

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

----- X

November 22, 2021
Start: 10:36 a.m.
Recess: 1:44 p.m.

HELD AT: Remote Hearing - Virtual Room 3

B E F O R E: Keith Powers
Chairperson

COUNCIL MEMBERS:

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

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

Stanley Richards
DOC First Deputy Commissioner

Sasha Ginzberg
Executive Director of Borough-based Jail System

Ada Pressley
Bureau Chief of Facility Operations DOC

Dana Wax
DOC Chief of Staff

Rebecca Clough
Associate Commissioner Borough-based Jail
Program

Marcos Soler
MOCJ Director of Criminal Justice

America Canas
MOCJ

Jeanette Merrill
Director of Communication

Nadine Maleh
Executive Director of Capital Projects

Margaret Egan
Executive Director of Board of Correction

Zachary Katznelson
Executive Director of Lippman Commission

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

Brandon Holmes

Darren Mack
Freedom Agenda

Jane Elky

Angel Tweros [sp?]
Freedom Agenda

Crystal Gooding
Freedom Agenda

Kandra Clark
Exodus Transition

Edwin Santana
Freedom Agenda

Anna Pastoressa
Freedom Agenda

Akilah Tomlinson [sp?]
Freedom Agenda

Arline Parks
Chair of Community Board One

Jane-Roberte Sampeur
Legal Aid Society

Tracie Gardner
Legal Action Center

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

Jenny Veloz
NYLAG

Nigel Quiroz
Innocence Project

Joanna Weill
Center for Court Innovation

Eileen Maher
WCJA

Daniele Gerard
Children's Rights

Kelly Grace Price
Close Rosie's

Leah Faria
WCJA

Brea Aggard
WCJA

Kandi Johnson
Youth Justice Network

Reverend Chloe Breyer
Interfaith Center of New York

Apostle Onleilove Chika Alston
Interfaith Center of New York

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

Susan Shah
Trinity Church

Reverend Wendy Calderon-Payne
Bronx Connect

Eric A. Goldstein
RNDC

Walter Wally Nash
Concord Ave. Resident

Abduli Bald [sp?]
Bronx Resident

Nadev Gazet [sp?]

Michael Johnson

Melissa Vergara [sp?]
Freedom Agenda

1
2 SERGEANT AT ARMS: Good morning and
3 welcome to the remote hearing on Criminal Justice.
4 Will Council and staff, please turn on their video at
5 this time. Thank you. To minimize disruptions,
6 please place all cellphones and electronics to
7 vibrate. You may send your testimony to
8 testimony@council.nyc.gov. Once again, that's
9 testimoy@council.nyc.gov. Chair Powers, we are ready
10 to begin.

11 CHAIRPERSON POWERS: Thank you and
12 welcome to today's Criminal Justice Committee
13 hearing. I am City Council Member Keith Powers,
14 Chair of the Criminal Justice Committee, and I am
15 just getting my script up as we speak. City Council
16 Members, I'm glad that everyone-- City Council Member
17 Keith Powers, Chair of the Criminal Justice
18 Committee. I'm glad that you could join us today for
19 our hearing on the update on the borough based jails
20 plan. As many of you know, in 2016 former New York
21 City Council Speaker Melissa Mark-Viverito call4d for
22 the creation of an independent commission to examine
23 closing jails on Rikers Island. The commission
24 unanimously recommended closing all jails on Rikers
25 Island, and in 2017 Mayor de Blasio agreed. This

1 session, the Council working with the Administration
2 adopted a borough-based jails plan, and due to the
3 COVID-19 pandemic, the plan has been pushed back, but
4 the Administration has worked earnestly to begin the
5 process of procuring design build teams to construct
6 all four new facilities, and according to the most
7 recent report from the Mayor's Office of Criminal
8 Justice, the Administration is on schedule to meet
9 the new deadline of August 2027. Our 15 [sic] jails
10 are literally falling apart and have contributed to a
11 dangerous situation on Rikers Island. Our 15 [sic]
12 jails do not allow for efficient [inaudible] staff,
13 are not conducive to program, and make court
14 appearances and visitation difficult. I'll also add
15 there, even on our hottest days there's no air
16 conditioning and the conditions there at all times
17 remain way outdated to providing basic human services
18 to individual. This is why the Council and
19 Administration must continue to work together to
20 complete the borough-based jails plan as quickly as
21 possible and to ensure the new facilities are
22 designed to be humane, safe, and efficient. Today,
23 we are here seeking an update on the progress to
24 close and transfer Rikers Island to DCAS and the
25

1 status of each of the four borough-based facilities.

2 We also want an update on the point of agreements

3 that were negotiated as part of the borough-based

4 jails plan. We want to hear more about the design of

5 the new jails, how they will better serve those in

6 custody, staff, and community. And lastly, we want

7 to know how the Administration plans to reduce the

8 jail population and change the culture with the

9 Department of Corrections. With that said, I want to

10 thank the committee staff for putting together this

11 hearing, and I'd like to acknowledge all the members

12 who are here today. I'm going to go through the list

13 here. I see we have Council Member Bob Holden. We

14 have-- [inaudible] this. We have Council Member

15 Ampry-Samuel and I think we'll be joined by more

16 shortly and I will acknowledge. Sorry if I missed

17 anyone for the time being. With that being said, I

18 will hand it over to the committee staff now of the

19 City Council to go over some procedural items.

20 COMMITTEE COUNSEL: Thank you. I am

21 Agatha Mavropoulos, Counsel to the City Council

22 Committee on Criminal Justice. Before we begin, I

23 want to remind everyone that you will be on mute

24 until you are called on to testify. When it is your

25

1
2 turn to testify, you will receive a prompt to unmute.
3 Please listen for your name to be called, as I will
4 periodically announce who the next panelist will be.
5 We will first hear testimony from the Department of
6 Correction followed by testimony from the Mayor's
7 Office of Criminal Justice, followed by a period of
8 question and answer from the committee members to the
9 Administration. We will then hear testimony from the
10 Board of Corrections followed by a period of question
11 and answer from Committee members. We will then hear
12 from the public. During the hearing, if Council
13 Members would like to ask a question, please use the
14 Zoom raise hand function and I will call on you in
15 order. Council members will be limited to three
16 minutes, including responses. I will now administer
17 the oath to all members of the Administration. After
18 I say the oath, please wait for me to call your name
19 and respond one by one. Please raise your right
20 hand. Do you affirm to tell the truth, the whole
21 truth and nothing but the truth before this committee
22 and respond honestly to Council Member questions?
23 First Deputy Commissioner Stanley Richards?

24 FIRST DEPUTY COMMISSIONER RICHARDS: I

25 do.

1 COMMITTEE ON CRIMINAL JUSTICE 11

2 COMMITTEE COUNSEL: Executive Director of

3 the Borough-based Jail System Sasha Ginzberg?

4 EXECUTIVE DIRECTOR GINZBERG: I do.

5 COMMITTEE COUNSEL: Bureau Chief of

6 Facility Operations Ada Pressley?

7 CHIEF PRESSLEY: I do.

8 COMMITTEE COUNSEL: Chief of Staff Dana

9 Wax?

10 CHIEF WAX: I do.

11 COMMITTEE COUNSEL: Associate

12 Commissioner for Borough-based Jail Program, Rebecca

13 Clough?

14 ASSOCIATE COMMISSIONER CLOUGH: I do.

15 COMMITTEE COUNSEL: Senior Project

16 Manager for the Borough-based Jail Program Public

17 Buildings, Lindsey Shields [sp?]?

18 LINDSEY SHIELDS: I do.

19 COMMITTEE COUNSEL: Director of Criminal

20 Justice, Marcos Soler?

21 DIRECTOR SOLER: I do.

22 COMMITTEE COUNSEL: Senior Advisor at

23 MOCJ, America Canas?

24 UNIDENTIFIED: [inaudible] having a

25 problem with her audio. She will do that later.

1 COMMITTEE ON CRIMINAL JUSTICE 12

2 COMMITTEE COUNSEL: Thank you.

3 AMERICA CANAS: I do.

4 COMMITTEE COUNSEL: Executive Director of
5 Capital Projects Nadine Maleh?

6 EXECUTIVE DIRECTOR MALEH: I do.

7 COMMITTEE COUNSEL: I do.

8 COMMITTEE COUNSEL: Thank you. Director
9 of Communications and Intergovernmental Affairs of
10 Correctional Health Services Jeanette Merrill?

11 DIRECTOR MERRILL: I do.

12 COMMITTEE COUNSEL: And Executive
13 Director of the Board of Correction Meg Eagan

14 EXECUTIVE DIRECTOR EGAN: I do.

15 COMMITTEE COUNSEL: Thank you. We will
16 now proceed with testimony from the Administration,
17 First Deputy Commissioner Stanley Richards. You may
18 begin when ready.

19 FIRST DEPUTY COMMISSIONER RICHARDS:
20 Thank you. Good morning Chair Powers and the
21 Committee on Criminal Justice. My name is Stanley
22 Richards, and I am the First Deputy Commissioner of
23 Programs and Training at the Department of
24 Corrections, and I oversee the borough-based jail
25 system at DOC. As mentioned, I'm joined here by

1
2 Sasha Ginzberg, Executive Director of the Borough-
3 based Jail System, Ada Pressley, Borough Chief of
4 Facility Operations, and Dana Wax, Chief of Staff.

5 With all the challenges the Department faces today, I
6 am thrilled to spend some time to talk to you about
7 the vision we have for the future. In the spring of
8 2017, the City committed to closing the jails on
9 Rikers Island and creating a network of modern,
10 humane, borough-based jails. The City is currently
11 on track to build the Borough-based Jail System and
12 completely close Rikers Island by 2027. This smaller
13 jail system built upon the foundation of dignity and
14 respect will house a total population of no more than
15 3,300 people, reflecting the reality that we can keep
16 our [sic] fewer people in jails without compromising
17 safety of our city. The Borough-based Jail System is
18 at its core a jail population reduction plan. We are
19 dramatically shrinking New York City's jail capacity.
20 Currently, the Department operates eight active jails
21 that have approximately 11,000 beds. Under this plan
22 we will have four jails that will house a total
23 population of 3,300 people. in addition, the plan
24 for the Borough-based Jail System are informed by a
25 focus on the dignity of everyone in our jails, people

1 in custody, the officers who keep them safe, and the
2 community members who keep those in custody connected
3 to our society and help them transition back home.
4 Making jails more humane is not about a trade-off
5 between people in custody and officers; it's just
6 not. It's about creating a culture of dignity,
7 rehabilitation, a respect for everyone inside our
8 jails. That's why the new facilities will be designed
9 to foster the safety and wellbeing of everyone,
10 providing space for quality education, health, and
11 therapeutic programming. We are grounded in the
12 understanding of the context and continuity of
13 people's lives, which requires supportive services
14 such as healthcare and education, both inside the
15 facility and linked to the community. The plans
16 recognize that most of the people in our jails are
17 going back to their neighborhoods, and prioritize the
18 need to reintegrate them successfully upon their
19 release. The Borough-based Jail System will
20 strengthen connections to families, attorneys,
21 sports, medical, and mental health care and faith and
22 community-based organizations. Being closer to home
23 and transit will enhance the network of supports for
24 people who are detained and help defend them from
25

1 coming back into the system. while we are still
2 working very hard every day to address the challenges
3 we have right now, I'm at DOC to look toward the
4 future, and every day that we fight the crisis we're
5 facing I'm heartened by the vision that so many city
6 leaders have worked to put forward that truly
7 reflects the values of our city. We want to thank
8 the tireless work of advocates, fully incarcerated
9 people, and those who have been directly impact by
10 Rikers Island, including our officers and our non-
11 uniformed staff. The City has a master plan [sic]
12 who have dedicated interagency teams and through
13 cooperation with council which has provided critical
14 support throughout this process. DOC works with
15 Correctional Health Services, the Mayor's Office of
16 Criminal Justice, and the Department of Design and
17 Construction to ensure the plans for the new jails
18 reflect a new vision for our jails, one that is safe
19 and humane, one that works for the people whose lives
20 it touch, one that makes people leave better off than
21 when they arrive. We have a movement in this city to
22 ensure that the jails that created, reflect the
23 values of humanity first, humanity for our officers,
24 the conditions that they work in speak to the value
25

1 that we place on the job that they do, the humanity
2 of those who are detained, and the values of the
3 community for which they come. We are no longer in a
4 moment where isolation, militarization [sic] are the
5 call of the day. We have an opportunity to build a
6 better system of accountability and fairness built on
7 the humanity of everyone. So I'd like to turn it
8 over to my colleague Sasha Ginzberg who is the
9 Executive Director of Borough-based Jail System.

11 EXECUTIVE DIRECTOR GINZBERG: Thank you,
12 Stanley. Good morning Chair Powers and the Committee
13 on Criminal Justice. My name is Sasha Ginzberg and
14 I'm the Executive Director of the Borough-based Jail
15 System at the Department of Correction. Thank you
16 for having us here to provide an update on the plans
17 to close Rikers Island and build the new Borough-
18 based Jail System. The last time we were before
19 Council to discuss this project was during the
20 uniform land use review procedure, or ULURP, in
21 October of 2019. Since the Council approved our
22 ULURP application on October 17th 2019 we have been
23 working diligently on moving this project forward to
24 ensure we can close Rikers Island as quickly and
25 efficiently as possible. We went into the ULURP

1 process with a master plan to build four facilities
2 and determined the rough square footage, height, and
3 density of the build. In the master plan, we laid
4 out a vision for the new facilities that includes
5 robust services provided to people in custody, a safe
6 and comfortable place for staff to work and buildings
7 that integrate well into the surrounding community.
8 During ULURP, we refined this program in close
9 consultation with council and the resulting height,
10 square footage, and density of all four facilities
11 were reduced dramatically to account for the
12 reduction of projected incarcerated population. The
13 City team has been working with [inaudible] work
14 requirements that were determined in conjunction with
15 the City Planning Commission and the City Council.
16 As you may know, the ULURP approval fined [sic] us to
17 a maximum height 295 feet in Manhattan and Brooklyn,
18 195 feet in Queens and the Bronx, a maximum square
19 footage floor area ratio which measures the building
20 density, number of parking spaces [inaudible] and
21 where the entrance and exits are. Within these
22 constraints we have developed a detailed program for
23 these buildings that embodies the vision that FDC
24 Richards [inaudible]. The Borough-based Jails will
25

1 be fundamentally different than the jails we have
2 today. There are three core components that define
3 our program and improve upon the facilities and
4 conditions that we currently see, better housing
5 units, better cells, and better operations. First,
6 I'll discuss the better housing. We will-- on every
7 housing unit will be-- every housing unit will be
8 centered around a large [inaudible] that will serve
9 many functions and dedicated with direct access to
10 outdoor recreation. In every housing area will be
11 one or two multi-purpose rooms, two interview rooms,
12 a quiet room, specific areas for dining and passive
13 lounging, and areas for programming and health
14 services. The goal of bringing services to people in
15 custody rather than bringing people in custody to
16 services is to reduce movement throughout the
17 facilities, and ensure consistent access to
18 programming that is not interrupted by incidents in
19 the rest of the facility. There will also still be
20 congregate programming spaces including classrooms,
21 vocational education, chapel, gym, and law and
22 leisure library. In addition, the furniture in the
23 day rooms will be comfortable and will provide
24 different furniture for different uses. For example,

1 dining areas will have circular tables with removable
2 chairs and leisure areas will have couch [inaudible].
3 The finishes of the spaces will be designed for
4 maximum noise absorption and to be soothing for
5 people. We are requiring acoustic ceiling tiles to
6 be included and doors to have a wood grain finish.
7 Importantly, very importantly for this building,
8 there will be no bars throughout the entire facility.
9 In addition, another key component of our program are
10 therapeutic housing. Approximately 50 percent of the
11 total housing units throughout the Borough-based Jail
12 System will be therapeutic. These units will have
13 increased programming in clinical spaces and will be
14 co-staffed between DOC and DHS staff, similar to the
15 current [inaudible]. We will serve people with
16 medical mental health or substance use needs. In
17 addition, on every housing unit floor there is a
18 cluster space that will be accessible by all the
19 housing units on that floor. The cluster spaces
20 included additional programming space, including more
21 multi-purpose rooms and interview rooms, a barber
22 shop, de-escalation rooms, decontamination showers
23 and additional administrative spaces for DOC and DHS
24 staff. Now I want to talk about the better stuff.
25

1
2 All furniture and materials used throughout the new
3 jails will be as comfortable as [inaudible]. In the
4 cells we'll be using detention-grade office [sic]
5 furniture that is both comfortable and secure. Every
6 cell will have a bed, desk, and chair, and a window
7 with a direct view to the outside. This will allow
8 people in custody to see the changing light and city
9 [sic]. In every cell, people in custody will be able
10 to control an air vent to allow fresh air into the
11 cell. In addition, there'll be operable blinds within
12 each window to control light into the cell. Now we
13 will move to better, the better operations of the new
14 facility. In the new jails, rather than having q
15 single intake space that serves numerous and
16 oftentimes competing functions like in the current
17 jails. The Borough-based Jails will have dedicated
18 new admissions space that will only serve people who
19 are being admitted to the facility. There'll be
20 other and dedicated spaces for release [sic], court
21 [sic] production, and the de-escalation of incidents.
22 Currently, all these functions occur in the intake
23 spaces which were not designed to accommodate them.
24 As a result, intake can feel incredibly chaotic and
25 in the wrong circumstances. In an acute crisis--

1 that there's one officer assigned to each housing
2 unit, and they have an open officer station space in
3 the middle of the day room [sic]. Through effective
4 design, officers will have sight lines to all areas
5 in the housing unit and will be moving throughout the
6 unit during the shift. We'll also have local service
7 providers staffing the welcoming public lobbies of
8 the new facilities so people in the community can
9 come in and access resources directly in the building
10 [sic]. These providers will also help people who are
11 released from the facilities access services such as
12 transportation, housing, and transitional
13 appointments among others. The lobby will also have
14 comfortable furniture with a dedicated children's
15 play area, stroller parking, and lactation rooms. Now
16 we'll move on to discuss our current timeline. The
17 city began the process procuring design and
18 construction services for facility dismantling, site
19 preparation, and construction of the four borough-
20 based jails immediately following the 2019 ULURP
21 approval. The city receives state approval to
22 execute this project using design build project
23 delivery which will allow us to construct the jail
24 and close Rikers Island by 2027. We would not have
25

1
2 been able to do this if we had been constrained by
3 the antiquated design [inaudible] lowest bid number
4 the city was forced to use to deliver most of capital
5 [inaudible]. As I noted, the City Department of
6 Design and Construction began the required
7 procurement process for this program just under two
8 years. By March of this year, we had a design build
9 team on board for the demolition of a municipal
10 parking lot and construction of a new parking and
11 community [inaudible]. The Queens garage and
12 community space is on schedule to be completed by
13 late 2022, just three years after the start
14 [inaudible]. A project of this magnitude would
15 normally take six years or more to empty. Procurement
16 is well underway for the construction of the new
17 facility in Queens, the Bronx, Manhattan, and
18 Brooklyn. To ensure the broadest industry
19 participation, each site will have two separate
20 [inaudible] for site dismantling and preparation, and
21 a second for the design and construction of the new
22 facility. By the end of 2021, dismantling site
23 preparation contracts will be registered on all four
24 sites, and site work will begin in early 2022, paving
25 the way for the delivery of smaller and more humane

1 facilities to be in place by 2027. In September of
2 2021, the City released an RFP for the construction
3 and design of the four facilities. The Manhattan
4 facility RFP will be released December 2021. The
5 other three boroughs follow shortly thereafter. All
6 four design and construction contracts will be
7 registered by the end of 2020. Completing an
8 unprecedented 8.5 billion dollar program by 2027
9 requires tremendous collaboration and we have been
10 working in close coordination with MOCJ, City Hall,
11 the Office of Management and Budget, the Public
12 Design Commission, the Department of City Planning,
13 and others, it is truly a team effort. In addition,
14 since the inception of the Borough-based Jails
15 project throughout the ULURP process and since its
16 approval, we have ben working closely with all
17 relevant stakeholders. Local community members,
18 advocates, formerly incarcerated individuals, DOC and
19 CHS staff, and people who are currently in DOC
20 custody. In addition to convening the Neighborhood
21 Advisory Committee to discuss the concerns of the
22 local community, we conducted design workshops with
23 the communities of the four jail sites, justice
24 advocates, formerly incarcerated individuals, people
25

1
2 currently in DOC custody and DOC and CHS staff. The
3 results from these workshops inform the design
4 guidelines for the facilities, and we are continuing
5 these conversations as the process continues. Before
6 I close, I just wanted to say thank you very much for
7 your interest in our work and for the Council's
8 partnership on the Borough-based Jails. While the
9 elements for the plan I've mentioned are only some of
10 the key features of the new facilities, there are
11 illustrative of the new model of incarceration of
12 these facilities going forward. We're happy to
13 explain the program in further detail or answer any
14 specific questions about how else these facilities
15 will be designed. Thank you very much.

16 COMMITTEE COUNSEL: Thank you. Next we
17 will hear from Director Soler. You may begin when
18 ready.

19 CHAIRPERSON POWERS: And just briefly
20 before we go on, I just want to recognize we've been
21 joined by Council Member Van Bramer and Council
22 Member Rivera.

23 DIRECTOR SOLER: Good morning Chair
24 Powers and members of the Committee on Criminal
25 Justice. My name is Marcos Soler, and I am the

1 Director of the Mayor's Office of Criminal Justice.

2 I'm joined today by America Canas, Senior Advisor for
3 Justice Initiative, and Nadine Maleh, Executive
4 Director for Capital Projects. Thank you for the

5 opportunity to testify about the progress of all our
6 efforts to close Rikers in order to create a smaller,
7 fairer jail system with four borough-based jails.
8

9 Since the start of this Administration and from the
10 inception of the borough-based jails project, my

11 office, MOCJ, has helped to lead the broader policy
12 initiatives that go together with the project. I

13 have advised the Mayor on evidence-based best
14 practices for transforming our current jail system in
15 to one that is smaller, safe, and more humane. Once

16 necessary objective of the Borough-based Jail Plan is
17 to reduce the size of the city jails populations to

18 3,300. We believe that despite challenges posed by
19 the pandemic, we are on course to meet this goal by

20 2026. New York City currently has the lowest

21 incarceration rate of all the large cities in the

22 United States, and that has been the case all through
23 this Administration. We have seen historic declines

24 over the course of this Administration, accelerating

25 the pace of reduction of the jail population, by

1 decreasing the population from over 11,000 in 2014--
2 sorry, in 2013 to about 5,500 or less which is today.
3 We are committed to the goal of the Borough-based
4 Jails and therefore are employing strategies and
5 investing in the tools and reduce the need for pre-
6 trial incarceration. Alternatives to incarceration,
7 supervised release, effective re-entry services, and
8 a fully functioning court system are vital to the
9 reduction of the City's jail population. Allow me to
10 share with you a bit more about thee programs and
11 initiatives and how they continue to further the
12 Administration's goal to reduce unnecessary
13 incarceration. Civil Rights release: in 2016 the
14 City launched supervised release citywide, offering
15 judges the option of releasing appropriate and
16 eligible defendants and their specific supervisory
17 conditions. This is a program that has been tested,
18 evaluated both internally and externally with no
19 changes to their FTA race [sic], the race to which
20 they're a flight risk, or the re-arrest rate and has
21 proven to be crucial in reducing the jail population.
22 Overall, the number of people projected to serve by
23 supervised release has increased from 3,300 since
24 it's inception in 2016 to close to 2,000 in 2022, and
25

1 going forward. The current overall value of these
2 contracts is more than 72 million dollars annually.
3 MOCJ released an RFP in September 2021 to solicit
4 providers to continue this service moving forward for
5 the next few years. Alternatives to incarceration:
6 Alternative to Incarceration programs are court
7 mandated diversion programs that provide participants
8 with supported services in our communities instead of
9 a jail or prison sentence. Alternatives to
10 incarceration programs are key-- are a key component
11 of the Citizen Investment and reduces the court's
12 reliance for incarceration for long and short term
13 jail sentences. MOCJ currently has 35 million dollars
14 in contracts in fiscal year 21 with 15 nonprofit
15 organizations to run a total of 24 alternatives to
16 incarceration programs throughout the city. In 2017,
17 the City increased its investments in ATI programs to
18 serve approximately 5,500 people as well as to
19 provide additional behavioral health services to
20 alternatives to incarceration participants and
21 housing resources for women enrolled in ATI programs.
22 In 2020 the City expanded its ATI programs even
23 farther to divert more people as well as to provide
24 additional supportive services to more fully address
25

1 participant needs. Re-entry: one of the key elements
2 of the public safety approach of this Administration
3 has since reduced the recidivism rate. We have seen
4 that in recent years. The recidivism rate has
5 decreased from over 40 percent to 36 percent. While
6 this sort of action encouraging the number of people
7 who do return to jails and to prison is still too
8 high. We are currently making significant new
9 investments in services and our reshaping the way we
10 deliver those services to ensure that they are
11 effective. These investments are effective-- this
12 investments and the effective deployment of the
13 services will be key in reducing the return rate
14 farther. MOCJ, for instance, expanded its re-entry
15 programming to improve the transition of release
16 planning services to individuals in Rikers. The city
17 invested 20 million dollars into this new program
18 which builds up on the success of the Jails to Jobs
19 reentry services which was launched in 2018. Upon
20 release, individuals work with reentry mentors who
21 help facilitate all aspects of reentry on our
22 individual [inaudible] basis. The reentry mentors
23 develop relationships with released individuals to
24 encourage participation of relevant services and
25

1 programs. Our providers are currently implementing
2 many of these wrap-around services after [inaudible]
3 additional support. Additionally, in order to
4 maximize safety at the beginning of the pandemic,
5 MOCJ worked with agency and nonprofit par-- with
6 other agencies and nonprofit partners to stand up
7 entirely new set of services in under enrolled hotels
8 in New York City. Beginning in late March of 2020,
9 MOCJ worked with then New York City Office of
10 Emergency Service and nonprofit partners [inaudible]
11 transitional services to provide transitional housing
12 to clients leaving jails. These hotels have been
13 vital to maintaining safety in the pandemic, and we
14 are incredibly proud of the work that we have done
15 here. Currently, those hotels serve more than 750
16 people. Finally, the courts. While we are
17 optimistic about reducing the City's jail population,
18 I want to be clear and I should be clear, there are
19 still significant challenge to overcome. The courts
20 are critical to a full and functioning system and are
21 necessary to achieve the goals of improving public
22 safety, reducing unnecessary enforcement and
23 incarceration and promoting safety. Since the
24 beginning of the summer of 2020, the City has been
25

1 calling the courts to help work with us together in
2 addressing the backlog and address rising cases
3 involving gun violence as well as other form type of
4 cases. The [inaudible] in the processing of criminal
5 cases have resulted in a jail, in my opinion, that is
6 functioning as a prison with more people being held
7 for longer periods of time. About 30 percent of the
8 people detained right now, 32 percent of the people
9 detained, have been held for more than a year.
10 That's almost 1,700 people. They have been-- many of
11 them have been there entire pandemic. Fewer court
12 appearances and pre-trial hearings result in fewer
13 dispositions of felony cases. [inaudible] ability to
14 resolve felony hearings-- sorry, felony cases as pre-
15 trial people in Rikers awaiting resolution of the
16 cases for much longer periods of time than any point
17 in the last eight years of this Administration. It's
18 a system often in many cases that looks like
19 indefinite detention. The justice system requires the
20 resolution of these cases whether that be a plea
21 disposition or a sentence after trial. We need the
22 courts to function at full capacity so the justice
23 system can run smoothly and we are able to reduce the
24 populations in Rikers Island. From the start of the
25

1 pandemic, the City has worked with the courts, the
2 District Attorneys, the Defenders, and other partners
3 to facilitate continued operations of the essential
4 functions of criminal justice and bring cases to
5 conclusions, and we will continue to do so. As the
6 courts begin to increase our capacity, we are
7 continuing to work with all the stakeholders as well
8 as the state to reduce the jail population even
9 farther. Right now it's at 5,400. Through
10 successful partnerships with New York State
11 Department of Correction, community supervision, and
12 the [inaudible] Office, we are transitioning.
13 Incarcerated women in the Rose Singer facility at
14 Rikers to the State-run Bedford City-- Bedford Hills
15 and [inaudible] facilities. We anticipate continued
16 cooperation with the state to help reduce the number
17 of people in city jails. Thank you for the
18 opportunity to share with you the strategies and
19 interventions that we're employing to reduce the
20 City's jail population as well as some of the
21 challenges that we are working hard to overcome. I'm
22 happy to answer any questions that you might have.

24 COMMITTEE COUNSEL: Thank you. We will
25 now turn it over to questions from Chair Powers.

1
2 Panelist, please stay unmuted if possible during this
3 question and answer period.

4 CHAIRPERSON POWERS: Thank you and thank
5 you for the testimony from the various agencies here.
6 We have lots of questions. I want to start maybe
7 where we just left off with MOCJ talking about
8 population and [inaudible]. Just give us the
9 headcount. Can you just let us know what the
10 headcount is today in our city jail?

11 DIRECTOR SOLER: Yes, if you could give
12 me one second. I have it right here. It's 5,444.

13 CHAIRPERSON POWERS: 5,444, okay, got it.
14 You know, as I understand it, there was a mayor's
15 goal-- the Mayor had a goal of getting that
16 population below 5,000 by the end of December, and
17 certainly part of this plan not only is about
18 reducing the sentence, but also, you know, it's a
19 requirement here too, and we recognize the stresses
20 on that. You've been doing it, but the court system
21 is one of them. Can you just give us-- and we've
22 heard a lot about the court system both in-- we've
23 heard the Mayor talking about a lot when it comes to
24 public safety in the City. Certainly we've also
25 heard the DOC talk about it when it comes to the

1 census, the daily census inside our city jails in
2 custody. Could you just give us more a sense of what
3 is happening right now in the court system, how
4 functional they are, how many cases you're seeing and
5 getting processed there relative to normal-- what we
6 call normal times, and maybe just elaborate a little
7 bit on what is happening in the court system that's
8 causing the daily census inside of our city jails to
9 be higher than expected?

11 DIRECTOR SOLER: Yes, of course, I will
12 try to do that to the best of my ability. So I want
13 to emphasize the main challenges that we see in the
14 courts, but also try to figure out how we try to work
15 together. Right now in the court system, we know that
16 court appearances are down close to what you call
17 normal times. So I'll use 2019-- by almost 35
18 percent. Pre-trial hearings are down 55 percent.
19 Police are down close to 50-55 percent. Trials are
20 down 90 percent, but what is important in many of
21 these instances is almost sentences are down about 55
22 percent. If one looks at, for instance, the number
23 of pre-trial detainees who are there for a violence
24 felony, who are by the way 97 percent of those 1,700
25 who have been there for-- 99 percent of those who

1
2 have been there for more than one year. There are
3 3,934 pre-trial violence felony detainees today. If
4 those cases are moving faster, if those people were
5 either sentenced to prison or those people were sent
6 back to the community because of the resolution of
7 the case determined that they should not have been
8 there in the first place, we will see those numbers
9 to go down. When you have a court system with all
10 the challenges that is not operating at that level of
11 functionality that we expect, where you see-- it's a
12 probably a gap in my estimation of at least 800-900
13 cases at minimum for these very older cases, 24 or
14 more than are there. So I look for instance on 2019,
15 I look at just prior to the pandemic, we know we were
16 there between 800 to 900 pre-trial folks who had been
17 there for more than a year. Now we see there's 700.
18 We know perfectly well that again, if the court were
19 to resolve those cases we will be in a different
20 position. That also help us in the public safety
21 component, because I think we have highlighted these
22 in many situations, and I think [inaudible] very
23 recently in an op-ed when he noted and when people
24 are there and they don't know when their case is
25 going to be resolved, that leads to more violence in

1 the jails. That certainly leads for more people to be
2 desperate, and in the long term it's going to impact
3 our ability to reduce recidivism. That's a very
4 particular way in which I think the courts and the
5 justice system right now is not happening in our jail
6 population, but it's also impacting, again, the jail
7 as well as our public safety. That's a very-- the
8 best way I can describe it, in my view, how the data
9 supports their claims, the claims that the mayor has
10 made about the need for the system to be fully
11 operational as you indicated.

12
13 CHAIRPERSON POWERS: We've also been
14 joined, I do believe, by Council Member Darma Diaz as
15 well. Hey Council Member. What's the-- what is the
16 outrage today for an individual in custody, the
17 average time in custody, days-wise?

18 DIRECTOR SOLER: I'll get that number for
19 you in two seconds, but I know has doubled. I'll get
20 that particular number in one second.

21 CHAIRPERSON POWERS: Okay.

22 DIRECTOR SOLER: I think the right
23 measure is what is the average time, again, that the
24 largest group of population which are the violent

25

1 felonies, pre-trial violent felony offenders or they
2 are, and I'll get you the right number right away.

3
4 CHAIRPERSON POWERS: Okay, get us that
5 number, and maybe you could tell us how that compares
6 to pre-COVID. This is probably for DOC, but one
7 thing I know, just-- we're going to go back to the
8 general population number for a second. I just want
9 to talk about facility closures and the transfer of
10 Rikers Island to DCAS. Can you tell us right now
11 which DOC facilities are currently closed on both
12 Rikers Island and

13 FIRST DEPUTY COMMISSIONER RICHARDS: Yes.
14 We have Manhattan House is closed. Brooklyn House is
15 closed, and JATC was the facility we transferred.

16 CHAIRPERSON POWERS: You transferred that
17 to DCAS, is that correct?

18 FIRST DEPUTY COMMISSIONER RICHARDS:
19 Correct.

20 CHAIRPERSON POWERS: Okay, that was-- if
21 I understand it, the first facility transferred out
22 of DOC under the Renewable Rikers Act. Do we have--
23 can you give us a sense of when the City will
24 transfer other closed facilities, DCAS, and
25 potentially explain to us why those haven't been, why

1
2 other facilities haven't been transferred at this
3 point?

4 FIRST DEPUTY COMMISSIONER RICHARDS: Yes.
5 Thank you for that question, Council Member Powers.
6 We want to close Rikers Island, and we want to do so
7 by 2027, but there are a couple of variables that we
8 need to keep in mind as we move forward to transfer
9 either land or facilities, or there's around
10 population. [inaudible] we talked to other Council
11 Members. We saw what happened when intake exploded
12 and operationally we didn't have the capacity to
13 really manage the number of people that were coming
14 into the system. We have since cleaned that up. We
15 opened up EMTC. We opened up to two clinics. We
16 have [inaudible] people expeditiously. People are
17 getting housed. We don't have the experience that
18 you saw when you came out here. We don't want to
19 get in that situation again. So it really depends on
20 population reduction that needs to happen. It depends
21 on an assessment of what facility is the best
22 facility to open up. I mean, to close we need to make
23 sure that we maintain maximum operational capacity.
24 We don't want to close a facility where their cells
25 don't work or we don't have the capacity to bring in

1
2 people as the population shifts. So it's a very
3 fluid process. Here's what I can tell you, we are
4 absolutely committed to closing Rikers Island and
5 opening up the Borough-based Jail System in 2027, and
6 as the picture becomes clearer to us in terms of
7 who's coming into our system. De-carceration is
8 happening, staff schedulization [sic], assessment on
9 our facility operations. We will be closing
10 facilities and turning those facilities over. We
11 are committed to doing that.

12 CHAIRPERSON POWERS: Do you have
13 population targets, census targets, in terms of
14 headcount that you see as threshold that once you
15 cross you can close another facility today? How do
16 you move from-- as much as I recognize there's an
17 operational challenge that you're facing right now or
18 the need for some flexibility operations? We also
19 have this obvious goal here and the timeline we're
20 putting ourselves onto do that. Are there thresholds
21 that you, that the DOC agency sees as being required
22 for that move on to the next phase of moving or
23 closing facilities?

24 FIRST DEPUTY COMMISSIONER RICHARDS: We
25 don't have a particular number because we don't want

1 to get to that place where we say if we get down to,
2 you know, 5,000 we can close this facility. I think
3 we all witnessed what happened when population went
4 down and then in a few short months it went up to
5 6,000 people. We want to make sure that when we make
6 a decision we have maximum operational capacity to be
7 able to respond to whatever fluctuations happen with
8 community public safety. So there's not a hard
9 number we're looking at. It is a very fluid
10 situation, but I can tell you we are committed as the
11 population comes down and it stabilizes as our staff
12 stabilizes to turn over the facilities that would
13 give us the least operational flexibility so that we
14 maintain most operational flexibility at facilities
15 that we do remain, but we are committed to closing
16 and turning over facilities.

18 CHAIRPERSON POWERS: How does the
19 Administration-- one of the points that has come up
20 during this and I know that you're taking some steps
21 to fix some of the disrepair [inaudible] inside of
22 the city facilities, including fixing some of the
23 doors that have been easily manipulated. I kind of--
24 on question that's kind of constantly come up is how
25 do we-- how do we handle the capital needs and the

1 state of disrepair in the facilities on Rikers Island
2 with long term plan to close the facilities? Can
3 you share with us plans that the agency is thinking
4 to address the current capital needs in disrepair and
5 how the agency will view the long term closure of the
6 plan against the, sort of, immediate needs to make
7 sure that those facilities are humane and safe?

9 FIRST DEPUTY COMMISSIONER RICHARDS: So,
10 all of what our priorities right now is making sure
11 that our members are serviced and our staff are safe.
12 That includes priority number one is fixing the
13 locking mechanisms on our doors. We are engaged in a
14 very aggressive timeline to repair the doors that are
15 broken to ensure those that are in our custody and
16 our care are able to retain, maintain safety. So
17 that's an investment we're doing. We're now looking
18 at whatever investments we need to make capital-wise
19 to ensure that the [inaudible] facilities don't
20 provide the weapons we see happening on the island.
21 So we are doing a facility by facility assessment
22 about what needs to be repaired, what to prioritize,
23 and we're going to fix those things that holds safety
24 risks and impose challenges to our officers in
25 managing the population we have. We're setting

1 officer's safety, incarcerated people's safety as a
2 priority. So our capital projects are aligning to
3 those two priorities. Simultaneously, we are moving
4 forward with the Borough-based Jail System. What we
5 know is these facilities are old. They don't speak
6 to the humanity of our officers. They don't speak to
7 the humanity of the people incarcerated. They are
8 isolated and they are outdated, and they are beyond
9 their usefulness, and we need to build a system, one
10 that is a smaller footprint, one that could be
11 managed much more easily through technology and
12 safety innovations, and really services to those who
13 are incarcerated. So our capital projects are
14 prioritized based on the safety of our officers and
15 those who are in our care.

17 CHAIRPERSON POWERS: [inaudible] thank
18 you for that. Some of the facility closures, we
19 believe, and I think you might agree, will result in
20 significant savings and headcount reduction, and
21 that's one of the essential components of the
22 Borough-based Jails Plan. In light of the current
23 staffing issues the agencies is facing, does the
24 Department anticipate that it can continue generating
25 savings from the facility closures? And if so, is

1
2 there any numbers or data you can tell us your
3 thoughts about savings when it comes to additional
4 facility closures?

5 FIRST DEPUTY COMMISSIONER RICHARDS: Yeah
6 the savings is built out in the model in the Borough-
7 based Jail System. We're going to have a smaller
8 Borough-based Jail System closer [sic] to cost
9 reduction in court transportations and a smaller just
10 footprint overall. Right now we have 11,000 beds.
11 We're going down to 3,200 beds. In that overtime
12 you're significant savings. With respect to our
13 staff, we are not handling any lay-offs or anything
14 like that. We're not projecting any lay-offs. Our
15 staffing will be assessed as we get to borough-based
16 jails. We lose between five and 700 members of
17 service each year. So we think through attrition
18 we'll get a balance that allows us to have safe
19 jails, have adequate staffing, and keep people in
20 custody safely.

21 CHAIRPERSON POWERS: Are there specific
22 savings that you might be able to share with the
23 Council, anticipated savings, as you move into
24 additional facilities and into the borough-based
25 jails? Does the DOC or MOCJ have any data they can

1
2 share with us about anticipated or updated savings
3 from facility closures?

4 FIRST DEPUTY COMMISSIONER RICHARDS: I
5 would turn to Marcos or DCC if they have specific
6 numbers. If not, that's something we could get back
7 to you.

8 CHAIRPERSON POWERS: Marcos, do you want
9 to jump in there?

10 DIRECTOR SOLER: I don't have the
11 specific calculations. I just want to address when
12 you have time also the number that-- have information
13 you have asked me.

14 CHAIRPERSON POWERS: Yeah.

15 DIRECTOR SOLER: I don't have the
16 specific calculations, and we'll definitely work with
17 DOC and send that to you. With regards to the time
18 in custody, there are two ways in which we measure a
19 time in custody. We look at the median time in
20 custody, and that went up from 103 days to 180, 75
21 percent up increase. If you look at the average, the
22 pure average, that went up from 190 days to 320 days
23 or 68 percent. Those are the increases that we have
24 seen in population and the time that people are in
25 custody. With regards to the other calculation, I'll

1 work with my colleagues at DOC and we'll provide you
2 those calculations.

3 CHAIRPERSON POWERS: That'd be helpful.
4 Thank you. Just moving on-- and we'll look out for
5 that data as follow-up to the hearing. One of the
6 current facilities is the Barge, the Vernon Bain
7 Correctional Center in the Bronx. Does the DOC have
8 plans to address the barge as part of this plan,
9 whether its closure or any changes, and if so can you
10 share with us what those plans are?

11 FIRST DEPUTY COMMISSIONER RICHARDS: Yes.
12 As part of the Borough-based Jail System, VCBC Barge
13 will be closed. The Borough-based Jail System will
14 have borough-based jails located in each borough, and
15 so yes, VCBC is in the closure plan. So when we talk
16 about closing Rikers, we talk about closing any
17 borough-based jail facilities, any facilities that
18 are-- the Department currently operates. And so VCBC
19 is in that plan.

20 CHAIRPERSON POWERS: Okay. And do you
21 have a timing of that?

22 FIRST DEPUTY COMMISSIONER RICHARDS:
23 Timing of when we close VCBC we don't have. As I
24 said earlier, as we-- population reduces and
25

1
2 stabilizes, we'll be making an assessment about what
3 facility is best to close, and what facilities remain
4 open that gives us the maximum ability to operate.
5 But we will be considering every facility as the
6 population decreases which one we need to close.

7 CHAIRPERSON POWERS: Okay. I want to move
8 to a point of agreement that was part of the closure
9 plan, part of the closure plan of Rikers and the
10 Borough-based Jails Plan. The Council and the
11 Administration they voted, negotiated a point of
12 agreement plan in October that committed when we
13 [inaudible] total of 391 million dollars in programs
14 and facilities. That includes 254 million in
15 citywide investments, and 137 million in district-
16 level investment in and around the facilities where
17 the neighborhood-- the neighborhoods where the new
18 facilities are slated to be built or rebuilt. Can
19 you just give us an update on that? Have all the
20 funding commitments in the point of agreement been
21 met, and if not, can you tell us what is in place to
22 meet those commitments before the end of the
23 Administration on December 31st?

24 DIRECTOR SOLER: So, I can take that
25 question. In May of 2021 we provided a public update

1 where were on the points of agreement. That's our
2 requirement, and then we have annually we will be
3 providing a new update in January. Right now we are
4 working. We are, as you know, in the middle of the
5 November Plan and we are working with OMB to
6 determine the exact, the final amount for funding for
7 the [inaudible] initiatives in the FY22 budget and
8 FY23 budget. I cannot disclose right now, obviously,
9 when there are deliberative conversations the
10 Administration in that matter, but we will have
11 release soon of that information, and we will be
12 updated again when we do an update of our points of
13 agreement public plan in January of 2022 or sooner.

14
15 CHAIRPERSON POWERS: The-- just a follow-
16 up on that for a second. So, the Beyond Rikers
17 website shows status of commitment, but I don't
18 believe it's been updated since May of this year,
19 about six months ago. When will the tracker be
20 updated to show progress on those commitments over
21 the last six months, and will that be as you come to
22 an agreement, or talk about the November plan, will
23 we see that reflected on the website as well.

24 DIRECTOR SOLER: Apologize if I wasn't
25 clear about that. We have a-- the points of

1
2 agreement have to be updated annually. That's why
3 you have the May. As I said, we will be updating the
4 points of agreement either in January 2022 or sooner,
5 but we plan definitely to update as soon as we have
6 the additional information of what will be in that
7 November Plan as we collect additional information
8 that we do. We are actually working already on the
9 updating. We just need to finalize these
10 deliberations with OMB. But our obligation in there
11 is to-- for an annual update. I just want to make
12 clear, we are not late or anything. It's just we
13 complied with that in May and we will comply again in
14 2022.

15 CHAIRPERSON POWERS: Okay, we appreciate
16 that.

17 DIRECTOR SOLER: Or sooner.

18 CHAIRPERSON POWERS: And sooner is
19 helpful, especially as [inaudible] this
20 Administration to have an updated snapshot of where
21 we are--

22 DIRECTOR SOLER: [interposing] Fully
23 agree, Chair Powers. I-- you know, exactly as you
24 said, we will-- who knows what's going to happen on
25

1
2 January 1st. So, I am-- I have a commitment to
3 update the tracker as soon as possible.

4 CHAIRPERSON POWERS: Okay. I want to
5 just talk about the justice-involved supportive
6 housing unit that are part of that. Will there be an
7 amended RFP to be issued for those units, and what is
8 being done right now to get those 380 units online.

9 DIRECTOR SOLER: America, I think you
10 probably can give Chair Powers and update on that
11 particular issue since you have the details, if you
12 don't mind.

13 AMERICA CANAS: The JISH is under the
14 Department of Health, so I would prefer not to answer
15 on their behalf.

16 CHAIRPERSON POWERS: Are you-- well,
17 let's ask a more specific question that, you know, I
18 think somebody here could speak to. Does anyone have
19 knowledge of an amended RFP being issued for those
20 units? Okay, so that sounds like a no, unless you
21 want to share with us an update.

22 DIRECTOR SOLER: That we will follow-up
23 with.

24 CHAIRPERSON POWERS: Okay. As we're
25 going-- I'm supposed to talk about design of these

1 facilities. Is MOCJ-- and I think we have
2 representatives from DDP here as well, are going
3 through that process. Obviously, a lot of it is
4 about operations and ways to-- and I think you-- I
5 think the testimony spoke to ways to change the
6 operations of the DOC and to limit trans-- to limit
7 facility transportation and provide services more
8 close to where folks are being housed in their unit.
9 Obviously, Board of Corrections plays such an
10 important role, and sort of oversight and operations.
11 How is MOCJ and DDP [sic] involving Board of
12 Corrections in the design process and in the
13 conversations around the new facilities?
14

15 DIRECTOR SOLER: So, as you know from
16 the-- I mentioned that in the testimony. MOCJ has
17 been involved from the beginning of the
18 Administration in the redesigning of the jails even
19 before there was a Close Rikers Plan. We are in
20 charge of the justice implementation taskforce. We
21 have convened multiple meetings with all the
22 stakeholders, and we continue-- specifically we have
23 a person assigned to that project in my office.
24 [inaudible] is here, Executive Director Maleh who
25 might specifically address how all the questions

1 about design are implemented and how she works
2 collaborating with other people [inaudible] issues.
3 Nadine, do you mind to please address questions?
4

5 EXECUTIVE DIRECTOR MALEH: Yeah. So we
6 worked very closely with Department of Correction and
7 all of our stakeholders, justice advocates to design
8 implementation taskforce, neighborhood action
9 committees in order to take all of those comments
10 into consideration as we develop the ongoing program
11 with the Department of Design and Construction for
12 the development of the projects. It has been an
13 iterative process as we are excited to be receiving
14 the SOQ's [sic] in one week, which are the design
15 build responses to the RFQ that went out in the hopes
16 for the RFP for the Manhattan facility by the end of
17 this Administration. So, all the work will get
18 folded into that RFP. Perhaps I could ask Rebecca
19 Clough from DDC to talk further about the design
20 component if she'd like.

21 ASSOCIATE COMMISSIONER CLOUGH:

22 [inaudible] Chair Powers, I can kind of leave out the
23 Board of Correction. All of the designs [inaudible]
24 standards that the board has, but more importantly we
25 have [inaudible] meeting quarterly [sic] into the

1 board to both provide them regular updates about the
2 plans for the Borough-based Jail and also seek their
3 feedback. So we are in very close computation [sic]
4 with them. Our next quarterly meeting, I believe, is
5 scheduled for December 15th, and so again, I
6 [inaudible].
7

8 CHAIRPERSON POWERS: Okay, we just urge
9 that they're part of the problem [inaudible] minimum
10 standards on such a big part of-- especially when you
11 talk about some of the units we're talking about in
12 these and the services provided. So, just to move
13 on, I want to talk about the women's facility. You
14 know, currently, women are supposed to be head of the
15 house in the Queens facility. Administration agrees
16 to support the feasibility of moving the women's
17 facility to a different site. Can you give us an
18 update on that? Has-- is the Administration still
19 exploring that, and have any conclusions been
20 reached?

21 FIRST DEPUTY COMMISSIONER RICHARDS:

22 Well, we-- as we put out in the plan, we have built
23 several space for the women in the Queens Plan. We
24 continue with that plan. Moving forward we have
25 consulted with women's advocates group, we referred

1
2 them with the advocates to make sure that women have
3 their space that is built out for them, and we have
4 done that in our Queens Plan, and that continues.

5 CHAIRPERSON POWERS: I'm sorry, can you
6 say it one more time. I couldn't hear, just because
7 of the background [sic].

8 FIRST DEPUTY COMMISSIONER RICHARDS: We
9 have built out space for the women in our Borough-
10 based Jail System in the Queen's facility.
11 Originally we were thinking about building out space
12 in each of the facilities. We heard from the
13 advocates in the community that they would like women
14 to have new space for them, and we have built that
15 out and planned for that in the Queens facility.

16 CHAIRPERSON POWERS: Okay, but I just
17 want to-- I think my question was something different
18 than that. My question was, I believe there was an
19 agreement to explore capability of potentially an
20 independent site or moving to a different site, and
21 I'm asking for an update on that process. I
22 recognize that the current commitment, current plan
23 has Queens where women will be housed. I guess my
24 question was have there been any exploration of
25 changing that. I think because the Administration

1
2 has said they might do, and is the final decision
3 here to stay remaining in Queens or is there still an
4 openness or exploration to do something different?

5 FIRST DEPUTY COMMISSIONER RICHARDS:

6 We're open to any discussions with Council and the
7 leadership. That is a very interesting idea at this
8 particular moment as the women's population continues
9 to decrease. We are absolutely open to continuing
10 conversations, but for planning purposes for the
11 Borough-based Jail System we have included the women
12 in the Queens facility, but we're very much willing
13 to continue to have that kind of conversation about
14 whether the possibilities could exist. But we're
15 doing the kind of planning we need to ensure that the
16 women have their space in the Queens facility.

17 CHAIRPERSON POWERS: Okay. Thank you. And
18 I want to note we've also been joined here by Council
19 Member Rosenthal, and I'd urge the Administration to
20 keep exploring and [inaudible] to keep looking at
21 space. I think I recognize some of the challenges
22 here but I think it is something we've heard from a
23 lot of, you know, a lot of individuals and
24 organizations. They would like to see us as a whole
25 as we move forward here in the plan as well. Just

1
2 moving on some more-- is there any effort here to
3 expedite procurement for projects? Obviously, the
4 Administration who have been part of this process is
5 outgoing. Is that-- have there been any efforts to
6 try to move procurement forward to make additional
7 progress on the plan?

8 FIRST DEPUTY COMMISSIONER RICHARDS: I'll
9 hand that over to DDC, Rebecca.

10 ASSOCIATE COMMISSIONER CLOUGH: Yes. Can
11 you hear me? Yes. This is Rebecca Clough. We have
12 done a number of things to help expedite procurement.
13 We have worked with all of our partners, OMB, the
14 Mayor's Office of Contracts, as well as our sponsor
15 agencies, to reduce the amount of time necessary for
16 review and processing materials. We have asked the
17 teams that are participating. They're getting their
18 information into passport before they even submit
19 their qualifications or their proposal. So we're not
20 standing still we're working on a lot of different
21 things at the same time to move it forward.

22 CHAIRPERSON POWERS: Okay, and is the--
23 is the city on track to register all contracts for
24 the early work projects by the end of 2021?

1
2 ASSOCIATE COMMISSIONER CLOUGH: Yes, we
3 are. All four contracts are at the Comptroller's now
4 as a matter of fact.

5 CHAIRPERSON POWERS: Okay, and which
6 contracts are those, just to be--

7 ASSOCIATE COMMISSIONER CLOUGH: Those are
8 the dismantle and swing space for Manhattan, Queens,
9 Bronx, and Brooklyn.

10 CHAIRPERSON POWERS: Okay. And--

11 ASSOCIATE COMMISSIONER CLOUGH:
12 [interposing] And we've already registered the trunk
13 water main, excuse me.

14 CHAIRPERSON POWERS: Okay. And when does
15 the City anticipate construction on new facilities
16 would begin?

17 ASSOCIATE COMMISSIONER CLOUGH:
18 Infrastructure on the new facilities? I'm sorry,
19 could you repeat the question?

20 CHAIRPERSON POWERS: Yeah, sorry, yes
21 when does the city anticipate construction on the new
22 facilities to begin?

23 ASSOCIATE COMMISSIONER CLOUGH: The new
24 facilities we're expecting in are the request for
25 qualifications to be submitted next week. We would

1
2 expect work to begin on the facilities in-- depending
3 on which facility in 2023. All four quarters
4 there'll be a staggered approach, but all in 2023.

5 CHAIRPERSON POWERS: Beginning of 2023?

6 ASSOCIATE COMMISSIONER CLOUGH: Correct,
7 but the dismantle projects you'll see where com [sic]
8 site starting January/February of next year.

9 CHAIRPERSON POWERS: Okay. We have a lot
10 of folks signed up, so I want to get to the Board,
11 and I also-- but I guess the last-- you know, big
12 last question here is, the facility anticipate, you
13 know, a population of 3,300 by 2027 when the new
14 facility is open. Can you share with us what is
15 being done to meet that goal, and also what
16 additional steps the city or state maybe can take in
17 order to meet that population goal by 2027?

18 FIRST DEPUTY COMMISSIONER RICHARDS: I'll
19 turn it over to Marcos.

20 DIRECTOR SOLER: I actually-- Nadine from
21 my team is much more qualified. She is my architect
22 in the office, and it's-- I cannot address this
23 particular specific question. Nadine, go ahead,
24 please.

1
2 EXECUTIVE DIRECTOR MALEH: Just so
3 understand, Chair Powers, I think the question was on
4 population reduction?

5 CHAIRPERSON POWERS: [inaudible]

6 EXECUTIVE DIRECTOR: No, sorry. I
7 misunderstood the question myself, sorry, apologies.
8 I thought you wanted to talk about the schedule.
9 Apologies, I misunderstood the question. Can you
10 repeat? Apologies, because I--

11 CHAIRPERSON POWERS: [interposing] The
12 question was, what is being done to meet the goal of
13 getting the jail population under 3,300 by 2027,
14 which is a premise or requirement of the plan.

15 DIRECTOR SOLER: Apologies. I thought
16 you were talking about something else. So, as I
17 indicated in my testimony there are three, four
18 things that we have to do to address the jail
19 population right now and the reduction to get to the
20 3,300. Number one is we know that at least currently
21 we have about 1,100 more people in jail today because
22 of the violent felonies, and in order to do that, as
23 I said, we plan to continue to work hard with the
24 courts, the defenders, the DA's, and others to
25 activate [inaudible] the courts to the full activity

1 levels that we saw in 2019. We don't anticipate,
2 obviously, the pandemic. I'm not a forecaster, but I
3 expect the pandemic will not be as persistent and by-
4 - prior to 2026 we will not have the continued effect
5 on the court. The second is, as I said, by launching
6 the RFP on supervised release, we are making sure
7 that we have enough people in this alternative to
8 detention, the strategy. Right now, we have more
9 people in supervised release, the active work
10 [inaudible] on supervised release higher than the
11 number of people who are in jail. That is a
12 tremendous-- has a tremendous impact on the system,
13 and what we are doing is by issuing an RFP
14 establishing by the fact and is also part of our
15 mandate under-- on the new bail reform, we will
16 continue to expand our services on the supervised
17 release, and we will continue to reduce the number of
18 admissions. The third strategy, as I mentioned, is to
19 refuse a number of people who are in because of city
20 sentences, and in order to do that we will continue
21 to work in expanding and our work that I have
22 described on alternatives to incarceration and
23 diversion. Those are the programs and-- and we are
24 always looking to expand. We will continue to invest
25

1
2 and create our strategies and work to give you a
3 sense. In 2019 we have almost 900 people who were
4 city sentenced. By the beginning of the pandemic we
5 were about 500. Right now, city sentences are down
6 to 140 in DOC custody and about 100 and change in the
7 state. So that number-- that population is possible
8 to review [sic] significantly. And finally, I see an
9 element that I have mentioned I think is real [sic]
10 important. If they continue to push hard in re-entry
11 [sic] strategies that reduce recidivism that'll make
12 the city safer. At the end of the day, that's
13 absolutely crucial, particularly in the areas that we
14 think can have a greater impact, which is the
15 reoffending and the violent offenders. Those are the
16 four strategies. Again, we are 5,400 today. We are
17 not as far from the 3,300 goal by 2026 as we were at
18 the beginning of this Administration when we
19 [inaudible]. It's about a different place.

20 CHAIRPERSON POWERS: I appreciate that
21 update. And what is the maximum capacity of the new
22 borough-based facilities?

23 DIRECTOR SOLER: [inaudible] Correct me,
24 but it's 3,800?

25

1 EXECUTIVE DIRECTOR MALEH: I can-- Marcos,
2 I can take this.

3 CHAIRPERSON POWERS: Yeah, go ahead.

4 EXECUTIVE DIRECTOR MALEH: Yeah, the
5 total bed count across the four facilities is 3,544,
6 [inaudible] 3,544 beds total.

7 CHAIRPERSON POWERS: Can I just clarify
8 that number, because-- 3,544?

9 EXECUTIVE DIRECTOR MALEH: Yeah. There
10 are 886 beds per facility, which gets you to 3,544.

11 CHAIRPERSON POWERS: Okay. Just want to
12 switch. Thank you for that. So I just want to
13 switch to a question related to healthcare and
14 information [sic] healthcare inside of our city
15 jails. This is for CHS. Some of the new formatting
16 of the units seems to be able to provide different
17 opportunities to provide programming and care inside
18 of them, but I wanted this for CHS. Can you share
19 with us any information on how the new facilities and
20 formatting of units might change the opportunity to
21 provide healthcare or what it might mean for
22 individuals who are going to sick hall or have to go
23 see a doctor or looking for [inaudible]. I think we
24 need to get Jeanette unmuted.
25

1
2 DIRECTOR MERRILL: Sure, great. Thank
3 you. Yeah, this is Jeanette Merrill with
4 Correctional Health Services. So in the new units
5 there will be more of a clinical presence, and
6 specific to your question, it will allow for greater
7 access to healthcare services by CHS. Not only will
8 there be a dedicated intake space added to the
9 facility, but there will be an infirmary and a clinic
10 in each facility. There are also, as was mentioned
11 in prior testimony, about 50 percent of units will be
12 therapeutic housing units, which is a model that we
13 implement in the jails now at a smaller percentage,
14 and that really allows for a dedicated clinical
15 presence embedded right into the housing unit,
16 including clinicians, social workers, psychiatric
17 providers at a much higher ratio of CHS and DOC staff
18 right in the housing unit. So we do anticipate much
19 better access to care with the new design.

20 CHAIRPERSON POWERS: And what-- how many--
21 - I saw in the testimony the 50 percent number. What
22 is the percentage in the current facilities of
23 therapeutic beds in units?

24

25

1
2 DIRECTOR MERRILL: It's about 13 to 14
3 percent of housing units are therapeutic. So we're
4 looking at a substantial increase.

5 CHAIRPERSON POWERS: And does that
6 require additional staffing or changes in staffing
7 when we talk about increasing that number so large?

8 DIRECTOR MERRILL: I think staffing for
9 Correctional Health Services is something we'll keep
10 an eye on. We do know that even with a decrease in
11 the jail population the needs of our patients will
12 remain high. There will always be, you know, serious
13 health conditions and an acute clinical need. I
14 think DOC can speak to their specific staffing needs.

15 CHAIRPERSON POWERS: Okay. But do-- I
16 think the answer might be yes. Do you feel like you
17 are equipped to that? I think the 50 percent unit is
18 a positive so I'm not [inaudible]. I just-- you
19 know, we're looking at budget impact staffing needs.
20 [inaudible] should we anticipate that CHS when they
21 do add staff or resources in order to meet that
22 increase?

23 DIRECTOR MERRILL: I think potentially.
24 You know, I think right now we anticipate at least
25 maintaining current staff levels, certainly, and then

1
2 depending on how it looks moving forward. That's
3 something that we'll better in our plan.

4 CHAIRPERSON POWERS: Okay. Thank you.
5 Just in respect of everybody's time who's waiting
6 here, and also we have the Board of Corrections I
7 believe as well. We'll move on to public testimony.
8 I appreciate everyone's update here. I think it's
9 really important at the end of this Administration on
10 a plan that I-- I became the Chair of the Criminal
11 Justice Committee, I walked in I think a few months
12 in. We announced the plan to move forward to get an
13 update. We will have certainly some follow-up
14 information. We will request to get a clearer
15 picture of where we are, and also would certainly ask
16 that you update any point of agreement information
17 and provide us any follow-up information so that any
18 changes in Administration, we have clearest picture
19 of a status and commitments and funding and needs,
20 and that-- I think that's critical to us, but I also
21 think it's important we hear from many folks here in
22 public who are here to testify about needs as well.
23 So I want to make sure we get them an opportunity to
24 speak as well. So thank you to everyone for your
25 testimony and taking questions. We will certainly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CRIMINAL JUSTICE

look out for more information, and with that I'll hand it back to the Committee Counsel to call the next panel.

COMMITTEE COUNSEL: Yes, I just want to check that any Council Members had any questions? I don't see any hands raised, but if you would like to - if you're a Council Member and you'd like to ask a question now, please use the Zoom raise hand function. Alright, I'm not seeing any hands so we'll move on to the Board of Correction, Executive Director Meg Egan. You may begin when ready.

EXECUTIVE DIRECTOR EGAN: Good morning, Chair Powers and members of the Committee on Criminal Justice. I'm Margaret Egan, Executive Director of the New York City Board of Correction. Thank you for inviting me to share my testimony on the City's Borough-based Jail Program. The Board of Corrections is an independent oversight and regulatory agency charged with ensuring that the Department of Corrections and Correctional Health Services meet the Board's minimum standards, which cover care, custody, correction, treatment, supervision, and discipline of people in custody in this City's jails. The charter also gives the Board an advisory role of capital

1
2 planning and improvements which is closely connected
3 to the Board's need to ensure the minimum standards
4 are fully incorporated into the design construction
5 and operation of any new jails, including the
6 Borough-based Jail facilities. Based on the Board's
7 insight into the city jails, in my own experience as
8 a Senior Advisor to the Independent Commission on New
9 York City Criminal Justice and Incarceration Reform,
10 also known as the Lippman Commission, I want to
11 thank-- I want to share some thoughts on the Borough-
12 based Jail Plan with you today. Both Mayor de Blasio
13 and the City Council committed to closing Rikers
14 Island and building smaller, safer, fairer, and more
15 humane jail system in the boroughs, broadly carrying
16 out the recommendations of the Lippman Commission.
17 This plan has taken on new significance given the
18 current state of the jails. As I testified before
19 you earlier this fall, the City's jails remain in
20 crisis. Due to the persisting staffing shortages,
21 the Department continues to struggle to provide basic
22 services and supplies to people in custody. We are
23 particularly concerned about the Department and DHS'
24 ability to provide consistent access to medical and
25 mental health care. The Department is also

1 struggling to manage ongoing violence in the
2 facilities fostering a dangerous environment for
3 people in custody and those staff who are working.
4 While staffing and management is key to the current
5 crisis, the existing jails are not designed to meet
6 the goals that we all share and are in a state of
7 disrepair. The design of the current buildings
8 creates dangerous sight lines for staff and does not
9 provide space for effective programming care or
10 positive interaction, and people are able to fashion
11 dangerous weapons from the deteriorating buildings.
12 As the Board has said repeatedly, incarceration is a
13 short-term imperative to addressing the current
14 crisis of staffing shortage, extended stays in
15 inhumane conditions, and lack of access to mandated
16 services including basic health and mental health
17 care, but it is also essential in the long-term to
18 close Rikers Island and transition to a borough-based
19 system. The City's plan sets of goal of 3,300 people
20 in custody by 2027. A recent report from the Lippman
21 Commission and the Center for Court Innovation
22 outlines a series of reforms that can reduce the jail
23 population to 2,700 to 3,150. As of November 19th,
24 2021, the jail population was at approximately 5,320.
25

1
2 After reaching a 40-year low of approximately 3,800
3 in April of 2020. The initial response to the COVID-
4 19 pandemic demonstrated that the population can be
5 dramatically reduced when the criminal justice system
6 stakeholders come together. As the Commission MCCI
7 outlined, we can continue to dramatically reduce the
8 jail population again by addressing the COVID-19
9 backlog of cases, reducing the sure of jail and
10 expanding the use of alternatives for a number of
11 different groups and addressing case processing
12 delays. We have done it before and we can do it
13 again. The Board strongly endorses these
14 recommendations and will continue to advocate for de-
15 carceration. The design of the new facilities will
16 be a critical component to the plan's overall
17 success. Grounded in dignity, care, safety, and work
18 to prevent isolation from society and family, and
19 located in the boroughs. There will be improved
20 services and connections to attorneys, families, and
21 visitors. The program requires dedicated space for
22 programming, education, healthcare, and [inaudible]
23 more effectively support re-entry to communities.
24 The new programs will include a focus on
25 rehabilitation, including skills in job training,

1 education, cooking, and workshops and provide for the
2 medical and mental health needs of those in custody.
3 Spaces will enable people to work together promoting
4 a sense of common purpose and shared responsibility
5 rather than animosity. Critically, the design also
6 prioritizes visitors, ensuring accessibility and
7 comfort for the families and friends visiting their
8 loved ones. These are important design principles,
9 and the city has taken significant action to
10 implement this plan, and yet, more remains to be
11 done. Given the Board's essential role as a
12 regulatory and oversight authority over the jail
13 system, the minimum standards must play a critical
14 role in cutting the standards for basic conditions of
15 confinement, medical care, mental health care,
16 eliminating sexual abuse and restrictive housing in
17 the Borough-based Jail System. At the same time, the
18 plan to close Rikers Island creates a critical
19 opportunity for the Board to assess its current
20 minimum standards to identify opportunities, to
21 update them to ensure that the baseline conditions of
22 confinement meet the goals of the new jails and
23 current best practices. Board standards set a floor
24 for the Department and CHS, and this plan provides an
25

1
2 opportunity to raise that floor. Each of the new
3 jail RFPs account for the minimum [inaudible] minimum
4 standards and include [inaudible] addendum. However,
5 to date, the Board has not been involved in the
6 development of the RFPs. The Department has begun
7 providing the court with regular briefings on the
8 plan which we greatly appreciate, but there is no
9 indication that the Board will be involved in the
10 design process. The Board must be at the table going
11 forward. One key example of the Board's need to be
12 involved to ensure minimum standards are met, is the
13 City's plan to establish outposts at therapeutic
14 housing units, within or adjacent to existing Health
15 + Hospitals Acute Care facilities. These units would
16 be secured clinical units operated by CHS and DOC,
17 allowing people in custody to receive specialty care
18 within hospitals and allow for continuity of care.
19 The Board applauds this initiative, but we note that
20 the Board's minimum standards include requirement for
21 the provision of medical and mental health care, but
22 CHS and DOC have not yet detailed how they intend to
23 meet minimum standards, other minimum standards for
24 those held in the new therapeutic housing units. For
25 example, CHS does not disclose what conditions would

1
2 be treated in the facilities, nor the criteria for
3 determining whether someone should be admitted or
4 discharged. Additionally, we have not seen details
5 on how people housed in these units will have access
6 to basic rights afforded by the minimum standards,
7 including recreation, visiting, and law library.
8 Moreover, CHS has yet to detail how people
9 hospitalized under correctional control will be
10 prepared to reenter their communities beyond medical
11 care. As this example demonstrates, the Board must
12 be at the table throughout the design process to
13 ensure that the minimum standards are met. Finally,
14 equally important to the success of the Borough-based
15 Jail Plan is reforming the organizational culture of
16 the Department of Correction. Simply moving into new
17 buildings will not cure the problems that we see
18 today in the New York City jail system. In order to
19 truly meet the goals of a smaller, safer, fairer,
20 more humane jail system for people in custody,
21 families and staff, culture of the institution must
22 change. There are several crucial pieces to
23 effective organizational culture change,
24 accountability and management and performance, re-
25 envisioning policies and procedures, recruiting and

1 hiring for culture change, using training and
2 education as tools for culture change, and ensuring
3 the wellbeing and support of staff. In order to
4 achieve all of these, the city and the Department
5 will need to make significant-- also make significant
6 investments in people and systems. The culture
7 change will be long and hard but it is imperative for
8 the success of all who live and work in our city's
9 jails. The Board of Correction fully supports the
10 city's plan to close Rikers Island and build new
11 state of the art facilities in the boroughs. It is
12 imperative that these new facilities are built to
13 reflect the goals of a smaller, safer, fairer, more
14 humane jail system. The Board is encouraged by
15 progress to reduce the jail population from nearly
16 11,000 in 2017 to 6,000 in 2021 and encourages all
17 stakeholders to recommit to further reducing the jail
18 population. The design of the new facilities is also
19 critical to ensure the spaces and operations support
20 the City's goals. To that end, the Board's
21 involvement will be essential in the design of the
22 new facilities and for the city to account for the
23 minimum standards across the full plan, including
24 CHS' plan to build an outpatient unit. The city must
25

1
2 also commit to meaningful culture change in the
3 Department of Correction. Failure to do so will mean
4 that we simply moved troubling conditions on the
5 island into the borough. Finally, the board
6 recognizes the opportunity that the plan to close
7 Rikers Island presents an opportunity to review and
8 update its own regulations to support the goals of
9 the new jails and best practice most effectively.
10 The Board will continue to monitor the city's work to
11 make this plan a reality. Thank you for inviting me
12 to speak today, and I'm happy to take your questions.

13 CHAIRPERSON POWERS: Thank you. Thank
14 you for that, excellent testimony, and I do have a
15 number of questions on it. But I will note, it is
16 your last hearing here as Executive Director at Board
17 of Corrections with City Council. So I want to give
18 you a very big thank you for all the work that you've
19 done at Board of Corrections and undoubtedly a
20 partner to us and to the broad city when it comes to
21 making sure that our correctional system is humane
22 and safe and fair and has appropriate oversight. So
23 I do have questions, but I want to make sure I said
24 thank you up front for your work here.

1
2 EXECUTIVE DIRECTOR EGAN: Thank you very
3 much and it's been a pressure to work with you and
4 your staff and the committee.

5 CHAIRPERSON POWERS: Thank you and same.
6 I wanted to ask you a couple of questions. The first
7 is-- just to go through some of the testimony. You
8 mentioned the Board's standards for the Department at
9 CHS before the Department of CHS and this plan and
10 the borough-based unit-- Borough-based Jails Plan
11 provides an opportunity to raise up more. And I
12 think you go through some of it. Can you just give
13 us a sense of where you see areas where the plan
14 might, you know, offer an opportunity to raise the
15 floor on the minimum standards?

16 EXECUTIVE DIRECTOR EGAN: Sure, I think
17 it's really around the first three chapters of the--
18 chapter one standards that sort of govern in general
19 conditions of confinement. Chapter-- and then the
20 chapters around medical and mental health care,
21 those-- I mean one of the wonderful things is that
22 the Board has been in existence for a long time, and
23 those were some of the original standards that were
24 developed and so they just need an update. They need
25 an update to reflect best practice and reflect the

1 needs of both people in custody and staff in these
2 new facilities. So those would be the places that I
3 would really focus on.

4
5 CHAIRPERSON POWERS: Okay, appreciate
6 that. And you had made a note that the Board's
7 minimum standards included requirements for provision
8 of medical and mental healthcare, but DHS and DOC
9 have not detailed yet how they intend to meet those
10 standards of people health and the new therapeutic
11 housing units. When, in your opinion, should that be
12 happening when they're providing information to the
13 Board about how they intend to meet the minimum
14 standards? Is that now during design? Is that right
15 before they open? When is the-- that's most ideal
16 and also certainly when's the last moment where you
17 think that has to happen?

18 EXECUTIVE DIRECTOR EGAN: I think
19 definitely in the design phase. We want to make
20 sure-- I think there is, you know, surely accounting
21 for the design of the physical space but how these
22 spaces will actually function and be operated, and I
23 think that's a perfect-- you know, figuring out how
24 people are going to be afforded recreation, figuring
25 out how people are going to be afforded visiting in

1 those spaces certainly matters for the physical
2 design, but also the operational design. So I think,
3 you know, ideally in the design phase and it's
4 almost, you know, too late. They're going to-- you
5 know, I worry that the Department and DHS will have
6 to go back to the drawing board if it's not-- those
7 issues aren't considered in the design phase.

9 CHAIRPERSON POWERS: Okay, I understand.
10 I got it. And then the-- the other area I wanted to
11 ask the-- you've sort of been touching on this, but
12 the board recognized the opportunity to plan to close
13 Rikers Island prevents [sic] to update its own
14 regulations to support the goals of the new jails and
15 best practice more effectively. I think you mentioned
16 those are the three chapters. But still, when do you
17 believe that should happen? Is that now? Is that
18 later? When's the best ideal moment for the board to
19 review and update its own regulations to support the
20 goals of the new jails and best practices more
21 effectively?

22 EXECUTIVE DIRECTOR EGAN: I think it's on
23 a parallel track along with the design piece. I think
24 the Board needs to be-- as I said, I think the Board
25 needs to be at the table as these buildings are

1
2 actually designed. Same reason, right, you want to
3 account for the physical design and the operational
4 design, and I think working closely with DOC, CHS,
5 DDC, on the design will also highlight the areas that
6 the Board should focus on, and go into rulemaking
7 across those areas. So I think it's on a parallel
8 track.

9 CHAIRPERSON POWERS: I got it. Great.
10 Well, thank you for the testimony. Very helpful, and
11 good to see areas where the city is aboard and the
12 Department together can do more to update the minimum
13 standards and also ensure the plan's overall success.
14 So we really appreciate the Board's role in all this,
15 and I do encourage the agency and Administration to
16 play a larger-- have a larger dialogue with the
17 Board. I agree that you guys play an important role
18 here, and it should be happening [inaudible] design
19 is happening and it gives you an opportunity to go
20 back and update your own minimum standards and
21 regulations. So thank you for that and of course,
22 thanks again, and good luck. I don't know what's
23 next,--

24 EXECUTIVE DIRECTOR EGAN: [interposing]
25 Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CRIMINAL JUSTICE

CHAIRPERSON POWERS: but good luck to you and we always appreciate the Board and your role here in helping us do our jobs more effectively. So thanks again, and enjoy the holidays.

EXECUTIVE DIRECTOR EGAN: Thank you. I appreciate it. You too.

CHAIRPERSON POWERS: Thanks.

COMMITTEE COUNSEL: I just want to check again if any Council Members have any questions. Please use the Zoom raise hand function now. Okay. We will now turn to testimony from members of the public. Please listen for your name as I will be calling individuals one-by-one and will also announce the person who is next. Once your name is called, please accept the prompt to unmute yourself, and the Sergeant at Arms will set the timer and announce that you may begin. Your testimony will be limited to two minutes. I would like to now welcome Zachary Katznelson to testify followed by Brandon Holmes [sp?], followed by Darren Mack.

SERGEANT AT ARMS: Your time will begin.

ZACHARY KATZNELSON: Hi everyone. Thanks so much for having me. Again, I'm Zachary Katznelson, the Executive Director of the Lippman

1 Commission. I really appreciate you holding this
2 hearing today. So, getting of Rikers, clearly, it's
3 an emergency, and getting the population down is the
4 most urgent thing that we can do right now in
5 addition to getting shovels in the ground. So, you
6 know, we laid out plan has been mentioned with CCI
7 earlier this year, really shows that we can get the
8 population down safely, securely. It can be done
9 deliberately, and we have six years to get this
10 right, but we obviously want to get people off as
11 quickly as actually possible. As we're looking at
12 the jails, I just want to mention a few things the
13 city can do to really bring down both the size of the
14 jails and get better outcomes for everybody. The
15 first is supportive housing. We need to get as many
16 supportive housing beds online as actually possible.
17 The Mayor-elect's plan to have-- convert hotels to
18 supportive housing is an excellent one and should be
19 pushed forward as quickly as possible. Second,
20 maximize number of secure hospital beds that we have
21 available. The Mayor currently has pledged almost
22 400 beds, but they're almost 1,000 people at Rikers
23 with serious mental illness, more with serious other
24 health needs. We need more secure hospital beds that
25

1
2 allow us to shrink the size of the borough-based
3 jails and get people the care they need. And then
4 there's those three empty or under-utilized state
5 prisons in Manhattan. One could be used for women.
6 That can shrink the Queen's jail by 15 percent, and
7 the other two could be used for therapeutic housing
8 for people with serious mental illness. That could
9 bring the entire borough jail size down by 10
10 percent. Really good positive investments and much
11 better outcomes for everybody, both individuals and
12 long-term in terms of recidivism. And finally, we
13 should be investing in those ATI programs that were
14 mentioned, things like Women's Committee, Justice
15 Project, and Exodus which particularly involve
16 housing alongside wrap-around services, far better
17 outcomes, lower recidivism, better for our city as a
18 whole. I'll stop there. Thank you so much.

19 CHAIRPERSON POWERS: Thank you for your
20 ongoing work to close Rikers Island, but of course
21 the recommendations and the most recent
22 recommendations, but also your testimony as well.
23 Nice to see you.

24

25

COMMITTEE COUNSEL: Thank you. Next we will hear from Brandon Holmes followed by Darren Mack, followed by Jane Elky [sp?].

BRANDON HOLMES: Thank you.

SERGEANT AT ARMS: Your time will begin.

BRANDON HOLMES: Thank you. I first want to acknowledge Meg Egan of the Board of Corrections. Thank you, and I admire the work that you've done in leading BOC staff to really try to have an oversight rule that can support and be complimentary to the work that Chair Powers and the Council have done to hold DOC accountable and protect lives in custody. You know, on September 15th we testified before this committee on the increasingly horrific conditions on Rikers, and a lot of that has been raised today and kind of discussed today. And we recognize that many of these things still -- these issues still persist. And in my testimony from September 15th, I cited that we had 10 deaths in New York City jails this year, and now we've seen that increase by 40 percent. So, the crisis is growing and I hope that this hearing and the purpose of these hearings is still to build a case for Council Members doing their jobs as the delegation that can really advance this city in many

1 ways. These hearings have to result in action and we
2 know that you all have accesses to the data, the
3 testimony and our protest to provide the opportunity
4 to do your jobs as effectively as possible, but we
5 still have to reckon with the 14 lives that were lost
6 and the fact that, you know, this hearing must turn
7 into action in the upcoming stated meetings such as
8 passing Intro 2173, knowing that several of the
9 deceased New Yorkers were subject to torture by
10 solitary and many more continue to face this day-in
11 and day-out on Rikers Island. We believe that the
12 City has run out of time for debate, and we really
13 need to put the pedal to the floor. So we need to
14 talk right now about these four immediate actions
15 including, and I'm sure many others will add more,
16 but council must require MOCJ and future
17 Administration to assess and report on every
18 defendant's ability to pay, because MOCJ did not
19 acknowledge that their District Attorneys and judges
20 that their mayor has appointed are still sending
21 people to death on Rikers Island, setting bail
22 amounts that they cannot pay.
23

24 SERGEANT AT ARMS: Time has expired.
25

1
2 BRANDON HOLMES: We also need the Council
3 to immediately pass Dromm's [sic] legislation to end
4 solitary. I know you're familiar with that, but we
5 know that de Blasio just did an Executive Order which
6 ironically defies his own order and plan with DOC to
7 pass off RMAS [sic] as a new alternative to solitary.
8 So we need the Council to pass this legislation. And
9 my last two points for returning members, undertake
10 serious efforts to address the culture of violence
11 and impunity within DOC. This past year and the year
12 before during peak COVID you failed to reduce the
13 budget and scope of DOC's work, right? And now they
14 are actively-- the union is actively disrupting
15 services in the city jails resulting in lives lost.
16 So we need to reign that in, and we need a
17 collaboration that really moves DOC and the Mayor's
18 Office forward on identifying a standalone site for
19 women, because ultimately what has happened is while
20 the City Council and Mayor's Office could not find an
21 alternative for less than 300 folks on the island,
22 all of those folks are now vulnerable to being
23 transferred further from their families, further from
24 the courts and services that they need, and it just
25

1
2 completely spits in the face of all the work that you
3 all and us have put in to close Rikers. Thank you.

4 CHAIRPERSON POWERS: Thank you. Thank
5 you for those specific recommendations and your
6 ongoing work. Thanks Brandon.

7 COMMITTEE COUNSEL: Thank you. Next we
8 will hear from Darren Mack followed by Jane Elky
9 [sp?], followed by Angel [inaudible].

10 DARREN MACK: Good afternoon, Chairman
11 Powers and Committee Members. My name is Darren
12 Mack. I'm Co-Director at Freedom Agenda, and I'm
13 also a survivor of Rikers Island. I believe, as most
14 New Yorkers believe, in justice. In the words of the
15 philosopher author Fyodor Dostoevsky who wrote that
16 the degree of civilization in a society can be judged
17 by entering its prisons. And similarly I say that
18 the degree of civilization in the city can be judged
19 by entering its jails, and it would be fair to say
20 that we are living in a state of barbarism. We all
21 know about the conditions at Rikers Island. However,
22 we can't lose sight of conditions in the current
23 existing jails in the boroughs and the boat as well.
24 I also experienced incarceration at the Brooklyn
25 House Detention Complex, and it's deteriorating,

1 antiquated, and does not meet state minimum standards
2 like the other facilities in the boroughs currently.
3 Every summer we held demonstrations in front of
4 Brooklyn House because people suffer from the heat
5 and lack of renovation and no air condition, and
6 every winter the same thing. We demonstrated because
7 people suffer from the cold, lack of heat, and no
8 adequate heating system. And a wrecking ball to the
9 Brooklyn House cannot come soon enough. New York
10 City Department of Corrections budget is the highest
11 DOC budget in the country. We spend the most money
12 on DOC and get the worst results. LA Department of
13 Corrections had three times as many people detained
14 with half the budget of New York City DOC. So to
15 truly end mass incarceration we need to make mass
16 investments in communities that have been
17 historically under-resourced and divest from DOC. In
18 2009, along with the historic vote to move forward
19 the borough-based plan to close 10 jails on Rikers
20 Island, in a vote the City Council approved a wide
21 range of investments totaling 391 million dollars to
22 address the roots of incarceration. So, City Council
23 must fulfill those points of agreement, and fro those
24 City Council Members returning in 2022, Local Law 193
25

1
2 which established the commission for reinvestment of
3 communities impacted by Rikers Island. The
4 Commission will be submitting--

5 SERGEANT AT ARMS: [interposing] Time has
6 expired.

7 DARREN MACK: next month. It is informed
8 by people who work and serve impacted communities,
9 and I encourage you to support the work of the
10 Commission, provide baseline funding in the city
11 budget for the commission to continue its work
12 through 2027 and follow through on those
13 recommendations. Lastly, I urge you to move forward
14 with the borough-based plan if we want to rid
15 ourselves of the barbaric system, and the Campaign to
16 Close Rikers recently released recommendations on how
17 to advance and strengthen the plan to close Rikers
18 which we hope you review, support, and implement.
19 Thank you.

20 CHAIRPERSON POWERS: Thank you. Thank you
21 for the testimony, and nice to see you. Thanks for
22 all your work.

23 COMMITTEE COUNSEL: Thank you. Next we
24 will hear from Jane Elky, followed by Angel
25 [inaudible], followed by Crystal Gooding.

SERGEANT AT ARMS: Your time will begin.

JANE ELKY: Thank you for this

opportunity. My name is Jane Elky. My husband and I live a few blocks from the Brooklyn House of

Detention. I want to speak today from my perspective as a community resident, as well as a personal friend from someone who's been held at Rikers pre-trial

since early January of this year. The plan our city has committed to must be expedited. Every day, the

current system continues. People from our communities are suffering, including those who work in the jails.

I know that the employees are just as unsafe and decrepit a situation as are the people incarcerated.

Most of the people I talk with in my community have no idea of what are jails are like or what it costs

to hold people, how there's little focus in ways of keeping people from becoming involved in the system

to begin with, or what could help to turnaround those who have become involved, how people with serious

mental illness and addictions are housed in with the general population, how little attention is given to

preparation for re-entry. The public needs education and needs to know ways that we often support the

better approach and your plan. Some home owners voice

1
2 concern for their property values. I can testify
3 from eight years of living near the Brooklyn Borough
4 Jail, that our property values have continued to rise
5 and our neighborhood has not been impacted. The Hope
6 is for a whole new justice center there, one that
7 serves an all-new justice system as well, including
8 separate accommodations for people suffering with
9 mental illness and addictions, in a building that
10 will also lend itself to new community uses as the
11 number of people incarcerated declines. You are the
12 council that approved the historic plan for New York
13 City. Please do all that you can in the remainder of
14 this year to move that plan forward and to ensure
15 that the new City Council supports the obligation of
16 that plan. Thank you.

17 CHAIRPERSON POWERS: Thank you. Thanks
18 so much for the testimony.

19 COMMITTEE COUNSEL: Thank you. Next we
20 will hear from Angel Tweros [sp?] followed by Crystal
21 Gooding, followed by [inaudible].

22 SERGEANT AT ARMS: Time will begin.

23 ANGEL TWEROS: Thank you. Thank you Chair
24 Powers and members of the Criminal Justice Committee
25 for the opportunity to testify. My name is Angel

1 Tweros. I'm a public health advisor, a human rights
2 and social justice activist, and a member of Freedom
3 Agenda. As long as Rikers Island remains open, the
4 era of class and racial mass incarceration will be
5 far from over. We have seen the conditions of
6 confinement there worsen, and while New York City's
7 jail system, the conditions have turned from bad to
8 worse. Twenty-five years ago I was first caged in
9 Queen's House Jail, a dark, narrow, and filthy place.
10 I later transferred to Rikers Island. I witnessed
11 that violence ruled, that physical design of
12 dormitories and cells, cages, nurtures stress and
13 violence among those work there and those who were
14 detained. We were treated like animals and expected
15 to behave like humans. Except perhaps for the
16 cruelty endured, there was nothing to contribute to
17 the improvement of our lives there. We were fed even
18 poorly. Officers carried their daily duties as if
19 they were prosecutors, judges, jurors, and
20 executioners, promoting violence against those
21 presumed to be innocent, where not even the guilty
22 should be treated with such indignity. A quarter of
23 a century later, the conditions have worsened. For
24 decades, every level of government who has the power
25

1
2 change this has lacked the courage to do so. Just
3 over two years ago I sat in the chambers of City Hall
4 with dozens of other survivors of Rikers, and watch
5 City Council--

6 SERGEANT AT ARMS: [interposing] Time has
7 expired.

8 ANGEL TWEROS: make a historic vote to
9 close Rikers, and with that, committing to reducing
10 incarceration, recognizing the humanity of
11 incarcerated people, and investing in communities
12 that have been targeted by the carceral [sic]
13 system. Finally, we urge this council to do
14 everything in your power to make sure that the
15 promises made in October 2019 are kept. We will need
16 you to exercise your oversight power every step of
17 the way to make sure the plans for borough jails
18 stayed on schedule, that the jails on Rikers are
19 emptied, not just closed, but also transfer out of
20 DOC control, like the renewable [sic] Rikers Plan
21 requires. We need you to pass the laws that sit
22 before this committee right now, like the legislation
23 to end solitary confinement. We have the courage to
24 look past the scare mongering tactics that have
25 always been used to block progress to racial justice

1
2 and human rights. With your leadership we can ensure
3 that in the next six years or sooner, Rikers Island,
4 the Queens House, in every decrepit jail in New York
5 City can be part our history instead of our present.
6 Thank you.

7 CHAIRPERSON POWERS: Thank you. Thanks
8 so much.

9 COMMITTEE COUNSEL: Next we will hear
10 from Crystal Gooding, followed by Kandra Clark,
11 followed by Edwin Santana.

12 SERGEANT AT ARMS: Time will begin.

13 CRYSTAL GOODING: Good afternoon. My
14 name is Crystal. I'm a member of Freedom Agenda. I'm
15 here to briefly share my experiences visiting Rikers
16 Island. As the partner of someone incarcerated, I
17 can start by saying that although he's not deceased,
18 due to the hurdles it takes to see him and keep him
19 as an active father, many days it does feel like it.
20 Since June of 2021 I have been able to visit in-
21 person. There are time that my children were forced
22 to bring in one small bottle of formula, but at the
23 same time we stuck in the visiting center for hours
24 due to things happening in the jail. There were
25 times we were able to bring water and a few more

1 bottles. Nothing was uniform with our experiences,
2 and it all boils down to which officer you ran into
3 and how they felt that day. My son who is only a few
4 months old this summer had to sit starving and hungry
5 locked inside the facilities for hours before we even
6 got upstairs to our one-hour visit, and then there
7 was an equally long wait to leave after. Many of our
8 visits started at 8:00 a.m., and we would not leave
9 the building until 1:00 p.m. due to lack of staff.
10 My son's single Pamper allowed at that point was
11 filled to the point of it being so uncomfortable for
12 him. There have been times that officers would not
13 show up to work and we sat on the transport bus
14 locked inside waiting for someone to come by to let
15 us into the facility. There was no communication
16 provided to anyone. I've watched people have panic
17 attacks on that bus. I recall my first time visiting
18 Rikers Island in-person when an officer said to me
19 that I was an annoying b-i-t-c-h because I asked
20 questions in regards to the check-in process. He
21 then randomly decided to cancel my 9:00 a.m. visit
22 and reschedule me to 11:00 a.m. just because he
23 could. Therefore we sat in the scalding heat, myself
24 and two small children. His exact words were that he
25

1
2 was in charge, and it made me wonder what type of
3 things he was capable of doing to the people he's
4 being expected to look over. I recall countless
5 times I have to use my six minute phone call to try
6 to talk about my needs, the children, our home,
7 bills--

8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 CRYSTAL GOODING: and remind my partner
11 that he's worthy of life. Can you imagine how hard
12 that is? Maybe a minute per subject, and then if he
13 has to tell me anything, he has about 15 seconds.
14 Those times are even scarier when he's feeling
15 depressed, because you have six minutes to prove to
16 someone that they're worthy of life. I'm here to
17 really emphasize the need to de-carcerate [inaudible]
18 and strengthen the plan for the people, the parents,
19 the children, the spouses, and the loved one being
20 held on Rikers Island, the people who still have to
21 come home and be a healthy part of society. Also,
22 I'm here to emphasize the importance of borough-based
23 facilities that can keep families closer and shorten
24 the travel distance for many people. Lastly, I want
25 to stress the importance of putting programs in the

1
2 community that can actually people that are in
3 alternates to incarceration. Jail should not be the
4 one umbrella to all of the many issues people face in
5 today's society.

6 CHAIRPERSON POWERS: Thank you. I'm
7 sorry to hear that story, but I appreciate hearing
8 the next steps that I think are urgent here to close
9 Rikers Island. Thank you again for being here and
10 testifying and sharing your story.

11 COMMITTEE COUNSEL: Thank you. Next we
12 will hear from Kandra Clark followed by Edwin
13 Santana, followed by Anna Pastoressa.

14 SERGEANT AT ARMS: Your time will begin.

15 KANDRA CLARK: Can you hear me? There we
16 go. Hi, my name's Kandra Clark. I'm one of the Vice
17 Presidents with Exodus Transitional Community. We
18 want to thank you all for letting us testify today.
19 We work on Rikers Island right now. I have over 40
20 staff that are on the Island, and just this last week
21 I came into the office, because some of my staff had
22 been pepper sprayed while they were working on the
23 Island. So, I'm getting the background of the story,
24 and yes, the incarcerated individual was in a space
25 that they were not supposed to be. They got into a

1
2 staff area. They stole food from a staff area, and
3 as they were running out the door with food, this was
4 DOC's response was to pepper spray, right? So, when
5 we're talking about culture change, and talking about
6 design, like let's get to the crux of it, right?
7 This was a guy who clearly was hungry and he was
8 taking food. Yes, he was not where he was supposed
9 to be, but should our response have been to pepper
10 spray to where all of my staff got pepper sprayed as
11 well. We're talking about de-escalation rooms in the
12 new facilities, then we should not have an ESU, nor
13 should we be using pepper spray. Pepper spray is not
14 a de-escalation tactic, right? You're not going to
15 be able to change culture if we're going to continue
16 to use punitive and harmful measures that hurt
17 people. We went-- we had the privilege in 2019, and
18 the Department of Corrections was part of this trip,
19 to go to Europe to see other models and how they were
20 infused. There was a complete culture change that
21 was revamped in Europe, and these are in maximum
22 security facilities. So, again, it's very
23 frustrating to keep coming back to a jail and talking
24 about how we can't make change in a jail when other
25 countries are able to make significant changes in

1
2 maximum security facilities, right? And they've done
3 that through the import model. The import model is a
4 power-sharing dynamic. Part of the reason why we had
5 such an issue during COVID is the officers have not
6 shown up. They have unlimited sick time, and they
7 cannot get fired, right, per their contract with the
8 union. What would have-- how would this have--

9 SERGEANT AT ARMS: [interposing] Time is
10 expired.

11 KANDRA CLARK: looked different if we
12 would have had the import model? If we would have
13 had employers who were working to train folks and get
14 them into jobs upon release. If we had a school
15 system on the inside that actually matched the
16 outside, right? We could infuse community and
17 different staffing structures into the Department of
18 Corrections that would actually lead to culture
19 change. You're asking a Department that's had the
20 same culture for almost 100 years to change without
21 infusing anything new into it, and that's part of the
22 problem. So you know, we're really asking that this
23 Borough-based Jail facility proposal moves forward,
24 but also taking a second look at it and making sure
25 that we're really meeting the root causes of

1 incarceration and staffing in the facility in a way
2 that is actually going to meet those root causes and
3 support people, and we want to thank you for today.

4 CHAIRPERSON POWERS: Thank you. Nice to
5 see you and thanks for the testimony.

6 COMMITTEE COUNSEL: Thank you. Next we
7 will hear from Edwin Santana followed by Anna
8 Pastoressa, followed by Akilah Tomlinson [sp?].

9 SERGEANT AT ARMS: Time will begin.

10 EDWIN SANTANA: Good morning everyone.
11 My name is Edwin Santana. I am a New Yorker and a
12 proud Bronx resident. And I am also a long-time
13 leader in the movement to close Rikers Island. I'm
14 also a community organizer with Freedom Agenda. Thank
15 you for allowing me the opportunity to express my
16 distaste for how New York City treats a detained
17 citizen. I have spent time in multiple New York City
18 jails, and there is no doubt in my mind that Rikers
19 Island, or rather torture island, needs to be
20 demolished, and The Boat needs to be sunk. These
21 jails are unfit to live in, and they both have a
22 culture of violence that are killing its residents.
23 More importantly, this needs to happen now. I was
24 last incarcerated in those jails many years ago, and
25

1 they were horrible then, and they have only gotten
2 worse. Our detained citizens are dying, at least 14
3 people this year alone. There's truly no time to
4 waste for this. I testified at City Hall two years
5 ago when this council courageously stood on the side
6 of human rights and voted yes to the plan to close
7 Rikers in response to, of course, the organizing by
8 survivors like myself. But what happened to that
9 energy? Right? What happened to that? Today, I
10 urge the Council to do three things: Number one,
11 move forward and expedite the construction of the
12 borough-based jails and continue to work with
13 advocates to make sure these detain centers will be
14 more humane and fit to live in while people are
15 having their day in court. This will have to include
16 serious efforts to end the Department of Corrections
17 reign of terror. They cannot be allowed to operate
18 these replacement jails the same way they operate
19 them now. This council must use all your power to
20 make sure that that don't happen, including
21 immediately passing legislation to truly end solitary
22 confinement. Number two, let's continue to fight
23 against mass incarceration by investing in
24 communities that it need it the most. I live in the
25

1
2 Fordham area of the Bronx, and I believe my neighbors
3 will agree with me that we need to help the unhoused
4 individuals sleeping on the streets instead of
5 incarcerating them. And we also need to--

6 SERGEANT AT ARMS: [interposing] Time
7 expired.

8 EDWIN SANTANA: better our schools.
9 Number three, you must hold New York City's current
10 Administration as well as the upcoming Administration
11 accountable. Advocates will need your partnership to
12 make sure the plan to close Rikers stays on schedule,
13 that promises are kept, and laws are implemented
14 correctly. Rikers Island, as well as the Boat, as
15 everybody testified here today, knows that it's a
16 human rights crisis. Let's do the right thing
17 everybody, and shut them down. Thank you.

18 CHAIRPERSON POWERS: Thank you. Thanks
19 for your testimony.

20 COMMITTEE COUNSEL: Thank you. Next we
21 will hear from Anna Pastoressa followed by Akilah
22 Tomlinson [sp?] followed by Arline Parks.

23 SERGEANT AT ARMS: Your time will begin.

24 ANNA PASTORESSA: Hi, my name is-- hi, my
25 name is Anna Pastoressa. I'm a leader in the Close

1 Rikers Campaign and a member of Freedom Agenda. My
2 son spent six years on Rikers Island waiting for
3 trial, and I visited him every weekend undergoing
4 stressful trips, abusive treatment, and witnessing
5 abuse inflicted on incarcerated people and visitors
6 by officers of the Department of Correction. During
7 the six years of son [inaudible] each time we had a
8 court date we pleaded with the prosecutor, the judge,
9 and my son's Defense Attorney to move my son closer
10 to home. In that case, we were begging to move my
11 son to the Manhattan Detention Center, AKA the Tomb,
12 which would have been a much easier trip for his
13 loved one to visit. My son's Defense Attorney
14 refused to visit my son on Rikers Island and during
15 the six years he never had a meeting with my son to
16 prepare for the case. Many people are still and will
17 be involved in the criminal legal system even after
18 closing Rikers. Therefore, I believe that building
19 borough jails is a very good plan and a very good
20 solution to transition from hell to more humane
21 detention centers. It would have been a much less
22 dramatic experience for my son, his family, and
23 friends, and perhaps his lawyer to visit him near the
24 court and near home. The fact that speedy trial was
25

1 ignored for six years and the court system did not
2 apply the Sixth Amendment, how can anyone think it's
3 okay to be locked up on Rikers Island tucked away
4 from civilization to make it easier for DOC to
5 inflict abuse? I believe that having detention
6 centers near court in each boroughs will facilitate a
7 speedy trial, visit by professionals, by family
8 members and will establish some type of humanity to
9 people who are waiting for trial, and hopefully not
10 for six years. The Tomb, unfortunately, is also
11 decrepit [sic] dungeon. It lacks natural light,
12 program space, and suitable visiting area. The only
13 thing good about that jail is that it's not on Rikers
14 Island. It must be torn down and replaced with a
15 facility--

17 SERGEANT AT ARMS: [interposing] Time is
18 expired.

19 ANNA PASTORESSA: that is truly designed
20 with human beings in mind. If we don't treat people
21 with dignity while waiting for trial and continue the
22 abuse, we will only deepen the incarceration rate to
23 make the New York and the US the capitol of the human
24 rights violation. I ask City Council to ensure that
25 everything possible is done to accelerate the closure

1
2 of Rikers and completion of the borough jails and to
3 use your power to hold DOC accountable for their
4 abusers to make sure that the new jails are built
5 differently and also ran differently. Thank you.

6 CHAIRPERSON POWERS: Thank you. Thank
7 you for being here and thanks for your testimony.

8 COMMITTEE COUNSEL: Next we'll hear from
9 Akilah Tomlinson [sp?] followed by Arline Parks,
10 followed by Jane Roberte-Sampeur.

11 AKILAH TOMLINSON: Good afternoon,
12 everyone. Can you hear me?

13 SERGEANT AT ARMS: Yes.

14 CHAIRPERSON POWERS: We hear you.

15 AKILAH TOMLINSON: My name is Akilah
16 Tomlinson and I'm a member of Freedom Agenda. I'm
17 here to speak as someone who has been deeply impacted
18 by incarceration with family members who are
19 currently and formerly incarcerated. I urge this
20 Administration and the next to move forward with the
21 plan to shut Rikers Island down and build borough-
22 based facilities, investing in communities that have
23 been under-resourced, reducing incarceration, and
24 building these facilities for much a reduced jail
25 population will help to restore the humanity that has

1 decided to bring him to the visiting area. All of
2 New York City's jails are run by DOC, which is an
3 agency built on a model of punishment and have proven
4 themselves unable and unwilling to end the culture of
5 violence that consumes Rikers. We propose that once
6 these new facilities are built, the City must commit
7 that they operate differently as well. That can
8 include more oversight and accountability--

10 SERGEANT AT ARMS: [interposing] Time is
11 expired.

12 AKILAH TOMLINSON: for DOC immediately,
13 and also more comprehensive solutions like dissolving
14 DOC and placing them with a new agency that has a
15 different mission and different training and job
16 descriptions to go along with it. Rikers Island is a
17 human rights violation that should have ended a long
18 time ago. The Mayor and City Council have the power
19 to change this, and I implore that [inaudible]
20 possible to expedite this process are taken which
21 includes issuing request for proposals for all
22 contracts by December 31st of 2021. While the City's
23 current plan is to close Rikers by 2027, it could be
24 done faster if the City made that a priority and past
25 years should show that there is now no time to waste.

1
2 While New York City continues to incarcerate anyone,
3 people have the right to livable conditions, to be in
4 proximity to their lawyer, their family, and access
5 to services that they are entitled to. The jails in
6 Rikers can never meet this standard, and the existing
7 jails in the boroughs are also just as decrepit and
8 unfit for human habitation. Borough-based facilities
9 must be implemented expeditiously. It's a step in
10 the right direction to restoring humanity. Thank
11 you.

12 CHAIRPERSON POWERS: Thank you. Thanks
13 so much.

14 COMMITTEE COUNSEL: Next we'll hear from
15 Arline Parks followed by Jane Roberte-Sampeur
16 followed by Tracie Gardner.

17 SERGEANT AT ARMS: Your time will begin.

18 ARLINE PARKS: Okay, good morning, Chair
19 Powers and the committee members. My name is Arline
20 Parks and I am the Chair of Community Board One and
21 the Vice Chair and CEO of the Diego Beekman Mutual
22 Housing Association in the Bronx, and I am here today
23 to oppose the siting of the jail at 320 Concord
24 Avenue. My community is in the midst of a cycle of
25 unprecedented crime and gun violence without any help

1 or assistance from the City of New York or law
2 enforcement due to the collapse of the criminal
3 justice system and the COVID pandemic. The brazen
4 and the sheer number of shootings and men dying in
5 the streets in my community and in Mott Haven is
6 tragic and unacceptable. It is the direct result of
7 decades of disinvestment in the district coupled by
8 the recent criminal justice reforms, and the absence
9 of a proper, equitable, and fair policing plan for
10 the district. This has resulted in emboldening
11 violent, career felons that putting at risk the
12 safety of innocent, law-abiding residents, families,
13 and workers that live in work in the district
14 including at PS 65. There have been so many
15 shootings along the corridor where the City wants to
16 site the jail that we have had the need to request
17 NYPD vehicles along the corridor to assist. There
18 are NYPD vehicles posted at Brook Avenue at 139th
19 Street, Willis Avenue, and 137th Street, Saint Ann's
20 Avenue on 136th-- on Saint Ann's Avenue and 137
21 [sic]. This is due directly to the shootings where
22 people have been shot and killed, and in spite of
23 NYPD presence, the shootings and the crime continues.
24 This is not normal. The lives of Mott Haven
25

1 residents matter, and it's just as important as the
2 tourists that visit the City of Manhattan and the
3 residents that live in Manhattan. No one should have
4 to work, go to school, yet alone try to live in this
5 environment, and if the City of New York cannot
6 address what is taking place with respect to the drug
7 dealing, the open gambling, the quality of life
8 issues, guns and violence now, I can assure you that
9 siting a jail at 320 Concord Avenue will
10 significantly exacerbate conditions in this
11 community. The silence by the city government in
12 regards to the gun violence and people getting killed
13 that is taking place speaks volume to our businesses,
14 our residents, and the workers. The City's plan to
15 site that jail at 320 Concord Avenue undermines over
16 two decades of community planning and efforts to root
17 out crime and stabilize this community and the
18 district and the financial investments of hundreds of
19 millions of dollars to revitalize and rebuild this
20 neighborhood. Residents working together with the
21 Federal Government develop strategies to deal with
22 the crime in the neighborhood. The City and the
23 State's recent policies have effectively undermined
24 the work and effort of this community. Finally, we
25

1
2 are asking the City of New York to listen. Listen to
3 the businesses. Listen to the residents of the
4 community and throughout the district, and not site
5 the jail at 320 Concord Avenue. Work with us so we
6 can find another better location, and instead, focus
7 on rebuilding Mott Haven by investing in NYCHA. This
8 district has the highest concentration of NYCHA
9 developments, 22. Invest in our schools, and bring
10 in the best and the brightest educators. Invest in
11 afterschool programs. Invest in mental health
12 programs. Invest in parenting programs, and invest
13 in workforce development to reduce the poverty in the
14 district. And finally and most importantly, fix the
15 criminal justice system. taking those facilities off
16 of Rikers Island and simply just building another
17 building in our community without fixing the criminal
18 justice system, including fixing the Department of
19 Parole, ensures that our community will be entrenched
20 in poverty and crime and violence in perpetuity.

21 Thank you--

22 CHAIRPERSON POWERS: [interposing] Ms.
23 Parks, I just have to have you come to conclusion.

24 ARLINE PARKS: for this opportunity to
25 address your committee.

1
2 CHAIRPERSON POWERS: Thank you. I think
3 we got you muted, but nice to see you again, and I
4 wanted to give you extra time because I know you are
5 a large representative of your community up there,
6 and I know we've discussed this in the past. Wanted
7 to give you extra time, but we have a lot of folks
8 who are here as well. Thanks.

9 COMMITTEE COUNSEL: Thank you. Next
10 we'll hear from Jane-Roberte Sampeur, followed by
11 Tracie Gardner, followed by Jenny Veloz.

12 SERGEANT AT ARMS: Your time will begin.

13 JANE-ROBERTE SAMPEUR: Good afternoon.
14 My name is Jane-Roberte Sampeur, and I am the
15 coordinator and Staff Attorney for the Women's Pre-
16 trial Release Initiative at the Legal Aid Society. In
17 the last month our clients at Rose M. Singer Center
18 have suffered enormously from the City's sudden and
19 misguided decision to close the facility by
20 transferring these women to state prison. This is
21 not de-carceration, and this is not the way to close
22 Rikers. I have come before this body on previous
23 occasions and discussed the documented
24 vulnerabilities and extreme trauma that the majority
25 of women in city custody have experienced. These

1 transfers are disruptive to their treatment and their
2 support systems and are further traumatizing. This
3 entire process has been haphazardly [inaudible] plan.
4 Contrary to the [inaudible] in the Governor's Office
5 we are not given notice of when our clients are
6 transferred, and we are not given an opportunity to
7 adequately counsel them on these transfers. Some
8 women are even given absolutely no notice and given
9 five minutes to pack as "same day transfers." These
10 transfers are having a devastating effect on our
11 client's cases and right to counsel. Several clients
12 have been transferred in the middle of assessment for
13 alternative to detention services, delaying their
14 release from jail and connection to vital supportive
15 services. These transfers are also significantly
16 diminishing our communication with our clients. To
17 date, the system that DOC said would be in place for
18 our communication are still flawed and ineffective.
19 Transfers are resulting in some of our clients not
20 being brought to their court appearances, denying
21 them their right to be present at their court
22 proceeding. Additionally, since entering state
23 custody, several women have reported being threatened
24 by correction officers or telling them things like,
25

1 " You're in state custody now. No one is going to hear
2 you." only confirming our client's fears and further
3 exploiting the long history of abuses through state
4 custody that have gone under-reported, under-
5 investigated, and under-addressed. At least one of
6 our clients have even reported being assaulted by a
7 corrections officer since her arrival. While we all
8 want to see the closing of Rikers Island, this is not
9 the way to do it. The City's inability to meet their
10 obligation is facing a dangerous and undue burden on
11 the most vulnerable population in their custody.
12 Over 125 people detained at Rose M. Singer organized
13 and signed a petition to demand that transfers
14 stopped. Yet the state and city refused to hear
15 their voices, and instead--

17 SERGEANT AT ARMS: [interposing] Time is
18 expired.

19 JANE-ROBERTE SAMPEUR: chose to further
20 traumatize an already vulnerable population. De-
21 carceration has to be--

22 SERGEANT AT ARMS: [interposing] Time has
23 expired.

24 JANE-ROBERTE SAMPEUR: the city's focus.
25 Simply moving women further from their support

1 networks and their legal teams does not make
2 communities safer. It does not make women safer.
3 The only way to ensure women's safety pre-trial is to
4 make sure that they are in the community with their
5 families connected to supportive services and
6 therapeutic services in the communities while their
7 cases are pending. Thank you.

9 COMMITTEE COUNSEL: Thank you. Next we
10 will hear from Tracie Gardner followed by Jenny Veloz
11 followed by Nigel Quiroz.

12 SERGEANT AT ARMS: Your time will begin.

13 TRACIE GARDNER: Good afternoon. I'm
14 Tracie Gardner, Senior Vice President for Legal
15 Action Center. Since 1973, the Center fights
16 discrimination against people with criminal legal
17 system involvement, addiction, mental illness, and
18 HIV and AIDS. I'm an appointee to the Commission on
19 Reinvestment in Communities Impacted by Rikers
20 Island, and I'm a member of Freedom Agenda as an
21 organizational partner, and as someone with a loved
22 one who's been hurt by Rikers. We founded the HEI
23 Re-entry Coalition in 1984 at the state level and it
24 consists of nearly a dozen direct service and
25 advocacy organizations that together help more than

1 20,000 New Yorkers every year to avoid incarceration,
2 and for those who have already been to jail or
3 prison, successfully re-enter society upon their
4 release. Rikers, known nationwide for its inhumane
5 and dangerous conditions must be closed. We have a
6 forthcoming blueprint that provides concrete steps to
7 lower the jail population and provide community-based
8 supports for individuals diverted or released from
9 incarceration. Increase in dedicated funding for HEI
10 and Re-entry supports robust network of community-
11 based healthcare and social services providers. We
12 can no longer rely on Rikers as a community
13 healthcare provider, ample access to truly affordable
14 housing, significant reduction in barriers to jobs
15 and educational opportunities for formerly
16 incarcerated individuals, and the elimination of
17 voter suppression tactics. New York City must also
18 increase support for harm reduction programming like
19 continued distribution of naloxone, safe syringe
20 exchange, and safe consumption sites. These are
21 proven tools to provide alternatives to incarcerating
22 people who can be better addressed by services in the
23 community. Finally, and most importantly,
24 incorporating the priorities of those most harmed by
25

1
2 the criminal legal system in the re-investment plan
3 is key to its success. People with firsthand
4 experience with broken policies and incentives, we
5 are trying to change. These are the tools New York
6 City must use to close Rikers and set an example for
7 the rest of the nation of how to reverse our status
8 as the world's leading incarcerator. Thank you.

9 CHAIRPERSON POWERS: Thank you. Thanks
10 so much.

11 COMMITTEE COUNSEL: Next we'll hear from
12 Jenny Veloz followed by Nigel Quiroz, followed by
13 Joanna Weill.

14 SERGEANT AT ARMS: Your time will begin.

15 JENNY VELOZ: Thank you everyone. My name
16 is Jenny Veloz, and I'm community organizer in the
17 Environmental Justice Program at New York Lawyers for
18 the Public Interest. For years grassroots and
19 community groups, criminal justice advocates,
20 formerly incarcerated individuals and other advocacy
21 organizations including NYLPI have worked together to
22 push the City to close Rikers Island and reinvest in
23 the communities most directly impacted by
24 incarceration. The current conditions at Rikers
25 underscores the need for its closure. Among the most

1
2 egregious conditions are sewerage back-ups, faulty
3 plumbing resulting in the lack of clean running
4 water, and a lack of basic necessities.

5 Additionally, Rikers Island jails are built on a
6 toxic landfill plagued with methane [inaudible] and
7 contaminated soil which negatively impacts the health
8 of those incarcerated on the island as well as
9 correction officers, medical staff, and other
10 employees. This is an environmental justice issues
11 that deprives thousands of New York City residents of
12 basic human rights like access to water and sanitary
13 living conditions. The City has a responsibility to
14 stop this by implemented Local Law 16 which requires
15 the transferring of land, buildings, and facilities
16 of Rikers Island from the Department of Corrections
17 to the Department of Citywide Administrative Service
18 with the entirety being transferred no later than
19 August 31st, 2027. However, the City has been
20 negligent in its implementation. The first land
21 transfer was supposed to occur no later than July
22 1st, 2021, but the City waited until August to
23 transfer small portion of unused land. Instead of
24 transferring the inactive facilities on the island
25 over to DCAS in the fall, the City reopened EMTC

1 which was initially closed and should have been part
2 of the initial land transfer. With OBCC currently
3 open and the reopening of the MTC, the City needs to
4 prioritize de-carceration by closing OBCC and
5 transferring the land by the end of the year. These
6 jails should have been among the first pieces of land
7 transferred, and no plan has been shared to transfer
8 more land by the next deadline in January. Many of the
9 same environmental justice issues at Rikers underscored
10 the urgent need to replace the current borough-based
11 jail. The borough-based jails are currently unfit
12 for human habitation, including problems with
13 excessive heat, mold, poor ventilation, limited
14 natural light, and living spaces so small they do not
15 even meet standards mandated by the state. Replacing
16 these jails is necessary to stop this human rights
17 crisis, and the city must act most quickly. The history of
18 Rikers Island is one of inhumane and environmentally
19 unsafe conditions, and we now have the opportunity to
20 turn something that has had such a negative impact
21 and legacy on our city into something that serves as
22 a step towards restorative justice. NYLPI calls on
23 the City to transfer land on Rikers to DCAS and issue
24 the RFP for all construction contracts for the
25

1
2 borough-based jails by the end of the year. Thank
3 you.

4 CHAIRPERSON POWERS: Thank you.

5 COMMITTEE COUNSEL: Next we will hear
6 from Nigel Quiroz followed by Joanna Wheel, followed
7 by Eileen Marr [sp?].

8 NIGEL QUIROZ: Good afternoon--

9 SERGEANT AT ARMS: [interposing] Time will
10 begin.

11 NIGEL QUIROZ: Thank you. Good
12 afternoon. My name is Nigel Quiroz, and I'm an
13 attorney and field organizer at Innocence Project.
14 The Innocence Project is a national organization that
15 works to exonerate the wrongfully convicted and
16 reform the criminal legal system to prevent [sic]
17 future injustice. As a member of the Campaign to
18 Close Rikers, the Innocence Project was deeply
19 grateful that the City Council has recognized the
20 overall negative effect that Rikers has had on the
21 people of New York City, disproportionately people of
22 color. The Innocence Project hopes that this process
23 will mitigate the abuses and tribulations of those
24 people held at Rikers who are presumed innocent,
25 including some awaiting trial for years. With the

1 anticipated dramatic decrease of pre-trial detention
2 in New York City, we hope to see fewer people
3 pleading guilty to crimes they did not commit just to
4 avoid time in jail. The nation's more than 375 DNA-
5 based exonerations demonstrate the problem. More than
6 10 percent of them proven innocent through post-
7 conviction DNA testing had originally pleaded guilty
8 to serious violent offenses. When you consider the
9 number of people who pled out when the charges and
10 stakes are lower, we believe an enormous number of
11 innocent people plead to lower level felonies and
12 misdemeanors. Those individuals that are housed on
13 Rikers Island, many of whom are presumed innocent and
14 are subject to terrible conditions, isolated from
15 legal representation and the support of family and
16 loved ones and access to courts. They're often
17 shuttled on long trips back and forth to court dates,
18 housed in deplorable conditions and subjected to
19 violence at the hands of others being housed and even
20 correctional officers themselves. And of course,
21 current conditions on the island are nothing short of
22 a human rights crisis. These issues can be remedied
23 by the construction of new, more centrally located,
24 borough-based facilities with more program space and
25

1
2 more humanizing design. The existing borough-based
3 jails, mainly The Boat, the Tombs, Brooklyn House,
4 and the Queens House are unacceptable. If we care
5 about human dignity, decency and due process which
6 are not allowed for people to continue--

7 SERGEANT AT ARMS: [interposing] Time has
8 expired.

9 NIGEL QUIROZ: to be [inaudible] in any
10 of these facilities, which are all in decrepit
11 conditions, well past the shelf life as we have seen,
12 breeding ground for more exposure and infection of
13 the Coronavirus. So we-- I'd just like to thank you.
14 Just moving forward, replacement of borough-based
15 jails is urgent. The City should take all steps to
16 expedite this process including issuing requests for
17 proposals for all construction contracts by December
18 31st, 2021. Thank you for your time.

19 CHAIRPERSON POWERS: Thank you. Thanks
20 for the testimony.

21 COMMITTEE COUNSEL: Next we'll hear from
22 Joanna Weill, followed by Eileen Maher, followed by
23 Daniele Gerard.

24 SERGEANT AT ARMS: The time will begin.
25

1
2 JOANNA WEILL: Good afternoon. My name is
3 Joanna Weill, and I'm Senior Researcher with Center
4 for Court Innovation. The Center supports the
5 Borough-based Jails Plan and we urge Council to use
6 its authority to help the city reach the finish line
7 on schedule in 2027. Rikers' closure hinges on
8 safely reducing the City's daily jail population from
9 its current total of over 5,4000 people, as of
10 November 17th, to 3,300 or fewer people. Offering a
11 [inaudible] the Center for Court Innovation teamed
12 with the Lippmann Commission to release our
13 comprehensive jail reduction roadmap this past July.
14 Our report includes almost 40 data driven
15 recommendations to significantly and safely reduce
16 jail population. Conservatively, we estimate that
17 our proposed strategies could bring the daily jail
18 population to 2,700 people, as stated earlier by
19 outgoing Director of the Board of Correction, Meg
20 Egan. Above average implementation could actually
21 yield even greater jail reductions. If policy makers
22 took action, all our strategies would require no more
23 than two years to reach full implementation, and many
24 could be put into place in a matter of weeks or
25 months. We also recognize the next Mayoral

1 Administration and Council Membership may wish to
2 further refine the process to close Rikers and open
3 the borough-based jails. To this end, we recommend
4 three guiding principles. First, reaffirm the
5 current timeline. Moving the goal post may
6 incentivize inaction while the conditions at Rikers
7 Island remain unchanged or worsen. The current
8 timeline for 2027 still affords six more years to
9 finalize the jail construction plan, implement it,
10 and safely reduce the jail population. Second, allow
11 for flexibility on the borough-based jails. The
12 current plan remains achievable, but if necessary,
13 the recent vital city report points to other options
14 for realizing the same outcome, for instance, by
15 transferring up to four state-run facilities in
16 Manhattan and Queens to city control. While this
17 alternative proposal is by no means the other one
18 policy makers planned on, it provides a starting
19 point for contemplating any future revisions. Third,
20 finalize the jail plan swiftly--

22 SERGEANT AT ARMS: [interposing] Time is
23 expired.

24 JOANNA WEILL: over the next year to
25 begin construction on schedule at the end of 2022.

1
2 Additionally, there is no known opposition to the
3 transferring control of the island from the
4 Department of Corrections to the Department of
5 Citywide Administrative Services or to reinvesting in
6 historically oppressed communities. However, the
7 work of the Community Reinvestment Commission has
8 undergone significant delays. We suggest council
9 exercise its oversight capacity to facilitate the
10 Commission's progress moving forward. Finally, the
11 reactive and violent culture at Rikers Island must be
12 prevented from transferring to the borough-based
13 jails. This cannot be an afterthought. It must
14 permeate the planning, design, programming, and
15 staffing of the new jails from this moment onward.
16 Thank you again for having me.

17 CHAIRPERSON POWERS: Thank you. Thanks
18 for being here. Thanks for the testimony.

19 COMMITTEE COUNSEL: Next we'll hear from
20 Eileen Maher followed by Daniele Gerard followed by
21 Kelly Grace Price.

22 SERGEANT AT ARMS: Your time will begin.

23 EILEEN MAHER: Good afternoon. My name is
24 Eileen Maher. I'm a member of WCJA and the Justice
25 for Women Taskforce as well as Freedom Agenda. I'm

1
2 also a survivor of Rikers Island where I spent 420
3 [inaudible]. While I've been pleased to hear people
4 during this hearing testifying about their
5 [inaudible] when it comes to closing Rikers, I'm
6 still troubled [sic]. Initially, the borough-based
7 plan to house the women in Queens is unacceptable.
8 This plan, while noble, yes in unacceptable-- it is
9 our belief that the women who are detained receive
10 their own single standing detainment center in
11 Manhattan. Not only because women have the lowest
12 amount of active cases in Queens, but because a
13 Manhattan-based single-standing facility would
14 facilitate ACI's in-house program services as well as
15 a convenient and simpler route for families and
16 especially children to visit with their mothers.
17 Despite being detained, women, like all women, are
18 the backbones of their families and community. A
19 facility located in Manhattan would be ideal in
20 allowing the women to function in said role while
21 fighting their cases. This would aid in also
22 facilitating ACI's and create a solid and meaningful
23 discharge and release plan. Thus, aiding and
24 ensuring much lower recidivism rates and keeping
25 families intact, not hidden in some extra space out

1 in Queens. There are two ideal locations in
2 Manhattan that could be utilized right now, the
3 former Bay View facility in Chelsea and the former
4 Lincoln facility by Central Park. We are witnessing
5 the-- I apologize. They could be utilized right now
6 with minimal renovations rather than keeping these
7 detained women on the island or, which is awful, even
8 more awful, up at the--

10 SERGEANT AT ARMS: [interposing] Your time
11 is expired.

12 EILEEN MAHER: [inaudible] We are
13 currently witnessing that moving the women who are
14 not convicted of a crime yet to a state prison has
15 been futile and cruel. This is increasing their
16 likelihood for PTSD, clinical depression, and a
17 myriad of other health and mental health problems.
18 Not to mention they are now further from the
19 community and [inaudible]. I can say this as a
20 survivor of both the prison and the jail system.
21 This is a step backwards, two or three steps
22 backwards rather than the forward leaps and bounds we
23 should be making. So again, I'm implore you to-- I'm
24 imploring you to following a mass release, utilize
25 one of the Manhattan-based facilities for our

1
2 mothers, grandmothers, sisters, aunts, and friends
3 sooner rather than later. Thank you.

4 CHAIRPERSON POWERS: Thank you. Thanks
5 for the testimony.

6 COMMITTEE COUNSEL: Next we will hear
7 from Daniele Gerard followed by Kelly Grace Price
8 followed by Leah Faria.

9 SERGEANT AT ARMS: Your time will begin.

10 DANIELE GERARD: Thank you Chair Powers
11 and staff. My name is Daniele Gerard. I'm a Senior
12 Staff Attorney at Children's Rights since 1995. We
13 have been a national advocate for youth in state
14 systems. We are also a member of the New York City
15 Jails Action Coalition and the Young Adult Taskforce.
16 Borough-based Jails are a necessary step to address
17 the long-running human rights crisis on Rikers, but
18 they are not sufficient. We urge you to force the
19 City to substantially reduce the jail population to
20 fewer than 3,300 people, continue meaningful and
21 continued oversight of the points of agreement and
22 legislation related to the jails, including
23 substantial investment in community resources to
24 address unmet needs, demand accountability from DOC
25 and COBA [sic], and ensure that young adults get the

1 attention and resources for which we have been
2 clamoring for years. And solitary confinement, this
3 must be the Council's immediate priority. Please
4 pass Council Member Dromm's bill to ensure true end
5 to solitary confinement and not keep in place such
6 Orwellian-named substitutes as RMAS. Make sure that
7 every community organization that works with people
8 released from Rikers has a presence on the island now
9 to establish meaningful contact before release.
10 Begin planning now to have programming, education,
11 recreation, and mental health services for young
12 adults across all borough jails. This require
13 significant input on the design. Research shows that
14 young adults up to age 25 are still developing, are
15 incredibly impressionable, and require unique
16 programming to meet their needs. Now is the time to
17 plan to provide easily accessible programming
18 automatically to all young adults upon intake and
19 never to be used as an incentive. Now is the time to
20 plan for making education available in congregate
21 settings and easily accessible for all young adults
22 for any incarcerated person who chooses to study.
23 Please focus on the hundreds of young adults in the
24 system who consistently do not get enough
25

1 programming, education, mental health care, and even
2 food, as young adults themselves recently shared at a
3 meeting of the Young Adult Taskforce.
4

5 SERGEANT AT ARMS: [interposing]

6 DANIELE GERARD: I refer you to my
7 testimony for more details.

8 CHAIRPERSON POWERS: Thank you. Thank
9 you so much for being here.

10 COMMITTEE COUNSEL: Next we will hear from
11 Kelly Grace Price followed by Leah Faria, followed by
12 Brea Aggard [sp?].

13 SERGEANT AT ARMS: Time will begin.

14 KELLY GRACE PRICE: Hi, this is Kelly
15 Grace Price from Close Rosie's. Thank you Chair
16 Powers and Council Members for allowing me to appear
17 via Zoom today and share my comments with you. I
18 want to address a couple things. I want to quickly
19 run over the bill that's scheduled to be heard today,
20 Intro. 903. Chair Powers, you might remember in April
21 2018 during our Criminal Justice hearing I spoke
22 specifically about how when I was arrested and
23 incarcerated and released that I was given checks by
24 the Department of Correction and sometimes by the
25 NYPD that were marked "do not cash" on the bank

1
2 account so that I was never able to get that money
3 back. And I asked specifically for any legislation
4 that addressed the return of funds post-incarceration
5 to address this issue, because those of us that are
6 unbanked-- I'm banked now, but at the time in 2011
7 when I was released, when I was unbanked, I was
8 unable to cash those checks because I didn't have a
9 bank account. Now, any other person that's given a
10 check can just walk into the check that-- the bank
11 that that check is issued by and cash the check with
12 ID, but the DOC and NYPD specifically mark their
13 accounts. Those checks from those accounts do not
14 cash. That's an issue that has to be addressed in
15 the legislation. I didn't mean to spend so much time
16 on that. I want to echo what I've heard today from
17 the Legal Aid Society and from my colleague at the
18 Women's Community Justice Association calling for an
19 end to this horrible plan to move people to Bedford.
20 I've submitted extensive testimony to the BOC and to
21 the Council about the harms that are happening.
22 Look, at the end of the day, the City's going to get
23 sued for this mess, and every woman that's
24 transferred is going to get a payday. It's going to
25 be a mess. It's going to lock people up for years in

1 court, but at the end of the day, at least some
2 people will get a monetary reward. It's going to
3 happen. The-- it's already in the works. So,
4 honestly, it's not a done deal, and--

5
6 SERGEANT AT ARMS: [interposing] Time has
7 expired.

8 KELLY GRACE PRICE: there's a couple of
9 real lawsuits. I want to just quickly say that I was
10 shocked to hear Margaret Egan actually put on the
11 record today that the Board of Correction has not
12 been included in any of the borough-based jail
13 planning when it's specifically in their charter to
14 have oversight over all capital spending and
15 planning. I think that this is a pattern that the
16 Mayor-- we all know the Mayor has obfuscated the
17 Board's role in undermining the Board's authority by
18 wonking [sic] with the appointment process. Please,
19 if there's anything I can urge the Council to do,
20 make your final appointment to the BOC before the end
21 of this term. You had an open appointment now for a
22 year. You had two for a few months there, but
23 there's still an open appointment. Also, urge the
24 judiciary. I believe that they have an open
25 appointment, and make sure that the appointment

1 process going forward is not monkeyed with. I've
2 testified extensively about how this mayor has
3 monkeyed with the appointment process. Please make
4 sure that this practice is not carried over into the
5 new Administration. I'll submit my written testimony.
6 Again, I want to thank Margaret Egan. I'm sorry to
7 see you go. Thank you so much for all your work.
8 Godspeed to you.

10 CHAIRPERSON POWERS: Thank you, and we'll
11 take-- I'll look at the bill relative to your
12 suggestion [inaudible]. Thank you so much.

13 COMMITTEE COUNSEL: Next you'll hear from
14 Leah Faria followed by Brea Aggard, followed by Candy
15 Johnson.

16 SERGEANT AT ARMS: Your time will begin.

17 LEAH FARIA: Good afternoon Chair Powers
18 and all the Council Members. My name is Leah Faria
19 and I am the Women's Community Justice Association
20 Taskforce and Community Organizer. WCJA is led by
21 justice impacted women and service providers who
22 launched the Beyond Rosie's Campaign to close the
23 Rose M. Singer women's jail on Rikers Island. Our
24 movement was created because the women and gender
25 expansive population of Rikers Island were often

1 treated as an afterthought. We advocate for
2 diverting as many women as possible from Rosie's and
3 securing a new permanent, centrally located and
4 humane facility for those who remain. On October
5 13th, 2021 Governor Kathy Hochul and Mayor Bill de
6 Blasio announced the transfer of nearly all women
7 from Rikers to Bedford and to Connie [sic]
8 Correctional facilities in Westchester. They
9 committed to the move being temporary, which is
10 critical, because these state prisons are 40 miles
11 outside of New York City and incarcerate those who
12 have already been convicted, while 90 percent of the
13 women at Rikers are awaiting trial. Currently, the
14 only permanent arrangement for women is the city's
15 Borough-based Jail Plan. It places them in a new
16 facility with men that is located on the outer edges
17 of Queens and scheduled to open in 2027. When the
18 City Council voted to approve the plan in 2019, the
19 points of agreement stated, "The City would explore
20 the feasibility of moving the women's facility to a
21 different site." In light of the transfer, a new
22 plan is needed to bring the women back to New York
23 City as soon as possible to a humane, accessible
24 facility that would not replicate the conditions at
25

1
2 Rikers. Former New York State Judge Jonathan Lippman
3 wrote in the New York Times that "three New York
4 State-run prisons in Manhattan sit empty and under-
5 used, and oen should be swiftly converted into a
6 facility for women." We echo Judge Lippman's call to
7 bring back mothers, daughters, and sisters by using
8 one of the Manhattan sites as--

9 SERGEANT AT ARMS: [interposing] Time is
10 expired.

11 LEAH FARIA: [inaudible] or Bay View
12 correctional facility as a permanent, stand-alone
13 [inaudible] for the women of Rikers. Thank you, and
14 have a great afternoon.

15 CHAIRPERSON POWERS: Thank you. Thank
16 you much.

17 COMMITTEE COUNSEL: Next we will hear
18 from Brea Aggard followed by Candy Johnson, followed
19 by Reverend Doctor Chloe Friar [sp?].

20 SERGEANT AT ARMS: Time will begin.

21 BREAG AGGARD: Hi, good afternoon Chair
22 Powers and members of the Committee of Criminal
23 Justice. My name is Brea Aggard and I am [inaudible]
24 fellow interning with the Women's Community Justice
25 Association. In the past several months there has

1
2 been increased media coverage concerning the horrors
3 of Rikers Island. The facilities on Rikers and DOC
4 have proven their inability to effectively
5 rehabilitate and serve the individuals being held
6 within its walls. It is essential that any
7 [inaudible] facility must support individuals' needs
8 instead of traumatizing and generating further harm,
9 and frankly should not be run by the DOC. At YCJ,
10 the central mission of our Beyond Rosie's Campaign is
11 to permanently close RMSC and to de-carcerate female
12 and gender expansive pre-trial population to below
13 100. When I started at YCA in early September of
14 2021 there was about 360 people in custody at the
15 RMSC and their average length of stay was 233 days,
16 which is just under eight months. On November 16th
17 of 2021 there was 253 individuals within a span of
18 two months, and the average length of the stay has
19 increased to 274 days or just over nine months. As
20 the City and advocates have worked tirelessly to de-
21 carcerate, we have failed to support those with more
22 serious charges who as a result have increasingly
23 long lengths of stay due to their court backlogs.
24 Jails are not designed to hold people for long
25 periods of time. One of the main criteria used to

1
2 establish borough-based sites was the geographic
3 location of centrality. When looking at data
4 concerns for borough of charge the most women
5 consistently come from Manhattan followed by
6 Brooklyn. YCJ is advocating for centrally located
7 stand-alone sites preferably in Manhattan.
8 Regardless, as women and gender expansive people are
9 being moved to Bedford Hills, it is important more
10 than ever to begin construction or renovation of the
11 state and city-owned buildings to ensure that the
12 move is temporary. We must continue to move forward
13 with the plan to close Rikers to build safer,
14 smaller, and fairer borough-based facilities,
15 especially as women are now being held at Bedford
16 Hills. It is essential to ensure that this move is
17 temporary and is as short and it is possible. I
18 thank you for your time and opportunity to speak on
19 this matter. Thank you.

20 CHAIRPERSON POWERS: Thank you

21 [inaudible] so much.

22 COMMITTEE COUNSEL: Next we will hear
23 from Kandi Johnson followed by Reverend Doctor Chloe
24 Breyer followed by Apostle Onleilove Chika Alston.

25 SERGEANT AT ARMS: Time will begin.

1
2 KANDI JOHNSON: I thank the committee for
3 the opportunity to speak. My name is Kandi Johnson
4 and I'm a Senior Youth Advocate at Youth Justice
5 Network. After nearly 18 months of being unable to
6 access Rikers Island due to pandemic restrictions, we
7 were finally able to return to the island in
8 September. There's an ongoing humanitarian crisis on
9 Rikers Island including the death of 14 people in
10 custody this year alone. Our staff has been on the
11 front lines navigating the return to island amongst
12 deteriorating hygiene conditions, a new intake
13 procedure, increased violence and alarms, and lack of
14 DOC staffing. Every day we feel the importance of
15 in-person connection and relationship building with
16 youth who have had a year of isolation and ongoing
17 worsening conditions. YJN stands today with community
18 and family advocates and asks the Council and the
19 City to act with urgency to keep black and brown
20 young people alive. A commitment to close Rikers
21 Island has been made by the leadership of the City
22 and it is essential that commitment is honored and
23 that the line we stand doesn't continue to move. The
24 current situation for the approximately 450
25 incarcerated young people between the ages of 18 to

1
2 24 on Rikers Island has been and remains extremely
3 serious. The closure of Rikers Island including the
4 Rose M. Singer Center and The Boat is urgent and non-
5 negotiable to address the long-running human rights
6 crisis in New York. So more needs to be done in
7 effort-- it needs to be done to invest and support
8 young people impacted by the justice system citywide.
9 We call on the city to de-carcerate urgently. There
10 were reductions in the overall New York City jail
11 population in early 2020 due to COVID-19 pandemic.
12 However, since that time, the jail population has
13 steadily increased. The conditions in all the jails
14 on Rikers are no less of a public health threat than
15 the pandemic we're living in. We need to still fight
16 to keep this on the front page. We need to put in
17 place a tangible supportive infrastructure so that
18 when young people are released back into our New York
19 City neighborhoods they may be able to make a life
20 and--

21 SERGEANT AT ARMS: [interposing] Your time
22 is expired.

23 KANDI JOHNSON: future [inaudible]. The
24 time immediately after release from jail is critical.
25 Young people are often left without stable housing or

1
2 income resources and needs support to stay focused.
3 Investment in community resources will reduce the
4 chance of recidivism and increase de-carceration
5 efforts. Thank you for the opportunity to address
6 the committee.

7 CHAIRPERSON POWERS: Thank you. Thanks
8 so much for being here.

9 COMMITTEE COUNSEL: Next we will hear
10 from Reverend Doctor Chloe Breyer followed by Apostle
11 Onleilove Chika Alston followed by Susan Shah.

12 SERGEANT AT ARMS: Your time will begin.

13 CHLOE BREYER: Good afternoon. My name
14 is Chloe Breyer. I'm the Director of the Interfaith
15 Center of New York and Associate Pastor at Saint
16 Phillips Episcopal Church in Harlem. I also live next
17 to the Lincoln Correctional facility, about a block
18 away, and it's a fixture of our neighborhood. My
19 first visit to Rikers Island was in 1997 as a
20 clinical pastoral education student doing my CPE at
21 Bellvue Hospital. I went with some other medical
22 students over to Rikers, and at the time it was
23 evident even back then that the culture of violence
24 and impunity was well underway with deaths that
25 summer because people there were not sent off the

1 island to get adequate healthcare. We're calling on
2 joining the voices to call for the contracts of this
3 borough-based jail to happen this year. And I'd like
4 to add that as a clergy person, knowing or concerned
5 with the sparking of moral imagination, the
6 narratives that we tell ourselves, not just as
7 individuals but as a city and as a community are very
8 important. And we saw this across the roll of
9 symbols is important in that sense as well. We saw
10 in the early 90s when Eastern Europe and the tearing
11 down of the Berlin Wall rally began a new stage of a
12 movement towards freedom and democracy in people in
13 that part of the world. It was also an important
14 symbol that indicated a new beginning, a new self-
15 determination for people in the former Soviet blocked
16 countries. And I think it is time then for the walls
17 of Rikers to come down for a new beginning for New
18 York City in a moral sense, and one that takes the
19 substantive step towards improving our justice
20 system. I want to conclude by saying that the City
21 Council needs to keep its word and to build these
22 borough-based jails and close Rikers Island so that
23 we don't let the pandemic, which is already wreaked
24 havoc in our community, have another victim and that
25

1
2 would be a victim in the sense of taking us off track
3 to a better and more just city. Thank you so much.

4 CHAIRPERSON POWERS: Thank you. Thank
5 you so much. Thanks for waiting to be in here.

6 COMMITTEE COUNSEL: Next we will hear
7 from Apostle Onleilove Chika Alston followed by Susan
8 Shah, followed by Reverend Wendy Calderon-Payne.

9 SERGEANT AT ARMS: Your time will begin.

10 APOSTLE ONLEILOVE CHIKA ALSTON:

11 [inaudible] I be heard? Okay, great--

12 CHAIRPERSON POWERS: [interposing] We hear
13 you.

14 APOSTLE ONLEILOVE CHIKA ALSTON: Okay
15 great. Thank you so much. Good afternoon. I want to
16 start off with a scripture from my faith tradition.
17 Hebrews 13:3 says, "Remember those in prison as if
18 you were in prison yourself. Remember also those who
19 are being mistreated as if you, yourself felt their
20 pain in your bodies." Good afternoon. My name is
21 Apostle Onleilove Chika Alston and I'm the Racial
22 Justice Organizer at the Interfaith Center of New
23 York. I'm also the founder of Prophetic Whirlwind
24 Ministries, and I've been a resident of Harlem since
25 2007, but I was born and raised in East New York,

1
2 Brooklyn. As a faith leader whose stepfather worked
3 as a Corrections Officer on Rikers Island, I'm urging
4 today that the jails at Rikers Island be closed
5 because people are dying. We also need to reduce
6 incarceration and shrink the capacity of the jail
7 system while ensuring that the conditions are humane
8 for anyone who remains incarcerated. It is extremely
9 urgent that we move forward with replacement borough-
10 based jails. The City should take all steps to
11 expedite this process, including issuing requests for
12 proposals for all construction contracts by December
13 31st, 2021. While New York City continues to
14 incarcerate anyone, people have a right to livable
15 conditions in proximity to their lawyers, family, and
16 services. The jails on Rikers Island could never
17 meet this standard, and the existing jails in the
18 boroughs are also decrepit and unfit for human
19 habitation. Our incarcerated brothers and sisters
20 are made in the image of God and they deserve humane
21 conditions while incarcerated. Impacted people must
22 be able to--

23 SERGEANT AT ARMS: [interposing] Time has
24 expired.

1
2 APOSTLE ONLEILOVE CHIKA ALSTON: Thank
3 you. Impacted people also need to influence how the
4 borough-based jails will be built. Thank you so much
5 and good afternoon.

6 CHAIRPERSON POWERS: Thank you. Thanks
7 for being here.

8 COMMITTEE COUNSEL: Next we'll hear from
9 Susan Shah followed by Reverend Wendy Calderon-Payne
10 followed by Eric A. Goldstein.

11 SERGEANT AT ARMS: Your time will begin.

12 SUSAN SHAH: Good afternoon Chair Powers
13 and members of the Committee on Criminal Justice. My
14 name is Susan Shah and I'm the Managing Director for
15 Racial Justice at Trinity Church Wall Street
16 Philanthropies. Thank you so much for this
17 opportunity to testify today. As part of our
18 commitment to end mass incarceration in New York
19 City, Trinity has vigorously advocated for the
20 closing of the jails on Rikers Island and replacing
21 them with smaller and more humane borough-based
22 jails. At the same time we support the
23 implementation of policies and initiatives to safely
24 reduce the city's jail population to no more than
25 3,300. For a number of years, Trinity Church has

1 funded the work of the Lippman Commission as well as
2 many of the organizations that are working closely
3 with the Commission, the City Council, and the
4 Administration to ensure that the City makes good on
5 its promise to close Rikers by 2026. During this
6 pandemic, however, we've grown increasingly concerned
7 about the strength of the City's commitment to close
8 Rikers and fully honor the plan that was passed in
9 October 2019. It's been disheartening to see
10 attempts to walk back certain portions of this plan,
11 to reduce the budget for implementation, and to delay
12 the greed upon timeline. We cannot go backwards.
13 The ongoing humanitarian catastrophe that has
14 unfolded on Rikers cannot continue. This decrepit
15 penal colony is a public health abomination. The
16 conditions are irreparable. Fourteen New Yorkers
17 have died while in custody of the DOC this year and
18 so many more are suffering from unconscionable
19 conditions. Corrections Officers are suffering too.
20 We've also heard that female corrections officers are
21 reported being attacked. Simply put, Rikers Island
22 and our city's existing network of jails will never
23 be able to protect the health and safety of those who
24 are detained with them. so we ask that as we prepare
25

1 for an enormous change in leadership, that the
2 incoming Administration and new City Council fully
3 commit on this plan to close Rikers by 2026 and move
4 forward with the design and construction of the
5 borough-based jail,--

6
7 SERGEANT AT ARMS: [interposing] Time
8 expired.

9 SUSAN SHAH: and do so with the expertise
10 of survivors of Rikers and others with lived
11 experience. The only important exception I offer is
12 to heed the well-informed calls of WCJA and the
13 Beyond Rosie's Campaign to move the women to one of
14 the state-run facilities in Manhattan instead of
15 housing them in Queens. Thank you very much.

16 CHAIRPERSON POWERS: Thank you. Thanks
17 for being here. Thanks for your testimony.

18 COMMITTEE COUNSEL: Next we'll hear from
19 Reverend Wendy Calderon-Payne followed by Eric A.
20 Goldstein [sp?] followed by Walter Wally Nash [sp?]

21 SERGEANT AT ARMS: Your time will begin.

22 REVEREND WENDY CALDERON-PAYNE: Hi. I've
23 had some technical difficulties and I just lost my
24 testimony, but that's okay. My name is Reverend
25 Wendy Calderon-Payne. I am the Executive Director of

1
2 Bronx Connect since 2016. We have worked tirelessly
3 with community advocates to see the hell hole that is
4 called Rikers and the Barge that is really a slave
5 ship in the Bronx to be closed permanently. We do
6 not believe that these represent the progressive
7 values of New York City. We do not believe that
8 these situations and these facilities support the
9 redemptive purpose for the young people that are--
10 and the young people and adults that are caught up in
11 the system, and we just really need to say to City
12 Council, we desire you to move forward on the RFPs
13 and to not pull back. Before December 31st, issue
14 those RFPs, move the process forward. It is just
15 unacceptable that I have young person after young
16 person after young person who can bluntly tell me
17 that they spent seven months, eight months, nine
18 months in Rikers and never had a visit from a lawyer.
19 Now why is that? It's not that these lawyers who
20 could be making a lot more money in Wall Street don't
21 care about them. It's that you cannot spend seven
22 hours to visit one person when you have a caseload of
23 100. So we are asking that the City Council use its
24 power to bring this process forward and not
25 backwards. Now, we understand that the Mayor may

1
2 adjust one or two-- or the new Mayor may adjust one
3 or two things, but I do believe that the community
4 has spoken, in spite of many loud voices, that they
5 want and we want our families near to care for them
6 and to support their redemptive process and their
7 changing of their lives. Thank you.

8 CHAIRPERSON POWERS: Thank you. Thanks
9 so much.

10 COMMITTEE COUNSEL: Next we will hear
11 from Eric A. Goldstein followed by Walter Wally Nash
12 followed by Abduli Bald[sp?].

13 SERGEANT AT ARMS: Your time will--

14 ERIC GOLDSTEIN: [interposing] Good
15 afternoon. Good afternoon Chair Powers and members
16 of the committee. I'm Eric Goldstein, New York City
17 Environment Director at the Natural Resources Defense
18 Council. Of course, NRDC agrees with the Lippman
19 Commission's conclusion that closing the notorious
20 jail complex on Rikers Island and advancing a modern
21 system of smaller jail facilities in the five
22 boroughs is a moral imperative. It'll end one of the
23 sorriest chapters in the City's criminal justice
24 history. It'll facilitate enhanced deficiencies in
25 the criminal justice system and it'll create a once-

1
2 in-a-lifetime opportunity to completely re-envision
3 the use of 400 acres and transform this island of
4 shame into a showplace of sustainability and green
5 jobs. Look at what would happen if the borough-based
6 jails are completed on the legislative timeframe as
7 the renewable [inaudible] legislation envisions.
8 Rikers will become the centerpiece of solar power and
9 energy storage. This could enable the City to close
10 one or more aging, inefficient, and population-
11 generating [inaudible] plants in the boroughs which
12 are primarily located in already overburdened lower
13 income communities of color. Reimagine Rikers Island
14 could host a modern state-of-the-art waste-water
15 treatment plant. This would lead to closure of
16 several older treatment plants in the boroughs,
17 opening up shore-front parcels for new uses that meet
18 community needs for recreation, affordable housing,
19 green space and resiliency. And finally, the
20 establishment of a modern borough-based jail system
21 [inaudible] incarceration to Rikers could allow for
22 the land on the island to be used for a major
23 expansion of food and yard waste composting, keeping
24 a major portion of the city's waste stream out of our
25 landfills, a major source of climate-destroying

1 methane emissions. Finally, this renewable Rikers
2 vision will have another important benefit. It could
3 bring a measure of justice to those who have
4 disproportionately been affected by Rikers Island
5 jail operations by providing new opportunities for
6 jobs and job training programs for former Rikers
7 Island detainees, and by offering economic benefits
8 such as energy--

10 SERGEANT AT ARMS: [interposing] Time
11 expired.

12 ERIC GOLDSTEIN: [inaudible] to
13 neighborhood residents that have suffered directly
14 and indirectly from Rikers Operations. In sum,
15 implementation of the borough-based jails program
16 will demonstrate how criminal justice reform, social
17 justice, and environmental protection can go hand in
18 hand. Thank you for your attention.

19 CHAIRPERSON POWERS: Thank you, and I
20 always thank you for your commitment to all our large
21 citywide goals here, and keeping us focused on them
22 [inaudible].

23 COMMITTEE COUNSEL: Next we will hear
24 from Walter Wally Nash followed by Abdul Bald [sp?]
25 followed by Nadev Gazet [sp?].

SERGEANT AT ARMS: Your time will begin.

WALLY WALTER NASH: Good afternoon. My name is Walter Wally Nash. I am a resident of Concord Avenue. I have been a resident of Concord Avenue since 1944 where I was born on Concord Avenue, and I'm talking concerning the jail prison that will be built on Concord Avenue. First, I want to call your attention that I worked for the government or New York State from 1963 until I retired in 2001 for the State of New York Department of Mental Hygiene, and during that time in 1963 the Governor came up with plans of bringing community [inaudible] mental health to the community. To this date, that has not been implemented too well. They entrusted the City of New York to care for the mentally ill, and as you can see, the City of New York is not able to care for all of the mentally ill that the State of New York has dumped out on the street. As far as the buildings are concerned that I heard about in Manhattan, Queens, Brooklyn, and the Bronx of the state institutions, yes, they are closed, and as you can see the mentally ill are out on the street. You can use those buildings for other purposes. As far as the new programs for the Department of Correction,

1
2 you cannot put new wine into old-- you cannot put old
3 wine into new bags. The overall administration of
4 the government has not changed. You cannot have a
5 new jail without new programs, and the new programs
6 should have started years ago. To say that you're
7 going to now move the jails to the community, you had
8 the jails--

9 SERGEANT AT ARMS: [interposing] Time
10 expired.

11 WALTER WALLY NASH: in the community in
12 the beginning, and you should have come up with the
13 programs. What you need is to change the
14 government's way of thinking, because if you'll
15 notice, nothing has changed from 1963 til this
16 present moment for the state, nothing for the City
17 has changed about the jail system, and it won't
18 change no matter how you have it in the community
19 until you change the thought process of those in
20 charge, and put the money where your mouth is.

21 CHAIRPERSON POWERS: Alright, thank you.
22 Thanks so much.

23 COMMITTEE COUNSEL: Next we will hear
24 from Abdul Bald [sp?] followed by Nadev Gazet [sp?]
25 followed by Michael Johnson.

SERGEANT AT ARMS: Your time will begin.

ABDULI BALD: Hello everybody. Thank you so much for having me here. I just want to highlight that it is important that these elected officials to listen to the people who live in New York City, especially in the south Bronx. I just want to highlight that our youth feel like stuck in everything because everything has been said here. We all agree that we need to close Rikers, but [inaudible] that is proposed is not sustainable [inaudible] for the future of the city, for the future of this borough. New York City is the most powerful city in the world. We can do better than this. And this is the high stakes that we're giving to the next Mayor, but I think the policy, the lobbying that's-- they just want to impose something. That is already-- a mom cannot walk in the neighborhood without seeing a needle of drug. The mom cannot send their school-- their children to school safely, okay? We see these realities every day. We agree on closing Rikers, but the [inaudible] that having those small jails is not a sustainable alternative because the failure that's-- the city wasn't able to handle one place. How can the city be

1 is that there is an option which is to close Rikers
2 without closing-- without opening new jails. New
3 jails are needed in order to deal with issues that
4 have been brought up. New jails are just-- there is
5 no such thing as a humane jail. They are not needed.
6 What is needed is to invest this money in housing and
7 education and meals, and it is definitely not into
8 creating these new jails that would just be more
9 places with violence and harm, and they're not
10 needed. We just need to close Rikers. That's all I
11 have to say.
12

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

15 COMMITTEE COUNSEL: Next we will hear
16 from Michael Johnson.

17 SERGEANT AT ARMS: Your time will begin.

18 MICHAEL JOHNSON: Thank you. My name is
19 Michael Johnson. I'm the Co-founder of South Bronx
20 Unite. I'm so pleased to present after those last
21 two presenters. I think this is a historic moment we
22 have here. I think we all agree that Rikers should
23 be closed. I think we know it's inhumane system
24 that's incarcerated people of color. It knows
25 [inaudible], that what's happening there is an

1
2 injustice. We cannot, cannot, solve an injustice by
3 creating more-- a new building that's supposedly
4 going to be more humane, that will end up being more
5 money spent on the criminal injustice system or the
6 prison injustice system. It's not justice. We're
7 not putting money where we are-- where we need to put
8 money to solve this problem that we have societal-- a
9 societal issue here. We all agree Rikers is a bad
10 idea. It has been a bad idea from the start. The
11 Bain's [sic] Detention Center was a bad idea. We
12 should not be housing our men and women of color in
13 these structures. It's no longer-- it's no different
14 than slavery. So what we have to do is put money
15 into making sure we do alternatives to incarceration
16 and programming for extra educational opportunities.
17 Let's heal our society. Let's do humane justice
18 here. But building a new building does not solve the
19 problem. Putting a billion dollars to the problem is
20 not solving it. Let's be creative. We all have an
21 opportunity right now to tell our children that we
22 did something landmark here. We closed this
23 institution, but we also worked the change in this
24 institution. Changed institution is not throwing a
25 billion dollars at a new building. It's not

1
2 revolutionary to put lipstick on a pig and call it
3 something different, [inaudible] pig. Let's change
4 this situation today. We have an opportunity as
5 people of consciousness. Now I know my time is
6 running out, but I need 10 more seconds. We can't
7 put billions of dollars in our system where we spent-
8 -

9 SERGEANT AT ARMS: [interposing] Time is
10 expired.

11 MICHAEL JOHNSON: in this community-- I
12 know my time is expired, sir, but give me one minute,
13 30 seconds. We spent-- we're building a new 40th
14 precinct Police Department in our neighborhood
15 spending 57 million dollars, but now it's ballooned
16 to 68 million dollars. In our community we're
17 putting money into renovating Horizon Youth Detention
18 Center and Crossroads Detention Center, planned at
19 170 million dollars, ballooned to 300 million
20 dollars. The Bronx Court House was supposed to be
21 325 million dollars, now it's 400 million dollars.
22 When will we stop and start investing in our
23 communities? We have an opportunity to do something
24 different. Let's think outside the box and really
25 solve this problem and stop trying to put lipstick on

1
2 a pig and think the problem is the buildings that
3 people are being housed in. they do not need to be
4 housed in. They do not need to be housed. Let's
5 bring our people home. If they're non-violent
6 offenders or waiting for their day in court, let them
7 come home. We're already reducing the bed count.
8 Let's do something revolutionary. It's time. Thank
9 you.

10 CHAIRPERSON POWERS: Thank you. Thank
11 you for being here.

12 COMMITTEE COUNSEL: This concludes the
13 public testimony. If we have inadvertently forgotten
14 to call on someone to testify, if that person could
15 raise their hand using the Zoom raise hand function,
16 we will try to hear from you now. Okay, we'll turn
17 to Melissa Vergara [sp?].

18 MELISSA VERGARA: Hi, how are you. My
19 name is Melissa Vergara. I'm the mother of a young
20 man who's currently on Rikers Island where he has
21 been for the past seven months, and I am also a
22 member of Freedom Agenda and the [inaudible]
23 Coalition. My son has a diagnosis of Disruptive Mood
24 Dysregulation Disorder, Oppositional Defiance
25 Disorder, Autism Spectrum Disorder, and he also has

1
2 impairment to the frontal lobe of his brain. Since
3 my son has been on Rikers he has encountered immense
4 violence and inhumane treatment. My son has a slash
5 in the face, stabbed, and had to get part of his
6 finger re-attached after a faulty door was slammed on
7 his finger. My son, when my son first got to Rikers
8 Island I tried to contact the facility to inform them
9 of his mental health history, as my son cannot
10 articulate this information. In June I called OBCC
11 and spoke with a Captain Lewis and gave her a brief
12 synopsis of my son's mental health disorder. Her
13 response to me was, "Oh, so you're calling me to tell
14 me your son gets mad?" I then proceeded to say, you
15 know, to try to explain it to her, and she said,
16 "Ma'am, call 311, I don't know anything about mental
17 health." Later that day my son was pepper sprayed
18 and locked in his cell for six hours as a punishment
19 for his symptoms. On June 15th, after not hearing my
20 son for four days, I received a call from another
21 person incarcerated telling me my son was deadlocked
22 in his cell with no mattress for all that time. On
23 June 21st, my son was slashed in the face and told by
24 an officer to write a statement just saying he fell
25 off the bed. On August 15th, when the Correctional

1
2 Officers were protesting outside, everyone in my
3 son's housing area was locked in their cells with no
4 access to food. On October 21st my son was moved to
5 a different housing area [inaudible] informed the
6 captain of the dangers of being placed in that house.
7 The captain responded, "I don't give an F about what
8 happens." And within hours [inaudible] house mates
9 [sic] found him stabbed and did not get any medical
10 attention for over three hours. And then October
11 31st is when he had to be rushed to Bellvue Hospital
12 due to the incident with his finger. Whenever I
13 contacted Rikers Island I have encountered nothing
14 but bad attitudes and extreme unprofessionalism from
15 captains and officers. The people in these positions
16 are allowed to behave in any way they please with no
17 repercussions. In August I was waiting on a virtual
18 visit for my son for over 30 minutes. I witnesses a
19 female officer call a male who was incarcerated a
20 derogatory, homophobic slur, a word that most people
21 would lose their job if they were caught saying at
22 work. Whenever I have contacted Rikers Island I have
23 encountered bad attitudes and extreme
24 unprofessionalism from officers and captains. These
25 people are in position and are allowed to behave in

1 any way that they please with no repercussions. How
2 can people who behave this way have the authority to
3 punish anyone? How can this be allowed for so long?
4 If they treat people on the outside this way, how do
5 you think they're treating people in there. My son
6 has a comprehension level of a 7th grader. Would
7 anyone in here find talking to a 7th grader this way,
8 the way they speak to people on Rikers Island
9 acceptable? Rikers should have closed many years
10 ago. It is a death sentence and detrimental to the
11 physical and mental health of the people incarcerated
12 there. That has been proven as 2021, 13 people have
13 died while in custody. The facility itself is
14 unsanitary and toxic. My son has regularly seen mice
15 in his cell and roaches. One of the most popular
16 cities globally, New York City, has allowed its own
17 residents to be forced to live in these conditions.
18 The City Council must expedite plans to reduce
19 incarceration and close the Rikers Island jail and
20 [inaudible] one in the boroughs. But you also have
21 to make sure that with the improved physical
22 condition of the borough jails comes a complete
23 overall of the Department of Correction, and you
24 can't wait until 2027 due to the human lives that are
25

1
2 at risk. Fourteen deaths since 2021 will be 98 by
3 2027. You must de-carcerate, rehabilitate, reinvest,
4 and save their lives. Thank you.

5 CHAIRPERSON POWERS: Thank you. Thank
6 you for being here.

7 COMMITTEE COUNSEL: I don't see any other
8 hands, so I will turn it over to Chair Powers to
9 close the hearing.

10 CHAIRPERSON POWERS: Thank you and thank
11 you to everyone including folks at the end for being
12 with us here today and to talk about not only
13 [inaudible] to close Rikers Island, but what comes
14 ahead, and as we close the chapter on this
15 Administration at the end of the year, I think it's
16 essential and important that we continue the
17 conversation that the Council started before I got to
18 the City Council about plans to close Rikers Island,
19 the horrible conditions there, the plight of the
20 people that are in custody, their families and the
21 stories that they have to live with, and a lot of
22 work that we have to do in the criminal justice
23 system here in New York City and of course throughout
24 the state and the country as well. So I really want
25 to thank everyone, the input, stories, and the

1
2 feedback on the plan as we move forward is really
3 important and essential in addition to us getting
4 critical information and updates on where the plan is
5 in the pipeline today, and no doubt whether it's in
6 one Administration or one council, others, the work
7 continues to make sure that we have a safe, humane,
8 and fair criminal justice system including where and
9 how we are housing people that are facing trial here
10 in New York City. So, once again, I want to thank
11 everyone. I want to thank the staff here at the City
12 Council for their work and their efforts here, of
13 course, my staff as well for their ongoing and
14 continued work around this, and thank you to everyone
15 in the public who have become very important
16 advocates for their communities and for the work that
17 we're doing here and provided us with really critical
18 insights and input. So with that being said, I want
19 to wish everyone a Happy Thanksgiving and I want to
20 thank everyone for being and joining us here today.
21 Please stay safe during the holidays. I will adjourn
22 our hearing today.

23 [gavel]

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CRIMINAL JUSTICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CRIMINAL JUSTICE

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 December 30, 2021