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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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March 28, 2022

Start: 10:07 a.m.

Recess: 1:15 p.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 3)

B E F O R E: Carlina Rivera,  
Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
Joseph Borelli  
David M. Carr  
Shahana K. Hanif  
Mercedes Narcisse  
Keith Powers  
Lincoln Restler  
Lynn C. Schulman  
Althea V. Stevens

A P P E A R A N C E S

Louis Molina  
Commissioner of the Department of Correction

Kenneth Stukes  
Chief of Department of Corrections

Sherrie Rembert  
Assistant Chief of Administration

Kat Thomson  
Chief of Staff Kat Thomson

Francis Torres  
Deputy Commissioner for Programs and Community  
Partnerships

Asim Rehman  
Deputy Commissioner for Legal Matters

Nell McCarty  
Executive Director of Counseling and Social  
Services

Amanda Masters  
Executive Director of the New York City Board of  
Correction

Kelsey De Avila  
Project Director of Jail Services at Brooklyn  
Defenders

Kayla Simpson  
Staff Attorney at the Legal Aid Society's  
Prisoners' Rights Project

Nikita Rahman  
Social Work Intern at the Bronx Defenders

Rachel Sznajderman  
Correction Specialist at New York County Defender  
Services

Ariana Brill  
Education Attorney at the Neighborhood Defender  
Service of Harlem

A P P E A R A N C E S (CONT.)

Daniele Gerrard  
Senior Staff Attorney at Children's Rights

Kate Rubin  
Director of Policy at Youth Represent

Josie Whittlesey  
Executive Director and Founder of Drama Club

Tasneem Yoosufali  
Senior Mitigation Specialist at Youth Justice  
Network

Chaplain Dr. Victoria A Phillips  
Visionary V

Gisele Castro  
Exalt

Darren Mack  
Co-Director at Freedom Agenda

Jared Trujillo  
Policy Counsel at the New York Civil Liberties  
Union

Edwin Santana  
Member and Community Organizer at Freedom Agenda

Zachary Katznelson  
Executive Director of the Lippman Commission

Donna Hylton  
Founder and CEO of A Little Piece of Light

Kristen Edwards  
Vice President of Justice Initiatives at Housing  
Plus

Andre Ward  
Associate Vice President of the David Rothenberg  
Center for Public Policy at the Fortune Society

A P P E A R A N C E S (CONT.)

Susan Gottesfeld  
Chief Program Officer at the Osborne Association  
testifying on behalf of Brad Cauthen, Program  
Director for Jail Based Services

DeRay McKesson  
Campaign Zero

Martin Mason  
Bail Bondsman

William Evans  
Co-Director at the Institute for Transformative  
Mentoring at the New School

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2 SERGEANT SADOWSKY: At this time would all  
3 Council Members and staff please turn on their video.  
4 To minimize disruption, please place electronic  
5 devices on vibrate or silent mode. If you wish to  
6 submit testimony you may do so at  
7 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Once again, that is  
8 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank you for your  
9 cooperation. We are ready to begin.

10 CHAIRPERSON RIVERA: [GAVEL] Good morning.  
11 Welcome to today's hearing of the Committee on  
12 Criminal Justice Investigating Efforts to Reduce  
13 Violence among Young Adults in New York City Jails.  
14 I'm Carlina Rivera, Committee Chair. Thank you for  
15 joining us.

16 Last week, this Committee held its Fiscal Year  
17 2023 Preliminary Budget Hearing, during which we  
18 spoke at length about the soaring rates of violence  
19 and use of force at Rikers Island. Unfortunately, we  
20 not learn much that we did not already know at that  
21 hearing and so, I think I speak for all of us on the  
22 Committee when I express my sincere hope that the  
23 Commissioner and the Department of Correction have  
24 heeded our call for full transparency and open  
25 communication and are here with us today fully

1  
2 equipped with the fax and figures necessary to answer  
3 our questions and allow for productive discussion.

4       The young adults in the Departments custody are  
5 supposed to be provided with additional attention and  
6 resources to address the unique needs specific to  
7 their age group. As I expect, we will hear  
8 throughout testimony shared today, that is not true  
9 at present. And let us not fail to mention, we are  
10 referring to 18 to 21-year-old's. And in most  
11 scenarios of the majority discussed were not Black,  
12 Brown, poor immigrant New Yorkers. We would likely  
13 just be calling them kids. I realize this issue is  
14 complicated and ultimately tragic and I hope we can  
15 hear real updates today.

16       Last month, there were 474 young adults  
17 incarcerated at Rikers Island with the majority  
18 housed at the RNDC Center, The Robert N. Davoren  
19 Center. A facility which evidence shows has been  
20 mired in violence and disorder.

21       Nearly every key indicator of violence is up  
22 among young adults including fights, use of force and  
23 assault. In the first half of last year, the rate of  
24 rights for young adults in RNDC was significantly  
25 higher than that of adults in the same facility.

1 That would be the rate of violence and use of force.

2 And RNDC alone accounted for 19 percent of the number  
3 of fights in custody systemwide in the same six  
4 months.  
5

6 Use of force incidents also disproportionately  
7 involve young adults and use of force refers not to  
8 applying restraints but to incidences where staff use  
9 their bodies, objects, instruments, chemical agents,  
10 electric devices, firearms, or any other method to  
11 subdue or compel an incarcerated person. In the  
12 first six months of 2021, young adults accounted for  
13 just eight percent of the departments population but  
14 suffered 22 percent of the use of force incidents.

15 Additionally, use of force involving young adults  
16 was 220 percent higher in the first half of 2021 than  
17 it was when the Nunez Consent Judgement took effect.

18 Over the past few years, the department has taken  
19 steps to address violence in the jails including the  
20 14 Point Plan. The RNDC plan and the Young Adult  
21 Plan. However, the staffing crisis and reported  
22 dysfunction has prevented the Department from the  
23 successful implementation of the any of these  
24 initiatives.  
25

1  
2           The lack of staff often leaves housing areas  
3 routinely unattended and programming inconsistent at  
4 best creating increased opportunities and unrest.  
5 Today in continuation of our inquiry from Wednesday,  
6 I expect the Department to provide the Council with  
7 insight into its plan to reduce violence among the  
8 young adult population, increase programming,  
9 counseling and educational services and ensure needs  
10 are met without interruption.

11           Thank you to the Committee staff and my team for  
12 their efforts in putting together this hearing and  
13 thank you to my colleagues in attendance. I see  
14 we've been joined by Council Members Stevens,  
15 Borelli, Hanif, Carr, and I'm sure we will be – and  
16 of course Narcisse and I'm sure we'll be joined by  
17 others along the way.

18           So, with that, I will turn it over to Committee  
19 Staff to go over procedural items.

20           COMMITTEE COUNSEL: Thank you. I'm Agatha  
21 Mavropoulos, Counsel to the City Council's Committee  
22 on Criminal Justice. Before we begin, I want to  
23 remind everyone that you will be on mute until you  
24 are called on to testify. When it is your turn to  
25 testify, you will receive a prompt to unmute, please



1  
2 listen for your name to be called as I will  
3 periodically announce who the next panelist will be.

4 We will first hear testimony from the Department  
5 of Correction followed by a period of question and  
6 answer from the Committee Members to the  
7 Administration. We will then hear testimony from the  
8 Board of Correction followed by a period of question  
9 and answer from Committee Members. We will then hear  
10 from the public.

11 During the hearing, if Council Members would like  
12 to ask a question, please use the Zoom raise hand  
13 function and I will call on you in order. Committee  
14 Members will be limited to five minutes including  
15 responses.

16 I will now administer the oath to all members of  
17 the Administration. After I say the oath, please  
18 wait for me to call your name and respond one by one.  
19 Please raise your right hand. Do you affirm to tell  
20 the truth, the whole truth and nothing but the truth  
21 before this Committee and to respond honestly to  
22 Council Member questions? Commissioner Louis Molina?

23 Department of Correction, we sent an unmute  
24 request but you're still on mute. You have to accept  
25 the request to unmute.

1 Department of Correction, you're still on mute.

2 SERGEANT AT ARMS: It looks like they just  
3 dropped off.

4 CHAIRPERSON RIVERA: I want to recognize we've  
5 been joined by Council Member Schulman.

6 Since it's absolutely critical we hear from the  
7 Department of Correction on these alarming rates,  
8 we're going to give them a few minutes to log back  
9 in. Thank you everyone for your patience.

10 To the folks at Department of Correction, should  
11 we have - if you wanna- we have to swear you in.

12 DEPARTMENT OF CORRECTION: Can you hear us?

13 CHAIRPERSON RIVERA: We can hear you. I'm going  
14 to let Committee Counsel - for the moment thank you.

15 COMMITTEE COUNSEL: Okay, I will now administer  
16 the oath to all member of the administration. After  
17 I say the oath, please wait for me to call your name  
18 and respond one by one.

19 Please raise your right hand. Do you affirm to  
20 tell the truth, the whole truth and nothing but the  
21 truth before these Committee's and to respond  
22 honestly to Council Member questions? Commissioner  
23 Louis Molina?

24 LOUIS MOLINA: Yes.

1  
2 COMMITTEE COUNSEL: Chief of Department Kenneth  
3 Stukes?

4 KENNETH STUKES: Yes.

5 COMMITTEE COUNSEL: Chief of Staff Kat Thomson?

6 KAT THOMSON: Yup.

7 COMMITTEE COUNSEL: Deputy Commissioner for  
8 Programs and Community Partnerships Francis Torres?

9 FRANCIS TORRES: Yes.

10 COMMITTEE COUNSEL: Deputy Commissioner for Legal  
11 Matters Asim Rehman?

12 ASIM REHMAN: Yes.

13 COMMITTEE COUNSEL: Executive Director of  
14 Counseling and Social Services Nell McCarty?

15 NELL MCCARTY: Yes.

16 COMMITTEE COUNSEL: Assistant Chief of  
17 Administration Sherrie Rembert?

18 SHERRIE REMBERT: Yes.

19 COMMITTEE COUNSEL: Thank you. We will now  
20 proceed with testimony from the Administration.  
21 Commissioner Molina, you may begin when ready.

22 LOUIS MOLINA: Good morning. Uhm, apologize for  
23 the technical difficulties that we had. Good morning  
24 Chair Rivera and members of the Committee on Criminal  
25 Justice. I am Louis Molina, the Commissioner of the

1  
2 Department of Correction. I am joined today by the  
3 Chief of Department Kenneth Stukes, Assistant Chief  
4 of Administration Sherrie Rembert, Chief of Staff Kat  
5 Thomson, Deputy Commissioner for Programs and  
6 Community Partnerships Francis Torres, Deputy  
7 Commissioner for Legal Matters Asim Rehman, and  
8 Executive Director of Counseling and Social Services  
9 Nell McCarty.

10 I thank you all for this opportunity to discuss  
11 the plans that are underway to support our emergent  
12 adult population and the staff who work with them.  
13 Young Adults in our custody often present us with  
14 both our greatest challenges and our greatest  
15 opportunities. It is widely known that the violence  
16 rates at the Robert N. Davoren Center, also known as  
17 RNDC, where a majority of our young people are  
18 housed, are consistently the highest in the  
19 Department.

20 The rates of assault on staff among young adults  
21 are over two times higher than those Department-wide,  
22 use of force rates are nearly three times higher, and  
23 rates of slashings and stabbings among young adults  
24 are over three times higher than those Department-  
25 wide. This is not a trend that is unique to our

1  
2 system. Young adults, who are classified in the  
3 Board of Correction Minimum Standards as being ages  
4 18 through 21, have age-specific developmental  
5 considerations, risks, and needs. They must be  
6 treated as a unique population both in how we manage  
7 their responses to conflict and potential for  
8 violence and in how we approach programs and  
9 services.

10 Research has shown that the developmental  
11 differences and needs of young adults can result in:  
12 poor reasoning skills, impulsiveness, sensation-  
13 seeking behavior, disregard for long-term  
14 consequences, and higher risk-taking propensities.  
15 Research also tells us that education, workforce  
16 development, mentorship opportunities and therapeutic  
17 programs targeted at behavioral modification carry a  
18 weighted impact for incarcerated young adults.

19 We also know that staff who are trained in  
20 cognitive behavioral interventions, and have  
21 competencies in young adult culture, can positively  
22 influence young adult rehabilitation. We cannot and  
23 will not tolerate these levels of violence among our  
24 young adults and should not normalize people being  
25 assaulted for simply doing their job.

1  
2 As I stated in my previous testimony before the  
3 members of the Council, under my leadership, the  
4 policies and operational-decision making of this  
5 Department will be guided by data and research. And  
6 the research is clear: young adults are a distinct  
7 population that must be approached with heightened  
8 violence prevention measures, supported by targeted  
9 programming and specially trained staff. With these  
10 principles in mind, I have implemented a strategic  
11 plan to reduce violence at RNDC, which I'd like to  
12 detail for you today.

13 At the end of February, a violence reduction plan  
14 went into effect for RNDC that will address the  
15 heightened levels of violence in this facility.  
16 Because we know that many of the issues at this  
17 facility and others are longstanding and complex, the  
18 plan is multipronged, and uniform and non-uniform  
19 staff are working together at all levels in lock-step  
20 to present a unified vanguard of reform. This plan  
21 outlines changes to housing policies, improvements to  
22 staff supervision, and enhanced programming and  
23 services to provide critical opportunities for  
24 behavioral change and growth for emergent adults.

1  
2           The Monitor himself noted in his most recent  
3 report that the plan includes steps in the right  
4 direction to improve the level of safety at RNDC.  
5 The RNDC plan includes a rebalancing of housing areas  
6 to ensure that no gang has an advantage over our  
7 staff or any other incarcerated individuals. We  
8 anticipate an uptick in violent and disruptive  
9 behaviors as the young adults are being rehoused to  
10 test our commitment to this new housing strategy but  
11 we will be holding firm. Resistance is a natural  
12 part of change and we have put measures in place to  
13 provide enhanced support for both our staff and young  
14 people as they go through this transition. We've  
15 stepped up our search operations to reduce contraband  
16 in these housing areas and throughout the facility  
17 that may lead to serious violent incidences and  
18 injuries.

19           Prior to any housing movement, sweeps were  
20 conducted to ensure that any ailing infrastructure  
21 items were removed so that the weapons could not be  
22 created. Searches of non-school housing areas have  
23 been conducted to recover contraband prior to housing  
24 transfers to limit the potential for violence in the  
25 new housing areas during this critical time of

1 transition and adjustment. The plan also increases  
2 to the staffing levels in those units, so that we  
3 can limit potential for violence and respond quickly  
4 and appropriately if violence does occur. That staff  
5 will be closely supervised by facility leadership.  
6 Failures of duty will not be tolerated; staff have  
7 been provided with clear expectations that will be  
8 upheld through guidance from facility leadership and  
9 when necessary, corrective or disciplinary  
10 intervention.

12 I believe that this shift towards best  
13 correctional practices in housing policy and improved  
14 supervision bring us a long way but I recognize that  
15 in order for behavioral change to be sustainable, we  
16 cannot just close the door on unwanted behaviors. We  
17 also have to open the door to new, more positively  
18 adaptive ones. One of the first things I did when I  
19 came into this role was evaluate policies related to  
20 program providers to remove barriers that were  
21 preventing people with the lived experience from  
22 coming into our facilities and engaging with our  
23 young population. This has increased our ability to  
24 utilize passionate staff and contract providers who  
25 look like the people who we have in our custody, come



1  
2 from their communities, and have many shared  
3 experiences and wisdom to offer.

4 Before the RNDC plan was issued, we increased the  
5 number of credible messengers and staff who are  
6 trained to meaningfully work with this population to  
7 disrupt existing patterns of violence. We've also  
8 expanded our partnership with faith-based  
9 organizations to help young people foster a deeper  
10 connection to their faith and their values. These  
11 providers, coupled with the DOC Program Counselors  
12 who have received training in restorative justice,  
13 behavioral therapy, relationship building and more,  
14 will champion our young adults as they unlearn  
15 violent responses to conflict and stabilize in this  
16 new housing model.

17 I stated previously that I am a huge proponent of  
18 increased educational access within our jails.  
19 Education is a gift to our entire society, because it  
20 is the single factor that is proven to significantly  
21 reduce recidivism and improve outcomes. In addition  
22 to our rebalancing efforts, we have opened several  
23 school housing areas for cohorts of young adults who  
24 are interested in attending school so that they can  
25 live with like-minded peers who are focused on

1  
2 academic achievement. Individuals living in these  
3 housing areas are expected to attend school daily and  
4 are provided with school uniforms and specialized  
5 incentives to create a sense of normalcy and maintain  
6 peer-supported motivation for success.

7 We are working on the computerization of the GED  
8 exam at our school sites so that students can take  
9 the exam online and receive their score in minutes.  
10 Enrolled students will be issued with laptops to  
11 access specific sites that will aid in their  
12 educational endeavors. I have also stated that making  
13 decisions based on data and research is paramount to  
14 me. I will highlight again, as I did last week, that  
15 we are creating a dedicated team whose full-time job  
16 will be to develop systems to track and evaluate  
17 programs and operations to ensure that our decisions  
18 are data-driven and that our results can be shared  
19 transparently with our stakeholders.

20 This incoming management, analysis, and planning  
21 team will evaluate our progress with data and make  
22 adjustments where needed. Even before this plan went  
23 into effect, we saw violence rates both Department-  
24 wide and among our young adult population trending  
25 down between calendar year '21 and calendar year '22.

1  
2 Total rates of use of force have decreased by 19  
3 percent calendar year to date, fights are down 44  
4 percent and total assaults on staff on down 39  
5 percent. These numbers are promising and we hope to  
6 see them continue in this direction after we get  
7 through any anticipated upticks as a result of  
8 rehousing to balance out gang affiliations.

9 I recognize that these downward trends are  
10 occurring in the context of violence that has grown  
11 year-over-year, so a decrease is certainly not  
12 bringing us to the baseline we want to achieve. But  
13 progress is progress and improvement is good and we  
14 cannot dismiss that.

15 I know that it is hard to hear that change is  
16 coming when it already feels too late, when it feels  
17 like change was due years ago, when promises have  
18 been made and left unfulfilled over and over again. I  
19 share your frustration. It is the very reason why I  
20 took this job. The plans that we have put in place at  
21 RNDC to support our staff and our young people  
22 involved deep assessment and reflection, not just by  
23 me but by this agency as a whole. That reflection  
24 has led to renewed hope and thoughtful action. It is  
25

1  
2 a step in the right direction but we are not going to  
3 undue years of decay overnight.

4 I look forward to working together with this  
5 Council and the rest of our stakeholders over the  
6 coming weeks, months and years to enter in a new era  
7 and build a jail system that is safe, fair and  
8 humane. My colleagues and I are available to answer  
9 any questions that you may have.

10 CHAIRPERSON RIVERA: Thank you so much. I  
11 appreciate your testimony and for being here. So,  
12 let's uh, I want to recognize we've been joined by  
13 Council Member Abreu.

14 So, how many young adults are in custody today?

15 LOUIS MOLINA: Good morning Chair. Thank you for  
16 that question. I'll let - we have the Chief of  
17 Department with us, Chief Kenneth Stukes. I'll let  
18 him delve into that data for you.

19 KENNETH STUKES: Yes, good morning. As about  
20 five a.m. this morning, our young adult centers is  
21 511.

22 CHAIRPERSON RIVERA: So, it's gone up since  
23 February. It's increased, is that correct?

24 KENNETH STUKES: Yes, that's correct ma'am.  
25

1  
2 CHAIRPERSON RIVERA: How many young adults are  
3 currently in comingled housing areas?

4 LOUIS MOLINA: Chief Stukes.

5 KENNETH STUKES: At about five a.m. since this  
6 morning, we have a total of 82 young adults in  
7 comingled units with the larger proportion of a  
8 comingled population in the Eric M. Taylor Center  
9 undergoing the new admission processing and COVID  
10 risk screening.

11 CHAIRPERSON RIVERA: Can you describe what that  
12 is exactly and what they're doing there?

13 KENNETH STUKES: Once that person is remanded  
14 into DOC custody by the court, they undergo a new  
15 admission processing which is done at the Eric M.  
16 Taylor Center. We begin to process all our new  
17 admissions at one facility. During that new  
18 admission processing persons quarantined at Eric M.  
19 Taylor for a period of ten days which is guided by  
20 CHS. After the person has received a rapid test and  
21 they are negative for COVID, then the department gets  
22 clearance to overload those persons into our normal  
23 operating facilities.

24

25

1  
2 CHAIRPERSON RIVERA: Do you know what's the  
3 current turnaround test - turnaround time to get  
4 those results.

5 KENNETH STUKES: I don't want to misspeak; I  
6 would refer to CHS to provide guidance regarding  
7 turnaround testing times.

8 LOUIS MOLINA: What we could do Chair Rivera is  
9 I'll get with our CHS partners and follow up with you  
10 regarding the average testing time to get those  
11 results to you.

12 CHAIRPERSON RIVERA: Okay, I appreciate that. So,  
13 which facility have comingled housing units?

14 LOUIS MOLINA: Chief.

15 KENNETH STUKES: Good morning. Facilities that  
16 have uh, just let me provide some clearly regarding  
17 comingling. Just give me a second.

18 CHAIRPERSON RIVERA: I'll be here.

19 KENNETH STUKES: Thank you.

20 KENNETH STUKES: Present variance for minimum  
21 standards, the department submitted to comingled  
22 young adults with people in custody over the age of  
23 21 in new admission quarantine housing at our stated.  
24 The Rose M. Singer Center and in other limited  
25 circumstances. All young adults that are comingled

1  
2 continue to have excessive DOC educational services,  
3 one on one and group counseling.

4 Robust evidence-based programming options and  
5 reentry support in their comingled housing  
6 assignments. Young adult who meet the criteria for  
7 comingled represent a significant minority of their  
8 young adult population. Recent housing data March  
9 young adult progress reports shows 80 percent of our  
10 young adult population is housing in young adult  
11 housing only. However, when excluding the two  
12 percent of young adults comingled in specialized  
13 mental health or other specialized housing units, the  
14 12 percent of young adults housing in comingled new  
15 admission housing as a component of the COVID-19  
16 screening strategy and four percent are female young  
17 adults housed at Rose M. Singer as well as a one  
18 percent of young adults comingled in ESH housing.

19 One finds that over 95 percent of the remaining  
20 young adults population is housing young adult only  
21 housing and is not comingled.

22 Requests for young adults to be comingled based  
23 on their involvement in a violent incident or an  
24 incident that otherwise threatens the safety of the  
25 security of the city are reviewed on a case by case

1  
2 basis and must be approved by the Chief of their  
3 department.

4 CHAIRPERSON RIVERA: Can you give me that last  
5 percentage that you just gave as to how many young  
6 adults are actually in housing that's appropriate for  
7 them?

8 LOUIS MOLINA: 95 percent ma'am.

9 CHAIRPERSON RIVERA: Over?

10 LOUIS MOLINA: Over.

11 CHAIRPERSON RIVERA: What percentage of the young  
12 adult population is pre-trial? And of those that are  
13 held pretrial, how many were in custody for more than  
14 a year?

15 KENNETH STUKES: As per our five year census on  
16 Friday, which was March 25<sup>th</sup>, 92 percent of our young  
17 adult population was in pre-trial with a total of 114  
18 in custody for more than a year.

19 LOUIS MOLINA: And if I may Chief, also I just  
20 want to share with the Chair that as you know, COVID-  
21 19 has impacted the entire justice system including  
22 our courts. So, as a result, our length of stay has  
23 increased significantly departmentwide from January  
24 2019 to January of this year, our average length of  
25 stay actually increased from 187 days to 329 days.



1  
2 So, to place this into perspective, I think you might  
3 have referenced this in our last hearing, it compares  
4 to Los Angeles county, which is the largest justice  
5 system in America. It's four times higher. This  
6 trend also holds true for our young adults in custody  
7 as well, which we know drives a significant amount of  
8 violence. Chief Stukes, can you share just not only  
9 the census but the length of stay in some of our for  
10 our departmentwide population.

11 CHAIRPERSON RIVERA: Well actually Commissioner,  
12 now that you mentioned COVID and its impact and the  
13 courts being one of those institutions that are  
14 impacted. As restrictions are lifted and hopefully  
15 as we see ourselves fully on the other side of COVID-  
16 19, would you say that you have expectations that our  
17 jail population will decrease significantly?

18 LOUIS MOLINA: Well, I'm hopeful that it will.  
19 So, I think there's two ways to look at that. One  
20 is, yes you're right, as the courts gets back to sort  
21 of a regular sort of cadence, I will tell you that  
22 our court production back in January was about 59  
23 percent of our population, was bring produced. As of  
24 March, we've risen that up to 84 percent but I also  
25 think when you're talking about managing the

1  
2 population, we also have to consider what other  
3 alternatives to incarceration opportunities exist for  
4 those that are you know being charged of crimes, so  
5 that they can wait out their process to do their  
6 criminal court case outside of being incarcerated.

7 So, I think it's not just about core production  
8 and the full functioning of the court system but I  
9 think it's also about increasing alternatives to  
10 incarceration for those that qualify and I think the  
11 support that has to go with that.

12 CHAIRPERSON RIVERA: And I think we would agree  
13 that all of that would take place off of Rikers  
14 Island and hopefully in our communities with more  
15 investment, especially those historically  
16 underserved.

17 So, I want to get back, you were going to get  
18 into a few facts. I mean, I have a few more  
19 questions but I think you wanted to mention.

20 LOUIS MOLINA: Sure, Chief can you talk about the  
21 departmentwide lengths of stay, just breaking down  
22 that population for us?

23 KENNETH STUKES: Yeah, good morning. With  
24 regards to our population and our long stayers, one  
25 to two years number of individuals would be 948 or 17

1  
2 percent of the total DOC population. Two to three  
3 years, total number of individuals is 435 which is  
4 eight percent of the departments population. Three  
5 years plus total number of individuals is 309 which  
6 is five percent of the departments population.

7 CHAIRPERSON RIVERA: What percentage is city  
8 sentenced? And of those that are city sentenced, how  
9 many have at least 60 days left on their sentence?

10 KENNETH STUKES: With regards to the city  
11 sentence population, out of our census on March 25<sup>th</sup>,  
12 we had 19 young adults who were city sentenced. With  
13 regards to that 19, ten of them had 60-days or less  
14 on their sentence.

15 CHAIRPERSON RIVERA: Are any of them serving  
16 their remaining time through the six-day work release  
17 program? And if not, why not?

18 LOUIS MOLINA: And I'd like DC Torres, our Deputy  
19 Commissioner for Programs and Community Partnerships  
20 to just add some more context to that as well as 6A.

21 FRANCIS TORRES: Good morning Madam Chair. There  
22 are two emergent adults who could be considered for  
23 release to the 6A program. That is a conversation  
24 that we plan on having with the Commissioner. We do  
25 review any case on a regular basis. We should share

1  
2 with you that during the height of the pandemic, when  
3 we released 313 persons in custody to the program  
4 between March 21, 2020, and April 1, 2020, 15 of them  
5 were emerging adults at the time of release.

6 CHAIRPERSON RIVERA: So, how many have been  
7 released through the 6A – how many city sentenced  
8 young adults are eligible for the 6A work release  
9 program?

10 FRANCIS TORRES: This time two of them ma'am.

11 CHAIRPERSON RIVERA: How many – have any been  
12 released through the 6A work release program in the  
13 last two months?

14 FRANCIS TORRES: None have qualified ma'am.

15 CHAIRPERSON RIVERA: So, violent indicators for  
16 young adults are very high compared to adults. The  
17 rate of fights in the first half of 2021 is  
18 indicative of this. What are the root causes of  
19 violence among young people in custody in your  
20 opinion?

21 LOUIS MOLINA: Madam Chair violent rates as you  
22 said among young adult population are generally  
23 higher than those department-wide. From January to  
24 February, we had an average rate of roughly 86 use of  
25 force incidents per 1,000 people in custody which

1  
2 includes our young adult population. Whereas our  
3 young adults are low on average roughly 253 incidents  
4 per 1,000 young adults in custody.

5 Our assaults on staff show similar trends with an  
6 average rate of 11 incidents department-wide and 23  
7 among young adults. On average, our rates of  
8 stabbings, slashings are over three time higher for  
9 young adults department-wide in calendar year '22.

10 Similar to department-wide trends, our violence  
11 indicators among young adults have been trending  
12 downward calendar year to date as I previously stated  
13 in my testimony. The use of force is down with that  
14 population by 19 percent and rates of assaults on  
15 staff are also down 39 percent calendar year to date.

16 As I stated in my testimony, as I'm sure many of  
17 you know, young adults are developmentally different  
18 than adults. They are more prone to impulsivity and  
19 risk seeking behaviors with little regard for long  
20 term consequences. These factors contribute to  
21 higher rates of violence among young adults and a  
22 need for a specially trained staff and programs and  
23 services that meet their developmental needs. That's  
24 why the RNDC has been the focus of my attention since  
25 coming on as Commissioner and why I laid out a

1  
2 special plan targeted to RNDC. This plan includes  
3 balancing out gang housing, which we started RDNC  
4 before other facilities because of the greater need  
5 that has been demonstrated by their higher rates of  
6 violence.

7 As we rebalance these houses, we've increased  
8 searches to remove contraband from housing areas and  
9 directly from young adults in custody. While these  
10 houses are transitioning, we're going to have  
11 officers assigned to support a high level of  
12 supervision and response. We should accept an  
13 initial uptick in violence and subsequent uses of  
14 force as everyone adjusts. Any use of force must  
15 still be appropriate and proportional and any  
16 inappropriate force will be documented and corrective  
17 action will be pursued if warranted.

18 We know that using force can't be and isn't the  
19 only response to violence. One of my first asks when  
20 I came into this position was to revise our policies  
21 regarding how we enter our facilities, the providers  
22 to help people in custody. As I saw that the  
23 criminal history criteria was limited individuals  
24 with lived experiences in the criminal justice system  
25 from engaging with our young people. This has

1  
2 allowed us to expand our credible messenger program  
3 so young adults can engage with people who have faced  
4 similar difficult situations and learn different  
5 responses to conflict.

6 We've also expanded our partnership with our  
7 faith based organizations to help young people foster  
8 deeper connection to their faith and their values.

9 Family as I stated many times, I believe that  
10 education is a critical tool in preventing recidivism  
11 and creating a foundation for a successful future.

12 We've stood up school houses in which young adults  
13 who want to go to school live together and encourage  
14 engagement and success. We look forward to expanding  
15 educational opportunities as we move more in the  
16 future.

17 CHAIRPERSON RIVERA: Thank you and we've been  
18 joined by Council Member Restler. So, you're saying  
19 one of the solutions you think, or something that you  
20 think you'll need to do to address this issue is the  
21 need for specially trained staff. What kind of  
22 training is transpiring now? Do you have plans to  
23 significantly change that and are you I think you  
24 want to train the staff that exists correct?  
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LOUIS MOLINA: That is correct ma'am and you know we are also recruited for staff to help engage with that population because I think one piece of it and I'll let Deputy Commissioner Torres and possibly Executive Director McCarty expand on this. But I think having our credible messengers who can come in as violent [INAUDIBLE 37:06] was really, really critical to that because many of these individuals have similar and lived experiences as young men and they can identify with their journey so that they're not responding in a violent way.

With that being said, it is important that we have staff training, specifically to manage and deal with the challenges of this young adult population. DC Torres.

FRANCIS TORRES: Thank you Commissioner. Chair Rivera, I would like to share with you how it is that our department has been involved in special training sessions since 2015. In fact, there are three ways in which we go about training. A training that is facilitated by our academy. A training that is facilitated by health affairs and very specific training curricula that is used for training of



1  
2 uniform and non-uniform staff members particularly  
3 assigned to the RNDC facility.

4 For specifics on our curricula as well as the  
5 training components, I'm going to defer to you to our  
6 Executive Director Nell McCarty.

7 NELL MCCARTY: Hello and thank you so much. So,  
8 I would like to just go over a little bit of some of  
9 our training that we've done specifically for people  
10 working with the emerging adult population. Uhm, in  
11 our 2020 to 2021 young adult plan, we did outline two  
12 specific training course for uniform members of  
13 service. Those two courses were unit management and  
14 direct supervision. I'd like to highlight that 60.7  
15 percent of our staff at RNDC completed unit  
16 management training while 93.8 percent of staff at  
17 RNDC completed direct supervision training.

18 This being said, we're looking into 2022 and what  
19 are our needs now. In 2021, a two-week curriculum  
20 was established for 37 staff had to go through that  
21 training where we focused on restorative justice  
22 practices. We focused on how to build relationships  
23 with families while someone is in custody and how to  
24 build better relationships with peers as well and how  
25 to heal and move forward ultimately.

1  
2 This was a training for both uniform and non-  
3 uniform staff. As we move into 2022 we've developed  
4 a 3.5 hour block training associated with the risk  
5 management accountability system and possibly  
6 something that could be expanded even further beyond  
7 that. This block training is called working with  
8 young adults in correctional custody and it took some  
9 core aspects of our safe crisis management training  
10 curriculum which was originally created in response  
11 to Raise the Age and working with adolescence and  
12 expanded to really focus on our 18-21 year old  
13 population.

14 This curriculum zones in undevelopmental needs of  
15 emerging adults, the impact of trauma, incarceration  
16 on an emerging adult psychological development and  
17 teachers person centered strategies for identifying,  
18 responding to behaviors of concern.

19 Throughout the RMAS training series, our uniform  
20 staff also attend courses on – and mental health  
21 awareness just to mention a few. To date, a total of  
22 199 staff, approximately 170 uniform and 29 non-  
23 uniform staff have completed RMAS training where this  
24 course is taught.

1  
2 CHAIRPERSON RIVERA: Thank you for that. I  
3 appreciate it. I just want to – we'll get into  
4 staffing in a little bit in terms of officers verse  
5 civilians and how appropriate that is but I thank  
6 you for the programming update. I do know that you  
7 also mentioned that there's going to be a dedicated  
8 team to track and evaluate programs. Does that team  
9 not exist already and how would you describe then the  
10 role of the Board of Corrections?

11 LOUIS MOLINA: So, I think one is as you have  
12 pointed out before right, like we have to be able to  
13 share with you sort of what our challenges are. But  
14 we also have to be able to assess and collect the  
15 right appropriate data in order to do the appropriate  
16 research and proper evaluations of the effectiveness  
17 of many of the initiatives that we're doing.

18 So, one of the things that we developed is, we  
19 are developing the office of Management, Analysis and  
20 Planning is going to be led by our Deputy  
21 Commissioner, where there going to be several  
22 business units under that that are being developed in  
23 order to do this work and develop these program  
24 evaluations. And it's not just the effectiveness of  
25 programming, it's also the effectiveness of

1  
2 operational strategies, the effectiveness of how we  
3 manage our staff deployment and all of those things.  
4 And that unit development is underway now. And I  
5 would hope that the work of that unit is work that we  
6 will share with our critical partners and  
7 stakeholders. That would also be a our partners in  
8 the Board of Corrections, with your Committee as  
9 well. We all need to be I think, looking at the same  
10 information so that we can work together thinking  
11 about what are the solutions going forward.

12 CHAIRPERSON RIVERA: Well, yes, we're here, we're  
13 here to certainly work with you. Uhm, as long as you  
14 know there is transparency and of course  
15 accountability is a priority. We want to make sure  
16 that we're helpful when necessary.

17 So, I know you've seen some news articles in the  
18 Nunez reports; those are repeat stories of disorder  
19 and chaos at RNDC caused in part by security lapses  
20 and for example, uniformed staff, failing to properly  
21 secure cells and young people being placed in  
22 operable cells that should be taken offline.

23 And just yesterday the New York Daily News  
24 reported that on February 20<sup>th</sup>, 19-year-old Marquise  
25 Thomas experienced a life threatening assault after

1  
2 being moved without clear explanation from his unit  
3 at the RDNC to another unit. Unfortunately, the  
4 systems that intended to keep Marquise safe failed  
5 and there were no CEO's present to prevent or stop  
6 the assault.

7       So, what steps is the department taking to  
8 address kind of these basic security failures are the  
9 result of uniform staff action or inaction? What is  
10 the department doing to hold them accountable  
11 including those that supervise them?

12       LOUIS MOLINA: Thank you Madam Chair. I think  
13 first to respond to the incident that referencing  
14 that was in the news, I just want to say that that  
15 incident is currently under investigation, so I  
16 cannot elaborate about that incident specifically but  
17 I also think that it's important to put into context  
18 that the special monitors report is about a time when  
19 we had - this department had significant staffing  
20 shortages and the contract service providers were not  
21 entering our facilities.

22       So, this report is generally commenting on a  
23 period at the time when COVID was surging and we had  
24 many problems that were exacerbated as a result.  
25 Specific to just staff accountability in general,

1  
2 what I'll tell you is that since I've been here, I  
3 myself have signed 465 disciplinary cases. And many  
4 of those disciplinary determinations that were people  
5 that were suspended, there were people that were  
6 provided an opportunity to irrevocably submit their  
7 resignation of retirement. And in some cases, we had  
8 termination.

9 So, I've talked about accountability being  
10 something that I take very seriously. I, myself,  
11 also want to be held accountable. So, I have been  
12 keeping people accountable to make sure that we have  
13 a timely and meaningful disciplinary process that is  
14 appropriate to have behavioral change in our staff  
15 when they don't meet our expectations.

16 CHAIRPERSON RIVERA: So, just to clarify, you're  
17 saying that you yourself have reviewed 465  
18 disciplinary cases in your tenure at the department  
19 as Commissioner?

20 LOUIS MOLINA: In my two and a half months here  
21 ma'am, I've closed out 465 disciplinary cases and in  
22 some of those instances, I was addressing issues of  
23 failure that went back to 2017.

24 CHAIRPERSON RIVERA: Understood and I know that I  
25 want to ask a couple questions on that. I do see

1  
2 some of my colleagues have their hands up. So, I'm  
3 just going to ask maybe a couple more questions and  
4 go to them. Uhm, as of this month, the number of DOC  
5 staff unavailable to work has returned to August 2021  
6 levels.

7 So, in your review and in your time there, how  
8 has staff absenteeism impacted staffing at RNDC and  
9 other facilities housing the young adult population?

10 LOUIS MOLINA: So, our staff has been uhm, what  
11 I'll tell you is that we have had over 1,300 staff  
12 come back and what we have seen is a decline in our  
13 staff that's out sick, anywhere from two to 30 days.  
14 SO, that has been a much improvement. We've seen  
15 that our average sick days for those that are out  
16 like I said has gone down. We have been directly  
17 engaging in staff who are out sick to see what  
18 support they need to get back to work to helping them  
19 get support for organizational health as I have  
20 previously testified, just did not exist in this  
21 department for many years.

22 With that being said, there is a disciplinary  
23 process for staff who are found to be AWOL, though it  
24 is relatively a known number at this point, I'll ask  
25 our Chief Rembert, our Assistant Chief of

1  
2 Administration, where she can maybe provide some  
3 numbers and some context at least calendar year to  
4 date to talk about uhm, staffing.

5       SHERRIE REMBERT: For the staffing – thank you  
6 sir. Good morning everyone. For staffing for RNDC,  
7 the staffing level they need for RNDC [INAUDIBLE  
8 47:29] is 1,014. For correction officers, we need  
9 742. We currently right now at 74 percent rate for  
10 staffing for RNDC for officers with captains, we need  
11 57. We had a 65 percent for ADW's is 61 percent.  
12 When it comes to AWOL process, initially it was not a  
13 common occurrence within the department currently  
14 right now. There's a small number of individuals  
15 that count for the majority of incidents of AWOL's  
16 that do occur.

17       These incidents are referred to disciplines where  
18 they come in. Meaning, the facilities that they  
19 report to. This doesn't include the loss of time as  
20 well as salary reduction as well as loss of time. If  
21 an individual commits multiple AWOL's, those  
22 violations will be referred to our trials litigation  
23 department for formal charges.

24       The disposition for that is either a negotiating  
25 plea agreement, a suspension or a termination. Uhm,



1  
2 in reference to the AWOL's, we do have a high number  
3 of AWOL's when it comes to departmentwide but it is  
4 not the - it is a high number of occurrences, it is  
5 not the people. The people for the AWOL's is about  
6 41. We have identified 13 that are aggressive, that  
7 have aggressively violated an AWOL approach and those  
8 members are at trials litigation for suspension  
9 either termination, negotiate plea agreement.

10 CHAIRPERSON RIVERA: Well, you have trial and  
11 investigations division that was previously headed by  
12 Sarena Townsend and I know that they went as far as  
13 to do things, finding people who were not coming to  
14 work. Have you hired a replacement for Ms. Townsend  
15 and if not, do you know when a replacement will be  
16 named and who is point - on handling disciplinary  
17 cases? I'm just, I'm not sure I caught that.

18 LOUIS MOLINA: So, so the - we have two acting  
19 Deputy Commissioners that are overseeing our  
20 investigations division, which does investigations  
21 into staff misconduct as well as investigate use of  
22 force and we have an acting Deputy Commissioner of  
23 Trials and that department oversees what I'll say is  
24 the representing of the department and the  
25 enforcement of our due process, disciplinary process

1  
2 for those that either need to go to oath, who are  
3 challenging the allegations against them or also,  
4 settling and negotiating plea agreements with these  
5 individuals that can range from a number of  
6 compensatory time, days that are a deduction to  
7 suspension. In some cases, termination or  
8 irrevocable resignation or retirements.

9 CHAIRPERSON RIVERA: And from what I heard, even  
10 they were spread very thin. Do you think you need to  
11 hire more investigators?

12 LOUIS MOLINA: We are currently recruiting for  
13 investigators in the investigations division. We are  
14 also recruiting agency attorney's. I think our  
15 department is not immune to even the private and  
16 public sector of the challenges recruiting qualified  
17 staff, especially after the affects of the pandemic.  
18 But we are actively recruiting for positions in those  
19 respective divisions.

20 CHAIRPERSON RIVERA: Understood. I have a few  
21 more questions but I'm going to turn it over to my  
22 colleagues who I see have their hand up and I know  
23 we're going to be calling on them in the order in  
24 which they raised their hand. Committee Counsel.

1  
2 COMMITTEE COUNSEL: Thank you. I will now call  
3 on Council Members in the order they have used the  
4 Zoom raise hand function. If you'd like to ask a  
5 question and you have not yet used the Zoom raise  
6 hand function, please do so now. Council Members,  
7 please keep your questions to five minutes. The  
8 Sergeant at Arms will keep a timer and will let you  
9 know when your time is up.

10 You should begin once I have called on you and  
11 the Sergeant has announced that you may begin.  
12 First, we will hear from Council Member Borelli  
13 followed by Council Member Narcisse.

14 SERGEANT AT ARMS: Time starts now.

15 COUNCIL MEMBER BORELLI: Hi Commissioner, thank  
16 you. I want to talk about staffing but I first want  
17 to talk about some of the physical problems with the  
18 buildings. I've visited Rikers late last year on an  
19 unannounced visit and so the extent of the problem in  
20 Otis Bantom and other buildings. I want to ask you  
21 though about a project that began in 2013 and I'm  
22 asking really for a history lesson, a public history  
23 lesson. In 2013, in December, the department broke  
24 ground on a \$594 million new jail with 1500 beds and  
25 a 225 bed infirmary. It was going to be an

1  
2 admissions jail given the time spent on Rikers is  
3 quite short for the majority of people that get  
4 there. Do you know what happened to this jail over  
5 the De Blasio Administration?

6 LOUIS MOLINA: Thank you for your question sir.  
7 I'd have to get back to you with a much more detailed  
8 reasons of why that project never, never moved  
9 forward. I was not here in 2013, so only that  
10 predates me. Unless Chief Stukes you have anything  
11 to add?

12 KENNETH STUKES: No, I don't sir.

13 COUNCIL MEMBER BORELLI: But to be clear, it was  
14 started in the final month of the Bloomberg  
15 Administration, the ribbon cutting around  
16 groundbreaking actually happened and then at some  
17 point during the De Blasio Administration, the money  
18 was pushed forward into closing Rikers. And to your  
19 knowledge there's no construction on the jail right  
20 now?

21 LOUIS MOLINA: There is no construction on Rikers  
22 Island for any new facility currently. No sir.

23 COUNCIL MEMBER BORELLI: Okay, in your opinion  
24 though, if this jail had opened by its completion  
25 date, would there be a safer way and a cleaner way

1  
2 and a safer for Correction Officers facility as  
3 opposed to what we were using in Otis Bantam and  
4 elsewhere?

5       LOUIS MOLINA: I can answer it this way sir. I  
6 think without me having looked at the plans and the  
7 layout of the facility that was proposed, I can tell  
8 you that clearly our aging infrastructure that  
9 currently exists today will obviously benefit if we  
10 had a newer facility on the island where we could  
11 have moved away from using facilities for example  
12 that don't even have functioning air conditioning.  
13 So, I think from that perspective, I think that would  
14 have been an improvement when your comparing a new  
15 facility to an older facility but I think facility is  
16 just one component to safety. I think that we also  
17 have to think about the investment in our human  
18 capital, our staff and historically, this department  
19 has not really invested in its staff in a  
20 professional development and I think that also speaks  
21 to many - part of the things that we need to work on  
22 in order to improve operations of the department.

23       COUNCIL MEMBER BORELLI: I get that but as far as  
24 like healthcare for inmates, would a new state of the  
25

1  
2 art 225 bed hospital be beneficial to inmates or the  
3 status quo would be better?

4       LOUIS MOLINA: Yeah, I think that would be  
5 beneficial. I think I would also like to defer to  
6 CHS because they are medical experts but I also want  
7 to just share with you sir that you know, with our  
8 borough-based jails plans, we also have the outpost  
9 therapeutic facilities that we'll also be setting up  
10 through our vicinity, throughout the city. Which are  
11 also going to not only be staffed by Correction  
12 Officers but be able to provide more, faster and  
13 available care for those that need mental health  
14 services. So, I think that's a good way in the right  
15 direction but of course, expanding access to  
16 healthcare is a value to any correctional setting but  
17 I think we also need access to healthcare in our  
18 communities.

19       COUNCIL MEMBER BORELLI: Right and I just want to  
20 go back to the new jail because in the Departments  
21 press release it says, drawing on evidence-based  
22 practice, the facility would provide a central point  
23 of admissions and intake for most male adult inmates.  
24 This will allow for a consistent, accurate evaluation  
25 of incoming inmates risk of recidivism and need for

1  
2 services such as mental health substance abuse  
3 treatment etc.. That has to be a better scenario  
4 than we have today.

5 LOUIS MOLINA: Well, what I will tell you sir is  
6 that and I have to defer some of this to CHS as we do  
7 have that going on at EMTC. Our CHS partners are  
8 doing eval – making evaluations for new admissions.  
9 It has been centralized to make sure that the  
10 appropriate level of medical and mental healthcare  
11 and other issues related to healthcare are being  
12 addressed to the very vulnerable sick population  
13 that's coming into our custody.

14 SERGEANT AT ARMS: Time expired.

15 COUNCIL MEMBER BORELLI: Just to be clear. Okay,  
16 time expired but my only point was, we allowed the  
17 advocates and the last administration to scrap a jail  
18 that by no uncertainty would have provided 1,500  
19 people in our custody, human beings a better, safer  
20 placed to be housed while they're in Rikers Island  
21 and my only point is that perhaps government by  
22 hashtag isn't the best thing to follow going forward  
23 for this administration or any administration going  
24 forward because we would have had this facility and  
25 we could still talk about closing Rikers Island

1  
2 building borough-based jails that's not going to  
3 happen for another ten years but this jail would have  
4 been in operation now for five.

5 So, that's my only point Commissioner and I thank  
6 you for answering questions.

7 LOUIS MOLINA: Thank you sir.

8 COMMITTEE COUNSEL: Thank you. Next, we will  
9 hear from Council Member Narcisse.

10 SERGEANT AT ARMS: Time starts now.

11 COUNCIL MEMBER NARCISSE: Good morning. Thank  
12 you Chair Rivera for giving me the opportunity to  
13 speak here and Commissioner, thank you and all your  
14 staff and all our support staff that's helping us  
15 through and the Sergeants.

16 So, uhm, one of the questions I had. In jail, we  
17 know there's potential for violence right. Are all  
18 areas of our jails surveilled by cameras and is a DOC  
19 officer always monitoring these cameras? What is the  
20 respond time to a young, incarcerated individual in  
21 jail calling for assistance? How does young,  
22 incarcerated individuals call for help?

23 LOUIS MOLINA: Thank you ma'am for your question  
24 and we do have significant, in the thousands of  
25 camera coverage throughout all of our facilities.



1  
2 I'll let Chief Stukes speak specifically to your  
3 security questions that you just asked.

4 KENNETH STUKES: Yes, good morning.

5 COUNCIL MEMBER NARCISSE: Good morning.

6 KENNETH STUKES: As it pertains to responding to  
7 incidents on housing units, the person in custody  
8 does not have any type of technical solution to  
9 request assistance to a correction officer as their  
10 point of contact. However, when there are instances  
11 in housing units where the correction officer deemed  
12 as necessary to request assistance, they may do so by  
13 the means of what we refer to as a PBA, which is a  
14 Personal Body Alarm via telephone, via portable radio  
15 transmissions.

16 COUNCIL MEMBER NARCISSE: What approach to reduce  
17 institutional violence against young adults? Is  
18 using an assessment to predict the likelihood of  
19 victimization. Does corrections identify those  
20 housed in jails who maybe at a high risk for  
21 victimization and what steps are then taken mitigate  
22 such risks?

23 And the second part I have. Is DOC still using  
24 the housing unit balancer for classifying young,  
25 incarcerated individuals based on their propensity

1  
2 for violence and house them in ways that are designed  
3 to produce less conflict. Has HUB proven to be  
4 effective?

5 LOUIS MOLINA: So, ma'am, I think what you're  
6 referring to is the HUB.

7 COUNCIL MEMBER NARCISSE: Hmm, hmm, HUB.

8 LOUIS MOLINA: And I think to put this into  
9 context right, the HUB was a housing unit balancer  
10 that was recommended by McKenzie and Consulting Firm  
11 a few years ago. And what we did on the  
12 recommendation of the Federal Monitor, we hired a  
13 classification and custody management consultant and  
14 the HUB system was not in compliance of the best  
15 practices and standards of the national institute of  
16 corrections. So, we were using two systems, both the  
17 HUB and our NIC classification system and those two  
18 were in conflict. So, we were not making I think the  
19 best housing decisions with those two systems  
20 simultaneously.

21 So, on the recommendations by our classification  
22 consultant who also is known to the federal monitor,  
23 we eliminated the use of the HUB, so that we would  
24 not have a conflicting system and we were using our  
25 NIC based system to make sure that we're properly

1  
2 security classified individuals. Coupled with that,  
3 I think you have to remember that this HUB along with  
4 other issues creating a situation where individuals  
5 were being housed by their gang affiliation, which  
6 put our staff at a disadvantage.

7       So, what we've done, what we have begun to do,  
8 starting with our young adult housing units is  
9 rebalance these units so that individuals are not  
10 housed simply by their gang affiliation. And coupled  
11 with that, what I'll tell you is we've created school  
12 housing units, so that those young people, kids that  
13 want to work together and want to go to school and  
14 lean on each other were able to uhm, were able to  
15 support that cohort population and we've seen really  
16 almost no incidences in those housing units because  
17 they're given the proper support.

18       COUNCIL MEMBER NARCISSE: I thank you and I'm  
19 going to second my colleague Borelli that was talking  
20 about having a place where we can treat young folks  
21 like your men, if they need assistance. Because one  
22 other thing and thank you to Chair Rivera that took  
23 me to Rikers. I realize a lot of young folks; they  
24 have mental health that need to be addressed and  
25 thank you again because I know you're new at the job

1  
2 but you're doing your best but continue pushing for  
3 treating those young folks as human and give them the  
4 support that they need. So, I thank you for your  
5 time. I appreciate your time.

6 LOUIS MOLINA: Thank you Ma'am.

7 KENNETH STUKES: Thank you.

8 COUNCIL MEMBER NARCISSE: Thank you.

9 COMMITTEE COUNSEL: Seeing no other Council  
10 Member hands, we will return to the Chair for  
11 additional questions before proceeding to the Board  
12 of Correction. Chair Rivera.

13 CHAIRPERSON RIVERA: Thank you to my Council  
14 Members for asking questions. Before we just jump  
15 into, you mentioned education and programming.  
16 Before we jump into that, just a quick follow up from  
17 what we were discussing pre-Council Member questions.  
18 Do you know how many people you have suspended for  
19 AWOL?

20 LOUIS MOLINA: Can you give me one minute ma'am  
21 while I just look that up?

22 CHAIRPERSON RIVERA: You got it.

23 LOUIS MOLINA: So ma'am, I'll tell you this in  
24 general and I'll get you more specific numbers but  
25 let me just talk about the last two months January

1  
2 and February. So, we've had 147 staff members that  
3 were designated at some point AWOL, 41 of those  
4 members are assigned specifically to RNDC. I can  
5 tell you that the actions that I've taken regarding  
6 AWOL. So, as you know last year, members that were  
7 AWOL even for only one day were similarly just  
8 suspended for 30-days without pay and what that did  
9 was really quite frankly eliminate due process for  
10 those individuals.

11 Prior to November 25, 2021, that practice of  
12 automatic suspension was stopped by the previous  
13 administration. So, the actions that we've taken  
14 regarding AWOL as Chief Rembert had alluded to  
15 earlier in her testimony, was those members that  
16 happened to be AWOL maybe one or five days, that  
17 requires a facility level command discipline and  
18 that's a decenary process for those individuals.

19 If we have a member of the service that's AWOL  
20 five or more days, then those individuals are given  
21 formal charges and are placed on leave without pay.  
22 I can tell you for the 41 that came from RNDC, that  
23 had broken down to be nine of those members which  
24 separated from service, either terminated or  
25 resigned. Nine were issued formal disciplinary

1 charges, so they go into a disciplinary process.

2 Another 16 were issued facility level command  
3 disciplines and they are going through that process  
4 with their command discipline and that's where we are  
5 right now today.  
6

7 CHAIRPERSON RIVERA: Okay, I look forward to, if  
8 you have the suspension number when you've got it.

9 So, let's jump into some programming. What is  
10 the current ratio of program counselors to housing  
11 units at RNDC?

12 SHERRIE REMBERT: Thank you for your question  
13 Madam Chair. Currently the ratio is one program  
14 counselor per two housing areas five days a week,  
15 three hours in each of those housing areas.

16 CHAIRPERSON RIVERA: And how is the department  
17 working with this external program providers to  
18 expand programming for young adults?

19 SHERRIE REMBERT: Sure, I thank you again. We  
20 currently have six major contracted providers.

21 Providers are linked to our facilities based on  
22 their services as well as their areas of expertise.  
23 Presently at RNDC, we have two specific providers.  
24 One for adult population and one for our young adult  
25 population. The services provided by those major

1  
2 providers are also complimented by other significant  
3 providers who are hired or retained as part of a  
4 small purchase order as well as volunteers.

5 CHAIRPERSON RIVERA: Are the young –thank you.  
6 Are young adults in comingled housing receiving age  
7 appropriate programming and if not, why not?

8 SHERRIE REMBERT: Absolutely they are. We do  
9 have our staff assigned to comingled housing,  
10 ensuring that our young adults have access to  
11 evidence-based age appropriate curriculum.

12 CHAIRPERSON RIVERA: So, how does the department  
13 inform young people of their eligibility for  
14 educational services and does the department follow-  
15 up if someone refuses educational services?

16 SHERRIE REMBERT: Sure, up in the intake or  
17 admissions, any staff conducting the orientation is  
18 instructed to make sure that a young adult is  
19 provided a form 3503B, which is the request for  
20 educational services.

21 Now Madam Chair, if I may, some of the kids were  
22 coming into our custody during admissions are more  
23 worried about their processing than affirming or  
24 wanting educational services. And for that reason,  
25 any time any 18 to 21 chooses to sign up for

1  
2 educational services, they have a right to be  
3 produced to the school floor. It is ongoing. They  
4 can inform the steady staff members, our counseling  
5 staff as well as our credible messengers or any of  
6 our providers. And that message is given to our  
7 captains as well as staff steady staff in addition to  
8 the Department of Education. Thank you.

9 CHAIRPERSON RIVERA: And just, again, how many  
10 young adults are enrolled in educational services?

11 SHERRIE REMBERT: Sure ma'am, if I may, I would  
12 like for transparency. The DOC not usually these -  
13 of data relevant to mandated educational services.  
14 That is something traditionally we defer to the DOE.  
15 However in preparation for this Council hearing, the  
16 DOE has shared some information with us that I would  
17 like to share with you and your Committee.

18 Between July 2021 and January 2022, they are 490  
19 students enrolled at East River Academy.

20 CHAIRPERSON RIVERA: Can you - I'm so sorry, can  
21 you repeat that number?

22 SHERRIE REMBERT: Sure, 490 ma'am.

23 CHAIRPERSON RIVERA: You have 490 young adults  
24 enrolled in educational services out of 511?



1  
2 SHERRIE REMBERT: According to the DOE, that's  
3 the number that has been given to us.

4 CHAIRPERSON RIVERA: Okay, do you know how many  
5 of those students are students with disabilities?

6 SHERRIE REMBERT: I can actually share that  
7 number with you Madam Chair because the Department of  
8 Education has shared it with us. Between September  
9 2021 and January 2022, there are 235.

10 CHAIRPERSON RIVERA: And how many students are  
11 English language learners?

12 SHERRIE REMBERT: Oh, Madam Chair, I regret to  
13 tell you that I don't have that data from the  
14 Department of Education but I'll be more than happy  
15 to ask them to send it to you.

16 CHAIRPERSON RIVERA: And I imagine the  
17 educational services are – they accommodate students  
18 with disabilities and students who are English  
19 language learners?

20 SHERRIE REMBERT: That's correct ma'am.

21 CHAIRPERSON RIVERA: Excellent. So, I look  
22 forward to those numbers. Do you have a plan for  
23 the young adult population with respect to the  
24 borough based jail plan?

1  
2           LOUIS MOLINA: Yes Madam Chair. Thank you for  
3 the question. So, I'll share with you regarding our  
4 borough-based jail plan when it comes to our young  
5 adults. Just give me a moment to flip through it  
6 here. Our young adults will be primarily housed in  
7 facilities based on the borough of their residents  
8 like everyone else in custody.

9           Our young adult unit design on our borough based  
10 jail plans, young adults will have dedicated housing  
11 units in each facility. All young adult adults will  
12 be housed in therapeutic model housing units, which  
13 includes additional support space for both people in  
14 custody, as well as the staff.

15           No unit will be larger than 24 beds. There are  
16 currently four, 24-bed young adult units planned for  
17 each facility. That's 96 beds total. There is  
18 additional programming space and staff support on  
19 unit. Each housing unit would include a minimum of  
20 two multipurpose program rooms, two interview rooms,  
21 one quiet room and immediate access to outdoor  
22 recreation space.

23           Each housing unit will have access to a cluster  
24 area with additional programming space. That  
25 programming space can be used as a multipurpose room,

1  
2 an interview room, a video conferencing room, even a  
3 barber shop. Each facility will have three  
4 classrooms for the Department of Education so that  
5 they can provide services. In addition to support  
6 space for the Department of Education staff and a  
7 full vocational education sweep. Some of the  
8 vocational skill spaces will include open spaces for  
9 training, we'll have automotive, personal grooming,  
10 we'll have a our driving stimulation which is  
11 currently what we use in our P-Center for our young  
12 adults as well as culinary arts.

13 Each facility will have not only a general  
14 library but also as required a law library for access  
15 to the population. Each facility will be designed so  
16 that comingling variance will not be necessary.  
17 Comingling will be avoided through the design and  
18 collocating the young adults on the same floor and  
19 scheduling them for centralized programming  
20 opportunities.

21 CHAIRPERSON RIVERA: Thank you very much. In  
22 terms of what's available at the facilities now for  
23 restrictive and therapeutic housing units, how many  
24 young adults are currently in restrictive housing and  
25 can you provide a breakdown based on restrictive

1  
2 housing type. Like, for example, PSEG or Tier Use,  
3 secure units, ESH etc.?

4 LOUIS MOLINA: Thank you for your question.  
5 Chief Stukes.

6 KENNETH STUKES: Yes, good morning. First, I'd  
7 just like to clarify that young adults are not placed  
8 in punitive segregation and have not been for many  
9 years. But these are other systems that were  
10 designed to house young adults who have engaged in  
11 serious violent acts and provide them with  
12 programming and other rehabilitative opportunities to  
13 address the violent responses to conflict. The fact  
14 is there are people who commit acts of violence on  
15 Rikers and we need a way to separate those  
16 individuals in order to keep everyone safe.

17 Individuals are placed in supervision housing  
18 based on violent incidents. So, I'll move into the  
19 census and the type of units. Our census as of our  
20 five a.m. census this morning for punitive  
21 segregation is 35. Our restrictive housing unit is  
22 24. The secure unit, which is a young adult unit,  
23 the census this morning is 17.

24 One other young adult transitional repair unit,  
25 which is commonly referred to it as TRU, the census

1  
2 this morning is 14. We move onto our enhanced  
3 supervision housing, which is tiered system. Meaning  
4 you start at a more restrictive level and progress  
5 through the system based on regular periodic reviews  
6 made by a multidisciplinary team. ESA census this  
7 morning for our young adults is 27. For a total of  
8 172 persons being assigned to enhance supervision  
9 housing. Thank you.

10 CHAIRPERSON RIVERA: Thank you for bringing those  
11 numbers. There are numerous reports of young people  
12 in ESH where they are locked in 24 hours a day, which  
13 is a violation of ESH policy and people in custody  
14 are told it's because there's no staff in the housing  
15 units to let them out.

16 So, what is DOC doing to make sure that people  
17 get their time out of cell and are there any  
18 challenges with providing programming and educational  
19 services to young people placed in restrictive  
20 housing?

21 KENNETH STUKES: Give me one second, let me refer  
22 to my notes Madam Chair regarding staffing. I will  
23 say that during the height of the pandemic, we did  
24 experience challenges with regards to staffing on our  
25 units. However, we have improved significantly with

1  
2 being able to provide services to the population in  
3 enhanced through supervision housing in addition to  
4 being able to provide them lock out times.

5 CHAIRPERSON RIVERA: Understood and so, what  
6 exactly is the department doing to just make sure  
7 that people get their time out of their cell?

8 KENNETH STUKES: What we do as an added layer of  
9 compliance at the facility level, the leadership do  
10 audits through review of Genentech cameras. Also, by  
11 making additional tours of inspections on the units  
12 in addition to the area supervisors being on the unit  
13 to support the staff.

14 CHAIRPERSON RIVERA: And you would say some of  
15 the challenges in providing educational services and  
16 programming to those young people in restrictive  
17 housing, what do you identify as some of those  
18 challenges and what are you doing to overcome them?

19 LOUIS MOLINA: DC Torres.

20 KENNETH STUKES: DC Torres will respond ma'am.  
21 Thank you.

22 CHAIRPERSON RIVERA: Hmm, hmm, thank you.

23 FRANCIS TORRES: Madam Chair, if I may, the  
24 structure of the — the structure I'm laying out of  
25 the unit is very challenging for us. That's the

1  
2 reason we are looking forward to transitioning to  
3 risk management accountability system because we have  
4 selected a different layout with better structure.

5       Programming as it relates to this specific  
6 population in ESA is on cell side. It poses  
7 challenges to our staff because as one could imagine,  
8 it's not conducive for programming. The young adults  
9 or the kids, as I call them, they are escorted to  
10 school where they have access to educational services  
11 from our partners from the Department of Education.  
12 That is something that we seriously make every effort  
13 in ensuring for them.

14       CHAIRPERSON RIVERA: Would you say that some of  
15 the positions that are currently budgeted for  
16 officers can be replaced with civilians? For  
17 example, administrative positions are some of the  
18 driver's on the Island.

19       LOUIS MOLINA: So, I will tell you Madam Chair,  
20 we are like other uniformed agencies identifying  
21 positions that would be more appropriate for  
22 civilians to do. I will share that with you as we  
23 identify those positions as we're going through our  
24 assessment and really just turn around of the agency.

1  
2       So, I think like any uniform agency, we always  
3 can strive to do better and identify those areas  
4 where administrative responsibilities, it is more  
5 appropriate to have a civilian, nonuniform member to  
6 do that position versus a uniform person.

7       You did mention drivers. We do have civilian  
8 drivers that work for the department but in many  
9 cases, we're also transporting individuals that are  
10 detainees that have to be monitored by security  
11 staff. So, those individuals are transported to and  
12 from court, to and from medical services. If it's an  
13 outside medical service, like a hospital transport  
14 and that has to be done by uniform staff.

15       CHAIRPERSON RIVERA: Understood and I think one  
16 of your team mentioned using cameras as a method and  
17 I'm pretty sure Council Member Narcisse also touched  
18 on this issue but I didn't hear, do you know how many  
19 cameras there are on the Island?

20       LOUIS MOLINA: Yeah, Chief, it's in the thousands  
21 ma'am.

22       KENNETH STUKES: There's thousands of cameras.

23       CHAIRPERSON RIVERA: Would you say it's close to  
24 10,000?

25       LOUIS MOLINA: Over 14,000.



1  
2 CHAIRPERSON RIVERA: Over 14,000. Do you know  
3 how many of them are working?

4 LOUIS MOLINA: Well, I mean at any point and time  
5 there could be a camera that goes out or a camera  
6 that is obstructed and we have a video unit that  
7 monitors cameras to address cameras that either go  
8 out or become obstructed and if it's a camera that  
9 technically has a technical difficulty, then a work  
10 order is put in to correct that issue. If it's an  
11 obstruction issue, then the facility leadership is  
12 notified. In many cases, the facility itself also  
13 monitors these cameras and clears the obstructions.

14 CHAIRPERSON RIVERA: Do you know how many people  
15 at a time are monitoring these cameras?

16 LOUIS MOLINA: I'd have to - unless Chief Stukes,  
17 do you know the number of the people that are  
18 monitoring the cameras?

19 KENNETH STUKES: It varies by each facility and  
20 the amount of staff that they designate to monitor  
21 the cameras in the facility. So, it could range  
22 anywhere from one person to two to three persons.  
23 But also, just to add, we also have our casting and  
24 our video monitoring unit who also monitors cameras.  
25 So, whenever there's a camera that may be down that

1  
2 the facility may have overlooked or missed doing  
3 their inspection process, it is made on notice to the  
4 facility and a work order is generated to our radio  
5 and communications to our staff to report to address  
6 the down cameras.

7 CHAIRPERSON RIVERA: And I mean, I ask because –  
8 well, do you know what the average down time is?

9 KENNETH STUKES: As it pertains to down cameras  
10 in housing areas, we have a 14 day minimum to repair  
11 all cameras in housing units.

12 CHAIRPERSON RIVERA: And all your officers wear  
13 their body cameras on?

14 KENNETH STUKES: All of our facilities that are  
15 fully operational. The staff has been outfitted with  
16 body cameras. There's a policy that dictates when  
17 they are to turn their body cameras on. At the  
18 conclusion of their tour, if there's any incidents  
19 that's noteworthy, they make notice to their  
20 supervisors. Once the body camera is returned to the  
21 control room at the end of the tour, that body camera  
22 is [INAUDIBLE 1:23:37], whereas a video feed  
23 automatically downloads.

24 CHAIRPERSON RIVERA: Well, I thank you. I mean,  
25 with some of the things that we've seen, I realize

1  
2 having responsible staff and of course security  
3 cameras on, functioning and being monitored is  
4 important. I mean, I think we saw that with the  
5 death of Mr. Diaz with the release of the video of  
6 fight night.

7 So, I thank you for answering those questions and  
8 for all the time that you've given us today. I just  
9 want to ask you one last question and we're going to  
10 hear from the Board of Corrections after this.

11 There are numerous reports of lockdowns at RNDC.  
12 Do you have numbers of how often they are happening?  
13 How long have they lasted and has the Department of  
14 Corrections reported them to the board?

15 KENNETH STUKES: In consistent with our policy,  
16 lockdowns may occur from one hour to eight hours or  
17 16 hours to 24 hours, whereas any lockdown there is a  
18 notification through our central operations guest  
19 reporting mechanism.

20 With regards to the Boards rule, anytime a unit  
21 is locked down, which may exceed 24-hours, you make  
22 notification to the board.

23 CHAIRPERSON RIVERA: Okay, well, I'm sure we will  
24 hear from them and I know that they have certainly  
25 some concerns but also, they have every intention of

1  
2 working with you all to improve conditions at Rikers.  
3 So, I do want to thank you for your time today, last  
4 week and this week. I know there are some  
5 outstanding numbers that you'll be getting to us and  
6 I look forward to that information and to meeting  
7 with you all shortly to discuss how we can work  
8 together and improve conditions. As we know, there  
9 is a humanitarian crisis unfolding at Rikers Island.  
10 It is affecting staff and the incarcerated alike and  
11 I'm looking forward to your plan and solutions and  
12 their implementation.

13 LOUIS MOLINA: Thank you Madam Chair for the  
14 time.

15 KENNETH STUKES: Thank you.

16 CHAIRPERSON RIVERA: Thank you. Thank you for  
17 being here. Over to Committee Counsel.

18 COMMITTEE COUNSEL: Thank you. We will now turn  
19 to the Board of Correction. I will now administer  
20 the oath to the Board of Correction. After I say the  
21 oath, please wait for me to call your name and  
22 respond one by one. Please raise your right hand.  
23 Do you affirm to tell the truth, the whole truth and  
24 nothing but the truth before this Committee and to  
25

1  
2 respond honestly to Council Member questions?  
3 Executive Director Amanda Masters?

4 AMANDA MASTERS: Yes, I do.

5 COMMITTEE COUNSEL: Thank you. You may begin  
6 when ready.

7 AMANDA MASTERS: Thank you. Good morning Chair  
8 Rivera and members of the Committee on Criminal  
9 Justice and Commissioner and his staff. I am Amanda  
10 Masters, I'm the Executive Director of the New York  
11 City Board of Correction, the independent oversight  
12 agency for the city's jails.

13 The topic for this oversight hearing is  
14 preventing violence among young adults in our jails.  
15 At this time, young adults, as you covered briefly  
16 earlier, young adults but not exclusively young  
17 adults are held at the RNDC but they are also held at  
18 GRVC and the North Infirmery Command. Young adults  
19 are also being held at RMSC, West Facility, EMTC,  
20 AMKC and the Bellevue Hospital.

21 Furthermore, pursuant to a continuing Mayoral  
22 Order, a continuing Emergency Executive Order from  
23 the Mayor, based on the Department of Correction's  
24 staffing crisis, young adults are now also commingled  
25 in housing areas with adults, which is forbidden

1  
2 under the Board's Minimum Standards. For that  
3 reason, I will speak more broadly today about  
4 preventing violence in our jail system.

5 As you know the Board of Corrections mandate  
6 under the New York City Charter is broad. We are to  
7 conduct evaluation of the departmental performance,  
8 as well as promulgate regulations governing the care,  
9 custody, correction, treatment, supervision and  
10 discipline of all people held in our city jails. The  
11 Board also has unfettered access under the Charter,  
12 to inspect and visit all facilities, and inspect all  
13 books, records, documents and papers of the  
14 department.

15 The Board's regulations cover the original  
16 Minimum Standards from many decades ago, as well as  
17 now access to healthcare, access to mental  
18 healthcare, prevention of sexual violence to people  
19 in custody, reporting and the use of punitive  
20 segregation and other restrictive housing models.  
21 Despite this huge mandate, we are a very small agency  
22 with an inadequate budget of just over three million  
23 dollars, a drop in the bucket compared to the massive  
24 Department of Correction with the, that is now \$2.6  
25

1  
2 billion and ever increasing that we are charged with  
3 overseeing.

4 Our staff on Rikers Island and in the jails are  
5 charged with touring the DOC facilities daily,  
6 speaking directly to people about conditions of  
7 custody. When we can be there, field staff observe  
8 problems and solve them on the spot, helping many  
9 people who live or work in the jails. These staff  
10 are key to enforcement of our regulations.

11 Historically, we have never had enough staff to  
12 provide coverage throughout the facilities.

13 I want to illustrate how exceptional our small  
14 staff is though and how much they sacrifice to do  
15 their jobs. Last week, one of our staff was touring  
16 a housing area and speaking to an officer inside the  
17 closed control vestibule between housing areas. A  
18 person in custody was able to walk out of this  
19 housing area and approach the door to a vestibule and  
20 barricade the staff inside. He threatened to hurt  
21 them. He used obscenities and racial slurs. This  
22 went on for some time until the person in custody  
23 walked away to return to his housing area. After the  
24 man walked away on his own accord, our staff quickly  
25 exited to safety.

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Later that day, we learned that the inmate used a weapon to slash another person in his housing area. When these jails are not safe, our staff are not safe either. Thankfully, our staff is okay. But their work is critical to overseeing the jails and preventing bad outcomes by enforcing our Minimum Standards and we need to be able to keep them out there doing their work. The Board needs more funding for field staff and we would be happy to brief you on that at some other point and time.

Now, I'm going to talk about what we see as a key problem, which is the DOC staffing crisis and unstaffed posts. On February 1<sup>st</sup> of this year, the Board requested staffing data from DOC that would identify for instance, how many staff were supposed to be at each post in each facility and how the posts are prioritized in the face of this staffing crisis. Because the staffing crisis has affected compliance with our Minimum Standards across the board, and because we need data to evaluate when the staffing crisis is over.

Until that data request is fulfilled, we can speak only to our observations today about staffing



1  
2 problems and the relationship between staffing and  
3 violence prevention.

4 For background, a typical housing unit with cells  
5 rather than dorm areas but a housing unit with cells.  
6 As an A-post officer stationed in a closed vestibule  
7 to oversee housing units. The B-post officer is  
8 assigned to the corridor of cells and can have  
9 contact with people in custody.

10 BOC staff observe that during the staffing  
11 crisis, B-officers have been reduced and are  
12 sometimes unstaffed posts. On January 19<sup>th</sup> of this  
13 year, DOC reported to us that 38 posts were not  
14 staffed. That was a snapshot that has not been  
15 updated for us since January. The January DOC and  
16 Correctional Health Services joint injury report  
17 notes, that 88 percent of all serious injuries and 83  
18 percent of all injuries in January of this year,  
19 occurred in housing areas. This is a fairly  
20 consistent figure month-to-month. Housing areas are  
21 overwhelmingly the most dangerous place in the jails  
22 today and must be staffed appropriately.

23 Long-standing management difficulties,  
24 particularly around staff assignment, organization,  
25 training and culture within DOC have been heavily

1  
2 documented by the Nunez Court Monitor for quite some  
3 time and were a subject of note in last week's budget  
4 hearing. BOC strongly supports this Commissioner and  
5 DOC, I'm sorry, BOC strongly supports the DOC's  
6 Commissioner's efforts to develop management  
7 structures and practices to utilize staff correctly  
8 to provide adequate oversight of both Correction  
9 Officers and people in custody. We understand this  
10 is a huge endeavor and that he is approaching it in a  
11 new way and we appreciate him for that.

12 In the meantime, as these processes are improved,  
13 it is necessary for DOC to be transparent with  
14 oversight concerning the current staffing crisis.

15 I'm going to tell you a bit that we do know at  
16 the BOC about violence in the jails right now. I'm  
17 going to give you some data but I'm also going to  
18 give you some stories to help illustrate what the  
19 data means.

20 This past calendar year saw a significant  
21 increase in all primary violence data metrics.  
22 Serious Injury, Slashings and Stabbings, Use of Force  
23 and Fights. From January 2019 to December of '21,  
24 the monthly rate of slashings and stabbings per 1,000

25

1  
2 people in custody increased 731 percent from 1.3 to  
3 10.8.

4 In 2019, there were 119 slashings and stabbings.  
5 In 2020, there were 121 slashings and stabbings. In  
6 2021, there were 418 slashings and stabbings. The  
7 annual rate of slashings and stabbings in 1990, the  
8 highest annual rate Board staff could confirm in the  
9 records, was 76.8 per 1,000 people in custody. In  
10 2021, the annual rate of slashings and stabbings was  
11 74.8.

12 From January 2019 to December 2021, the monthly  
13 rate of Use of Force per 1,000 people in custody  
14 increased 47 percent, from 85 to 125. Use of Force  
15 numbers are declining so far in 2022. In 2019, there  
16 were 7169 uses of force. In 2020, there were 6197.  
17 And in 2021, there were 8283. So, over the past few  
18 years, it has been going up and up. In the past  
19 three months, it has been on a brief decline, which  
20 we hope would continue.

21 Turning to the young adults in particular, the  
22 data demonstrates that young adults are  
23 disproportionately at risk of being victimized by  
24 serious acts of violence in New York City jails.  
25 Young adults are also significantly more at risk of

1  
2 being seriously injured while in custody than the  
3 entire population as a whole.

4       Some statistics: In 2020, young adults in New  
5 York City jails experienced 141 serious injuries. In  
6 2022, this number rose to 287, an increase of 104  
7 percent. Over the course of 2020 and 2021, young  
8 adults experienced 14.1 percent of all serious  
9 injuries, despite making up only 8.5 percent of the  
10 population.

11       RNDC, the facility with the highest percentage of  
12 young adults, had the third highest rate of serious  
13 injury of all the facilities in January of 2022,  
14 behind OBCC and EMTC, which are troubled facilities  
15 as well with violence. RNDC recorded a total of 137  
16 slashings and stabbings in 2021. It had the highest  
17 annual average rate per 1,000 people in custody of  
18 slashings and stabbings of all facilities operated by  
19 the Department at 167.5. RNDC accounted for 14.7 of  
20 the annual Department Census in 2021, yet 32.7  
21 percent of all slashings and stabbings occurred at  
22 RNDC.

23       And so, some examples of violence and lack of  
24 programming, educational opportunities and outdoor  
25 recreation contribute to idleness and agitation. But

1  
2 today, we are focusing on the way housing areas are  
3 staffed, because staffing is at the root of all  
4 access to that programming and also has a direct  
5 connection to opportunities for violence.

6 The Board offers three recent examples of how a  
7 violent incident transpired, to illustrate the link  
8 between staffing and violence. First, the Board  
9 staff are concerned about the increase in violence  
10 and low staffing levels at one jail, from the Deputy  
11 Warden level to the officer level.

12 On March 18<sup>th</sup> of this year, a fight involving  
13 multiple people in custody occurred and during the  
14 fight an individual was slashed. During our  
15 investigation, BOC observed – BOC staff observed  
16 people in custody locked out, smoking and sitting at  
17 the B-post officer stations. People were also  
18 observed going in and out of the housing area. It  
19 did not appear that a B-post officer was on the floor  
20 during the staff's observation.

21 When the fight commenced, during the fight,  
22 people in custody were observed to take possession of  
23 staff chemical agents. They threw broom sticks, a  
24 food wagon, mop buckets and water containers toward  
25 staff, DOC staff. A probe team deployed chemical

1  
2 agents towards all involved and a taser was used on  
3 an individual who refused to comply.

4 That was the March 18 example. Earlier in the month  
5 on March 8<sup>th</sup>, a young adult housing area in another  
6 jail was without a B-officer. A young adult  
7 positioned himself behind another young adult and  
8 quickly slashed him on the face. The slashing  
9 happened directly in front of the A-post. The A-post  
10 officer then unlocked the gate and allowed the victim  
11 to enter the safety of the vestibule.

12 And a third example from March 20<sup>th</sup> of this year.  
13 A young adult in this same jail attacked another  
14 young adult in this housing area without warning.  
15 The provoker knocked down the victim and slashed him,  
16 repeatedly. After the assault ended, the victim  
17 walked alone to the A-post officer to seek  
18 assistance. The young adult sustained lacerations on  
19 the right side of his face and left arm.

20 In conclusion, the Board supports the development  
21 of a comprehensive plan for oversight of staff  
22 assignment processes and staff utilization throughout  
23 the shifts and the facilities. Proper staff  
24 assignments are key to providing safety and the  
25 programming, education, services, access to care and

1  
2 access to recreation that young adults need. We also  
3 support the use of developmentally appropriate  
4 housing and programming for young adults.

5 We look forward to working with the Commissioner  
6 as a partner in building out a management methodology  
7 that works for staff supervision as well as for  
8 transparency and reporting to oversight. Thank you  
9 for the opportunity to address you today.

10 CHAIRPERSON RIVERA: Thank you so much for being  
11 here. I know you were Acting Executive Director and  
12 you were named recently just last week I believe,  
13 Executive Director of the Board of Correction, so I  
14 just want to congratulate you on that appointment and  
15 I want to thank you for being here.

16 So, just a few questions for you and I appreciate  
17 your testimony. You know in 2019, you had a serious  
18 injuries report and there is an annual audit of  
19 injury to people in custody in those reports. Your  
20 annual kind of audit for 2020-2021, how have those  
21 reports been going? Do you feel just generally, you  
22 have the information needed to publish those reports  
23 on time?

24 AMANDA MASTERS: Yes, our staff is still  
25 evaluating whether or not our recommendations from

1  
2 years prior have been implemented or not. We are  
3 getting the data and we do plan on issuing a report  
4 soon.

5 CHAIRPERSON RIVERA: And I know you also have  
6 field reps who are the eyes and ears you know of the  
7 Board. Does the other members of the Board of  
8 Corrections get to visit Rikers with some frequency  
9 or do they rely mostly on kind of the field reps and  
10 what they're seeing?

11 AMANDA MASTERS: Just for clarity, were you  
12 speaking about the Board members or the Board staff?

13 CHAIRPERSON RIVERA: Board members, board staff,  
14 just generally.

15 AMANDA MASTERS: Sure. The field staff are  
16 located out on Rikers Island and they have  
17 unfortunately a moving around office but an office  
18 out there and they're able to go into the facilities  
19 every day and talk to people every day about what's  
20 happening, receive information on the ground from the  
21 Warden in the morning and from other staff throughout  
22 the day, speak to health folks and have that human to  
23 human relationship and contact.

24 The staff who do not – were not stationed out in  
25 the field, do frequently and we encourage them to



1  
2 frequently go out and visit the facilities and tour  
3 with the field staff. Because the field staff had so  
4 much expertise about what is happening right now and  
5 what we should be looking at.

6 So, we definitely rely on them to heavily but I  
7 personally, since I came here as Interim at the  
8 beginning of the January, I've been out to facilities  
9 a number of times. I try and bring board members  
10 with me every time. I think it's really imperative  
11 that all staff understand what's happening on the  
12 ground and have that informer work, whether it's  
13 reviewing data or looking at more anecdotal  
14 information or individual information.

15 So, we do visit quite a bit but it is nothing to  
16 compare to what the field staff can do, developing  
17 relationships with the people who work in the jails  
18 as well as people in custody.

19 CHAIRPERSON RIVERA: Certainly and we should in  
20 terms of parity for those field reps, I know that's  
21 important in valuing their work and something we're  
22 working on.

23 So, the New York Times recently reported on two  
24 violent incidents against people in custody that went  
25 unreported by DOC and back in 2019, the Board found

1  
2 that the Department of Corrections underreported  
3 serious injuries to people in custody. So, what is  
4 the Board's role in addressing unreported and under  
5 reported violent incidents to people in custody?

6 AMANDA MASTERS: Thank you for that question. I  
7 think again, this question points out the importance  
8 of being on the ground and seeing what's happening at  
9 the facility level and bearing witness and being the  
10 eyes and ears out in the field. Data that's  
11 reported to us or anyone else is data that uhm, is  
12 often hard to get behind unless you have a presence  
13 and an understanding of what's going on out in the  
14 field.

15 I do not believe that the unreported incidents  
16 that were discussed by the Times and I think one of  
17 them by the Nunez Monitor, I don't believe that we  
18 saw any reports of them either and so, that's one  
19 reason why it's very important that we have  
20 transparency, that we have multiple avenues for  
21 obtaining information and that we encourage the  
22 department in its efforts to make their data more  
23 meaningful and robust.

24 CHAIRPERSON RIVERA: Do you think the Department  
25 has been successful at all in tracking and reporting

1  
2 serious injuries? Was there a time in the history of  
3 kind of your – I know you've been with the Board you  
4 know here and there. Uhm, they're required to  
5 tracking reports of serious injuries to people in  
6 custody based on age group and give that information  
7 to the Board and I know you've said you have received  
8 the data. Would you say that the Department has been  
9 tracking and reporting successfully?

10 AMANDA MASTERS: And you know to reiterate what I  
11 said and in answer to your last question, that's a  
12 sort of unknowable thing in some ways. But I do  
13 believe that part of the reason the Board worked to  
14 promulgate regulations regarding reporting a few  
15 years ago, was out of concern to make sure that the  
16 reporting was accurate and steady, and that we were  
17 getting it. And my understanding is that the  
18 Department has been providing those reports to us.

19 CHAIRPERSON RIVERA: And I know for those very  
20 serious cases of violence and in many cases death,  
21 uhm, you conduct your own investigations and one of  
22 your concerns is having some sort of medical expert  
23 on retainer. Some sort of medical expert that you  
24 can refer to. Has the department responded to your  
25

1  
2 request for having more medical expertise available  
3 to you?

4 AMANDA MASTERS: Thank you for that question. I  
5 don't believe that we've addressed this question to  
6 the Department because the idea was for us to have  
7 our own independent medical expertise on board and  
8 that's something that we will be speaking with OMB  
9 about as I get into this job and gear up for a  
10 meeting with them.

11 I do think that it's very important to have some  
12 in house expertise at the Board of Correction from a  
13 medical perspective given that our regulations  
14 covered at Assist mental healthcare, access to  
15 healthcare and we have the responsibility to do  
16 reviews of deaths in custody.

17 We're going to be engaging the Prison Death  
18 Review Board Committee again very soon to look at the  
19 most recent deaths that have happened in custody and  
20 they would benefit greatly from having some in-house  
21 medical expertise.

22 Additionally, down the road, not right away since  
23 the Board has been engaged in rule making for quite a  
24 bit of time on the RMAS rule making but our medical  
25 access rules are from the early 90's and are due for

1  
2 an overview and an update and at the point when we're  
3 ready to do that and hopefully can update them to the  
4 point where CHS will no longer have to ask for  
5 amendments to some of the rules that have been  
6 outdated. When we're doing that, it would be  
7 incredibly useful to have medical expertise on board  
8 and at the time, we did not have any.

9 CHAIRPERSON RIVERA: I think in the  
10 accountability, the Department of Corrections will  
11 hopefully join the Council in advocating to OMB for  
12 that expertise for you. So, thank you for bringing  
13 it up and how helpful it can be to doing your job.  
14 And with that, I do want to acknowledge we've been  
15 joined by Council Member Powers.

16 With that, I just want to thank you for your  
17 time. For being here and for stepping into this very  
18 important role and you know for communicating with us  
19 so frequently and looking forward to partnership in  
20 trying to improve conditions in the jail systems.  
21 So, thank you for your work.

22 AMANDA MASTERS: Thank you for having us.

23 COMMITTEE COUNSEL: I'm just going to see if any  
24 Council Members have any questions. I don't see any  
25

1  
2 hands raised but if you'd like to ask a question,  
3 please use the Zoom raise hand function now.

4 AMANDA MASTERS: I do have a response to Council  
5 Member Borelli's question from earlier.

6 CHAIRPERSON RIVERA: Please.

7 AMANDA MASTERS: If he's still here. I can't  
8 really tell from my screen but he had raised the  
9 issue of a Bloomberg era plan to build a new facility  
10 and some ground breaking that had happened at the end  
11 of the Bloomberg Administration. I was actually at  
12 the Board of Correction back then in 2012 and 2013  
13 when those plans were made and extended into the  
14 beginning of the De Blasio Administration. So, I  
15 could clarify that the reason the building did not go  
16 forward was because DOC had determined that a  
17 centralized intake at that point and time, they  
18 believed a centralized intake would not - doesn't  
19 work and it led to medical log jams that delayed the  
20 ability of people to get through intake and into  
21 housing and they learned that through an experiment  
22 that had happened at the West facility, when for some  
23 period of time, Corrections had tried to do a  
24 centralized intake out there and it did not go well.

1  
2           So, it was at that point and time that the plan  
3 to have a new centralized intake building was  
4 scrapped and that was in my recollection, long before  
5 the De Blasio Administration agreed to the closing of  
6 Rikers plan.

7           CHAIRPERSON RIVERA: Thank you very much for  
8 bringing that up and I'll be sure to relay your  
9 answer to Council Member Borelli and thank you for  
10 getting it on the record.

11           COMMITTEE COUNSEL: Seeing no Council Member  
12 hands, we will now proceed to public testimony.  
13 Please listen for your name as I will be calling  
14 individuals one by one and will also introduce the  
15 person who is next. Once your name is called, please  
16 accept the prompt to unmute yourselves and the  
17 Sergeant at Arms will set the timer and announce that  
18 you may begin. Your testimony will be limited to two  
19 minutes.

20           First, we will hear from Kelsey De Avila first,  
21 followed by Kayla Simpson followed by Nikita Rahman.

22           SERGEANT AT ARMS: Time starts now.

23           COMMITTEE COUNSEL: Kelsey, you may begin when  
24 ready.

25           SERGEANT AT ARMS: Time starts now.

1  
2 KELSEY DE AVILA: Hello, my name is Kelsey De  
3 Avila, I'm the Project Director of Jail Services at  
4 Brooklyn Defenders. Thank you Chair Rivera for  
5 today's hearing and the questions asked today. I do  
6 want to comment on a few things. You know, first,  
7 DOC's process for identifying gang members is  
8 dangerous. Numerous people report being in gang  
9 affiliated units when they are not affiliate or were  
10 affiliated but no longer and they are not a target  
11 within that unit being regularly assaulted. The  
12 appeal process is difficult and it does not help  
13 people when they need it most. DOC is moving people  
14 quickly without notice or providing reason which only  
15 raises tension and anxiety. Additionally, people ask  
16 for protective custody but these requests are  
17 consistently ignored. On more than one occasion, we  
18 have requested housing transfers, stating the person  
19 is at great risk. DOC ignores the requests and the  
20 person, not surprisingly is assaulted. There's no  
21 sense of urgency by this department and DOC  
22 encourages the violence.

23 You know we've heard the stories and Nunez  
24 reported stories at fight clubs and just this month,  
25 you know we've been notified on numerous occasions



1  
2 again where correction officers are bribing people in  
3 custody with fast food to assault other people in  
4 custody as retaliation and this is not new.

5       The culture of the violence continues to permeate  
6 the department and as Council Members, you have the  
7 authority to visit any DOC facility any time you  
8 want, without notice and without reason. You must  
9 visit regularly. Speak to formerly incarcerated  
10 people, advocates, defense offices about what to see  
11 and questions to ask. Most importantly, talk to  
12 people who are incarcerated and don't let DOC  
13 dictate.

14       Last year there were horrific stories of people  
15 sleeping head to foot on the floors of intake cells  
16 surrounded by feces and it wasn't until the public  
17 outcry that Mayor de Blasio decided to tour Rikers.  
18 He didn't speak to a single incarcerated person. He  
19 toured empty units. What he didn't want to see was  
20 that DOC moved a number of people from those intake  
21 cells into the gym to give the impression that the  
22 issues in intake were under control. People spent  
23 two nights in gym sleeping on the bleachers without  
24 even a blanket. De Blasio failed to question his  
25 department and failed every person in custody.

1  
2 Most importantly, those who died and the families  
3 they left behind. Use your authority as Council  
4 Members to see what DOC is doing.

5 SERGEANT AT ARMS: Time expired.

6 KELSEY DE AVILA: And to speak to people in  
7 custody and question this department until you get  
8 answers. Thank you.

9 COMMITTEE COUNSEL: Thank you. Next, we will  
10 hear from Kayla Simpson followed by Nikita Rahman  
11 followed by Rachel Sznajderman.

12 SERGEANT AT ARMS: Time starts now.

13 KAYLA SIMPSON: Hi, good afternoon. My name is  
14 Kayla Simpson, I'm a Staff Attorney at the Legal Aid  
15 Society's Prisoners' Rights Project. Chair Rivera,  
16 Committee Members, thank you for the opportunity to  
17 testify.

18 The Nunez Monitor recently called the current  
19 state of DOC a crisis within a crisis and describing  
20 conditions within this failed agency. And RNDC then  
21 is a crisis within a crisis within a crisis. And I  
22 think everyone testifying today, everyone here today,  
23 agrees that when a person is sent to RNDC they are in  
24 danger.

1  
2       The Monitor described how the staffing crisis has  
3 had a particularly negative impact on RNDC and audits  
4 showed nearly half of the thousand officers assigned  
5 there is indefinite sick or some leave status. While  
6 the remaining half even further diminished as staff  
7 called out sick were reassigned or took a vacation.  
8 And the consequences have been catastrophic. Young  
9 adults in custody are a population of particular  
10 needs and challenges. The city puts them into a  
11 crumbling infrastructure where doors don't work, they  
12 are not adequate adults in the units because they are  
13 off post, not at work and the building is falling  
14 apart. And despite DOC's assertion today of downward  
15 violence trends, the Monitor himself raised a concern  
16 about how much violence is going unreported giving  
17 frequency of unmanned posts.

18       Young adults miss meals, can't step foot outside  
19 or get to schools, doctors, or programs and these are  
20 the predicate conditions of violence. You know,  
21 maintaining security and order in a jail facility in  
22 young adults has challenges, but it's not a mystery.  
23 We know this population. We know it causes violence,  
24 what disrupts it, what doesn't work. We know what's  
25 necessary for stability. Models like unit

1  
2 management, steady staffing that allows adults to  
3 build relationships with young adults, access to  
4 education and programming that is meaningful,  
5 violence interruption, a system of consequences for  
6 mid and low level misconduct. Incentives for good  
7 behavior that are actually delivered for people when  
8 they're promised. But time and again, the city has  
9 not invested in or implemented any of those basic  
10 correctional measures for adults in jail.

11 Time and again, the city does not manage staff to  
12 effectuate the current plan or even basic safety.

13 SERGEANT AT ARMS: Time expired.

14 KAYLA SIMPSON: I just want to say that the jails  
15 operate like a medical system that only has emergency  
16 rooms and systems like that don't work. We refer you  
17 to our written testimony for more information and our  
18 recommendations. Thank you very much.

19 COMMITTEE COUNSEL: Thank you. Next, we will  
20 hear from Nikita Rahman followed by Rachel  
21 Sznajderman followed by Ariana Brill.

22 SERGEANT AT ARMS: Time starts now.

23 NIKITA RAHMAN: My name is Nikita Rahman and I'm  
24 a Social Work Intern at the Bronx Defenders. The  
25 ongoing atrocities at Rikers Island show that the

1  
2 violence and torture Kalief Browder experienced only  
3 a few years ago, have increased exponentially.

4 We spoke to dozens of incarcerated young adult  
5 clients in preparation for this hearing. The reports  
6 of the horrific conditions at Rikers Island,  
7 specifically RNDC were deeply troubling. They could  
8 not recall the last time they got fresh air. Most  
9 reported that the only time they were taken outside  
10 is to be transported to and from court. They could  
11 not recall the last time they had been taken for  
12 recreation or to the P-Center. A place many of them  
13 describe as helpful for managing stress and boredom.  
14 They have missed the Barista Program, using  
15 composition in art classes, restorative justice  
16 circles and education course, which made them feel  
17 hopeful, engaged and productive. Instead, they are  
18 locked in their cells for days at a time, only let  
19 out in a day room with nothing but a television and  
20 some playing cards.

21 Young people often shared that they were only fed  
22 one real meal a day consisting of unhealthy and/or  
23 inedible food. Commissaries increasingly scarce.  
24 There are limited items on the list and incarcerated  
25

1  
2 people are frequently denied commissary or their food  
3 is confiscated as punishment.

4 The barriers to medical and mental health care  
5 are particularly concerning for young adults.  
6 Slashing and stabbings have become normalized daily  
7 incidents. Young people are living in fear of being  
8 assaulted by other incarcerated people or by officers  
9 themselves. The emergency services unit, similar to  
10 a swat team is deployed almost daily and uses  
11 chemical agents on young people with complete  
12 disregard for their wellbeing.

13 We were made aware that since January 2022, young  
14 people have been forced to live in housing areas with  
15 people with different gang affiliations.

16 Correctional officers hand select a few people from  
17 each gang and lock down the housing unit for 24 hours  
18 inciting violence. Our clients are left to their own  
19 devices unable to get help from correctional  
20 officers.

21 SERGEANT AT ARMS: Time expired.

22 NIKITA RAHMAN: Who are asked them to be on an  
23 assigned post or simply turn a blind eye. They find  
24 no safety in their selves, sometimes unable to sleep  
25 at night because many of their cell doors have broken

1  
2 locks and PE's would be opened and [INAUDIBLE  
3 2:00:51] for years.

4 Through its disregard, the DOC sends a clear  
5 message to young people. The Department of  
6 Corrections does not care if people inside live or  
7 die. One client remarked, we are fighting for our  
8 freedom. We shouldn't have to fight for our lives as  
9 well. I implore you to visit the facilities and see  
10 for yourself. Thank you.

11 COMMITTEE COUNSEL: Thank you. Next, we will  
12 hear from Rachel Sznajderman followed by Ariana Brill  
13 followed by Daniele Gerrard.

14 SERGEANT AT ARMS: Time starts now.

15 RACHEL SZNAJDERMAN: Good afternoon. My name is  
16 Rachel Sznajderman and I'm a Correction Specialist at  
17 New York County Defender Services.

18 I'm testifying today to shed light on the  
19 unchecked and senseless violence proliferating in the  
20 young adult facilities of Rikers Island. Addressing  
21 violence among young adults first requires a robust  
22 examination of violence against young adults. This  
23 month, the NYCDS Correction Specialist Unit  
24 interviewed our youth clients at RNDC. All of these  
25

1  
2 interviews took place after the departments new anti-  
3 violence plan went into effect.

4       While the official policy may have changed, the  
5 staff has not. I'm going to share some direct quotes  
6 from our young adult clients. The search team comes  
7 like three or four times a month. They call us dumb,  
8 bums, say they'll F- our moms. Stuff like that.  
9 There are not cameras in the cells, so they take  
10 advantage of that. I'll have my hands up and they'll  
11 say things like, oh, you're going to punch me. Make  
12 it sound like they are in danger for the audio on  
13 their body cam to hear, so they can attack and spray  
14 us unprompted. Then they take our property, step all  
15 over our legal work. They threw pictures of my  
16 family in the toilet. The other day, we had a new  
17 inmate in. They locked him in his cell and didn't  
18 check on him. I told the CO; you need to go check on  
19 him. He could be suicidal. He could be hungry. You  
20 have no idea, he's new.

21       And the CO said, "I don't care. If he dies, he  
22 dies." The only CO's respect here is violence. The  
23 guards want to test us. They put us together to see  
24 if we fight. I got into an argument with a guard, so  
25 I was moved to another housing area. As soon as I



1  
2 got to the new unit, I was jumped by everyone in  
3 there. The guards told them to do it. My nose was  
4 bleeding. My mouth was busted. I had two black  
5 eyes. It took me a whole month to heal. To claim  
6 that the issue of violence stems from the inherent  
7 nature of the people being held in one of the most  
8 notoriously disgusting inhumane and deplorable jails  
9 in the world is not only misguided but racist and  
10 ignorant. These are not violent people. These are  
11 children being forced into a broken and dysfunctional  
12 system and held against their will with no access to  
13 basic human rights.

14 In addition to these conditions that would  
15 inherently –

16 SERGEANT AT ARMS: Time expired.

17 RACHEL SZNAJDERMAN: Exacerbate feelings of anger  
18 and frustration, DOC staff goes out of their way to  
19 be unnecessarily cruel and antagonize our clients.  
20 No human being, let alone a child should ever have to  
21 endure the abuse that our young adult clients  
22 experience on a daily basis at Rikers. Thank you.

23 COMMITTEE COUNSEL: Thank you. Next we will hear  
24 from Ariana Brill followed by Daniele Gerrard  
25 followed by Kate Rubin.

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SERGEANT AT ARMS: Time starts now.

ARIANA BRILL: Good afternoon, my name is Ariana Brill and I am an Education Attorney at the Neighborhood Defender Service of Harlem. I want to thank you for holding this hearing and for the opportunity to testify. The DOC and DOE's persistent failure to provide education services does not only violate young people's rights but also directly contributes to the violence at Rikers. Young people have the right to attend school and receive special education services until the end of the school year in which they turn 21 or receive a diploma. However, since March 2020, the majority of our school aged clients at Rikers have not received in person instruction.

Instead, our clients are either unable to access an educational entirely or provided with unacceptable substitutes for school such as paper packets. Young people have reported a number of barriers. Their requests to enroll in school are ignored. They are not transported to school daily by DOC or they are in housing units that don't offer school. Many of our clients have lost all interest in their education

1  
2 because they realize that there is no meaningful  
3 access to school.

4 The city's failure to provide basic and legally  
5 mandated services, including school causes  
6 devastating violence at Rikers. If you lock someone  
7 in a cage, subject them to dehumanizing conditions  
8 and give them zero opportunities to work towards  
9 their goal, it should not be surprising that violence  
10 increases. It is unconscionable that the city  
11 funnels disproportionately Black and Latinx students  
12 with disabilities to Rikers through the school to  
13 prison pipeline. The city compounds this harm when  
14 it fails to educate young people who are  
15 incarcerated.

16 Over the past two years, we have not witnessed  
17 significant improvement in educational services at  
18 Rikers. It's clear that young people are better  
19 served when they are able to attend schools in their  
20 communities and are not locked in cells. However, if  
21 youth continue to be incarcerated, the city must be  
22 held accountable for providing education. DOC and  
23 DOE must facilitate daily in person school for every  
24 eligible student –

25 SERGEANT AT ARMS: Time expired.

1  
2           ARIANA BRILL: Special education services and  
3 offer compensatory services and extended eligibility  
4 for each student who has been incarcerated at Rikers.  
5 More detailed recommendations will be available in  
6 our written testimony. Thank you for your time  
7 today.

8           COMMITTEE COUNSEL: Thank you. Next, we will  
9 hear from Daniele Gerrard followed by Kate Rubin  
10 followed by Tasneem Yoosufali.

11           SERGEANT AT ARMS: Time starts now.

12           DANIELE GERRARD: I'm Daniele Gerrard, a Senior  
13 Staff Attorney at Children's Rights, a national  
14 advocates for youth and state systems. We are on the  
15 Jails Action Coalition on the Young Adult Taskforce.

16           Death and violence continue a pace on Rikers.  
17 Violence is six to eight times higher than in other  
18 corrections systems and youth are disproportionately  
19 affected by the egregious conditions that show no  
20 improvement. Among the many people who have died in  
21 custody in the last year, one was 24 and one was 25.  
22 The Nunez Monitor Special Report notes that the  
23 soaring rates of use of force and violence are  
24 inextricably linked to the departments mismanagement  
25 of staffing and its significant security failures.

1  
2 The Department is requesting a seven percent raise  
3 but if correction officers show up for work the way  
4 the rest of us do, overtime expenses would decrease  
5 drastically. The city spends over half a million  
6 dollars per year to incarcerate someone on Rikers  
7 while it costs approximately \$40,000 a year to  
8 provide someone with affordable housing. There is no  
9 need to further pad this bloated budget. Reducing  
10 violence among young adults on Rikers means that  
11 every young adult deserve 14 hours out of cell time  
12 each and every day. Not a single YA should be  
13 shackled to a desk when out of cell.

14 Every YA deserves programming including outdoor  
15 recreation, education and enough nutritious food, so  
16 they are not hungry when they go to bed. Rikers must  
17 close as forecast and not a moment too soon.

18 Meaningful planning based on expert opinion from the  
19 field should already be underway to provide these  
20 children everything they need to get out and stay  
21 out.

22 Reducing violence among YA's on Rikers involves  
23 keeping them off the island in the first place  
24 instead of propping up a penal colony, the majority  
25 whose residents suffer with mental illness and nearly

1  
2 all of whom are people of color who haven't even been  
3 tried. We must significant curtail the use of  
4 pretrial detention. New York should invest the money  
5 it wastes on Rikers in mental healthcare, substance  
6 abuse prevention and treatment.

7 SERGEANT AT ARMS: Time expired.

8 DANIELE GERRARD: Affordable housing, youth  
9 programming and quality education. We call on you to  
10 find the political will to address the crisis for  
11 young adults on Rikers. Thank you. I refer you to  
12 my written testimony.

13 COMMITTEE COUNSEL: Thank you. Chair Rivera, I  
14 believe you had questions for this panel.

15 CHAIRPERSON RIVERA: Yes, thank you so much and  
16 thank you, all of you for what you do and for  
17 spending the time here when I know how precious your  
18 time is and how often you're spent in transit or with  
19 your clients, and with so many New Yorkers who are in  
20 desperate need of defense. And some of you have  
21 shared I guess direct quotes from your clients and  
22 experiences and stories and just what are the  
23 experiences of your clients who have reported  
24 violence committed against them by staff and other  
25 incarcerated people? If you can share? I mean, do

1  
2 they find it easy to file complaints? Do they  
3 experience any form of retaliation for filing  
4 complaints and what are they?

5 KAYLA SIMPSON: Thank You and thank you for that  
6 question. I think the overwhelming and others should  
7 please also speak. The overwhelming sentiment that I  
8 hear from a lot of the young adults I speak with who  
9 have you know, either they've been attacked or you  
10 know they're failing to have access to some other  
11 basic service, is that they, they just lack  
12 confidence that if they report that anything will  
13 happen, right? So, uhm, and you know one of the  
14 particular needs and challenges I think of this  
15 population is that they're not always the best self-  
16 advocates. So, sometimes you know it can be a  
17 challenge even when interviewing them to get them to  
18 feel comfortable enough to say what they are thinking  
19 and feeling.

20 And I think that that speaks to a lot of the core  
21 issues and we wrote about it in our written testimony  
22 but a lot of the core issues that - they lack  
23 relationships with adults that they feel like they  
24 can trust. And I think you see that underpinning a  
25 lot of the failures and whatever the plan of today

1  
2 is, uhm, that day, they don't trust that what they  
3 are promised will be delivered. They don't trust  
4 that when they communicate a safety need, uh, people  
5 will listen and respond to them.

6 So, I think it's even beyond the formal complaint  
7 system just within the informal culture within the  
8 units. There is a complete - they don't have food  
9 security right? They don't know if they're going to  
10 miss meals. They don't know when they're going to go  
11 outside and I think it's hard to ask them to continue  
12 to be vulnerable and honest about what will help in  
13 these situations.

14 CHAIRPERSON RIVERA: Kelsey also had a hand up.

15 KELSEY DE AVILA: Thank you. I totally agree  
16 with my colleague at Legal Aid. We're seeing the  
17 same thing regularly. People will talk to us about  
18 what's going on but they've asked us not to report  
19 it, not to get involved for fear. Or like Kayla  
20 mentioned, that what's it going to do? It could make  
21 things worse for them and even if we put in that  
22 request to go to another unit or to another facility,  
23 there's no guarantee and what we're seeing on our end  
24 is that you know for people who are interested and  
25 want to take that risk or trust us to go forward,



1  
2 we're not getting a response from DOC. So, even you  
3 know, I think I'm not even confident in what we can  
4 do for them. And this is happening on a regular  
5 basis.

6 CHAIRPERSON RIVERA: I appreciate your honesty on  
7 that. I mean, are they aware of their right to  
8 educational services? It sounds like they certainly  
9 experience challenges obtaining programming.

10 If we could unmute Kayla please.

11 KAYLA SIMPSON: Yeah, I think and thank you again  
12 for that question. Education is obviously  
13 tremendously important. Uhm, I talked to one young  
14 man last week who said, it sounds like they are aware  
15 that there are some educational opportunities but I  
16 think how real those opportunities are because of  
17 times that they can't access it. He said, he's been  
18 in multiple housing in the couple months that he's  
19 been in and his ability to get to school, he told me,  
20 depends 100 percent on who the staff is that day.

21 And some staff uhm, will take them and some staff  
22 won't and two of the housing units were terrible at  
23 this and one of them was better, right? So, he's not  
24 in a school dorm and uhm, we talked a little bit  
25 about whether he would like us to advocate but again,

1  
2 it's just that same lack of confidence that if I  
3 advocate for him, if he advocates for himself, that  
4 anyone will listen. And you know, he expressed time  
5 and again how arbitrary it was. About what services  
6 he gets access to depending on you know what officer  
7 is there, what captain is there, what ADW is on the  
8 tour.

9       So, I think you know once again, we're talking  
10 about these basic things that they just, there is not  
11 a reinforcement of what is promised to them. And  
12 there is not accountability when things that they are  
13 promised don't get delivered to them and I think  
14 they're human beings and they're kids and so, they  
15 respond to that by not trusting those interventions.  
16 And I think it's understandable.

17       RACHEL SZNAJDERMAN: Yeah, thanks for that  
18 question. I would agree with Kayla and add to that,  
19 I think especially in the true unit, uhm, I saw just  
20 a few of our clients who were in the TRU Unit or had  
21 been. They were actually not aware that any kind of  
22 programming or services were required by the DOC  
23 directives of that unit. Uhm, and when we spoke to  
24 them it was the first time they had even heard of  
25 programming and for most of our clients, it's really

1  
2 similar to solitary confinement when you're in TRU.  
3 You don't go outside. There's no programming and a  
4 lot of them barely got two meals a day.

5 DANIELE GERRARD: Yes, thank you for unmuting me.  
6 I just want to piggyback on everything that's already  
7 been said and add a couple of things. One is that  
8 when we met with many of the young adults a couple of  
9 months ago, as members of the young adult taskforce,  
10 we were told when we asked them, "what do you really  
11 want?" They said, the first thing they said was,  
12 food. And they're very hungry. They have dinner  
13 hours before lights out and lock in and that should  
14 be something that should be easy to fix. We brought  
15 this up numerable times in numerable times.

16 In addition what a lot them said was missing was  
17 ability to connect with organizations like GoSo,  
18 which used to come in to Rikers and help the kids be  
19 able to transition better back to the community and  
20 apparently that is sorely lacking and has been for  
21 quite a while. And some of these fixes should have  
22 already been taken care of. I know some of the other  
23 advocates who have already spoken and who are going  
24 to speak, we keep saying the same things over and  
25 over again, whether it's before the Council or before

1  
2 the Board of Correction and things do not seem to  
3 move. So, thank you for this opportunity today. We  
4 really appreciate it Chair Rivera.

5 CHAIRPERSON RIVERA: Well, thank you all so much.  
6 I know that it's frustrating to you know multiple  
7 reports, right? A dozen reports have been issued  
8 saying a lot of these things and uhm as for the  
9 progress, it certainly remains to be seen.

10 Before I let this panel go, I think I see Josie,  
11 you testified, do you want to say something else.

12 JOSIE WHITTLESEY: Hi, can you hear me?

13 CHAIRPERSON RIVERA: Yes.

14 JOSIE WHITTLESEY: Great, I just wanted to bring  
15 up that we've been - I'm drama club, we do improv  
16 with the young adults on Rikers Island and we've been  
17 working on 3 Central South, which is a unit that was  
18 set up as an experiment. This is the best of my  
19 understanding by Commissioner Schiraldi, uhm and it  
20 has been kept open by Commissioner Molina but uhm, I  
21 personally worked on the unit and the young men have  
22 said that the safest they've ever felt on Rikers  
23 Island. They're getting programming. My  
24 understanding is that they have to sign a contract  
25 saying that they won't attack each other or they are

1  
2 not going to commit any violence and they do seem to  
3 be mixing like different gang sex in the unit.

4 Uhm, and it seems to be a huge success, so I just  
5 wanted to know if they're planning to do more units  
6 like that? Uhm because it's very successful.

7 CHAIRPERSON RIVERA: We'll be sure to follow-up  
8 thank you.

9 COMMITTEE COUNSEL: Thank you. We're going to  
10 turn to our next panel. Uhm, first we're going to  
11 hear from Kate Rubin followed by Tasneem Yoosufali  
12 followed by Chaplain Dr. Victoria A. Phillips, Ms. V.

13 SERGEANT AT ARMS: Time starts now.

14 KATE RUBIN: Uhm, good afternoon. My name is  
15 Kate Rubin, I'm the Director of Policy at Youth  
16 Represent. We provide legal services to young  
17 people. We also do policy advocacy in youth  
18 leadership development. Thank you Chair Rivera,  
19 Committee Members and staff for the chance to  
20 testify.

21 The focus of this hearing is on young adults. I  
22 have to start by emphasizing that no one at Rikers is  
23 safe and it must be closed. In order to close Rikers  
24 and because DOC cannot meet the basic obligation to  
25 keep people safe, we have to reduce the number of

1  
2 people, especially young people in custody. I  
3 understand that goes beyond the purview of DOC but  
4 it's something that Council Members can promote  
5 through your oversight of other agencies, your  
6 legislative power, your support for state legislation  
7 and most importantly through the budget process.

8       We've all heard the stories and read the Nunez  
9 reports, documenting extremely high rates of use of  
10 force that have become normalized at DOC and at RNDC  
11 to the point that per the monitor, they have  
12 "seemingly lost their power to instill a sense of  
13 urgency among those with the power to change." And  
14 I'll echo my colleagues from the prior panel saying  
15 young people who've experienced mistreatment that we  
16 work with are both fearful of retaliation if they  
17 report it and have zero confidence that reporting  
18 would change anything.

19       And that among the most common things we hear  
20 from young people at Rikers is that they're hungry.  
21 There are immediate steps DOC must take to address  
22 the current crisis. Ensure adequate steady staffing  
23 in the buildings, especially RNDC and any other  
24 buildings where young people are held without  
25 increasing the DOC budget, implementing systems at

1  
2 every level to identify, document and directly hold  
3 staff accountable for use of force. It's good to  
4 hear from the Commissioner that he takes discipline  
5 seriously but we need much more specific reporting  
6 about numbers of people suspended with and without  
7 pay, for how long, reasons, number of people  
8 terminated as distinct from resignation and the  
9 reasons for that and when a command level of  
10 discipline happens, what the outcomes are. Ensuring  
11 access to a broad range of programming for all young  
12 adults age 18-25. Ensuring consistent timely access  
13 to high quality health and mental health care.

14 SERGEANT AT ARMS: Time expired.

15 KATE RUBIN: As my colleagues have stated RNDC  
16 talk to young people, talk to young people who have  
17 been released, providers, defenders, and increasing  
18 the Board of Correction headcount in proportion to  
19 DOC to promote accountability. Thank you.

20 COMMITTEE COUNSEL: Thank you. Next, we will  
21 hear from Tasneem Yoosufali followed by Chaplain Dr.  
22 Victoria A. Phillips followed by Gisele Castro.

23 SERGEANT AT ARMS: Time starts now.

24 TASNEEM YOOSUFALI: Good afternoon Chair Rivera.  
25 My name is Tasneem Yoosufali and I serve as a Senior

1  
2 Mitigation Specialist at Youth Justice Network. I  
3 work closely with public defenders to advocate for  
4 young people detained on Rikers throughout their  
5 lengthy case processes. I thank the Committee on  
6 Criminal Justice for the opportunity to speak.

7       Every day on Rikers we feel the importance of in  
8 person connection and relationship building with  
9 youth who have experienced over two years of  
10 isolation through appalling and inhumane conditions.  
11 As they are unable to give testimony here this  
12 morning, we would like to amplify their words and  
13 experiences.

14       Beginning with a common theme in this hearing  
15 thus far, the city's failure to ensure access to  
16 recreation, programming and education. 19-year-old  
17 RT said, "we don't get rec time, which is the way for  
18 us to get fresh air. We haven't been outside in  
19 about four months. We're mixed intentionally with  
20 inmates that have problems with each other." This  
21 causes fights and chaos. It seems like no one has  
22 ever cared to start, let alone now.

23       Last month, 18-year-old TW said, "We've been  
24 asking to be brought to school for months, but we  
25 haven't been taken. We've done all in our power to



1  
2 put ourselves in a position to get to school but DOC  
3 will not take us. I really want to finish high  
4 school but can't."

5 One young man has repeatedly spoken to us about  
6 mistreatment by correction officers. He says, "they  
7 spray us while we are locked in the cell and you are  
8 just stuck there in the cell throwing up." They  
9 trashed my cell when I was in school. "They did it  
10 just because they can." " When I asked them why?  
11 Their response was, oh well. They really enjoy  
12 seeing us miserable." They purposely put you  
13 somewhere knowing that you're going to hurt. The  
14 correction officers are more of a threat than the  
15 inmates.

16 Another young person I work with RM, told us he  
17 was cut a few weeks ago. His cut wasn't deemed deep  
18 enough to be taken to medical. He told me, people on  
19 Rikers are getting cut left and right. His public  
20 defender is still not confident that the person will  
21 be released even with the violence and suing.

22 Young people are not safe at Rikers Island and  
23 public safety isn't enhanced by subjecting teenagers  
24 to those conditions. We call on the city to  
25

1  
2 accelerate decarceration efforts and to establish  
3 more programmatic, health and -

4 SERGEANT AT ARMS: Time expired.

5 TASNEEM YOOSUFALI: In the current budget. We  
6 witness young people trapped in cycles of violence  
7 and urge our leadership to have the capacity and will  
8 to see young people as survivors of ongoing violence  
9 at least as often as they punish them for  
10 perpetrating it.

11 One young person said, "just because I did  
12 something wrong and made a mistake, that doesn't make  
13 me an animal yet that is how I'm being treated here.  
14 Thank you for the opportunity to address this  
15 Committee.

16 COMMITTEE COUNSEL: Thank you. Next, we will  
17 hear from Chaplain Dr. Victoria A Phillips followed  
18 by Gisele Castro followed by Darren Mack.

19 SERGEANT AT ARMS: Time starts now.

20 CHAPLAIN DR. VICTORIA A PHILLIPS: Peace and  
21 blessings everyone. Can you hear me? Good morning  
22 Chair and all other Council Members. I'm Dr. V. from  
23 Visionary V and also many of you know me from Mental  
24 Health Project Urban Justice Center.

1  
2 I also am part of the Jails Action Coalition  
3 reformed in December 2011 because of the conditions  
4 going on in Rikers Island and the Boat. And part of  
5 many of other coalitions, many of you in Council  
6 already know that but one of the main things is I've  
7 been a part of the Advisory Board for the young  
8 adults for the past six and a half years and from  
9 last July have now sat as Co-Chair to the Young Adult  
10 Taskforce. And so, this issue is of great concern to  
11 me Chair and the many things I've sat before you and  
12 Council before, it has to do with Rikers and the  
13 young adult population, all the women.

14 And so, I know I don't have much time but there's  
15 so much to address around programming. There's not  
16 enough and even when DOC says it, you have to go  
17 deeper with your questions. How many hours was  
18 actually you know being in service and things. You  
19 know, there's so much going on behind the walls.  
20 Whether it's abuse; I've testified on the record to  
21 provide - to provoke thoughts right? And so, I've  
22 actually brought truth in hope that this Council  
23 would respond with grit and grace. And so, I really  
24 beg your leadership to form a weekly review to go to  
25 Rikers to hold the Board of Corrections accountable.

1  
2 I've been told and I have proof that I can give  
3 you Chair of BOC staff actually pushing back any  
4 grievances coming to the grievance department,  
5 whether around grievances or medical, back to DOC  
6 instead of actually following through with them.  
7 That's a problem and it puts your constituents lives  
8 in jeopardy when they are not being followed up.  
9 When think they are reaching out to someone who will  
10 actually help them.

11 Six years ago, I actually testified and begged  
12 this Committee to extend DOC's budget because  
13 officers were again doing three tours. Peoples lives  
14 were in jeopardy, this is nothing new. The lack of  
15 accountability with Admin is -

16 SERGEANT AT ARMS: Time expired.

17 CHAPLAIN DR. VICTORIA A PHILLIPS: Chair, if you  
18 just give me a few more seconds please. There's so  
19 much going on but uhm, besides establishing a weekly  
20 visiting thing, this Council needs to have  
21 constituents to have access to speak to you directly.  
22 Many Council Members do not visit Rikers or the boat  
23 and I've asked for many, many months, even last year  
24 before many people died on Rikers, for this Council  
25 to establish. The same thing I've also asked you at

1  
2 the Board of Corrections. People and the numbers  
3 that were given to people detained, do not work.  
4 I've brought that up on the record to BOC and they  
5 still to this day have not corrected it with three  
6 people dying in 2022 and 16 people dying in DOC's  
7 custody in 2021.

8 And there still is no direct way for an  
9 individual behind the wall that you put their  
10 statement on the record to BOC or City Council in any  
11 way. You have to please change that. There is so  
12 much, when it comes to medical, I will beg you to  
13 please go and speak directly to the medical director  
14 at RNDC. Not Patsy for CHS, to the medical director  
15 at RNDC and medical staff and I can discuss more  
16 reasons behind that off the record with this  
17 Committee. There is so much to be said when it comes  
18 to court, when it comes to cameras, officers, it's  
19 not just about them having the vocal on, they  
20 actually have to have that camera on.

21 And I suggest that this Council put some type of  
22 Bill together and I'm willing to assist if there is  
23 anyway that officers can be mandated - protocol to  
24 have their cameras on, especially when they are  
25 saying someone denied access to a medical visit.

1  
2 Someone doesn't want to go to a visit. Someone  
3 doesn't want to go to court. So many times they lie,  
4 they falsify the paperwork and there is no proof  
5 other than their word. And so often the Federal  
6 Monitors Reports have backed us advocates and people  
7 at Brooklyn Island or come from the Island, which the  
8 officers to that exact thing. So, please, now is the  
9 time to get these things that allow peoples lives to  
10 be still be placed in danger under wraps and this is  
11 something that you can control.

12       And I know I'm talking too much. There's so much  
13 I want to say to you. I want to put it on the record  
14 [info@visionaryv.com](mailto:info@visionaryv.com) because so many times I put my  
15 life on the line to tell the truth and City Council  
16 has failed to follow-up with me yourselves. So, I  
17 know this is - you're new at this Chair and I want to  
18 talk to you about the drugs going on. There's so  
19 much that I want to talk to you about that I know  
20 directly DOC and BOC and I need help and I'm begging  
21 because DOC staff has - officers are still being left  
22 on tours. They have to use the bathroom at the mercy  
23 of the incarcerated not to attack them and I beg  
24 everybody that I would tell the truth about  
25 everything. Please, please, set another time aside

1  
2 for us to talk and for you to follow through and have  
3 your peers actually follow through. I believe in  
4 you. I believe in you Chair Rivera. I believe in  
5 your work and now that you're Chair in this  
6 Committee, you have to make things happen. I'm  
7 sorry.

8 CHAIRPERSON RIVERA: Oh, that's okay, Ms. V.  
9 Thank you. Thank you, it's always good to see you.  
10 Thank you for everything.

11 COMMITTEE COUNSEL: Thank you. Next, we will  
12 hear from Gisele Castro followed by Darren Mack  
13 followed by Jared Trujillo.

14 SERGEANT AT ARMS: Time starts now.

15 GISELE CASTRO: Good afternoon Chair Rivera and  
16 good afternoon everyone here this afternoon. We're  
17 talking about reducing violence in adult jails, which  
18 is a very important topic but unfortunately one that  
19 we year over year have been addressing, specifically  
20 now during COVID. I think that you know we all are  
21 highlighting that we need humane systems and  
22 structure but more specifically, you know the bigger  
23 question is, how do we have as many people out of  
24 these conditions.  
25

1  
2 I want to talk a little bit about the adult  
3 framework in which we work here at Exalt very  
4 quickly. I work with young people who are ages 15-19  
5 who are court involved and half in adult facilities  
6 and we conduct a series of assessments when they come  
7 into our organization and some of the you know  
8 information that they share with us is there  
9 experiences that they have faced and it is important  
10 that we not only create you know conditions for them  
11 to not be harmed but more specifically when they  
12 return to their homes that they are thriving.

13 You know, I cannot highlight and I cannot stress  
14 and I've been saying this you know for quite some  
15 time, that the conditions have just become more and  
16 more horrific. I think that we're speaking about  
17 violence. We're speaking about so many deeply you  
18 know issues and challenges that in my opinion are  
19 rooted in not just poverty but more specifically in  
20 unresolved you know challenges.

21 When it comes to young adults, you know someone  
22 just quoted and stated that you know many of our  
23 young people are facing so much challenges as this  
24 moment and time. And to the Chair, to the Committee,  
25 I'm just going to you know emphasize and stress you



1  
2 know the same thing, which is we have to create  
3 humane conditions. You know we know that people who  
4 are incarcerated are returning home and when people  
5 return home with more significant harm done to them,  
6 it's going to take us a very long time to recover  
7 from the situation. And I want to thank everyone who  
8 spoke and gave testimony.

9 SERGEANT AT ARMS: Time expired.

10 GISELE CASTRO: I was going to close out. I will  
11 not share so much because I will have a written  
12 testimony but we have to do something about reducing  
13 violence and keeping our community safe and thriving.  
14 Thank you so much.

15 COMMITTEE COUNSEL: Thank you. Next, we will  
16 hear from Darren Mack followed by Jared Trujillo  
17 followed by Edwin Santana.

18 SERGEANT AT ARMS: Time starts now.

19 DARREN MACK: Hello, good afternoon. Thank you  
20 Chair Rivera and members of the Criminal Justice  
21 Committee. My name is Darren Mack, I'm a Co-Director  
22 at Freedom Agenda, which is an organization dedicated  
23 to organizing directly impacted people and  
24 communities to achieve decarceration and system  
25 transformation. And I'm also a member of the

1  
2 Commission of Reinvestment in the closing of Rikers  
3 Island established by Local Law 193.

4       So, this Commission is charged with ensuring  
5 significant reinvestment recommendations are made in  
6 communities disparity and historically impacted by  
7 mass incarceration. The Commissions Youth  
8 Subcommittee, which I'm a Co-Chair of, have some  
9 youth and young adult focused recommendations. For  
10 instance, one recommendation is that reentry for our  
11 young people begin in day one of incarceration. And  
12 this will take significant investments.

13       As we know New York City's Department of  
14 Correction has the highest DOC budget in the country,  
15 the proposed Fiscal Year 2023 DOC budget is \$2.6  
16 billion and you know we spend the most money on DOC  
17 and get the worst results.

18       So, I urge City Council to deflate DOC's bloated  
19 budget. You know we want the program and services  
20 that the people held in pre-trial detention rely on  
21 to continue to be funded to meet their basic needs,  
22 however, we want to be strategic and right side the  
23 DOC system in key areas and simultaneously be  
24 strategic in reinvestments in youth programs and  
25 services in and outside the jail system.

1  
2 I was detained on Rikers Island at the age of 17  
3 for 19 months when the population was over 20,000  
4 people detained there and I will tell you, more  
5 programs, more programs, more programs, more  
6 services, more services, more services. It's  
7 critical to addressing the violence. Especially  
8 credible messengers especially.

9 You know, I was going into Rikers Island once a  
10 week in 2018 -

11 SERGEANT AT ARMS: Time expired.

12 DARREN MACK: And as soon as I shared my  
13 experience with these young adults, they listened and  
14 they opened up and I will submit my written testimony  
15 and hope that uhm, the City Council take these  
16 Commissioner recommendations seriously. Thank you.

17 COMMITTEE COUNSEL: Thank you. Next, we will  
18 hear from Jared Trujillo followed by Edwin Santana  
19 followed by Zachary Katznelson.

20 SERGEANT AT ARMS: Time starts now.

21 CHAIRPERSON RIVERA: While we're waiting on that  
22 - I don't know if there's a technical issue, is  
23 Darren, uhm, is Mr. Mack still on?

24 I just wanted to ask uhm, when will the  
25 Commission publish their first report?

1  
2           DARREN MACK: Yes, so the report was published  
3 early last month. It's on the Department of Social  
4 Services website and yeah, I could just email a link  
5 to it if you know some way, somehow but it's  
6 definitely been put on the Department of Social  
7 Services website.

8           CHAIRPERSON RIVERA: Okay, alright, I appreciate  
9 you very much for all your work and in full agreement  
10 about programming in reentry starting since day one,  
11 so I just wanted to thank you for that and for  
12 pointing out where individuals in the public could  
13 find the report. So, we're going to go to Trujillo  
14 whenever you are ready and thank you.

15           JARED TRUJILLO: Good afternoon. My apologies, I  
16 work state budget and yeah, I was trying to be on  
17 different calls, not well thought. Anyway, thank you  
18 Council Member Rivera and other on for holding this  
19 hearing. We will have - I'm Jared Trujillo, Policy  
20 Counsel at the New York Civil Liberties Union. We  
21 will have more extensive written testimony but there  
22 are just a few things that I wanted to focus on  
23 really for this hearing.

24           The first is that I just want to note that really  
25 the crisis that we're seeing for youth in carceral

1  
2 facilities right now is a policy choice. A policy  
3 choice that we could make better. It's a policy  
4 choice one of over incarceration of youth. Something  
5 that we know whether it be in New York City or  
6 elsewhere is you know, so often carceral facilities  
7 are viewed as, as really a warehousing at that point  
8 for [INAUDIBLE 2:37:08]. We're able to meet their  
9 needs better.

10 If other schools are able to meet their needs  
11 better. If there were actual programming in their  
12 communities in order to meet their needs better.  
13 These are issues that existed before COVID-19 but  
14 certainly with the pandemic these issues have only  
15 gotten worse.

16 And for the young people that are at Rikers, we  
17 know that the issues of violence that are happening  
18 at Rikers are not certainly don't only affect young  
19 people but they affect them in particularly. We know  
20 that the neglect that happens for young people. That  
21 is a policy choice. The violence that happens with  
22 young people, whether that be from staff or whether  
23 that be from other incarcerated young people. That  
24 is a policy choice. We know that the lack of  
25 education and the lack of programming that we see are

1  
2 real examples of programming like the RSVP program in  
3 San Francisco.

4 SERGEANT AT ARMS: Time expired.

5 JARED TRUJILLO: Thank you and again, our  
6 testimony, our written testimony will talk about a  
7 lot more of this in more detail but again, I just  
8 want to note that all the issues that we see of young  
9 people at Rikers, they're policy decisions, things  
10 that we could if we have the political will, we could  
11 correct. Thank you.

12 COMMITTEE COUNSEL: Thank you and next, we will  
13 hear from Edwin Santana followed by Zachary  
14 Katznelson followed by Donna Hylton.

15 SERGEANT AT ARMS: Time starts now.

16 EDWIN SANTANA: Good afternoon everybody. Can  
17 everybody hear me? Alright. My name is Edwin  
18 Santana and I just want to say thank you to the  
19 Chairperson and the Youth Services Committee members.  
20 My name is Edwin Santana, I am a Member and Community  
21 Organizer at Freedom Agenda. I believe like most New  
22 Yorkers believe, that the city budget should reflect  
23 what we value.

24 We value the youth and if we value our youth,  
25 then we should invest in the programs and services

1  
2 that will better serve our youth. We need a budget  
3 that reflect the needs of our youth, not just like  
4 whatever they want to put out there. The Department  
5 of Corrections has the largest DOC staff in the  
6 country and lack of accountability for the DOC staff  
7 has created a large humanitarian crisis in New York  
8 City jails.

9       There are hundreds of officers each day who work  
10 in nonjail posts either because you know they are  
11 prevented from working directly with incarcerated  
12 people, uhm or because of their ongoing disciplinary  
13 cases or maybe they are being medically monitored or  
14 they have assigned to a different job like working in  
15 the laundry room as a baker or as a secretary to a  
16 Warden. These posts have been widely used in DOC as  
17 regards to officers favored by supervisors but in  
18 other jail systems, these tasks were performed by  
19 civilians. The city should adopt the recommendations  
20 by the Commission on reinvestment, which was informed  
21 by community-based organizations that serve  
22 communities impacted by incarceration.

23       Please, please, take these recommendations  
24 seriously. City Council must right size DOC and  
25 redistribute all those resources to our youth because

1  
2 those are the one's who need it and it would help  
3 stop this stream of youth into the criminal legal  
4 system. So, thank you very much and I appreciate  
5 your time.

6 COMMITTEE COUNSEL: Thank you. Next, we will  
7 hear from Zachary Katznelson followed by Donna Hylton  
8 followed by Kristen Edwards.

9 SERGEANT AT ARMS: Time starts now.

10 ZACHARY KATZNELSON: Hi, good afternoon. Thanks  
11 so much for having me. I'm Zachary Katznelson,  
12 Executive Director of the Lippman Commission and  
13 thanks for holding this hearing.

14 I just want to touch on two key points and I'm  
15 very glad to hear the Commissioner was talking  
16 earlier about credible messengers for instance and  
17 that staff is getting specialized training. That's  
18 all well and good but we've had programs like this in  
19 the past at Rikers and they tend to get devoured by  
20 the dysfunction that exists there and it's really  
21 essential that staff who are assigned to the units  
22 actually work in those units. That people with the  
23 specialized training or the people that day in and  
24 day out are working with young people, building  
25 relationship, actually being able to put their



1  
2 training to use. We find far too often at Rikers  
3 that people get shuffled around and that means that  
4 we don't get the advantage of the training that  
5 people have. I'll give one key example of shuffling.  
6 You know a couple years ago, the Warden of RNDC  
7 Joseph Caputo, put in place a mentoring plan where he  
8 brought in older incarcerated people, people who were  
9 currently incarcerated to work with the young people  
10 who are the most at risk of violence. And word got  
11 out about this mentoring and some people within  
12 Rikers didn't like it at all and Warden Caputo was  
13 shifted, shunted frankly, from RNDC over to the  
14 transportation unit where he stayed for a long time.  
15 And I actually toured with Warden Caputo last year  
16 after his transfer in RNDC. I've been working in  
17 jails and prisons for over 20 years. I have almost  
18 never seen a uniformed officer so warmly and  
19 genuinely greeted by young people especially as  
20 Warden Caputo was. This is somebody whose an amazing  
21 asset and yet he was transferred because of internal  
22 politics around Rikers, not because of what's best  
23 for the kids.

24 And I'll also talk about we really need to work  
25 to get as many young people out of Rikers as

1  
2 possible. The three empty or under used state  
3 prisons in Manhattan, those could be transformed into  
4 secure therapeutic units if the city can get them.  
5 Start with kids with mental illness and just one  
6 thing about the girls particularly, 16 out of 19 of  
7 the under 21-year-old's at Rikers have mental illness  
8 for girls.

9 SERGEANT AT ARMS: Time expired.

10 ZACHARY KATZNELSON: One more stat if you don't  
11 mind. For 22, 24-year-old's, because I still think  
12 of them as young people, it's 21 out of 22 have  
13 mental illness among young women. So, really we need  
14 to focus on those folks, get them the service they  
15 need and get them off Rikers as soon as possible.  
16 Thanks so much.

17 COMMITTEE COUNSEL: Thank you. Next, we will  
18 hear from Donna Hylton followed by Kristen Edwards  
19 followed by Andre Ward.

20 SERGEANT AT ARMS: Time starts now.

21 DONNA HYLTON: Thank you and good afternoon.  
22 Thank you Chair Rivera and the Committee for holding  
23 this very, very important discussion, right the  
24 hearing.  
25

1  
2           So, I want to speak, uhm, I'm Donna Hylton, I'm  
3 the Founder and CEO of A Little Piece of Light. We  
4 seek to empower and facilitate the healing for young  
5 women, girls and gender fluent individuals who are  
6 directly impacted by trauma involvement in the  
7 criminal legal system.

8           So, I want to say a couple of things because you  
9 know, 37-years-ago, I was one of those youth on  
10 Rikers Island. I was an adolescent on Rikers Island  
11 in the Rose M. Singer Center and what I've come to  
12 realize and as I served my sentence in the state  
13 prisons as well as Rikers, that our facilities are  
14 these institutions are filled with Black and Brown  
15 bodies, right. Overly filled with Black and Brown  
16 bodies and we know why. Let's be very clear to what  
17 Zachary was just saying, there's a lot of mental  
18 health. There's a lot of poverty that we're not  
19 addressing. We're not looking at how to address the  
20 lack of resources and opportunities for our children,  
21 our kids, our people within our communities. Money  
22 keeps being focused on public safety measures that  
23 means incarcerating us and the vast overwhelming  
24 majority have suffered from trauma and it has not  
25 been treated. It is untreated trauma. We still have

1  
2 kids going to bed hungry. We still have children  
3 going to school so they can eat and get away from the  
4 violence that is in their households because there is  
5 nothing being done to address these things.

6 We keep seeing these responses and we're getting  
7 nowhere. We have gone nowhere. We continue to see  
8 institutions filled with our bodies, our children and  
9 this needs to stop. And Dr. V. made a strong point,  
10 there are things happening that people don't want to  
11 talk about again, right? And when we don't talk  
12 about it, we put a band aid on it or we act like it  
13 doesn't exist but we want to incarcerated it or we  
14 want to overlook it and act like it doesn't exist and  
15 then we continue to do the same thing.

16 Here we are 37 years after I was an adolescent on  
17 this island -

18 SERGEANT AT ARMS: Time expired.

19 DONNA HYLTON: And now we're still having these  
20 conversations. We have to do something. This is  
21 serious, this is important. We continue to see  
22 people dying. We continue to see people harmed. We  
23 continue to talk about public safety but it has to  
24 start somewhere.

1  
2           So, I thank this Committee for at least trying to  
3 address this and maybe we can all work together to  
4 get this done, so we can give people the resources  
5 and the opportunities that they so need, not  
6 incarceration. Thank you.

7           COMMITTEE COUNSEL: Thank you. Next, we will  
8 hear from Kristen Edwards followed by Andre Ward  
9 followed by Brad Cauthen.

10          SERGEANT AT ARMS: Time starts now.

11          KRISTEN EDWARDS: Hi, sorry, can you hear me?  
12 Hello?

13          SERGEANT AT ARMS: Yes, we can hear you.

14          KRISTEN EDWARDS: Oh, okay, sorry about that.  
15 Good afternoon, my name is Kristen Edwards and I'm  
16 the Vice President of Justice Initiatives at Housing  
17 Plus.

18               Thank you Chair Rivera and members of the  
19 Criminal Justice Committee for the opportunity to  
20 present testimony today. The main reason I'm here  
21 today is to draw attention to the need to reduce the  
22 use of pre-trial detention and focus on the need to  
23 invest in the communities most impacted by mass  
24 incarceration in New York City.

1  
2       Housing Plus is the lead organization in a  
3 successful collaborative called Sherow{SP?} formally  
4 known as a Women's Community Justice Project. We're  
5 funded by MOCJ and provide supportive transitional  
6 housing as an alternative to pre-trial detention for  
7 people who have unstable housing. Close to 15  
8 percent of those we served in the last two years  
9 entered our program as a young adult. During that  
10 time, not a single person enrolled in our program was  
11 rearrested. All participants obtained at least one  
12 or more necessary benefits or services and more than  
13 half improve family connections, including with their  
14 children.

15       The majority of the people we support are  
16 survivors of violence and trauma. The time on Rikers  
17 not only replicates the abuse and violence they  
18 survived, it exacerbates their trauma. Our jails are  
19 not the place for our young adults. It's not the  
20 place to engage young people in the support and care  
21 that they need to heal but we've seen that Sherow and  
22 many other community organizations can be that place.

23       While addressing the current violence and poor  
24 conditions on Rikers is vitally important, I'd like  
25 to take this time to highlight a few urgent needs. I

1  
2 hope as City Council Members you can help push  
3 forward, in order to free up the resources young  
4 adults and everyone on Rikers needs. Significantly  
5 reduce the half a million per person per year spent  
6 on Rikers and prioritize real investment in  
7 alternative and preventative efforts we know work.  
8 Like housing, education, health care, jobs in the  
9 communities most impacted.

10 Pass the Fair Chance for Housing Act to help  
11 people with conviction records, access stable  
12 housing, which makes us all safer. Significantly  
13 increase funding for permanent supportive housing  
14 options -

15 SERGEANT AT ARMS: Time expired.

16 KRISTEN EDWARDS: And push HRA now to create more  
17 equitable access to those who are justice impacted,  
18 including our young adults. Thank you again to the  
19 Committee for calling attention to the troubling  
20 conditions on Rikers and for the opportunity to  
21 testify.

22 COMMITTEE COUNSEL: Thank you. Next, we will  
23 hear from Andre Ward followed by Brad Cauthen  
24 followed by DeRay McKesson.

25 SERGEANT AT ARMS: Time starts now.

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ANDRE WARD: Good afternoon Madam Chair and all of the Committee Members on Criminal Justice. My name is Andre Ward, I'm the Associate Vice President of the David Rothenberg Center for Public Policy at the Fortune Society. Also, a member of the Fair Chance for Housing Coalition. And you know, I'm someone who spent three and a half years on Rikers Island from 1998 to 1992 as both an adolescent and an adult and during that period, you know I experienced and witnessed countless episodes of abuse and neglect including frequent medical and mental health neglect and the inadequacy of programming which properly prepare those detained for community reentry.

And now I sit here 30 years later and the conditions for young adults on Rikers are even worse. As the practice of leaving post unstaffed has spread like an unchecked disease. The topic of this hearing is reducing violence among young adults in city jails but we must first start with the adults who are responsible for their custody, safety and wellbeing. Because it is the behavior of the adults in charge that set the stage for this ongoing crisis.

DOC is leaving posts unstaffed as many mentioned, setting the stage for dysfunction, disorder and



1  
2 danger to the people who work there and the people  
3 held in custody there. Madam Chair Rivera, thank you  
4 for asking the Commissioner to provide you with  
5 information about staffing at last weeks budget  
6 hearing. We urge City Council and we urge the Board  
7 of Correction to continue to demand accountability  
8 because lives are at stake. We have to remember  
9 their lives are at stake and we have to do something  
10 about it.

11 And there are four things I obviously want to  
12 touch on but they are written in my testimony that  
13 you will have submitted. The first thing is about  
14 the Nunez Reports Monitor that many of my colleagues  
15 have mentioned earlier on this call. About the staff  
16 being unsigned there and the staff not being on post.

17 The other one is about -

18 SERGEANT AT ARMS: Time expired.

19 ANDRE WARD: Describing multiple sickening  
20 incidences of violence in RNDC for the single month  
21 of January of 2022. The other one is about the  
22 continuing the unacceptable practice of comingling  
23 young adults with adults.

24 And so, what we are encouraging and really  
25 strongly appealing to you Madam Chair Rivera and

1  
2 others, is to continue to demand answers from the  
3 adults in charge to protect the adults who do show up  
4 for the work and the young people who are under their  
5 watch. Thank you for holding this hearing.

6 COMMITTEE COUNSEL: Thank you. Next, we will  
7 hear from Brad Cauthen followed by DeRay McKesson  
8 followed by Martin Mason.

9 SERGEANT AT ARMS: Time starts now.

10 SUSAN GOTTESFELD: Hi, I'm Susan Gottesfeld, I'm  
11 the Chief Program Officer at the Osborne Association  
12 and I am testifying on behalf Brad Cauthen, who is  
13 our Program Director for Jail Based Services. We  
14 provide a wide range of therapeutic and educational  
15 services on Rikers including visiting support,  
16 discharge planning and reentry support to people  
17 leaving custody.

18 Osborne is the longest running service provider  
19 in New York City jails dating back to our fresh start  
20 culinary training program more than 35-years-ago.  
21 So, we've been around, we've seen a lot, we've done a  
22 lot and what we're seeing now is a repeat of what  
23 we've seen in the past or perhaps worse.

24 From 2012 to 2015, Osborne was the lead provider  
25 on the ABLE program, which was the first large scale

1  
2 program in Rikers. We served 86 percent of all youth  
3 age 16-18 in DOC custody during those years. When  
4 ABLE began, the Daily Census of youth was nearly  
5 1,000 on average and violence was rampant, especially  
6 in the RNDC facility where the youth were held.

7 ABLE was effective at reducing violence levels in  
8 the jail to the lowest that they had been in the  
9 previous five year period, as was acknowledged by the  
10 Department at South and here we are again, having  
11 tossed out something that worked and reinventing the  
12 wheel to address the same and worsening problem.

13 The reduction in violence we experienced was  
14 achieved not through overzealous security, use of  
15 force or through curricula alone, this was achieved  
16 through engaging the young people in quality services  
17 supported by meaningful relationships with our staff  
18 and steady DOC officers who were committed to their  
19 success who were properly qualified, trained and  
20 motivated.

21 We have many recommendations that are detailed in  
22 our written submission, however, any of these  
23 recommendations require sufficient staffing levels.  
24 It is simply not safe to house the current number of  
25 people on Rikers with a workforce that seems unable

1  
2 to reliably move incarcerated people from place to  
3 place. We are especially concerned of our clients  
4 inability to -

5 SERGEANT AT ARMS: Time expired.

6 SUSAN GOTTESFELD: Access medical and mental  
7 health care. A detailed staffing analysis must be  
8 conducted by DOC and we appreciate you Chairwoman  
9 Rivera and your colleagues for asking for that. Our  
10 elected officials have already agreed to close Rikers  
11 and conditions have only worsened since that decision  
12 was made. At this point, all policy should lead to  
13 reducing the number of people we lock up and closing  
14 Rikers Island. Thank you for your attention.

15 COMMITTEE COUNSEL: Thank you. Next, we will  
16 hear from DeRay McKesson followed by Martin Mason  
17 followed by William Evans.

18 SERGEANT AT ARMS: Time starts now.

19 DERAY MCKESSON: Hi, I'm DeRay McKesson, I help  
20 lead Campaign Zero, a national organization focused  
21 on ending police violence and incarceration. I have  
22 a couple things in these two minutes. The first is  
23 that we want people to stop calling this a staffing a  
24 shortage and calling what it is, which is a sickout  
25 by the DOC staff. We're reminded that this is the

1  
2 highest staffed jail in the world. That there is not  
3 a shortage of people working at Rikers. That there  
4 are enough staff, if a thousand weren't calling out  
5 everyday and if the Commissioner was actually doing  
6 something about the people going AWOL, there would  
7 actually be enough people on the Island.

8       The second thing is that when Molina testified,  
9 he said that he closed out 485 cases. We do not  
10 believe that that is true in the way that he  
11 represented it. That those cases were actually  
12 already on the pipeline and we would urge this  
13 Committee to keep pushing and ask for those records  
14 to review that.

15       Also, when he noted the numbers of kids who are  
16 enrolled in programs, we would ask for that to be  
17 parsed out, the difference between enrolled and  
18 actively participating are two widely different  
19 numbers and ask for that to be honestly represented.

20       The last thing that I'll say is a reminder that  
21 every single mechanism that we were promised that  
22 would end the violence, that would lead us to some  
23 solution as we to a pathway to closure has failed.  
24 Every oversight committee, every board, every  
25 commission, nothing has changed. Twelve reports from

1  
2 the monitor and nothing has changed. Urge the  
3 Committee to push the Monitor to use the powers to  
4 demand that the DOC is in compliance and also, push  
5 the Committee to ask for the DOJ to intervene to  
6 engage a range of options like receivership,  
7 something to force the staff at the DOC and at Rikers  
8 to actually do something. Because we are hearing the  
9 same thing over and over. Simple stuff, like the  
10 locks. They won't even make the locks work. The  
11 cameras. We are hearing reports that they are  
12 letting inmates fight and again, a unit of 14,000  
13 cameras, how does this happen with the oversight  
14 commission with the monitor and they still don't  
15 care.

16 So, I want to just reiterate that every single  
17 thing that we were promised as an intervention  
18 literally has done -

19 SERGEANT AT ARMS: Time expired.

20 DERAY MCKESSON: It's time to ask for a different  
21 solution.

22 COMMITTEE COUNSEL: Thank you. Next, we will hear  
23 from Martin Mason followed by William Evans followed  
24 by Josie Whittlesey.

25 SERGEANT AT ARMS: Time starts now.

1  
2 MARTIN MASON: Hey guys, this problem starts on  
3 the top down. What we're doing is we're doing a bail  
4 bond reform. I'm a career long Bail Bondsman. So,  
5 if you guys expect through the same form that you  
6 sign for a public defender is the same form that you  
7 can sign to get an ROR bond.

8 So, if we're letting criminals literally on the  
9 subway, rub feces on people and get out of jail the  
10 same day, why do you expect the Department of  
11 Corrections to hold these criminals to a higher  
12 standard than with the NYPD than our own [INAUDIBLE  
13 2:56:53].

14 So, this is a systemic problem. You guys are  
15 trying, you guys can't see the forest because the  
16 tree is right in front of your face. It's a top down  
17 issue. If you guys actually had bail bondsman, then  
18 the police department wouldn't be overwhelmed. So,  
19 these criminals would actually have to go to court  
20 and face justice. So, if you expect a Department of  
21 Corrections person sitting at Rikers with the sickest  
22 criminals possible because most criminals this day  
23 and age will get out and guess what, we can't find  
24 them because they'll go to another state. But you  
25 guys are worried about why children are getting

1  
2 assaulted, it's because the people are assaulting  
3 them know that there is no punishment because we have  
4 a broken system that is letting people out of jail  
5 under the guys of virtual signaling. Under the guys  
6 of social justice. There's nothing justice about  
7 what is happening in New York. There is nothing  
8 justifiable about the anti-Asian crimes.

9 But you guys sit here and you guys are going to  
10 sit here, "oh, it's the Department of Corrections  
11 fault why this happened." Why do you think they're  
12 overwhelmed? Because people know that they can go to  
13 New York City and commit massive crimes, multiple  
14 felonies and not go to jail. So, what do you think  
15 is going to happen when a guy actually does go to  
16 court and actually gets out of Rikers? He's going to  
17 be the most distressing criminal possible.

18 So, I saw a few people that are ex-criminals on  
19 this thing talking about social justice. Well,  
20 listen I deal with criminals every single day and  
21 it's like swimming in a toilet bowl. It's not a  
22 pleasurable thing and you guys are overwhelming our  
23 system, not only our police force but our Department  
24 of Correction. So, if you guys think Rikers is going  
25 to get any better by defunding it or shutting it



1  
2 down, you guys are imbeciles and that's why we're  
3 having such crime in New York City because you're  
4 letting criminal go because they say they're too  
5 poor. And now we don't have anybody making sure they  
6 go to court. So, it is like the Wild Wild West.  
7 It's like New York City in 1970. Curtis Lee said it  
8 best that the place is going to hell in a hand basket  
9 and it's all your fault because you guys are saying,  
10 oh, social justice and let people out of jail for  
11 free. Get a grip. Wake up.

12 SERGEANT AT ARMS: Time expired.

13 MARTIN MASON: We need bail bond reform. Wake up  
14 guys. You guys are the problem. It's not just an  
15 easy fix by going out to the Department of  
16 Correction. It starts at the top. Holding criminals  
17 accountable.

18 COMMITTEE COUNSEL: Thank you. Next, we will  
19 hear from William Evans followed by Jose Whittlesey.

20 SERGEANT AT ARMS: Time starts now.

21 WILLIAM EVANS: Hi, how are you doing? My name  
22 is William Evans, I'm the Co-director at the  
23 Institute for Transformative Mentoring at the New  
24 School. Thank you for the opportunity to speak to  
25

1  
2 you guys today in regards to the violence on Rikers  
3 Island.

4 I worked on Rikers Island. I trained people to  
5 facilitate. I counseled individuals in need. I  
6 developed programs and strengthened personalities but  
7 for some reason, I could not relieve myself of the  
8 memories that I sustained while on Rikers Island.

9 The New Schools Institute for Transformative  
10 Mentoring is a dynamic training program focused on  
11 the support and professional development of credible  
12 messengers, formerly incarcerated men and women who  
13 use their lived experiences to mentor young people.  
14 Credible messengers reduce crime, violence and  
15 incarceration of young people and adults and also  
16 vital resources to the community.

17 Since the founding of ITM in 2017, with the  
18 support from the City Council, ITM has served over  
19 300 participants from over 75 organizations across  
20 New York City.

21 And just to say credible messengers are also  
22 operating on Rikers Island officially through  
23 organizations like Exodus and the work is noticeable  
24 even through today. I don't have to explain too much  
25 about the different issues that's taking place on

1  
2 Rikers Island but I want to share with you my  
3 testimony in regards to not only what I have  
4 submitted but also highlight some of the times that I  
5 was on Rikers Island, right? Which is 1993 when I  
6 was arrested as I'm returning from a supermarket  
7 delivery, right and the things that I witnessed right  
8 with a young man being beaten because he was looking  
9 the other way and ran into an officer.

10 And how you had other officers use officers who  
11 actually joined in the beating. You know such a time  
12 like that causes fear for young people but also make  
13 young people you know like what you would call -

14 SERGEANT AT ARMS: Time expired.

15 WILLIAM EVANS: And where people can actually  
16 talk about them and make them feel down and this also  
17 contribute to their traumas, right? And then I say  
18 another time when I was on Rikers Island in 2019  
19 where I worked in grievance office and grievances  
20 are just thrown away because either the person is  
21 writing too many grievances or they don't want to  
22 hear from that individual or they don't have any type  
23 of grounds, right.

24 But then, I also worked on Rikers Island, right.  
25 And just to see how officers just disregard how

1  
2 facilitators are like working with the young people  
3 or just walking through the circle while you're  
4 actually conducting class. Things like that that  
5 show disrespect and there's no type of support that's  
6 provided from DOC as you release the individuals  
7 going in on Rikers Island to do the work.

8 All these things should be considered when you're  
9 looking at just organizations going in to do the work  
10 who have been impacted by the same systems. I think  
11 it's very important that we acknowledge that and we  
12 understand that. That not all the time as  
13 individuals working with these young people are  
14 receiving the type of support and respect that they  
15 need.

16 So, I just wanted to share those different things  
17 with you and you could read more about it in the  
18 testimony that I submitted because I think support  
19 and respect from DOC to individuals working there is  
20 highly important but the experiences that individuals  
21 like myself had endured while on Rikers Island. I  
22 think it should also be acknowledged because there's  
23 so many things that takes place, even the disregard  
24 for you as a human. You know throwing away your food  
25 because it's left open in a box. Various things take

1  
2 place on Rikers Island that you don't really hear  
3 much about.

4 But I'm William Evans, Co-Director at the  
5 Institute for Transformative Mentoring and I just  
6 wanted to share that with the Committee.

7 COMMITTEE COUNSEL: Thank you. Next, we will  
8 hear from Josie Whittlesey.

9 SERGEANT AT ARMS: Time starts now.

10 JOSIE WHITTLESEY: Good afternoon everyone.  
11 Thank you for this opportunity to share. I'm the  
12 Executive Director and Founder of Drama Club. We  
13 provide theater training and mentorship to young  
14 people who are incarcerated and court involved.

15 I'm just going share a little bit today about the  
16 work that we do and use this as a lens for talking  
17 about programs. I noticed today there was talk about  
18 programs from the DOC which is awesome but it was a  
19 lot about religious services, education. I really  
20 applaud the credible messenger move but I think there  
21 could be more emphasis on programs themselves.

22 So, we've been working on Rikers Island since  
23 2014. We had to pause for COVID but we are back. In  
24 Fiscal Year '20 we worked with about 100 individual  
25 young people in Rikers Island. So, throughout the

1  
2 years, we have met many young people, have witness  
3 changes in laws and attitudes towards young people in  
4 the criminal legal system and seen leadership at the  
5 Department of Correction come and go. What has not  
6 changed however, is the culture of violence in the  
7 jails.

8       It's a complex problem that does not have a  
9 simple answer but what I have witnessed over the  
10 years is that programs work. They give an outlet to  
11 young people navigating stress, fear and complex  
12 trauma. They can have positive learning outcomes,  
13 provide a safe space to experience vulnerability and  
14 sometimes result in employment opportunities for  
15 young people when they return to their communities.

16       And despite the many occurrences of violence that  
17 occur on Rikers Island, we have never experienced a  
18 violent incident in any one of our classes in eight  
19 years. So, I just wanted to share that uhm, we do  
20 these retrospective surveys and we see shifts in many  
21 areas. I just wanted to highlight three. So, the  
22 young people we asked, could they express themselves  
23 without getting angry or stressed out and they said,  
24 before Drama Club they felt like 31 percent of them  
25 thought they could but after Drama Club 81 percent

1  
2 thought they could express themselves without getting  
3 angry.

4 Before Drama Club, 37 percent of them said they  
5 enjoyed learning after Drama Club. 84 percent said  
6 they enjoyed learning and before Drama Club 50  
7 percent -

8 SERGEANT AT ARMS: Time expired.

9 JOSIE WHITTLESEY: Said they thought they could  
10 succeed at their goals but after Drama Club it was 93  
11 percent.

12 So, in conclusion, it is our firm belief that  
13 programs such as Drama Club are profoundly important  
14 for the wellbeing and safety of young people on  
15 Rikers Island. They should not be considered a  
16 privilege and used as a carrot for good behavior, but  
17 accessible and widely available. If we are to truly  
18 focus on rehabilitation, programs need to be a  
19 service considered as important as education or  
20 healthcare. Normalizing programs and making them  
21 easily accessible is essential in helping shift the  
22 culture of violence at Rikers Island to one of  
23 rehabilitation. Thank you so much.

24 COMMITTEE COUNSEL: Thank you. This concludes  
25 the public testimony. If we have inadvertently

1  
2 forgotten to call on someone to testify, if that  
3 person could please use the Zoom raise hand function  
4 now, we will try to hear from you.

5 Okay, I'm not seeing any hands, so I will turn it  
6 over to Chair Rivera to close the hearing.

7 CHAIRPERSON RIVERA: Thank you so much everyone  
8 for your testimony and for your time. And no human  
9 being let alone the young people detained,  
10 incarcerated and likely historically marginalized in  
11 part of communities that are underserved and those  
12 serving our city, none of them should be subjected to  
13 the violence and use of force currently taking place  
14 at Rikers.

15 Reducing violence among young adults in city  
16 jails is not only necessary, it is at a historical  
17 and alarming high and every single person on the  
18 island is affected with deplorable conditions  
19 exacerbated inside of these facilities. That is very  
20 clear. With a lack of access to appropriate  
21 programming, educational opportunities, access to  
22 care, recreational time and even food insecurity, are  
23 factors here. But steady staffing is clearly  
24 critical and it's clear that there is a desperate  
25 need for a methodology to address the staffing crisis



1  
2 and current staffing problems are inextricably linked  
3 to the increase in violence and that the current  
4 culture of this function is unacceptable and it's  
5 devouring any progress that has been made.

6       So, I agree that reentry must start on day one  
7 and that these failures including the unsettling  
8 statistic that the majority of young women on Rikers  
9 are experiencing mental health issues, that all of  
10 this is a policy choice. And for those of you who  
11 can speak to similar experiences that you encountered  
12 30-years-ago, what an utter disappointment and I  
13 believe all of us here and present today know that we  
14 can not wait any longer to see a change and investing  
15 in our young people is imperative.

16       So, I want to thank you all for your time. I  
17 want to thank the staff and my team for helping to  
18 put this Committee hearing together and I'm looking  
19 forward to working with all of you.

20       And with that, we will adjourn this hearing.

21 Thank you. [GAVEL]

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C E R T I F I C A T E

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



Date May 6, 2022