

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND
CRIMINAL JUSTICE SERVICES

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September 16, 2015
Start: 2:12 p.m.
Recess: 2:25 p.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: ELIZABETH S. CROWLEY
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Fernando Cabrera
Rory I. Lancman
Paul A. Vallone

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2 [sound check, pause]

3 SERGEANT-AT-ARMS: Quiet please.

4 CHAIRPERSON CROWLEY: Good afternoon.

5 I'm Elizabeth Crowley, Chair of the Fire and
6 Criminal-Chair--Fire--Sorry, Chair of the Fire and
7 Criminal Justice Services Committee. Today, the
8 committee will conduct a vote on eight bills related
9 to the Department of Corrections. This committee had
10 held numerous oversight hearings regarding the
11 conditions at the Department of Correction
12 facilities. The proposed policy changes in these
13 bills will improve jail operations and provide
14 greater transparency and oversight of the department.
15 Our department has been plagued by increasing
16 incidents of violence for far too long. A major
17 reform contained in this package of bills, one that I
18 co-sponsored with Council Member Dromm would create
19 an Inmate Bill of Rights and Code of Conduct. This
20 would require the department to communicate to all
21 incoming inmates their rights under the law in plain
22 and simple language both in print and orally. It
23 will also convey their responsibilities under the
24 department's rule of conduct while incarcerated.
25 This would clear the lines of communication between

2 inmates and staff, command to them behavior
3 requirements and their rights to services such as
4 medical care and visitation. Given recent health
5 issues amongst inmates including the death of Carlos
6 Mercado, who died of diabetes-related complications
7 while in custody, it is critical that all individuals
8 are aware of this right. I will briefly address each
9 bill individually and afterwards I know that some
10 members who are here today are lead sponsors of these
11 bills and they would like to speak on behalf of their
12 respective bills. I would ask for a vote, though,
13 council members speak of their respective--respective
14 bills.

15 First is Intro 643-A--which is sponsored
16 by myself, which addresses the issues of waiting
17 lists for inmates who have committed infractions and
18 are waiting placement into restrictive housing. I
19 have applauded the creation of new units specializing
20 in addressing the needs of mentally ill inmates, such
21 as restrictive housing units and clinical alternative
22 to punitive segregation units. Unfortunately, the
23 Administration has testified before the waiting lists
24 for these units are far too long. Though the
25 Administration has testified that they are

2 undertaking efforts to reduce this waiting list, the
3 long process is leaving dangerous inmates housed with
4 the general population. This bill will allow the
5 Council and the public to monitor the situation as it
6 progresses.

7 Intro 706-A is sponsored by Council
8 Member Dromm and requires reporting on inmate
9 visitation. Numerous studies have demonstrated that
10 inmates who maintain contact with outside communities
11 while incarcerated are less likely to reoffend when
12 released. Intro 706-A would require the Department
13 of Correction to report on how many visits are
14 occurring at DOC facilities as well as reporting on
15 the reasons any visit is denied. The bill will also
16 require the DOC to report past visitation statistics
17 in order for the Council and the public to see how
18 visitation has changed, and the practice has changed
19 over time.

20 753-A sponsored by Council Member
21 Rosenthal seeks to get detailed information about our
22 jail population: Why they are incarcerated, for how
23 long, and what each individuals bail history is.

24 758-A is introduced by Council Member
25 Barron, and will address the DOC's inmate grievance

2 systems. Reports from advocates have indicated this
3 system is underutilized and the bill will shed light
4 on this under-examined issue.

5 Bill 766-A, 767-A and 768-A are all
6 sponsored by Council Member Garodnick, and all
7 address straightforward issues of transparency. 766-
8 A requires the department to report on the
9 demographic makeup of the inmate population. 767-A
10 requires the department to report the use of force
11 policies, and finally, 768-A requires the expansion
12 of reporting conditions of punitive segregation, and
13 the new enhanced supervising housing and any future
14 DOC housing unit in which inmates are restricted to
15 themselves for more time than in the general
16 population. Gaining insight into this new unit's
17 treatment of inmates will assist the Council and the
18 public in assessing its merits.

19 784-A sponsored by myself along with
20 Council Member Dromm helps in ensuring that every
21 inmate admitted into custody of the DOC understands
22 both their rights and their responsibilities. The
23 sad truth is that a significant number of inmates are
24 either illiterate or have poor reading comprehension
25 abilities. And our bill requires that the DOC not

2 only provide a written summary of these rights and
3 responsibilities in plain and simple language, but
4 also that a summary of these rights and
5 responsibilities are read to every inmate. This will
6 ensure, for example, that inmates are aware of the
7 grievance system, which is addressed by Council
8 Member Barron's intro; the visitation rights, which
9 is addressed by Council Dromm's intro. And bill of
10 rights will additionally communicate to the inmates
11 their right of medical attention intended to avoid
12 health-related tragedies in city jails. Furthermore,
13 a code of conduct will convey rules and regulations
14 for all individuals while in DOC facilities. This
15 will work to eliminate unnecessary infractions for
16 inmates.

17 Our bill also requires DOC to offer each
18 inmate the Connections Guide--the Connections Guide
19 Book for Re-Entry, a free and comprehensive guide for
20 programs available to inmates upon their release. I
21 look forward to passing these bills in committee
22 today. And for the record, the Legal Aid Society has
23 submitted a letter of support for all eight bills,
24 and that will be entered into the official record of
25 the hearing.

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2 I would like to thank all the Council
3 Members who sponsored these important bills, and
4 recognize the Council's commitment to addressing
5 important issues facing the DOC. I'd also like to
6 thank the staff who has worked very hard on these
7 bills, especially Committee Counsel Brian Crowe. I
8 fully support all these bills, and urge my fellow
9 committee members to do the same. I look forward to
10 voting all eight through today, and that the Full
11 Council does the same at tomorrow's Stated Meeting.
12 I'd like to now ask the Committee for a roll vote.

13 CLERK: William Martin, Committee Clerk.
14 Roll call vote Committee on Fire and Criminal Justice
15 Services. Chair Crowley.

16 CHAIRPERSON CROWLEY: I vote aye.

17 CLERK: Eugene.

18 COUNCIL MEMBER EUGENE: Aye.

19 CLERK: Cabrera.

20 COUNCIL MEMBER CABRERA: Aye.

21 CLERK: Lancman.

22 COUNCIL MEMBER LANCMAN: Aye.

23 CLERK: Vallone.

24 COUNCIL MEMBER VALLONE: Aye.

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2 CLERK: By a vote of 5 in the
3 affirmative, 0 in the negative and no abstentions,
4 all items have been adopted.

5 CHAIRPERSON CROWLEY: Thank you, William
6 Martin. I would now like to ask and recognize my
7 colleague Council Member Dan Garodnick to speak on
8 the three introductions that we just voted on today.

9 COUNCIL MEMBER GARODNICK: Thank you,
10 Madam Chair, and I want to thank my colleagues on
11 this committee for voting in favor of these bills,
12 and to you as the Chair for holding the vote on this
13 entire package. Our city has an obligation to keep
14 our residents safe, and that is particularly true
15 when they are in our custody, and regardless of
16 whether they have convicted--been convicted of a
17 crime. Unfortunately, for too long our jails have
18 failed this simple obligation. We've seen and read
19 about too many instances of inmates being abused and
20 violated by fellow inmates and corrections officers.
21 Inmates have been beaten, abused, neglected,
22 assaulted, and harassed. All this horror occurs as
23 our inmate population continues to go down.
24 Conditions have deteriorated to the point where the
25 United States Government is suing the New York City

2 Department of Corrections in order to enforce change.
3 It should never have come to that. Our city cannot
4 afford to wait any longer, and we are taking some
5 very important steps in the City Council today. I'm
6 not going to run through what the bills do since the
7 Chair ably did that, and we've already voted on them.
8 But I will say that the three bills that I have
9 introduced, 766, 767 and 768 I believe will help the
10 public understand why and how the use of force may be
11 used, who resides in our jails, and what occurs
12 within our jail laws. This is only the beginning
13 stages of comprehensive reform. America's eyes are
14 upon our city jails and we need to right the ship.
15 So I thank you Madam Chair for your support and for
16 your leadership on this issue, and I thank my
17 colleagues for their vote.

18 CHAIRPERSON CROWLEY: Thank you, Council
19 Member Garodnick. Now, I'd like to recognize Council
20 Member Inez Barron to speak on behalf of her bill.

21 COUNCIL MEMBER BARRON: Thank you, Madam
22 Chair. I just want to say I appreciate the support
23 that the bill that I have introduced has gotten, Bill
24 758, which talks about being able to monitor what's
25 going on in the grievance system. Having

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2 participated in several of the hearings that you
3 held, it was alarming to understand and to know that
4 there's so many things that are wrong with our system
5 that need to be addressed and corrected. We know
6 that behind these brick walls of our jails and our
7 institutions of incarceration, we don't know what's
8 going on. So the bill that I've introduced will
9 allow us to have a reporting of the number of
10 grievances, where these grievances are in the process
11 of filing or review or resolution. So that we will
12 have a better view of what it is that's going on. To
13 look at the categories in which these grievances are
14 being filed and perhaps come up with measures to
15 address what's going on. And I would like to ask if
16 I could be added to those other bills that are in
17 this package. I think that it's a very significant
18 package. Thank you.

19 CHAIRPERSON DICKENS: Thank you, Council
20 Member Barron. I'd like to now recognize Council
21 Member Helen Rosenthal to speak on behalf of her
22 bill.

23 COUNCIL MEMBER ROSENTHAL: Thank you so
24 much, Chair Crowley, and thank you for your
25 leadership on this issue. This is a great packing of

2 bills that I think we'll address. This is obviously
3 one of our major problems of our time. I--I'm the
4 sponsor of the recording bill 753-A and frankly, we
5 worked so hard on this bill, and the person who has
6 just dug into the details and made sure that we're
7 getting answers to the really important questions.

8 In fact, he has required now reporting on 33 separate
9 pieces of information that's really going to help us
10 better understand what's going on as you say within
11 those brick walls is Brian Crowe. And I want to
12 thank him so much, the General Counsel, that I'm
13 directly lifting his words on why this bill is so
14 important. Fundamentally, I think 753-A allows all
15 of us as policymakers to get answers to crucial
16 questions that amazingly we cannot answer right now.
17 Of the roughly 10,000 inmates we're housing right
18 now, what charges are they facing? How long have
19 they been locked up and for what bail amounts? How
20 many are sentenced? How many are pre-trial? Simple
21 questions, but crucial questions to understanding the
22 system. In other words, we're spending over \$2.2
23 billion on this system, and this bill tries to answer
24 the question of why. Thank you so much for that,
25 Brian. And lastly, I'll just add that transparency

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2 is the first step to securing fair treatment for
3 everyone who's within the brick walls. Thank you
4 very much, Chair.

5 CHAIRPERSON CROWLEY: Thank you to all
6 my colleagues. Are there any council members here
7 who would like to speak who have not spoken? I want
8 to thank you for your leadership. Again, I want to
9 thank the Council staff. I know that these changes
10 will go a long way in improving operations on Rikers
11 Island, and the various other jail facilities in New
12 York City, and so again I thank you, and I look
13 forward to a full Council vote tomorrow. This
14 concludes the Fire and Criminal Justice Committee
15 vote and hearing of September 16, 2015.

16 [gavel]

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C E R T I F I C A T E

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



Date SEPTEMBER 17, 2015