

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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January 30, 2024
Start: 12:53 p.m.
Recess: 1:18 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Sandy Nurse, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Diana Ayala
Tiffany Cabán
Shahana Hanif
Christopher Marte
Mercedes Narcisse
Lincoln Restler
Althea V. Stevens

OTHER COUNCIL MEMBERS ATTENDING:

Alexa Avilés
Jennifer Gutiérrez
Carmen N. De La Rosa
Chi A. Ossé
Rita C. Joseph
Pierina Ana Sanchez
Crystal Hudson
Nantasha M. Williams
Carlina Rivera

OTHER COUNCIL MEMBERS ATTENDING: (continued)
Jumaane Williams,
Public Advocate

2 SERGEANT-AT-ARMS: Sound check for the
3 Committee on Criminal Justice. Today's date is
4 January 30, 2024. Being recorded by Danny Huang in
5 the Committee Room.

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.

11 Thank you.

12 Chair, we are ready to begin.

13 CHAIRPERSON NURSE: [GAVEL] Good morning.
14 I am Council Member Sandy Nurse, Chair of the
15 Council's Committee on Criminal Justice.

16 I'd like to welcome you to today's vote
17 to override the Mayor's veto of Introduction 549-A.

18 I want to recognize my Colleagues who are
19 here. I'm going to do a fast roll call. Council
20 Members Avilés, Cabán, Gutiérrez, De La Rosa, Abreu,
21 Public Advocate Jumaane Williams, Restler, Ayala,
22 Stevens, Hanif, Ossé, Joseph, Narcisse, Sanchez,
23 Marte, Hudson, Williams, Rivera. I think I got
24 everyone.

2 The first month into my first term, I did
3 an unannounced visit to Rikers with other Colleagues.
4 I was able to visit many facilities and units,
5 including newly built punitive segregation isolation
6 units. I met people who said they were in the box,
7 the box being a shower stall, and many who were
8 lacking medical care. Throughout my time in the
9 Council, I have stood with the families who have had
10 loved ones taken from them due to their time in
11 solitary confinement, and I've listened to the
12 stories of people who've suffered in solitary
13 confinement, the stories that will make you sick to
14 your stomach. That is why that I'm proud that my
15 first hearing as Chair of this important Committee
16 will be a vote to reaffirm the Council's commitment
17 to ban solitary confinement and fundamentally change
18 the way our jails operate.

19 Despite years of some well-intentioned
20 efforts at reform and the appointment of a federal
21 monitor, the dangerous and deadly conditions at our
22 City jails still exist, and the spaces where
23 suffering has been the most acute have been those
24 where people are isolated. Whether it's solitary
25 confinement, punitive segregation, restrictive

2 housing, lock-in, or otherwise. The Administration
3 contends there is no solitary confinement in City
4 jails since 2019, but that statement is inconsistent
5 with what I have witnessed and many others have
6 reported. Reports reveal DOC has used cages attached
7 to holding cells and considered that to be out-of-
8 cell time, that people are being locked in
9 decontamination showers, and that the Department's
10 current iteration of restrictive housing allows for
11 people who choose not to participate in out-of-cell
12 programming to be chained to desks and where the
13 federal monitor reported the chaos has resulted in an
14 environment not substantially different than punitive
15 segregation. It doesn't matter what they call it.
16 Prolonged isolation as practices in New York City
17 jails is simply solitary by another name.

18 The Administration has argued that
19 discretion to use isolation as punishment is
20 necessary to deter violent behavior. However,
21 isolation, even for short durations, can have
22 devastating consequences and the record of the harm
23 caused by solitary confinement is voluminous. It
24 causes self-mutilation, anxiety, depression, and
25 psychosis. Even after a person is released, spending

2 time in solitary is correlated with an increased risk
3 of suicide, a fact sadly illustrated by the death of
4 Kalief Browder in 2015. It is past time we take a
5 different approach.

6 Introduction 549-A ends the practice of
7 excessive isolation as punishment. The Council has
8 considered all of the information shared by various
9 experts and stakeholders including people who have
10 lived through solitary, people who have had or lost
11 family members to solitary such as Layleen Polanco,
12 Kalief Browder, Brandon Rodriguez, and Erick Tavira,
13 other national experts on solitary confinement and
14 violence prevention including Dr. James Gilligan, Dr.
15 Bandy Lee, Dr. Terry Kupers, defender organizations,
16 people working in the jails, the DOC Commissioner,
17 the federal monitor, our constituents, and other
18 community members.

19 Intro. 549-A limits the Department's
20 ability to use restraints indiscriminately, rids
21 facilities of locked decontamination showers, and
22 requires a rationale and fixed duration for emergency
23 lock-ins. Despite the misleading rhetoric, the bill
24 does not prevent the Department from separating
25 people from the general population who engage in

2 violent behavior, it does not bar the use of
3 restraints in all cases, and it still allows the
4 Department to make distinctions in how people are
5 supervised in custody. Most importantly, the bill
6 aligns City policy with best practices in youth and
7 mental health institutions and successful
8 interventions in adult jails and prisons. This bill
9 provides a more effective response to interpersonal
10 violence than current practices, allows for the
11 separation of individuals from the general population
12 for emergency de-escalation and then in restrictive
13 housing with the ability to have different
14 supervision and security measures than the general
15 population including in smaller group settings,
16 allows for and envisions the operation of violence
17 prevention interventions that have proven to reduce
18 violence like the RSVP program, the Merle Cooper
19 program, and the CAPS and PACE programs as originally
20 operated.

21 I want to thank Public Advocate Jumaane
22 Williams for sponsoring this bill along with my
23 predecessor who is the former Chair of this
24 Committee, Carlina Rivera, all the co-sponsors, and
25 including our Speaker. I also want to acknowledge all

2 the advocates who have worked relentlessly over the
3 years to eliminate solitary confinement. I recognize
4 Dr. Vee (phonetic), Scott, Sarita (phonetic), Darren,
5 Peter, and many more who have consistently showed up
6 for this fight.

7 I want to especially thank those who not
8 only advocated for its elimination but who've
9 suffered in solitary confinement themselves and those
10 who've had had friends and loved ones suffer and die
11 from this cruel and inhumane practice. I urge all my
12 Colleagues to vote yes to override the Mayor veto of
13 this landmark legislation.

14 I offer the floor to our Public Advocate
15 Jumaane Williams to make some remarks.

16 PUBLIC ADVOCATE WILLIAMS: Thank you so
17 much. Peace and blessing, love and light to everyone.
18 I want to thank everyone who is here including Chair
19 Nurse, congratulations, thank you for your support,
20 Speaker Adams, former Chair, Council Member Rivera,
21 all the co-sponsors. Thank you to all of the families
22 who turned their pain to purpose, families like
23 Brandon Rodriguez, Layleen Polanco, Kalief Browder,
24 and so many families that we did not know their names
25 and are still suffering repercussions. Thank you to

2 the advocates and my Staff, among them Nick Smith,
3 Elizabeth Guzman, Jeffrey (INAUDIBLE), Gwen Saffron
4 (phonetic), Solomon Acevedo, and especially Veronica
5 Aveis and especially Rosie Mendez who is here who
6 helped carry this on their back.

7 I just want to say I think sometimes
8 folks don't realize this stuff really weighs heavily
9 on me. I do take a lot of time to make sure I'm
10 listening to what everyone is saying, and what this
11 bill fundamentally does is try to end any vestiges of
12 solitary confinement that still exists, and it tries
13 to change the use of isolation to change behavior.
14 Not only has it not been changing behavior, it is
15 known to cause long-lasting effects on people. That's
16 what this bill does. It's not going to fix everything
17 that's going on at Rikers, but it is going to address
18 that one issue hopefully. So far, we've had two
19 people die in Rikers, and I want to make sure we're
20 lifting up the detainees.

21 I also want to make sure I'm lifting up
22 Corrections officers who are also in this room, and I
23 hear you and I see you. Many of them came from the
24 same communities as the detainees. I don't want
25 Corrections officers to be in harm's way or put in

2 danger. There's been already some arms broken and
3 limbs harmed this year as well, and I want to make
4 sure I keep putting that on the record. Corrections
5 officers, primarily black females, being sexually
6 assaulted, doors are not locking, bathrooms do not
7 work. Those are things that we have to talk about as
8 well. We see you and we hear you. We will not agree
9 on this bill, but it does not mean that what you lift
10 is not worthy of us addressing and we should and we
11 must.

12 With that, I'm hoping this finally ends
13 the vestiges and the isolation that has been harming
14 to people, what it's intended to do. I look forward
15 to conversations about how we can implement this as
16 successfully and efficiently as possible. Thank you,
17 Colleagues.

18 CHAIRPERSON NURSE: Thank you, Public
19 Advocate.

20 I now open the floor for any Members who
21 want to say anything. This is not your vote. If you
22 want to explain your vote, you can explain that, but
23 other Members who aren't on the Committee, if you'd
24 like to say anything.

25 Council Member Gutiérrez.

2 COUNCIL MEMBER GUTIÉRREZ: Thank you,
3 Chair. I just want to echo my Colleagues in lifting
4 up the families and the advocates who for years, for
5 decades, have been not just talking about banning
6 solitary but closing Rikers, about ending the
7 investments to our carceral system, and I want you
8 all especially to feel a degree of solace in that
9 many of the Members that you see here today and will
10 hear from at Stated are first-time Council Members
11 but have been lifelong activists and organizers, and
12 our new Chair, Sandy Nurse, this is a personal
13 priority and certainly a Committee priority, but rest
14 assured that under this leadership, we are centering
15 your experiences, we know your families, families are
16 irrevocably broken by this system, and we hear you.
17 Many of you are our constituents, and we appreciate
18 you so this is yes, a small step, but we will not be
19 gaslit, we will not be told that solitary confinement
20 is not happening when we know that it is, and no one
21 who has survived solitary confinement has walked out
22 and been a better person for it, and so we must work
23 extremely hard after today to do a lot of reversal
24 work. I once again want to thank you and want to

2 thank my Colleagues who will vote in support to
3 override this veto.

4 CHAIRPERSON NURSE: Thank you, Council
5 Member Gutiérrez.

6 I recognize Council Member Narcisse.

7 COUNCIL MEMBER NARCISSE: As a nurse, I
8 have seen how detrimental solitary confinement can
9 be. I used to do a re-entry program, and the
10 description that my clients used to give me, I could
11 not even imagine that's what we do as human beings.
12 Right now, I will tell you my own story, putting one
13 of the dogs that I had, right, I put the dog in a
14 cage. My son came back, my son said why are you
15 putting the dog in a cage, because, mommy, what are
16 you doing, you're teaching, you're training that dog
17 not to see us as friend, as family. If you want it to
18 be on best behavior, we have to do training the dog
19 and give the dog love in the house, and that's what I
20 did. So I cannot imagine a human being in a cage, but
21 what I had seen, went to Rikers Island, seeing the
22 faces, the eyes of those folks standing there staring
23 at us, we are irresponsible and as a nation we have
24 to do better. We don't have to reinvent the wheel
25 because there are places around the world right now

2 as we speak, right now, training folks, talking to
3 them, giving the training, the support system that
4 they need. Pavlov's dogs. What you do, what you
5 expect a person's behavior to be, that's what they
6 will be. But, if you talk to that person, you give
7 them the training, the support system that they need
8 to cope with whatever the problem, mental illness is
9 real so I want you all to think about it. How would
10 you like to be treated, for somebody to put you in a
11 cage? We will not receive that well. The Correctional
12 officer, I have passion for them because I talk to
13 them too. When I ask them how you feel like dealing
14 with your brothers and sisters in a cage, they said
15 it's not acceptable but we don't know how to do it,
16 we don't know how to make sure that they respond
17 better but because we're not spending time to do it.
18 If we just spend the time, we will get folks on their
19 feet and, when they come out, we don't have to
20 suffer, especially in the black and brown community
21 where they're coming back. Thank you.

22 CHAIRPERSON NURSE: Thank you, Council
23 Member Narcisse.

24 Council Member Ayala.

2 COUNCIL MEMBER AYALA: Thank you. I just
3 want to really just acknowledge how big of a deal
4 this is. I've been very vocal about my own family's
5 personal struggles, and I have a little brother
6 who's, I don't know how many of you have younger
7 siblings, but he's like my son, I practically raised
8 him, and he was since very early on diagnosed with
9 mental health issues, and, by the time that he was 11
10 years old, he was incarcerated because the local drug
11 dealers would have him sell drugs for them because he
12 was 11 years old and he couldn't get in trouble, and
13 it started a cycle that lasted until literally a
14 couple of weeks ago when he was released for the last
15 time, and my brother spent a lot of his time in
16 incarceration, in solitary confinement or whatever it
17 is that we wish to call it. That mental illness
18 became progressively worse as a result of that
19 because we're no longer treating individuals that are
20 suffering. We're incarcerating them without the
21 resources they need to lead successful lives, and so
22 when I look at my baby brother today, I don't
23 recognize that individual anymore because there's
24 nothing there. The humanity in him has been stripped
25 away, and all he knows and the place that he feels

2 the most comfortable in is in a cage, and that should
3 speak really loudly to folks. Now, it doesn't negate
4 the fact that we have a responsibility to keep our
5 workforce wherever you may be safe, and we take that
6 very seriously, but what we're saying is there have
7 to be other ways to accomplish that goal that don't
8 compromise the mental health of black and brown men
9 and women that are entering our jails unnecessarily
10 because we lack the mental health treatments that
11 they need.

12 With that, I want to thank you, Madam
13 Chair, and I want to thank you, Jumaane, for, I
14 remember when I came into the Council, I said oh,
15 Jumaane's a troublemaker, but he's still a
16 troublemaker but he's good trouble and he's good
17 people, and I trust him wholeheartedly because I know
18 that he cares about these issues and I know that he
19 cares about both sides of the issue. Nothing is black
20 and white. There's a lot of gray, and I know that he
21 considers that so thank you for being such an
22 outstanding Colleague.

23 CHAIRPERSON NURSE: Thank you, Deputy
24 Speaker Ayala, for sharing and for reminding us and
25 reminding everyone that this Body does know what

2 we're doing and we do know what we're talking about
3 despite the remarks earlier today.

4 I don't see any other folks who want to
5 speak before the roll call.

6 First, shall we accept and file the
7 Mayor's Veto Message?

8 Second, shall Intro. 549-A pass the
9 objection of the Mayor notwithstanding?

10 Will the Clerk please call the vote?

11 COMMITTEE CLERK WILLIAM MARTIN: Good
12 afternoon. William Martin, Committee Clerk. Roll call
13 vote Committee on Criminal Justice. The items are
14 coupled. Chair Nurse.

15 CHAIRPERSON NURSE: I vote aye.

16 COMMITTEE CLERK WILLIAM MARTIN: Ayala.

17 COUNCIL MEMBER AYALA: Aye.

18 COMMITTEE CLERK WILLIAM MARTIN: Cabán.

19 COUNCIL MEMBER CABÁN: Permission to
20 explain my vote?

21 Thank you. It's really quite simple. We
22 will never torture our way to safety, and I want to
23 extend my gratitude, my undying gratitude, to the
24 Halt Solitary Coalition, to the Freedom Agenda, to
25 all the advocates with again first and foremost, as I

2 had said earlier, to the families who have been so
3 directly impacted and who have had to turn their pain
4 into organized power to make sure that other families
5 don't deal with this. As a career public defender, as
6 somebody who has joined my Colleagues walking the
7 halls of Rikers Island, I can tell you without
8 question that solitary confinement does exist, I
9 don't care what you call it, and people are being
10 tortured, and we are going to take a step towards
11 ending that today. To sum up, I also just want to
12 make this record, the entire Council has considered
13 and weighed all of the sometimes competing
14 information from various stakeholders, including
15 people who have lived through solitary, family
16 members, other national experts, people working in
17 the jails, the DOC Commissioner, the federal monitor,
18 and we have decided that the provisions of 549-A are
19 the proper way forward and are urgent and necessary
20 to stop harm, reduce violence, and save lives. The
21 entire Council has fully considered all of the
22 information and concerns shared by the monitor and,
23 after considering the competing information,
24 including that shared by other national experts on
25 solitary and violence prevention, we believe that the

2 current retried and renamed policies have led to
3 endless cycles of abuse, violence, and death while
4 549-A provides an opportunity for a new approach
5 utilizing scientifically proven methods for reducing
6 violence and better protecting people's health so I
7 very proudly vote aye on all. Thank you.

8 COMMITTEE CLERK WILLIAM MARTIN: Abreu.

9 COUNCIL MEMBER ABREU: Aye.

10 COMMITTEE CLERK WILLIAM MARTIN: Hanif.

11 COUNCIL MEMBER HANIF: Permission to
12 explain my vote.

13 I'm proud to vote in favor overriding the
14 Mayor's misguided veto of Intro. 549. Thank you to
15 Speaker Adams, Chair Nurse, Public Advocate Williams,
16 and Council Member Rivera for your clear and
17 unwavering leadership on this human rights issue.

18 Let me be very clear. Solitary
19 confinement is torture. Depriving people of basic
20 social interaction for extended periods of time as a
21 form of punishment is a cruel practice that has no
22 place in New York City. Solitary confinement erodes
23 people's mental well-being and subsequently
24 exacerbates violence in our jails. No amount of word
25 games from this Administration can change this

2 reality. We can effectively address disruptive
3 behavior in jails by implementing the de-escalatory
4 interventions laid out in the bill language. Contrary
5 to the misinformation campaign waged by conservative
6 idealogues, the bill allows for short-term separation
7 when needed for the safety of incarcerated people and
8 DOC staff. It simply prohibits the dangerous type of
9 prolonged isolation that has killed Brandon
10 Rodriguez, Layleen Polanco, Kalief Browder, and far
11 too many other New Yorkers. I want to express my
12 deepest gratitude to the survivors of solitary
13 confinement and the loved ones of those killed by
14 solitary who have led this fight for years with the
15 Halt Solitary Campaign. The Council would not be in
16 this position without your work. I pray that we can
17 deliver you some sliver of justice today. My Muslim
18 faith teaches me that human life is precious and that
19 torture has no place in our society. No amount of
20 shameless fearmongering from City Hall or violent
21 personal threats from COBA members could scare me off
22 from casting this vote. I vote aye on all. Thank you.

23 COMMITTEE CLERK WILLIAM MARTIN: Marte.

24 COUNCIL MEMBER MARTE: Permission to
25 explain my vote.

2 As everyone has mentioned, not just today
3 but honestly for the years of fighting to end
4 solitary confinement, solitary confinement is not a
5 time and place. It's not a week in the hole. It's not
6 a month in the box. It's a state of mind. My brother
7 was in the box on Rikers, (INAUDIBLE) through six
8 different juvenile complexes in New York State. When
9 he got out his last time, he slept on our couch to
10 get back on his feet. For years, I'd hear him wake up
11 in the middle of the night, scream, a grown man cry
12 in the middle of the night. Even to today, as my
13 brother is considered a success story, someone that
14 created a business, now helping other people get off
15 their feet, when I talk to his wife, she still hears
16 the same noises that I heard almost a decade ago.
17 This has to end, and I want to thank the Public
18 Advocate, I want to thank our Chair, Sandy Nurse, our
19 former Chair, Carlina Rivera, and all the advocates
20 so we can finally put an end to this. Thank you, and
21 I vote aye.

22 COMMITTEE CLERK WILLIAM MARTIN: Narcisse.

23 COUNCIL MEMBER NARCISSE: I vote aye.

24 COMMITTEE CLERK WILLIAM MARTIN: Restler.

2 COUNCIL MEMBER RESTLER: Permission to
3 explain my vote.

4 The United Nations has determined
5 solitary confinement to be torture. We all know this.
6 we all know that more people have come out from
7 Rikers Island and the experience of solitary and
8 torture broken, have come out in worse shape than
9 when they entered. The very moving stories about the
10 siblings of Council Member Marte and Deputy Speaker
11 Ayala are stories that literally tens of thousands of
12 New Yorkers could share with us today. The policy of
13 solitary confinement is inhumane, it is despicable,
14 and it must end. I am very proud to vote aye and to
15 override this veto, and I really want to shout out
16 the Public Advocate for leading this fight with
17 dignity and thoughtfulness, for bringing people
18 together in charting a path forward, and the Halt
19 Solitary Coalition for making this happen. Thank you.

20 COMMITTEE CLERK WILLIAM MARTIN: Council
21 Member Stevens.

22 COUNCIL MEMBER STEVENS: Permission to
23 explain my vote.

24 If the goal of jails are rehabilitation,
25 we are clearly taking the right step because the

2 reality is solitary confinement is never about
3 rehabilitating folks so that they come out and be
4 productive members of society. I want to echo
5 something that the Public Advocate said, a lot of
6 times we are put against each other. The people who
7 show up at work every day to Rikers Island also
8 deserve to be safe, but this bill is not about making
9 them less safe. This bill is about thinking about how
10 to create space where everyone can exist. Hopefully
11 this bill will now allow us to have real
12 conversations about rehabilitating the folks who need
13 the help the most, and hopefully we can work together
14 to get to a space where everyone can be safe because
15 if torturing someone is the only way you could feel
16 safe, then we're not doing something right. With
17 that, I vote aye on all.

18 COMMITTEE CLERK WILLIAM MARTIN: With a
19 vote of nine in the affirmative, zero in the
20 negative, and no abstentions, M-12 Mayor Veto Message
21 is accepted by the Committee and Introduction 549-A
22 is readopted by the Committee.

23 Madam Chair, that is a full Committee.

24 CHAIRPERSON NURSE: Thank you. Thank you,
25 Council Members. Let's go to the next Stated. [GAVEL]

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 January 31, 2024