

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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March 22, 2021  
Start: 2:10 p.m.  
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HELD AT: Remote Hearing (Virtual Room 4)

B E F O R E: Keith Powers  
CHAIRPERSON

COUNCIL MEMBERS:  
Alika Ampry-Samuel  
Darma Diaz  
Robert Holden  
Kevin Riley  
Carlina Rivera  
Jimmy Van Bramer

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

Lynelle Maginley-Liddy, First Deputy  
Commissioner  
Department of Corrections

Brenda Cooke, Chief of Staff  
Department of Corrections

Hazel Jennings, Chief of Department  
Department of Corrections

Patricia Lyons, Deputy Commissioner for  
Financial Facility and Fleet  
Administration  
Department of Corrections

Heidi Grossman, Deputy Commissioner for  
Legal Matters  
Department of Corrections

Dana Wax, Deputy Chief of Staff  
Department of Corrections

Judy Beal, Deputy Commissioner for  
Programs and Community Partnerships  
Department of Corrections

Francis Torres, Assistant Commissioner  
for Programs and Community Partnerships  
Department of Corrections

Kenneth Stukes, Bureau Chief of Security  
Department of Corrections

Ana Bermudez, Commissioner  
Department of Probation

Sharun Goodwin, Deputy Commissioner  
Department of Probation

Gineen Gray, Deputy Commissioner  
Department of Probation

Michael Forte, Deputy Commissioner  
Department of Probation

Wayne McKenzie, General Council  
Department of Probation

Margaret Egan, Executive Director  
Board of Corrections

Emily Turner, Acting Executive Director  
Board of Corrections

Robert Cohen, Board Member  
Board of Corrections

Benny Boscio, President  
Corrections Officers Benevolence  
Association

Lauren Curatolo, Director  
Midtown Community Court

Zachary Katz Nelson, Policy Director  
Littman Commission

Gregory Williams, Member  
Freedom Agenda

Mary Lynn Werlwas  
Legal Aid Society

Jennifer Parrish, Director  
Criminal Justice Advocacy  
Urban Justice Center Mental Health  
Project

Darren Mack  
Freedom Agenda

Brandon Holmes, New York City Resident

Jordan Rosenthal, New York City Resident

Kandra Clark, New York City Resident

Pilar DeJesus, Advocacy Coordinator  
Take Root Justice

Dr. Victoria Phillips  
Jails Action Coalition

David Freudenthal, Government Relations  
Director  
Carnegie Hall

Kelly Grace Price  
Close Rosie's

Michael Pope, Executive Director  
Youth Represents

Jane Ehlke, New York City Resident

David Long, Executive Director  
Liberty Fund

Curtis Bell, New York City Resident

Rosalind Barber, Administrative Chief of  
Staff  
Public Theater

Eileen Maher, Member  
Justice for Women Taskforce



2 SERGEANT-AT-ARMS: All right. Let's  
3 prepare our recordings. The PC recording is  
4 underway.

5 SERGEANT-AT-ARMS: Recording to the cloud  
6 all set.

7 SERGEANT-AT-ARMS: Good afternoon and  
8 welcome to today's remote New York City Council  
9 preliminary budget hearing of the Committee on  
10 Criminal Justice. At this time, would all panelists  
11 please turn on their video? To minimize disruptions,  
12 please silence your electronic devices and, if you  
13 wish to submit testimony, you may do so via email at  
14 the following address: [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).  
15 Once again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank  
16 you for your cooperation. We are ready to begin.

17 CHAIRPERSON POWERS: Good afternoon,  
18 everyone, and thank you for being here today and  
19 thank you for your patience as we get started.  
20 Welcome to the fiscal year 2022 preliminary budget  
21 oversight hearing for the Criminal Justice Committee  
22 of the New York City Council. I am city Council  
23 member Keith Powers, Chair of the Committee on  
24 Criminal Justice and before I go forward, I want to  
25 just note a few members of the Counsel who are with

2 us today. Council member Dharma Diaz, Council member  
3 Alike Ampry-Samuel, Council member Bob Holden. I  
4 believe we were joined by Council member Helen  
5 Rosenthal and we will be joined by more momentarily.  
6 Today, we will be hearing from the Department of  
7 Correction, the Department of Probation, the Board of  
8 Correction, and members of the public. I want to  
9 thank everyone for being here and joining us today  
10 and we have also been joined by Council member  
11 Rivera, as well. We are going to be first hearing  
12 from the Department of Correction today. The  
13 Departments fiscal 2022 preliminary budget totals  
14 \$1.16 billion. That is increased by \$7 million since  
15 adoption last year. The preliminary budget that we  
16 are hearing today introduces no new needs and  
17 reflects a savings of \$48.8 million in fiscal year  
18 2022. With the budgeted uniform headcount of 7060  
19 individuals, and an actual uniform headcount that  
20 exceeds that budgeted headcount, the officer to the  
21 person in custody ratio high compared to other  
22 jurisdictions in the United States. We will  
23 certainly have questions for the department about  
24 their spending and the headcount. But, more  
25 urgently, we have seen a number of disturbing



2 revelations in the last few weeks that suggest a  
3 troubling pattern at the Department of Corrections  
4 that deserve attention here today. In recent weeks,  
5 two individuals charged with murder and attempted  
6 murder were mistakenly released. We will certainly  
7 have questions about that. Separately, two  
8 individuals died within a week of each other at  
9 Rikers Island and, of course, we will have questions  
10 about that. And, this weekend, the daily news  
11 reported that over 1500 privileged phone calls were  
12 legally recorded inside city jails due to a clerical  
13 error by Securest Technologies, the contractor who  
14 handles telephone service for the DOC facilities.  
15 And we have lots of questions about that. We now  
16 know, because of the reporting, that this problem was  
17 widespread, affecting cases at all five boroughs and  
18 dates what we believe back to last year. Involved in  
19 the recording were more than 1500 phone calls in the  
20 department is broken trust with New Yorkers and  
21 raises a huge question of credibility in my eyes and,  
22 I think, and many of my colleagues eyes about the  
23 contract. The agency. Today, we are demanding  
24 answers. Very clear answers on how those incidents  
25 occurred and how DOC and the contractor plan to

2 respond. These revelations, all the ones I noted,  
3 highlight systemic problems and, on the heels of a  
4 number of other stories out of DOC since the  
5 department last came before us. Or since we last had  
6 hearing and I will note that actually last year's  
7 hearing of the budget actually got canceled right in  
8 the midst of Covid which, of course, was the right  
9 decision for everybody's safety and how, but we have  
10 lots of questions about what is happened in the last  
11 year. We are going to be here demanding clear  
12 answers to know how these incidents occurred and how  
13 they plan to address bond. In recent months, we have  
14 also learned correction officers are being forced to  
15 serve 24 our triple shifts, despite the existing  
16 headcount. We have learned that more individuals  
17 died of Covid 19 contracted in the city jails then we  
18 believe were initially reported. We have heard  
19 complaints of overcrowding in our city jails as units  
20 have been overcrowded over 50 percent capacity and we  
21 continue to see long-term troubling trends continue  
22 to develop, most notably the rising violence that  
23 puts everyone in our city jails at risk. Despite a  
24 decrease in the jail population, the rates of  
25 violence amongst people in custody has increased 155

2 percent since fiscal year 2014 and rates of serious  
3 injury by individuals in custody have increased by  
4 500 percent in that same time period. And assaults  
5 on staff have increased by 250 percent -- 215  
6 percent in that time period. So, we are here to talk  
7 today about the budget here at the Department of  
8 Correction and the other agencies, but as we bring  
9 the Department of Correction for word, I think we  
10 have a responsibility in a right to ask why we  
11 continue to see a troubling pattern of mismanagement,  
12 why do conditions in jails seem to be getting worse?  
13 And what does this preliminary budget do to help  
14 address all of these issues? And I will end with  
15 this before handing it over: to the Department of  
16 Corrections, all eyes are on you right now. We  
17 expect clear answers and accountability today and  
18 moving forward and individuals that had their privacy  
19 rights taken away from them deserve the confidence to  
20 know the steps that are being taken immediately and  
21 moving forward to safeguard it against ever happening  
22 again. We will be joined by a number of individuals  
23 on the Department of Corrections will be introduced  
24 this morning momentarily and then we will begin your  
25 testimony when you're ready. I will call forward the

2 Department of Corrections to be sworn in and testify.  
3 Thank you.

4 COMMITTEE COUNSEL: Thank you. I am  
5 Agatha Mavropoulos, counsel to the City Council's  
6 Committee on Criminal Justice. Before we begin, I  
7 want to remind everyone that you will be on mute  
8 until you are called on to testify. When it is your  
9 turn to testify, you will receive a prompt to unmute.  
10 Please listen for your name to be called as I will  
11 periodically announce who the next panelists will be.  
12 We will first hear testimony from the Department of  
13 Corrections followed by a period of questions and  
14 answers from the committee members. Next, we will  
15 hear testimony from the Department of Probation  
16 followed by a period of question-and-answer and then  
17 we will hear testimony from the Board of Correction  
18 followed by a period of question and answer.  
19 Afterwards we will hear testimony from members of the  
20 public. During the hearing, if Council members would  
21 like to ask a question, please use the zoom raise  
22 hand function and I will call on you in order.  
23 Committee members will be limited to five minutes,  
24 including responses. I will now administer the oath  
25 to members of the Department of Corrections. After I

2 say the oath, please wait for me to call your name  
3 and respond one by one. Please raise your right  
4 hand. Do you affirm to tell the truth, the whole  
5 truth, and nothing but the truth before this  
6 committee and to respond honestly to Council member  
7 questions? Lynelle Maginley-Liddy?

8 FIRST DEPUTY COMMISSIONER MCGINLEY-LIDDY:

9 I do.

10 COMMITTEE COUNSEL: Brenda Cooke?

11 BRENDA COOKE: I do.

12 COMMITTEE COUNSEL: Hazel Jennings?

13 HAZEL JENNINGS: I do.

14 COMMITTEE COUNSEL: Patricia Lyons?

15 PATRICIA LYONS: I do.

16 COMMITTEE COUNSEL: Heidi Grossman?

17 HEIDI GROSSMAN: I do.

18 COMMITTEE COUNSEL: Dana Wax?

19 DANA WAX: I do.

20 COMMITTEE COUNSEL: Judy Beal?

21 JUDY BEAL: I do.

22 COMMITTEE COUNSEL: Francis Torres?

23 FRANCIS TORRES: I do.

24 COMMITTEE COUNSEL: And Kenneth Stukes?

25 KENNETH STUKES: I do.

2 COMMITTEE COUNSEL: Thank you. We will  
3 now proceed with testimony from the First Deputy  
4 Commissioner Lynelle Maginley-Liddy. You may begin  
5 when ready.

6 FIRST DEPUTY COMMISSIONER MAGINELY-LIDDY:

7 Good afternoon, Chair Powers and members of the  
8 Committee on Criminal Justice. I First Deputy  
9 Commissioner Lynelle Maginley-Liddy and I'm glad to  
10 see that you are all healthy and well. I am pleased  
11 to be joined today by the dedicated members of the  
12 Department of Corrections leadership team including  
13 chief of department Hazel Jennings, chief of staff  
14 Brenda Cooke, bureau chief of security Kenneth  
15 Stukes, deputy commissioner for financial facility  
16 and fleet administration Patricia Lyons, deputy  
17 commissioner for legal matters Heidi Grossman, deputy  
18 commissioner for programs and community partnerships  
19 Judy Beal, assistant commissioner for programs and  
20 community partnership Francis Torres, and deputy  
21 chief of staff Dana Wax.

22 Today, my colleagues and I are here to  
23 discuss the fiscal year 2022 budget. The impact of  
24 coronavirus on our facilities and the department's  
25 response to this unprecedented event and are

2 dedicated to continued reform efforts. First and  
3 foremost, I want to respond to some very troubling  
4 matters that have made recent news. With respect to  
5 the concerns regarding Securest, who is our third  
6 party telephone vendor, and the recording of  
7 privileged conversations of people in custody with  
8 their counsel and legal representatives. I want to  
9 assure the Council and the public that we take this  
10 issue extremely seriously. Although this was a human  
11 data entry error on the part of Securest,  
12 confidential attorney-client communication is a  
13 fundamental right and we have a duty to ensure  
14 privileged conversations are private. Since becoming  
15 aware of this issue in December of last year, we have  
16 been taking aggressive steps to identify the scope of  
17 the problem and create a robust quality assurance  
18 system with the vendor. This includes establishing  
19 an online database so attorneys can confirm their  
20 number is properly privatized with crime audits to  
21 understand the scope of the problem. The  
22 sequestering of any calls that should not have been  
23 reported so they can no longer be accessed, and  
24 adding a regular manual check to be formed by an  
25 additional Securest employee of 20 percent of the

2 numbers of each do not record list set by the  
3 department to ensure data entry is being done  
4 properly. As an extra layer of protection, the  
5 Department is also designing its own audit process to  
6 guard against future errors. Finally, all calls that  
7 are not on the do not record list have and will  
8 continue to have a prerecorded announcement play when  
9 the call begins that makes clear to all parties that  
10 the call is being recorded, allowing either side to  
11 terminate the call prior to discussing any privileged  
12 information. The prerecorded announcement has been  
13 enhanced to specifically warn attorneys that if they  
14 are hearing the announcement, the call is not private  
15 and they should hang up. This matter has further  
16 been referred to the DOI so that they can conduct an  
17 independent investigation into way. The Department  
18 plans to cooperate fully with DOI. As much as we  
19 believe these steps will provide appropriate  
20 mitigation against further issues, we recognize that  
21 this should have never happened and are taking all  
22 steps to guard against any further issues in the  
23 future. We have similarly taken swift action in  
24 response to the circumstances surrounding the  
25 erroneous discharge of a dangerous individual from



2 our custody. This was a significant error that  
3 should not have happened and we immediately suspended  
4 four staff members related to this event. We are  
5 continuing to collaborate with law enforcement in  
6 order to apprehend this individual. Covid 19  
7 continues to weigh heavily on this city. Throughout  
8 the crisis, the Department has worked to be as  
9 transparent and forthcoming as possible. Although we  
10 openly report on the deaths of individuals who passed  
11 away in custody, we did not have a process to report  
12 on the deaths of those compassionately released from  
13 custody as a result of illness who later died outside  
14 of our care. We are working with our partners in  
15 correctional health services to provide a more  
16 complete picture of these deaths while respecting the  
17 rights of the formerly detained individual and those  
18 of their family. Before proceeding further with my  
19 testimony, I also want to express my condolences to  
20 the families of the two men who have been in custody  
21 who have recently passed away. Every death in  
22 custody is tragic. These made even more so after a  
23 year of so much loss. The department conducts  
24 investigations following any death in custody,  
25 however, the following these deaths, we also plan to

2 fully comply with an independent audit of our mental  
3 observation units conducted by the Board of  
4 Correction to evaluate and make recommendations  
5 surrounding our practices in these housing areas. We  
6 anticipate this work will support the department and  
7 correction health services in our efforts to care for  
8 the most vulnerable individuals. I would also like  
9 to take the opportunity today to provide you with an  
10 update on our ongoing Covid 19 mitigation efforts,  
11 speak to ongoing reform work underway, and advise you  
12 of our budgetary plan for the upcoming year. Last  
13 March, we were drafting action in safety plans based  
14 on a globally limited understanding of Covid 19. We  
15 relied on our crisis management skills and our  
16 profound duty to protect our staff and those in our  
17 custody. In a matter of hours, we sprung into  
18 action, assembling protocols for distant seen in  
19 sanitation, securing PPE, learning about testing, and  
20 building relationships with our healthcare partners  
21 across the city. This critical and expeditious work  
22 embodies the departments refined mission statement,  
23 proving that we are an organization that goes beyond  
24 care, custody, and control and is one that focuses on  
25 creating safe and supportive environments for those

2 in our custody. Before I continue any further, I  
3 would like to recognize the dedicated and hard-  
4 working employees of the Department of Correction and  
5 correctional health services for their incredible  
6 efforts and sacrifices throughout this pandemic.  
7 Tragically, the Department lost 11 members of our  
8 staff to Covid 19 and over 1900 uniformed and  
9 nonuniformed staff members have tested positive over  
10 the past year. Despite these uncertain and  
11 challenging times, DOC staff have remained committed  
12 to ensuring the safety and well-being of those  
13 entrusted to our care every single day. At a great  
14 expense to their selves and their families, I am  
15 proud of their heroic efforts and I am honored to  
16 work beside them. Now, with approximately 60  
17 patients with active cases in our facilities, the  
18 department continues to successfully mitigate Covid  
19 19 within its jails and emerge as a national leader  
20 in responding to the crisis. Our success in managing  
21 Covid 19 is a result of establishing a mitigation  
22 protocol, providing regular and clear communication  
23 to staff and people in custody, and modifying  
24 services to support our populations. In partnership  
25 with Correctional Health Services, the department

2 identified entry point vulnerability which allowed  
3 the virus into our facilities. We developed a  
4 responsive tiered housing strategy that separated  
5 those with Covid 19 exposure and positivity from the  
6 general population. Additionally, the department  
7 established a robust sanitation protocol, provided in  
8 mandated PPE for all staff and persons in custody,  
9 and painted cues in common areas to encourage social  
10 distancing. These measures have been in place since  
11 the height of the pandemic and have continued to keep  
12 people in custody safe, as evidenced by the  
13 departments consistently low Covid 19 positivity  
14 rate, a figure which is lower than current citywide  
15 statistics. The department has continued to build on  
16 its existing mitigation strategy and now offers on-  
17 site testing and vaccination opportunities for our  
18 staff and partners with CHS to afford the vaccine to  
19 all eligible persons in custody. This year, the  
20 majority of our ingenuity and creativity was devoted  
21 to reimagining well-established service in a Covid  
22 19 safe manner. We developed hotlines that connected  
23 people in custody to chaplains, discharge planning,  
24 and LGBTQ services. Additionally, we stood up a  
25 television initiative in a matter of weeks, created a

2 mechanism for supervised community release and rolled  
3 out thousands of tablets with educational and  
4 recreational programming across our facilities. We  
5 are in discussions with our health partners to  
6 determine when it is safe to resume in person  
7 visitation and other in person services. Still,  
8 despite the immediate challenges before us, the  
9 department continues to prioritize reform efforts and  
10 made progress on initiatives that will shape  
11 correctional best practices for years to come. As  
12 you are aware, Commissioner Brann participated in the  
13 Mayors working group to eliminate the use of solitary  
14 confinement and a draft of the Boards revised rules  
15 surrounding restricted housing based on the  
16 recommendations of that working group was recently  
17 made public. The department has been a leader in  
18 punitive segregation reform for the past six years  
19 and looks forward to continuing to set the standard  
20 for other drastic actions to follow. Further, we are  
21 continuing to work closely with sister agencies to  
22 push forward the borough-based jail initiative that  
23 are actively working with partners to define state-  
24 of-the-art jail facility is informed by lessons  
25 learned through Covid 19. The department's fiscal

2 year 2022 expense budget is 1.16 billion. The vast  
3 majority of this, 87 percent, is allocated for  
4 personal services and 13 percent for other than  
5 personal services. The fiscal year 2022 budget is  
6 16.8 million more than this year's budget of 1.14  
7 billion. This increase is due to the addition of  
8 collected bargaining funding. Including in the  
9 preliminary budget our decrease as of 9.6 million in  
10 fiscal year 2021, 61.6 million in fiscal year 2022,  
11 and 23.9 million in each fiscal year 2023, 2024, and  
12 2025. The following are some highlights of the major  
13 initiatives that were included in the budget: hiring  
14 and attrition management, a reduction of 1.2 million  
15 and 64 nonuniformed positions in fiscal year 2021  
16 related to delays in filling vacant positions,  
17 uniform over time, a reduction of 48.8 million in  
18 fiscal year 2022, and 25 million beginning in fiscal  
19 year 2023. Covid deferral, and 8.9 million in  
20 retroactive bargaining payouts, was deferred from  
21 fiscal year 2021 to fiscal year 2022.

22           And, in conclusion, I just want to thank  
23 you again for the opportunity to testify today and  
24 for your continued support of the work we do on

2 behalf of those in our care. My colleagues and I are  
3 available to answer any questions that you may have.

4 CHAIRPERSON POWERS: Thank you, guys.  
5 Thank you for the testimony. I want to go back to  
6 the topic I had mentioned in my testimony and you  
7 referred to which is about the report on the phone  
8 call. So, this weekend, as you know, the Daily News  
9 reported that an audit revealed a widespread problem  
10 with privilege phone calls in city jails being  
11 wrongfully recorded which I believe is an egregious  
12 violation of the rights of incarcerated people. On  
13 February 17, as you know, I sent a letter with the  
14 city Council Speaker to the department requesting  
15 information and raising this concern on potentially  
16 illegally recorded phone calls in our city jails.  
17 Can you tell us when you know, as the Department of  
18 Corrections first became aware of the wrongfully  
19 recorded phone calls?

20 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

21 Thank you for the question. Without a doubt,  
22 this was a serious and troubling mistake and  
23 something that I, as an attorney, take very seriously  
24 because I understand the implications here. It  
25 impacts those entrusted to our care and it impacts

2 make it right. Once the department became aware of  
3 the possibility that certain attorney numbers were  
4 erroneously placed on the list that resulted in their  
5 calls being recorded, we acted immediately. We  
6 demanded that our third-party vendor, Securest,  
7 investigate the scope of this serious error and have  
8 notified defender groups and district attorney  
9 offices so that they can take appropriate steps with  
10 respect to these calls. We made it clear to our  
11 vendor, Securest, that this must be addressed  
12 immediately and they put several additional quality  
13 control measures into place. We are working with  
14 them to ensure these measures are up to our  
15 standards. I will ask Deputy Commissioner for legal  
16 matters, Heidi Grossman, to provide additional  
17 information about the scope and the remediation  
18 measures put into place.

19 CHAIRPERSON POWERS: Before we go into  
20 scope and remediation, I just want to go back to my  
21 question which is when did the Department of  
22 Corrections first become aware of the wrongfully  
23 recorded phone calls? Remediation after that.

24 DEPUTY COMMISSIONER GROSSMAN: Thank  
25 you, Chair Powers. We learned in December 2020 when



2 the Bronx Defenders said there were about four calls  
3 that was of concern and they learned that this was a  
4 concerned because there were privileged  
5 communications disclosed to the Bronx Defenders from  
6 the in response to pretrial discovery. So, upon  
7 learning about this by the Bronx Defenders, we  
8 immediately contacted Securest to investigate and  
9 identify if, in fact, what the root cause that  
10 serious error was. Securest, immediately, upon  
11 learning about this issue, I immediately identified  
12 the problem telephone calls on a do not record list  
13 and they worked towards sequestering any calls that  
14 were inadvertently disclosed. So, what occurred  
15 thereafter is that Securest then was asked to do an  
16 audit to continue with the scope and find out how  
17 far-reaching this was and we, because we wanted to  
18 see if this is a systemic issue or if this was  
19 inadvertently issues with four calls. Let me just  
20 say, from the get go, wanted is one too many. We  
21 recognize that. I share First Deputy Commissioner,  
22 her view about how important it is sacrosanct the  
23 attorney-client privilege is. We take it very  
24 seriously. It is of great concern and that is why we  
25 moved very quickly. What also occurred was in

2 February we learned from-- So, at the time when we  
3 learned of Securest about the Bronx Defenders, we  
4 understood that there were about 18 telephone numbers  
5 that issued. We had about 29 unique people who that  
6 impacted and there were about 118 calls at issue. So  
7 we engaged with the Bronx Defenders and let them know  
8 as we were learning information. Not all of those  
9 calls were turned over to the district attorney  
10 offices. That is something that we have been working  
11 with to try to identify and share with the various  
12 district attorney offices so that they can identify  
13 those calls. Let me say, then, that, by February, we  
14 received another notice from the Brooklyn Defenders  
15 with a similar complaint and we immediately contacted  
16 Securest again to look into what occurred with  
17 Brooklyn. And we then asked that they conduct a  
18 wholesale audit and look at all the defender  
19 organizations to identify any issues with any  
20 numbers. Now, I would like to tell you a little bit  
21 about what we learned in terms of what the root cause  
22 was. What we learned, as was stated, was that there  
23 was a human data input error and we learned that this  
24 has to do with a drop down menu issue where the wrong  
25 option on a drop down menu was used. We have

2 instructed Securest that any time we provide a list  
3 of numbers that should be placed on a do not record  
4 list, that they provide and set the privacy settings  
5 to the maximum privacy allowed and that means no  
6 recording and no monitoring. However, Securest, who  
7 services other jails and prisons throughout the  
8 country, they have other options and needs from other  
9 prisons and jails and there is an additional privacy  
10 setting that they offer others that is a site-  
11 specific privacy setting and that means that the  
12 privacy setting is specific to just one facility.  
13 So, what we learned is that an individual applies to  
14 Securest in they-- an individual erroneously set the  
15 privacy to the wrong privacy setting. So, Securest  
16 immediately identified and did an analysis, as we  
17 understand it, and they removed one of the  
18 individuals from working on this issue and working  
19 towards placing numbers on privacy settings, and that  
20 person is no longer, as I understand it, working or  
21 assigned to work with these matters. But what  
22 Securest did you do is they immediately retrained  
23 their team of people who are supposed to input the  
24 data into the database and they also implemented a  
25 quality control process and the quality control

2 process includes women individual inputs the numbers  
3 into the database, and also includes a separate  
4 individual coming after the information is entered  
5 and having a separate independent person from  
6 Securest do a manual review of that 20 percent of the  
7 numbers to ensure that the privacy settings were set  
8 properly. That information is then shared with the  
9 department to confirm. And as the First Deputy  
10 Commissioner also mentioned, what we do we need and  
11 what we have directed Securest to do ways to  
12 establish an online database so that the telephone  
13 numbers of all 276,000 numbers that are placed on do  
14 not record, that that database be made available  
15 online for attorneys to input that number to make  
16 sure that their number is set to the proper do not  
17 record setting. In addition, what you should know is  
18 that every time a person makes a phone call, and  
19 anytime a recipient of a phone call receives a phone  
20 call, there are these warnings and admonishments that  
21 are played that tell the caller that the call is  
22 subject to monitoring and recording and it also tells  
23 the recipient of the call that it is subject to  
24 monitoring and recording. What we have since done  
25 since we have learned about this issue is we have

2 also enhanced one of the admonishments to include a  
3 direction to an attorney that if they are hearing  
4 this admonishment in they are in attorney, that they  
5 should know this call is not private. They should  
6 hang up, contact the department, and register this  
7 number with the do not record list.

8 CHAIRPERSON POWERS: Can I just stop  
9 you there? Because I want to go through that. First  
10 of all, I just have got to say, I mean, to find out  
11 that individuals privacy was violated based on an  
12 individual not knowing how to operate a drop down  
13 menu on software provided to you by your third party  
14 contractor, to me, raises major questions about  
15 whether that person in that group should continue to  
16 operate within our jails. We'll talk about the audit  
17 measures and things like that, but I want to go with  
18 just a couple things. First is can you just tell us  
19 what the first wrongfully recorded date of the first  
20 wrongfully recorded phone call was?

21 DEPUTY COMMISSIONER GROSSMAN: The  
22 period of time that was looked into goes from March  
23 2022 February 2021.

24 CHAIRPERSON POWERS: And we know why  
25 that is the date range?

2 DEPUTY COMMISSIONER GROSSMAN: Yes. So,  
3 what we and, through the years that we have been  
4 working with Securest, there are times that there  
5 will be outreach from the various defender  
6 organizations to say that, we have learned from the  
7 district attorney are we have reason to believe that  
8 a number has not been properly set to that do not  
9 record. So, that they are a one off outreach to us  
10 through the years and there are times where the  
11 telephone number, personal telephone number was cold  
12 of an attorney that never made it to the do not  
13 record list and we would work with our partners and  
14 with the defender organizations to the remedy and  
15 immediately try to work out getting these numbers  
16 registered. So, what happened is a March 2020, when  
17 the city went on pause, and all the courts closed and  
18 it was difficult for the defender organizations and  
19 many of us to get to work, many people didn't have  
20 telephone numbers that they could use from their  
21 offices, so they would use their personal phone  
22 numbers to make calls and so what happened was we  
23 would get numerous-- we work out with the defender  
24 organizations how to resolve those issues and how to  
25 work with them to include their numbers on the do not

2 record list. And so, the reason why we went back to  
3 March 2020 is because that was the year that we were  
4 sure if this was relevant to an issue related to  
5 going on pause or something else. Also, we, I  
6 believe, our recordings are only held for about 18  
7 months, so we thought that one year period with a  
8 reasonable date to address and capture any calls that  
9 happened to be placed on a do not record list and  
10 sequestered.

11 CHAIRPERSON POWERS: So, do you have a  
12 guarantee that any of the calls prior to March 2020  
13 were not wrongfully recorded?

14 DEPUTY COMMISSIONER GROSSMAN: No. We  
15 don't have a guarantee because I am not sure. We  
16 don't have a guarantee that calls were not properly  
17 recorded. What we do know is that the district  
18 attorney offices have been notified of all the  
19 telephone numbers, so, they have the name of the  
20 individual who is the defendant, they have the  
21 telephone number of the attorneys who were called, so  
22 will be able to look back and we are also working  
23 with them to identify those cases that where  
24 information was provided pursuant to a subpoena  
25 because I will say that not every phone call that was

2 recorded was actually produced to the District  
3 Attorney's Office. Some people may not have even  
4 accessed-- Some of those numbers and calls might not  
5 have been accessed. They just may have been  
6 recorded. So, this is--

7 CHAIRPERSON POWERS: No. I understand  
8 that. But I guess what I'm trying to find out is you  
9 are doing an audit. You have done an audit and you  
10 have gone back to March 2020 and you have tried to  
11 explain to us why that is guaranteed in the past or  
12 any confidence, I may be supposed, that prior to  
13 March 2020, that number of defenders who are-- for  
14 those conversations, rather, have not been recorded  
15 or transmitted to district attorneys. Is that  
16 correct?

17 DEPUTY COMMISSIONER GROSSMAN: Well, I  
18 would say this. I would say this. There are  
19 discovery laws that are in place that required the  
20 district attorney to produce the recorded messages to  
21 the defender organizations and so that is how we  
22 learned most recently in December about the recent  
23 calls and that is how we learned in February from the  
24 Brooklyn Defenders about their calls. So, I would  
25 expect and believe that, if there were inadvertent



2 disclosures, that those calls would have been  
3 produced because it is a very tight discovery  
4 schedule. So, if the defender organizations learned  
5 about recordings that should have been turned over,  
6 we did not learn about that. They have not  
7 identified that. So, I said I would submit that  
8 right now we have details with numbers of issue and  
9 then we are doing the audit to identify what has been  
10 turned over. And so, the key is going to be to have  
11 the GA identify what cases are related to whatever  
12 criminal case so that they can do their due  
13 diligence. But from the department standpoint, we  
14 absolutely understand and appreciate the importance  
15 of placing numbers properly on a privacy setting not  
16 recording and not monitoring and we have been  
17 informed by Securest that all the calls and all the  
18 phone numbers that are supposed to be on the do not  
19 record list. They have been properly placed on the  
20 do not record list and I will tell you with the  
21 addition of this enhanced recording, we have started  
22 here from different organizations that they are  
23 starting to hear those message is and and I will also  
24 say that every call that was made, if it's not set to  
25 the proper privacy setting, a person is going to hear

2 the warning. It doesn't mitigate 100 percent the  
3 fact that we have to do better and do what is  
4 necessary to make sure that it doesn't happen again,  
5 but when we put all these systems in place, we will  
6 need, moving forward, we have systems in place that  
7 confidential communications will be respected and  
8 that they will remain confidential.

9 CHAIRPERSON POWERS: So, let me raise  
10 two issues with you on the recordings. Two things is  
11 one I have heard from organizations that they, in the  
12 past, will including this past calendar year, had  
13 inquired to the DOC about those recordings and  
14 noticing them and have asked and been told  
15 inconsistent information about whether they are  
16 actually being recorded or not in light of those  
17 recordings. Second, I believe earlier in Covid, last  
18 year, we raised an issue to you about medical calls  
19 and we were told by folks that that message was  
20 appearing on those calls and we were told by then  
21 that those calls would be-- were told by the agency,  
22 rather, that those calls are not being recorded. So,  
23 here is my concern. We don't have any guarantee or  
24 any evidence that prior to March 2020 that  
25 individuals weren't having-- that we have a hope, we

2 have some believe, perhaps, based on discovery, that  
3 these calls were not being recorded. We also have  
4 the agency potentially giving as correct or  
5 misleading or, at the minimum, inconsistent  
6 information about those recordings. If folks come to  
7 you and ask what is happening with the recording on  
8 this call and are told not to worry about it, yeah.  
9 I suppose they should be cynics and continue to not,  
10 you know, perhaps, hang the phone up. But, you know,  
11 giving information and, ourselves included, about the  
12 status of those recordings, I think the question  
13 about whether individuals believed they were being  
14 still not recorded in spite of that message. So--

15 DEPUTY COMMISSIONER GROSSMAN: I would  
16 say that we believe and we stand by the fact that we  
17 are not misleading anyone. That is not what we are  
18 here to do is to mislead anyone. We have been  
19 completely transparent. We have been completely open  
20 about it and our goal is to remediate this issue and  
21 make sure that confidential attorney-client  
22 communications are protected. The belts and  
23 suspenders are these outgoing recorded messages and I  
24 believe that most attorneys know that, if you are  
25 hearing the message, they understand. Because there

2 are 270,000 attorneys on the do not record list. We  
3 have gotten-- we're talking, at this point, about  
4 120 telephone numbers. That tells us that many of  
5 the defender organizations making-- and there were 9  
6 million calls in 2020. That is telling me and  
7 telling the department that there are many, many  
8 people that understand that, if you hear these  
9 recordings, that that is a flag that there is an  
10 issue that you need to telephone the department about  
11 and that you should not be proceeding with the call.

12 CHAIRPERSON POWERS: But I am raising  
13 an issue to you that they haven't, out of the cases  
14 where they have, they received inconsistent  
15 information and, again, we have raised this issue.  
16 We have received different information. So, the idea  
17 that the recording is the failsafe year against any  
18 sort of potential wrongdoing is not the answer, I  
19 think. I mean, I understand your point which is, you  
20 know, here the recording, hang up. But, if they come  
21 to you and ask what is the guidance on here, and they  
22 get guidance and continue to do as recommended, I  
23 don't think they can be faulted for that. You know--

24 DEPUTY COMMISSIONER GROSSMAN: We are  
25 not faulting anyone. We believe that these

2 recordings flagged an issue. I will say with the  
3 question about in your issue and your statement about  
4 inconsistencies, there are many times that we will  
5 receive a call from a defender organization where  
6 they will say that a call should have been put to bed  
7 do not record list and they didn't realize that their  
8 personal cell phone number was not properly  
9 registered or some other number and we kind of got  
10 into identify the issue and rectify it. And so, it's  
11 very hard for me to just address these general  
12 statements about inconsistent statements and we are  
13 providing inconsistent information. When we hear  
14 information, we ask for the details, and that gives  
15 us the ability to dig in and identify the direct  
16 issue and how to solve it.

17 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

18 if there is a specific number or person you are  
19 referring to, I would direct them to reach out  
20 directly to the General Counsel Heidi Grossman and we  
21 will look into that.

22 CHAIRPERSON POWERS: It's just this is  
23 directly from the hearing we had where I asked this  
24 question. This is the question that was asked.  
25 Individuals are being told that the calls being

2 recorded-- This is about medical calls. And I asked  
3 directly, are those calls recorded by either the  
4 Department of Corrections, Correctional Health  
5 Services, or any other agency or entity? This is  
6 from a hearing last year and the answer was, no.  
7 This is from the city Council transcript. There is  
8 three no's in here and we will send this to you, but  
9 I believe you guys are on the record as an agency  
10 telling us that medical calls were not being  
11 recorded, despite that warning. So, we will follow  
12 up with you on that, but I want to be very careful as  
13 to the recording in light of that and things that we  
14 have heard from individuals. I want to just keep  
15 going and will follow up with you on that, as well.  
16 You became aware of this in December of last year.  
17 Why didn't you audit all five boroughs immediately?  
18 Why didn't--

19 DEPUTY COMMISSIONER GROSSMAN: Well,  
20 first of all, what we learned was that it was about  
21 four-- it was, literally, for-- I'm sorry. It was  
22 about four numbers that we were initially told about  
23 from the Bronx Defender organization. So, like the  
24 years passed where we get-- we didn't know what the  
25 scope of the issue, whether this was a systemic issue

2 or whether it was a one off, but, immediately upon  
3 learning from the Brooklyn Defenders that this was an  
4 issue, we immediately directed an audit of all the  
5 defender organizations. That doesn't mean that we  
6 didn't move forward with remedial steps, quality  
7 assurance development, and all the other remediation  
8 that we thought we needed to direct and require in  
9 response to even these particular calls.

10 CHAIRPERSON POWERS: But why not  
11 immediately just go out and audit all five boroughs?  
12 I mean, why would you believe it's-- well, as we  
13 noted already, why would you believe this is only in  
14 one borough based on, you know, to me it would feel  
15 obvious to go and check other areas to audit and see  
16 where this issue might occur, as well. If you have  
17 human error occurring within your--

18 DEPUTY COMMISSIONER GROSSMAN: Right.

19 CHAIRPERSON POWERS: contractor. Why  
20 not--

21 DEPUTY COMMISSIONER GROSSMAN: Well, I  
22 guess, from our perspective, when you have 276,000  
23 numbers in a do not record list and you are seeing  
24 four numbers and it doesn't-- I mean, we didn't--  
25 We needed to first identify how widescale this was.

2 It did not appear to be a widescale issue at that  
3 time and upon learning and receiving more information  
4 and receiving additional information, we immediately  
5 asked Securest to do an audit of all of the defender  
6 organizations and that is what we did.

7 CHAIRPERSON POWERS: Do you have  
8 confidence that this is happening with medical calls?

9 DEPUTY COMMISSIONER GROSSMAN: I would  
10 have to look into more about the medical calls  
11 because I am here addressing this specific issue with  
12 the attorney-client communications and all the  
13 information that we came prepared to discuss with  
14 respect to those that are subject to subpoenas, we  
15 were able to do a deep dive of that, but we are happy  
16 to get back to you, Chair Powers.

17 CHAIRPERSON POWERS: Because I am  
18 concerned that we raised this issue last year. I can  
19 send you the transcript of IS's question to you about  
20 medical calls and individuals getting potential  
21 recorded messages and the agency had said-- I  
22 believe it says they are white listed, so those  
23 numbers are not-- those numbers are preset. They  
24 are not recorded by the system is the response that  
25 we received. I can't give you the individual because



2 it is identified here from DOC. I would ask you the  
3 agency asked to go back and look at medical calls as  
4 a separate category here to determine whether this is  
5 happening there, as well. And I, you know, am  
6 concerned that we will see more of this based on the  
7 integration we have heard and now the answer we have  
8 given on the record. So, can you guys look at  
9 medical calls, as well?

10 DEPUTY COMMISSIONER GROSSMAN: Yes.

11 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

12 Yes. We will.

13 CHAIRPERSON POWERS: Can you talk to us  
14 about your role in this process? The DOC's role.  
15 You are the receiver of the phone numbers from the  
16 individuals that are supposed to go on that list and  
17 then transmit those over to Securest. Is that  
18 correct?

19 DEPUTY COMMISSIONER GROSSMAN: That's  
20 correct. The defender organizations will email us  
21 when they would like to have certain telephone  
22 numbers added to would do not record last and we can  
23 get emails, we can get lists, and then what we do is  
24 we share that information, the lists, with Securest  
25 and direct that the numbers be placed on the proper

2 privacy setting and that they be placed on a do not  
3 record list.

4 CHAIRPERSON POWERS: Okay. I want to  
5 note we have also been joined by Council member Jimmy  
6 Van Bramer, as well and apologize for missing him  
7 there. Council member, I hope you're feeling better.  
8 You have done an audit to date-- So, one follow-up  
9 question that. Do you have confidence that every  
10 number you are receiving by the agency is getting  
11 handed over to Securest?

12 DEPUTY COMMISSIONER GROSSMAN: Well, we  
13 have a process in place that provides for that and so  
14 when someone sends us an email, we descended and if  
15 there is some issue with communication, we will be  
16 communicating, and people understand that they have  
17 to wait until they get confirmation. I don't think  
18 you are just assuming that the call is going to be  
19 added, but we--

20 CHAIRPERSON POWERS: Do you receive a  
21 confirmation if you are an attorney and you said in  
22 corrections?

23 DEPUTY COMMISSIONER GROSSMAN: Yes.

24

25

2 CHAIRPERSON POWERS: And you receive a  
3 confirmation from Securest when they receive your  
4 list or added additions?

5 DEPUTY COMMISSIONER GROSSMAN: We do.  
6 We do get confirmation.

7 CHAIRPERSON POWERS: Okay. The audit  
8 that you guys conducted, as I understand it, so far  
9 as only covered the Bronx and Brooklyn and, as I  
10 understand it, it's because those district  
11 authorities have produced phone calls that were not  
12 supposed to be recorded. The Daily News also  
13 reported that these recordings were also provided to  
14 DAs offices in Manhattan, Staten Island, and Queens.  
15 The view conducted audits of those three boroughs to  
16 check on whether a phone number-- Have you conducted  
17 an audit of those three boroughs?

18 DEPUTY COMMISSIONER GROSSMAN: Securest  
19 conducted an audit of all the numbers that were an  
20 issue from the Brooklyn Defenders in the Bronx  
21 Defenders and they have also been directed to do the  
22 same for the other defender organizations. Those  
23 results have to be-- We need to finalize those  
24 results and, when we are ready to share that

2 information directly with the defender organizations,  
3 we will do that.

4 CHAIRPERSON POWERS: So, when do you  
5 believe that audit will be completed?

6 DEPUTY COMMISSIONER GROSSMAN: We expect  
7 that to be done very shortly and that we will be able  
8 to communicate that with the remaining defender  
9 organizations shortly.

10 CHAIRPERSON POWERS: And if you are a  
11 public defender or client, for that matter, that  
12 might be impacted by this and haven't been audited  
13 yet. What is your advice to them right now?

14 DEPUTY COMMISSIONER GROSSMAN: Well, I'm  
15 not in a position they give advice--

16 CHAIRPERSON POWERS: Well, I guess my  
17 question is how do they know?

18 DEPUTY COMMISSIONER GROSSMAN: It is the  
19 lawyer's job to do the advice, but let me just say  
20 what we have in place is we have notified the  
21 District Attorney's Offices of the numbers and we  
22 have given the same information to the DA as we have  
23 to the Bronx and Brooklyn Defenders so that they have  
24 as many details as possible with the calls, namely  
25 the defender who is involved in representing the

2 individual defendant client and I believe that the  
3 district attorney offices that I have spoken that  
4 have represented in the District Attorney's Office  
5 has taken this very seriously and many of them have  
6 their processes in place already on how to handle  
7 attorney-client-- inadvertently produced attorney-  
8 client communications. So, I believe that the--  
9 what we did is we provided the same information to  
10 all stakeholders so that they can have their own  
11 conversations to make sure they mitigate any impact  
12 on-- I and also to identify is the calls were turned  
13 over to the because, even in the cold were recorded,  
14 doesn't necessarily mean they were turned over to the  
15 district attorney offices.

16 CHAIRPERSON POWERS: How many of these  
17 calls were given to the DA offices?

18 DEPUTY COMMISSIONER GROSSMAN: That we  
19 don't know. We are going through that and we are not  
20 100 percent sure of that, but we had been working  
21 through our data to try to share as much information  
22 as we come upon that information with the district  
23 attorney so that we can direct them. But, besides  
24 that, the key thing that we did is we provided the  
25 telephone number issue, the name of the defendant,

2 saw that that allows the district attorney in our  
3 view to identify if they are the defendant, if they  
4 have received recordings and they can instruct the  
5 line ADA to sequester any calls and make sure that no  
6 one is listening to those calls.

7 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

8 So, I just want to add, Chair Powers, pending the  
9 database that we plan to post so attorneys can search  
10 to determine if their calls are on that do not record  
11 list. But they can also-- any attorney has any  
12 question, they can reach out to the legal division  
13 and we will follow up with Securest and confirm that  
14 the number is on the do not record list.

15 CHAIRPERSON POWERS: When is the  
16 database going to be completed or up and running?

17 DEPUTY COMMISSIONER GROSSMAN: We  
18 directed Securest to act as quickly as possible and  
19 we believe that it should be-- that they are working  
20 very quickly and we hope it is going to be up very  
21 soon. I can't say specifically what day because I  
22 have no control over Securest, but they have  
23 definitely committed to doing this.

24

25

2 CHAIRPERSON POWERS: Were there any  
3 calls that were provided to DAs office this that were  
4 used in trials since the time this mistake was made?

5 DEPUTY COMMISSIONER GROSSMAN: Was there  
6 any what calls?

7 CHAIRPERSON POWERS: For any of the  
8 calls that were provided to the district attorney's  
9 used in trials since the time that this mistake was  
10 made?

11 DEPUTY COMMISSIONER GROSSMAN: I  
12 wouldn't have that information. I don't know that to  
13 be the case.

14 CHAIRPERSON POWERS: And what is the  
15 process for providing recorded calls to the District  
16 Attorneys? Are they required to formally subpoena  
17 materials or are they able to get materials in other  
18 ways?

19 DEPUTY COMMISSIONER GROSSMAN: Through a  
20 subpoena process.

21 CHAIRPERSON POWERS: Okay. And do any  
22 other city will federal entities have access to  
23 reported goals through any process other than a  
24 subpoena?

2 DEPUTY COMMISSIONER GROSSMAN: I'm  
3 sorry?

4

5 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:  
6 [inaudible 00:54:04]

7 DEPUTY COMMISSIONER GROSSMAN: No.  
8 Subpoena only.

9 CHAIRPERSON POWERS: And no other--  
10 Okay. What is the status of the contract with  
11 Securest?

12 DEPUTY COMMISSIONER GROSSMAN: The  
13 status of the contract is that the contract ends at  
14 the end of the month and it needs to be renewed.

15 CHAIRPERSON POWERS: And what is the  
16 status of the agency's consideration of the contract  
17 in light of recent events?

18 DEPUTY COMMISSIONER GROSSMAN: Well,  
19 what is possible for us as we are considering the  
20 renewal of the contract is that we can review the  
21 contract-- we have a 12 month option, but what we  
22 can do renew the contract for nine months rather than  
23 a year and if the contract is renewed for nine months  
24 rather than a, the value of the contract is reduced  
25 significantly, by \$750,000. It is also possible that



2 we could issue a new competitive procurement. At  
3 this point in time, Chair Powers, we cannot terminate  
4 the contract with Securest because that would disrupt  
5 all the free phone calls that are by people in  
6 custody and we have an obligation to provide-- a  
7 moral and legal obligation to provide access to the  
8 phone so that in custody can call their loved ones.

9 CHAIRPERSON POWERS: I'll take a break  
10 there. I may want to come back to a number of other  
11 issues, but I see I have at least one colleague here  
12 who wants to ask questions, so I'm going to move to  
13 him in a second. I just want to see additional  
14 questions on this issue. Will you commit to  
15 providing the findings to the city Council of your  
16 additional audits?

17 DEPUTY COMMISSIONER GROSSMAN: Yes.

18 CHAIRPERSON POWERS: And sorry. Let's  
19 just do a back-- When is the expected timeframe of  
20 when you will have those?

21 DEPUTY COMMISSIONER GROSSMAN: We would  
22 like to see these audits done immediately. So we  
23 have to circle back and just make sure everything is  
24 fully vetted and that we have complete and accurate

2 final audits and that should be shortly. [inaudible  
3 00:56:17]

4 CHAIRPERSON POWERS: Do you believe--

5 DEPUTY COMMISSIONER GROSSMAN: that time  
6 we'll provide shortly.

7 CHAIRPERSON POWERS: Do you have  
8 confidence in the third-party group year that  
9 provided such a basic error that was such a major  
10 violation to people's rights? It was a data entry,  
11 essentially. Do you have confidence in them to  
12 continue to work here in New York City based on that?

13 DEPUTY COMMISSIONER GROSSMAN: I believe  
14 that we have set up adequate and robust quality  
15 assurance provisions to protect the privacy of  
16 confidential communications. I believe that Securest  
17 has taken ownership. They have taken accountability.  
18 They have been cooperative. They have taken  
19 responsibility and they have done all that we have  
20 asked in terms of audits, establishing this online  
21 database, quality controls, among other things that  
22 we have discussed already. So, we believe that we  
23 are in a position to protect the confidential  
24 communications. And, in addition, having that belt  
25 and suspenders announcement during that phone call,

2 everyone should know moving forward that, if an  
3 attorney is hearing that recorded message for anyone  
4 is hearing that recorded message, it means that the  
5 call is not confidential and may should and the call  
6 and immediately contact the legal division.

7 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

8 More importantly, I would just like to add that  
9 the individual who was identified as actually  
10 committing this error, this person is no longer  
11 assigned to DOC matters and working on anything  
12 related to DOC.

13 CHAIRPERSON POWERS: Yeah. I hope not.  
14 I hope-- I'm not sure that person should be employed  
15 with securest at this point in time. I mean, we had  
16 them working alongside the New York City Department  
17 of Corrections. Are you aware or is the department  
18 aware of any other issues with this contractor about  
19 the legally recording attached communications in the  
20 past?

21 DEPUTY COMMISSIONER GROSSMAN: We're not  
22 aware of, with New York City-- I am not aware of  
23 any--

24

25

2 CHAIRPERSON POWERS: No. Anywhere.  
3 Anywhere. Outside of New York City, in New York  
4 City, other states--

5 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:  
6 We are not aware.

7 CHAIRPERSON POWERS: Okay. You know,  
8 folks have raised to us issues that have come up  
9 around California, Maine, Kansas, and Texas when it  
10 comes to a legally recording privileged  
11 communications by this contractor and I believe they  
12 have been sued in those states for that. You know, I  
13 am a bit disturbed you guys don't know that, to be  
14 honest. If that is been brought to our attention,  
15 but we will ask you to take a look into it as you are  
16 considering how to move forward. In have individuals  
17 in notify themselves? Individuals in your custody  
18 that their phone calls were illegally recorded?

19 DEPUTY COMMISSIONER GROSSMAN: We  
20 notified the Bronx Defenders in the Brooklyn  
21 Defenders. The defender organizations with the  
22 specific names. We are not speaking directly with  
23 the person in custody, but we have communicated and  
24 given the details to the defender organizations from  
25

2 Brooklyn and Bronx and it is our intention to do the  
3 same for the remaining defender organizations.

4 CHAIRPERSON POWERS: Okay. Well, I'm  
5 going to stop there and come back. I see Council  
6 member Holden, his hand up, and I'm going to give him  
7 an opportunity to come back. I just want to say, I  
8 mean, this has been one of the most disturbing and  
9 upsetting things since I have been the Chair of this  
10 committee that has happened in it is often that we to  
11 hear these sort of stories or anecdotes and to find  
12 we ask you to investigate and in this case, still  
13 have the medical one, we have the other boroughs that  
14 are out there. I am [inaudible 00:59:47] that we are  
15 going to find out more and this is the beginning of a  
16 larger problem here and I think there is an  
17 opportunity to correct it moving forward, but I think  
18 for the folks who have had their privacy violated, it  
19 is quite unfair, to say the least and we, the  
20 Council, certainly you will be waiting for those  
21 audit responses, asking for more information about  
22 the other calls we have asked for, looking at that  
23 exact audit process, and certainly looking for a  
24 change here that is not minuscule, that is drastic to  
25 improve operations and audits here. I will and on

2 this note on that topic, but I will be back in a  
3 couple minutes after Council member Holden asks his  
4 questions. I will turn it over to Council member  
5 Holden for now.

6 COMMITTEE COUNSEL: I will now call on  
7 Council members in the order they have used the zoom  
8 raise hand functions. If you would like to ask a  
9 question and you have not yet used the zoom raise  
10 hand function, please do so now. Council members,  
11 please keep your questions to five minutes. The  
12 sergeant-at-arms will keep a timer and let you know  
13 when your time is up. You should begin once I have  
14 called on you and the sergeant has announced that you  
15 may begin. First, we will hear from Council member  
16 Holden followed by Council member Rosenthal.

17 SERGEANT-AT-ARMS: Time starts now.

18 COUNCIL MEMBER HOLDEN: Thank you, Chair  
19 Powers, and thank you DOC. I just have a few  
20 questions. It's been a rough month for the  
21 Department of Corrections. Two inmates have now been  
22 released by mistake due to clerical errors.  
23 Unfortunately, another man killed himself inside his  
24 own cell this past Friday and, you know, the  
25 Department of Correction officers had to go on TV and

2 report saying they are working triple shifts. So, I  
3 sent a letter to Commissioner Brann earlier this year  
4 expressing my concern about correction officers  
5 working the triple shifts including working 24 hours  
6 straight. DOC responded that triple shifts are rare  
7 and no Department of Corrections staff are working 24  
8 hours straight. But, however, we have been provided  
9 documentation from COBRA showing that this weekend  
10 alone at the AMKC facility, 58 officers went into  
11 triple towards this weekend. 30 of them worked the  
12 full 24 hours straight. Is this true?

13 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

14 First of all, thank you for your question. I  
15 want to say that-- I want to go on record saying we  
16 value the hard-working members of the department who  
17 have proven heroic during the time when we are  
18 keeping open three facilities that were scheduled for  
19 closure over the last year with fewer staff than we  
20 had a year ago, all to support pandemic operations.  
21 We are doing everything possible to mitigate the  
22 possibility of anyone working into a triple tour and  
23 these are exceptional circumstances, however, the  
24 department faces a number of staffing challenges,  
25 including a day reduced workforce due to planned

2 national attrition to reduce the workforce ahead of  
3 the transition to the borough-based facilities. Our  
4 rate of daily staff absences, and the inability to  
5 redeploy staff who are unable to work in housing  
6 areas or posts that interact daily with people in  
7 custody. So, we acknowledge that there have been  
8 challenges with respect to our staffing levels and we  
9 are doing everything possible to mitigate these  
10 issues.

11 COUNCIL MEMBER HOLDEN: So, are you asking  
12 the city to hire more correction officers in the  
13 fiscal year? Next fiscal year? Because that would  
14 be a no-brainer, then, right?

15 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

16 You're bringing up an important point, but the  
17 reality is that that is a longer-term solution and we  
18 have a problem that needs to be addressed right now.  
19 The department is operating with a larger footprint  
20 than this time last year. Like I said before, we are  
21 keeping open three jails originally slated for  
22 closure with fewer staff members due to attrition and  
23 so what we have been doing way that they can  
24 internally is we created a redeployment program that  
25 redeploy his officers from headquarters on a biweekly



2 basis to these facilities that have been experiencing  
3 severe staffing shortages. We have also recently--  
4 there are a number of temporary duty aside officers.  
5 We actually had them redeployed to their facilities  
6 to assist with the severe staffing shortages that we  
7 have been experiencing and we have been in close  
8 communications with the unions and they also share  
9 our concerns and we are trying to find a way to  
10 address these issues. But, I will have Chief  
11 Jennings--

12 COUNCIL MEMBER HOLDEN: Yeah. But we have  
13 to ask for more correction officers, right? To hire  
14 more. We haven't hired them into years and now we  
15 are paying the price of that. And the correction  
16 officers-- I mean, how would you like to work 24  
17 hours in a jail straight? I mean, that is dangerous.  
18 It is really incredible that you would even ask  
19 officers to work a double shift, but I can understand  
20 with, you know, the budget cuts. About three shifts  
21 in a row? 24 hours straight? That is very, very  
22 dangerous for everyone. So, why not asked to hire--  
23 you know, get the class going. Let's hire some more  
24 correction officers. I mean, how many have resigned?  
25 I think it was 1000 correction officers have resigned

2 in the past two years. Not retired, resigned. I  
3 mean, that is a problem.

4 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

5 So, again, I understand and I appreciate that  
6 point. The fact that a class right now is not  
7 something that we would be able to access  
8 individuals. That would not provide immediate relief  
9 at the moment, but that is something that we--

10 SERGEANT-AT-ARMS: Time expired.

11 COUNCIL MEMBER HOLDEN: Yeah. But this  
12 doesn't make any sense. This doesn't make any sense.  
13 You are just asking more and more correction officers  
14 to work triple shifts and we are going to have to  
15 introduce legislation to prohibit that because that  
16 is dangerous. I mean, this is insane, actually, to  
17 work-- and were not talking about just a few  
18 officers. This past weekend, 30 officers worked 24  
19 straight hours. We can't go on like this. And the  
20 fact that Commissioner Bann tried to sweep it under  
21 the rug in a letter saying it's rare, it's not rare.  
22 It is not rare and we have to call it out when we see  
23 it in we have to ask for more correction officers  
24 because they are being put in harm's way and if you  
25 are not asking for a bigger budget and hire more

2 correction officers, then shame on you because then  
3 you just say that we are going to continue, you know,  
4 life as what is happening now, which it can't work.  
5 And you see all the mistakes that are being made and  
6 it can cost people's lives. Thank you, Chair. I  
7 want to leave myself open for another round. Thank  
8 you.

9 CHAIRPERSON POWERS: Thank you. And I  
10 just want to note, because I was going to bring this  
11 issue up, as well, in February I sent a letter with  
12 Senator Salazar who Chairs the committee and the  
13 state Senate on this issue, I believe. Assembly  
14 member Weprin also sent a letter on this issue. He  
15 Chairs the committee in the Assembly and we responded  
16 on March 9th from the DOC saying that in the majority  
17 of instances or triple towards have occurred, staff  
18 have worked three or fewer hours into a triple tour.  
19 The numbers I saw from this weekend, I saw  
20 individuals working seven, six, five, four hours. I  
21 think more than a majority into the third shift away  
22 and she is very far into the third shift. So, thank  
23 you, Council member Holden, for your questions. We  
24 are also joined by Council member Adams. We are

2 going to do, I think, Council member Rosenthal and  
3 then Council member Adams for questions.

4 COUNCIL MEMBER ROSENTHAL: Thank you so  
5 much, Chair Powers, and thank you, of course, to DOC  
6 for this hearing in your answers to your questions.  
7 I have a couple of questions. Budget and about  
8 Rosie's in particular. I noticed \$107 million for  
9 what looks like very important renovations to Rosie's  
10 prior to moving over to the new location. I just  
11 want to confirm that these are things that lie To be  
12 done for the next three years? I only say that-- of  
13 course, I want to make everyone comfortable at  
14 Rosie's. You know, air conditioning is required or  
15 ADA accessibility and all that, but, you know, the  
16 advocates are looking for a new site, not one that is  
17 connected to the men's site in Queens and people are  
18 wondering if we could use that money for sitings  
19 somewhere else.

20 UNIDENTIFIED: Good afternoon, Council  
21 member Rosenthal. Thank you for that question. So,  
22 I first would like to touch on just one moment  
23 referring back to Council member Holden question and  
24 then I will respond to your question regarding  
25 Rosie's. So, Council member, we are actively--

2 COUNCIL MEMBER ROSENTHAL: Okay.

3 UNIDENTIFIED: We are actively in  
4 conversations with OMB regarding a future correction  
5 officer class, but as Chair Powers noted in his  
6 testimony, our actual uniform headcount exceeds what  
7 is authorized at this time, so it is a conversation  
8 with OMB that we need to have, but we are doing it.

9 COUNCIL MEMBER ROSENTHAL: Yeah. I just  
10 wanted to specify that, apparently, Rosie's is less  
11 than 20 percent capacity, so I am wondering if the  
12 repairs are being made for the whole facility or like  
13 in a certain area. Physical area.

14 UNIDENTIFIED: Sure. So, we have been  
15 undergoing the last few years of developing the  
16 design and then recently doing the competitive sealed  
17 bid for construction for state of good repair at the  
18 Rosen Singer Center, but those repairs would be  
19 focusing on much-needed renovations as it relates to  
20 HVAC, as you mentioned, or air-conditioning needs,  
21 ADA compliance.

22 COUNCIL MEMBER ROSENTHAL: No. No. I  
23 know it therefore. I'm just sort of wondering if,  
24 you know, most importantly like why renovate the  
25 whole building if it is only 20 percent capacity and

2 we don't expect that number to go up? So, I know  
3 what it is for. HVAC-- I mean, that is of public  
4 record.

5 UNIDENTIFIED: Okay. Sure. So, I  
6 would have to go back and look at the specifics of  
7 the project, but I don't know that all of the  
8 buildings would be under repair because, obviously,  
9 the 800 bed is a much newer facility than the other  
10 original building, but the upgrades, as I see, are  
11 for various spaces, but it is not affecting every  
12 single building and, again, as you noted, it's for  
13 compliance measures, fire safety, ADA, and air  
14 conditioning needs.

15 COUNCIL MEMBER ROSENTHAL: Yeah. I would  
16 really appreciate a better understanding. You know,  
17 not right now. It sounds like you don't have it, but  
18 of what, you know, it sounds questionable given that  
19 only 20 percent of the population is there now and  
20 I'm wondering if they could be housed in a section  
21 that does have, you know, all the requirements. 20  
22 percent is pretty small, so you understand where I'm  
23 going.

24 UNIDENTIFIED: Yeah. We understand.  
25 Be happy to get back to you with more information.

2 COUNCIL MEMBER ROSENTHAL: And then, is  
3 there any consideration of moving the new site to  
4 someplace different than in Queens attached to the  
5 amends facility?

6 UNIDENTIFIED: I'm not aware that.  
7 This is the DDC managed broad-based jail in Queens.  
8 I'm not aware of that being presented as an idea, but  
9 I can certainly find out.

10 COUNCIL MEMBER ROSENTHAL: Right. I  
11 think the advocates are looking for the building  
12 Lincoln detention center in Manhattan and the problem  
13 is that it is owned by the state and it is not clear  
14 that the Governor would release it nor is it clear  
15 that the state Senator Brian Benjamin would consider  
16 releasing that for a detention site-- for the Queens  
17 facility. But that is like a just perfect site,  
18 especially in terms of transportation, given that we  
19 are talking about women. You know, they really going  
20 to be--

21 SERGEANT-AT-ARMS: Time expired.

22 COUNCIL MEMBER ROSENTHAL: Thank you.  
23 There really going to be using and needing good  
24 transportation for their kids, whatever. All right.

2 Thank you. I mean, I would love feedback on that.

3 Thank you very much.

4 UNIDENTIFIED: Sure. Thank you.

5 COMMITTEE COUNSEL: We will hear from  
6 Council member Adams.

7 SERGEANT-AT-ARMS: Time starts now.

8 COUNCIL MEMBER ADAMS: Thank you very  
9 much. Thank you for your testimony today. I was  
10 just wanting to go back to the testimony of my  
11 colleague, Council member Holden, for which I agree  
12 with everything that he just presented before this  
13 forum today. You know, I have to be perfectly candid  
14 with you. I don't know how many know this, but I'm  
15 going to say it once again for this record and for  
16 this hearing. I lost my mother three weeks ago  
17 unexpectedly. My mother was a retired correction  
18 Capt. who was very much supportive of the close of  
19 Rikers Island and new of what went on behind those  
20 closed doors and what that culture meant. So, I was  
21 raised in that culture. I have to say, Commissioner,  
22 that I take issue with your testimony that the 24  
23 hour shifts are exceptional circumstances. I don't  
24 believe you. Correction officers are abused by  
25 managerial practices that continue to this day. We



2 don't talk about that a whole lot. We talk about a  
3 lot of other things, but we do not talk about the  
4 missed treatment of correction officers and so my  
5 question, I guess, is really one question because I  
6 am just so furious right now in knowing that this  
7 practice continues in the abusive correction officers  
8 in their time that they put into work hard jobs.  
9 Work that is thankless, that quite frankly a lot of  
10 people don't have the stomach to do. How do we take  
11 advantage of these peace officers who were now  
12 demonized in many places in our city. When we take  
13 and continue to abuse them because of managerial  
14 practices like triple shifts to make excuses using  
15 Covid as an excuse. Oh, no. That was being done to  
16 them long before Covid. It continues right now and  
17 it continues this past weekend, as my colleague just  
18 mentioned. So, I just would like to know how you  
19 continue to justify this abusive practice of these  
20 double and triple shifts on these officers who have  
21 families and on these incarcerated individuals who  
22 have families who both are now in jeopardy because of  
23 this practice?

24 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

25 Council member Adams, first of all, I'd like to

2 express my condolences on the passing of your mom.  
3 I'm sorry to hear of your loss. Again, we  
4 acknowledge that our staff worked very, very hard and  
5 like I mentioned in my testimony earlier, we are  
6 dealing with operating facility is that were  
7 scheduled to close and we are sort of discussing and  
8 continue to have conversations internally. I will  
9 turn it over to Chief Jennings to talk about more on  
10 this and she can sort of expand on the issue that we  
11 have been facing.

12 CHIEF JENNINGS: So, hi. Good morning,  
13 ma'am. Again, I, too, want to give my condolences to  
14 you on the loss of your mom. So, this past weekend  
15 was extraordinary. I worked all weekend along with  
16 my assistant chief who had the duty on getting people  
17 relieved and so, what we were required to do, because  
18 one of the things that is occurring is we are  
19 averaging about 1200 people out sick on a daily  
20 basis. I have about another 700 some of the persons  
21 who are unavailable to work on inmate facing posts  
22 because of medical restrictions, whether they are  
23 medically monitored either one or two. And then I  
24 have an additional about 100 persons who are modified  
25 with no contact at all to any person in custody. So,

2 what we been doing-- and I would welcome the class.  
3 Again, I don't think anyone here at this table is  
4 denying that that is something that we would want,  
5 but in the now, what we have been doing to offset the  
6 amount of overtime that people have been working is  
7 that we have put together a redeployment where anyone  
8 who works external to our facility has to go back  
9 once a week to take up some of the over time in the  
10 facilities. We have also reduced headcount in some  
11 of the areas like before--

12 SERGEANT-AT-ARMS: Time expired.

13 CHIEF JENNINGS: because we are not  
14 taking the amount of persons to court that we would  
15 normally do. So, we have reduced those numbers. We  
16 have also reduced some of the headcount in some of  
17 the areas or units that normally would not work with  
18 the incarcerated population and so we are now looking  
19 at all of the persons who are TTY outside of our  
20 facility and we are now forcing everyone to go back  
21 inside so that we can meet and help with the staff  
22 members who are suffering the most which are the  
23 persons who are working behind the gate. And as a  
24 correction person, I did 12 years as a correction  
25 officer, so I understand. Not having [inaudible

2 01:19:42] and is getting people to provide meals and  
3 getting water and food to people on post is important  
4 because as you start to get exhausted, mistakes can  
5 happen we are trying to eliminate all that we can  
6 and, again, as [inaudible 01:20:01] said, we are  
7 operating AMKC which was supposed to be 50 percent  
8 closed. Now, we have just about every house open  
9 with the exception of three. I have the oldest  
10 [inaudible 01:20:18] center which was supposed to be  
11 closed that is fully operational with the exception  
12 of four houses. We have people who are showing up  
13 for people who the courts are asking to come out for  
14 court visits. Those numbers have gone from 1100 a  
15 day to under 100 persons. And then, from December 20  
16 of last year was the last time we have had anybody  
17 get transferred to state custody. So, I have another  
18 300 some odd persons that are sitting in our custody  
19 that we have not been able to send to state custody  
20 and we are only able to, as effective of April 1, to  
21 be able to start transferring persons out of our  
22 custody. So, our account had, prior to Covid, we had  
23 seen a lot that happened with the bail reforms and  
24 working with other outside agencies. Then, during  
25 Covid, our count was low, but the numbers have picked

2 back up and so, today we are at 5690 when the  
3 projection for a workout is supposed to be at  
4 approximately 3500 persons in custody. I'm sorry.  
5 You are on mute.

6 COUNCIL MEMBER ADAMS: Thank you. Thank  
7 you for taking me off mute. I appreciate everything  
8 that you said, but, again, I agree with Council  
9 member Holden. I think this is something that we are  
10 going to have to legislate through. We understand  
11 what Covid has done across the city and every agency  
12 and every crack and crevice of this city, however,  
13 the abuse of correction officers cannot continue and,  
14 quite frankly what I believe is mismanagement in the  
15 DOC, that can't continue, either. Thank you.

16 COMMITTEE COUNSEL: Now we will return  
17 to Chair Powers.

18 CHAIRPERSON POWERS: Thank you. I know  
19 there are couple follow-up questions. Will do those  
20 and then I will come back. Thanks.

21 COMMITTEE COUNSEL: So, next we will  
22 hear from Council member Holden.

23 SERGEANT-AT-ARMS: Time starts now.

24 COUNCIL MEMBER HOLDEN: Thank you, Chair  
25 for this quick second round. I appreciate it. I

2 will try to be brief the new borough babies jails are  
3 not going to be built until 2027 at the earliest and  
4 so, it is not a good idea not to hire more correction  
5 officers for the next six years and we can't,  
6 otherwise, we are going to have triple shifts going  
7 on for several years because, let's face it, the  
8 Mayor kind of this calculated the population of the  
9 jails and he did it badly. So, we can't have the  
10 correction officers suffer for the Mayor's  
11 miscalculations here, but let me just-- the Mayor's  
12 Management Report of 2021 shows assaults on  
13 correction officers were up 23 percent this year over  
14 last year. Why is that? Obviously, we heard  
15 Commissioner Brann stated before, well, it is more  
16 violent population. So, you know, I mentioned before  
17 1000 correction officers have resigned, not retired.  
18 Resigned because, obviously, the conditions in the  
19 jails are her read this and we can't keep going on  
20 like this without definite answers about the classes.  
21 You know, new classes going in and hiring more  
22 officers. So, we really need a definitive on that.  
23 We need to plan and say not just, oh, we are in  
24 negotiations how many officers should be hired and  
25 what is the proper staffing level? And then, again,

2 my colleagues said, Adrienne Adams said about her mom  
3 and it's been going on for years and that you guys  
4 continue. The Department of Corrections continues to  
5 put correction officers in harm's way. The numbers  
6 show it. So, I just want to mention one thing about  
7 my concern in in my letter to Commissioner Brann, I  
8 mentioned about retaliation against correction  
9 officers for blowing the whistle on triple shifts in  
10 an NBC report. Their faces were blurred out by NBC,  
11 but, nevertheless, I am concerned about protecting  
12 their identities and ensuring that there is no  
13 retaliation. I don't know if I can expect an answer  
14 on this, but has there been any effort to learn the  
15 identities of these correction officers that spoke to  
16 NBC news?

17 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

18 No. No. There hasn't been.

19 COUNCIL MEMBER HOLDEN: there hasn't been?

20 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

21 No.

22 COUNCIL MEMBER HOLDEN: again, this is a  
23 concern because of how the correction officers are  
24 treated. The fact that this past weekend 30 officers  
25 were to fall 24 our shift, like I mentioned before,

2 cannot happen again. Can you assure me that this  
3 won't happen again next weekend?

4 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

5 So, the department, we take all steps necessary  
6 to ensure that people do not enter into triples and,  
7 if they do, we tried to ensure that there are  
8 officers on hand to relieve them. And that is done,  
9 I mean--

10 SERGEANT-AT-ARMS: Time expired.

11 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

12 we are all on with-- we are in communication  
13 with the facility and, also, as Chief Jennings  
14 mentioned, works hand-in-hand to ensuring that  
15 officers are relieved if they do go into a triple to  
16 work.

17 COUNCIL MEMBER HOLDEN: Nobody. Nobody  
18 should go into a triple. That should be outlawed.  
19 And, again, we are working on legislation for that.  
20 That should be outlawed. It is unsafe in the  
21 Department of Corrections should understand that. It  
22 is dangerous, period, for everyone. Thank you,  
23 Chair.

24 COMMITTEE COUNSEL: Next, we will hear  
25 from Council member Rosenthal. Sorry.



2 SERGEANT-AT-ARMS: Time starts now.

3 COUNCIL MEMBER ROSENTHAL: Great. Thank  
4 you so much. You know, I am going to come back to  
5 talking about Rosie's and ask some questions that you  
6 might know the answers to now. So, where in the  
7 building or the women housed?

8 CHIEF JENNINGS: This is Chief Jennings.  
9 They are housed all over the facility.

10 COUNCIL MEMBER ROSENTHAL: So, the  
11 building is that 20 percent capacity and you have  
12 them housed all throughout the building?

13 CHIEF JENNINGS: That is correct.

14 COUNCIL MEMBER ROSENTHAL: How does that  
15 make sense? Is that because of Covid or something  
16 else?

17 CHIEF JENNINGS: So, it is twofold. So,  
18 yes, because some of the houses, when they are  
19 quarantined, we have to open up new housing areas.  
20 We also, if we have a house of two women that may be  
21 for our maternity unit, then that is all that we have  
22 and we would have to have them housed together. We  
23 are also housing our young adult population separate  
24 they had nowhere adult population and then we have--

2 COUNCIL MEMBER ROSENTHAL: Wait. That is  
3 male and female? Male?

4 CHIEF JENNINGS: I'm sorry?

5 COUNCIL MEMBER ROSENTHAL: What gender  
6 young adult population?

7 CHIEF JENNINGS: Oh. I said our young  
8 adults are housed separate and apart from the adults.

9 COUNCIL MEMBER ROSENTHAL: So, is that  
10 both genders in the young adult complex?

11 CHIEF JENNINGS: No, ma'am. Young adult  
12 women.

13 COUNCIL MEMBER ROSENTHAL: Women. That's  
14 all I was asking. Thank you. Well, I would love to  
15 see sort of that diagram down because-- and I  
16 understand the point, I really do. I really  
17 understand the point. If there are different needs  
18 in different sections, you have to do that, but, you  
19 know, so I am trying to-- that is what I'm trying to  
20 wrap my head around. So, maybe if you could let us  
21 know sort of fight building, you know, what is being  
22 used and what needs to be renovated, I think that  
23 would be really helpful. I am just trying to wrap my  
24 head around 170 million for something that is not  
25 going to be used at all in three years. But, of

2 course, don't want to, you know, put in you will find  
3 it a dangerous question. Does that make sense?

4 CHIEF JENNINGS: Yes.

5 COUNCIL MEMBER ROSENTHAL: You can get  
6 that back to committee staff?

7 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:  
8 Yes. We will provide that to you.

9 COUNCIL MEMBER ROSENTHAL: Okay. Is that  
10 hard to do? Can you get that back sooner rather than  
11 later?

12 CHIEF JENNINGS: Well, every day we have a  
13 housing area plan, so we know what houses are open  
14 and how many people are there and that comes out on a  
15 daily basis.

16 COUNCIL MEMBER ROSENTHAL: Oh, great. So  
17 just pop them over. That would be great. And I  
18 guess what I would love is, you know, today's and  
19 pick a day that was pre-Covid.

20 SERGEANT-AT-ARMS: Time expired.

21 COUNCIL MEMBER ROSENTHAL: That would  
22 show the sort of difference in quantity of people.  
23 Okay?

24 CHIEF JENNINGS: Okay. Sure.

2 COUNCIL MEMBER ROSENTHAL: Thank you so  
3 much.

4 CHAIRPERSON POWERS: Okay. Thank you.  
5 I'm going to go back to questions. I want to just go  
6 back to one question which was one of the first  
7 questions I asked I just want to clarify again here  
8 for the record. On the phone calls, was the first  
9 time in the first moment or, I guess, the timing of  
10 when the DOC was first made aware of this being an  
11 issue was December 2020? Can you confirm that?

12 DEPUTY COMMISSIONER GROSSMAN: For which  
13 prompted us to reach out to Securest, yes. I mean,  
14 that is where we got notice from the Bronx that there  
15 were these issues. Now, as I mentioned in my earlier  
16 testimony, through the years, we have gotten phone  
17 calls from people throughout the years here and  
18 there. It wasn't what we believe was a systemic  
19 issue. And I do want to just clarify--

20 CHAIRPERSON POWERS: that answer for a  
21 minute. Did anybody bring forward a concern to the  
22 Department last year in 2020 prior to December about  
23 the potential wrongful recording of phone calls?

24 DEPUTY COMMISSIONER GROSSMAN: I believe  
25 that there been one-off requests and there may be a

2 few here and there, but it was not a systemic-- what  
3 we thought was a systemic level. So, we have not  
4 gotten--

5 CHAIRPERSON POWERS: Are you in receipt  
6 of any concerns in 2020 prior to December of phone  
7 calls being recorded that-- forget systemic. I am  
8 asking a very clear question. In 2020, but was there  
9 any concerns brought to the Department of Corrections  
10 about phone calls being wrongfully recorded?

11 DEPUTY COMMISSIONER GROSSMAN: Yes. And  
12 I said to you that there were calls. I even  
13 mentioned when we went on pause there were calls. I  
14 mean in November there must have been a call. We get  
15 communications here and there about inquiries, so  
16 there are. It just, again, not what we perceived or  
17 considered a systemic issue.

18 CHAIRPERSON POWERS: So, when a  
19 complaint comes into the Department of Corrections  
20 saying we have a concern, Public defender, client,  
21 attorney. We your I have a concern that there might  
22 be calls being recorded that should not be recorded--  
23 attorney-client privilege, whatever might be. What  
24 happens to those?

2 DEPUTY COMMISSIONER GROSSMAN: What we  
3 try to do is find out have you attempted to place  
4 that call on a do not record list. Sometimes ,  
5 someone will speak with one of their clients on their  
6 personal cell phone number or a number that was not  
7 registered and then we will receive calls and then  
8 there may be other times where we get-- It's hard to  
9 say every single detail, but we are happy to get back  
10 to you with more information. I did-- Chair Powers,  
11 may I clarify--

12 CHAIRPERSON POWERS: Yep.

13 DEPUTY COMMISSIONER GROSSMAN: one--  
14 when you also asked earlier about the dates of the  
15 calls predating March 2020, I wanted to just let you  
16 know that some of the calls that we have turned over  
17 to the DA into the Bronx Defenders to cover calls  
18 that predate March 2020. The information that we  
19 looked at is the date that those calls were accessed  
20 for purposes of turning over--

21 CHAIRPERSON POWERS: A call may have  
22 taken place before March, but your access was in  
23 March or after. Is that what you are--

24 DEPUTY COMMISSIONER GROSSMAN: Right.  
25 Between March 2020 and February 2021. I wanted to

2 make that clarification. And you also asked about  
3 other law enforcement. Like I said, the non-city law  
4 enforcement entities, they would all have to subpoena  
5 and with the Department of Investigation, they may  
6 have access without a subpoena because they have  
7 access to calls on their own, so I just wanted to--

8 CHAIRPERSON POWERS: So, the Department  
9 of Investigation would have access to calls without a  
10 subpoena.

11 DEPUTY COMMISSIONER GROSSMAN: Yes.  
12 Yes.

13 CHAIRPERSON POWERS: This is [inaudible  
14 01:34:44]-- Okay. Thank you for that  
15 clarification on both counts. Are you in receipt of  
16 any written or verbal, or complaint in 2020? I just  
17 want to stay on this topic for a second. I  
18 understand that in December the systemic issue became  
19 aware to the department. Prior to that, in 2020--  
20 March, May, you name it-- any of those months  
21 leading up, let's say from March 2020 before Bronx  
22 Defender Services issue became available and known in  
23 December, did the Department have any complaints come  
24 forward or concerns being raised by any organization

2 that, potentially, there calls were being recorded  
3 wrongfully?

4 DEPUTY COMMISSIONER GROSSMAN: I said  
5 that and will have 2020 and around the time when  
6 there was a pause when people were not working from  
7 their offices, they were working from home, there  
8 was-- we had outreach from the defender  
9 organizations to figure out how to place those phone  
10 calls and properly register those phone calls because  
11 people were communicating and having attorney-client  
12 communications, but because the number wasn't  
13 properly register, we would receive calls. And then,  
14 we worked with our IT department to-- and we worked  
15 to remedy that situation.

16 CHAIRPERSON POWERS: So, any of the  
17 issues that were brought to your attention by the  
18 department where because of-- the only ones that you  
19 were aware of prior to that were instances where an  
20 individual was using their cell phone or a number  
21 that was different and then, if brought forward, the  
22 department re-put those on to the do not record list.  
23 Is that the answer?

24 DEPUTY COMMISSIONER GROSSMAN: It's a  
25 combination, Chair Powers. I can't say that there



2 may have been one-off will calls for one-off  
3 communications with the department and that we would  
4 have remedied it close in time, in real time and  
5 addressed. So, I can't say here today that there was  
6 never another call or never another notification into  
7 the department that there was a concern. What I can  
8 say is that we received this inquiry from the Bronx  
9 about privileged communications being turned over to  
10 the district attorney and, from there, we immediately  
11 responded and had Securest investigate and, from my  
12 prior testimony, you know that all the following  
13 steps that we've heard.

14 CHAIRPERSON POWERS: And did it ever  
15 occur to you that you may want to do an audit of your  
16 entire system in light of a group of people coming  
17 forward, groups coming forward to raise an issue  
18 about these recordings?

19 DEPUTY COMMISSIONER GROSSMAN: Pardon?

20 CHAIRPERSON POWERS: I guess my  
21 question is it does sound to me like the  
22 organizations or individuals that have come forward,  
23 and some may have been related to the Covid change  
24 and the way people were working and, perhaps, some  
25 were not and also that in-- I have communicated this

2 with you in various months of 2020, the potential  
3 issue. I think what I am hearing from the agency is  
4 that changes in Covid led to a different way people  
5 are behaving as to the numbers that didn't make it.  
6 It sounds to me, though, perhaps, that for some  
7 period of time, folks were coming forward with these  
8 complaints or concerns and not only till they made  
9 their way into the hands of the district attorney did  
10 the agency take it seriously enough to go ahead and  
11 investigate an audit it.

12 DEPUTY COMMISSIONER GROSSMAN: I would  
13 say that when I-- I would respectfully disagree,  
14 Chair Powers. We take it seriously and when we saw  
15 the need to do a wholesale audit, we asked Securest  
16 to do that. We take it very seriously and, moving  
17 forward, you know, it is our goal to make sure that  
18 all of the quality assurance provisions that we put  
19 in place will protect private communications.

20 CHAIRPERSON POWERS: Are you aware of  
21 any numbers that, prior to-- any numbers  
22 communicated to you before November 2020 that were  
23 not on the do not record list and never made it--  
24 like it sounds to me like some of these were cell  
25 phones or changes in numbers and some were issues

2 that were being raised that were more systemic. Why  
3 would the agency only wait until it made its hands  
4 into the district attorney to do a larger look at the  
5 entire system?

6 DEPUTY COMMISSIONER GROSSMAN: Because  
7 we did not see this as a systemic issue and any time  
8 we had an inquiry from any of the defender  
9 organizations, if there were questions, we would  
10 remedy that and then if we did not hear from that  
11 individual attorney again, it, to us, would appear  
12 that the issue was resolved. But, again, we take  
13 this very seriously. We are committed to doing what  
14 is right here and to making sure that whatever,  
15 moving forward, that everybody, that people, their  
16 communications with their attorney are confidential.

17 CHAIRPERSON POWERS: Okay. But you  
18 will acknowledge that the organizations did reach out  
19 to you in the year 2020 prior to your discovery,  
20 alerting you to the potential that there calls were  
21 being recorded. You would confirm that, is that  
22 correct?

23 DEPUTY COMMISSIONER GROSSMAN: As I  
24 testified, I stand by what I have testified to.

2 CHAIRPERSON POWERS: So the answer is  
3 yes, correct?

4 DEPUTY COMMISSIONER GROSSMAN: about  
5 this. So, I'm sorry. I apologize. My testimony is  
6 what I stand by and the answer is we receive  
7 communications for a variety of reasons. We did not  
8 think that this was a systemic issue that needed to  
9 be audited by Securest for all defender  
10 organizations.

11 CHAIRPERSON POWERS: I know. But I  
12 guess that is my exact issue here. That  
13 organizations or individuals in other organizations  
14 came for work last year in the middle of the year  
15 during Covid, more than one, and noted that there was  
16 an issue. Only at the point where it made its hands  
17 into the district attorney hands did the agency  
18 decide to go back into a larger--

19 DEPUTY COMMISSIONER GROSSMAN: No.  
20 That's not true. If the Bronx Defenders-- What  
21 alerted the Bronx Defenders was that they received  
22 privileged communications through pretrial discovery.  
23 So, they raised that with us. If they had raised it  
24 sooner from other contexts, we would have taken  
25 similar action, but, to me, that is the triggering

2 event that led the Bronx Defender to share that  
3 information with us and then we immediately looked  
4 into that matter. It's not because of the disclosing  
5 to the DA. It is because Bronx Defender asked us to  
6 look into it and said that there was an inadvertent  
7 disclosure.

8 CHAIRPERSON POWERS: I believe other  
9 organizations came forward prior to that with similar  
10 concerns. Is that true?

11 DEPUTY COMMISSIONER GROSSMAN: I would  
12 have to go back and see what kind of communications  
13 were received by which defender organizations to look  
14 into that.

15 CHAIRPERSON POWERS: Okay. I mean, I  
16 believe, with some reasonable confidence, that  
17 another, at least other organizations came forward in  
18 2020 and revealed the concern to the Department of  
19 Corrections that both their phone calls were being  
20 recorded inappropriately and that, in some cases,  
21 those were being handed over to the district  
22 attorney's. That is my belief. We will follow up  
23 with you.

24 DEPUTY COMMISSIONER GROSSMAN: Well, if  
25 you can share that information with us, we will be

2 happy to look into that and then we can identify the  
3 issue. But we are happy to look into that with you  
4 if you share that information with us.

5 CHAIRPERSON POWERS: So, I will share  
6 that with you. I believe you have it already. I  
7 believe DOC staff has it already. I believe there  
8 have been meetings on this topic and I have a belief  
9 and I will apologize if I am wrong, but I have a  
10 believe that there were other instances where folks  
11 brought this forward in 2020 and did not receive the  
12 attention that this more recent one has found. And  
13 we will follow up with you on that, but that is very  
14 deeply disturbing and concerning to find out that, at  
15 the end of last year, with other prior knowledge of  
16 this, is the point where the agency took steps to  
17 remediate and only after an audit found that this  
18 problem was much larger than the original issue and I  
19 am only deeply concerned to find that out in the  
20 middle of this hearing. Did you guys want to add  
21 anything to that before I move on?

22 DEPUTY COMMISSIONER GROSSMAN: No. Not  
23 this time.

24 CHAIRPERSON POWERS: I want to move on  
25 just quickly to other issues that have been at the

2 department recently or concerning the department. In  
3 the past two weeks, we have had to individuals who  
4 were charged with murder and attempted murder who  
5 have been mistakenly released from DOC custody. Can  
6 you let us know what the role was of the DOC in those  
7 two releases? And also, after the first release,  
8 what steps were taken to prevent another one from  
9 happening which, unfortunately, did happen?

10 FIRST DEPUTY COMMISSIONER MAGINLEY-LIDDY:

11 We take the discharge of a person from custody  
12 extremely seriously and the two grave recent  
13 discharge errors are completely unacceptable. I  
14 would like to be clear, though, that whenever the  
15 individuals was properly released by the department  
16 based on paperwork we received from the Office of  
17 Court Administration. With the regard to the other,  
18 the department has taken swift action to investigate  
19 this serious mistake and has suspended for staff  
20 members in conjunction with this event. I am now  
21 going to turn it over to Chief of Staff Brenda Cooke  
22 to elaborate on the details of these cases.

23 BRENDA COOKE: Thank you. As the First  
24 Deputy Commissioner indicated, there were two  
25 releases from custody, one of which was due to a

2 serious mistake of the Department of Corrections.

3 That was the discharge of an individual named Mr.

4 Buggs. He was discharged on March 9th from custody.

5 The department discharge was a mistake because

6 paperwork was received from the court sentencing Mr.

7 Buggs to a sentence of 30 days on a criminal contempt

8 charge. The paperwork was provided from the court

9 using the indictment number of his underlying murder

10 case charge that was before the same judge. When the

11 department processed the sentence calculated Mr.

12 Buggs' jail time for that type in custody, they

13 credited him with he had served enough time for that

14 30 day sentence and, therefore, processed his

15 discharge. That was a serious mistake. The First

16 Deputy Commissioner identified the was erroneously

17 discharged and the staff members were immediately

18 identified through investigations, suspended, and the

19 remainder of their discipline, as appropriate, is

20 ongoing. With respect to the second discharge of the

21 serious alleged violent offender, that individual,

22 Mr. Meekins, was released last week by the Department

23 of Corrections. That release was proper based on the

24 paperwork that OCA provided-- the courts provided to

25 us. Mr. Meekins, in some, had two cases pending and



2 we have received dispositions for the status of his  
3 custody for each of those cases separately. One  
4 paper provided for his bail to be reduced from  
5 300,000 to 1 dollar and, in accordance with local  
6 law, we do not hold people on the dollar bail. His  
7 second case was-- the custody status was changed to  
8 ROR are or release on own recognizance. So, that  
9 Department of Corrections staff received of those  
10 disposition documents from the court and properly  
11 applied them to Mr. Meekins cases and then it  
12 therefore released him from custody. Mr. Meekins was  
13 then identified days after as not being someone that  
14 the court and the District Attorney's Office had  
15 intended to have released and he has since  
16 surrendered and returned to custody.

17 CHAIRPERSON POWERS: So you have one  
18 individual in custody. The other one is still--

19 BRENDA COOKE: Correct.

20 CHAIRPERSON POWERS: Okay. And, sorry.  
21 Can you share with us, just again, what steps are  
22 being taken, but can you tell us what are the steps  
23 that DOC is taking to prevent this from happening  
24 again? The two are very deeply concerning and one  
25 individual still being out. Can you please share

2 with us the protocols that are being put in place  
3 right now to prevent that?

4                   BRENDA COOKE:        Sure.  And thank you for  
5 that question again.  The erroneous discharge on the  
6 mistake-- a serious mistake of the department and  
7 are, thankfully, in frequent and we take each case  
8 seriously and address each case specifically and I  
9 will now turn it over to Chief Jennings to identify  
10 some of the retraining and protocols that we have  
11 identified for staff with respect to the proper  
12 processing of paperwork related to sentence  
13 commitment and discharge.

14                   CHIEF JENNINGS:  So, yes.  So any time  
15 which we have an erroneous discharge, one of the  
16 things is that we look at the time of the member of  
17 service who actually [inaudible 01:49:54] discharge.  
18 So, and then we come up with retraining for staff  
19 agencywide.  So, one of the things that we have done  
20 differently is that we have created a robust training  
21 schedule for our new assistant deputy wardens where  
22 they go through the Academy and bail and discharge  
23 and paperwork as part of the training and that is  
24 also being done for the captains.  We just recently  
25 lost one of our captains assigned to the Academy to

2 retirement who was in charge of the general office  
3 training and so we have taken on a replacement staff  
4 member for that person to ensure that we keep up with  
5 all of the training that is necessary for staff at  
6 the courts and in the facilities that are processing  
7 discharge.

8 CHAIRPERSON POWERS: Thank you. I am  
9 going to ask one last question, but I want to go back  
10 to an issue I raised earlier. On May 8, 2020, the  
11 Department of Corrections should have been in receipt  
12 of an alert from one of the organizations about the  
13 DA having more than multiple calls with attorneys  
14 showing up in discovery and had flagged to this issue  
15 for your folks and had sent this directly to  
16 Department of Corrections. In this correspondence--  
17 and we will provide you more information-- the  
18 attorneys alerted-- I'm just being clear. Alerted  
19 the Department of Correction of a matter with a  
20 district attorney and had records of the phone calls.  
21 They also, I believe there was a meeting weeks after  
22 that which the agency and that organization on this  
23 very issue. That was six months before or more  
24 before you decided to do an audit to find out the  
25 larger issue at hand. I don't feel, to be very

2 frank, that you guys have provided us the information  
3 here today that we have asked. I have asked 45  
4 questions and only now do I find out in this that  
5 another organization earlier in the year brought this  
6 forward. The answer from the agency here is that you  
7 didn't think it was a systemic issue, so you didn't  
8 follow up on it. Maybe you followed up with a  
9 specific complaint. This issue has been going on at  
10 a minimum-- I think another organization brought  
11 this to your attention in early March. When there is  
12 multiple complaints from organizations, I can't even  
13 figure out how it would take the remainder of that  
14 year from March to May to November to December, I  
15 guess, even rather, to investigate a larger systemic  
16 issue. And now individuals have had their privacy  
17 violated because of that. I have no further  
18 questions for the agency, but I will ask, the  
19 immediate recounting of other complaints and  
20 organizations that came forward with this complaint  
21 because we know of two, and we get that audit done  
22 immediately because this is so unacceptable and it is  
23 unacceptable to go three hours and do a hearing or  
24 two hours and do a hearing and only then find out  
25 that more organizations are coming forward to say

2 that they also had an flagged this issue for you.

3 And like we haven't gotten the full picture here

4 today. I also feel that this issue could have been

5 resolved a year ago. Maybe 10 months ago. I have no

6 further questions. We're going to the Department of

7 probation. Thank you.

8 COMMITTEE COUNSEL: Next, we will hear

9 from the Department of Probation. Chair Powers, did

10 you want to say a few words before I swear them in?

11 CHAIRPERSON POWERS: I will be happy to

12 say a few words before you swear them in. To more

13 budget focused testimony here from the Department of

14 probation and let me get to my-- Well, let me just

15 get to I want to thank the Department of Probation

16 for being here today and their ongoing work. We know

17 they have such an important role and sometimes

18 underestimated an undervalued, perhaps, in this city,

19 so I want to welcome them to talk about their budget

20 for the forthcoming year. And we can call them up if

21 you'd like to swear them in.

22 COMMITTEE COUNSEL: We will now

23 administer the oath to the members of the Department

24 of Probation. After I say that of, please wait for

25 me to call your name and respond one by one. Please

2 raise your right hand. Do you affirm to tell the  
3 truth, the whole truth, and nothing but the truth  
4 before this committee and to respond honestly to  
5 Council member questions? Ana Bermudez?

6 COMMISSIONER BERMUDEZ: Yes.

7 COMMITTEE COUNSEL: Sharun Goodwin?

8 DEPUTY COMMISSIONER GOODWIN: Yes.

9 COMMITTEE COUNSEL: Gineen Gray? I  
10 think she's muted.

11 DEPUTY COMMISSIONER GRAY: Yes.

12 COMMITTEE COUNSEL: Thank you. Michael  
13 Forte?

14 MICHAEL FORTE: Yes.

15 COMMITTEE COUNSEL: And Wayne McKenzie?

16 WAYNE MCKENZIE: I do.

17 COMMITTEE COUNSEL: Thank you. We will  
18 now proceed with testimony from Commissioner Ana  
19 Bermudez. You may begin when ready.

20 COMMISSIONER BERMUDEZ: Good afternoon,

21 Chair Powers members of the Criminal Justice

22 Committee. I am Ana Bermudez, Commissioner of the

23 New York City Department of Probation. With me today

24 is my cabinet, Deputy Commissioners Sharun Goodwin,

25 Gineen Gray, Michael Forte, and general counsel,

2 Wayne McKenzie. About the important work of the  
3 Department of Probation and its preliminary fiscal  
4 year fiscal year 2022 budget. I particularly want to  
5 acknowledge the new were members of this committee.  
6 I think I saw Council member Diaz present. Hello. I  
7 look forward to working closely with you and Council  
8 members Riley and Van Bramer, as well. So, I know  
9 that I have said this before, but in this past year,  
10 of all years, I could not be prouder of this  
11 incredible department. The level of resiliency and  
12 adaptability shown by everyone, the people we serve,  
13 community partners, and especially our dedicated  
14 staff during this extremely difficult time and both  
15 our cities and nations history continues to amaze me.  
16 Throughout this pandemic, we were never on pause.  
17 Rather, DOP has continuously and consistently adapted  
18 and responded to this crisis while simultaneously  
19 engaging in the important work of community justice  
20 need us and we need them. Our neighborhood  
21 opportunity Network Neighborhoods, which I will  
22 discuss later, are some of the areas hit hardest by  
23 Covid. This in equity, exacerbated by decades of  
24 economic and other disadvantages and they a  
25 disproportionate impact on people of color is not

2 new. Combating this reality has been foundational to  
3 our work for the better part of the last decade and  
4 the relationships we have built with the communities  
5 have never been more important and stronger than  
6 during this pandemic. As the city's largest  
7 alternative to incarceration, I am proud of this  
8 departments critical role in safely supervising  
9 people on probation throughout the five boroughs. In  
10 2020, probation provided intake, investigation, and  
11 supervision services for nearly 50,000 cases and  
12 directly supervised 18,500 adults and 1500  
13 adolescents. That is about four times the average  
14 New York City jail daily census and for a  
15 significantly lower cost than incarceration. For  
16 fiscal year 2022, the Department of Probation as a  
17 preliminary budget of \$119.3 million as compared to  
18 our fiscal year 2021 adopted budget of 123.7 million.  
19 When compared to our current budget of \$125.3  
20 million, the fiscal year 22 preliminary budget is 6.1  
21 million or 5.2 percent last which is primarily  
22 attributable to intercity funding historically added  
23 post adoption. Of the hundred \$19.3 million  
24 allocated to our preliminary budget, 68 percent, or  
25 81.1 million is for personal services and 32 percent,



2 or 38.1 million, is for other than personal services.  
3 98.3 million our city tax levy funds, 14.6 million  
4 our state funds, and 6.3 million our intercity funds.  
5 State funding, which, at one point, reimbursed almost  
6 half our local probation costs, and now provides only  
7 11 percent of our operating costs. Now, never on  
8 pause means, for example, that, last year, despite  
9 the pandemic, our intelligent unit, our Intel unit  
10 alone, conducted 3413 field visits and 1134  
11 enforcement action which included gang-related  
12 investigations, DUI field visit checks, failure to a  
13 report home visits, bench war enforcement actions,  
14 responding to the NYPD domestic incident reports, and  
15 transporting prisoners to and from other  
16 jurisdictions. These actions, done with PPE and  
17 utilizing proper safety protocols, resulted in the  
18 recovery of firearms, drugs, and other contraband,  
19 allowing us to the balance risk management safely and  
20 effectively with risk reduction, which is the other  
21 big part of our job. Even during these trying times,  
22 nearly 90 percent of people successfully complete  
23 probation in New York City, of which one in five  
24 earned in early discharge. Therefore, I am confident  
25 that our evidence-based practices and one-size-fits-

2 all one interventions will continue to provide the  
3 best opportunity to the people we serve while  
4 adapting to the needs and crises of the present day.  
5 To that end, I want to brief you further on our Covid  
6 19 response, our continued efforts to best serve our  
7 young people with age-appropriate interventions, it  
8 had the crucial and continuing work of our nationally  
9 recognized neighborhood opportunity network, better  
10 known as Neon. No doubt you have already heard  
11 countless hours of testimony as to how government  
12 agencies have had to adapt during this crisis. The  
13 department tackled similar operational challenges  
14 such as ensuring that all of our staff were equipped  
15 with personal protective equipment, that technology  
16 to work remotely, and protocols for essential  
17 services. We also provided assistance to our offer  
18 starts facing increased secondary trauma exposure and  
19 worked to decrease the stress and compassion fatigue  
20 that may impact their health and work through ongoing  
21 professionally facilitated support groups. For the  
22 people we serve, we met them where they were in terms  
23 of technology accessibility, Internet access, and  
24 increased focus on the health and safety of  
25 themselves and their families. Additionally, we

2 created new opportunities including hashtag knockout  
3 Covid and neon summer. Young people who participate  
4 in DOP's credible messenger mentoring programs live  
5 in some of the communities most impacted by Covid 19.  
6 Despite the pandemic, these young people remain  
7 connected to their mentors in each other via a remote  
8 group and individual communications and sessions.  
9 With Young men's initiative support, DOP activated  
10 you from nearly a dozen different mentoring programs  
11 to create effective peer to peer messaging campaigns.  
12 And who better to reach young people than other young  
13 people? In the form of drawings, memes, and videos  
14 promoting the need for social distancing, the youth  
15 driven knockout Covid campaign was born. You receive  
16 stipends for participation and, along with their  
17 mentors, played a critical leadership role in  
18 protecting our public health. DOP and YMI  
19 coordinated a social media thunderclap which included  
20 multiple city agencies, community-based  
21 organizations, and other stakeholders. You can spot  
22 these young people's fantastic work at Link NYC  
23 kiosks across the city. In the wake of last year's  
24 initial uncertainty about SYEP, DOP began planning  
25 virtual paid summer programming, relying on its

2 existing infrastructure and expertise, it's close  
3 network of partner providers, and YMI report. Neon  
4 summer provided young people with a range of engaging  
5 activities from culturally competent, experienced  
6 providers, connections to crisis resources for them  
7 and their families, emotional support, skills  
8 building workshops and activities, and, critically,  
9 stipends. Approximately 2700 young people between  
10 the ages of 14 to 24 who were connected to DOP or  
11 residing in our neon neighborhoods participated.  
12 Programming included a variety of both fun and skills  
13 building modules offered by existing and new DOP  
14 partners such as the Made in New York Animation  
15 Project, Free Verse, Neon Arts, and Neon Photography.  
16 Civic engagement workshops were given, community  
17 benefit projects, and even yoga and mindfulness were  
18 offered, as well. Included with your testimony,  
19 actually, is that neon summer magazine which is a  
20 beautiful compilation of the powerful work that was  
21 created, written, and photographed by the  
22 participants, so it is really worth a read. The Mead  
23 In New York Animation Project has been more than a  
24 component of neon summer, actually. We worked in  
25 partnership with the Mayor's Office of Media and

2 Entertainment to bring the animation project to youth  
3 citywide in year-round. Participants learned how to  
4 use professional animation software as they  
5 collaboratively create short films telling their own  
6 stories. Our therapists then were in the mix-- are  
7 in the mix providing participants with much-needed  
8 trauma informed care and support which has been more  
9 critical than ever over this past year, which has  
10 been extremely challenging. At DOP, we know our  
11 young people have tremendous potential and therefore  
12 continue to deepen our work building the skills they  
13 need to access the opportunities they want. As the  
14 one agency working at almost all system points along  
15 the juvenile justice continuum, our department  
16 experienced the greatest impact from raise the age.  
17 Since inception, probation has seen a 50 percent  
18 increase in the number of intakes and has served over  
19 5000 additional youth, providing justice involved  
20 young people and their families with developmentally  
21 appropriate services while keeping the lady in their  
22 communities. We accomplish this by expanding our  
23 current operations, building upon our evidence-based  
24 juvenile services and creating crucial new  
25 opportunities for our young people. First, prior to

2 Covid, we secured dedicated space for our office ours  
3 in the youth parts, allowing us to begin working  
4 holistically with young people and their families as  
5 soon as their case is removed from adult court.  
6 Second, we expanded our family court alternative to  
7 detention program, known as Intensive Community  
8 Monitoring or ICM to the youth parts. ICM is  
9 specifically available to young people who otherwise  
10 would be detained while their case is resolved.  
11 Third, we built on our incredibly successful artist  
12 transformative mentoring program model to create plus  
13 mentoring for youth aged 13 to 18 in the youth parts  
14 and Family Court who display high-risk behavior.  
15 Plus mentoring and arches, as well as some of our  
16 other group interventions have all continue to  
17 operate either remotely or safely in person so as not  
18 to lose the important community of support needed  
19 during this time. We are also relaunching our Anyone  
20 Can Excel, or ACE model, of supervision which is a  
21 one-size-fits-all one also approach to address the  
22 unique needs and challenges facing young adults 16 to  
23 24 under probation supervision in an adult court.  
24 ACE is an evidence-based youth informed model  
25 focusing on mentorship, goalsetting, core life

2 skills, job preparation, and accountability. The  
3 model is grounded in what works to improve outcomes  
4 for adolescents and young adults. The signs of  
5 adolescent brain development, the risks, need, and  
6 responsivity principle that we use, motivational  
7 interviewing, and both restorative and positive youth  
8 justice. Probation officers function as coaches as  
9 opposed to referees and ACE teams create a sense of  
10 belonging and for a successful future outside the  
11 justice system. The model prioritizes the voices of  
12 young people and helps them build the skills to  
13 advocate for their own autonomy, self-advocacy, and a  
14 positive life of their own making. Most of all, ECT  
15 provides a strong community for all involved, as  
16 evidenced by the ACE youth calling to check in on the  
17 health and safety of their POWs during the pandemic.  
18 Always the case, but especially now, much of our most  
19 critical work occurs in communities. As you may  
20 know, our neon was created in and, most importantly,  
21 with the seven communities that many of our people on  
22 probation call home, the South Bronx, Harlem,  
23 Jamaica, Bed Stuy, Brownsville, East New York and  
24 northern Staten Island. Similar to the work now  
25 being done by that task force on racial inclusion and

2 equity in establishing [inaudible 02:07:58], neon  
3 neighborhoods coincide with the findings of the seven  
4 neighborhood study conducted by incarcerated men at  
5 the Greenhaven Correctional Facility back in 1979.  
6 That seminal piece of research revealed that a vast  
7 majority of men incarcerated in New York state  
8 prisons came from seven neighborhoods in our city.  
9 The same challenges impacting these neighborhoods  
10 have sadly been exacerbated by the pandemic as they  
11 are some of the cities most impacted community use  
12 during the Covid 19 pandemic. Our neons strive to  
13 have the opposite, serving as engines of equity by  
14 working with residents and service providers to  
15 develop solutions from the ground up, invest valuable  
16 resources, and help to in the communities and we are  
17 seeing the results pay off. Due to our long-standing  
18 commitment engaging the people we serve, their  
19 families and their communities, the residence of our  
20 neon neighborhoods are successfully completing  
21 probation at a rate equivalent to residents of  
22 neighborhoods that do not have these structural  
23 challenges. Though there is still a lot more work to  
24 do, I am proud of this departments contribution  
25 toward ensuring that justice system outcomes are not



2 solely defined by a person's ZIP Code. Part of what  
3 makes the neon model so powerful is how it grows and  
4 nobles to meet our community's needs. Our neon  
5 nutrition kitchens, the brainchild of committed  
6 probation officers who were feeding hungry clients,  
7 have been a lifeline over the past year. As we saw  
8 the emerging need, we increased capacity feeding  
9 almost 400,000 people last year. That is an  
10 unimaginable fourfold increase from 2019 and the need  
11 continues as over the last two months, we have fed  
12 over 60,000 people already. Thankfully, we have had  
13 great partners in this work through donations from  
14 target, the Stop and Shop, Baldor, Boar's Head, and  
15 Driscoll foods and one of our most successful  
16 partnerships is thanks to your colleague, Council  
17 member Vanessa Gibson and the New York Yankees.  
18 Council member Gibson arranged for the Yankees to  
19 donate to the struggling local businesses and then.  
20 Those businesses with local community organizations  
21 providing aid. The South Bronx neon was paired with  
22 grocery 846 who provided our Bronx nutrition kitchen  
23 with over \$5000 worth of food that we distributed to  
24 the community partnered with the Test and Trace Corps  
25 and Health and Hospitals to provide pop up Covid

2 self-testing sites. For many of the people we serve,  
3 it is hard enough to find and keep a job even during  
4 the best of times, let alone during a global pandemic  
5 that has guided entire. Our latest initiative, neon  
6 works, was designed in response to what we saw as a  
7 gap in existing resources for residents of neon  
8 neighborhoods. A truly one-size-fits-all one  
9 initiative, neon works was designed in partnership  
10 with YMI, the Center for Youth Employment, and the  
11 Mayor's office for Economic Opportunity to fill that  
12 gap. It offers an array of professional development  
13 workshops and supports, connections to education and  
14 career exploration opportunities, and is open to  
15 people on probation and other neighborhood residents  
16 with a particular focus on young adults ages 16 to  
17 24. Our seven neon works CBO providers are closely  
18 connected to our neon stakeholder groups who have  
19 been advising them on community needs, interests, and  
20 potential avenues of recruiting participants. Neon  
21 works as offered virtual workshops on multiple topics  
22 such as financial literacy, conflict resolution, and  
23 identifying personal strengths and core values, to  
24 name a few. As we emerge from the wake of this  
25 pandemic, neon works is another way to ensure that

2 the people we serve have both access and skills to be  
3 able to thrive, not just survive, and what will  
4 likely be an extremely challenging market moving  
5 forward even. One sector in particular, arts and  
6 culture, which is a big part of what makes New York  
7 New York, has been devastated by this crisis. Two  
8 thirds of the jobs in the city's arts and cultural  
9 sector are reportedly gone. This is especially  
10 damaging as artistic and cultural expression is  
11 necessary for processing and understanding the human  
12 condition. I know I am preaching to the choir here,  
13 but I wanted to, again, thank the Council for it.  
14 Sorry. For its innovative criminal justice programs  
15 initiative and its support of neon arts, our  
16 partnership with Carnegie Hall that provides high  
17 quality arts and cultural programming through our  
18 stakeholder groups. Throughout the pandemic, neon  
19 arts continued to innovate and adapt, as well,  
20 reaching over 800 youth. Another 800 youth. And,  
21 similarly, our neon photography program has had over  
22 400 participants with work currently on display at  
23 Columbia University and into virtual galleries  
24 exacerbations later this year at Denise Libra fine  
25 arts and the Islip Arts Museum. I want to thank you

2 for the opportunity to testify today and, moreover,  
3 thank you, Council members, for the incredible and  
4 continued support you have shown this department and  
5 the people we serve because, at the end of the day,  
6 that is who this is all about. The people we serve.  
7 The people we serve who predominantly live in seven  
8 New York City communities that have endured decades  
9 of concentrated disadvantages and disproportionate  
10 representation in the prison and justice system  
11 pipelines and, therefore, the focus of much of our  
12 work and resources. The people we serve, the vast  
13 majority of whom are people of color, are brilliant,  
14 strong, creative, and resilient, as evidenced by the  
15 countless examples you have just heard. All of this  
16 work has laid a solid foundation for a more fair and  
17 just future, one that is already returning  
18 significant dividends on our collective investment,  
19 particularly in the area of equitable justice system  
20 outcomes. However, as we emerge from the pandemic,  
21 the challenge is being faced by the people we serve,  
22 both those on probation and in our most  
23 neighborhoods, have never been greater and will  
24 shortly continue to test the mettle of this  
25 department. Our incredible staff and are dedicated

2 partners. Every dollar invested were just invested,  
3 frankly, in this department, which bears repeating,  
4 functions at a cost of roughly 19 times less than the  
5 cost of incarceration, and with far better outcomes,  
6 will either further drive this important work for  
7 word or undercut this foundation and begin to reverse  
8 critical progress. With that, I want to, again,  
9 thank the Council for its commitment to equity for  
10 the people of New York. We are pleased to answer any  
11 questions you may have.

12 CHAIRPERSON POWERS: Thank you,  
13 Commissioner. And I gave you short [inaudible  
14 02:14:52] in my opening by skipping it, but your  
15 testimony covered a lot of the work that the agency  
16 has been doing before Covid and during Covid and we  
17 thank you for the work that you are doing throughout  
18 the city, including at Carnegie Hall in my district,  
19 and the neon program. I have a few questions, but I  
20 see Council member Holden has his hand up, so let me  
21 go to him first and then I will come back with some  
22 questions. Thank you.

23 SERGEANT-AT-ARMS: Time starts now.

24 COUNCIL MEMBER HOLDEN: Thank you, Chair,  
25 for that. That is terrific that you put me on first.

2 Commissioner, I just want to say it is great to see  
3 you again and I want to echo what you said about the  
4 neon, the neighborhood opportunity network.  
5 Especially neon arts which I said whatever the  
6 budget, we should double. I said that a couple years  
7 ago. We should now triple because of Covid and it is  
8 such a great investment. It's a wonderful win-win  
9 investment in people, including youth and they are  
10 our most vulnerable population, but, like I said, I  
11 saw the results of neon arts. They invest in the  
12 individual and the teach skills, but, more  
13 importantly, it helps each participant feel like they  
14 have something to offer our society which, the in the  
15 photography program-- and, by the way, at my office  
16 to the list of the galleries--

17 COMMISSIONER BERMUDEZ: Oh, that's right.

18 Yes.

19 COUNCIL MEMBER HOLDEN: I still have, I  
20 guess, that you were so gracious to supply us with in  
21 each person that comes in is amazed that these are  
22 students who have just been looking at photography  
23 for a short time and many of them look professional.  
24 So, I just want to say that is still up. It is still  
25 a big part of my office in a very popular part of it,

2 but I just want to ask a question about the  
3 investment in the neon. And I'm not just talking  
4 about the arts. There is sports and there's kitchen  
5 and so forth, but what can we expect? I mean, how  
6 has Covid impacted that program? In my second  
7 question is does the participation in neon program  
8 lead to internships in the industries?

9 COMMISSIONER BERMUDEZ: So, in terms of the  
10 programming out of the neons, we then able to pivot  
11 and, you know, really be able to offer our almost  
12 everything virtually. That is where, you know, neon  
13 summer was also out of our neons. Neon works now is  
14 such. Arch is also switched to-- all of our  
15 antiviolence programs switched to virtual. So, you  
16 know, in the nutrition kitchens we were able, because  
17 the offices were not being used for in person client  
18 meetings, that those shifted also completely to the  
19 field and, you know, in the neighborhoods. We have  
20 been able to do the community days for the nutrition  
21 kitchens three times a week. So, that has been  
22 helpful in expanding the reach of the and also  
23 allowed us, for example, to provide PPE to people who  
24 are online to, you know, disseminate information  
25 about, you know, the CDC guidelines and all that

2 stuff. So, that, you know, we feel pretty good that  
3 we were able to still leverage the neons throughout  
4 this whole process and, you know, I think there was a  
5 second part to your question. Oh. Component of the  
6 neon programming, but we are always hustling for, you  
7 know, things like that. So, it is not an official  
8 part of the program itself.

9 COUNCIL MEMBER HOLDEN: It might be because  
10 I think that would offer, you know, some of the  
11 industry-- you know, for instance, in my district, I  
12 have to actually very large film studios which, you  
13 know, would love to probably get some interns in the  
14 film area and even some of the students in  
15 photography who I thought were very professional and  
16 they just needed a chance. And then these  
17 businesses, their exploding and have a lot of money  
18 and could invest in our youth, could invest in the,  
19 obviously, the individuals that are at risk, but they  
20 could give them a wonderful new outlook on life where  
21 they have a career in their needed. So, I would be  
22 willing to help out with the internship program maybe  
23 we could have a meeting with some of the studios and  
24 see if they would like to invest and, obviously, the  
25 neon program. Because I get a lot of-- When I have



2 a lot of meetings with the industry, they say, we are  
3 expanding at a tremendous pace in New York is,  
4 obviously, becoming a center for entertainment. It  
5 has been for years, but it's becoming even larger.  
6 So I think that is an area we can get some growth and  
7 I would be happy to set up meetings with the  
8 individuals from these--

9 COMMISSIONER BERMUDEZ: That would be  
10 great.

11 COUNCIL MEMBER HOLDEN: businesses. So,  
12 let's talk about that.

13 COMMISSIONER BERMUDEZ: Yeah. And,  
14 actually, I failed to mention the Made In New York--

15 SERGEANT-AT-ARMS: Time expired.

16 COMMISSIONER BERMUDEZ: built internships  
17 within the program and then that is more also tries  
18 to connect young people with the animation field.

19 COUNCIL MEMBER HOLDEN: Great. Thank you,  
20 Commissioner, for your leadership. Thank you so much  
21 for all that you do. And, again, I will support the  
22 neon arts, definitely an additional neon programs. I  
23 appreciate it. Thank you. Thank you, Chair.

24 CHAIRPERSON POWERS: within a few  
25 questions, as well. A couple things just budget

2 related. One is was there any new needs of the  
3 department that were requested, but not included in  
4 the preliminary plan or any needs that have been  
5 delayed due to Covid?

6 COMMISSIONER BERMUDEZ: No. We are in the  
7 process of, you know, still working out some pieces  
8 of some of our needs, but I think we are in good  
9 shape in that regard.

10 CHAIRPERSON POWERS: Any of the budget  
11 of-- I believe it is \$119 million. Do you feel like  
12 you are adequately funded right now to carry out the  
13 duties that you are charged with here in the city?

14 COMMISSIONER BERMUDEZ: At the moment, I  
15 think we are on that precipice of like yes, but any  
16 more cuts is going to hurt us. You know? So, that  
17 is where we are right now.

18 CHAIRPERSON POWERS: Okay. I wanted to  
19 just ask you about an issue that the Council had  
20 passed in 2020. It is legislation I had sponsored to  
21 establish a local release commission and that is  
22 allowed under state law. We authorized it here  
23 locally both due to Covid and non-Covid reasons. Can  
24 you give us an update? That was passed in June 2020.  
25 It is now March. Can you tell us where you are in

2 setting that up? And where you are in the  
3 appointment process for people to serve on that  
4 commission?

5 COMMISSIONER BERMUDEZ: So, there has been  
6 progress in that and the vetting process for  
7 commission members is in full swing. So, I am  
8 hopeful that we will, you know, constituting the full  
9 commission soon.

10 CHAIRPERSON POWERS: Do you have a  
11 timeline?

12 COMMISSIONER BERMUDEZ: I actually don't.  
13 But we will be working together, I am sure,  
14 throughout this.

15 CHAIRPERSON POWERS: Okay. Do you see  
16 any barriers to making that operational?

17 COMMISSIONER BERMUDEZ: No. No. The right  
18 plan for it.

19 CHAIRPERSON POWERS: Okay. One of the  
20 things we have talked a little bit about in the  
21 Council, that is certainly become a citywide issue in  
22 the last year or so is-- and nationwide, as well--  
23 is the rise of gun violence in the city. Can you  
24 talk about the role that DOP plays with other  
25 agencies to address gun violence?

2                   COMMISSIONER BERMUDEZ: Well, we have  
3 definitely been heavily involved, you know, with all  
4 the cease-fire, you know, efforts throughout the  
5 years and there are a couple of new initiatives that  
6 are being formed where we are also a big component of  
7 that. So, we work together with NYPD. We are also  
8 part of the youth stat team and so we work very  
9 closely with other agencies to collaborate around  
10 this issue that takes just all of us, you know, to  
11 work on.

12                   CHAIRPERSON POWERS: Okay. I have just  
13 seen that Council member Diaz has her hand up, as  
14 well. I am going to let her happen here to ask some  
15 questions.

16                   SERGEANT-AT-ARMS: Time starts now.

17                   COUNCIL MEMBER DIAZ: Good afternoon.  
18 It's more of a thank you. Thank you for the work  
19 that you have been doing here in Cypress Hills East  
20 community. I have about 20 years or so volunteering  
21 in one aspect or another with the Department of  
22 Probation. Again, just thank you for your creativity  
23 and thinking outside the box and engaging our  
24 community which definitely, whether it was in need of  
25 food or just making sure that they did what they were

2 supposed to meet their commitment of meeting with  
3 their probation officers. My question is in  
4 reference to the dads. I want to know, there has  
5 been a conversation and how do we help dads stay  
6 focused and develop as we would want them to develop?  
7 Is there a program in mind? Is there a conversation  
8 amongst you all? I would like to help dads fulfill  
9 their role and responsibility in society.

10 COMMISSIONER BERMUDEZ: So are we. We are  
11 definitely focused on them. We have had, over the  
12 years, and continued to have father had initiatives,  
13 you know, out of our neons. It is part of our, you  
14 know, one-size-fits-all one approach, right? So, if  
15 somebody is the father, we tried to make sure that we  
16 have all the bases covered, that there is enough  
17 contact, that there is everything okay in terms of  
18 their relationships that need to be strong enough to  
19 allow for that relationship to develop. And their  
20 growth as fathers is very important. So, we use  
21 different programs, you know, a variety of them. I  
22 don't know if DC Goodwin wants to chime in on this  
23 one since that is one of her areas, but, yeah. It is  
24 something that we are very focused on.

2 COUNCIL MEMBER DIAZ: Thank you. Having  
3 worked in the shelter system, I have dealt with  
4 several dads that were having a hard time engaging in  
5 their next steps, but I was also blessed and have had  
6 dads who have custody of their children, even having  
7 been through this system. So, I thank you for the  
8 work in the efforts that is happening to support  
9 dads. Thank you.

10 COMMISSIONER BERMUDEZ: DC Goodwin, would  
11 you like to mention a couple of--

12 DEPUTY COMMISSIONER GOODWIN: I think  
13 also one of the things we do is also work with dads  
14 on child support, so we do have an aspect of  
15 probation that we do do that and also in terms of  
16 what is to come, we are also looking into  
17 sustainability. Economic sustainability and we are  
18 looking into programming around that, so we are in  
19 the midst of two generations and making sure that  
20 when they get off probation, they can move past and  
21 have what they need.

22 COUNCIL MEMBER DIAZ: Thank you.

23 CHAIRPERSON POWERS: Great. Thank you.  
24 We're going to, just because we have such a long  
25 wait, we are going to go to the Board of Corrections.

2 I want to just say thanks to the department for your  
3 work. I know these are difficult times during Covid  
4 to be able to do working anywhere, including the work  
5 you are doing and recognize the challenges of the  
6 past year I had while we look forward to our  
7 continued partnership and the Council's support of  
8 the programs you are doing, like the neons and arches  
9 and another very important programs. So,  
10 Commissioner, I don't see the powerbroker on your  
11 bookshelf there, but we will deduct one point.  
12 Otherwise, nice to see you and thank you for all the  
13 work that you are doing.

14 COMMISSIONER BERMUDEZ: Likewise. Thank  
15 you.

16 CHAIRPERSON POWERS: All right. Thanks,  
17 guys. We will head over now to the Board of  
18 Corrections.

19 COMMITTEE COUNSEL: Okay. I will now  
20 administer the oath to the members of the Board of  
21 Correction. After I say the oath, please wait for me  
22 to call your name and respond one by one. Please  
23 raise your right hand. Do you affirm to tell the  
24 truth, the whole truth, and nothing but the truth

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2 before this committee and to respond honestly to  
3 Council member questions?

4 UNIDENTIFIED: Yes.

5 COMMITTEE COUNSEL: Margaret Egan?

6 EXECUTIVE DIRECTOR EGAN: Yes.

7 COMMITTEE COUNSEL: Emily Turner?

8 Emily not on? Robert Cohen?

9 ROBERT COHEN: Yes.

10 COMMITTEE COUNSEL: Is Emily Turner on?

11 ROBERT COHEN: Emily, they want you on.

12 EXECUTIVE DIRECTOR EGAN: She should be  
13 here.

14 EMILY TURNER: Hello?

15 EXECUTIVE DIRECTOR EGAN: Oh. There she  
16 is.

17 COMMITTEE COUNSEL: Hi, Emily, I just  
18 administered the oath. Do you affirm to tell the  
19 truth, the whole truth, and nothing but the truth  
20 before this committee and to respond honestly to  
21 Council member questions?

22 EMILY TURNER: Yes.

23 COMMITTEE COUNSEL: Thank you. We will  
24 no proceed with testimony from Executive Director  
25 Egan. You may begin when ready.



2 EXECUTIVE DIRECTOR EGAN: Thank you.

3 Good afternoon, Chair Powers and members of the  
4 Committee on Criminal Justice. My name is Margaret  
5 Egan and I am the executive Director of the Board of  
6 Corrections. The independent oversight agency for  
7 the city's correctional facilities. I am joined  
8 today by board member Dr. Robert Cohen and acting  
9 Deputy Executive Director Emily Turner. The board  
10 chair Jennifer Jones lost and is unable to join us  
11 today. She sends her apologies and her regards and  
12 we are submitting written testimony on her behalf.  
13 The city charter outlines the board's broad mandates,  
14 including to establish local regulations, investigate  
15 any matter within the jurisdiction of the Department  
16 of Correction, and evaluate the department in  
17 correctional health services performance. The board  
18 plays a vital role in shaping and maintaining a safe  
19 and fair jail system in New York City. This is a  
20 critical moment for jail oversight and reform in New  
21 York. Front end justice reforms across the country  
22 are reducing rates of incarceration, yet the needs of  
23 those who remain incarcerated are more acute and  
24 demand greater vigilance over a system of services,  
25 safety, and care in the jails. Those jails are

reformed to become smaller, safer, and fairer jail, oversight becomes more essential. Today, New York City's justice system and jails are undergoing significant reform and facing equally significant challenges. With plans to replace Rikers Island with a system of small and more humane community-based jails underway, the jail system continues to face the Covid 19 pandemic and despite long-term reductions, the jail population has been steadily increasing and surpassing pre-pandemic levels. The Board of Correction must play a critical role in responding to and overcoming current challenges and realizing these reforms. The board's broad mandate to regulate the jail system provides an opportunity to set important policy reform and, as the primary oversight body for the jail system, the board must provide the public and the Council with essential, independent, and relevant information to drive policy change. In this moment would the board's work is more important than ever, we are also facing serious budget challenges. The fiscal year 2022 January financial plan sets the Board's budget at approximately 2.4 million which is a decrease from 3.2 million prior to the Covid 19 pandemic. This plan also produces our total

2 headcount from 34 to 26-- total funded headcount  
3 from 34 to 26, which represents the nearly 24 percent  
4 cut in our funded headcount since the 2020 fiscal  
5 year. For any agency as small as the board, this  
6 will present serious challenges in meeting our  
7 charter and legislative mandates. We understand that  
8 the city is facing a deep been very real fiscal  
9 crisis and many agencies are facing similar  
10 challenges and we are encouraged by recent  
11 conversations with the Office of Management and  
12 Budget, including a commitment to fund staff to  
13 conduct death investigations to restore funding for  
14 those additional positions. As it stands, the  
15 board's budget represents just .02 percent of the  
16 budget of the Department of Correction and  
17 correctional health services. Fully restoring our  
18 funding and headcount of 34 positions, which amounts  
19 to just \$830,000, would bring us to .22 percent of  
20 DOC and DHS combined funding and will allow us to  
21 more effectively meet our mandates. The pandemic and  
22 our budget have forced us to fundamentally change the  
23 way we conduct our work. We have restructured and  
24 reset priorities to focus on the most critical areas.  
25 Everyone at this board has met this moment with

2 professionalism, flexibility, and grace and I am  
3 deeply grateful for am proud of every single person  
4 at this agency and the work they have done. On March  
5 9, the board voted to propose a rule governing the  
6 department's use of restrictive housing. This rule  
7 represents a significant step forward in rethinking  
8 how the department manages discipline and violence.  
9 Chief among these reforms is the ending of punitive  
10 segregation or solitary confinement. This role will  
11 also and the use of restraint desks and other non-  
12 individualized forms of restraint. Punitive  
13 segregation has proven over and over to be in  
14 inhumane practice resulting in debilitating trauma  
15 that and doors, often for the remainder of the  
16 person's lifetime. It has also been shown to not be  
17 an effective tool for reducing violence in  
18 correctional facilities. The board's proposed rule  
19 and solitary confinement and replaces it with a more  
20 humane disciplinary model that focuses on safety for  
21 both staff and detained persons, mental health,  
22 effective and robust programming and education, and  
23 investment in training and the well-being of  
24 employees. The role also eliminates the use of  
25 intake areas for de-escalation. Confinement

2 regulates the use of emergency lock ins and that's  
3 robust reporting requirements to allow the board and  
4 the public to monitor the departments fidelity to  
5 this rule. The board's oversight and public  
6 reporting will be essential to ensure transparency  
7 and compliance. Our ability to independently assess  
8 and publicly report on the departments fidelity to  
9 the rule will be essential to providing transparency  
10 for the people in the model, both people in custody,  
11 and staff. Like all others, the board was forced to  
12 quickly adapt to the new normal in response to the  
13 Covid 19 health crisis. Since the pandemic hit New  
14 York a year ago, the board has redirected its  
15 oversight. We have reset our priorities to monitor  
16 about the department and CHS evolving response and  
17 facility compliance with agency plans, as well as DOC  
18 and CHS general operations and compliance with BOC  
19 minimum standards. From the beginning, our work has  
20 sought to independently and publicly document the  
21 scope of the public health crisis in the jails and  
22 lack criminal justice system response to understand  
23 successes and challenges and ultimately ensure that  
24 lessons can be learned quickly. We applaud the work  
25 of the department and CHS to mitigate the spread of

2 the virus. The board quickly began producing daily  
3 public reports outlining DOC and DHS response to the  
4 pandemic and continue to do so. These now weekly  
5 updates, available on our website, include data on  
6 the number of people in custody with active  
7 infections and those who have ever been infected.  
8 DOC staff who have been confirmed, CHS staff who have  
9 been you confinement, and a number of people who have  
10 passed away in custody. We also include a full  
11 analysis of the jail population to show custody  
12 status, as well as certain demographic information.  
13 In the fall, as the jail population started to  
14 increase, we began producing a housing area density  
15 analysis in order to understand the ability of people  
16 to maintain social distancing in the housing areas.  
17 We believe these updates are critical to provide the  
18 public, the court system, advocates, policymakers,  
19 and families with critical information on what is  
20 happening in the jails. In addition to these data  
21 reports, the board has developed a new crisis  
22 responsive jail monitoring approach. Given are very  
23 small staff, our approach has largely focused on  
24 leveraging the boards access to data systems,  
25 surveillance cameras, grievance systems-- sorry.

1 Hang on one second. I just lost my connection.  
2 Apologies. This is the joy of remote work. Sorry.  
3 The board resumed targeted strategic in jail  
4 inspections in mid-May and have been touring the  
5 jails regularly since. Leveraging these tools, the  
6 board has released several reports on our  
7 observations of social distancing, use of PPE amongst  
8 staff among people in custody, phone access and clean  
9 and rounding practices. On March 9, we released a  
10 new report analyzing the grievances received by the  
11 department during the Covid crisis. Finally, every  
12 day, the board receives complaints directly from  
13 people in custody, staff, family members, defense  
14 counsel, and advocates via phone, email, mail, and  
15 web form just as we did before the crisis. Phone  
16 calls from the jail to the board are free and not  
17 monitored. Boards staff developed a new complaint  
18 protocol to receive these complaints and referred  
19 them to the appropriate agency for response. The  
20 board also reviews to identify systemic and urgent  
21 issues which are escalated to DOC and CHS as  
22 appropriate. Additionally, the board has requested  
23 DOC and CHS provide updates on their revolving Covid  
24 response at our public meetings, which happen each  
25

2 month since last March. Together, we believe this  
3 regular reporting provides all stakeholders with an  
4 accurate view of the jails in this moment. The  
5 boards oversight work has been and will continue to  
6 be critically important to assess this crisis  
7 response. We have and will continue to provide  
8 necessary information to the public outlining  
9 essential data and independently confirming what is  
10 actually happening in the jails while ensuring the in  
11 person visits and other suspended mandated services  
12 are restored as soon as possible it is safe to do so.  
13 We will continue to advocate for a smaller jail  
14 system as safely as possible and we will continue to  
15 advocate for everyone in the jails to receive the  
16 vaccine as soon as is humanly possible.

17           Turning now to the task force on issues  
18 faced by transgender, gender nonconforming, non-  
19 binary, and or intersex people in custody. The board  
20 first convened the task force as mandated under local  
21 law 145 in October 2019. Since then, the board has  
22 coordinated 20 members and five subcommittees and is  
23 now diligently working to finalize the task force  
24 first annual report. We believe the work of this  
25 task force is critical to ensuring the department and



2 CHS policies, procedures, and, ultimately, the  
3 conditions in the jails meet the needs of the  
4 transgender community. We have requested funding for  
5 a position to support this work. Council recommended  
6 the city fund this position and we are working with  
7 OMB to win sure appropriate funding is secured.

8           Now, turning to death investigations.  
9 Recently, OMB has committed to immediately restoring  
10 funding and order for the board to hire a person  
11 dedicated to conduct death investigations, as well as  
12 a second position to support that work. This  
13 critical funding will allow the board to review  
14 deaths systemic reforms to improve conditions and  
15 care and prevent future deaths. The board will also  
16 immediately move to conduct an independent audit of  
17 the mental observation units in the jails to review  
18 DOC and CHS policies, procedures, and outcomes. This  
19 audit will be conducted with additional financial  
20 support and will have the cooperation of both DOC and  
21 CHS. The audit will culminate in a public report  
22 outlining findings and making recommendations for  
23 reforms to improve care and reduce instances of self-  
24 harm and suicide. The elimination of these eight  
25 positions is the lack of funding for positions to

2 support new work limits our ability to do this  
3 critical work and meet our counsel mandates. The  
4 board has been unable to monitor and publicly report  
5 on the transition to the new borough based jail  
6 system as required by the Council. The board plays  
7 an essential role in the monitoring the department's  
8 current work and the plans for the new jails to  
9 ensure the conditions on Rikers are not simply  
10 relocated to new jails. We have also lost several  
11 research positions which has limited our ability to  
12 continue comprehensively monitoring the standards on  
13 the elimination of sexual abuse and sexual  
14 harassment. The minimum standard required by  
15 [inaudible 02:41:19]. The board has also been unable  
16 to assess DOC's compliance with reporting provisions,  
17 conduct annual audits of DOC, closing memos on  
18 investigations of sexual abuse, annualized sexual  
19 abuse and harassment allegations or closely monitor  
20 the housing decisions for transgender individuals in  
21 custody. Health and mental health position has also  
22 been eliminated, which impacts our ability to conduct  
23 an independent review and analysis of injuries and  
24 self-harm occurring in custody. We are also unable  
25 to produce the annual Access to Care report or

2 monitor implementation of the board's prior  
3 recommendations for improving health and mental  
4 health care in the jail. The recent commitment to  
5 support an independent audit of the mental  
6 observation units is encouraging, however, long-term  
7 oversight and reporting will require restoration of  
8 this position. Additionally, our research and policy  
9 associate positions were eliminated, which prevents  
10 the board from producing public reports on lockdowns,  
11 flashings, and jail violence, and people who spend  
12 extended time in punitive segregation. Finally, we  
13 have also been unable to make the appropriate  
14 investments in our IT infrastructure necessary to  
15 keep pace with DOC's IT changes and ensure BOC  
16 systems are supported in the long term. By our  
17 recent discussions with OMB to restore the board's  
18 funding and headcount. Moreover, in order to set the  
19 board on a course to fully meet this moment of  
20 opportunity, we have raised short-term private funds  
21 and are beginning a comprehensive strategic planning  
22 process. Over the next four months, the board will  
23 conduct a planning process to coalesce around a new  
24 vision for jail oversight, strengthen the  
25 organization and its practices to more effectively

2 and efficiently conduct our work and continue to  
3 position ourselves as a model for jurisdictions  
4 across the country that are seeking a more humane,  
5 countable, and safe use of jail. The Board of  
6 Correction is essential to the success of the reforms  
7 that the city Council and the administration seeks to  
8 realize. Without the appropriate funding, the board  
9 will struggle to meet these shared goals, our charter  
10 mandate, or our legislative mandates. It is  
11 essential that the funding for critical positions be  
12 restored so we are able to meet both our mandate and  
13 our promise. Thank you, and I am happy to take your  
14 questions.

15 CHAIRPERSON POWERS: Thank you. Thank  
16 you for that testimony and I am glad to hear about  
17 OMB commitment to conduct death investigations. Can  
18 you just walk us through right now what your role is  
19 in that, if any, and what resources you think you  
20 need to conduct that? Obviously, we will go into  
21 more detail as there have been two deaths in recent  
22 weeks and I want to know if you are involved in any  
23 of those investigations right now and what resources  
24 do you think you need moving forward?

2 EXECUTIVE DIRECTOR EGAN: Yeah. So, we  
3 have the authority to investigate all deaths in  
4 custody and there is, essentially, a subcommittee of  
5 the Prison Death Review Board that is chaired by  
6 Jackie Sherman. And so, we conduct investigations or  
7 are trying to conduct investigations into all deaths  
8 in custody, but, as I said, you know, resources are a  
9 serious challenge. A death investigator will  
10 certainly help and support staff will help, but our  
11 goal is to do a thorough review of all of these cases  
12 to identify the systemic issues and reforms that need  
13 to take place to prevent any future deaths. So, you  
14 know, the commitment from OMB is helpful, but, you  
15 know, these tend to be complex cases and so  
16 additional support staff would also be incredibly  
17 helpful.

18 CHAIRPERSON POWERS: Are you involved in  
19 the investigations of the recent death?

20 EXECUTIVE DIRECTOR EGAN: Yes. So, a  
21 while, you know, we-- you know, we have jurisdiction  
22 over the deaths that occur in custody, one of the  
23 cases and my understanding is the person was released  
24 just before he passed away, so we still have  
25 jurisdiction over what happened in the jails, but it

2 is not-- it wouldn't be, necessarily, a death  
3 investigation.

4 CHAIRPERSON POWERS: Okay. And one of  
5 the deaths was an apparent suicide. Are you aware  
6 whether the individual in question was receiving any  
7 mental health services?

8 EXECUTIVE DIRECTOR EGAN: So, we do a  
9 preliminary investigation for the board quickly after  
10 each death and so we are still gathering that  
11 information, as I said, we are going to turn to an  
12 audit of the mental observation units to understand  
13 both DOC and DHS policies, procedures, practices, and  
14 outcomes to identify reform. We are deeply concerned  
15 about incidents of self-harm and suicide in those  
16 units.

17 CHAIRPERSON POWERS: And do you believe  
18 that the department is doing enough right now to  
19 prevent or address individuals that might be  
20 suicidal?

21 EXECUTIVE DIRECTOR EGAN: You know, I  
22 think that is what this all that it will turn up. I  
23 mean, there is clearly an issue that needs to be  
24 addressed, but in terms of specifics, I don't have  
25 specifics at the moment.

2 CHAIRPERSON POWERS: Okay. And does  
3 that mean that you-- if you get the funding, you'll  
4 do more of a broader audit than individual one off  
5 cases to look at policy and protocol around deaths?

6 EXECUTIVE DIRECTOR EGAN: Yes. Yeah. I  
7 see them working in concert. So, the plan is for the  
8 audit to look at the units as a whole and the way  
9 that both DOC and CHS are operating them, but on a  
10 parallel track, conduct these death investigations  
11 into these specific cases so that we can identify  
12 additional systemic reforms.

13 CHAIRPERSON POWERS: Okay. And do you  
14 know how many deaths occurred in DOC custody in 2020?

15 EXECUTIVE DIRECTOR EGAN: Emily, do we  
16 have a current number? If not, we can get back to  
17 you. Emily, you're muted.

18 EMILY TURNER: I believe there were  
19 six.

20 CHAIRPERSON POWERS: Six. And those  
21 were Covid related or were they--

22 EMILY TURNER: Three of which have  
23 confirmed to be Covid related.

24 CHAIRPERSON POWERS: Okay. And what is  
25 the status of the other three?

2                   EMILY TURNER:       The other three had  
3 other medical conditions. One was a suicide. One we  
4 still don't have the autopsy report for and the  
5 other-- I'm sorry. There were seven. Sorry.  
6 Seven. Three Covid related, one related to-- two  
7 related to other medical conditions, one still  
8 unknown because we don't have the autopsy, and one  
9 was a suicide.

10                   CHAIRPERSON POWERS:    Okay. And the  
11 board is doing a review of all those or they have or  
12 [inaudible 02:49:17] still ongoing?

13                   EMILY TURNER:       We do preliminary review  
14 of every death, but not a comprehensive report of  
15 every person.

16                   CHAIRPERSON POWERS:    Okay. We had  
17 raised this issue. I think this is even in the  
18 Council's budget response a few years ago about the  
19 board's budget relative to the department's budget  
20 and, particularly if you look at like the civilian  
21 complaint review board, I believe their budget is not  
22 set at one percent of the NYPD's personnel budget and  
23 we see the board as a critical stakeholder in holding  
24 the department accountable and also doing  
25 investigations in the sense since we're talking



2 about-- can you tell us just about your budget  
3 reduction this year and understanding that we-- you  
4 know, I and others feel that they are already  
5 underfunded relative to the DOC's budget. Can you  
6 tell us a bit about what services would be cut as a  
7 result of last year's budget reduction and what got  
8 cut and know this year what you believe and where the  
9 cuts are going to occur if there's a further budget  
10 reduction?

11 EXECUTIVE DIRECTOR EGAN: Yeah. So, the  
12 budget has been reduced from about 3.2 million at  
13 this time last year to about 2.6 and our funded  
14 headcount has gone from 34 to 26 and, you know, a lot  
15 of that has been open positions that we haven't been  
16 able to fill, so I talked about the director of  
17 medical and mental health research. I talked about  
18 the Priya research director. We lost one of our in  
19 jail monitors. So, all of that together means that  
20 we end up being a very small team that can focus on  
21 only a few priorities. So, over the course of the  
22 last year, we had to shift everything to focus  
23 certainly on Covid and also the development of this  
24 rule. And so, I would say the vast majority of our  
25 work has been focused in those two areas and it means

2 that we just can't focus on the other critical areas,  
3 Praia being one example, you know, of oversight in  
4 this jail system. The jail system is a large and  
5 complicated system and our oversight is essential for  
6 the public to understand what is actually happening  
7 in those facilities and the more our budget is cut,  
8 the less we are able to conduct the oversight,  
9 conduct the analysis that we need, and report out to  
10 the Council and to the public. So, these cuts end up  
11 being devastating for any agency as small as ours.

12 CHAIRPERSON POWERS: Okay. I'm going to  
13 add just one more question and then I'm going to  
14 handed over. I see two colleagues have questions.  
15 How much private funding has the Board received and  
16 can you tell us what it is used for?

17 EXECUTIVE DIRECTOR EGAN: Yeah. So, we  
18 received about \$150,000 specifically defined our  
19 strategic planning and work. You know, when I joined  
20 the board about a year ago or a little more than a  
21 year ago, I had planned on doing some strategic  
22 planning work and we lost the funding and so we  
23 turned to philanthropy to support that. And so, we  
24 are grateful for that, but it's, I don't think-- the  
25 way that the board as a city agency should be funded.

2 CHAIRPERSON POWERS: Okay. Thank you.

3 I think we have Council member Holden and then  
4 Council member Rosenthal, I believe in that order.  
5 So, we will let them ask questions.

6 SERGEANT-AT-ARMS: Time starts now.

7 COUNCIL MEMBER HOLDEN: Thank you, Chair.

8 Just quickly, I don't know if you heard some of my  
9 questions to the Department of Corrections about the  
10 1000, almost 1000, correctional officers resigning.  
11 Not retiring. Resigning in the past two years. Have  
12 you waited on that or, you know, as a reason, looked  
13 into why so many are resigning or even you can weigh  
14 in on the-- has the board waited on the triple  
15 shifts that was mentioned today and has been  
16 mentioned for a while?

17 EXECUTIVE DIRECTOR EGAN: So, we are  
18 deeply concerned about the triple shifts. You know,  
19 it's inhumane for the staff and, you know, people  
20 should be able to receive their meal breaks and not,  
21 you know, not be forced to work into the triple tour.  
22 You know, we understand the staffing-- there are  
23 staffing issues across the city, but I think there is  
24 a way to manage so that people are not working into  
25 triple towards. It's dangerous. We have not had the

2 capacity to look into these staffing issues, but we  
3 remain incredibly concerned.

4 COUNCIL MEMBER HOLDEN: Just going back to  
5 the triple shifts, has there been any studies of the  
6 effectiveness of an officer who is working triple  
7 shifts, I mean, medically or historically what could  
8 happen inside the jails. I mean, it's common sense  
9 that we know that the longer you work, the less sharp  
10 you are, but has there been any studies nationwide  
11 about this or why isn't it just against the law to  
12 have more than double shifts? Why don't we have  
13 legislation already in place about that?

14 EXECUTIVE DIRECTOR EGAN: Off the top of  
15 my head, I'm not aware of any studies, but we can  
16 look into it and get back to you.

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

19 COMMITTEE COUNSEL: Next, we will go to  
20 Council member Rosenthal.

21 SERGEANT-AT-ARMS: Time starts now.

22 COUNCIL MEMBER ROSENTHAL: Thank you--

23 EXECUTIVE DIRECTOR EGAN: Council  
24 member, you went back on mute again. You went back  
25 on mute, again.

2 COUNCIL MEMBER ROSENTHAL: I keep hitting  
3 unmute. Oh. There we go.

4 EXECUTIVE DIRECTOR EGAN: There you go.  
5 You're good.

6 COUNCIL MEMBER ROSENTHAL: It took that  
7 one. Thank you so much. I don't quite know how to  
8 ask the question because it just sounds like you are  
9 so completely underfunded. You know, it's hard to  
10 even know where to start, but could you-- is a way  
11 to quantify it that, you know, that you are  
12 underfunded to do your mandated work by a certain  
13 number of people? So, for example, on the TGNC task  
14 advisory Council, I'm pretty sure that written into  
15 the law was one FTE, unless I am wrong. And so, how  
16 much stuff like that do you think is going on? How  
17 many people are you short?

18 EXECUTIVE DIRECTOR EGAN: Yeah. So, I  
19 don't believe-- although I will doublecheck that the  
20 funding for the position to support the taskforce was  
21 actually written into the bill, but I know that the  
22 City Council has expressed support for funding that  
23 position. Emily, certainly correct me if I'm wrong.  
24 And, you know, we are working with OMB to receive  
25 that funding. Another example is the Council's

2 mandate to monitor the transition to the borough  
3 based jails. We haven't been funded to-- we haven't  
4 received a position to support that work. You know,  
5 we-- if we restored our funding to fund the 34  
6 positions that we had a year ago, it would certainly  
7 go a long way but we would still be a very small  
8 staff. Again, we would still be just .22 percent of  
9 the agency budgets that we are mandated to oversee.  
10 And so, you know, I think that we-- the staff has  
11 done an incredible job of stepping up and doing as  
12 much as we possibly can and, as I said in my  
13 testimony, I am very proud of the work that we have  
14 done over the course of the last year, but I think  
15 that we can do a lot more and I think we can do a lot  
16 more in these critical areas, again, around medical  
17 and mental health, around Priya, like all of these  
18 sort of issue area as we certainly could use more  
19 funding to support people to do that work.

20 COUNCIL MEMBER ROSENTHAL: Okay. Great.  
21 Sorry. Someone is putting a sheet of paper in,  
22 actually, I am interested in what she has put up, so  
23 apologies. I guess the question is, over the last  
24 year, how many rape cases have you investigated? And

2 is that by the NYPD? Yes. NYPD and DOC? So, let's  
3 assume it is NYPD and DOC.

4 EXECUTIVE DIRECTOR EGAN: So, Emily, I  
5 will ask for you to jump in here. So, DOC actually  
6 conducts the investigations and then we oversee that  
7 process. I don't have a number off the top of my  
8 head. Emily, do we have something?

9 EMILY TURNER: I don't have the total  
10 number of allegations in front of me, but we, as the  
11 board, do not conduct those investigations. What we  
12 had been doing when we did have a Priya director was  
13 we were able to conduct audits of the closing memos  
14 of DOC--

15 COUNCIL MEMBER ROSENTHAL: Yeah. I  
16 remember.

17 EMILY TURNER: and were able to look at  
18 the quality of the DOC investigations, make  
19 recommendations, and more consistently review what  
20 was happening in those investigations. We were also  
21 able to independently review the data that is reported  
22 that was required under our 540 reports under Priya  
23 standards about allegations of sexual abuse and  
24 sexual harassment in custody and that is something  
25 that we have not been able to update--

2 COUNCIL MEMBER ROSENTHAL: Yeah.

3 EMILY TURNER: and we have not been  
4 able to continue that work because we have lost staff  
5 and, you know, we continue to track what they are  
6 reporting to us, but we have not been able to dig and  
7 do it in the same way that we had been previously.

8 COUNCIL MEMBER ROSENTHAL: Yeah. That is  
9 like remarkable because I remember--

10 SERGEANT-AT-ARMS: Time expired.

11 COUNCIL MEMBER ROSENTHAL: going down  
12 this wormhole with DOC when we had a Priya hearing  
13 and just sort of the numbers were outrageous or the  
14 number of, you know, cases investigated. It was tiny  
15 and the number of how long it took which was  
16 ridiculously long and the fact that, in the one case,  
17 they actually did investigate and find that it was  
18 true that they allowed that DOC officer to resign.  
19 So, it is frustrating to me to hear what you are  
20 saying.

21 EMILY TURNER: And it gets complicated  
22 as to which cases DOC investigates versus DOI  
23 versus--

24 COUNCIL MEMBER ROSENTHAL: I remember.



2           EMILY TURNER:       and so it gets very  
3 complicated and to stay on top of that and make sure  
4 there is accountability throughout the process is  
5 something that we would like to be able to monitor  
6 more closely, but we are understaffed and times have  
7 not had the capacity to do that level of oversight.

8           COUNCIL MEMBER ROSENTHAL:   One last  
9 question, Chair Powers, if that is okay with you? I  
10 am going to take that as a yes. And can I just ask  
11 would it require state law to make it so DOC  
12 investigate all of those pre-accusations versus  
13 anything that is internal to DOC?

14           EMILY TURNER:       That is a good question.

15           EXECUTIVE DIRECTOR EGAN:     That is a good  
16 question. I mean, right now, our oversight is over  
17 the investigation and--

18           COUNCIL MEMBER ROSENTHAL:   I remember.

19           EXECUTIVE DIRECTOR EGAN:     process,  
20 right, rather than--

21           EMILY TURNER:       It's a criminal matter  
22 we definitely don't have the authority to investigate  
23 criminal matters, so that is currently outside of our  
24 jurisdiction, so I think there would need to be a  
25 change and I think that is something that I can

2 definitely say for sure we don't have the capacity to  
3 do right now as a board right now.

4 COUNCIL MEMBER ROSENTHAL: Of course. Of  
5 course. So, in your conversations-- Thank you for  
6 all of that. So, in your conversations with OMB, so,  
7 obviously, you had conversations with them prior to  
8 the release of the preliminary budget and so we see  
9 what they thought of your request which was not to  
10 fund anything additional. So, what's changed? Has  
11 anything changed between then and now?

12 EXECUTIVE DIRECTOR EGAN: Yeah. I mean,  
13 you know, we have continued to talk to them and to  
14 raise the very concerns that I am raising all of you  
15 now and, you know, I think that I am sure the federal  
16 stimulus bill has changed the conversation somewhat  
17 and, you know, we continue to press the case that our  
18 oversight responsibility and mandate is essential to  
19 achieving the goals that, you know, we have all set  
20 out. And so, I think that is part of what is  
21 changing the conversation, as well.

22 COUNCIL MEMBER ROSENTHAL: I think that  
23 your idea about the stimulus is, you know, the door  
24 opening a crack and it would strike me that now is  
25 the time to jump on that because I am confident that

2 now is when they are determining how to allocate it.

3 So, that is my two cents and thank you for everything

4 you do. I so admire your work. Thank you. And

5 thank you, Chair Powers.

6 CHAIRPERSON POWERS: Thank you, Council

7 member. Due to the respective time, we will take it

8 from there and in dark questions there, but thank you

9 to the board. We definitely know how much work you

10 have ahead of you, how important you guys on to this

11 whole criminal justice system in New York City. I

12 certainly want to make sure that you are funded to be

13 able to do the work that you ARE mandated to do in

14 the city, so, thank you and we will look forward to

15 continue to work with you through the adoption of the

16 budget to get you properly funded.

17 EXECUTIVE DIRECTOR EGAN: Great. Thank

18 you very much.

19 CHAIRPERSON POWERS: Thank you. So, do

20 you guys want to call up the next panel?

21 COMMITTEE COUNSEL: Yes. We will now

22 turn to testimony from members of the public. Please

23 listen for your name as I will be calling individuals

24 one by one and will also announce the person who is

25 next. Once your name is called, please accept the

2 prompt to unmute yourself and the sergeant-at-arms  
3 will set the timer and announced that you may begin  
4 to two minutes. I would like to know well, Benny  
5 Boscio to testify followed by Lauren Curatolo and  
6 then Zachary Katz Nelson.

7 SERGEANT-AT-ARMS: Time starts now.

8 BENNY BOSCIO: Good afternoon, Chairman  
9 Powers and the distinguished members of your  
10 committee. My name is Benny Boscio Junior and I am  
11 the president of the Correction Officers Benevolence  
12 Association. The second largest law enforcement  
13 union in the city of New York. Our members, as you  
14 know, provide care, custody, and control of over 5700  
15 inmates daily. Today's hearing focuses on the  
16 discussion concerning the Department of Corrections  
17 budgetary needs for fiscal year 2022 as well as the  
18 Mayor's Preliminary Management Report for 2021. With  
19 the limited time I have, I want to address both of  
20 these critical issues as they each reflect the dire  
21 working conditions of the brave men and women-- the  
22 brave dedicated correction officers working in the  
23 city's jails. Let's start with the Mayor's  
24 Preliminary Management Report for 2021 which was  
25 posted very quietly to the city's website just

2 recently. The report revealed that last year, there  
3 was a 23 percent increase in inmate assaults on  
4 correction officers and 123 inmates slashings and  
5 stabbing compared to the 106 inmates slashings and  
6 stabbings from the previous year. The report further  
7 revealed that within the inmate population, the  
8 number of incarcerated individuals held on violent  
9 felony charges increased by 23 percent. This comes  
10 as no surprise to us as nearly every week, we visit  
11 correction officers ho are being treated at a  
12 hospital for the injuries they sustained from an  
13 inmate assault or stabbing or slashing. This  
14 committee has heard our cries for help every time we  
15 come before you and every time we testify before you,  
16 we highlight the horrible conditions our officers are  
17 subjected to, yet our concerns continue to fall on  
18 deaf ears. You want us to perform are dangerous jobs  
19 with perfection, yet you refuse to give us the  
20 necessary support and the resources we need to do it.  
21 We need action and we need it now. In fact, we need  
22 the same willingness to help all our officers as the  
23 willingness you demonstrate to help the inmates.  
24 Despite the storing levels of jail violence, most of  
25 you support the Mayors plan to and punitive

2 segregation entirely, which you recently announced.  
3 Now is not the time to remove the one tool we have to  
4 maintain safety and security. My members deserve  
5 better. They deserve to go home the same way they  
6 left. Instead, your main concern is that the same  
7 inmates who brutalize my members and nonviolent  
8 inmates are given pizza parties, tablets, and game  
9 boys. The New York City Department of Corrections  
10 treatment of this workforce is a national disgrace  
11 and those of you who continued to look the other way  
12 by the Department of Corrections has been the  
13 department's policy of forcing correction officers to  
14 work triple and sometimes even quadruple consecutive  
15 shifts, missing meals, missing sleep, and  
16 jeopardizing their health during a pandemic. This  
17 crisis is first emerged last year at the height of  
18 Covid 19 pandemic when 1400 of my officers contracted  
19 this deadly disease. At the time, the Mayor called  
20 this a dumb managerial mistake and he about this  
21 would never happen again. Well, here we are a year  
22 later and I have officers working in going into  
23 triple shifts just about every day. I have officers  
24 sleeping in their cars at Rikers because they are so  
25 exhausted, they are afraid they will drive off the

1 road. I have officers getting hotel rooms near  
2 Rikers. I have officers, many of whom are single  
3 mothers, literally crying when they go home to their  
4 families because of the stress and disruption this  
5 inhumane practice has caused. Just this past  
6 weekend, at the Anna M. Cross Center alone, we had 58  
7 correction officers go into a triple tour and  
8 approximately 30 of them worked 24 hours straight or  
9 more. This directly contradicts the department's  
10 claim that triple towards only happened when there is  
11 a weather emergency and that they only work a couple  
12 of hours into triple tour on average. We need more  
13 correction officers and we need them now. The city  
14 has not hired a class of correction officers in over  
15 two years, yet a new class of over 800 police  
16 officers were recently hired. The inmate population  
17 is back up significantly to 5700 and yet we have lost  
18 about 1700 officers over the past two years, mostly  
19 due to resignations because our working conditions  
20 are so unbearable and since this past September, over  
21 300 of our officers have contracted Covid. In order  
22 to finally end triple towards, the city needs to hire  
23 at least 2000 correction officers and the preliminary  
24 budget for fiscal year 2022 should allocate the  
25

2 necessary resources to make that call reality. With  
3 that said, I am happy to answer any questions you may  
4 have.

5 CHAIRPERSON POWERS: Thank you. Just a  
6 few questions. You know, a few of us had mentioned  
7 this issue earlier on the staffing issue which is  
8 absolutely shameful. We are on the record to the  
9 department about the treatment of your staff, of your  
10 members, rather. Can you tell us what the agency is  
11 telling you right now? We have heard that you  
12 mentioned issues around or excuses, I suppose, around  
13 weather conditions and short over Ron into the third  
14 shift and things like that, yet I have also heard  
15 even this past weekend folks still working up to  
16 seven hours into the next shift. What is the  
17 department telling your members and you right now  
18 when it comes to why triple shifts are still  
19 happening despite their claim to end them? Or their  
20 attempt to end them?

21 BENNY BOSCIO: Well, look. What they  
22 are doing and, obviously, not working. All right?  
23 We need correction officers and the department has  
24 neglected the fact that the city needs New York to  
25 hire correction officers to keep up with attrition.



2 Everybody thought that the inmate population was  
3 going to drop down to 3500 and, as we see, it is 5700  
4 and rising. So, you know, we need correction  
5 officers. There is a various amount of reasons as to  
6 why. A lot of the posts that are unbudgeted that  
7 don't show up on paper. It's the main factor. But  
8 all the inmate programs that we now have require us  
9 to have more correction officers and when you look at  
10 us on paper, it looks like, yeah. We have to do one,  
11 but not every correction officer is on, you know,  
12 every shift. We rotate the 24-hour bases on all  
13 three shifts, so what any given time, all 80,000--  
14 8000 correction officers are on tour.

15 CHAIRPERSON POWERS: And what is the  
16 agent-- Well, I just want to hear what is the agency  
17 telling you for the reasons why this has to happen?  
18 They testified earlier to us. They put itself in  
19 writing, but what are they telling you your members  
20 in terms of both why they have to work three shifts  
21 and also instances where an individual is staying at  
22 a hotel or something like that, I assume, but I want  
23 to just here you confirm it that those individuals  
24 are paying out-of-pocket for that?

2                   BENNY BOSCIO:       Absolutely.  They are  
3 saying that they had anticipated closing facilities  
4 and that they were able to do it and that the Covid  
5 situation--  I mean, they have told me everything  
6 that they told you today at this hearing, but the  
7 reality is that we are suffering and we come to this  
8 Council on numerous bases telling you guys what the  
9 problems are, but even as I sit here today, I see you  
10 most of the questions are geared towards the inmates.  
11 The well-being of inmates and I applaud Council  
12 member Adams and hold it in yourself to an extent on  
13 shedding light on what it is that we are dealing  
14 with, but the reality is that everybody's main focus  
15 is the inmates and we are part of this equation and  
16 we provide public safety to the city.  We are  
17 essential workers and you guys treat us as if we  
18 don't count for anything and that is a tragedy.  That  
19 is a disgrace the help that we need from you, our  
20 elected officials.  And, guess what?  We are your  
21 constituents also and we will be heavy at the polls  
22 voting on those that help us and we will remember  
23 those that are not helping us and our members will  
24 know when their family members will know, as well  
25 because we need your help.

2 CHAIRPERSON POWERS: Okay. Thank you  
3 for that. Can you just tell us about testing and  
4 vaccines right now? What is your access for your  
5 members to testing and what is your access that you  
6 are eligible, of course, for vaccines, but what is  
7 the agency or what is the city doing? Or can you  
8 tell us about access to testing and vaccines in the  
9 middle of the pandemic or early in the pandemic? We  
10 raised an issue to them, to the agency-- myself and  
11 other members of this committee around lack of access  
12 to testing and what is the ability for your members  
13 right now to access-- is it on-site at the  
14 facilities or in general access. And also, I guess,  
15 of course, PPE, as well.

16 BETTY BOSCIO: We have access to  
17 testing and getting the vaccine on Rikers every day.  
18 Our members do have access. I will give the Mayor  
19 credit for that. We need to have access to the  
20 vaccines on the island.

21 CHAIRPERSON POWERS: On the island.  
22 Okay. Do you know how many of your members have  
23 taken advantage of that?

24 BENNY BOSCIO: Maybe close to-- I'm  
25 giving approximate numbers. Maybe 2000.

2 CHAIRPERSON POWERS: Okay. Have taken  
3 advantage of the vaccine on the-- at the worksite.  
4 Okay. And let me just see if there are members here  
5 who have a few questions. I know Council member  
6 Rosenthal is here, but her function is not working.  
7 And I just want to say that I don't want to make this  
8 into-- We want to get into an argument here, but I  
9 do think some of the issues we are raising here today  
10 about access and privacy of phone calls to issues  
11 around folks being mistakenly released and things  
12 like that and deaths in the jail is not putting the  
13 issues that are raised, I think, are very grave and  
14 serious issues and I think, your-- it's not an  
15 either or situation. I mean, there a shop that are  
16 raised that I think are very grave and serious issues  
17 and I think alongside those include the safety of  
18 your members, as well. And members have raised that,  
19 as well, in terms of the working conditions. I don't  
20 think advocating for the safety of individuals in  
21 custody puts your members at risk either and  
22 particularly the conditions were talking about today  
23 with the privacy and conversations on Council and so  
24 I just want to add that in because I think we do,  
25 obviously, care about making sure your members are

2 safe when they go in, whether it is from Covid or  
3 from violence and it is the responsibility to look at  
4 that issue amongst others, as well. With that being  
5 said, I can go to Council and see if there are any  
6 members who have questions right now.

7 BENNY BOSCIO: We have no issue with  
8 that, Councilman Powers. We have no issue. We want  
9 everybody to be safe. And inmates are not being  
10 provided the services that they need because we are  
11 understaffed and guess what happens? They take their  
12 aggression out on us because they are not getting  
13 what they are supposed to be getting accordance with  
14 minimum standards. So, yeah. That's part of this  
15 equation and, yes, we do care about inmates, contrary  
16 to what people think. That we are in jail abusing  
17 the inmates. That is not happening.

18 CHAIRPERSON POWERS: Okay. Thank you.  
19 I'll go to Council member questions.

20 COUNCIL MEMBER ROSENTHAL: Okay. Am I  
21 just starting? All right. Thanks for coming here.  
22 I want to run something by you that that DOC  
23 Commissioner said and I wonder what you think of  
24 this. When I asked about the Rose M. Singer Center  
25 being had only 20 percent capacity and asking if they

2 could, you know, the change around where people are  
3 in order to-- this was actually in reference to  
4 capital, not expense, but they seemed to indicate  
5 there was no way. That every building had to stay  
6 open. Do you have any thoughts about that?

7 BENNY BOSCIO: Well, Council member  
8 Rosenthal, we have different categories of inmates  
9 that can't call me Google in some cases, so, inmates  
10 do have to be spread out. The department isn't even  
11 abiding by CDC guidelines when it comes to social  
12 distancing due to Covid, so, you know, when you talk  
13 about the number of inmates in Rosie's, we have the  
14 real estate test spread out the population, but you  
15 are more concerned about closing jails. So, if the  
16 Council seriously is interested in keeping us safe  
17 and the inmates safe, then we should have less  
18 inmates in each housing area and spread out the  
19 population and hire more correction officers.

20 COUNCIL MEMBER ROSENTHAL: It sounds to  
21 me like they've already done it at Rosie's. That is  
22 what they seem to be saying.

23 BENNY BOSCIO: That they have spread  
24 out the population. Yes.

25 COUNCIL MEMBER ROSENTHAL: In three--

2 BENNY BOSCIO: And females can only be  
3 in one facility.

4 COUNCIL MEMBER ROSENTHAL: Okay. I'm a  
5 little-- So, I am not in part at this. Council  
6 member powers, I'm sure you could thread this much  
7 better than me, but, you know, when I asked DOC about  
8 why-- you know, if Rosie's is only 20 percent full,  
9 why couldn't they move for everyone to like a similar  
10 location? Their answer was, well, no. Everyone--  
11 just like you said. Everyone needs to be in their  
12 own area. So, adults in one area, maternity in one  
13 area, you know, stuff like that. And so, they were  
14 saying that they are very spread out already, but--  
15 and I'm only asking about Rosie's as I really don't  
16 know about the general pop, you know. So, I just--  
17 do you have any thoughts about that?

18 BENNY BOSCIO: Well, Rosie's is part of  
19 the general pop. Like I said, you have different  
20 categories and units, but that is the facility that  
21 houses females, but, I mean, you are talking about  
22 spreading out the-- any concerns of officers working  
23 triple tours, do you believe that it's not inhumane  
24 that officers should work three consecutive tours  
25 without being afforded a meal break? I have officers

2 that are diabetics. They can't get their medication  
3 because they are not being relieved off post. Do you  
4 have anything to add on that, Council member  
5 Rosenthal?

6 COUNCIL MEMBER ROSENTHAL: No. That  
7 wasn't my line of questioning, but what you are  
8 describing, first, sounds terrible. I think I'm  
9 done, Chair Powers. Thank you.

10 CHAIRPERSON POWERS: Okay. We will go  
11 to any other Council members if they have their hands  
12 up. Okay. Thank you. Call up the next panel.

13 BENNY BOSCIO: Okay. Thank you.  
14 Appreciate the time.

15 COMMITTEE COUNSEL: I would like to  
16 know welcome Lauren Curatolo to testify followed by  
17 Zachary Katz Nelson and then Mary Lynn Werlwas.

18 SERGEANT-AT-ARMS: Time starts now.

19 LAUREN CURATOLO: Sorry. Thank you, Chair  
20 Powers and committee members my name is Lauren  
21 Curatolo. I am the director of Midtown Community  
22 Court and I am thrilled to be here to represent the  
23 Center for Court Innovation. During 2021, the  
24 centers innovative criminal justice award was cut in  
25 half. This, of course, was unfortunate because this



1 funding permits as to respond to the immediate needs  
2 we see in our communities, pilot new ideas, and  
3 evaluate them. Based on our 2021 award amount and  
4 because of the ways in which the pandemic exacerbated  
5 issues around housing, mental health, and domestic  
6 violence specifically, we focused our efforts to  
7 address the major concerns. One example of a pilot  
8 we are working on now in partnership with Midtown  
9 North precinct and the NYPD's behavioral health unit,  
10 as well as Fountain House is called the rapid  
11 engagement initiative and this initiative offers  
12 individualized voluntary and rapid care, including  
13 mental health, harm reduction, and many other  
14 services to people arrested on cases that are  
15 desperate. Stick to eligible on the same day of a  
16 person's arrest. However, because of budgetary cuts,  
17 we had to make some hard choices also and among them  
18 were reductions for support for anti-gun violence  
19 programming, child trauma support, DWI screenings,  
20 and assessments, among others. So, we ask Council to  
21 please support a return to the budget awarded to the  
22 center in fiscal year 24 to increase that amount so  
23 that we may be able to continue to provide the  
24 necessary supports our community also desperately  
25

2 need, especially now. And on a final note, I turn  
3 your attention to a pilot reentry project for which  
4 the center is seeking funding called The Family  
5 Healing Project which uses restorative practices to  
6 offer sustained, logistical, and emotional support  
7 during the first year of a person's release from  
8 prison. This support would include those individual  
9 families. By strengthening that person's connections  
10 and supports, this initiative aims to decrease rates  
11 of homelessness and technical parole violations and  
12 offer meaningful support and healing to the entire  
13 family. We thank you so much for your support and  
14 your time.

15 CHAIRPERSON POWERS: Thank you. Thank  
16 you, Lauren. Thanks for all the work you are doing.  
17 We are big fans of your organization and your work,  
18 so we certainly want to see you get the funding you  
19 need to do your work. Obviously, tough fiscal  
20 situation, but hopefully a better situation this  
21 year, so, thanks for all the work that you are doing.

22 LAUREN CURATOLO: Thank you and nice  
23 seeing you.

24 CHAIRPERSON POWERS: You, too.

2 COMMITTEE COUNSEL: I would like to  
3 know welcome Zachary Katz Nelson to testify followed  
4 by Mary Lynn Werlwas and the Gregory Williams.

5 SERGEANT-AT-ARMS: Time starts now.

6 ZACHARY KATZ NELSON: Hi. Good  
7 afternoon. I am Zachary Katz Nelson. I am the  
8 policy director at the Littman Commission. Thank you  
9 for the chance to testify. We all know we need  
10 better management and more accountability throughout  
11 the Department of Correction. Triple shifts are one  
12 piece of that. Aside from mismanagement and the fact  
13 that 1200 officers are calling in sick every day,  
14 really worrying number which deserves further  
15 examination, just reiterates that we have to close  
16 Rikers. The physical layout there demands staffing  
17 assignments that proper jails would not. We need to  
18 move into the borough facilities as soon as  
19 absolutely possible, but before then, we have to  
20 change how the jails operate and how they are funded.  
21 Take, for instance, the emergency services unit, the  
22 riot squad or the jails. They had been singled out  
23 time and again by the Nunez monitor for exacerbating  
24 violence because they rest on far too often with far  
25 too many officers, but the proposed budget from the

2 Mayor funds them at the same inflated multimillion-  
3 dollar level. We also believe that the civil service  
4 law should be changed outside the budget to allow the  
5 DOC to hire wardens from outside the department.  
6 Having to hire solely from within has left us with  
7 far too thin a bench and we are seeing the results of  
8 that. We also agree that the BOC budget is far too  
9 small for the job we are asking of them. They are  
10 critical to efforts to remake this department as we  
11 move forward. Their budget, frankly, should be  
12 double or even triple compared to what it is now.  
13 It's really a pittance relative to the DOC. And  
14 then, more broadly, we have to invest in the things  
15 that keep people out of Rikers in the first place.  
16 Programs that have been proven to drive down the  
17 violence that we are seeing and has been exacerbated  
18 during Covid keep people out of the system in the  
19 first place. Violence and corruption, deep  
20 intervention to the youth, community-based mental  
21 health care, supportive housing, things that are  
22 proven to work to drive down. Violence far more  
23 cheaply, far more effectively than Rikers which is,  
24 in itself, proven to be criminogenic and begets more  
25 violence. So now is the time to really focus our

2 efforts on those things which Covid disrupted  
3 tremendously, leading to more violence. We can  
4 double down on those programs and really help our  
5 city overall. Thanks so much.

6 CHAIRPERSON POWERS: Thank you. And as  
7 we discussed and you discussed, the staffing issues  
8 are horrendous and the violence issues are in  
9 desperate need of addressing. We would like to work,  
10 you know, as much as we can with you guys to address  
11 those issues. And if you have recommendations on  
12 those programs that can help reduce the violence, we  
13 will certainly-- as the board is doing the  
14 restrictive housing, we will certainly work with you  
15 to-- on those ideas. So thank you for all the work  
16 you are doing.

17 ZACHARY KATZ NELSON: We will. Thank  
18 you.

19 COMMITTEE COUNSEL: I would like to now  
20 welcome Mary Lynn Werlwas to testify followed by  
21 Gregory Williams and then Jennifer Parrish.

22 SERGEANT-AT-ARMS: Time starts now. Mary,  
23 it appears we cannot hear you.

24 CHAIRPERSON POWERS: We cannot hear you.  
25 We hear you talking-- it looks like you're unmuted,

2 but it looks like we're having an issue with your  
3 microphone. Why don't we move on and we'll come  
4 back and see if we can get you sorted out. We do  
5 want to get back to you. Let's have the next one and  
6 perhaps we can get back.

7 COMMITTEE COUNSEL: Yes. Gregory  
8 Williams followed by Jennifer Parrish and then Darren  
9 Mack.

10 SERGEANT-AT-ARMS: Time starts now.

11 GREGORY WILLIAMS: I'm unmuted. Yes.  
12 Beautiful. My name Gregory. Good afternoon, Chair  
13 Powers and committee members. Thank you for the  
14 opportunity to speak today. My name is Gregory  
15 Williams and I am a member of Freedom Agenda and a  
16 fierce advocate for justice. Since 2019, I have been  
17 involved in the movement to close Rikers and,  
18 unfortunately, due to punitive [inaudible 03:29:05],  
19 I have ended up stuck there for two months this past  
20 [inaudible 03:29:09]. Before I continue on, I would  
21 just like to say that these types of hearings, the  
22 only thing we hear is underfunded or we are okay as  
23 we are. But what I want to share today is just  
24 [inaudible 03:29:23]. These hearings are about  
25 money, money, and more money, but it is wasted money.

2 Our position is simple that it is overstaffed. We  
3 heard about how the officers are working triple  
4 shifts. That is because it's being handed to them  
5 for special treatment. They are overworked, that's  
6 true. But it's only a select a few. So, if we were  
7 to look and examine at who is getting this over time,  
8 we would see that it's a handful of people being  
9 because the issue at point is mismanagement. It's  
10 not we need more money. It's not there is not enough  
11 staff. That is absurd. I have personally  
12 experienced staff just sitting around doing  
13 absolutely nothing or visiting their coworkers or  
14 their posts, hiding from actual work. I have seen  
15 officers sitting around playing dominoes and cards  
16 with other persons that are incarcerated and when  
17 asked to give another officer a bathroom break or  
18 hold their post down so that they can eat their meals  
19 or whatever the case is, they refuse and look at them  
20 like they are crazy. They actually get upset with  
21 the other officer for asking for assistance. I have  
22 also personally--

23 SERGEANT-AT-ARMS: Time expired.

24 GREGORY WILLIAMS: Excuse me? I'll ask you  
25 to bear with me, please. Yeah. I have personally

2 experienced how officers are wasting time and energy.  
3 I have also heard how officers are subjected to abuse  
4 and mistreatment, but nobody bothers to mention the  
5 abuse and mistreatment that the officers inflict on  
6 persons that are incarcerated that just may lead to  
7 this problem. So, I urge you to really examine the  
8 administrative perspective of what is going on and  
9 it's not always about give me more money for I am  
10 fine with where I am at. It's always about how  
11 things are conducted and I thank you very much for  
12 your time- -

13 CHAIRPERSON POWERS: Thank you. Thank  
14 you for your testimony.

15 GREGORY WILLIAMS: Thank you.

16 COMMITTEE COUNSEL: Next, we will see  
17 if Mary Lynn can join us. If we can hear her.

18 MARY LYNN WERLWAS: Can you hear me  
19 now?

20 CHAIRPERSON POWERS: We can hear you.

21 COMMITTEE COUNSEL: Yes.

22 MARY LYNN WERLWAS: Okay. The  
23 rebooting was the magic.

24 CHAIRPERSON POWERS: Always is. Turn  
25 off and turn on.



2 MARY LYNN WERLWAS: Thank you. As we  
3 have heard today, the Department of Corrections and  
4 ability to perform its duties has, by now, exacted in  
5 intolerable toll on this city. Our recommendations  
6 for change at the Legal Aid Society are rooted in the  
7 prisoners' rights project. Nearly 50 years of  
8 advocacy in the jails mitigating areas like this use  
9 of force, protection from suicide, and preventing  
10 another needless deaths in custody through the  
11 Council's budgetary support. From this experience  
12 spanning the 10 years of 23 Commissioners, we  
13 conclude that the failures of this agency do not lie  
14 with a singular individual, although uniformed  
15 ancillary leaders do bear special responsibilities,  
16 but rather with the profound lack of accountability  
17 for misconduct and mismanagement across the entire  
18 department. This is an insular system, one that does  
19 not recognize its own failures and thus cannot reform  
20 itself. The debacle with the telephone calls is an  
21 example. Our first recommendation today is the  
22 department must cease recording all telephone calls  
23 from the jails immediately. The city should repeal  
24 the regulations permitting this practice and should  
25 not renew the contract with Secure wrist. We

2 reported these breaches at the Legal Aid Society to  
3 the DOC in the spring and received assurances in the  
4 summer that they were faxed, yet here we are.  
5 Second, the city can no longer rely almost  
6 exclusively on uniformed leadership that came up  
7 through the ranks of this broken agency with its  
8 absurd thresholds for brutality and incompetence. We  
9 cannot expect line officers who join with the best  
10 intentions to embrace a new culture and new practices  
11 if their supervisors do not. We need to hire a new  
12 deep bench of wardens, Debbie D supervisors, whatever  
13 level of leadership it takes to bring a 21st-century  
14 model to our jails. Lastly, independent oversight of  
15 the jails--

16 SERGEANT-AT-ARMS: Time expired.

17 MARY LYNN WERLWAS: If I could just  
18 finish the sentence-- is essential and we ask you to  
19 fully fund the Board of Correction which are city  
20 charter vests with this authority is whose work is  
21 needed now more than ever. Thank you.

22 CHAIRPERSON POWERS: Thank you. I just  
23 had a few questions for you before I handed over to  
24 the next panelist. Just on the phone calls issue  
25 which, I have to say, was a fairly infuriating few

2 hours here at the Council, to find out in the middle  
3 of all this that groups like the Legal Aid Society  
4 have been raising this issue since the beginning of  
5 the pandemic, can you share with us when the Legal  
6 Aid Society had first approached the department with  
7 this issue and what the response was?

8 MARY LYNN WERLWAS: Absolutely. In a  
9 meeting with the Department of Correction on May 29,  
10 2020, the senior leadership from the Legal Aid  
11 Society and the Department of Correction, we raised  
12 this issue in made a very clear list of requests for  
13 auditing and for looking into this question. This  
14 was, as is now well known, it came to our attention  
15 through discovery in criminal cases. This was  
16 followed up by on June 17, 2020 by a letter from  
17 Legal Aid General Counsel to--

18 CHAIRPERSON POWERS: What date?

19 MARY LYNN WERLWAS: June 17, 2020. By  
20 letter from the General Counsel of the Legal Aid  
21 Society regarding our concerns over this repeated  
22 practice and, again, seeking answers as to how it  
23 happened, the scope of the breach, and assurances it  
24 wouldn't happen again. On September 10, 2020, we  
25 received assurances from the department that the

2 problem had been fixed and would not recur again and  
3 yet here we are today. Our deepest concern, and what  
4 leads us to today, in addition to the with all of the  
5 defenders, seeking a full audit of what happened is  
6 the reactive model to this problem of treating each  
7 of these requests as a one-off was, I believe, the  
8 word that was used, rather than taking it as a where  
9 there is smoke, there may be fire and investigating  
10 for the systemic problem that went wrong that didn't  
11 happen when it should have in the spring and this is  
12 where we are today.

13 CHAIRPERSON POWERS: Yeah. And I was in  
14 receipt of an earlier correspondence, I think, and  
15 may that was from the legal-- I think there was one  
16 other correspondence that went over, in earlier May  
17 that may be led to the meeting and can you describe  
18 that correspondence?

19 MARY LYNN WERLWAS: I'm not sure what--  
20 I will say I am not sure. I'm not privy to all of  
21 them or of the correspondences that we had. This was  
22 from at the levels I know we are speaking, which is  
23 in May, that we are speaking to the department about  
24 these problems. They had, certainly, been brought up  
25 and we were extensively trying to navigate with the

2 department throughout all of the spring to ensure  
3 that numbers were, in fact, on a do not record list  
4 and, secondly, that that meant something. It is not  
5 just the question of war they on the list, but  
6 whether or not they were being recorded.

7 CHAIRPERSON POWERS: Right. Right.

8 MARY LYNN WERLWAS: And it has caused  
9 massive confusion among an extremely professional  
10 staff that talk to incarcerated people daily and  
11 trying to navigate what calls were being recorded,  
12 what did the warnings mean or not mean. And,  
13 frankly, the answers were unsatisfactory.

14 CHAIRPERSON POWERS: And one last  
15 question since I know we have a long list here, but  
16 what happens with the case or client where this has  
17 been illegally handed over to them or maybe, I'll  
18 say, wrongfully handed over to them and the district  
19 attorney has no access to phone calls that they're  
20 not supposed to have that could have had private  
21 information in it or things affecting the case? What  
22 happens in that instance to the case or to the  
23 individual?

24 MARY LYNN WERLWAS: Well, in an even  
25 broader number of individuals, even if that recorded

2 phone call never was handed over to the district  
3 attorney, there has been a breach of attorney client  
4 confidentiality. Our clients are, for good reason,  
5 concerned if any breaches of that privilege occur.  
6 The department recording it is a breach of that  
7 attorney-client privilege in and of itself,  
8 regardless of even if it got to the district  
9 attorney. But, by getting to the district attorney  
10 and the effect on the criminal case and whether it so  
11 taints that criminal case is exactly what we're going  
12 to be needing to untangle a year of just, you know,  
13 how many cases did this affect and the answer seems  
14 to be an extraordinary number. Perhaps unprecedented  
15 number of criminal cases in the city that are  
16 affected by this and that means that individuals did  
17 not get their constitutional right to counsel.

18 CHAIRPERSON POWERS: Right. And  
19 somewhat outrageous. I wouldn't even say somewhat.  
20 It is outrageous.

21 MARY LYNN WERLWAS: It's outrageous.

22 CHAIRPERSON POWERS: Thank you for that.  
23 I want to make sure we get to other folks, as well,  
24 but thank you for your work on this in bringing some  
25 of these to light. It is nothing short of

2 outrageous, as I said, and somewhat baffling. So,  
3 thank you for that and we will be in touch. Thanks  
4 so much. We'll move to the next panelist.

5 COMMITTEE COUNSEL: I would like to  
6 have no welcome Jennifer Parrish to testify followed  
7 by day. Mac and that Brandon Holmes.

8 SERGEANT-AT-ARMS: Time starts now.

9 JENNIFER PARRISH: Good afternoon. My name  
10 is Jennifer. Should I the director of Criminal  
11 Justice Advocacy at the Urban Justice Center Mental  
12 Health Project. We represent the Brad H class which  
13 includes everyone who receives mental health  
14 treatment at the city jails. Now, that is about 53  
15 percent of the jail population. The Department of  
16 Correction is not capable of providing an atmosphere  
17 that addresses the need of people with mental health  
18 concerns. The jail environment is chaotic, abusive,  
19 and punitive. Time spent in these conditions is  
20 likely to read traumatize those subjected to it. The  
21 city and this Council must do everything possible to  
22 D Carson three and provide community support so that  
23 people with mental health needs are not subjected to  
24 these conditions. For as long as the Department of  
25 Correction continues to operate city jails, the Board

2 of Correction is essential to provide some amount of  
3 transparency and oversight. The board cannot carry  
4 out this critical function without adequate funding.  
5 The board needs to have staff inside the jails to  
6 observe conditions, investigate incidents, and  
7 resolve complaints. In addition, the board must have  
8 funding needed to hire researchers and other staff to  
9 a report publicly on what is happening within the  
10 jails. The board's monitoring and reporting are  
11 essential for the Council and the public to have  
12 accurate information. Right now, as the city is on  
13 the brink of ending punitive segregation, we need a  
14 well-resourced board of correction. The boards issue  
15 a proposed rule that will end the long-standing  
16 practice of isolating individuals in solitary  
17 confinement, however, the alternative units that the  
18 rule will create are potentially as restrictive as  
19 the ones the rule seeks to replace. During the  
20 public comment period, We will advocate for the  
21 changes to improve the rule so that solitary  
22 confinement is actually ended and not just given a  
23 new name. That the successful implementation of  
24 these rules will require the board to have the means  
25 to regularly observe the operation of alternative



2 units and analyze and report data to determine  
3 whether the new regulations bring about the  
4 meaningful change intended. I urge the Council to  
5 fund the Board of Corrections at the level needed to  
6 effectively carry out this vital work. Thank you.

7 CHAIRPERSON POWERS: Thank you. Thank  
8 you so much for that.

9 COMMITTEE COUNSEL: I would like to  
10 know welcome. Back to testify followed by Brandon  
11 Holmes and then Jordan Rosenthal.

12 SERGEANT-AT-ARMS: Time starts now.

13 COMMITTEE COUNSEL: I don't see Darren  
14 Mack, so if we can move on--

15 CHAIRPERSON POWERS: Easier. Easier. I  
16 saw him. He was in my top left, but I don't know  
17 where he is on yours. There he is.

18 DARREN MACK: Yeah. Thank you. Thank you  
19 so. Good afternoon, Chair member Powers and  
20 committee members. Thank you so much for this  
21 hearing at public testimony today. I am testifying  
22 on behalf of Freedom Agenda and as a survivor of the  
23 last penal colony in the United States, Rikers  
24 Island. For years, we have been pushing and pulling  
25 for system transformation away from systems of

2 punishment like DOC and towards systems of healing.

3 DOC has the highest jail staffing ratio in the United

4 States. More than eight times higher than the

5 national average. As of January 2021, DOC had 8950

6 uniform staff and approximately 5200 people in their

7 custody. Based on recommended jail staffing ratios,

8 DOC currently employs over 5000 access officers at a

9 cost of over \$1 billion annually. These high ratios

10 of staff to people in custody has not made the jails

11 safer. In fact, it seems to make them less safe.

12 According to findings from the federal Nunez monitor,

13 in their knife report, jail staff hyper

14 confrontational practices are driving violence on

15 Rikers Island. DOC cannot manage their staff while.

16 With the ratio of staff to people in custody that is

17 higher than anywhere else in the world, there were

18 recently reports of staff working triple shifts.

19 This is unsafe for everyone involved and inexplicable

20 with so many access staff. DOC use staff and their

21 union should be calling for the city to layout a just

22 transition. A transition into the economic future

23 outside of this failed system of punishment that is

24 scheduled to close into city jobs with the same pay

25

2 and benefits. The city must waste no more time in  
3 initiating a just transition by eliminating--

4 SERGEANT-AT-ARMS: Time expired.

5 DARREN MACK: jobs that are both  
6 unnecessary and harmful. Lastly, I am calling that  
7 we deflate DOC's bloated budget and develop a plan  
8 for a just transition for staff. Thank you so much.  
9 And I will submit my testimony.

10 CHAIRPERSON POWERS: Great. We will  
11 take a look at it when it is submitted, too. Thanks.

12 COMMITTEE COUNSEL: I would like to now  
13 welcome Brandon Holmes to testify followed by Jordan  
14 Rosenthal is the head Candra Clark.

15 SERGEANT-AT-ARMS: Time starts now.

16 BRANDON HOLMES: Good afternoon, Chair  
17 Powers and committee members. During April 2020 in  
18 the early months of the pandemic, the average daily  
19 jail population was just over 3800 individuals in  
20 custody and, as the of January 2021, the Department  
21 of Corrections employed 8950 uniformed staff to  
22 supervise roughly 5200 people in custody. At over  
23 eight times the national average of staff to people  
24 in custody, New York City has the single largest jail  
25 staffing ratio in the entire United States, yet,

2 despite their operational advantages and a  
3 significantly reduced population, this agency  
4 continues to uphold the legacy of torture and  
5 brutality which drove our electorate to shutter the  
6 facilities they have operated and oversee for  
7 generations. This year, we must all be reflecting on  
8 a massive failure to reduce law enforcement budgets  
9 in response to the historic movement for black lives  
10 and peaceful protests that mobilize tens of thousands  
11 of New Yorkers. In the consent decree which was  
12 reached in 2015, there was a federal monitor  
13 appointed to oversee the Department of Corrections as  
14 a result of lawsuits against the department for  
15 subjecting people on Rikers to excessive and  
16 unnecessary force. Some of the key findings, which I  
17 will submitted my written testimony, use of force  
18 rates have increased over 10 reporting periods by 259  
19 percent since 2015 and the department remains out of  
20 compliance with several key areas of the consent  
21 decree. Most recently, the monitors stated that the  
22 city and department have established a record of  
23 noncompliance in the most fundamental goals of the  
24 consent judgment from 2015. Most, especially,  
25 regarding the use of force and accountability for

2 violations of those requirements. It cannot be  
3 stressed enough what many folks have said before that  
4 DOC is just not managed well. That this high ratio  
5 of staff to people in custody has not made anybody  
6 safer and--

7 SERGEANT-AT-ARMS: Time expired.

8 BRANDON HOLMES: rather than more staff,  
9 we are asking to increase the numbers due to people  
10 working overtime and working doubles and triple  
11 shifts is not going to make anybody safer as we  
12 maintain one of the largest, if not the largest,  
13 staffing complement for jails in the United States.  
14 So, you know, I just ask that today we remember the  
15 attitude and comments of former COVA President Elias  
16 Hasmadeen [sp?] Who shared in the past and years of  
17 testimony before city Council that the culture of  
18 COVA and DOC has always been that they hold the  
19 belief that they are the police of the cities jails.  
20 It's no secret that the demand that the city protect  
21 and provide for them in the same way that police  
22 officers demand to be protected and provided for.  
23 So, I call on city Council this budget cycle to treat  
24 DOC like other law enforcement. Put them under a  
25 microscope and draw the connections between the

2 disparities of health and equity in our communities  
3 and our government agents and law enforcement. They  
4 have both been found guilty of heavily documented  
5 histories of the same atrocities. Harassment,  
6 murder, abuse, violence. So, I asked that we seize  
7 this opportunity to divest from law enforcement  
8 agencies and systems of punishment and invest in  
9 alternative practices and invest in Council action  
10 the use city agencies accountable. Thank you.

11 CHAIRPERSON POWERS: Thanks, Brandon.  
12 Thanks for the testimony. It's nice to see you. I  
13 hope you're safe and healthy.

14 COMMITTEE COUNSEL: I would like to now  
15 welcome Jordan Rosenthal to testify followed by  
16 Candra Clark and then Pilar de Jesus.

17 SERGEANT-AT-ARMS: Time starts now.

18 JORDAN ROSENTHAL: Hi. Thank you and city  
19 Council members for being here today. Specifically  
20 Council member Rosenthal for joining us and it's  
21 really nice to see Bobby Cohen and Emily Turner stay  
22 on to hear public testimony. So, I am really here to  
23 talk and implore the city Council to find out more  
24 about that 107 million that is being dedicated  
25 specifically to the Rose M. Singer Center and the

2 state of repairs. Before, you know, Council member  
3 Rosenthal was imploring kind of why the women were  
4 spread out all over the facility and we were given  
5 kind of a lame duck answer from the DOC and if the  
6 city really has a commitment to closing the Rose M.  
7 Singer Center on your timeline which is 2026/2027--  
8 but we really implore you to push it sooner to 2022--  
9 there isn't a need to make all of these like million  
10 dollar renovation when we should really actively be  
11 putting women where they are the most safe, which is  
12 home in their communities which means we need to  
13 expand alternatives to incarceration and alternatives  
14 to detention, but specifically outlining budget items  
15 that say that it goes towards women and gender  
16 expansive people. We have a lot of alternative to  
17 incarceration programs in this city that serve women,  
18 but it is not an adequate representation and women  
19 are, once again, getting kind of the short end of the  
20 stick. We need to also implore the city and to  
21 really make access for women with serious violent  
22 felonies to be diverted to these programs because  
23 that is the majority of the women in the population  
24 that we are currently talking about. You know,  
25 basically, being in Rosie's is a threat to oneself.

2 Everything in your life starts to unravel in the  
3 sense of your stability and it doesn't make sense to  
4 you, you know, invest all of this money into a  
5 facility that is going to be--

6 SERGEANT-AT-ARMS: Time expired.

7 JORDAN ROSENTHAL: Thank you for your time  
8 and have a great day.

9 CHAIRPERSON POWERS: Thank you. Thanks  
10 for your testimony.

11 COMMITTEE COUNSEL: I would like to now  
12 welcome Kandra Clark to testify followed by Pilar  
13 DeJesus and then minister Dr. Victoria Phillips.

14 SERGEANT-AT-ARMS: Time starts now.

15 KANDRA CLARK: Hello, everyone, and  
16 thank you for having this hearing today. And Council  
17 member Powers, definitely going to shoot you an email  
18 after because I was actually legally discharged from  
19 Rikers back in 2010. So, just listening into the  
20 testimony today, you know, this has been happening  
21 for quite a while. I think what I am most frustrated  
22 about, right-- you know, I've been on this campaign  
23 since 2016. This has been an advocate movement to  
24 close Rikers Island and there are 10 Nunez reports  
25 that show that the violence is increasing 200 plus--



2 you know, there is a two to one staff to client ratio  
3 and the mismanagement of the facility financially, I  
4 just can't understand it. I can't understand why  
5 nonprofit budgets are cut in half and we are still  
6 required to do the same amount of work. We're not  
7 able to get paid for double and triple shifts and we  
8 work seven days a week, right? And we don't have a  
9 two to one staff to client ratio. I also don't  
10 understand why an alternative to incarceration  
11 program have been proven to have a 20 percent or less  
12 recidivism rate, yet, you continue to incarcerate  
13 people with violent charges on Rikers Island instead  
14 of putting them in alternative to incarceration  
15 programs that are ran by reentry organizations who  
16 work with the same population as the Department of  
17 Corrections and do not use of force, do not use  
18 solitary confinement, and use actual de-escalation  
19 methods and trauma informed care. So, I think just  
20 when we are looking at the numbers, I cried so hard  
21 when I heard that anyone was going to come on this  
22 line and say that they needed more officers. That is  
23 insanity and I just really want to press it to the  
24 Council members. Like, this is now on you. For the  
25 last 10 years that these Nunez reports have been

2 coming out, the violence has continued to increase.  
3 Officers are not mental health providers. They are  
4 not educators. They are not there to provide  
5 therapeutic intervention. If you need more staff on  
6 Rikers Island, you need more--

7 SERGEANT-AT-ARMS: Time expired.

8 KANDRA CLARK: of us. You need more  
9 formerly incarcerated people who have these, you  
10 know, skill sets and can come in and do it. The last  
11 thing you need is correctional officers. All you are  
12 going to do is continue to incite this increase in  
13 violence. The correctional officers cannot manage  
14 this in the fact that we would pay triple overtime  
15 and it's a two to one staff ratio, like I am just  
16 trying for nonprofits to get on board with that.  
17 Like how can we get it to do one staff to client  
18 ratio and then gate made triple time? I would love  
19 to see some statistics. I actually want numbers.  
20 There's 1200 people out sick a day. I was told you  
21 guys have unlimited sick time. What are these people  
22 out sick for? We have been open in person during  
23 Covid the entire time and we have not had staff for  
24 about six months. Even the ones who have caught  
25 Covid. So, you know, I want answers from you will.

2 What is this money going to? Why is there a two to  
3 one staff to client ratio and we still have officers  
4 that are out sick. Out of those 1200 officers, how  
5 many days have they called out sick in 2020? Do they  
6 have medical documentation? Because, again, coming  
7 from a nonprofit worker who has been working in  
8 person this entire time, the disparity is just not  
9 fair. So, I'm really hoping that we can get some  
10 answers from you will. Thank you.

11 CHAIRPERSON POWERS: Thanks, Kandra.

12 COMMITTEE COUNSEL: I would like to  
13 know welcome Pilar DeJesus to testify followed by  
14 minister Dr. Victoria Phillips and then David  
15 Freudenthal.

16 SERGEANT-AT-ARMS: Time starts now.

17 PILAR DEJESUS: Hi. Good afternoon.  
18 Forgive me. Voice is a little hoarse. My name is  
19 Pilar and thank you, Council, for having this and  
20 thank you, you know, everyone who is here, but  
21 especially I see some allies. I Pilar DeJesus. I am  
22 a woman, board and raised in East Harlem. I am not,  
23 I am a fighter, I am an advocate, I am a leader in  
24 New York City. I am a survivor of the outdated  
25 racist policies that exist in this country and in

2 this city and a survivor of Rikers Island and of, you  
3 know, the very abusive forces of the city in my  
4 experience. But I am here to talk on behalf, because  
5 I am also an advocacy coordinator with Take Through  
6 Justice. And I am speaking on behalf of our  
7 committee which is called HAPPEN which is holistic  
8 abolition of prisons and police everywhere now.  
9 HAPPEN supports the work of movements and community  
10 led campaigns to increase police accountability. We  
11 want to come back, you know, all this very abusive  
12 policies around, you know, our communities and our  
13 people of color. We are increasing our commitment  
14 and capacity around policing issues and community  
15 safety. And so, we work with many folks who are here  
16 around different campaigns, including the Closing  
17 Rikers campaign, abolishing ICE, you know, we work  
18 with the Covid 19 police project, defund NYPD,  
19 national expungement week. We are also part of the  
20 start smart coalition and many other things, but, you  
21 know, I, like Ms. Clark just mentioned, you know, I  
22 work at a nonprofit and it is really hard to hear.  
23 You know, we need more money. We need more money and  
24 I'm. We are getting cuts. We are here like figuring  
25 out how we are going to manage and support all the

2 clients. I work in the tenant unit and we all know  
3 that housing right now is really, you know, an issue  
4 in the city and so our attorneys, on top of all the  
5 attorneys, like all the work we are doing, the need  
6 has increased and, on top of that, we have to deal  
7 with our own mental health. So, it is really, you  
8 know, disheartening to hear about all the overtime  
9 and all of this and there is a lot of mismanagement  
10 with money and it shouldn't even be a discussion, but  
11 here we are. And, you know, another thing like I  
12 wanted to talk to was when they were talking about  
13 the recordings-- and this is not really what I came  
14 to speak about, but, listening about the recordings  
15 of the prison in the prisons that were happening, you  
16 know, why do we even work with systems that that was  
17 even an option on the drop down? Why are we okaying  
18 the recording of humans privacy just because they are  
19 in prison? Whether we put the drop down or not. I  
20 think that that is the problem and that says-- you  
21 know, again, goes to the very outdated, racist  
22 policies that still exist in this country, regardless  
23 of if we try to reform them. So, asking for more  
24 money in my opinion is not good. But I also want to  
25 talk to the intro of 2210 where, you know, it talks

2 about the creation of an office of community mental  
3 health in the Department of Helping Mental Hygiene--

4 CHAIRPERSON POWERS: I think that it's a  
5 different-- And anyway, we have to cut you off  
6 there.

7 PILAR DEJESUS: but at the end of the  
8 day, you know, that shouldn't be more money going  
9 towards agencies for the police. At the end of the  
10 day, it's for enforcement, but if we want to stick to  
11 like more money for like correction officers versus  
12 nonprofits, again, you know, Mr. Powers, we use your  
13 office a lot for, you know, the housing hotline and,  
14 you know, those numbers increase and so, when we  
15 hear-- we have immigration rights, we have workers'  
16 rights, and we all know a lot of folks have their  
17 rights as workers have been violated, so we're at  
18 capacity and yet we can't hire because we can't, you  
19 know, afford to and we have been going forward with  
20 court hearings. We have been having meetings. We  
21 are still meeting. And, again, you know, to the  
22 violin--

23 CHAIRPERSON POWERS: Okay. I'm sorry.  
24 Our time is up so I need to keep going because we are  
25 on a-- our clock is getting shorter here for the

2 hearing. But, thank you and thank you for the work  
3 that you are doing. We will go to the next one.  
4 Thanks.

5 COMMITTEE COUNSEL: I would like to  
6 know welcome Minister Dr. Victoria Phillips to  
7 testify followed by David Freudenthal and then Kelly  
8 Grace price.

9 SERGEANT-AT-ARMS: Time starts now.

10 CHAIRPERSON POWERS: Can you unmute--

11 DR. VICTORIA PHILLIPS: O, again. Can you  
12 hear me? Peace and blessings, everyone. So, usually  
13 this always happens. I type up something to say and  
14 then I listened to everything that is discussed and  
15 so, no. It doesn't happen like that. So, peace and  
16 blessings. I am Minister Dr. Victoria Phillips. A  
17 member of the Jails Action Coalition, Justice for  
18 Women Task force, and many other coalitions to make a  
19 change in the city. A couple of things I guess you  
20 want to touch on that are really important is that I  
21 don't say this often depending on what context I am  
22 speaking in. Many times all speak from an advocate  
23 standpoint, but I also work at the mental health  
24 project Urban Justice Center, the ones who do the  
25 monitoring for Brad H. And I am saying this for a

2 reason today because I am documented and registered  
3 in New York City as a clergy member and I work at the  
4 Mental Health Project at Urban Justice Center. Any  
5 time I speak to an incarcerated individual, but it is  
6 on my office phone given to me by the Urban Justice  
7 Center known to the DOC. I, too, have been recorded.  
8 They have no excuse to not know our number is from a  
9 legal servicing agency. So, please hold them  
10 accountable for that. Another thing is around the  
11 Covid issue. People are still not getting PPE. I  
12 have testified on this at BOC hearings. People are  
13 only allowed the masks when they are leaving their  
14 unit. I brought this paperwork up at the last BOC  
15 hearing. I was given these by a uniformed staff.  
16 These are actual count sheets from housing units  
17 showing that after Commissioner Brann told the board  
18 of corrections that she could not guarantee 50  
19 percent social distancing in housing units, officers  
20 printed out housing unit count sheets for me and so I  
21 was able to see even two weeks after having a  
22 conversation with DOC how the units were at 48 with  
23 50 beds. Two weeks after that, I get asked for  
24 another report. Housing units at 50 beds. So, DOC  
25 is not even trying to social distance even after



2 having it being consistently raised to them by the  
3 Board of Corrections. Also, I would like to mention  
4 that Benny from the officers' union testified that 14  
5 of his-- 1400 of his officers contracted Covid last  
6 year. I would like to know how many people in  
7 population were tested because of coming into contact  
8 with those--

9 SERGEANT-AT-ARMS: Time expired.

10 DR. VICTORIA PHILLIPS: I actually have  
11 testified on the record that a captain at ANKC died  
12 and many people called me begging for Covid tests in  
13 those housing units that wasn't given access to it.  
14 Many people are calling for medical reasons that BOC  
15 can't even follow up with. Please give them back  
16 their funding. People can die without having proper  
17 access to medical services or even escorts. That's a  
18 lot of things. DOC will send 20 officers to do what  
19 you search and not happen know if officers to take  
20 someone to a medical appointment. Please hold them--  
21 I know you make Me off, but please hold them--

22 CHAIRPERSON POWERS: No. Go ahead.

23 Keep going.

24 DR. VICTORIA PHILLIPS: I just want you to  
25 know that, even into the-- over 10 years I've been

2 testifying to you. A couple years ago I asked you to  
3 increase DOC budget because they needed officers  
4 because they were working three shifts. I don't know  
5 if you remember that. I asked you to increase DOC  
6 budget because they didn't even have the 20+ staff to  
7 actually do the work. Now you are pulling them away.  
8 Please do your job. New Yorkers depend on counsel to  
9 stand up for all constituents. And, remember, Rikers  
10 is not a prison. Rikers is a jail where your  
11 constituents are waiting, supposedly, for their fair  
12 day in court. Make sure that they are entitled to  
13 that. Please. Have a blessed day.

14 CHAIRPERSON POWERS: Thank you. You,  
15 too. Nice to see you.

16 DR. VICTORIA PHILLIPS: Nice to see you, as  
17 well. And any recordings you want, feel free to ask  
18 me. I'll send them to your office.

19 CHAIRPERSON POWERS: All right. Thanks,  
20 as always.

21 COMMITTEE COUNSEL: I would like to  
22 know welcome David Freudenthal to testify followed by  
23 Kelly Grace Price and then Michael Pope.

24 SERGEANT-AT-ARMS: Time starts now.

2 DAVID FREUDENTHAL: I am David

3 Freudenthal. Government relations director, Carnegie  
4 Hall. Thanks to you. Thanks to the Council member  
5 Rosenthal, Holden, and Riley for your attention and  
6 Council member Holden for your express support. I am  
7 here to reinforce Department of Probation  
8 commissioners Ana Bermudez's testimony about the neon  
9 arts program, speaking from the perspective of the  
10 arts partner. We want to thank the city Council for  
11 the partnership and support for the neon arts program  
12 which, in the past-- in FY 21, which fosters  
13 applicant as Commissioner Bermudez stated and enabled  
14 us to really do an incredibly effective pivot to  
15 digital services over the past year which  
16 significantly expanded the reach and breadth of the  
17 program surveying more than 800 individuals with  
18 live, remote digital arts workshops via zoom, which  
19 was an amazing demonstration of the need and interest  
20 of young New Yorkers around the city. Our target  
21 audience expanded beyond the seven neon arts neon  
22 neighborhoods to include outreach to those in 28  
23 neighborhoods. The 28 neighborhoods that are most  
24 impacted by Covid, and in addition to having many  
25 other health and socioeconomic disparities. We need

2 your support in the year ahead so that we can  
3 continue this work and really move to a combination  
4 of a live and digital pivot to really capture, you  
5 know, that great breadth in extended services. You  
6 know, it was a big success this year. You have my  
7 testimony for the record. I'm grateful for your time  
8 and your consideration.

9 CHAIRPERSON POWERS: Thank you. Thanks,  
10 as always and thanks to everything you are doing and  
11 I know that the institution has been through a lot  
12 over the past year being closed and I know some  
13 relief is on its way, but thanks for all you guys are  
14 doing and we're thinking about all the cultural  
15 institutions here and your work alongside many folks  
16 here. So, thanks. Thanks, David.

17 COMMITTEE COUNSEL: I would like to now  
18 welcome Kelly Grace Price to testify followed by  
19 Michael Pope then Jane Ehlke.

20 SERGEANT-AT-ARMS: Time starts now.

21 KELLY GRACE PRICE: Hi. Sorry. It's  
22 Kelly Grace Price from Close Rosie's. Thank you for  
23 allowing me to testify this afternoon. I wanted to  
24 first start off with emphasizing that Board of  
25 Correction funding is crucial. It sounds like there

2 are some seeds of hope there. Please water them. I  
3 also would like to address something I always address  
4 in the budget hearings every year. We would really  
5 like gender transparency in the DOC budget. We are  
6 not seeing funding for women and girls at all on  
7 parity with the percentage of the population that we  
8 represent and we would like some transparency. I say  
9 this every year and promises are made and we never  
10 get it. The next couple things I would like to talk  
11 about, of course, the phone calls. Chair Powers, I  
12 don't know if you know, but the Department of  
13 Correction recording program is also in conjunction  
14 with the DAs office is. It's called DA inpho-- I N  
15 P H O-- and it is much written about in reports  
16 published by, say, Court innovation. I'm going to  
17 read you something from the court innovation report  
18 published in 2017 about the call recording program.  
19 Specifically, it is called an intern should program.  
20 Quote, part of the New York City Department of  
21 Corrections policy used to record all phone calls  
22 made by defendants. These calls are a vital resource  
23 for local district attorneys that could use the  
24 intelligence to successfully prosecute criminal  
25 defendants, however, a single offender can amass a

2 large volume of phone calls which can overwork ADA's.  
3 As a result, the crime strategy unit created an  
4 internship program through a preestablished  
5 relationship with the National Guard where area Roxy  
6 [sp?] students listen to phone calls and document  
7 potentially useful information as it relates to  
8 projects, priority offenders, or requests from an  
9 ADA. In the early phase of CSU, these interns had  
10 top-secret security clearances, or monitored by the  
11 National Guard member, and worked off-site. Since  
12 the fall of 2001, CSU you restricted the internship  
13 program to resemble a college court. I will submit  
14 this, of course, in my testimony, but I wanted to let  
15 you know that these programs are well documented.  
16 They run in conjunction with the DAs office is. The  
17 DA office is actually have a database of these calls  
18 and there is absolutely no way that the DA offices  
19 didn't know that this was going on. Please pay  
20 attention to my testimony. I will provide the links  
21 and the relevant quotes. The last thing I want to  
22 say, Chair Powers, is-- I've been asking you since  
23 before you were City Councilman. We need  
24 transparency with data reporting regarding sexual  
25 violence on Rikers. Your bill did not reap full

2 transparency. Please, before the end of this term,  
3 let's reach an agreement that we will find a way to  
4 get that. Thank you so much for letting me testify  
5 today and I will turn my written comments.

6 CHAIRPERSON POWERS: Great. Thank you.  
7 Thanks so much.

8 COMMITTEE COUNSEL: I would like to  
9 know welcome Michael Hope to testify followed by Jane  
10 Ehlke and the David Long.

11 SERGEANT-AT-ARMS: Time starts now.

12 MICHAEL POPE: Hi, everybody. Thank  
13 you, Chair Powers, committee members, and staff for  
14 the opportunity to provide this testimony and for the  
15 powerful comments already made so far. By way of  
16 quick introduction, my name is Mike Pope. I am the  
17 Executive Director here at Youth Represents, a New  
18 York City legal service nonprofit providing criminal  
19 and civil reentry legal representation to young  
20 people 24 and under. We assist them with everything  
21 from rap sheets to the reviews just citing employment  
22 discrimination on the basis of race and criminal  
23 justice to suspensions and many other legal needs.  
24 We fear that many young people that we serve would be  
25 some of the hardest hit by the Covid crisis and,

2 frankly, that is exactly what we are seeing. Youth  
3 fighting economic hardship, stress of lockdown,  
4 difficulty of remote learning, severely  
5 disproportionate rates of infection and loss of life,  
6 and pressure to continue working in unsafe  
7 conditions. This is all made worse by high  
8 unemployment that has tightened the labor market  
9 which is increasing the likelihood of discrimination  
10 against system involved youth. With your support,  
11 however, I am proud of the way that Youth Represent  
12 has showed up. We launched a legal hotline for  
13 community to quickly connect with legal reentry  
14 support. I shared the information in my written  
15 testimony. Please share it with your constituents.  
16 We want to make sure that folks are getting that  
17 information. And also, specifically, with the  
18 critical support from Council through the innovative  
19 criminal justice programs initiative. We supported  
20 181 young people and provided 51 virtual Know Your  
21 Rights workshops. This could not have been done  
22 without in incredible staff that I work with, a group  
23 of young people who we serve that are funny and drawn  
24 in passionate and ready to change the system and, as  
25 well, as, of course, support from Council. I came



2 today with two hopes. One, that you consider  
3 renewing our essential funding and, two, that you  
4 seriously consider our increased funding request. I  
5 deeply understand the financial struggles we all  
6 phase from government and nonprofit, but we asked for  
7 an additional 10,000 that would go directly into our  
8 emergency client fund. That money is redistributed  
9 at 100 percent back into the community for emergency  
10 client needs. Some problems can be solved by policy,  
11 some by litigation, and some by getting cash in the  
12 hands of our clients and so that is what we want to  
13 do with that money.

14 SERGEANT-AT-ARMS: Time expired.

15 MICHAEL POPE: On that, I am done and I  
16 appreciate everyone's time.

17 CHAIRPERSON POWERS: Very good timing.  
18 Thanks. Nice to see you and we will certainly look  
19 for your fund request. Thanks so much and I also  
20 want to acknowledge that we been joined by-- I  
21 forgot to announce Council member Riley, as well, who  
22 I now had an earlier hearing and has joined a sense.  
23 So, welcome to him, as well.

24

25

2 COMMITTEE COUNSEL: I would like to  
3 know welcome Jane Ehlke to testify followed by David  
4 Long and then Curtis Bell.

5 SERGEANT-AT-ARMS: Time starts now.

6 JANE EHLKE: Good afternoon and thank you  
7 for this opportunity. My name is Jane Ehlke. My  
8 husband and I own and reside in a [inaudible  
9 04:13:05] apartment just a few blocks from the  
10 Brooklyn House of Detention. I became interested and  
11 involved in the Close Rikers campaign in 2016 through  
12 the First Presbyterian Church of Brooklyn. I have  
13 friends who are directly impacted, as well as some  
14 who work within the system and I am currently in  
15 active supporter of the Freedom Agenda of the Urban  
16 Justice Center you have been hearing from today. I  
17 am here to ask you to please listen to and seriously  
18 consider the recommendations of organizations like  
19 the Freedom Agenda. Use your budgetary powers to  
20 affect real change. Our cities criminal justice  
21 system needs to be reformed. The overall cost keeps  
22 escalating with no real improvement. The BOC needs  
23 much more funding has been shown today and the  
24 overall costs keeps escalating. It's obvious to  
25 anybody with even a rudimentary awareness of what

2 goes on. I have even heard reports of mail services  
3 at Rikers not always been dependable. With an excess  
4 of staff, why are such basic operations deficient?  
5 Our DOC has the highest jail staffing ratio is the  
6 United States, yet our jails are notoriously unsafe  
7 places. I have been told that regular acts of  
8 violence involving staff occur and lack of  
9 enforcement of such basic health and safety  
10 regulations occur regularly, even such as wearing  
11 masks during the pandemic and that role is posted all  
12 over Rikers Island, but it is not enforced, from what  
13 I hear. About the phone issue that you are talking  
14 about tonight, I don't understand now thinking when I  
15 make a personal call to a loved one in jail who is  
16 there pretrial, can't afford fail, why should our  
17 phone conversations be recorded?

18 SERGEANT-AT-ARMS: Time expired.

19 JANE EHLKE: Okay. It is also common  
20 sense that mental health care is best provided in  
21 care focus jail settings, not a jail. Let me just  
22 sum up. We are all victims of a poorly designed and  
23 manage system, but the cost per person incarcerated  
24 to rise and it boggles my mind. In a nutshell, I  
25 want to live in a kinder, safer community, and not

2 feel that any of my family or my neighbors are  
3 subject to cruel, unfair, disrespectful treatment by  
4 the very institutions that are supposed to bring us  
5 all comfort and peace. Please use your power  
6 thoughtfully and with sound moral values. Thank you.

7 CHAIRPERSON POWERS: Thank you. Thanks  
8 for your testimony.

9 COMMITTEE COUNSEL: I would like to  
10 know welcome David Long to testify followed by Curtis  
11 Bell and then Rosalynn Barber.

12 SERGEANT-AT-ARMS: Time starts now.

13 DAVID LONG: Chair Powers and committee  
14 members and staff, I thank you for allowing me to  
15 testify today. My name is Dave Long and I am the  
16 Executive Director of the Liberty Fund. This  
17 testimony will outline the continued need for the  
18 Liberty Fund and the current landscape and how our  
19 innovative, adaptive model paves the way for  
20 continued justice reform in New York City. I  
21 previously attached a two page flyer which provides  
22 the specifics on our two programs which are the  
23 Charitable Bail Program which has seen an uptick in  
24 cases since the July bill rollbacks and our or a war  
25 case management program. For four years, FY 2017 to

2 2020, the New York City Council had been one of our  
3 major partners, however, our New York City Council  
4 funding was 100 percent eliminated for FY 21,  
5 jeopardizing justice reform previously made prior to  
6 the confluence is of Covid and social unrest of last  
7 year. We hope that New York City Council will renew  
8 for FY 2022-- will renew us in FY 2022 to provide  
9 our essential services for New York's most vulnerable  
10 and help us lead the nation in continued justice  
11 reform. Through our charitable bail program and ROR  
12 our case management services, we provide service  
13 plans, wellness calls, court reminders, and emergency  
14 needs to connect clients to best fit workforce  
15 development, homelessness referrals in order to  
16 stabilize their lives and to prevent further  
17 recidivism. Our groundbreaking approach ensures no  
18 net widening and builds personal agency for  
19 individuals from New York City communities that have  
20 been historically impacted by racial and social  
21 injustices. We have been listening for the past two  
22 or three hours about the problems that are occurring  
23 at Rikers Island. One of the solutions can also be  
24 an investment in community based programs such as the  
25 Liberty Fund which provides for services on a

2 voluntary basis which would then allow people to stay  
3 in their community and not get rearrested and not go  
4 back to the Rikers Island. Thank you.

5 CHAIRPERSON POWERS: Thank you. Nice to  
6 see you. Thanks for the testimony and we appreciate  
7 all the work--

8 DAVID LONG: Nice to see you, Mr. Powers.

9 COMMITTEE COUNSEL: I would like to now  
10 welcome Curtis Bell to testify followed by Rosalind  
11 Barber and then Eileen Maher.

12 SERGEANT-AT-ARMS: Time starts now.

13 CURTIS BELL: Good afternoon. I hope all  
14 families are well throughout this pandemic and for  
15 those who have lost anyone, you have my deepest  
16 condolences. Those who can make you believe the  
17 absurdity can also make you commit the greatest  
18 atrocities, said Voltaire. COBA, in conjunction with  
19 DOC today here have put on the greatest political  
20 spin we have ever witnessed. Council member Holden,  
21 COBA furnished employee shift data and statistical  
22 analysis to paint a picture of an overworked and  
23 overstaffed correctional institution, however, the  
24 average daily jail population in New York City fell  
25 by 52 percent. New York City, the officer to

2 detainee ratio is off and this needs to be  
3 recognized. They are using data manipulative way to  
4 create the hero syndrome. The hero syndrome is a  
5 term describing a person who creates a harmful  
6 situation to an object or person to come in at the  
7 end to provide a solution as the hero. Officers get  
8 paid for their shifts. Officers bid for shifts.  
9 Officers even swap shifts. I know this for a fact.  
10 I have lived in a correctional institution for 18  
11 years. This is a part of the cultural norm. So,  
12 when a person takes data and statistics to show a  
13 correlation, the causation is choice. There is no  
14 forced labor in New York. There are choices. And as  
15 far as recording of 1500 phone calls, there are men  
16 and women in prison for committing one human error.  
17 1500 consecutive? That is not error. That is a  
18 consorted effort to work in conjunction--

19 SERGEANT-AT-ARMS: Time expired.

20 CURTIS BELL: with the NYPD, to work in  
21 conjunction with assistant DAs and the DAs office to  
22 convict people. Every lawyer on this call knows the  
23 fruits of the poisonous tree. You have to correlate  
24 those phone calls to those court transcripts and then  
25 you will see a strategy starting to develop to

2 incarcerate men. That is desecrating the sanctuary  
3 of law. That should not be in DOC's hands.  
4 Resignations should be handed down, but we continue  
5 as a city to incentivize good behavior and that is  
6 what the Nunez monitors highlight. 10 years of  
7 monitoring and will continue to incentivize good  
8 behavior. What message is that sending to our  
9 children? No. This is a money grab and in a climate  
10 of defunding NYPD and in a climate of defund DOC, of  
11 course they are going to create this political spin.  
12 Do not be naïve about emotional appeals that are  
13 deceptive. And that is what we heard today. We  
14 heard people abandoning their ethical duty and  
15 desecrate the sanctuary of law, but we let them get  
16 around the bigger issue because they are committing  
17 legal genocide to black and brown bodies. That is  
18 the end result. As a conviction. And if you want us  
19 to obey and uphold and believe in the law, the public  
20 officials need to maintain an ethical responsibility  
21 or leave. These aren't digits. And it's not just  
22 data. We our lives and what I am hearing today's  
23 people tried to justify and Council member Rosenthal  
24 leading them with phrases. Oh, you mean you need  
25 more money? Oh, you need more like-- and the lady



2 wasn't going to say it. And it is sad because, as a  
3 man that is engaged in the process of self-  
4 transformation after prison, we have been given the  
5 first critical evidence that the system is inherently  
6 rigged. It is inherently rigged.

7 CHAIRPERSON POWERS: Curtis, I know--

8 CURTIS BELL: We don't have-- We do not  
9 have this confidentiality between client and  
10 attorney, which is the bedrock of law. Who are they  
11 manipulating? Thank you.

12 CHAIRPERSON POWERS: All right. Thank  
13 you. Thank you.

14 COMMITTEE COUNSEL: Next, we will hear  
15 from Rosalind Barber followed by Eileen Maher.

16 SERGEANT-AT-ARMS: Time starts now.

17 ROSALIND BARBER: Good evening. I'm  
18 Rosalind Barber. I am the administrative chief of  
19 staff at the Public Theater. Thank you to Council  
20 member Powers and the committee members for holding  
21 today's hearing. I want to honor and thank all the  
22 nonprofit leaders and advocates for incarcerated  
23 people that have testified today, during this  
24 important hearing. Over the past year, the work of  
25 the Public has been transformed by the Covid 19

2 pandemic and it has pivoted the making units work  
3 available digitally to the people of the city of New  
4 York free of charge through new initiatives that do  
5 not require a physical gathering. Prior to the  
6 pandemic, we partnered with both the federal prison  
7 system and the New York City Department of Correction  
8 to develop arts based initiatives with their  
9 populations. They recognize the potential impact  
10 theater has in shaping the trajectory, healing, and  
11 overall quality of life in their facilities. And  
12 like of the pandemic, we adapted our planned in  
13 person curriculum into a distance learning format.  
14 Working closely with our incredible teaching artists,  
15 Malik Work, and the newly formed advisory group and  
16 the brilliant staff of the Public Theater, our first  
17 digital workshop series, Hip Hop Versus Shakespeare,  
18 was developed and encouraged participants to write  
19 and present their own stories and works in prose.  
20 Within the first month of releasing the first video,  
21 over 700 people expressed interest in program through  
22 the tablet system. We are proud to have found ways  
23 to make our programming available to all New Yorkers,  
24 especially incarcerated people during this terrible  
25 time of isolation and hopelessness for everyone in

2 New York City. Our hope is that this work will  
3 continue to heal individuals and communities  
4 throughout this pandemic and beyond. The Public is  
5 also a proud member of the Cultural Institutions  
6 Group. Throughout the Covid 19 pandemic, CIG's have  
7 remained committed to supporting New Yorkers and  
8 serving the civic allies in the city of New York.  
9 Collectively, we have spent about \$2 million in order  
10 to share New Yorkers, including incarcerated people,  
11 were able to continue to access quality virtual  
12 programming. We ask that, as you are considering  
13 this year's city budget--

14 SERGEANT-AT-ARMS: Time expired.

15 ROSALIND BARBER: our budget will be held  
16 harmless and maintained at FY21 levels so that we can  
17 continue to do this important work alongside all of  
18 you. Thank you.

19 CHAIRPERSON POWERS: Thank you. We are  
20 very excited, of course, by the announcement last  
21 week about the Shakespeare coming back. I think I  
22 went-- Shakespeare in the Park. I think I went the  
23 Twelfth Night when they had members of the Fortune  
24 Society there a few years ago and then I was actually  
25 at the Fortune Society the next day and met one of

2 them, coincidentally enough. So, thank you for the  
3 work that you are doing and I know it is not in use  
4 the time for cultural and the arts right now, but  
5 let's hope that hopefully some help is on the way  
6 here.

7 ROSALIND BARBER: Thank you so much.  
8 We're very proud to work with Fortune Society, as  
9 well, and look forward to getting back to that work.

10 CHAIRPERSON POWERS: Got it. We look  
11 forward to having you back. Thanks so much.

12 COMMITTEE COUNSEL: I would like to now  
13 welcome Eileen Maher to testify.

14 SERGEANT-AT-ARMS: Time starts now.

15 EILEEN MAHER: Good afternoon,  
16 everybody. My name is Eileen Maher. I'm a member of  
17 the Justice for Women Taskforce as well as the Sierra  
18 [inaudible 04:26:04] I am also a formerly  
19 incarcerated survivor of domestic violence.

20 Approximately 420 days of my initial incarceration  
21 were spent at Rosie's on Rikers Island. It is my  
22 understanding that over \$107 million is included in  
23 this budget proposal that would be used to make  
24 physical improvements on Rosie's, however, the plan  
25 that the city Council voted on previously is to close

2 Rikers, so I have to ask why. Detainee and city  
3 sentence population is down. Why would DOC you want  
4 to-- Sorry about that. Why would DOC want to use  
5 any money to fix Rosie's when the plan be there much  
6 longer? To myself and everyone else who has been  
7 fighting tooth and nail to close Rosie's and Rikers  
8 Island, this seems as-- this seems to be a means to  
9 delay or even stop said closing. Maybe you think  
10 that if you slap some paint on Rosie's and make it  
11 look real pretty, that the course of fate will  
12 change. That Rosie's and the remaining island will  
13 not close. But I see through your budgetary  
14 manipulations as to some of my fellow activists.  
15 Rather than worrying about fixing Rosie's or anyone  
16 else on that island up, the budget must focus on  
17 moving the women of Riker's in a safe, healthy, and  
18 expeditious manner either to alternative to  
19 incarcerations, home, or other facilities off of the  
20 island. This seems to be a stall tactic and it's  
21 sad. As I said, I spent well over a year on Rosie's  
22 and I knew then as I know now that Rosie's and  
23 Riker's is a cancer. It is--

24 SERGEANT-AT-ARMS: Time expired.

2 EILEEN MAHER: The DOC and the BOC  
3 should count your losses, acknowledge the  
4 catastrophic mistake that was made when the island  
5 was stolen from the indigenous people and turned into  
6 a jail all those years ago and stop procrastinating.  
7 Expedite closing Rosie's and Rikers and canceled the  
8 paint job. Turn the New York City Department of  
9 Corrections into a leader in curbing mass  
10 incarceration, not a key catalyst in the cancer of  
11 mass incarceration. Thank you.

12 CHAIRPERSON POWERS: Thank you. Thank  
13 you for the testimony. Just want to check with the  
14 Council. Do we have any other panelists here today?

15 COMMITTEE COUNSEL: Nope. This  
16 concludes public testimony, but if we have  
17 inadvertently forgotten to call on someone, if you  
18 could please use the zoom raise hand function now.  
19 We will try to hear from you. I will turn it over to  
20 Chair Powers to close the hearing.

21 CHAIRPERSON POWERS: Okay. Thank you,  
22 everybody, for your testimony and for all those,  
23 particularly, who waited so long to get to the  
24 opportunity to testify, but recognize we will read  
25 through all the submitted testimony and, of course,

2 will be taking notes on all the issues raised here  
3 today and, you know, we have unfortunately heard some  
4 very concerning issues again today that we are going  
5 to have to address, so I want to thank everyone for  
6 sticking with us through that and your work and  
7 efforts to help highlight the issues here within our  
8 criminal justice system in New York City. We will be  
9 having another hearing, I believe, in many for the  
10 executive budget and we will have another opportunity  
11 to hear from the agency. So, thank you everyone  
12 today. Thank you to the staff. Everybody who helped  
13 put this hearing together. We are deeply  
14 appreciative of you and tell we all can see each  
15 other person, please stay safe and stay healthy and,  
16 with that--

17 [gavel]

18 CHAIRPERSON POWERS: I will gavel out.

19 Thank you so much.

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1 COMMITTEE ON CRIMINAL JUSTICE

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C E R T I F I C A T E

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



Date April 26, 2021