

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND INVESTIGATION

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July 19, 2017
Start: 10:52 a.m.
Recess: 11:21 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: VINCENT J. GENTILE
Chairperson

COUNCIL MEMBERS: Daniel Dromm
Costa G. Constantinides
Chaim M. Deutsch
Rory I. Lancman
Helen K. Rosenthal
Bill Perkins

A P P E A R A N C E S (CONTINUED)

2 [sound check, pause] [gavel]

3 CHAIRPERSON GENTILE: [beeping] I call
4 this meeting of the Oversight and Investigations
5 Committee to order. Good morning. I am Council
6 Member Vincent Gentile, the Chair of the Committee on
7 Oversight and Investigations. I'm joined today by my
8 colleagues Council Member—Council Members Bill
9 Perkins, Council Member Chaim Deutsch, and Council
10 Member Rory Lancman. We may be joined in a few
11 minutes by some others. Today, the Committee will be
12 voting on Introduction 1136-A, sponsored by our
13 Speaker Melissa Mark-Viverito. Intro 1136-A will
14 require that the New York City Law Department provide
15 semi-annual reports on information pertaining to
16 civil actions filed against the Department of
17 Corrections and the department's employees dating
18 back to the previous five years, which includes civil
19 rights claims involving alleged federal, state or
20 city statutory constitutional violations. These
21 reports will be posted on the Law Department's
22 website, and provided to the Controller, the
23 Department of Corrections, Department of
24 Investigation, and the Board of Correction. This
25 bill was first heard in committee in May 2016, and an

2 A version of the bill resulted from that hearing.

3 The A version of Intro 36-1136, which we're voting on
4 today, not only extends the time frame of the
5 reporting requirements of the previous five years,
6 but also removes the requirement of reporting on the
7 plaintiff's race and gender, the rank and years of
8 service of any DOC employee defendants, the nature
9 and summary of the allegations contained in each
10 claim, the reason why the department declined to
11 represent a defendants, and whether the defendant has
12 previously been subject to the actions claiming
13 improper conduct. Those items in the original bill
14 were amended and not part of the A version. These
15 changes in this bill derived from last May's hearing
16 will solidify the intent of this bill by expanding
17 information sharing between agencies, this
18 legislation aims to facilitate the identification and
19 remediation of trends in correction officer
20 misconduct. Consequently, the data obtained by from
21 the updated reports intends to improve DOC policies
22 and procedures. I believe Intro 1136-A has the
23 potential to ensure safer jails citywide, and reduce
24 costs that arise from various lawsuits. Therefore, I
25 recommend a yes vote by my fellow committee members.

2 I any members have questions, we can entertain them
3 now. Seeing none with regards (sic) to our current
4 bill?

5 COUNCIL MEMBER PERKINS: One quick
6 question if I may.

7 CHAIRPERSON GENTILE: Yes.

8 COUNCIL MEMBER PERKINS: So, with the-
9 regarding the information being reported, is that
10 readily publicly more or less available or this-how
11 is this report transparent in terms of public--

12 CHAIRPERSON GENTILE: [interposing] Yeah.

13 COUNCIL MEMBER PERKINS: --interest?

14 CHAIRPERSON GENTILE: It's my
15 understanding that the-the information is Foilable.

16 COUNCIL MEMBER PERKINS: Foilable, uh-
17 huh.

18 CHAIRPERSON GENTILE: That's what I
19 understand and I-I-I don't know the details of it,
20 but I just understand that-that the Controller's
21 Office also has pertinent information. This-this is
22 a reporting bill that DOC would have to do to the
23 various institutions so that-so that trends in
24 lawsuits can become apparent.

2 COUNCIL MEMBER PERKINS: So-so the-the-
3 the I guess the-the reason to why there's tended
4 decline to represent to represent a defendant, and
5 whether the defendant had previously been subject of
6 actions claiming improper conduct, that information
7 is still-it's-it's available, too, with this report?

8 CHAIRPERSON GENTILE: No, it-it is not in
9 this bill. It may be available somewhere else, but
10 it's not in this bill. It may be--

11 COUNCIL MEMBER PERKINS: [interposing] I
12 mean it's not required to be--

13 CHAIRPERSON GENTILE: Right.

14 COUNCIL MEMBER PERKINS: --available
15 because it-that-that's what I was concerned about
16 because why did the department decline to represent
17 the defendant could be important to know--

18 CHAIRPERSON GENTILE: [interposing] Uh-
19 huh.

20 COUNCIL MEMBER PERKINS: --if the public
21 is going to be-especially when sometimes folks think
22 that-that we turn a blind eye--

23 CHAIRPERSON GENTILE: [interposing] Yeah,
24 well, I-I understand.

2 COUNCIL MEMBER PERKINS: --to-to stuff in
3 order not to blemish the--

4 CHAIRPERSON GENTILE: [interposing]
5 Right.

6 COUNCIL MEMBER PERKINS: --the reputation
7 of the institution or--

8 CHAIRPERSON GENTILE: [interposing]
9 That's--that's not a requirement of reporting under
10 this bill, but if an action has been resolved, then
11 the manner in which it was resolved and whether the
12 resolution included a payment to the plaintiff and
13 the amount of the payment is a requirement of this
14 bill.

15 COUNCIL MEMBER PERKINS: Okay, but this
16 other part of it like whether or not this--the--the--the
17 defendant is previously subject to actions claiming
18 improper conduct is has--

19 CHAIRPERSON GENTILE: [interposing]
20 Right, that was a mandate. That was a mandate.

21 COUNCIL MEMBER PERKINS: So, that's not
22 longer a mandate?

23 CHAIRPERSON GENTILE: No, right.

24 COUNCIL MEMBER PERKINS: And what--do you
25 know the reason why we would take that that out?

2 CHAIRPERSON GENTILE: I-I think if-I-I
3 don't know. I wasn't part of the negotiations, but
4 my-my guess is that this bill's intent was to show
5 trends of-of-of lawsuit's patterns--

6 COUNCIL MEMBER PERKINS: [interposing]
7 Okay.

8 CHAIRPERSON GENTILE: --of-of misconduct
9 at certain institutions, or repeated same types of
10 misconduct. So, that information wasn't particularly
11 relevant for those purposes.

12 COUNCIL MEMBER PERKINS: Alright, thank
13 you.

14 CHAIRPERSON GENTILE: Okay, hearing-
15 seeing no other questions, I'll ask the Clerk to
16 please call the roll.

17 CLERK: Committee Clerk Matthew
18 DiStefano, Committee on Oversight and Investigations.
19 Roll call on Intro No. 1136-A, Chair Gentile.

20 CHAIRPERSON GENTILE: I vote aye.

21 CLERK: Deutsch.

22 COUNCIL MEMBER DEUTSCH: Aye

23 CLERK: Lancman.

24 COUNCIL MEMBER LANCMAN: Aye.

25 CLERK: Perkins.

2 COUNCIL MEMBER PERKINS: Aye.

3 CLERK: By a vote of 4 in the
4 affirmative, 0 in the negative and no abstentions the
5 item has been adopted.

6 CHAIRPERSON GENTILE: Thank you all.
7 We'll hold the vote open for another 15 minutes, but
8 thank you all for joining us. [pause] [background
9 comments] This meeting of July 19, 2017 of the
10 Committee on Oversight and Investigations is now
11 closed. [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 July 31, 2017