACE PRICE: My ears are straight  
16 up. I like that.

17 CHAIRPERSON POWERS: Thanks.

18 JENNIFER PARISH: Good afternoon. My  
19 name is Jennifer Parish. I'm the Director of  
20 Criminal Justice Advocacy at the Urban Justice Center  
21 Mental Health Project. Thank you for the opportunity  
22 to testify today. I had not planned to speak here  
23 today, but I cannot allow the assertions by some  
24 Council Members that Department of Corrections should  
25 bring back punitive segregation, their euphemism for

2 solitary confinement for 18 to 21 year olds to go  
3 unchallenged. The decision to end the practice of  
4 placing young people in solitary confinement was not  
5 made lightly, but with an abundance of evidence about  
6 the harm solitary confinement causes to the  
7 development of young people. The science of brain  
8 development establishes that cognitive function  
9 continues into the early 20s. The isolation of  
10 solitary confinement is harmful to all people. It  
11 can cause mental health issues for those who do not  
12 have them. Its' been determined to be torture if it  
13 lasts for more than 15 days for anybody, but for  
14 people who are particularly vulnerable, including  
15 people with mental health issues and young people, it  
16 should not be used at all, and that's what the United  
17 Nations Special Repertoire on Torture has determined.  
18 Have we so quickly forgotten Kalif Browder and the  
19 tragic consequences of solitary confinement to him  
20 and his family. Kalif Browder is not alone. The  
21 effects of solitary confinement persists long after a  
22 person is released from custody. This council, this  
23 city should not be promoting torture, and I hope that  
24 the Council Members who suggested that become

2 educated on the reasons that we got rid of it. Thank  
3 you.

4 CHAIRPERSON POWERS: Thank you, and I  
5 know that it came on our-- and thank you for that,  
6 and thank you for deciding to jump into action, to  
7 advocate for a position, and I share a lot of your  
8 concerns about the usage of it, particularly around--  
9 entirely, but the usage especially amongst the  
10 younger population, because as I noted at a panel  
11 recently, the last stop is not Rikers Island. The  
12 last stop is New York City, and so I think we have a  
13 responsibility to ensure that we're giving  
14 appropriate treatment, and you all-- you know, how do  
15 we ensure that we're treating everybody correctly,  
16 and I do understand the safety concerns. I think  
17 there are ways to address that without having to  
18 restore it, and the Board was here and I think  
19 they'll follow up on it as well. So, thank you for  
20 testimony. Thank you.

21 TOWAKI KOMATSU: Hi. My name is Towaki  
22 Komatsu. I'm a US Navy Veteran. I previously  
23 testified at a Public Safety meeting on December 14<sup>th</sup>  
24 of last year. Twelve days later I was illegally  
25 stopped, seized, falsely arrested, and assaulted.

2 While in police custody, the NYPD lost my wallet.

3 So, let me go to my written testimony now. Before I  
4 do that, actually, the worst kept secret in this room  
5 is that the Mayor's Head of Security is a defendant  
6 in a Federal Civil Rights lawsuit and that he lost  
7 motion in Federal Court on March 5<sup>th</sup> of this year.

8 So, he's going to have to face trial in a Fourth  
9 Amendment case dating back to 2012. So, here's my  
10 written testimony. In the two years, one month, and  
11 twelve days since I first testified to this council  
12 in opposition to the gross 32 percent pay raise its  
13 members approved for themselves and my other servants  
14 as the majority of the Council fled from this room  
15 before I could testify in violation of my due process  
16 right to a full and fair hearing as if they were  
17 chasing after the type of ziti that the Mayor and  
18 Joseph Percoco [sp?] have loved. Those who benefited  
19 from those raises didn't earn them. If this weren't  
20 true, it's unlikely I would be here yet again today  
21 while in the company of those unworthy of it. Back  
22 then I didn't know that the head of the Mayor's NYPD  
23 Security Detail was defending a Federal Civil Rights  
24 lawsuit due to a September 2012 incident so-called  
25 journalist like Courtney Gross who was in this room



2 earlier have censored from the public as accomplices.

3 The Mayor is a fraud. HRA Commissioner Steven Banks

4 is one, too. The New York City Department of

5 Investigations and CCRB is largely subservient to the

6 Mayor, and the NYPD's real mission has been to

7 protect the Mayor from being fired by voters and

8 serve its interest by violating military veteran's

9 civil rights, raping girls, taking bribes, and

10 murdering people like Debra Denner and Eric Gardner.

11 Back then, I asked for legal assistance regarding

12 wage theft by one of HRA's business partners named

13 Entity Data tax payers paid for that also do business

14 with New York State Attorney General Eric

15 Schneiderman's office. I also asked for such help

16 for harassment by a slum lord. I never got it, and

17 I'm no longer naïve. Since then, my problems have

18 worsened significantly as one of HRA's partners

19 committed fraud and forgery against me that HRA

20 condoned and enabled me to be assaulted on July 2<sup>nd</sup>

21 of 2016 in a shelter financed by tax payers. That

22 assault was sealed because the mentally unstable

23 person who tried to commit it, who actually did

24 commit it, tried doing so on May 12<sup>th</sup>, 2016 after I

25 contacted the Bronx DA's Office on March 17<sup>th</sup> of 2016

2 to ask them to intervene and they didn't. That  
3 assault robbed me of the chance to be properly  
4 considered for a job on August 18<sup>th</sup> of 2016 that  
5 would have paid me 450 bucks a day, meaning if you're  
6 suffering from a concussion, you have memory loss and  
7 cognitive disorders. So, if you can't function  
8 properly during an interview, that has substantial  
9 harmful effects. My assailant was set free in  
10 February of 2017 only because a judge that the Mayor  
11 picked wrongfully suppressed security logs. So, the  
12 bottom line is-- let me close out-- he's now working  
13 for the Department of Education before your kids.  
14 So, do you seriously want someone who caused me to  
15 have a concussion in the presence of your kids free  
16 to go off again?

17 CHAIRPERSON POWERS: Thank you. Thank  
18 you for all-- everybody for the testimony and thank  
19 you for being here and sitting through a long day.  
20 This concludes our-- our budget, Preliminary Budget  
21 hearings for Department of Probation, Correction, and  
22 Board of Correction public testimony. Thank you so  
23 much. Thank you to Chair Gibson for joining and for  
24 asking such insightful questions. Thank you other

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2 committee members who have long gone. This will end

3 our hearing. Thank you.

4 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 17, 2018