

COMMITTEE ON CRIMINAL JUSTICE

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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October 5, 2023
Start: 12:25 p.m.
Recess: 12:30 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Carlina Rivera, Chairperson

COUNCIL MEMBERS:

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

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2 SERGEANT-AT-ARMS: Sound check for the
3 Committee on Criminal Justice. Today's date is
4 October 5, 2023. Being recorded by Danny Huang
5 (phonetic) in the Chambers.

6 SERGEANT-AT-ARMS: Good afternoon,
7 everybody, and welcome to the Committee on Criminal
8 Justice.

9 At this time, we ask if you could please
10 place phones on vibrate or silent mode. Thank you.

11 Chair, we are ready to begin.

12 CHAIRPERSON RIVERA: [GAVEL] Good morning.
13 I am Council Member Carlina Rivera, Chair of the
14 Council's Committee on Criminal Justice. I'd like to
15 welcome you to our vote today on Introduction number
16 1094-A.

17 I want to recognize my Colleagues who are
18 here. Council Member Stevens directly to my left,
19 Council Members Abreu, Restler, Schulman, and Carr.
20 Thank you all for being here, and Hanif is joining us
21 via Zoom.

22 The legislation we are voting on today
23 will create new layers of transparency and
24 accountability to ensure that the Department of
25 Correction fulfills one of its primary functions,

2 bringing people to court. Nearly 90 percent of the
3 people enduring the conditions at Rikers Island are
4 being detained pretrial. That's over 5,000 people,
5 each of whom is entitled to a presumption of
6 innocence and who's detention is solely premised on
7 the fact that a judge determined it necessary to
8 ensure their appearance in court. Despite this, DOC
9 hasn't maintained a consistent track record of
10 success when it comes to court production. According
11 to Commissioner Molina, in January 2022, the
12 Department's court production rate dipped as low as
13 60 percent. During the first quarter of this year,
14 DOC's court production rate was 85 percent. Based on
15 statistics from the Criminal Justice Agency, this is
16 nearly the same rate at which criminal defendants who
17 remain at liberty can be expected to attend their
18 court appearances. Undoubtedly, many factors
19 contribute to this problem, but among them are
20 understaffing and antiquated management systems.
21 These issues are unacceptable and must be addressed.
22 Too often, the Rikers' population is thought to be a
23 reflection of crime and admission rates. However, as
24 Commissioner Molina himself often acknowledges, the
25 most impactful way we can reduce the numbers at

2 Rikers Island is to improve case processing and
3 reduce the length of stay on the island itself. This
4 legislation we are voting on today aims to do just
5 that. Proposed Introduction 1094-A would require DOC
6 to record video of every interaction in which an
7 incarcerated individual is informed about a scheduled
8 court appearance and, upon request, provide these
9 videos to a defense attorney within three business
10 days. This bill also requires the Department to
11 establish a means by which real-time information
12 regarding an incarcerated individual's departure from
13 their housing facility on the date of their scheduled
14 court appearance can be communicated to defense
15 attorneys. Finally, the bill requires monthly public
16 reporting on court production outcomes including the
17 number of individuals not delivered to their court
18 appearance, arrival times, and how often use of force
19 is required to compel court attendance. When
20 dysfunction within the Department of Correction
21 results in court production problems, people are
22 denied a Constitutionally protected right to
23 participate in their own defense and are confined in
24 deplorable conditions for longer periods of time.

2 When compounded, this problem inflates the jail
3 population.

4 I'm proud to sponsor this legislation
5 that will help remedy these issues and bring us
6 closer to closing Rikers Island, and I urge my
7 Colleagues to vote yes.

8 With that, I now call on the Clerk to
9 call the roll.

10 COMMITTEE CLERK WILLIAM MARTIN: Thank
11 you. Good afternoon. William Martin, Committee Clerk.
12 Roll call vote Committee on Criminal Justice on
13 Proposed Introduction 1094-A. Chair Rivera.

14 CHAIRPERSON RIVERA: I vote aye.

15 COMMITTEE CLERK WILLIAM MARTIN: Abreu.

16 COUNCIL MEMBER ABREU: Congrats, Chair. I
17 vote aye.

18 COMMITTEE CLERK WILLIAM MARTIN: Hanif.

19 COUNCIL MEMBER HANIF: I vote aye. Thank
20 you.

21 COMMITTEE CLERK WILLIAM MARTIN: Thank
22 you. Narcisse. Restler.

23 COUNCIL MEMBER RESTLER: Aye.

24 COMMITTEE CLERK WILLIAM MARTIN: Schulman.

25 COUNCIL MEMBER SCHULMAN: Aye.

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2 COMMITTEE CLERK WILLIAM MARTIN: Stevens.

3 COUNCIL MEMBER STEVENS: Aye.

4 COMMITTEE CLERK WILLIAM MARTIN: Carr.

5 COUNCIL MEMBER CARR: Nay.

6 COMMITTEE CLERK WILLIAM MARTIN: With a
7 vote of six in the affirmative, one in the negative,
8 and no abstentions, item has been adopted by the
9 Committee.

10 CHAIRPERSON RIVERA: Thank you to my
11 Colleagues.

12 With that, I adjourn this Committee
13 meeting. Thank you. [GAVEL]

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C E R T I F I C A T E

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



Date October 6, 2023