

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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June 19, 2017
Start: 11:15 a.m.
Recess: 11:46 A.M.

HELD AT: 250 Broadway - Committee Rm,
14th Fl.

B E F O R E:
ELIZABETH S. CROWLEY
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Fernando Cabrera
Rory I. Lancman
Paul A. Vallone

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

Ariany Polo
ATI Manager
BronxConnect

Nancy Ginsburg
Director
Adolescent Intervention and
Diversion Project
The Legal Aid Society

Jessica Hall
Executive Director
Prison Writes

Ismael Nazario
Case Manager
The Fortune Society

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 3

2 [sound check]

3 [pause]

4 [sound check]

5 [pause]

6 [gavel]

7 CHAIRPERSON CROWLEY: Good morning. My
8 name is Elizabeth Crowley; I am the chair of the Fire
9 and Criminal Justice Services Committee. Today this
10 committee will be conducting a vote on five bills
11 related to the process of posting bail. These bills
12 relate to the Department of Corrections, New York
13 City Police Department and the Mayor's Office of
14 Criminal Justice. I fully support all of these bills
15 and proud that this Council will soon pass all five
16 of these bills into law.

17 It should go without saying that
18 individuals with the means to post bail should be
19 afforded every opportunity to do so and should be
20 released without any delay, yet those charged with
21 crimes and their friends and family who seek to post
22 bail on their cases face numerous barriers in doing
23 so; these five bills will help break down those
24 barriers. I will briefly address each bill
25 individually and afterwards I know that some members

2 who sponsor these bills who are present today would
3 like to say a few words about the bills.

4 And let me just acknowledge my colleagues
5 who are present here today; we have Council Member
6 Paul Vallone and Council Member Fernando Cabrera.

7 Intro 1531-A is sponsored by our Speaker,
8 Melissa Mark-Viverito. This bill addresses
9 significant issues with the DOC's bail acceptance
10 practices. First, the bill requires DOC to accept
11 bail immediately and continuously throughout a case
12 eliminating so-called blackout periods where an
13 inmate is in DOC's custody but the Department will
14 not accept bail for that person. Second, the bill
15 will also ensure that inmates for whom bail is posted
16 are released quickly, eliminating any needless delay.
17 Third, the bill requires DOC to accept bail in or
18 near courts or online; this will eliminate any time
19 during which a person is being incarcerated solely
20 because their family or friend must travel hours to
21 get to Rikers Island or another DOC facility in order
22 to post bail.

23 Next bill, Intro 1541-A, sponsored by
24 Council Member Gibson. This bill addresses the fact
25 that majority of inmates who post bail do so within a

2 few days, but most of the inmates are unable to post
3 bail from court and instead post bail after being
4 sent to Rikers Island and going through the costly
5 intake process. This bill increases the time during
6 which an inmate may be held in the courthouse
7 immediately after bail is set to give their friends
8 and family a few additional hours to come up with
9 bail money and to avoid that inmate being sent to
10 Rikers Island for intake.

11 Intro 1561-A, which I sponsor, addresses
12 a fundamental problem within our bail system. Too
13 many inmates are not aware of the full array of
14 options for posting bail and many not even aware of
15 the amounts and types of bail that have been set in
16 their respective cases. Also, inmates who have the
17 financial means to post bail for themselves are not
18 typically afforded that opportunity in court and may
19 receive the first opportunity to do so while in DOC
20 custody. This bill addresses both these issues by
21 requiring the DOC to provide all inmates with a
22 written summary of their bail and options to paying
23 bail, including the option to post bail for
24 themselves.

2 Intro 1176-A is sponsored by Council
3 Member Lancman. This bill addresses a very
4 straightforward issue, allowing those arrested for
5 crimes to write down the contact information from
6 their mobile phone or other property so they know the
7 numbers to call in order to post bail and for any
8 other reason.

9 Intro 1581-A, sponsored by Council Member
10 Reynoso, addresses the fact that inaccurate and
11 incomplete information regarding the process of
12 posting bail is common throughout the criminal
13 justice system. This bill would require the Mayor's
14 Office of Criminal Justice to make reasonable efforts
15 to work with the court system to ensure that complete
16 and accurate information regarding the posting of
17 bail is displaced in courthouses.

18 Before we vote, I want to thank all the
19 Council Members who sponsor these bills, as they
20 address important issues facing our detainees in DOC
21 custody. I'd like to thank my staff and the
22 Committee staff who have worked on these bills.

23 And now I'd like to call the committee
24 clerk for a roll vote.
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 7

2 COMMITTEE CLERK: Committee Clerk Matthew
3 DeStefano, Committee on Fire and Criminal Justice
4 Services, roll call on Intro Nos. 1531-A, 1541-A,
5 1561-A, 1576-A, and 1581-A. Chair Crowley.

6 CHAIRPERSON CROWLEY: I vote aye on all.

7 COMMITTEE CLERK: Cabrera.

8 COUNCIL MEMBER CABRERA: Aye on all.

9 COMMITTEE CLERK: Vallone.

10 COUNCIL MEMBER VALLONE: Aye on all.

11 COMMITTEE CLERK: By a vote of 3 in the
12 affirmative, 0 in the negative and no abstentions,
13 the items have been adopted.

14 [pause]

15 COMMITTEE CLERK: Council Member Lancman.

16 COUNCIL MEMBER LANCMAN: Aye.

17 COMMITTEE CLERK: 'Kay, by a vote of 4 in
18 the affirmative, 0 in the negative and no
19 abstentions; the items have been adopted.

20 [pause]

21 CHAIRPERSON CROWLEY: Now we're going to
22 move to the second part of the hearing where we will
23 hear testimony on Proposed Intro 1348-A, sponsored by
24 Council Member Robert Cornegy.

25

2 This Committee and this Council have
3 taken a deep look at Rikers Island and other city
4 jails during this legislative session and one issue
5 we have examined is the availability of programming
6 to inmates in our city's jails. It has been well
7 established that idle time for inmates is correlated
8 with violence, so programming for inmates has the
9 potential to help address violence, which continues
10 to plague the Department of Corrections.

11 Perhaps even more importantly, we know
12 that less than 10% of all DOC inmates are sent to
13 state prison, meaning that the clear majority of
14 inmates are released back into our communities;
15 offering these inmates the tools to become productive
16 members of society can only serve to help reduce
17 recidivism, and none of this is to mention that 85%
18 of our inmates are pre-trial detainees who are
19 presumed to be innocent; offering such pre-trial
20 detainees opportunities for education, vocational
21 training and treatment for drug or mental health
22 issues is simply the right thing to do.

23 I look forward to a productive discussion
24 with the Administration, criminal justice advocates
25 and all interested members of the public about their

2 position on this bill. And now I will call up
3 members of the public, because I don't believe that
4 the Administration is here to testify today.

5 We have from BronxConnect Ariany Polo,
6 [background comment] Ariana [sic] Polo; we have
7 Jessica Hall from Prison Writes; Nancy [background
8 comment] Ginsburg with The Legal Aid Society;
9 [background comment] Ismael Nazario from The Fortune
10 Society.

11 [pause]

12 ARIANY POLO: Hello, good morning
13 Chairperson Crowley and all the members of the Fire
14 and Criminal Justice Committee. My name is Ariany
15 Polo; I'm the Manager of our Supreme Court
16 Alternative-to-Incarceration program.

17 BronxConnect is faith-based, community-
18 based program that offers alternatives to detention
19 and incarceration that connect court-involved youth
20 with positive resources in the local community.
21 Through mentoring relationships we prevent recidivism
22 and address youth-initiated goals in education and
23 employment. BronxConnect was the first Bronx-based
24 Alternative-to-Incarceration and Alternative-to-
25 Detention program serving our community. We also

2 serve the Bronx in crisis management and Cure
3 Violence services.

4 BronxConnect began as a response from the
5 community on the high incarceration rates from our
6 African American and Hispanic youth. We recently won
7 a Department of Corrections subcontract with the
8 Friends of the Island Academy to provide pre-release
9 services to 60 young adults charged and serving time
10 at Rikers Island.

11 Thank you for allowing me to testify
12 today. I testify as a resident of the Bronx,
13 management of a community-based program staffed with
14 members of the community, ex-offenders, and people of
15 color. We have served over 2,000 children and young
16 people over the last 17 years. BronxConnect has
17 developed its own unique service model to achieve
18 successful outcomes with court-involved youth.

19 BronxConnect Alternative-to-Incarceration services
20 are based on many of the same assumptions as multi-
21 systematic therapy models, yet include additional
22 services and methodologies unique to its own
23 community context; this has allowed us to have
24 success at keeping youth from reoffending. The
25 BronxConnect program has been the object of a

2 research study published by Trevor Milton. In
3 collaboration with BronxConnect, The Foundation for
4 Children and the New York State Department of
5 Criminal Justice Services conducted a study about
6 BronxConnect ATI, Alternative-to-Incarceration. In
7 Dr. Milton's study, within 12 months of contact with
8 the BronxConnect program, only 4.4% of successful
9 graduates of the BronxConnect were convicted of
10 felony offenses; after three years, only 8.7% of
11 BronxConnect successful graduates were convicted of a
12 new felony offense, and after five years, only 12.9%
13 of BronxConnect successful graduates were convicted
14 of a new felony offense.

15 BronxConnect fully supports Intro 1348-A
16 and the efforts to improve the lives of those inmates
17 serving 30 days or more at Rikers Island. The City
18 has an opportunity to intervene in the lives of those
19 affected by incarceration and begin to direct them in
20 other positions. We appreciate the efforts of the
21 City to introduce rehabilitation to our criminal
22 justice system, as a purely punitive system does
23 nothing to change and improve our society and urban
24 communities that have been plagued with excessive
25 arrests.

2 According to the Vera Institute of
3 Justice, up to 60% of adolescents ages 16-18 in New
4 York City jails read below the 5th grade level. A
5 research study by Public/Private Ventures has
6 demonstrated that two-thirds of young adults
7 returning from New York State prisons never return to
8 school. We have found this **[inaudible]** statistic to
9 be true and seek to incorporate employment readiness,
10 job placement and academic enrichment into our
11 program to support long-term success.

12 According to the New York State
13 Department of Corrections, each year approximately
14 75,000 people return to New York City following a
15 period of incarceration in jail or prison. According
16 to data compiled by New York State's Criminal Justice
17 Agency, more than half of the defendants sentenced to
18 jail or prison citywide in 2009 were re-arrested
19 within a year and nearly a quarter of them were re-
20 arrested for a felony offense.

21 New York City's unemployed and under-
22 employed population is also predominantly made up of
23 African American and Latino males, many of whom have
24 contact with the criminal justice system. The tough
25 on crime policies on the war on drugs, especially the

2 aggressive broken window policy and over-policing in
3 communities of color, have left tens of thousands of
4 African [sic] and Latino workers in New York City
5 with some type of prior justice involvement which
6 will appear on their criminal history report.

7 A New York City study released in 2014
8 found that by age 18, 30% of Black men, 26% of Latino
9 men and 22% of white men have been arrested. Without
10 targeted intervention in the area of employment and
11 education, most of these formerly incarcerated
12 citizens will return to custody. A recent study
13 found that 38% of people released from New York State
14 Department of Corrections and prisons who were
15 originally committed to prison from New York City
16 returned to custody within three years of their
17 release.

18 We are grateful to have won the Friends
19 of Island Academy Department of Corrections
20 subcontract to provide six months of pre-release
21 services to 60 young adults in Rikers Island, which
22 include the ability of these young people to receive
23 up to \$200 in incentives. Yes, for every class we
24 offer there are many more youth who want to attend
25 but cannot. Currently, according to Justice

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 14
2 Leadership USA, it costs \$167,000 per year per person
3 to hold a person in Rikers Island; it only costs
4 between \$11,000-20,000 a year per person for a young
5 person to be in an ATI program within their own
6 community.

7 Hire more ATIs like BronxConnect, an
8 agency that can and will receive young people from
9 Rikers and rehabilitate them in order to be part of
10 the community they were taken out of. Thank you.

11 NANCY GINSBURG: Good morning. My name
12 is Nancy Ginsburg; I'm the Director of The Legal Aid
13 Society's Adolescent Intervention and Diversion
14 Project in the Criminal Practice, a specialized unit
15 dedicated to the representation of adolescents aged
16 13-18 who are prosecuted in the adult criminal court.
17 This testimony is based on consultation with our
18 Prisoners Rights Project. We submit this testimony
19 on behalf of The Legal Aid Society and thank Chair
20 Crowley and the Committee on Fire and Criminal
21 Justice Services for inviting our thoughts on
22 Intro 1348-A, proposed legislation requiring the
23 Department of Corrections to provide vocational or
24 educational programming to individuals held in
25 custody.

2 Our extensive experience indicates that
3 community safety is best protected when appropriate
4 services are identified and accessed for clients so
5 that they are treated safely and humanely while in
6 the system and less likely to be entangled again in
7 the criminal system. The Legal Aid Society strongly
8 supports the provision of services to our
9 incarcerated client.

10 We appreciate the intent of the current
11 legislation but have concerns about the unintended
12 consequences of the language as set forth. We
13 believe the intent of the legislation is to set a
14 floor for service provisions to individuals in the
15 custody of the Department of Corrections and we
16 support that goal. However, we believe the language
17 is both too broad and too limiting to achieve the
18 goals it sets out to reach.

19 We are concerned to the extent that the
20 bill suggests programming could be provided in lieu
21 of education. There are many adolescents and young
22 adults who are entitled to education either due to
23 compulsory education laws or special education laws
24 and we are concerned that this bill would allow
25 programming to be provided in lieu of education.

2 We fully support a requirement of five
3 hours of academic services for those entitled are
4 requesting them, regardless of their security
5 classification or housing location. The Department
6 of Education currently provides a five-hour school
7 day to adolescents enrolled in school and we believe
8 that standard should be maintained by legal mandate.
9 Additionally, it should be ensured that as many
10 individuals as possible should have access to school.
11 Furthermore, the broad brush exemption for
12 circumstances where from the bill education cannot
13 safely be provided is far too vague to address the
14 security aspects of correctional education. There is
15 already existing law and regulation, which we can
16 provide off record, setting forth the circumstances
17 in which educational programming can be restricted
18 for security reasons; this language should be omitted
19 from this bill.

20 We support the provision of a wide
21 variety of services to all individuals in custody,
22 regardless of security classification or housing
23 location. In our experience, a small number of
24 individuals are provided with access to programming
25 while many receiving nothing at all. Social services

2 to incarcerated individuals must be increased, both
3 to protect them during their incarceration and
4 facilitate their re-entry to society upon release.

5 The period of incarceration presents an opportunity
6 to teach social skills and enhance academic skills to
7 expose clients to new possibilities for their future.

8 Study after study has shown that those who are
9 incarcerated stay more motivated, prepare for
10 release, and engage in less violence when they have
11 access to productive activities.

12 The requirement in the current
13 legislation that limits education and programming to
14 individuals in general population excludes those in
15 specialized housing, including but not limited to
16 protective custody, mental health settings; high
17 security settings. Individuals in alternative
18 settings can benefit from education and programming
19 as much, if not more, than those in general
20 population.

21 Additionally, adolescents and young
22 adults are placed in school in a far shorter
23 timeframe than 30 days. It is our position that they
24 should have access to school as soon as possible
25 after being placed in the custody of the DOC and this

2 legislation should formalize the practice that is
3 currently in place or improve upon it.

4 Given the prevalence of individuals
5 classified with special education needs and the
6 percentages of youth and young adults performing far
7 below grade level, connection to the academic setting
8 is critical to their successful reintegration to the
9 community.

10 The Legal Aid Society appreciates and
11 supports the efforts that the Department of
12 Corrections has made to expand services for
13 adolescents and young adults. We would like to see a
14 wide menu of services provided to the adult
15 population as well, regardless of housing unit or
16 security level. We have seen the access to services
17 improve our clients' ability to meaningfully connect
18 to community-based services. Progress in services
19 reduces periods of incarceration and increase
20 clients' adherence to community programming upon
21 release. In particular, vocational services are
22 critical to client success upon release in reducing
23 recidivism and improving community outcomes.

24 We look forward to working with the
25 Council to refine the language of this legislation so

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 19
2 the goals of academic and programming services to all
3 individuals in the custody of the Department of
4 Corrections are fully realized. We thank the
5 Committee for this public forum; the City Council
6 plays and must continue to play an important role in
7 understanding, monitoring and tracking the conditions
8 of confinement for individuals incarcerated in the
9 City jail system.

10 JESSICA HALL: Good morning. Thank you,
11 Council and Committee members for this opportunity to
12 provide testimony. My name is Jessica Hall and I'm
13 the Executive Director of Prison Writes; we provide
14 therapeutic writing programs for people who are
15 incarcerated, detained and formerly incarcerated and
16 alternative to detention programs, alternative to
17 incarceration programs, and so on. And I'm just
18 going to speak to the benefit of writing programs in
19 particular.

20 Nationally, only about half of
21 incarcerated adults have a high school degree or its
22 equivalent. Youth in the juvenile justice system are
23 significantly more likely than other youth to be
24 suspended or expelled, have academic skills well
25 below their grade level, possess a learning or

2 developmental disability, and drop out of school.

3 Enrollment in school and academic achievement is

4 associated with lower rates of re-offending and

5 better outcomes into adulthood.

6 Providing meaningful activities in

7 prisons and jails can help alleviate stress, reduce

8 altercations and increase positive communication,

9 making the overall culture and environment safer for

10 inmates and staff. Writing programs, in particular,

11 serve a therapeutic function while supporting

12 literacy development and continued education.

13 Thirty years of research indicates that

14 therapeutic writing results in tangible outcomes that

15 improve overall health and functioning, including

16 improved emotional and physical health, positive

17 behavioral changes, boost in academic ability,

18 improve working efficiency, better sleep habits, and

19 improved connections to others.

20 In over a decade of working with people

21 who've experienced incarceration in New York City; in

22 particular, who've cycled through Rikers Island, I've

23 seen them return traumatized and less able to

24 function, with a whole new set of problems than when

25 they left and much less able to comply with the terms

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 21

2 of their release. So many of the challenges of re-
3 entry are a result of trauma people have suffered
4 while in prison. The suffering of people in this
5 punitive system is a shame for our city and nation
6 and does nothing to prepare them for re-entry.

7 Through humane treatment of people who
8 are incarcerated, including the provision of
9 rehabilitative and educational activities and
10 programs, we can create a narrative of successful re-
11 entry, safer communities and reduce recidivism rates.
12 Thank you.

13 CHAIRPERSON CROWLEY: Before we hear from
14 the remaining members of the public who are here
15 today to testify, I'd like to call on the committee
16 clerk to take a vote from Council Member Eugene.

17 COMMITTEE CLERK: Committee on Fire and
18 Criminal Justice Services, continuation of roll call.
19 Council Member Eugene.

20 COUNCIL MEMBER EUGENE: Thank you very
21 much, Madam Chair, and I vote aye on all. And thank
22 you.

23 COMMITTEE CLERK: Final vote stands 5 in
24 the affirmative, 0 in the negative; no abstentions.

25

2 CHAIRPERSON CROWLEY: Thank you. Thank
3 you, Council Member Eugene. Thank you to the
4 Committee Clerk. And now we will go back to the
5 testimony, and we have one member of the public
6 still.

7 ISMAEL NAZARIO: Good morning. My name
8 is Ismael Nazario; I'm a case manager at The Fortune
9 Society and I work with the I-CAN program. The
10 Fortune Society is a New York City-based nonprofit
11 organization; we provide services for nearly 17,000
12 people per year. Our mission is to build people and
13 support them to break the cycle of incarceration and
14 crime.

15 I just want to take the time out to thank
16 you for the opportunity to express my strong support
17 for Intro No. 1348-A, which would require the
18 Department of Corrections to offer vocational and
19 educational programming for people who are
20 incarcerated in city jails for 30 days or longer.

21 For the past 50 years, Fortune has worked
22 to promote a fair, humane and truly rehabilitative
23 justice system and we believe that this legislation
24 represents a major commitment in that direction. At
25 The Fortune Society we understand we have intimate

2 knowledge of the importance of providing programming
3 to incarcerated individuals prior to their release,
4 so the I-CAN program stands for Individualized
5 Corrections Achievement Network; we're actually
6 funded through the Department of Corrections NYC, and
7 we provide pre- and post-release services on Rikers
8 Island and in the community. So we provide services
9 to men and women, we provide an array of group
10 services such as professional development, relapse
11 prevention, life skills, parenting skills, anger
12 management, and a few other group services that we
13 offer. In addition to that, we also offer hard-
14 skills training, such as OSHA 10, CPR, food handlers,
15 and we provide this to the individuals because it's
16 preparing them for release for one, and once they
17 have these certifications under their belt, it makes
18 them more marketable and more employable and that's
19 something that we definitely want to see our
20 participants take part in, so programming being
21 expanded over Rikers Island and MDC will be a great
22 benefit for the individuals that are being detained
23 on Rikers Island.

24 Initially the program started back in
25 2005 with a program called The RIDE Program, which

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 24
2 stood for Rikers Island Discharge Enhancement, and we
3 were only providing services to city-sentenced
4 individuals at that moment, but once the Department
5 of Corrections and the Mayor's Office and so on and
6 so forth saw that it was becoming to be a success,
7 then hence the I-CAN program was born and then that
8 began to expand as well.

9 So I-CAN programs and programs like it
10 are actually now in the process of helping to reduce
11 violence in the jails because it is decreasing idle
12 time for the participants and I mean so far seems to
13 have been working in a great way. We are in nine
14 facilities on Rikers Island right now, including MDC.
15 Lack of programming can result to more idle time and
16 lead to incidents that can compromise the safety of
17 inmates and some of the staff members there. In
18 addition to working inside DOC, Fortune provides
19 support to formerly incarcerated populations, post-
20 release; we are also part of the Alternative-to-
21 Incarceration Re-entry Coalition, a collaboration of
22 organizations that run community-based programs that
23 provide alternatives to incarceration, as well as
24 training, counseling, education, drug and alcohol
25 treatment, mental health services, anger management,

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 25

2 family and parenting services, and other essential
3 tools that help formerly incarcerated participants to
4 find employment and housing and to live stable.

5 We firmly believe that expanding access
6 to structured programming to incarcerated individuals
7 prior to their release will have a positive impact on
8 their lives, increase safety within Rikers Island and
9 help to end the cycle of crime and incarceration that
10 has plagued our communities for generations.

11 Thank you again for this opportunity to
12 provide Fortune's strong support for this
13 legislation.

14 CHAIRPERSON CROWLEY: Everybody who
15 testified today; does everyone support the bill?

16 [collective affirmations]

17 CHAIRPERSON CROWLEY: And from what you
18 understand, there is already that amount of training;
19 everyone participates in five hours a day?

20 ISMAEL NAZARIO: Yes.

21 NANCY GINSBURG: Well Legal Aid supports
22 the intent of the bill, but we do have some issues
23 with the language.

24 CHAIRPERSON CROWLEY: Okay. Okay, I have
25 no other questions **[inaudible]**. [background

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 26

2 comments] This concludes the Fire and Criminal
3 Justice Services hearing of June 19, 2017. Thank
4 you.

5 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 17, 2017