

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

COMMITTEE ON CRIMINAL JUSTICE

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

----- X

MARCH 23, 2023
Start: 10:26 A.M.
Recess: 5:26 P.M.

HELD AT: COUNCIL CHAMBERS-CITY HALL

B E F O R E: Speaker Adrienne Adams,
Chairperson

COUNCIL MEMBERS:

- Shaun Abreu
- David M. Carr
- Shahana K. Hanif
- Mercedes Narcisse
- Lincoln Restler
- Lynn C. Schulman
- Althea V. Stevens
- Diana Ayala
- Gale A. Brewer
- Joann Ariola
- Robert Holden
- Ari Kagan
- Vickie Paladino
- Inna Vernikov
- Kamilah Hanks

A P P E A R A N C E S

Juanita Holmes
Commissioner New York City Department of
Probation

Michael Forte
Deputy Commissioner of Administration

Sharun Goodwin
Deputy Commissioner of Adult Operations

Gineen Gray
Deputy Commissioner of Juvenile Operations

Wayne McKenzie
General Counsel

Louis Molina
Commissioner of the Department of Correction

Paul Shechtman
Department's General Counsel

Patricia Lyons
Deputy Commissioner of Financial, Facilities, and
Fleet Administration

Francis Torres
Deputy Commissioner of the Division of Programs
and Community Partnerships Francis Torres

Jasmine Georges-Yilla
Interim Executive Director of the New York City
Board of Correction

COMMITTEE ON CRIMINAL JUSTICE

3

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

Danielle C. Ortega
BOC's Director of Human Resources and Budget

Jennifer Parish
Urban Justice Center Mental Health Project

Amanda Berman
Deputy Director of Regional Programs with the
Center for Justice Innovation

Zachary Katznelson
Executive Director of the Lippman Commission

Darren Mack
Co-Director at Freedom Agenda

Jullian Harris-Calvin
Vera Institute of Justice

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

Dalvanie Powell
President of the United Probation Officers
Association

Matthew Thompson
Senior Policy Associate for the Legal Action
Center

Nadia Chait
Senior Director of Policy and Advocacy at CASES

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

Tanya Krupat
Vice President of Policy and Advocacy at the
Osborne Association

Melanie Dominquez
lead Community Organizer with the Katal Center
for Equity, Health and Justice

Grace Ortez
Member Organizer of Freedom Agenda

Carmen Perez-Jordan
President and CEO of the Gathering for Justice

Aaliyah Guillory-Nickens
Campaign Organizer at Youth Represent

Chaplain Dr. Victoria A. Phillips
Founder and CEO of Visionary Ministries

Eileen Maher
Civil Rights Union Leader from Vocal New York

Judith Jones
Advocate for a prisoner in Rikers Island

Christopher Leon Johnson
Representing self

Lacey Tauber
Representing Brooklyn Borough President Antonio
Reynoso

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

Victor Herrera
Leader and Member with Freedom Agenda

Kelly Grace Price
Close Rosie's

David Long
Executive Director of the Liberty Fund

Danielle Gerrard
Senior Staff Attorney at Children's Rights

Messiah Robinson
Associate Executive Director at Youth Justice
Network

Saaif Alam
Incoming Queens General Assembly Delegate

1
2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Criminal Justice. Today's date is
4 March 23, 2023, located in Council Chambers.
5 Recorded by Steve Sadowsky.

6 SERGEANT AT ARMS: Good morning and welcome to
7 the New York City Hybrid Hearing on the Committee on
8 Criminal Justice. Please silence all electronic
9 devices. Madam Speaker, we are ready to begin.

10 SPEAKER ADAMS: [GAVEL] Good morning and welcome
11 to today's Preliminary Budget Hearing for the
12 Committee on Criminal Justice. We will examine the
13 Mayor's Fiscal Year 2024 Preliminary Budget at it
14 relates to the Department of Correction, Department
15 of Probation and Board of Correction. I'm Speaker
16 Adrienne Adams and I'm Chairing today's hearing in
17 place of our Criminal Justice Committee Chair Council
18 Member and new mother Carlina Rivera, who is out on
19 family leave.

20 I want to acknowledge my colleagues who have
21 joined us this morning Council Member Holden, Council
22 Member Restler, Council Member Abreu and Council
23 Member Narcisse. Others will be coming in shortly.

24 First, we will hear from the Department of
25 Probation whose Fiscal 2024 Preliminary Budget is

1
2 \$116.1 million. Approximately \$9.6 million less than
3 the Adopted Budget for Fiscal Year 2023. Probations
4 budgeted headcount for the Fiscal Year 2024
5 Preliminary Budget is \$1,092, a decrease of 12
6 positions from the FY23 budget at adoption.

7 The budget breakdown shows that the allocation
8 for probation services shrank by nearly \$10 million,
9 and the Executive Management Program grew by
10 \$385,000. Additionally, \$285,000 was included for
11 alternative to incarceration as part of a state grant
12 focusing on transitional employment opportunities for
13 young adults on probation.

14 This allocation to alternatives to incarceration
15 programming is a welcome one because the evidence is
16 clear about the types of programs that reduce
17 recidivism and make us safer. Probation should be a
18 mechanism for successful reentry to communities, not
19 one that pushes people back into incarceration.

20 Community-based and responsive programming providing
21 job opportunities, supportive housing and stability
22 is critical to public safety and reducing our city's
23 jail population.

24 Commissioner Holmes, I look forward to hearing
25 your testimony about how the Department of Probation

1
2 will help us meet these goals and what additional
3 investments are needed to achieve them.

4 Next, we will hear from the Department of
5 Correction, whose Fiscal Year 2024 Budget is \$1.2
6 billion. Approximately \$79.2 million less than the
7 Adopted Budget for Fiscal Year 2023. DOC's budgeted
8 headcount for the FY24 Preliminary Budget is 244
9 fewer positions than what was budgeted in the
10 previous year at adoption. All of the positions that
11 are proposed to be cut as part of the program to
12 eliminate the gap or the PEG are civilian and not
13 uniformed positions.

14 New York City entrusted the Department of
15 Correction with the mission of creating a safe and
16 supportive environment while providing individuals in
17 its care with a path to successfully reenter their
18 communities. Yet, month after month, we've seen a
19 fellow New Yorker lose their life on Rikers Island at
20 levels that are nearly unprecedented.

21 19 people died in our jail system last year
22 making it the deadliest year in a decade. And we
23 know that the condition of people with mental health
24 challenges are too often worsened by cycling through
25 the criminal legal system and the jails. We've also

1
2 seen correction officers assaulted in housing areas
3 due to staff shortages attributed to chronic
4 absenteeism. I've also been concerned by some of the
5 actions taken by the Department to reduce
6 transparency and access to Rikers Island. As I've
7 said before, Rikers is undermining public safety by
8 exposing everyone there. Uniform staff, ununiformed
9 staff and those detained to violence and trauma that
10 maintain cycles of harm, rather than interrupting
11 them.

12 It was reported earlier this week that the
13 Department of Correction has repeatedly failed to
14 keep track of how long it has held people in intake
15 units and to implement numerous court mandated
16 reforms. DOC, as concluded by the Office of
17 Compliance Consultants has not maintained adequate
18 sanitation, ventilation and fire safety, contributing
19 to unsanitary conditions that violate incarcerated
20 individuals constitutional rights.

21 It's clear that Rikers Island, which houses eight
22 out of nine facilities under DOC's per view, no
23 longer serves New Yorkers or DOC's mission. For both
24 public safety and human rights, we must close Rikers
25 by 2027 as mandated by law. There are many active

1 steps that we must take as a city to make this a
2 reality. Though they're not the sole responsibility
3 of DOC, they do include the agency. It will require
4 leadership from throughout our government, the
5 Administration, the Council, the Court System,
6 Prosecutors, Public Defenders, Service providers and
7 various city agencies.
8

9 We must come together to expand pretrial
10 services, mental health diversion and treatment
11 programs, reentry programming, supportive housing and
12 a lot more. We also must develop a new pretrial
13 system that does not simply replicate the same
14 problems that exist on Rikers. This is not just
15 about changing locations.

16 I look forward to hearing from Commissioner
17 Molina on steps the agency is taking to address the
18 existing challenges in the system and prepare to meet
19 the 2027 deadline to close Rikers Island and
20 establish an improved system that is safer for
21 everyone, Officers, other personnel and detainees.

22 We will also hear from the New York City Board of
23 Correction, whose Fiscal 2024 Preliminary Budget is
24 \$3.2 million, approximately \$43,000 less than the
25 Adopted Budget for Fiscal Year 2023. BOC's budgeted

1 headcount for the FY24 Preliminary Budget is 31. A
2 decrease of just one position from FY23's budget at
3 adoption.
4

5 The Board of Correction engages in the critical
6 work of oversight establishing and ensuring
7 compliance with standards, regulating conditions of
8 confinement and correctional health and mental care
9 and city correctional facilities.

10 Independent oversight is key to ensuring
11 accountability and safeguarding the BOC's right to
12 independently examine documents and records is
13 essential.

14 Recent actions by the Department of Correction to
15 limit the BOC's access to live footage of
16 correctional facilities are troubling and we urged
17 for them to be remedied. The Boards ability to
18 conduct oversight cannot be compromised because it
19 undermines the ability to improve the Department and
20 its jails.

21 And finally, we will hear from advocates, service
22 providers and members of the public. This Council
23 will always prioritize the safety of our communities.
24 We must invest in New Yorkers and more in the
25 programs that are proven to help us create and

1
2 sustain a safer city. These are the same programs
3 that will help us close Rikers. This is the plan
4 that best serves our city and the one this Council is
5 pursuing. Thank you very much for your time and now,
6 I turn it over to our Committee Counsel.

7 Oh, we've been joined by Deputy Speaker Ayala and
8 Council Member Gale Brewer.

9 COMMITTEE COUNSEL: Thank you Madam Speaker. I
10 will now swear in our first panel of Administration
11 witnesses with us today from the Department of
12 Probation, we have Commissioner Juanita Holmes,
13 Michael Forte Deputy Commissioner of Administration,
14 Sharun Goodwin Deputy Commissioner of Adult
15 Operations, Gineen Gray Deputy Commissioner of
16 Juvenile Operations and Wayne McKenzie General
17 Counsel. If you all could please raise your right
18 hands. Do you affirm to tell the truth, the whole
19 truth and nothing but the truth before this Committee
20 and respond honestly to Council Member questions?

21 PANEL: Yes, I do.

22 COMMITTEE COUNSEL: Noting for the record that
23 all witnesses answered affirmatively. You may begin
24 your testimony.

1
2 JUANITA HOLMES: Good morning Speaker Adams and
3 members of the Criminal Justice Committee. I am
4 Juanita Holmes, Commissioner of New York City
5 Department of Probation. I am joined today by the
6 Department of Probation cabinet Deputy Commissioners
7 Michael Forte, Sharun Goodwin, Gineen Gray, and
8 General Counsel Wayne McKenzie. Thank you for the
9 opportunity to testify about the important work of
10 the Department of Probation and its Preliminary
11 Fiscal Year 2024 Budget.

12 As you know, probation has a unique role among
13 the other public safety agencies. Statutorily,
14 probation is an alternative to incarceration, where a
15 judge has determined that the person can remain in
16 the community under our supervision. In practice, it
17 is a lifechanging opportunity to account for your
18 actions, change behavior, and successfully transform
19 your life.

20 Too often, public safety is narrowly defined as
21 the absence of crime. However, true safety is much
22 more than that. It is about having a strong
23 connection to fellow human beings in your community.
24 Often the people coming onto probation, that
25 connection has been corroded. Using a combination of

1 prevention and intervention, New York City Probation
2 Officers work to restore the connection and help
3 people change their behavior and reconnect with their
4 community, all of which creates a pathway out of the
5 criminal system, what we call their New Now.

6
7 The work we do with justice involved people to
8 get to their New Now, is what makes Department of
9 Probation unique. Social workers and community-based
10 organizations don't have the law enforcement powers
11 sometimes needed for behavioral change. And it is
12 not the job of the police officer to provide the
13 social support of a community-based organization.
14 Our Probation Officers leverage both risk management,
15 that's the supervision of monitoring intensity, and
16 risk reduction, the supportive elements that actually
17 help people change. And that is the pivotal role of
18 this Department, utilizing a one size fits one
19 approach of structure and support to help people
20 change their behavior and remain safely in their
21 community, leading to better life outcomes for them,
22 their families, and our city.

23 As the city's largest Alternative to
24 Incarceration, I am proud of this Department's
25 critical role in safely supervising people on

1 probation throughout the five boroughs. Last year
2 Probation provide intake, investigation, and
3 supervision services for nearly 24,000 cases and
4 directly supervised more than 15,000 people. That is
5 almost three times the average of New York City daily
6 jail census, at a fraction of the cost of
7 incarceration. And our workload is growing. Intakes
8 and investigations have increased nearly 40 percent,
9 while new supervision cases went up 13 percent.

11 Over the past year, our Intelligence Division
12 conducted 7,948 field visits and 1,463 enforcement
13 actions, which include gang-related investigations,
14 failure to report home visits, driving while
15 intoxicated and bench warrant enforcement actions,
16 responding to NYPD's domestic incident reports and
17 transporting prisoners to and from other
18 jurisdictions. These actions resulted in the
19 recovery of numerous firearms, drugs, and other
20 contraband.

21 To ensure we remain staffed to operate safely and
22 successfully, we have scheduled another Probation
23 exam in June. We are currently planning a major
24 multimedia and multilingual recruitment campaign to
25 help find our next generation of change agents, as

1
2 Probation Officers are crucial to the success of
3 everything we do.

4 For Fiscal Year 2024, the Department of Probation
5 has a Preliminary Budget of \$116.1 million as
6 compared to Fiscal Year 2023, adopted budget of
7 \$125.7 million. When compared to our current budget
8 of \$128.1 million, the Fiscal Year 2024 Preliminary
9 Budget of \$116.1 million is \$11.9 million or ten
10 percent less.

11 Of the \$116.1 million allocated to our
12 Preliminary Budget, 67 percent or \$77.6 million is
13 for personal services and 33 percent or \$38.5 million
14 is for Other Than Personal Services. \$93.9 million
15 are City Tax Levy funds, \$14.9 million are state
16 funds, \$6.3 million are intracity funds, and \$1
17 million are federal grant funds. State funding,
18 which at one time reimbursed almost half of local
19 probation costs, now provides 12.8 percent of our
20 operating budget.

21 Our budget priorities focus on building
22 transformative relationships that meet the unique
23 needs of people on probation through credible
24 messengers, using age-appropriate intervention and
25 providing critical resources and opportunities in the

1
2 larger communities they call home through our
3 Neighborhood Opportunity New York NeON.

4 In our work, it is not only the services and
5 resources that we provide, but how they are offered
6 and by whom, that makes the difference. Credible
7 messengers are people whose life experiences,
8 including their own justice involvement, help them to
9 engage justice-involved young people and their
10 families in ways that others alone cannot.

11 Our Arches Transformative Mentoring program for
12 16-24 years old's, which works with credible
13 messenger mentors, was independently evaluated by the
14 Urban Institute. Urban found that one year after
15 beginning probation, Arches participants' felony
16 reconviction rates were at an unprecedented 69
17 percent lower. The two years after remained 57
18 percent lower, compared to those not in the program.

19 In Arches, credible messenger mentors run group
20 sessions using cognitive behavioral interventions and
21 are available 24/7 for one-on-one support. Working
22 as a team with the PO, mentors help young people make
23 better and safer choices, pursue their goals, repair
24 relationships with family and community and connect
25 to education and employment opportunities. All of

1
2 which help to increase safety for both the
3 participants and their communities.

4 This model was so successful that it was
5 replicated as Next STEPS, Striving for Engagement and
6 peaceful solutions in New York City Housing Authority
7 developments, where participants are glad to have
8 this because, in their words, "it's close to home,
9 and it keeps us off the streets."

10 These young NYCHA residents are part of our
11 newest Next STEPS site service Gowanus Houses and
12 Wyckoff Gardens in Brooklyn. Shout to Council Member
13 Restler, and your team, for your continued advocacy
14 and partnership on this new program site. And it is
15 not just Brooklyn, we're currently assisting the
16 Boston Housing Authority as they work to develop a
17 Next STEPS of their own.

18 Ongoing requests from other jurisdictions seeking
19 to replicate these models is what inspired us to
20 create the credible messenger Justice Center, in
21 partnership with Community Connections for Youth and
22 the City University of New York. Earlier this month,
23 we hosted program teams from Hartford Connecticut,
24 Philadelphia, and Dover as part of our Building
25 Credible Messenger Program. New York City Immersion

1 Experience. These jurisdictions now join more than
2 others nationally who are operationalizing the
3 critical role of community-based credible messenger
4 programs in reducing violence, changing lives, and
5 advancing community justice.
6

7 We recognize that providing training and
8 operational assistance to the Crisis Management
9 Systems, credible messengers and non-profit service
10 providers is a critical priority for the Council.
11 Credible Messengers Jurisdictions Centers is actively
12 engaged in providing this support, as well as
13 committed to ensuring that the credible messengers
14 have the personal and professional supports they
15 need, both to thrive in their current roles as well
16 as grow beyond. In addition to expanded training,
17 thanks to funding from the Mayor's Office of Economic
18 Opportunity, we are also working with the new Mayor's
19 Office of Non-Profit Organizational Services to
20 provide support to the Community Based Organizations
21 on the ground doing this critical work.

22 The other community-based organization
23 partnerships, we have also served over 3,500 1838
24 juveniles on probation and their families with
25 credible messengers as parent coaches in our Family

1
2 Court Parent Support Program. Parent coaches, whose
3 own children have been justice involved, provide
4 invaluable support to families in navigating the
5 juvenile justice system. This has resulted in fewer
6 out of home placements as parent coaches and families
7 work together to find community-based options to
8 support their children.

9 The Arches and Next STEPS interventions, Credible
10 Messengers and parent coaches are part of what works
11 in criminal justice. The research shows that not
12 only so community-based approaches to engaging
13 justice involved young people work, but the
14 connecting young people at high-risk of justice
15 system involvement to credible messengers mentors
16 strengthens communities and helps to safely keep
17 people out of prison and jail.

18 Our experience has shown that the needs of young
19 people are quite unique and require specialized
20 training and interventions. That inspired the launch
21 of Anyone Can Excel, the ACE program. A one size
22 fits one approach to the specific challenges facing
23 16-24-year old's. Prior to ACE, emerging adults made
24 up about one-third of our case load but
25

1
2 disproportionately represented almost half of our
3 rearrests.

4 Partnering with Roca, a national leader in
5 recognizing that addressing trauma disrupts violence.
6 We are training our front-line officers in the use of
7 cognitive behavioral therapy curriculum, developed by
8 Massachusetts General Hospital. It is designed to
9 build trust with the highest risk 16-24-year-olds how
10 have experienced trauma and are primary drivers or
11 victims of violence. Our goal is to teach them
12 lifesaving emotional skills, so they can overcome
13 their hurt and anger and begin to see a different
14 kind of future. We are also building upon and
15 expanding cross systems city agency partnership,
16 including with the Department of Education and the
17 New York City Police Department to better deliver
18 timely services and resources to young people at risk
19 for harm.

20 Our partnership with DOE, Project Pivot, ensures
21 that young people on probation more easily access,
22 more easily access the specialized services made
23 available at the 138 Project Pivot schools, which
24 have higher rates of suspension, incidents involving
25 weapons, and chronic absenteeism. These added

1 supports have help guide our young people toward
2 academic and social-emotional success by eliminating
3 barriers often safety related they face in attending
4 school and helping them feel safe, supported and
5 empowered in their school communities.
6

7 Another important and expanded partnership, our
8 Youth Engagement Initiative, is within YPD Youth
9 Coordinating Officers. Already underway in the South
10 Bronx, there is an effort to engage young people on
11 probation with high-risk behavior and better respond
12 to their needs. Based on this success, and the YCO
13 expansion announced last month, we are now working to
14 expand this to targeted precincts in all five
15 boroughs where youth violence is most prevalent. The
16 partnership, this partnership will further build
17 cross agency support, collaboration, and expertise to
18 address challenges facing young people and facilitate
19 critical connections to appropriate programs and
20 services.

21 To have the biggest impact on advancing community
22 justice, you must focus resources on the people and
23 communities where they are needed the most. That
24 ethos is what inspired the Network Opportunity
25 Network NeON, a unique and trusted place-based

1
2 approach that provides a range of services to high
3 concentrations of people on probation and other
4 community members in seven New York City
5 neighborhoods historically impacted by the justice
6 system. The South Bronx, Harlem, Jamaica, Bed-Stuy,
7 Brownsville, East New York and Northern Staten
8 Island. These neighborhoods coincide with the
9 findings of the Seven Neighborhoods Study, which
10 revealed that almost all New York State prison
11 population came from just seven neighborhoods in our
12 city.

13 Our NeONs strive to have the opposite impact,
14 serving as engines of equity, working with residents
15 and service providers to develop solutions from the
16 ground up and invest valuable resource. And we are
17 seeing the positive impact of this community driven
18 model in the results as residents of NeON
19 neighborhoods successfully complete probation at the
20 same rate as residents, neighborhoods without these
21 structural challenges. Though there is still a lot
22 more work to do, I am proud of this Department's
23 contributions towards ensuring that justice system
24 outcomes are not solely defined by a person's zip
25 code.

1
2 NeON Works, our employment readiness initiative,
3 helped over 1,000 young people participate in
4 specialized worked force programming last year
5 resulting in 200 participants connected to jobs,
6 internships, vocational training and educational
7 pathways. Specialty training areas included digital
8 literacy, podcasting, music creation, short film
9 production, and even sneaker design. As work
10 experience opportunities have a major lifesaving
11 impact for young people, our focus and commitment to
12 the employment readiness of our youth not only saves
13 lives but allows them to thrive.

14 Our NeON Photography program prepares
15 participants to work as professional photographers.
16 Graduates have been hired for events across the city
17 and some even return to teach. For example, one
18 participant not only successfully completed probation
19 but secured multiple paid photography jobs and taught
20 two classes. As a way to give back to his community,
21 he single handedly fought for NeON Photography
22 classes to be offered at his former middle school.
23 Due to his unwavering determination, that first
24 cohort of NeON Photography students from John H.

1
2 Finley Campus School in Harlem completed his class
3 earlier this month.

4 The Made in New York Animation Project, our
5 partnership with Mayor's Office of Media and
6 Entertainment has now helped over 9,000 young people
7 learn digital animation skills on site at our NeON's,
8 helping to grow the talent pipeline for New York
9 city's tech and video game sectors. Last year, this
10 Committee asked us to spread some of the NeON magic
11 to other neighborhoods. To that end, with funding
12 from the Mayor's Office of Equity, we are launching
13 made up in New York Pop Ups around the city. The Pop
14 Ups are a six-week digital animation intensive
15 workshop in which young people reimagine the New York
16 City subway A big thank you to you, both Chair
17 Rivera and Council Member Narcisse for your offices'
18 help in coordinating pop ups in your district.

19 Part of what makes the NeON model so powerful is
20 its ability to grow and evolve to meet the
21 community's needs. With the rising cost of food, the
22 closing of many neighborhoods food pantries, and the
23 elimination of the pandemic era SNAP benefits this
24 month, food insecurity is a major issue. Thankfully,
25 our NeON Nutrition Kitchen that branch out of

1
2 committed probation officers who were personally
3 feeding both in need, have been a lifetime in these
4 neighborhoods, feeding almost half a million people
5 last year. In fact, our amazing Bronx Pantry
6 Coordinator was originally on probation and now his
7 livelihood encompasses feeding his community. We
8 also partnered with the Mayor's Office of Immigrant
9 Affairs to help spread the word about this barrier
10 free resources to undocumented New Yorkers. Through
11 the Bronx DA's Office, we were connected to a family
12 of seven from Guatemala, who sadly experienced
13 significant trauma during their journey here. We
14 were able to provide them the food, supplies, and
15 clothing, including a little coat for their baby,
16 through our NeON Clothing Closets.

17 All these supports ensure that time with
18 probation, mandated or not, is a holistic experience
19 that connects people to new opportunities that can
20 change their lives. That could not be more apparent
21 than with NeON Arts, our public-private partnership
22 with Carnegie Hall, that has provided more than
23 16,000 people in NeON neighborhoods the opportunity
24 to explore dance, music, theater, visual arts,
25 poetry, digital media, and more. We want to again

1
2 thank Chair Rivera, the Speaker, and the Council for
3 forward-thinking vision and strong support of NeON
4 Arts through the Innovative Criminal Justice Programs
5 Initiative, for this truly changing and saving lives
6 of our people we serve.

7 In the face of these challenges and unprecedented
8 times, we are steadfast in our commitment to what we
9 know works because we see the impact both in
10 transforming individual lives, as well as stronger
11 and safer New York City communities. Whether it's
12 recovering illegal guns, feeding and clothing our
13 newest New Yorkers or truly operating with the
14 community on justice priorities, these results not
15 only significant but lifesaving and transformational.
16 Our method of evidence-based community supervision
17 result in four out of five people successfully
18 completing probation, irrespective of zip code and at
19 a cost of two cents on the dollar relative to
20 incarceration.

21 The work of this Department and its dedicated
22 staff is not only cost-effective and impactful but
23 truly unique. We provide community-based prevention
24 and intervention for people who would otherwise be
25

1
2 incarcerated. Keeping them in their communities
3 where they can build their new now.

4 Thank you for the opportunity to testify about
5 the critical work performed by the committee staff of
6 this Department. We are pleased to answer any
7 questions that you may have. Thank you.

8 SPEAKER ADAMS: Thank you so much Commissioner
9 and again, we welcome you and your entire cabinet to
10 the hearing this morning. I'd like to also
11 acknowledge that we've been joined by Council Members
12 Hanks, Vernikov and Carr.

13 The Fiscal 2024 Preliminary Plan includes
14 \$423,000 in savings in Fiscal 2023, and \$846,000 in
15 Fiscal 2024 by reducing 16 vacancies in those two
16 years. How will this vacancy reduction impact the
17 Departments operations?

18 JUANITA HOLMES: So, currently we have in our
19 academy class approximately 40 probation officers,
20 and we have another class going in the end of this
21 month. That should put us way over the headcount
22 reduction of 16.

23 SPEAKER ADAMS: Okay great. What positions have
24 been reduced? Is the Department going to shift
25 resources to cover any of the service gaps?

1
2 JUANITA HOLMES: Yeah, so right now, we are
3 actually functioning pretty well. As a result of the
4 16 headcount was probation officers, so those
5 positions that are in academy now will contribute to
6 that and also allow us to build in more quality
7 assurance type program.

8 SPEAKER ADAMS: Okay, thank you.

9 JUANITA HOLMES: You're welcome.

10 SPEAKER ADAMS: The Preliminary Mayor's
11 Management Report describes DOP as "the largest and
12 most robust alternative to incarceration in New York
13 City." Which we know. In addition, DOP has long
14 provided innovative and multipronged services to
15 communities around the city as well as New Yorkers on
16 probation, however, many of the city's alternative to
17 incarceration reentry and other criminal justice
18 programs are not found in a city agency but are part
19 of the miscellaneous budget and administered through
20 the Mayor's Office of Criminal Justice. Would DOP be
21 able to take more responsibility for managing,
22 administering and overseeing the city's criminal
23 justice and public safety program?

24 JUANITA HOLMES: Absolutely, absolutely. You
25 know, whatever we're met with, we're able to handle.

1
2 SPEAKER ADAMS: And what additional resources
3 would you need to effectively expand your ATI
4 programming?

5 JUANITA HOLMES: So, I think additional resources
6 apply to headcounts. Just being able to hire
7 consistently and would allow us to accept any
8 additional probationer's.

9 SPEAKER ADAMS: Okay, alright, I'll like to touch
10 on a few other issues, credible messengers, NeON and
11 DOP expansion. So, Commissioner, over the last year
12 the Department has expanded credible messenger
13 programs and the Neighborhood Opportunity Network.
14 However, the preliminary plan didn't include any
15 additional funding to expand these programs. How has
16 the Department expanded these initiatives and has it
17 used existing resources?

18 JUANITA HOLMES: So, we are using existing
19 resources and I had the privilege of visiting our
20 NeON centers and meeting some of the credible
21 messengers, as well as the stakeholders. A lot of
22 great work. A lot of funds have been recruited
23 through our program manager Katrina. I remember the
24 NeON's I believe started, when we first started had a
25 budget about \$25,000 and if DC Goodwin wants to speak

1
2 to it, how we increase to probably over a million
3 now, it would be great.

4 SHARUN GOODWIN: We have increased by public and
5 private partnerships and so, now through that and
6 some grant funding, NeON Arts is about \$1.5 million
7 or so.

8 JUANITA HOLMES: But also I would like to thank
9 the Council for your support.

10 SPEAKER ADAMS: NeON Arts is something else isn't
11 it?

12 JUANITA HOLMES: Yes, it is.

13 SPEAKER ADAMS: Yes it is, indeed, indeed. Is
14 there adequate baseline funding for NeON's expansive
15 programming currently in the DOP's budget?

16 JUANITA HOLMES: You want to speak to that Mike?

17 MICHAEL FORTE: Yeah, uhm, I think you know one
18 of the things as you heard from the testimony is a
19 lot of the work that we do is in partnership. We're
20 partnering with the private sector. We're partnering
21 with CBO's. We're partnering with other agencies.

22 So, although the funding is not necessarily in
23 the baseline budget of DOP, throughout the course of
24 the fiscal year, there are transfers of funds into
25 our budget and the Commissioner spoke to many of

1
2 those programs where you know we're partnering with
3 Mayor's Office of Media and Entertainment. That's
4 how we're funding the Made in New York Animation
5 Project.

6 So, I think when you balance that out, you know
7 are the resources in our baseline budget? No, but do
8 we have the resources to be able to deliver the
9 services that we're doing? Yes and also the example
10 relative to NeON Arts, where we also you know, the
11 grateful beneficiaries of Council funding for that
12 again, that's not something that's in the baseline
13 budget but we've been getting that you know on a
14 pretty regular basis. And so, that's how we keep the
15 program going and it's a reflection of that all, the
16 programs or partnerships.

17 SPEAKER ADAMS: And if the DOP were to expand
18 NeON's and it sounds like obviously you want to do
19 that, would it be through adding neighborhoods or
20 adding additional services to existing neighborhoods?

21 JUANITA HOLMES: Well, currently they're in all
22 five boroughs right now. I think expansion
23 throughout the neighborhoods because it's easily
24 accessible for a lot of our community and a lot of
25 our clients. A lot of stakeholders are involved.

1
2 It's a comfort. It actually contributes to I think
3 in a large respect to compliance as far as checking
4 in. So, I would like to see the programs expanded
5 but I would like to see it expanded throughout the
6 neighborhoods.

7 SPEAKER ADAMS: And just a couple more questions.
8 We know that we have a significance instances of gun
9 violence right now. What is the DOP's role in
10 addressing the city's rise in gun violence?

11 JUANITA HOLMES: You know through accountability,
12 services, visits, we have naturally anyone involved
13 in gun violence; when I think the fiscal, the current
14 year of 2022, and 38 percent of the juvenile clients
15 were weapon charges. It's something dear to all of
16 us. Prevention is definitely in our message in the
17 services that we provide, the credible messengers
18 provide. And then on the other hand, we also have an
19 intelligence unit, which you heard me testify to
20 earlier whose made over 7,000 visits and that's
21 referral driven through some probationary officers,
22 through some intel received from New York Police
23 Department. I know in 2019, they had recovered 19
24 firearms I believe. In 2022, it was 15 firearms and
25 currently year to date, which is only the first

1
2 quarter, sadly to report as a result to those visits,
3 ten firearms have been recovered so far.

4 So, we do have a contribution, hopefully a
5 prevention but there is also another side where we
6 are recovering firearms as well.

7 SPEAKER ADAMS: And did the preliminary plan
8 include any additional resources for addressing gun
9 violence?

10 JUANITA HOLMES: I don't think so, no.

11 SPEAKER ADAMS: Okay. Alright, thank you. I may
12 come back around but I'm going to get my colleagues
13 in here. We have also been joined by Council Member
14 Stevens.

15 Okay, Council Member Holden. We've been joined
16 by Council Members Ariola and Paladino as well.
17 Council Member Holden.

18 COUNCIL MEMBER HOLDEN: Thank you Madam Speaker
19 and congratulations Commissioner to your appointment.

20 JUANITA HOLMES: Thank you.

21 COUNCIL MEMBER HOLDEN: It's terrific news. We
22 go way back in Queens Patrol Borough North. You did
23 a great job there and I'm sure you do a great job in
24 this position.

25 JUANITA HOLMES: Thank you.

1
2 COUNCIL MEMBER HOLDEN: I just want to talk about
3 the current status of probation officers, the uniform
4 status that they don't have, that they should have.
5 They do great work. They're on the frontlines. They
6 have to be everything to the individual, mother,
7 sister, relative. They are doing terrific work and
8 I've spoken to them and somehow they don't feel
9 respected as a body because they don't have the
10 uniformed status. Why not? I mean, I know it's not
11 your doing.

12 JUANITA HOLMES: Well, no it's my doing but I
13 agree that they should have it.

14 COUNCIL MEMBER HOLDEN: They should have it.

15 JUANITA HOLMES: They should have it, absolutely.
16 They have to abide by the law. They're making
17 arrests. We're visiting homes. You know you have to
18 do police work right, law enforcement public safety
19 work before going into a residence to ensure safety.
20 So, it's my belief that they should have it.

21 COUNCIL MEMBER HOLDEN: And mostly women of color
22 that are going into situations. Again, what do we do
23 to protect their safety in certain situations that we
24 know could be volatile?

25

1
2 JUANITA HOLMES: Right, so to protect their
3 safety, training is everything to me and that's
4 something else that we're looking to build out and
5 that's another discussion but training I think it's
6 essential right, to their success and ensuring that
7 they do the checks to ensure the safety as well.

8 COUNCIL MEMBER HOLDEN: Right and I did speak to
9 you earlier about the NeON Arts and NeON Photography,
10 which I consider the most successful program in the
11 City of New York but the least funded. I mean, you
12 sit now at \$1.5 million. Triple that, I mean, I
13 think that is because I know what the arts did for
14 me. You know growing up without you know both
15 parents and on the street a lot, I could have gone
16 either way. I did decide to go to college but it was
17 just by luck but I had one mentor in high school that
18 said, you know you have a talent in photography. You
19 have a talent in the arts. That changed my life.
20 And then I met with the students, I call them
21 students under the NeON Arts and Photography program.
22 I was so impressed with their work. I taught college
23 for 44 years and those students, they were actually
24 better than college students who have been in for
25 three or four years; I would say at that level. And

1 many of them didn't attend college. So, I think the
2 NeON Arts, the NeON Photography, the have poetry.
3 They produce a magazine. I think that program; I've
4 supported that, I funded that program since I've got
5 into the Council and I'm proud of that and I'm proud
6 of - and I offered to even teach a class and I would
7 because I kind of miss it. But I would do that
8 because I think it can give somebody a purpose in
9 life that they didn't have before. That somebody
10 recognizes their talent. Somebody recognizes their
11 abilities and somebody actually praises them.

12
13 JUANITA HOLMES: That's right.

14 COUNCIL MEMBER HOLDEN: And that probably didn't
15 happen in their lives but it's a critical and I did
16 show - I did have a show in my office of their work.
17 Your office has framed the work. It's still up and
18 it's a magnificent program, so I don't want to go on
19 and on but just that program, \$1.5 million is not the
20 investment. We should again do a lot more there and
21 if you can expand it, I'd be happy to give you some
22 ideas. I do have ideas. I have the film industry in
23 my district. I'd love to, I know you're partnering
24 with MOME but I think if we can do an internship
25 program with the film industry and I know they'd be

1
2 happy. They have the money; they could actually fund
3 this. Like the internship and painting scenery.
4 Even building scenery, you know that's an area.
5 Photography, graphic design. There's some talent
6 there.

7 JUANITA HOLMES: Absolutely. Absolutely and I
8 thank you for your support with that and I'm a big
9 supporter of Arts. It allows anyone to be creative.

10 COUNCIL MEMBER HOLDEN: But are we partnering
11 with CUNY on that too, in the NeON Arts program?

12 JUANITA HOLMES: We did.

13 MICHAEL FORTE: In fact for NeON Photography
14 we're going to be doing some classes now for people
15 who have actually graduated from the program, so
16 advanced level classes and that will be in
17 partnership with CUNY.

18 COUNCIL MEMBER HOLDEN: Great, great, thank you
19 so much and thank you Madam Speaker.

20 JUANITA HOLMES: Thank you for your support.

21 SPEAKER ADAMS: Thank you very much. We'll hear
22 from Council Member Narcisse.

23 COUNCIL MEMBER NARCISSE: I am deep thinking and
24 processes things here. So, thank you Commissioner.
25 One other thing I realized in my self-processing

1
2 things and see folks that can help our communities
3 for children and I have a sense that you mean well to
4 what you're doing and I appreciate that and I thank
5 you for the opportunity to be part of the pop ups and
6 I have it by Nordstrom Avenue. So, to tell you
7 honestly, I'm looking for more.

8 One of the questions that I have for you. Do you
9 believe that we have to have this program like this
10 in our community in the backend? Or should we do
11 preventive programs for our children?

12 JUANITA HOLMES: Yes, so I believe both right. I
13 always say you have to – prevention is you know from
14 both ends of the spectrum. So, there should be
15 preventive measures in place for that as well as the
16 backend. But prevention is everything. You know
17 I've have mentorship groups you know, young men as
18 well as women. I know we speak about girl talk but I
19 have over 3,000 young men in the city that came
20 through a mentorship group called Blue Chips. It's
21 something I've always believed in in my other
22 capacity, former capacity every command I worked in,
23 I had a stronger youth team than some people had
24 anti-crime teams.

1
2 So, I believe in prevention. It is equally
3 important.

4 COUNCIL MEMBER NARCISSE: It's cost effective
5 isn't it?

6 JUANITA HOLMES: Absolutely.

7 COUNCIL MEMBER NARCISSE: Okay, what's the rate
8 of recidivism in our cities? Is there any data you
9 can share on your end to see the effectiveness of
10 those programs that we're having right now?

11 JUANITA HOLMES: DC Goodwin or, thank you.

12 SHARUN GOODWIN: I figured that would come up, so
13 I had to look up that data.

14 COUNCIL MEMBER NARCISSE: Thank you.

15 SHARUN GOODWIN: So, when we started out in the
16 NeON back in 2014, around 2014, we were at our
17 rearrest rate was about 53. It went down now 21
18 percent because of NeON.

19 COUNCIL MEMBER NARCISSE: What is the uhm - can
20 you tell me the way we have NeON's functioning now by
21 zip code?

22 SHARUN GOODWIN: I good do better, by zip code?

23 COUNCIL MEMBER NARCISSE: The areas?

24 SHARUN GOODWIN: No, I can't do zip code but I
25 could get that to you.

1
2 COUNCIL MEMBER NARCISSE: Alright, alright.

3 SHARUN GOODWIN: Okay?

4 COUNCIL MEMBER NARCISSE: Okay, so how many other
5 people on probation right now are working that you
6 can say that have a full-time job? The reason I'm
7 asking that because we have a lot of programs right
8 now that are addressing young folks, 16-24 but right
9 now, I mean, uhm, I recently had a conversation with
10 my precinct with the captain and I realize I have
11 more problems with the 30's now.

12 SHARUN GOODWIN: Oh.

13 COUNCIL MEMBER NARCISSE: So, the 30's don't have
14 no programs. So, if they're not working they're
15 idling. Idling minds, you know what happens. They
16 engage in things that they should not be engaged to
17 survive and that's the reason I'm asking that
18 question, to see how many of them are in probation
19 that's working.

20 SHARUN GOODWIN: That I would have to get -

21 JUANITA HOLMES: No, no, I didn't hear the
22 question, my apologies Council Member. What was the
23 question?
24
25

1
2 COUNCIL MEMBER NARCISSE: How many of the
3 probation peoples on probation that are working right
4 now that you have on probation?

5 SHARUN GOODWIN: I believe it's about one-third.

6 COUNCIL MEMBER NARCISSE: One-third?

7 SHARUN GOODWIN: About one-third.

8 COUNCIL MEMBER NARCISSE: Do you have numbers?

9 SHARUN GOODWIN: I don't have numbers but I will
10 get back to you with that.

11 COUNCIL MEMBER NARCISSE: Okay, you know security
12 is real in our community. So, the people on
13 probation; I see you have the program for the 16-24
14 and about the older folks? Do they get engaged in
15 foods, you know supports and stuff?

16 SHARUN GOODWIN: Yes, everyone. It's not just
17 for 16-24 that we provide food for. It's for
18 everyone.

19 JUANITA HOLMES: I think, I think and maybe I'm
20 mistaken, were you asking, are they involved in the
21 programs? Are there programs for anyone older than
22 24?

23 COUNCIL MEMBER NARCISSE: Yes.

24 JUANITA HOLMES: That's something that I'm
25 looking into as well. You know I'm just here two

1 weeks but I took notice that the largest population
2 when you look at the adult population, 84 percent was
3 over 24 years old. So, I took notice of that and
4 that's something we're definitely going to be
5 exploring. I don't know if DC GOODWIN can speak to
6 what they currently have now. IO know they volunteer
7 a lot of hours with the nutrition kitchen as well the
8 NeON's but as far as work are stronger programs.

10 SHARUN GOODWIN: So, our NeON programs, also it's
11 not just for 16-24-year old's, we also have the same
12 programming for adults as well through our NeON works
13 program. They still, we do, adults can - in often
14 NeON Arts, NeON Sports. We have not even though a
15 lot of the programming is geared towards 16-24, we
16 opened it up and expanded and it's also for adults as
17 well.

18 MICHAEL FORTE: Also, if I could just also say
19 this, the program that Speaker Adams mentioned to the
20 state funded grant program is also for adults, the
21 employment program that a partnership with CEO.

22 COUNCIL MEMBER NARCISSE: I think my time is up.
23 You have something to say?

24 JUANITA HOLMES: I do, I want to add to that.
25 So, when I think about that and I think about adults,

1
2 adults need money right? And especially the male
3 population is a large percentage of men. So, as a
4 result, some of things we're going to be exploring, I
5 have some unions that have worked with before the Get
6 Young Men Local 77 or 79, where they actually train
7 them in construction and hire them.

8 So, I'm looking to partner with some of those
9 entities in order to explore training and more work,
10 more successful outcomes. So, we will be exploring
11 that.

12 COUNCIL MEMBER NARCISSE: Okay, would you agree
13 that most of the crimes committed is in a Black and
14 Brown communities is lack of opportunities?

15 JUANITA HOLMES: Absolutely.

16 COUNCIL MEMBER NARCISSE: Alright, so my time is
17 up I had more questions but thank you for the work
18 you're doing and I'm happy and welcome to open my
19 community, the 46th District to anything, any of the
20 programs that you have. I want to explore them with
21 you and whatever we can do in terms of support
22 financially. We're limited but I will continue
23 fighting for opportunities.

24 JUANITA HOLMES: Thank you.
25

1
2 SPEAKER ADAMS: Thank you Council Member. We've
3 also been joined by Council Member Schulman and
4 Kagan. We'll next hear from Council Members Restler,
5 Brewer and Hanks.

6 COUNCIL MEMBER RESTLER: Thank you so much Madam
7 Speaker and thank you for your leadership in the
8 effort to close Rikers Island. Congratulations
9 Commissioner Holmes. Just a couple weeks into the
10 role already wrapping your brain around all of the
11 impressive things the Department of Probation does.
12 I just want to start with a general question. I
13 think that over the last decade under Commissioner
14 Bermuda as his leadership and Commissioner
15 Schiraldi's leadership. DOP has been a place of
16 reform and creativity and you know along with your
17 leadership cabinet. I've had the chance to work with
18 Wayne and Michael and others and really had a
19 positive experience with DOP. Would you say your
20 vision is consistent with the work that's been
21 happening at probation? Are there new areas of focus
22 or shifts that you think -

23 JUANITA HOLMES: Assistance of new areas of focus
24 as well for the better, especially the area of
25 training. It's going to be key to the roles that

1
2 currently there now, just giving the more
3 information. Collaboration to me is essential and my
4 dream is to seek collaboration with DOE, ACS, NYPD,
5 as well as NYC. Why is that? A lot of times, I was
6 Chief of Domestic Violence and I would be in the same
7 house that ACS was in and wouldn't know for no other
8 reason than some legalities or confidentiality. We
9 need in order to a great job being done and I'm not
10 negating that. Great work being done but I think to
11 grow, I think it's essential to have that
12 collaboration and really working and I truly believe
13 it will contribute to better outcomes.

14 COUNCIL MEMBER RESTLER: Well, I appreciate that
15 answer. One agency that was notably missing from
16 your list was DOC and so, just wanted to ask, what do
17 you see as the role of the Department of Probation in
18 the plan to close Rikers and reduce incarceration in
19 New York City? Maybe even could you speak to kind of
20 specific programming and services tailored to that
21 goal?

22 JUANITA HOLMES: So, currently, I know that we're
23 working towards forming a commission. I think we
24 currently have three individuals that were appointed,
25 one in the pipeline. I believe we need one other one

1
2 and that's the CRC Commission. Yeah, CRC. With
3 that, we are ready to receive any and anyone that
4 comes to us. You know we will get the job done.
5 We'll make it work. If we have to move things around
6 to get it done, I think we're in a great seat to do
7 that. More importantly, I think with the consistency
8 of hiring, would allow us to do that.

9 COUNCIL MEMBER RESTLER: Well, hiring is good and
10 certainly support. Support uh, OMB releasing the
11 reins and allowing agencies to fully hire the staff
12 that they need and Speaker Adams and this Council
13 have been strongly supportive of those efforts but we
14 got to be doing more than just waiting for people to
15 come to us. We've got to be proactive in thinking
16 about what programs and services we can bring to our
17 community to reduce incarceration. The trend that we
18 are seeing in New York City of dramatically
19 increasing the rates of incarceration under this
20 Mayor are profoundly problematic and we need to
21 reverse them.

22 For 30 odd years, the City of New York has
23 improved safety while reducing incarceration under
24 this administration. We are moving in the wrong
25 direction and we need a more proactive role from DOP

1
2 to help provide services and supports especially to
3 young adults, the folks of all ages to Council Member
4 Narcisse's point, so that we can improve safety in
5 our community while reducing incarceration and we
6 hope that DOP will be a proactive partner just as it
7 has been in recent years.

8 JUANITA HOLMES: Absolutely, just like I spoke
9 earlier about bringing in some other – just some
10 ideas that I have of bringing in some other
11 individual companies to help with that. I think
12 that's going to contribute to that as well.

13 COUNCIL MEMBER RESTLER: Thank you.

14 JUANITA HOLMES: You're welcome.

15 COUNCIL MEMBER BREWER: Thank you very much. I
16 want to thank you Commissioner also to say I know the
17 Carnegie Hall program very well and it's phenomenal.
18 I've been to many, many of their events and as a
19 foster parent, I have had many good experience with
20 your agency over the years. Not recently because
21 I've been around for a long time. But I definitely
22 have had good experience. So, I'm question is,
23 picking up on Council Restler, if we're going to
24 close Rikers, which I hope we do, then how do we get
25

1
2 the numbers down? And one way to do that is
3 obviously alternative to incarceration.

4 So, do you - obviously, you will do what you can
5 but I don't know if it would be DOP or MOCJ or who
6 would bring together all of the ATI agencies that do
7 exist and to do the kind of collaboration that you're
8 talking about with different agencies, which I know
9 doesn't exist. Somebody like you could bring them
10 together, city agencies but how do we do that also
11 with the nonprofits? Is that something that you
12 would take leadership on? Would that be the Mayor?
13 Would it be MOCJ?

14 JUANITA HOLMES: I believe that would be MOCJ. I
15 think there was something introduced recently where
16 they're going to create a juvenile justice board
17 that's going to be created. Hopefully, I'm part of
18 that and build from there but it definitely would
19 have to be MOCJ overseeing that.

20 COUNCIL MEMBER BREWER: Okay because I do think
21 it has to happen fairly quickly. The other question
22 I have is, what in addition to some of the programs
23 that you have suggested, what kind of spending would
24 you need to do the kind of collaboration with at
25 least the city agencies that you're talking about. I

1
2 know exactly how it works, with the people are very
3 siloed. I know you're talking about staffing but
4 could you be even more specific as to how you would
5 work with these different agencies. So, ACS and
6 others are working with you. Could you be specific?

7 JUANITA HOLMES: So, my vision is to have one
8 system, right? And a system allowing access by all
9 agencies but to different levels. So, naturally a
10 probation officer wouldn't be able to see beyond a
11 certain point in NYPD system or ACS systems or DOE
12 but it should be easily accessible if someone on
13 probation is truant, right? I think we need to have
14 that information. If someone on probation has ACS in
15 their household for whatever reason. For neglect or
16 nutrition, you know eating food.

17 So, I just think having access to certain
18 information, streamlining the system, if at all
19 possible where just password generated where we can
20 go and get information without wasting man hours
21 sitting at a desk and making several phone calls,
22 only to be met with a person's not in or you need to
23 reach a different person.

24 COUNCIL MEMBER BREWER: But what kind of
25 technology do you have now to do that?

1
2 JUANITA HOLMES: We don't have the technology to
3 do that.

4 COUNCIL MEMBER BREWER: So, that would be a new
5 needs request if I suggest?

6 JUANITA HOLMES: Absolutely. Absolutely.

7 COUNCIL MEMBER BREWER: Have you made that
8 request?

9 JUANITA HOLMES: Well, believe me, I've spoken
10 with my Deputy Commissioner Forte over here about the
11 existing system, which is antiquated to say the
12 least, so it is something that we're going to be
13 sitting down discussing. What does this look like?
14 How do we build it out?

15 COUNCIL MEMBER BREWER: Okay, thank you very
16 much.

17 JUANITA HOLMES: You're welcome.

18 COUNCIL MEMBER BREWER: That's a new need and it
19 could be funded. Are you going to list it?

20 JUANITA HOLMES: Yes, we will.

21 COUNCIL MEMBER BREWER: Thank you.

22 SPEAKER ADAMS: Council Member Hanks.

23 COUNCIL MEMBER HANKS: Thank you Madam Speaker
24 and thank you Commissioner Holmes. It's good to see
25 you.

1 JUANITA HOLMES: You to.

2 COUNCIL MEMBER HANKS: I have worked with you.
3 You have been a mentor to me and in the capacity of
4 starting Staten Island's First Youth Build program
5 and in the realm of public safety and criminal
6 justice. I just appreciate the work that you and
7 your department is doing and congratulations.
8

9 JUANITA HOLMES: Thank you.

10 COUNCIL MEMBER HANKS: So, I want to talk about
11 and I just want to echo some of the questions that my
12 colleagues have asked when it comes to you know
13 prevention and the arts. So, I appreciate those but
14 I'd like to know what are the programs that are being
15 tailored for our young women? Being in this work, we
16 know that young women are often you know the anchors
17 in their homes and we want - being in that work,
18 understanding that some of these programs are just
19 not as tailored to women as they should be and what
20 can you speak to when it comes to our female
21 probationers?

22 JUANITA HOLMES: So, I'll let DC Gray speak to
23 it. I know what I would like to do and what I intend
24 on doing but she can speak to what's already in
25 existence.

1
2 GINEEN GRAY: Good morning. I would like to say
3 this. That's one of my passions, so I'm smiling over
4 here. So, when we talk about our young girls that
5 are on probation now, which is a very small portion
6 but they're very important and their voices are not
7 heard. So, about seven years ago, we established
8 girls groups in every borough. We identified
9 specific probation officers that also had a passion
10 for working with our girls.

11 We have a curriculum that we use. We do groups
12 weekly. We also expose our girls to things that
13 they've never known. Taking them on trips.
14 Sometimes this make up trips. These are the things
15 that make our girls feel empowered. We also started
16 seven years ago. We have gotten roses. So, in June,
17 July some time in COVID, we have to shift it but we
18 recognize our girls at a very celebration event. We
19 celebrate their milestones. We also have young girls
20 that were on probation come back to be credible
21 messengers for them. We also had judges attend,
22 female judges, just to let these girls know what they
23 can be. So, these are something that we really do
24 with our girls, we continue to do and we do have an
25 event coming up soon coming up in October. And I'm

1
2 happy to send it to some of you on the panel today
3 but thank you so much.

4 COUNCIL MEMBER HANKS: Thank you. I'd appreciate
5 that. Do you feel that there is enough funding and
6 resources to speak to our young ladies and is there
7 equity in borough to borough with all of the programs
8 that we discussed today? Being from Staten Island we
9 often kind of get the cliff notes of the program and
10 not the robust components of the program. So, there
11 is two questions in one in there, thank you.

12 SHARUN GOODWIN: So, I'm going to sum it up.
13 I'll say this. We can always do more and we could do
14 better of helping our girls. And do you think that
15 life skills and leadership skills are something that
16 you know when listening to Commissioner Holmes
17 testimony, do you think that that's baked into some
18 of these programs adulting as it were, especially
19 with our young ladies. Parental or parental
20 prevention or you know how do you become, how do you
21 become an adult? Many of our young people do not
22 have those kitchen table conversations and so, we
23 have to create an urban kitchen table where we're
24 teaching them how to be adults, so they avoid the
25

1
2 criminal justice system, which I found in that work a
3 very big point that should be done.

4 GINEEN GRAY: So, I'll just say our group
5 sessions are geared toward everything that you just
6 said. Just lessons learned, trauma, self-esteem and
7 just getting over the hurdle of being on probation
8 right. This is I'll say it's set back but this time
9 does not define you. So, we're really trying to
10 empower our girls to know that they can be anything
11 they want to be. And so, that's what we do and like
12 what I said before is that we have dedicated,
13 passionate probation officers that do this work and
14 they're committed.

15 So, we are evolving and definitely are
16 structuring our group space on life journey's that
17 are happening right now with our girls.

18 COUNCIL MEMBER HANKS: Happy to hear that. My
19 final question really speaks to the prevention
20 component. We're seeing an uptick in young people
21 who are now 11 years old getting into the criminal
22 justice system but I know this is not a particular
23 probation but what do you think we could be doing
24 better in our middle schools to prevent them from
25

1
2 even becoming on probation or being criminally
3 justice involved?

4 JUANITA HOLMES: I just truly believe - when I
5 think about school and you know I was the Chief of
6 School Safety and a couple of other things but when I
7 think about in our schools, I think it's just
8 conversation and involving and engaging them. There
9 are a lot of mentorship groups out there. I think
10 sometimes when I think New York City and this is why
11 I speak collaboration, I think about what NYPD is
12 doing right. ACS has parental guidance classes. A
13 lot of people don't even know ACS provides that. I
14 found that out when I was young in my career, as a
15 result of seeing young people out all times at night
16 and I went and met with ACS. I said, "what do you
17 have positive right?"

18 And they explained to me the different courses
19 that they had and I arranged for them to come out in
20 a community group and just speak to young parents
21 that didn't have anyone to teach them and the
22 importance of education and things of that nature.
23 So, I really think communication at the youngest age
24 possible is essential to prevention.

1
2 COUNCIL MEMBER HANKS: Thank you so much. Thank
3 you Madam Speaker.

4 SPEAKER ADAMS: Thank you Council Member. We
5 will next hear from Deputy Speaker Ayala, then
6 Council Member Abreu, then Council Member Kagan.

7 COUNCIL MEMBER AYALA: I'm really interested in
8 finding out what the average number of parolees that
9 are remanded back to city jails is on an annual
10 basis. Do you have?

11 JUANITA HOLMES: As far as the violations?

12 COUNCIL MEMBER AYALA: Yeah.

13 JUANITA HOLMES: Less than three percent.

14 COUNCIL MEMBER AYALA: That's a very small
15 percentage. And then you mentioned in your testimony
16 that there is a level of training obviously for
17 officers. Does any of that training include
18 sensitivity training from the perspective of the
19 parolee? I was watching, this is a funny story, but
20 I was watching, binge watching and I was sort of uh,
21 what is it called? Unprisoned this weekend, which is
22 a really good show and if you haven't see it, it's on
23 Hulu and it's really good. But in the show, you know
24 you follow an individual who has been in and out of
25 you know incarceration his entire life who is now

1
2 maybe in his 60's, 70's and it shows the impact right
3 of what it feels like to be able to come back into
4 your community right and having to struggle with
5 family member who have lost confidence in you and
6 having to deal with the stresses of being able to
7 find employment and the discrimination that comes
8 with that, right. The way that people look at you
9 differently and just assume the worst of you.

10 So, really making those connections I think is
11 really important because even when we talk about
12 young people, you know we can give them all of the
13 tools that we you know that we can outside of their
14 home environment but they still have to walk through
15 the same buildings and they still have to live next
16 door to the same person and in many cases, we're
17 talking about individuals that don't have the
18 privilege of moving you know elsewhere.

19 So, you know the work experience, a part of that,
20 right out of probation is a little bit kind of -it's
21 different right because we look at probation as more
22 of - I've always seen it as more punitive right? It
23 feels more like enforcement. So, I'm really excited
24 to hear about the NeON program, which I wasn't aware
25 of but I really you know want to express just how

1
2 important it is that individuals that are dealing
3 with parolees understand the challenges that those
4 parolees will possibly face upon release and that we
5 have the tools to try to maybe you know reduce some
6 of those experiences. I think that that's really -
7 it's a vital resources that we don't always look at
8 from you know a criminal justice lens.

9 JUANITA HOLMES: So, I think - I don't think I
10 know with probation. That's definitely a key
11 component, empathy, sensitivity because when you're
12 dealing with probationary youth, the juveniles, maybe
13 we have them for 12-months and we all know kids, you
14 know they can tell if you're you know trying to just
15 move them along but for the most part, they're
16 touching this child's life for 12-months, hopefully,
17 right? Some attrition, it's less but these children
18 are really looking at them as far as like a - that
19 parental figure that they lost in a lot of ways. And
20 they are showing them whatever resources they need.
21 They are going to attempt to provide them with that.

22 There is a thorough robust assessment and I had
23 the privilege of reading one. I didn't even know it
24 got his grandpas, "where your parents married?" So,
25 it's a lot that goes into the assessment for the

1 individual and empathy and sympathy is it. Training,
2 I have a – to be quite honest, I have not ventured
3 into. I have a meeting tomorrow with the leadership
4 of training but I am more than confident after
5 speaking with the Deputy Commissioners that that's a
6 huge part of it. A huge part of it.

8 I think what comes after that is when you've been
9 working that position so long, ensuring that the
10 probationary officer is okay, right? We don't want
11 it come mundane and redundant and now, I've been here
12 for so long, so it's just another case. That's the
13 last thing we need, so I think just checking on them.
14 Are they okay? Is going to be a key component as
15 well.

16 COUNCIL MEMBER AYALA: That's right. How many
17 cases per case worker?

18 JUANITA HOLMES: About 25 I think they said,
19 caseloads.

20 COUNCIL MEMBER AYALA: 25?

21 JUANITA HOLMES: 25.

22 COUNCIL MEMBER AYALA: That's a lot.

23 JUANITA HOLMES: That's a lot.

24 COUNCIL MEMEBR AYALA: That's a lot. What would
25 be the ideal number?

1
2 JUANITA HOLMES: I think the ideal number for me
3 would probably be half of that. Half of that is
4 doable for me.

5 COUNCIL MEMBER AYALA: Yeah, I mean, because
6 you're dealing people with really heavy-duty life
7 experiences and they need a specific level of
8 attention. Now, to my last question regarding the -
9 I recently heard from Chancellor Banks that of the, I
10 don't know how number of young people that were
11 arrested in city schools, because they brought in a
12 gun right? That they found that most of the kids
13 that were bringing in the gun were bringing in the
14 gun not because they intended to use it but they
15 brought it in as a means of protecting themselves,
16 you know.

17 Of the arrests you now those cases where parolees
18 have been found to have you know, to be in possession
19 of a gun, is that the same - do you find that that's
20 the case?

21 JUANITA HOLMES: I'm sorry? I'm going to make
22 sure that we're answering the right question. I know
23 my Deputy Commissioner here is saying it's only been
24 one case on probation where a gun was found in
25 school. But as far as the other weapon charges, are

1
2 we seeing that they were protecting themselves and
3 that's why they were in possession of the weapon.

4 Are we finding that more so than -

5 SHARUN GOODWIN: Just talking to the young
6 people, that is the case and I think what we can do
7 and the probation officers do a very good job at
8 that, is trying to just change that behavior, what
9 else you can do. Just because you don't feel safe,
10 what else can you do besides carry a firearm? And
11 it's challenging but I have to just give a shout out
12 to the probation officers, they are working on that.
13 Also that we do, we use our credible messengers a
14 lot, right? Our credible messengers are people who
15 transform their own lives.

16 So, if we can get them infused to every kid
17 that's placed on probation, that they get a credible
18 messenger and the credible messenger can let them
19 know and understand that picking up the gun is not
20 the answer. I think that would also help our young
21 people but as Commissioner Holmes has said, it takes
22 time. They're with us for 12 months but changing
23 behavior is one of the things that we do and we
24 continue to do.

25 COUNCIL MEMBER AYALA: Yeah.

1
2 JUANITA HOLMES: And in addition to that, right,
3 just communicating with them and finding out what is
4 the problem, right? If you're protecting yourself,
5 what's the problem?

6 And ensuring that we communicate that to the
7 right agency or right person that can address that
8 particular issue, I think it's helpful as well. So,
9 if it's something where they're being bullied in
10 school, then we need to communicate that DOE. And if
11 someone in the household, maybe we need to
12 communicate that NYPD or ACS. So, I think that's
13 important, not just garnering why they're doing it
14 but making sure that we're communicating to the
15 proper agency that hopefully can offset that.

16 COUNCIL MEMBER AYALA: I appreciate that, thank
17 you.

18 JUANITA HOLMES: You're welcome.

19 SPEAKER ADAMS: Before Council Member Abreu, I
20 just want to thank you Deputy Speaker for shouting
21 out my sorority sister Carrie Washington and her
22 wonderful new show Unprisoned. Famous pluck
23 Unprisoned on Hulu. Council Member Abreu.

24 JUANITA HOLMES: I'm going to watch that show.
25

1
2 COUNCIL MEMBER ABREU: Thank you Madam Speaker.

3 The PMMR reports that in the first four months, a
4 majority, 51 percent of people in custody had a
5 mental health diagnosis and 17 percent of
6 incarcerated people had a serious mental health
7 diagnosis. Does this reflect an increase in the
8 actual number of people with these diagnosis or a
9 rate increase as a result of the changing population?

10 JUANITA HOLMES: So, I understand. So, we did
11 have a discussion about this yesterday because I
12 curious about that population that we're receiving
13 that may have some mental health crisis challenges
14 and I was told that we had, is it five people? Maybe
15 five specialists that - say again, I'm sorry.
16 Behavioral Health Specialists, we have a total of
17 five to address that but they can't - can you speak
18 to that please because I know that they're not
19 allowed to make diagnosis or anything like that.

20 MICHEAL FORTE: Right, so I think the data that
21 you're talking about, the data that was cited is DOC
22 data for people that incarcerated. So, on the
23 probation side, we do have people that present with
24 mental and behavioral health situations and in order
25 to service them, first line is the probation

1
2 officers. Where they know the places to make
3 referrals to and make connections but at the
4 Commissioner was saying, we also have a behavioral
5 health unit and they are licensed social workers that
6 are available to the probation officers. So, if you
7 have a case that you're dealing with and someone has
8 a behavioral health issue and you need an extra layer
9 of support to help you navigate that case, to help
10 you make a referral or a connection to a community-
11 based treatment service for that person, that staff
12 is available to you.

13 One of the challenges that we're facing is even
14 though these people are licensed, they have their
15 licensed social workers and because of that license,
16 they can actually perform clinical services. There's
17 a quirk in the state law that says, once you have
18 more than one of these people practicing within the
19 same organization, they cannot perform clinical
20 services.

21 So, at this moment, we have to use them just to
22 assess cases and make referrals. What we would like
23 to be able to do is have them actually start the
24 treatment with people because probation is in a
25 unique position to be able to engage with people.

1
2 Because they have to come to us and we've positioned
3 ourselves in the community, so that they're
4 comfortable.

5 So, if we can get that treatment started and then
6 pass it off to a provider, we'd be a lot better off.
7 So, that's something that we're trying to work out.
8 Right now, it's a quirk. It's in the education law.
9 It's called the Corporate Practice Requirement and
10 what it really is meant for is if you were opening up
11 a business and you were hiring a whole bunch of
12 licensed social workers, there's a whole bunch of
13 regulations that apply to you. And there's a waiver
14 process but we're not eligible for a waiver.

15 COUNCIL MEMBER ABREU: Thank you. I just want to
16 ask my other question before my time runs out. In
17 response to these increases, does the preliminary
18 plan increase the resources or budget for programming
19 where services for incarcerated people with mental
20 health diagnosis? If so, how? If not, why?

21 MICHAEL FORTE: There's not an increase. There's
22 not also a decrease because again, as I pointed out
23 to an earlier question -

24 COUNCIL MEMBER ABREU: So, if it's stable, if
25 there still an intention to increase resources in

1
2 mental health, which is needed whether it is depleted
3 or increased.

4 MICHAEL FORTE: Yeah, I mean I think we probably
5 need an increase if we could get our people to start
6 to perform the clinical services, then we would need
7 more people for sure.

8 COUNCIL MEMBER ABREU: Thank you.

9 SPEAKER ADAMS: Council Member Kagan then Council
10 Member Schulman.

11 COUNCIL MEMBER KAGAN: Thank you Madam Speaker.
12 Thank you for hosting this important hearing. First
13 of all, I would like to say that a lot of
14 conversations about reducing the rate of
15 incarceration. I strongly believe that the best way
16 to reduce number of incarcerated individuals is to
17 have strong law enforcement and to have all kinds of
18 programs for our young folks and people to avoid
19 crime in the first place, to prevent crime. And
20 talking about probation officers and talking about
21 what happened after people are released, I would say,
22 I'm a strong supporter of programs like KSCS, like,
23 center for employment opportunities and programs like
24 this that help people to come back to be productive
25

1
2 members of society and not to return to their old
3 ways.

4 I also believe that you mentioned the five
5 specialists during this mental health crisis and in
6 citywide, that's a very, very long number. And I see
7 we're reducing budget for your Department very soon.
8 Will you be able to do more with less?

9 JUANITA HOLMES: So, we're going to try but if I
10 can't I definitely will be pushing for more money.

11 COUNCIL MEMBER KAGAN: So, I believe like
12 definitely you need strong support because what you
13 are doing here, you're trying to make sure that like
14 people are not coming back.

15 JUANITA HOLMES: Your absolutely right Council
16 Member and the cabinet members here know that's a
17 discussion I had, right? That's success to me. For
18 them not to be reincarcerated. Success for me is for
19 them to complete probation and not be rearrested. To
20 leave there with education, a GED or some sort of
21 employment. So, we've had discussions surrounding
22 that and there are going to be new needs requests
23 because I try to think outside the box and be
24 creative and think how do we get better, how do we
25 grow?

1
2 So, there will be new needs requests. I can
3 assure you that but in that realm as well. It is,
4 it's critical. It's critical. Hopefully we can do
5 something outside of that you know in collaboration
6 with other agencies, DOE or whatever in education and
7 ensuring access to opportunities, which is sometimes
8 a problem and hopefully offset them coming to
9 probation to begin with. But people are human
10 beings. They make mistakes, so as a result of such,
11 we'll be there to receive them and hopefully have the
12 right programs and services in place to make them
13 successful.

14 COUNCIL MEMBER KAGAN: One more question about
15 this completion rate indicators. From what I see
16 numbers here in the Fiscal Year 2023, 83 percent of
17 both adult and juvenile probationers successfully
18 completed their probation term. But in Fiscal Year
19 2022, the numbers 87 and 90 percent respectively,
20 which means more people coming back to jail, correct?

21 JUANITA HOLMES: No, it means that you know when
22 you think about it, we had – we were met with COVID.
23 We had less cases as a result of such because the
24 courts weren't up and operating, so those numbers
25

1
2 don't necessarily reflect that more people are being
3 reincarcerated.

4 COUNCIL MEMBER KAGAN: Okay, thanks.

5 JUANITA HOLMES: You're welcome.

6 SPEAKER ADAMS: Council Member Schulman.

7 COUNCIL MEMBER SCHULMAN: Thank you Madam Speaker
8 and Commissioner, I want to congratulate you on your
9 appointment.

10 JUANITA HOLMES: Thank you.

11 COUNCIL MEMBER SCHULMAN: So, I want to ask you -
12 I'm sorry if this may have been asked earlier, but I
13 want to know, can you describe your collaboration
14 with organizations such as the Fortune Society?

15 JUANITA HOLMES: Oh, I would give that to Deputy
16 Commissioner Goodwin.

17 SHARUN GOODWIN: So, we collaborate with Fortune
18 Society, actually at one of their sites. We have
19 PO's that also work from out of Fortune. We work
20 with them in terms of employment, so we have
21 collaborated with an employment project with them.

22 So, we've had a long relationship with Fortune
23 and they are an excellent organization and we've
24 always worked very closely with them.

1
2 COUNCIL MEMBER SCHULMAN: Now, that's good to
3 know. Just can you describe some of the things that
4 you do with them?

5 SHARUN GOODWIN: Well, we're on their site. We
6 participate in their services, especially employment.
7 We have a contract with them for employment, so we
8 have been referring our clients to them for
9 employment, for employment services. So, that's the
10 main thing that we get from them.

11 COUNCIL MEMBER SCHULMAN: So, on the number of
12 parolees seem to be - some of them are older adults
13 like they're over the age of 50, so do you have
14 special kinds of services for those that are older
15 and may need some other kinds of intervention?

16 JUANITA HOLMES: So far, older adults, we work
17 with so many programs like Fortune, Osborne, CCR. We
18 refer out a lot. CEO, we refer a lot of the services
19 out for adults. In terms of having stuff in house,
20 we do men groups for the adults and we have school of
21 course. But other than that, a lot of our
22 programming is referred out to other organizations.

23 COUNCIL MEMBER SCHULMAN: So, Commissioner, I
24 think this is a question for you. So, the government
25 seems to operate in silo's a lot of times. That's

1
2 just the way government is but how do you because I
3 think some of those that need help, that need
4 intervention, they need wrap around services. So,
5 how do you work with Department of Correction, all
6 the different agencies and everything else to help an
7 individual? I just, before you answer that, I just
8 want to tell you when I visited Rikers Island and I
9 met two gentlemen who talked to me. I spoke to them
10 directly who wanted to change their lives around.

11 And so, you know but sometimes what happens is
12 when they leave, they go back into the communities
13 where there are issues for them. So, I want to know
14 how you propose to change that dynamic?

15 JUANITA HOLMES: Well, what I'm looking to do is
16 exactly what you said, collaboration with different
17 groups, private groups as well as public but other
18 city agencies but I think it's important to ensure
19 that they have what they need when they leave, right?
20 Because that's successful completion to me. It's not
21 that okay, you didn't reoffend. You participated in
22 programs. It's about, well, what are you going to do
23 now that you've completed it, right? What's out
24 there for you? How can you take care of yourself?
25 Do you have the right services?

1
2 So, I think that I believe in exit assessments as
3 well, right and I think that's equally as important
4 as when you're coming into this as a probationary
5 into the departments. But two weeks I've been here.
6 I've taken in a lot, I really have and I have a
7 tremendous responsive group here of people that have
8 been quite helpful but I do think outside the box,
9 and that's what I think about. It's not about
10 sending you out there. What does reentry look like,
11 right? What does it really look like? It looks like
12 me ensuring that you know the urgent care in your
13 area will take Medicaid and you go make sure you get
14 your checkups or the dentist. It's a bigger picture
15 than just, I completed the program.

16 And now, how are you going to survive? How are
17 you going to eat, right? So, it's a lot to think
18 about but I can assure you we're going to do it.

19 COUNCIL MEMBER SCHULMAN: No, I just want to
20 touch on something you said. So, it sounds like, I
21 mean, when you go to a hospital, you get discharge
22 papers when you leave. We should have discharge
23 programs for folks coming out.

24 JUANITA HOLMES: That's right, an exit
25 assessment.

1
2 COUNCIL MEMBER SCHULMAN: Before coming home and
3 you know I just want to mention my late partner
4 worked at Fortune and the Commissioner – when you
5 were Chief of Queens North, you worked with her on a
6 lot of the folks that she had case management of and
7 I want to thank you for that. And I also just if I
8 can just say one other thing Madam Speaker. As Chair
9 of the Health Committee, I also want to work with you
10 because I know a lot of folks need medical care and
11 they're not getting it.

12 So, if we can work on that so that, because if
13 they're not feeling well, they're not going to go
14 through the rest of the programs they need to come
15 back and you know and work and do everything that
16 they need to do to become part of our community.

17 JUANITA HOLMES: Absolutely.

18 COUNCIL MEMBER SCHULMAN: Thank you.

19 SPEAKER ADAMS: Thank you Council Member Schulman
20 and finally, Council Member Paladino.

21 COUNCIL MEMBER PALADINO: Good morning.

22 JUANITA HOLMES: Good morning.

23 COUNCIL MEMBER PALADINO: I want to welcome and I
24 want to thank you. You are an out of the box
25 thinker. That's how I think as well. I also want to

1
2 commend you on what you're doing I think the best
3 gift that we could give anybody is hope. And there's
4 always another tomorrow and putting that back into
5 our children's heads no matter is they're 16, 11 or
6 35.

7 JUANITA HOLMES: That's right.

8 COUNCIL MEMBER PALADINO: They need help and
9 there's a road and there's a path that's definitely
10 there for them. And to supply that and at least give
11 them that leg up that they need going forward is an
12 absolute must. I think if we start at a young age in
13 high school and in middle school and start to educate
14 the kids and introduce programs, vocational learning,
15 and start to give them a path other than the
16 academic, clearly academic path, I think that will
17 certainly help us along in the future. We're in a
18 jam right now but to see you at the leadership, I
19 commend you.

20 JUANITA HOLMES: Thank you.

21 COUNCIL MEMBER PALADINO: And I welcome you and I
22 wish you the very best and if there's anything that I
23 could do for you, I've grown very attached to my kids
24 and they are a hope and our future and I thank you
25 for that.

1 JUANITA HOLMES: Thank you.

2 SPEAKER ADAMS: Thank you Council Member,
3 Commissioner and your entire cabinet. Thank you very
4 much for time spent this morning and your testimony,
5 which we value tremendously. We thank you for your
6 work. Thank you so much.

7 JUANITA HOLMES: Thank you. Thank you so much.

8 SPEAKER ADAMS: And you are dismissed.

9 JUANITA HOLMES: Thank you.

10 SPEAKER ADAMS: Okay, we're going to refrain from
11 applause in the Chambers. Let's just get the rules
12 straight before the next panel begins because it is
13 disruptive. So, the way that we acknowledge
14 particularly for the non-hearing sector of our
15 community, we can do this okay. That way everybody
16 acknowledges that something is going on without the
17 disruption of the noise. Thank you. [01:27:52-
18 [01:36:57].

19 SERGEANT AT ARMS: Can everyone please have a
20 seat? Quiet please. Quiet please. Quiet on the
21 floor. Thank you. Madam Speaker.

22 SPEAKER ADAMS: If my Council Members will come
23 to order we can start the next chapter of this
24 hearing. We welcome the Department of Correction,
25

1
2 Commissioner welcome to you and your team. Thank you
3 for being here, which should have been this morning
4 but is now this afternoon, so we welcome you.

5 Commissioner, you may, we're going to go ahead and
6 should we swear them in first or? Yes, we're going
7 to swear your team in. Thank you.

8 COMMITTEE COUNSEL: I'll now swear in our next
9 panel from the Administration. With us today from
10 the Department of Correction is Commissioner Louis
11 Molina, Paul Shechtman General Counsel, Patricia
12 Lyons Deputy Commissioner of Financial Facilities and
13 Fleet Administration and Francis Torres Deputy
14 Commissioner of the Division of Programs and
15 Community Partnerships. If you could all please
16 raise your right hands. Do you affirm to tell the
17 truth, the whole truth and nothing but the truth
18 before this Committee and respond honestly to Council
19 Members questions?

20 PANEL: I do.

21 COMMITTEE COUNSEL: Seeing all witnesses answer
22 in the affirmative, you may begin your testimony.

23 LOUIS MOLINA: Good morning Speaker Adams and
24 members of the Committee on Criminal Justice. I am
25 Louis Molina, Commissioner of the Department of

1
2 Correction. I am joined today by the Department's
3 General Counsel Paul Shechtman, the Deputy
4 Commissioner of Financial, Facilities, and Fleet
5 Administration Patricia Lyons, and Deputy
6 Commissioner of the Division of Programs and
7 Community Partnerships Francis Torres. We are here
8 to discuss the Department's Preliminary Budget for
9 Fiscal Year 2024 and the progress the Department has
10 made in rebuilding our city's jail system in just
11 over one year.

12 When I accepted the position of Commissioner, I
13 knew that there were real challenges ahead. Decades
14 of mismanagement and years of infrastructure neglect
15 had taken their toll. In January of 2022, slashings
16 and stabbings were at record highs, up nearly 300
17 percent from the previous year and on pace to
18 continue that appalling trajectory. Assaults on
19 staff, use of force, serious injuries were also
20 increasing. Facility infrastructure was failing due
21 to disinvestment in the jails; cell doors could
22 easily be manipulated and broken Plexiglas could be
23 made into weapons, contributing to the high level of
24 serious violence, basic security practices, such as
25 locking doors and conducting regular tours, we're not

1
2 being followed. In January of 2022, on average 26
3 percent of staff were out sick each day, resulting in
4 unsafe conditions for staff and those in custody, and
5 in the triple shifts for those who did come to work
6 in person, visitation had been completely shut down.
7 Contracted providers were not entering our jails, and
8 people in custody were not receiving basic services.
9 Our jails were on the brink of collapse.

10 Today, I would like to take the opportunity to
11 share with you how strong leadership, expertise, and
12 an unwavering commitment to reform have brought our
13 city's jail system back from the brink in just over
14 15 months. We still have many challenges ahead of us
15 due to decades of mismanagement but our jails have
16 seen a meaningful reduction in violence, significant
17 improvements in access to programs and services, and
18 an overall stabilization in operations.

19 When I became Commissioner on January 1, 2022, we
20 had on average more than 2,600 uniform staff out sick
21 every day, nearly one-third of our uniform workforce.
22 We had also attritted at that point and time roughly
23 2,000 correction officers since the start of the
24 pandemic. Reversing that trend was a priority. We
25 worked to support our staff so that we could return

1
2 officers to the facilities and reduce the number of
3 triple shifts, but to succeed, support had to go hand
4 and hand with accountability. In managing any
5 organization, there must be a timely and meaningful
6 process to address those individuals who do not meet
7 the professional standards and expectations. On
8 January 1, 2022, I inherited more than 3,700
9 disciplinary cases that had gone unaddressed going
10 all the way back to 2017. There was no
11 accountability for misconduct.

12 I have made it clear to our workforce that I
13 expect professional excellence and will not tolerate
14 abuse of policies or neglect of duty. In the past 15
15 months, I have reviewed and issued final
16 determinations in more than 2,900 disciplinary cases.
17 More than 800 members of service were suspended for
18 misconduct, which is a greater number than the prior
19 two years combined, and more than 250 members of
20 service were forcibly separated or terminated, which
21 is more than by any Commissioner in recent years.
22 The Department has reorganized its Health Management
23 Division, Revised its sick leave policies, and
24 prioritized the timely processing of sick leave
25 disciplinary cases. Since January 1, 2022, the

1 Department has closed out more than 450 disciplinary
2 cases related to sick leave abuse, issuing discipline
3 ranging from loss of vacation days to termination.
4

5 Today, after 15 months of supporting and investing in
6 our staff, and with clear expectations of meaningful
7 discipline, the staff absentee rate has dropped 70
8 percent. That means that on any average day, less
9 than 700 uniform members of service are out sick.

10 Today, that number yesterday was 614. Going from an
11 average of 2,600 to less than 700 is an extraordinary
12 accomplishment.

13 But problem remain. We have lost nearly to date
14 3,000 uniform staff since the beginning of the
15 pandemic, despite a steadily increasing population
16 that is more challenged to manage. High attrition is
17 not unique to New York City. Correction and other
18 law enforcement agencies across the country are
19 facing challenges maintaining uniform staff. We are
20 intensely focused on supporting the dedicated members
21 of service who continue to serve the Department. We
22 are prioritizing staff training, leveraging
23 technology, to ensure that that critical posts are
24 staffed, and recruiting actively to replace those
25 whom we have lost.

1
2 In Fiscal Year 2023, 108 officers graduated from
3 the Academy and joined the ranks as correction
4 officers. A class of 88 officers is at the Academy
5 and expected to graduate in May 2023. And more
6 classes are scheduled throughout the remainder of the
7 year. The ranks of New York's Boldest must grow if
8 we are to have safe and humane facilities.

9 Since January 2022, we have onboarded nearly 30
10 new leaders with significant correctional and
11 business experience. These individuals come from
12 across the country and have infused the Department
13 with external expertise. To take only a few
14 examples, our new Deputy Commissioner of
15 Classification, Custody Management and Facility
16 Operations has 35 years of correctional experience.
17 Our new Deputy Commissioner of Administration has 29
18 years of correctional experience, and our new Deputy
19 Commissioner of Training has 30 years of public
20 safety experience as well as 20 years in academia. I
21 am grateful to the strong team of leaders that has
22 risen to the challenge of the past 15 months.

23 This week, for the first time in five years, the
24 Department promoted a new class of Captains. This
25 new class of 26 Captains shows our commitment to

1 investing in the professional growth. Next month, we
2 plan to hire external candidates for warden positions
3 to lead some of our facilities. They include
4 individuals who have left facilities elsewhere and
5 who will bring fresh perspective to a daunting job.
6 I say "to lead some of our facilities" because I
7 would be remiss if I did not recognize that our
8 existing facility wardens include individuals who
9 have the talent and commitment to support reform and
10 rebuild this agency and they deserve to continue in
11 that position. We have made long overdue
12 improvements in how we manage and operate our
13 facilities. For one, we have greatly improved intake
14 processing. When I became Commissioner, conditions
15 in our intake units were poor and lengths of stay in
16 the intake were often excessive. The Department has
17 now implemented new protocols for tracking and
18 processing new admissions. The intake areas are now
19 clean and orderly, and virtually all new admissions
20 are being housed within 24 hours as required.

22 We have also resumed tactical search operations
23 to remove dangerous weapons and narcotic contraband
24 from the jails. In 2022, the Department conducted
25 nearly 90 tactical search operations, resulting in

1
2 the recovery of more than 1,600 weapons and 200
3 narcotics contraband items to include narcotic
4 paraphernalia. Search of all kinds led to the
5 recovery of more than 5,500 weapons and 1,400
6 narcotics contraband in calendar year 2022.

7 Significantly, fiscal year to date, slashings and
8 stabbings have decreased nearly 18 percent
9 Department-wide in calendar year to date 38 percent
10 is a decrease that we are experiencing now with
11 slashings and stabbings. Incidents of use of force
12 saw a 14 percent decrease in 2022, despite the rise
13 in the jail system's average daily population and
14 concentration of violence-prone individuals as a
15 result of bail reform. The Department has never
16 experienced a situation where the population has
17 increased and use of force rates have decreased.

18 This decrease in the use of force in the face of
19 a more challenging population is the product of using
20 a holistic approach to fixing our jails. In the
21 first quarter of 2022, the Robert N. Davoren Center,
22 also known as RNDC was the most violent facility on
23 Rikers Island. It housed our youngest individuals.
24 To address the highest levels of violence, we
25 developed a multi-pronged violence reduction

1 strategy. We increased programs and services. We
2 ended the misguided practice of housing by gang
3 affiliation. We went back to the basics of security
4 practices. We partnered with faith leaders, credible
5 messengers and violence interrupters to provide
6 guidance and address the root causes of justice
7 involvement and we replaced cell doors so they could
8 not be easily manipulated and Plexiglass windows so
9 that they could not be fashioned into weapons.
10 Fiscal year to date, RNDC has seen an over 60 percent
11 reduction in slashings and stabbings.
12

13 Recently, we have replicated these components
14 across the jail system. I am confident that what has
15 worked in RNDC will work elsewhere.

16 We have also been focused on increasing
17 accountability for those who commit violent acts
18 while detained. The simple truth is, that if there
19 are not consequences to violent acts, violence will
20 persist. We recently finalized a new restrictive
21 housing policy, one designed in consultation with a
22 nationally renowned expert and approved by the
23 Federal Monitor. The goal of the program is
24 rehabilitation to change behavior so that violence is
25 not a favored course of action. Importantly, our new

1
2 policy is not solitary confinement. It allows
3 individuals to be out of cell seven hours a day, one
4 hour of which is for outdoor recreation. As I have
5 told this body in the past, solitary confinement is
6 cruel and unusual punishment and has no place in a
7 civilized society.

8 As you know, last year 19 individuals who were in
9 our custody died. My condolences go out to their
10 families and loved ones. Six of those deaths were
11 from fentanyl, which is now one of the most leading
12 causes of death in this country for adults 18-45. We
13 are trying to close off every avenue by which
14 fentanyl and other illegal narcotics can enter our
15 facilities. Randomized body scanning of all
16 individuals entering RNDC began earlier this month.
17 Once we have evaluated the initiative and accounted
18 for any needed infrastructure or operational
19 adjustments, it will be expanded to other facilities.
20 We have expanded our canine unit and partnered with
21 other law enforcement agencies to train eight of our
22 K-9's to detect fentanyl, and more canines are being
23 imprinted with the common compound found in fentanyl.

24 In partnership when that was needed with the NYPD
25 and the Sherriff's Office, we had also conducted

1
2 search operations requiring vehicles entering Rikers
3 Island to be stopped and submitted to inspection. We
4 also need to change our mail and package policy,
5 which remains a work in progress. If we leave any
6 avenue open, fentanyl will make its way in, and those
7 in our custodial care and our staff will inevitably
8 suffer.

9 Lastly, in Fiscal Year 2023, the Department
10 implemented a new tablet program that provides far
11 superior services for people in custody than that of
12 the previous vendor. The new tablets offer a range
13 of e-books, educational and programmatic material,
14 entertainment and access to Lexis Nexis. For the
15 first time, tablets can be used to be make free phone
16 calls so that individuals do not have to wait for
17 wall phones to become available to connect with their
18 loved ones. Every individual will have a tablet,
19 which they can keep with them at all times. Tablets
20 will not be removed for disciplinary reasons. I am
21 confident that the new tablets will reduce idleness
22 and enhance programing and, in turn, reduce violence.
23 Not surprisingly, the tablets have been well received
24 by those in our custodial care.

1
2 Now, I would like to briefly like to highlight
3 the Department's Fiscal Year 2024 Preliminary Expense
4 Budget, which is \$1.2 billion. The vast majority of
5 this 84 percent is allocated for Personal Services,
6 and 16 percent for Other than Personal Services. The
7 Fiscal Year 2024 Preliminary Budget is \$54.2 million
8 less than this year's budget of \$1.25 billion. This
9 decrease is largely due to funding provided
10 explicitly in Fiscal Year 2023 for the emergency work
11 performed on Rikers Island by the Department of
12 Design and Construction and the Fiscal Year 2024
13 civilian vacancy reduction.

14 Included in the Preliminary Budget are decreases
15 of \$2.4 million in Fiscal Year 2023 and \$19.2 million
16 in Fiscal Year 2024. The following are some
17 highlights of the major initiatives that were
18 included in the Preliminary Budget: Civilian Vacancy
19 Reduction, a decrease of 244 civilian positions and
20 \$9.7 million in Fiscal Year 2023 followed by \$19.4
21 million beginning in Fiscal Year 2024. Heat, light,
22 and power adjustments, an increase of \$7.3 million in
23 Fiscal Year 2023, to account for the increase in cost
24 of utilities for the Department. Motor Fuel
25

1 Adjustment, a decrease of \$244,000 in Fiscal Year
2 2023 to align with our current usage and cost trends.
3 A Steamfitters Collective Bargaining Agreement that
4 was settled, a baseline increase of \$212,000 starting
5 in Fiscal Year 2023 to fund the most recent
6 agreement.
7

8 With regards to capital funding, the Fiscal Year
9 2024 Preliminary Capital Budget and Commitment Plan
10 totals \$9.6 billion, which covers Fiscal Year 2023
11 through 2032. No additional capital funding was
12 provided. The Department continues to assess and
13 adjust the capital plan to support the Borough Based
14 Jails Program and demonstrate our commitment to the
15 initiative.

16 As we look forward, the Department is working
17 diligently to attract and retain both civilian and
18 uniform staff. The following is a summary of the
19 changes to the Department's Civilian and Uniformed
20 Authorizing Staffing levels included in the
21 Preliminary Budget: The civilian authorized full-
22 time headcount is 1,731 in Fiscal Year 2023 and 1,730
23 in Fiscal Year 2024. This represents a decrease of
24 236 positions when compared to the end of Fiscal Year
25 2022 budget. The uniformed authorized headcount is

1
2 7,060 in Fiscal Year 2023 and Fiscal Year 2024. This
3 represents a decrease of 400 positions when compared
4 to Fiscal Year 2022, which included a one-time
5 allocation of uniformed headcount to address short-
6 term and immediate staffing needs.

7 Last year I told this body that I strongly
8 believe in criminal justice reform and that I'm
9 committed to rebuilding our city's jail system, so
10 that it is safe and humane for everyone living and
11 working there. My commitment has not wavered. It
12 has grown stronger, bolstered by the support of Mayor
13 Adams, the leaders within the agency, and the men and
14 women who boldly do what is the most demanding job in
15 city government, the job of a correction officer. We
16 have met these challenges head-on, and we will
17 continue to do so in the coming year. You have my
18 promise. The progress that we have delivered in just
19 15 months shows what can be achieved with strong
20 leadership and experts at the helm.

21 Thank you for the opportunity to speak this
22 morning. My colleagues and I are available to take
23 your questions.
24
25

1
2 SPEAKER ADAMS: Thank you very much Commissioner
3 for your statement and again we thank you for being
4 here to testify with us today.

5 Commissioner, one year ago in March of 2022, the
6 Federal Monitor released a special report that found
7 "the Departments staff management and deployment
8 practices are so dysfunctional that if left
9 unaddressed sustainable and material advancement of
10 systemic reform will remain elusive, if not possible
11 to attain."

12 Seven months later, the Monitor issued a status
13 report in October 2022. On the one hand, the October
14 status report was cautiously optimistic about the
15 Departments progress with addressing the crisis in
16 our city's jails. On the other hand however, it
17 underlined the monumental challenges facing the
18 department and noted that "the current state of
19 affairs remains tenuous and troubling. Observing
20 that, more people in custody means that more people
21 are at risk of the ultimate harm, death while in
22 custody."

23 While the Administration formed an interagency
24 taskforce to address the latest phase of the crisis
25 in our city's jails, and a potential receivership,

1
2 the jail population has increased and progress have
3 been elusive. When the Monitor releases its next
4 report, will we find that the Administration has made
5 real progress to address the crisis at DOC, or will
6 we find that the city has arrived at a new rock
7 bottom of dire conditions, dysfunction and danger for
8 officers, uniformed staff and people in custody
9 alike?

10 LOUIS MOLINA: Thank you for your statement and
11 question, and I think there's a lot allotment in the
12 opinion of what the State of the Department was at
13 that time when those reports were written, especially
14 after almost a decade of mismanagement and neglect.
15 So, what we are trying to overcome is a significant
16 hurdle. With that being said, and I don't want to
17 speak for the Monitor but I believe in what was said
18 in his last report and in our court hearing is that
19 the Monitor has seen a sea change in the leadership
20 and how the department is managing moving forward in
21 order to solve a lot of these systemic issues that we
22 inherited in January of 2022.

23 Now that sea change allows I believe, from the
24 perspective of the Monitor, I would give the opinion
25 of hope that this city can take on the responsibility

1
2 of reforming and making those reforms sustainable for
3 the Department of Corrections. As I stated in my
4 statement, slashings and stabbing, which were nearly
5 300 percent when I took over are down 18 percent
6 Fiscal Year to date. And what was once our most
7 violent facility in Rikers Island housing our young
8 adults, the slashings and stabbings are down over 60
9 percent because we were committed to stabilizing the
10 city's jail system, so that the vulnerable population
11 that is placed in our custody in addition to the
12 workforce, contract providers and volunteers and
13 faith leaders that go there to provide services for
14 those in custody as well as their staff can work and
15 thrive in an environment that is built on safety and
16 security.

17 So, I think you will see a significant continued
18 trend in the right direction. While I also recognize
19 that we still have a long way to go to dig ourselves
20 out from this. But I will say that the speed of
21 which we are moving may not seem fast but I will tell
22 you that it is significantly faster than any receiver
23 could move if a receiver was appointed to take over
24 this jail system.

1
2 SPEAKER ADAMS: That was going to be my next
3 question and I may go back to that.

4 LOUIS MOLINA: Okay, that's fine.

5 SPEAKER ADAMS: Thank you for referring to that.
6 You mentioned in your opening statement about
7 mismanagement. The Department's large workforce is so
8 mismanaged that it appears that the city's jails are
9 understaffed. While there has been progress in
10 addressing staff absenteeism, as you noted in your
11 opening statement. The Preliminary Mayor's
12 Management report still shows a total of uniformed
13 absence rate of 17.4 percent in Fiscal 2023 and this
14 is almost double the rate for the city's uniformed
15 agencies and four times the rate for the city's
16 workforce. How can the Department expect to meet the
17 challenges of the action plan with so many staff
18 absences still?

19 LOUIS MOLINA: Yeah, so, while that rate is still
20 an unacceptable one, it is significantly down in the
21 rate of 26 percent it was when I inherited. We have
22 decreased staff absenteeism by 70 percent. And when
23 we break down staff absenteeism, I think we have to
24 look at from two categories. One is individuals that
25 are indefinite sick and that means being out sick for

1
2 30 days or more for a number of issues. It could be
3 connected to a work-related line of duty incident.
4 It could be someone that's overcoming late stages of
5 cancer recovery and that number when I got here was
6 nearly 1,200 people and that number today is about
7 400.

8 When we look at our other category of sick, is
9 when somebody like in any organization calls in sick
10 for one or two days, that number was nearly 1,500
11 when I took over in January and that number today on
12 average is about 120, 150. So, when we put those two
13 numbers together, we are under 700 but I think when
14 we look at what the drivers were at that time, we
15 have seen significant amount of staff come back to
16 work. And what that has allowed us to do is not only
17 staff our housing units properly, we are also better
18 deploying our staff in these housing units. It
19 allowed us to open up visitation again, so that loved
20 ones can visit their families in person. It allowed
21 us to open up programming, educational programming,
22 vocational training programming, and allowed us to
23 let faith-based volunteers back into these
24 facilities, so that they can provide services to the
25 people in custody. None of those things were in

1
2 place when I started in January of 2022. They have
3 been expanded, they have increased and they have done
4 so because of the workforce. And I will say for the
5 workforce that did stick it out, which is the
6 majority during the most unusual and deadliest global
7 pandemic that existed, it is truly the mantra when we
8 say heroes work here. Those uniform and non-uniform
9 staff members while everybody else was working
10 remote, staying home for whatever reason, they came
11 in and they held it together and in many cases,
12 former correction officers that maybe used to work in
13 the Department of Education as teachers, took upon
14 themselves to work with our division of programs and
15 teach a vocational course or teach some other class.
16 To many of the people that placed in our custody,
17 many were forgotten during that pandemic moment.

18 SPEAKER ADAMS: Commissioner, can you update the
19 Council on the new sick leave and absence control
20 policies under development and what else you have
21 going forward as far as your planning with that?

22 LOUIS MOLINA: Sure, so what we discovered early
23 on that there were a lot of our operational policies
24 and procedures that just were very archaic and really
25 needed to be updated and the sick leave policy was

1
2 one of them. So, it used to be and I don't remember
3 the number but you had to knock on somebody's door
4 like a significant number times to give them an
5 opportunity to open it. We significantly lowered
6 that number. We lowered the threshold.

7 SPEAKER ADAMS: You're bringing back memories.
8 I'm sorry, go ahead.

9 LOUIS MOLINA: Yeah, we lowered that threshold
10 significantly to say listen, are you home, sick and
11 actually at home when you're supposed to be sick?
12 And if you were not home when you were supposed to be
13 then we took quick action. So, there's issues like
14 that. We enforce parts of the policy, which quite
15 frankly were ignored. So, we have these standards
16 where if a person is out sick for 40 days or more in
17 a 12-month calendar year or have called out sick on
18 15 different occasions or more in a 12-month period,
19 then we can institute medical incompetency against
20 that person, which is a disciplinary process to
21 separate the person from the department.

22 We have done, I believe the number is well over
23 400 medical incompetency cases ranging to the sick
24 leave abuse. And again, I want to say for the record
25 that that was in existence when this crisis was

1
2 happening and was not utilized in order to keep staff
3 accountable in order to come to work.

4 But at the same time, what the prior
5 administration did was also not have any
6 organizational health strategy to support the
7 workforce. So, workforce, whether you work in the
8 private sector or in any public sector agency, needs
9 an organizational health strategy because those
10 workers are not immune from the ills and challenges
11 of life, especially during a global pandemic and they
12 need support. So, we came up with an organizational
13 health strategy through our Health Management
14 Division to make that we're supporting individuals to
15 come back to work whole as soon as possible, so that
16 they can viewed the core job of their responsibility.
17 And for those that we felt were not meeting that
18 standard or did not have the physical capacity to do
19 the job, we either pursued medical incompetency or
20 medical separation to separate them from the
21 Department.

22 SPEAKER ADAMS: When my mother was a CO, the
23 worst thing in the world that she could do was get
24 sick because she dreaded the doctor coming to our
25 house. So, it was very, very personal. It was a

1
2 very one on one thing, so she always knew that you
3 know if she was ill that there would be a physician
4 coming to the door, knocking on the door to check up
5 to make sure that she was indeed sick etc., etc..
6 Who goes to the door these days? How is that handled
7 one on one with the officers?

8 LOUIS MOLINA: Yeah, so I didn't work in the
9 Department at the time your mom worked there.

10 SPEAKER ADAMS: It's a long time ago.

11 LOUIS MOLINA: Yeah, so we don't have actual
12 physicians that do home checks. The individuals that
13 do home checks are investigators assigned to our
14 Health Management Division. Our investigation
15 division supplements that at times to do home checks.
16 To check on individuals that call in sick, especially
17 those that have a designation of being chronic sick
18 and from time to time in the past, we have leveraged
19 the resources of the Department of Investigations to
20 also do home checks as well.

21 SPEAKER ADAMS: I might come back to that. Can
22 you share a target or goal for your paid absence
23 rate?

24 LOUIS MOLINA: I don't have a targeted goal that
25 I can share with you. I mean, we have decreased it

1
2 70 percent I told you. I shared with you now. I
3 think what we want to look at is really lowering our
4 relief factor and because we have a number of members
5 that were out sick for a long period of time, that
6 relief factor has risen. So, I think when we brought
7 on industrial engineers to talk about how we can
8 develop and optimize our workforce from deployment to
9 also supporting our staff when they're out sick to be
10 able to come back, I think we have made a significant
11 inroads in that area. I don't have a specific target
12 number that I can share with you today but I can
13 follow up with you on that.

14 SPEAKER ADAMS: Okay. The October 2022 Monitors
15 Report stated that "that the number of staff
16 currently in the Departments headcount were
17 effectively scheduled and deployed. Most of the
18 issues related to "staff shortages would likely be
19 resolved." When do you expect the Department would
20 be able to be fully operationalized in having an
21 electronic scheduling system?

22 LOUIS MOLINA: Great question. So, as you know
23 from your many years in public service, Department of
24 Correctios in many agencies were very paper-based and
25 the DOC was probably very lagging in just adapting

1
2 technological advancements to do something as simple
3 as digitized scheduling for staff, to include really
4 having a robust scheduling system even for the
5 persons in custody to manage their needs as well.

6 We did procure with a vendor to do digitalized
7 scheduling. We have that contract signed and we're
8 going through that process now of testing and
9 refining what we need out of that system before we
10 deploy it but we have deployed scanning technology,
11 so we have a sense of our priority post and who is on
12 those posts. So, that information can in real time
13 inform not only our system deputy wardens who are the
14 managers of our facilities, but as well as our
15 control room captains, if they deployed someone to a
16 particular post. Did that person check in? How long
17 it took them to check in there. So, we're moving
18 away from being a very paper-based system to that
19 system.

20 So, we're undergoing that process now. I can
21 update you along as that gets updated. It is part of
22 our action plan but we want to make sure that we want
23 to move quickly but we don't want to move for the
24 sake of saying, okay, we got a system. We want to
25 make sure that system and the vendor that we believe

1
2 was the best option at that point can actually fit
3 the needs of what we need operationally. And we
4 won't actually know that until we are having these
5 exchanges, which is ongoing now with the vendor back
6 and forth to make sure that that scheduling,
7 digitized scheduling system actually meets the
8 different needs of our department.

9 SPEAKER ADAMS: Okay, you touched on this but I'm
10 not sure if we got this answer. How many of DOC's
11 uniformed staff are currently chronically absent or
12 on chronic sick leave?

13 LOUIS MOLINA: In calendar year 2022, we had 474
14 individuals on average that were on indefinite sick
15 leave. I'll point out that in calendar year 2021,
16 that number was over 1,000, so it's been reduced by
17 55 percent. Fiscal Year to date, the numbers come
18 down almost in the first nine months of Fiscal Year
19 2023. That average has been about 431.

20 Fiscal Year to date in 2022, that number was
21 1,020, so we've seen a decline of 58 percent Fiscal
22 Year to date in numbers that are out indefinite sick.
23 And those individuals that are indefinite sick, many
24 are recovering from work related injury. Sometimes
25 involving the use of force or some type of work-

1
2 related accident or those experiencing the harms of
3 being afflicted with something like cancer and are
4 home recovering from that.

5 The Preliminary Budget shows a headcount of 36
6 positions in the Health Management Division. This
7 unit as we know places a key role in ensuring staff
8 are available for work. What's the work load or case
9 load like for staff in this unit?

10 LOUIS MOLINA: Well, the health management
11 division and staff by doctors and administrative
12 support staff, we are onboarding a chief medical
13 surgeon. What we did with the health management
14 division is we reformed it. What we saw was there
15 was just a lot of mismanagement of the health
16 management division by the former leadership that
17 oversaw the health management division. What we did
18 was we carved out the health management division out
19 of the Deputy Commissioner office or then the Chief
20 of Administrations Office and we aligned it under the
21 First Deputy Commissioners Office so that the Heath
22 Management Division can be in alignment with our
23 organizational health strategy. I have to get back
24 with you on what the case loads are of the doctors
25 but the doctors that are in our health management

1
2 division are reading medical records provided by
3 staff to determine if they concur with their
4 attending physician on their issues. The other thing
5 that we're doing is the health management division
6 really didn't have a role in treatment and we wanted
7 to move towards a more minor treatment focus, so that
8 we can prescribe what we think my be best for the
9 staff member to be able to gain their recovery time
10 quickly, so that they can come back to work sooner.

11 SPEAKER ADAMS: So, that brings me full circle
12 around and I knew I would get back to it. My old
13 school days of knowing that -somebody's nodding their
14 head back there. My old school days of knowing that
15 doctor that would come to our house when my mom was
16 petrified of being ill as a correction officer. Is
17 the units efficiently staffed and resourced to
18 address the hundreds of employees who remain out sick
19 during chronic absences and medical incompetence
20 cases?

21 LOUIS MOLINA: I believe that it is sufficiently
22 staffed.

23 SPEAKER ADAMS: What's the work load like? The
24 case load?

25

1
2 LOUIS MOLINA: Well, I mean I can get back with
3 you on the average case load that the doctors have.
4 I think it's significantly staffed for where we are
5 at today. It probably was not significantly staffed
6 where we were in the summer of 2021, when we had
7 thousands out and doctors that worked at the health
8 management division were so overwhelmed that we had
9 to bring an outside provider to supplement that
10 workforce. But I think that where we are today, it's
11 in a much significantly better place today than we
12 were then, so I don't feel the need to add to that at
13 this moment and time. But we do have vacancies with
14 doctors, so we are recruiting for physicians to meet
15 up to our staffing levels. But I think where we are
16 today is a much better place than where we were.

17 SPEAKER ADAMS: Well, no doubt, no doubt. The
18 numbers are still significant through and we know
19 that. Let's talk a little bit about staff discipline
20 and accountability. The preliminary plan includes a
21 reduction of vacant civilian positions for savings of
22 approximately \$19 million in Fiscal Year 2024. Which
23 vacant positions are being eliminated and how did the
24 Department determine those?

1
2 LOUIS MOLINA: Sure, so we're going through the
3 process right now of meeting with every business unit
4 to determine what vacancies and many of these
5 vacancies; I'll just remind the body, have been
6 vacant for a long time. So, what we are doing is
7 going through an assessment of each business unit and
8 speaking with each respective deputy commissioner and
9 associate commissioner to determine what vacancies
10 within their business units either should be
11 eliminated or we feel that it should be kept. Is it
12 in the right business unit and should it be somewhere
13 else? So, we're going through that process now.

14 SPEAKER ADAMS: What is the current budget and
15 headcount for the investigations division and the
16 trials division?

17 LOUIS MOLINA: I'll have Deputy Commissioner
18 Lyons share that number with you.

19 SPEAKER ADAMS: And then I'd also like to know,
20 the follow-up to that, how many vacancies are there
21 in each unit?

22 LOUIS MOLINA: So, we have total headcount
23 numbers and vacancies that we can provide you but I
24 can follow up and give you a detail as to what the
25 headcount is per business unit.

1
2 SPEAKER ADAMS: So, we don't know the budget and
3 the headcount for investigations and trials division
4 right now?

5 LOUIS MOLINA: I don't know it off the top of my
6 head and we don't have it broken down like that. I
7 just have the overall vacancies.

8 SPEAKER ADAMS: Okay, because we were inquiring
9 to get to - does the vacancy included in the
10 preliminary budget remove any positions from those
11 particular divisions?

12 LOUIS MOLINA: So, let me just say this. So, the
13 investigations division and the trials division are
14 also connected to our action plan. So, as we meet
15 with business units and obviously we would meet with
16 the investigations division as well as the trials
17 division but we have done significant hiring in our
18 trials division. Like I shared with you in my
19 statement, we had over 3,700 disciplinary cases and
20 backlog. I have to commend the trials division under
21 Deputy Commissioner Grey's leadership and Associate
22 Commissioner Yvonne's leadership. They have achieved
23 being given partial compliance by the federal monitor
24 for the work that they've done. And not only in the
25 trials division but in clearing of the backlog.

1
2 We have hired additional attorney's in the trials
3 division and I have adjudicated the settlement of
4 over 2,900 disciplinary cases in the trials division
5 and we've also had a high number of oath hearings,
6 which we attended to through the Fiscal Year in the
7 beginning of 2022. So, I don't see at this point
8 them being effected in that way with that and we will
9 keep that under consideration because they're
10 priority units for us.

11 SPEAKER ADAMS: Does the preliminary budget
12 baseline any funding increases for the investigation
13 or trial divisions?

14 LOUIS MOLINA: No, it does not.

15 SPEAKER ADAMS: It does not, okay. Considering
16 that last year's preliminary budget included
17 temporary additions for Departmental Attorney's, do
18 you believe that there is sufficient baseline
19 resources in the budget to support the expansive role
20 of the units?

21 LOUIS MOLINA: The expansive role of?

22 SPEAKER ADAMS: Of those units.

23 LOUIS MOLINA: I don't see currently today those
24 units roles expanding. I think that where we are at
25 today given the significant number of thousands of

1
2 backlog cases, which we have cleared, that the units
3 are well staffed to meet with the needs of today.
4 And we have to ensure that moving forward, we don't
5 find ourselves in a situation where we cannot have
6 timely and meaningful discipline at close to the
7 times of any sort of misconduct or other disciplinary
8 violations that we're waiting years to attend to.

9 So many of the cases that we have clear and
10 backlog were misconduct issues that happen all the
11 way back to 2017. Those situations should have been
12 addressed many years ago.

13 SPEAKER ADAMS: Okay, do you know how many
14 attorneys are currently on loan from other agencies?

15 LOUIS MOLINA: Yeah, I believe it's about three
16 but I can follow-up to confirm that number. It may
17 have been a little bit higher at the height of when
18 we were trying to deal with the backlog issues. Some
19 of those attorney's on loan ended up joining our
20 department, which we appreciate. And we also have
21 recruited into the trials division.

22 SPEAKER ADAMS: Okay, thank you. Let's talk a
23 little bit about supervisors and deployment etc..
24 How many staff do you believe are needed to operate
25 the jails overall?

1
2 LOUIS MOLINA: So, our current funded headcount
3 is for correction officers alone, is 6,194. Our
4 total uniform headcount is 7,060. I think where we
5 are at today is the right number of staff. Now we do
6 have vacancies in our CO's ranks that are funded and
7 we have academy scheduled. A recruitment plan in
8 place in order to recruit for those positions. We do
9 have big classes of retirements that are coming in
10 the later part of 2024. So, our recruitment and
11 retention efforts are important for us. Where we are
12 at today I think is where we need to be to sort of
13 manage what's in front of us. I think my greater
14 concern is that as we look at attrition and retention
15 as the population continues to creep in an upward
16 trajectory, we may need more resources in order to
17 manage the population as it increases within the
18 city's jail system.

19 SPEAKER ADAMS: You spoke a little bit about in
20 your opening statement the new classes and as of the
21 preliminary plan though, there were approximately 162
22 vacancies in the departments supervisory ranks from
23 captains to wardens. Most of these vacancies though
24 are captains and assistant department wardens. Do
25

1
2 you have a breakdown of the number of captains? The
3 number of wardens and assistant dep. Wardens.

4 LOUIS MOLINA: So, we'll provide that breakdown.
5 I just want to first say, we just after five years
6 because for five years, no captain's in first line
7 supervisory were promoted within the department. We
8 just had our first class in five years. Went through
9 a renewed intensive training for first line
10 supervisors under our new Deputy Commissioner of
11 Training and Professional Development and we promoted
12 26 and we have another cohort of 25 that we are going
13 to be promoting in the near future.

14 But to your question of captain's, we are
15 authorized 703. Our actual number today is 574. As
16 you know, our first line supervisor and our captains
17 are the backbone of this department and they will
18 spearhead us forward in our reform efforts. We also
19 had two cohorts of classes for assistant deputy
20 wardens, which another critical uniform rank. Those
21 assistant deputy wardens in the majority of cases
22 manage our facilities as tour commanders and also had
23 other smaller unique business units. Our authorized
24 headcount for the assistant deputy warden is 117 and
25 our actual number today is 92.

1
2 SPEAKER ADAMS: Okay, what's the optimal ratio of
3 supervisors to correction officers?

4 LOUIS MOLINA: That's a really great question.
5 So, optimally when we talk about uniform forces,
6 whether we're talking about correction officers,
7 police officers, the fire department, I think a ratio
8 of one supervisor to six officers is optimal.

9 SPEAKER ADAMS: Okay.

10 LOUIS MOLINA: Now, each of us have different
11 sort of unique responsibilities in our uniform
12 efforts. What we have seen because of this failure
13 to have a consistent steady flow of promotion within
14 the department, which negatively impacts morale, is
15 that we were placing a number of rank-and-file
16 officers under the supervision of first line
17 supervisors. So that there ratio was significantly
18 higher than their counterparts in the police and fire
19 services. I don't remember what the ratio is. We
20 did some work on this and I can follow-up with you
21 what that ratio is but optimally, I would say, one to
22 six. One captain to six or eight officers would be
23 optimal because they would be managing - they would
24 be the area supervisors of the different housing
25 units within the facility amongst other unique

1
2 responsibilities that they may have as first line
3 supervisors.

4 SPEAKER ADAMS: Okay, Commissioner, how do you
5 track whether staff are at their assigned posts? And
6 how often do supervisors check to make sure staff are
7 where they should be?

8 LOUIS MOLINA: Sure, so like I said before,
9 accountability is very, very important. So, one of
10 the things that we did starting out is we deployed
11 scanning technology at priority posts, so that staff
12 would be scanning in and in real time to our
13 commanders and control room captains would know who
14 was actually on post and when did the person get to
15 post. This is new to the workforce, so we are
16 getting them used to a pattern of practice, of best
17 practices of how to do this. So, in addition to
18 scanning, we also have our first line supervisors
19 which are our captains, which are regularly
20 patrolling, visiting the housing unit where they're
21 assigned to. In addition to that, they are assigning
22 log books. And what we are doing is we have touring
23 wand systems that are deployed to us, self-housing
24 areas. A system that was not used for a long time
25 before we got there. We reactivated that system.

1
2 Now that system primarily is for use for the Housing
3 B Officer to make sure that they are doing their 30-
4 minute rounding in our general population units or
5 15-minute rounding in our special population units.
6 In the housing units, what we are doing is adopting
7 that technology and we are working with the vendors
8 so that our captains when they are touring in the
9 areas, they are also using that touring wand in
10 addition to the log book leveraging technology to
11 ensure that they also are not only conducting their
12 required area housing tours but also engaging with
13 staff and supporting staff. And we are going to
14 expand that technology to our system deputy wardens.
15 So, our assistant deputy wardens in addition to being
16 tour commanders, it is expected and under the
17 leadership of our deputy commissioner facility
18 operations and his associate commissioner flag and
19 look to make sure that assistant deputy wardens, in
20 addition to deputy wardens are touring the facilities
21 as well, so that they can get direct feedback not
22 only for the persons in custody but from the rank and
23 file officers to make sure that if there are any
24 issues that they're having, that those issues are
25 addressed.

1
2 SPEAKER ADAMS: Okay, can you let us know what
3 the status is of a new DOC training facility?
4 There's funding in the capital commitment plan but no
5 plans have materialized under this administration.

6 LOUIS MOLINA: Yeah, so we have the funding
7 information that Deputy Commissioner Lyons can share
8 with you. A location has been identified neighboring
9 the NYPD academy. I will tell you; our need of an
10 academy is long overdue and these capital projects
11 always take longer than I think people have the
12 patience for waiting for them to happen.

13 So, what we did, via our interagency taskforce
14 that Mayor Adams put together, what we started doing
15 is we begin recruit training in the NYPD academy for
16 the first time for the current cohort of academy
17 recruits that are in the academy. So, they are using
18 a state-of-the-art law enforcement academy to conduct
19 their recruit training. We are using our
20 metropolitan facility, which has been a longstanding
21 facility but beyond its shelf life, for parts of our
22 in-service training and for our academy staff that
23 manage all of the training and professional
24 development that we have in the academy. So, do you
25 have the funding dollar amounts?

1
2 PATRICIA LYONS: Good afternoon. In the capital
3 plan, we have a total of \$225 million for the new
4 correction academy. It's broken down by \$28.8
5 million in Fiscal Year 2024. \$45 million in Fiscal
6 Year 2025 and \$151.2 million in Fiscal Year 2026 and
7 this project is under the managing agency of DDC.

8 SPEAKER ADAMS: Okay, thank you.

9 PATRICIA LYONS: You're welcome.

10 SPEAKER ADAMS: Let's look at transportation for
11 a moment. The Preliminary Mayor's Management Report
12 or the PMMR shows a drop in your success rate for
13 getting people in your custody to their trials on
14 time. DOC has reported that success rate for 25
15 years and it's almost always been above the target of
16 95 percent, now it's 72 percent. Obviously ensuring
17 people appear in court is the primary reason you have
18 them in custody. So, what specific steps will you
19 take to reverse this trend?

20 LOUIS MOLINA: Yeah, so thank you for that. So,
21 the metric in the MMR is an on-trial individuals in
22 custody delivered to court on time. This number is
23 derived by taking the number delivered to court
24 before a certain hour divided by the total number
25 produced. The individuals that are not produced for

1
2 court are not in this metric at all. In that way, it
3 actually tells us less about our performance than we
4 like to see, so I think we need to sort of redefine
5 the different court metrics. What I will tell you,
6 there is a number of reasons why individuals go to
7 court other than trial. When I took over in January
8 of last year, our court production rate was at about
9 60 percent. Citywide our court production rate on
10 average has been about 88 percent to 90 percent.

11 What we are seeing a disturbing trend of is the
12 number of refusals for those that want to go to
13 court. So, court production in totality has
14 significantly improved from where it was in January.

15 So, when we look at the metric on the MMR, it's
16 really about this one specific area about on time for
17 trial production but refusals tell another story
18 that's also disturbing. In August, we had on average
19 about 209 people refuse to go to court for a whole
20 host of reasons that they want to go to court and
21 slow down the adjudication of the justice process.
22 What I will not do, which was a practice of past, is
23 have our staff engage into physical confrontations to
24 bring these individuals to court. A securing force

1
2 order from a judge overseeing that persons either
3 hearing or trial.

4 In January this year, we had 873 defendants
5 refuse to go to court. In February, we had 789. So,
6 we've been communicating with the leadership of the
7 courts and OCA about this concern of the judges not
8 giving us force orders in order to get these
9 individuals, defendants to comply with the courts
10 request that they show up and participate in their
11 adjudication process. With that being said, the
12 numbers are up in totality significantly than where
13 we were in January.

14 SPEAKER ADAMS: What are some of the reasons that
15 individuals would refuse to go to court?

16 LOUIS MOLINA: So, we do record all these refuses
17 on body worn camera or hand-held camera because what
18 we want is to be able to provide that footage to the
19 judge to show that it's not us deciding not to take
20 these individuals to court. Sometimes they may claim
21 a religious exemption. Sometimes they may claim a
22 medical issue. Sometimes they say that their lawyer
23 told them they didn't have to show up, so they're not
24 going to go, and sometimes they just refuse.

1
2 SPEAKER ADAMS: Okay. I think my colleagues
3 might take that up as well. Let' look a little bit
4 about the borough-based jails and finally closing
5 Rikers. There have been recent reports about
6 possible delays, which we've read about the borough-
7 based jails program. Can you provide this Committee
8 with an update on the timeline for closing Rikers
9 Island in transitioning to borough-based jails?

10 LOUIS MOLINA: So, I think the borough-based
11 jails are being built by the Department of Design and
12 Construction and they're leading and overseeing the
13 entire project of the borough-based jails being
14 developed and built. So, for any timelines related
15 to the borough-based jails, I would ask you to speak
16 to DDC about that because they are more in tune with
17 construction scheduling and all that they do to
18 procure that, the developers to build those jails.

19 SPEAKER ADAMS: But the funds are appropriated to
20 your agency, so you don't have any figures for us at
21 all? Any information at all pertaining, so we're not
22 able to answer questions as Commissioner on the
23 borough-based jails?

24 LOUIS MOLINA: I can say that the DDC is
25 overseeing the development and building of those

1
2 jails. I'm not overseeing the day to day of the
3 development of those jails and those contracts, the
4 Department of Design and Construction is. Yes, the
5 money is coming from us because we're the Department
6 of Corrections. We're going to be the beneficiary of
7 those. What we're focusing on is when we get closer
8 to those jails being operationalized as how we are
9 going to manage the transition from Rikers Island to
10 those borough-based jail facilities. But
11 construction timelines and all of that, those
12 questions have to be answered by DDC.

13 SPEAKER ADAMS: Well, I can say that DDC managers
14 project projects from many city agencies and
15 commissioners are still willing and able to a prize
16 the Council of the efforts of what goes on in their
17 agency. So, this is I suggest that you plug into
18 that portion.

19 LOUIS MOLINA: So, we have plugged into the
20 portion when we're asked for our expertise and
21 guidance on specific design issues regarding the
22 development of the jail but the timeline of when a
23 particular company could actually build a jail, the
24 expertise in that area lays within DDC. If DDC
25 projects that the completion date specifically of the

1 Brooklyn facility, it's not going to be until 2029.

2 There's nothing that I can do to advance that
3 timeline.
4

5 SPEAKER ADAMS: Well, closing underused jail
6 facilities and generating savings is a critical part
7 of closing Rikers Island. The Department's population
8 on Tuesday of 5,917 and your maximum capacity is
9 8,846. That's a difference of nearly 3,000. Would
10 the Department be able to generate savings and
11 address some of your deployment challenges if you reduce
12 the footprint of jail facilities?

13 LOUIS MOLINA: We're reducing the footprint of
14 the jail facilities themselves, don't solve the
15 population issue. I think it's really thinking about
16 how do we do proper population management. Now we
17 have two cohorts of populations within our system as
18 you know. We have individuals that are sentenced and
19 that number of sentenced individuals is about 461.
20 Now with the individuals that are sentenced, I have
21 been aggressive and are committed to being aggressive
22 using my program 6-8 powers to release individuals
23 early that we can align with case management and
24 housing so that there's an alternative to
25 incarceration for that sentenced population. And I

1
2 have released more individuals than any commissioner
3 in history. Absent the COVID releases that happened
4 in 2021, back into the community and I'm proud to say
5 that there's been a 90 percent success rate of
6 individuals not recidivating back into the system.
7 What I have no control over is the pretrial detainees
8 which make up about 87 percent of the population that
9 is in our city's jail system, which the majority is
10 on Rikers Island.

11 Those pretrial detainees are placed there by the
12 courts and absent any increased bandwidth within the
13 courts or robustness within the courts to adjudicate
14 these cases, the population will continue to trend
15 upward and not downward.

16 SPEAKER ADAMS: Do you expect any facilities to
17 close this year?

18 LOUIS MOLINA: No.

19 SPEAKER ADAMS: When do you plan to transfer OBCC
20 to the Department of Citywide Administrative Services
21 as required by the renewable Rikers Act?

22 LOUIS MOLINA: So, the Renewable Rikers Act
23 requires us to consider places for closure. It
24 doesn't require us to actually close anything and
25 OBCC will not be closing. We are doing significant

1
2 infrastructure on OBCC, so that OBCC is from an
3 infrastructure standpoint, significantly better than
4 other facilities that are on the island. So, what
5 we're doing is trying to get that up to speed, so
6 that some point later this year, OBCC can open up and
7 we are looking to closing AMKC because it has long
8 outlived its shelf life.

9 SPEAKER ADAMS: Two other lines for you and then
10 I'm going to pass it onto my colleagues. Let's talk
11 about the Board of Correction video access. Have you
12 made any recent changes to directive 1100 RA which
13 outlines the Board of Corrections Authority and
14 states that it is DOC's policy to "cooperate with the
15 Board of Correction in fulfilling its statutory
16 obligations under the New York City Charter. Can you
17 provide the Council with the amended directive if
18 there is one?

19 LOUIS MOLINA: So, we are complying with that
20 their access to be able to view video is within
21 alignment within the City Charter. So, whenever the
22 Board of Corrections wants to review video, we have
23 that capability to provide them the access that they
24 need to review video for any investigations that they
25 think they need to review video for.

1
2 SPEAKER ADAMS: Can you give us the premise
3 behind denying access to the BOC?

4 LOUIS MOLINA: So, we are not denying access to
5 the BOC. The BOC still has access to the video.

6 SPEAKER ADAMS: Well, switching over the policy.

7 LOUIS MOLINA: What they do not have is 24/7
8 remote access, which is what they had and there were
9 significant numbers of reckless leaking of videos and
10 what we need is for BOC investigators to come into
11 DOC facilities to tour and engage not only with the
12 individuals that are in custody but with our staff.
13 And if they want to view videos, they can view them
14 in a secure environment in which they can conduct
15 their investigations.

16 SPEAKER ADAMS: Was that a part of the policy
17 previously?

18 LOUIS MOLINA: To get the remote access?

19 SPEAKER ADAMS: No, to review or ask permissions
20 of some sort to gain access. You're calling it
21 reckless delivery or whatever.

22 LOUIS MOLINA: Yeah, I mean, the prior
23 administration allowed them remote access, which is
24 not prescribed in the City Charter. What's
25

1
2 prescribed is that they have access and we're
3 allowing them access.

4 SPEAKER ADAMS: Okay, I'll leave that there for
5 now. And I just want to touch on the gangs just for
6 a while.

7 LOUIS MOLINA: Sure.

8 SPEAKER ADAMS: We know that the gangs are a key
9 focus of yours. That we do know. Unfortunately, the
10 gang related violence that takes place on Rikers
11 doesn't stay on Rikers. Fights and disputes are
12 inside are answered with violence in our communities
13 and that's what we're seeing on a daily basis. As
14 one step, you've testified about efforts to break up
15 gang houses, where one gang dominates a housing area.
16 So, what is the status? You touched on this in your
17 remarks a little bit. What's the status of those
18 efforts and if you haven't finished doing so, when do
19 you expect to complete changing the housing so that
20 the behavior can change?

21 LOUIS MOLINA: No, thank you. So, we've done
22 that I think that you've seen that in the outcomes
23 that I shared with you today. We are nearly 18
24 percent decreased in slashing and stabbings. A lot
25 of the slashing and stabbings are driven by gang

1
2 tension. So, one is, we made our housing unit safer
3 because we rebalance them and we're not housing
4 anyone just by gang affiliation anymore. That puts
5 our officers in significant danger and when one out
6 of those 20 individuals of a gang association decides
7 to have a difference of opinion with the other 19, it
8 puts them in great danger as well. So, we have done
9 that. We have a heat map that we get on a daily
10 basis to review to see what the percentages of gang
11 affiliations are in any particular housing unit and
12 make adjustments as needed and we need to do that.
13 So, that has been underway and ongoing.

14 SPEAKER ADAMS: Okay, thank you. I'm going to
15 see if anyone else has come that I have not
16 recognized. Okay, I'm going to let my colleagues
17 come in for questions at this point. First, we will
18 hear from Deputy Speaker Ayala, then Council Member
19 Carr, Council Member Holden and Council Member
20 Restler.

21 COUNCIL MEMBER AYALA: Good afternoon
22 Commissioner.

23 LOUIS MOLINA: Good afternoon.

24 COUNCIL MEMBER AYALA: Nice to see you.

25 LOUIS MOLINA: Nice to see again.

1
2 COUNCIL MEMBER AYALA: We go back quite a number
3 of years and I really appreciate our relationship.
4 Regarding the PMR reports stated that in the first
5 four months of majority, 51 percent of people in
6 custody had a mental health diagnosis and 17 percent
7 of incarcerated people had a serious mental health
8 diagnosis. What is the Departments total budget on
9 services and programs for people with mental health
10 and how will this increase impact spending?

11 LOUIS MOLINA: No, so good question. I mean it's
12 not lost on our stat. About 50, 51 percent as the
13 PMMR states has - individuals have been diagnosed
14 with mental illness and so, in real numbers, that's
15 about almost 3,000 individuals that are suffering
16 from mental illness and that's driving in many
17 occasions I think the justice involvement and out of
18 that cohort of 50 percent, 18 percent; it's actually
19 risen by one percent from when the PMMR last time is
20 about 18 percent. About 540 individuals that suffer
21 from serious mental illness.

22 So, your question is important that, you know we
23 do have PACE units and CAPS units that are managed by
24 our correctional health services, our Mental Health
25 Observation units for individuals that they designate

1
2 with these conditions that need a different type of
3 institutional management in order to manage their
4 issues from medication management and other treatment
5 modalities to deal with their mental illness.

6 COUNCIL MEMBER AYALA: So, 3,000 of the 5,900?

7 LOUIS MOLINA: I would say approximately because
8 about 50 to 51 percent of our population which is
9 almost at 6,000 that the Madam Speaker pointed out.
10 So, I would say you know roughly just under, maybe
11 just that, 3,000 individuals have been diagnosed with
12 mental illness.

13 COUNCIL MEMBER AYALA: And of the 3,000, how many
14 have been sentenced or are awaiting trial?

15 LOUIS MOLINA: I'd have to follow-up with you on
16 that number. I would say I'm pretty confident that
17 the majority of those individuals are pretrial
18 detainees and not sentenced individuals but I can
19 follow-up with you like what that percentage and
20 number looks like. It changes from day to day
21 depending on the court system. But also, you just
22 want to focus on that, that 18 percent, which is
23 about 540 people are suffering from serious mental
24 illness.

1 COUNCIL MEMBER AYALA: How many? I'm sorry.

2 About 540, I'll say about 18 percent of the
3 population are suffering from serious mental illness.
4 So, you know, we need to in this state, really build
5 out our capacity to treat mental illness and
6 substance abuse and I think you and I are very sort
7 of shared on that issue. I think everyone on the
8 Council that we need a different diversionary method
9 to deal with those who are driven to being justice
10 involved because of their mental illness and until
11 this state increases the capacity to be able to do
12 that, we are not going to solve the criminal justice
13 issue in New York City and we are not going to solve
14 it in America.

15 So, you know in 1965 and I often talk about this,
16 when we deinstitutionalize many of our mental health
17 institutions, which I recognize we're doing a
18 deplorable job at managing those that were mentally
19 ill. What we should have did was reform that system
20 and not just arbitrarily shut it all down. Place
21 that responsibility on community health networks who
22 were also underfunded and lack the bandwidth to
23 really treat that population. It didn't help
24 patients and it didn't help communities.
25

1
2 So, if we want to solve the criminal justice
3 issue, we have to increase the bandwidth as a state
4 for psychiatric and substance abuse treatment in
5 order so that those individuals can be diverted to a
6 public health social service system and not a justice
7 system. The justice system has been unfairly over
8 utilized in this area because of the agility that
9 exists within the justice system to response and
10 disorder and some of that disorder crosses the
11 crescendo of crime. But what we need is a mainstream
12 health care solution to deal with mental illness and
13 substance addiction.

14 COUNCIL MEMBER AYALA: Yeah, I am horrified by
15 these numbers and I agree with you abruptly shutting
16 down all of those state institutions who we all agree
17 were horribly run. It really was detrimental and I
18 think that we're seeing the aftermath of that but I'm
19 really horrified and insulted by our current you know
20 court systems and the way that we're processing
21 individuals that have mental illness. I love to
22 share you know because I think that these experiences
23 that you know are very real to me are very real to
24 many New Yorkers but I have shared with you and on
25 several occasions and I think in our General Welfare

1
2 and Mental Health Committee. You know the stories of
3 my brother and I will tell just because you know just
4 for those of you that are not as familiar, my brother
5 has a mental health diagnosis and wasn't in a program
6 that was supposed to be helping him and he was kind
7 of you know going off the rails. I realized it
8 immediately. I connected Council Member Deputy
9 Speaker of the New York City Council, called every
10 you know Commissioner under the sun and was unable to
11 get him help. The shelter was unable to get him help
12 at the hospital when he was inevitably beat up in the
13 street. While he was under a manic episode, he was
14 beat up by a bunch of guys with a pipe and then was
15 hospitalized and when we asked for a psych hold, we
16 were refused and he was discharged the next morning
17 and took himself to Bellevue where he went Awal three
18 times and on the third time when he was brought back
19 in, punched a doctor in the face and was inevitably
20 arrested under a psychotic episode. And is currently
21 at Rikers and is doing time at Rikers and you know
22 while I believe that accountability is important, I
23 have just outlined all of the things that I did
24 personally to prevent that, all of that from
25 happening.

1
2 Had somebody had the structures that needed to be
3 in place, in place, not only would he not have gotten
4 beat up, but the doctor wouldn't have gotten you know
5 punched in the face. He wouldn't be incarcerated.
6 We are doing - you know you; we're doing New Yorkers
7 a huge you know disservice by not putting these
8 structures in place right now. We went through the -
9 add another layer, we to court, mental health court
10 only has in Manhattan 50 slots. Those 50 slots are
11 already taken, so all of those other people that are
12 people that you are servicing at your facility now,
13 right don't have access to that. So, he has to go
14 through the general court process and they won't
15 admit his medical record as part of the case that
16 he's in there, which is the reason that he's in there
17 to begin with. Which is ridiculous.

18 So, now what happens is that this guy ends up at
19 Rikers Island. He does his time. He comes out.
20 He's still hasn't been serviced. He still hasn't
21 been treated. He hasn't been stabilized and we
22 repeat and we repeat. This is not only you know
23 inhumane but it is extremely expensive, extremely
24 expensive.
25

1
2 LOUIS MOLINA: No, I agree with you
3 wholeheartedly and I think the saddest part about the
4 story that you shared with us and I thank you for
5 sharing your own lived experience, is that your
6 brother is not an outlier. You as a sister; we have
7 sisters, mothers, uncles, grandmothers that have just
8 been bureaucratically paralyzed because there is no
9 access for government intervention that can help
10 support that individual while they're in crisis.

11 And that's why you know whenever I speak publicly
12 about criminal justice reform issues, if we're having
13 these conversations in siloes, without talking about
14 the issues that need to be addressed and providing
15 access of supportive services for those that are
16 suffering from mental illness and those that are
17 suffering from substance abuse addition. Until that
18 become a mainstream health care issue, we're going to
19 just keep repeating the same thing over and over
20 again as you said and at the end of the day, persons
21 in custody that are forced into a justice system to
22 deal with this issue, families of those that are in
23 custody that are dealing with this issue are going to
24 continue to suffer.

25

1
2 COUNCIL MEMBER AYALA: Well, we will continue to
3 make good trouble because I am here for a little
4 longer and I plan to use my time wisely and to really
5 help use my own personal life experiences to reform
6 this system, which is horribly broken. And we're
7 talking about reducing the population at Rikers.
8 That's half of the population at Rikers.

9 LOUIS MOLINA: I agree.

10 COUNCIL MEMBER AYALA: It is horrible. I just
11 have two very quick follow-ups. In regards to the -
12 so as of February, 9,774 phone calls to Correctional
13 Health Services hotline were made. In the same
14 month, individuals in custody refused to attend
15 medical appointments 8,952 times. Can the Department
16 explain the disparity between the number of people
17 calling the medical phone number and the number of
18 people refusing to go to appointments and I don't
19 know if you have this data but are any of those calls
20 mental health related?

21 LOUIS MOLINA: Yeah, so to give you a nuance
22 response to that specific question of the correlation
23 between calls and refusals, I'd have to follow-up
24 with you so that I can get a more nuance for you.
25 What I can tell you is this, on average we have

1 almost 50,000 medically encounters that are scheduled
2 by Correctional Health Services which is a subsidiary
3 of Health + Hospitals Corporation that provides
4 physical health and mental health services to those
5 that are in custody in the Department of Correction.
6

7 In the later part of 2022, what we have been able
8 to do is decrease to less than one percent of a
9 person not being able to go to a medical appointment
10 in some cases, that's an eye doctor appointment or a
11 dental appointment or something like that because of
12 a staff issue. And not necessarily because staff is
13 out but there might be other incidents that are
14 occurring that prevent that patient from being sent
15 to that appointment at that time. That number used
16 to be significantly high. We have done a better job
17 of documenting refusals for persons that don't want
18 to be seen for their medical and we try to encourage
19 them to stick to their appointments but we are
20 talking about an average of almost 50,000 medically
21 scheduled appointments for a population of just under
22 6,000 patients. So, it's a lot of medical
23 appointments but we are doing a significantly better
24 job in the production of those medical appointments
25 and I'll follow-up with you on your question

1
2 regarding calls to hotlines and any correlation that
3 might exist between calls and refusals.

4 COUNCIL MEMBER AYALA: Is there a medical
5 facility per house? Does each building have a
6 medical facility?

7 LOUIS MOLINA: Yeah, so we have clinics in all of
8 our facilities to deal with a whole number of issues,
9 some may have other specialty type clinics like if
10 you need a dental cleaning or something like that.

11 COUNCIL MEMBER AYALA: If I'm at Ana Cross, I can
12 go to a doctor at Ana Cross? Or do I have to leave
13 Ana Cross to go?

14 LOUIS MOLINA: No you could go to Ana Cross. Now
15 if correctional services believes that you need some
16 other level of specialty care, right because
17 remember, these are clinics. They're not full-blown
18 hospitals. If somebody needs to be admitted to a
19 hospital, we do still have the Bellevue Ward for
20 those that need to be hospitalized. If you don't
21 need to be hospitalized but you need some other
22 specialty care, then we'd also do special medical
23 appointments in surrounding community hospitals for
24 person in custody as well.

1
2 COUNCIL MEMBER AYALA: Excellent, okay. My final
3 question is really regarding the disciplinary action.
4 How many of those disciplinary cases resulted in a
5 correction officer being fired?

6 LOUIS MOLINA: Yeah, so I will tell you that over
7 the last 15 months, unfortunately we had to terminate
8 or forcibly separate over 250 uniform staff. So, I
9 don't have a breakdown off the top of my head of how
10 many were correction officers and how many have been
11 captains but the majority unfortunately have been
12 correction officers. And that is, you know it's not
13 a pleasant thing to have to terminate someone's
14 employment but I think when individuals are not a
15 good fit or they have serious misconduct issues that
16 affect the ecosystem of our jail system, then we need
17 to just part ways.

18 COUNCIL MEMBER AYALA: Were any of those
19 disciplinary cases related to the time off policy?

20 LOUIS MOLINA: Yes.

21 COUNCIL MEMBER AYALA: Okay.

22 LOUIS MOLINA: Many.

23 COUNCIL MEMBER AYALA: Well, congratulations
24 because you know it needed to be done. Thank you.

25 LOUIS MOLINA: You're welcome.

1
2 SPEAKER ADAMS: Thank you Deputy Speaker. Before
3 I let Council Member Carr in here, I just want to
4 deviate just a little bit. How many dedicated staff
5 does DOC have for the borough-based jails and are you
6 briefed on the projects?

7 LOUIS MOLINA: Dedicated staff, so we do have a
8 team that's on there. So, we created a unit called
9 the Office of Management, Analysis and Planning. And
10 that unit has not only the function of making sure
11 that we're making data driven decisions and reducing
12 the siloed management of all of our data, but also
13 one of the business unit within the, what's called
14 the O-Maxine, is strategic initiatives. And what
15 we've done is we began to build out a project – we
16 built out a project management team and one of the
17 projects that they oversee is the borough-based jails
18 and any other large-scale projects that we have going
19 on. So, we have a team there. It's overseen by the
20 Assistant Commissioner. We have a number of
21 directors and executive directors. We have submitted
22 a new needs request because we have been working with
23 the State Commission on Corrections to design what
24 does the actual transition team look like? To make
25 sure that the jails are designed within SCOC and

1
2 other minimum standards that are needed to run the
3 jail facilities.

4 So, we are recruiting internally for uniform
5 staff to be on that team now and also are recruiting
6 from the outside subject matter experts in those
7 areas. But we routinely and regularly meet with the
8 DDC team to get updates on you know what stages of
9 borough-based jail plan is going on if we need to
10 move. So, in our Queens facility, we had to realign
11 our operations in Queens Courts because of portions
12 of that building where the construction was going to
13 begin, we had to move, so we could still process
14 individuals for court.

15 SPEAKER ADAMS: So, you're working with DDC. You
16 just said that you're bringing in other folks to start
17 another - what's the timeline for that? When do you
18 hope to have that?

19 LOUIS MOLINA: So, we're engaged with OMB on
20 there's a recruitment process. We have interview
21 people and recruit for those positions. I can't give
22 you a timeline right now of when a person would
23 individually start. A lot of that is connected
24 through our OMB process.

1
2 SPEAKER ADAMS: What's your goal? Is it summer?
3 Your goal? Summer?

4 LOUIS MOLINA: I would hope to have that team by
5 late summer optimally if possible or the beginning of
6 the Fiscal Year 2024 timeframe.

7 SPEAKER ADAMS: Okay, thank you. Council Member
8 Carr then Council Member Holden followed by Council
9 Member Restler.

10 LOUIS MOLINA: Thank you Speaker. Commissioner,
11 great to see you as always. I want to thank you and
12 your leadership team for the improvements you made at
13 the agency since your tenure began but I remain
14 concerned about retention and recruitment, even
15 within the fiscals constraints of your budgeted
16 headcounts.

17 Specifically the State Comptroller recent
18 analysis from looking at June of 2020 to August of
19 2022 and the municipal workforce, the second largest
20 drop-in occupational group was corrections officers,
21 almost 26 percent and the agency with the largest
22 drop in workforce for the city was DOC, 23.6 percent
23 and that same period.

24 So, when you add that to the folks who are
25 indefinite medical leave that we discussed earlier in

1
2 your testimony, the folks who are just out on a more
3 day to day basis because of things that come up in
4 their lives or they just get temporary illnesses.
5 I'm concerned about you maintaining the staffing
6 level that you need to have a safe, secure and humane
7 facility at Rikers.

8 So, what in your view is the appropriate staffing
9 to incarcerated individual ratio at Rikers? I hear
10 sometimes its 30 to 1 depending on the block and then
11 I'll just rattle off my other questions here. How
12 many have retired or resigned from DOC whether it's
13 uniform staff or overall agency staff since January?
14 How many have come online in that time? And then can
15 you give us a little more detail about the sort of
16 outreach campaign you're going to be doing to folks
17 to do recruitment and are you considering incentives
18 like bonuses that some other law enforcement agencies
19 have been doing elsewhere in the country?

20 LOUIS MOLINA: No, so great question. So, to
21 your question on resignations, retirements. Since
22 January of 2022, we've lost about 1,000 uniformed
23 staff. The majority of that being correction
24 officers that have resigned or retired. Given the
25 just the trauma that they survived over the time of

1 the pandemic doing a very, very tough job. With that
2 being said, we are doing a lot of recruitment. We've
3 hired 108, which is really a very small percentage
4 given the number of people that we've lost over that
5 year and when you look back all the way to December
6 of 2019, that attrition is about 3,000. So, what are
7 we doing today? You know one is, we've relocated
8 recruit training to the NYPD State Academy, so we
9 think that's a welcoming thing for new recruits
10 coming in. We are doing a better job of shepherding
11 someone through the hiring processing journey that it
12 takes to get hired to be a correction officer and
13 linking them with our applicant process and division
14 staff members to make sure that we keep them engaged
15 in that process. We have been GIS mapping of where
16 our correction officers live, where our applicants
17 are coming from, and where our retirees live. And
18 we're working with our recruitment team to really
19 think about what's the mentorship model that we can
20 get to engage those that want to be correction
21 officers in this process, given that there's so much
22 negative press that's out there regarding the
23 department in general, we want to sort of help guide
24 people through that this can be a very, very
25

1
2 rewarding career and a very strategic and important
3 part of our criminal justice system because our
4 correction officers spend the most time versus when
5 you look at police officers or even our DA's offices
6 with someone that is accused of a crime and we could
7 help try to deal with the root driver of that issue.
8 Like I said earlier, we have an organizational health
9 strategy now where we're better supporting staff, so
10 that we can deal with retention which is a different
11 strategy than recruitment but we don't want to hire
12 individuals and then lose them right away.

13 So, we are focused on retention. We have been
14 thinking about things that you talked about like a
15 bonus strategy. You know what other incentives we
16 can give to those that are working in a very, very
17 tough job. There is ongoing that in the Office of
18 Labor Relations wheelhouse, so what I have done has
19 really been more engaged with Office of Labor
20 Relations and I thank Commissioner Campion(SP?) who
21 oversees OLR and her and her teams engaging with us
22 on what are the nuance needs that we need for this
23 particular workforce and what can we do to
24 incentivize optimization even through a CBA.

1
2 So, there's a whole host of things that we're
3 doing to try to stem retention losses and try to
4 increase those who wanted interest in coming in law
5 enforcement to becoming a correction officer.

6 COUNCIL MEMBER RESTLER: Thank you Commissioner.

7 LOUIS MOLINA: You're welcome.

8 COUNCIL MEMBER HOLDEN: Thank you Madam Speaker
9 and thank you Commissioner for your unbelievable job
10 because I visited Rikers a few times before in the
11 previous administration. Let's talk about some of
12 that and the visit that I experienced, flooding
13 throughout the complex and Rikers. Doors not
14 locking. It is chaos but the lack of correction
15 officers on duty that we saw, we have many times one
16 correction officer for dozens of detainees.

17 Triple tours, a tax on correction officers at an
18 all-time high with the smaller population. And the
19 worst one was, which we argue and I argued at several
20 hearings because I was on criminal justice in the
21 last Council, was the gang members housed in the same
22 unit. So, obviously the attacks would happen on
23 correction officers and certainly, the population
24 during the COVID, just made things like so bad that I
25 thought at the time that human rights violations

1
2 should have been charged against the administration
3 for allowing that to deteriorate. That means the
4 correction officers were being attacked and even
5 detainees were being attacked by one another and it
6 got to a situation that it was just from one hearing
7 to another, nothing changed and to hear what's going
8 on; I like to visit also to see how you've done this
9 but it's an amazing accomplishment just to get things
10 under control there because they were out of control.

11 So, I even spoke to some of the wardens who said
12 what you had mentioned, is some of these individuals
13 don't belong here. They have serious mental illness.
14 They don't belong in jail; they belong in a hospital.
15 And so, some of the programs; what you have
16 accomplished is amazing in just over a year but when
17 you find somebody, like you mentioned there's 540
18 serious mental illness cases within Rikers. Are they
19 transferred to a hospital or do you try to do that or
20 what's the process?

21 LOUIS MOLINA: Yeah so the process - we do have
22 mental observation housing units right and those
23 individuals, when their violence is driven by their
24 mental illness, we have CAPS units, PACE units where
25 there is a higher staffing ratio for not only

1
2 correction officers that work in those units but
3 correctional health service staff that does clinical
4 treatment work for those individuals to manage their
5 mental illness. And what I'll say is as we have, as
6 you pointed out, stabilized our city's jail system in
7 addition to bringing slashings and stabbings down
8 fiscal year to date, 18 percent. And huge decreases
9 in our young adult facility of over 60 percent
10 assaults on staff are down 42 percent right.

11 We are holding individuals; it's not only about
12 staff accountability. That's important but we also
13 have to hold individuals that are in our system that
14 are committing serious acts of violence accountable.
15 We've rearrested, rearrested 22 working with the DA's
16 Office have increased 80 percent and we have a
17 functioning restrictive housing model now that allows
18 for individuals that can be separated from general
19 population and placed in restrictive housing in a
20 humane way, so that we can separate them from the
21 regular population, so that they're not victimizing
22 someone else.

23 COUNCIL MEMBER HOLDEN: But you've seen a marked
24 difference when you separate the gangs?
25

1
2 LOUIS MOLINA: Well absolutely. I mean, we have
3 moved away – we will not as long as I am Commissioner
4 have a strategy where we are going to accommodate
5 gangs where they can live together as one gang and
6 run any housing unit or any jail facility.

7 COUNCIL MEMBER HOLDEN: So, getting back to the
8 serious mental illness cases, how many were
9 transferred out of Rikers into a mental institution
10 or facility? Do you have a number?

11 LOUIS MOLINA: I don't have a number; I can try
12 to figure out. Being that many of these are pretrial
13 detainees, some of them need what's called mental
14 health restoration. That is done by the state and
15 there's a legal process for that. I don't have the
16 number off the top of my head but I could follow up
17 with your office in how many have been deemed
18 mentally unfit to sort of stand trial and deal with
19 those issues.

20 COUNCIL MEMBER HOLDEN: Okay, amongst the many
21 programs and services you have, which ones are
22 working the best that you've noticed? Whether is it
23 education, is it, does CUNY still come in there?
24 What programs are working?

1
2 LOUIS MOLINA: So, I'll let Deputy Commissioner
3 Torres speak to specific programs but what I will
4 point out is one program that had an amazing impact
5 is our Fatherless No More program. Under Pastor Tim
6 Johnson out of Orlando Florida. He imbedded himself
7 with his team, with our team, working in partnership
8 and we successfully really turned around I would say
9 the lives of 17 young adults that were all high up
10 within a gang hierarchy. Very influential and very,
11 had a high propensity for violence. And not only was
12 it faith based; it was education based. It was
13 social service based and that is really one of the
14 high programs. But I'll let DC Torres talk about
15 other programs that we have there both educational
16 and vocational.

17 FRANCIS TORRES: Good afternoon Council Member.
18 As the Commissioner has mentioned, there are a layer
19 of programs that are being afforded in our jails on
20 Rikers Island and we need to present to you the real
21 picture of it. Our programs target the needs of
22 specific individuals. For an example, our curricula
23 for young adults do very as those that we offered at
24 Rose M. Singer, as well as any other housing area or
25 facility, where we house men.

1
2 In addition to the Department of Educations
3 mandated educational services, I think that our
4 program as the Commissioner mentioned, Fatherless No
5 More has been extremely successful. As well as a
6 recent program that we've added, which is known as
7 360, which is a continuum analysis with employment
8 and discharge.

9 We've been successful as well in the restart of
10 workforce development courses across the board. And
11 we had a great delay last year, only because we are
12 embarked in the memorandum of understanding between
13 the DOC and the DOE and although we were supposed to
14 have finalized it by the beginning of the fiscal
15 year, changes within the DOE did not allow us to
16 finalize the memorandum up until the beginning of
17 January.

18 But we're happy to expand our workforce
19 development by affording additional certifications to
20 include OSHA, flagging, scaffolding enhancement of
21 our barista program, restarting of our culinary arts.
22 We're also very excited because for the first time in
23 the history of the George Vera Center, we have been
24 able to build as a division a comprehensive new space
25 that operates out of a building, known as 6A.

1
2 Unlike the Peace Center at RNDC, which many of
3 you are very familiar with, it is a location that is
4 structured in a way that encompasses computerized or
5 digital literacy, multipurpose rooms, a horticulture
6 room, a bike repair shop as well as other classrooms.
7 And our goal for GRVC unlike RNDC is that those
8 individuals – GRVC that engage in 80 percent of
9 programming and also exhibit good behavior are able
10 to have access on an ongoing basis into that space.
11 I think that I'm better at being asked questions.
12 There are specific programs aside from those that are
13 contracted by our department, which are known as
14 targeted based jail programming afforded by five
15 contracted providers. There are smaller providers
16 that we retain on a yearly basis. Something that we
17 did last year that we should make you aware of is
18 that we invested time in conducting focus groups with
19 our persons in custody. Both emerging adults and
20 adults and significantly our staff.

21 The reality is that it's not about having a large
22 number of programs. It is having and retaining
23 programs that afford quantitative programming and
24 based on that feedback provided to us by the
25 population and staff, those who are impacted the

1
2 most, we have reduced the number of programming, of
3 programs that we used to given 20K to 26. And what
4 we've done is expand on the amount of funding that we
5 allocate on a fiscal basis.

6 COUNCIL MEMBER HOLDEN: On things that work but
7 thank you so much.

8 FRANCIS TORRES: That's correct.

9 COUNCIL MEMBER HOLDEN: Thank you Commissioner.
10 Thank you Speaker.

11 COUNCIL MEMBER RESTLER: Thank you Speaker and
12 good to see you Commissioner Molina.

13 LOUIS MOLINA: Good to see you too.

14 COUNCIL MEMBER RESTLER: Known you a long time
15 and always enjoyed working together and we all know
16 Rikers has been a travesty long before you arrived
17 and that's not your responsibility but we do, you
18 know it's our job to hold you and your team
19 accountable for everything that occurs since you've
20 taken this role on.

21 I have to say before I go into the topics I hope
22 to raise today. I was really disappointed to hear
23 you mention your intention to reopen a jail on Rikers
24 and considering the capacity, my understanding the
25 ample capacity we have a number of beds that GRVC, at

1
2 RNDC and EMTC, at the NICK. I just, the spirit of
3 the law that this Council passed to close Rikers
4 Island is to close every jail as quickly as we
5 possibly can and reduce incarceration in New York
6 City and to be op, excuse me, no clapping, sorry.
7 The Speaker is going to get angry with you. You
8 don't want the Speaker to get angry with you.

9 But in all seriousness, I am very disappointed to
10 hear that. I want to move on to the topic that you
11 raised the last time you were here, which was you
12 said that you anticipate the population at Rikers or
13 in DFC custody continuing to grow to 7,000 people.
14 Horrible reality that we have the jail population
15 moving in the wrong direction after 30 years of
16 consistent declines.

17 There are many factors that you've cited for why
18 we have delays in our justice system, but one of the
19 critical factors is the failure of the Department of
20 Correction. Which just a few years ago, was
21 producing people to court on time, 97 percent of the
22 time in the PMMR this year, the Mayor's Management
23 Report, we're down to 72 percent. So, I just want to
24 start by briefly asking for brevity but in saying,
25 what are you and your team doing to get those numbers

1
2 back up to 97 percent? And other efforts you're
3 making to reduce the population in your custody?

4 LOUIS MOLINA: Sure, and I had to explain this
5 earlier with the Madam Speaker that that specific
6 metric within the MMR, while important, it really
7 only speaks to on time trial production and not all
8 of the court production that is done to bring
9 defendants to deal with their adjudication process.

10 So, in January of 2022, our overall court
11 production was about 60 percent. We've raised that.
12 We're at between 88 and 90 percent now. What has
13 been a strange, disturbing situation for us regarding
14 court production is the significant increase of
15 defendants refusing to go to court.

16 In August, that number was at 209, in January of
17 this year, it was 873 and in February it was 789.
18 What we've done is we've added the extra layer on
19 body worn camera recording these refusals, so that we
20 can provide them to the courts, so that the courts
21 can issues securing orders so that we can use force
22 if necessary to bring these individuals to court for
23 their adjudication process. I don't want to have
24 officers, which was the routine practice and what got
25 us probably into federal monitorship was them on

1
2 themselves deciding that they were going to use
3 physical force to get someone to go to court. We
4 need the courts involved with this issue and we've
5 made them very, very aware of it.

6 COUNCIL MEMBER RESTLER: To be fair though that's
7 responsible for a modest percentage of the dramatic
8 decline in the Department of Corrections failure to
9 produce people to court on time and if we are failing
10 to produce people to court on time, considering the
11 delays that we're facing in the justice system more
12 broadly, it has dramatic impacts for extending the
13 length of stay, which we have to have to have to
14 drive down.

15 You know you mentioned the limited role or it's
16 up to DDC on the timelines for the construction of
17 the borough-based jails. We know that there's a team
18 at DOC that's dedicated to this full time and working
19 with DDC on this. But I actually want to speak to a
20 different area where my understanding is DOC's lack
21 of cooperation has delayed construction timelines.
22 And that is the therapeutic beds. You said that
23 there's broad consensus that we need alternative
24 treatment models for people with serious chronic
25 health conditions. Council Member Holden, myself, I

1 think folks across a broad ideological spectrum are
2 raising serious concerns about the people with mental
3 illness, serious mental illness. My understanding is
4 1,100 people on Rikers Island today with serious
5 mental illness who are stuck on Rikers and not in the
6 facilities that are supposed to already be open in
7 our hospitals to provide them with immediate access
8 to inpatient care. The facility of Bellevue, which
9 is fully funded, was supposed to open last year. My
10 understanding is maybe it will open this year.
11 There's no timeline for the beds that are supposed to
12 open at North Central Bronx or Woodhall in
13 Williamsburg. What is the status? Why is DOC not
14 cooperating? When will each of these facilities have
15 opened, therapeutic beds?

17 LOUIS MOLINA: So, let me just clear up the fact
18 that DOC is cooperating. And DOC is more engaged
19 than it ever has been in this issue. The reality is,
20 that those therapeutic beds are not for the mentally
21 ill. They're for those that are suffering from other
22 medical conditions, which I think are also equally as
23 important but at the end of the day, what's being
24 built in these therapeutic units are not medical
25 units. They are jails and because they are jails,

1
2 there are regulations that are dictated by the State
3 Commission on Corrections. There are minimum
4 standards that have to be reflected in the designs of
5 these renderings and these facilities. In order for
6 the state to commission them as jails and what we
7 informed DDC and Health + Hospitals Corporation that
8 the original designs that they provided did not meet
9 these standards. Now, we were the messenger but the
10 reality is that if we would have let those designs
11 move forward, the State Commission on Corrections
12 would not have commissioned those facilities.

13 COUNCIL MEMBER RESTLER: My understanding is that
14 DOC has been nonresponsive for periods of time, which
15 has led to this delay.

16 LOUIS MOLINA: Who ever told you that, I'm
17 telling you on the record is a liar.

18 COUNCIL MEMBER RESTLER: Well, other city
19 agencies. So, I just want to be clear, these are
20 your colleagues but -

21 LOUIS MOLINA: Well, if they told you that,
22 they're a liar.

23 COUNCIL MEMBER RESTLER: It's the Adam's
24 Administration. I just want to be clear. With that
25 being said, my understanding, if this is compliments

1
2 of SCOC, then we'd like to see documentation that
3 this came SCOC. That this wasn't from DOC and my
4 understanding is that the delays due to the lack of
5 cooperation and responsiveness from DOC have now led
6 to a reduction in the number of therapeutic beds that
7 are going to be operating at Bellevue where it was
8 initially estimated to 115 and are now down to 100.

9 LOUIS MOLINA: Well, I think if Health +
10 Hospitals wanted to design a jail, they should have
11 consulted with us sooner. The fact of waiting until
12 this administration is over and then decide did they
13 need from us in order to build a jail.

14 COUNCIL MEMBER RESTLER: These are therapeutic
15 beds with access to immediate inpatient health
16 services and these are places where people with
17 serious chronic conditions, physical and mental
18 health conditions can access the support they need in
19 real time, rather than being stuck on Rikers Island.
20 If DOC was more cooperative in getting this done, we
21 would already have moved well over 100 people in
22 serious need off of Rikers Island. That has not
23 happened. We do not have a timeline for when these
24 beds will open or the remaining beds will open at
25 Woodhall or North Central Bronx, when in fact, we

1
2 need many, many more beds than the 380 that were
3 initially funded.

4 So, I really hope that moving forward, this will
5 be a priority. If we want to take a different
6 approach to helping people with serious illness, then
7 just leaving them to die on Rikers Island, then this
8 is a solution that we can invest in. It is an
9 absolutely worthwhile investment for us to make. We
10 need your cooperation to do it. I hope that all of
11 the beds that have been funded and many more will
12 come online in the near future.

13 LOUIS MOLINA: Well, I've been cooperative,
14 despite what you may have been told.

15 COUNCIL MEMBER RESTLER: Thank you Commissioner.

16 SPEAKER ADAMS: Thank you. Council Member
17 Ariola, Council Member Paladino, Council Member
18 Brewer.

19 COUNCIL MEMBER ARIOLA: Thank you Madam Speaker.
20 Thank you Commissioner and thank you for your team
21 for being so informative and not saying once, I'll
22 get back to you, appreciate that. How many officers
23 are still going into 24-hour shifts and are they
24 allowed meals during those long shifts?

1
2 LOUIS MOLINA: Yeah, we have significantly
3 reduced the number of triple shifts and I just want
4 to define what triple shifts looks like. If a member
5 does a double, which is not a convenient and pleasant
6 occurrence but does happen in the correction practice
7 where someone may work a double and be stuck on a
8 shift. That's just about 16 hours and 30 minutes.
9 If they go into one minute, 16 hours and 31 minutes,
10 then it's designated as a triple shift. So, we have
11 significantly reduced triple shifts. I made it clear
12 to the facility leaders that people should not be
13 stuck on triple shifts and what we have done is we
14 have continued to redeploy staff to make sure that
15 those members of service are relieved so that they
16 are not going into triple shifts. And in fact, on a
17 daily basis, I have the facilities notify me who is
18 on a triple shift and what we've seen is a
19 significant decline in the number of people that may
20 have been stuck a minute or an hour into going into a
21 triple shift. That has significantly diminished.

22 COUNCIL MEMBER ARIOLA: Okay, thank you and what
23 accommodations is the DOC making for correction
24 officers who are single moms, possibly with children
25

1
2 with special needs? And what happens when they need
3 to work additional shifts?

4 LOUIS MOLINA: So, we have a number of reasonable
5 accommodation process for individuals that may have a
6 family member need to use FMLA, which we share with
7 our workforce and our organizational health strategy
8 to make sure that we're guiding them in what we need
9 individuals to do but we are a 24/7 operation. So,
10 as much as we want to support our staff and all of
11 their personal needs, we want to make sure that they
12 can function in the core responsibility in which
13 we've hired them.

14 We are in talks with the Office of Labor
15 Relations. I've talked with a number of my
16 colleagues in thinking about this unique situation
17 that we find ourselves in, which I think is a really
18 honorable thing. With about 43 percent of our
19 workforce as females. And some of those women are
20 single parents. We do have men that are also single
21 parents as well and we want to find what type of
22 support mechanism can we give that work off when it
23 comes to child care. I think it's an area that has
24 not really been explored in corrections in the past.

1
2 So, we're thinking through how can we sort of provide
3 support mechanisms for single parents?

4 COUNCIL MEMBER ARIOLA: Uhm, we've talked a lot
5 about the borough-based jails and the closing or
6 keeping up with Rikers. But if the borough-based
7 jails can only hold 3,300 inmates in the current
8 population is near 6,000 at Rikers Island and
9 approximately 80 percent of the inmates are facing
10 violent and felony charges that cannot be bail. They
11 cannot be bailed out. Would it be impossible to
12 house the current inmate population into the proposed
13 new jails that are borough based?

14 LOUIS MOLINA: Yes, so if we are at today's
15 number in whenever the borough-based jails would open
16 or if that number is higher, then it would be
17 physically impossible to house all those individuals
18 within our jail system if our capacity was at 3,300.
19 We would need to come up with alternative solutions
20 of where those individuals would be housed. Now, we
21 could get to a place where we can see declines in the
22 population. I think we need two things. We need the
23 adjudication of justice, which is under the control
24 of the state to be faster. Just recently, we had
25 someone who was waiting to be sentenced and that

1
2 defendant was in our custody for six years for an
3 attempted murder case. And when you have almost
4 1,000 people charged with murder in a backlog court
5 system, then the flow of those defendants is not
6 quick. So, we need, we are thinking about what are
7 going to be the alternative if our population of our
8 jail population continues to stay high. And the
9 other thing what we've talked about a lot this
10 afternoon is mental illness. If the state does not
11 increase the capacity to be able to treat mental
12 illness and if we're going to continue to designate
13 via the courts, mental health patients with a
14 designation of criminal defendant, then they are a
15 justice system responsibility. If we want to treat
16 them as hospital patients, then we need hospital
17 capacity to do that. But I would imagine that our
18 judges, even those inclined to want that pathway can
19 do it if the capacity isn't there.

20 COUNCIL MEMBER ARIOLA: I appreciate your
21 answers. Thank you Commissioner.

22 LOUIS MOLINA: Thank you.

23 COUNCIL MEMBER PALADINO: Good afternoon and
24 thank you very, very much. The justice system right
25 now is a travesty. I, for one, believe Rikers Island

1
2 should remain open and I do believe in everything
3 that you are trying to do. It's difficult at this
4 time. We must hold the state responsible for a great
5 deal of what our shortcomings are down here in New
6 York City. We're not doing that. We need money. We
7 need support from upstate. We talk all the time
8 about the separation of crime, mental illness and
9 drug addiction. This is a must. This is not your
10 problem at this time. The problem lies within the
11 state. Am I right or am I wrong?

12 LOUIS MOLINA: You're correct. I mean the state
13 has a responsibility in ensuring that its courts and
14 to some degree our district attorneys are funded
15 properly to fund and manage that they place with
16 their reform efforts. They also have a
17 responsibility to increase the capacity, not only in
18 New York City but throughout the state to be able to
19 provide for the care of those suffering from mental
20 illness and substance abuse addiction. And we as a
21 nation deinstitutionalize efforts to decentralize
22 that and just totally shut down psychiatric
23 facilities, it was a detriment generations later.
24 We're still paying the price for that.

25

1
2 COUNCIL MEMBER PALADINO: Well, like you said, it
3 was back in 1965 when they came along and just shut
4 down every possible facility. I also heard a mention
5 of beds and not being you know, you're responsible.
6 You're not responsible for DDC and their lack of
7 doing what they're supposed to do, are you?

8 LOUIS MOLINA: Well, I think that the children
9 with the building of these facilities is we had a
10 pandemic right?

11 COUNCIL MEMBER PALADINO: Right.

12 LOUIS MOLINA: That can't be discounted. That
13 presented significant supply chain issues. After a
14 pandemic, we have a war in Eastern Europe that impact
15 the supply chain issues. There is global unrest that
16 it's impacting our domestic ability since we have a
17 globalized interconnected system to deal with supply
18 chain issues. Because quite frankly, we just don't
19 build anything in this country anymore. We are so
20 dependent on outside resources to do a lot of this
21 development construction supply chain, that that is
22 what has contributed significantly to the delays of
23 the borough-based jail projects. So, I don't put
24 that blame on DDC. We are in an environment that is
25 significantly different than ten years ago.

1
2 COUNCIL MEMBER PALADINO: Absolutely. Okay, so
3 the 6,000 inmates that we have in Rikers right now,
4 out of that 6,000, 1,000 are the ones that are with
5 mental illness and other illnesses?

6 LOUIS MOLINA: No, so, we have approximately -
7 yeah, yeah, so for mental illness, about 50 percent
8 of the population has been diagnosed with some level
9 of mental illness.

10 COUNCIL MEMBER PALADINO: Right.

11 LOUIS MOLINA: So, let's just say that's about
12 almost 3,000, just under 3,000 and those suffering
13 from serious mental illness. Out of that group, it's
14 18 percent. That's about 540 people but we do have
15 individuals that are charged with significantly
16 violent crimes on Rikers Island.

17 COUNCIL MEMBER PALADINO: Correct.

18 LOUIS MOLINA: We have over 1,500 people that
19 have been charged with murder, manslaughter and
20 attempted murder on Rikers Island and almost 300
21 individuals that have been charged with rape and
22 other sexual assault that are in our custody.

23 COUNCIL MEMBER PALADINO: Like we said once
24 before and it's worth repeating, Rikers Island is
25 holding the worst of the worst as far as criminals go

1
2 in the City of New York because most of the criminals
3 are – most of the people that are arrested today for
4 violent crimes are released in our turn-style system.
5 So, that's a fact. Yeah, well we'll have to agree to
6 disagree.

7 So, I do want to say thank you for what you're
8 doing.

9 LOUIS MOLINA: Thank you.

10 COUNCIL MEMBER PALADINO: And carry on.

11 LOUIS MOLINA: Thank you.

12 SPEAKER ADAMS: I would take exception with my
13 colleagues expression worst of the worst. Council
14 Member Brewer.

15 COUNCIL MEMBER BREWER: Thank you very much and
16 thank you Commissioner. I know that I've been to
17 Rikers meeting with you and meetings, and I
18 appreciate them and I appreciate Kat Thompson for
19 everything that she does.

20 LOUIS MOLINA: Yes, Kat's great.

21 COUNCIL MEMBER BREWER: Uhm, my questions are
22 communication. I had a lot of foster care kids,
23 communication with them at Rikers. It's incredibly
24 important. So, while detainee male scanning's is off
25 the table, my understanding is that you are moving

1
2 forward with a new contract with securers for other
3 services. So, I want to know what will be included
4 in the contract? What are the new services and will
5 you provide the Council with contract information
6 without reductions, redactions, I'm sorry,
7 redactions.

8 LOUIS MOLINA: Got it. So, I'll let DC Lyons go
9 over the particulars of the securest contract for
10 you.

11 COUNCIL MEMBER BREWER: Okay.

12 LOUIS MOLINA: And I'll let her take it from
13 there.

14 PATRICIA LYONS: Good afternoon. Thank you for
15 the question. So, at present, we're renewing, we're
16 exercising our fourth renewal for the securest
17 contract for the telephone system on Rikers Island
18 and included in that is going to be an amendment that
19 was previously filed with the Comptroller for tablets
20 for persons in custody.

21 I defer to DC Torres on the rollout of the tablet
22 program that's being rolled out as part of this
23 contract, but it's already underway so the secures
24 contract had five one-year renewal options after its
25 five-year term concluded, so we're exercising renewal

1
2 for it at this time. So, only change in that renewal
3 will be the addition of the tablets.

4 COUNCIL MEMBER BREWER: Okay, and how much is
5 that contract for?

6 PATRICIA LYONS: So, the original annual renewals
7 up to the capacity is generally \$3 million with the
8 addition of the tablets, it's going to be
9 approximately \$5.4 million.

10 COUNCIL MEMBER BREWER: \$5.4, okay.

11 LOUIS MOLINA: and Ma'am, if I could just add
12 that though that contract is going up, we did realize
13 a net savings of \$3 million from stopping the use of
14 the prior tablet vendor, which was not delivering the
15 services that we needed for the population. So, the
16 Department did realize a savings of about \$3 million.

17 COUNCIL MEMBER BREWER: Okay, Local Law 144 of
18 2018 requires that phone calls are provided free of
19 charge to people in custody. Please explain how this
20 works in practice and whether Chavalit based audio
21 calls and tablet-based video calls are or will be
22 provided free of charge to people in custody? And I
23 have a follow-up call to that question.

24 LOUIS MOLINA: Sure, so as you know, based on the
25 Local Law, the person in custody get 21 minutes of

1
2 free call time to call their loved ones every three
3 hours during the time of when individuals are out of
4 cell. From around 5 a.m. until about 9 p.m. in the
5 evening and the telephones were on the walls in the
6 congregate setting areas of the housing units as you
7 know because you have visited there many, many times.
8 What's happening with the tablets is really an
9 extraordinary expansion of the capability for
10 detainees to be able to make calls. Because all of
11 the calls that can be made on the tablet if someone
12 is residing in a living unit where there is cells,
13 then they can have those calls in the privacy of
14 their cell with their loved ones. There's no fee for
15 that.

16 So, the same 21 minutes of free call time every
17 three hours is available on the tablet to call, so
18 that people don't have to use a wait in line for a
19 wall phone. So, that's hasn't impacted any ability
20 or added any cost to loved ones to be able to make
21 those calls. We do have video visitation, which is
22 not happening on the tablet, that is separate from
23 the tablet. We are exploring how we can leverage the
24 tablet to possibly do video visitation, but it's not
25 - I don't anticipate there being a fee for that, as

1
2 we don't charge a fee right now for video visitation,
3 so we just have to sort of figure out how we would do
4 that if we were going to leverage to increase our
5 capacity through video visitation on the tablet.

6 COUNCIL MEMBER BREWER: The face time.

7 LOUIS MOLINA: Sort of like a face time.

8 COUNCIL MEMBER BREWER: Okay, the question I have
9 is I met with correctional health because as you
10 know, I was concerned why it wasn't working as
11 properly as we all think it should. And apparently
12 they cannot however call the detainee to say, you
13 have an appointment with the doctor now. Is that
14 correct? In other words were there concerns about
15 calling in to the tablet and to the person? Go
16 ahead.

17 LOUIS MOLINA: So, the way calls work, whether
18 it's a tablet or not is the detainee calls whomever
19 they want to call.

20 COUNCIL MEMBER BREWER: Correct.

21 LOUIS MOLINA: Sometimes that 311, sometimes it
22 grandma.

23 COUNCIL MEMBER BREWER: No, I understand that.
24
25

1
2 LOUIS MOLINA: There's never been a situation
3 where people can call to speak to someone that's in
4 custody.

5 COUNCIL MEMBER BREWER: I understand that. I'm
6 trying to think if how we could get people on a more
7 regular basis to the doctor, to the court, to places
8 that would be limited. I'm not going to say
9 grandmother or foster mom is going to call but would
10 there be some way that limited numbers could be sent?
11 It's something to think about.

12 LOUIS MOLINA: Yeah, yeah, I mean, I'll happily
13 think about it and engage with correctional health
14 services.

15 COUNCIL MEMBER BREWER: Limiting the numbers,
16 limiting, you have certain numbers that could except
17 calls from not grandma, not me.

18 LOUIS MOLINA: Sure, let me uhm, I mean, let me
19 think that through because if there's -

20 COUNCIL MEMBER BREWER: They would like to do
21 that at Correctional Health.

22 LOUIS MOLINA: Well, they've never told me that.

23 COUNCIL MEMBER BREWER: I know, they told me
24 though.

1
2 LOUIS MOLINA: But I appreciate them letting you
3 know, so that you could tell me at a public hearing.

4 COUNCIL MEMBER BREWER: Exactly.

5 LOUIS MOLINA: So, I'll follow-up with
6 correctional health services, who I see every day and
7 you think that they would tell me that that's
8 something -

9 COUNCIL MEMBER BREWER: You and I have had
10 correctional health discussions before, so I'd be
11 glad to express their concerns to you.

12 LOUIS MOLINA: Thank you for being the bridge of
13 communication between us.

14 COUNCIL MEMBER BREWER: Okay, now just finally, I
15 know that you said that maybe ten percent folks are
16 not able to for whatever reason to get to court or
17 some percentage like that. 80 to 90 percent are
18 according to you. That ten percent is still quite a
19 few people and it's making a challenge. What are
20 your ideas about how to address it? I know some of
21 it is refusal, something, something else. What are
22 some ideas that you could think of to address that
23 ten percent?

24 LOUIS MOLINA: Sure, so we have built out a
25 dashboard with OCA and I do regularly work with

1 judges and they say listen, "we have a multidefendant
2 case. These defendants have to be here and they have
3 to be here at this time because we have a jury and
4 panel. And we make sure that those individuals are
5 on a priority.
6

7 If individuals refuse, we are recording those
8 refusals. We're in communication with the courts, so
9 that the judge can make their own independent
10 decision if they want to issue a securing or a force
11 order. We have still asked the state to sign
12 executive orders to allow still for certain court
13 processes to be videoed, to make sure that somebody
14 could still go through that process. And we also
15 have been having our workforce engage, supervisors
16 engage with individuals that are refusing to try to
17 gain their compliance to go to court.

18 COUNCIL MEMBER BREWER: Okay, the only other
19 suggestion I would make would be the fathers program,
20 Reverend Johnson, 360. I would say that maybe those
21 programs could also be helpful.

22 LOUIS MOLINA: Oh, they have been.

23 COUNCIL MEMBER BREWER: I know but getting them a
24 number of NICKS to attend or whatever the issue is as
25 opposed to the more punitive. Something to suggest.

1
2 LOUIS MOLINA: Well, those providers, pastor Tim
3 Johnson and those that are involved in those
4 initiatives, predominantly young men are not the ones
5 that are refusing to go to court right? Could we
6 increase that bandwidth to engage with others that
7 are refusing? I'm happy to explore that.

8 COUNCIL MEMBER BREWER: In other words, somebody
9 who has a trust relationship that could hopefully get
10 this.

11 LOUIS MOLINA: So, you'll be happy with this
12 Council Member. Legal Aid has been on Rikers Island
13 for decades.

14 COUNCIL MEMBER BREWER: Correct.

15 LOUIS MOLINA: And I regularly meet monthly with
16 the Director of Legal Aid, so I could say listen -

17 COUNCIL MEMBER BREWER: I know her, yes.

18 LOUIS MOLINA: It's a gentleman, Diego.

19 COUNCIL MEMBER BREWER: Okay, it's a woman that
20 calls. It's a woman me to tell you things. So, it's
21 someone different.

22 LOUIS MOLINA: Yeah, yeah, so that might be
23 somebody else but either way, Diego who I meet with
24 on a monthly basis, we started this and this came out
25 of the Mayor's criminal justice summit and we said

1
2 listen, let's work together so that if there are
3 operational barriers that you have, how do we work
4 those out?

5 And one of the things that he presented to me
6 was, sometimes I have a paralegal in one facility
7 where there's not really much going on. I have a
8 backlog of others issues I need to address in another
9 facility but I can't redeploy that paralegal there.
10 And I said, well, why not? He said because we don't
11 have departmental ID. Now, we give departmental ID
12 to providers that have contracts.

13 I said, I was shocked. So, I said well, I'll
14 give you ID. We've given Legal Aid that work on
15 Rikers Island departmental ID. We give them Gate 1
16 passes, so they can drive. They can go to other
17 facilities and this has had a huge impact. We're
18 staffing, legal aid resources within our intake.

19 COUNCIL MEMBER BREWER: Okay.

20 LOUIS MOLINA: So, that a person coming in and
21 those individuals also are engaged with informing the
22 defendants that it's in their best interest to
23 cooperate with their court process.

24 COUNCIL MEMBER BREWER: Okay, thank you very
25 much. Thank you Madam Speaker.

1
2 SPEAKER ADAMS: Thank you Council Member Brewer.
3 We'll now go to Council Members Schulman, Vernikov
4 and Narcisse.

5 COUNCIL MEMBER SCHULMAN: Thank you Madam Speaker
6 and good afternoon Commissioner.

7 LOUIS MOLINA: Good afternoon Ma'am.

8 COUNCIL MEMBER SCHULMAN: So, what I want to ask
9 you is related somewhat to what the speaker alluded
10 to earlier when she was talking about the Federal
11 Monitor and the absenteeism and all of that. So, my
12 question is, you know I've been a Council Member for
13 about a year and a half now. I've been on the
14 Committee for about a year and a half and whenever we
15 have these hearings, you talk about the progress that
16 you're making in this and granted that the numbers
17 are better and all of that but what I want to know is
18 when we're going to see results, because we still
19 have people dying on Rikers Island. We still have
20 Corrections Officers that find themselves in
21 situations because there's not enough other
22 Correction Officers around for them. So, when are we
23 going to see results that have do with the people on
24 the island?

1
2 LOUIS MOLINA: So, I think you've seen results.
3 We have - slashings and stabbings have decreased 18
4 percent Fiscal Year to date. Assaults on staff have
5 decreased 42 percent. We have more persons in
6 custody engaging in programming services which were
7 nonexistent too long in the facility.

8 So, there has been impact on not only the persons
9 in custody but impact on the persons, the staff that
10 work on Rikers Island and as you all know because
11 you've raised the issue of in custody deaths is one
12 that demands our immediate attention and action.

13 While leaving one death in custody is unacceptable, I
14 stand before you today to share some promising news
15 about strides that the New York City Department of
16 Correction has made in addressing the critical issue.

17 Over the past year, we have implemented significant
18 reform efforts and recruited correctional experts
19 from around the country to help tackle the challenge
20 head on. And despite the high number of deaths in
21 custody that we experience in 2022, I'm proud to say
22 that there reform efforts have taken shape and the
23 Department is now in a positive trajectory for 2023.
24 When we compare our jail system to other jails of our
25 population and size, we have achieved significant

1 reduction and in custody deaths per 1,000 detainees.

2 In fact, our rate is 65 percent below the cohort
3 average and we are experiencing nearly three times
4 fewer in custody deaths per thousand persons in
5 custody than our peers.
6

7 While we acknowledge that even one death is too
8 many, this statistic is a testament to the
9 effectiveness of our reform efforts and the
10 dedication of our staff to ensuring the safety and
11 wellbeing of our people in custody. But let me
12 clear, our work is far from over. We know that there
13 is always room for improvement and we are committed
14 to continuing to implement evidence-based strategies
15 that will further reduce the number of in custody
16 deaths in our facilities.

17 COUNCIL MEMBER SCHULMAN: Well, what I'm going to
18 say is I look forward to not picking up the newspaper
19 every so often and seeing about a death on Rikers
20 Island or a Correction Officer that's been hurt
21 because there aren't enough staff.

22 I want to ask you, what's the average length of
23 stay now on Rikers?

24 LOUIS MOLINA: The average length of stay is
25 approximately 115 days.

1
2 COUNCIL MEMBER SCHULMAN: Is that the highest in
3 the country?

4 LOUIS MOLINA: So, the Department of Corrections
5 unfortunately has always had the highest length of
6 stay in the country. Before COVID it was about 80
7 something days. During the height of COVID, it was
8 about 140 days. We have brought that down to 115
9 days. So, yes, it is the highest in the country and
10 until the bandwidth of the adjudication of justice
11 has widened, that length of stay is only going to
12 increase because the persons leaving the system are
13 not leaving fast enough, whether that's to be
14 returned back to their communities or to go serve
15 their sentences up state.

16 COUNCIL MEMBER SCHULMAN: Do you have a breakdown
17 of people that are there for the longest length of
18 stay right now and why they're there?

19 LOUIS MOLINA: Yeah, what I can share with you is
20 that if we have a defendant that's charged with
21 murder, attempted murder or manslaughter, which is 30
22 percent of our population. Their average time in
23 custody is about 17 months. If you're charged with a
24 rape or a sexual assault, your average time in
25 custody is about ten months. When we look at persons

1
2 in custody time, we have approximately 500
3 individuals that have been in our custody for two
4 years or more. We have about 800 individuals that
5 have been in our custody from one to two years, and
6 the balance of that is anywhere from six months to a
7 year is in the thousands.

8 COUNCIL MEMBER SCHULMAN: Okay, thank you. I
9 just want to ask one more question. I know my time
10 is running out.

11 LOUIS MOLINA: Sure.

12 COUNCIL MEMBER SCHULMAN: It's about women, trans
13 and gender nonconforming people. The 280 plus women
14 transgender and gender nonconforming people held on
15 Rikers Island are often overlooked. They make up
16 five percent of the New York City jail population.
17 They frequently have different pathways to Rikers as
18 compared to men. A high number are domestic violence
19 survivors whose crimes relate to their abuse. 79
20 percent have some form of mental illness versus 48
21 percent of men. Many are caregivers, meaning
22 incarceration can extend instability and trauma to
23 the children and families who rely on them. Overall,
24 women and gender expansive people are lower safety
25 risks than men and lower rates of recidivism. What

1
2 resources is the Department and city investing in
3 proven diversion and anti-recidivism programs geared
4 towards women and gender expansive people like
5 Sherow(SP?), the Women's Project, the Women's Prison
6 Association and Glitz to significantly reduce the
7 population of people at Rosie's?

8 LOUIS MOLINA: Yeah, so we have you know
9 specifically to Rosie's which has predominantly of
10 our cisgender women that are housed in custody there,
11 and we do have a number of transwomen that are housed
12 in Rosie's as well. We have significant programming
13 and engagement for the facilities at Rosie's. Are we
14 perfect? No. We are always looking to expand those
15 capabilities and we work with a number of nonprofits,
16 new nonprofits that might be able to provide
17 services, not only to women but other unique and
18 vulnerable populations persons in the trans
19 community. We're always open to doing that as well.
20 So, we have a number of programming initiatives that
21 address a whole host of different vulnerable
22 populations that are in our custody.

23 COUNCIL MEMBER SCHULMAN: My time has run out and
24 I know my colleagues have questions but if you can
25

1
2 send us a list of the programs and the interventions
3 you that you on women at Rosie's.

4 LOUIS MOLINA: Sure, we can do that. No problem,
5 you got it.

6 COUNCIL MEMBER SCHULMAN: Because I would really
7 appreciate that. Thank you.

8 SPEAKER ADAMS: I'd like to acknowledge we've
9 been joined by Council Member Avilés. I didn't see
10 you down there. Council Member Vernikov.

11 COUNCIL MEMBER VERNIKOV: Thank you.
12 Commissioner, do you believe closing Rikers will make
13 our neighborhood safer?

14 LOUIS MOLINA: I think that if we do not have a
15 jail system in our city, whether it's Rikers or not
16 that can manage the capacity of those that are
17 charged with - if we have more people that are
18 charged with violent crime, that we cannot house, it
19 would make our public safety strategy tougher. So, I
20 think as a large American city, I think we can be
21 proud in that. We have the lowest per capita
22 incarceration rate of a large American city and
23 having a population today at 6,000, with a population
24 of this city at \$9 million is something to be proud
25 of but can we do better? I think that we have to

1 focus on not so much the place. I think our jail
2 systems challenges and problems are not a place-based
3 problem. They become a place-based problem when we
4 don't support the infrastructure that's needed in
5 order to make the system functional and it's really a
6 system problem and what we have been focused on over
7 the last 15 months is really addressing the systemic
8 failures that exist in the justice system
9 particularly within how we manage those that are in
10 custody.
11

12 COUNCIL MEMBER VERNIKOV: Thank you and given how
13 expensive the borough-based jails are, will closing
14 Rikers save the city any money?

15 LOUIS MOLINA: I mean, the cost of incarceration
16 in America and in this city is very high. When we
17 look at the cost of incarceration for jails and
18 prisons in America, we spend upwards of over \$85
19 billion to do so. So, I think it remains to be seen.
20 I think not so much, obviously there are
21 infrastructure costs to building jails and because of
22 those security parameters, those are very, very
23 expensive. But looking at the per capita costs of
24 people that are incarcerated, which is high, it would
25 be better if our state increased its mental illness

1
2 capacity to treat individuals suffering from mental
3 illness and substance abuse. That would be a more
4 cost-effective strategy in order to lowering the cost
5 of our current justice system the way it is now.

6 COUNCIL MEMBER VERNIKOV: Thank you and what do
7 you think would be necessary to contribute to the
8 safety of both inmates and correction workers?

9 LOUIS MOLINA: Yeah, so I think you know we have
10 to have a jail system that's built on a foundation of
11 security and safety with the moral compass of humane
12 management and justice and you can have all of those
13 things in a jail system. I think you have to hold
14 staff accountable in order to create safety but you
15 also have to hold the detainees accountable as well.
16 We have that now with our new recently released
17 restrictive housing plan, which does allow us to
18 remove those actors that commit serious acts of
19 violence against, in the majority of cases, other
20 persons in custody or staff. So, that we can deal
21 with helping them unlearn the behavior of responding
22 to incidents of conflict with violence.

23 So, that's one part of a strategy and I talked
24 about a number of other strategies that we've done to
25 stabilize our system and make it safer.

1
2 COUNCIL MEMBER VERNIKOV: What kind of
3 recruitment outreach do you do in communities where
4 English is the second language, it's not their first
5 language?

6 LOUIS MOLINA: Sure, so we have a number of staff
7 that are bilingual, that speak a number of languages
8 whether that's Spanish, Tagalog, if they're Filipino.
9 So, we do have that. We have East Asian Language
10 Speakers as well. We do have the language line. Our
11 tablets have features for changing of language to
12 other languages if somebody cannot read English. So,
13 we do have capabilities to deal with non-English
14 Speakers.

15 COUNCIL MEMBER VERNIKOV: Thank you and the New
16 York City Correction Officer title has the second
17 highest vacancy rate in New York City after executive
18 assistant title. The DOC is the agency with the
19 largest vacancy rate and that includes all ranks.
20 What explains this alarming level of attrition and
21 what specific plans do you have to backfill the
22 thousands of officers who have resigned over the past
23 three years?

24 LOUIS MOLINA: So, I think there's a number of
25 issues that have driven our attrition rates to all-

1
2 time highs. One is, you know people have to feel
3 safe at work and for a long time, for many years
4 going back to 2019 as the earliest, people just did
5 not feel safe as far as employees.

6 There was no organizational health strategy and
7 staff, which is quite frankly just not supported for
8 whatever reason. That was the decision that was made
9 by the prior administration. So, when you have an
10 organization and that's the environment that
11 individuals work in, whether you work at the
12 Department of Correction or you work in any other
13 private sector agency, you're going to have high
14 rates of attrition and have challenges with
15 retention.

16 We have, as I shared earlier, have an
17 organizational health strategy now to support staff.
18 We are doing a lot of recruitment efforts to help
19 better support individuals through their candidate
20 process to be hired, and we have a number of
21 initiatives in place to help ensure that people
22 retain and do what we find to be not only the
23 toughest job in law enforcement but a very, very
24 honorable profession in helping the most vulnerable.

1
2 The majority of our workforce comes from the same zip
3 codes as the persons that are in custody.

4 Day two on the frontlines of fight of reform and
5 day one reform as much as everybody else wants reform
6 in our system.

7 COUNCIL MEMBER VERNIKOV: Thank you.

8 SPEAKER ADAMS: Thank you and before we move on
9 to Council Member Narcisse, the Deputy Speaker has a
10 comment.

11 COUNCIL MEMBER AYALA: Commissioner, you have
12 oversight over the Manhattan Detention Center and the
13 Brooklyn Detention Center, right?

14 LOUIS MOLINA: I would if it was open but it's
15 currently closed.

16 COUNCIL MEMBER AYALA: But well, you have but
17 correction. I mean, I know you've only been here a
18 short year but have you heard of any incident where
19 there would be any impression that these facilities
20 are harmful or creating a nuance in those
21 communities? Because I have never heard of a single
22 incident where – and I think this also comes from
23 people not knowing people that are in jail.

24 LOUIS MOLINA: Sure.
25

1
2 COUNCIL MEMBER AYALA: Because when you know
3 somebody that's been incarcerated, you know that when
4 they come out of the facility, the last place they
5 want to hang out is in front of the facility. They
6 run for the hills wherever it is that they are going
7 to. So, I just want to make that point because I
8 think that there's like this narrative going around
9 and I just need to remind folks that the borough-
10 based jail conversation was a conversation that we
11 had extensively in this body for a number of year
12 before we made the determination and that's the
13 existing borough-based facilities are and have been
14 part of our community for many, many years without
15 incident.

16 So, we're not adding anything new. We're
17 modernizing facilities that have been outdated and do
18 not offer the level of care, cannot offer the level
19 of care and security that we should have in the city
20 of New York. So I really want to put that out there
21 because the fear mongering you know we can do without
22 and I think that if we're going to have a
23 conversation about closing or not closing, whatever
24 your position is, it should be based on the facts and
25 only the facts.

1
2 LOUIS MOLINA: No, I agree with you. So, as you
3 rightly pointed out, our Brooklyn, Queens and
4 Manhattan facilities have always existed right? So,
5 they're not a new phenomenon and I haven't heard of
6 any, as you pointed out, external community
7 incidences that may have happened because of the
8 impacts of the jails in those areas. Those specific
9 three. I will also say that you know we're using the
10 borough-based jails but those facilities are an
11 important part of the logistical ecosystem. In order
12 to bring people to court, one bill will become a
13 critical part of our intake processes for new
14 admissions for people coming into the system.

15 So, you know I've never, I think have been public
16 about stating that the borough-based jails were a
17 harm in any way to the communities in where they are
18 located from. And for Brooklyn, Queens and
19 Manhattan, they are collocated to the courts which
20 makes their locations I think uniquely strategic in
21 ensuring that we can increase our logistical capacity
22 to ensure that people are making it to court. People
23 are prepared to be at court. If someone is going
24 through a trial, they would be at that borough-based
25 facility to manage however the length of that trial

1
2 may be. It provides for I think an easier pathway to
3 increase the access to justice for the defense of our
4 attorney's to be able to engage with their clients
5 and strategize what you will to deal with their
6 cases. So, they play a vital role.

7 COUNCIL MEMBER AYALA: And for families to engage
8 with their children.

9 LOUIS MOLINA: That too and visitation as well.

10 COUNCIL MEMBER AYALA: Exactly, visitation is a
11 vital part of you know of this process but I also
12 wanted to address the worst of the worst you know
13 comment because you know, my brothers in there for
14 you know a minor - an offense that occurred while he
15 was really you know not in the right state of mind
16 but the truth is that most of the people that are at
17 Rikers Island are there for a short, supposed to be
18 there for a very short amount of time. These are
19 people that have been sentenced to you know a few
20 months. Criminals right, people that are killing
21 people, that are shooting people, that are raping
22 people, those folks are out. They are sentenced out
23 of New York City. They're not in New York City based
24 jails right? Those folks are upstate somewhere. So,
25

1
2 I just really, I don't you know, I want to clarify
3 all of that because I don't particularly -

4 LOUIS MOLINA: Yeah, so I think you and I have a
5 shared lived experience even though I grew up in the
6 Bronx and you're from East Harlem. My loved one was
7 Rikers Island and despite the mistakes that they had
8 made, in my mind I loved them very dearly, as much as
9 I'm sure you love your brother and I didn't consider
10 them the worst of the worst. And I would have
11 preferred also a different pathway for my loved one,
12 especially as an adolescent, rather than having to be
13 on Rikers Island. But that was time that we were in
14 and I'm thankful that they're in a better place today
15 than they were back then. I think that we have a lot
16 of individuals that are placed in our custody that
17 have significant needs. Do we have violent persons
18 on the island that are driven by crime for whatever
19 reason? Yes, we have individuals like that are
20 awaiting their adjudication process. But we also
21 have too many individuals that are suffering from
22 mental illness and they need a different pathway to
23 service and manage their situation and that pathway
24 should not be jail and prison.

1
2 And I where we are in America today, that we
3 still are heavily reliant on America's jail and
4 prison systems to treat a cohort of residents of this
5 country through a justice process, is really sad.

6 And I think that we are at a point in this city and
7 state where we can make a real, real, difference in
8 really supporting those who are driven to a justice
9 system because of mental illness and substance abuse.

10 COUNCIL MEMBER AYALA: I appreciate that, thank
11 you.

12 LOUIS MOLINA: You're welcome.

13 SPEAKER ADAMS: Thank you very much. Council
14 Member Narcisse followed by Council Members Kagan and
15 Stevens.

16 COUNCIL MEMBER NARCISSE: Thank you Madam Speaker
17 and thank you Commissioner. We heard specifically
18 that you made some changes in the design for the
19 therapeutic units at Bellevue, is that true?

20 LOUIS MOLINA: That's absolutely true.

21 COUNCIL MEMBER NARCISSE: Okay, can you describe
22 the detail in the design?

23 LOUIS MOLINA: Yeah, so the original designs in
24 therapeutic facilities and I want to remind everyone
25 these facilities are going to provide medical

1
2 services but they are not designed just to be
3 hospitals. So, the design changes that we submitted
4 to Health + Hospitals Corporation to do this work was
5 so that the designs were in keeping to the regulatory
6 standards of the State Commission on Correction
7 because if the facilities would have been built
8 absent those changes, then the State Commission on
9 Corrections would have not commissioned the facility
10 to be able to open and operated as a jail. Those
11 therapeutic facilities are jails first and foremost
12 that provide a unique set of services to medical
13 needs, physical medical needs of those that need
14 them. And their bed capacity is really small in
15 number. I'm not saying that they're not important
16 but the designs have to be in compliance with SCOC
17 standards and other minimum standards by the Board of
18 Corrections.

19 COUNCIL MEMBER NARCISSE: So, you believe that
20 the design was important?

21 LOUIS MOLINA: Well, if the changes are not made,
22 then the facility would not open. I'll be very flat
23 out about that because the State Commission on
24 Correction would not commission it to be open.

25

1
2 COUNCIL MEMBER NARCISSE: Oh, I got it. Okay, so
3 we understand that 100 hospital beds to be open at
4 Bellevue will be operated primarily by medical staff.
5 How many DOC employees do you anticipate are needed
6 to staff those units?

7 LOUIS MOLINA: Yeah, so in order to staff those
8 units as they are configured, and this number is on a
9 24/7 basis. Approximately at the Correction Officer
10 level, probably about 200.

11 COUNCIL MEMBER NARCISSE: 200 of your?

12 LOUIS MOLINA: Correction Officers at least and
13 then there will be a number of supervisors that need
14 to be assigned there as well.

15 COUNCIL MEMBER NARCISSE: But CHS testified
16 yesterday that their staff plan is based on existing
17 staff moving with their patients while currently at
18 Rikers. And that did not need more staff to operate
19 this unit. Why would that be different than you?

20 LOUIS MOLINA: Well, I let CHS and HAC speak for
21 themselves. I think part of their statements are
22 inaccurate. I will tell you that I don't see and I
23 see closing even when the therapeutic units come
24 online. That's my perspective and I can walk you
25 through a longer conversation on why that is the

1 case. I think there are a number of staffing
2 challenges with opening that therapeutic that are not
3 ours alone. So, if we need 200 officers to operate
4 the unit, they're going to need a number of staff
5 members to service that as well.
6

7 They maybe diverting staff from the larger Health
8 + Hospitals Corporation Network possibly, I don't
9 know but I don't wholly agree with that assessment.

10 COUNCIL MEMBER NARCISSE: Okay, thank you. From
11 May 2022, Daily News a Supreme Court Judge found the
12 city in contempt on Tuesday for failing to make sure
13 detainees at Rikers Island and other city lockups are
14 taken to their medical appointments. Judge Elizabeth
15 Taylor had ordered the city to fix the problem in
16 December but the number of missed medical
17 appointments in the jail in March shot up to 12,745.
18 The highest number since July. How do you explain
19 that?

20 LOUIS MOLINA: Sure, so we had - there were a
21 number of challenges with medical appointments that I
22 inherited. The first and foremost of that on
23 average, 50,000 medical appointments were being
24 scheduled per month on average. And I think that
25 number of medical scheduled appointment is already

1
2 challenging in any system where you have 50,000
3 medical appointments scheduled. With that being
4 said, we had staff come back, as I've testified
5 earlier. Our absenteeism has decreased 70 percent,
6 our facilities moved away from 12-hour tours and all
7 facilities are running on 8-hour tours.

8 In the second half of 2022 for a number of people
9 are still refusing to go to medical appointments and
10 that's individuals rights. People schedule time with
11 doctors in the community and decide that they're not
12 going to go for a whole host of reasons that they're
13 not going to go, that's not any different in the
14 jail. What we have done is we have decreased to less
15 than one percent those scenarios where we don't have
16 staff to take someone to an appointment. And that's
17 a significant decrease of where we were but when we
18 think about fiscally, on a fiscal year basis or even
19 the calendar year basis, we have over 500,000 medical
20 appointments being scheduled per year. For an
21 average daily population just under 6,000 patients.

22 COUNCIL MEMBER NARCISSE: Okay, so now, can you
23 give me the statistic of the medical appointments
24 that they missed right now?

25 LOUIS MOLINA: So, it's less than one percent.

1
2 COUNCIL MEMBER NARCISSE: Can you give me
3 numbers?

4 LOUIS MOLINA: Yeah, yes, I can, let me look it
5 up here. Yeah, so I will just say on an average, we
6 have 50,000 medical appointments scheduled in a
7 month.

8 COUNCIL MEMBER NARCISSE: How many?

9 LOUIS MOLINA: 50,000 medical appointments.
10 50,000 are scheduled. Those missed because of staff
11 can't bring the person. You want that number?

12 COUNCIL MEMBER NARCISSE: So, I want to know how
13 many missed their appointment. That actually did not
14 make their appointment.

15 LOUIS MOLINA: About 500 per month.

16 COUNCIL MEMBER NARCISSE: 500 per month?

17 LOUIS MOLINA: Yes, out of 50,000.

18 COUNCIL MEMBER NARCISSE: Out of 50— okay. Would
19 you say that you have staff enough to function, and
20 with safety in mind and everything else? Would you
21 say —

22 LOUIS MOLINA: Yeah, I think today we have just
23 the right amount of staff to be able to manage our
24 jail system and because of that staff, we have been
25 able to decrease slashings and stabbings by 18

1
2 percent. We are decreased assaults on staff by 42
3 percent. We have increased engagement with our
4 program services, education and vocational services.
5 That has increased but we do have about 300 or so
6 vacancies in the correction officer bank that we are
7 looking to backfill and fill with academy classes.
8 We have anticipated retirements coming in 2024 that
9 we need to recruit and manage for. And if, like I
10 said earlier, if there's not a change in the
11 population trend, that we may need more staff to
12 manage the increase of the population within our
13 city's jail system.

14 COUNCIL MEMBER NARCISSE: For what you've been
15 doing, I thank you for that but when you said you're
16 functional but yesterday, I had NYSNE, they say the
17 staffing, the nurses are saying they're not feeling
18 safe over there providing services over there. And
19 at times, they don't even have the support of the
20 uniformed officer to staff the inmate with them to
21 come to see them to provide the services that they
22 want to provide.

23 LOUIS MOLINA: So, I mean, we have our clinical
24 officer post, our medical officer post staffed. We
25 do have a number of staff that have to be escorted to

1
2 their medical appointment. We have recently allowed
3 for certain detainees on their own, depending on
4 their security level to take themselves to their own
5 medical appointments so they don't have to be
6 escorted so that we increase the likelihood of that
7 happening.

8 I think jails and prisons across the country are
9 volatile places because you're managing a very
10 volatile population that's also vulnerable. And like
11 we said, we talked about a good portion of that
12 population is suffering from mental illness and we do
13 everything in our power to mitigate against those
14 types of situations happening. Assaults on staff are
15 down 42 percent, so I think you know we are not
16 perfect but we have significantly increased the
17 safety and security as a foundational element within
18 our city's jail. We have made significant strides in
19 that area over the last 15 months.

20 COUNCIL MEMBER NARCISSE: In the 540 detainees
21 that's there, that seriously have mental illness,
22 seriously. I'm almost to my end. How many of them
23 have been in solitary confinement?

24 LOUIS MOLINA: None.

25 COUNCIL MEMBER NARCISSE: In the past - none?

1
2 LOUIS MOLINA: No because we don't have solitary
3 confinement.

4 COUNCIL MEMBER NARCISSE: Oh, confined to whatever
5 behavior.

6 LOUIS MOLINA: We do not have solitary
7 confinement for anyone.

8 COUNCIL MEMBER NARCISSE: We have mental
9 observation units that are housed with cells but as
10 you know, we have 14-hour of out of cell time when
11 someone's in general population. That out of cell
12 time is also afforded 14 hours to our mental
13 observation units as well.

14 So, we don't have solitary confinement for anyone
15 and we do not put those suffering from serious mental
16 illness in a solitary confinement scenario. We are
17 provided the names of persons that are suffering from
18 serious mental illness and other issues that are not
19 eligible even to be put in restrictive housing, which
20 even in restrictive housing has seven hours of out of
21 cell time. CHS gives us that list and we curate the
22 list every day, to ensure that if we have an episode
23 with someone with that medical designation, they are
24 not even put in restrictive housing.

1
2 COUNCIL MEMBER NARCISSE: I appreciate that
3 answer.

4 LOUIS MOLINA: You're welcome.

5 SPEAKER ADAMS: Council Member, can you wrap up.

6 COUNCIL MEMBER NARCISSE: Last one.

7 SPEAKER ADAMS: Yes, please.

8 COUNCIL MEMBER NARCISSE: Last one. Medication,
9 in terms of medication for those that are seriously
10 ill, like illness, mental illness.

11 LOUIS MOLINA: Got it.

12 COUNCIL MEMBER NARCISSE: For the medication, do
13 you have a team helping them to understand? Because
14 one of the things that being a nurse, working in the
15 reentry program. I have learned that it is very
16 difficult for folks with mental illness to take their
17 medication and being a nurse. Do you have a team
18 addressing that?

19 LOUIS MOLINA: Well, our medical services and
20 mental health services are provided by correctional
21 health services. I don't you know, they deal with
22 medication management, I would hope that they're
23 proactive in engaging with their patients, the same
24 way that our uniform staff and non-uniform is in
25 proactive and engaging with the population on a whole

1
2 host of issues that we want them to participate in to
3 address their justice involvement. I would presume
4 that correction health services sees value in that,
5 so that we have a more patient centered process to
6 deliver health and medical services to our population
7 but you'd have to ask them if they have a team
8 specifically that does that.

9 COUNCIL MEMBER NARCISSE: Yeah but thank you for
10 that because the reason because they cannot be
11 compliant. Thank you Madam Speaker. Thank you.

12 SPEAKER ADAMS: Thank you Council Member
13 Narcisse. We've also been joined by Council Member
14 Gutiérrez. Council Member Kagan followed by Council
15 Member Stevens and I think we have one second round
16 question from Council Member Brewer.

17 LOUIS MOLINA: Yes.

18 COUNCIL MEMBER KAGAN: Thank you Madam Speaker.
19 Thank you Commissioner. In December of last year, I
20 visited Rikers Island. I saw what I didn't read in
21 newspapers like veterans section for example were
22 American Army Veterans, are both inmates and
23 correction officer. I saw health clinic, nurses and
24 many, many patients. I saw Rabbi who recently hosted
25 party in jail. I talked to staff and inmates. I

1
2 also talked to a young guy in restrictive housing.
3 He was there for two slashing and I said, "what are
4 you complaining about?" He didn't want to be of
5 course in restrictive housing at the same time, for
6 two slashings like your cell, he had to be separated
7 from general population.

8 And I also saw a lot of strong, African American
9 Correction Female Officers. And so, I would like to
10 say that it's very dangerous, very much
11 underappreciated and a very important job. That's
12 what I would like to state.

13 I have two questions. First question is about
14 salary of correction officers. What is it to date
15 starting salary of correction officers? We already
16 know that police officers are starting in New York
17 City. There's \$42,500 a year and school safety
18 officers starting at \$35,000 a year. What is the
19 starting salary of correction officers in New York
20 City?

21 LOUIS MOLINA: Yes, so the starting salary for a
22 correction officer is at the base level \$47,857.
23 There are other sort of salary benefits that go with
24 that package that could bring the starting salary to
25 just under \$54,000 a year in the first year.

1
2 COUNCIL MEMBER KAGAN: Okay, because again this
3 is dangerous and important job. They have to be paid
4 properly so they would not have problems recruiting
5 them.

6 And second question, you mentioned in your
7 presentation about some searches and operations to
8 prevent fentanyl and other drugs coming to Rikers
9 Island. So, could you elaborate a little bit more?
10 What is Department of Corrections doing about this
11 because it's a serious issue, also contraband and
12 smuggling stuff.

13 LOUIS MOLINA: Absolutely. So, we brought back
14 the use of tactical search operations. Over the last
15 15 months, we had over 90 tactical search operations
16 and including two facility led search operations,
17 which have led to the recovery of over 5,500
18 contraband weapons and over, I want to say 1,500
19 contraband narcotics and narcotics and paraphernalia
20 in our system. We have increased the use of our K9
21 dogs to do narcotics interdiction both in our male
22 searches and in our facilities. Our K9's have also
23 been recently imprinted with the common compound
24 found in fentanyl. In many cases, you might have
25 fentanyl connected with cocaine or marijuana or

1 tobacco and our dogs were imprinted to be able to
2 detect those and we would detect those suspected
3 narcotics, not only for what we thought they were but
4 also to see if they also contain fentanyl. But we
5 need to get them trained and imprinted with fentanyl
6 because in many occasions, fentanyl is dipped in
7 paper and clothing items and sometimes it comes in
8 packages. Many times it comes in through the mail.

9
10 We had a 26 percent increase in the successful
11 interdiction of contraband narcotics coming into the
12 mail. Of those, over 500 and so incidences, we had a
13 290 percent increase in the interdiction of fentanyl
14 coming in through paper in the mail. So, we have
15 done that. We have body scanning now. So, we've
16 started body scanning at the Robert N. Davoren
17 Center, which is also known as RNDC of all persons
18 entering that facility, we have a randomized body
19 scanning process. We're evaluating that. It's our
20 expectation to expand body scanning at all the
21 facilities but many of our facilities' footprints
22 have to be realigned in order to allow for the access
23 control which includes a body scanner to be
24 functional. But we have done that and I think a lot

1
2 of this stuff should have been done 10 years ago and
3 it wasn't.

4 So, a lot of the stuff that we're doing now are
5 practical common-sense solutions in order to mitigate
6 against primarily drug contraband, weapon contraband,
7 from coming into our facilities.

8 COUNCIL MEMBER KAGAN: Okay, please relate to all
9 corrections officers, the majority of New Yorkers
10 appreciate their hard work to make us safe. Thank
11 you.

12 LOUIS MOLINA: Thank you.

13 COUNCIL MEMBER STEVENS: Thank you Madam Speaker
14 and hello, good afternoon.

15 LOUIS MOLINA: Good afternoon.

16 COUNCIL MEMBER STEVENS: I just have a couple of
17 questions. So, I just want to start with, I know in
18 your opening statement, you talked about some like
19 holistic approaches and how you're like breaking up
20 gangs being housed together and things like that but
21 on my visit to Rikers, we definitely were speaking to
22 some of the CO's and the captains who were saying how
23 like anger management, therapy and those things are
24 not mandated. And so, I'm just wondering and you
25 talked about holistic approaches. Can you talk a

1
2 little bit about what those holistic approaches are
3 and if there's an incident with a detainee and we're
4 seeing that they need other services and we're
5 putting them in restrictive houses, why are we not
6 having corrective action plans that's helping them
7 get the services that they need?

8 Because I think that that's one of the things
9 that's missing, right? So, we can put them in these
10 places and sperate them into other things but we're
11 not like mandating or pushing them to get the
12 services. That becomes an issue because even one of
13 the conversations we had with one of the captains,
14 she said she talked to them and kind of like
15 bargained with them so that they can go to these
16 appointments and things like that and was being very
17 creative about it. But like, how do we get to a
18 place where we're focusing more on the services then
19 just the punitive measures?

20 LOUIS MOLINA: So, I agree with you and I think I
21 want to first point out to level set that we offer a
22 lot of services, especially in restrictive housing
23 for individuals to address their issues, to unlearn
24 responding to incidents of conflict with violence and
25 physical violence especially. With that being said,

1
2 regulations, minimum standards by the court Board of
3 Corrections and they will differ with you on this.
4 Because when we were talking about restrictive
5 housing, they refused to have mandated participation
6 services to address the root drivers of why persons
7 are responding to incidents of conflict with
8 violence.

9 So, we can offer all the services that we do and
10 we do everything we can to try to gain by in from the
11 detainee to participate and sometimes we're
12 successful in that and sometimes we're not.
13 Sometimes it takes longer to get someone to buy in
14 but we also have to consider what do we do with the
15 individual in the meantime to make sure that somebody
16 else or themselves is not being placed in danger.

17 So, I would agree with you, mandated
18 participation and program services, I think is needed
19 but regulations do not allow me to mandate those
20 things.

21 Yeah, that's really unfortunate. I mean, and I
22 think that because if you don't know you need the
23 service, then why would you go? Because like I don't
24 need it, yeah.

1
2 LOUIS MOLINA: It's no different than street
3 homelessness right. Sometimes you need 25
4 engagements before you get someone to come from the
5 street into a center to deal with their housing
6 insecurity situation and a lot of that is driven by
7 mental illness. This strategy is no different. We
8 cannot control the quality of the person or the
9 condition of the person that comes into our system
10 but we have an absolute obligation to do everything
11 we can to change the trajectory of their outcome, so
12 that they're better when they're released. Whether
13 they're being released back into our communities and
14 returning citizens or even getting them to buy into
15 programmatic resources while they're with us and
16 having a continuum of care for them when they go to
17 state facilities, so that they can buy into the value
18 of engaging in program services. So, for us, that's
19 paramount and we do that every day.

20 COUNCIL MEMBER STEVENS: Yeah, no, and I hear you
21 and I know that there are restrictions around some
22 things but I do think we need to get to a place where
23 we're really trying to push folks in that direction
24 of saying like, these services are needed. And so,
25 you know whether that's like, okay, get extra time on

1
2 phone or whatever but thinking about their incentives
3 that can be put in place to even incentivize them
4 going to these programs, I think is necessary. You
5 know, as everyone knows, I worked with young people
6 for many years and sometimes you have to incentivize
7 things, like you know whether it's like okay, you can
8 have, we'll get you lunch or whatever. I think it's
9 like how do we try to get people interested in them
10 other than just saying like oh, you should go because
11 it's useful.

12 LOUIS MOLINA: Yeah, so we do those things and I
13 think there is a bill in the state legislature that
14 talks about how do we have enhanced credit for those
15 types of participation programs for those that are in
16 custody to get out earlier and that's something that
17 I support but the majority of our population is
18 pretrial detainees. But I would support a mechanism
19 where if we provided a transcript of sorts of a
20 person's participation in those things that if that
21 bill passes for the enhancement of more time credit
22 to incarceration, that's something I would support.

23 COUNCIL MEMBER STEVENS: Yeah, so definitely
24 would love to work with you on that as well and
25 figure those things out. But just, I was having a

1 conversation with someone who was recently released
2 from Rikers Island. They were kind of talking about
3 the conditions that they were in and talking about
4 some of the bad actors and CO's that are there. And
5 I know you said you already terminated about 250
6 folks for their different things but some of the
7 things that they were saying around like how you know
8 when we talk about the drugs in fluxing into these
9 facilities, how some of them are being brought in by
10 them. How they were seeing other inmates being beat
11 by correction officers. So, can you talk about some
12 of the things that you're doing to really like really
13 root out those bad actors? Because we know in every
14 industry, there's always some bad actors and that's
15 what always gets publicized but I know you said, like
16 you said, you terminated 250 but like what are you
17 doing to really root those out? Because some of the
18 things that he described that he saw. One was crime
19 obviously but two, it's just like this is like crazy,
20 so can you talk about some of those mechanisms that
21 you put in around that?

22
23 LOUIS MOLINA: So, there's a number of
24 mechanisms. First, we have an investigations
25 division that does investigations over a number of,

1 not only allegations of misconduct that may happen.

2 In addition to evaluating every use of force incident
3 that happens between the detainee and a correction
4 officer to make sure that it is within policy.
5

6 In those instances when we do find a person is
7 not meeting our standard, then we have to make a
8 determination, is it a training issue or more formal
9 discipline has to happen to do that. And we take
10 those measures and sometimes we have to take
11 immediate measures and maybe suspend someone, which I
12 take no pride in having to do but it's one mechanism
13 in order to break the poor patterns of practices that
14 have been developed over a decade within the
15 department. We are rebuilding, reforming in order
16 for us to have sustainable reform, part of that is
17 not only training and we've done a lot of reform in
18 how we deliver training to our staff but the other
19 part is having a timely and meaningful discipline
20 process to address issues.

21 So, when you don't address almost 4,000 cases in
22 discipline, going back to 2017, which we inherited
23 and had talked about that, then that just reinforces
24 poor practice within the department system. So,
25 we've adjudicated over 2,900 cases, a significant

1
2 number of other cases have been weeded out. Where
3 we've had to suspend someone or unfortunately
4 terminate someone. We've taken those actions. We
5 have done more formal trials within our Office of
6 Administrative Trials and Hearing process. In some
7 cases, when the oath judge may not have terminated
8 someone, I've overruled that decision if I thought it
9 was warranted and terminated the employee anyway.
10 But we are not going to incarcerate our way out of
11 safety in this city and we are not going to
12 discipline our way out of reform for the small
13 percentage of individuals that are bad actors within
14 any organization.

15 So, the majority of our uniform and nonuniform
16 workforce does a heroic and exemplary job to deal
17 with a very volatile and vulnerable population that
18 is placed under their care from the courts. And
19 while I recognize that on occasion there's a small
20 percentage of individuals that are bad actors, I can
21 assure you I have been very swift and have done more
22 in the area of discipline than probably the last ten
23 commissioners combined.

24 COUNCIL MEMBER STEVENS: Well, thank you
25 Commissioner. I do know you have a hard job. Like,

1
2 you know we have to acknowledge that your job is not
3 easy and most people don't want it. So, I thank you
4 for your thoughtfulness and the work that you're
5 doing. Thank you.

6 LOUIS MOLINA: You're welcome.

7 SPEAKER ADAMS: Council Member Gutierrez then
8 Council Member Brewer.

9 COUNCIL MEMBER GUTIERREZ: Thank you Madam
10 Speaker. Commissioner, good to see you again.

11 LOUIS MOLINA: Good afternoon.

12 COUNCIL MEMBER GUTIERREZ: I have two questions.
13 My first one is my deep, deep concern for the lag
14 time on the reality that the path to close Rikers has
15 a deadline of August 2027. Not just to decarcerate,
16 not just to do away with this jail system but also
17 there is an environmental justice plan. That was
18 very thoughtful. That was implemented for years by
19 advocates. You grew up in the Bronx. You know this
20 impact. You know this EJ impact better than anybody.
21 I represent North Brooklyn. I know this, so it's
22 really disheartening to understand that the plan is
23 not moving forward because the impact is not just on
24 decarceration but it's also on the future of Rikers.

1
2 So, can you share; I know there's been a little
3 bit of lag of transferring of the property from DOC.
4 I think DOC's missed two of those deadlines,
5 transferring it from DOC to DCAS. So, can you share
6 a little bit about what is happening there briefly?

7 LOUIS MOLINA: Sure, I haven't missed any of the
8 deadlines. The deadlines require us to evaluate what
9 land transfers need to happen to DCAS. And we have
10 not identified any land that is not within inactive
11 use that we would need, so that's why no transfers
12 were made.

13 COUNCIL MEMBER STEVENS: Right but are you
14 intentionally keeping these jails populated so as not
15 to meet this deadline because I'm looking at numbers
16 -

17 LOUIS MOLINA: Well, how could I intentionally
18 keep the jails populated? I don't take them in jail.

19 COUNCIL MEMBER STEVENS: I'm looking at
20 populations in several of these jails, including the
21 Otis Bantum Correctional Center, AMKC, this is what
22 I'm talked about. You know the law; I get you and I
23 understand it very well but you have - it does not
24 feel that you are actively - it feels like you are
25 actively standing in the way of depleting the

1
2 population so that we can start moving these
3 properties. It feels like you want to actually like
4 expand it so that you can continue to hold onto it.
5 And correct me if I'm wrong if you have it in front
6 of you.

7 LOUIS MOLINA: You are very wrong. I am not
8 depopulating; I don't have the power to depopulate
9 persons that are placed in our custody that are
10 pretrial detainees. I don't have the power to do
11 that and I don't have the power to put anyone in jail
12 either. All of that power rests with the courts.

13 COUNCIL MEMBER STEVENS: I disagree but alright,
14 I'm going to move on.

15 LOUIS MOLINA: Okay, there you have it then.

16 COUNCIL MEMBER STEVENS: Limited time. My
17 question is for - I guess, why would the department
18 you mentioned earlier about reopening OBCC. Am I -

19 LOUIS MOLINA: Yes.

20 COUNCIL MEMBER STEVENS: Okay and just looking at
21 the population of empty beds, why do you feel or why
22 are you contemplating reopening OBCC considering the
23 amount of empty beds at this site?

24 LOUIS MOLINA: Well, one is, we need to really
25 stop operations at AMKC and our plan is to -

1
2 COUNCIL MEMBER STEVENS: Stop operations, okay.

3 LOUIS MOLINA: To transfer individuals that in
4 our custody to OBCC because OBCC is a better built
5 facility. It has some infrastructure improvements
6 that need to be made, which are being made now and
7 can be made very quickly because currently we don't
8 have any persons in custody in the facility, so we're
9 able to actually set our teams out to address all of
10 those issues. AMKC as is publicly known, because
11 it's in our action plan, has about 800 cells that
12 have locking mechanism challenges. The cells within
13 OBCC do not have those same challenges but needs
14 issues to be addressed.

15 So, instead of waiting years to fix all of the
16 800 cells that need to be fixed at AMKC, we are being
17 proactive and saying it's much more economically
18 responsible to transfer those individuals from AMKC
19 to OBCC and improve the quality of their environments
20 because of the agedness of AMKC and its size.

21 COUNCIL MEMBER STEVENS: And can you confirm how
22 many empty beds you have at AMKC? Is it 600?

23 LOUIS MOLINA: No, AMKC's bed capacity is about I
24 think 2,100 and we have 1,964 people in AMKC.

25

1
2 COUNCIL MEMBER STEVENS: Oh, so you have more
3 than that. And what is the timeline for reducing
4 that population at AMKC, based on your response.

5 LOUIS MOLINA: So, the population wouldn't be
6 reduced. The population would be moved. My hope is
7 to be able to do that mid-summer.

8 COUNCIL MEMBER STEVENS: And you wouldn't close
9 AMKC?

10 LOUIS MOLINA: I would.

11 COUNCIL MEMBER STEVENS: You would?

12 LOUIS MOLINA: Yes.

13 COUNCIL MEMBER STEVENS: Okay, and so would that
14 be the next property transferred over to DCAS?

15 LOUIS MOLINA: It's possible.

16 COUNCIL MEMBER STEVENS: How confident do you
17 feel in the summer?

18 LOUIS MOLINA: I mean this construction work is
19 being done at OBCC, so I mean, I don't have a problem
20 updating your office on our progression. Our goal is
21 by the mid-summer but you know anything could happen
22 between now and then.

23 COUNCIL MEMBER STEVENS: Okay, Madam Speaker, can
24 I ask one more follow-up question? I apologize for
25 running over. The next question is regarding the

1
2 detainees who are shackled to desks and I know you
3 saw the coverage of it. Many folks did. Two
4 questions that I have, I know that last July you
5 said, obviously by a lot of advocacy by the Board of
6 Corrections you were doing away with these desks.
7 Now I'm concerned that they are being brought back.
8 On average, how many inmates are being forcefully
9 shackled to their desk to engage in activity in
10 classes? And what is the plan? Because if
11 reportedly stabbings are down 14 percent, I'm
12 concerned that we're going backwards, that we're
13 acknowledging that crime is going down but we're
14 going backwards with tactics and being, just
15 operating in a more inhumane way.

16 So, can you reconfirm that you made this decision
17 to bring these desks back but are you going – is
18 there a plan to stop utilizing this practice if
19 everyone is doing their job and stabbings are down
20 and things are getting better? I'm just concerned
21 that the numbers aren't matching up and we're putting
22 inmates in continued danger.

23 LOUIS MOLINA: So, let me uhm, you asked a lot
24 there. So, let me just take you through. So, one,
25 when I started my tenure with the department as the

1
2 Commissioner in January of 2022, I shared the Board
3 of Corrections concern on the restrictive desks and
4 we were using the restraint, I'm sorry the restraint
5 desk in a very ineffective way. And I removed the
6 restraint desks because they were not effective at
7 that time. When I removed those restraint desks,
8 what we saw was a spike in violence even within our
9 restrictive housing because the individuals in
10 restrictive housing in level one still had a high
11 propensity for violence and were not only – in the
12 most cases, attacking other persons in custody. And
13 it's my job to keep persons in custody as well as the
14 staff safe.

15 When we went through the process of working with
16 our classification consultant Dr. Austin, in
17 developing a new restrictive housing model, which I
18 will tell you is more progressive than any
19 restrictive housing model in America, including the
20 Feds, who still use solitary confinement for the
21 record.

22 COUNCIL MEMBER STEVENS: I don't those could live
23 in the database.

24 LOUIS MOLINA: So, the choice was between using
25 restraint desks or using restraint mitts. Now, I

1
2 went to Cooke County in Chicago to review their
3 restrictive housing because there were a lot of
4 people in New York City that were big fans of Cooke
5 County and how they managed their jail system there.
6 They have a much more restrictive model but one of
7 the tools that they use in order to keep other
8 detainees and staff safe were restraint mitts. But
9 our classification consultant opinion was, that if we
10 put individuals in restraint mitts in level one, then
11 they could not actively write and take notes and
12 engage with the programming that we need them to do.
13 So we needed to use the only other tool available was
14 restraint desks. Restraint desks is one part of a
15 strategy to deal with violence and the reason why we
16 achieved fiscal year to date, an 18 percent decrease
17 in slashings and stabbings, is because we finally
18 have a functioning restrictive housing model. And
19 part of that model is having individuals that choose
20 to be out of cell for their seven hours to be in
21 restrained desks of they want to come out of their
22 cell. Because they are a danger to other persons in
23 custody and staff.

24 COUNCIL MEMBER STEVENS: Just one last question.

25 LOUIS MOLINA: Sure.

1
2 COUNCIL MEMBER STEVENS: How long is someone
3 under – how long does this last? How long is an
4 inmate that is meeting all this violent criteria you
5 know mandated to remain restrained? Is there a
6 pathway for them to operate without this?

7 LOUIS MOLINA: Oh yes, yeah, so we have level two
8 restrictive housing. We have weekly reviews that are
9 overseen by our programs committee which is made up
10 of mental health workers. We evaluate an
11 individual's compliance while they're in level one in
12 restrictive housing and there is a pathway to move
13 from level one to level two where we do not have
14 restrained desks, where persons are sort of during
15 their out of cell time of seven hours are free to
16 walk around, engage and hopefully, what we expect is
17 not engage in an act of violence of slashing and
18 stabbing or getting into a physical altercation with
19 someone else in the housing unit.

20 COUNCIL MEMBER STEVENS: Thank you. Thank you
21 Chair.

22 LOUIS MOLINA: You're welcome.

23 SPEAKER ADAMS: Council Member Brewer.

24 COUNCIL MEMBER BREWER: Thank you. I have a
25 follow-up on the food issue. As you know, it's

1 something that I care about. So, two questions. Do
2 you know what your budget is? I know that DCAS is
3 very involved with food for you and DFTA and DSS.
4 So, my question is, what is the budget? And is there
5 any improvement that you can think of? Obviously,
6 what I am looking for is buy locally. Now that may
7 come through DCAS and not through you but you could
8 pressure so that we have some fresh fruits and
9 vegetables and not just packaged. Go ahead.

11 LOUIS MOLINA: Sure, so we spend budgeted \$22
12 million in our nutritional service divisions food
13 program. And do we have a list of vendors that they
14 use? Yeah, yeah, so it's through DCAS, so I don't
15 know the vendors off the top of the list that we use
16 but certainly, I agree with you. I support any
17 opportunity for not only local vendors for WMBE to
18 have opportunities to engage in whatever contract
19 opportunities we have with DOC.

20 COUNCIL MEMBER BREWER: Okay, and that is a one-
21 year contract? Five year? Do you know what the
22 contract is off hand with DCAS? In other words, how
23 much DCAS has with these vendors?

24

25

1
2 PATRICIA LYONS: Good afternoon. Thank you. We
3 do annual procurements with DCAS for food but we can
4 certainly get you further details.

5 COUNCIL MEMBER BREWER: And do you ever use the
6 scratch kitchen? My understanding is no, that
7 everything is brought in. Do you know that anything
8 is scratch cooked? I'm sorry, these are the kinds of
9 things that people ask me.

10 LOUIS MOLINA: Yeah, let me follow-up with you on
11 that. I know that we have some talk in programming
12 where we were trying to see if we can provide
13 opportunities for persons especially within our young
14 adult housing units, to have sort of like these sort
15 of small kitchens. Obviously we want to be very
16 thoughtful in how we provide access to those types of
17 amenities so that we don't have a situation in the
18 housing unit.

19 COUNCIL MEMBER BREWER: No, I know you have
20 culinary arts but that's different than feeding 6,000
21 people and plus -

22 LOUIS MOLINA: Absolutely.

23 COUNCIL MEMBER BREWER: Okay, so I guess ongoing
24 discussion. Upstate prisons are working with local
25 farmers. Contracts are all for the local onions to

1 local apples, local everything. The Ag Commissioner
2 Ball has made sure – I could go on and on about the
3 up state. DCAS and Correction need to do the same.
4 Help the farmers, help the folks who are on the
5 island and good for the state of New York. So, I
6 really would love to have a whole different
7 discussion about food.
8

9 Sure, I mean I'm happy to engage with DCAS on how
10 we can expand those opportunities for our local
11 farmers in the state. I certainly wouldn't be
12 against it.

13 COUNCIL MEMBER BREWER: You're welcome.

14 SPEAKER ADAMS: Thank you Council Member Brewer.
15 I just have a couple other questions for you.
16 Commissioner, what is the de-escalation unit?

17 LOUIS MOLINA: So, de-escalation units came about
18 through a Board of Correction minimum standard rule.
19 And what they wanted was to create a situation where
20 we have a person in custody, in many cases have an
21 act of violence against another person in custody.
22 What used to be the practice is that individuals
23 would be removed from a housing unit and will get
24 sent to intake. Intake back then was a little
25 different. The intake at our facilities also had new

1
2 admissions coming into their facilities from the
3 street, as well as we're dealing with interfacility
4 transfers. So, the Board of Corrections to include
5 the federal monitor had encouraged the department to
6 stand up de-escalation housing units which are
7 housing units that are normally closed but that you
8 can activate and open to put someone in de-escalation
9 so that you can get a timeout while the person sort
10 of cools down, while not disrupting the sort of
11 activities that happen in intake, which are like
12 people coming in from court, people going to court
13 and rather disturbing that ecosystem a person would
14 be sent to de-escalation.

15 So, we opened up de-escalation housing units. I
16 want to say, I mean I can get you the data when we
17 started and opened up each one at each facility but
18 each facility has a de-escalation housing unit that's
19 supposed to be utilized. Now, what happens is when
20 you're brought to de-escalation housing, by minimum
21 standards, you should not be in that unit for more
22 than six hours. If it's determined in most cases
23 that you cannot go back to your originally housing
24 unit then what would happen is you would go from de-
25 escalation possibly to another housing unit within

1
2 the facility but in some cases, you have to go to a
3 different facility, which means that you have to
4 engage with the intake process to be moved from one
5 facility to another.

6 That can be challenging for the Vernon C. Bain
7 Center at times when you have to go in another
8 facility because obviously it's not like going from
9 you know GRVC to AMKC, which is collocated on Rikers
10 Island. You're actually going from the Bronx back to
11 Queens. So, there could be some time challenges
12 there, but in essence that's what the de-escalation
13 housing units are for.

14 SPEAKER ADAMS: Do you have any idea how many
15 detainees are there per week?

16 LOUIS MOLINA: I can get you that information. I
17 don't know it off the top of my head but we can
18 follow up with your office to provide you average de-
19 escalation placements. We could do that.

20 SPEAKER ADAMS: Okay, thank you.

21 LOUIS MOLINA: You're welcome.

22 SPEAKER ADAMS: And finally, I want to circle
23 back because we've got Board of Correction coming in
24 following you. When I spoke earlier about the video
25 access and I will be dealing with this with the Board

1
2 of Correction as well. I just need clarification
3 from you because you said and I left it alone because
4 I knew I was going to circle back to it. That the
5 Board of Correction engaged in significant numbers of
6 reckless leaking of videos.

7 So, were the videos obtained by the Board of
8 Correction legally obtained by the Freedom of
9 Information law which entitles them to obtain the
10 video?

11 LOUIS MOLINA: That would probably be the Board
12 of Corrections estimation of how the videos were
13 released. I have a difference of opinion on that. I
14 think that they, in my opinion, and I don't have
15 proof of this solidly, that they worked in coalition
16 with others to specifically ask for specific things,
17 so that they could be shielded by the foil process to
18 have those released. And I think as we're trying to
19 return and rebuild an agency, that that is not a
20 productive way to sort of address issues.

21 SPEAKER ADAMS: So, that is basically your
22 feeling? That is not the interpretation of the
23 Charter and that is what I'm relating to right now.

24 LOUIS MOLINA: Oh, so I'm interpreting the
25 Charter.

1
2 SPEAKER ADAMS: In their ability to get the
3 information and the video if that was legally
4 obtained by them because of the Freedom of
5 Information Law.

6 LOUIS MOLINA: I would say that's the Board of
7 Corrections position, it's not mine.

8 SPEAKER ADAMS: That is the Charter. Okay, thank
9 you very much for your time.

10 LOUIS MOLINA: You're welcome Ma'am. Thank you
11 for your time.

12 SPEAKER ADAMS: Thank you all for being here
13 today. We're going to stand in recess for about ten
14 minutes. Thank you. [GAVEL] [04:31:17- 04:31:42].

15 SERGEANT AT ARMS: Can everyone please find your
16 seats. Shh, quiet in the Chambers please. [04:31:49-
17 [04:31:59]

18 COUNCIL MEMBER AYALA: [GAVEL] Thank you.
19 Welcome back everyone. We're now in the New York
20 City Board of Corrections portion of this hearing, so
21 I will turn it over to our Committee Staff to swear
22 you in.

23 COMMITTEE COUNSEL: Thank you Madam Deputy
24 Speaker. I will now swear in our last panel of
25 Administration witnesses with us today from Board of

1 Correction. We have Jasmine Georges-Yilla and
2 Danielle C. Ortega. If you could both please raise
3 your right hands. Do you affirm to tell the truth,
4 the whole truth, and nothing but the truth before
5 this Committee and respond honestly to Council Member
6 questions?
7

8 PANEL: Yes.

9 COMMITTEE COUNSEL: Noting for the record that
10 all witnesses answered in the affirmative. You may
11 begin your testimony.

12 JASMINE GEORGES-YILLA: Thank you. Good
13 afternoon Deputy Speaker Ayala and members of the
14 Committee on Criminal Justice. I am Jasmine Georges-
15 Yilla, Interim Executive Director of the New York
16 City Board of Correction. I have had the honor of
17 being in this role for the past two weeks and look
18 forward to partnering with you to fulfill BOC's
19 mission. I am joined today by Danielle Ortega, BOC's
20 Director of Human Resources and Budget. And I thank
21 you for the opportunity to testify.

22 I'll begin my testimony by providing a brief
23 background on BOC's mission and work, followed by a
24 discussion on BOC's budget for fiscal year 2024 and
25 the agency's top priorities and new needs.

1
2 BOC is a nine-member independent oversight board
3 charged with ensuring that the Department of
4 Correction and Correctional Health Services meet
5 BOC's Minimum Standards, which cover the care,
6 custody, correction, treatment, supervision and
7 discipline of all people held or confined under the
8 jurisdiction of the Department. Our role is to
9 regulate, monitor and inspect the city's jails so
10 they become safer, fairer, smaller and more humane.
11 BOC's Minimum Standards set the baseline for what
12 must be provided to people in custody in the city's
13 jails. This baseline must be met if the city is to
14 have a humane correctional system.

15 BOC has carried out critical independent
16 oversight for the City of New York since 1957,
17 despite being a relatively small agency with limited
18 resources. BOC's regulations cover the original
19 Minimum Standards from 1978, as well as newer
20 regulations in 1985 concerning access to mental
21 health care and healthcare, and much newer
22 regulations in 2017 concerning prevention of sexual
23 violence to people in custody, reporting on serious
24 injuries, and minimizing the use of punitive
25 segregation and other restrictive housing models.

1
2 The New York City Charter mandates BOC's five
3 oversight functions, which include the power and duty
4 to one, establish and ensure compliance with BOC's
5 Minimum Standards. Two, investigate at any time any
6 matter within the jurisdiction of the Department.
7 Three, review grievances from people in custody and
8 staff. Four, evaluate the Department's performance.
9 And five, make recommendations on areas of key
10 correctional planning.

11 BOC is in a unique position to serve as an
12 invaluable source of insight into the problems
13 existing within the city's jails. BOC's ability to
14 visit and speak with people in custody in their
15 housing areas, cells, dayrooms, clinics, dorms, visit
16 areas, intake cells, recreation areas, wherever they
17 are held is critical. It is how we enforce our
18 Minimum Standards. BOC's existence serves as
19 indication to those detained in our city's jails that
20 we all recognize the fallibility of any large
21 bureaucratic structure and are as a society willing
22 to attempt to minimize those flaws. To that end, BOC
23 remains committed, despite the Department's
24 revocation of BOC's access to view video footage at
25 any time. To operating with transparency in our

1 regulation, monitoring, and reporting of systemic
2 jail issues.

3
4 Despite BOC's huge mandate and ambitious goals,
5 we are a very small agency with 28 active staff as of
6 today and an inadequate budget of just over three
7 million dollars in Fiscal Year 2023. BOC has three
8 vacant positions that we are working to fill, but
9 more staffing is needed. Historically, BOC has never
10 had adequate staffing. We have never had enough
11 staff to provide 24/7 coverage throughout each
12 facility under the jurisdiction of the Department.

13 BOC's Fiscal Year 2024 Executive Expense Budget
14 is \$3.27 million, \$3.1 million in personal services
15 and \$167,000 in Other than Personal Services. Our
16 personal services budget accounts for 95 percent of
17 our total budget and supports a budgeted headcount of
18 31 positions in Fiscal Year 2024. Our Other than
19 Personal Services budget, five percent of our total
20 budget, supports all of the BOC's needs, including
21 supplies and materials, telecommunications, training,
22 and even BOC's heat, lights and power costs.

23 As part of the Fiscal Year 2024 financial plan
24 BOC has submitted a new needs package to the Office
25 of Management and Budget, which will enable us to

1
2 better achieve our Charter mandate. We're working
3 with OMB to secure funding for additional monitoring
4 staff, medical records review support and resources
5 to increase the capacity of our visits and
6 restrictions appeal team. The title Correctional
7 Standards Review Specialist, also known as monitoring
8 staff, is critical to BOC's mission and we request
9 more funding and headcount for monitoring staff. Our
10 monitoring staff are the key to enforcement of our
11 regulations because BOC staff on Rikers Island tour
12 the DOC facilities daily, speaking directly to people
13 about conditions of custody. Monitoring staff
14 observe problems and often troubleshoot on the spot,
15 helping the people who live and work in the jails.
16 They work together with DOC staff and CHS staff to
17 obtain compliance with BOC's regulations. When
18 necessary, they escalate compliance issues to jail
19 leadership, but are very skilled at negotiating
20 prompt solutions at the staff level. The monitoring
21 staff save lives. Simply put, when they are there,
22 they can and do save lives.

23 Two of BOC's major priorities for Fiscal Year
24 2024 are to expand BOC's monitoring coverage to
25 support a 24/7 BOC oversight operation, and to

1
2 regularly systematically and uniformly measure the
3 Departments compliance with BOC's Minimum Standards.
4 To achieve these goals, we will need to add 27 new
5 positions to BOC's monitoring team, a plan that
6 requires \$2 million of funding in Fiscal Year 2024
7 and nearly \$3 million in the baseline.

8 Right now, we have only 12 monitoring staff who
9 work in the jails, court pens, and hospital jail
10 wards, speaking to people in custody and resolving
11 complaints about conditions of confinement. As you
12 know, there are thousands of people in custody. In
13 fact, today there 5,897 people in custody. It's not
14 reasonable to expect each of our staff to monitor
15 conditions for 491 detainees per monitor. It's our
16 goal to expand our monitoring operations because we
17 know lives and fundamental fairness are at stake.

18 The jails are large, and some are quite spread
19 out and it is difficult to cover more than a few
20 housing areas on a given work day. For instance, the
21 Anna M. Kross Center, AMKC houses 1,957 people today.
22 It's an old structure built in 1978 with many long
23 hallways separating housing from clinic and other
24 space and the footprint covers 40 acres. AMKC houses
25 many people with serious mental health and medical

1 needs. Production is not easy at AMKC and neither is
2 monitoring. This is a structural problem.

3
4 As you can imagine, many of the people in custody
5 want to talk to our staff as they make rounds, so our
6 staff learn how to triage their time moving through
7 the facilities trying to reach those who may need it
8 most. But our staff are mission-driven and diligent,
9 and when they can be there, they help people get to
10 medical services and other essential services and
11 they save lives.

12 We need more of them. The people who live and
13 work in our jails need more of them. The size of the
14 custody population and the special needs of the
15 population are critical benchmarks we should always
16 bear in mind when looking at the BOC budget. We also
17 request more funding and headcount for medical staff.
18 Nineteen people died in Department of Correction
19 custody in 2022. And one has died so far this year.
20 BOC has a Special Investigation Team that reviews
21 deaths and near-death incidents and also convenes CHS
22 together with DOC for joint death reviews. Our staff
23 review death records, health records, speak with
24 witnesses and review documents and recordings
25 concerning care and custody. They are a small unit,

1
2 two people, doing an excellent and important job but
3 they do not have any medical expertise on staff. The
4 Special Investigations team would benefit greatly
5 from a part-time doctor or nurse practitioner with
6 the expertise to analyze medical records, give
7 independent advice and help lead the joint reviews
8 with the CHS staff.

9 In addition, we request more funding and
10 headcount for visit and restriction appeals staff.
11 Currently, BOC has only one staff person an Appeals
12 Coordinator responsible for handling all visit
13 restriction complaints and appeals brought to BOC.
14 We need more. Under BOC's Minimum Standards,
15 whenever the Department decides to revoke a limit a
16 person in custody's or visitor's visiting privileges,
17 any affected person may appeal directly to BOC, after
18 which BOC has a short window of time to issue a
19 recommendation. We must improve access to the BOC
20 appeals process for people in custody and for their
21 families and also improve public education about
22 visiting rights and the appeals process. BOC
23 requests one position and associated funding in order
24 to hire an Appeals Analyst.

1
2 With this new Appeals Analyst position, BOC will
3 be able to investigate other types of restrictions on
4 rights and privileges grounded in the BOC's Minimum
5 Standards, such as access to recreation, religion,
6 publications and correspondence. Under the guidance
7 of the Appeals Coordinator, the Analyst will handle
8 religion, correspondence, recreation, and other
9 restriction complaints and appeals brought to BOC.
10 The Appeals Coordinator is the only staff member
11 working in this area. Approval of this request will
12 allow BOC to better meet the need, objectively
13 balancing individual rights with institutional
14 security considerations.

15 BOC also needs additional staff and resources to
16 focus on the review of the City's Borough Based Jails
17 Plan. In 2019, the City of New York formally
18 committed to closing Rikers Island and building a
19 smaller, safer, fairer, more humane jail system in
20 the boroughs. The City Council approved a plan to
21 build four new jail facilities in Manhattan,
22 Brooklyn, Queens and the Bronx. The new system is
23 planned to be fully operational in 2027. In 2019,
24 the City Council also passed legislation Local Law
25 192 for the year 2019 requiring BOC to publish a

1
2 report every six months on the impact on people in
3 custody of closing jails on Rikers Island and
4 constructing new facilities to replace such jails.

5 The report must include information on the impact
6 of the construction of new city jails on DOC and
7 CHS's ability to comply with Minimum Standards, and
8 the impact of any significant changes to the design
9 or construction of any new jails on people in custody
10 and compliance with BOC's Minimum Standards.

11 Currently, BOC does not have a dedicated staff
12 person whose primary or major focus is on the review
13 of the city's borough-based jails plan. We hope to
14 hire additional staff to fill this void. BOC
15 published an initial report on the progress of the
16 borough-based jails plan in December 2021, and that
17 report can be found on our website.

18 BOC fully supports the city's plan to close
19 Rikers Island and build new, state-of-the-art
20 facilities in the boroughs. The current state of the
21 jails illustrates the need for new jails and the
22 organizational culture change necessary to meet the
23 goals of a smaller, safer, fairer, more humane jail
24 system. BOC is encouraged by progress to reduce the
25 jail population from nearly 11,000 in 2017 to fewer

1
2 than 6,000 in 2023 and encourages all stakeholders to
3 recommit to further reducing the jail population.

4 It's imperative that BOC be involved in the design of
5 the new facilities and for the city to account for
6 BOC's minimum standards across the full plan.

7 Moreover, BOC recognizes the opportunity that the
8 plan to close Rikers Island presents to review and
9 update our own regulations to more effectively
10 support the goals of the new jails and best practice.

11 BOC will continue to work with DOC to make this plan
12 a reality.

13 Thank you again for the opportunity to testify
14 today. I look forward to partnering with the City
15 Council to ensure that BOC's minimum standards are
16 met and I'm happy to take any questions.

17 SPEAKER ADAMS: Thank you very much for being
18 here today, both of you. Thank you for being here
19 today. Can you describe how the board uses
20 technology to conduct its oversight and what
21 technology does the board have right now?

22 JASMINE GEORGES-YILLA: Sure, we have what's
23 called a data manager system and in the data manager
24 system, is where we input the complaints that we
25 receive on a daily basis. And we are able to track

1
2 the complaints with that system but it's very
3 antiquated and Danielle can talk to the new
4 technology that we're thinking of acquiring but we do
5 need a new system. That technology is dated. It
6 doesn't sufficiently emerge data for us to be able to
7 utilize it in an efficient productive way for our
8 reports. And I'll turn it to Danielle if she has
9 anything further to add.

10 DANIELLE ORTEGA: Sure, so the Data Management
11 System as Jasmine mentioned is the backbone for us.
12 We have a couple of ancillary applications that we
13 use as our monitors go out but data manager really is
14 it for us.

15 As mentioned, it's an antiquated system, so we're
16 looking to assess our needs. We're working with OTI
17 to basically put together a plan to assess what the
18 needs are for the system in areas of reporting and
19 usage and when we have a - when that's complete,
20 we'll be able to then go out and secure a new system.
21 The best solution for us. We've learned a couple of
22 lessons from our old system. It was mostly you know
23 in house and has given us some problems as we go
24 forward but our goal is to make sure we have
25

1 something that is a good use of resources, and that's
2 cost effective that we can use going forward.

3
4 SPEAKER ADAMS: Okay, thank you because I was
5 going to ask, you know what is your plan in place
6 since you're dealing with an antiquated system?
7 What's your plan in place now to you know make
8 matters better for you in your daily practice. You
9 just answered that for me. So, in 2019, New Yorkers
10 voted overwhelmingly on a ballot measure that
11 establishes stable funding for the Civilian Complaint
12 Review Board that provides oversight and
13 accountability to the NYPD. What's the Boards
14 position on this kind of funding mechanism for BOC?

15 DANIELLE ORTEGA: We're interested in funding of
16 that type and we've put together an internal
17 committee. I know we have come to the Council before
18 in the Council in the last plan cycle has proposed an
19 idea of tying our budget to the Department of
20 Corrections budget.

21 With sort of a fresh reset and support, we've
22 decided to take our internal resources and look at
23 what's a viable option for us. We appreciate any
24 support because I believe that the CCRB changed to a
25 Charter revision, and so, that's a long process for

1
2 us but what we are hoping to do is once we get that
3 committee together and they have the recommendations.
4 Sorry, the Committees together. Once the committee
5 comes back to us with their recommendations, we will
6 then move forward with the best solution for us.

7 SPEAKER ADAMS: And how would a stable and
8 independent budget support your oversight mission?

9 DANIELLE ORTEGA: So, as we mentioned during our
10 testimony, the Board of Correction is rather small.
11 Our budget is roughly about .27 percent of the
12 Department of Corrections Budget. Even if we were
13 something as the Council proposed last year, which is
14 one percent, it would be \$12 million, which is about
15 four times of where we are now.

16 Us having additional resources will allow us to
17 do things like additional monitoring, reporting and
18 really meeting our standards. We feel that we've
19 taken a good first step in that in asking for
20 additional resources to expand monitoring in this
21 plan cycle. And so, allowing us to have sort of
22 those stable resources, independent, stable
23 independent resources will allow us to do more of our
24 mandate.

1
2 JASMINE GEORGES-YILLA: And I'll just add a part.
3 Two of our main priorities for this budget cycle and
4 for the years going forward is to really expand to a
5 24/7 monitoring oversight operation and we can't do
6 that with 12 monitors with a lack of Genentech access
7 24/7. That compromises our oversight work and our
8 Charter mandate, so to be able to regularly and
9 systematically report and do 24/7 oversight, we need
10 more funding and more staff.

11 SPEAKER ADAMS: Okay, I noted that in your
12 opening remarks that you did emphatically say that
13 you were in support of closing Rikers, which we
14 appreciate that. Closing Rikers and the borough-
15 based jails plan is an opportunity for more oversight
16 and input from the board. So, what's the boards role
17 in borough-based jails right now?

18 JASMINE GEORGES-YILLA: Well, recently we have
19 communicated with the Department of Corrections team
20 that's working on the borough-based jails plan. We
21 haven't been invited to - I believe there's a
22 taskforce of agencies that are thinking about what
23 the plan should be and how it should work and how to
24 meet the goal of 2027. We are not on that taskforce

25

1
2 but we do plan to have quarterly meetings with DOC's
3 team that is thinking about it.

4 So, it's important that whatever the design is,
5 whatever the construction is, keeps in mind the
6 minimum standards because that is how whatever
7 system, whatever jail structure goes forward, that's
8 how it will be ensured that's it's smaller, safer,
9 humane for the people who are in custody.

10 SPEAKER ADAMS: And I know that your staff isn't
11 a large one but even given that, do you have any
12 dedicated personnel right now taking a look at the
13 borough-based jails what that would look like and
14 sizing that up on your behalf?

15 JASMINE GEORGES-YILLA: We do not. We do not
16 have a dedicated staff person. That role right now
17 is with our Deputy Executive Director of Monitoring
18 and Research and she also has many other roles. So,
19 we think it's important that we have a staff person
20 that is dedicated to the borough-based jail plan
21 review because it's such an important issue and
22 that's a part of what our funding request is.

23 SPEAKER ADAMS: Okay, I'm going to transition now
24 and then I'll hand it over to the Deputy Speaker. I
25 don't know if you were listening to the testimony

1
2 from the Commissioner earlier, when I was speaking to
3 him about the video and issues with the video as it
4 pertains to the BOC and he had his perspective, which
5 in part I definitely disagreed with as far as the law
6 is concerned. So, how does the BOC use video footage
7 to further its oversight mission?

8 JASMINE GEORGES-YILLA: Well, it's an important
9 tool in our oversight. Because we have 12 monitoring
10 staff, we use and I'll give you an example actually
11 from one of our monitoring staff, uses Genentech to
12 view what's going on inside the jail when we can't be
13 in there physically present and also to see what's
14 going on inside the jail when we're not there.
15 Because it may be different then when our presence is
16 in there. And so, in certain instances, a monitor
17 may view and see a fight that's going on in an
18 unstaffed area of the jail. And this was actually
19 something that happened. A monitor saw that a fight
20 was going on. It was in an unstaffed area, so for
21 that persons physical safety, the monitor went to the
22 area, had the department come into the area to have
23 that person transferred and I stressed in my
24 testimony, that monitors save lives. And that's just
25 one example of how they use Genentech to save lives.

1
2 So, it's important that we have that access to the
3 video footage.

4 SPEAKER ADAMS: Okay. You're touching on the
5 next question that I have because prior to January,
6 when the DOC announced it was changing its policy,
7 can you describe in detail the nature of the BOC's
8 access to video footage within the jail system?

9 JASMINE GEORGES-YILLA: Can you repeat that?

10 SPEAKER ADAMS: In other words, can you tell us
11 in what - what types of circumstances you would
12 request video footage to be used and what it would be
13 used for?

14 JASMINE GEORGES-YILLA: Prior to it being -

15 SPEAKER ADAMS: Prior to January.

16 JASMINE GEORGES-YILLA: So, we had remote access.
17 We had access to log on to computers in our offices
18 to be able to view it in real time without making
19 requests. So, the decision to restrict and limit the
20 access is very drastic to our operations and how we
21 use it. And it's important to note that historically
22 we've had this access. This is how we worked and
23 this is how the DOC has agreed to have us work
24 together to perform our oversight. So, it's
25 unfortunate that that is what the position is.

1
2 SPEAKER ADAMS: So, what access does the BOC have
3 right now as far as video, obtaining video in the
4 jail?

5 JASMINE GEORGES-YILLA: So, right now I don't
6 know if the Commissioner explained what the
7 limitation is but we according to the department need
8 to make specific requests to review body worn camera
9 footage. We need to, if we want to review Genentech
10 footage, go into a surveilled room and we're
11 restricted from 9 a.m. to 6 p.m. and this really
12 contravenes what's in the Charter because it says at
13 any time, we can investigate all facilities under the
14 jurisdiction of the department and the fact that we
15 historically have been able to do that through video
16 footage and now are not, is a contravention of what's
17 in the Charter.

18 SPEAKER ADAMS: Executive Director, what do you
19 make of the Commissioner's statement that the BOC
20 engaged in significant numbers of reckless leaking of
21 videos?

22 JASMINE GEORGES-YILLA: That's false.

23 SPEAKER ADAMS: Thank you very much. Deputy
24 Speaker.

1
2 COUNCIL MEMBER AYALA: Good afternoon. It's been
3 a long day. So, at your March hearing, your board
4 members refused to load on the implementation of the
5 new system in which the incarcerated individuals
6 receive mail. How will this action effect the
7 implementation of the program?

8 JASMINE GEORGES-YILLA: So, at the March meeting,
9 the board did not vote, so they took no action on the
10 variance request. So, at this time, there is no
11 variance and the boards minimum standards are still
12 in effect and should be complied with.

13 COUNCIL MEMBER AYALA: Alright and at the Board,
14 your board members received testimony from several
15 people in custody who claimed to have been abused and
16 neglected while in DOC custody. As an oversight
17 body, what actions have been taken in light of these
18 recent testimonies?

19 JASMINE GEORGES-YILLA: Action, can you repeat
20 that?

21 COUNCIL MEMBER AYALA: Your board members
22 received testimony from several people in custody who
23 claimed to have been abused or neglected while in DOC
24 custody. As an oversight body, what actions have
25 been taken in light of these recent testimonies?

1
2 JASMINE GEORGES-YILLA: What we log as I was
3 explaining to Madam Speaker, we log all of our
4 complaints in the data manager system. And as of
5 December 2022, we had 2,207 log complaints and with
6 those sorts of complaints and grievances on
7 conditions of confinement, we follow up with people.
8 We go, we visit people in their cells in the areas
9 that they're housed in. We follow-up with DOC
10 leadership to make sure that the minimum standards
11 are being complied with and we make sure that we
12 close the grievances that we receive and log into our
13 system, to make sure that all of our minimum
14 standards are being complied with and that people in
15 custody, individual grievances are being taken care
16 of.

17 COUNCIL MEMBER AYALA: How does an inmate know to
18 contact you? Is that information readily available
19 throughout the different houses?

20 JASMINE GEORGES-YILLA: We have sheets posted
21 about who BOC is and what BOC does, and a lot of it
22 is our monitors going out into the jails, being the
23 eyes and ears of the board and really talking to
24 people in custody and telling them who we are.
25 Reminding them of their rights and what the minimum

1 standards are and how they can go about you know,
2 making complaints and grievances and we give them our
3 cards, our number, so they know, I hope that they
4 know that they can call and have an ear with BOC.
5

6 COUNCIL MEMBER AYALA: I mean the number reflects
7 you know; enough people know that you exist. That's
8 a good thing. I was just curious as to how you get -
9 because it seems like you guys have a very small
10 team. You're doing a lot right with very little and
11 I know that you mentioned the need for more funding
12 and headcount. Could you remind me again, what's the
13 current headcount?

14 DANIELLE ORTEGA: So, we currently have 28 active
15 staff but our budgeted headcount is 31 in FY23 and
16 FY24.

17 COUNCIL MEMBER AYALA: You're budgeted for 31 and
18 you're at 28?

19 DANIELLE ORTEGA: Eight.

20 COUNCIL MEMBER AYALA: Okay.

21 JASMINE GEORGES-YILLA: And I will also add
22 included in our submission for the Fiscal Year 2024
23 is a request for a policy and communications
24 associate and within that function, I think will be a
25 lot of education and outreach, so that we can think

1
2 about how we can expand knowledge about what the
3 board does. So, that is also a part of our funding
4 request to OMB to have that policy and communications
5 associate.

6 COUNCIL MEMBER AYALA: So, what is your current
7 budget? The operating budget?

8 DANIELLE ORTEGA: Sorry?

9 COUNCIL MEMBER AYALA: What is your current
10 operating budget?

11 DANIELLE ORTEGA: Our current operating budget is
12 a little bit over \$3 million. It's \$3.05 million in
13 this fiscal year and it's \$3.27 million next fiscal
14 year.

15 COUNCIL MEMBER AYALA: And you're asking for a \$2
16 million enhancement?

17 DANIELLE ORTEGA: So, for the expansion of
18 monitoring, we're asking for \$2 million in FY24. And
19 that's the bulk of our ask.

20 COUNCIL MEMBER AYALA: Okay, when you say
21 monitoring, what does that mean?

22 DANIELLE ORTEGA: So, it's our monitor to go out
23 into the facilities who ensure the compliance with
24 our Minimum Standards, as well as uhm, sorry, who
25 ensure the compliance with our Minimum Standards.

1
2 JASMINE GEORGES-YILLA: Yeah, and that's the
3 Correctional Standard Review Specialist title that I
4 was speaking of. It's the monitor and staff. The 12
5 current staff that we have that's the eyes and ears
6 of the board that goes to the jail.

7 COUNCIL MEMBER AYALA: So, that \$2 million would
8 potentially increase that 12 to how many?

9 DANIELLE ORTEGA: So, that \$2 million will add
10 roughly 27 staff to our monitoring area. So, the
11 bulk of that will be the Correctional Standard Review
12 Specialist. There are a small handful that will also
13 be directors as we bring on additional Correctional
14 Standard Review Specialists, they will have to have
15 some supervision as well.

16 COUNCIL MEMBER AYALA: I don't think I have
17 anything else. Let me just check, give me one
18 second.

19 DANIELLE ORTEGA: I can talk a little bit more
20 about our overall new need. But our overall new need
21 is \$2.6 million in FY24. So, it includes most of
22 that monitoring expansion, what we also have called
23 24/7 monitoring but it also includes the policy
24 analyst for our policy unit, as well as the appeals
25 analyst that we mentioned, who would go over the

1
2 correspondence, religion and other areas of appeals
3 that we receive, as well as a research director for
4 our research team.

5 COUNCIL MEMBER AYALA: Okay, now I wanted to go
6 back to the video footage. It seems that there's a
7 difference of opinions on what the interpretation of
8 the Charter actually is. How many times has BOC
9 requested and received permission to view video
10 footage since the January change in policy?

11 JASMINE GEORGES-YILLA: I can get you the exact
12 number. I don't know the exact number but we've
13 requested that I would say constantly because we need
14 to view the footage that we used to be able to view
15 in real time constantly and I would say that there
16 are outstanding requests, which is also why this is a
17 problem because we have requests for body worn camera
18 footage for a certain span of time that has gone
19 unresponded to. So, we're not able to do our
20 oversight work fully if we don't receive responses to
21 the requests that we're required to make now in the
22 limited sort of construction that's it's been -

23 COUNCIL MEMBER AYALA: I'm not familiar with
24 their video system but the technology system but do
25

1
2 the recordings stay somewhere like for a specific
3 shelf life or does it delete and then like?

4 JASMINE GEORGES-YILLA: I can't speak to how the
5 department stores its footage. I'm not sure but I
6 can look into that and see if we can get that.

7 COUNCIL MEMBER AYALA: I just, I ask right
8 because if it's recycled every month or whatever and
9 you're asking for information that's backdated, would
10 you still be able to have access to the same video
11 footage?

12 JASMINE GEORGES-YILLA: I don't know.

13 COUNCIL MEMBER AYALA: Okay, alright, thank you.

14 JASMINE GEORGES-YILLA: Thank you.

15 SPEAKER ADAMS: I'm going to ask one more
16 question and then I'll ask if Council Member Brewer
17 has questions as well. Are you aware of any recent
18 changes to directive 1100RA, which outlines the Board
19 of Corrections authority and states that it is DOC's
20 policy to cooperate with the Board of Correction in
21 fulfilling its statutory obligations under the New
22 York City Charter?

23 I asked the same question to the Commissioner.

24 JASMINE GEORGES-YILLA: Thank you for that
25 question Madam Speaker. No, I'm not aware of any

1
2 chances and in fact, I am happy that you pointed out
3 that directive. It is a directive from DOC.

4 SPEAKER ADAMS: Correct.

5 JASMINE GEORGES-YILLA: That spelled out the
6 Boards authority and it includes the fact that we can
7 photocopy records, which is also a part of the
8 limitation that's been made. So, you know, as I said
9 before, we have under the Charter, the authority to
10 at any time inspect DOC facilities and institutions
11 and our authority is also spelled out in DOC's own
12 directives and policies.

13 SPEAKER ADAMS: That's right. I just wanted to
14 make sure we were all hearing the same thing and
15 we're not you know - okay. Council Member Brewer,
16 did you have questions for BOC?

17 COUNCIL MEMBER BREWER: I'm sorry, I wasn't here
18 for the whole discussion but could you oversee food?
19 Is that something that would be in your per view?
20 Because I would say that the quality; I just left and
21 came back and I ran into legal aid attorneys who are
22 representing clients and they said that the young
23 people are starving because the foods so awful, they
24 don't eat it. And so, I want to know if that's
25 something that could be overseen?

1
2 JASMINE GEORGES-YILLA: Yes, thank you. Our
3 Minimum Standards do cover food, mental hygiene,
4 issues like that and I said earlier that our – the
5 number of complaints that we received in 2022 was
6 2,207 and I would say food, I can give you an
7 overview based on facility and an EMT fee in 2022
8 environmental health conditions and food conditions
9 was two of the top complaints that we received. And
10 so, we do follow-up on those sorts of complaints and
11 that is something that we cover and that are 12
12 monitoring staff right now follows up on and tries to
13 fix.

14 COUNCIL MEMBER BREWER: Okay, I would love to
15 work with you. As I said earlier, I happen to know
16 that the state facilities are doing a much better
17 job. Their contracts, RFP's are aligned with local
18 farmers in the State of New York. Food comes
19 directly from the farmers. I don't understand why we
20 can't do that here. I have a bill that would suggest
21 that that happen, Local Law 50. I've been working on
22 it for 20 years and I feel strongly that they could
23 do more some more scratch cooking. They could do
24 some more local produce and they could even have a
25 farmers market. That all should be happening.

1
2 JASMINE GEORGES-YILLA: We would love to work
3 with you and push DOC to come into compliance with
4 that aspect.

5 COUNCIL MEMBER BREWER: Thank you. Thank you
6 very much. Thank you Madam Speaker.

7 SPEAKER ADAMS: Thank you Council Member. Thank
8 you very much for your testimony today. We really,
9 really appreciate your time and your testimony.

10 PANEL: Thank you very much.

11 SPEAKER ADAMS: You are excused. Thank you.
12 We'll now turn it over to Council to prepare for our
13 public testimony. Thank you for hanging out with us
14 today public.

15 COMMITTEE COUNSEL: Thank you Madam Speaker. We
16 will now turn to public testimony. For in-person
17 panelists, please come up to the dais once your name
18 has been called. For virtual panelists, we will be
19 calling individuals one by one to testify and for
20 both in person and virtual testimony, we will be
21 limiting it to three minutes each. For virtual
22 panelists please begin once the Sergeant has started
23 the timer. And please wait to the Sergeant to
24 announce that you may begin.
25

1
2 I'll now call the first panel Jennifer Parish,
3 Amanda Berman, Zachary Katznelson, Darren Mack,
4 Jullian Harris-Calvin, and Andre Ward.

5 JENNIFER PARISH: Good afternoon. My name is
6 Jennifer Parish. I work at the Urban Justice Center
7 Mental Health Project. The Mental Health Project
8 represents those 3,000 people that you heard about
9 who are incarcerated and receive mental health
10 treatment. We represent them as part of the Brad H.
11 Settlement, which requires the city to provide
12 discharge planning services to them.

13 And I heard the Commissioner endorse the need for
14 mental health treatment and to stop relying on the
15 criminal legal system and we wholeheartedly agree
16 with that and I think the Council does too. And if
17 you do, you can take some of that \$2.7 billion budget
18 and reallocate it. You could reallocate it for
19 justice involved supportive housing, for increased
20 forensic assertive community treatment teams, for a
21 nonpolice response to mental health crisis calls, for
22 more outposted therapeutic housing units and these
23 are just resources that are connected to people who
24 are involved in the criminal legal system.

1
2 There are services needed throughout the mental
3 health community to prevent exactly what you
4 described Council Member Ayala of people who need
5 mental health treatment, try to receive it, their
6 families try to help them and they can't get it and
7 they wind up in this criminal legal system. And I
8 feel like we hear people in power express that.
9 Express their opposition to that and then we do
10 budgets and budgets show what we really care about
11 and the budgets that we're seeing right now increase
12 two agencies. Or increase the Department of
13 Corrections and have no cuts to NYPD.

14 So, I think that there are at least and the
15 campaign to Close Rikers said that there's at least
16 \$350 million that can be cut out of the Department of
17 Correction Budget. I don't think they'll feel a
18 thing because the Commissioner said he has the right
19 staff he needs right now and we reallocate it for the
20 things that would really help create stability, long
21 term stability because sending people to jail and
22 prison, that's just a band aid. People come home and
23 if they are subjected to these systems that impose
24 conditions that are like torture and cause trauma to
25 them, they're not coming out better and they need the

1 support and we need to really show that by investing
2 in the services that are needed. Thank you.

3 COUNCIL MEMBER AYALA: Go ahead.

4 DARREN MACK: Good afternoon. Thank you Speaker
5 Adams and Council Members for the opportunity to
6 testify today. My name is Darren Mack and I am a Co-
7 Director at Freedom Agenda. One of the organizations
8 leading the campaign to Close Rikers and I'm glad to
9 testify here today.

10 I want to thank you Speaker Adams for naming the
11 undeniable truth that it is not that Rikers Island,
12 it is not serving our city and it undermines public
13 safety. Between 1979 and 1980, incarcerated men at
14 Green Haven Correctional Facility conducted research
15 that came to be known as the seven-neighborhood
16 study. It revealed that over 75 percent of New York
17 States prison population came from seven New York
18 neighborhoods, the South Bronx, Harlem, lower East
19 Side, Brownsville, Bedford Stuyvesant, East New York
20 and South Jamaica. That reality remained the same in
21 the 90's, when I spent 19 months on Rikers Island as
22 a teenager and it's still the same today.

23 Today, nearly 6,000 people are languishing on
24 Rikers Island, mostly from these same communities.
25

1
2 These communities have been historically deprived of
3 resources and then criminalized for trying to
4 survive. A recent report from the Data Collaborative
5 for Justice showed that Black New Yorkers are jailed
6 in New York City at 11.6 times the rate of White New
7 Yorkers and the number of people in city jails with a
8 serious mental illness has increased 36 percent since
9 December 2021. It is passed time to do something
10 different. But instead, the Mayor has tried to take
11 us backward. New York City spends 350 percent more
12 per incarcerated person than the jail system in Los
13 Angeles and Illinois.

14 And yet, people in DOC custody are subjected to
15 some of the worst jail conditions in the nation.
16 Still, the mayor has proposed growing DOC's budget by
17 \$35 million and sparing them from vacancy reduction
18 while agency that provide housing, health care, youth
19 services and education are all facing massive cuts.

20 There is no staff shortage at Rikers but there's
21 an accountability shortage. New York City has the
22 only jail system in the country with more officers
23 than people in custody, but DOC leadership has
24 enabled officers to abuse sick leave and to refuse to
25 work in the posts most necessary to provide services

1
2 to people in custody. By taking measures to cut DOC
3 budget bloat, we can free up \$359.2 million for
4 crucial community investments. Even the most basic
5 step eliminated their 428 existing vacancies would
6 save \$119.1 million. That is money that is badly
7 needed to start correcting the decades of
8 disinvestment in Black and Brown communities. It's
9 money we need for supportive housing, for providing
10 pretrial services and alternatives to incarceration
11 and for so many upstream investments. This City
12 Council should make sure that in this year's budget
13 we actually do what the Mayor says he wants to do,
14 invest upstream to address root causes. By doing
15 that, we will make our city safer. We will reduce
16 the jail population and we will stay on track to
17 close Rikers Island. Thank you.

18 AMANDA BERMAN: Good afternoon Madam Speaker,
19 Deputy Speaker and Council Member Brewer, as well as
20 staff here at Council. My name is Amanda Berman, I
21 am the Deputy Director of Regional Programs with the
22 Center for Justice Innovation, formerly known as the
23 Center for Court Innovation. And for the past 25
24 years, Council has been an indispensable partner of
25 our in advancing equity and empowering communities

1
2 and promoting public safety and we're grateful for
3 that support.

4 I've submitted a much lengthier written testimony
5 that details all of our requests for the upcoming
6 fiscal year but I want to use my brief time here to
7 just focus on the most urgent issue we face and join
8 on the chorus of voices that we've heard here
9 throughout the day. And focus on the issue that I
10 know on this Council has prioritized and I want to
11 thank you for your commitment to and that is the need
12 to close Rikers Island.

13 And as we all know to accomplish that, the city
14 must prioritize investments in two critical areas in
15 order to bring down the population and make closing
16 Rikers a reality.

17 So, first, we need resources to safely monitor
18 high needs individuals who are being released pre-
19 trial and at the Center for Justice Innovation, we
20 operate the Supervised Release Program for Brooklyn
21 and Staten Island. Our current Fiscal Year 2023
22 contract was reduce by ten percent from Fiscal Year
23 2022 despite the fact that we saw a 60 percent
24 increase in our volume of participants, including a
25

1
2 doubling of our case load of the most high need
3 clients.

4 Providers cannot be expected to do more with less
5 and this must be a priority for the city. Second, we
6 need funding to sustain and expand a wide range of
7 alternatives to incarceration on both misdemeanor and
8 felony cases. And whether that's connecting
9 individuals living with serious mental illness to
10 community-based treatment, which is we know an urgent
11 need that was underscored throughout all of today's
12 hearing, or addressing the trauma of young people
13 that has led them down the path of violence. These
14 services offer a lifeline to thousands of individuals
15 every year who might otherwise be languishing in
16 jail.

17 We are currently working with the Mayor's Office
18 of Criminal Justice on the Jail Population Review
19 Project to try to identify every possible alternative
20 for as many detained individuals as possible. But in
21 order to get them off of Rikers, these alternatives
22 must be sufficiently funded to provide the kind of
23 comprehensive community-based support that can meet
24 the level of need that we're seeing and also the
25

1
2 courts want to see when making these release
3 decisions.

4 So, we look forward to continuing to work with
5 the Administration and with Council here to advance
6 our shared visions of closing Rikers and untapping
7 the potential of our communities. Thank you for the
8 opportunity to testify.

9 ANDRE WARD: Oh, we're in afternoon now right?
10 Good afternoon Madam Chair and Deputy Madam Chair.
11 My name is Andre Ward, I am the Associate Vice
12 President of The David Rothenberg Center for Public
13 Policy at the Fortune Society. We've been around for
14 about 55 years doing this work. We have a suite of
15 services that we offer ranging from mental health to
16 behavioral health services to alternatives to
17 incarceration services. And I'm testifying today
18 because all of what you heard today, what was
19 underscored by many who have spoken before me, we
20 know the importance of ensuring that people have what
21 they need who have been impacted by the criminal
22 legal system.

23 The people held on Rikers Island are suffering
24 needlessly and in ways that you know render everyone
25

1
2 there, staff and people in custody alike unsafe as
3 you know.

4 And so, when we think about this right, over half
5 of the people in DOC's custody have a mental health
6 diagnoses. The share of people with a serious mental
7 illness is not at a record high of 20 percent. 20
8 percent to 50 percent of the people on Rikers are in
9 desperate need of consistent mental health treatment
10 of some kind.

11 Yet, from February to October of 2022, people in
12 custody missed over 12,000 medical appointments, in
13 part because staff were not present to escort them.
14 And so, we call upon the Council and the
15 Administration to protect and enhance our Board of
16 Correction. We specifically request an increase in
17 DOC headcount in proportion to DOC headcount. It is
18 more critical than ever that the BOC has the staff
19 necessary to perform their city charted mandated
20 oversight of DOC?

21 One of the many ways in which calls from DOC's
22 budget could be utilized to enhance funding for
23 supportive housing. When we think about supportive
24 housing Madam Chair, we think about the Fair Chance
25 for Housing Act in some way, which is also important

1 for protecting our folks, so they can access housing.
2 Increased funding is necessary to pay fair market
3 rent and provide robust services including for the
4 many people with mental health needs. The current
5 funding for justice involved supportive housing is
6 far below what is sufficient, the no current JISH
7 service provider, including the Fortune Society bid
8 on the last report or last request for proposal
9 release by the city.
10

11 The city is bound by the points of agreement to
12 close Rikers Island by 2027, given the record numbers
13 of death, the persistent mismanagement and
14 dysfunction and the waste of our taxpayer funds on a
15 broken system, we urge you to require the
16 Administration to adhere to that timeline, which we
17 know you've staunchly done.

18 The FY 2024 DOC budget represents over \$35
19 million increase and projects that 85 percent of DOC
20 expenses will be attributed to staff salaries and
21 benefits. This is both disproportionate and
22 shocking. DOC does not lack financial resources.
23 The problems in our jails will not be solved by
24 increasing funding for the same line items that are
25

1
2 not only failing to produce results but actually
3 resulting in harm and death.

4 As our CEO JoAnn Page described, Rikers is a
5 pulsing tumor on our beloved city. Action must be
6 taken to address the Administrations delayed
7 construction timeline set forth in the proposed
8 contract issued for the building of the new Brooklyn
9 facility. Thank you very much for allowing us to
10 testify.

11 JULLIAN HARRIS-CALVIN: Good afternoon. My name
12 is Jullian Harris-Calvin and I'm from the Vera
13 Institute of Justice and I think as we all know here
14 today, budgets are moral documents. And we've all
15 heard that cliché but it is quite true. And so, when
16 you look at where New York City is laying its
17 treasures, our hard-earned tax dollars, we see that
18 it's spending nearly \$14 billion every year on jails
19 and police. Yet, many New Yorkers still don't feel
20 safe and still don't feel like they are seeing
21 justice and the wheels of justice turn fairly.

22 And so, investing more in our failed solutions of
23 more money for policing, more money for corrections,
24 will not help New Yorkers feel safe and will not feel
25 like we have a safe and fair justice system. And so,

1
2 it's past time to listen to the evidence and take a
3 different approach to safety and justice.

4 I urge our City Council to pass a budget that
5 invests in community-based supports that we've heard
6 from my colleagues here, we heard earlier from other
7 folks who have testified. And those kinds of
8 community-based supports prevent crime before it
9 happens instead of just reacting to it afterwards.
10 Beyond the clear moral imperative to support our
11 communities, extensive research shows the
12 effectiveness of well-funded comprehensive community-
13 based services at delivering safety while also
14 ensuring justice, including as my friends and
15 colleagues here have said, supportive and affordable
16 housing, individualized supervised release,
17 alternatives to incarceration, summer youth
18 employment and peer led mental health crisis
19 response.

20 The preliminary budget maintains funding, as
21 we've heard many times today for DOC, compared to
22 last years adopted budget and that's as we've heard
23 driven severely by over staffing and personal costs
24 consist of about 88.5 percent of the departments \$2.7
25 billion budget which is up from last year, despite

1
2 some of the testimony about cuts we heard from the
3 Commissioner earlier today. And I don't need to
4 belabor to this group of people why that number is
5 absurd. One need only read the many federal monitor
6 reports to understand the amount of waste and bloats
7 and inhumanity that lay below that number.

8 Meanwhile, the preliminary budget significantly
9 decreases funding for Department of Health and Mental
10 Hygiene by 26 percent, Department of Youth and
11 Community Development by 21 percent, the Department
12 of Housing, Preservation, and Development by 10
13 percent, and the Department of Social Services by 5
14 percent. It also decreases the Department of
15 Homeless Services by budgeting by over 4 percent and
16 it is true that much of this is due to shrinking
17 federal dollars, but the need and the public safety
18 consequences of those needs, do not dissipate simply
19 because the federal government has shifted their
20 priorities.

21 Safety and justice is New York City's primary
22 responsibility and so, New York City is responsible
23 for filling those gaps and meeting those needs.

24 So, we ask you to deliver both safety and justice
25 this fiscal year and years to come in the many ways

1
2 that have been mentioned earlier, particularly by
3 cutting the Department of Correction budget
4 significantly in line with the plan to close Rikers
5 Island because Corrections is not a jobs program. It
6 is about safety and our Close Rikers Plan and our
7 Borough Based Jail Plan is about safety and justice.
8 Thank you.

9 ZACHARY KATZNELSON: Hi good afternoon. I'm
10 Zachary Katznelson, I'm the Executive Director of the
11 Lippman Commission. I want to thank you Speaker,
12 Deputy Speaker, Council Member Brewer for your
13 leadership on Rikers for many years. It's essential,
14 it's powerful and it is deeply appreciated.

15 I want to just clarify one number that was talked
16 about before, the number of people with serious
17 mental illness in Rikers. The number 540 was said
18 several times. That's actually I believe not the
19 correct number. The correct number is 18 percent of
20 the total population. According, not 18 percent of
21 people with mental illness have serious mental
22 illness. Correctional Health Services at the end of
23 February, there were 1,162 people with a serious
24 mental illness on Rikers Island. I'm happy to
25 provide the documents if you wish, but that is

1
2 Correctional Health Services. So, it's not 540 it is
3 far more than that. Over 1,100 people with serious
4 mental illness on Rikers today.

5 You know, our common mission here is of course
6 closing Rikers but it's more than that right? It's
7 about maximizing safety, justice and racial equity.
8 And we know that Rikers undermines all three of those
9 every day that it's open.

10 The Lippman Commission has put forth a series of
11 blueprints to try and achieve those three goals,
12 increasing safety, justice and equity, right and to
13 shift to a system that's focused on care and
14 treatment and reentry to safely, smartly, and
15 permanently reduce the jail population, to make New
16 York a national model who work to reduce recidivism
17 and crime and make everyone safer. So, please
18 consider us a resource moving forward.

19 None of this requires anything radical. It's
20 building on proven solutions that we've had in New
21 York for years. We have to expand them and maximize
22 them but it's nothing new and radical at all. This
23 thing is like ending case lay, so no one languishes
24 at Rikers for months or years waiting for a trial.
25 And so, victims of crime aren't waiting for years as

1 well, waiting for answers and accountability. It's
2 population review teams and early holistic
3 assessments so we can divert people far earlier and
4 make sure that people, cases get resolved quickly.
5 It's things like supportive housing and mobile mental
6 health treatment teams. The outposted therapeutic
7 housing units we were talking about earlier, not just
8 the 380 that have been promised but we could have
9 easily 1,000 more, 1,500 of those units.

11 I mean just think about how sick the population
12 of folks at Rikers is. Fewer than 6,000 people with
13 50,000 medical appointments a month. What does that
14 say about the population of people and what they
15 truly need?

16 But meanwhile, let's tap correctional staff for
17 new ideas and innovation. There's correctional staff
18 and correctional health services, they came up with
19 the PACE units on Rikers. They are a national model
20 that deliver care incredibly effectively. That came
21 from within. We can really have partners in this if
22 we can engage correctional staff.

23 And then we need new things, as mentioned, a new
24 track of supervised release with really intensive
25 services to avoid people you know going in in the

1
2 first place. Additional electronic monitoring
3 capacity, technology and staff necessary to process
4 discovery quickly, full funding for the Office of
5 Chief Medical Examiner. So, tests take one month
6 instead of six and people don't sit in jail waiting
7 for that.

8 All of this, tri-tested just ready to be taken
9 advantage of and we look forward to working with you
10 to make that happen. Thank you so much.

11 COMMITTEE COUNSEL: Thank you to this panel.
12 I'll now call the next panel, Dalvanie Powell,
13 Matthew Thompson, Nadia Chait, Tanya Krupat, and
14 Melanie Dominquez and Henry Robinson. Ms. Powell,
15 you can start whenever you're ready.

16 DALVANIE POWELL: Okay. Good afternoon Madam
17 Speaker Adams and members of the Committee. I am the
18 President of the United Probation Officers
19 Association. I want to thank the Committee for
20 affording me on behalf of the members of the United
21 Probation Officers Association, known as UPOA. I
22 want to address the important issues of the future of
23 the criminal justice in the City of New York and the
24 importance of resourcing the vital work of probation
25

1
2 as you prepare your recommendation for next fiscal
3 year's budget.

4 Currently, there are approximately 759 probation
5 officers and supervising probation officers, most of
6 these members are women and people of color. Prior
7 to the Bloomberg Administration, there were
8 approximately 1,550 probation officers. Over the
9 last few years, the Department of Probation staffing
10 has been reduced, almost in half while the workload
11 has been increased in part because of the bail reform
12 and the Raise the Age program that increase the
13 number of our clients and place on our shoulders the
14 challenges facing law enforcement in the 21st
15 Century.

16 To perform our increased duties and
17 responsibilities, we need help and adequate resources
18 to match the responsibilities. Instead, these women
19 and people of color on the frontlines of the movement
20 to improve criminal justice are underpaid and
21 undervalued. Because of this, the Department of
22 Probation has issues with retention and recruitment.
23 Our members are leaving to get hired into higher
24 paying position in the criminal justice while we
25 recently had a civil service examination for

1
2 probation officers in July of 2022 and supervisor
3 probation officers in May 2021. There has not been a
4 civil service promotional examination for
5 administrative probation officer since 2007.

6 In addition, the Senior Probation Officer title
7 has not been used in years and attempts have been
8 made to do away with it and little said about the
9 title. This does not speak well for advancement in
10 the career path. Our salaries are at lows in the
11 metropolitan area for probation officers, which
12 includes Nassau, Suffolk Counties, West Chester
13 County. We do the same work as probation officer in
14 the nearby jurisdictions at higher values and are
15 paid pennies to the dollar for what they earn.

16 We have been asked to do more with less staff.
17 To do more, we need to find ways to be more efficient
18 and productive and we need more training and better
19 equipment. In addition, we are charged by the city
20 to oversee approximately 15,000 men, women and youth
21 who have been convicted of crimes and sent to
22 probation instead of jail, prison and placement.

23 Thereby, saving the city and the state millions
24 of dollars for each. We are responsible for making
25 sure they do not violate their terms of probation and

1
2 we work with them to turn their lives around. And
3 with that, this is the cost of the savings to the
4 city and the state.

5 Our members have bachelor's and master's degrees
6 and education experience in social work to help our
7 clients begin to live productive and lawful lives.

8 Our members are peace officers. My members are part
9 of task force with other agencies such as U.S.
10 Marshals, drug enforcement agencies, NYPD, and other
11 law enforcement agencies. We carry firearms, make
12 arrests and execute search warrants and arrest
13 warrants.

14 We need to be designated as police officers,
15 especially since we do the same work as the police
16 and face the same dangers. Yet our conversation lags
17 far behind other law enforcement agencies even though
18 we work with the same population. Although there's a
19 salary range for our titles, the majority of the
20 members are suppressed at the lower range and with
21 almost no opportunity to earn more, nor does our
22 members have ever reached the top salary. I know I'm
23 short for time, so what I'll do is you have my
24 presentation. You can finish reading the rest of it
25 and I'm open for questions.

1
2 MATTHEW THOMPSON: Greetings Madam Speaker and
3 Madam Deputy Speaker and to the Committee on Criminal
4 Justice. Speakers, good to see you again. I am
5 Matthew Thompson, Senior Policy Associate for the
6 Legal Action Center. I appreciate the opportunity to
7 address you all today.

8 New York's history as an innovator of mass
9 incarceration is one that we all meet with shame.
10 Though New York has taken steps toward reform, we are
11 still locking up too many people who are Black, more
12 often than not. Jail admissions declined from nearly
13 61,000 in 2016 to about 15.7 thousand in 2021, while
14 racial disparities increased. During the same
15 period, Black people with jail admissions rose from
16 53 percent to 57 percent. While White people share
17 actually declined by two percent and Hispanic people
18 by three percent.

19 Moreover, Rikers Island has become the largest
20 psychiatric provider in New York City, with over half
21 of those detained reporting a mental illness. The
22 need for upstream investments and preventive and
23 alternative strategies and downstream investments in
24 reentry services could not be more obvious.

1
2 Such policies are critical to getting New Yorkers
3 the help they need to thrive in the community and to
4 the city's decarceration efforts. New York must
5 invest in the ATI and the reentry services that are
6 community based, people centered and holistic. ATI
7 should seek to repair the intentional marginalization
8 of Black, Brown and poor persons from high quality
9 social care.

10 ATI should fundamentally be non-carceral. Many
11 providers exist in New York City to model from. The
12 Fortune Society provide emergency transitional and
13 permanent supportive housing to formerly incarcerated
14 persons. 78 percent of exodus participants secure
15 living wage jobs. Moreover, the cost savings of
16 these programs are drastic when compared to the half
17 a million dollars per person per year it cost to
18 house someone on Rikers Island.

19 If ATI's were implemented at scale, jails would
20 become obsolete. New York must work to address the
21 oppressive systemic conditions that perpetuate cycles
22 of poverty. We must reimagine how we approach
23 conflict resolution using tools like restorative and
24 transformative justice. And we must grant all New
25 Yorkers access to resources that create wellbeing.

1
2 As former President Lyndon B Johnson argued in
3 his 1964 Presidential Campaign, "there is something
4 mighty wrong with the candidate imones(sp?) violence
5 in the streets but votes against the war on poverty,
6 votes against the civil rights act and votes against
7 major education bills that come before him or her as
8 a legislator."

9 We must prioritize and choose public health over
10 punishment. Thank you for your time.

11 MELANIE DOMINGUEZ: Good afternoon everyone.
12 Thank you Speaker Agent Adams and Deputy Speaker
13 Diana Ayala and of course the Committee on Criminal
14 Justice for holding this New York City Council Budget
15 Oversight Hearing on the Preliminary Budget of the
16 Department of Corrections for Fiscal Year 2024. My
17 name is Melanie Dominguez and I am the lead Community
18 Organizer with the Katal Center for Equity, Health
19 and Justice based in Brooklyn. Our members are from
20 across the city and include people who have been
21 incarcerated or have family members that are
22 currently or formerly incarcerated in New York City
23 jails.

24 And New Yorkers including our members are deeply
25 concerned about the humanitarian crisis that is

1
2 playing out in our city's jail system. And as you
3 know, the Rikers Island Jail complex has a long-
4 documented history of violence and abuse. Under
5 Mayor Eric Adams, it's only getting worse.

6 Since Mayor Adams took office, 20 people have
7 died in New York City jails. That's 20 people, 20
8 human beings. Today, Rikers Island is the deadliest
9 it's been in 25 years and for more than a decade, the
10 population at Rikers has been steadily going down but
11 over the last 15 months, the jail population has been
12 going up. Since Mayor Adams first day in office, he
13 has been prioritizing sending even more low income,
14 Black and Brown New Yorkers to be jailed at Rikers.
15 Subjecting them to life threatening conditions. The
16 jail population is now at 5,517, which constitutes an
17 increase of over 500 people since Adams took office
18 15 months ago.

19 Last December, the Department of Corrections
20 Commissioner Louis Molina told this very Committee
21 that the DOC is planning for the city's jail
22 population to go up to 7,000 by the end of this year.
23 And you heard him today talk about how if nothing
24 happens, the jail population is continuing to - it's
25 going to continue to increase. And so, we know this,

1
2 this means that jailing another – ultimately what
3 this means is that they're going to be jailing
4 another 1,100 people pretrial and we all know the
5 vast majority of everyone in city jails right now are
6 detained pretrial. They have not been convicted of a
7 crime and they are legally innocent New Yorkers, most
8 of them who are unable to afford bail.

9 And just adding another 1,100 people to this
10 city's jail population will, using Comptroller's
11 figures, cost approximately half a billion dollars.
12 The Mayor is championing and proposed \$11.2 billion
13 budget for the NYPD to expand discriminatory policing
14 practices, which will ultimately lead to more Black
15 and Brown New Yorkers being caged, being held in
16 cages. The Mayor is simultaneously proposing deep
17 cuts to essential programs across the city, including
18 mental health services, legal services and summer
19 youth employment. Right now, what I'm asking and I
20 appreciate you Speaker Adrienne Adams for holding
21 this meeting, this hearing but I do want to ask you
22 that you reject Mayor Eric Adams proposal, budget
23 proposal to continue to incarcerate New Yorkers and
24 instead, draft a budget proposal that will cut the
25 correctional population, shutdown Rikers and make

1
2 investments in real public safety, like housing,
3 health care education, and jobs and like all of the
4 other suggestions that you have heard from the other
5 folks that have testified at this hearing. And you
6 know, we're at a very critical moment where the
7 Council must hold the Mayor accountable and make it
8 clear that there will be no budget without a concrete
9 and clear plan on how he intends to fulfill the
10 city's commitment to closing down Rikers Island, no
11 later than 2027. So, again, thank you so much.

12 NADIA CHAIT: Good afternoon. Thank you Speaker
13 Adams, Deputy Speaker Ayala and Council Member Brewer
14 for the opportunity to testify today. I'm Nadia
15 Chait, the Senior Director of Policy and Advocacy at
16 CASES.

17 We serve over 9,000 New Yorkers annually in a
18 holistic range of programming that includes mental
19 health pretrial services and youth and young adult
20 programming. We specialize in serving individuals
21 who have mental health challenges and criminal legal
22 system involvement and unfortunately, as we've heard
23 throughout the hearing today, that is a very large
24 group of New Yorkers who are often very poorly
25

1 served, and who often experience incredible trauma
2 and harm through our city's carceral system.

3
4 CASES operates a number of alternatives to
5 incarceration programs that provide these individuals
6 the supports that they need to maintain wellbeing and
7 live in the community safely, rather than being
8 incarcerated. And we are requesting an increase in
9 those funds this year, so that we can expand our
10 services to serve more of those New Yorkers. We
11 operate an alternative to incarceration that is the
12 only state licensed mental health ATI program. It
13 serves individuals with serious mental illness who
14 are facing felony charges and at least a year in
15 jail.

16 Of the recent program graduates, there is a 56
17 percent reduction in homelessness affording nine
18 percent reduction in psychiatric hospitalizations and
19 over 90 percent of any new conviction in the two
20 years following their time in the program. It's an
21 incredible success but it was started in 2003 as a
22 pilot program and in 2023 it is still a pilot
23 program. We serve less than 100 people in that
24 program every year and we would really like to expand
25 the program.

1
2 We also have a program called ROAR, which serves
3 youth and young adults who are felony and high
4 misdemeanor charges and helps them get mental health
5 services. We provide at home family therapy not only
6 to the young adult but also to their parents to help
7 with the home situation and substance use counseling.

8 Again, we would love to serve more people but we
9 need more funding. We also provide a range of
10 outpatient mental health services to individuals in
11 the criminal legal system.

12 Lastly, we're the pretrial service provider for
13 Manhattan. Unfortunately, our funds were cut by
14 close to \$3 million in this Fiscal Year. That has
15 harmed our ability to serve New Yorkers in pretrial
16 services, which of course we all know is essential to
17 reducing the population on Rikers Island and
18 successfully closing Rikers.

19 We encourage the Council to restore the funds not
20 only for our supervised release program but for the
21 supervised release programs in every borough, so that
22 we can effectively serve New Yorkers. The cut forces
23 us to reduce the amount of time that our staff spend
24 in the community, meeting individuals where they are
25 and instead has required many more of our clients to

1
2 come to us, which is often not convenient for them.
3 It hampers their employment and their other process
4 and it also reduced our ability to serve our clients
5 basic needs by buying food, providing them clothing
6 items and those sorts of things that really help the
7 most vulnerable New Yorkers in that program. Thank
8 you for the opportunity to testify.

9 TANYA KRUPAT: Good afternoon and thank you for
10 your leadership today and far beyond. My name is
11 Tanya Krupat, I'm the Vice President of Policy and
12 Advocacy at the Osborne Association.

13 Osborne serves 10,000 people each year from
14 arrests to reentry including providing programming in
15 New York State Prisons and Rikers Island. While this
16 hearing is about the criminal justice budget, it's
17 important that we remember the guiding principle that
18 the solutions for current challenges lay outside the
19 criminal legal system and that justice and public
20 safety are what you get as a result of healthy and
21 well-resourced communities.

22 My written testimony expands on three points. We
23 need to close Rikers and not waiver from the school
24 nor the timeline in the Council enshrined in law. As
25 we work to divert and decarcerate, we must improve

1
2 conditions for those who are currently incarcerated,
3 including ensuring people are connected to their
4 loved ones, including children and other community
5 supports through visits, mail packages and phone
6 calls. And we must invest in community-based
7 programs including reentry services.

8 I'd like to focus on visiting because it is so
9 overlooked yet so incredibly important. Visiting is
10 the lifeline, yet there are still no weekend in
11 person visiting days. Making it hard to impossible
12 for school-aged children and working families to
13 visit at all. Weekend in-person visits should be
14 restored immediately and Intro. 356, sponsored by
15 Chair Rivera should add a minimum requirement that
16 weekend and after school, evening visiting hours be
17 made available.

18 Staffing shortages are no longer an acceptable
19 response to why this hasn't happened. The
20 Commissioner spoke about how DOC staff are now back
21 at work and this has allowed DOC to reopen visiting.
22 But the busiest visiting days and those acceptable to
23 most families remain completely closed. This has
24 painful ripple effects on children and families and
25 is devastating to those incarcerated. We also strongly

1
2 recommend that visiting be added to the DOC section
3 of the Mayor's Management Report, the MMR. This has
4 been referenced in this hearing and it's an important
5 source of transparency, information and performance
6 indicators.

7 Visiting is completely absent from the
8 Department's own services and goals that drive the
9 indicators reported in the MMR and completely absent
10 from the DOC dashboard that they've recently added.
11 The Commissioner mentioned the lack of digitized
12 systems. We strongly recommend that the online tele
13 visiting scheduling system also be digitized.

14 Currently, once people register online, DOC
15 schedules the visits manually. And there have been
16 pervasive and persistent scheduling challenges, which
17 leads to tele-visits not happening and families being
18 very frustrated and anxious. Children being
19 disappointed and worried about their parents and
20 further isolates those who are detained.

21 My written testimony outlines the programs for
22 which Osborne is seeking continued or new City
23 Council funding. These include programs such as our
24 court advocacy services, parole violation mitigation
25 program and elder reentry initiatives that will

1
2 divert people from costly incarceration, assist them
3 in leaving Rikers sooner and support their children
4 and families as well.

5 We urge the Council to expand the investment in
6 community-based programming. The money to do so is
7 there. A full court press to bring down the
8 population on Rikers as occurred when the pandemic
9 struck would free up millions of dollars to spend on
10 upstream solutions that support families, strengthen
11 communities and yield public safety. Thank you.

12 SPEAKER ADAMS: Thank you all very much. I
13 believe Council Member Brewer has a question.

14 COUNCIL MEMBER BREWER: One very quick question.
15 I'm always a believer in trying to not be siloed.
16 So, I'm wondering whether it's MOCJ, probation, the
17 Mayor's Office. Does anybody bring together all of
18 the ATI's that work or try to work to decrease the
19 population at Rikers on a regular basis? Is there
20 any entity doing that? No?

21 TANYA KRUPAT: No, I mean, we have an ACI reentry
22 coalition, providers ourselves get together but
23 there's no city agency that brings us together.

24 COUNCIL MEMBER BREWER: Thank you.
25

1
2 SPEAKER ADAMS: Thank you all very much for your
3 testimony and for your hard work and for your
4 commitment. Thank you very much.

5 COMMITTEE COUNSEL: Okay, I'll now call up the
6 next panel, Grace Orteza, Carmen Perez-Jordan, Aaliyah
7 Guillory-Nickens, Conor Foley and Chaplain Dr.
8 Victoria A. Phillips.

9 CARMEN PEREZ-JORDAN: Good afternoon. Thank you
10 Speaker Adams and other distinguished Council Members
11 for the opportunity to testify today. My name is
12 Carmen Perez-Jordan, I am the President and CEO of
13 the Gathering for Justice and Co-founder of Justice
14 League NYC.

15 I am here to testify on the Department of
16 Corrections over inflated budget. The NYC DOC is one
17 of the highest DOC budgets in the country and yet,
18 people in NYC DOC custody are subjected to some of
19 the worst jail conditions in our nation. Even after
20 City Council committed to closing Rikers in 2019,
21 conditions on Rikers continue to deteriorate and
22 violence continue to rise.

23 In 2021, both the Federal Monitor and the Chief
24 Medical Officer made a public call for help due to
25 the emergency situation occurring on Rikers. While

1
2 this outcry led to the signing of the Less is More
3 Act and the release of 191 people, still there were
4 16 deaths in 2021, 19 deaths in 2022 and already one
5 reported death in 2023. One is too many.

6 We are now entering in the fifth budgetary cycle
7 since the plan to close Rikers was passed. We need
8 to stop funneling taxpayer dollars into these
9 outrageously damaged department. More than 50
10 percent of people currently detained on Rikers have
11 mental health diagnosis and hundreds detained are on
12 Rikers simply because they are homeless. While youth
13 under the age of 18 are no longer incarcerated at
14 Rikers, thanks to Raise the Age, the total number of
15 young adults age 18-21 in DOC custody is 530.

16 We must divest DOC's budget and redistribute
17 those funds to resourcing adequate housing, health
18 care, social and employment programs for youth and
19 substance use disorder treatment before they interact
20 with the criminal legal system.

21 Additionally, there is an overabundance of
22 officers employed by DOC. The ratio of staff to
23 incarcerated people is more than four time higher
24 than the national average. We must correct this
25 spending by removing staff from the payroll who are

1
2 not doing their jobs and start consolidating
3 operations on Rikers to facilitate the imminent
4 closing of the jails.

5 Rikers Island is not only dangerous for those who
6 are housed in the prisons but it's dangerous for the
7 correctional officers, medical staff and families who
8 visit loved ones. We must make those changes.

9 The Gathering for Justice and Justice League NYC
10 has worked with Kalif Browder's family who should
11 have never been on Rikers Island for the alleged
12 death of a backpack. And the family of Pedro
13 Hernandez, who was consistently beaten by officers
14 inside Rikers. The time is now. There is less than
15 four years until NYC is required to close the jails
16 on Rikers Island. We urge City Council to accept our
17 recommendations to reduce the DOC's budget and open
18 up funding for community investments. It is time to
19 divest funds used for punitive measures and
20 redistribute them to communities that need it the
21 most. Thank you for your time.

22 GRACE ORTEZ: Hi, good afternoon. My name is
23 Grace Ortez. I'm a proud daughter of the South Bronx
24 and a member organizer of Freedom Agenda, and the
25 Campaign to Close Rikers Island. I'm also a peer

1
2 crisis worker, Restorative Justice Practitioner and
3 reentry worker.

4 What brought me to this work is my experience as
5 a survivor of violence that began in my infancy and
6 persisted throughout and consumed my entire
7 childhood. I survived physical, psychological and
8 sexual brutalization to the highest degree. Due to
9 the suffocating weight I have carried in the
10 aftermath of my experiences, I have experienced and
11 survived multiple suicide attempts.

12 I share these gruesome details explicitly to make
13 it clear to everyone in this room that I've been
14 burned by the vicious fire of violence. It is seared
15 into my soul. Traumatic memories of violence live in
16 every single cell of my body. So, no one should dare
17 question the fact that I take community safety
18 incredibly seriously. For this reason, I don't
19 understand why the city and namely Mayor Adam's
20 Administration insists on investing in Rikers Island
21 when there are countless community organizations that
22 work to rehabilitate. Funding Rikers Island means
23 that we are responding to violence after an incident
24 of harm. After a human sole has already been set on
25 fire.

1
2 The human cost of violence cannot be measured in
3 financial terms. When the city chooses to invest in
4 responses to violence that rely on punitive measures
5 in the aftermath after an act of violence has already
6 occurred, you have already failed the victim.

7 Every cent that goes to Rikers is one that
8 neglects violence prevention and given the amount of
9 research at the city's disposal on the topic of
10 alternatives to incarceration, the choice to continue
11 to fund Rikers is completely inexcusable.

12 In this moment in which discourse regarding
13 public safety in New York City dominates headlines,
14 the city's delays in ensuring the closure of Rikers
15 Island is in a front to countless Black and Brown New
16 Yorkers for whom Rikers has stood as destabilizing
17 destructive force, the communities we work tirelessly
18 to build.

19 Grassroots crisis responders work towards
20 community reconciliation following acts of harm,
21 while reducing reliance on incarceration and we do so
22 with little to no funding. We are the ones
23 constantly cleaning up after the city's failed
24 investments in the carceral system, which have torn
25 the social fabric of our communities. These failures

1
2 which have impacted families on a multigenerational
3 scale.

4 Our work in the community leads to positive
5 outcomes and rather than taking our lead, the city's
6 inaction on the closure of Rikers has made it our
7 biggest obstruction to progress.

8 To those of you in front of me in power, who I
9 count as allies, I urge you to please continue to put
10 pressure on Mayor Adams to be proactive in keeping us
11 safe by investing in restorative approaches and
12 turning the page on Rikers Island for good. Thank
13 you.

14 AALIYAH GUILLORY-NICKENS: Good afternoon. Thank
15 you guys for hosting this. My name is Aaliyah
16 Guillory-Nickens, I'm 20-years-old. I currently work
17 as Campaign Organizer at Youth Represent.

18 I wasn't going to mention this at first but I
19 noticed it while I was waiting and I want to address
20 it. The gap I think I see between communities and
21 advocates and then the city's officials. So, like
22 the DOC, they went first, they spoke, they answered
23 questions and now the public is testifying and
24 they're not here to hear our testimonies when they're
25 supposed to be one in public safety. We all want the

1
2 same thing, which is public safety, but they aren't
3 here to hear what we have to say. This family
4 sitting in a crowd, friends and family, loved ones
5 sitting in a crowd and I don't know where the moral
6 compass mentioned when it comes to hearing our
7 testimonies and what we have to say about people that
8 who we love being in Rikers.

9 But what I was going to mention before that was
10 the DOC proposing \$2 billion for their budget, yet
11 people in their facilities are getting horrible
12 treatment. People are getting beat. People are
13 dying, so the real question is, what we have to
14 investigate and figure out is where the money is
15 going. Where the money for programs and things are
16 going. Where is the money being funded and how it's
17 being allocated?

18 Right now, there's almost 6,000 people on Rikers
19 right now. 1,000 of them are under 25 and we could
20 see that New York City has a problem with locking up
21 mostly Black and Brown people, which impacts
22 communities negatively. We see that all the time but
23 we're still complaining about public safety and we're
24 continuing to lock up Black and Brown people. What
25 we need to talk about is reallocating those funds.

1
2 So, the first up should be which is like I would
3 think it's commonsense to stop paying people that's
4 not doing their job. Like, if they're not coming to
5 work, if they're there and they're not doing
6 anything, it would make sense to stop giving them the
7 money that's coming out of our pockets, then invest
8 in the jobs. The lady was up here talking about how
9 there are Black and Brown women in this field and
10 they're not getting paid enough. Maybe if we move
11 that money into other jobs that actually help our
12 communities like EMS workers, doctors, things like
13 that and put them in those positions, raise their
14 salary so they can get some more money, that would be
15 helpful as well and then of course, as everybody is
16 saying, community investments. I work at Youth
17 Represent, which is a nonprofit legal organization
18 that provides free legal services to young people up
19 to the age of 25.

20 After COVID, we hosted 80 legal Know Your Rights
21 workshops to 1,205 participants and provided full
22 legal services to 471 young people who currently do
23 policy work, where we have a youth committee that
24 works on legislation right now. We're trying to pass
25 a bill called the youth justice and opportunities

1 act, which is a sentence and reform bill that's
2 helping young people get off of Rikers. Those same
3 young people get off Rikers and have a second chance
4 at life. So, they're able to move forward with their
5 life. That's what Youth Represent does and investing
6 in organizations like that would help with public
7 safety and making our communities safer rather than
8 just throwing everybody in jail and putting a lot of
9 money into the jails. Then something else that
10 should be invested in is affordable stable housing of
11 course. Mental health services providing free
12 therapy for Black and Brown young people and people
13 in general. We shouldn't have to pay for therapy if
14 people are suffering from mental health, they
15 shouldn't have to pay for things like that. Being
16 sure that the facilities that serve these people who
17 are suffering. Making sure that those facilities are
18 thriving and people are getting the right care in
19 those facilities. We're putting money in them. The
20 education in a public school system of course and
21 affordable and comprehensive health care. I think
22 all of these things are commonsense things but we
23 have to sit here and talk about it. I don't think
24 that we should have to. I think that we shouldn't
25

1
2 put all of this money into the DOC and put it into
3 the things that the people of the community have been
4 talking about and we continue to talk about. Thank
5 you.

6 SPEAKER ADAMS: Thank you Aaliyah, you are wise
7 beyond your years. Thank you for being here and
8 don't you want to join us on the City Council and
9 help us fight for a lot of the things that you're
10 talking about? Thank you. You're good.

11 CHAPLAIN DR. VICTORIA A. PHILLIPS: Peace and
12 blessings Speaker and everyone. I'm Chaplain Dr.
13 Victoria A. Phillips, also known as Dr. V., Founder
14 and CEO of Visionary Ministries, work path eight
15 years at the Mental Health Project Urban Justice
16 Center. And I served on DOC's board for six plus
17 years and I am the Co-Chair to the young adult
18 taskforce at DOC.

19 Unfortunately we haven't met in a very long time.
20 I'm also a long-time member of the Jails Action
21 Coalition and we formed in December of 2011 based on
22 the issues going on in DOC. And over the past two
23 decades, I've worked on Rikers in nursing, cognitive
24 behavioral therapy, Chaplaincy and some forms of
25 monitoring.

1
2 And so, Chair just really quickly, I just want to
3 tell you that I truly, I respect your stance and how
4 you move and I remember around the; I'm moving away
5 from my notes but I remember how you responded to
6 your constituents. Everyone in New York City around
7 the vote to close Rikers in 2019. And how you even
8 spoke of the respect for your mother in her position,
9 and I always often mention my mother being buried in
10 a military cemetery and I know a lot of people get
11 tired of me saying that but to me, that really means
12 something. That flag behind you all means something.
13 Being a domestic sawyer means something and the fact
14 that I've personally witnessed so many people over
15 the years. I've testified at City Council and Board
16 of Corrections over the last decade on the record,
17 even when my life was being threatened by officers
18 okay.

19 And I say that because I am so fed up with the
20 repeating cycle of new administrations coming in. No
21 one wants to take our build on what has already been
22 decided or ideas put into place to continue and make
23 it consistent. And so, Deputy Speaker, you had
24 mentioned earlier the young adult and even like - let
25

1
2 me just go back to my - I'm sorry, let me just go
3 back to my notes because it's a lot.

4 I remember seven years ago; I sat in that side
5 chamber and I begged for more officers. And I did
6 that because as an army brat, I believe that we - if
7 we teaches officers humanity through our actions,
8 then it should trickle down to the detainees right?

9 And so, back then they was forced to work three
10 tours. However, DOC mismanaged those funds. In that
11 same hearing, I also asked for funding in programming
12 but DOC still often does not run programming
13 consistently. I asked for funding for expansion of
14 DOI and the Commissioner, Commissioner Molina,
15 actually fired the lead officer his very first week
16 last year in DOI.

17 Then this Commissioner, who also sat on the
18 Federal Monitors Team for years gaining delicate data
19 on all issues and concerns comes before you as if he
20 has no answers and no real results on things that he
21 already was privy to before taking his position.
22 Hold him accountable on his access and his lack to
23 show improvement.

24 The time has come to stop making groups who
25 repeat ideas. On 77 percent of the women who become

1
2 detained on Rikers already a survivor of sexual
3 assault. So, where are the trauma responses in the
4 community resources? Just give me another minute
5 please.

6 The BOC budget must increase drastically. It is
7 not enough to research why deaths occur and yet
8 remain inactive on preventing them. In fact, I
9 mentioned at the last BOC meeting how I was reminded
10 of the biblical story when Ramses told Moses people
11 to build bricks without straw. And now, the
12 Commissioner told his oversight board to oversee them
13 9-5 Monday through Friday.

14 And I just also want to add on the fact that on
15 the Advisory Board DC Torres hated when I would also
16 hold them accountable because I didn't just ask how
17 many people were in level one. I wanted to know how
18 many days there were in level one. Was there a
19 repeat of them? Because they had a thing of where
20 they were moving for four hours and put you right
21 back in the same unit.

22 And so, they're documenting that they actually
23 move someone but it's not a real removal. And so,
24 they're violating people's rights. BOC does need
25 actual more monitors because they have a practice of

1
2 when they receive grievances, often times they don't
3 really follow up on them and they also kick them back
4 to the DOC grievance unit and I've actually put my
5 concerns on the record before because how many people
6 are you putting in harm. If you're not actually
7 following up on those grievances, when they reached
8 out to you, and you're pushing them back to DOC and
9 you know they don't do their job. Who is really
10 doing oversight?

11 So, when we tell people to call DOC, I tell them
12 call, email, call 311 but BOC is the lifeline. When
13 I tell you that they need more monitors, monitors
14 can't go to every unit in every facility whether it's
15 on Rikers or on the Boat and the members aren't even
16 getting up. Hold them accountable as well. You know
17 because it's too much favoritism with political
18 parties and whose being pointed who. And everyone
19 who took that position has the duty to save every
20 heartbeat and CHS will sit in front of these
21 Committees, whether it's in front of your Committees
22 or at the BOC, and they will lie and say yes, we're
23 talking with DOC. We have good communication and
24 then they tell me on the side, Dr. V., we don't have
25 24/7 access to our patients. Could you bring it up

1
2 in the meeting? And it's not on me, a constituent,
3 who doesn't get paid for any of this to hold the
4 people who get paid everyday accountable to do their
5 job.

6 So, I'm asking you, we have Black people in
7 leadership and it disgusts me that at a time when we
8 should be rising up and taking care of our own, we
9 are falling short and I can say so much but I'll put
10 it in writing. But I just want you Speaker to really
11 hear my heart and please, please, hear the people
12 behind the walls, because they have - the officers
13 have a union but the detainees have no one but us.
14 And so many people who work behind the walls are
15 afraid. I remember years ago, sitting with Dr. Homer
16 on a panel in Columbia and nobody else would come
17 forward and speak but him and I. The time has come
18 to realize that true torture goes on behind the walls
19 and it must stop on our watch.

20 SPEAKER ADAMS: Okay, uh, uh, uh, uh, uh. Thank
21 you Dr. V. you have been with us a long time fighting
22 the good fight and Zooming in through the pandemic
23 and all of the consistency that you hold and I do
24 hear your heartbeat for sure. I'll make this comment
25 though because I get this a lot. As the first Black

1
2 speaker, I get you know a lot of references to being
3 that. So, what I will lovingly say to you is that it
4 took an awful long time to get in the positions that
5 we're in. We literally got here yesterday. Give us
6 time. Give us some time. We're fighting a good
7 fight with you.

8 CHAPLAIN DR. VICTORIA A. PHILLIPS: 20

9 heartbeats, I'll just remind you of that. 20
10 heartbeats.

11 SPEAKER ADAMS: Remind me Dr. V.

12 CHAPLAIN DR. VICTORIA A. PHILLIPS: 20 heartbeats
13 we've already lost.

14 SPEAKER ADAMS: Thank you for your work. Thank
15 you for your testimony panel.

16 COMMITTEE COUNSEL: Okay, I'll call the next
17 panel, Eileen Maher, Abraham Carrasco, Alex Griffith,
18 Judith Jones, and Christopher Leon Johnson and just
19 as a reminder, if there's anybody here who wishes to
20 testify, please see the Sergeant in the back and sign
21 a witness slip.

22 SPEAKER ADAMS: You may begin.

23 EILEEN MAHER: Good afternoon. Thank you for
24 allowing me the opportunity to testify. My name is
25 Eileen Maher, I'm a Civil Rights Union Leader from

1
2 Vocal New York. I'm also a Social Worker and a
3 survivor of domestic violence, which I was later
4 criminalized and decarcerated for.

5 I spent over 420 days on the Island and I can
6 tell you first hand that the issues with violence,
7 abuse, narcotics, weapons, other contraband, chronic
8 and deliberate absenteeism and a poor if nonexistent
9 work ethic is stronger now than it has ever been.

10 And not only stronger but is always due to
11 transgressions made by corrections officers and
12 staff. Earlier today, Commissioner Molina stated
13 that DOC has seized the use of solitary confinement.
14 However, that statement is also simply false. This
15 morning, prior to this meeting I received a letter
16 from a detainee that I am friends with on the Island
17 detailing the fact that he has been in solitary AKA
18 the Bing for 11 consecutive weeks.

19 Last night, a CO intimated to me that if a
20 detainee is not in the Bing, he or she could be
21 shackled at both his or her hands and wrists and
22 ankles to a restraint desk, AKA and a spit mask, and
23 restrictive mittens are forcibly placed on the
24 detainee as well. This is reminiscent of a mid-evil
25 slave torture practices. Something a high sheriff in

1
2 Georgia was recently convicted of and incarcerated
3 for using despite instructions from the court
4 mandating otherwise in his capacity as a jail warden.

5 Medical appointments and medications for serious
6 chronic illnesses such as diabetes, cancer, mental
7 illness, substance abuse or medically assisted
8 narcotics treatments i.e. methadone, are still not
9 being kept at record high rates. I recently read a
10 statement made on social media by a current CO when
11 discussing medically assisted treatment. "Who gives
12 a FUCK if these junkies live or die anyway? They are
13 all monsters."

14 So, to put it bluntly, nothing has changed at all
15 within DOC or on the Island. The purpose of
16 corrections is to correct. DOC is engaging in the
17 polar opposite. I urge the City Council to not buy
18 into DOC's blatant lies. The only option at this
19 point is to expedite the closing of Rikers Island and
20 dismantle the dilapidated and obsolete Department of
21 Corrections.

22 My comrades and I urge you to address these
23 egregious human rights disasters sooner rather than
24 later. Thank you.

1
2 JUDITH JONES: Good evening. My name is Judith
3 Jones and I'm an advocate for a prisoner in Rikers
4 Island. Presently, I'm in touch with one of the
5 prisoners that I'm representing. He is mentally ill
6 and in crisis. So, I have my own team because of 35
7 years, I have been working with people with mental
8 illness, whether it's parents. This one seemed to be
9 a lot to deal with. I have been emailing, calling
10 311, texting, and what he is saying now that he is
11 getting retaliation from the captain, the counselors
12 and he is being harassed.

13 I'm asking for help. I'm asking what can we do
14 because Rikers Island, I am not seeing it closing at
15 any time and we have people who are mentally ill and
16 challenged. I went so far to have my own dream team,
17 doctors who are willing to support on the outside.
18 I'm asking for a HIPAA form and they are saying that
19 it's not properly well documented. To gather those
20 things, we need the HIPAA form. This is prescription
21 for problems that are occurring daily because a
22 person can't be in more prison than what is required
23 and I see that he could never get that.

24 How could you come without having a comprehensive
25 care or knowledge of what this person has? They have

1
2 all the records but he's not getting any help. He's
3 being harassed. He is being beaten in the presence
4 of visitors and I'm asking for help on behalf of all
5 of these prisoners and the many that I have not seen
6 as yet and parents who have been calling out for
7 help.

8 We seriously need help for these prisoners and my
9 belief is if we are on the outside as an advocate who
10 is willing with doctors to assist in any way, why
11 can't this be help for these prisoners? There must
12 be some currency, some sort of transparency for
13 organizations and myself who is willing to roll up
14 our sleeves to help these prisoners. And all I'm
15 asking Madam Chairman and assistant Chairman to
16 listen to us because we are the voice of these
17 prisoners and they are mentally ill and they're
18 saying they are refusing medication. You have not
19 given them any care. They have not seen a doctor, so
20 how could they get medication in a place where
21 there's not a proper environment for these prisoners?
22 And I'm asking, I'm begging on behalf of these
23 prisoners, anything that I can do but I need help. I
24 need help to move quickly to assist these people and
25 this is all I can say as an advocate because my hat

1
2 as a parent, a grandmother and a great grandmother
3 who is out for these prisoners and their family.
4 Thank you very much for listening.

5 CHRISTOPHER LEON JOHNSON: On the record, I do
6 not represent an organization. I'm just wearing this
7 shirt just in case. Now, thank you Speaker. Thank
8 you Madam Deputy Speaker, thank you Ms. Brewer for
9 inviting me out here. Now, I'm for closing Rikers.
10 I know it's 2027, that's the closing date, alleged
11 closing date. So, we're in 2023, so right now, I
12 think that the budget shouldn't be driven into these
13 ineffective nonprofits, just as the cure violence
14 organizations. Those organizations are real inept.
15 They are not effective at all. I understand that the
16 people here are seeing we need to divest from Rikers,
17 like from the DOC and give to these community
18 organizations but these nonprofits shouldn't be
19 getting this amount of money.

20 You should put that money to arts. You should
21 put that money to the trades. You should put that
22 money to like coding and you know that's what it
23 should be going to a little more. Not putting this
24 money to like inept initiatives. Basically, you know
25 I think it should be closed; you know Rikers you know

1 because it's not effective at all. I mean, it's uh,
2 I'd like to say that it's like a hell hole inside
3 there. You know, I think people here know it. A lot
4 of people, even the members know it, that it's not
5 good at all. I mean you should just knock it down
6 and build something nice or developments and build
7 the jails. That's what I believe should happen.
8 Basically that's it. Thank you.

9
10 SPEAKER ADAMS: Thank you all very much for your
11 testimony and your time today. Thank you very much.
12 Counsel.

13 COMMITTEE COUNSEL: We're going to move to
14 virtual panelist and I'll read off the list in order.
15 We'll hear from Lacey Tauber, Kelly Young, Victor
16 Herrera, Kelly Grace Price, David Long and Danielle
17 Gerrard and we'll start with Lacey Tauber.

18 LACEY TAUBER: Hi, can you hear me?

19 SERGEANT AT ARMS: Yes, we can.

20 LACEY TAUBER: Okay, great. My name is Lacey
21 Tauber, I am representing Brooklyn Borough President
22 Antonio Reynoso today. Thank you Speaker Adams for
23 holding this hearing and for fighting a good fight
24 and for the members of the Council who are still
25 there. Thank you.

1
2 I'm here today to state unequivocally that this
3 Council and Administration must work together to
4 close the Rikers Island jail by the legally mandated
5 date of August 31, 2027, despite DOC spending more
6 than \$550,000 per incarcerated person per year. The
7 conditions on Rikers are a humanitarian crisis. One
8 death of an incarcerated person is too many and 19 in
9 one-year last year with another last month is a
10 crisis we must address with great urgency.

11 Yet instead of moving us to decarceration, a
12 proposed fiscal year 2024 DOC budget funds \$2.74
13 billion worth of the same broken system. The most
14 egregious funding is on staff salaries, benefits and
15 overtime. While the borough president believes that
16 these officers deserve fair wages, the overstaffing
17 due to abusive sick leave and reassignment of
18 officers to nonjail duties needs to end.

19 DOC staffing ratio continues to hover near one
20 officer for every incarcerated person, far exceeding
21 the national average. Yet the department also close
22 past it's projected overtime spending every year.

23 In the fiscal climate, where we are debating cuts
24 to essential city services, like libraries, we
25 absolutely must get this inflated spending under

1 control. Eliminating vacant positions at DOC as the
2 Mayor is calling on other agencies to do alone could
3 provide the city with \$119 million, \$221 million if
4 we take into account anticipated nutrition to
5 reallocate the programs that support our future with
6 a much smaller incarcerated population without a jail
7 on Rikers Island. Some of these programs include
8 supportive housing and behavioral health programs.
9 About 50 percent of incarcerated people on Rikers at
10 any given time have a mental health diagnosis and
11 thousands are homeless. We absolutely cannot keep
12 using our jails in place of community-based treatment
13 programs and affordable housing opportunities. The
14 Mayor's Office estimates the hundreds of thousands of
15 New Yorkers who could benefit from behavioral health
16 treatment programs are not connected to care and
17 notes that there are racial and geographical
18 disparities in access.

19
20 The budget should reallocate funding from DOC's
21 staff into community based behavioral health
22 programs, targeted to the neighborhoods with the
23 least access to care. The borough president also
24 supports advocates call for reallocation of \$57.8
25 million of DOC's budget to fund the creation of new

1
2 supportive housing, providing those in need with
3 permanent homes and supplemental treatment of support
4 services that improve outcomes and reduce recidivism.
5 Investments in youth among its many recommendations,
6 the Commission on community investment and the
7 closing of Rikers, advocated for investments in youth
8 programs including after school support and stem
9 initiative, and summer jobs as well cure violence
10 organizations that post youth prevention program,
11 teen relationship abuse, prevention programs and
12 hospital-based violence -

13 SERGEANT AT ARMS: Time expired.

14 LACEY TAUBER: Okay, thank you very much. The
15 last thing I was going to talk about was an
16 alternative to incarceration and trial. I just want
17 to hold up the Center for Justice Innovations pilot
18 program that significantly reduce felony case delays
19 in Brooklyn. Thank you so much for your time today.

20 COMMITTEE COUNSEL: Thank you for your testimony.
21 We'll now hear from Kelly Young.

22 SERGEANT AT ARMS: Starting time. Kelly, we can
23 hear you.

24 SPEAKER ADAMS: Ms. Young, we're waiting for you.
25

1
2 COMMITTEE COUNSEL: Alright, we'll come back to
3 Ms. Young. Next, we'll hear from Victor Herrera.

4 SERGEANT AT ARMS: Starting time.

5 VICTOR HERRERA: Good afternoon Speaker Adrienne
6 Adams and Council Members. My name is Victor
7 Herrera. I am a leader and a member with Freedom
8 Agenda, the Campaign to Close Rikers, and the
9 Treatment not Jail coalition.

10 In so many instances, it seems like law
11 enforcement is the only thing our so-called
12 progressive city has to offer. The Mayor's proposed
13 budget is backwards. Slashing funds for housing,
14 healthcare, education and youth services while adding
15 \$35 million for the bloated and mismanaged Department
16 of Correction is not only inhumane, its
17 counterproductive. Sending people to Rikers does not
18 make us safer. It only exposes them to more trauma
19 and violence, interrupts treatment, and upends their
20 lives.

21 My brother is someone in need of treatment, but
22 it seems like our city keeps responding to his needs
23 with law enforcement instead. A few years ago, he
24 was entrapped by NYPD in a buy and bust operation and
25 spent 10 months on Rikers Island on unaffordable

1
2 bail. The DA refused to let his case move to
3 treatment court because of a conviction from 25 years
4 ago. When they finally dismissed that case, he
5 returned home without stable housing or adequate
6 treatment. He spent the past few years struggling,
7 and now he's back there again. I worry for him every
8 day, and when he gets out, I know I'll worry again
9 because the time at Rikers will only leave him worse
10 off. New York City is set to spend over \$2.7 billion
11 dollars total this year to run Rikers Island. I wish
12 we could take every dollar to put toward community-
13 based treatment, but we can at least start with
14 cutting \$350 million by eliminating vacancies and
15 following through on accountability for chronic
16 absences. Just to add, you know my brother being on
17 Rikers, I don't go over there. I don't cross the
18 bridge because of the conduct of the correction
19 officers. They target me. They know who I am. They
20 know what I do and they go way out of proportion in
21 terms of their search - I know it's not isolated to
22 me but they do it to a lot of people to make them
23 reluctant to go visit their family and stuff like
24 that.

1
2 Rikers Island is a terrible place. It's a
3 torture island and you know funding it is like, it's
4 not enough. We need treatment. We need
5 alternatives. This is not working. Thank you. I
6 appreciate it.

7 COMMITTEE COUNSEL: Thank you. Next, Kelly Grace
8 Price.

9 SERGEANT AT ARMS: Starting time.

10 KELLY GRACE PRICE: Hi, good afternoon. It's Ms.
11 Price from the Close Rosie's Campaign. I'd like to
12 start off by allotting this Council for this hearing
13 today and by noting that I'm in awe of the level of
14 decorum and grace that the Speaker had brought to
15 this meeting regardless of the proceedings and the
16 difficult questions being discussed. No winky toys,
17 great wonderful.

18 I want to make three big points and of course
19 I'll turn in my written testimony. Since 2014, at
20 some of these budget hearings every year, I remember
21 this used to be the Fire and Safety Committee led by
22 my friend Elizabeth Crowley back then. Every year,
23 since Crowley lorded over these hearings a long time
24 ago, I have asked the DOC budget to break down its
25 budget for what resources are devoted to women, girls

1 and gender expansive people housed on Rosie's and in
2 our borough lockups. We've never received this data
3 and its shameful. The DOC needs to acknowledge us in
4 its budget. Please can you try to extract an amount
5 of data before the final budget is made that reflects
6 programming, staffing, security, and other budgetary
7 lines for Rosie's, women, girls and gender expansive
8 people. We need this data. It's only fair.

9
10 Second, I want to address the commissioners
11 statements that he any marry any evidence that the
12 Board of Correction had "leaked video illegally to
13 members of the press." While it's embarrassing that
14 his comments were specifically pointed at a female
15 reporter, the statement also seems ludicrous and it
16 must be grounded in some kind of reality. Molina is
17 a smart guy. What kind of data does he have that
18 would cause him to take such a rash measure? The
19 only answer that could possibly exist is that Molina
20 somehow has some kind of information about
21 communications between reporters and the Board of
22 Correction. Is he spying on people? What else could
23 feel this kind of irrational believe and causation?

24 I think this all needs to be explored. We really
25 don't need an irrational DOC Commissioner making

1
2 these kind of tyrannical edicts that wipe out
3 generations of peoples attention to crafting the
4 language of the City Charter. I could go on about
5 that but I'll leave it there.

6 Maybe an alternative is to make a DOC
7 Commissioner that's an elected position. Maybe that
8 could be bundled into the Board of Corrections
9 exploration of pegging the BOC budget to the DOC's
10 budget. Both of those things I think might require a
11 Charter change. But it can be done in a vote and
12 also legislatively. I think it's important to
13 address these things.

14 Thirdly, I always come to these hearing and I ask
15 more money for the BOC, please give them what they
16 want. Over and over and over again, we haven't had
17 the proper policy analyst in place to even make sure
18 that the changes to the Charter that we have been
19 able to eat through, such as PREA, [06:27:52] on to
20 becoming to the BOC meetings talking about. We don't
21 even know what the full status of the pre-
22 implementation is because we don't have a policy
23 analyst devoted to -

24 SERGEANT AT ARMS: Time expired.

1
2 KELLY GRACE PRICE: The last thing if you will
3 just allow me to say is I heard my friend June Mayor
4 from Safe Horizon at the Public Safety hearing on
5 Monday say something that didn't get highlighted and
6 I think even time got cut short just because of such
7 a long meeting but June Mayor is very smart. I heard
8 today Commissioner Molina; I heard DC Torres and I
9 heard Commissioner Holmes all give answers about the
10 future of their problem solving revolving around
11 partnerships with community NGO's. But the Council
12 must fully commit to funding the cost-of-living
13 COLA's and the Indirect Cost Rate Initiatives and
14 other fair and just investments to the nonprofit
15 sector in all city contracts at appropriate levels
16 and paying them on time to allow nonprofits and other
17 competitive living wage salaries. Really the burden
18 of the work is on these shoulders and those PEGs have
19 to be in the budget. Thank you for listening to me
20 and thank you for letting me go over a little bit.
21 I'll turn in my written testimony. Kelly Grace Price
22 from Close Rosie's.

23 COMMITTEE COUNSEL: Thank you. Next, David Long.

24 SERGEANT AT ARMS: Starting time.
25

1
2 DAVID LONG: Thank you Madam Speaker and Council
3 Members for allowing me to testify today. My name is
4 David Long and I am the Executive Director of the
5 Liberty Fund. Since 2016, and funding from City
6 Council, Liberty Fund has successfully provided
7 person-centered services and access to resources for
8 the pretrial population using our court-based
9 approach.

10 As part of the Liberty Fund's model, our team
11 addresses critical needs, helping clients meet their
12 court requirements while connecting them to best-fit
13 services, especially in the areas of housing and
14 workforce development. The Liberty Fund's mission is
15 to reduce the pretrial jail population in order to
16 prevent the poorest New Yorkers from having their
17 lives upended and their freedom sacrificed. Our goal
18 is to provide support in order to avoid future
19 interactions with the criminal justice system. We
20 achieve our mission by providing pretrial services,
21 including robust case management, to any qualifying
22 ROR, Released On Recognizance client through the
23 pendency of their case.

24 Our innovative program provides voluntary person-
25 centered case management to this vulnerable

1
2 population. Our justice work continues to be a
3 proactive solution in terms of addressing criminal
4 justice issues and racial inequities. Over the past
5 seven years with City Council funding, the Liberty
6 Fund has helped over 1,400 clients access community-
7 based services. Has achieved an 88 percent client
8 court appearance rate. Has conducted over 11,000
9 court reminder and wellness calls and has sent over
10 5,500 court updates to assigned attorneys.

11 Our model was a Merit Finalist in the Mutual of
12 America 2019 Community Partnership annual
13 competition. Our ROR Case Management Program ensures
14 justice reform momentum by connecting clients to
15 best-fit services in order to prevent further
16 recidivism using a voluntary, approach that builds
17 rapport, trust and personal agency in a population
18 that has suffered long-term systemic oppression.

19 One of the keys to our success is our
20 partnerships. The Liberty Fund has entered into
21 memoranda of agreements with the following criminal
22 and social justice agencies to provide our case
23 management services for their clients. Agencies such
24 as Manhattan Justice Opportunities; Bronx Community
25 Solutions; The Fortune Society; The Osborne

1
2 Association; Exalt Youth; Exodus Transitional
3 Community; Unite Us; and the Center for Community
4 Alternatives.

5 In conclusion I'm asking for the continued
6 support of the City Council under the Innovative
7 Criminal Justice programs. We've heard a lot today
8 about closing Rikers, programs like the Liberty fund
9 can help achieve this goal. The Liberty Fund is a
10 key part of the reform efforts and our program is a
11 proven way to both reduce rearrests while enhancing
12 public safety in our city. I will be sending more
13 details on written testimony about the details of our
14 program and the specifics of what we do. Thank you.

15 COMMITTEE COUNSEL: Thank you. Next, Danielle
16 Gerrard.

17 SERGEANT AT ARMS: Starting time.

18 DANIELLE GERRARD: Thank you. My mute was still
19 on. My name is Danielle Gerrard. I'm a Senior Staff
20 Attorney at Children's Rights. Thank you Speaker
21 Adams, Committee member, Committee staff and the
22 advocates and providers who spoke before me.
23 Children's Rights is a national advocate for youth in
24 state systems. We are a member of the New York City
25 Jails Action Coalition. Our clients in foster care

1
2 and juvenile justice systems are disproportionately
3 represented in young adult and juvenile correction
4 facilities. We advocate for young adults
5 incarcerated on Rikers. We support Speaker Adams's
6 vision for the city budget and your emphasis on
7 closing Rikers on schedule in 2027 in accordance with
8 the law as the Council considers the administrations
9 proposed budget and your own priorities. We urge you
10 to focus on funding programs and services to keep
11 young adults off Rikers in the first place, including
12 ending the foster care to prison pipeline and
13 supporting young people once they're no longer
14 incarcerated.

15 The Mayor's proposed budget cuts will be
16 detrimental to funding the preventive services our
17 communities so desperately need including affordable
18 housing, community mental health resources, support
19 for families and funding for our schools and
20 libraries. New York City taxpayers pay well over
21 half a million dollars per incarcerated person per
22 year, yet incarcerated persons continue to die on
23 Rikers and those who remain there have been going
24 without showers or food and are left in their cells
25 for hours on end without recreation, programming or

1
2 medical and mental health services. Meanwhile,
3 officers are still not showing up for work. More
4 than 50 percent of people detained on Rikers Island
5 have a mental health diagnosis. 85 percent are there
6 pretrial and over 90 percent are of color.

7 We call on you to prevent the Mayor and the
8 Commissioner from keeping Rikers open, especially now
9 that the Mayor has publicly encouraged slow walking
10 construction of the Brooklyn jail. The Empire State
11 building was built in under 14 months. Nothing
12 should stand in the way of completing construction on
13 the borough-based jails by August 2027.

14 The investments we are recommending will help the
15 city close Rikers by supporting young adults and
16 older New Yorkers before they interact with the
17 criminal legal system. Please, allocate resources to
18 crucial community needs and to alternatives to
19 incarceration particularly for youth. I refer you to
20 the written testimony Children's Rights will be
21 submitting for more detail. Thank you again for the
22 opportunity to testify and all the work you do.

23 COMMITTEE COUNSEL: Thank you. We'll try again,
24 Kelly Young.

25 SERGEANT AT ARMS: Starting time.

1
2 COMMITTEE COUNSEL: Okay, next, we're going to
3 move to the last virtual panel and we'll hear from
4 Messiah Ramkisson, Tanesha Grant and Saaif Alam and
5 we'll start with Messiah Robinson.

6 SERGEANT AT ARMS: Starting time.

7 MESSIAH ROBINSON: Hi, can you hear me?

8 SERGEANT AT ARMS: Yes.

9 MESSIAH ROBINSON: I was going to cut my video on
10 but it's not allowing me to do it. Should I leave it
11 off? It says the host has stopped your video.

12 Hello?

13 SPEAKER ADAMS: You're fine. We can hear you.
14 You may proceed.

15 MESSIAH RAMKISSOON: Okay, awesome. Good
16 afternoon. Good evening. On behalf of Youth Justice
17 Network, I thank the Committee on Criminal Justice
18 for the opportunity to address you. My name is
19 Messiah Ramkisson, and I am the Associate Executive
20 Director at Youth Justice Network.

21 Founded in 1990, Youth Justice Network was
22 created by a group of educators, social service
23 staff, and community-based advocates at the
24 alternative high school on Rikers Island, known then
25 as Island Academy. Through individualized advocacy

1
2 and neighborhood-based mentorship, we develop
3 meaningful relationships and provide comprehensive
4 services to young people whose lives intersect with
5 NYC's jails.

6 In 2020 at the onset of COVID-19, we launched
7 shifting gears, a mobile career and advocacy sprinted
8 van that drives deep into neighborhoods where young
9 people are most policed in jail.

10
11 While every young person we work with is unique,
12 all have experienced early and constant exposure to
13 community violence, over-policing, racial bias and
14 discrimination, and involvement in the justice and
15 child welfare systems. The proposed \$35.5 million
16 increase to the Department of Corrections' budget
17 will not make these young people or their communities
18 safer. Instead, it will punish them for being
19 entrenched in conditions of violence they did not
20 create. Supportive services are key to the growth and
21 success of all young people, whether they have been
22 jailed or not.

23 When public safety initiatives fail to prioritize
24 their need for holistic community interventions, they
25 take matters into their own hands. This creates a

1
2 tension between a young person's desire to do well
3 and do right, the realities of personal
4 circumstances, and the pull of the streets. To
5 achieve public safety, we owe it to our youth to
6 divest from jails and invest in solutions that will
7 offer them opportunities to grow, thrive, and become
8 leaders in their local communities.

9 Today, we can take part in swift and collective
10 action that will redistribute resources and keep the
11 closure of Rikers Island on track. Number one,
12 eliminate vacancies for uniformed DOC staff. Number
13 two, Replace the cost of DOC staff chronic
14 absenteeism with widely and shifting gears buses in
15 key neighborhoods with supportive services are most
16 needed. Three, reduce overtime spending by
17 consolidating operations and permanently closing
18 jails on Rikers.

19 Then, we must redirect those funds to meet
20 community needs, expanding resources for alternatives
21 to incarceration, reentry services, and social and
22 employment programs for young people –

23 SERGEANT AT ARMS: Time expired.

24 MESSIAH ROBINSON: Five seconds please to
25 conclude in my last sentence or two. Then we must

1
2 redirect those funds to meet community needs, expand
3 the resources for alternatives to incarceration,
4 reentry services, and social and employment programs
5 for young people that will reduce the flow of people
6 into the jail system.

7 These steps will move us forward in creating a
8 tangible and supportive infrastructure, so young
9 people can make a life and future for themselves
10 after they are released. Thank you for the
11 opportunity to address this Committee. I appreciate
12 your time.

13 COMMITTEE COUNSEL: Thank you. Next, Saaif Alam.

14 SERGEANT AT ARMS: Starting time.

15 SAAIF ALAM: Alright, hi, good afternoon
16 everyone. My name is Saaif Alam, I'm actually the
17 incoming Queens General Assembly Delegate and also I
18 was the Founder for the Citywide Disability Pride
19 March last year.

20 So, I organized this rally and around like
21 advocating for people with disabilities but one of
22 the that is covered is actually criminal justice
23 reforms for people with disabilities. Often times,
24 people with disabilities are not addressed in a
25 conversation and the media seldom records it and I

1
2 would say first, people with disabilities are three
3 times more likely to be incarcerated and according to
4 Health Affairs, 66 percent of people with
5 disabilities are likely to be incarcerated. People
6 with disabilities are likely to face isolation,
7 infectious disease and violent exposure, especially
8 in Rikers Island.

9 Also people with disabilities are more likely to
10 be arrested by police and face longer sentences than
11 their peers who do not have disabilities. Also, one
12 to three percent of people with disabilities are
13 incarcerated at our state jails, including Rikers
14 Island, which the media has not adequately reported
15 about this issue to the public. As a result, people
16 with disabilities struggle to reintegrate with the
17 society where they face stigma finding a job.

18 Another issue is that people with mental health
19 disabilities are more likely to face police brutality
20 than their counter parts in New York City. According
21 to the Bureau of Justice, half of the victims were
22 assassinated by hands of the police. However there
23 is not enough data collection in New York City
24 regarding the number of victims with disabilities who
25 faced police brutality.

1
2 So, there is a need for data collection about
3 this population to ensure that we better invest for
4 people with disabilities. So, I'm asking the
5 Committee on Criminal Justice to reexamine the data
6 and flat rate with other agencies to find more
7 information about the rates in incarceration and
8 police brutality that people with disabilities face.

9 Also, please follow up with Mayor Eric Adams
10 regarding \$7 million funding to help people with
11 mental health disabilities we integrate to the
12 society. Also, please emphasize over \$214 million
13 mental health course so people with mental health
14 disabilities will not be unfairly incarcerated.
15 Also, please invest in helping people with learning
16 and mobility disability reintegrate in society. We
17 all often times talk about other immunities but
18 there's barely any conversation about people with
19 learning or mobility disabilities, or also especially
20 incarcerated -

21 SERGEANT AT ARMS: Time expired.

22 SAAIF ALAM: And also, please collaborate with
23 Office of Mental Health and Criminal Justice to
24 invest in legislation to reduce incarceration police
25

1
2 brutality and reduce police brutality for people with
3 disabilities.

4 Lastly, I am asking the Committee on Criminal
5 Justice to invest in providing emotional sensitivity
6 training so NYPD officers can better interact with
7 people with disabilities and not use deadly force
8 when interacting out of reasonable suspicion. This
9 is my last sentences before I wrap up. My last thing
10 is, as a Council, please collaborate with Committee
11 on Public Safety, Committee on Mental Health and
12 Addictions and Disabilities to ensure that people
13 with disabilities have a second change to reintegrate
14 with society and not face unfair incarceration.
15 Because people with disabilities should not be
16 incarcerated and they should actually have the
17 opportunity to be able to integrate in our economy.

18 So, thank you Speaker Adams and the rest of the
19 member in the Committee. Thank you.

20 COMMITTEE COUNSEL: Thank you for your testimony.
21 Before I turn it back to the Speaker, I want to note
22 for the record, those who signed up to testify that
23 we did not hear from, Henry Robinson, Conor Foley,
24 Abraham Carrasco, Alex Griffith, John McFarlin, Greg
25 Morris, Vladimir Martinez, Tanesha Grant, Romona

1
2 Ferrera(SP?), William Ialo(SP?), Alex Stein, Won
3 Calcutta, and Shakwat Cigar(SP?). And I'll turn it
4 back over to you Madam Speaker.

5 SPEAKER ADAMS: Thank you very much. I thank our
6 Council for the day. I thank our members. I thank
7 our Finance Staff. Thank you so much Jack and Deputy
8 Speaker. Thank you to all of the members of the
9 public who testified today, city agencies who came
10 before this Council to deliver your heartfelt
11 testimony. We hear you. We are very grateful for
12 your testimony being on record as always. We thank
13 you for your time and this hearing is hereby
14 adjourned [GAVEL]

15

16

17

18

19

20

21

22

23

24

25

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

COMMITTEE ON CRIMINAL JUSTICE

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

COMMITTEE ON CRIMINAL JUSTICE

,

C E R T I F I C A T E

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



Date APRIL 24, 2023