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COMMITTEE ON CRIMINAL JUSTICE

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 22, 2021
Start: 10:05 A. M.
Recess: 11:13 A. M.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Hon. Keith Powers,
Chairperson

COUNCIL MEMBERS: Alicka Ampry-Samuel
Darma V. Diaz
Robert F. Holden
Kevin C. Riley
Carlina Rivera
James G. Van Bramer

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COMMITTEE ON CRIMINAL JUSTICE

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A P P E A R A N C E S

- Wayne McKenzie,
General Counsel at the New York City Department of Probation
- Ana Bermudez,
Commissioner at New York City Department of Probation
- Roberto Velez,
Executive Agency Counsel and Director of the Local Conditional Release Commission.
- Zachary Katznelson,
Executive Director of the Lippman Commission
- Rachel Sznajderman,
Corrections Specialist at New County Defenders Services.
- Robert O'Connor:
Intern at Exodus Transitional Community;
Testifying on behalf of Kandra Clark, Associate Vice President of Strategy with Exodus Transitional Community.
- Scott Paltrowitz,
Organizer with HALT Solitary
- Kelly Grace Price,
Co-founder of the Close Rosie's Advocacy Group, Civil Rights Activist

1 SERGEANT BRADLEY: Computer recording is up.

2 UNKNOWN: (BACKGROUND NOISE) Recording to the
3 cloud is up... (Cross-Talk)

4 UNKNOWN: Back up is rolling.

5 SERGEANT BRADLEY: Sergeant Biondo, you may begin
6 with opening statements.

7 SERGEANT BIONDO: Good morning, and welcome to
8 today's remote New York City Council Hearing for The
9 Committee on Criminal Justice.

10 At this time, would all panelist please turn on
11 their please turn on their videos for verification
12 purposes.

13 To minimize disruptions, please place all
14 electronic devices to vibrate or silent mode.

15 If you'd like to submit testimony, you may do so
16 via email to testimony@council.nyc.gov. Again, that
17 is testimony@council.nyc.gov.

18 Thank you for your corporation.

19 Chair Powers, we are ready to begin.

20 CHAIRPERSON POWERS: Thank you, and, uh, good
21 morning everyone. I am city Council Member Keith
22 Powers. I'm the chair of The Criminal Justice
23 Committee here in the city council. And I want to
24 thank everyone for joining us today for our hearing
25

1
2 on the update to The Local Conditional Release
3 Commission.

4 In May of 2020, and during the very early days of
5 COVID-19 here in New York City and the pandemic, the
6 city council passed my bill, now Local Law 60 of
7 2020, to create a local Conditional Release
8 Commission.

9 This commission would decide which cities and its
10 individuals may be released and under what
11 conditions.

12 Uh, this is actually... Stems from New York
13 State law, which allows to us to have the opportunity
14 to create a Local Release Commission, and, uh, also
15 requires, under that, that the mayor appoint at least
16 five members, with the consent of the city council,
17 uh, The Commissioner of Probation, or her designee,
18 must serve as a non-voting member, and the Department
19 of Probation is required or, uh, mandated with
20 staffing that commission.

21 When the council adopted its city budget this
22 past June, we had directed over \$400,000.00 to The
23 Department of Probation to help fund the commission.
24 Yet, we're here 16 months later, and that commission
25 is still not up and running.

1
2 Uh, as anybody who is paying attention to the
3 news here, over the last few months, and the last
4 year, the current crisis in our jails underscores the
5 need for this commission.

6 And, without question, part of the strategy here
7 has been to lower the population inside of our city
8 jails as we get a handle on the COVID crisis, the
9 staffing crisis, and other things happening inside of
10 our city jails right now.

11 The... Uh, in the most recent status report to
12 the court, the federal monitor, the Nunez Monitor,
13 noted the use of force remains extremely high,
14 stabbings and slashing increased this month. And,
15 there is a continued failure to use basic security
16 protocols such as locking doors, intervening in
17 silent violence and self-harm, and properly using
18 restraints.

19 Since our last hearing, four more people have
20 died in custody, a total of 14 custody -- in
21 custody deaths -- this year. And, it is our... Uh,
22 we send our deepest condolences to every family and
23 friend, uh, of those folks. And, obviously here have
24 an obligation to make sure that there are not any
25 more deaths inside of our custody.

1
2 And, that means we have to utilize every option
3 at our disposal to lower the population inside the
4 city jails.

5 Each person we safely release, means one less
6 person's life is at risk for self-harm, suicide,
7 assault, and neglect.

8 And, we are here today to find and update on what
9 the commission's staffing and role and set up is.
10 To... We urge the administration to move quickly to
11 staff and establish that. And, we have a number of
12 questions today, like when can we expect it to be
13 fully staffed, how soon can they convene, and how
14 many eligible folks to do they anticipate would be in
15 the conversation or eligible for release once the
16 commission begins its part.

17 I just wanted to reiterate one more time, we are
18 in a crisis inside of our city jails right now. And,
19 even as we make moves to solve the staffing issues,
20 and open up new housing units, and do a lot of other
21 work, there's still a lot of questions here about how
22 we safely manage population. And, we are trying to
23 give the tools here to help do that. And, of course,
24 we're disappointed when those tools aren't being
25 fully utilized.

1
2 So, again, we'll urge the administration here
3 today to give us updates and move quickly, uhm, as to
4 address what is a crisis.

5 Uh, before I move forward, I just want to note a
6 few colleagues who are here. I see Council Member
7 Darma Diaz, Council Member Riley, Council Member Van
8 Bramer, Council Member Ampry-Samuel, and I believe
9 we'll be joined by many more this afternoon... Or
10 this morning, rather.

11 I want to thank, uh, the staff here at the city
12 council. Uh, to Agatha, Kieshorne, and Jack, and my
13 staff Kate and Kaye. Uh, I also want to thank, uh...
14 who's on his way out, Brian Crow, here from the city
15 council, and just say a very big thank you to Brian
16 who is leaving us in the council to go work for the
17 Manhattan District Attorney, but has been an
18 absolutely fantastic staffer and resource here at the
19 city council. And, Brian, we'll be working with you,
20 uh, over the next few years on many of these issues.
21 But, of course, we'll still be, uh, sad that you're
22 walking down the street to go work somewhere else.

23 But, with that being said, I'm gonna turn it over
24 to committee counsel to take care of some procedural
25

1
2 items, and then we'll start... hear from the
3 administration.

4 Thank you.

5 COMMITTEE COUNSEL: Thank you, I'm Agatha
6 Mavropoulos, counsel to the city council's committee
7 on Criminal Justice.

8 Before we begin, I want to remind everyone that
9 you will be on mute until you are called on testify.

10 When it is your turn to testify, you will receive
11 a prompt to unmute. Please listen for your name to
12 be called, as I will periodically announce who the
13 next panelist will be.

14 We will first hear testimony from The Department
15 of Probation, followed by a period of question and
16 answer from committee members to the administration.

17 We will then hear from the public.

18 During the hearing, if council members would to
19 ask a question, please use the Zoom Raise Hand
20 function, and I will call on you in order.

21 Committee members will be limited to two minutes
22 including responses.

23 I will now administer the oath to all members of
24 the administration. After I say the oath, please
25

1
2 wait for me to call your name and response one by
3 one.

4 Please raise your right hand.

5 Do you affirm to tell the truth, the whole truth,
6 and nothing by the truth, before this committee, and
7 to respond honestly to council member questions?

8 Commissioner Ana Bermudez?

9 COMMISSIONER BERMÚDEZ: Did you hear me? I do...

10 (Cross-Talk)

11 COMMITTEE COUNSEL: Could you repeat that...

12 Thank you.

13 Uh, Executive Agency Counsel and Director of the
14 Local Conditional Release Commission, Roberto Velez.

15 DIRECTOR VALEZ: I do.

16 COMMITTEE COUNSEL: Thank you.

17 And, General Counsel Wayne Mckenzie?

18 WAYNE MCKENZIE: I do.

19 COMMITTEE COUNSEL: Thank you.

20 We will now proceed with testimony from the
21 administration, starting with Commissioner Bermúdez,
22 followed by Director Velez.

23 Commissioner Bermúdez, you may begin when ready.

24 COMMISSIONER BERMÚDEZ: Thank you... (Cross-Talk)

1
2 CHAIRPERSON POWERS: And, just before, uh...
3 Sorry, uh, Commissioner, sorry, just before we start,
4 I just want to acknowledge, and I'm sorry if I missed
5 them before, we've been joined by Council Member
6 Rivera and Council Member Holden as well. And, of
7 course, I'll acknowledge anyone else as they show up.

8 So, sorry about that. But, you can proceed.

9 COMMISSIONER BERMÚDEZ: Oh, no problem.

10 Uhm, thank you all. Good morning Chair Powers,
11 and members of the Criminal Justice Committee. I'm
12 Ana Bermudez, Commissioner of the New York City
13 Department of Probation.

14 Uh, with me today is, as you know, uhm, is
15 General Counsel Wayne McKenzie, and I'm also pleased
16 to introduce Roberto Velez, who's our newly hired
17 Executive Agency Counsel and the Director of the New
18 York City Conditional Release Commission.

19 Uh, thank you for the opportunity to testify
20 about the important work of The Department of
21 Probation, and to update you on the status of The
22 Conditional Release Commission.

23 Our Commissary Director, uh, who you will hear
24 from shortly, he's only finishing up his second week
25 in his new role. Uh, but fortunately for us, Mr.

1
2 Velez, is no stranger to the DOP family having
3 previously worked at our agency and in city
4 government in a variety of capacities. This will
5 serve him well as he builds upon the ongoing work
6 undertaking the DOP since the council passes Local
7 Law number 60 reconstituting the commission.

8 As you already know from our work on the enabling
9 legislation, there have been other release mechanisms
10 employed recently with the goal of short term
11 emergency management of the city's jail population,
12 which, like you, Chair Powers, we share, uhm, our
13 condolences with... to families that, uhm, of folks
14 who've in, uh, in custody.

15 Uhm, the New York City CRC differs from those
16 other release types, though, in three areas:
17 edibility, longevity, and model.

18 First the pool of, uhm, those eligible for this
19 particular conditional release is limited only to
20 those individuals who have been convicted of certain
21 crimes and are also serving sentences of 120 days or
22 more -- roughly over a 100 people, according to the
23 daily jail census.

24 Uhm; however, as the process unfolds and we have
25 more outreach and partnership with other parts of the

1 justice system, we would be looking at potentially
2 hundreds of eligible people over the course of a
3 year.

4 Uhm, now second, by reconstituting the LCRC, the
5 council has provided, uhm, more than simply another
6 temporary release method, but one that is far more
7 institutionalized and lasting -- even after this
8 pandemic is over.

9 Uhm, lastly, and most significantly, this model
10 is unique, an independent commission of qualified
11 individuals that have been chosen by advice of the
12 council, will review and ultimately approve any
13 applicants for release.

14 And, as you mentioned before, as Commissioner of
15 DOP, I will be an ex officio, a non-voting member of
16 this commission.

17 Uhm, probation then utilizes our expertise in
18 balancing structure and support, according to the
19 person's specific risks and needs, to safely
20 supervise the approved applicants in their
21 communities for one year.

22 I key advantage of the CRC model is that all
23 components of the process would be housed under one
24 roof within probation, ensuring both a consistent
25

1
2 programmatic ethos and seamless integration across
3 the conditional release continuum -- from application
4 through community supervision.

5 As you know, probation is the largest alternative
6 to incarceration option in New York City, and plays a
7 crucial role in keeping us all safe.

8 At DOP, we understand that safety is more than
9 just the absence of crime, but the network of trusted
10 relationships focused on a person's well-being and
11 the well-being of their community.

12 This has never been more important, and I am very
13 proud of this agency's ability to continually adapt
14 to the needs of the people we serve.

15 During the pandemic, we pivoted to provide
16 critical resources to communities hardest hit by
17 COVID-19, which includes those served by our
18 Neighborhood Opportunity Network, better known as
19 NeONs, uhm, feeding close to half a million people
20 through our NeON nutrition kitchens, launching new
21 virtual summer programming for 2,700 youth, and
22 continuing our other offerings online.

23 I am also thrilled to announce that our wonderful
24 NeON Photography Program, currently has its first
25

1
2 post-pandemic in person exhibit happening at the
3 Kente Royal Gallery in Harlem.

4 Of course, this does not include the permanent
5 gallery at Council Member Holden's office, which has
6 featured the work from our New York photographers for
7 years.

8 The pieces being featured are all from the Harlem
9 summer 2021 class, which was taught by a NeON
10 photography graduate and fellow community resident.

11 The gallery owner was so compelled when he
12 learned of the program that he agreed to host this
13 exhibit -- which runs through this weekend.

14 Uhm, one of our photographers was brought to
15 tears from the amount of pride and joy she felt
16 seeing her work featured in a New York City gallery.
17 So, I encourage you all to see it if possible.

18 As people on probation are currently successfully
19 completing their sentence at a rate of nine out of
20 ten, I am confident that this combined approach
21 allows for both the safety of those being released as
22 well as the New York City communities they call home.

23 Thank you, council members, for the confidence in
24 probation you have shown by reestablishing The
25 Conditional Release Initiative.

1
2 I will be pleased to answer any questions you may
3 have in just a moment. But, before that, I would
4 like to provide Roberto Velez, Executive Agency
5 Counsel and Director of the New York City Conditional
6 Release Commission an opportunity to say a few words.

7 DIRECTOR VALEZ: Uh, thank you, Commissioner, and
8 good morning, Chair Powers, and members of the
9 Criminal Justice committee.

10 My name is Roberta Velez, Agency Executive
11 Counsel and Director of the New York City Conditional
12 Release Commission.

13 As this is only my, uh, second week in the role,
14 I want to thank you for the opportunity to introduce
15 myself to you, share my background, and tell you why
16 I'm thrilled to return to probation and oversee the
17 work of The New York City's Conditional Release
18 Commission.

19 I'm a native New Yorker; born and raised in The
20 Bronx. For thirty-one years, I've worked as an
21 attorney representing and helping the people of the
22 city of New Yorker. For seventeen of those years, I
23 worked in city government under three different
24 mayoral administrations -- Koch, Giuliani, and
25 Bloomberg.

1
2 I've held a variety of city government positions
3 including The Chief Judge of the Office of
4 Administrative Trials and Hearings, better known as
5 OATH.

6 OATH is the city's independent tribunal, with a
7 reputation of providing excellent and well-reasoned
8 decisions.

9 As chief judge, I was responsible for the
10 successful merger of numerous city tribunals in to
11 OATH. The largest merger involved the Environmental
12 Control Board, better known as ECB, which created one
13 of the largest, and in my opinion, best run
14 independent tribunals in the country.

15 I've held a variety of other high-level city
16 positions such as Chief of Staff and Associate
17 Commissioner at The Department of Juvenile Justice
18 and Department of Consumer Affairs respectively.

19 And, I had the honor of serving as Commissioner
20 of the New York City Department of Probation during
21 September 11th and its aftermath.

22 It was a difficult time for us all, and despite
23 that, the staff of DOP continued to do an outstanding
24 job supervising and helping people on probation.

1
2 I have served as an attorney in private practice
3 and a partner in Anderson Kill, where I specialized
4 in protecting policy holder rights, and more recently
5 at Gonzalez & Oberlander, where I worked on
6 litigation and transactional matters.

7 I'm particularly proud of my work at GO,
8 defending and assisting members of the union, local
9 32bj, with their legal matters, including matrimonial
10 and family court issues.

11 It was especially satisfying to assist 32 member,
12 uh, bj members, who's primary language was Spanish,
13 and help them resolve a range of issues for which
14 they otherwise may have had difficulty gaining
15 effective representation.

16 I've also worked in the not-for-profit arena,
17 where I served as general counsel for Network from
18 2010 to 2014. In that capacity, I served as a
19 principle legal advisor to the chief executive
20 officer and his executive team. I was responsible for
21 developing and implementing Acacia's new corporate
22 compliance and risk management programs.

23 I'm very excited to return to probation. I'm
24 passionate about helping people find their way out of
25 the criminal justice system by effectively navigating

1
2 and accessing city government programs, services, and
3 resources.

4 I'm especially excited to help create and oversee
5 an initiative that will assist people who are
6 incarcerated return to their families and communities
7 sooner and began what the... my probation colleagues
8 call their "new now".

9 Thank you again, Council Members, for the
10 opportunity to testify and introduce myself today. I
11 look forward to working with you on this important
12 commission.

13 And, with that, I defer back to the commissioner.

14 COMMISSIONER BERMÚDEZ: Thank you, Director Velez.

15 So, while this concludes the CRC part of our
16 testimony, I would like to take a moment to
17 personally and deeply thank all of you, and the
18 council as whole, for the incredible partnership we
19 have built over the last four years.

20 Uhm, you have been tireless champions of the work
21 of this department -- from keeping us accountable in
22 oversight hearings, amplifying the strong evidence
23 from our Arches and Aim evaluations, holding the
24 groundbreaking NeON Arts hearing, where the
25 incredible people we serve showed you how the arts

1
2 have changed their lives, and providing the funding
3 needed to support those impactful initiatives.

4 It is through your support, and the work of the
5 incredible probation staff, that we have been able to
6 accomplish outcomes that I'm not only extremely proud
7 of, but that, years ago, I could not have imagined
8 were possible.

9 When I first started as commissioner only, like,
10 six out of ten people were completing probation. Now,
11 it's nine out of ten.

12 In addition, we've also seen, uh, a 33% increase
13 in the rate at which people on probation earn an
14 early discharge.

15 The people on probation who live in neighborhoods
16 with a NeON who are... the vast majority of whom are
17 people of color, are also... which is incredible,
18 successfully completing at a rate of nine to ten.

19 So, the barriers, the longstanding structural
20 barriers in these neighborhoods are no longer there
21 when it comes to probation, uhm, and justice
22 outcomes. Uhm, and, that's a true testament to the
23 strength of the NeON model, the people we serve and
24 their communities.

1
2 And, now, justice system outcomes need not be
3 predetermined by a person's zip code.

4 All of this is how we ensure public safety and
5 create a more just New York City with vastly improved
6 outcomes for people on probation, and their
7 communities, and roughly a hundred times less per
8 capita than the cost of incarceration.

9 I thank you again for your time, and I'm happy to
10 answer any questions that you may have.

11 CHAIRPERSON POWERS: Thank you to... to both of
12 you, and, uh, to Mr. Velez, I think you're, uh, just
13 uh... for the last two weeks, so, uh, welcome and
14 congratulations, uh, thank you.

15 Uhm, well, look, I think we are here for (LOST
16 CONNECTION) (INAUDIBLE 00:18:00) to get a status
17 update on the, uh, commission and it's appointees.
18 And, certainly I think, uh, we're happy that there's
19 a new... a new director here. Uhm, but, I think,
20 you know, only two weeks ago was he appointed. So,
21 uhm, I... I think it would be important for us to
22 get a better feeling, uh, handle on where the city
23 is, and... in terms of, uh... uh, staffing and, uh,
24 appointing folks.

1
2 So, I guess my... my starting point is, how...
3 how many... The... The state law allows, uh, the,
4 uh, requires The Release Commission to have at least
5 five members.

6 Can you give us two... two questions, uh, there?
7 One is, uh, can you give us a sense of how many
8 individuals will be serving on the commission; and,
9 second, how many have been appointed so far?

10 COMMISSIONER BERMÚDEZ: So, that's the... the
11 part of the statute that is not under the purview of
12 the department. So, that's what... We focused, uhm,
13 on making sure that we're ready to go when the
14 commission gets, uhm, constituted. And, so, that,
15 with the director in place now, we've been working on
16 our internal protocols and initial, uhm, documents
17 for the commission once it's constituted to... to...
18 to essentially run with it. Uhm, and, uh, so that's
19 the part that we have control over, and that... That
20 is already in place. Uhm, the other part... (Cross-
21 Talk)

22 CHAIRPERSON POWERS: So how many... How many
23 individuals are, you know... So, Mr. Velez,
24 you're... you're the... You've been running it, how
25 many members have been appointed so far?

2 DIRECTOR VALEZ: (INAUDIBLE 00:19:37)... (Cross-
3 Talk)

4 COMMISSIONER BERMÚDEZ: Well, that's the thing,
5 it... Yeah, he... (Cross-Talk)

6 DIRECTOR VALEZ: (INAUDIBLE 00:19:38)... I'll
7 defer to the Commissioner.

8 COMMISSIONER BERMÚDEZ: Yeah, he doesn't have that
9 authority either. It's. It's... It's the other...

10 (Cross-Talk) CHAIRPERSON POWERS: But... But, you
11 guys have information certainly, right?

12 So, uh, you're saying nobody knows how many
13 members have been appointed so far?

14 COMMISSIONER BERMÚDEZ: So, I, uhm, not, uh,
15 clear on that, no.

16 DIRECTOR VALEZ: Yeah, uhm, what we can say is
17 that, uhm, to our knowledge, no one has been, uh,
18 appointed at this time.

19 Uhm, what we've been focusing on, and we're in
20 the position to do, is once those members are
21 appointed, we're ready to go.

22 Uhm, I would anticipate that, obviously we need
23 at least five commissioners, so, I would be
24 comfortable saying five commissioners plus our
25 commissioner, uhm, who's, uh, a member of this

1 commissioner ex officio. So, that's about the only
2 thing that we would be confident saying right now.

3
4 CHAIRPERSON POWERS: Okay, and Mr. McKenzie, you
5 said you don't believe anybody has been, uhm,
6 appointed to date, is that correct?

7 WAYNE MCKENZIE: Well, uh, I think you would
8 actually know before me. Because, once the names are
9 submitted to the council, it's the council who
10 officially, uhm, appoints the members of the... of
11 the commission.

12 CHAIRPERSON POWERS: We have not ever vetted... I
13 don't... I don't believe we've ever seen a member of
14 this commission come before the city council.

15 Uhm, and Commissioner Bermúdez, is that... Does
16 that, uh... Uh... Uh, are you aware of anybody
17 who's been, uh, appointed yet at this point and time?

18 COMMISSIONER BERMÚDEZ: No, I am not. Like...

19 (Cross-Talk)

20 CHAIRPERSON POWERS: Okay... (Cross-Talk)

21 COMMISSIONER BERMÚDEZ: Like, uh, Mr. McKenzie
22 said, uhm, you know, this is... It's... It's a
23 process that goes through The Office of Appointments
24 with the council. And, so we have... We do not
25 know. (INAUDIBLE 00:21:33)... (Cross-Talk)

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CHAIRPERSON POWERS: You know, but I'm just being fair. Like, I don't want us to be too cute here today in the hearing. I think everybody knows that there's been nobody appointed. Uh, I know that there's different agencies here, but certainly the mayor's office, and the folks here have, I'm sure, briefed for this, you know, hearing today. We have mayor staff I'm sure here who are watching right now.

I... I think... Uh, we understand there's... There's The Office of Appointments and there's different agencies, but I guess, can one of you... can share with us what the, uh, what is the, you know, the current vetting process, or that, uh, has gone... is under... is being undertaken to identify and appoint members?

COMMISSIONER BERMÚDEZ: So, I mean, it... When the law passed, you know, I know we submitted some suggestions, as you know, because we sent a let... uh, that list. Uhm, and, my understanding is that it's been progressing, I don't know where it stands right now, uhm, it... as to individual people.

I wish I... I (INAUDIBLE 00:22:38)... (Cross-Talk)

1
2 CHAIRPERSON POWERS: (INAUDIBLE 00:22:39) here
3 from The Mayor's Office of Appointments, or... or
4 the mayor's office that can, uhm, get on to the Zoom
5 and testify to answer these questions? Because, I
6 understand that this isn't entirely in your purview,
7 but you are the ones who were sent here to... to
8 talk about it. And, certainly, I think it was clear
9 we weren't just here to talk about the, uh, process
10 ahead. We wanted to get a status update on it.

11 Is there somebody from the mayor's office who can
12 testify then, in, uh, about the status update?

13 COMMISSIONER BERMÚDEZ: There... (Cross-Talk)

14 WAYNE MCKENZIE: Uhm, obviously it's the... the
15 three... The three of us, we came here prepared to,
16 uhm, confirm to this committee and to the council,
17 that in terms of the work that we are statutorily
18 charged with, we are prepared to go.

19 Uhm, as the commissioner just said, there were
20 some names that... that we submitted, uhm, it's our
21 understanding that individuals have been contacted,
22 but where that process is, is something that clearly,
23 uhm, we're not involved with.

24 CHAIRPERSON POWERS: Okay. Uhm, you might imagine
25 my confusion here to be at a hearing today and not

1 have anyone to be able to talk about that process...

2 So, can you tell us what the vetting process is for
3 an individual that, uh, is going through that process
4 and how long it will take to vet a candidate, uh,
5 based on any understanding of that process?
6

7 COMMISSIONER BERMÚDEZ: Uhm, I... Well, I can't
8 comment on, uhm, how long it will take. There are...
9 There's... Statutorily required, uh, qualifications
10 that the people need to have, including ,you know,
11 accredited bachelor's degree, uhm, or five years
12 experience in the fields of either criminology ,you
13 know, social work, uh, psychiatry, etc. They need New
14 York City residents, uhm, and, uh, not have any, uh,
15 conflicts of interest that a public officer, uhm,
16 would have. For example a membership, uhm, you know,
17 membership in political organizations, things like
18 that. Uhm, and, so, that's generally the scope of
19 the... of the qualifications. Uhm, and, then, how
20 long that takes, I... I... I wouldn't be able to
21 comment on.

22 CHAIRPERSON POWERS: Uhm, can you talk to us about
23 the process the city's been... Can you give us some
24 information on the process that the city has
25 undertaken so far to recruit individuals to be on it?

1
2 What sort of outreach they've done and, uh, to date
3 to identify individuals, and, uh, when the city
4 started its effort to recruit individuals to serve on
5 the commission?

6 COMMISSIONER BERMÚDEZ: I... I really cannot. I
7 do not know, Chair Powers. I wish I did.

8 Uhm, I just know that I know there's candidates
9 out there, uhm, for sure, but, uh, but I can't
10 comment on any of the specifics at this point.

11 WAYNE MCKENZIE: Uhm, right, I mean, we submitted
12 a list of names. But, of course, we would have
13 absolutely no idea, uhm, if The Mayor's Office of
14 appalments have its... have, uhm, gotten other
15 candidates submitted from other sources. Uh, so, we
16 would be naturally ignorant about that.

17 CHAIRPERSON POWERS: Yeah, I... I think maybe
18 there should be somebody from that office -- the
19 mayor's office -- here to speak to those issues.

20 I'm not trying to take this all out on you, but I
21 think administration is watching this, and clearly
22 knows they did not send us to... everyone here...
23 to be able to answer questions about it.

24 I'm gonna take a quick pause, uh, here. I'm
25 gonna let, uh, Council Member Rivera and any other

1 council members jump in and ask questions if... if
2 they would like to hop in here. And, then I have a
3 couple more that I'll get back to.

4 So, I'll got to Council Member Rivera, uh, for
5 now, and, then any other colleagues that want to ask
6 questions.

7 SERGEANT AT ARMS: Time starts now.

8 COUNCIL MEMBER RIVERA: Good morning, everyone.

9 UNKNOWN: Good morning.

10 UNKNOWN: Good morning.

11 COUNCIL MEMBER RIVERA: Just a quick followup on
12 one of Council Member Powers' question. He asked
13 about the... the vetting process. Did you say how
14 many people the city has vetted to serve on the
15 commission?
16

17 COMMISSIONER BERMÚDEZ: (BACKGROUND NOISE) No, I
18 don't... I don't know how many they have. I...
19 I... I provided a list, uhm, you know, early on.
20 And, my understanding... What I... The ex... The
21 extent of what I know is that they're going through
22 the vetting process of... of lists of candidates
23 that may be ours or others as well.
24
25

1
2 COUNCIL MEMBER RIVERA: No, I know... I know
3 we did ask about it. I just wanted to know if... if
4 someone had come up with a number.

5 Okay. How is the city recruiting candidates to
6 serve on the commission?

7 COMMISSIONER BERMÚDEZ: Uhm, well, like I said,
8 you know, certainly we... We supplied some options,
9 but I believe The Office of Appointments has also
10 sought other, uhm, is probably seeking other viable
11 candidates.

12 COUNCIL MEMBER RIVERA: I'm... I'm sorry?

13 COMMISSIONER BERMÚDEZ: That the... That The
14 Office... I don't believe that The Office of
15 Appointments is limited to only the list that we've
16 provided, that they're seeking... They'll probably
17 be seeking other viable candidates from other sources
18 as well.

19 COUNCIL MEMBER RIVERA: And, I guess, my followup
20 question specifically on that is, how are you working
21 to prioritize the inclusion of commission members
22 with lived experience with the criminal justice
23 system?

24 COMMISSIONER BERMÚDEZ: That, uhm, several of the
25 candidates we, uh, suggested in our original list

1 have that lived experience, yes, absolutely. So...

2 (Cross-Talk)

3 WAYNE MCKENZIE: And, I would say, that's
4 actually, uhm, was a priority and a concern for us to
5 ensure... (Cross-Talk)

6 SERGEANT AT ARMS: Time.

7 WAYNE MCKENZIE: that there was a diverse
8 representation including, uhm, potential candidates
9 with that lived experience.

10 COUNCIL MEMBER RIVERA: So, you're... How are you
11 kind of going about... And... And, I realize my
12 time is up. I was just looking for a few details as
13 to how... As to how (INAUDIBLE 00:29:14)... (Cross-
14 Talk)

15 CHAIRPERSON POWERS: You can... You can keep
16 going. Keep going... (Cross-Talk)

17 WAYNE MCKENZIE: So, as... As part of the list
18 that we submitted, there were more than one. There
19 were a number of candidates that, uhm, had the
20 experience to which you're alluding.

21 COMMISSIONER BERMÚDEZ: And, then, in... In the
22 vetting process that, that way it was not just one
23 person, so that if that person didn't work out, there
24 wouldn't other options, right? So, that's... That
25

1
2 was part of the goal, is to make sure that we had at
3 least one commission member, uh, out of the five who
4 had a lived experience.

5 COUNCIL MEMBER RIVERA: Right, so, my... I guess
6 my specific question is, absolutely, then that should
7 be a priority.

8 Are... How are you going about it being
9 intentional? Are you recruiting in certain places,
10 are you utilizing certain networks? And, that's just
11 the... the last followup I have, Mr. Chair.

12 Thank you for the time.

13 WAYNE MCKENZIE: Uhm, so, since I was actually
14 part of that process, I can speak to that.

15 Uhm, between myself and all the members of our
16 staff, we have, uh, a vast network of, uhm, criminal
17 justice contacts throughout the city.

18 And, so, we specifically sought out individuals
19 who would meet all of the qualifications and were
20 formally, uhm, justice involved.

21 So, we were very intentional about that, and made
22 sure that we submitted, uhm, I think it was maybe
23 about three or... Or, yeah, approximately three
24 individuals who met that qualification.

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COMMITTEE ON CRIMINAL JUSTICE

32

COUNCIL MEMBER RIVERA: Alright, I'm just gonna say that, I... I share Council Member Powers' concerns here that we all need a lot more information. Because, uh, lives are quite literally at stake.

So, thank you very much for being here.

Thank you, Mr. Chair.

CHAIRPERSON POWERS: Yeah, thank you.

Uhm, I think we have Council Member Holden up next.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER HOLDEN: Hi, uh, thank you, Chair, and, uh, thank you Commissioner, nice to see you again.

And, uhm, I'm gonna talk about my favorite subject, uh, NeOn Arts, uh, the NeOn Arts, uh, I think, uhm... By the way, I... I just wanted to show you, uh, this is, uh, one of the... One of the, uh... (BACKGROUND NOISE) I don't know if you can see it, with the glare here... (Cross-Talk)

COMMISSIONER BERMÚDEZ: I know... I know exactly the picture... The... The photograph it is. It's one of my favorites, too... (Cross-Talk)

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2 COUNCIL MEMBER HOLDEN: Right, and... And, uhm,
3 teaching college for 44 years, and teaching in the
4 area a photography and... and graphic design, uh, I
5 must say that that the talent in the NeON Arts, uh,
6 matches that, and matches, I think... I think even
7 in some cases goes beyond. So, uhm, and by the way,
8 just a disclaimer, we just had to take the show down,
9 the NeON Arts show, because we got hit with flooding
10 from our... our roof. Uh, and we had to take it...
11 all the art down, uh, from the wall, because we
12 didn't want to get it damaged. So, it's stored until
13 we're, you know, working on the office... until we
14 finish painting and so forth. But, uh, it'll be
15 back.

16 But, and, I... I, you know, again, I would like
17 even new work, uhm, if... if we could arrange that.

18 But, uh, coming from... That's why I... I have
19 my, you know, the office, it looks like a gallery.
20 And, this is what... You know, coming from the arts,
21 I think it's so important, uh, to give people, uhm, a
22 goal in life, a purpose, to feel that they're needed.
23 And, to feel that they have something to offer.
24 And... And, in probation that's... that's vital.
25 And, that's why I want to ask you, if... How we can,

1
2 you know, what are some of the steps we can do to
3 expand this program, uhm, to the point where it's
4 helping more people? And, how... Can you elaborate
5 just, like, how many... How many people, uhm, really
6 is it... are in a NeON Arts Program?

7 COMMISSIONER BERMÚDEZ: So, uhm, I... There's
8 been, uhm, a vast number of people in the NeON Arts
9 Program. And, I want to tie it to the work of the
10 CRC, because people coming out of Rikers, uhm...

11 SERGEANT AT ARMS: Time.

12 COMMISSIONER BERMÚDEZ: through the process of The
13 Release Commission, uhm, you know, will... will be
14 part of... will be able to participate in all of
15 the NeON programming that we have. And, that's what
16 makes it so robust also, uhm, you know, for... for
17 this population that usually gets out of, uh, jail
18 with nothing, you know, really.

19 Uhm, and, and, so, I believe it's in the... in
20 the city of 250 people in NeON Photography right now.
21 Uhm, and, oh, and, I'm sorry, on the wait list.
22 Sorry, I was, uh, I didn't... Because, I don't have
23 the full numbers of the, uhm, with me, of the
24 participation in NeON Photography, but there's a
25 pretty extensive wait list at the moment. Uhm, we

1 would love to engage with you about expanding that.

2 Uhm, I don't have particular, uhm, a particular path
3 to that, uh, to suggest right now. But, we are
4 definitely interested in, uh, pursuing that.
5

6 COUNCIL MEMBER HOLDEN: Yeah, uh, but, uh, let's
7 meet... I'm sorry, uh, Chair, I know my time is up.
8 But, uh, I just want to, uhm, I'd like to be involved
9 in... in trying to expand the program, because I do
10 have some experience, teaching 44 years, in launching
11 careers and encouraging , uhm, young people, uhm, to
12 go in to the arts, and to... And, to really, you
13 know, identify their talents. Because, there's
14 different talents not only for photography and
15 design, uhm, in poetry, and in painting, there's...
16 there's so many areas we could... And... And, that,
17 uh, you know, it... This is the truth, that if like
18 I said, if you... If you work one on one with
19 individuals and counsel them and, you know, uhm, they
20 get to know you, uhm, you can do wonders. And, uh,
21 it's so important to have one on one. So, we need,
22 uhm, not only do we need some more counselors
23 obviously and more people to, uhm, work with the,
24 uhm, ,you know, uhm, these individuals that are, uh,
25 really need a purpose in life and need a direction,

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2 and, uhm, it can be done very easily if somebody just
3 takes the necessary steps to do that. And, uh,
4 that's where we put... should put our money in to
5 the budget, uhm, to turn around lives.

6 So, thank you Commissioner. And, again, I'm
7 sorry, Chair, it took so long, but it's a... Uhm,
8 I'm very passionate about... (Cross-Talk)

9 CHAIRPERSON POWERS: Right.

10 COUNCIL MEMBER HOLDEN: about the program, it's...
11 (Cross-Talk)

12 CHAIRPERSON POWERS: Alright.

13 COUNCIL MEMBER HOLDEN: It's so vital.

14 Thank you.

15 CHAIRPERSON POWERS: I appreciate it, and I
16 appreciate your passion for a program that's doing
17 great work, including in my district at Carnegie Hall
18 as well.

19 Uhm, I have... I, uh, I don't see other member
20 questions. I'm just gonna go back to some questions
21 I had.

22 Uhm, uh, for Mr. Velez, I suppose we don't know
23 the answer until we have appointments, but when do
24 you expect or anticipate to do it, or when would you
25 like the commission to convene its work?

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2 DIRECTOR VALEZ: As the commissioner said, uhm, we
3 here internally at probation are ready. Uhm, once
4 again, uhm, we're waiting for commissioners, but the
5 systems here at probation, we could begin tomorrow.

6 CHAIRPERSON POWERS: Okay, uhm, the fiscal '22...
7 2022 Executive Plan included \$450,000.00 and a head
8 count of (INAUDIBLE 00:36:29) for staff for the
9 commission for the next fiscal year.

10 Uhm, I guess, one is, have you filled any
11 position beyond your, uh, title at this point? Uhm,
12 can you tell who the other titles and functions are
13 for each of these positions? And, uh, which
14 positions remain vacant?

15 DIRECTOR VALEZ: Uhm, like the commissioner said,
16 my second week here. I'm not aware of all the
17 different positions available. So, I'm gonna ask the
18 commissioner to help me with that.... with that
19 positions are available at this point.

20 WAYNE MCKENZIE: Well, I... I... (Cross-Talk)

21 COMMISSIONER BERMÚDEZ: So, you know, we... Oh,
22 go ahead... (Cross-Talk)

23 WAYNE MCKENZIE: Jump in... Uh, the... the next
24 hire, for example, that we're contemplating, we
25 wanted to wait on until our director was onboard, so,

1
2 uhm, he can have a voice and role in constituting,
3 uhm, his staff.

4 So, the next person would be an administrative,
5 uh, assistant.

6 Other than that, in terms of what we would need
7 to run the commission, uhm, those individuals are
8 already in place here.

9 Now, as the process develops, obviously I think
10 we're going to require more staffing. But, right
11 now, we have what we need to begin.

12 CHAIRPERSON POWERS: And, is... Is... Where...
13 Where the LCRC is, uh, expected to operate out of?
14 Is out of The Department of Probation's, uh, offices,
15 or has the city provided office space at this point?

16 COMMISSIONER BERMÚDEZ: Yeah, so, uhm, in this
17 world of COVID right now, we're, you know, it's...
18 it's... It will fluctuate... it may be fluid,
19 because it may need to be somewhat virtual at some
20 points, and so those are all the things that will be
21 worked out directly with the... When the commission
22 is constituted. Uhm, but, for now we have space here
23 that can be dedicated to that, uhm, and keep it
24 separate and apart the... the work of the department
25 itself.

1
2 CHAIRPERSON POWERS: And, just go back to a
3 question that you mentioned earlier, because, I...
4 You did, at one point, I believe identify, I think...
5 I believe, if my memory serves me correctly, is three
6 individuals that could potentially be candidates for
7 the commission, and, uh, some time ago, I believe in
8 a letter, uh, to my office, maybe to the mayor's
9 office as well, you had sent over some names.

10 Did those individuals... Do you know... Did you
11 have any, uh, understanding whether those individuals
12 went through the vetting process at The Mayor's
13 Office Appointments?

14 COMMISSIONER BERMÚDEZ: Uhm, I believe they're...
15 They've been going through the list. So, uhm, as
16 part of the entire process. So, uhm, I don't have
17 any specifics of those individuals... (Cross-Talk)

18 CHAIRPERSON POWERS: But, it's your understanding
19 that they may have looked at those individuals?

20 COMMISSIONER BERMÚDEZ: Yes. Yes. Yes.

21 CHAIRPERSON POWERS: Uhm, the budget for the
22 commission is supported by federal funding as I
23 understand it, not city tax. So, I believe for the
24 next three fiscal years, including the one we're in
25 right now, uhm, can you tell us what is the source of

1
2 the federal funding for the commission? And, then
3 obviously there's a concern that that wouldn't be a
4 sustainable source of funding in the future.

5 So, you can you tell us how it's expected to be
6 funded in the, uh, future years?

7 COMMISSIONER BERMÚDEZ: In the out years? Uhm...
8 (Cross-Talk)

9 CHAIRPERSON POWERS: Yeah.

10 COMMISSIONER BERMÚDEZ: I, uh, I'm actually not,
11 uhm, I don't have that information in front of me.
12 Uhm, so, if, uhm, I'd get back to you, uh, if I can
13 get back to the council on that, that would be, uh...
14 yeah, because we know we have the funding, it's been
15 put it ,you know, the dollar amount that you spoke
16 about is in our budget. Uhm, and, so, we have to,
17 uhm, look in to the future years, uh, or I'll try to
18 get the answer for you before we convene, uh, finish
19 today.

20 CHAIRPERSON POWERS: Okay, uhm, and as some folks
21 may know, this there was a local community police
22 commission, uhm, some years ago, and then there was a
23 departmental investigation report, uh, back in 2004,
24 that issued a number of recommendations to make it
25 more transparent.

1
2 Uhm, can you tell us what the status is of
3 developing operation procedures for convening
4 meetings, taking written minutes, documenting
5 refusals, uh, and other processes that the DOI have
6 recommended?

7 COMMISSIONER BERMÚDEZ: So, we... That's one
8 thing we definitely did is, uh, pour through that
9 report, uhm, and make sure that was... that the
10 mistakes were not replicated.

11 Uhm, ultimately the decision about the procedures
12 will be the commission's. But, what we have done to
13 try to jump start the process, is to have some
14 preliminary, you know, suggestions and drafts, uhm,
15 so that the commission can then make their final
16 determinations as to what that's... what they're
17 gonna follow. Uhm, but, uh, Director Velez was
18 provided with that report. Uhm, we've poured all
19 over it to ensure that those, uh, mistakes don't
20 happen again.

21 WAYNE MCKENZIE: And, again, uhm, our emphasis
22 was on, uhm, structure and transparency.

23 COMMISSIONER BERMÚDEZ: Yep.

24 WAYNE MCKENZIE: And, documenting decisions that
25 the, uhm, commission made. And, if you heard

1
2 Director Velez's impressive bio, as a former, uhm
3 chief administrative judge, uh, you can be confident
4 that, uhm, there will be integrity and transparency
5 in how this commission operates.

6 CHAIRPERSON POWERS: Appreciate it. Thank you.

7 Uhm, I how... How many individuals would be
8 eligible for release under the commission based on
9 their climbers that are outlined in the correctional
10 law?

11 COMMISSIONER BERMÚDEZ: You know, that's... uh,
12 that's a tricky thing, because the... What you would
13 call the average daily population of sentenced
14 individual at Rikers, will change, you know, daily
15 basically. Uhm, and there's this, uh, a number of,
16 uhm, of convictions that are excluded from
17 eligibility.

18 So, when you whittle everything down, at least
19 the data we looked at, which is a little old now,
20 it's about, on any given time, about a 100 individual
21 who would be eligible.

22 Uhm, and, then they have to satisfy the
23 timeframe. So, it doesn't mean also that all 100
24 would be eligible at the same time. You know,
25 because, they have to be able to have served, uh, a

1
2 certain amount of their sentence. Their sentences
3 have to have been more than, uh, a 120 days or more.
4 And, so, you know... But, we're... We're look...
5 We're probably looking at a couple hundred a year.

6 CHAIRPERSON POWERS: A 100 year, but are you
7 saying... (Cross-Talk)

8 COMMISSIONER BERMÚDEZ: A couple of hundred a year
9 eligible. Eligible.

10 CHAIRPERSON POWERS: And... And, what I'm
11 confused about is you're saying there's a 100
12 eligible, but then they'd still have to meet...
13 (Cross-Talk)

14 COMMISSIONER BERMÚDEZ: Correct.

15 CHAIRPERSON POWERS: other criteria. But, isn't
16 the word eligible cover that (sic)? Like, who are
17 the individual... (Cross-Talk)

18 COMMISSIONER BERMÚDEZ: Uh, eligible, they...
19 It... The first cut at... at eligibility, is the
20 sentencing... the... the convictions and the time
21 that the... (Cross-Talk)

22 CHAIRPERSON POWERS: Oh, I see what you're
23 saying... (Cross-Talk)

24 COMMISSIONER BERMÚDEZ: (INAUDIBLE 00:43:38) have.
25 And, then, after that, then you have to look at a

1
2 variety of compositions, which the commission will
3 have the criteria, right, beyond that. Uhm, because,
4 you know, when you're making these decisions, uhm,
5 eligibility doesn't guarantee suitability. You know,
6 there's the eligibility... (Cross-Talk)

7 CHAIRPERSON POWERS: No, and... And, I mean,
8 we're talking about edibility. How many individuals,
9 suitability or, uh, the work of the commission
10 (INAUDIBLE 00:44:02) I'm asking, how many individuals
11 would meet the criteria for release based on what's
12 statutorily defined?

13 COMMISSIONER BERMÚDEZ: Yes, so, eligibility...
14 For eligibility, uhm, you know, it's about a 100
15 people on any given time. And, then over the course
16 of a year, we probably would see another 100 at
17 least. So...

18 CHAIRPERSON POWERS: Alright, and, then, maybe one
19 of my last questions here is, uhm, is there a... I
20 don't believe there's a statutorily defined process
21 here, but is there a sort of expectation about how
22 often the commission convene or meet or make
23 determinations, or what that process would be?

24 COMMISSIONER BERMÚDEZ: Well, I mean, it... Some
25 of it that is dictated by the candidate pool,

1 because, you know, as people... When people apply
2 there's the timeframe you have to give a decision I
3 believe within 30 days of the application, and then,
4 you know, so on and so forth. So, you know, it...
5 It'll be certainly frequent enough that we can keep
6 up with... that it can keep up with the, uhm, volume
7 that's available.

8
9 WAYNE MCKENZIE: Right, and what we can say,
10 it's... It's sort of a highbred. When you think
11 about the fact that individuals who are sentenced to
12 a 120 days or more, and they have to have served as
13 least 90 days of their sentence. So, in terms of,
14 for example, having the commissioners together to
15 make decisions, when you take in to consideration
16 these time lines, uhm, right now we would say
17 probable at least bi-monthly. But, on any given day,
18 the commissioners... The members of the commission
19 individually, will be reviewing applications.

20 CHAIRPERSON POWERS: Yeah, okay.

21 Uhm, look, I... We have a lot of work to do
22 here. I think it's clear to... I would appreciate,
23 uh, our... You know, having, uh, the beginning
24 process here. But, we are a year and a half after
25 the council signed the... passed the bill. The

1
2 mayor, I think he signed... he signed it, but
3 (INAUDIBLE 00:46:16) in to law, which is, you know,
4 our belief that he supports it. And, we're sitting
5 here in October, uh, of 2021, nearly 16 months later,
6 without, uh, a lot of information about the process,
7 without it seems seemingly a lot of vetting that
8 needs to still occur, and (INAUDIBLE 00:46:36) that
9 needs to occur, let alone getting this to convening.
10 And, we're in the middle of a crisis right now, that
11 of course includes evaluating people to safe... to
12 see who can be sent home and can be kept safe from
13 numerous crisis that are happening inside of our city
14 jails right now. And, whether... Whether you...
15 Whatever your feelings are, uhm, criminal justice and
16 reform, and... and, so forth, anybody's who's walked
17 in those facilities, republicans, democrats, you name
18 it, have seen these conditions, and have been
19 horrified by them.

20 So, I... I recognize there's other offices here,
21 uh, the mayor's office has to play a role in here,
22 but I don't think any of us feel like... I... I
23 don't, I'll, let me say this, I don't feel like...
24 Uh, well, I feel like this needs to be... We need to
25 add a level of urgency to get through the process.

1
2 And, if it means coming through council looking for
3 candidates for it, or, you know, making a larger
4 effort here, we are happy to support that. But, I
5 think it's important... And, it may even... The
6 number a 100 out of 6,000 inmates, seems small to
7 folks, but there are people lives... (Cross-Talk)

8 COMMISSIONER BERMÚDEZ: Right...

9 CHAIRPERSON POWERS: (INAUDIBLE 00:47:37) when
10 you're talking about, you know, their ability to go
11 somewhere and get a determination and they can go
12 home if the commission determines that.

13 So, uhm, I... I'm just... I'm not gonna... I'm
14 not putting (INAUDIBLE 00:47:52) on you, I mean, it's
15 a... It's a larger... You know, I'm just
16 disappointed we didn't have an opportunity... At
17 this point, we're not... We're not... We're not...
18 It's not up and running, and it's... And, there's
19 level of urgency to that route, and certainly, uhm,
20 you know, I'm disappointed that we're not, uhm, you
21 know, we're not getting enough information here
22 today. And, I'm just glad... One thing is we're
23 transferring 200 or so individuals to upstate
24 facilities right now to help... due to a staffing
25 issue, you have a 100 ,you know, based on the numbers

1
2 that we're talking about that at least could be
3 evaluated to also look at how to address those other
4 issues, COVID and staffing.

5 So, I... I just hope next week or imminently we
6 can get more information on where it is. The council
7 will help... assisted you with it with our law we
8 passed. We recognize our role in it. But, I just
9 think it's... We're just... We're far too slow and
10 late in this process right now. And, I wish that
11 also we just had more, frankly, information here
12 today.

13 Uhm, but thank you for your work, and I'm not
14 aiming this all at you, but I... I know there's
15 other, uh, folks here as well, but obviously this
16 hearing was scheduled and meant to be an inflection
17 point on where we are on one way to help to address
18 the crisis inside of these jails right now, which
19 have been well documented.

20 Uhm, I am just gonna check one more... I'm gonna
21 check to see if we have any more questions from
22 members. I don't see anybody's hands up. So, I
23 think we can go on to the next, uh, panel. (INAUDIBLE
24 00:49:24) to the public panels.

1
2 Thank you for being here, Commissioner, and
3 General Counsel, and the new Executive Director, we
4 look forward to working with you. But, I think we
5 should talk very soon about ways that we can make sur
6 you're work gets started.

7 And, uh, and, I... I look forward to doing that.
8 So, thank you.

9 WAYNE MCKENZIE: Thank you... (Cross-Talk)

10 COMMISSIONER BERMÚDEZ: Thank you very much.

11 CHAIRPERSON POWERS: Thanks.

12 COMMITTEE COUNSEL: We will now turn to testimony
13 from members of the public.

14 Please listen for your name, as I will be calling
15 individuals one by one, and will also announce the
16 person who is next.

17 Once your name is called, please accept the
18 prompt to unmute yourself, and the Sergeant At Arms
19 will set the timer, and announce that you may begin.

20 Your testimony will be limited to two minutes.

21 I would like to now welcome Zachary Katznelson to
22 testify, followed by Rachel Sznajderman followed by
23 Kandra Clark.

24 SERGEANT AT ARMS: Time starts now.
25

1
2 at Rikers, like these folks who would be eligible,
3 they actually have a 10% greater recidivism rate than
4 people who are facing the same charges, in New York
5 City, and were given alternatives.

6 And, so, we know that Rikers actually hurts us,
7 not just on an individual bases, and the people that
8 they're exposed to, but as a community, it hurts us
9 in terms of public safety. And, so, we really have a
10 change to address that.

11 And, when we add on the prospect of providing
12 people with housing and services, and probation
13 obviously does a really strong job in many ways in
14 getting people on the right path, we see that it
15 makes a huge difference in people's lives.

16 So, 6-A program, when we had over 300 people
17 released to that program, with housing and with
18 services, we saw actually a 57% reduction in
19 rearrests in the first six months of that program.

20 That's a stunning number. It just shows that
21 these are people who, yes they have been convicted of
22 something, but we can really find a better path
23 forward.

24 And, we just wanted to say that it also honors
25 crime victims. There's a survey released earlier

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2 this year of the views of the victims of violent
3 crime. And, 80% of the people surveyed support
4 programs just like this where we can get people out
5 and connect them... (Cross-Talk)

6 SERGEANT AT ARMS: Time.

7 ZACHARY KATZNELSON: to services, it matter
8 tremendously on so many levels. And, we really hope
9 the mayor will move as soon as absolutely possible to
10 appoint people to the commission.

11 Thanks so much.

12 CHAIRPERSON POWERS: Thank you, just one quick
13 question for you.

14 Uhm, I think one of the issues being identified
15 here is vetting individuals and identifying
16 individuals.

17 In your experience, do you feel there are, uh,
18 eligible... You... You work in the criminal justice
19 field, do you, uh, see that as a challenge, or do you
20 believe that the criteria allows individuals to be
21 able to serve on it?

22 I mean, I think one of the issues we've heard is
23 that, uhm, it's been, you know, a challenge to try to
24 identify and find individuals

25 .

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2 In your experience, do you want to speak to that,
3 of whether the criteria is... And, whether you aware
4 of folks that are... Uh, meet that criteria and
5 willing to serve on the commission?

6 ZACHARY KATZNELSON: Yeah, I don't... I don't see
7 why in a city as... as vast as New York City, and
8 with the number people that are... have education
9 background qualifications that are necessary for the
10 commission, that we should easily be able to find
11 people who can serve. Uh, there are lots of people
12 that I think would be willing and be interested in
13 trying to help individuals and help the city move
14 forward.

15 CHAIRPERSON POWERS: Yeah, and, uhm, we certainly
16 would, uhm, seek some of them out... some of those
17 folks, and I can think certainly the Department of
18 Probation and the mayor's office need those as well.
19 So, would welcome any suggestions you may have when
20 it comes to, uh, people that could serve on that.
21 And... And, I... (Cross-Talk)

22 ZACHARY KATZNELSON: Absolutely.

23 CHAIRPERSON POWERS: I agree with your sentiments
24 expressed in the testimony as well.

25 Thank you, and nice to see you.

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2 ZACHARY KATZNELSON: Sure, nice to see you. Thank
3 you, and we'd be happy to forward a list of some
4 folks that we think might be good candidates.

5 CHAIRPERSON POWERS: That's be great, thank you.

6 COMMITTEE COUNSEL: Thank you.

7 Next we'll hear from Rachel Sznajderman, followed
8 by Kandra Clark, followed by Scott Paltrowitz.

9 SERGEANT AT ARMS: Time starts now.

10 RACHEL SZNAJDERMAN: Good morning, my name is
11 Rachel Sznajderman, and I'm a Corrections Specialist
12 at New York County Defender Services.

13 Thank you to The Committee on Criminal Justice
14 and Chair Powers for holding this hearing.

15 Uhm, I do have to say, I'm a bit horrified by the
16 lack of urgency, uhm, in establishing this
17 commission.

18 But, I'm gonna share a story of one of our
19 clients who would be eligible for release if this,
20 uh, commission was established.

21 Uhm, so the first thing Moe (sp?) said to me when
22 I asked him about the possibility of release, was
23 that, jail is not helping him. He said, "I've been
24 here so many times, and they don't have the tools to
25 help me." Moe is a recovering drug addict and

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2 alcoholic. He's an endless feedback loop; stealing
3 to get money to buy drugs, getting sent to jail for
4 stealing, being spit back out in to society with no
5 resources to help with his houselessness, his
6 addition, his depression. It's no wonder that he
7 returns to what he knows: Friends who are bad
8 influences and his vices.

9 Moe is currently serving two sentences for
10 misdemeanor convictions of petit larceny, neither of
11 which stem from a domestic violence incident.

12 He entered custody on the 17th of September, and
13 has now served longer than 30 days. He is eligible
14 to be considered for local conditional release.

15 All Moe wants is a fresh start. He has a
16 daughter and three grandchildren. He wants to be a
17 role model for his 16-year-old grandson to let him
18 know what he has been through and guide him down a
19 better path.

20 He knows he's getting older, and it weighs on
21 him. He said to me, "The lifespan of a Black man I
22 56 to 71 years old. I'm in there. I don't have much
23 more time."

24 The thought is so grim. He wants to share love
25 and support with his family while he still can.

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2 Moe has been through NA and AA programs before
3 and it was successful for him. He remained sober for
4 five years. Unfortunately, there are no NA or AA
5 programs in jail, and he has not historically been
6 set up with the tools he needs to change his life.
7 He keeps returning to what he knows.

8 He told me over and over again, that's not the
9 life he wants. He suffers from substance use
10 disorder. He steals for that reason and that reason
11 alone.

12 If Moe were released, our office could set him up
13 with the supporting resources he needs for success.
14 He's introspective enough to know that he needs
15 support. He has a family who can help him in his
16 journey to recovery, but he needs more... (Cross-
17 Talk)

18 SERGEANT AT ARMS: Time.

19 RACHEL SZNAJDERMAN: Unless the local conditional
20 release commission is assembled and begins hearing
21 applications, Moe will spend the next six months
22 languishing on Rikers Island.

23 Moving forward with the commission would help Moe
24 and countless other incarcerated individuals just
25 like him whose well-being hinges on release.

1 Thank you.

2 CHAIRPERSON POWERS: Thank you. Thanks for being
3 here and testifying.

4 COMMITTEE COUNSEL: Next we will hear from Kandra
5 Clark, followed by Scott Paltrowitz, followed by
6 Kelly Grace Price.

7 SERGEANT AT ARMS: Time starts now.

8 KANDRA CLARK/ ROBERT O'CONNOR: Good morning,
9 Chair Powers and all the esteemed members of this
10 committee.

11 Uhm, my name is Robert O'Connor, and I'm a policy
12 intern at Exodus Transitional Community, a preventive
13 reentry and advocacy organization with our main
14 office locations in East Harlem.

15 I work closely with Kandra Clark, and I'm
16 testifying on her behalf.

17 And, please allow me to state up front that we
18 appreciate the opportunity to give testimony to you
19 in regard to the local conditional release
20 (BACKGROUND NOISE) (INAUDIBLE 00:57:40) referred to
21 as the LCR.

22 And, let me further state at the outset that we
23 can only hope that the LCR is the first of many steps
24 toward a broad and bold reform to give more
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COMMITTEE ON CRIMINAL JUSTICE

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This is what demonstrably works to reduce
recidivism and increase successful reintegration.
Reentry should start on day one of an
incarceration... (Cross-Talk)

CHAIRPERSON POWERS: Thank you, we... We...
(Cross-Talk)

ROBERT O'CONNOR: Okay.

CHAIRPERSON POWERS: Well, just for time sake, we
have to.... (Cross-Talk)

ROBERT O'CONNOR: Yeah.

CHAIRPERSON POWERS: keep going. But appreciate
(BACKGROUND NOISE) (INAUDIBLE 01:00:42) with a lot of
what you're saying.

Thank so much. Thanks for being here.

ROBERT O'CONNOR: Thanks.

COMMITTEE COUNSEL: Next we will hear from Scott
Paltrowitz followed by Kelly Grace Price.

SERGEANT AT ARMS: Time starts now.

CHAIRPERSON POWERS: I think he just needs to be
unmuted.

SCOTT PALTROWITZ: (TIME DELAY) (INAUDIBLE
01:01:11) New Yorkers have (LOST CONNECTION)
(INAUDIBLE 01:01:12)

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2 CHAIRPERSON POWERS: Scott, you're, uh, I think
3 you're muted. There you go.

4 SCOTT PALTROWITZ: Can you hear me now?

5 CHAIRPERSON POWERS: Your, uh, signal is not great
6 from where I am.

7 SCOTT PALTROWITZ: Hello?

8 SERGEANT AT ARMS: Scott, you're coming in very
9 choppy. I think you may have to, uhm, move it to a
10 different location or try to come back on.

11 CHAIRPERSON POWERS: Why don't we go to the next,
12 uh, panelist, and then we'll come back, and, uh, give
13 Scott an opportunity to testify.

14 COMMITTEE COUNSEL: Next we'll hear from Kelly
15 Grace Price.

16 SERGEANT AT ARMS: Time starts now.

17 KELLY GRACE PRICE: Hi, good morning, sorry, I'm
18 going to keep my camera off, if you don't mind, my
19 battery's very low.

20 I'll be quick, uhm, Councilman Powers, thank you
21 so much for chairing this very frustrating hearing.

22 I'm just feeling so sick to my stomach knowing
23 that we could've had a 100 - 150 people off the
24 island over the last year and a half.

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2 I... This is, I think, the third hearing I've
3 been at this week where no one from the mayor's
4 office has even attended.

5 Uhm, we had a hearing on Monday morning in the
6 Women's Issues Committee and The Public Safety
7 Committee about data of sexual violence, and there
8 was no one from the mayor's office to end gender
9 based violence there. There was no one from the
10 mayor's office of, uhm, criminal justice.

11 Uh, I know it's not your fault, Chief... Chair
12 Powers, but whatever you can do to poke them. The
13 public is noticing.

14 What are we becoming? Some sort of, uhm, behind
15 the scenes government where government officials
16 don't have to show up and answer to the public,
17 because they can hide behind missed Zooms?

18 Uhm, especially right now, when the mayor is
19 planning on unconstitutionally and criminally moving
20 people from Rosie's to Bedford, yes criminally, it's
21 against the New Yorker State Corrections Law to move
22 non-sentenced people in to prisons. And, it's such a
23 dangerous precedent to set.

24 This is a time where we really should be knocking
25 on the mayor's door.

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2 I've had enough. I'm tired of the sound of my
3 voice. I'll submit my written testimony, which will
4 be more detailed, about the needs of women on Rosie's
5 for this specific commission.

6 Thank you so much for all your work.

7 And, Ann (sic), uh, Bermudez, uhm, I met you with
8 my Boxer, Frank Sinatra, a couple years ago. I
9 think, uhm, you might remember me. But, it's nice to
10 hear from you. And, I hope we can establish our
11 connection again.

12 Thank you so much.

13 CHAIRPERSON POWERS: Thank you. Thanks for being
14 here as always.

15 Uh, and let's try to see if we can go back to
16 Scott Paltrowitz. Uhm, if there's... Let's see if
17 we have a signal now?

18 SCOTT PALTROWITZ: Can you, uh, can you all hear
19 me now?

20 CHAIRPERSON POWERS: We can hear you.

21 SCOTT PALTROWITZ: Okay, sorry about that...

22 (CROSS-TALK)

23 SERGEANT AT ARMS: Starting time.
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2 SCOTT PALTROWITZ: Thank you, Chair Powers,
3 Council Member Rivera, and other council members for
4 holding this hearing.

5 You know, it's hard to even be here with in just
6 the last week, we've lost Victor Mercado and Anthony
7 Scott.

8 I don't know if ya'll (sic) have read The Board
9 of Corrections Report about Nicholas Feliciano, but
10 you have... If you haven't read it, please read
11 every word. It is an indictment of this entire
12 system. It's really outrageous and disgusting. The
13 abuse after, abuse after abuse, that Nicholas endured
14 before finally, he tried to hang himself and for
15 basically eight minutes, was left hanging while
16 officers, sergeants, other staff... medical staff,
17 watched him and did nothing to prevent, you know, the
18 harm that happened to him. And, he's now left brain
19 damaged.

20 You know, 14 New Yorkers have died from
21 preventable deaths this year, all caused by the
22 city's jails. And, each of those people should be
23 alive today but for the policies and practices of
24 state and local officials.

1
2 So, everything has to be done to alleviate this,
3 and to de-carcerate. And, this commission is one
4 piece, and it should have been up and running so long
5 ago. And, it must immediately move forward and start
6 reviewing and releasing people now.

7 People who are currently in these deathtraps that
8 are the city jails, and then people who are serving
9 city sentences but have already been sent to other
10 hellholes at our state prisons, should be released
11 immediately.

12 I also will reemphasize what some of the council
13 members have emphasized, that at least the majority
14 of the appointees should be people who have lived
15 through incarceration or have a lost loved-one to
16 incarcerations.

17 I also have to say that much more has to be done.
18 Beyond the commission, DA's and judges must stop
19 sending people to the city jails and must act to
20 release people who are being held pre-trial
21 immediately.

22 This council must act immediately to end solitary
23 confinement. Just in August, Brandon Rodriguez was
24 locked in solitary in a shower, and he is now gone.

1
2 It's just outrageous that the council hasn't acted
3 yet to end solitary.

4 The governor and the mayor need to do more to
5 coordinate efforts to de-carcerate... (Cross-Talk)

6 SERGEANT AT ARMS: Time.

7 SCOTT PALTROWITZ: This is a crisis of
8 unprecedented levels, in a jail system that is always
9 in crisis, but action needs to be taken now to de-
10 carcerate and save lives.

11 Thank you for the time.

12 CHAIRPERSON POWERS: Thank you. Thank you for the
13 testimony.

14 COMMITTEE COUNSEL: This concluded public
15 testimony.

16 If we have inadvertently forgotten to call on
17 someone to testify, please raise your hand using Zoom
18 Raise Hand function now, and we will try to hear from
19 you.

20 Seeing no hands, I will turn it over to Chair
21 Powers to close the hearing.

22 CHAIRPERSON POWERS: Well, thank you, and thank
23 you for everybody who is here to testify today. I
24 recognize the importance of, uh, having a mechanism
25 here to look at individuals, uh, during a crisis

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2 moment. And, I... While I'm grateful the team from
3 The Department of Probation for being here and their
4 work. And, Council Member Holden, and others for The
5 NeON Program and everything else you're doing here in
6 the city.

7 I think we have asked, by passing a law here, for
8 them and this administration to move forward. And,
9 we, uh, I am obviously very disappointed that we
10 didn't have much information today, especially at a
11 moment where it feels like everybody should be
12 working together to address the crisis that's
13 happening in our jails.

14 So, we will be, without question, following up,
15 uh, in the coming days with the administration of The
16 Department of Probation to find out, uh, exactly
17 where they're at, to get more information, and to
18 obviously urge them to move -- and move quickly.
19 And, I appreciate everyone for being here to also
20 echo that sentiment as well. It is, that you might
21 imagine, and that others have said, having hearings
22 where we don't get information that is needed,
23 desired, to do our jobs, it is incredibly
24 frustrating.

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COMMITTEE ON CRIMINAL JUSTICE

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So, uh, with that, I'm gonna close the hearing out. We will be taking our next steps to follow up here.

And, I want to thank all of my colleagues who were here today and asking questions, and, uh, everyone else for being here as well.

And, with that being said, uh, this meeting is adjourned.

Thanks.

(HEARING ADJOURNED)

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 27, 2021