

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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June 28, 2022
Start: 10:12 a.m.
Recess: 12:48 p.m.

HELD AT: Hybrid Hearing - Committee Room
City Hall

B E F O R E: Carlina Rivera
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Shahana K. Hanif
Mercedes Narcisse
Lincoln Restler
Lynn C. Schulman
Althea V. Stevens

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

Brendan McGuire
Chief Counsel

Louis Molina
Department of Correction Commissioner

Deanna Logan
Mayor's Office of Criminal Justice Director

Zachary Katznelson
Executive Director of Lippman Commission

Mary Lynne Werlwas
Legal Aid Society

Sergio De La Pava
New York County Defender Services

Julia Solomons
Bronx Defenders

Kelsey De Avila
Brooklyn Defenders

Andre Ward
Fortune Society

Vincent Schiraldi
Former Commissioner of NYC Corrections and
Probations

Sharon White-Harrigan

Women's Community Justice Association

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

Leah Faria

Women's Community Justice Association

Jennifer Montano

SHERO

Darren Mack

Freedom Agenda

Chaplain Dr. Victoria A. Phillips

Visionary V Ministries

Ashley Conrad

Freedom Agenda

Daniele Gerard

Children's Rights

Kelly Grace Price

Close Rosie's

Eileen Maher

Freedom Agenda

Basimata Simmons [sp?]

1
2 SERGEANT AT ARMS: Good morning, and
3 welcome to the hybrid hearing on Criminal Justice.
4 Will Council Members and staff please place all
5 electronic device to vibrate or silent? Testimony
6 can be submitted to testimony@council.nyc.gov. Once
7 again, that's testimony@council.nyc.gov. Chair, we
8 are ready to begin.

9 CHAIRPERSON RIVERA: Good morning
10 everyone. I am Council Member Carlina Rivera, Chair
11 of the Committee on Criminal Justice, and I am glad
12 that you can join us for today's Oversight Hearing on
13 the Rikers Island Interagency Taskforce. On May
14 12th, Mayor Adams formed the Rikers Island
15 Interagency Taskforce via Executive Order 16. The
16 goal of the Taskforce is to resolve issues identified
17 by the Federal Monitor who was appointed pursuant to
18 an ongoing lawsuit regarding excessive use of force
19 as well as any issued identified by the plaintiffs or
20 the US Attorney's Office. The Taskforce was designed
21 to cut through bureaucratic red tape and is a part of
22 a larger plan to address the foundational issues that
23 stand in the way of compliance with the Consent
24 Decree, as identified by the Monitor. The Taskforce
25 is chaired by Chief Counsel Brendan McGuire, and

1 Deputy Mayor for Public Safety Philip Banks, and
2 includes representatives from the Department of
3 Corrections, the Mayor's Office of Criminal Justice,
4 the Law Department, the Office of Labor Relations,
5 the Office of Management and Budget, the Mayor's
6 Office of Contract Services, the Department of
7 Citywide Administrative Services, and the Department
8 of Design and Construction. Today we are joined by
9 Chief Counsel McGuire and representatives from DOC,
10 MOCJ, and Correctional Health Services, and thank you
11 for being here Commissioner. The situation on Rikers
12 Island is serious. The Monitor wrote in a March 16th
13 letter that there is an "imminent risk of harm to
14 incarcerated individuals and staff in the jails."
15 The plaintiffs and US Attorney have also proposed
16 placing Rikers Island into Federal Receivership.
17 Since our last hearing, four people in custody have
18 died, including three just last week. We send our
19 deepest condolences to their family and to their
20 friends. In short, the actions this taskforce takes
21 determines the future of Rikers Island and the safety
22 of people in DOC custody. So, today, we are hoping
23 to learn more about the actions the Taskforce has
24 taken so far and how those actions are designed to
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1 address the issues identified by the Monitor. We
2 also want an update on the conditions on Rikers
3 Island. We will also be hearing several bills.
4 Intro 284, sponsored by the Public Advocate, Mr.
5 Williams, regarding social workers in our jails.
6 Intro 349, sponsored by the Public Advocate Mr.
7 Williams, regarding dyslexia screening and treatment
8 in our jails. Intro 356, which I am the sponsor,
9 regarding a child visitors program for children
10 visiting people in our jails. Intro 357, which I am
11 the sponsor, regarding an electronic case management
12 system to track investigations of sexual abuse.
13 Intro 385, sponsored by Council Member Cabán,
14 regarding reporting on programming and fiscal
15 information. Intro 456, sponsored by Council Member
16 Powers, regarding the maximum fee for transferring
17 money into the accounts of individuals in DOC
18 custody. Resolution 156, which I am the sponsor,
19 calling on the New York State Legislature to pass and
20 the Governor to sign, the Treatment Not Jail Act. We
21 look forward to hearing testimony from the
22 Administration, advocates, and the public on these
23 important pieces of legislation. And I want to thank
24 the incredible committee staff, Agatha Mavropoulos
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COMMITTEE ON CRIMINAL JUSTICE

[sp?] and Keeshawn Denny [sp?] for putting together this hearing, and thank you to all the Council Members in attendance today, including Council Members Stevens and Carr. I will now turn it over to Committee Counsel to swear in the members of the Administration.

COMMITTEE COUNSEL: Thank you. I will now administer the oath to all members of the Administration. After I say the oath, please wait for me to call your name and respond one-by-one. Please raise your right hand. Do you affirm to the truth, the whole truth and nothing but the truth before these committees and to respond honestly to Council Member questions? Chief Counsel Brendan McGuire?

CHIEF COUNSEL MCGUIRE: [inaudible]

COMMITTEE COUNSEL: Commissioner Louis Molina?

COMMISSIONER MOLINA: I do.

COMMITTEE COUNSEL: Kat Thomson?

CHIEF THOMSON: I do.

COMMITTEE COUNSEL: Chelsea Card [sp?]?

: I do.

2 COMMITTEE COUNSEL: Melissa Guillon

3 [sp?]?

4 MELLISSA GUILLON: I do.

5 COMMITTEE COUNSEL: Deanna Logan?

6 DIRECTOR LOGAN: I do.

7 COMMITTEE COUNSEL: America Connith

8 [sp?]?

9 AMERICA CONNITH: I do.

10 COMMITTEE COUNSEL: And Jeanette Merrill

11 [sp?]?

12 JEANETTE MERRILL: I do.

13 COMMITTEE COUNSEL: Thank you.

14 CHAIRPERSON RIVERA: So we will begin

15 with testimony from the Administration, Chief Counsel

16 McGuire.

17 CHIEF COUNSEL MCGUIRE: Thank you, Chair

18 Rivera, and good morning. Good morning to the

19 members of the Committee. I am Brendan McGuire, Chief

20 Counsel to the Mayor in City Hall. I also serve as

21 Co-Chair, as Chair Rivera noted, with Deputy Mayor

22 Philip Banks, of the Rikers Island Interagency

23 Taskforce. It is in this capacity that I testify

24 before you all today. On May 12th of this year, the

25 Mayor issued Executive Order 16. Executive Order 16

1 created the Rikers Island Interagency Taskforce which
2 formalized the whole of government approach this
3 Administration is applying to the Nunez litigation
4 and the implementation of the recently field Action
5 Plan. This Administration has been fully supportive
6 of the Department of Correction and the Law
7 Department since January, and the establishment of
8 the Taskforce reinforce this commitment to
9 identifying multiagency solutions, surging resources
10 where needed, and minimizing bureaucratic delay.

11 This morning I will describe the member agency of the
12 Taskforce, the role they each play, and how the
13 Taskforce operates. Because the Taskforce meets
14 under the direction of the Law Department in
15 connection with the ongoing Nunez litigation, its
16 work is subject to the attorney/client privilege and
17 attorney work product protection. As a result, I may
18 be limited in my ability to discuss some of its work.

19 First, the membership of the Taskforce: All of the
20 parties to the Nunez litigation, including the
21 plaintiffs, the Monitor, and the US Attorney's Office
22 have for years called for full City Hall support to
23 comply with the consent decree. Based on our review
24 since we began in January, we concluded that that
25

1 level of commitment had not been made in the past,
2 and we recognize that we needed to establish a
3 mechanism to ensure that every relevant agency
4 treated Rikers Island as a top priority, and to
5 enable the Law Department and the Department of
6 Correction to obtain prompt and thorough responses to
7 Rikers' litigation issues. We believe we have
8 achieved that with the Taskforce. The following
9 agencies are currently members of the Taskforce: The
10 Department of Correction, the Law Department, the
11 Mayor's Office of Criminal Justice, Correctional
12 Health Services, the Office of Labor Relations, the
13 Office of Management and Budget, the Mayor's Office
14 of Contract Services, the Department of Citywide
15 Administrative Services, and the Department of Design
16 and Construction. The Executive Order authorizes the
17 Chairs of the Taskforce to add additional agencies as
18 necessary, so this list may change if needed. Now,
19 each of these agencies plays an important role in
20 supporting the Department's work at Rikers Island.
21 First, the Law Department leads the City's efforts in
22 this litigation. It sets the priorities for the
23 Taskforce, provides legal guidance to member agencies
24 regarding the implementation of the Action Plan and
25

1 directs the strategy of the Nunez litigation more
2 generally. The Office of Management and Budget
3 addresses budgetary issues impacting Rikers Island
4 and assists in accelerating the delivery of City
5 resources to areas with greatest need when
6 appropriate. The Department of Citywide
7 Administrative Services is critical to addressing
8 personnel issues. For example, DCAS has been
9 instrumental in assisting the Department in resolving
10 some of its recruiting challenges. The Office of
11 Labor Relations takes the lead with the unions who
12 represent the men and women who work at Rikers and
13 provides advice and guidance to the Law Department
14 regarding policies that affect the unions. The
15 Correctional Health Services team advises on relevant
16 healthcare-related issues. The Department of Design
17 and Construction has played and continues to play a
18 significant role in repairing the physical
19 deficiencies at Rikers. The Mayor's Office of
20 Criminal Justice supports the Taskforce's efforts to
21 reduce delays for Rikers-related cases, serving as
22 our liaison with the District Attorney Offices and
23 the courts. And finally, the Mayor's Office of
24 Contract Services is available to provide advice and
25

1 guidance on relevant Rikers-related contracts. The
2 Taskforce meets at least once a week as a whole,
3 while smaller meetings among member agencies occur on
4 a daily basis. As Co-chairs of the Taskforce, Deputy
5 Mayor Banks and I regularly update the Mayor on the
6 work of the Taskforce. We all understand that time
7 is of the essence, and with the Mayor's full support,
8 we are fully committed to this mission. As Co-chair
9 of the Taskforce I take seriously my obligation to
10 work with the Law Department and the Department of
11 Correction to keep all of the member agencies focused
12 on our ultimate objective, the efficient and complete
13 implementation of the Action Plan. With the efforts
14 of the Taskforce, the Department of Correction, and
15 other stakeholders including this Council, I am
16 confident that we can achieve our goal of building a
17 functional, safe, and humane jail system. Thank you.
18 And I'm available to answer any questions that you
19 may have.
20

21 CHAIRPERSON RIVERA: Commissioner Molina?

22 COMMISSIONER MOLINA: Good morning Chair
23 Rivera and members of the Committee on Criminal
24 Justice. I am Louis Molina, Commissioner of the
25 Department of Correction. Thank you for allowing me

1 the opportunity to speak with you today about the
2 steps that Mayor Adams and the Department are taking
3 to improve the City's jails, and to share my thoughts
4 on several pieces of legislation. As the
5 Administration approaches the six-month mark, I would
6 like to take this opportunity to reflect on where we
7 are and what lies ahead. Before I begin, I must
8 acknowledge the recent losses that we have
9 unfortunately experienced. Anibal Carrasquillo and
10 Albert Drye passed away last week while in the
11 Department's custodial care, and Antonio Bradley
12 passed away after being compassionately released from
13 the Department's custody. It is truly heartbreaking
14 to open each hearing with these kinds of
15 acknowledgements, and my deepest condolences go out
16 to their families and loved ones. Since we last met,
17 we have lost an active-duty member of service,
18 Captain Tandra Bowser-Williams. Our thoughts are
19 with her family and loved ones as well. Lastly, I,
20 along with the entire Department of Correction
21 family, extend my condolence to Captain Lisa Steele
22 and her family on the terrible loss of her stepson
23 Darius Lee. Darius passed away last week in Harlem,
24 his birthplace, while home from college. He was a
25

1 victim of gun violence, which has become all too
2 prevalent in our city. Earlier this month, the
3 Federal Monitor filed an updated Action Plan for the
4 City and the Department to address the decades of
5 mismanagement that have brought us here today. On
6 June 14th, 2022, the Court approved this plan and
7 noted that it represents a way to move forward with
8 concrete measures now to address the ongoing crisis
9 at Rikers Island. I want to emphasize, as the
10 Monitor did, that the conditions in the jails today
11 are deep-seated and are not only the result of
12 failures within the Department. The failure of our
13 jails represents the failure of a whole system;
14 accordingly, it will take a concerted effort to move
15 us forward. As Chief Counsel McGuire has noted
16 through his testimony, the Rikers Island Interagency
17 Taskforce was created with this goal in mind. It is a
18 city-wide initiative created with the full backing of
19 Mayor Adams to support the Department of Correction
20 as we address the long-standing issues that have
21 plagued this agency for far too long. Likewise, City
22 Council partnership will be critical to implementing
23 this plan and other strategic initiatives as the
24 Department continues to focus on reform. As I stated
25

1 in my testimony during the Department's Fiscal Year
2 23 Executive Budget, I'm in agreement with the plan,
3 as it supports my vision for the Department. I am
4 focused on creating a culture of discipline,
5 accountability and service to persons experiencing
6 incarceration that will ultimately lead to safer,
7 more humane jails. Ultimately, my vision is of a
8 jail system that serves the public interest and has
9 earned the public's trust. I know that is no easy
10 task, but I believe the work we have undertaken in
11 just six months is proof of concept that will serve
12 as a foundation for the many successes ahead of us.
13 In my first six months as Commissioner, I have taken
14 coordinated and effective steps to create the agency
15 I envision. At the end of February, just two months
16 into my tenure, I instituted a strategic violence
17 reduction plan at the Robert N. Davoren Center, also
18 known as RNDC, to address the heightened levels of
19 violence at that facility. The plan takes a
20 holistic, multipronged approach to address the
21 complex issues that have contributed to the increased
22 violence and disorder within the facility. I knew
23 that if we could get it right at RNDC, with arguably
24 one of the most difficult populations to manage, then
25

1 we could replicate success across the Department.

2 The Department has implemented changes to housing

3 policies, improvements to staff supervision and

4 accountability, and enhanced programming and services

5 to provide critical opportunities for behavioral

6 change and growth for young adults. We also ended

7 the misguided practice of concentrating gang

8 affiliations in housing areas at RNDC, which allowed

9 people in custody to overpower our staff and lead to

10 an atmosphere of violence and fear. We also

11 strategically increased facility searches and

12 tactical search operations at RNDC and throughout our

13 jail facilities, a practice that was largely

14 abandoned during the pandemic. These searches have

15 resulted in the recovery of over 700 contraband

16 weapons from RNDC alone, and over 2,700 across all

17 facilities. The number of slashings and stabbings at

18 RNDC decreased by nearly 80 percent in May as

19 compared to March of this year, when we instituted

20 this strategic violence reduction plan, and decreased

21 by 63 percent Department-wide when you compare our

22 numbers in May to March of this year. As of June

23 26th, there has been one reported slashing or

24 stabbing at RNDC, which brings us month to date

25

1 decrease as of June 26th to 92 percent when this same
2 timeframe is compared to last year. This is a
3 remarkable achievement, and I want to commend the
4 uniform members of service and non-uniform staff who
5 worked tirelessly to get us here. In his May 17th
6 filing, the Federal Monitor noted the effectiveness
7 of this plan at reducing the level of fear among
8 staff and people in custody. Because of its success,
9 we are beginning to implement a similar strategy at
10 other facilities, including GRVC and AMKC, with the
11 anticipation of similar results. In just six months,
12 these actions and others have resulted in a decrease
13 in several major violence indicators. Calendar year
14 to date in 2022, assaults on staff have decreased 31
15 percent. Use of force incidents have decreased by 26
16 percent. In May 2022 versus May 2021, slashings and
17 stabbings Department-wide were down 44 percent; and
18 as of June 26th, our month-to-date in June 2020
19 versus month-to-date in June 2021, we are currently
20 experiencing a nine percent decrease of slashings and
21 stabbings Department-wide. I recognize the frequency
22 of assaults, use of force incidents, and slashings
23 and stabbings are still too high, but the trends are
24 moving in a downward direction, which I am intensely
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1 focused on sustaining. Of course, our facilities do
2 not exist in a vacuum; they operate within the
3 broader context and culture of the entire agency.
4 Implementing best-practices and sustaining positive
5 trends cannot occur without well-trained staff to
6 perform their duties, along with a timely and
7 meaningful discipline process for those who do not or
8 cannot perform those duties. Since taking office, I
9 have been laser focused on returning staff to the
10 facilities and creating new leadership structures to
11 support our workforce and address our deeply
12 entrenched organizational health issues. The number
13 of unavailable staff continues to drop and has been
14 reduced by nearly 40 percent since the beginning of
15 the staffing crisis that began in the summer of 2021.
16 To ensure our staff return to full duty fit and
17 healthy, we are revamping our Health Management
18 Division, which is responsible for overseeing and
19 supporting uniform staff who are out sick. New
20 leadership has begun reviewing and revising critical
21 leave policies that have allowed abuse to fester and
22 led to the crisis that emerged over the course of the
23 pandemic. I look forward to sharing updates on these
24 efforts with the Council once they have been
25

1 finalized in consultation with the Monitoring team.

2 In conjunction with efforts to engage staff who are
3 out sick and support them in returning to duty, we
4 have been taking a close look at those members who

5 appear unable or unwilling to fulfill their
6 obligation to this agency and this city. In order

7 for the Department of Correction to succeed, it is
8 imperative that expectations for staff conduct are

9 clear and that the consequences for violations and
10 failures to fulfill duty are swift. Per the Action

11 Plan, we are employing creative recruitment
12 strategies to ensure critical positions in our Trials

13 Division are filled with qualified candidates.
14 Filling these positions will enable the Department to

15 sustain our current pace and continue to respond
16 expediently to disciplinary matters in the future.

17 Even with limited resources we currently have, we
18 have taken meaningful steps to increase

19 accountability. To date, I have closed out and
20 administered final disciplinary dispositions in over

21 1,400 disciplinary cases, far outpacing my
22 predecessors. Nearly 300 medical incompetency cases

23 have been referred for discipline, which is almost
24 twice the number of cases referred for discipline in

25

1 the entirety of 2021. Over 150 members of service
2 have been suspended this year for sick leave abuse,
3 and some of those members have been referred to the
4 Department of Investigation for further review. We
5 intend to expedite the processing of more egregious
6 cases to demonstrate unequivocally that these abuses
7 will no longer be tolerated. I believe these initial
8 steps have put us on a path toward improved practices
9 and greater accountability, and I look forward to
10 updating the Council on our progress in the future.
11 Now, I would like to take a moment to highlight a few
12 of the legislative items on the agenda today. Intro.
13 284 would require the Department to maintain a ratio
14 of one licensed social worker for every 10 people in
15 custody. Fundamentally, I believe we share the goal
16 of providing high-quality programs and services to
17 people in custody, that support better responses to
18 conflict when violent behavior emerges, promote skill
19 building, and ultimately reduce recidivism. While
20 licensed social workers serve an important function,
21 they are not the only individuals qualified or best
22 suited to work with our population. DOC currently
23 employs or contracts with many passionate individuals
24 who do not meet the definition of social worker, yet
25

1 provide invaluable services to our population, such
2 as our credible messengers. The skillsets that our
3 various professionals have make them ideally suited
4 for this work. These committed individuals come from
5 diverse backgrounds, experiences, and training, which
6 results in their work being particularly effective
7 with the population in custody that they serve. As
8 drafted, this legislation would make licensure for
9 social work the singular, overriding factor when
10 considering who is best equipped to work with the
11 jail population, which limits our ability to hire a
12 diverse workforce with relevant skills and lived
13 experiences. Lastly, I'll note that the population
14 in custody is subject to fluctuations, even day-to-
15 day, that would make maintaining the required ratio
16 nearly impossible. In regard to Intro. 349, which
17 would require dyslexia screening and treatment for
18 individuals in custody, Mayor Adams has been clear
19 about his desire to provide more support for
20 individuals with an identified learning disorder and
21 funding was provided in the Fiscal Year 2023 budget
22 for dyslexia screenings. The Department has been
23 exploring how to operationalize both screening and
24 treatment for dyslexia individuals in custody and
25

1 hopes to have updates in the coming months. Intro.
2
3 356 would require the Department to establish a child
4 visitor program and report on the status of the
5 program annually. The Department has been intensely
6 focused on this area over the years and has
7 demonstrated initiative and improvement. Several
8 contracts, grants, and internally driven initiatives
9 aimed at supporting and improving the parent-child
10 visit experience have been developed and implemented,
11 even during the COVID-19 pandemic. Intro. 357 would
12 require the Department to track all cases of sexual
13 abuse and harassment in an electronic case management
14 system. We are currently in the process of procuring
15 an electronic case management system that will track
16 these cases. In closing, I'm confident that my
17 vision for this agency is achievable. I knew full
18 well the challenges that lay ahead when I accepted
19 this position, and I have approached each new
20 challenge with renewed commitment. The majority of
21 uniform staff have stayed in this fight and came to
22 work during the height of the pandemic to serve
23 people in custody, and continue to do so today. In
24 the past six months, several passionate and committed
25 men and women have joined my leadership team in the

1 fight to reform our jails, with more to follow. I
2 believe in the work. I know that members of the
3 Council do as well. I'm confident that our shared
4 desire to reforming the Department will continue to
5 move us in this direction. Thank you for the
6 opportunity to speak today. My colleagues and I are
7 available to answer any questions that you may have.

9 CHAIRPERSON RIVERA: Thank you so much
10 for your testimony. We have quite a few questions,
11 so I will try to be as concise as possible. So let's
12 talk about the Taskforce for a little while. I didn't
13 really hear much information. I realize it's new. I
14 realize you might have some concerns over security or
15 attorney/client privilege. However, clearly the
16 public deserves to know what the Taskforce is doing,
17 expectations, goals, and then implementation, of
18 course. So, is the Taskforce fully up and running at
19 this point, and how has the Taskforce defined
20 measures of success, and how will that be reported
21 back to the public?

22 CHIEF COUNSEL MCGUIRE: The taskforce is
23 up and running at this point with the agencies that I
24 described earlier. The touchtone of the Taskforce
25 work is the Action Plan. That is the way forward.

1
2 The Court has recognized that in agreeing to file it,
3 and obviously agreeing to allow the Commissioner and
4 his team along with the Law Department to work
5 towards the goals and metrics that are set forth in
6 the Action Plan. Our focus at the Taskforce is to do
7 everything possible beyond the Department of
8 Correction, beyond the Law Department to support
9 those two agencies that are taking the lead in the
10 implementation of the Action Plan. So, the-- so goes
11 the Action Plan, so goes the Taskforce. In other
12 words, we do not have a separate mandate here. We
13 are not working on some kind of separate task. We
14 are focused here in supporting the Department and the
15 Law Department in the efficient and complete
16 implementation of the Action Plan.

17 CHAIRPERSON RIVERA: Well, how does the
18 Taskforce compare to the Interagency Division within
19 the Department of Corrections? How often do they
20 meet, and what are the bureaucratic red tape items
21 that the Interagency Taskforce is attempting to
22 supersede?

23 CHIEF COUNSEL MCGUIRE: So, there are--
24 so the-- to be clear, the Taskforce is a collection
25 of the relevant agencies that are external to the

1 Department of Correction, and obviously if this is--
2 if this challenge at Rikers Island is going to be
3 solved, it is going to require a whole lot of work
4 from agencies and from people outside the Department
5 of Correction. That much is clear. There are too
6 many-- there are many city agencies whose work
7 touches on Rikers Island, and we recognize that. The
8 question is, how do you set up a mechanism so that
9 every one of those agencies who have many other
10 missions every day to ensure that those agencies
11 treat Rikers Island as a priority on a daily basis,
12 given the crisis there. And that's what-- that's
13 what this taskforce is designed to do. And so
14 through regular meetings, as I noted earlier, we meet
15 at least once a week as whole taskforce, but then
16 really the work gets done in earnest in between those
17 meetings with smaller groups that are meeting to
18 tackle various issues. So, for example, you have
19 different types of issues that cut across agencies.
20 You have issues relating to the physical plant at
21 Rikers. That may involve the Office of Design and
22 Construction, as well as OMB, as well as some other
23 agencies. Where, as you all are familiar, there can
24 sometimes be conflicting priorities and practice
25

1 within individual agencies that have not previously
2 had to work together on one particular priority. And
3 so through these different examples, prioritizing
4 these different issues as laid out in the Action
5 Plan, the goal of the Taskforce is to enable the
6 Department of Correction to focus on its work at
7 Rikers, while we at the Taskforce can work through
8 all of the issues needed to support them to really
9 get these tasks done.
10

11 CHAIRPERSON RIVERA: Well, I ask because--
12 - well, can you explain why the Board of Correction
13 and Correctional Health Services were not included in
14 the Taskforce, and are they being consulted in any
15 form or way?

16 CHIEF COUNSEL MCGUIRE: So, Correctional
17 Health Services is on the Taskforce. They're one of
18 the members of the Taskforce. They have been added.
19 They were not in the original Executive Order. The
20 Executive Order, though, provides for us to add
21 agencies and they have been added, and they're
22 obviously critical partner in all of this, given
23 their role. The Board of Correction, as we see it
24 again, has its own mandated oversight role, and so
25 they of course will be consulted in the normal course

1
2 as they are on these issues, but as far as the
3 Taskforce encompassing city agencies that contribute
4 to the Administration at Rikers, that's what the
5 focus of this group is.

6 CHAIRPERSON RIVERA: So, I appreciate
7 that CHS has been added. Clearly, that's new info,
8 and I know some of the underlying issues with the
9 crises there are missed medical appointments,
10 etcetera. So what has-- what consideration has been
11 given to setting up emergency triage floating medical
12 teams which can go to people in custody who have been
13 missing some of those appointments?

14 CHIEF COUNSEL MCGUIRE: So, I will defer
15 on some of these more operational matters to the
16 Commissioner, but I will say that to the extent that
17 the Taskforce, as I mentioned earlier, can be
18 deployed in an effort to cut down on particularly
19 interagency delays on this issue and related health
20 issues, that's of course a priority of ours. The
21 health of those in the custodial care of the
22 Department is at the top of the list for the
23 Taskforce because it's essential, again, to the
24 Action Plan.

1
2 CHAIRPERSON RIVERA: Understood. And I
3 know the BOC you mentioned has their oversight role,
4 and I know there are discrepancies between their
5 reports of unstaffed posts, including their death
6 report issued in May. But I want to ask about the Law
7 Department. What role does the Law Department have in
8 this taskforce? What issues are they tasked with
9 addressing. Also, a little bit more about the Office
10 of Labor Relations. You kind of went through them
11 very, very briefly. You just touched on kind of
12 their general role, but if you can go into some
13 detail as to the agencies? So it's Law Department,
14 Office of Labor Relations, the Office of Management
15 and Budget, the Mayor's Office of Contract Services,
16 DCAS, and DDC.

17 CHIEF COUNSEL MCGUIRE: Sure. The Law
18 Department is leading the City's effort in this with
19 respect to the Nunez Consent Decree. At bottom this
20 is a legal case. It is before Judge Swain [sp?] in
21 the southern district of New York. And so the Law
22 Department plays a leading role in helping the City
23 navigate the case. That's why, as I mentioned
24 earlier, the privilege, legal privileges apply
25 because we are doing this at the behest of the Law

1 Department. They set the agenda in conjunction with
2 the Department of Correction. They set the agenda
3 for the Taskforce. They are in constant
4 communication with the Monitor. They also have
5 communications with the parties, and they played a
6 leading role along with the Commissioner and his team
7 in developing the Action Plan. So, that's the role
8 they play, and it's obviously a critical role on the
9 front line here, and we are guided by the priorities
10 that they set from a legal standpoint in terms of
11 navigating the ongoing case, and we are guided by the
12 operational and policy priorities set by the
13 Department. So, that's the role of the Law
14 Department. With respect to the other agencies that
15 you named, so starting with Office of Labor
16 Relations, of course the relationship with the unions
17 that represent the men and women who work on Rikers
18 Island is an essential step here. And there are--
19 much has been made in the past about potential
20 impediments that the agreements with the unions may
21 pose for purposes of reform at Rikers Island. What's
22 critical is to separate what are really issues and
23 what are perceived issues in this context, and that's
24 why as part of the Taskforce we have the experts in
25

1
2 our Office of Labor Relations to ensure that the City
3 is accurately informed about what these agreements
4 say so that we can have efficient and productive
5 conversations with the unions as we work forward in
6 trying to do everything we can to work with them as
7 appropriate in working through these issues. Too
8 often, if we attempt to sort of to do this on our own
9 without a dialogue with the unions without being
10 sensitive to the requirements and the agreements that
11 the city has with them, this will not be as
12 productive and efficient of process. With respect to
13 the other agencies, OMB I think is fairly self-
14 explanatory in a sense that what we want to avoid is
15 any delays there in terms of funding, in terms of
16 understanding how we can get resources as quickly as
17 possible. Because again, it's not just about funding
18 Department of Correction in a lot of these cases. If
19 you're talking about DDC and their role with respect
20 to the-- with respect to the physical plant at
21 Rikers, that's obviously going to require the role of
22 OMB. So, that's a-- they're an essential agency, and
23 this is well in ensuring that there are no internal,
24 keeping the internal delays there minimized as
25 possible. And then I think-- I don't know if you

1 wanted me to go through, Chair, any of the others. I
2 lost track of your list. Are there any other
3 particular agencies that you named that I haven't
4 touched on yet?

6 CHAIRPERSON RIVERA: I mean, that was
7 helpful. I guess I look forward to-- well, actually,
8 let me just ask. How do you-- how does your ta-- how
9 does the Taskforce plan to maintain transparency and
10 integrity and the due process of holding Correction
11 Officers accountable? And will the Taskforce be
12 issuing any public reports on their efforts?

13 CHIEF COUNSEL MCGUIRE: so, the-- just to
14 take your second question first. The efforts of the
15 Taskforce are going to be reflected in the Action
16 Plan. There will not be a separate document or
17 separate deliverable from the Taskforce. As the
18 Action Plan indicates, it references the taskforce
19 explicitly. And so the priorities of the Taskforce
20 and the work of the Taskforce, just as the work of
21 the Department, will be reflected in Action Plans and
22 in other court filings that the Law Department makes
23 in the interim as we work to implement the Action
24 Plan.

1
2 CHAIRPERSON RIVERA: I'm sorry, did you
3 mention any public reports?

4 CHIEF COUNSEL MCGUIRE: The public
5 reporting will be reflected in the documents filed
6 publicly by the Law Department with the court in
7 connection with a case.

8 CHAIRPERSON RIVERA: So, someone would
9 have to search for those legal documents, right?
10 Correct? You're not going to compile them into
11 something that it will be easily accessible on maybe
12 a City website.

13 CHIEF COUNSEL MCGUIRE: They would be--
14 we could look into that. We have, I think, up to
15 date. I think those filings had been made public on
16 the court website, and I think are fairly easily
17 accessible, but we could explore that.

18 CHAIRPERSON RIVERA: I mean, there's no
19 doubt I can count on a few, you know, reporters and
20 media that have really taken on this issue in detail.
21 However, something easy for the public to consume,
22 digest, I think would be beneficial. Alright, so
23 just a couple questions to the Department of
24 Corrections, because I know I have colleagues who
25 would also like to ask questions. Thank you very

1 much. So how many posts were-- Commissioner Molina,
2 how many posts were unstaffed yesterday, or what is
3 the most recent date for which you can provide data?
4

5 COMMISSIONER MOLINA: What I can tell
6 you about unstaffed posts is back in September of
7 2021, we were averaging about 110 per day of posts
8 that were unstaffed. That number has come down
9 significant since then, and we're averaging at the
10 start of the tour around mid-20s where there may not
11 be any parole officer in a particular housing unit.
12 But then it's triggered is our Emergency Operation
13 Center is up and running, and we begin to redeploy
14 officers to those unstaffed posts with the goal of
15 bringing that number down to zero through the course
16 of the tour.

17 CHAIRPERSON RIVERA: So how many staff
18 are prevented from having contact with detainees due
19 to a pending disciplinary charge? How many staff
20 were in that status for more than six months, for
21 more than a year, for more than two years?

22 COMMISSIONER MOLINA: So, as you heard in
23 my testimony, I'm intensely focused on discipline and
24 accountability and I can confidently say that this
25 Administration has outperformed the prior

1 Administration's in every way, even with the
2 diminished resources we currently have. To-date,
3 162 officers have been suspended for abuse of sick
4 leave policy since I took office. That's more
5 officers suspended than in all of 2021. As you heard
6 in my testimony, nearly 300 medical and competency
7 cases have been referred to for discipline, which is
8 almost twice the number of cases referred to in 2021.
9 And I have signed off on over 1,400 disciplinary
10 cases since January, far outpacing my predecessor,
11 and approximately over 250 of those cases resulted in
12 separation from the Department. Specifically, to
13 your question as of who cannot contact with
14 detainees, we currently have 118 members of the
15 service that are unavailable to have contact with
16 individuals in custody as a result of pending
17 disciplinary action. So you asked how many members
18 have more-- have been more than six months in the
19 status, that number is 35. And I believe you asked
20 how many have been more in this status in a year,
21 that number is 30, and more than two years, that
22 number is 13.

24 CHAIRPERSON RIVERA: Thank you. Because
25 BOC has been asking for staffing data since February,

1 and as of their last meeting on June 14th they are
2 still requesting staffing data from the Department
3 including information by facility on how many CO's
4 call out, how many posts are unstaffed, how many CO's
5 are working triple shifts? Why is this information
6 not being provided to BOC? And we're of course
7 disappointed that BOC could not join us today. we
8 know they have extremely limited resources, and given
9 that they were not included in the Taskforce,
10 unfortunately, had no updates to share with us about
11 communication or collaboration with DOC in relation
12 to the Taskforce. So, if you could just let us know
13 since June 14th, have there been any contact and why
14 is that-- why has that information not gotten to BOC?

16 COMMISSIONER MOLINA: So, I have regular
17 contact with the Board of Correction members or their
18 Executive Director. We do provide the Board of
19 Correction with the same staffing data that we
20 provide the Federal Monitor. So, you know, they have
21 made requests for other nuances of data. You have to
22 keep in mind that our Department is a very paper-
23 based-driven department. So we are looking at
24 technologies that can improve not only our
25 scheduling, but our ability to track individuals

1
2 where they're going to be on post and at what time,
3 and we would be happy at that time as we evolve our
4 sort of tracking system to be able to do that, to
5 share that with the Board of Corrections at that
6 time. But at this time, we're providing them with
7 the staffing data that we provide also the Federal
8 Monitor.

9 CHAIRPERSON RIVERA: So, this new
10 technology that you're bringing into the Department,
11 it's also going to include an electronic case
12 management system that are going to track sexual
13 abuse and harassment cases?

14 COMMISSIONER MOLINA: Well, that's
15 different. An electronic case management system is
16 really to manage sort of the investigation and pace
17 of cases and what the outcome of those cases result
18 will be.

19 CHAIRPERSON RIVERA: Absolutely.

20 COMMISSIONER MOLINA: That's different
21 than-- we're looking at employing a scanning
22 technology so that we know when a particular officer
23 goes to a housing unit, we can know where all of our
24 officers are deployed to.

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CHAIRPERSON RIVERA: I asked because it didn't say whether you supported Intro 357, but it says you were currently in the process. So I wasn't sure if there's some sort of tech overhaul that's happening within the Department that includes the former and the latter pieces that you mentioned on how to track something electronically.

COMMISSIONER MOLINA: Yeah, so I think when we're looking at our applications that we currently have within our portfolio and how we want to align with best practices, the Enterprise Case Management System, or Electronic Case Management Systems is one of those things. I think that scanning technology to determine who is at a particular housing unit. It is a different application and system than an electronic case management system. I'm sure the two will complement each other if we have an allegation to investigate regarding somebody being off-post, but they're two different systems.

CHAIRPERSON RIVERA: Is the Taskforce working to help the Department implement scanning technology?

1
2 CHIEF COUNSEL MCGUIRE: At this point,
3 the-- obviously, the updating the Department's
4 resources and ensuring it is leveraging technology is
5 certainly an issue that the Taskforce is focused on.
6 In terms of specific technologies, we are
7 prioritizing those based on the Department's-- the
8 needs that the Department lays out for us.

9 CHAIRPERSON RIVERA: and at their last
10 meeting, BOC reported horrendous conditions in the
11 intake area of EMTC. A key concern is that
12 individuals are not being transferred to their
13 assigned housing units in a timely manner causing
14 overcrowding. How is DOC addressing this issue?

15 COMMISSIONER MOLINA: At this time, EMT
16 is the facility that is best suited to process new
17 admissions. The Center for Disease Control continues
18 to recommend then that correctional facilities
19 maintain isolation and quarantine procedures and
20 remain nimble in the case a new variant emerges and
21 more precautions are needed to be enacted. We
22 recognize that we're still not where we want to be
23 with staffing levels and we will continue to address
24 staffing issues in real time through our Emergency
25 Operations Center. On June 17th, OBCC was closed to

1 allow us to redeploy staff where needed, consolidate
2 and streamline operations, increase safety, and
3 better serve the people in custody and staff. Many
4 of these staff have gone to EMTC to support and
5 stabilize the operations there. The influx of staff
6 to EMTC will ensure continuous operation of the body
7 scanner in the EMTC intake. We are required staff to
8 be body scan trained in order to be able to use the
9 body scanner. In addition, we are reducing temporary
10 duty assignments and re-evaluating staff who are
11 working on posts that do not interact with people in
12 custody. Per the Nunez Action Plan, we are also
13 revising our lead policies to reduce opportunities
14 for abuse and increase accountability when abuse is
15 encountered. None of these are quick fixes, but we
16 are making improvements. The number of staff out
17 sick has been reduced nearly 40 percent since the
18 height of the staffing crisis in August of 2021 and
19 continues to steadily decline. In addition, the
20 total out-sick number has dropped from 1,000. As of
21 June 27th, our total out-sick number was 908. So all
22 of this allows us to move forward to make sure that
23 our facilities are working robustly to include EMTC.
24

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2 CHAIRPERSON RIVERA: Well, I'm sure we
3 are looking forward to an update on the condition
4 there. I want to just ask before I go to my
5 colleagues about RMAS and solitary confinement. It's
6 set to go into effect in three days. Is the
7 Department going to meet its deadlines, and will the
8 emergency Executive Orders regarding RMAS end on July
9 1st? If you have issues implementing any portion of
10 it, will be requesting a variance from BOC, and is
11 the Department ready to implement the due process and
12 representation aspects of RMAS?

13 COMMISSIONER MOLINA: Our goal is to
14 being RMAS on July 1st. It's been my commitment to
15 the Board of Corrections, and we're working towards
16 that goal, and we're in communication with the
17 Defender Services. As per the Action Plan, RMAS is a
18 restrictive housing unit. We already communicated to
19 the Federal Monitor of our intention to use RMAS as
20 our restrictive housing unit process, and we have
21 communicated that to the Monitor as well.

22 CHAIRPERSON RIVERA: Okay. So you're
23 ready for three day's implementation, understood.
24 I'm going to go to my colleagues. I do have a few
25 more questions, but I wanted to ask, I believe--

1
2 we're going to go to Council Member Stevens and then
3 Council Member Hanif. Council Member Stevens?

4 COUNCIL MEMBER STEVENS: Thank you,
5 Chair. Appreciate making space for us so early.
6 Good morning. Are you considering strategy to
7 expedite the closure of Rikers and development of the
8 borough-based jails? If so, how?

9 COMMISSIONER MOLINA: I'm sorry, the
10 expediting of the borough-based jail plan?

11 COUNCIL MEMBER STEVENS: Yeah.

12 COMMISSIONER MOLINA: So, the borough-
13 based jail plan, as this Council know, is sort of
14 settled law, and the borough-based jail plan is on
15 schedule to be on target to open in 2027. So those
16 efforts are underway now.

17 COUNCIL MEMBER STEVENS: The points of
18 agreements on closures-- closing Rikers included a
19 commitment to continue convening a culture of change
20 working groups to guide the developments of new
21 programs and staffing plans for the borough-based
22 jails. Does DOC plans through a taskforce or another
23 process to engage with the concern of stakeholders
24 who have families at Rikers or people who are
25 formerly incarcerated? Do you have any structures

1
2 in place for ongoing engagement, or do you plan to
3 be-- put one in place?

4 COMMISSIONER MOLINA: So, since I've been
5 here I've met with probably nearly over 100 different
6 advocates, individuals that have been impacted by
7 incarceration, the formerly incarcerated. So I had
8 open communication with many, many people on a number
9 of issues. As the Monitor has stated and according
10 to the Action Plan, the Action Plan is to right-size
11 the Department to deal with a Department in crisis.
12 We are thinking about and it is part of our sort of
13 thought process of how we can better engage community
14 stakeholders under macro-vision for our jail system,
15 and that work is ongoing.

16 COUNCIL MEMBER STEVENS: Okay. And so
17 you're in the process of creating like some type of
18 engagement, a more formal structure.

19 COMMISSIONER MOLINA: We're looking to
20 develop something like that, but something that can
21 speak to the entirety of the Department, not just
22 sort of specific nuances of it.

23 COUNCIL MEMBER STEVENS: Okay. Thank
24 you. You may be aware that the Points of Agreement,
25 the plan to close Rikers Island include a commitment

1 to develop a 380 additional supportive housing beds
2 for people with behavioral health needs who
3 frequently cycle in and out of jail called Justice
4 Involvement Supportive Housing. The opening of those
5 units have been delayed indefinitely due to
6 insufficient funding allocated. Are any efforts
7 underway to ensure that the RFP is reissued with
8 proper funding?
9

10 COMMISSIONER MOLINA: So, while I'm sort
11 of a supporter of supportive housing, I think it's a
12 good tool for ATI as well as prevention, that-- I
13 directly do not fund supportive housing, so I'd have
14 to defer that question to someone in City Hall.

15 COUNCIL MEMBER STEVENS: Okay. Do you
16 believe the operations of jails would be improved if
17 those resources are placed to keep people with
18 behavioral health needed out of jail?

19 COMMISSIONER MOLINA: In the context of
20 supportive housing?

21 COUNCIL MEMBER STEVENS: Yes.

22 COMMISSIONER MOLINA: So, I think
23 supportive housing has proven that it can be
24 successful and not only as a prevention but as an
25 alternative to incarceration. For those that are re-

1
2 entering into their communities, some individuals we
3 recognize need support in those endeavors, and we
4 make every effort to connect individuals that are
5 being released from our custody, whether they be
6 sentenced individuals or detainees, that they're
7 connected to one of our strategic partners that work
8 with us on Rikers Island, partners like Exodus,
9 FedCap [sic], the Fortune Society. So, I think
10 people that are vulnerable and have challenges, they
11 need navigators in society, so I would support that.

12 COUNCIL MEMBER STEVENS: Is this some
13 type-- is this the type of issue you think the
14 Taskforce could help address? If not, who do you
15 think should address this if not the Taskforce, if
16 this is something that they could take on?

17 COMMISSIONER MOLINA: I'd have to give
18 that some more thought. I mean, the act-- the
19 Taskforce was created to really deal with the
20 operationalizing of making sure that we meet our
21 challenge with the Action Plan, and to make sure that
22 we're successful with the Action Plan. I, of course,
23 do engage with other commissioners on a whole host of
24 other issues that are interconnected with those that
25 are experiencing justice involvement. So, don't know

1 right now if that's a proper issue for the
2 Interagency Taskforce for tackle, but it may come up
3 in our discussions.

4
5 COUNCIL MEMBER STEVENS: Thank you.

6 CHAIRPERSON RIVERA: Council Member Hanif
7 and then Council Member Narcisse?

8 COUNCIL MEMBER HANIF: Thank you. Good
9 morning. So what timeline does the Taskforce
10 anticipate for ending the emergency Executive Orders
11 that have suspended minimum standards since last
12 fall?

13 CHIEF COUNSEL MCGUIRE: So, the-- right
14 now we are focused on the implementation of the
15 Action Plan, and I think the best way to answer that
16 is to say that we are going to be guided by the
17 Action Plan, and the degree to which we can make
18 progress on the objectives of the Action Plan, that
19 will inform our approach to the emergency Executive
20 Orders as well as other areas that are related to
21 Rikers. So, that's really what drive us, is going to
22 be the objectives and the metrics within the Action
23 Plan.

24 COUNCIL MEMBER HANIF: Can you provide
25 any date?

1 CHIEF COUNSEL MCGUIRE: Well--

2 COUNCIL MEMBER HANIF: [interposing] Even
3 for just the creation of the Action Plan?
4

5 CHIEF COUNSEL MCGUIRE: Well, so the
6 Action Plan has been filed with the Court. We are
7 next due before the Court in November, and so we are
8 really focused now on these months between now and
9 November to demonstrate to the court, to the Monitor,
10 to the parties that not only that this is the way
11 forward, which the judge has acknowledged, but that
12 we're capable of implementing this plan. And that's
13 really our focus. And so everything else related, as
14 you say, as you referenced to the emergency Executive
15 Orders, everything will be-- the timing on everything
16 else will be driven by our timeline in implementing
17 and executing on the Action Plan.

18 COUNCIL MEMBER HANIF: So, then based on
19 that, has the Taskforce identified reasons that the
20 DOC with the higher ratio of uniformed officers to
21 people in custody than any other jail system in the
22 nation is currently unable to meet minimum standards?
23 November is a long time away. What's being done right
24 now to streamline that and expedite?
25

1
2 CHIEF COUNSEL MCGUIRE: So you're exactly
3 right. November's a long time away, but we are every
4 day acting with urgency. There is no sense of-- we
5 cannot wait until November, and we are not. We have
6 been acting with urgency since the beginning of this
7 year. And so what we do with respect to this issue,
8 as well as all of the other issues that are addressed
9 by the Action Plan, is on a regular basis we are in
10 dialogue with not just the Department, but of course,
11 other agencies that may bear on these issues to
12 ensure that any contributing factors to these
13 standards and to any of these other issues that can
14 be addressed-- that can-- in which we can support the
15 Department by assisting with other agencies that
16 we're doing that. So without being able to get into
17 specifics in terms of this specific issue and what
18 we're doing today, I can say that it is certainly a
19 priority for the taskforce, and what we we're doing
20 is doing everything we can in supporting the
21 Department in executing on the provisions of the
22 Action Plan that relate to this issue.

23 COUNCIL MEMBER HANIF: Can you more
24 specifically name the contributing factors you've
25 identified?

1
2 CHIEF COUNSEL MCGUIRE: I'm going to
3 defer on that, just because we're in the process of
4 discussing that, and we're discussing that
5 internally. We're discussing it also obviously with
6 the Monitor, but needless to say, there are a variety
7 of factors here, and to the extent there are any that
8 can be alleviated or eliminated based on work with--
9 based on the inputs of other agencies, the taskforce
10 is going to address those in effort to support the
11 Department. The Department obviously has its own
12 challenges with respect to this issue that it's
13 focused on. Anything that's beyond that that we've
14 been getting in getting our-- taking our leave from
15 the Department, the Taskforce will focus on that.
16 But it's certainly a priority.

17 COUNCIL MEMBER HANIF: Yeah, that's
18 disappointing to hear given that three people died on
19 the Island last week, and I recognize that the
20 Taskforce is underway and there's this November
21 deadline they're trying to meet, but withstanding
22 that, do you believe that the DOC could immediately
23 comply with minimum standards if there were a lower
24 jail population?

1
2 COMMISSIONER MOLINA: [inaudible] So, the
3 Department of Corrections doesn't really-- doesn't
4 control the jail population. People are sent to us
5 from the courts. There's pre-trial detainees been
6 remanded to us, or [inaudible] monetary [sic] bail,
7 and then we have a small percentage of individuals
8 that are sentenced in our custody. So, population
9 management is important. We have received commitment
10 and we are working with MOCJ to work with those
11 respective District Attorneys and make sure that
12 those that have been in our custody long-term we can
13 get their Criminal Court cases adjudicated so that
14 they can sort of move forward in their justice
15 process. I have also exercised my ability as
16 Commissioner to use my 6A powers to release 51 people
17 out of our custody, and to work with our case
18 managers and community providers, and that far
19 exceeds my predecessor's efforts in that vein. So,
20 of course, anything that we can do to manage our
21 population so that it doesn't unnecessarily rise is
22 important.

23 COUNCIL MEMBER HANIF: Thank you, Chair.
24 Do I have the permission to finish my line of
25 questioning? Mary Yehudah that died at the Rose M.

1
2 Singer center on May 18th, could you share where DOC
3 failed?

4 COMMISSIONER MOLINA: So, currently, that
5 is under investigation, so I cannot speak into
6 specifics regarding that individual case. What I can
7 tell you is we do our own internal, sort of, review.
8 The Attorney General also is reviewing matters
9 regarding Ms. Yehudah's passing, and if there are
10 deficiencies that are recognized in our operations,
11 then we take swift disciplinary action in those
12 cases.

13 COUNCIL MEMBER HANIF: Specific to Mary,
14 what will the DOC do to further prevent deaths like
15 Mary's?

16 COMMISSIONER MOLINA: Well, Department of
17 Corrections, we have to mitigate amongst a number of
18 vulnerabilities when managing a vulnerable
19 population. We have those that are placed in our
20 care that come with significant pre-existing health
21 conditions, those that are battling against substance
22 abuse addiction, and--

23 COUNCIL MEMBER HANIF: [interposing] Could
24 you just speak to what you'll be doing?

25 COMMISSIONER MOLINA: What are we doing?

COUNCIL MEMBER HANIF: Yeah.

COMMISSIONER MOLINA: Yeah, so we operate our facilities and make sure that individuals are engaged with people in custody. We work with our correctional health partners to make sure that those people can have access to services that they need to deal with issues related to physical health and mental health and those are the types of things that we're doing.

COUNCIL MEMBER HANIF: And so will the public or this Council have more information about how DOC failed and how she had received the drugs that killed her, or any other vital information that would give us more insight as to what happened?

COMMISSIONER MOLINA: So, I don't control the release of reports by the State Attorney General's Office. The Board of Corrections has in the past as an obligation to investigate some of these and they've made their public reporting available to those in the Council. I don't have any objection to that.

COUNCIL MEMBER HANIF: Okay. And then finally, how are you planning to address the mental health needs for women who are incarcerated?

1
2 COMMISSIONER MOLINA: Well, the mental
3 health needs of everyone in our custody is important.
4 We do have a lot of robust programming when it comes
5 to the women that are placed in our custodial care.
6 We have a strategic partnership with our Correctional
7 Health Services in addition to other programmatic
8 providers that provide some level of engagement with
9 those that are experiencing the effects of mental
10 health illness within not only our women's, but also
11 our male's population, and that work continues to be
12 ongoing. Anywhere we can learn to be able to deliver
13 services better, we're open to being a learning
14 organization to do that.

15 COUNCIL MEMBER HANIF: Thank you.

16 CHAIRPERSON RIVERA: Thank you, Council
17 Member. Council Member Narcisse?

18 COUNCIL MEMBER NARCISSE: Thank you.

19 Good morning, Madam Chair. Thank you. I know,
20 Commissioner, we met, and for me it was very hard,
21 and I would say thank you to Chair Rivera that took
22 us for the trip. And one of the thing, as a nurse
23 for over three decades, when I go somewhere and
24 seeing people being treated like worse than animals,
25 because we don't put animals right now in cages, but

1 we seeing those young folks looking terrified,
2 looking like mental health should be our priority.
3 But I'm not going to put all the blame on you today,
4 because I know you came through the height of the
5 pandemic. It's difficult, but unfortunately, you are
6 the one in the position, and we need solution to the
7 problems. This is a problem that been chronic, and
8 one of the thing I always have problem-- we live in
9 the most advanced country and yet we cannot follow
10 the other country that we claim that doing as well as
11 we are doing, but yet the way we treating our
12 incarcerated folks, that mean we have to keep on
13 pressing and to do better. And one of the thing that
14 I believe, I believe that you want to do better, and
15 I'm looking forward to see how we can do better with
16 the population in Rikers. And right now, I want to
17 know what are you doing? Because last time we spoke
18 about mental health. What are you doing to make sure
19 that everyone that step in, in your jail, to make
20 sure that they have the full assessment and they have
21 the follow-up. They get the medication required for
22 them to be not only functional in jails, but as well
23 as outside. And to follow-up, I'm sure my colleagues
24 already question about how we going to make sure that
25

1
2 we follow, but right now I want to know what you're
3 doing to make sure that mental health are being
4 addressed in the jail.

5 COMMISSIONER MOLINA: Thank you for your
6 question. Just-- I can just parse out some of it.
7 First of all, I think our criminal justice system in
8 this country, specifically jails and prisons, no
9 question, needs reform and evolution as a holistic
10 approach to how we manage our incarcerated population
11 in this country. I think when you look at what we've
12 done at RNDC, which was our most volatile facility
13 when I first was appointed, and our strategic
14 violence plan regarding RNDC was not just about
15 safety security and why it's important that we have a
16 foundational safety and security. It was a multi-
17 pronged approach working with our partners which are
18 nonprofit providers that are providing services to
19 the community that's incarcerated, specifically
20 credible messengers, making sure that we had our
21 faith-based community involved with that group of
22 young men that were responding in violence to issues
23 of disagreement. And I think what we've yielded
24 there has been a blueprint for how we can move
25 forward towards managing a very volatile population

1 very humanely. In April of this year compared to
2 April of last year, we saw slashings and stabbings go
3 down 24 percent. In May of this year compared to May
4 last year, they were down 64 percent, and month-to-
5 date in June compared to June of last year, they're
6 down 92 percent. We've only had one slashing and
7 stabbing at RNDC since June 26th. That is a
8 remarkable improvement for where we were back in
9 March at the height of when we saw violence creeping
10 up because we were rebalancing our housing units so
11 that they weren't gang affiliated housing. As it
12 relates to providing individuals with care to address
13 the mental health issues, we work with our
14 Correctional Health Service providers. They're
15 strategic in this partnership with us in making sure
16 that they're assessing individuals, providing for
17 patient care where needed to include medication
18 management for these individuals. And I can tell you
19 that we have improved significantly our medical
20 production as it relates to not having staff
21 available to produce [sic] individuals to either go
22 to some level of medical appointment, whether that
23 appointment is dental, physical healthcare or the
24 distribution of medication, and we've made efforts in
25

1 meeting with CHS more frequently on a daily basis,
2 having huddles with CHS leadership at the facility
3 level, meeting with our facility leaders or wardens
4 to make sure we can anticipate any challenges that
5 may be coming our way so that we can provide access
6 so that patients can receive the services that they
7 need.
8

9 COUNCIL MEMBER NARCISSE: I thank you,
10 but we had a situation that we spoke about, the
11 staffing issues, like being out sick. I see-- I was
12 reading that you made some steps, but what you have
13 learned from them that why they're not reporting to
14 work, they're always out?

15 COMMISSIONER MOLINA: Thank you for the
16 question. I think it was a combination of a couple
17 of issue is what I've learned over the last six
18 months. First and foremost, this department
19 historically did not have an organizational health
20 strategy in order to address the needs of the people,
21 its workforce, both uniform and non-uniform. Going
22 through a pandemic, we had a disastrous impact on our
23 workforce, because they were not immune from it, and
24 didn't have the luxury of telecommuting and working
25 from home, because they still needed to manage a very

1 vulnerable population that was in our custodial care.
2 In addition to that, there was no real accountability
3 that has ever existed over the last eight years when
4 it came to poor performance or staff not meeting
5 expectations. That's not specific to sick leave-
6 related issues. It stands from a whole course of
7 issues. And as you can see, since I've been in
8 office, I've finalized and closed over 1,400
9 disciplinary cases. in some of those cases, people
10 separated from service because this may not have been
11 the right job for them, or we thought that their
12 performance was bad enough that they should not be
13 with the Department anymore, but in the majority of
14 cases, what we were able to do is provide progressive
15 discipline, training where needed to support staff to
16 move forward in a better direction with their career
17 as Correction Officers. What we have seen since the
18 height of last summer is a nearly 40 percent
19 improvement of staff that are being out sick. I
20 referenced earlier in my testimony that our staffing
21 numbers overall for people that are out sick has hit
22 under 1,000. We're at about 908, I believe, was the
23 number this morning, which is a significant way of
24 where we were last summer dealing with these issues.
25

1
2 So we're talking about human behavior. We're not
3 going to punish our way out of this, but I could tell
4 you the majority of our uniformed and non-uniform
5 workforce came to work to provide services to a very
6 vulnerable population when others in our system that
7 we generally depend on didn't have the availability
8 to be able to do that.

9 COUNCIL MEMBER NARCISSE: I want to say
10 thank you, but Chair there is a question that CM
11 Chris Marte sent to me. Can I ask it for him? Is
12 that okay? Alright. Since Rikers is failing and we
13 have an opportunity to move the women out of there,
14 why haven't we yet do that? That's Council Member
15 Chris Marte, I want to note, and Lynn Schulman. They
16 recently sent a letter asking why the women cannot be
17 relocated from Rikers to MVC [sic] for women-only
18 facility and not the Queen co-ed facility. When do
19 you plan to respond to that letter? And second, has
20 the City done a feasibility study to alternatives to
21 the new mega jail in Chinatown, and can it be
22 released to the public so we can take a look to see
23 how possible it is to move the women-only facility
24 there?

1
2 COMMISSIONER MOLINA: Thank you for
3 relaying Council Member Marte's question. As it
4 relates to his letter, a written response is being
5 prepared to respond to Council Member Marte's and
6 other Council Members' letter regarding the women.
7 As of right now, our borough-based jail plan was
8 passed by the previous Administration and Council,
9 and in that borough-based jail plan, women will be
10 relocated to the Queens Kew Gardens facility, and
11 that plan is moving forward that way. I'm always
12 open to listening to other suggestions that other may
13 have, if we could do things better, but as of right
14 now that is the plan that was voted on and passed,
15 and that's how we are moving forward.

16 COUNCIL MEMBER NARCISSE: So, can you
17 kindly answer to my colleague's letter, because
18 apparently that's what they want to know, why they
19 sent the letter and no response.

20 COMMISSIONER MOLINA: So, we're working
21 on a draft to respond to the Council Members' letter,
22 and as soon as we have that finalized and done we
23 will be sending it to them.

24 COUNCIL MEMBER NARCISSE: So you don't--
25 do you know when, approximately?

1
2 COMMISSIONER MOLINA: It's being worked
3 on, and as soon as we have it available we'll send
4 it. I'm sure it'll be in short order.

5 COUNCIL MEMBER NARCISSE: Alright. Nice
6 seeing you.

7 COMMISSIONER MOLINA: Good seeing you.

8 COUNCIL MEMBER NARCISSE: You took your
9 job seriously. I see you getting a little age [sic]
10 there, so don't let it-- we just want the things to
11 get done. So, please let's make the jail as a rehab
12 place, not a place of punishment, because we want
13 folks to come back and be able to function in our
14 community, and that's what we're looking forward to
15 do.

16 COMMISSIONER MOLINA: No, thank you for
17 your support. I appreciate it.

18 COUNCIL MEMBER NARCISSE: Thank you.

19 CHAIRPERSON RIVERA: Thank you, Council
20 Member Narcisse. Certainly, we all want everyone to
21 take care of themselves. So, let's stay on the women
22 for a second. There are roughly 300 women and
23 gender-expansive people at the-- at Rosie's, at the
24 Rose M. Singer on Rikers. We know that this
25 population often has unique needs. The overwhelming

1
2 majority are mothers and primary caretakers for their
3 children. Many are survivors of domestic violence or
4 they have mental illness. Who on the Interagency
5 Taskforce will be the point-person to address the
6 needs of women and gender-expansive people at Rikers,
7 at Rosie's, excuse me.

8 CHIEF COUNSEL MCGUIRE: So, this will be,
9 of course, an issue that will led by the Department
10 and the Commissioner, but we will also work as needed
11 with members of the Taskforce, whether it's with
12 Correctional Health Services, whether it's with, as I
13 said earlier, OMB to discuss with them whether
14 additional resources were needed in this area, or any
15 of the other agencies that are part of the Taskforce
16 at this point. As the Commissioner has said, the
17 health and in particular the mental health of those
18 in the Department's care is a priority for the
19 Department, but also obviously for the Taskforce.
20 So, this will be, of course, a-- this is often times
21 led by the medical professionals and we will do
22 everything we can to support them and getting what
23 they need.

24 CHAIRPERSON RIVERA: Well, the borough-
25 based jail plan would relocate women and TGNCNBI

1 people from Rosie's to that new Kew Garden facility
2 that you mentioned that has shared spaces with men.
3 There are calls to instead to relocate them,
4 including one location proposed to Lincoln in Harlem.
5 Does the Interagency Taskforce plan to look at any
6 alternatives to Kew Gardens? I guess that leads also
7 to the feasibility of it.
8

9 CHIEF COUNSEL MCGUIRE: So, if you're
10 asking about the Taskforce, we have not been focused
11 on the borough-based jail plan, generally. As I
12 said, our focus is on the Action Plan and focused on
13 what we need to do to address the Monitor's concerns
14 and the parties concerned in the Nunez case.

15 CHAIRPERSON RIVERA: We are interested in
16 any sort of proposals or alternatives that might be
17 on the table. So we would love some sort of report
18 back in 30 days, if possible. And what is being done
19 in the new facility to make sure that these women,
20 the vast majority of whom are survivors of domestic
21 violence, don't come into contact with their abuser?

22 COMMISSIONER MOLINA: So, currently, our
23 women's facility only houses our women and other--
24 those that are gender-expansive as you mentioned. We
25 have separation orders are in place in case we have a

1
2 situation where two individuals cannot be in contact
3 with each other. So, we do things like that to keep
4 people separated. Of course we are regularly
5 engaging with not only our female population, but
6 also our male population whether it's with our
7 uniformed staff program providers, credible
8 messengers, and if there are concerns that any
9 detainee or person sense [sic] this person has
10 regarding a situation and the situations are
11 addressed.

12 CHAIRPERSON RIVERA: but also, from what I
13 understand, the majority of the population there is
14 from Brooklyn and Manhattan, not Queens. Can you
15 commit to exploring the possibility of using another
16 location like Lincoln? Will you tour Lincoln?
17 You've admitted that Queens is-- well, we know that
18 Queens is not where most of the women live, and Kew
19 Gardens is not centrally located, and the point of
20 the borough-based plan is to have the women in the
21 communities. It seems maybe you could at least tour
22 the facility and explore its feasibility. Are you
23 open to that in terms of alternatives?

24 COMMISSIONER MOLINA: so, I'm always open
25 to exploring ways that we can improve our system. You

1 know, we do have a borough-based jail plan that we're
2 following, and there are specific timelines for that
3 borough-based jails plan. So changing that plan now
4 would have to take into consideration a lot of other
5 different city agencies would be involved in that
6 process, but I'm always open to exploring
7 possibilities of how we can improve our jail system.

8 CHAIRPERSON RIVERA: Alright. While on
9 the topic, I guess this question is for MOCJ, when
10 will the Beyond Rikers Commitment Tracker be updated?
11 Is MOCJ here?

12 UNIDENTIFIED: [inaudible]

13 CHAIRPERSON RIVERA: You're finalizing
14 the language and hope to have it by when?

15 UNIDENTIFIED: [inaudible]

16 CHAIRPERSON RIVERA: Very soon. How
17 soon?

18 UNIDENTIFIED: [inaudible]

19 CHAIRPERSON RIVERA: Great. I know
20 they're also expecting you next door maybe, MOCJ,
21 just wanted for a point for Council Member Farías.
22 Okay, a couple just more questions. And I thank you.
23 I realize how much time you've given us. We
24 appreciate it. Just on the subject of doors. How
25

1 many cell doors have been replaced in the past month?

2 In the June 10th plan requires that 950 new doors--
3 requires 950 new doors by July 31st, 2024, a full two
4 years from now. Why does it take so long to replace
5 doors?
6

7 COMMISSIONER MOLINA: So, the challenge
8 is not only the volume of work that has been
9 neglected over the last 10 years on Rikers Island,
10 but also dealing with supply chain issues and things
11 like that in order to put cell doors up, but I can
12 tell you where we are now. Because the cell door
13 project actually started in phase one in April of
14 2019, and by October 2021 the Department had
15 installed 300 new doors, specifically in RNDC where
16 our young adult population for males is housed.
17 Phase two started in October of 2021 and we're
18 expected to conclude by next month, July, and
19 additional 250 new cell doors will be installed at
20 RNDC. So we'll have a total of 550 new cell doors at
21 RNDC where currently 70 percent of our young adult
22 population is housed in cell areas. And as you
23 referenced, per the Action Plan, we will be
24 installing an additional 950 new cell doors which
25 would include additional doors at RNDC, as well as

1
2 AMKC in phases, and all that is to be completed by
3 July 31st of 2024.

4 CHAIRPERSON RIVERA: [inaudible] In terms
5 of the future of the infrastructure on Rikers, and
6 the plan for a renewable Rikers and the transfer to
7 DCAS-- so according to a recent report in the City,
8 DOC will not be handing over the recently shuttered
9 OBCC to the Department of Citywide Administrative
10 Services, DCAS, despite the mandate to do so under
11 Local Law 16 for the year 2021. Why will you not be
12 transferring OBCC to DCAS?

13 COMMISSIONER MOLINA: thank you for the
14 question. So, Local Law 16 of 2021 requires the
15 Mayor to evaluate whether there is any land on Rikers
16 Island not in active use as defined by the law and to
17 transfer any land that is determined to not be in
18 active use to DCAS. The law does not require the
19 transfer of land if all land is deemed to be in
20 active use. At the time the evaluation was
21 performed, it was determined that all land is in
22 active use, and therefore, no land will be
23 transferred. It is also important to keep in mind
24 that the Center for Disease Control continues to
25 recommend that correctional facilities maintain

1
2 isolation and quarantine procedures and remain nimble
3 in the case that new variant emerge, and more
4 precautions need to be enacted. Vaccination rates
5 for the population in custody remain below the city
6 rate, and it is critically important that we maintain
7 the flexibility we open OBCC if needed. We will
8 again evaluate in December per the law and determine
9 if land is no longer in active use and can therefore
10 be transferred.

11 CHAIRPERSON RIVERA: Okay. I appreciate
12 the answer. Clearly, this is an important part of
13 the overall plan, and I do look forward to working
14 with you on this issue. Because MOCJ is here, I just
15 wanted to ask a couple questions of the agency. I'm
16 not sure if you wanted to come to the microphone.
17 Did you swear them in? Thank you so much for being
18 here. So, what role does MOCJ have in the taskforce
19 and what issues is MOCJ tasked with addressing?

20 DIRECTOR LOGAN: Good afternoon, Chair,
21 Deanna Logan, Director of MOCJ. Thank you very much
22 for your question. MOCJ, like our sister agencies in
23 supporting the Taskforce, we are liaisioning [sic]
24 with the Office of Court Administration, with the
25 District Attorneys in our role as the coordinator for

1
2 case processing. We're working to make sure that we
3 are clearing the log jams that have had individuals
4 on Rikers for extended periods of time. we're also
5 making sure on our-- on the front end that our pre-
6 trail programming is accessible and clear to judges
7 so that they know that they are alternatives rather
8 than setting bail and sending individuals to Rikers.

9 CHAIRPERSON RIVERA: On the June 10th
10 Rikers plan approved by the Court, MOCJ is tasked
11 with providing District Attorneys and the Office of
12 Court Administration with a list of individuals who
13 have been held pre-trial for over a year. And how
14 will MOCJ encourage the DA's and OCA to prioritize
15 such cases? Has this list been produced yet, and how
16 many people are currently on the list?

17 DIRECTOR LOGAN: So, MOCJ has identified
18 for each borough with the exception of Staten Island
19 who has much smaller population on Rikers Island,
20 approximately five high-profile individuals who are
21 the individuals that have been identified as being
22 engaged in the most amount of violence on Rikers
23 Island. Those individuals are provided to the DA's
24 and they're working to expedite those cases in order

1
2 to also assist DOC in having less of the violent
3 behavior that they are already starting to reduce.

4 CHAIRPERSON RIVERA: So that's five high-
5 profile on every borough, or just general?

6 DIRECTOR LOGAN: For each of the four
7 boroughs with the exception of Staten Island.

8 CHAIRPERSON RIVERA: Will you be
9 establishing population review teams to expedite
10 consideration of cases?

11 DIRECTOR LOGAN: We'll work with the DA's
12 to figure out the best way to review population.
13 Right now we have a standing Tuesday meeting where we
14 meet with the District Attorneys to review both gun
15 cases and individuals who have been on Rikers for
16 extended period of time, those being a year or more.

17 CHAIRPERSON RIVERA: So, the plan to
18 close Rikers included a commitment to develop 380
19 additional supportive housing beds for people with
20 behavioral health needs who frequently cycle in and
21 out of jails called Justice-involved Supportive
22 Housing. The opening of these units has been delayed
23 indefinitely due to insufficient funding allocated.
24 Does the Administration have any plans to allocate
25

1
2 the additional six million dollars to make this
3 program viable and reissue the RFP?

4 DIRECTOR LOGAN: So, we have been talking
5 with all of the agencies that are involved in the
6 "JISH" housing, as it's referred to, and also
7 reviewing with the Office of Management and Budget,
8 and once we are updated as to where we stand on that
9 processing as well as funding, we will be able to let
10 the Council know what the forward movement is for
11 that.

12 CHAIRPERSON RIVERA: Well, I look forward
13 to an update on that. I do think the Administration
14 should certainly be committed to something this
15 important. So, thank you both for your time and for
16 your answers, and-- I don't know if my colleagues
17 have any additional questions?

18 COUNCIL MEMBER NARCISSE: I'm good except
19 that we have to focus as jails as a place for
20 rehabilitation, not for punishment, because those are
21 the-- our brothers and sisters mostly in there, and
22 mental health needs to be addressed. That's my
23 point. Thank you.

24 CHAIRPERSON RIVERA: Absolutely, Council
25 Member, and I know CHS is here, and so they certainly

1 take that very, very seriously especially with some
2 of the recent deaths, and of course, the mental
3 health issue, the missed medical visits, and
4 hopefully the taskforce will be fully committed on
5 focusing on that issue of missed medical appointment
6 sand implementing any triage that is necessary. So
7 with that, I will thank you for your testimony today,
8 all of you. Thank you to the Administration for
9 being here. Look forward to the updates and to
10 working with you. Thank you very much.

12 COMMITTEE COUNSEL: we will now turn to
13 testimony from members of the public. Please listen
14 for your name as I will be calling individuals one-
15 by-one and will also announce the person who is next.
16 Once your name is called, if you're testifying via
17 Zoom, please accept the prompt to unmute yourself and
18 begin. Your testimony will be limited to two
19 minutes. I would like to now welcome Zachary
20 Katznelson to testify, followed by Mary Lynn Werlwas,
21 followed by Sergio De La Pava.

22 SERGEANT AT ARMS: Time starts now.

23 ZACHARY KATZNELSON: Hi, good morning.
24 Zachary Katznelson, the Executive Director of the
25 Lippman Commission. Thanks for the chance to

1 testify. Thanks for having the hearing. We're
2 really faced with two urgent tasks. One is ensuring
3 everyone in the jail is safe, and then closing Rikers
4 forever. You know, together we can take steps on
5 both those fronts. And I just want to touch on a few
6 of those, because if we can make the jails safer now,
7 it'll leave for a much better chance of success when
8 we move into the borough jails in the future, and we
9 really need transformational change both in terms of
10 bricks and mortar and operations. Just looking at
11 the Mayor last week when he was at Rikers, we say the
12 display of Plexiglas and steel weapons crafted from
13 the jails themselves. The buildings are the number
14 one source of danger on the Island right now. And
15 Rikers can't handle the number of people locked up
16 today, can't do it safely. Some discussion-- I
17 really appreciate the questions about population
18 review teams. We really feel that is a key effort.
19 It's not just about meeting the District Attorneys,
20 it's bringing all the parties together who work on
21 these cases to find a solution. First and foremost,
22 if somebody's incarcerated. Second, can we resolve
23 their case? There's another piece to this which is
24 speeding up court cases. There was a borough in
25

1
2 Brooklyn, a pilot project that sped up cases where
3 people incarcerated had 70 percent more cases
4 resolved within 180 days for people at Rikers. We
5 can put that back in place in Brooklyn and do it
6 citywide. And finally, the ATI programs we have for
7 women and transgender folks, gender-expansive folks,
8 particularly, they're really fantastic in the City.
9 We put out a report today about how to focus on that
10 population specifically, 300 folks there today. We
11 can get that number safely down to 100 or less by
12 using proven strategies that we can work on together,
13 safe strategies that women, as you know-- as you said
14 today, they're a unique population, uniquely
15 vulnerable, unique pathways to Rikers incarceration.
16 We need programs that meet them where they are, serve
17 them, and we can safely bring that number down. Get
18 women off Rikers far sooner than 2027. We really
19 look forward to working together to seize this
20 opportunity to build on the solutions in the report
21 which Lippman Commission put out today with the
22 Women's Community Justice Association, Center for
23 Court Innovation, and Data [sic] Collaborative [sic]
24 for Justice, John Jay. Together we can get this
25

1
2 done. Thanks so much for your time. I appreciate
3 it.

4 COMMITTEE COUNSEL: Thank you. Next we
5 will hear from Mary Lynne Werlwas followed by Sergio
6 de La Pava followed by Julia Solomons.

7 SERGEANT AT ARMS: Time starts now.

8 MARY LYNNE WERLWAS: Good morning. Thank
9 you very much Council for holding this hearing today,
10 and thank you to the Committee Members who have
11 introduced such important legislation to safeguard
12 the jails. I'm Mary Lynne Werlwas at the Prisoner's
13 Rights Project of the Legal Aid Society. We're
14 counsel in the Nunez matter and are happy to answer
15 any committee members' questions about that matter,
16 and the so-called Action Plan that has been much
17 discussed this morning. We implore each of you
18 Council Members to please visit Rikers jails
19 frequently to observe the conditions, to speak to
20 your constituents. This helps to break down the
21 isolation and the insularity that abusive systems,
22 and Rikers is an abusive system, rely upon to shield
23 themselves from accountability. Despite the cherry-
24 picked statistics that you've heard this morning,
25 which we would be happy to discuss in more detail,

1 the fact remains that this Administration after six
2 months does not have control of its jails. The
3 absence of staff continues to create crisis
4 conditions, depriving people of medical care, and
5 leaving entire housing areas unsupervised resulting
6 in deaths of people in custody. Nothing we have heard
7 this morning-- very few facts-- indicate that the
8 Administration appreciates the full gravity of the
9 situation on Rikers Island and has given to you, the
10 Council Members, a path forward. They have simply
11 relied upon the terms "The Taskforce" and the "Action
12 Plan" to define not just the floor of what the
13 Administration is willing to do, but the ceiling.
14 These are completely insufficient. This lawyer-
15 driven response or term "taskforce" is not the full
16 government response that a humanitarian crisis needs,
17 and the Action Plan while it may give a path forward
18 in some respects is not what this crises requires.
19 We implore the Council to continue to ask the
20 Administration for clarity and information on what it
21 is doing. We further support the bills that were
22 introduced today, and in our written testimony offer
23 feedback, however, about important modifications that
24 we think will strengthen the bills and further
25

1
2 achieve their laudable purposes. In particular, we
3 would recommend with respect to the very important
4 goal of limiting predatory fees on families of
5 incarcerated people with respect to Intro 456, that
6 it would be strengthened if it were pegged to the
7 amount of money contributed to accounts. Secondly,
8 we have recommendations regarding the dyslexia
9 screening and question whether such important
10 screening would be better effectuated if it took
11 place later in an individuals' incarceration, and
12 welcome discussing with the sponsors the best ways to
13 implement those bills. And lastly, we do also want to
14 thank the Chair for raising the very, very important
15 issues of the experiences of children who are
16 visiting their family members in custody and the need
17 for robust protections of their experiences and their
18 mental health as they are visiting people in custody.
19 We are dismayed that very little we heard this
20 morning gave us any confidence, however, that the
21 Administration is supporting these measures or has in
22 place programs that give us confidence that the
23 rights of the families of people who are incarcerated
24 and people held in custody will improve. It's been
25 six months. It's been a long time, and people are

1 continuing to die at a rate unmatched in any other
2 city jails. What we heard this morning was extremely
3 disappointing, extremely defensive, and we all need
4 to work together and implore upon this Administration
5 its duty to act far more robustly, far more swiftly
6 to meet this crisis. Thank you.

8 COMMITTEE COUNSEL: Thank you. Next we
9 will hear from Sergio De La Pava followed by Julia
10 Solomons followed by Kelsey De Avila.

11 SERGEANT AT ARMS: Time starts now.

12 SERGIO DE LA PAVA: Yes, thank you very
13 much for this opportunity to address this, you know,
14 incredibly urgent issue. My name is Sergio De La
15 Pava. I'm the Legal Director at New York County
16 Defender Services, a public defender office here in
17 Manhattan. We currently have about 260 of our
18 clients at Rikers Island now. This is more than
19 double what we were averaging before the pandemic.
20 At the same time, as more people are being put in
21 that facility, we see a complete lack of control, a
22 complete breakdown in the social order of that
23 institution and nothing that I heard today from the
24 Department of Corrections in any way alleviates my
25 concern. What we're hearing essentially from them is

1 we have this Interagency Taskforce now. We have this
2 plan in place. We'll come back in November and let
3 you know how it's going, and look at these areas
4 where we have improved, okay? That is just wildly
5 insufficient given the humanitarian and human rights
6 crisis that is occurring on that island. You look at
7 the Interagency Taskforce, not a single person was
8 formerly incarcerated who actually lived on that
9 island as an inmate who understands the reality, not
10 a single defender, not a single community activist,
11 not a single prosecutor, even, not a single judge.
12 The Board of Corrections that provides oversight, not
13 on the Taskforce. What is the explanation for that?
14 They were asked directly why the Board of
15 Corrections, which is supposed to be providing
16 oversight, which has been critical of their practices
17 in the past and very recently, is not part of the
18 Taskforce. Why the Board of Corrections can't
19 receive, you know, important statistics as to the
20 staffing of these units? When we talked, when I
21 asked about the staffing of the units, they said,
22 "Hey, it used to be much worse. It used to be a
23 hundred unstaffed units. Now we're down to in the
24 mid-20s." How do you have any unstaffed units?
25

1
2 you're failing at the only purpose you're there for,
3 to ensure the safety of everybody who goes to work
4 there every day or everybody who's unfortunate to
5 have the--

6 SERGEANT AT ARMS: [interposing] Time
7 expired.

8 SERGIO DE LA PAVA: government depriving
9 them of their liberty. I see my time is almost over,
10 but the-- we need to have a meeting like this every
11 week. We cannot wait 'til November to hear what is
12 going to happen to our clients. I hear from our
13 clients every day, those 260 people living the
14 reality on that island and resembles nothing like the
15 optimism being put forth by the Department of
16 Corrections today. Thank you.

17 COMMITTEE COUNSEL: Thank you. Next we
18 will hear from Julia Solomons, followed by Kelsey De
19 Avila, followed by Andre Ward.

20 SERGEANT AT ARMS: Time starts now.

21 JULIA SOLOMONS: Thank you so much, Chair
22 Rivera and Committee Members. My name is Julia
23 Solomons. I'm a Senior Policy Social Worker at the
24 Bronx Defenders. I thank this committee for the
25 opportunity to testify and the ongoing commitment to

1 addressing the crisis on Rikers Island that's already
2 claimed nine lives since the beginning of this year.

3 I want to first echo my colleague's concerns that
4 nothing we've heard today from the Administration was
5 very reassuring. Mayor Adams has assured New Yorkers
6 that his Administration will and has made strides to
7 address the multitude of issues plaguing Rikers
8 Island, but unfortunately from the perspective of
9 those incarcerated on Rikers, family members and
10 advocates, this is very far from the truth. This
11 Rikers Island Interagency Taskforce we've heard about
12 today is simply a mechanism for further delay to
13 urgently needed action to protect those incarcerated
14 and to release as many people as possible.

15 Additionally, the Administration's testimony today
16 made clear that the Taskforce's work aims to protect
17 DOC as an agency and not at all to protect those in
18 its custody. So, some actionable items that the
19 Council can do to improve the situation on Rikers
20 Island. First and foremost the City must do
21 everything possible to divert New Yorkers from
22 incarceration and that starts with passing Resolution
23 156 in support of the Treatment Not Jail Act. The
24 Treatment Not Jail Act is a decarceratory [sic] tool
25

1 that not only reduce the jail population but also
2 grants people access to critical substance use and
3 mental health treatment that they will never be able
4 to access in DOC custody. Additionally, Intro 349
5 that would introduce additional diagnostic screenings
6 is insufficient to address the gaps in care that
7 we're seeing currently on the Island. While literacy
8 challenges are a significant issue for our clients in
9 custody, a dyslexia screening will not actually be
10 possible while those in custody are unable to access
11 education or even access the school psychologist in
12 order to receive that assessment. The vast majority
13 of our clients in custody are not enrolled in school
14 despite their best efforts to do so, and a small
15 fraction who are enrolled are not being produced to
16 the schools--

18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 JULIA SOLOMONS: Access to education must
21 be the first priority. Secondly, the City must
22 devote resources to creating additional PACE units.
23 The care our clients receive on the PACE units is
24 vastly better than those housed in general
25 population. We encourage the city to invest in more

1
2 of those units as the previous Administration had
3 committed to doing. And lastly, meaningfully
4 addressing public safety in the jails must include
5 the creation and implementation of programming and
6 educational opportunities, and those must be run by
7 outside agency, not run by DOC. There's currently
8 almost no programming available to those in custody
9 and the programming that is available is managed by
10 DOC, so we need to see more outside agencies brought
11 into the facilities to create meaningful programming
12 and offer meaningful support to our clients in
13 custody. Thank you so much.

14 COMMITTEE COUNSEL: Thank you. Next, we
15 will hear from Kelsey De Avila, followed by Andre
16 Ward, followed by Vincent Schiraldi.

17 SERGEANT AT ARMS: Time starts now.

18 KELSEY DE AVILA: Hello. My name is
19 Kelsey De Avila. I'm the Project Director of Jail
20 Services at Brooklyn Defenders. Thank you Chair
21 Rivera for holding this hearing and for the important
22 legislation being introduced. I agree at what was
23 said by the advocates today. The Department keeps
24 the same talking points, but there's little evidence
25 for the needed change to address this management

1 crisis. The Commissioner touted earlier that how
2 they've seen success in the last six months, but mere
3 minutes, you know, earlier the Commissioner was
4 naming those who died under his watch and his agency.
5 You know, I find it disingenuous the Department is
6 applauding itself for addressing violence in the
7 jails when-- I'm just speaking for BDS-- what we've
8 seen-- we've sent referrals to DOC weekly. People
9 feeling unsafe, needing to protect themselves because
10 units are unstaffed and they've been for months. We
11 request housing transfers and we are met with
12 silence. When a man was raped in his housing unit we
13 requested an immediate safety transfer, and DOC did
14 not respond, not even an acknowledgement from their
15 PREA team. Almost all our referrals to DOC are going
16 unanswered, whether it's related to programs, access
17 to religious services, people being clocked in their
18 cells for days, weeks, and sometimes months without
19 due process, people not having access to medical and
20 mental health services. People are in crisis, and we
21 can't ignore the root of this-- of their crisis stems
22 from the jail environment DOC created. People are
23 continuously at a disadvantage to receive their
24 necessary healthcare because DOC does not escort
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2 people to their appointments, or they fail to respond
3 in emergencies, and we know this because Mr. Herman
4 Diaz died this year from choking on an orange where
5 there were not a single officer who helped him. It's
6 clear there's no sense of urgency within this
7 department, nor is this agency capable to keep people
8 safe. The apathy portrayed by those in power when
9 someone dies gives me little hope that the necessary
10 change will be enacted fast enough to prevent the
11 next unnecessary death in custody. We cannot expect
12 this crisis to magically fix itself, nor can we wait
13 for an unnecessary taskforce to draft action plans
14 that will not be implemented for months in the
15 future. To remind ourselves that three people died
16 last week alone. This Council with the power you
17 have must be vocal. You must hold this agency and
18 the Mayor accountable. You must hold our courts and
19 judges--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 KELSEY DE AVILA: accountable, and we
23 must de-carcerate. It's the only answer, and we've
24 known it from the beginning. Thank you.

25

COMMITTEE COUNSEL: Thank you. Next we will hear from Andre Ward followed by Vincent Schiraldi followed by Sharon White-Harrigan.

SERGEANT AT ARMS: Time starts now.

ANDRE WARD: Good morning Council, Committee Chair Rivera and members of the City Council. I just want to thank you, Council Member Chair Rivera, just for convening this really important meeting. My name is Andre Ward. I'm the Associate Vice President of the David Rothenberg Center for Public Policy at the Fortune Society. Fortune has been around for over 55 years offering support for successful reentry for people who have been in contact with the law and promotes alternatives to incarceration. One of the things I wanted to mention that's really significant is that any consideration of the new Taskforce and bills pertaining to the Department of Correction must be considered from this perspective. There's an ongoing and desperate humanitarian crisis at Rikers that has been decades in the making and is only getting worse. Over 30 years ago I spent three and a half years at Rikers Island as a teenager and young adult, and I witnessed constant neglect of people's medical and

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2 mental health needs as well as general abuse,
3 disorder, and chaos. Those dangerous and deadly
4 conditions are even worse today due to the continuing
5 crisis caused by posts remaining unstaffed by
6 uniformed officers. Seven people have died on Rikers
7 Island so far this year, including Emanuel Sullivan
8 [sp?] who was only 20. Three men died within one
9 week. Alba Dire [sp?] died in DOC custody at
10 Bellevue Hospital. Antonio Bradley who was also
11 detained at Rikers died just days after hanging
12 himself in the courthouse holding cell on Rikers.
13 Annabel Consuelo [sp?] was reportedly discovered in
14 an unresponsive state, apparently due to fatal
15 overdose during lock-in at 1:00 a.m. So, you know,
16 in light of the ongoing humanitarian crisis in our
17 city jails, we need immediate action. We have
18 concerns about whether the recently established
19 Rikers Island Interagency Taskforce would quickly
20 affect the necessary change with the required urgency
21 to prevent additional deaths based on the composition
22 of its membership under Executive Order 16 and
23 complete lack of mandated transparency. I'll close by
24 saying this, and my testimony obviously has been
25

1 submitted for the record. Several of these bills
2 before the Committee today--

3 SERGEANT AT ARMS: [interposing] Time
4 expired.

5 ANDRE WARD: are steps in the right
6 direction toward ensuring people who are incarcerated
7 have access to important services and supports,
8 including their families. So, we thank you Chair
9 River and the Committee for calling this hearing and
10 certainly look forward to some meaningful outcomes
11 with what has been convened with the Taskforce and
12 their support with other agencies that we really
13 strongly appeal to them to work with. Thank you.

14 COMMITTEE COUNSEL: Thank you. Next we
15 will hear from Vincent Schiraldi followed by Sharon
16 White-Harrigan, followed by Leah Faria.

17 SERGEANT AT ARMS: Time starts now.

18 VINCENT SCHIRALDI: Hi, my name is
19 Vincent Schiraldi, I am former Commissioner of New
20 York City Corrections and Probation, and I'm
21 testifying today on behalf of nine experts in law
22 prosecution corrections, including Jennifer Jones
23 Austin, Gladys Carrion, Zachary Carter, Liz Glazer,
24 Mike Jacobson, Julio Medina, Stanley Richards, and
25

1
2 Cyrus R. Vance, Jr., and their bios are attached in
3 my prepared testimony. There's about 300 women and
4 gender-expansive people at Rosie's. I'm testifying
5 on behalf of creating a standalone Women's Center for
6 Justice for them. As you'll hear from others, this
7 is a uniquely vulnerable population for sexual abuse
8 and re-traumatization in jail. They're less prone to
9 violence and recidivism both inside and out
10 correctional facilities. However, our jail system is
11 really geared towards men. under the borough-based
12 plan, it will be an advance for men, reduce the
13 population and create new borough-based jails, but
14 for women it's going to be a partial set-back,
15 because they'll go from having a separate facility to
16 being part of the Kew Gardens facility which is
17 difficult to get to from many boroughs, and will mean
18 they're just part of a men's jail, and whenever you
19 have women in a large-- in a jail dominated by men,
20 it tends to just be a men's jail, and women are an
21 afterthought. The Women's Center for Justice
22 proposed by the Women's Community Justice
23 Association-- Reverend Harrigan is going to speak
24 next-- has proposed closing Rosie before the 2027
25 borough-based jail deadline, reducing the population

1
2 of women and securing the closed Lincoln Correctional
3 facility in Harlem for them and operating a very
4 different kind of facility dominated by nonprofits
5 and gender-responsive, trauma-informed therapy.

6 SERGEANT AT ARMS: Time expired.

7 VINCENT SCHIRALDI: My co-signers and I
8 believe--

9 CHAIRPERSON RIVERA: [interposing] No,
10 please go ahead and finish. Please give him
11 additional time. Thank you.

12 VINCENT SCHIRALDI: We believe these
13 goals are attainable. The Lippman Commission has
14 talked about how you can get the population down to
15 100. When I was Probation Commission in 2010 we
16 faced a similar problem. A young boy had been killed
17 in the Bronx in the custody of the State Office of
18 Children and Family Services. The Justice Department
19 investigated, found deplorable conditions, sued, and
20 there was a Consent Decree. Mayor Bloomberg and
21 Governor Cuomo got together, came up with the Close
22 to Home initiative. The State Legislature passed it
23 overwhelmingly. The City Council supported it, and
24 what resulted was 500 young people in state custody
25 more than the number of women that are in Rosie's

1 right now. We moved them all out of state custody.
2 There are no New York City kids coming through Family
3 Court in state custody anymore. Moved them all to
4 small therapeutic homes run by nonprofit
5 organizations in New York City. that got the number
6 of kids because we set up alternatives down to around
7 100, and the outcomes, there's been a substantial
8 reduction, you know, arrests of juveniles in the four
9 years following the passage of Close to Home. Kids
10 are graduating their classes, and they're returning
11 home to their guardians, 81 percent of the time, and
12 to community programs 91 percent of the time. The
13 point is-- you know, there's a difference obviously
14 between juveniles and the women's population. The
15 point is Mayor Bloomberg and Governor Cuomo saw this
16 as a priority need. They got their heads together
17 and they fixed the problem, and I think that Mayor
18 Adams and Governor Hochul have a good relationship.
19 They really need to get together around transferring
20 Lincoln to the City and creating an entirely new
21 approach. I have plenty of comments on some of the
22 data you heard earlier, but I'm over my time. If you
23 have any questions-- but just one example is slashing
24 and stabbings are up 51 percent through May of this
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2 year versus May of last year, and the nine people
3 that have died are substantially higher than the six
4 people, which was a terrible number who had died up
5 to this point last year. So please do not be fooled
6 into thinking things are uniformly improving. There
7 may be some things that are getting better, but
8 slashings and stabbings and death are both up about
9 50 percent. So, now I'm done, and if you have any
10 questions feel free to ask.

11 CHAIRPERSON RIVERA: I do have a
12 question, and I'm going to wait for the next panelist
13 as well.

14 COMMITTEE COUNSEL: Thank you. Next we
15 will hear from Sharon White-Harrigan followed by Leah
16 Faria, followed by Jennifer Montano.

17 SERGEANT AT ARMS: Time starts now.

18 SHARON WHITE-HARRIGAN: Thank you. And I
19 might need a little more time, too. Thank you
20 Chairwoman Carlina Rivera and all the other committee
21 members. I am the Executive Director of the Women's
22 Community Justice Association, also known as WCJA,
23 and we lead the Beyond Rosie's Campaign, and the
24 Justice for Women Taskforce. I am also a Professor
25 and a licensed social worker in this field. And if I

1 had to reintroduce myself, I would also say that I am
2 formerly incarcerated, having spent over a decade in
3 prison and a collective year at Rosie's for defending
4 myself against an attempted rape. While I was at
5 Rosie's decades ago in 1992, it was relatively new,
6 but inhumane. 2022, it is still inhumane. Last
7 month, on May 18th, 31-year-old Mary Yehudah [sp?]
8 let's say her name. Let's say her name. Died in
9 custody. She was detained and suffered from
10 homelessness and substance use disorder. Mary had
11 attempted to get support and treatment over the
12 years, but without stable housing and employment, it
13 was impossible for her to have a successful reentry
14 or recovery. What about Leileen [sp?]? Yes, we must
15 say her name. This month marks three years since her
16 death after she was put in solitary confinement.
17 Then there was Mia Simmons [sp?]. We will say her
18 name, too, whose video of what happened is viral,
19 clearly self-defense, still at Rosie's three years
20 later. These bills being discussed would make some
21 progress, but we need something fundamentally
22 different. After a presentation from WCJA, the
23 City's plan went from 300 to 100 to shrink the number
24 of women and gender-expansive people in custody and
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1
2 relocate them from Rosie's to a new Kew Gardens jail
3 that share spaces and staff with men. We can
4 definitely do better. We must do better. Rikers
5 need to shut as soon as possible, not in 2027, and it
6 can start with the women and gender-expansive people.
7 They can be reduced to below 100. Yes, folks, I said
8 below 100, and the few who need a higher level of
9 care and security should be at a standalone Woman's
10 Center for Justice located at the old Lincoln
11 Correctional Facility in Harlem that can offer
12 therapeutic care. Today, WCJA released the report
13 with the Lippman Commission providing a roadmap for
14 getting under to under 100. Some of the findings is
15 Harlem, East New York, Brownsville, and parts through
16 the Bronx are the top zip codes for admission to
17 Rosie's over the last five years. Up to 93 percent
18 of the women at Rosie's are survivors of domestic
19 violence, 70 percent are caregivers. Women and
20 gender-expansive people can be more effectively
21 served by alternatives to incarceration programs that
22 are tailored to their needs. Zero diverted over 300
23 people from Rosie's in the past five years and serve
24 those with the most serious of charges. There's
25 been only two re-arrests, and across the City, only

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2 50,000 dollars each year compared to over the 550,000
3 dollars to keep someone at Rikers. We talk a lot
4 about the black and the brown communities, and if you
5 think a new state-of-the-art building is going to
6 change the culture that exists, then we are no better
7 than the people who created these systems in the
8 first place. We need the Woman's Center for Justice
9 at Lincoln, operated by nonprofits with teams of
10 clinicians, and it could be a healing for-- a healing
11 justice model reentry upon reentry model for gender-
12 responsive care, family re-unification, and skill
13 buildings and all of the healing and gender
14 responsive care that can happen. The Department of
15 Corrections would be limited to securing the
16 perimeter. That is all that is needed, if that. And
17 the day-to-day will be ran with the therapeutic
18 approach that reducing harm instead of worsening it.

19 CHAIRPERSON RIVERA: [interposing] And I
20 want to--

21 SHARON WHITE-HARRIGAN: [interposing] This
22 isn't about positions, job titles, and power. This
23 is about community safety and health, and if we want
24 to effect change, start with the women. I need to say
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1
2 this and make it very clear. Anything about us
3 shouldn't be without us.

4 CHAIRPERSON RIVERA: That's right. And I
5 wanted to ask-- you kind of answered this already,
6 but why do women need their own site, and why
7 Lincoln? You answered some of this, but I just
8 wanted to give you the opportunity.

9 SHARON WHITE-HARRIGAN: Yes. Because
10 Lincoln is centrally-located, but it's also small
11 enough, because when we say a handful of women, we
12 mean that, you know? It should be a handful of
13 women. When, you know, the other Council Member
14 talked about the Metropolitan Detention Center,
15 that's a huge place, and the more bigger the space,
16 the more we're going to think we need to fill that
17 space. Lincoln is in a wonderful location where
18 people can get the healing, get their trauma treated,
19 get the care that is needed. Harlem is surrounded
20 with community-based organizations that all can come
21 together collectively and provide the services and
22 the resources that is needed for people, women folks
23 to have a productive, healthy, lifestyle and living.

24 CHAIRPERSON RIVERA: Thank you very much.
25 Thank you.

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2 COMMITTEE COUNSEL: Thank you. Next we
3 will hear from Leah Faria followed by Jennifer
4 Montano, followed by Theresa Ortiz [sp?].

5 SERGEANT AT ARMS: Time starts now.

6 LEAH FARIA: Good afternoon, Chair Rivera
7 and the rest of the committee. I just want to say
8 that for somebody that is formerly incarcerated, I
9 truly appreciate you hosting this meeting today,
10 because it's necessary. And, well again, my name is
11 Leah Faria and I am the community organizer for the
12 Women's Community Justice Association. I spent three
13 years at the Rose M. Singer Center on Rikers, and in
14 my current job, I visit every week, every other week.
15 Unlike many of the Taskforce members who are going to
16 making decisions about the people who are detained on
17 Rikers, I actually realistically visit every other
18 week. My story is the same as so many of the women I
19 see today at Rosie's. When I was 18 I was in a
20 relationship with a man who became abusive. Two
21 years later we had a son together, and it became even
22 more abusive and even more harder to leave. I have--
23 I was a person who had never been in trouble before,
24 and he got me into such dangerous situations. One
25 terrible night in a conflict with a family friend

1 that became physical, and in a panic I pulled out my
2 boyfriend's gun to scare him, and the end result of
3 that incident was the loss of a valued human life and
4 me at the age of 18 being sentenced to over two
5 decades in prison, and then a new cycle of abuse
6 started at Rosie's. The conditions were deplorable,
7 dehumanizing and dangerous. I was detained there
8 decades ago, and things have gotten worse today. At
9 least back then we could go to programs and work when
10 I was at Rosie's. Now, the women and the gender-
11 expansive people are just stuck in their units all
12 day. Because of the staffing shortage, they have to
13 be escorted everywhere. So they are not able to go to
14 programs, they are just warehoused like cattle and
15 become physically and mentally stagnant. Women and
16 gender-expansive people at Rosies--

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18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 LEAH FARIA: are afraid. After Mary
21 Yehudah [sp?] died, they wonder if they will be next.
22 Our city must do better to protect our mothers,
23 sisters and daughters who are crying out for help.
24 Keeping Rosie's open for five more years is not okay.
25 Opening the new jail at Kew Gardens that share spaces

1 with men is not okay. For domestic violence
2 survivors like myself, being with men in re-
3 traumatizing situations and settings and placing
4 women there can be exposed to their abusers. Most
5 women are released from Rosie's without even being
6 convicted, and even those who are sentenced usually
7 return to their communities. Every New Yorker is
8 impacted by this system. We need to do something
9 different to stop the cycle of incarceration, and it
10 should start with the women. The Women's Center for
11 Justice at Lincoln on West 110th Street could have
12 made a big difference in my life over two decades
13 ago. I could have gotten the mental health treatment
14 earlier and screening for domestic violence. Having
15 a staff that understood trauma-informed care could
16 have guided me through the experience of facing a
17 case for the first time in my life. The Center
18 focuses on family connections could have changed my
19 relationship with my son. He was only one year's old
20 when I was at Rosie's, and it was so terrible there
21 that I wouldn't even let him visit. As an organizer,
22 I talk to so many women and families in Harlem who
23 have been hurt and devastated and destroyed by this
24 system. The Women's' Center for Justice is a way to
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heal the harm of mass incarceration. Real public safety and healing should start with the women. Thank you so much.

COMMITTEE COUNSEL: Thank you. Next we will hear from Jennifer Montano, followed by Theresa Oritz [sp?] followed by [inaudible].

SERGEANT AT ARMS: Time starts now.

JENNIFER MONTANO: Good afternoon. My name is Jennifer Montano. Thank you Chair Rivera and committee members for holding this meeting and for the opportunity to testify today. I am a Housing Specialist at SHERO, which is an alternative to incarceration for women and gender-expansive people, many of whom are diverted from Rosie's on Rikers Island. In 2015, I myself spent nine and a half months on Rosie's at Rikers. Based on my professional and personal experience, I can tell you that getting more women into community-based programs like SHERO and transforming Lincoln into a Women's Center for justice makes sense. Relocating women from Rosie's to Kew Gardens where they would be exposed to men does not make sense. Rosie's is a place of trauma, and it would be replicated or even made worse at the new Kew Gardens facility. From the moment of

1 arriving at intake at Rosie's, there is trauma.
2 There are cages and everyone can see you using the
3 bathroom. I specifically remember myself and others
4 asking for toilet paper and were just ignored by the
5 guards for hours. I was shuffled around from cage to
6 cage for 21 hours not knowing what would happen to me
7 or where I was going next. I was placed in a 50-
8 person dorm where everyone's belongings were placed
9 under their beds where people could easily steal, and
10 that happened a lot. The women were always on edge
11 because they were scared and feared retribution from
12 officers. When there was fighting, the officers
13 response was traumatic. They would come out with
14 helmets, sticks, and pepper spray, and attack anyone
15 who wasn't lying on the floor. They didn't ask
16 questions. They just used force. What was really
17 disturbing was my mental health treatment. I was
18 misdiagnosed and later found out that I was on
19 medication for people who hear voices, which I never
20 did. The medication had bad side effects including
21 severe restless leg syndrome and me shaking in my
22 sleep, which I only found out based on other--

24 SERGEANT AT ARMS: [interposing] Time
25 expired.

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2 JENNIFER MONTANO: [inaudible] I should
3 have never been on that medication. New York City
4 can do better for women in the justice system. As a
5 Housing Specialist, I see that so many are lacking a
6 stable place to live and network of support. SHERO
7 keeps women in their communities with their children
8 and helps connect them with resources that heal
9 instead of worsening trauma. If I had been able to
10 go to SHERO instead of Rosie's, I would have been a
11 lot further along in my life right now. I could have
12 been connected to better education opportunities,
13 gotten a good job sooner, and felt more supported in
14 the re-entry process. A Women's Center for Justice
15 would be more like a treatment center that makes
16 people want to do better for themselves and their
17 family. The Department of Corrections officers are
18 staffed at Rikers to control the women, not guide and
19 support them. Right now, women just want to
20 retaliate against officers because they feel like
21 they have no voice. You can't get better when you
22 live in fear. Women don't even want their children to
23 visit because they are forced to strip down and it's
24 a traumatic experience for all to ultimately be able
25 to visit for one hour. The Women's' Center for

1
2 Justice would be staffed by peer specialists and
3 clinicians who are focused on giving each individual
4 the support they need to get out of the system. This
5 could be a safe space for women to share their
6 experiences and move beyond their past. Having
7 family spaces and quality time for children to spend
8 with their parents would make women want to be
9 better. A Women's Center for Justice would make
10 people want to succeed and put in every effort to
11 recovery or rehabilitation. I hope that the City
12 shuts down Rosie's before 2027, focuses on de-
13 carceration, and creates a Women's Center for Justice
14 at Lincoln in Harlem. Thank you.

15 COMMITTEE COUNSEL: Thank you. Next we
16 will hear from Theresa Ortiz followed by [inaudible]
17 Simmons [sp?], followed by Darren Mack [sp?].

18 SERGEANT AT ARMS: Time starts.

19 COMMITTEE COUNSEL: Okay, Theresa's not
20 logged on, so we'll move on to [inaudible] Simmons
21 followed by Darren Mack, followed by Chaplain Doctor
22 Victoria A. Phillips [sp?].

23 SERGEANT AT ARMS: Time start now.
24
25

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2 CHAIRPERSON RIVERA: Okay, we will move
3 on to Darren Mack followed by Chaplain Doctor
4 Victoria A. Phillips, followed by Ashley [inaudible].

5 DARREN MACK: Hello? Can you hear me?

6 COMMITTEE COUNSEL: Yes, we can.

7 DARREN MACK: Thank you, Chair Rivera and
8 Council Members for holding this hearing and
9 introducing legislation to improve conditions in the
10 City jails. My name is Darren Mack, Co-Director of
11 Freedom Agenda, one of the organizations leading the
12 campaign to close Rikers. In our testimony we'll
13 address the bill proposed, but I'll focus now on the
14 Rikers Interagency Taskforce. So in the six weeks
15 since the Taskforce was established, five people in
16 DOC custody. This is unacceptable, and it is also
17 unacceptable to suggest that these deaths were
18 natural. You know, people died on the isolated,
19 toxic penal colony in decaying jails where they had
20 been abandoned by guards who are abusing sick leave
21 and masks, harming both incarcerated people and their
22 own co-workers. Everyone comes out of Rikers worse
23 than they went in. That is not public safety. One of
24 our members, Ms. Wright, whose son, 23 years old, has
25 been incarcerated in Rikers Island since December

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2 2020, she has made dozens of complaints regarding the
3 medical neglect her son is experiencing. Like, he
4 has a medical condition which requires him to use a
5 C-PAP machine, which he has not had access to since
6 his incarceration. And medical appointments continues
7 to be made for him and then cancelled. So this
8 medical neglect within DOC is well-known and
9 documented. If the Administration is serious about
10 addressing the crisis of Rikers and preventing more
11 deaths, they need to be working to reduce the jail
12 population now. The Administration has continued to
13 issue emergency Executive Orders every five days
14 saying they can't provide minimum standards for
15 people in their custody because of "excessive staff
16 absenteeism." Six months into the Mayor's term they
17 are claiming victories about staff returning to work,
18 but still issuing the Executive Orders. The truth is
19 that they haven't been able to get--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 DARREN MACK: enough staff back to
23 working in the jail, but they could provide minimal
24 standards and protect human rights if there were less
25 people in the jail system. so here are some things

1 in conclusion, the City Council must urge the
2 Administration to do: use the 6A program to release
3 people who are serving city sentences, and start the
4 local Conditional Release Commission; reissue the RFP
5 for developing 380 justice-involved supportive
6 housing units with sufficient funding to make the
7 programs viable for providers; expedite the
8 development the outpost therapeutic housing units at
9 Bellevue, Woodhall, and North Central Bronx
10 Hospitals; direct MOCJ to establish population review
11 teams to expedite consideration of cases; and lastly,
12 direct MOCJ to work with OCA to expand citywide the
13 2019 Brooklyn Case Processing pilot run by the Center
14 for Court Innovation that was successful in reducing
15 felony cases delays. So the crisis on Rikers will
16 not truly be over until Rikers is closed and that
17 cannot come soon enough. Until that day, the City
18 can and should be taking measures to reduce the jail
19 population by investing in the resources that prevent
20 people from coming into the court system and ensure
21 fair and speedy resolutions of cases once they do.
22 Thank you.

23
24 COMMITTEE COUNSEL: Thank you. We will
25 now try [inaudible] Simmons again. Okay, we'll move

1
2 on to Chaplain Doctor Victoria A. Phillips, followed
3 by Ashley Conrad [sp?], followed by Daniel Gerard
4 [sp?].

5 SERGEANT AT ARMS: Time start now.

6 VICTORIA A. PHILLIPS: Peace and
7 blessings everyone. Before I start, I just want to
8 say I believe the last person who was supposed to be
9 came off mute, but we couldn't hear them, because I
10 saw her trying to move her mouth, but we could not--
11 so you need to acknowledge her and come back to her
12 or something after I speak.

13 CHAIRPERSON RIVERA: [interposing] We
14 will.

15 VICTORIA A. PHILLIPS: Please acknowledge
16 that. And she put her hands up so she understood
17 what I said. So peace and blessings everyone. I am
18 Chaplain Doctor Victoria A. Phillips, founder and CEO
19 of Visionary V Ministries, member of the longstanding
20 and active Jails Action Coalition, Justice for Women
21 Taskforce, and as you all know, many others but I
22 don't have time to name them. So I'm going to stick
23 to the script today. As Co-Chair of the Young Adult
24 Taskforce, and I say that for a reason, I felt it was
25 very important for me to remain quiet over the last

1
2 few months while observing DOC's admin and to be fair
3 as the new Commissioner took his stats [sic]. now,
4 earlier, I heard someone from the Taskforce say they
5 take their job as Co-Chair seriously, and if any of
6 you sitting out there in City Council know me, then
7 you know, so do I, even before becoming co-chair.

8 And I want to say, I sat on the Young Adult DOC
9 Advisory Board for the last six years from its
10 creation, and was elected to be co-chair of the Young
11 Adult Taskforce last year. And I say that for a
12 reason, because I was told by then AC Torres, prior
13 to COVID, that she was in the advisory board, but she
14 knew I would go straight to City Council. And I say
15 that because this year I believe with her position as
16 DEC [sic], she is trying to lead the Commissioner to
17 disband the Taskforce and move into something else.

18 And so I want to put that on the record, because City
19 Council needs to make it a Commission so that no
20 Administration could come in and remove the voices of
21 the directly-impacted in the [inaudible]. And so
22 very quickly, I want to touch on a couple of things.

23 Doctor Cohen who is still in practice as a medical
24 doctor sits on the Oversight Board for the DOC stated
25 at the last BOC meeting on the record that EMT intake

1
2 is dangerous for anyone. So, I'm going to hold City
3 Council-- I'm going to hold the Mayor and even the
4 Commissioner accountable. Why is anyone still being
5 placed in EMTC intake and judges who are still
6 remanding individuals to be put into Rikers Island?
7 When we talk about medical, Council Member Mercedes,
8 my Council Member, I want to directly put you on the
9 record as a nurse that still works in the ER
10 Department-- we share that in my history as well.
11 So, I say that because medical staff is falling
12 short, and it's not all CHS' fault. Many times I
13 have said on the record that DOC does not produce
14 people for medical. Now the courts are also holding
15 them accountable. Doctor Adams, a couple a years
16 ago, said it to the Board of Corrections that 16
17 percent of individuals on sick call per day were
18 actually being seen, and I've asked Board of
19 Corrections and City Council what happened to the
20 other 84 percent. No one has yet given me an answer.
21 Actions despite distractions-- DOC actually cancelled
22 our Taskforce meeting in April, but as Co-chair, I
23 gave the Taskforce two separate options to meet
24 virtually, and I mentioned that because they then
25 cancelled the meeting in May, and then they went

1 ahead for June and said we're going to restructure
2 things and we'll let you know what's happening. And
3 so I say that because DOC's Admin, the Commissioner,
4 has not reached out to me regarding what was
5 discussed. The-- he keeps saying his vision, but he
6 has not reached out to me as Co-Chair, and I say that
7 because I work behind the walls doing mental--
8 cognitive behavioral therapy, nursing, Chaplaincy and
9 some forms of Brad H [sic] monitoring within the last
10 20 years. So you would think someone with a vision
11 to make change would actually speak to an expert and
12 physician as Co-chair to include in how that vision
13 is going to move forward. And I want to highlight,
14 where is DOHMH on this Taskforce? I done said it at
15 BOC. I done said it at City Council. I done said it
16 to the press. Because CHS allowed Mr. Carter to die
17 within 48 hours of being on Rikers. Was he even
18 assessed by them? So when we talk about CHS joining
19 the taskforce, who's going to hold CHS accountable
20 for our mental health population? And we all know
21 that currently DOC has 50 percent of their population
22 facing a mental health concern; 86 percent of the
23 women in Rosie's right now face a mental health
24 concern; 77 percent of those women actually come into
25

1 incarceration having been sexually assaulted prior to
2 an incarceration. So when we talk about mental
3 health, holistic healing, what does that really look
4 like, because I have yet to hear any of it. And as
5 you can see, I'm sitting in my office. I'm a Neuro
6 Coach [sic], Reiki Master. I am the queen of
7 holistic healing along with the queen of being
8 accountable. And I just want to add one more thing.
9 We did a rally at the Jails Action Coalition last
10 Thursday to follow up, a week prior to standing with
11 the Public Advocate to enter the bill to end solitary
12 confinement, and thank you Chair for being a part of
13 that bill. But here's the thing, exactly a week
14 later we stood outside City Hall to let the people
15 know three people had been died in DOC's custody, and
16 I say that because no one is being held accountable.
17 It's not good enough for us to listen to Commissioner
18 Molina say, "Well, I'm doing better than my last
19 predecessor." Mr. Carter died due to suicide. As
20 Commissioner Molina when he has he met, as being
21 Commissioner in 2022, with the Suicide Taskforce?
22 I'll let you know, never. And I'm actually going to
23 put on the record, Molina, I don't care if you don't
24 like it. I'm going to put on the record that I

1
2 actually suggested to DOC Admin staff that they call
3 back the Suicide Taskforce two months prior to Mr.
4 Carter's Death. So, we are falling short at even the
5 follow-up when an advocate or expert says something.
6 No one can let that slide. We have to hold them all
7 accountable. And I just want to say one more thing.
8 I beg you to get ahead of the COVID. DOC still fall
9 short. Get ahead of the Monkey Pox. And where's the
10 water plan [sic]? Every summer, New Yorkers die of
11 thirst, almost literally, behind the walls, and
12 having worked in the unit I know the sweat can run
13 down your legs like urine, and to not have access to
14 basic needs such as water-- I've testified of people
15 drinking out of toilets trying to quench their
16 thirst. I have yet to hear a water plan. Where is
17 that plan? The heat is coming, and I've actually
18 opened up micro shelters in the community. In 2011 I
19 opened up the Jack Ryan [sic]. Why do I say that?
20 Because when we talk about reentry, when we talk
21 about housing going to deal with people behind the
22 wall, there are so many other models to use other
23 than harsh, barbaric tools by Corrections. I've been
24 held hostage by someone who is a serial rapist for 28
25 years who said I looked like his victim by Fordham

1 University, and is that because for the two and a
2 half hours that I was held hostage, I didn't beat
3 that man. I didn't kill that man. I used de-
4 escalation tools and I saved my own life and got him
5 the treatment that he needed. And so there are
6 people how know how to help officers in their unit
7 when they are in distress. So there's no excuse for
8 the barbaric nature that contains behind the walls,
9 and if you want to sit with me and talk, I have no
10 problem. But I suggest you tell Molina-- okay you
11 know what? After the rally on Thursday, last week on
12 care, I have to say this, one of your former Council
13 Members, I ran into her. She's now a Commissioner,
14 and I'm putting this on the record, because I asked
15 her, "You need to hold yourself accountable about
16 what you can do for the people of New York." And she
17 clearly said, "I can't do anything. I have to follow
18 the vision of the Mayor." And about three times
19 today, Commissioner Molina said his vision. So I
20 want to know, is the Action Plan really Commissioner
21 Molina's vision or is it Mayor Adams' vision. I'm
22 asking because as a beast of an organizer, I know
23 who-- I need to know who directly to go after,
24 because my community members are continuing to die.
25

1
2 Peace and blessings. I'll submit the rest of my
3 stuff in writing, and I hope this time you reach out
4 to me and we do some real follow-up.

5 COMMITTEE COUNSEL: Thank you. Next, we
6 will hear from Ashley Conrad followed by Daniele
7 Gerard, followed by Kelly Grace Price.

8 SERGEANT AT ARMS: Time start now.

9 ASHLEY CONRAD: Thank you, Chair Rivera
10 and Council Members for holding this hearing today
11 and introducing legislation to improve conditions in
12 city jails and divert people from them. My name is
13 Ashley Conrad and I'm a community organizer with
14 Freedom Agenda. My nephew has-- who has intellectual
15 disabilities is currently on Rikers Island where he
16 has been for more than a year. On the same day that
17 Anibal Carrasquillo died, my-- he called my sister
18 from Rikers as he listened to a search team that
19 entered his housing unit and started shouting and
20 cursing at everyone before they dragged him into his
21 cell and assaulted him. In the year that my nephew
22 has been there, this type of violence from guards has
23 been a regular occurrence, and no one deserves this
24 abuse. And no one comes out of Rikers better. If
25 the Mayor's committed to both safety and justice as

1 he says, he needs to be taking every action in his
2 power to both reduce incarceration and hold the
3 guards accountable. My nephew's experience is an
4 example of everything wrong with this system. He has
5 been diagnosed with Disruptive Mood Dis-regulation
6 Disorder, and my nephew is also on the autism
7 spectrum. Coming from a low-income Latina
8 neighborhood in Queens, it created a lot of barriers
9 to adequate treatment and due to those many years of
10 no substantial help, his symptoms progressed and he--
11 they became severe which led to interactions with law
12 enforcement and my psychiatric hospitalizations. Now
13 he is caught up in the court system, and there should
14 be opportunities to diversion, but our current laws
15 allow DA's to stand in the way. Although a judge is
16 willing to approve treatment, a treatment plan for my
17 nephew, Queens DA Melinda Katz is refusing. Anyone
18 paying attention should know that prison time will
19 not address my nephew's mental health needs. It
20 would only worsen them, like his time on Rikers
21 already has. I strongly support the Treatment Not
22 Jail legislation to remove obstacles to treatment and
23 diversion in the court systems. While we expand the
24 systems that can keep people out of jail, we also
25

1 have to address the way the jails run. When I heard
2 that the Mayor was going to be at Rikers last week, I
3 was hopeful that he would visit and listen to
4 incarcerated people. It would be obvious, but it
5 needs to be repeated. They are the most vulnerable
6 ones on Rikers Island. They are the ones isolated on
7 an island that they cannot leave from, where they
8 cannot get to a doctor's appointment or recreation or
9 a court date without a guard taking them, and who
10 can't even make a phone call without worrying who
11 will hear what they say, and they are subjected to
12 abuse and violence daily from guards who run the
13 island by their own rules. The Mayor's visit seemed
14 designed to send a message, incarcerated people are
15 violent. What he ignored is the violence that DOC
16 guards, city employees, instigate. Some are there a
17 few months, some even for a few years, but the
18 culture of violence is created by the people who are
19 there 10, 15, 20 years, and that is the Department of
20 Corrections. Since the Mayor has signaled that he is
21 not interested in holding guards accountable, I urge
22 City Council to use the full extent of your powers to
23 fill in the gap. Please visit Rikers Island
24 regularly and unannounced, and please work with
25

1 impacted people to create the-- and pass legislation
2 to end DOC's unchecked abuses of power, including the
3 ending-- the end of solitary confinement and much
4 more. Thank you for your time.

6 COMMITTEE COUNSEL: Thank you. Next we
7 will hear from Daniele Gerard, followed by Kelly
8 Grace Price, followed by Eileen Maher.

9 SERGEANT AT ARMS: Time start now.

10 DANIELE GERARD: Thank you, Madam Chair
11 and Committee Members. My name is Daniele Gerard.
12 I'm a Senior Staff Attorney at Children's Rights, a
13 member of the New York City Jails Action Coalition,
14 and the Rikers Young Adult Taskforce. We advocate on
15 behalf of young adults. On Rikers, de-carceration is
16 the answer. The Rikers Taskforce was appointed in
17 May following the 11th report of the Nunez Monitor,
18 but the 12 report showed no improvement. So where
19 are we now? We understand that a lot of work is
20 involved, but there is no time to wait while work is
21 underway and planning proceeds. De-carceration is
22 the answer. We've had continuing deaths on Rikers.
23 Officers are still not showing up for work. People
24 have been going without showers or food and left in
25 their cells for hours and hours. 88 percent of

1
2 incarcerated persons on the island today are there
3 pre-trial, 52 percent have mental health conditions,
4 and over 93 percent are people of color. The
5 December 21 Nunez Report notes the Department employs
6 approximately 8,500 active uniformed staff and
7 approximately 1,700 civilian employees, and there are
8 approximately 5,500 incarcerated individuals. It
9 defies both math and logic that not all posts are
10 filled, that there aren't enough officers to allow
11 the provision of programming, education, and mental
12 and medical health services to young adults and
13 others on the island in the requisite [sic]
14 insufficiency, quantity, and duration. In the face of
15 these statistics and little reduction in the horrors
16 of what amounts to a positively [inaudible] mental
17 and penal system, the human, morale and ethical path
18 forward is to de-carcerate now. The half a million
19 dollars it costs to incarcerate someone for a year on
20 Rikers can and must be used instead to pay for
21 affordable and supportive housing, treatment, and as
22 an employment program at least for social workers
23 around the city. Children's Rights supports
24 Resolution 156 in support of the Treatment Not Jail
25 Act, and Intro 284 requiring social workers in

1
2 correctional facilities. Substantial numbers surely
3 both incarcerated persons and New York City tax
4 payers deserve better and better for their money.
5 Surely our elected officials can see their way clear
6 to reducing the cruelty that defines our criminal
7 legal system. That means de-carcerate now. Thank
8 you very much.

9 COMMITTEE COUNSEL: Thank you. Next we
10 will hear from Kelly Grace Price, followed by Eileen
11 Maher, followed by Kimberly Blair [sp?]

12 SERGEANT AT ARMS: Time start now.

13 KELLY GRACE PRICE: Hi, it's Kelly Grace
14 Price from Close Rosie's. In the middle of this
15 hearing I've learned of the death of a family member,
16 so I just want to add a couple points. And please
17 bear with me. Commissioner Molina, every time I've
18 heard you speak over the last six months, you have
19 reiterated the same three talking points about your
20 progress and you have given us absolutely no other
21 information about what you are doing to improve the
22 situation in our city jails. We'd like to hear more
23 from you. I don't want to beat you over the head.
24 I'm really confused about why you and Mr. McGuire
25 have offered nary any information about the

1 Interagency Taskforce. I agree with Ms. Solomons
2 from Bronx Defenders that the Taskforce is set up to
3 protect the Department and not the people caged by
4 the Department. That is the most prescient sound
5 bite I have heard throughout this entire hearing. We
6 need to know more about the Interagency Taskforce and
7 shrouding the activities of the Taskforce under the
8 cover of privilege because the City Law Department is
9 heading the Taskforce is an egregious attempt to
10 create a star chamber with absolutely zero
11 accountability, transparency or oversight. Let's
12 call it what it is. I'm really confused about
13 organizations coming to this hearing today and trying
14 to divert the subject of this crazy Taskforce to
15 their own agenda. You are doing the work of the
16 Mayor and the DOC [inaudible] department for them.
17 Please, be ashamed of yourselves. The issue today
18 are the deaths on Rikers, not your own organizations'
19 agendas. Please, fall in line with the rest of us.
20 Do the work that needs to be done. Today, the target
21 needs to be this crazy interagency Taskforce that is
22 knee-capped Amanda [sic] at the DOC and totally
23 diverted our ability to gain pressing information.
24 No, Commissioner Molina, it is not nuanced
25

1 information that BOC has been asking for. The BOC is
2 simply been asking for the numbers of staffers on
3 each post in each housing unit each day. If this
4 information is nuanced to you, I don't believe it.
5 You are a smart person. You worked for the Marines,
6 the CIA, the NYPD, Las Vegas Police Department, and
7 I'm sure that you and every one of those positions
8 had information at your fingertips about your
9 employees where they were positioned every day. And
10 I just will not accept this from you any longer that
11 you will not give us this basic information. The
12 next time you appear in public, if you are not able
13 to provide us with information about your staff and
14 where they are posted every day, I hope every
15 advocate and every politician abrades you until you
16 are able to provide this basic information to us.
17 About the legislation, please be careful Councilwoman
18 Rivera. We need to have the format of reporting
19 built into your legislation. In previous legislation
20 where we have asked for reporting from the DOC
21 without giving them a specific template to report
22 back with, the information that has come back has not
23 been satisfactory as per Local Law 933, sexual
24 assault data. I've written to you constantly about
25

1
2 that over the last five years. I've taken up more
3 than enough of my time today. As I said, I'll turn
4 in my written testimony, but please, Commissioner
5 Molina, we are tired of hearing the same thing from
6 you, and we will not accept it any longer. Thank
7 you, Julia Solomons for calling this hearing what it
8 is today.

9 COMMITTEE COUNSEL: Thank you. Next, we
10 will hear from Eileen Maher followed by Kimberly
11 Blair [sp?], followed by Deborah Julius [sp?].

12 SERGEANT AT ARMS: Time starts now.

13 EILEEN MAHER: Good morning. My name is
14 Eileen Maher. I'm a social worker, a civil rights
15 union leader with Vocal New York and a member of the
16 Justice for Women Taskforce and Freedom Agenda. I'm a
17 woman who was formerly incarcerated and a survivor of
18 Rikers Island, as well as New York State Department
19 of Correction. I spent over 420 days at Rosie's.
20 Thank you for allowing me the opportunity to testify.
21 The DOC and COBA-sponsored chaos must come to an end.
22 Over the past year, approximately 25 people,
23 detainees, have died while in New York City custody,
24 non-convicted of a crime, and certainly the death
25 penalty was not ordered, but it is in fact what

1
2 occurred. These human beings unnecessarily lost
3 their lives and did so as a direct result on the
4 angering [sic] culture of violence, abuse, and
5 neglect, not at the hands of their fellow detainees,
6 but at the hands of those sworn to protect them. And
7 for those who perished as a result of medical neglect
8 at the hands of those who swore an oath to do no
9 harm. New York City and the Department of Corrections
10 have the blood of each of these individuals on their
11 hands. This decades-long, really a century-long
12 plague of violence, abuse, and neglect perpetuated by
13 those in charge has only gotten worse over the past
14 two and a half years when the pandemic-- when the
15 pandemic initially began. We have watched as
16 thousands of COs participate in a mass COBA-organized
17 sick-out where day after day, month after month, and
18 now year after year countless number of COs fall out
19 sick or even do the no call/no show trick. As a
20 result, dorms and especially cell blocks have gone
21 unmanned for two, sometimes three shifts in a row.
22 Detainees go for what can be days not only without
23 food or showers, but without medicines for chronic
24 illnesses such as diabetes, mental illnesses, as well
25 as medically-assisted substance treatment. Doctor

1 and mental health appointments are all-- are
2 abandoned almost entirely, and there has been a total
3 absence of basic human needs such as toilet paper and
4 menstrual products for the women. Toilets and sinks
5 have become clogged and inoperable forcing human
6 beings--
7

8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 EILEEN MAHER: to have to go to the
11 bathroom into a plastic bag. And all we hear from
12 the City and DOC with each passing death is that it's
13 not their fault. It has nothing to do with the
14 blatant neglect of duties by officers and staff and
15 everything to do with the perceived notion that a
16 detainee is at fault, an utter disregard for humanity
17 and morality by the City and DOC. This attitude is
18 deplorable and inhumane. Please stop insulting our
19 intelligence. Clearly DOC and the City have lost
20 control over their own system. These are actual
21 human lives that are being lost. What if the next
22 person to perish at the hands of DOC was your mother,
23 or brother, or child? Then will you listen?
24 Something's got to give. This is not going to be
25 remedied via creating superfluous taskforces and

1 hiring more officers. If you can't control the
2 officers you have now, what makes you think you can
3 control additional COs? Hold the officers purposely
4 violating the Taylor Law with these choreographed
5 sick-outs accountable. That would be a start.
6 Advocate for alternatives to incarceration and
7 community services. Stop criminalizing those
8 fighting back against their abusers and attackers.
9 Encourage and implement supportive housing,
10 affordable housing, and medically assisted substance
11 abuse treatment. We need violence interrupters and
12 non-punitive intervention when 911 is notified of
13 someone having a mental health breakdown. Implement
14 a correction's officer's staff who have been properly
15 vetted, psychiatrically evaluated and trained. You
16 do not have that now. What you have now are not
17 officers. they are a gang, a gang who instigate
18 violence, trafficking narcotics and weapons, and
19 behave in a dangerous and sexually predatorial [sic]
20 manner when they bother to show up for work. You
21 created a so-called taskforce that as their first
22 order of business murdered three detainees. The City
23 Council voted to close Rikers. Act on that. With
24 special intermediate attention paid to moving the
25

1 women out of Rosie's and off Rikers and to their won
2 freestanding facility in Manhattan. Continue to
3 close this cancer of an island and expedite the land
4 transfers of all of the buildings already closed and
5 the unused land from DOCs to the City. Intervene, do
6 something. For a century DOC has proven time and
7 time again that they are not up to the task. It's
8 over. Before any more lives are lost. This is
9 unacceptable, all of this, and it all has to change.
10 If not, more blood will be on your hands. When will
11 enough be enough? Thank you.

12
13 COMMITTEE COUNSEL: thank you. Next
14 we'll hear form Kimberly Blair followed by Deborah
15 Julius [sp?], followed by Basimata Simmons.

16 SERGEANT AT ARMS: Time start now.

17 COMMITTEE COUNSEL: Okay, Kimberly Blair
18 is not on, so we'll move on to Deborah Julius
19 followed by Basimata Simmons.

20 SERGEANT AT ARMS: Time starts now.

21 COMMITTEE COUNSEL: Deborah, are you
22 there? Okay, we will go to Basimata Simmons.

23 SERGEANT AT ARMS: Time starts now.

24 BASIMATA SIMMONS: Okay, can everyone
25 hear me now?

COMMITTEE COUNSEL: Yes.

BASIMATA SIMMONS: Okay, thank you, finally. I was having like technical difficulties. My name is Basimata Simmons, and I'm here on behalf of my boyfriend's daughter Mia Simmons who has been housed at Rosie's for over three years now. My daughter Mia has never got in trouble in her life. She's dedicated her life to helping others. In 2019, when she was 20 years old, our life changed forever. She was sent to Rosie's for defending herself when she was attacked. At the time, Mia was working with disabled children and just past the Fire Fighters exam, and she was waiting to go to college, because she wanted to become a Marine Biologist. Her whole life was ahead of her, but instead of moving forward she is stuck at Rosie's, and I'm worried about her safety every day. Mia has been dehumanized by, you know, taking showers and the guards are able to see her, male guards are able to see her. The conditions at Rosie's are deplorable. Mia has been jumped, like literally while I was on the phone, with no one stopping it. The only thing that was implemented was pepper spray, and Mia is asthmatic. In the winter there is no heat. My daughter has had COVID three

1 times so far. Guards are not only disrespectful,
2 they're mean, they're dehumanizing to the inmates. I
3 wouldn't even treat an animal the way that some of
4 the inmates are treated there. I've watched the light
5 in my daughter disappear. Mia used to be, you know,
6 this happy, creative person-- excuse me-- who was
7 just starting her life, and now, you know, she's
8 scared. She's depressed. She's my only child, and
9 you know, every day is a struggle for me because now
10 everyone at the female jail-- everyone has weapons,
11 which they're made out of glass, the metal that's
12 coming off the side of the railing because nothing is
13 fixed.

14
15 SERGEANT AT ARMS: Time expired.

16 BASIMATA SIMMONS: You know, it-- she
17 shouldn't be here. She was promised to get into a
18 community program, and nothing has happened. She was
19 even threatened with the maximum sentence if she
20 didn't take a plea, which makes Mia even afraid to
21 move forward to prove her innocence. Rosie's is a
22 horrible place. I think it is a terrible idea to move
23 [inaudible] from Rosie's to Kew Garden with males.
24 More women like Mia can be de-carcerated and
25 [inaudible] community. For those in need of higher

1 security, creating a Women's Center for Justice at
2 Lincoln would be a good decision. Like, there should
3 be a place where they can get therapy and you know,
4 for the trauma that they sustained from being in
5 Rosie's for all this time. You know, I think it--
6 like it's not a good idea to send them to Kew
7 Gardens. Like you don't know where you're sending
8 them, or what could happen to them. It's just not a
9 good idea, and something needs to be done. And
10 everyone's claiming that they're listening, but
11 they're really not. And something really needs to be
12 done. And you know, I thank you for this opportunity
13 to voice my opinion.

14
15 CHAIRPERSON RIVERA: Thank you. We're
16 glad that you made it on to-- to the Zoom. Thank you
17 very much for sharing.

18 COMMITTEE COUNSEL: Thank you. We're
19 going to try Deborah Julius again.

20 SERGEANT AT ARMS: Time starts now.

21 COMMITTEE COUNSEL: This concludes the
22 public testimony. If we have inadvertently forgotten
23 to call on someone to testify, if that person could
24 please raise their hand using the Zoom raise hand
25 function, we will try to hear from you now.

1
2 CHAIRPERSON RIVERA: I want to thank
3 everyone who assisted us with coordinating this
4 hearing. I think the fundamental message here, the
5 goal is very, very clear is to ensure that everyone
6 is safe and that we close Rikers forever. We've seen
7 effective pilot programs, alternatives to
8 incarceration programs that work, and we need a full
9 government response to the humanitarian crisis
10 unfolding at Rikers. Unfortunately, we did not
11 receive all of the answers that we wanted today. We
12 need clarity. We need information. We need utmost
13 transparency. We need our government to act far more
14 robustly and to keep every person on the island,
15 officer and incarcerated alike, safe. Some of the
16 statistics that we've heard today are incredibly
17 disturbing, slashings, stabbings, deaths. We need a
18 plan and we need to take measures to reduce the
19 population and to treat all people on Rikers with
20 dignity and respect. I want to thank all those who
21 testified. We will be following up with the
22 Department of Corrections and City Hall on the many
23 unanswered questions from today. With that, I want
24 to thank everyone again, and we will adjourn this
25 hearing. Thank you.

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COMMITTEE ON CRIMINAL JUSTICE

[gavel]

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COMMITTEE ON CRIMINAL JUSTICE

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 August 8, 2022