

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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May 1, 2024
Start: 10:26 a.m.
Recess: 1:56 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Yusef Salaam, Chairperson

COUNCIL MEMBERS:

Joann Ariola
Robert F. Holden
Rita C. Joseph
Christopher Marte
Althea V. Stevens
Kalman Yeger

OTHER COUNCIL MEMBERS ATTENDING:

Vickie Paladino
Jumaane Williams, Public Advocate

A P P E A R A N C E S

Charles Linehan, Brooklyn District Attorney's Office

Bryce Benjet, Queens County District Attorney's Office

Risa Gerson, Bronx County District Attorney's Office

Terri Rosenblatt, New York County District Attorney's Office

Bridget Brennan, Special Narcotics Prosecutor

Sergio De La Pava, Legal Director of New York County Defender Services

Elizabeth Felber, Wrongful Conviction Unit at the Legal Aid Society

Bruce Bryan, Client Advocate at Queens Defenders

Reuben Wills, former Council Member

Shadaziah Lucas, Executive Coordinator for Policy, Inc., reading testimony on behalf of Assemblyman Edward Gibbs

Joseph Beer

Marcello Paul

Rodney Charlemagne

Al Kanu, reading testimony on behalf of Senator Cordell Cleare

Bobby Garcia, Sr., King of Kings Foundation

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

Kevin (Renny) Smith, Executive Director of Families and Friends of the Wrongfully Convicted, Inc.

Anthony Jennings, Chief of the Streets with Life Camp Inc.

Jeanne Sprenger

Gazda Halavi

Andrew

Christopher Leon Johnson

Richard W. Flores

Eileen Maher, civil rights union leader from local New York and a social worker

Moninque Silberman

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Public Safety, recorded by
4 Layla Lynch on May 1, 2024, in the Council Chambers.

5 SERGEANT-AT-ARMS: Good morning, everyone,
6 and welcome to today's New York City Council hearing
7 for the Committee on Public Safety.

8 At this time, we ask that you silence all
9 cell phones and electronic devices to minimize
10 disruptions throughout the hearing.

11 If you have testimony you wish to submit
12 for the record, you may do so via email at
13 testimony@council.nyc.gov. Once again, that is
14 testimony@council.nyc.gov.

15 At any time throughout the hearing, do
16 not approach the dais.

17 We thank you for your kind cooperation.

18 Chair, we are ready to begin.

19 COUNCIL MEMBER SALAAM: [GAVEL] Good
20 morning. I'm Council Member Yusef Salaam, Chair of
21 the Committee on Public Safety, and I am joined today
22 by Committee Members Holden, Joseph, and Marte.

23 Today, we gather for a crucial oversight
24 hearing on the efforts of District Attorney's Office
25 and other providers to evaluate and remediate

2 wrongful conviction claims. This hearing reflects
3 this Council's continued commitment to advancing
4 justice, fairness, and accountability within our
5 criminal justice system. Drawing from my own personal
6 experience, I understand the widespread and lasting
7 harm wrongful convictions can inflict on individuals
8 and on our society at large. Wrongful convictions are
9 systemic errors in which the unjust loss of freedom
10 seeps into every facet of an individual's life.

11 Wrongfully incarcerated people are often in a state
12 of intense emotional stress and, most painfully, a
13 sincere lack of hope. The stigmatization that comes
14 with it can often lead to financial strain, damaged
15 relationships, and, worst of all, a negative impact
16 on the prospects of their lives moving forward. Those
17 that know my story know that I describe to this
18 dreadful process as being run over by the spike
19 wheels of justice.

20 Each wrongfully incarcerated individual
21 represents a profound miscarriage of injustice and
22 inflicts irreparable harm on individuals, families,
23 and their communities, but the prevalence of wrongful
24 convictions, especially those that go unaddressed for
25 years or even decades, have the potential to

2 undermine the confidence of our justice systems and
3 the promise of justice we are meant to value. As
4 Members of the New York City Council, it is incumbent
5 upon us to ensure that our criminal justice
6 institutions, the police, the district attorneys, our
7 courts, uphold the highest standards of integrity,
8 transparency, and diligence in conducting their work
9 and take seriously their responsibilities to not only
10 prevent wrongful convictions from occurring but also
11 provide meaningful mechanisms to identify, evaluate,
12 and remediate wrongful conviction claims presented by
13 incarcerated individuals.

14 This hearing will give us the opportunity
15 to examine the process and systems developed by our
16 local district attorney's office to evaluate claims
17 of innocence, the accessibility of evidence post-
18 conviction, the effectiveness of conviction integrity
19 units, and the communication channel for sharing
20 lessons learned to improve best practices. We will
21 examine the challenges faced by incarcerated
22 individuals and defense attorneys in accessing
23 crucial evidence and the disparities in practice
24 among boroughs.

2 Our goal is not merely to identify
3 shortcomings but to pave the way for meaningful
4 reforms that safeguard the rights of the accused,
5 prevent future miscarriages of justice, and restore
6 faith in our legal systems. We owe it to the victims
7 of wrongful convictions, their families, and to our
8 city to protect people from the spike wheels of
9 justice.

10 I urge all participants today in today's
11 hearing to engage in constructive dialogue, to seek
12 common ground, and to work collaboratively towards
13 solutions that uphold the principles of justice and
14 equality for all. Together, we can ensure that no
15 innocent person suffers the indignity of wrongful
16 convictions and that the pursuit of truth and justice
17 remains the cornerstone of our society. Thank you for
18 your participation in this crucial discussion.

19 The Committee will be hearing several
20 Pre-Considered Resolutions, including a Resolution
21 sponsored by Council Member Nantasha Williams in
22 support of pending state legislation to establish
23 standards for forensic DNA testing and to request
24 certain DNA tests comparisons as well as a Resolution
25 that I'm sponsoring in support of pending state

2 legislation in relation to pursuing legal claims for
3 unjust conviction and imprisonment, a Resolution
4 sponsored by Council Member Sandy Nurse in support of
5 pending state legislation to retroactively adjust the
6 compensation of formerly incarcerated individuals who
7 were unjustly convicted and requiring at least one
8 member of the State Board of Parole to be a formerly
9 incarcerated person, a Resolution sponsored by
10 Council Member Kevin C. Riley in support of pending
11 state legislation to mandate the timely return of
12 fines, restitution, and reparation payments where
13 there was an unjust conviction, Resolutions sponsored
14 by Public Advocate Jumaane Williams in support of
15 pending state legislation to require mental health
16 services for incarcerated individuals with mental
17 health issues related to the trauma of incarceration
18 and to remove the lifetime ban on jury duty for
19 convicted felons and postpone jury service for any
20 person currently incarcerated for a felony and,
21 finally, proposed Resolution number 191-A, sponsored
22 by Council Member Williams in support of pending
23 state legislation to prohibit prosecutors from using
24 creative expression as evidence against a criminal
25 defendant without a clear and convincing proof that

2 there is a literal factual nexus between the creative
3 expression and the facts of the case.

4 I want to pause for a moment and state
5 that we've been joined also by our Public Advocate
6 Jumaane Williams and Council Member Ariola.

7 I want to also pause as well to allow for
8 the Public Advocate to make a statement.

9 PUBLIC ADVOCATE WILLIAMS: Thanks so much.
10 Peace and blessing, love and light to everybody.
11 Thank you, Mr. Chair, and I'm sure it was mentioned,
12 but I say it's never lost on me, God is great
13 (INAUDIBLE) you are presiding over a hearing on
14 wrongful convictions. I don't know what else to say,
15 but peace to you.

16 My name is Jumaane Williams, and I'm the
17 Public Advocate for the City of New York. I would
18 like to thank Chair Salaam and the Members of the
19 Committee on Public Safety for holding this important
20 hearing.

21 Since 1989, more than 300 people have
22 been exonerated in our state and nation. New York
23 ranks third in wrongful convictions. Every wrongful
24 conviction means that a person is separated from
25 their loved ones, loses their freedom and community

2 connections, and is almost always traumatized. The
3 state has the power to imprison people and, with that
4 power comes great responsibility, and we must do
5 everything we can to prevent and remediate wrongful
6 convictions.

7 Wrongful convictions harm entire
8 communities. Incarceration tears people from their
9 loved ones, traumatizing not only them but their
10 friends and families and communities who may have
11 depended on the person emotionally and financially.
12 When a person is released from prison or jail, or
13 even if they were not sentenced to any period of
14 incarceration, their criminal record follows them and
15 affects their ability to pursue employment or
16 education and can affect where they can live.
17 Wrongful convictions harm our city financially as
18 well. For example, Luis N. Scarcella, a former NYPD
19 detective who has been accused of framing dozens of
20 people for murder, has cost taxpayers, at this point,
21 110 million dollars in settlements. Additionally,
22 like all aspects of the criminal legal system, black
23 people are disproportionately more likely to be
24 wrongfully convicted. Innocent black people spend an
25 average of 13.8 years wrongfully imprisoned, which is

2 45 percent longer than white exonerees. There must be
3 robust safeguards against wrongful convictions as
4 well as mechanisms for people who have been
5 wrongfully convicted to challenge their convictions,
6 even if they pleaded guilty. In fact, nearly 11
7 percent of the nation's 362 DNA-based exonerations
8 since 1989 involve people who pleaded guilty to
9 serious crimes and they didn't commit. There are a
10 number of reasons why an innocent person might plead
11 guilty, often to guarantee a lessened sentence in a
12 system that is stacked against them, and many people
13 who have maintained their innocence for years while
14 incarcerated will take a guilty plea in exchange for
15 immediate release. Those who have never experienced
16 incarceration, especially long-term incarceration,
17 will never be able to fully understand this decision.

18 New York is one of five states without a
19 right to counsel in post-conviction proceedings,
20 making it especially difficult for indigent people to
21 appeal their cases. In New York and in the United
22 States, simply being innocent isn't enough to have
23 convictions overturned, as the U.S. Supreme Court has
24 established onerous rules for what kind of evidence
25 can be considered and when. For example, in *Schlup v.*

2 Delo, the Court held that a person must demonstrate
3 "new reliable evidence that was not presented at
4 trial' though what constitutes new evidence was not
5 clearly defined. For many wrongfully convicted
6 people, there is no DNA evidence or new evidence at
7 all that can exonerate them. There is also no way to
8 quantify for how many people exonerating evidence may
9 exist but has not been turned over to them or their
10 lawyers.

11 For these reasons, I call on Governor
12 Hochul to sign the Wrongful Conviction Act into law.
13 This legislation would provide individuals convicted
14 of crimes with the opportunity for meaningful review
15 to ensure redress for wrongful convictions, including
16 in cases where the individual has pleaded guilty.
17 Wrongfully convicted people who pleaded guilty often
18 have no recourse for justice, and this law would
19 create a path for them. It would also provide people
20 seeking to challenge their convictions with the
21 chance to review the evidence in the underlying case.

22 We must remove barriers and restrictions
23 that keep people with criminal convictions from being
24 full members of society. Exoneration is not possible
25 for many, if not most, wrongfully convicted people.

2 Two Pre-Considered Resolutions that I introduced that
3 are being heard today call on the state to pass
4 legislation that would do just that. The first
5 Resolution is in support of S-206A, A-1432A in the
6 state, which would end the practice of barring people
7 with felony convictions from serving on juries in New
8 York State. The second is in support of S-206A and A-
9 1432A, which support incarcerated people re-entering
10 society for providing them with targeted mental
11 health services related to the trauma of
12 incarceration upon re-entry and reintegration to
13 society and release. Wrongful convictions are a
14 scourge on our legal system. I remind you of the
15 words of Reverend Dr. Martin Luther King, Jr.
16 Injustice anywhere is a threat to justice everywhere.
17 Very often, with the heavy police presence in black
18 and brown communities, we're often told that it's
19 because victims and perpetrators are primarily black
20 and brown. We often leave out the fact that most of
21 the overturned convictions and convictions that were
22 not awarded in the first place are also predominantly
23 black and brown, which is also evidence that the
24 system is not working in terms of toward justice as
25 it should be. Thank you so much. I appreciate it.

2 CHAIRPERSON SALAAM: Thank you as well.

3 Now turning to testimony, today we will
4 first be hearing from District Attorney's Offices
5 followed by a panel from the public defenders
6 organizations and the Innocence Project. After those
7 panels conclude, we will begin testimony from the
8 public.

9 I will now introduce our first panel of
10 witnesses and swear them in. With us today, we have
11 invited guests Charles Linehan, the King's County
12 District Attorney; Bryce Benjet from the Queens
13 County District Attorney; Risa Gerson from the Bronx
14 County District Attorney; Terri Rosenblatt from
15 Manhattan District Attorney; Bridget Brennan, Special
16 Narcotics Prosecutor for New York City.

17 Good morning. If you can all please raise
18 your right hand.

19 Do you affirm to tell the truth, the
20 whole truth, and nothing but the truth before this
21 Committee and respond honestly to Council Members'
22 questions?

23 ADMINISTRATION: (INAUDIBLE)

2 CHAIRPERSON SALAAM: Noting for the record
3 that all witnesses answered affirmatively, you may
4 begin your testimony.

5 BRIDGET BRENNAN: Thank you, and thank you
6 so much for the opportunity to speak. It is indeed an
7 honor to be here, and it is very uplifting to see
8 Council Member Salaam, who is the Chair of the Public
9 Safety Committee, embracing his future after having
10 been wrongfully incarcerated. I think it provides us
11 all with inspiration and guidance as to what we
12 should all be working towards so thank you very much,
13 and my greetings also to the Public Advocate and the
14 Council Members who have joined us.

15 I'm the City's Special Narcotics
16 Prosecutor and, as you know, our office is unique,
17 with citywide five-borough jurisdiction but focused
18 exclusively on narcotics crimes and related crimes.
19 As a result, the scope of our post-conviction claims
20 is more limited than in the District Attorney's
21 offices, and I'll explain why that is. Our office was
22 established five decades ago, and that was when
23 heroin was ravaging the city and the state. In 1971,
24 the State Legislature created the office for the City
25 of New York, granting it authority to prosecute

2 felony narcotics crimes involving lethal drugs like
3 heroin, cocaine, addictive pills, and fentanyl along
4 with related offenses. That is because the city was
5 recognized as a state and national hub for narcotics
6 trafficking and, unfortunately, it continues to play
7 this role to this day. Tomorrow, my office will
8 recognize the 50th anniversary of the establishment
9 of the office and its important work. Hundreds of
10 former prosecutors and staff who have worked in the
11 office over the past five decades will gather to
12 acknowledge our hard work and contributions to
13 keeping the city safe, and preparing for that event
14 has provided me the opportunity to reflect on how the
15 office has evolved and how prosecution has evolved
16 and how perspectives have evolved.

17 The office evolved from investigating
18 large-scale heroin and crack organizations in the
19 '70s and '80s to pioneering alternative to
20 incarceration programs in the '90s. In the 21st
21 century, we have tackled cocaine cartel cases, the
22 prescription pill crisis, and now are doing all we
23 can to reduce the supply of the most lethal drug we
24 have ever seen, fentanyl. Today, our office is
25 recognized not only in the city and state, but

2 nationally and internationally for its expertise in
3 identifying emerging trends in trafficking dangerous
4 drugs and developing effective strategies to tackle
5 each new challenge.

6 But, at the same time, as I say, we have
7 evolved, and prosecutions and what prosecutors view
8 as their responsibilities has changed as well. We are
9 sending far fewer defendants to state prison than in
10 decades prior. In 2023, 263 of our prosecutions
11 resulted in the state incarceration of defendants, a
12 decline of more than 90 percent from the 2,832
13 incarcerated in 1996, more than a generation ago at
14 the height of the crack epidemic, and so our office
15 embraces our responsibility to fully ensure that our
16 communities are safe and that our justice system is
17 fair and equitable and, accordingly, we have
18 established a conviction review process that assesses
19 whether we have met our sworn obligation to uphold
20 the law, not only the laws that penalize illegal
21 conduct, but also laws that protect the rights of the
22 accused and the rights of people who have been
23 convicted.

24 Because of the specialized nature of our
25 investigation, we see proportionally fewer claims of

2 actual innocence in our conviction review practice
3 than the District Attorney's Offices. Claims of false
4 confessions, false identification, and DNA errors are
5 infrequent because our convictions rarely rely on DNA
6 evidence, confessions, or uncorroborated
7 identifications and, when convictions are reversed in
8 our cases, the reason is often related to wrongful
9 conduct, dishonesty, or corruption by critical
10 police, witnesses, or investigators. To be clear,
11 police dishonesty and corruption is uncommon.

12 However, there are instances when attorneys in my
13 office have discovered wrongful police conduct while
14 preparing a case for grand jury or trial. We do not
15 have jurisdiction to prosecute those cases and refer
16 the investigation to a DA or a federal prosecutor.
17 For obvious reasons, those investigations are highly
18 confidential, but we make every effort to ensure that
19 any related ongoing case is paused and defendants are
20 not inappropriately incarcerated or detained while
21 charges are investigated. However, information
22 pertinent to past prosecutions may not be available
23 when those charges are brought so when the wrongful
24 conduct is confirmed, we identify all pending cases
25 and past convictions where the identified police

2 officer was a critical witness in a case. We dismiss
3 all pending cases. We also identify past prosecutions
4 where there has been a conviction as a result of a
5 trial or guilty plea where the identified police
6 officer was a critical witness. We notify the
7 attorney currently representing the defendant or
8 their last attorney of record for the defendant of
9 our intent to dismiss. We contact the court. We have
10 the past convictions and pending cases calendared,
11 make an appropriate record, and dismiss. Counsel is
12 notified of the dismissal. This process has existed
13 in some form for decades, most notably in the 1990s
14 when the Dirty 30 investigation related to
15 corruptions in Manhattan's 30th precinct resulted in
16 the dismissal of dozens of cases. Today, the process
17 is so much more efficient and so much more far-
18 reaching with better and timelier access to
19 information about false testimony, wrong conduct, and
20 better ability to identify the names and roles of all
21 officers involved in our investigations and arrests.

22 In addition, as a group, the District
23 Attorney's Offices collaborate much more effectively
24 and share information about wrongful police conduct
25 in a timely, efficient manner. For example, there was

2 a detective, Joseph Franco, who was charged in 2019
3 with perjury and other crimes related to his tenure
4 as an NYPD narcotics detective. He worked in the
5 Bronx, Brooklyn, and Manhattan. Ultimately, hundreds
6 of cases he worked on were dismissed, including more
7 than two dozen brought by my office, 17 previous
8 felony convictions were dismissed, two pending cases
9 as well as misdemeanors that were pled to on felony
10 charges.

11 To address other issues with convictions,
12 we have an active Conviction Review Committee
13 composed of experienced prosecutors and chaired by
14 Nigel Farina, who is sitting here with me today, who
15 also heads the office Gang Unit and is the Chief
16 Diversity, Equity, and Inclusion Officer. The
17 Commission is guided by the principles of fairness,
18 justice, and equity, and its mission is to determine
19 whether a conviction should be vacated or modified in
20 accordance with applicable law and based on relevant,
21 verified information. The Committee has two primary
22 tasks, to conduct independent and impartial post-
23 conviction review in consultation with impacted
24 individuals and their counsel to determine whether a
25 conviction should be vacated or modified based on

2 legal challenges, newly discovered evidence, or other
3 circumstances which profoundly undermine confidence
4 in the original outcome and, secondly, to promote
5 conviction integrity and best practices in future
6 prosecutions through analysis of sources of errors
7 and recommend trainings or changes in procedures and
8 practices. Conviction review consideration is
9 available to anyone convicted of crimes prosecuted by
10 the Office of the Special Narcotics Prosecutor, and
11 this is true whether there was a trial or plea
12 bargain, regardless of whether the applicant is
13 currently in custody, represented by an attorney, or
14 has already sought an appeal from the court. The
15 Conviction Review Committee does not review ongoing
16 or pending cases prior to conviction.

17 In addition to reviewing individual
18 cases, the Conviction Review Committee seeks to
19 improve investigation and litigation practices and
20 promote fair and just outcomes. To that end, the
21 Committee will, as appropriate, initiate systemic
22 review of issues, such as unreliable witnesses or
23 forensic science tools and conduct root cause
24 analysis. The Committee will also recommend, when
25 appropriate, a change in a current prosecution

2 practice if the result will lead to a more fair and
3 just outcome. The Committee may also recommend
4 additional training for institutional partners and
5 collaboration with community partners. Our website
6 has a full description of the unit, and applications
7 for review are submitted through the website portal.

8 If a conviction review inquiry comes via
9 a different route, it may be directly referred to the
10 Committee, as I will describe, or it may be directed
11 to the portal, which enables us to keep a
12 comprehensive record of applications for review and
13 actions taken. Some requests for post-conviction
14 relief are incorporated in other post-judgment
15 motions and, when that occurs, the inquiry is
16 directly referred to the Conviction Review Committee
17 for evaluation. Based on a review of applications,
18 the Committee may also advise the office on changes
19 to current practice and suggest training programs, as
20 I have described so we are embracing this as an
21 opportunity to make sure our convictions not only
22 have integrity and that everyone is treated fairly
23 and equitably, but that we are also improving so that
24 there will be fewer wrongful convictions and,
25 certainly in my office, there have been fewer

2 convictions which result in state prison sentence,
3 which shows the trajectory of how far we have come
4 over the many decades this office has been in
5 existence so I thank the Committee for encouraging
6 discussion of this.

7 I think the legislation which has been
8 proposed, I haven't had the opportunity to study it,
9 but I will, there may be some matters in there that
10 we could offer suggestions on or support for so I
11 look forward to that, and I thank the Public Advocate
12 as well for his support in this issue. Thank you very
13 much.

14 CHAIRPERSON SALAAM: Thank you as well.

15 RISA GERSON: Good morning, Council
16 Members, Chair Salaam, Public Advocate Williams, and
17 thank you for the opportunity to testify on behalf of
18 the Bronx District Attorney's Office on efforts to
19 evaluate and remediate wrongful conviction claims.

20 My name is Risa Gerson, and I am the
21 Chief of the Conviction Integrity Bureau at the Bronx
22 County District Attorney's Office. In 2016, when
23 District Attorney Darcel Clark took office, she
24 created the Conviction Integrity Unit, which is
25 dedicated to improving the quality and integrity of

2 prosecutions throughout Bronx County. Since then, the
3 unit, which has been elevated to a bureau, has
4 delivered on this goal through two primary functions.
5 First, it reviews claims of actual innocence and
6 wrongful conviction. The review is generally fact-
7 based and extrajudicial. To ensure that we are able
8 to review the greatest number of cases and identify
9 wrongful convictions, we will review a case even
10 though there are factors present that might otherwise
11 operate as a procedural bar to relief in a court of
12 law. For example, the fact that a defendant has
13 pleaded guilty will not automatically disqualify a
14 case from consideration. When appropriate, the Bureau
15 thoroughly reinvestigates a case. In select cases
16 where there has been a comprehensive reinvestigation,
17 the Bureau will make a recommendation to the District
18 Attorney as to whether the conviction should stand.

19 Second, the purview of the Conviction
20 Integrity Bureau extends forward to policy and
21 professional practices. The Bureau works closely with
22 executive staff, supervisors, and the Litigation
23 Training Bureau to help implement and follow best
24 practices in the current prosecution of cases and to

2 ensure compliance with all legal and ethical
3 obligations.

4 The Bureau Chief, myself, leads trainings
5 for new Assistant District Attorneys, and the entire
6 Bureau periodically presents trainings to the entire
7 legal staff on factors that lead to wrongful
8 convictions. One training, for example, highlights
9 the lessons learned in a case that involved an
10 unreliable confession from a teenaged suspect. Huwe
11 Burton was 16 years old when his mother was brutally
12 murdered in her bedroom on January 3, 1989. A jury
13 convicted Huwe Burton of murder based in large part
14 on statements that he made to the police shortly
15 after his mother was killed. At the time Hugh made
16 those statements, he was only 16 years old. The
17 Conviction Integrity Bureau conducted a comprehensive
18 review and reinvestigation of the case. In addition
19 to scouring the transcript and case files and
20 interviewing witnesses, we thoroughly scrutinized the
21 quality of the evidence that was used to convict
22 Burton. We found scientific and scholarly evidence
23 that was not available at the time of trial. More
24 specifically, since trial, many experts and scholars
25 have studied the phenomenon of false confessions and

2 have identified flawed interview techniques as well
3 as personal and situational risk factors, including a
4 suspect's young age, that increase the likelihood
5 that a confession is untrue. Based on the new expert
6 information and based on the particular
7 inconsistencies and contradictions in the proof that
8 was presented at trial, the District Attorney no
9 longer had confidence that Burton's confession was
10 reliable. For this reason, the District Attorney
11 agreed to vacate the conviction and dismiss the
12 charges, and the case now serves as a training tool
13 so that ADAs can identify important factors to assess
14 the reliability of a confession and, not only does
15 the staff of the Bureau train attorneys in the
16 office, but members of the Bureau meet with
17 representatives of other prosecuting offices along
18 with innocence organizations and members of the
19 Defense Bar to discuss ways to improve the accuracy
20 and quality of convictions.

21 At its creation, the Conviction Integrity
22 Unit was originally staffed with a Unit Chief and two
23 Assistant District Attorneys. In May of 2021,
24 District Attorney Clark elevated the unit to a
25 Bureau. Today, the Bureau consists of a Chief, two

2 Assistant District Attorneys, a Major Case Assistant
3 District Attorney, and a Paralegal. In September, the
4 Bureau is adding a Senior Investigative Assistant
5 District Attorney, at which point it will be fully
6 staffed with five Assistant District Attorneys and a
7 Paralegal.

8 The Conviction Integrity Bureau reports
9 directly to the General Counsel and the Deputy
10 General Counsel of the Bronx DA's office. In this
11 regard, the Bureau operates independently from the
12 other investigation and litigation bureaus in the
13 office.

14 In addition, the Bureau is staffed with
15 experienced attorneys with criminal defense
16 backgrounds, including myself. I joined the office as
17 an Assistant District Attorney when the unit was in
18 its infancy. By that point in my career, I had worked
19 as a criminal defense lawyer for more than 25 years,
20 including as the Director of a Wrongful Conviction
21 Unit at the Office of the Appellate Defender in New
22 York City. Notably, almost all the lawyers in the
23 Bureau have come from outside the Bronx District
24 Attorney's Office, which means they are able to

2 conduct their investigations and reviews without
3 preexisting loyalties or bias.

4 As previously mentioned, a primary
5 function of the Conviction Integrity Bureau is to
6 investigate claims of wrongful conviction but, in
7 addition to investigating wrongful conviction claims,
8 the Bureau also reviews resentencing applications,
9 clemency and pardon applications to the Governor, and
10 other requests for equitable relief. Furthermore, the
11 Bureau engages in audits of cases connected to police
12 officer misconduct. Based on our audits, the District
13 Attorney has agreed to dismiss more than 300
14 convictions connected to former NYPD undercover
15 narcotics detective, Joseph Franco, who was indicted
16 for perjury in Manhattan and dismissed from the NYPD.

17 The Conviction Integrity Bureau accepts
18 cases for review from a wide variety of sources,
19 including but not limited to, individual defendants
20 who claim they are innocent, innocence organizations
21 and the Defense Bar, state and federal prosecutors,
22 and internal audits following a finding of errors or
23 misconduct by law enforcement or counsel, the police,
24 the courts, and the press. A request for review can
25 be made by a person directly on the District

2 Attorney's website, which contains a hyperlink to an
3 email box for the Conviction Integrity Bureau.

4 Upon receiving an inquiry, the person is
5 sent an intake questionnaire to complete and return
6 to the Bureau. After return of the questionnaire, a
7 preliminary review is conducted to determine if
8 opening an investigation is warranted. The
9 questionnaire contains a warning not to proceed if
10 the applicant is represented by counsel and a
11 requirement that the applicant acknowledge that the
12 Conviction Integrity Bureau is a Bureau of the
13 Prosecutor's Office and not attorneys representing
14 them. If the applicant is represented by counsel,
15 Bureau staff reaches out to counsel and lets them
16 know that any communication must be initiated by
17 counsel. Some cases are closed immediately, such as
18 where the applicant was convicted for a crime not in
19 Bronx County or where the applicant was not convicted
20 of a crime. For example, the conviction was for a
21 violation that has been sealed or the applicant is
22 not claiming actual innocence or wrongful conviction
23 but raising another issue that is outside of our
24 purview. If the initial review identifies concrete
25 evidence that supports a claim of actual innocence or

2 wrongful conviction that can be investigated and
3 verified, then there is a review of all the documents
4 in the District Attorney's files to determine if a
5 full-fledged reinvestigation is warranted and, if so,
6 we interview witnesses, determine whether there is
7 physical evidence that needs to be re-examined, and
8 embark on a full-fledged reinvestigation.

9 The Conviction Integrity Bureau will
10 recommend that the District Attorney agree to vacate
11 the conviction when the evidence establishes clearly
12 and convincingly one of the following factors, the
13 defendant is actually innocent, there were one or
14 more serious errors that significantly undermines our
15 confidence in the correctness of the conviction, or
16 the totality of the circumstances lead inexorably to
17 the conclusion that the conviction was wrongful and
18 the interests of justice are best served by vacating
19 the judgment.

20 District Attorney Clark's mission of
21 pursuing justice with integrity meant restructuring
22 the office to reflect a 21st century prosecution
23 model, including the creation of the Conviction
24 Integrity Unit and implementing measures to ensure
25 transparency and accountability to the residents of

2 the Bronx. As part of the Office's commitment to
3 transparency and accountability, when the Conviction
4 Integrity Bureau receives a case for review, the
5 Bureau will notify the person or their counsel in
6 writing and in a timely manner about the status of
7 the case, when a decision on the case has been
8 reached, and the action taken. Additionally, the
9 Conviction Integrity Bureau tracks its work product
10 internally and reports to the District Attorney on
11 the number of applications that were submitted, the
12 number of cases which resulted in a full re-
13 investigation and review, and the number of cases in
14 which the people, our office, agreed to vacate the
15 conviction, dismiss the charges, and either retry the
16 case or stand by the conviction.

17 In conclusion, I want to thank the Chair
18 and the Members of the Committee for calling this
19 important hearing and interest in learning about the
20 work of the Bronx District Attorney's Conviction
21 Integrity Bureau. I am happy to answer any questions
22 the Committee may have to ask. Thank you.

23 CHAIRPERSON SALAAM: Thank you as well.

24 CHARLES LINEHAN: Chair Salaam, Council
25 Members, Public Advocate Williams, my name is Charles

2 Linehan, and I am the Chief of the Conviction Review
3 Unit at the Brooklyn DA's Office. On behalf of
4 District Attorney Eric Gonzalez, thank you for
5 inviting me here this morning to discuss the problem
6 of wrongful convictions.

7 Almost 22 years ago, in December 2002, I
8 was a line assistant in my second year with the
9 Manhattan DA's Office. One afternoon, I and my
10 colleagues received an email from then-District
11 Attorney Robert Morgenthau with a motion attached.
12 That motion detailed the Office's year-long re-
13 investigation of the convictions in what was then
14 known as the Central Park 5 case and concluded by
15 asking the Court to overturn those convictions. As a
16 New Yorker, I was very familiar with the case, of
17 course, but as a Junior Assistant DA in the Office at
18 the time, I was not involved and did not know any of
19 the assistants involved in either the original case
20 or the re-investigation. Nevertheless, reading the
21 motion that afternoon, recounting the re-
22 investigation in minute detail, was a watershed
23 moment in my own professional development. We all
24 understood the political and reputational
25 ramifications for Mr. Morgenthau in asking for those

2 convictions to be thrown out. True to the four words
3 of advice that he gave us on day one in the Office,
4 do the right thing, he was prepared to admit and take
5 responsibility for a colossal mistake that happened
6 on his watch and to take the steps necessary to make
7 it right. For me, it was a critical lesson in what it
8 means to be a prosecutor. Twenty-two years later, I
9 have the privilege of serving under another District
10 Attorney who is as principled as the boss was, maybe
11 more so.

12 As Chief Assistant under the late Ken
13 Thompson, Eric Gonzalez was instrumental in creating
14 the Brooklyn CRU and, since becoming District
15 Attorney, DA Gonzalez has continued to support and
16 promote the Unit, recognizing that the work CRU does
17 is the flip side of the public safety coin. You can't
18 protect the public if the public doesn't have faith
19 in the system, and the public won't have faith in the
20 system if you're not willing to admit and correct
21 mistakes of the past and do the hard work necessary
22 to prevent those same mistakes going forward. In the
23 10 years since the Brooklyn CRU was created, 37
24 defendants have had their convictions vacated based
25 on the Unit's and the DA's recommendation. In

2 addition, our Office has sought the dismissal of
3 upwards of 500 cases where police officers who played
4 a material role in the conviction were subsequently
5 dismissed by the Department for malfeasance.

6 It's the second part of our mission that
7 we're here to talk about today, how to prevent these
8 injustices from happening in the first place. I
9 firmly believe that the group of us sitting before
10 you, by virtue of the work we do every day running or
11 otherwise overseeing the City's Conviction Review
12 Units, are best positioned to provide insight into
13 the causes of wrongful convictions and to propose
14 effective ways to prevent these tragedies going
15 forward. Speaking from my own office, in addition to
16 our ongoing work re-investigating cases of alleged
17 wrongful conviction and seeking vacatur in cases
18 where we agree that an innocent person was wronged or
19 where we believe that a defendant's trial was so
20 fundamentally unfair that we can no longer stand by
21 the conviction, we have also taken significant steps
22 to prevent any repeat of these injustices.

23 First, in 2020, in collaboration with the
24 Innocence Project and with significant pro bono
25 support from WilmerHale, we published our 426 Years

2 Report, which examined in detail our first 25
3 exonerations and provided a thorough analysis of the
4 factors that led to each miscarriage of justice. As
5 I'm sure my colleagues sitting here with me today
6 will agree, generally speaking, there is a finite set
7 of factors at the root of most wrongful convictions,
8 some subset of which usually played a part in any
9 specific wrongful conviction. The 426 Years Report
10 identifies many of those factors and analyzes them in
11 the context of actual cases. This document can be a
12 valuable teaching tool for anyone who wishes to
13 understand how and why these cases happen, and I have
14 copies of the report here with me today for anyone
15 who would like one.

16 In addition, for every case where we
17 recommend exoneration, we prepare an exhaustive
18 report detailing the original investigation and
19 prosecution, the appellate history, the CRU
20 reinvestigation, and our analysis and conclusion.
21 Like the 426 Years Report, our case reports are
22 publicly available. We include a link to the public
23 report in every press release announcing our
24 recommendation that a conviction be vacated, and
25 these reports can also serve as excellent teaching

2 tools to help prevent wrongful convictions. While
3 these case reports and the 426 Years Report can
4 provide important insight, they're only effective
5 when put to the use for which they were intended. We
6 can and do distribute these reports widely, but until
7 they are read widely by members of the police
8 department, perhaps as part of the police academy
9 curriculum, and by members of the Defense Bar, the
10 prosecution, the bench, and the legislature, their
11 impact will be limited.

12 In addition, through a robust internal
13 continuing legal education program, our Office is
14 committed to training incoming and veteran
15 prosecutors on the causes of wrongful convictions and
16 on the ways to prevent them. At least twice per year,
17 we make full-house presentations to line assistants
18 in the office in which we analyze the typical factors
19 present in most wrongful convictions and instruct our
20 prosecutors on best practices for preventing them in
21 the future.

22 Finally, tomorrow, the Brooklyn DA's
23 office, in conjunction with our colleagues seated
24 before you today, will host a day-long training
25 symposium on investigating wrongful convictions. In

2 attendance will be more than 60 law enforcement
3 professionals with a stake in wrongful conviction
4 work, representing most of the state and federal
5 prosecutor's offices in the region. We hope that by
6 coming together to share knowledge and best
7 practices, we can continue to improve our ability to
8 dramatically reduce the frequency of and ultimately
9 eliminate wrongful convictions, but there is still a
10 lot of work to be done.

11 Once again, thank you for the invitation
12 to testify before you today. I look forward to the
13 discussion.

14 CHAIRPERSON SALAAM: Thank you as well.

15 TERRI ROSENBLATT: Good morning, Chair
16 Salaam and Members of the Committee on Public Safety.
17 My name is Terri Rosenblatt. I'm the Chief of the
18 Post-Conviction Justice Unit in the New York County
19 District Attorney's Office. Thank you for the
20 opportunity to speak with you today regarding our
21 office's efforts to remediate wrongful convictions.
22 We thank the City Council for its continued support
23 in our efforts to deliver safety and fairness to our
24 city. I also want to recognize the gravity of Chair
25 Salaam speaking from his position about this Office's

2 post-conviction justice work. It is not lost on me,

3 and it is an honor to be speaking here before you.

4 I'd also like to acknowledge in the audience today is

5 my good friend, Jabbar Collins, who I first met, I

6 think it was about 15 years ago, when he was in

7 prison for a crime that he did not commit, and I'm

8 proud to have him here today.

9 In 1935, the United States Supreme Court

10 wrote that a prosecutor is the representative of not

11 an ordinary party to a controversy but of a

12 sovereignty whose obligation to govern impartially is

13 as compelling as its obligation to govern at all, and

14 whose interest, therefore, in a criminal prosecution

15 is not that it shall win a case, but that justice

16 shall be done. As such, he is in a peculiar and very

17 definite sense the servant of the law, the two-fold

18 aim of which is that guilt shall not escape nor

19 innocence suffer. With that role of a prosecutor in

20 mind, DA Bragg created the Post-Conviction Justice

21 Unit, or PCJU, in January of 2022.

22 Post-conviction justice means the

23 commitment by a prosecutor's office to review

24 wrongful conviction or sentencing claims independent

25 of the traditional adversarial legal process. We

2 began 2022 with a staff of just two attorneys and are
3 now a team of 15, including seven lawyers, five
4 investigative analysts, two senior investigators, and
5 one administrator. Our Unit follows a results-
6 agnostic model that seeks neither to affirm nor
7 vacate closed cases. Instead, we follow the facts
8 with an open mind, no matter where they lead.

9 In doing this work, PCJU is guided by
10 three principles. First, independent and impartial
11 collaborative reinvestigations, second, centering our
12 work on victims and on the wrongfully convicted and,
13 third, providing support for other forms of post-
14 conviction justice.

15 We are independent in that the ADAs in
16 our unit work only on post-conviction investigations.
17 Because cognitive bias, or otherwise known as tunnel
18 vision, has been identified as one of the causes of
19 wrongful convictions, the ADAs in PCJU do not
20 participate in the traditional adversarial process of
21 criminal litigation. To that end, we consider an
22 investigation a success when all reasonable steps
23 were taken, not whether a certain outcome is secured.
24 We're collaborative because our goal is to work
25 together with defense counsel openly and

2 transparently. PCJU often conducts witness interviews
3 jointly with defense counsel, engages in open-file
4 discovery, and provides counsel with frequent updates
5 while the investigation is ongoing. We also center
6 our work not on prosecutors or defense lawyers or
7 police but instead on survivors, applicants, and
8 exonerees. For victims, through no fault of their
9 own, a wrongful conviction investigation can be
10 retraumatizing or can deprive survivors of closure.
11 PCJU works closely with our Survivor Services Bureau
12 to ensure that victims and survivors are engaged
13 during our re-investigations. Our Re-Entry
14 Specialists also work with exonerees where
15 appropriate to ensure that their transition back into
16 the community is well-supported.

17 Centering on impacted people also means
18 that PCJU is not focused on assigning blame or fault
19 to individual system actors when doing so interferes
20 with truth-seeking. Wrongful convictions occur when
21 our system failed people more than when people failed
22 our system. Data from comparable industries like
23 healthcare and aviation demonstrate that people are
24 more willing to share information candidly with
25 investigators who are not only focused on blame or

2 fault. In non-DNA post-conviction investigations, the
3 quality of an investigation entirely depends on the
4 quality of interviews and the availability of
5 information and witnesses. A just culture model
6 enhances our ability to get reliable and complete
7 information and resolve claims of innocence or
8 wrongful conviction.

9 Finally, as a third principle, PCJU
10 embraces the notion that conviction review is not a
11 binary endeavor. Convictions are not simply right or
12 wrong, but instead there are multiple measures of
13 justice that the prosecution should address after a
14 conviction. To that end, PCJU also evaluates
15 applications for resentencing or clemency, conducts
16 systemic reviews of law enforcement actors, and
17 assists the Office in creating best practices for
18 post-conviction discovery, evidence retention, and
19 litigation.

20 PCJU's successes in the last two years
21 demonstrate the strength of our approach. We have
22 successfully moved to vacate nine individual
23 convictions, all in non-DNA cases. Finding truth and
24 justice in those cases was not so straightforward as
25 a laboratory result. Instead, many involved dozens of

2 hours of witness interviews, thousands of pages of
3 document review, and intensive internal deliberation.
4 We have more than a dozen other similar
5 investigations open today.

6 In addition to this individual case work,
7 we also engage in systemic reviews of convictions
8 related to forensic science errors and police
9 misconduct. Since 2022, we have vacated more than 500
10 cases related to police officers who themselves
11 committed career-ending criminal conduct.

12 Looking ahead, PCJU looks forward to
13 continuing its investigative work into individual
14 cases and systemic issues and actors as well as
15 unjust sentences. We look forward to engaging with
16 our partners in the innocence and advocacy community
17 on this work and on supporting their efforts to
18 expand the scope of wrongful convictions to all
19 innocent individuals.

20 Thank you again for convening this
21 hearing, and I look forward to your questions.

22 CHAIRPERSON SALAAM: Thank you as well.

23 BRYCE BENJET: Good morning, Chair Salaam,
24 Council Members. I'm Bryce Benjet, Director of the
25 Conviction Integrity Unit at the Queens County

2 District Attorney's Office. I'm speaking to you today
3 on behalf of Queens County District Attorney Melinda
4 Katz.

5 On day one, DA Katz established a
6 Conviction Integrity Unit, the first of its kind in
7 Queens County, and mapped out a detailed plan
8 consistent with recognized best practices. I was
9 honored to be appointed as the Unit's Director and
10 began work on the DA's first day in office. One
11 indication of DA Katz's leadership in this field is
12 her selection of the CIU's leadership. Before joining
13 the DA's office, I was most recently employed at the
14 Innocence Project, where I worked exclusively on
15 actual innocence cases involving DNA evidence.
16 Throughout my career at the Innocence Project, with
17 the CIU and in private practice, I've worked on the
18 cases of 20 people who have ultimately been
19 exonerated around the country and here in New York
20 City.

21 In early 2020, as the pandemic engulfed
22 the city, we opened investigations, hired staff,
23 created procedures governing the operation of the CIU
24 to ensure that all cases submitted to the Unit would
25

2 be handled uniformly and with the care and attention
3 that these extraordinary claims deserve.

4 I would also be remiss if I didn't
5 mention the work of our Deputy Director, Alexis
6 Celestin, who passed away unexpectedly about two
7 years ago. Alexis was a Far Rockaway native, a child
8 of Guyanese immigrants, a graduate of Hofstra and
9 Harvard Law. She previously worked as a homicide
10 prosecutor in Westchester and had done pro bono work
11 at the Georgia Innocence Project. Alexis was
12 instrumental in building out our CIU and fearlessly
13 conducted investigations around the country, even
14 internationally, at the height of the pandemic when
15 many were working at home. Her work was instrumental
16 in our early exonerations at the CIU and we're all
17 inspired by her example and her commitment to
18 justice, and I appreciate the Council's giving me the
19 opportunity to recognize her in the record of the
20 City that she so valiantly served.

21 The CIU currently has a dedicated staff
22 of eight. We have three ADAs, including myself. We
23 are in the hiring process to add a fourth ADA. We
24 have a Paralegal assigned to each ADA so that's three

2 Paralegals currently and two experienced Detectives
3 who are dedicated to the Unit.

4 We work closely with our Victim Advocate
5 Program because we recognize that the work that we do
6 always involves crime victims and the work that we do
7 in no way eliminates or obviates the trauma that they
8 have experienced and continue to experience.

9 The Unit has received over 250 cases for
10 review since it was established. We currently have
11 approximately 20 open investigations with about 145
12 cases awaiting intake evaluation. Our Unit has
13 rejected approximately 70 cases either at the intake
14 stage or after our investigation did not substantiate
15 a claim that the case was worthy of vacatur. We
16 prioritize cases where defendants are currently
17 incarcerated, but we have opened investigations in
18 cases and vacated convictions for people who have
19 been paroled or served out their sentence. The CIU
20 has vacated more than 100 convictions over the past
21 four years. Twelve of these vacaturs were based on
22 either a finding of actual innocence or newly
23 discovered evidence, and these 12 are recognized in
24 the National Registry of Exonerations. The CIU has
25 vacated four convictions based on improper

2 discrimination in jury selection. The remaining cases
3 were vacated on fundamental fairness grounds as part
4 of our review of cases involving police officers who
5 were convicted of perjury or other offenses on the
6 job.

7 In addition to these important
8 investigations, the CIU is dedicated to learning from
9 the errors of the past. We routinely conduct
10 trainings both within the Office and out in the
11 community about the work of the CIU and the subject
12 matter of wrongful convictions. The CIU has also
13 established an externship program where we teach
14 Fordham Law students to help train new attorneys on
15 these vital issues.

16 The CIU's work in Queens and the work of
17 the similar Units represented here at this table is
18 an important recognition that our criminal justice
19 system is not perfect. We have an obligation to
20 listen to people, even those who have been convicted
21 of heinous crimes, and to take action where the
22 evidence shows that we got it wrong. This is a
23 commitment that District Attorney Katz made to our
24 community, and I look forward to assisting the
25 District Attorney in carrying out this important work

2 as we move forward, and I look forward to the
3 opportunity to answering any questions that you may
4 have that will assist in the work of this Committee.

5 CHAIRPERSON SALAAM: Thank you for your
6 testimony.

7 I'd like to acknowledge that we have been
8 joined by Council Member Stevens and Council Member
9 Yeger.

10 I'd like to perhaps start with some
11 questions for the Brooklyn DA's Office. Under the
12 leadership of the late Ken Thompson, Kings County
13 launched its Conviction Review Unit in 2014. As of
14 last year, the unit had exonerated 500 individuals,
15 34 following lengthy re-investigations plus 468
16 vacated convictions that relied on the work of police
17 officers who engaged in misconduct while performing
18 their duties. The Brooklyn CRU has become a national
19 model and has been instrumental in the establishment
20 and improvement of other Conviction Review Units
21 across the country. I'd like to commend DA Gonzalez
22 for the work of the Unit, but I have some questions
23 on ways in which the work of the Unit could be
24 further enhanced. In an article published last year
25 by The City, it was reported that, on average, the

2 Brooklyn CRU took 1.36 years to review a wrongful
3 conviction claim before the office made a formal
4 recommendation. In one case, a review had been
5 lingering for eight years. Time is obviously very
6 precious for those who are awaiting these
7 determinations. Can you tell us about the efforts
8 your office is making to ensure innocent claims are
9 reviewed in a more timely fashion?

10 CHARLES LINEHAN: Thank you, Chairman
11 Salaam. Yes, I joined the unit two years ago in
12 January of 2022 and, when I sat down with DA
13 Gonzalez, that was his primary concern, is that he
14 was aware that there were cases, despite the great
15 efforts of the Unit, there were a lot of cases, some
16 of which, as you point out, had been around for an
17 inexcusably long time. I think part of that, of
18 course, is that we, the Brooklyn jurisdiction, has a
19 very high volume of cases under investigation at any
20 given time. Currently, though we have been working
21 hard to clear out the older cases and get them
22 resolved, we have, at any given time, upwards of 50
23 open investigations with probably 75 pending
24 applications so to address that, DA Gonzalez has
25 committed, I think, unprecedented resources. On staff

2 right now, I have 10 attorneys, including myself, as
3 well as two detective investigators, three
4 paralegals, and a Bureau Administrator, and I believe
5 that that is probably the most well-resourced unit in
6 the country but, nevertheless, as you point out,
7 there is quite a backlog. We implemented a number of
8 things. When I came in, in consultation with the DA,
9 we implemented a number of procedures and policy
10 changes to try to address that real problem. I think
11 the most significant was refining and really
12 rewriting our application process and, taking the
13 lead actually from Queens and a couple other
14 jurisdictions, we created an online intake form where
15 applicants could apply, fill out a 10-page
16 questionnaire that was designed to sort of gather the
17 critical information about a conviction and the
18 claims of innocence or otherwise wrongful conviction
19 within the four corners of that document so that we
20 can make quicker determinations as to whether or not
21 to take a case in the first place. Prior to that,
22 applications could be anywhere from a 300-page brief
23 from a well-funded attorney to a back-of-an-envelope
24 application from a pro se applicant, and we felt that
25 that inconsistency was obviously unfair and was

2 slowing down the unit overall so it was taking
3 attorneys away from active investigations simply to
4 review these applications, and it was a very
5 laborious process. I told the DA that my objective
6 going in was to take our limit down from the average,
7 I think you mentioned, of almost 1.4 years to 6
8 months to a year maximum to complete an
9 investigation, and I'm proud that since I've been
10 there, any new cases that we brought in, we have
11 managed mostly to stick to that goal. So other things
12 that we've done besides adding attorneys, since I got
13 there, the DA has approved, I think, we've hired four
14 to five new lawyers, which, as you know, is the
15 amount that some jurisdictions have total on their
16 staff, and that obviously helps us speed things up.
17 We have embraced technological tools, case management
18 tools that have really helped improve our speed on
19 investigations so I can be out in the field or one of
20 my attorneys can be out in the field interviewing a
21 witness and pull up a document right there on their
22 phone to aid in that investigation. They can upload
23 audio recordings that we take when interviewing
24 witnesses in the field so that I'm back at the
25 office, I can review that interview immediately when

2 it comes in so, to sum up, I think the introduction
3 of technology has helped us a lot. The revision of
4 our application process and the addition of personnel
5 has really helped us speed up the process, but we are
6 ever mindful of the statistics that you point out
7 from the article in The City last year and always
8 working to try to improve that.

9 CHAIRPERSON SALAAM: Thank you. Also, it
10 was reported that the Brooklyn CRU often requires a
11 person raising an innocent claim and their attorney
12 to sign a cooperation agreement, which limits their
13 ability to publicly discuss the case while it's being
14 reviewed. Critics claim that this is an unfair
15 practice that contributes to long delays by
16 preventing the use of public pressure to demand
17 accountability. Does the Brooklyn CRU still require
18 the signing of a cooperation agreement before they
19 agree to look into an innocent claim, and are these
20 agreements time-limited, or can parties break the
21 agreement if notice is provided?

22 CHARLES LINEHAN: Thank you for your
23 question. We do not require parties to sign a
24 cooperation agreement. We look at it as an actual
25 benefit to parties if they're willing to sign a

2 cooperation agreement. We pride ourselves on our
3 transparency and on our sort of collegiality. We
4 often work in close consultation with defense counsel
5 as they pursue their client's claim, and we sign that
6 cooperation agreement because we want to have a good-
7 faith relationship with them and feel reassured that
8 we can share information with them and we're not
9 going to be fighting a PR battle at the same time
10 that we're trying to do the right thing by their
11 clients so there is a clause in that cooperation
12 agreement that requires that neither side do anything
13 with respect to the media with regard to our
14 investigation. I'll tell you frankly, it's not an
15 enforceable agreement, and occasionally we do have
16 situations where people break that promise, but we
17 think it's in the best interests of the case and
18 getting the investigation as far down the road as
19 quickly as possible that we agree not to go to the
20 media unless and until the case is resolved.

21 CHAIRPERSON SALAAM: Thank you. Now, I
22 would like to turn to Manhattan. In Manhattan, the
23 Post-Conviction Justice Unit handles reviews of
24 wrongful convictions and also look to address the
25 root cause behind them. Can you describe the root

2 cause analysis that is undertaken when your office
3 has determined a wrongful conviction occurred? In
4 particular, does this analysis involve input from
5 external experts to ensure objectivity, and does it
6 result in a corrective action plan and ways to
7 measure progress?

8 TERRI ROSENBLATT: Thank you so much for
9 that question. It's a little bit early in our
10 practice to answer about root causes in a fulsome
11 way. We've only been here for two years, and so what
12 I'd ask is to get back to you on how that process
13 develops as we put it online, but I do agree that the
14 things that you mentioned are best practices for root
15 cause analysis.

16 CHAIRPERSON SALAAM: I'd like to turn to
17 the Bronx. In 2020, after Detective Joseph Franco was
18 fired by the NYPD for making false statements about
19 narcotics arrests, the Bronx DA's Conviction
20 Integrity Bureau undertook a review of Bronx cases
21 that hinged on this detective's testimony and sworn
22 statements. Last year, 67 cases that were tied to
23 this ex-NYPD detective were dismissed, bringing the
24 total to 324 cases in total that were dismissed in
25 the Bronx after a review by DA Clark's Conviction

2 Integrity Bureau. Can you talk about specific lessons
3 and any new protocols implemented as a result of the
4 review of the cases handled by Detective Franco?

5 RISA GERSON: Thank you for that question.
6 I will say with Detective Franco cases, we worked in
7 conjunction with Brooklyn and Manhattan because
8 Detective Franco had worked in all three boroughs so
9 we did a comprehensive review of those cases, and he
10 had worked in the Bronx for many years. I'm not going
11 to say the exact number because I don't remember off
12 the top of my head. But we do keep track of bad
13 behavior engaged in by NYPD, whether it is presented
14 to us by simply reading about it in the press or if a
15 person, an applicant, brings it to our attention so
16 we are in the process of auditing cases of several
17 other officers who have engaged in perjurious
18 behavior.

19 CHAIRPERSON SALAAM: I'd like to turn to
20 the Special Narcotics Prosecutor perhaps to maybe
21 offer some more insight as to Detective Franco as
22 well.

23 BRIDGET BRENNAN: Yeah, as I recall, the
24 actual discovery of a contradiction came in one of
25 our cases as we were preparing it to go into the

2 grand jury, if I recall, and, if I'm inaccurate, I'll
3 get back to you with the accurate facts, and you see,
4 as I described, we're not empowered to do that kind
5 of investigation prosecution. It's not within our
6 jurisdiction so, if I'm remembering right, yes, it
7 was referred to the Manhattan DA's office at that
8 time. So the investigation goes on, we freeze our
9 cases, awaiting their findings, because what happened
10 with all these cases is that he was, at the
11 conclusion, you know, charges were brought against
12 the detective and, because of that, he was believed
13 to be on the part of all the Offices that had
14 previously worked with him to be an unreliable
15 witness who had engaged in bad conduct, which
16 obviously hadn't been disclosed because it occurred
17 just in that instance and certainly anything going
18 forward would have been dismissed, but we also found
19 him to be an unreliable witness so then the review
20 process goes on. Anybody can join in with me on this,
21 because we all did it. You go through the cases to
22 determine on which cases he was involved as a
23 critical witness, identify that body of cases, and
24 then go back and dismiss the cases if you found him
25 to be somebody who had a critical role in those

2 cases. He was a very active detective. He worked with
3 special narcotics and probably not with us as much as
4 he worked, I think, a long time in the Bronx, he
5 worked in Brooklyn, he worked in Manhattan, and so
6 all of the Boroughs took a look at, and this is where
7 I described in my testimony, the DA's offices have
8 gotten so much better at collaborating with each
9 other than in past days, past years, past decades.
10 When there was a problem with an officer, I don't
11 think there was the kind of coordination that we see
12 today so that was an example of, it was a bad
13 situation but a very good indication of how there's a
14 uniform approach to this and how we help each other
15 out when those situations come up, but my
16 recollection is that the actual identification of the
17 conduct was in one of our cases.

18 CHAIRPERSON SALAAM: Thank you. Followup
19 question for the Bronx. The Conviction Integrity Unit
20 in the Bronx currently does not allow defense
21 counsels to look through their file unlike every
22 other Conviction Integrity Unit in the city. What is
23 the reason for that, and will you agree to change
24 that practice so that a person wrongfully convicted
25 in the Bronx is treated the same as a person

2 wrongfully accused in Staten Island, Queens,
3 Manhattan, and Brooklyn?

4 RISA GERSON: Thank you for that question
5 because I'm going to clarify. I'm not sure where you
6 got that information from, but those decisions are
7 made on a case-by-case basis, and there have been
8 instances where we have opened our files to the
9 defense in the Bronx. We remove certain sensitive
10 materials, as I believe they do in other counties,
11 but we do not have a blanket rule that we do not open
12 our files to defense counsel. That's inaccurate.

13 CHAIRPERSON SALAAM: Thank you. Turning to
14 Queens. In 2021, a group of law professors filed
15 grievances against 21 prosecutors in the Queens
16 District Attorney's Office, alleging they had engaged
17 in a range of professional misconduct, including
18 lying in court and withholding evidence from the
19 defense. These grievances were based on court records
20 where there was a finding of prosecutorial
21 misconduct. In many cases, the misconduct was so
22 severe that it required overturning a wrongful
23 conviction and releasing someone from prison. To your
24 knowledge, did any of these prosecutors suffer any

2 professional consequences for their actions that in
3 several cases led to wrongful convictions?

4 BRYCE BENJET: Thank you for the question,
5 Chair Salaam. I have personally not tracked every
6 disciplinary case that was pending as part of that
7 group, and the focus of the Conviction Integrity Unit
8 is on individual claims of actual innocence and
9 wrongful conviction. The Queens District Attorney's
10 Office is essentially a law firm with hundreds of
11 ADAs with its own both internal disciplinary
12 procedures and reporting activities, and we rely on
13 the District Attorney's procedures and focus on the
14 core mission of investigating claims.

15 CHAIRPERSON SALAAM: Thank you. DA Katz
16 has said that when cases of misconduct are found,
17 prosecutors will be put into a vigorous retraining
18 program. Can you provide specifics about the nature
19 of that program, and how does the office handle if
20 someone repeatedly engages in professional
21 misconduct?

22 BRYCE BENJET: Again, I would not comment
23 on individual employee discipline or remedial actions
24 that might take place within the office. Just as an
25 example of a more office-wide practice, we had an

2 instance of repeated discrimination, improper
3 discrimination, and jury selection by an ADA over the
4 course of about a decade. We obviously conducted a
5 review of that particular ADA's trials that resulted
6 in a conviction and have agreed to vacate four of
7 those. That review is ongoing. We also conducted an
8 audit of selected trials by other ADAs who were in
9 bureaus with that ADA to make sure that there was no
10 similar evidence of discrimination in those trials.
11 Thankfully, we did not find similar evidence of
12 discrimination but, based on our review of the work
13 that happened over the course of a decade in the
14 '90s, we have conducted two trainings office-wide and
15 really reviewed the way that we train ADAs on jury
16 selection to make sure that we are up to
17 constitutional and ethical standards.

18 CHAIRPERSON SALAAM: Thank you. I'm going
19 to turn to the Members on the dais as well starting
20 with Council Member Joseph.

21 COUNCIL MEMBER JOSEPH: Thank you, Chair.
22 Good morning to each and every one of you.

23 I have a couple of questions across the
24 board. How many wrongful conviction cases have been
25 overturned in New York City in the past decade, and

2 what were the common factors contributing to these
3 errors? We can start with Brooklyn, and then we'll
4 work our way down.

5 CHARLES LINEHAN: Thank you, Council
6 Member Joseph. I think we could probably do the math
7 amongst us right now. I said that the CRU over the
8 past decade in Brooklyn has exonerated 37 defendants.
9 I'm not sure...

10 TERRI ROSENBLATT: Nine.

11 CHARLES LINEHAN: Nine in Manhattan...

12 BRYCE BENJET: 12 have been exonerated in
13 Queens according to the National Registry.

14 COUNCIL MEMBER JOSEPH: Talk into the mic,
15 ma'am.

16 RISA GERSON: The Bronx Conviction
17 Integrity Unit hasn't been in place for 10 years.
18 District Attorney Clark wasn't elected until 2016,
19 but I know prior to her election under Rob Johnson,
20 even though there was no formal Conviction Integrity
21 Unit, there were investigations where the District
22 Attorney did agree to vacate convictions based on
23 investigations by his Appeals Bureau or the
24 Investigations Division so I don't have those numbers
25 prior.

2 COUNCIL MEMBER JOSEPH: Can you get that
3 back to the Committee, please?

4 RISA GERSON: I will do my best.

5 COUNCIL MEMBER JOSEPH: Thank you.

6 RISA GERSON: Thank you.

7 TERRI ROSENBLATT: Similarly, in
8 Manhattan, the nine I've been in the last two years
9 that I've been in the office. There were prior under
10 District Attorney Vance's Conviction Integrity Unit
11 and, of course, prior to that, Robert Morgenthau also
12 vacated wrongful convictions, and I can get back to
13 you with the data on the last decade.

14 COUNCIL MEMBER JOSEPH: I know Chair
15 Salaam asked this question... Go ahead, Queens.

16 BRYCE BENJET: Yeah, and I'd also like to
17 clarify that there have been exonerations, for
18 example, the last day of the prior Administration,
19 Felipe Rodriguez's conviction was vacated, and we can
20 certainly provide you with an exact number, but it's
21 also worth consulting, the National Registry of
22 Exonerations has an excellent breakdown of
23 exonerations across the nation, but certainly in the
24 city and divided by borough.

2 COUNCIL MEMBER JOSEPH: So how does the
3 NYPD's Internal Affairs Bureau address allegations of
4 misconduct or coercion that may have contributed to
5 wrongful convictions?

6 CHARLES LINEHAN: Thank you, Chairwoman
7 Joseph. I'll just jump in here because in my..

8 COUNCIL MEMBER JOSEPH: So Brooklyn came
9 prepared today, huh?

10 CHARLES LINEHAN: Well, you're just asking
11 questions that are in my wheelhouse.

12 COUNCIL MEMBER JOSEPH: Okay.

13 CHARLES LINEHAN: I was fortunate when I
14 was at the Manhattan DA's office to be the Deputy
15 Chief of the Public Corruption Unit, which, in
16 addition to investigating and prosecuting wrongdoing
17 by public officials, also did a robust job
18 investigating and prosecuting corrupt police officers
19 and, in that role, we worked very closely with IAB,
20 usually conducting investigations in tandem, and at
21 least at that point in time, IAB was actually very
22 much involved and under good leadership and really
23 was engaged in those cases.

24 COUNCIL MEMBER JOSEPH: Anyone else want
25 to add on now?

2 W what's the impact of New York City
3 Wrongful Conviction Commission on identifying and
4 addressing systematic issues such as race,
5 socioeconomic status as to contributing to wrongful
6 convictions?

7 CHARLES LINEHAN: Sorry, can you repeat
8 that?

9 COUNCIL MEMBER JOSEPH: What are the
10 factors? Race, socioeconomic status, the fact that I
11 may not be able to afford an attorney. What are the
12 factors that produce wrongful convictions?

13 CHARLES LINEHAN: Okay. You certainly are
14 identifying, as someone else mentioned before, that
15 the vast majority of wrongfully convicted people are
16 men and women of color.

17 COUNCIL MEMBER JOSEPH: Correct.

18 CHARLES LINEHAN: And so that's absolutely
19 correct but, as far as the causes of wrongful
20 convictions, I alluded to that in my opening remarks,
21 and I'll just, if it's okay with you, read a list of
22 what, in my experience, appear to be the 10 most
23 common factors that contribute to wrongful
24 convictions, and I'm sure...

2 COUNCIL MEMBER JOSEPH: And what are we
3 doing to reform that policy? What are we doing for
4 better practices, right? We're learning from all of
5 this, right? We have people of color that are
6 entering the system. I'm personally a mother of four
7 black boys, right?

8 CHARLES LINEHAN: Mm-hmm.

9 COUNCIL MEMBER JOSEPH: So this is
10 personal work to us and, Chair Salaam, whose lived
11 experience is sitting here today.

12 CHARLES LINEHAN: Absolutely.

13 COUNCIL MEMBER JOSEPH: So what are we
14 doing to address those root causes that allow people
15 of color to enter jail more than any other race in
16 this city?

17 CHARLES LINEHAN: I can tell you that, as
18 I mentioned in my opening remarks, there are any
19 number of things that we're doing in Brooklyn to get
20 this information out there, simply to make people
21 aware and break down wrongful convictions in a deeply
22 analytical way so that all stakeholders in the
23 criminal justice system can have the information they
24 need to then address it in their individual roles as
25 prosecutors, defense attorneys, judges, members of

2 the legislature even, but I can tell you that there
3 are additional things that I think could be done. I
4 think it's apparent to all of us in investigating
5 these cases that there are shortcomings in the system
6 as a whole, right? Like we don't have enough
7 resources to adequately investigate cases. The
8 Defense Bar is radically under-resourced and, in your
9 average case, in every case that we do, you'll see in
10 our reports there is some element of the Defense Bar
11 not being effective in their counsel, not because
12 they're not good lawyers, but because they don't have
13 enough resources to adequately investigate a case.
14 From my perspective, having worked in Corruption,
15 having worked in the private sector on wrongful
16 convictions, and now running the Unit in Brooklyn, I
17 think we could go a long way to preventing these
18 things going forward by simply funding the Defense
19 Bar so that they can kick off real investigative work
20 right at arraignments and, also, I think that on the
21 prosecutorial side, we need to be much more involved
22 much earlier. Almost every case we all handle is a
23 homicide and, especially back in the '90s and the
24 '80s, the involvement of the prosecution in a
25 homicide investigation was very limited. At best, you

2 were signing search warrants and taking a video
3 statement after however many hours of interrogation
4 by the police department. I think prosecutors getting
5 involved much earlier in that process would lead to
6 better results.

7 COUNCIL MEMBER JOSEPH: So you can say
8 there's a lot of lessons learned, right? Sorry,
9 Chair. I'm just going to, so a lot of lessons
10 learned.

11 CHARLES LINEHAN: Absolutely.

12 COUNCIL MEMBER JOSEPH: And I'm hoping
13 these lessons are going into practices so we're not
14 having this conversation that your system is getting
15 better.

16 How do you compensate people that are
17 wrongfully convicted? What's the compensation?

18 CHARLES LINEHAN: Currently, we're not
19 involved in the compensation process. Now, obviously,
20 as wrongfully convicted people are exonerated, they
21 seek civil redress, and I know that they depend a lot
22 on the information that we put in our reports and on
23 the individual bases on which we base our
24 exoneration, but we incorporate our report by
25 reference every time we do an exoneration so that

2 whatever we found is available to them in minute
3 detail.

4 COUNCIL MEMBER JOSEPH: What's the
5 turnaround time for getting their records cleared so
6 they can move on with their lives?

7 CHARLES LINEHAN: You mean for them
8 getting compensated?

9 COUNCIL MEMBER JOSEPH: Not compensation,
10 the wrongful conviction. What's the turnaround time
11 for it to be removed from their records?

12 CHARLES LINEHAN: For the conviction to be
13 removed?

14 COUNCIL MEMBER JOSEPH: Right.

15 CHARLES LINEHAN: You know, that's a great
16 question. I don't know the answer to that, but I will
17 get that information.

18 COUNCIL MEMBER JOSEPH: But you will get
19 it back to the Committee.

20 CHARLES LINEHAN: Absolutely.

21 COUNCIL MEMBER JOSEPH: Thank you so much.
22 Thank you, Chair.

23 CHAIRPERSON SALAAM: Thank you. I'm very
24 appreciative of...

25 RISA GERSON: May I answer the question?

2 CHAIRPERSON SALAAM: Sure.

3 RISA GERSON: Council Member Joseph, you
4 asked about if somebody's exonerated, how long does
5 it take to get it off the record? What typically
6 happens in court is that as soon as the judge
7 announces that the conviction is vacated, the
8 indictment is dismissed, the records are sealed so
9 that should happen pretty much immediately.

10 CHAIRPERSON SALAAM: Thank you. I think
11 I'm going to use one of your statements that I
12 recently learned was baseline, right? We need to
13 create baseline processes so that we get the
14 opportunity to have like a standard. I think New York
15 City, in general, would be really powerful to be that
16 beacon of hope for the rest of the nation as we
17 really address this in what I call righteous
18 collaboration.

19 I'm going to turn to Council Member
20 Holden.

21 COUNCIL MEMBER HOLDEN: Thank you, Chair,
22 and thank you all for your testimony.

23 I want to go back to Brooklyn only
24 because you seem to be an expert on this, which your
25 experience, you could probably tell us a lot more

2 about procedure, but I want to just mention some, you
3 said you had an online intake form.

4 CHARLES LINEHAN: Yes, sir.

5 COUNCIL MEMBER HOLDEN: And when was that
6 started?

7 CHARLES LINEHAN: Well, as I said, when I
8 started at the office two years ago, that was sort of
9 one of the first things that I noticed was kind of
10 holding us back, and I had worked closely with ADA
11 Benjet when I was in the private sector working on a
12 wrongful conviction case in Queens so I reached out
13 to him and he showed me their online application
14 form. I talked to the Dallas office, which has a
15 leader in the field, and I think I also reviewed the
16 Philadelphia DA's office's form, and so we created
17 the form almost immediately. I think it went online
18 about six months later but, what you find in this
19 world, in the innocence community, these things, once
20 you put one paper copy out there, it's in every state
21 prison system and so we started receiving
22 applications almost immediately.

23 COUNCIL MEMBER HOLDEN: So does all the DA
24 offices use that online intake form?

2 TERRI ROSENBLATT: Manhattan has an online
3 intake form that is public.

4 COUNCIL MEMBER HOLDEN: Queens.

5 RISA GERSON: We do, too.

6 BRYCE BENJET: Yes, I think each Office
7 has their own individual form.

8 COUNCIL MEMBER HOLDEN: Yes, so it's not a
9 10-pager like maybe Brooklyn, right? You said yours...

10 CHARLES LINEHAN: Ours is 10 pages. I
11 think everyone has sort of similarly...

12 COUNCIL MEMBER HOLDEN: It would be nice,
13 though, as the Chair mentioned, it would be nice to
14 have the same procedures, the same forms that we can
15 coordinate citywide because it just seems to be, I
16 think that's more fair because obviously if, I'm just
17 going to make up an example, but let's say Queens,
18 because it's my Borough, doesn't have the, has a two-
19 pager, let's say, I don't know what you have but
20 let's just say that, hypothetically. You may not get
21 all the information you need, and you may not have,
22 it might not be as fair as Brooklyn and, again, it's
23 just, I don't want Melinda Katz to come after me. I'm
24 just using it as an example.

2 BRYCE BENJET: Just because you mentioned
3 Queens. The purpose of these forms is really to
4 granulate out the claim of innocence so a person is
5 convicted of something they didn't do, they're sent
6 to prison, they're not lawyers, they may not have the
7 educational background to really understand all of
8 the issues. Sometimes they get advice from jailhouse
9 lawyers, which may be helpful, may not be, and so
10 these are directed as point-by-point questions. What
11 is your case about? Who do you want us to talk to? Is
12 there evidence that you want us to test? And we get a
13 wide variety of responses. Again, because many people
14 are not in a position to advocate for themselves, and
15 so I think that these forms are important, but I
16 don't want to undersell the amount of independent
17 work that we have to do to give these folks a fair
18 hearing, to really hear them out, to ask the
19 questions that they may not know to provide answers.

20 COUNCIL MEMBER HOLDEN: Let me just go on
21 procedure. Once you get a form, let's say you look at
22 it, is it looked at by one attorney or a clerk or
23 somebody in the office that, you know?

24 BRYCE BENJET: Our unit collaborates
25 together so we'll assign an intake case to an

2 individual attorney. They will review the form. They
3 will pull various records from the case, because,
4 again, these forms are understandably not the only
5 thing that we can go by so we'll pull trial records,
6 appellate briefs, sometimes even the original file,
7 and it can be 40, 50, even 100 hours of work to
8 really evaluate a case.

9 COUNCIL MEMBER HOLDEN: I even get them. I
10 guess other Council Members get them from people that
11 are incarcerated. They write us very long letters,
12 and we turn it over, obviously, to the DA, because,
13 obviously, what do we, how do we evaluate anything
14 like this, but I'm just curious. Brooklyn has 10
15 attorneys assigned?

16 CHARLES LINEHAN: Yes, sir.

17 COUNCIL MEMBER HOLDEN: To the CRU? And
18 you said you had four to five new hires.

19 CHARLES LINEHAN: Since I've been there,
20 the DA has approved, I think, four to five new hires.

21 COUNCIL MEMBER HOLDEN: In addition to the
22 10, or is that including?

23 CHARLES LINEHAN: No, no, so we've lost
24 one or two people since I got there, so I think maybe
25 we had eight total with me or seven total with me

2 when I got there, and DA Gonzalez has approved a few
3 additional hires since then.

4 COUNCIL MEMBER HOLDEN: Okay. So, again,
5 just on procedure, Chair, if I may just follow up on
6 that, if you find somebody is wrongfully convicted,
7 let's say, and they're out of jail, out of prison,
8 what happens to the case now to find the real person
9 that committed the crime? I mean, is there another,
10 it goes back to the NYPD, and tell us that procedure.

11 CHARLES LINEHAN: Yeah, that's a great
12 question. We do, with some frequency, end up
13 identifying the person that we believe to be the
14 actual killer in the case, which, like I said,
15 they're usually homicide cases, not in all of them,
16 not in the majority of them, but in a significant
17 percentage of them, and the DA is, of course, always
18 interested in kicking the tires on that case to see
19 if we might be able to exonerate the wrong person and
20 simultaneously indict the right person. As you can
21 imagine, cases that are 25, 30 years old, I don't
22 know if you have any criminal trial experience, but
23 that's a hard case to indict and an especially hard
24 case to try, but we will, in our office, where we
25 think there's a shot, the DA will assign a Senior

2 Homicide Attorney to do that pre-indictment
3 investigation and see if we can successfully indict.
4 Now, part of that analysis is how confident are we
5 that we could win the case at trial, right, because
6 what we don't want to do is put victims through the
7 pain of thinking we got the right person but the case
8 is so old and the challenges of convicting at trial
9 are so high that there's not a realistic chance that
10 we will be able to convict and, as you can imagine,
11 the chances of getting a plea in that situation are
12 quite low because the actual culprit is probably
13 pretty confident that they're going to have a good
14 shot at trial so it's a very careful analysis, but we
15 do conduct that analysis.

16 COUNCIL MEMBER HOLDEN: Thank you. Thank
17 you, Chair.

18 CHAIRPERSON SALAAM: Thank you as well.
19 I'd just like to acknowledge we've been joined by
20 Council Member Paladino as well.

21 Actually, part of your question got me to
22 thinking, how many people would be needed to actually
23 address, like if we had the opportunity to say, well,
24 across the board, we need 10 people to actually
25 review these cases. Is there a suggestion per borough

2 or collaboratively on how many people may be needed
3 in the best case scenario?

4 CHARLES LINEHAN: I would love 30 more
5 attorneys. I mean, really, the reality is as I think
6 promising as it is that the Special Narcotic
7 Prosecutor and all the DAs in the city are on board
8 with robust units to address these problems. The
9 problem, as you know, Chair, is enormous and just
10 fixing what happened in the past, I really could use
11 20 more attorneys. I mean, I feel extremely
12 fortunate, and I get teased all the time by my
13 colleagues here about the resources that I have, but
14 the truth is we are working all the time to try to
15 resolve these, and we still just have so many cases
16 that we've accepted for investigation, and it takes
17 time so the answer is we could use a lot. I don't
18 know what the number is.

19 CHAIRPERSON SALAAM: Got it. I'd like to
20 turn to Council Member Ariola.

21 COUNCIL MEMBER ARIOLA: Thank you, Chair.
22 Director from Melinda Katz's office, that's my home
23 Borough, I represent the 32nd Council District. You
24 know, you really did answer so many of my questions
25 in your testimony, and I want to thank you for that.

2 I also want to say thank you to our
3 District Attorney for establishing a Convictions
4 Investigation Unit and, in the short time, I was very
5 impressed with the numbers where you have already
6 overturned 100 convictions, you have 145 waiting in
7 intake, 250 for review. You explained what the
8 procedure was for the review, so I appreciate that,
9 and I'd also like to tell you what I see on our end,
10 which is that your office works very well with
11 stakeholders, with victims, with the NYPD, with the
12 community, doing the investigations, being right
13 there so that wrongful convictions, the best way to
14 reduce a wrongful conviction is by arresting the
15 right person, and I think that your office really has
16 that right, so I want to thank you for that.

17 My question is, are there any future
18 plans to enhance the capabilities of your current
19 unit?

20 BRYCE BENJET: We're always trying to
21 enhance the work that we're doing. We're building
22 staff, if Charlie doesn't hire all the available
23 candidates, but we're building out our staff. It's
24 been a difficult market to find people, and I think
25 it's important to have a diversity of experience in

2 these units, and so you can't just throw 30 line ADAs
3 into this job, and so we really are trying to enhance
4 the work that we're doing by building staff, by
5 increasing our outreach to doing education, and
6 really working through the demand that we have in the
7 cases that are still awaiting our review.

8 COUNCIL MEMBER ARIOLA: Again, thank you
9 for all your hard work, and we thank our District
10 Attorney for the work that she does to keep the
11 borough that we represent safe, and she's hard on
12 crime where she can be and she knows when to pull
13 back, and we appreciate that.

14 BRYCE BENJET: Thank you, Council Member.

15 COUNCIL MEMBER ARIOLA: Thank you.

16 CHARLES LINEHAN: Chair Salaam, can I just
17 make one addendum to your previous question about
18 resources?

19 CHAIRPERSON SALAAM: Yes.

20 CHARLES LINEHAN: You know, part and
21 parcel of hiring as many people as we do and would
22 like to, obviously, is it's a huge budgetary concern
23 for the offices. I know in Brooklyn we have no
24 dedicated funding from the City to run these units,
25 so we exist the way that we do simply because the

2 DAs, DAs Thompson and Gonzalez, decided to shift
3 resources to the Unit and have shifted significant
4 resources, but you have to remember that that always
5 comes out of the office's bottom line, and I think
6 the City could really help us all out in getting to
7 justice on these cases by figuring out a way to
8 independently fund at least part of the work that we
9 do.

10 CHAIRPERSON SALAAM: Thank you for
11 acknowledging that. You know, I've always said and
12 have been hearing a lot lately that if we don't pay
13 for it now, we'll have to pay for it later, and I
14 would rather for us to be able to figure out a way to
15 pay for it now.

16 As a followup question, I want to ask, is
17 there professional diversity amongst the staff, and
18 how many attorneys come from nonprofessional
19 backgrounds? Is there also value in having staff with
20 diverse professional experience, and that's just to
21 the general.

22 TERRI ROSENBLATT: Thank you for that
23 question, Chair. I do think that professional
24 diversity is incredibly important in this work and,
25 particularly for us in Manhattan, taking on a

2 collaborative non-adversarial approach to our
3 investigations, it's important to have a number of
4 different viewpoints and, to that end, the attorneys
5 in our unit, I'm very proud to say, include very
6 experienced longtime prosecutors, folks who have
7 worked in the New York State court system as court
8 attorneys, and people who have worked in both
9 innocence work and civil rights work, as well as
10 being public defenders.

11 CHARLES LINEHAN: I would like to add to
12 this, just because I think I'm alone on this panel as
13 the lone career prosecutor, absent my five years in
14 the private sector, and I think it's an interesting
15 approach that Brooklyn has taken. I think early on in
16 this work, it was extremely important to have people
17 from the Defense Bar and the innocence community
18 leading these units because I think the mindset of
19 prosecutors had not yet begun to turn and recognize
20 the very real problem of things like false
21 confessions and bad identifications. I think we're
22 moving toward a good place where prosecutors are more
23 and more wrapping their heads around this. When I
24 lecture the rookie class every year on the work that
25 we do, I get a handful of people that immediately

2 come up and want to transfer to the Unit, and we have
3 to say no, because the criteria for joining our Unit
4 is that you have to have A) significant trial
5 experience, like 10 years or more, and you also have
6 to have either corruption experience and or wrongful
7 conviction experience. In other words, we have for a
8 long time been prosecutors only, but they had to be
9 prosecutors who had already confronted these issues
10 in other lines of work and therefore had accepted
11 that these things happen. Not all cops are bad. Most
12 cops are great. Some cops are bad, right? And once
13 you've wrapped your head around that, then you can
14 accept that wrongful confessions or false confessions
15 do happen and bad identifications and that people
16 fall victim to tunnel vision and cases go wrong so I
17 think we're alone. We recently hired a colleague from
18 the Defense Bar who had significant wrongful
19 conviction experience and significant trial
20 experience, and I'm very excited about that because I
21 think it brings a perspective to our staff that we
22 didn't have before, and we have a few other people
23 with some defense experience, but we are largely
24 career prosecutors, but prosecutors with those
25 critical levels of experience that I mentioned.

2 CHAIRPERSON SALAAM: Thank you. Just as a
3 followup to the body as well, how do your offices
4 engage with external stakeholders, including the
5 NYPD, to promote conviction integrity and prevent
6 future wrongful convictions?

7 CHARLES LINEHAN: You know, it's funny.
8 That's part of the symposium that we're all holding
9 tomorrow is going to be talking about property and
10 records retrieval from the police department, which,
11 as you might imagine, is a major component of the
12 work that we do and can sometimes be challenging
13 because I think leadership in the Police Department
14 is, I attended the hearing a couple months ago when
15 you were questioning the Police Department witnesses,
16 and I think it was really great to hear how on board
17 the PD is with the work that we're doing and on
18 trying to coordinate with us but, as you can imagine,
19 that's a relatively new practice, and I can tell you
20 that after that, I reached out to one of the NYPD
21 legal guys who connected me with the person in PD who
22 deals with records retrieval, and we had a fantastic
23 conversation, and he set us up with a whole process
24 to retrieve records and make that easier, and he will
25 be coming to the symposium tomorrow to speak with us

2 so I think that relationship is improving. It hasn't
3 always been great historically, but I think, just
4 like the prosecutors are changing, I think PD is also
5 coming along, so our relationship is good. I'm trying
6 to think of other stakeholders that..

7 TERRI ROSENBLATT: I would just add to say
8 that we're very happy with our relationship with the
9 New York City Office of the Chief Medical Examiner.
10 They have dedicated criminalists who work on post-
11 conviction matters and have been fantastic partners
12 to us, and we just hope that they also continue to
13 get more resources and work with us more.

14 BRYCE BENJET: Let me also say that we
15 work very closely with the detective squads all over
16 Queens, again, to obtain records, to talk to
17 detectives who worked on cases that we're
18 investigating, and the NYPD has been very cooperative
19 in that regard. The other agency within the NYPD that
20 I want to really mention is the Latent Print Section.
21 They are extremely collaborative with us. Often where
22 physical evidence may have been lost or destroyed,
23 those latent print files still exist, and that work
24 can identify perpetrators and exonerate innocent

2 people and, in fact, their work was instrumental in
3 one of our exonerations recently.

4 Also, just as a small example of working
5 with NYPD to address the problems that come up, we
6 were working on a case where it turned out that two
7 years after a conviction, a fingerprint match was
8 generated through a computer system but was never
9 delivered to the District Attorney's Office, and it
10 took many years for us to then discover that, pursue
11 that lead in a way that was very important to the
12 case, and so we've now established procedures with
13 NYPD to ensure that if these cold hits, for lack of a
14 better word, come up, that those will be delivered to
15 the District Attorney's Office as well as to the
16 precinct and NYPD chain of command.

17 CHAIRPERSON SALAAM: Just for clarity, and
18 maybe this is for my personal clarity, that
19 particular hit, is that something that can also be
20 applied to cases, like DNA cases and things of that
21 nature? The reason why I ask that is because in the
22 Central Park Jogger case, the thing that just
23 perplexed me was the fact that they had DNA in the
24 case, but the DNA didn't match any of the defendants.
25 That DNA finally found its match 13 years later, and

2 I'm just wondering in that process, here the
3 individual was arrested some months after raping the
4 Central Park Jogger, and I'm curious to know that,
5 and maybe the process just wasn't started yet, but if
6 those things can be put into some type of a machine,
7 if you will, for lack of a better word, that allows
8 for the database or the computer to find the match.

9 BRYCE BENJET: That's exactly how it
10 works with DNA. I believe that's also true with the
11 fingerprint system. Again, as technology has
12 advanced, those systems have advanced so, if a
13 fingerprint was uploaded in the mid-'80s, it may not
14 match up today because of the image quality or any
15 number of variations could happen so that technology
16 is increasing, but certainly that's how these are set
17 up. That's how Cold Case uses these systems and,
18 likewise, that's how we can take advantage of those
19 systems.

20 CHARLES LINEHAN: Although most of the
21 cases we have today do not involve DNA, those are
22 sort of the low-hanging fruit in terms of wrongful
23 convictions that were addressed early on but, with
24 some frequency, we have the Innocence Project or
25 another advocate come and say, we have this case and

2 the technology has improved over the last 10 years.
3 Can you please re-test it? It's not something that we
4 ever object to, obviously. It's truly a non-
5 adversarial process in that respect and, if we get a
6 DNA hit and it exonerates someone, fantastic.

7 RISA GERSON: One other factor you should
8 be aware of is that when somebody gets arrested and
9 they run DNA, you can get a hit on an old case, and
10 that happened in one of our cases where we ended up
11 with an exoneration. DNA hit to somebody that was not
12 prosecuted or convicted. We received that
13 information. The hit, the notification, was provided
14 to defense counsel, and this was not Conviction
15 Integrity because we weren't even involved at the
16 point. The original trial prosecutor sent the
17 notification to the appellate defense counsel. The
18 case hadn't been even appealed yet, so the defendant
19 had assigned counsel, and that notification in
20 conjunction with a bunch of other evidence developed
21 by defense counsel was brought to us at Conviction
22 Integrity, and we ended up with a vacatur so that
23 does happen under the current system.

24 CHAIRPERSON SALAAM: Thank you.

2 Seeing that we have no more questions for
3 this panel, I would like to thank you for your
4 testimony, and you're dismissed. Thank you.

5 CHARLES LINEHAN: Thank you.

6 TERRI ROSENBLATT: Thank you.

7 CHAIRPERSON SALAAM: We'll now hear from a
8 panel from the public defender's organizations. We
9 have Sergio De La Pava, Bruce Bryan, Elizabeth
10 Felber.

11 Whenever you're ready, you can take any
12 order you like.

13 SERGIO DE LA PAVA: Good afternoon. Thank
14 you so much for another hearing on this critical
15 topic, which I think is really the most pressing
16 human rights issue currently that our city and state
17 is facing. I'm Sergio De La Pava. I'm the Legal
18 Director of New York County Defender Services. We
19 will be submitting extensive written testimony on all
20 the topics being covered, but I want to limit my
21 discussion to the Challenging Wrongful Convictions
22 Act. Last year, Resolution 1479 of '23 called for
23 immediate passage of that bill. I'm asking this Body
24 to send another more recent message, again, calling
25 for passage of the Challenging Wrongful Convictions

2 Act. I think certainly there have been great strides,
3 but what we have to ask ourselves is what is New
4 York's current messaging on wrongful convictions and,
5 when we look at that, when we look at the current
6 state of the law, we see that it's a dark message. If
7 you are an individual who pled guilty to a crime you
8 did not commit and you do not have DNA evidence, New
9 York's message to you is essentially too bad. You
10 pled guilty to a crime you didn't commit, perhaps
11 you're rotting in prison for that crime, certainly
12 the black mark of that crime is following you for the
13 rest of your life but, again, too bad. We won't
14 undertake even the medium level of work that it takes
15 to amend our statute to bring ourselves in line with
16 the rest of the country and, when I say the statute
17 and the one that's the subject of the Challenging
18 Wrongful Convictions Act, I'm speaking of Criminal
19 Procedure Law 440.10, and how is it that I know that
20 this statute, and by the way, everything you've heard
21 this morning, when you talk about Conviction
22 Integrity Units, CPL 440.10 is the only game in town
23 in New York. When defenders and these units agree
24 that a conviction needs to be reversed, they go into
25 court and they make use of this tool so what's wrong

2 with this tool as it currently exists? Well, the
3 truth is it's completely out of date. It's out of
4 step with the latest findings in the field of
5 wrongful convictions. It's out of step with the rest
6 of the country. How do I know that? Well, it doesn't
7 recognize innocence. Think about that for a moment. I
8 want to draw your attention to a lot of what led to
9 this advocacy in our area. In 2018, New York Court of
10 Appeals had this to say in a decision, *People versus*
11 *Tiger*, indulge me, I'll quote the first two lines of
12 the decision by the Court of Appeals when discussing
13 our wrongful conviction statute, "the issue presented
14 by this appeal is whether a claim of actual innocence
15 lies under CPL 440.10 to vacate a judgment of
16 conviction obtained upon a defendant's guilty plea.
17 We hold that defendant's actual innocence claim is
18 not a ground for relief." Now, this is not a finding
19 by the court that Natascha Tiger, the appellant in
20 that case, was not actually innocent. It was not a
21 finding that while she may have been actually
22 innocent, she didn't rise to some standard of
23 demonstrating that in a courtroom. It was an
24 assertion by New York's highest court that innocence
25 in that context didn't matter, had no relevance to

2 the question, and when I tell the average layperson
3 that, they have trouble believing that. They can't
4 believe that, and they often point to DNA
5 exonerations. Because New York's message is that
6 unless it's a potential DNA exoneration, innocence
7 doesn't matter. Does DNA deserve that special status?
8 The answer is complicated. It's yes and no, really.
9 It's no because the vast majority of convictions in
10 New York, as you've heard this morning, don't involve
11 DNA and, by that, I mean more than just that they
12 weren't part of the prosecution. I mean that there's
13 no conceivable role for DNA to play in establishing
14 the innocence of the person applying for relief. It's
15 just simply not relevant to that case. DNA, however,
16 is highly critical in the sense that it helps us
17 identify clear-cut, uncontroversial, wrongful
18 convictions and then allows us to analyze those and
19 see what went wrong so DNA is very useful in telling
20 us this is clearly a wrongful conviction, DNA
21 establishes that, but what happened in the case that
22 led to the wrongful conviction? When we do that, we
23 find the thing called false confessions. We find that
24 people will actually, given the right circumstances,
25 confess to something serious, a serious crime, that

2 they did not commit. It's not a great leap of logic
3 to determine then that people also plead guilty to
4 crimes they did not commit. These are not opinions.

5 This is not my radical recategorization of this
6 claim. This is fact, and States have recognized that
7 throughout and amended their statutes accordingly.

8 New York has chosen for at least six years, or coming
9 up on six years, to just stick its head in the sand,
10 not acknowledge this, not expand their statute in the
11 appropriate way because, before the Tiger decision,

12 this actually was an open question. There was some
13 disagreement. Does New York recognize innocence

14 claims following a guilty plea where there's no DNA?

15 It's an open question. The Court of Appeals came in

16 and said, no, we don't. We don't. Everybody, I can

17 tell you, in our community expected at that point,

18 well, okay, it seems the Court of Appeals has

19 identified a weakness in our statute. Let's get our

20 legislative bodies to quickly address this. Coming up

21 on six years and counting, there has been zero action

22 on this issue. That's unacceptable. Status quo

23 silence on this is acquiescence. As I said, this is

24 an urgent human rights issue. Challenging Wrongful

25 Convictions Act must be passed this year, and this

2 Body must do everything in its power to impose that
3 kind of pressure on Albany to make sure that happens.
4 Thank you very much.

5 CHAIRPERSON SALAAM: Thank you as well.

6 ELIZABETH FELBER: Good afternoon, Chair
7 Salaam, Council Member, Counsel. Thank you for having
8 this second most important hearing on wrongful
9 convictions. My name is Elizabeth Felber, and I head
10 the Wrongful Conviction Unit at the Legal Aid
11 Society. According to the National Registry of
12 Exonerations, the two leading causes of wrongful
13 convictions are false testimony and official
14 misconduct. Official misconduct is mainly defined as
15 withholding exculpatory evidence from defense counsel
16 by police and district attorneys. False testimony is
17 introduced at trial when the evidence is not
18 thoroughly investigated or the result of willful
19 blindness or tunnel vision.

20 I would like to share a few examples of
21 these errors from our own cases of exonerated
22 clients. When one client was arrested for a murder
23 that took place at a party he had attended but left
24 early after he drank too much and got sick, when he
25 was arrested, he told the detective that he had about

2 seven people who could come forward and not only
3 attest seeing him get sick, but they saw him leave,
4 and he also told him about a taxi he could provide.
5 Neither the lead detective nor the prosecutor ever
6 investigated his alibi and instead indicted him for
7 murder. In that same case, the only eyewitness who
8 testified at trial falsely claimed that he cut hair
9 for a living and, in summation, the DA characterized
10 him as someone who had been in trouble when he was
11 young but now he was a hard-working family man. In
12 reality, he was a major drug dealer who was under
13 investigation by the federal government and, at the
14 time of our client's trial, was selling kilos of
15 drugs to a confidential informant. This information
16 was never given to defense counsel. Our client did 18
17 years before he was exonerated, and the prosecutor is
18 now a judge.

19 In another case, the only eyewitness who
20 knew the real shooter in the case saw our client
21 entering the courtroom just as she was about to
22 testify. She turned to the prosecutor and she told
23 her they had the wrong person. The prosecutor brushed
24 her off and said, you know, he's been locked up for
25 two years, people do things to disguise their

2 appearance, and she never shared that information
3 with the judge or defense counsel. That prosecutor
4 was ultimately promoted and currently holds a top
5 position in her office.

6 In three of our clients' cases, the
7 eyewitnesses testified to seeing our clients from a
8 distance where it would have been impossible to
9 identify anyone. We don't know if anyone in law
10 enforcement ever visited the scene themselves to see
11 if these identifications were possible. Either way,
12 they relied on false testimony to secure our client's
13 convictions.

14 These examples are from past wrongful
15 convictions where, thankfully, our clients were
16 eventually exonerated, but those practices are still
17 ongoing in real time, and our list of people seeking
18 our assistance continues to grow daily. Additionally,
19 as exemplified by these examples today, prosecutors
20 who fail to disclose exculpatory evidence or permit
21 false testimony at trial are rarely, if ever, held to
22 account. Time constraints prevent me from detailing
23 the many other instances of misconduct and lack of
24 accountability, but suffice it to say these were not
25 outliers.

2 We are grateful to this Committee's
3 oversight and commitment to finding solutions to
4 ending practices within the police and DA's offices
5 that contribute to wrongful convictions. Before I
6 close, I would just like to highlight some
7 suggestions for best practices for the City's
8 Conviction Integrity Units based on our working with
9 them and, here I would just say, I think, Chair, you
10 mentioned some, and I heard some being suggested by
11 the last speakers, and I would also like to add that
12 where we have worked truly collaboratively on re-
13 investigating cases with these units, there have been
14 examples of the kind of justice that these units can
15 produce, but I'm of the belief that we can all do
16 better and there's a lot more justice to be done so,
17 with that in mind, all of the CIUs need to be fully
18 funded. You heard here today 10 was the most that any
19 unit had. Sufficient staffing for both attorneys and
20 investigators. The unit should have sufficient number
21 of attorneys so that their investigations should last
22 no more than two years on average, and I think you
23 heard someone talk about this as well, but there
24 should be a cross-section of the staffing of
25 attorneys so that the attorneys should include those

2 prior defense attorneys and not only prosecutors,
3 because bringing both perspectives will create a more
4 balanced unit. These cases require in-depth re-
5 investigation so there should be at least one
6 investigator for every two to three attorneys. To
7 guard against institutional bias, those investigators
8 should not work in another department within the DA's
9 office at the same time they are investigating
10 wrongful convictions. All of the offices must have
11 open file discovery. For these units to flourish,
12 there must be trust between the parties and, to have
13 trust, there must be transparency. Cases involving
14 claims of DA misconduct should not be evaluated by a
15 prosecutor who was in the office at the time.
16 Instead, they should be assigned to either an
17 attorney with no prior connection to the office or
18 assigned to a different CIU altogether. Lastly, where
19 a pro se applicant writes to a CIU with what appears
20 to be a meritorious claim, the CIU should reach out
21 and ask one of the institutional providers to
22 represent that applicant.

23 Finally, on an unrelated matter, we urge
24 this Committee and City Council to pass the
25 Resolution in support of the Jury of Our Peers Act,

2 introduced by Public Advocate Williams. This Act
3 would end the lifetime ban of jury service by
4 restoring the right to serve on a jury upon a
5 person's release from incarceration. In Manhattan, an
6 estimated 40 percent of black men who would otherwise
7 be eligible to serve on a jury are disqualified due
8 to a prior felony conviction. This stark racial
9 disparity exists across our state, and this Act will
10 finally end New York's lifetime ban, creating juries
11 that more truly represent one's peers. Studies show
12 that diverse juries are more deliberative juries.
13 This act will help to curtail wrongful convictions
14 and bring more fairness into the criminal legal
15 system. Thank you for this opportunity to testify at
16 this important hearing.

17 CHAIRPERSON SALAAM: Thank you as well.

18 BRUCE BRYAN: Good afternoon, Chairperson
19 Salaam and Members of our Committee on Public Safety.
20 My name is Bruce Bryan, and I'm currently a Client
21 Advocate at Queens Defenders. Prior to this role, I
22 was wrongfully convicted and served 29 years in New
23 York State prisons. I just want to thank you for this
24 opportunity today to be able to come and share before
25 you, and I want to commend the City Council for

2 considering this array of proposed legislative
3 reforms, calling for a systemic shift in both the
4 wrongful conviction claims process and decarceration
5 landscape. Your leadership on this issue is an
6 important step towards our City's reckoning with both
7 our current crisis of mass incarceration and our
8 serious wrongful conviction problem and intertwined
9 state of affairs. According to the National Registry,
10 as you heard earlier, New York State has the third
11 highest level of wrongful convictions in the United
12 States. Despite the current legislative regime making
13 it extremely difficult for those incarcerated to
14 challenge their wrongful conviction acts, there have
15 been more than 369 people exonerated since 1989. Each
16 number represents a life, a human being. Further
17 marginalized members of our community are
18 unacceptable and they're over-representative, right?
19 They're over-representative in terms of the color
20 spectrum. The Innocence Project notes that black
21 people account for 40 percent of the approximately
22 2.3 million incarcerated people in the United States
23 and nearly 50 percent of exonerees despite making up
24 just 13 percent of the United States population.
25 Those numbers are astounding. This is in large part

2 because they are over-policed and often presumed
3 guilty and often frequently denied a fair shot at
4 justice. Proposed Resolutions relating to forensic
5 DNA testing and requesting certain DNA test
6 comparisons would help create additional and
7 necessary avenues for those incarcerated to challenge
8 the absolute injustice of a wrongful conviction.
9 Further, I call on the legislator to pass Proposed
10 Resolution aimed at providing innocent people who
11 have been wrongfully convicted an avenue to be able
12 to recover restitution and damages against the State
13 for time served. I am here today to offer a glimpse
14 of my story as an example of how nefarious tactics,
15 often guised as tough on crime, can cause someone to
16 be wrongfully convicted. When I was 23 years old, I
17 was arrested and prosecuted for a murder that I did
18 not commit as a result of a drug-related shootout
19 that left a young person dead. I was not one of the
20 shooters and never possessed a gun that day. When my
21 case proceeded to trial, I watched on as the
22 prosecutors spun a fantastical narrative, one that
23 could only be likened to a Hollywood plot and strayed
24 far from the facts of the case. The prosecution used
25 emotion and storytelling tactics to confront and

2 shock the jury. Prosecutors told the tale of a key
3 witness as being present at the scene of the crime
4 but who was in fact at home studying. Moreover, they
5 persuasively told the jury of a gun in the hands of a
6 person in which there was no gun. This completely
7 false and devoid of any facts led to a wrongful
8 conviction, and I have no doubt that these tactics
9 used by those prosecuting me swayed the jury in this
10 conviction, which ultimately led to my incarceration
11 for 29 years. For these reasons, legislative
12 discussion and reform pertaining to prosecutorial
13 misconduct accountability is a crucial step in
14 ensuring the right to a fair trial and to avoid the
15 further injustice of more wrongful convictions. I use
16 this opportunity to urge City Council to renew the
17 call for passing the Challenging Wrongful Conviction
18 Act, which would make it easier for those seeking to
19 challenge a conviction, including people who pled
20 guilty but have evidence of their innocence. Although
21 this was vetoed by Governor Kathy Hochul late last
22 year after it passed the Legislature, it is
23 motivating to see this bill as included in the State
24 Senate's One-House Budget. I urge City Council to
25 join in the call for State Legislators to

2 reprioritize the passing of this landmark bill in
3 2024.

4 During my time incarcerated, I witnessed
5 squalid pre-trial jail and post-conviction prison
6 conditions, which were completely inadequate to meet
7 the needs of those in custody. Resolution requiring
8 mental health services for those incarcerated is
9 important, especially for those grappling with the
10 absolute trauma of being wrongfully convicted. In
11 2022, I received clemency, and today I am working as
12 a Client Advocate at Queens Defenders, leading
13 innovative youth programming for our young court-
14 involved clients that helps them make better life
15 decisions and pursue meaningful and engaging
16 educational career goals. Last week, I celebrated one
17 year of being home and being able to contribute
18 positively to my community as well as to humanity.
19 However, there are many spaces where formerly
20 incarcerated people continue to be excluded from. I
21 believe that passing resolution aimed at having at
22 least one formerly incarcerated person as a member of
23 the State Board of Parole would help ensure the
24 proximity and visibility of formerly incarcerated
25 voices and would have helped me better navigate my

2 own personal release. Similarly, Proposed Resolution
3 which would allow convicted felons to serve on a jury
4 is a step towards destigmatizing the formerly
5 incarcerated and ensuring that our voices, shaped
6 from our lived experiences, are not silenced in the
7 criminal justice system. These legislative reforms
8 are important steps forward to ensure the integrity
9 of the decarceration process.

10 Again, I just want to thank the Committee
11 on Public Safety for considering legislative action
12 aimed to prevent future wrongful convictions and to
13 implement support in the decarceration space. I can
14 only hope that collectively we can work together to
15 protect the next generation and to make our system
16 one that is fair and just and transparent. Thank you.

17 CHAIRPERSON SALAAM: Thank you as well
18 and, as we say to each other when we are talking to
19 returned citizens, welcome home.

20 BRUCE BRYAN: Thank you so much.

21 CHAIRPERSON SALAAM: I want to first start
22 by asking the question, can this panel talk about how
23 your offices collaborate with the Conviction
24 Integrity Units in each borough? For instance, are
25 there significant differences in how each Conviction

2 Integrity Unit operates and, also, is there red tape
3 or hurdles to getting the Conviction Integrity Unit
4 to review cases that you wish were remedied?

5 ELIZABETH FELDER: So they largely operate
6 similarly in a broad spectrum, but some of them are
7 much better funded than others so there are more
8 attorneys and, where there are more attorneys, the
9 cases are reviewed faster. You know, not having open
10 file discovery in at least one has been an
11 impediment. As I don't know that Mr. De La Pava or
12 Mr. Bryan mentioned, but currently there is no post-
13 conviction discovery so the way we get discovery is
14 through FOIL, which was never really intended for
15 that. It takes at least a year, often two, just to
16 get discovery but, if we can get the Conviction
17 Integrity Unit to take our case, most of them will
18 give us the discovery, and that helps us, but it's a
19 catch-22 because we can't bring a case until we have
20 a compelling argument to make so that is an issue. I
21 believe Mr. Linehan was sincere and created an
22 accurate description of his unit. Before he was the
23 head of the unit, we had a case, actually the first
24 one I mentioned in our examples, where that client's
25 case was before the Unit for five years. Nobody's

2 case should have to sit for that long. That delay is
3 a problem, and the backlog of people who have written
4 to them waiting to have their case reviewed is a
5 source of frustration as well, and I just applaud the
6 suggestion that there be dedicated funding in each
7 District Attorney's Office for these units to better
8 review more cases more efficiently.

9 CHAIRPERSON SALAAM: I'll turn it over to
10 Council Member Holden.

11 COUNCIL MEMBER HOLDEN: Yes, thank you for
12 that, by the way. Dedicated funding, which Charles
13 Linehan mentioned, and I was surprised at that, that
14 a unit so important is not separately funded and
15 actually separate and apart, what you mentioned, with
16 undue influence in the office because an attorney who
17 won the case, let's say the prosecutor, could say,
18 well, you know what, that's baloney, this can't be.
19 Maybe they have too much skin in the game at that
20 point.

21 ELIZABETH FELDER: Right.

22 COUNCIL MEMBER HOLDEN: So would you, I
23 mean, I'm trying to find solutions to this.
24 Separately funded, yes. But undue influence, how do
25 we, you mentioned a few things, but how do we know

2 that's even being done because I don't know how you
3 control that, really. Somebody walking into an
4 office, they're in the same floor, same buildings. Do
5 we need, or could we imagine, or does any city or
6 state have a separate unit that oversees the DA's
7 office for this purpose?

8 ELIZABETH FELDER: I believe there is one
9 in North Carolina, in Durham, but I think that's an
10 excellent idea, and that was the purpose of
11 suggesting best practices so I think some of you
12 spoke to having uniformity within the offices so each
13 applicant, it shouldn't be luck of the draw which
14 borough you were convicted in. You should all be,
15 everyone should be, have the same shot so perhaps if
16 there were an oversight committee that ensured
17 uniformity in the Conviction Integrity Units, that
18 would help as well. I do believe that investigators
19 should not be shared with other units. I know in a
20 few of the offices, I don't know if it still exists,
21 but the investigators were also in cold case units or
22 in other units, and I think that's a conflict of
23 interest. I heard anecdotally, not in New York, but
24 in Philadelphia, of a Conviction Integrity Unit
25 attorney getting in the elevator just after they

2 overturned a conviction and you could hear a pin
3 drop. I mean, there was a lot of hostility in the
4 elevator. I don't know how you deal with that. A
5 culture change, hire people with tough skin, that's
6 going to be a continual challenge.

7 COUNCIL MEMBER HOLDEN: Thank you. Thank
8 you so much, Chair.

9 CHAIRPERSON SALAAM: Wow. I'm not
10 necessarily sure if this is part of the law, but I
11 would assume that it's probably not, but it would be
12 great if it was, that we would look throughout
13 America to find all of the best practices and utilize
14 that to really create that baseline so that we can
15 get it best.

16 ELIZABETH FELDER: Yeah, I think that's a
17 great idea, and I would just say the Innocence
18 Project, you know, they have cases across the
19 country, and I'm sure they'd be willing to help with
20 that.

21 CHAIRPERSON SALAAM: Absolutely. Seeing
22 that there are no more questions, thank you for your
23 testimony.

24 ELIZABETH FELDER: Thank you.

2 CHAIRPERSON SALAAM: We are actually going
3 to be taking a five-minute recess before we continue.
4 Thank you.

5 Thank you. Good afternoon, everyone. I'm
6 going to ask that everyone please take their seats.
7 We shall resume momentarily. Once again, please take
8 your seats. We will be resuming momentarily.

9 Thank you for your cooperation.

10 CHAIRPERSON SALAAM: Good afternoon. We
11 are going to proceed.

12 I now open the hearing for public
13 testimony. I want to remind members of the public
14 that this is a governmental proceeding and that
15 decorum shall be observed at all times. As such,
16 members of the public shall remain silent at all
17 times.

18 The witness table is reserved for people
19 who wish to testify. No video recording or
20 photography is allowed from the witness table.
21 Furthermore, members of the public may not present
22 audio or video recordings as testimony but may submit
23 copies of transcripts of such recordings to the
24 Sergeant-at-Arms for inclusion in the hearing record.

2 If you wish to speak today, please fill
3 out an appropriate card with the Sergeant-at-Arms and
4 wait to be recognized. When recognized, you will have
5 two minutes, exactly two minutes, to speak on
6 wrongful convictions and the criminal justice issues
7 that pertain to their Resolutions being considered
8 today. Please be advised that off-topic testimony
9 will strictly be prohibited.

10 If you have a written statement or
11 additional written testimony you wish to submit,
12 please provide a copy of that testimony to the
13 Sergeant-at-Arms. You may also email written
14 testimony to testimony@council.nyc.gov or other email
15 address within 72 hours of this hearing. Audio and
16 video recordings will not be accepted. Just for
17 clarity, testimony is t-e-s-t-i-m-o-n-y at c-o-u-n-c-
18 i-l dot n-y-c dot g-o-v. Thank you.

19 I'd like to call now Ruben Wills.
20 Hopefully, I don't butcher this name too much,
21 Shadaziah Lucas, got it, Rodney Charlemagne, Marcello
22 Paul, and Joseph Beer.

23 Good afternoon. You may actually begin
24 whatever order you would like.

2 REUBEN WILLS: Good afternoon. I'm not
3 going to speak. I'm former Council Member Reuben
4 Wills. I'm here today because of the work that we've
5 been doing because of the wrongful convictions. In
6 2017, I was wrongly convicted. I came home after two
7 and a half years and was exonerated. I do want to
8 express my esteem for the Chair, I know you went
9 through the same experience, as well as Councilman
10 Holden and the Speaker, for allowing this hearing or
11 pushing this hearing to go forward. I would just like
12 to let those who I brought with me speak because they
13 have an array of being previously incarcerated so
14 some of the bills speak to things that they really
15 believe in. The next panel is the same so I just
16 wanted to put that on the record. Thank you.

17 CHAIRPERSON SALAAM: Sure. Thank you. I
18 would say ladies first but, because it's public
19 testimony, you can go in whichever order you see fit.
20 Yes.

21 SHADAZIAH LUCAS: Good afternoon. My name
22 is Shadaziah Lucas. I am the Executive Coordinator
23 for Policy, Inc., and I will be reading the statement
24 from Assemblyman Eddie Gibbs.

2 Good afternoon. I am proud to speak today
3 in support of A1432A and Bill S206A, sponsored by
4 Assemblyman Jeff Aubry and Senator Cordell Cleare,
5 which would repeal the lifetime ban on jury service
6 for people convicted of a felony. The premise of this
7 bill is simple. Once you have served your time and
8 repaid your debt to society, you should be eligible
9 to serve on a jury. This is not a new concept. We
10 have recognized that people should be able to re-
11 establish themselves post-incarceration and enjoy the
12 rights that other citizens do. In recent years, we
13 have banned the box by outlawing asking about prior
14 conviction on employment applications, we have
15 repealed the lifetime voting ban, restoring voting
16 rights to millions of New Yorkers, and we passed
17 Clean Slate to remove the restrictions and obstacles
18 that come with a criminal conviction but, still,
19 people convicted of a felony are barred for life from
20 serving on a jury. So often we hear of folks who want
21 to get out of jury duty, many of whom do not realize
22 the significance of being on a jury. When you serve
23 on a jury, you are the last check on the prosecutors
24 to ensure they are properly applying and enforcing
25 the law. People who have experienced the criminal

2 justice system, many of them through plea deals that
3 never even make it to a jury, understand the supreme
4 role that a jury plays in determining someone's fate.
5 When we say jury of our peers, it needs to be
6 reflected. This bill would ensure that all lived
7 experiences and walked-through lives are reflected in
8 the jurors.

9 CHAIRPERSON SALAAM: If you can wrap up,
10 if the testimony you have also can be sent to us as a
11 part of the testimony for record, that would be
12 great. We just have to make sure we adhere to the
13 two-minute time mark.

14 SHADAZIAH LUCAS: Okay.

15 CHAIRPERSON SALAAM: So the time has
16 expired. Unless you have, if you can wrap up.

17 SHADAZIAH LUCAS: Yep, I have 10 more
18 seconds. I commend Public Advocate Williams for
19 putting forward this Resolution today, and I want to
20 thank the Assembly sponsor, Jeff Aubry, for his
21 decades of work on behalf of incarcerated individuals
22 as we near his retirement at the end of this year. I
23 encourage you all to vote in favor of this
24 resolution. Thank you. Sincerely, Edward Gibbs.

25 CHAIRPERSON SALAAM: Thank you as well.

2 RUBEN WILLIS: Chair, I would ask that the
3 time, because it's up to your discretion as the
4 Chair, be extended to three minutes, especially since
5 we sat for two and a half hours dealing with DAs. It
6 is actually your discretion if someone can go to
7 three minutes or five minutes.

8 CHAIRPERSON SALAAM: No, I definitely
9 understand and, unfortunately, because of the rules
10 and regulations, if we extend the time and extend the
11 time more than that and continue to extend it, we'll
12 be going on for a long time.

13 RUBEN WILLIS: No, I'm not saying for every
14 specific person.

15 CHAIRPERSON SALAAM: Oh, no, we have to be
16 uniform for every single person so that's why we are
17 restricted to the two-minute time mark.

18 RUBEN WILLIS: Okay.

19 CHAIRPERSON SALAAM: But the good thing
20 about it is this, and I want to make this very, very
21 clear. If the testimony that is being read can also
22 be sent, it can all be a part of the record.

23 RUBEN WILLIS: Right. No, I understand the
24 written record.

2 CHAIRPERSON SALAAM: I understand the part
3 about being able to say it, but just make sure that
4 that testimony that you have, when that two-minute
5 time mark comes, if you could wrap up as quick as
6 possible, that would be perfect.

7 RUBEN WILLS: Okay.

8 CHAIRPERSON SALAAM: But also submit the
9 rest of the testimony. We want that testimony to be a
10 part of the record.

11 RUBEN WILLS: Okay.

12 CHAIRPERSON SALAAM: Thank you.

13 RUBEN WILLS: Next. Whoever is going to go
14 next.

15 JOSEPH BEER: Good afternoon. I want to
16 say thank you to Chairperson Salaam and the rest of
17 the Committee for hearing this important Committee on
18 Public Safety. I also want to thank the New York
19 State Senators and Assemblymembers who have sponsored
20 these important pieces of legislation that the
21 Council is now hearing resolutions upon.

22 My name is Joseph Beer. I'm a formerly
23 incarcerated individual. I was arrested, locked up
24 when I was 17 years old. I spent nine years, three
25 months, and 15 days in prison. During that time, I've

2 experienced the entire criminal justice system. I
3 went to trial at age 19. I went to several parole
4 board hearings, which I was constantly denied over
5 and over again. I eventually filed a pro se appeal,
6 administrative appeal, and they found that the Parole
7 Commissioner did not follow the law, and I was
8 subsequently granted release. Upon my release, I also
9 had to deal with a lot of various mental health
10 issues. I went to prison when I was 17 years old so
11 coming back after so many years of trauma, that was
12 allowed to deal with it. That's why a lot of these
13 bills do speak directly to me regarding as far as
14 these parole hearings, these juries. I'm from Queens,
15 born and raised. I went out in Nassau County, middle
16 class. My jury pool did not represent me whatsoever.
17 When I went to these parole hearings, I'm having
18 letters from New York State representatives who write
19 the law that's saying I'm a great candidate for
20 parole, and these commissioners are completely
21 disregarding the law, and they're doing their own
22 thing. Even me coming out, it was such a challenge
23 for me. I recognize the need for, not intense, but
24 the need for mental health services upon your re-
25 entry into the community and just having to come to

2 grasp with just how far things have changed and how
3 much you have to change along with it so that you can
4 once again be a productive member of society. I think
5 these bills are very important, and, if these laws
6 were in place, it would have had a huge impact on my
7 own personal experiences. Right now, I'm going to
8 school for criminal justice. I would love to be a
9 lawyer one day. I'm planning on signing up my LSAT,
10 taking the bar exam. These are all things that could
11 have been facilitated in a greater fashion if
12 certain...

13 CHAIRPERSON SALAAM: Definitely. Thank you
14 for that, especially the mental health aspect. Folks
15 that go to prison, this is one thing that I want to
16 just kind of echo based on what you're saying. What's
17 lost on the public a lot of times is that me, 15
18 years old going to prison, I came out as a grown man.
19 You came out as a grown man. Many of us who've been
20 rolled over by the spiked walls of justice, we come
21 out looking like we're grown men but, in fact, our
22 minds are still 15 years old, 16 years old. We're
23 still back in the time that we were, and we have to
24 play catch up, and it's a really tremendous thing so
25 I definitely appreciate you bringing that to this

2 testimony about mental health issues and the fact
3 that we want to be able to participate at higher and
4 higher levels so definitely thank you for your
5 testimony.

6 JOSEPH BEER: Thank you.

7 MARCELLO PAUL: Good afternoon.

8 Chairperson Salaam and esteemed Members of the
9 Committee. Today, I wanted to speak on a bill
10 mandating the Governor appointing a formally
11 incarcerated person to serve as a member on the
12 parole board. I myself recently just went to a merit
13 board and was granted my release. I think the first
14 word that comes to my mind is perspective, because I
15 found myself sitting in front of people that may not
16 completely understand my perspective, where I may
17 have come from, and where I may be going so a lot of
18 times it can feel like I'm sitting in court all over
19 again. I don't want to really talk your ears off too
20 much, but I just think that the only word that could
21 come to my mind, again, is perspective, just having
22 somebody that has been the place that I have been,
23 which is prison, and is obviously home doing what
24 they need to be doing. Having someone sitting there
25 to weigh in on the option to allow somebody to go

2 home is pertinent. Again, I'm not a man of too many
3 words, but I just think that this is something that
4 we definitely need to look into and weigh on heavily
5 because it can seem unfair at times. Thank you for
6 your time more than anything, and I appreciate you
7 guys for having me here.

8 CHAIRPERSON SALAAM: Thank you for your
9 testimony as well. One of the worst things, because I
10 understand, I've been there. We come out of prison
11 oftentimes, and the challenge is for us to be able to
12 participate again, but oftentimes we're hiding in
13 plain sight. For those of us who know, it's hard to
14 hide in plain sight, especially when you want to be
15 able to have a family and be a productive member of
16 society again. Especially that perspective has to be
17 understood, and who better than us to be able to
18 participate in that? Thank you for your testimony.

19 RODNEY CHARLEMAGNE: Good afternoon. My
20 name is Rodney Charlemagne. I'm here to advocate for
21 the Senate Bill 206A and Assembly Bill 1432A, a
22 legislative push that seeks to reform the judiciary
23 law in New York by removing a lifetime ban on jury
24 duty for individuals with felony convictions who have
25 completed any term of incarceration. Me, from my own

2 personal experience, I sat through two jury trials in
3 which the jury were not ones of my peers and, due to
4 the prosecution directing the jury, them not having
5 an understanding for the law and not being ones of my
6 peers, the judge giving them instruction to disregard
7 remarks made in summation, they didn't have an
8 understanding for the law to follow through so
9 through just frustration of sitting there, going over
10 the time limit that they expected to be there, I was
11 convicted of a charge which I should have been
12 acquitted for. Now, if you survey any of these
13 marginalized areas where most convictions are taking
14 place and you ask how many people have family or
15 relatives that went to college opposed to being
16 incarcerated, it's going to be a landslide. Most
17 people in those situations educate themselves. As for
18 yourself, you went to prison, and you developed an
19 understanding for the law, I'm sure just like anybody
20 else, so why shouldn't those people be a part of
21 making those decisions? So I'm here to advocate for
22 that and say thank you for the time for hearing us.

23 CHAIRPERSON SALAAM: Definitely, thank you
24 for that as well. The perspectives that you all bring
25 to this testimony is really important, and it's not

2 falling on deaf ears at all. I understand, and I
3 don't necessarily have any questions, but just
4 definitely welcome home to all of you who have done
5 time wrongfully. I always thought that the jury of my
6 peers often has been made a part of a joke by the
7 most prolific comedians. I was looking on the jury
8 pool and was trying to find out where's my man Bobo
9 and Rahim? I don't know any of these folks. The peer
10 group, I think, is really important, especially when,
11 as has been said, we make up the majority of the
12 prison industrial complex, but we don't make up the
13 majority of the people in America so thank you for
14 your testimony.

15 I'd now like to call Bobby Garcia,
16 Anthony Jennings, Kevin (Renny) Smith, and Al Kanu.

17 You all may begin, whichever order you
18 want to follow. Just strictly adhere to the two-
19 minute mark. Thanks.

20 AL KANU: Good afternoon. My name is Al
21 Kanu. I'm here to actually read a testimony from
22 Senator Cordell Cleare.

23 Good afternoon, my Council Member and
24 Chair of the Committee on Public Safety, Yusef
25 Salaam, and Members of the New York City Council

2 Committee on Public Safety. I commend you for
3 addressing this incredibly important issue of effort
4 to evaluate and remediate wrongful conviction claims.
5 As someone who fought alongside the Exonerated Five
6 for decades, this is truly one of the most remarkable
7 moments of justice that I have ever been witness to.
8 To have four of my bills appear before this Committee
9 in resolution form, now under the leadership of one
10 of the Exonerated Five, is a singularly important
11 moment in our history.

12 To the matter at hand before us today,
13 I'm deeply honored that this Committee is considering
14 lending your full support to four of my bills
15 currently pending in the State Legislature.
16 Naturally, I support and applaud your action and
17 wanted to take a moment to highlight why each bill is
18 exceptionally essential. First, Senate Bill 206A,
19 which we call Jury of Our Peer. This legislation will
20 restore the right of individuals who were formerly
21 incarcerated, convicted of a felony, to serve on
22 jury. Depriving them of this right and depriving
23 defendant of a jury pool made up of their actual peer
24 is not only unfair and unwise, but potentially
25 illegal and unconstitutional. Second, Senate Bill

2 4795, which requires that at least one member of the
3 State Board of Parole be a formerly incarcerated
4 person. To me, the logic here is unassailable. Who
5 better to know if an individual has gone and
6 rehabilitated themselves than a person who had to
7 live under the very same life altering and
8 challenging condition? The third and fourth bill
9 intertwine bills 4855 and Senate 4812, which both
10 pertain to financial compensation to those who have
11 been unjustly convicted in terms of a just
12 compensation for prison level and the return of any
13 time restitution and payment.

14 CHAIRPERSON SALAAM: Thank you.

15 AL KANU: I hope this Committee will pass
16 all these resolutions swiftly and that we are able to
17 pass this in the Senate next state meeting. Thank
18 you. This is from Senator Cleare.

19 CHAIRPERSON SALAAM: Thank you for your
20 testimony as well.

21 BOBBY GARCIA, SR.: Good afternoon. My
22 name is Bobby Garcia, Sr. from the King of Kings
23 Foundation. I'm here today to speak about support of
24 Bill 1738 and Assembly Bill 127, a vital piece of
25 legislation that seeks to uphold principles of

2 freedom of speech and artistic expression in our
3 great state of New York. Basically, the key
4 provisions of the admissibility of evidence. The bill
5 introduces a new section of the Criminal Procedure
6 Law, specifying the rules of admissibility of
7 evidence of defendant's creative expression in
8 criminal cases. This provision seeks to protect
9 individuals from having their artistic works used
10 against them in the court without a clear and
11 convincing proof of a factual nexus between the
12 creative expression and the case. Basically, I'm here
13 to just ask that you pass this bill so that we have
14 the protection of the free speech of the prosecutor
15 not be held against us. The legislative response to
16 concerns and appreciation of central music genres,
17 such as rap, has been unfairly stigmatized and used
18 against stereotyped individuals, particularly those
19 who marginalize communities. By prohibiting the use
20 of creative expression as evidence without a clear
21 factual connection to the case, this bill aims to
22 prevent the misuse of art and music in criminal
23 proceedings and to protect the individual's
24 constitutional rights. The bill upholds New York
25 legislation as a champion of free speech and artistic

2 expression by preventing unwarranted use of creative
3 works as evidence in criminal trials. The bill
4 ensures that individuals are not unfairly targeted,
5 stigmatized based on their artistic preferences or
6 creative output promoting more equitable and just
7 legal systems so I ask that you pass this bill 1738
8 and Assembly Bill 127. Thank you very much and have a
9 good day.

10 CHAIRPERSON SALAAM: Thank you for your
11 testimony as well.

12 KEVIN (RENNY) SMITH: Good afternoon. My
13 name is Kevin (Renny) Smith. I'm a victim of a
14 wrongful conviction. I served 27 years in prison for
15 a crime I didn't commit. Today I serve as Executive
16 Director of Families and Friends of the Wrongfully
17 Convicted, Inc., where Derek Hamilton is the CEO of
18 this organization. Unfortunately, he was unable to be
19 with us today. I would like to speak on three
20 perspectives of the bill, specifically one allowing
21 formerly incarcerated people to sit on the State
22 Board of Parole. I believe this is a great piece of
23 legislation because it allows people with lived
24 experience to sit and evaluate parole candidates.
25 Formerly incarcerated people are people who will

2 ensure that anyone that comes before them will
3 receive a full, complete, and fair parole hearing.
4 We're talking about people who are making a huge
5 contribution out here in society today.

6 The next one I'd like to speak on is
7 creative expression. Everyone who lives in the United
8 States have a First Amendment right to free speech.
9 When prosecutors and judges use an artist's music,
10 his lyrics solely to convict them, to send them to
11 prison, this is injustice and it's not right. They're
12 taking away their right to speech. They have been
13 robbed of that.

14 Lastly, I would like to say that I'm
15 asking the Council to please help pass a legislation
16 that will help people who have been wrongfully
17 convicted be compensated because any law that limits
18 us from being compensated is equivalent to slavery.
19 I'm reminded of slavery in America from 1619 to 1865,
20 when my ancestor was placed on a plantation and
21 subjected to cruel and unusual punishment. Only 159
22 years later, their offsprings have yet to receive any
23 compensation. I'm talking about 40 acres and a mule.
24 Thank you.

25 CHAIRPERSON SALAAM: Thank you as well.

2 ANTHONY JENNINGS: Good afternoon. My name
3 is Anthony Jennings, formerly incarcerated
4 individual, served 31 years in prison. I'm here to
5 support and urge your support on Senate Bill 4795 and
6 Assembly Bill 5959. February, I graduated from the
7 University of Chicago CBL Leadership Academy. It was
8 the first class that was ever held in the White
9 House, the graduation, so it was history. So being a
10 formerly incarcerated person, this is important
11 because so many of us is doing positive things, and
12 to sit on a parole board, knowing what the makeup of
13 the parole board looked like, there's no one that
14 served prison sentence on it, which would make it
15 diverse. When I came in these halls, it said, a
16 government for the people, of the people, right? What
17 did it say? A government of the people, by the
18 people, for the people, so if we're going to live by
19 that motto that the founding fathers did, then there
20 should be someone formerly incarcerated sitting on
21 the parole board as well as on the jury. In my case,
22 I did what I did. I served my prison sentence. I came
23 home and redeemed myself and my community. I now work
24 with Life Camp Inc. as Chief of the Streets, working
25 with at-risk youth so they don't make the same poor

2 choices I made. I didn't make a mistake. I made poor
3 choices. Right? The system worked for me. So now if
4 you put a formerly incarcerated on a parole board,
5 it'll be more fairer, and now the discussion in the
6 room will be open and not just from a law enforcement
7 perspective or social service perspective. It's
8 someone that has lived experience helping making
9 these decisions to make our community safe as well as
10 a person that redeemed himself, remorseful,
11 responsibility, redemption, and this is all that we
12 ask from our community when you come back from
13 serving your time. Thank you for your time.

14 CHAIRPERSON SALAAM: Listen, thank you all
15 for your testimony as well, and welcome home for
16 sure.

17 One of the things that I wanted to say
18 was as it relates to the perspective of the parole
19 boards and things of that nature, this testimony is
20 going to go a very, very long way. This is not
21 falling on deaf ears, and I'm not just talking about
22 myself, but I'm talking about the greater public that
23 needs to understand as well, don't shirk your
24 responsibility. You know, many in government have
25 said that, and we echo that. When it comes time for

2 you to go to a jury, go serve on that jury, and we
3 need to make laws that shore that up as well but, in
4 the meantime, making sure that our community knows
5 that do not shirk your responsibility. It's important
6 because we're looking. We right now are receiving
7 testimony that we're looking for our peer group, and
8 we don't see that so I thank you for your testimony,
9 and I much appreciate it.

10 I'd like now to call Jeanne Sprenger,
11 hopefully, I didn't mess that name up, Andrew, Artem
12 Gurvich, Margaret, I'll just spell this last name, D-
13 A-N-I-S-H-E-F-S-K-Y.

14 UNIDENTIFIED: (INAUDIBLE)

15 CHAIRPERSON SALAAM: She left? Okay. Shir
16 U-G-A-V, Gazala Halavi. And you may begin in
17 whichever order you would like.

18 JEANNE SPRENGER: Thank you, Chairman
19 Salaam, Counsel, and Councilman Holden. I'm here to
20 speak a few things about wrongful conviction. First
21 of all, I mean, it's a horrible thing all around, but
22 I would just ask that more emphasis be placed on the
23 victim. If the DA's office could have more resources
24 in that area of finding who the actual criminal is
25 because, I mean, obviously we're focused on the

2 wrongful conviction of the person who may have been
3 incarcerated, but also there's still a victim out
4 there who is not justified, who has not been taken
5 care of, and so I would just ask that more discussion
6 and resources be placed on finding the actual justice
7 for the actual criminal.

8 Then also regarding wrongful conviction
9 of victims, I am concerned, as I mentioned last time,
10 that there is, what's wrong with the wrongful
11 conviction that I see is that there is just no
12 conviction of crime for the insanity that's happening
13 in our city. I feel like our city is collapsing under
14 crime and anti-Semitism and hate crimes and these
15 protests, and I just believe that if your Committee,
16 the Public Safety Committee, it's your responsibility
17 to keep New York safe, the public safety, but yet I
18 don't hear anything coming out of this Committee.
19 There's no statements been made on what's happening,
20 especially in our universities. We are not safe. I
21 mean, the Jewish community is not safe, all New
22 Yorkers are not safe, and I heard your agreement last
23 time we were here to have a hearing specifically on
24 the anti-Israel protests, and there has been no
25 hearing. That was February 26th, and in the past two

2 months, the crime has just escalated, the
3 lawlessness, the destruction, the violence, the anti-
4 Semitism, the harassment, the threats. It's
5 absolutely an unsafe environment that's just
6 escalating, and we need to have a hearing on this
7 now, on these protests that are taking over
8 universities, and I'd really like to hear some
9 statement from City Council and from the Public
10 Safety Committee standing against this anarchy,
11 standing against this lawlessness and these hate
12 crimes. I mean, we've got victims of hate crime.

13 CHAIRPERSON SALAAM: Thank you for your
14 testimony. I appreciate your concerns.

15 JEANNE SPRENGER: You're welcome. We have
16 victims of hate crime who are not being protected,
17 and so I just really ask again for this hearing.

18 CHAIRPERSON SALAAM: If you could reach
19 out to our office in order to discuss that, that
20 would be great.

21 JEANNE SPRENGER: I have, and there has
22 not been any progress in that, and so really, as you
23 see, it's just escalating, and the city is not safe.

24 CHAIRPERSON SALAAM: Well, I appreciate
25 that, but we're at the two-minute mark. The reason

2 why I'm asking for you to reach out to our office is
3 because this particular time is for wrongful
4 convictions.

5 JEANNE SPRENGER: And it is wrongful that
6 there's no convictions, there's no consequences for
7 lawlessness.

8 CHAIRPERSON SALAAM: Right.

9 JEANNE SPRENGER: And that's the problem.

10 CHAIRPERSON SALAAM: Thank you.

11 JEANNE SPRENGER: Thank you for listening.
12 Thank you.

13 GAZDA HALAVI: I am to elaborate more on
14 what has been said here. These protests are not just,
15 like words count.

16 CHAIRPERSON SALAAM: I'm sorry. You said
17 protests, but we're talking about wrongful
18 convictions?

19 GAZDA HALAVI: Yeah. I have a personal
20 issue with the DA. I'm trying to get someone to
21 actually help me, but I would like to reach out
22 personally about that. We are talking about these
23 protests.

24 CHAIRPERSON SALAAM: No, we're talking
25 about wrongful convictions. This testimony that we're

2 talking and receiving today is about wrongful
3 convictions.

4 GAZDA HALAVI: So I have a case in civil
5 court, which is totally wrong. We are senior
6 citizens. We are being a victim of financial scam,
7 and the way we were treated, it was horrible. We did
8 not have a hearing. We did not have a document to
9 exchange discovery or to see this is wrong, because
10 everything that was presented was totally wrong and,
11 of course, the...

12 CHAIRPERSON SALAAM: I'm sorry. I
13 appreciate what you're bringing up, but we're talking
14 about wrongful convictions, and this is not really
15 the place for that. It's off topic.

16 GAZDA HALAVI: So we were wrongfully...

17 CHAIRPERSON SALAAM: If you can get on
18 topic in terms of wrongful convictions.

19 GAZDA HALAVI: Yeah, so I did not have a
20 hearing, did not have a discovery, and did not have a
21 due process, and my husband and I, he's 75, I'm
22 almost 70 years old. We are not finding someone to
23 help us to actually show evidence...

24 CHAIRPERSON SALAAM: Can I ask you where
25 was this?

2 GAZDA HALAVI: In the civil court?

3 CHAIRPERSON SALAAM: No, I mean where in
4 terms of the boroughs.

5 GAZDA HALAVI: Here in Manhattan.

6 CHAIRPERSON SALAAM: Which District?

7 GAZDA HALAVI: In Manhattan.

8 CHAIRPERSON SALAAM: Right, but Manhattan
9 has many Districts. I'm in Harlem. I'm the Council
10 Member for Harlem.

11 GAZDA HALAVI: No, no, no. Here in
12 Manhattan, small claim courts.

13 CHAIRPERSON SALAAM: I'm asking you
14 specifically what District did this happen in because
15 the recourse that you need is to reach out to your
16 Council Member, and also to the legal remedies that
17 you can get in order for that particular thing.

18 GAZDA HALAVI: We tried everything. We
19 don't know. I wish I can contact you personally, and
20 you can help me with that and my husband. If this is
21 about conviction, and this is totally wrong, and just
22 because we are senior citizens, and we said we are
23 protected by the law, but we are not being heard.

24

25

2 CHAIRPERSON SALAAM: Understood. If you
3 can reach out then to our office, and we have Members
4 of our Staff here.

5 GAZDA HALAVI: How can I contact you?

6 CHAIRPERSON SALAAM: District 9.

7 GAZDA HALAVI: District 9?

8 CHAIRPERSON SALAAM: And the 9 is the
9 number 9, at council.nyc.gov.

10 GAZDA HALAVI: Is there a phone number?

11 CHAIRPERSON SALAAM: The phone number...
12 They'll connect. My Staff is here.

13 GAZDA HALAVI: Okay.

14 CHAIRPERSON SALAAM: But thank you, thank
15 you for your testimony.

16 GAZDA HALAVI: But to elaborate on this,
17 how can you...

18 CHAIRPERSON SALAAM: I'm sorry. We're at
19 time.

20 GAZDA HALAVI: This protest is harming...

21 CHAIRPERSON SALAAM: We're at time. We're
22 not going to be able to continue with your testimony
23 regarding that.

24

25

2 GAZDA HALAVI: (INAUDIBLE) public, and
3 nothing has been done? This is wrong. It's very
4 wrong. This happened to Israel.

5 CHAIRPERSON SALAAM: I acknowledge your
6 grievances, but this testimony today is about
7 wrongful convictions, and so we're going to have to
8 keep on topic.

9 GAZDA HALAVI: Okay. Thank you so much.

10 CHAIRPERSON SALAAM: Thank you.

11 ANDREW: Hello. My name is Andrew, and I'd
12 like to say that I'm sorry that you were wrongly
13 convicted of a crime that you did not commit so I
14 have a suggestion that might help out the people
15 who's going to court. It seems like that the defense
16 don't have enough funds so it might be better if the
17 funds were in a group for the defense and for the
18 prosecutors so, in that way, they could pull from the
19 same budget, and they might have the same equal
20 amount of funds that they could defend a prosecutor.
21 That might help out since the defense keeps saying
22 that they don't have enough funds.

23 But I'd also like to talk about how I'm
24 being followed around by a couple of people in law
25 enforcement that might lead to a wrongful conviction,

2 because according to the news and court cases, what
3 they do is they plant drugs on people and they plant
4 guns on people. I put their picture up in 2013 that
5 they've been following me around, and they had
6 assaulted me in New York and Chicago. They put me in
7 a hospital with bodily injuries so that's why I'm
8 asking for an investigation of law enforcement,
9 because they're constantly attacking me illegally.
10 They did that to a person named Philando Castle. They
11 followed him. According to the New York Times, law
12 enforcement followed him around for 13 years and then
13 executed him. There's another lady that filed a
14 complaint against law enforcement. Her name was Kim
15 Groves, and police had her executed. So I had filed
16 complaints against police in Chicago and New York for
17 attacking me and putting me in a hospital against my
18 will with bodily injuries so I'm asking for an
19 investigation to go on, because these people, they're
20 terrorizing the American public. They not only do it
21 to me, but they do it to people throughout America.
22 Colin Kaepernick is one example, Steve Talley. So law
23 enforcement is terrorizing the American public, and
24 they're doing it to me so I'm asking for an

2 investigation to go on to find out what's going on
3 with them, why they're terrorizing people.

4 CHAIRPERSON SALAAM: Thank you. If you can
5 reach out to our office as well. I'm not necessarily
6 sure if we might be able to help your particular
7 cause in terms of trying to get an investigation
8 going, but we might be able to get you to the right
9 people that can help you with the grievance that you
10 have. Thank you for your testimony.

11 ANDREW: Thank you. Thank you. Body cam
12 and police report. That's all I'm asking for.

13 CHAIRPERSON SALAAM: I'd like now to call
14 Chen Levy, Sophie Sassoon, Richard W. Flores, Nicolin
15 (phonetic) G-U-T-O-R-E-O-I, Christopher Leon Johnson,
16 and Raul Rivera.

17 CHRISTOPHER LEON JOHNSON: Can I start? Is
18 this on? All right, perfect.

19 CHAIRPERSON SALAAM: Yes, you've got two
20 minutes to talk about wrongful convictions.

21 CHRISTOPHER LEON JOHNSON: All right,
22 cool. Hello. My name is Christopher Leon Johnson, and
23 the truth is about wrongful convictions is, hey, some
24 of them are really wrongful convicted, but a number
25 of them, they're lying about why they got convicted.

2 Now, the issue is a Chair like you, Yusef Salaam, is
3 that you are captive to Vocal New York, and you won't
4 say anything about the so-called wrongful convicted
5 guy named Douglas Powell, who's a level two sex
6 offender, standing around the City Council and
7 standing at press conferences like it's all good. You
8 know who he is.

9 CHAIRPERSON SALAAM: I'm really not sure...

10 CHRISTOPHER LEON JOHNSON: Douglas Powell,
11 you know who he is, man.

12 CHAIRPERSON SALAAM: What you're talking
13 about?

14 CHRISTOPHER LEON JOHNSON: Douglas Powell.

15 CHAIRPERSON SALAAM: If you can keep it
16 to, if you can keep your testimony about the topic.

17 CHRISTOPHER LEON JOHNSON: Yeah, I'm
18 keeping it to the topic. I'm keeping it to the topic
19 because he's always saying he's wrongful convicted.

20 CHAIRPERSON SALAAM: You don't have to
21 raise your voice.

22 CHRISTOPHER LEON JOHNSON: I know. I'm not
23 saying, I'm not raising my voice.

24 CHAIRPERSON SALAAM: I'm just saying that
25 you can keep your testimony to wrongful convictions.

2 CHRISTOPHER LEON JOHNSON: Yeah.

3 CHAIRPERSON SALAAM: I don't know the name
4 that you're talking about. However, if you can keep
5 it to wrongful convictions, that would be perfect.

6 CHRISTOPHER LEON JOHNSON: Yeah, it's
7 about wrongful convictions so he's saying he's
8 wrongful convicted, but he's not wrongful convicted,
9 but the problem is you guys are standing next to this
10 guy, and he's a racist, anti-Asian activist that the
11 City Council is really silent about so you need, as a
12 Chair, to condemn this guy and the other guy who's
13 so-called fighting for his so-called brother, another
14 sex offender named Akeem Browder. You need, as a
15 Chair of the Public Safety Committee, to condemn
16 those two men for both being sex offenders at the
17 same time waving the banner and you are listening to
18 these two guys for waving the banner for sex
19 offenses, for so-called wrongful convictions and
20 closing Rikers and all this woke crap.

21 CHAIRPERSON SALAAM: I'm sorry. Are you
22 the same guy that told the public about my license
23 plate?

24 CHRISTOPHER LEON JOHNSON: No, I didn't...
25 yeah, I did.

2 CHAIRPERSON SALAAM: That got my wife's
3 car to be broken into the other day?

4 CHRISTOPHER LEON JOHNSON: No, I didn't
5 break your car.

6 CHAIRPERSON SALAAM: I didn't say you did.
7 I mean, you were the one that photographed my license
8 plate.

9 CHRISTOPHER LEON JOHNSON: Yeah, I did.

10 CHAIRPERSON SALAAM: And asked the public
11 to find out any information they could about me.

12 CHRISTOPHER LEON JOHNSON: Yeah.

13 CHAIRPERSON SALAAM: And they broke into
14 my wife's car.

15 CHRISTOPHER LEON JOHNSON: I didn't break
16 into your car.

17 CHAIRPERSON SALAAM: I didn't say you did.

18 CHRISTOPHER LEON JOHNSON: No, you're
19 trying to say that I set that off.

20 CHAIRPERSON SALAAM: Thank you, sir.

21 CHRISTOPHER LEON JOHNSON: No, you're
22 trying to say that I set that off. Your testimony,
23 your time is up.

24

25

2 CHRISTOPHER LEON JOHNSON: No, no, but let
3 me tell you one more thing is you need to stand for
4 the Jewish community.

5 CHAIRPERSON SALAAM: Thank you, sir. Your
6 time is up.

7 CHRISTOPHER LEON JOHNSON: You need to
8 stand for the Jewish community.

9 CHAIRPERSON SALAAM: Sir, your time is up.

10 CHRISTOPHER LEON JOHNSON: And we're going
11 to vote you out. Your time, your days are numbered in
12 the City Council, and we're going to vote you out
13 next term.

14 CHAIRPERSON SALAAM: You can be, somebody
15 please remove this young man.

16 I will not be intimidated by anyone, and
17 I want to say that for the record when people go
18 after members of the Council to try to intimidate
19 them, that will not be tolerated and especially in
20 this government proceeding so I apologize for the
21 public in that regard.

22 You can go ahead, sir.

23 RICHARD W. FLORES: What's not being
24 discussed and what are the actual factors that are
25 resulting in wrongful convictions? I've heard every

2 panel speak about crime and convictions and what
3 could be construed as bureaucratic hypocrisy, but at
4 no time did I hear any panel discuss the use of, for
5 example, AI technology to perpetrate what is then
6 construed as crime for either economic or social
7 factors. You, yourself, were in prison for seven
8 years for a crime that you say you did not commit and
9 you were exonerated. Since 2015, I've been a street
10 homeless person for over two years living at a
11 facility called the BRC who are committing heinous
12 acts of crime such as rape, theft, coercion, fraud,
13 etc., which I've reported to the Governor and the
14 Mayor and had detectives come to investigate. As a
15 result of a Family Court trial which ended in a
16 verdict of guilty as a result of a perjurous judge, I
17 know I only have two minutes, I was incarcerated in
18 2017 by the NYPD because they said I stole beer. When
19 in fact they were using AI technology, I believe, as
20 a tactic to make people engage in crime, which I
21 tried to prove to no avail. No police would listen to
22 me. No lawyer would listen to me. No one to this very
23 day has allowed me to talk about what actually
24 happened. I went to court. I had a lawyer and the
25 lawyer spoke to the judge briefly. They spoke to the

2 lawyer briefly and I was set free but, after that,
3 the same cycle of behavior continued by other people,
4 by law enforcement, etc. I've tried to reach out to
5 different agencies. I've been here since 2016. I've
6 been to the ACLU, etc., and no one's been able to
7 help me and, when I mean no one, I mean no one. I've
8 been to Family Court. I've been to the Senate. I went
9 to Washington, D.C. in 2016 thinking I would get some
10 help, and so far nothing has happened so I know this
11 is about wrongful convictions. I think people are
12 trying to elaborate maybe on other factors that
13 cannot be focused on here so I don't want to
14 exasperate that. Thank you for your time.

15 CHAIRPERSON SALAAM: Thank you as well for
16 your testimony.

17 RICHARD W. FLORES: Thank you, sir.

18 CHAIRPERSON SALAAM: If anyone here wishes
19 to testify and has not heard their name being called,
20 please see the Sergeant-at-Arms in the back of the
21 room to fill out a witness slip.

22 We will now move to Zoom testimony.

23 Please wait for the Sergeant-at-Arms to announce you
24 before beginning to deliver your testimony. Thank
25 you.

2 On Zoom we have Alexandria LaFata
3 (phonetic), Eileen M. Maher, Camilla L. M. Jones.

4 We'll start with Eileen M. Maher.

5 SERGEANT-AT-ARMS: You may begin.

6 EILEEN M. MAHER: Okay. Good afternoon. My
7 name is Eileen Maher. I'm a civil rights union leader
8 from local New York and a social worker. I'm also a
9 survivor of the New York City and New York State
10 correctional systems. I pled guilty to a crime I did
11 not commit just to get off of Rikers and return home
12 in somewhat of a timely fashion, even if that
13 entailed a state prison bid. It also made me a
14 survivor of domestic violence, criminalized for said
15 violence. The officers that arrested me did not have
16 a legal arrest warrant, something I didn't find out
17 until after I returned home. While fighting my case
18 during the 427 days I spent on the Island, it was
19 made clear to me that if I divulged who had truly
20 committed the alleged crime, rather than exonerate
21 me, I would be additionally charged with conspiracy,
22 which carries a mandatory minimum of 15 years in
23 state prison, even though I had no part or knowledge
24 of said crime so I was stuck between a rock and a
25 hard place. Have I mentioned the prosecutor had a

2 familiar relationship with the complainant in my case
3 prior to my arrest? I'm one of the thousands, if not
4 millions, who have been placed in this situation. In
5 fact, of 95 percent and more of those detained on
6 alleged crimes, plead guilty just to go home. A
7 myriad of lazy and corrupt police work, classism,
8 racism, and subpar, if not corrupt, prosecutors. This
9 is not justice, this is corruption, and this has been
10 the norm with the NYPD and our so-called justice
11 system for decades. This is why I urged the passage
12 of the New York City bill on wrongful convictions
13 that supports the passage of the State bill of the
14 same name. Passage of those will allow many, like
15 myself, legal resource to clear our names and many to
16 be released from prison. No one should be detained,
17 incarcerated, or any of the above for any crime he or
18 she did not commit, and those who participate in
19 one's wrongful incarceration knowingly must be held
20 accountable. Thank you, and I apologize for the
21 picture in my profile. I didn't get a chance to
22 change it. Thank you.

23 CHAIRPERSON SALAAM: Thank you for your
24 testimony as well.

2 Seeing no other members of the Zoom, we
3 do have one person who signed up. We will now call
4 Monique Silberman to the testimony table.

5 MONIQUE SILBERMAN: Hi, how are you? My
6 name is Monique Silberman. Thank you so much for
7 having me. I still am just so horrified about what's
8 going on with the wrongful convictions, and I'd
9 really like to be a part of the DNA testing and all
10 that. I had called your organization, but I haven't
11 heard back from them, and I'll keep on trying to call
12 them, and I'd love to be a part of that. So many
13 people are innocent in jail. It's horrifying, all of
14 it. So that's number one.

15 Number two is we really need a hearing
16 for the anti-Semitism that's going on in the city,
17 and this is the only venue we can really voice our
18 opinions and voice our...

19 CHAIRPERSON SALAAM: Actually, you can
20 reach out to our office to discuss that. Right now,
21 we're definitely talking about wrongful convictions
22 only and not about what's going on in the city at
23 this particular point in time.

24 MONIQUE SILBERMAN: I believe we have.
25

2 CHAIRPERSON SALAAM: With the exception of
3 wrongful convictions.

4 MONIQUE SILBERMAN: I understand. And with
5 wrongful convictions, I mean, these poor people, they
6 come out of the prisons. There are no jobs for them.
7 There's this constant thing on their records. I don't
8 know how they do it, frankly. I think it's
9 horrifying, all of it, and I think all of it has to
10 be changed. These poor people, they've done their
11 time, they come out of prison, and still, they're
12 doing their time. They can't get jobs. I mean, it's
13 horrifying, and I hope something really radical
14 happens because that's the only way it can work out.
15 But I do really, is there a number to call to have a
16 hearing?

17 CHAIRPERSON SALAAM: Actually, Members of
18 my Staff are here and can share that information with
19 you.

20 MONIQUE SILBERMAN: Because we have called
21 several times, and we'll talk to them again today,
22 but we really need a hearing, 100 percent. Okay.

23 CHAIRPERSON SALAAM: Well, thank you. You
24 definitely bring up a very important part that people
25 who have been wrongfully convicted deal with all the

2 time, and that is no real remedies for them to re-
3 acclimate back to society.

4 MONIQUE SILBERMAN: Exactly.

5 CHAIRPERSON SALAAM: So definitely thank
6 you for that. A Member of my Staff will be in touch
7 with you so that you can be in contact with that.
8 Thank you.

9 MONIQUE SILBERMAN: Thank you so much.

10 CHAIRPERSON SALAAM: Thank you, everybody.

11 Seeing that there are no other people
12 signed up for testimony, this hearing is now
13 adjourned.

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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 May 31, 2024