

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES,
PRIVILEGES, AND ELECTIONS

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11/14/2022

Start: 10:30 a.m.

Recess: 11:33 a.m.

HELD AT: COMMITTEE ROOM, CITY HALL

B E F O R E: Keith Powers, Chairperson

COUNCIL MEMBERS:

Justin L. Brannan

Gale Brewer

Selvena Brooks-Powers

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

Lily Shapiro, Attorney
Candidate for LCRC

David Fuller, Professor
Candidate for LCRC

Gregorio Mayers, Professor
Candidate for LCRC

2 SERGEANT AT ARMS: This is the hybrid hearing on
3 the Committee On Rules, Privileges, and Elections.
4 At this time, please set all electronic devices to
5 vibrate on silent mode. Thank you Chair. We are
6 ready to begin.

7 CHAIRPERSON POWERS: Good morning and welcome to
8 the meeting. Welcome to the meeting of the Committee
9 on Rules, Privileges and Elections. I'm City
10 Councilmember Keith Powers, Chair of the Committee.
11 Before we begin, I'd like to introduce the other
12 members of the Committee who are present with us here
13 today. We have Councilmember Borelli on Zoom,
14 Councilmember Brannon. We will be joined by
15 Councilmember Brewer who is in the chambers right
16 now, Councilmember Selvena Brooks-Powers, and
17 Councilmember Pierina Sanchez, and well I'm sure
18 we'll be joined by others as well. I'd like to
19 acknowledge the staff and committee... committee
20 staff here today, Committee Counsel Jeff Compagna,
21 and the Committee staff who worked on the
22 appointments that we're hearing today, Chief Ethics
23 Counsel Pearl Moore, Director of Investigations
24 Francesca Dellavecchia, and investigators Ramses
25 Boutin, and Alicia Vessel.

2
3 By letters dated September 30, 2022, Mayor Eric
4 Adams requested the advice and consent of The Council
5 regarding the appointment of xxxLily Shapiro, David
6 Fullard, and Gregorio Myers to the New York City
7 Local Conditional Release Commission, which will be
8 referred to as the LCRC. Today The Council is
9 holding a public hearing to assist us in determining
10 whether to give these candidates advice and consent.

11 Just about the local release commission before we
12 get started: Section 271 of the New York State
13 Correction Law provides that the city of New York may
14 adopt a local law establishing a Local Conditional
15 Release Commission consisting of at least five
16 members. Each of them shall be appointed by the
17 mayor with the advice and consent of The Council.
18 Local Law 60 of 2020, which I had the honor of
19 sponsoring and introducing, established the latest
20 incarnation of the LCRC in New York City. Each
21 member of the LCRC must be a graduate of an
22 accredited 4-year college or university and have at
23 least five years of experience in the field of
24 criminology, administration of criminal justice, law
25 enforcement, probation, parole, law, social work,

2 social sciences, psychology, psychiatry, or
3 corrections. (Any one of us.) The term of office
4 for each member of an LCRC is four years, provided
5 that any member chosen to fill a vacancy occurring
6 other than by expiration of a term shall be appointed
7 for the remainder of an unexpired term.

8 The mayor may remove any member for cause after
9 notice and an opportunity to be heard. The director
10 of the local probation department or such director's
11 designee shall serve as an ex officio nonvoting
12 member of the LCRC. Further, the local department
13 shall provide support staff to LCRC as well. The
14 LCRC has a duty to determine which persons are
15 serving... who are serving definite sentences for
16 imprisonment in local correctional facilities, and
17 who are eligible for early release may be released on
18 conditional release and under what conditions.

19 Persons are eligible for conditional release
20 when, under the following conditions: They are
21 serving one or more definite sentences of
22 imprisonment in a local correctional facility with an
23 aggregate term in excess of 90 days. They've not
24 been sentenced for a violent felony offense as
25 defined in Section 70.02 of the Penal Law, which

2 includes manslaughter in the second degree...
3 manslaughter in the second degree, vehicular
4 manslaughter and second degree, vehicular
5 manslaughter the first degree, criminally negligent
6 homicide, and offenses defined in our article 130 of
7 the Penal Law, incest or an offense... an offense
8 defined in article 263 of the Penal Law, or
9 aggravated harassment of an employee by an
10 incarcerated individual.

11 Number three, they have a jail record which makes
12 them eligible for reduction of sentence for good
13 behavior under Section 804 of the Correction Law, and
14 four, they have verified community ties in any of the
15 following areas: Employment, permanent residence,
16 and family.

17 Persons who are eligible for conditional release
18 may apply for release after serving 60 days in a
19 correctional facility. However, no person shall be
20 granted release until they have served at least 90
21 days of their sentence. If at any time during the
22 period of conditional release, The Commission or any
23 member thereof, has caused to believe that a person
24 who has been released has lapsed into criminal ways
25 or company, or has violated one or more conditions of

2 conditional release, The Commission or such member
3 may declare such a person delinquent and issue a
4 written declaration of delinquency. Upon such
5 declaration, The Commission or any member may issue a
6 warrant for the retaking and temporary detention of
7 such person. Upon a finding in support of violation,
8 The Commission may revoke the condition release or
9 continue to modify conditions of the release. Any
10 such actions by The Commission shall be deemed a
11 judicial function and shall not be reviewable if done
12 in accordance with the law.

13 Today, we have three candidates here. I'm going
14 to introduce them. We're joined by first by Lily
15 Shapiro. Ms. Shapiro is an attorney who has worked
16 in various capacities in the field of criminal
17 justice since 1996, including seven years in the New
18 York City Department of Probation, and most recently
19 The Fortunate Society, which is one of the largest
20 providers of direct services to the formerly
21 incarcerated. She's a graduate Harvard College and
22 New York University School of Law.

23 If The Council grants its advice and consent, she
24 will be appointed to the Conditional Release

2 Commission where she'll serve a four-year term
3 expiring four days from the date of appointment.

4 We're also joined by David Fuller, Mr. Fuller has
5 worked in the New York City Department of Correction
6 for nearly 30 years in various capacities. He's a
7 graduate of the School of Visual Arts and the John
8 Jay College of Criminal Justice, and holds a PhD in
9 forensic psychology granted by the Union Institute
10 and University. If The Council grants its advice and
11 consent, he'll be appointed to Local Conditional
12 Release Commission and will suffer for year term
13 expiring four years from the date of appointment.

14 Our third candidate is Gregorio Mayers. He is
15 also an attorney. He served as senior adviser to
16 Mayor Michael Bloomberg and is now an associate
17 professor at Medgar Evers College. He's a graduate
18 of Medgar Evers College, CUNY Law, and Columbia
19 University's Graduate non-for-profit program.

20 Does that sound like you three? I'm just
21 kidding.

22 Welcome to... First of all, congratulations on
23 your... on your nominations. If you would just raise
24 your hands... your right hand so we can swear you in.

2 COUNSEL COMPAGNA: Please state your names and in
3 order.

4 MS. SHAPIRO: Lily Shapiro.

5 MR. FULLER: David Fuller.

6 MR. MAYERS: Gregorio Mayers.

7 COUNSEL COMPAGNA: Do you affirm to tell the
8 truth, the whole truth and nothing but the truth in
9 your testimony before this Committee and in answer to
10 all Councilmember questions.

11 ALL: I do.

12 COUNSEL COMPAGNA: Thank you.

13 CHAIRPERSON POWERS: Thank you. You're now
14 recognized to make an opening statement. We're going
15 to... The way we're going to work is we're going to
16 let you all make an opening statement, and then we'll
17 go to questions from The Committee.

18 We're going to begin with Miss Shapiro, followed
19 by Mr. Fuller, then followed by Mr. Mayers. Rules
20 Committee members can find copies of the candidates
21 opening statements in your booklets.

22 So with that, Ms. Shapiro, you can begin.

23 We have been joined by Councilmember Brewer as
24 well. I recognized you earlier.

25 Go ahead.

2 MS. SHAPIRO: Oh, I believe that... Okay.

3 Pardon me. Good morning, Chair Powers and members of
4 the Committee. I want to thank you for holding this
5 hearing and for considering my nomination to serve on
6 the Local Conditional Release Commission. I would
7 also like to express my deep gratitude to the
8 administration for this nomination.

9 I believe that city service is an honor. I
10 represent the third generation of my family to have
11 been raised in New York City and I am now raising the
12 fourth generation, after my great grandparents came
13 here with nothing, at least one as an unaccompanied
14 minor, fleeing antisemitism and poverty in Eastern
15 Europe. I am also the third generation of my family
16 to have served as a city employee.

17 I believe that The Commission can provide a much
18 needed means of ensuring that people leaving our city
19 jails have access to critical transitional support as
20 provided by the New York City Department of
21 Probation. I have worked in the criminal and
22 juvenile justice fields for over 20 years in multiple
23 capacities, including providing direct service, as
24 well as engaging in policy development and program
25 design. My experiences serving with the Department

2 of Probation, representing my fellow New Yorkers as a
3 public defender, and now engaging in policy work at
4 The Fortune Society, a provider of alternative to
5 incarceration and reentry services, has shown me
6 firsthand what has been proven by research:

7 Connecting people to strength based supervision and
8 community based resources, based on their risks and
9 needs, enhances individual well-being and collective
10 public safety.

11 When people sentenced to serve time in our city
12 jails are ultimately released, they all too often
13 lack connection to the kinds of services and programs
14 that might help them move forward instead of
15 backwards trapped in a revolving cycle. For people
16 who are statutorily eligible for release based on
17 their conviction and sentence, and who meet the
18 criteria for release, this could be an opportunity to
19 break that cycle. That would not only benefit them
20 and their families, but all of us. For these
21 reasons, I would be honored to serve our great city
22 and my fellow New Yorkers in this new capacity on The
23 Commission. I thank you again for your time and
24 welcome your questions.

25 CHAIRPERSON POWERS: Thank you. Go ahead.

2 MR. FULLER: Good morning Chair Powers and
3 members of the city council. My name is David
4 Fuller, and I'm an associate professor at SUNY Empire
5 State College. Thank you for the opportunity to
6 testify today regarding my candidacy as a
7 commissioner with the Local Conditional Release
8 Commission. I hope to expound on my work history in
9 the correctional field and my education in psychology
10 and penology, to demonstrate how my experience is in
11 line with Dr. Ernest Boyer's concept of the
12 scholarship of application. Namely, it moves towards
13 engagement by asking, "How can knowledge be
14 responsible be applied to consequential problems?
15 How can it be helpful to individuals as well as
16 institutions? And further, can social problems
17 themselves be defined as agenda of for scholarly
18 investigation?" I trust that my testimony today will
19 demonstrate that they can, and they must.

20 Prior to my current work as professor and mentor,
21 I was employed by the New York City Department of
22 Correction for 29 years, retiring at the rank of
23 captain. I worked at the now-closed Bronx House of
24 Detention For Men, and in the Rikers Island complex.

2 Over the years, especially on Rikers, I saw acts
3 of violence within the incarcerated and uniformed
4 population that reflected an absence of humanity and
5 empathy. I'm sure I don't need to give graphic
6 examples of this reality. Much of it has been
7 covered in media exposes, or lawsuits against the
8 city. During that same period, however, I saw acts
9 of kindness, compassion, and caring, yet again from
10 both the uniformed correctional staff and from those
11 persons who were incarcerated, where individuals on
12 both sides of the correctional community tried to
13 help one another in ways that can only be described
14 as inspirational. These spontaneous acts of kindness
15 received far less attention than those acts of
16 violence.

17 With these issues in mind, the work of the Local
18 Conditional Release Commission is paramount. Non-
19 violent individuals who are attempting to make major
20 positive changes in their lives need the support of
21 The Commission to further their aspirations to become
22 functional and active members of New York City
23 citizenry. Not only do nonviolent individuals
24 deserve the second chance, but it's also a crucial
25 component of social justice, given the number of

2 those caught up in an unequal policing and sentencing
3 pattern, which has given rise to a crisis of mass
4 incarceration over the recent years. Keeping people
5 locked up does not serve their rehabilitation, nor
6 does it serve society.

7 With the frequently problematic conditions behind
8 bars, having someone serve an entire sentence, and
9 then releasing them, untreated, and unsupported into
10 society may worsen public safety. Instead, with
11 societal safety and security at the forefront, we
12 want to assess and release individuals who pose no
13 danger. With the help of a case management probation
14 officer, overseeing that they receive the needed
15 social services to ensure their success as returning
16 citizens, we will serve social justice well.

17 While working as a correctional officer, I began
18 to pursue higher education in the field of criminal
19 justice, earning two master's degrees and a PhD. My
20 academic work includes research and advanced degrees
21 in the fields of criminology, penology, correction,
22 administration, substance abuse, and forensic
23 clinical psychological assessment and treatment.
24 These studies enhanced my use of hands-on
25 correctional experience. Together, my background

2 provides insight into how to accurately and
3 effectively diagnose and evaluate an individual's
4 mental health and what supports they would need to
5 require successful reintegration into society.

6 I've long tried to bridge what Dr. Boyer calls
7 the gap between values in the academy and the needs
8 of the larger world. As part of The Commission, I
9 would make certain that we carefully review an
10 incarcerated individual's history, both institutional
11 and criminal, following a structured, evidence-based
12 assessment protocol provided by the Department of
13 Probation. These assessment tools include such data
14 as the severity of the offense, disciplinary
15 infractions, ties to the community, having supportive
16 family or supportive housing upon release, a
17 willingness to seek employment, and a willingness to
18 seek treatment if necessary. Personal interviews
19 with potential release candidates gives the
20 individual the opportunity to explain what has
21 changed within them and outside of them that will
22 enable the person to live safely and productively
23 once free in the community. This will also... This
24 will also enable the evaluators to see if they have
25 gained insight. We will do everything in our power

2 to release individuals who appear to be safe for
3 society with a strong support system in place. It is
4 crucial to consider how the impact of releasing
5 someone might depreciate the seriousness of the crime
6 that was committed and possibly even undermine
7 respect for the law. To determine this, the
8 assessment must look at the impact on the victim,
9 considering both the victims impact statement and the
10 severity of the offense by examining what the
11 individual was charged with, and convicted of.

12 Convictions for serious charges are terrifying to
13 anyone. Releasing individuals who are convicted of
14 such crimes would be detrimental to society by
15 devaluing the laws that have been violated. However,
16 releasing persons convicted of lesser nonviolent
17 offenses does not have the same effect on
18 depreciating the seriousness of the crime,
19 undermining respect for the law, or causing future
20 harm to the victim. Therefore, it is crucial for The
21 Commission to have information about the severity of
22 the offense and any institutional infractions on
23 making potential release determinations. The welfare
24 of society is paramount.

2 One predictor of future violence is a history of
3 serious predatory violence. This prediction becomes
4 even more accurate if the person is an act of
5 untreated substance abuser and has no clear
6 connection to supportive people in the community.
7 Release of such a person can raise concerns over
8 issues of societal safety and security. For example,
9 an individual who is a gang member by his own
10 admission, a substance abuser who is not in treatment
11 and refuses to go to treatment, who will assault
12 someone while intoxicated, will most likely do poorly
13 if released. On the other hand, a person who jumps
14 the turnstile in the train station, admits to drug
15 use in the past but is currently in treatment, who is
16 also supported by his family and able to live at home
17 has a better chance of being successful in a
18 treatment program set up and monitored by a probation
19 officer.

20 All this information must be gathered
21 systematically, weighed, and reviewed using the
22 evaluators' informed and experienced judgment. Those
23 who do not meet the criteria set out for release by
24 The Commission simply will not be granted conditional
25 release. The Commission provides a unique

1 opportunity to put into practice Dr. Boyer's
2 discussion of the importance of service that
3 addresses the needs of the larger world. And in
4 Boyer's own words, "not just sitting on Committees
5 Advising Student clubs, or performing departmental
6 chores." Service activities must be tied directly to
7 one special field of knowledge and relate to and flow
8 directly out of this professional activity. Such
9 service is serious, demanding work, requiring the
10 rigor and accountability traditionally associated
11 with research activities. As both a criminal justice
12 academic and a criminal justice practitioner, I come
13 to The Commission with a somewhat unique skill set.
14 It is my goal to utilize that skill set in
15 collaboration with my fellow commission members to
16 identify nonviolent individuals who can safely be
17 released to the community.

19 Part of this release recommendation will include
20 a review of post release housing conditions, social
21 service support, education, vocational training, and
22 employment, overseen by a probation officer acting as
23 a compassionate and caring case manager rather than
24 just the law enforcement officer.

2 It is also my goal, to recommend that individuals
3 who are identified as still having the propensity
4 towards acting out in a violent manner, not be
5 released to the community and instead receive needed
6 services while incarcerated to address their ongoing
7 issues. This places public safety first and
8 foremost, both while these more violent individuals
9 are serving their sentence, and for once they are
10 released at some time in the future.

11 I view service on The Commission as an
12 opportunity to identify individuals who deserve a
13 second chance, provide them with the support to
14 ensure that they succeed, while simultaneously
15 enhancing public safety. Thank you for listening.

16 CHAIRPERSON POWERS: Thank you. Thank you for
17 your testimony. Go ahead.

18 MR. MAYERS: Thank you. Greeting Chair Powers
19 and Councilmembers Brooks-Powers and Brennan. My
20 name is Gregorio Mayers, and I've been nominated to
21 serve on the Local Conditional Release Commission.

22 I thank you for the opportunity to come before
23 you to testify and to share my background and why I
24 believe that I would bring value to this commission.
25 I'm a tenured professor of law and government at

2 Medgar Evers College at the City University of New
3 York, where I teach courses in criminal law and other
4 matters. I have been a resident of the great borough
5 of Brooklyn for a little over 40 years. I've lived
6 in Bedford Stuyvesant neighborhood with my wife and
7 two children for over 20 years. Throughout the
8 years, I've maintained an active presence in the
9 community development, having served on Community
10 Board Nine, on the board of Lamad Charter School, as
11 well as the deacon board at my church Cornerstone
12 Baptist Church.

13 In addition, I speak to many organizations in
14 preparing young people for college. At the college,
15 I also coordinate a number of programs, law pathway
16 programs, and serve as ombudsman. I believe that my
17 personal and professional experience will allow me to
18 bring value to this commission. I am an Afro-Latino
19 male immigrant from Central America, who has lived
20 and experienced both the social challenges and the
21 discrimination in certain environments that all new
22 immigrants face. And I had to lend my voice in
23 speaking for equality during my years as an
24 undergraduate students, as well as in law school.

2 As a result of such activism, I was invited to be
3 one of the keynote speakers by Nelson Mandela's team
4 when he visited New York City after being wrongfully
5 incarcerated for defending the rights of his people.
6 I was one of the co-founders of the Black And Latino
7 Male Initiative at Medgar Evers College, where the
8 goal was to address the racial inequalities in the
9 system that prevented this population from achieving
10 their desired goals. Many of the students were also
11 formerly incarcerated and came back to school to
12 change their lives. Today, I'm proud that CUNY
13 Central Office has recognized this program as a model
14 program, and now is in more than 15 of the CUNY
15 colleges.

16 Given the current societal challenges, many of
17 which have been exacerbated by the pandemic, I see
18 the need now more than ever to evaluate applicants
19 who perhaps can be released back to the community
20 with the services and assistance needed. It will be
21 the job of The Commission members to ensure that we
22 are balanced in public safety and fairness, while
23 assuring members of the respective communities that
24 if released, the services and resources will be made
25 available. I'm interested in serving The Commission

2 because I believe that my collective experiences in
3 academia, law, community development, and prior
4 experience in government give me the necessar tools
5 in the decision-making to ensure fairness, that the
6 residents of the community feel safe with our
7 decisions, and that we can balance both the safety of
8 the public and given an opportunity to those people
9 in custody, who can be safely returned back to their
10 communities and successfully complete their sentence.

11 Thank you for the opportunity to speak with you
12 today. And I look forward to answering any questions
13 from the members.

14 CHAIRPERSON POWERS: Thank you. Thank you all
15 for your testimony and your thoughtful comments.

16 I had a few questions and I'll hand it over to my
17 colleagues before I come back to round two. The last
18 point that you had made Mr. Mayers, that I felt was
19 an important part of the conversation here, and
20 obviously one that the public is going to ask is:
21 Finding that balance between public safety and
22 fairness here, and also, of course, as you mentioned,
23 making sure -- I'm just looking at your testimony --
24 services and resources made available to those
25 individuals as they're leaving or being released.

2 I think, Mr. Fuller, you laid this out... so, in
3 your testimony, I think, in a detailed way. So
4 I'll... maybe I'll ask for the other two: How do you
5 ensure both... both goals -- maintaining balance,
6 public safety, and fairness -- when you're working
7 on... as... if you're an appointee of The Commission?
8 And... and I guess it would be... it'd be helpful, I
9 think, for us to know what are those factors that you
10 might be looking at, in addition to obviously what's
11 statutorily required or mandated? What are the, sort
12 of, things that one would be looking at, and how do
13 you in this role balance those two things at the same
14 time, fairness and public safety?

15 MS. SHAPIRO: Thank you, Chair Powers, for the
16 question. I think, first of all, we need to be
17 looking at what... what would... what's appropriate
18 for the individual before us... before The
19 Commission, and also balancing that against public
20 safety. And I think that requires a very
21 individualized approach, looking at the person's
22 records while they have been incarcerated. And I
23 think it's also very important, as well as their
24 application materials, their community ties as laid
25 out in the statute. And I think it's important to

2 emphasize here, again, as the Committee knows that
3 people who are released by The Commission would then
4 be under a period of probation supervision for one
5 year, which is very important... sort of bulwark, if
6 you will, in thinking about the public safety
7 question, because probation officers are trained
8 extensively in the use of validated risk needs
9 assessments to determine, with their expertise using
10 those assessments, with the range of resources they
11 have at their disposal, and that they know about in
12 the community, they have the ability to match people
13 with the kinds of supports and services, in addition
14 to the supervision by the officer themselves, but to
15 the kinds of programs and services that would be
16 individually tailored to meet that person's needs.

17 So that piece of it is... is very well-resourced
18 and taken care of. Did you want to add anything?

19 MR. MAYERS: Yeah, sure. Thank you. And I'll
20 agree with that. But I would also add that part of
21 our role is to make sure that the... the likelihood
22 of the applicant reoffending, right? That's the
23 balancing test that we will have to answer to the
24 community. But I think that each applicant -- I'm
25 sure you'll agree with me -- comes with their whole

2 history, and they have a story behind. And I think,
3 as Lily said, to... looking at each case, looking at
4 each of the factors in that, and whether or not the
5 proper supervision, whether it is drug treatment,
6 whether there's any kind of rehab... rehabilitation,
7 that they have those services in those needs there.
8 And I think that's where the balancing would be, but
9 we will able to further examine, I think the record,
10 if need be, to ascertain exactly in our decision
11 making, you know, what is what is... what is the best
12 decision and outcome. But again, I just think that
13 each applicant with that impartiality, because we're
14 balancing that test. And I think we will be able to
15 do that factually case by case.

16 MR. FULLER: They both answered the question
17 perfectly. I would only add the following: One of
18 the things that we're going to look at are the
19 conditions of release. And I'm basing this on a
20 brand new book that just came out called The Limits
21 of Recidivism, and it was published by the National
22 Academies of Science, Engineering and Medicine, which
23 I'm super-impressed by. And one of the things that
24 they look at: They look at the key domains for a
25 successful reintegration into society. So they're

2 looking at things like housing, employment, family
3 and social relationships, mainly support, physical
4 health, mental health, substance abuse, participation
5 in a help... self-help, peer self-help groups, and
6 education.

7 Again, this is going to be individualized, so
8 we're going to be looking at what the person is
9 coming in with, we're going to make sure that the
10 conditions of release match the issues that that
11 person has, so that we know they're getting all the
12 services that they need.

13 CHAIRPERSON POWERS: Okay. Thank you for those
14 answers. In a... I've seen one... another part of
15 this is to maintain public trust, and the LCRC have
16 to make sure that we also address the mistakes that
17 have been made in the past of this Commission when...
18 in former... in former iterations, which includes,
19 you know, concerns around public corruption, and
20 particularly involving people that were in elected
21 office. Can you talk to us about applications for
22 release of people convicted for public corruption,
23 and whether those should be given extra or greater
24 scrutiny? And if so, what factors would you consider
25 in that instance?

2 MS. SHAPIRO: So I will say this is a new day.

3 [laughs] This will be a new commission. And each
4 application will be considered on its individual
5 merits. The statutes lay... lay out the types of
6 convictions that would render someone ineligible for
7 release. Crimes of public corruption are not on that
8 list. That would be a state legislative change that
9 would have to occur. So they will receive the same
10 individualized review as... as anyone else would. I
11 think that's the only way to maintain fairness.

12 CHAIRPERSON POWERS: Do you guys want to add
13 anything?

14 MR. FULLER: Yeah. Just piggybacking on that,
15 it's the statutory law that we're going to be
16 focusing on. And that's going to guide us. So yeah,
17 I really don't see anything else that would guide us.

18 CHAIRPERSON POWERS: Just one followup question,
19 and then I'm going to hand it over to my colleagues.
20 Obviously, one of the things you have to do is
21 review, and I think there's... in the requirements of
22 this is to review, obviously, community support, and
23 ability... but what happens if it's, if that support
24 comes from prominent elected officials, or people

2 that hold public office? How would you... How would
3 you weigh those out versus other factors?

4 MR. MAYERS: If I may, I... I think certainly, as
5 every applicant has the right to come before The
6 Commission, and we will definitely, you know,
7 evaluate that each... each and every one. But the
8 point that you that you raise, I think, is important,
9 because we want to be able to ensure the public trust
10 in matters like that. And we, you know, I personally
11 will commit, that I would not, you know, compromise
12 the integrity of the process of this commission, by
13 anyone who maybe has an authority or was a former
14 elected official. And I think that's my commitment
15 that I can give you: That they will be given the
16 same impartiality and looked at, you know, as every
17 applicant coming before this commission.

18 MS. SHAPIRO: And I would just add to that, that,
19 in looking at evidence of community support and
20 community ties, I would say what we're... what I
21 imagine we would be looking for, and obviously, we
22 will have to work this out collaboratively, is
23 looking for those people who can attest to the kind
24 of support they would be giving to the person once
25 they are released, how they would be actively engaged

2 in providing that support, so that... a letter from
3 an elected official or another prominent person would
4 not carry particular weight, unless they were in a
5 position personally, outside of their position, to be
6 offering that kind of continual support.

7 CHAIRPERSON POWERS: Got it. Thank you for that
8 answer. I'm going to go to colleagues. I think
9 Councilmember Sanchez is signed up for a question,
10 and then we... Okay. Did you? Yeah, we'll go to
11 Councilmember Brooks-Powers.

12 COUNCILMEMBER BROOKS-POWERS: Thank you. This
13 first question is for all of the nominees. And first
14 I'd like to say thank you for your willingness to
15 serve in this volunteer capacity on such an important
16 Commission.

17 So under state law, The Commission cannot grant
18 "conditional release", unless there is a reasonable
19 probability that an applicant won't violate the law
20 again. As commissioner, what criteria would you
21 consider when making this determination of reasonable
22 probability?

23 MS. SHAPIRO: Thank you, Councilmember, for that
24 important question. I would analyze that criteria.
25 Again, I have to come back to each individual's

2 application, the story, the history they bring before
3 The Commission. I would look to whether the person
4 appears willing to engage in any services that appear
5 to be necessary -- that willingness, I believe is
6 critical --, whether they have the requisite
7 community ties and whether they otherwise satisfy any
8 other specific criteria that we must consider under
9 the law, or any other criteria that The Commission
10 members in consultation with the Department of
11 Probation believe to be necessary in determining
12 whether someone should be released. This would
13 include a review of any disciplinary program
14 participation and pro-social activity history. And
15 if those criteria are satisfied... if those questions
16 are satisfied, then I would find that the particular
17 criteria you mentioned would also be satisfied.

18 In particular, again, I must emphasize because
19 those released individuals will be placed on a
20 period... a one-year period of supervision, which I
21 believe is, again, incredibly important to keep in
22 mind here: That when people complete their sentences
23 in our city jails, they are released, right? They
24 inevitably will come home. They will come home to
25 their communities. The Commission and the... the

2 statutory framework of The Commission allows those
3 into vigils who've been deemed eligible for early
4 release to have this connection to structure and
5 support, which again, I think can make all of us
6 safer.

7 MR. FULLER: The only thing that I have to add to
8 that is the importance of the probation officer.
9 Again, this is a person who's trained to do this kind
10 of work and to, again, utilize the tools that they
11 have to diagnose, really, a person to find out
12 exactly what... what specific things that the
13 individual needs, and then provide them with that. I
14 think that's extremely important, and I... I look at
15 folks that are released, but don't have that
16 particular interaction with someone that's going to
17 be supportive. And when you look at the research,
18 the research tells us that they tend not to do as
19 well as someone who is really engaged with a
20 probation officer who is utilizing a set of tools to
21 diagnose someone, and then provide support for that
22 person.

23 COUNCILMEMBER BROOKS-POWERS: Just a followup for
24 you Mr. Gregorio... Mr. Mayers, sorry, excuse me. I
25 want to just ask in addition to that: When you say

2 no outside support, as some... as a factor that you
3 take into consideration, my only, I guess, concern
4 with that would be that someone may not have that
5 support, but I think as a part of the role of The
6 Commission is to ensure that there are resources and
7 supportive services connected with those individuals.
8 So would it be that you would ensure that they are
9 connected to those services? Or will not having,
10 like family or social support independent of those
11 resources, be an eliminator, in terms of qualifying
12 for the early release?

13 MR. FULLER: That's an interesting question.

14 Because I've done work in the community with people
15 that don't have family, and they depend on me to give
16 them guidance and at least direct them to services
17 that they need. I think that's what the probation
18 officer would be doing. And I'm sure they have many
19 cases where an individual under their supervision
20 does not have the support that we would love for them
21 to have. And I think it's that probation officer
22 that will provide that support for them.

23 MR. MAYERS: Sure, thank you. I'll take that a
24 bit further using personal experience.

2 So in addition to the support from the Department
3 of Probation, once they're released, I only can bring
4 my personal experience to this, and that is seeing
5 the CBOs, the churches, and other not-for-profit
6 groups that I have witnessed, and I've seen folks in,
7 in my community in my district, who have gotten the
8 external, I guess, support services.

9 So in... The question is: Which communities are
10 they been released to? We know, frankly, that the
11 services provided vary from community to community.
12 So it would be important in addition to the
13 Department of Probation: What are the ties? What
14 are the connective factors in those districts? A
15 mentorship program, 500 Men Who Serve, whether or not
16 we can refer them to such organizations that provide
17 this type of counseling for them.

18 So I will add... so in addition to that, whether
19 they don't have or another, what is the surrounding
20 community support services? And many of those
21 communities that we come from, it may not be listed,
22 but we may have that... we have that support. It may
23 come from the clergy group. It may come from a men's
24 organization or women's group organization. So I
25 would look in addition to that, because we know we're

2 releasing them back into the society, into... into
3 the community. So yes.

4 COUNCILMEMBER BROOKS-POWERS: Thank you for that.
5 And then... Chair Powers asked one of the questions I
6 had, but I noticed that each of you had mentioned
7 that you would look at each applicant on an
8 individual basis, which is great. But I also want to
9 hear from you how do you prevent unintended bias in
10 those decisions? Because when folks are sentenced,
11 we have seen historically that people of color have
12 been sentenced and punished at a much more harsh
13 penalty. And so I'm interested in understanding --
14 while looking at it individually, which I think is
15 important -- how do you... what is that, like,
16 firewall to ensure that you are not having unintended
17 bias in that decision?

18 MR. MAYERS: Sure. If I may take that first. So
19 I've had personal experience. I recall someone who's
20 a student who did not make his appointment. And, you
21 know, certainly we were offended that he missed his
22 appointment. But when we look at the society and how
23 we deal with those formerly incarcerated folks, in
24 listening to his story, because he was a student, he
25 did not have a Access MetroCard. He could not reach

2 the DOP at the time. Social services were cut. So
3 it wasn't intentional, right? So we're talking
4 about, as you said, some of the ills in the system
5 and in the structure that affect that. So I would
6 think this is where the case-by-case would come in.
7 Because knowing this student was an excellent
8 student. So we were surprised when we got the word
9 that did he not show up, was not following up. But
10 the problem was really economic. And he said to me,
11 "I didn't want to jump the turnstile. You know, the
12 folks that were waiting to bring me the money. It
13 just wasn't there. They didn't get there yet.
14 Social Services, funds, food stamps, things were cut
15 off. The bureaucracy failed me, professor." So in
16 matters like that, I guess, is to go back when we
17 talk about facts, right? Let's... Let's examine the
18 record, if we have that ability to see if someone re-
19 offended. So I just wanted to just share that as a
20 as an example, since you talk about bias and
21 discrimination. How do we look at it knowing that
22 there is that line there that we really need to be
23 giving in to be candid about in our decision-making?

24 COUNCILMEMBER BROOKS-POWERS: Thank

2 MS. SHAPIRO: Sorry. We're arguing about who
3 gets to go next. Off to a terrible start here.

4 [laughs]

5 That's an incredibly important question,
6 Councilmember. And thank you for raising it.
7 Because as we all know, these... our criminal justice
8 system disproportionately impacts black and brown
9 people nationally and certainly in this city. That
10 is who is disproportionately convicted and sentenced
11 and, and held pretrial at Rikers.

12 I would say that, in addition to being mindful as
13 best we can of whatever biases we may personally
14 bring to the table, I think data collection and
15 reporting will be incredibly important here. I know
16 that The Commission will have to be reporting
17 annually to The Council. And I think reporting on
18 demographics of who applies, and who is granted
19 conditional release, and who is not, I think would be
20 very important to keeping a check on ensuring that
21 the work of The Commission is not exacerbating the
22 existing racial disparities in the system.

23 MR. FULLER: Thank you. I want to relate a story
24 about a guy by the name of Christopher Robinson.
25 Some of you might remember him. It's a sad story,

2 because folks just didn't listen to him. Had they
3 listened to him, he would still be alive today. He
4 is dead. He died at ARDC, the Adolescent Reception
5 Detention Center. Chris was out. He was on
6 probation. He was working. And he was quite happy
7 at his job. He had an appointment to come in and see
8 his PO. He called the PO, and he said, "You know,
9 they've offered me overtime. I need the additional
10 money so I can take care of my family, and take care
11 of whatever business I need to take care of." He
12 assumed that the probation officer understood what he
13 was saying. He even offered the probation officer,
14 "You come down. You can see me. I'm at work. I'm
15 here. You can talk to my supervisor," et cetera, et
16 cetera.

17 Well, he was violated, and he ended up at Rikers.
18 He had already changed his life. So coming back to
19 Rikers was a major problem for him. The gangs wanted
20 him to get involved in all the other little madness
21 that they do at Rikers. They wanted his... his...
22 they have a PIN number for the phone. They wanted to
23 take his PIN number, because they saw that he was
24 trying to do the right thing. And they knew that

2 they could probably get away with taking it because
3 he wasn't going to fight them.

4 Well, he decided to stand up for himself. In
5 doing so he ended up getting jumped and murdered on
6 Rikers Island. And I... it's obviously a sad case,
7 but it didn't have to happen. Both my colleagues
8 talked about the individual basis by which we're
9 going to look at things. That is key. You have to
10 understand from the perspective of the client, what's
11 going on. That is key. That's how you... you rule
12 out all of the bias than all the other problems that
13 are associated with this, just by listening to the
14 person and making an evaluation

15 COUNCILMEMBER BROOKS-POWERS: So I'll just close
16 by saying thank you for your responses. This
17 commission is something that is extremely important.
18 It has the ability to -- while it can't correct all
19 of the wrongs of the criminal justice system -- it
20 has a way as... as I said. Few doubt that when we
21 have this commission in place, those who have been
22 sentenced with greater penalty have the opportunity
23 to have an early release to be returned to their
24 families, to be returned to society. I do also, you
25 know, know that there's this grand conversation about

2 public safety right now. And so it has to be
3 something that is... is measured to make sure that we
4 are returning to community folks that are going to
5 get the services they need, that are not going to be
6 likely to return for some other incident or another.

7 But it's important. I encourage you to work with
8 each other and listen to one another, to be able to
9 ensure that the unintended bias does not happen.
10 Because I know me and my colleagues will be looking
11 at these reports, and seeing how they are impacting
12 community, how they impact individuals.

13 So I thank you Chair for allowing me the
14 opportunity to ask questions on this important issue.

15 CHAIRPERSON POWERS: Thank you. Thanks for the
16 questions. I just wanted to quickly... with
17 questions from one of our colleagues who will...
18 couldn't be here to ask them. But from Councilmember
19 Sanchez, I'm going to ask them and then speak to some
20 specific questions about... for each of you. And she
21 asked me to extend her congratulations to all of you
22 as well and commend you for your service to the city.

23 I just want to... I'm going to do... there's
24 three of them. I'll ask them and then let you have
25 an opportunity to respond to them.

2 Number one is for Ms. Shapiro: Can you describe
3 how the different segments of your career as a public
4 defender, at the Department of Probation, now The
5 Fortune Society would inform your tenure at the LCRC?

6 And number two is for Mr. Fuller: Can you speak
7 to your professional experiences on the importance of
8 linking alternative care with release? And how
9 should the LCRC address decarceration with attention
10 to mental health, substance abuse, education, housing
11 and social services?

12 And number... and then Mr. Mayers: You have
13 previously served as director -- this is from
14 Katherine Rivera -- you had previously served as
15 Deputy Director for The Mayor's Special Initiative
16 for Rebuilding and Resiliency, where you coordinated
17 with city, state, and federal elected officials to
18 address the impacts of Hurricane Sandy. How do you
19 anticipate as a commissioner, you should, or may, or
20 may not partner with legislators at different levels
21 of government? And what best practices in that
22 regard would you bring to the role?

23 And I'm happy, Ms. Shapiro, if you want to start,
24 I am happy to restate the questions as I get come to
25 you.

2 MS. SHAPIRO: I think I got the question, but if
3 you wouldn't mind?

4 CHAIRPERSON POWERS: Sure, yeah. Can you
5 describe how the different segments of your career
6 inform your tenure at LC... for the... would inform
7 your tenure on the LCRC?

8 MS. SHAPIRO: Thank you. Please pass my thanks
9 to Councilmember Sanchez for the question.

10 My collective experiences all carry a common
11 thread, I would say which is I am animated by the
12 belief, as the great Bryan Stevenson says that none
13 of us should be judged by the worst thing that we've
14 ever done. I would also say that throughout all the
15 positions I have been fortunate to hold, I have seen
16 and fully believe in the power of individual
17 transformation. I have seen that in numerous
18 individuals that I have represented, in people who
19 are under probation supervision, and now in our
20 clients and some of my colleagues at The Fortune
21 Society as well.

22 I also believe that there is no one-size-fits-all
23 solution, or program, or resource, right?, and that
24 things need to be individually tailored, individually
25 and culturally appropriate for people to be able to

2 succeed. And I think the Conditional Release
3 Commission, with its connection to the expertise and
4 work of the Department of Probation, I think can be a
5 vehicle towards ensuring that people who have already
6 started, internally, to think about how to do
7 differently -- how to avoid situations, how to make
8 different choices -- I think this could really have a
9 powerful impact on the lives of individuals and their
10 families, and our greater community.

11 CHAIRPERSON POWERS: Thank you for that. I'm
12 going to go to the other two. I'll just restate the
13 questions. It is actually from Councilmember Rivera,
14 who Chairs the Committee on Criminal Justice, but
15 couldn't be here.

16 And for Mr. Fuller: Can you speak Due to your
17 professional experiences on the importance of linking
18 alternative care with release? How should the LCRC
19 address decarceration with attention to mental
20 health, substance abuse, education, housing, and
21 other social services?

22 MR. MAYERS: Did you catch the question?

23 MR. FULLER: Sorry, because I'm having a little
24 bit of trouble hearing it.

2 CHAIRPERSON POWERS: I can restate it. The
3 question is: Can you speak to your professional
4 experiences on the importance of linking alternative
5 care with release? And how should the LCRC address
6 decarceration with attention to mental health,
7 substance abuse treatment, education, housing, and
8 other social services?

9 MR. FULLER: Okay. I'm not sure I have the
10 question. Are you asking... what... what I would
11 look for in a client that's trying to be released,
12 that has a mental health or substance abuse problem?

13 CHAIRPERSON POWERS: I think the question is:
14 How can the LCRC be used -- this is from
15 Councilmember Rivera -- how can LCRC be used to
16 address decarceration while... while also attending
17 to needs around mental health, substance abuse,
18 education, housing, and social services?

19 MR. FULLER: I'm having a lot of trouble
20 hearing... would you... hold one sec. I'm sorry.

21 [Ms. Shapiro speaks to him.]

22 CHAIRPERSON POWERS: Why don't I ask my
23 question of Mr. Mayers, and then...

24 MR. FULLER: [talking to Ms. Shapiro] Oh, sure.
25 Okay.

2 CHAIRPERSON POWERS: Okay, so go ahead.

3 MR. FULLER: So you're asking about decarceration
4 and public safety? Correct?

5 CHAIRPERSON POWERS: The question... to restate
6 it again. The question is: How should the local
7 release commission address decarceration with
8 attention to mental -- I'm reading this is a
9 colleague's question, so I'm reading it -- How should
10 the LCRC address decarceration with attention to
11 mental health, substance abuse treatment, education,
12 housing, and other critical services?

13 And the first part of the question is, can you
14 speak to your professional experience on the
15 importance of linking alternative care with release?

16 MR. FULLER: Give me one second. She's writing
17 it down for me, because you're coming in muffled...

18 CHAIRPERSON POWERS: Okay. I'm going to go to
19 Mr. Mayers, and then we'll come back to you.

20 MR. FULLER: ... coming in muffled.

21 CHAIRPERSON POWERS: The question, Mr. Mayers,
22 is: You previously served as Deputy Director for The
23 Mayor's -- this is also from Councilmember Rivera --
24 as Deputy Director for The Mayor's Special Initiative
25 For Rebuilding and Resiliency, coordinating with

2 different levels of government. Do you anticipate in
3 this role that you would or should partner with
4 legislators at different levels of government, and
5 what best practices do you think you bring to that
6 role?

7 MR. MAYERS: Yeah. And thank the Councilman for
8 that question. Although I don't think jurisdiction-
9 wise that this commission... while... is... the
10 statutory language is written from the state
11 legislature, gives us any authority to go beyond
12 this... the federal government or so forth, if that's
13 your question. So the Special Initiative: Yes, I
14 did, but that was rebuilding, after Hurricane Sandy.
15 I even wrote chapters in the... in the report on the
16 conditions, and that relationship was mostly, yes,
17 with the State Governor's office, and with Washington
18 DC.

19 If the question is more about my experience, I do
20 have the experience in working with... the
21 relationship with both city, state, and federal,
22 because the goal was to make sure to ensure that,
23 both from a budget perspective and any possible
24 legislation with FEMA, and with the Governor's Office
25 of Storm Recovery, that the city got... got its

2 first... its fair share, and the communities that I
3 was representing, under the city got theirs. But I
4 don't see the direct relationship with the local
5 conditional releases. If she's asking me my
6 expertise, of my experience, in that it would be
7 understanding the different communities that was hit
8 by Sandy and the impact that each of them had and how
9 we had to address each of those issues. So that root
10 of understanding the needs of the communities kind of
11 will be my best. So I really don't think we have
12 that authority to let's say, go to Albany and speak
13 on behalf of matters like that. I don't think that's
14 within our purview. And I'm sure you know, best with
15 the legislation, whether or not we do or not.

16 So, my apologies to her if I didn't answer it
17 correctly.

18 CHAIRPERSON POWERS: You answered the question.

19 MR. MAYERS: But I'd be happy to follow up if she
20 has further questions on it.

21 CHAIRPERSON POWERS: Okay. Thank you. Thanks.

22 MR. FULLER: Okay, sorry about that. But you're
23 coming in muffled to me. I have really bad ears.

24 CHAIRPERSON POWERS: No worries. No worries.

2 MR. FULLER: Those gates slamming at Rikers has
3 pretty much destroyed my hearing. But she wrote the
4 question out for me.

5 CHAIRPERSON POWERS: Thank you. It's... it's an
6 interesting and important question, and one that I
7 think I have a little bit of knowledge on.

8 When I was at Rikers, I worked in forensic
9 services. And one of the programs we had was
10 intensive case management, which I believe a
11 probation officer would be able to do quite well. It
12 involved having social workers, substance abuse
13 counselors, and other mental health practitioners
14 having a caseload of 10 and they monitored the
15 clients very carefully. And in fact, they assisted
16 them going to different appointments, medical
17 appointments, psychiatric appointments, they
18 monitored their medication, they monitored their
19 activities, and they kept them involved -- this was
20 the important part--, they kept them involved in
21 other supportive services other than the substance
22 abuse and mental health. They involved them with
23 peers that would work with them, so that their day
24 was completely filled. They had things to do. They
25 had no downtime. And the case managers would report

2 back to corrections with their success. None of
3 those people got into additional trouble. No one got
4 rearrested. There was no recidivism in that
5 particular program. The problem with the program was
6 it was expensive. So the problem, you know, caused
7 the program to completely disappear. But it was one
8 of our most successful programs.

9 CHAIRPERSON POWERS: Thank you. Just a few more
10 questions. Just some specifics. So I just want to
11 ask a follow up question to what you had just
12 mentioned, and your experience working at Rikers
13 Island. As you're... As you're evaluating someone,
14 when they come before The Commission, having
15 experience with working with folks that are
16 incarcerated: What do you see as the leading factor
17 or condition that might make you decide that a person
18 should be eligible for release?

19 [Ms. Shapiro talks to Mr. Fuller]

20 MR. FULLER: The leading factor that would make
21 someone eligible, one of the things I would look for
22 is whether the person is motivated to really change.
23 That would be a leading factor for me. People make
24 mistakes. That's the bottom line. When I was
25 working at Rikers, oftentimes I would work with an

2 inmate, and at some point I would ask him: "Why are
3 you here? What happened?" The answers ran the
4 gamut. Some people didn't understand why they were
5 there. Others would talk about mistakes that they
6 had made, and you know, they... they look at us, they
7 look at the correctional officers. And if they have
8 a good rapport with them, you will oftentimes hear
9 them say, you know, if I hadn't made this mistake, I
10 would be where you are right now. I'd be working.

11 So I do really believe that some people are ready
12 to change. And when they are ready to change, there
13 needs to be a support system in place for that
14 person. If there was no support system there,
15 they're going to continue to do what they're doing.
16 If there's a support system there, people change.
17 And I've seen it, I've been involved in it.

18 CHAIRPERSON POWERS: Thank you. Thanks for that.

19 For Ms. Shapiro, your responses to our vetting
20 questions, you had asserted that you would not revoke
21 conditional lease for purely technical violations of
22 the conditions of release? Can you describe to us
23 what's a purely technical violation of a condition
24 for someone on conditional release? And should that

2 go... Do you believe that should go without any
3 punishment?

4 MS. SHAPIRO: So to... A technical violation is
5 one that is about breaking a rule, and that does not
6 necessarily implicate public safety in any way. For
7 example, missing an appointment. And while that's
8 something that would certainly warrant, I believe,
9 you know, complete exploration by the probation
10 officer, if that... it's rare for something like
11 that, to rise to the level of the person being a
12 threat to public safety, which is I really feel like,
13 what... those are the sorts of violations that would
14 warrant some sort of serious action.

15 But otherwise, you know, sometimes it turns out
16 there are reasons as Mr. Mayer's was just, you know,
17 describing from his personal experience, an inability
18 to get somewhere, you know, making a poor choice and
19 forgetting, which doesn't mean you're a danger to
20 society. Sometimes certain programs that people are
21 matched to end up being really terrible fit. So they
22 don't go, but that they would be willing to engage in
23 other services.

24 So that those are the sorts of things that to me,
25 are technical violations.

2 CHAIRPERSON POWERS: And a follow up question:
3 Should... should there be a consequence for something
4 of that nature? And second is, when would you say
5 that it rises to the point where perhaps there needs
6 to be a discussion of... because one-time offenses,
7 versus patterns maybe would have a difference of
8 opinion for an individual was making these decisions?
9 Or maybe not? But it's just question of when that
10 would rise to a point where you might say, "We want
11 to revoke," or you believe it's worth revoking the
12 conditional release?

13 MS. SHAPIRO: Sure. It's a little tricky to
14 answer in the abstract without an individual and all
15 of their circumstances in front of us, but I would
16 say that the response to say, technical violations,
17 or even certain forms of repeated technical
18 violations should be determined again, based on that
19 individual person's circumstances. Is this about
20 lack of funds and lack of transportation? Is this
21 about not having an alarm clock? Is this about
22 continuing... Is this about a relapse, and they need
23 more structured treatment services or something of
24 that nature?

2 So the responses could really range from
3 increased reporting to probation, to a different type
4 of service, something of that nature. And again, it
5 would depend on individual circumstances. Certainly
6 getting re-arrested for something where there has
7 been harm to another individual, that would be a very
8 serious matter. But everything else really would
9 depend on the individual circumstances.

10 CHAIRPERSON POWERS: Okay. Thanks. And for Mr.
11 Mayers, in your written responses to the Committee,
12 you wrote that policy decisions on criminal justice
13 reform should be made at the national level. How do
14 you reconcile that position with the fact that most
15 of the criminal law is state law and that the New
16 York City LCRC was a creature of the state law
17 established by local law? And that the decision
18 about whether you're going to grant conditional
19 release or not involves substantial policy discretion
20 at a very local level?

21 MR. MAYERS: Thank you for that question. My
22 response was more from... On the national level... I
23 get it: States' rights and the local government
24 role. But I think... I preface my remarks was more
25 from a leadership of a national perspective. It came

2 back from the question whether, you know, we
3 incarcerate more individuals than any other civilized
4 society, right? Industrialized society. So it
5 was... The question to me was, if the... if the
6 national government on you know, federal, you know,
7 government could probably set policies different, as
8 we've seen legislation, you know, in Washington
9 during the Black Life Movement, and so forth, to
10 really work with the state government in changing
11 some of the of the policies when it comes to criminal
12 justice and criminal law, and the legislation to that
13 effect. So my point was more from that perspective,
14 not to say that the local policy is not paramount.
15 And I know because, you know, state... state-by-state
16 law. But I think that we as a whole could be a
17 leader if there was leadership on criminal justice
18 reform from the national level. That's was where my
19 question was more reformed to, yes.

20 CHAIRPERSON POWERS: Okay. Thank you.

21 I don't believe there are any other questions
22 from Councilmembers. So I want to congratulate you
23 on your nomination. Thank you for being here today.
24 And thank you for your testimony. Obviously, if we
25 have any follow up questions, we'll be in touch with

2 you... all three of you. And thank you guys for
3 being here today. Thanks so much.

4 ALL: Thank you. Thank you.

5 CHAIRPERSON POWERS: We will call to see if there
6 any members of the public who are here to testify on
7 today's nominees.

8 Seeing none, the public hearing on these nominees
9 is now closed. I'd like to thank again, the nominees
10 and members of the public, speaker, my colleagues on
11 the Committee, Committee Counsel, and staff and
12 Sergeant at Arms. This meeting is hereby adjourned.

13 [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 11/21/2022