

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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September 27, 2012
Start: 1:06 p.m.
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HELD AT: Committee Room
250 Broadway, 14th Floor

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

COUNCIL MEMBERS:
Elizabeth S. Crowley
Mathieu Eugene
Vincent J. Gentile
Peter F. Vallone, Jr.
Ydanis A. Rodriguez
Daniel J. Halloran III
Brad Lander

A P P E A R A N C E S

Jean Yaremchuk
Deputy Commissioner of Information Technology and
Chief Information Officer
NYC Department of Correction

Gregory McLaughlin
Warden of Support Services Division
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Melinda Hunt
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Elaine Joseph
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Dr. Laurie Grant
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2 CHAIRPERSON CROWLEY: Good
3 afternoon. My name is Elizabeth Crowley and I am
4 the chair of the Fire and Criminal Justice
5 Committee here at the City Council. Today, the
6 committee will be conducting a hearing on two
7 bills I have sponsored with my colleagues: Intro
8 803 and Intro 804. They relate to the New York
9 City Department of Correction's operation of the
10 city cemetery on Hart Island, just located off
11 City Island in the Bronx.

12 I am joined today by two of my
13 Council colleagues, who sit on the committee,
14 Council Member Peter Vallone, Jr., from Queens and
15 also Council Member Dan Halloran, who is also from
16 Queens.

17 Intro 803 requires the Department
18 of Correction to post and maintain a public-
19 accessible free electronic database on its website
20 of all burials on Hart Island since 1977.

21 Intro 804 requires the Department
22 of Correction to put its Hart Island visitation
23 policy in writing, post the policy on its website
24 and make it available to anybody who requests a
25 copy.

2 We had an oversight last October on
3 Hart Island, in which we learned about the long
4 history of the operation of potter's field by the
5 DOC and some of the problems relative to its
6 operation. We learned at the hearing that there
7 are upwards of one million people buried on Hart
8 Island, approximately 2,000 per year, about a
9 third of which have been infants and stillborn
10 babies. In 2010, 670 adults and 476 infants were
11 buried and 81 exhumations were performed at
12 potter's field. Those buried on the island are
13 either unclaimed, unidentified or have been sent
14 to the island by their families because they could
15 not afford a private burial.

16 The graves used to bury adults and
17 infants separately are dug by individuals serving
18 jail sentences at Rikers Island, who volunteered
19 to work on Hart Island, for nominal pay.

20 The committee has been, and remains
21 concerned with the record keeping by DOC; that
22 crucial records have been lost or destroyed; as
23 well as the lack of information provided to the
24 public regarding who is buried on the island and
25 where they are buried; and the restrictive policies

2 of the DOC regarding anyone who wants to visit the
3 island and the bureaucracy faced by those seeking
4 to visit.

5 In October 2011, DOC
6 representatives testified before this committee
7 that DOC was in the process of completing an
8 electronic database of Hart Island's burials.
9 Additionally, at our hearing, DOC Warden
10 McLaughlin acknowledged that DOC had no written
11 visitation policy and the committee is unaware of
12 one existing to this date. In an effort to
13 address the problems of identifying loved ones
14 buried on Hart Island and gaining clarity
15 regarding DOC's visitation policy, Intro 803 and
16 Intro 804 would introduce and I'm looking forward
17 to discussing them at today's hearing.

18 New York City Department of
19 Correction, Warden Gregory McLaughlin from the
20 Support Services Division and Jean Yaremchuk,
21 Deputy Commissioner of Information Technology at
22 DOC, are going to testify, along with other
23 interested parties today. So, Jean and Warden
24 McLaughlin, once you're ready, please identify
25 yourself for the record and begin your statements.

2 [Pause]

3 JEAN YAREMCHUK: Good afternoon
4 Chair Crowley and members of the Committee on Fire
5 and Criminal Justice Services. I am Jean
6 Yaremchuk, Deputy Commissioner of Information
7 Technology and Chief Information Officer of the
8 New York City Department of Correction. I am here
9 today to discuss Intro 803, which will require DOC
10 to make an electronic database of people buried
11 since 1977 on Hart Island, publicly available on
12 the Department's website.

13 The Department of Correction
14 supports this bill, and has been working since
15 2009 to develop a database containing burial
16 information. A vendor was contracted in 2009 to
17 both take aerial photos of Hart Island and
18 transcribe logbook entries into Excel files. The
19 Excel files contained burial data for adults and
20 children from June 1977 through June 2010, with
21 some earlier records included as well, and from
22 January 1981 through June 2010 for infants. The
23 files were delivered to DOC Information Technology
24 in December 2011 and analyzed to determine
25 completeness of the fields and possible search

2 criteria. DOC's Support Services Division
3 subsequently updated the data and delivered the
4 completed file to IT, and parsed the data and
5 merged it into this database.

6 Application design began in
7 February 2012 and our programming was completed in
8 May. The City's Department of Information
9 Technology and Telecommunications was contacted to
10 plan the hosting of the database and the placement
11 of the URL link and supporting text on nyc.gov,
12 that website, and to set up the staging
13 environment for the application. Once that is
14 complete, DOC will load the application and data
15 and joint testing will take place, both by DOC and
16 by DoITT. DoITT anticipates that the application
17 can be in production by early January in 2013.

18 In addition to the nyc.gov website,
19 users also will be able to access the search
20 service from the Department of Correction's
21 website. We are also working with the Department
22 of Health and Mental Hygiene to include a link on
23 its website as well, perhaps on the page with
24 information about death certificates. The city's
25 311 call center will also be able to tell people

2 how to find this information. Few people know
3 that the Department of Correction oversees burials
4 on Hart Island, and we want this information to be
5 as widely accessible as possible.

6 When it is online, users will be
7 able to search the database by either a single
8 field or combinations of fields. These include
9 name, age, and date or range of dates of death, as
10 well as the location of death. There are no
11 required fields, so it's a pretty free search,
12 it's an easy search, other than selecting either
13 an adult or infant indicator. These searches can
14 be performed with minimal characters, one or three
15 characters. We're going to make it very easy to
16 search across mnemonics. The search results will
17 then display names, ages, and dates and places of
18 death responsive to the request.

19 The Hart Island application will
20 not only allow the public to access this
21 information, it will also enable the DOC to
22 migrate from paper files and maintain its own
23 records electronically. These records will go
24 into the same database, and DOC staff will
25 continue to update the database with new burial

2 information.

3 The application we have built will
4 enable the public to identify individuals buried
5 on Hart Island and I am happy to report that it
6 will be up and running soon.

7 I will now turn over the podium to
8 my colleague, who will address the second proposed
9 bill as well as Hart Island procedures in general,
10 and then we will both answer any questions you may
11 have.

12 GREGORY MCLAUGHLIN: Good
13 afternoon, Chair Crowley and members of the
14 Committee on Fire and Criminal Justice Services.
15 I am Gregory McLaughlin, Warden of the Support
16 Services Division at the Department of Correction.
17 I am here to testify about the Department of
18 Correction's operation of Hart Island and
19 Introduction 804, a bill that would require the
20 Department to post the Hart Island visitation
21 policy on line and make it available to anyone who
22 requests it. I had the opportunity to address the
23 Council last year on the topic of Hart Island and
24 I am happy to continue our discussion today.

25 As you know, and as set forth by

2 the city's administrative code, the Department of
3 Correction operates and maintains the city
4 cemetery located on Hart Island. DOC is
5 responsible for burials of individuals who cannot
6 provide for their own, who have not been
7 identified, or for those whose next of kin cannot
8 be located. The Department strives to provide
9 loved ones with access to an area on the island
10 set aside for reflection, where we built a gazebo.
11 Community groups and religious organizations, such
12 as Picture the Homeless, St. Mary's Star of the
13 Sea, and students from Fordham Prep, also visit
14 Hart Island regularly to honor the memories of
15 those who are laid to rest there.

16 Greater access to the island, on a
17 regular basis, is difficult at this time. There
18 is no public transportation; the only access to
19 Hart Island is by a boat from City Island operated
20 on a limited schedule by the New York City
21 Department of Transportation. The boat is not a
22 passenger ferry; its primary purpose is to
23 transport vehicles used by the Office of the Chief
24 Medical Examiner to carry the deceased to Hart
25 Island for burial. On Hart Island, there are no

2 utilities, and so amenities such as restrooms and
3 water fountains are not available.

4 Following last year's hearing, the
5 Department revisited its visitation policy and is
6 making changes. Anyone who has determined that a
7 loved one is buried on Hart Island and would like
8 to pay their respects is invited to call the
9 Department of Correction's Office of Constituent
10 Services to request a visit to Hart Island. No
11 documentation regarding the deceased or
12 relationship with the deceased will be required.
13 If others are interested and space is available,
14 they are welcome as well. The Department will
15 arrange for access to Hart Island at least once a
16 month, weather permitting.

17 DOT's boat has a limited number of
18 seats. We plan to accommodate requests on a
19 first-come, first-serve basis. If a loved one
20 cannot travel to Hart Island on that day, we will
21 do our best to accommodate the visitor on another
22 day that the ferry is operating. All visits,
23 however, will depend on weather conditions and
24 burial activities.

25 As some of you know, DOT's dock on

2 City Island was disabled when a securing cable
3 snapped on May 7, 2012, rendering it unsafe to
4 carry ME and DOC vehicles. Immediately after
5 that, DOT arranged for the dock on Hart Island to
6 also be examined. It, too, was determined to be
7 unstable to be used until repaired.

8 Pending the completion of repairs,
9 ME vehicles have been transported to and from
10 another dock on Hart Island and a dock in lower
11 Manhattan. Additionally, all four of the visit
12 requests for visits that we received this summer
13 were honored. The Department of Transportation
14 expects repairs to be completed and the docks on
15 City Island and Hart Island to be fully
16 operational this December.

17 I raise the issue of the docks in
18 part, because this past spring, before the problem
19 arose, the Department had hoped to hold a memorial
20 program near the gazebo that we built on Hart
21 Island on or about Memorial Day. Council Member
22 Crowley also expressed interest in having a
23 program honoring the deceased.

24 In preparation, old structures
25 nearby the gazebo were closed and painted and

2 several dilapidated buildings were demolished. We
3 also worked with the Horticulture Society of New
4 York late winter through last spring landscaping
5 the area. Once the ferry is running again and the
6 weather allows, we will complete this work, which
7 includes paving a path nearby the gazebo and
8 planting flowers. Preparing for and executing
9 these improvements has been and will continue to
10 be an interagency effort, and it is our intention
11 to bring it to fruition as quickly as possible.

12 Thank you for your kind attention.
13 DC Yaremchuk and I are ready to answer any
14 questions that you may have.

15 CHAIRPERSON CROWLEY: Thank you,
16 Warden and DC Yaremchuk for your testimony. I do
17 have a few questions. I imagine some of my
18 colleagues will also have a few questions. Before
19 I begin my questions, I'd like to acknowledge that
20 my colleague Mathieu Eugene of Brooklyn has joined
21 us.

22 This is to either one of you. Can
23 you remind us of how many people are actually
24 estimated to be buried on Hart Island right now?

25 GREGORY MCLAUGHLIN: It's 850,000

2 to a million, are the numbers that we generally
3 believe.

4 CHAIRPERSON CROWLEY: Approximately
5 how many are children or infants?

6 GREGORY MCLAUGHLIN: I don't know
7 the total of that.

8 CHAIRPERSON CROWLEY: Do you know
9 how many have been buried this year to date?

10 GREGORY MCLAUGHLIN: This year, to
11 date, 748 total: 547 adults, 199 babies.

12 CHAIRPERSON CROWLEY: Do you keep
13 track of how many veterans are buried on the
14 island?

15 GREGORY MCLAUGHLIN: No.

16 CHAIRPERSON CROWLEY: Do you have
17 any idea?

18 GREGORY MCLAUGHLIN: No.

19 CHAIRPERSON CROWLEY: But you know
20 that there are some?

21 GREGORY MCLAUGHLIN: It has to be.
22 There have to be. The only records we get are
23 from the ME and I don't know if they classify
24 people by veteran status, but there have to be
25 veterans there.

2 CHAIRPERSON CROWLEY: As you build
3 and complete your database, would that be a
4 section that you would include, whether one was a
5 veteran or not?

6 JEAN YAREMCHUK: We don't have that
7 currently because it wasn't in the log files we
8 received.

9 CHAIRPERSON CROWLEY: I think it
10 would be good to include that category.

11 JEAN YAREMCHUK: Where would we get
12 it? I don't know.

13 CHAIRPERSON CROWLEY: No, I think
14 going forward. You know, I think that the
15 majority of veterans going forward, now with the
16 City's Veteran's Administration are being buried
17 in veteran cemeteries, however, prior to that
18 cooperation, I think going back to the late 70s
19 and even into the 80s, there were probably
20 countless veterans buried there. That would be
21 good for the city to track just how many, who are
22 going to be put into the database were actually
23 serving in our armed forces.

24 JEAN YAREMCHUK: We can certainly
25 include it.

2 CHAIRPERSON CROWLEY: Okay. So
3 now, you believe that this database will be up and
4 running early next year?

5 JEAN YAREMCHUK: The database is
6 built, the search engine is built, the GUI, the
7 graphical user interface is built and we have it
8 live. What we're doing now is working with DoITT
9 to host it. All city public-facing applications
10 are hosted by the Department of Information
11 Technology and Telecom. So, we started their
12 intake process and we've been working with them.
13 What they are doing is building what we call the
14 staging environment now. They have told us that
15 the staging environment will be available mid-
16 October. Then what we'll do is port the
17 application over and do testing with DoITT.

18 CHAIRPERSON CROWLEY: How quickly
19 would you be able to put the information into the
20 database? Do you--

21 JEAN YAREMCHUK: [interposing] We
22 have it--

23 CHAIRPERSON CROWLEY: [interposing]
24 When you say up and running, you already have the
25 information, the people's names in--

2 JEAN YAREMCHUK: [interposing] We
3 do. We do.

4 CHAIRPERSON CROWLEY: Contact
5 information.

6 JEAN YAREMCHUK: Yes, we do. We've
7 built the search engine to search along those
8 fields I mentioned previously.

9 CHAIRPERSON CROWLEY: What would be
10 the policy going forward? How frequently would
11 names be entered into the database?

12 JEAN YAREMCHUK: What we're also
13 doing as part of the application, so this is more
14 than a database, it's also a front end to do
15 searches for the public, and it's also a front end
16 for our staff to enter burial information. Right
17 now, we're planning to update that information at
18 least weekly.

19 CHAIRPERSON CROWLEY: What
20 information would it include about the person
21 who's buried there?

22 JEAN YAREMCHUK: It includes the
23 first name and last name, the public information,
24 the age in years, the place of death. When we got
25 that information, that was all in one field and

2 what we've done is parse it to make searches
3 easier going forward. So you'll be able to look
4 at people whose place of death were hospitals, and
5 so we've upgraded that. So if you know the
6 hospital, you can look through hospitals. If it's
7 an address, you'll be able to look through
8 addresses. So we've made the data easier to
9 search.

10 Going forward, obviously we'll be
11 able to search on more because we'll be entering
12 it more discretely, through more parsed fields.
13 Internally, we'll also have the records to
14 document the burial.

15 CHAIRPERSON CROWLEY: Would your
16 program be able to catch if a name was misspelled?
17 Would they be able to give a similar type name?

18 JEAN YAREMCHUK: We're doing
19 mnemonic searches, so you can enter a few letters
20 and it will show back all relevant names, because
21 we've used the same technology for our inmate
22 lookups and our employee lookups. So we can
23 leverage that now to enable searches across those
24 buried.

25 CHAIRPERSON CROWLEY: Now, why has

2 it taken so long? In your testimony or in the
3 Warden's testimony, I forget, it says that you've
4 been working on this database since 2009.

5 JEAN YAREMCHUK: We've been working
6 on gathering and digitizing the data since 2009.
7 So there were consultants, and they were doing
8 other things, such as aerial photos. They also
9 were responsible for transcribing log files into
10 Excel files. So we got the data, that's the first
11 part about building a database. Then early this
12 year, actually in December of last year when I got
13 those files, we did a thorough analysis of the
14 data that was in those files so we could see what
15 would be the most relevant searches to build now.

16 So it was a question of getting a
17 majority of that data in analyzable form and then
18 doing the analysis and then building the search
19 engine appropriately. We didn't want to have
20 fields that are there but only had two or three
21 bits of information. That would, you know, be
22 frustrating to search across.

23 CHAIRPERSON CROWLEY: So within the
24 database, you'll have a geographical picture of
25 the island?

2 JEAN YAREMCHUK: That's not planned
3 for now, no.

4 CHAIRPERSON CROWLEY: No?

5 JEAN YAREMCHUK: No, this is to
6 return, to search for individuals and return
7 perhaps relevant records. What the application
8 will do is return any relevant records that meet
9 the search criteria. The user will then get that
10 list. It might be one to many. Then be able to
11 see--

12 CHAIRPERSON CROWLEY: [interposing]
13 Only because I imagine anybody who goes to the
14 site to search is looking for a loved one and
15 would want to know where on the island they are
16 buried. When people go to cemeteries, they go to
17 visit the headstone most of the time and exactly
18 the marker where the person is buried. Now, will
19 any of that be included in the database, where on
20 the island the particular person is buried?

21 JEAN YAREMCHUK: We're going to
22 have that internally to keep our electronic
23 records.

24 CHAIRPERSON CROWLEY: So you--

25 JEAN YAREMCHUK: [interposing] But

2 to display, we're displaying the records along
3 with FAQs and instructions on what the visit
4 policy is.

5 CHAIRPERSON CROWLEY: So your
6 database, you would be able to alter in the future
7 if the DOC and the City of New York agrees to make
8 that information searchable on the website, where
9 on the island the particular person is buried.

10 JEAN YAREMCHUK: The data will be
11 in the database and I build--

12 CHAIRPERSON CROWLEY: [interposing]
13 Yeah, so--

14 JEAN YAREMCHUK: --according to
15 business requirements.

16 CHAIRPERSON CROWLEY: --you foresee
17 that in the future.

18 JEAN YAREMCHUK: It depends on the
19 business requirements. If that's agreed upon or...

20 CHAIRPERSON CROWLEY: But it could
21 be altered, the current database?

22 JEAN YAREMCHUK: Yes.

23 CHAIRPERSON CROWLEY: Okay. Now,
24 when a family wants to or a person wants to visit
25 a loved one on the island, what is the process?

2 What are your regulations regarding visiting
3 policy?

4 GREGORY MCLAUGHLIN: Well, as I've
5 just testified, we're changing them. There is no
6 longer any requirement for anyone to get a death
7 certificate or anything else. If someone calls
8 and says they have a family member buried on Hart
9 Island and they want to come up, they should call,
10 I think I said our Office of Constituents
11 Services.

12 CHAIRPERSON CROWLEY: Right.

13 GREGORY MCLAUGHLIN: And that'll be
14 arranged. We plan to do is generally on the third
15 Thursday of every month, weather permitting of
16 course.

17 CHAIRPERSON CROWLEY: Good. Now it
18 is the DOC's policy to no longer require proof
19 that you are related. Anyone--

20 GREGORY MCLAUGHLIN: [interposing]
21 That's correct.

22 CHAIRPERSON CROWLEY: --who chooses
23 to can visit the island. When are the visiting
24 days?

25 GREGORY MCLAUGHLIN: We plan to do

2 it on the third Thursday of every month.

3 CHAIRPERSON CROWLEY: How long does
4 it take for the DOC to process a request to visit?

5 GREGORY MCLAUGHLIN: Not a long
6 period of time, since we're not checking anything
7 any more. I would think a matter of days. Please
8 understand, Chairwoman Crowley, it's in a bit of
9 its nascency at the moment, but that is our
10 policy henceforth that you don't have to produce
11 any documentation. If you were to call tomorrow,
12 we would make an arrangement as soon as we could.
13 But please recall that right now the regular ferry
14 is not running and we don't expect it back until
15 December. Now, if someone calls and says I have a
16 loved one and I'm coming from out of town, we
17 would make an arrangement to take them up on the
18 current, it's more of a smaller boat that we're
19 using right now.

20 CHAIRPERSON CROWLEY: The boat I
21 was on when I visited last year.

22 GREGORY MCLAUGHLIN: We did four of
23 them this summer. We got four requests for people
24 to visit loved ones on Hart Island. Despite the
25 fact that we didn't have the regular ferry or the

2 regular docks, we were able to accommodate them.

3 CHAIRPERSON CROWLEY: So the wait
4 is not that long, relative.

5 GREGORY MCLAUGHLIN: No. No.

6 CHAIRPERSON CROWLEY: A week or--

7 GREGORY MCLAUGHLIN: [interposing]

8 Well, if we're only going up--

9 CHAIRPERSON CROWLEY: --no longer
10 than--

11 GREGORY MCLAUGHLIN: --once a month
12 and the closer you get to that third Thursday, it
13 is our intention to accommodate the public as best
14 we can.

15 CHAIRPERSON CROWLEY: Now, does
16 your agency have any resistance to posting the
17 policy on your website?

18 GREGORY MCLAUGHLIN: No.

19 CHAIRPERSON CROWLEY: Do you plan
20 to?

21 GREGORY MCLAUGHLIN: Yes.

22 CHAIRPERSON CROWLEY: When do you
23 think that will happen?

24 GREGORY MCLAUGHLIN: That's the
25 part, I don't know the answer to that question,

2 but I expect that it should be pretty close to the
3 time that the ferry should be back in early
4 December. That's my anticipation of it.

5 JEAN YAREMCHUK: Again, that's
6 something that we're working with DoITT, not only
7 have a URL link there but having a visitation
8 policy there, and having it on not only our
9 website but also the nyc.gov.

10 CHAIRPERSON CROWLEY: Once you get
11 onto the island, as you're visiting, where can you
12 go on the island and for how long can you stay?

13 GREGORY MCLAUGHLIN: Well, it would
14 be to the area that we have designated. I guess
15 it's maybe about 100-yard radius, over near--do
16 you remember seeing the gazebo? Over near that
17 section. You could stay, there are no facilities
18 so you could stay a little bit, but I would think
19 most people would be ready to leave in about an
20 hour.

21 CHAIRPERSON CROWLEY: Does the
22 department have any plans to put facilities on the
23 island and expand the area where one could visit?

24 GREGORY MCLAUGHLIN: It would be
25 capitally, virtually impossible to put in any kind

2 of an infrastructure. As you know--as you may
3 know, excuse me, we do plan to do something on or
4 about Memorial Day--

5 CHAIRPERSON CROWLEY: [interposing]
6 I'm hoping Veteran's Day.

7 GREGORY MCLAUGHLIN: Well there's
8 plenty of talk of that. We're trying to get
9 something done. For that occasion, we will try to
10 provide some amenities but it's going to be
11 difficult. I still think that we are going to do
12 what you just asked.

13 CHAIRPERSON CROWLEY: Do you know
14 how much the capital investment would be to put
15 facilities--

16 GREGORY MCLAUGHLIN: [interposing]
17 No. Millions and millions of dollars, water and
18 electric and all that stuff.

19 CHAIRPERSON CROWLEY: Okay. I'm
20 going to review my notes to see if I have any
21 further questions but I really do appreciate that
22 you have been putting together the database and
23 that it will soon be up and running. It is my
24 hope, you know, before the end of the winter that
25 the database will be up. We're going to try to

2 move forward as much as we can to hear soon the
3 other bills that we have as it relates to Hart
4 Island. I do appreciate the changes that were
5 made. Bear with me for a minute.

6 [Pause]

7 CHAIRPERSON CROWLEY: One final
8 point of clarification and this is the last
9 question. When one wants to visit the island,
10 they don't have to show that they're related in
11 any way to the deceased or the reason in general
12 that they want to visit the island. So if they
13 just wanted to work on a project or they've never
14 been there before, they're welcome to go.

15 GREGORY MCLAUGHLIN: Yes.

16 CHAIRPERSON CROWLEY: Great. I
17 thank you for being here today. I have no further
18 questions.

19 GREGORY MCLAUGHLIN: Okay.

20 CHAIRPERSON CROWLEY: We've been
21 joined by my colleague Council Member Vincent
22 Gentile of Brooklyn. We're going to call up the
23 first panel: Melinda Hunt, The Hart Island
24 Project; Elaine Joseph, Hart Island Project; and
25 Dr. Laurie Grant, The Hart Island Project. If

2 there's anybody else here today that would like to
3 testify, please let the sergeant-at-arms know.

4 Thank you.

5 [Pause]

6 CHAIRPERSON CROWLEY: Good morning.

7 Please state your name for the record and begin
8 your testimony once you are ready. Rather, good
9 afternoon.

10 MELINDA HUNT: Good afternoon. I'm
11 Melinda Hunt. I'm the executive director of The
12 Hart Island Project, a nonprofit organization.

13 DR. LAURIE GRANT: I'm Laurie
14 Grant. I'm part of The Hart Island Project and
15 I'm on their board. I'm a physician.

16 ELAINE JOSEPH: My name is Elaine
17 Joseph. I'm also a part of The Hart Island
18 Project, and I have an infant buried on Hart
19 Island.

20 MELINDA HUNT: Thank you for
21 inviting The Hart Island Project here today. My
22 name is Melinda Hunt and I'm director of The Hart
23 Island Project, a nonprofit organization
24 registered in New York and New Jersey.

25 The mission of The Hart Island

2 Project is partly to advocate on behalf of
3 families and friends in search of relatives buried
4 on Hart Island, the 101-acre public cemetery in
5 Bronx, New York.

6 To date, we have over 2,500
7 registered members of The Hart Island Project. We
8 host an online database of burials from 1980-2011.
9 We have adult burials from 1977 through 1980 that
10 will go online soon. We have successfully located
11 relatives for 512 families ever since receiving
12 records through a Freedom of Information request
13 in 2008. Over 45 volunteers helped to create a
14 database at no cost to the taxpayers. It was
15 completed in 2010. the New York State Council for
16 the Arts is helping to fund a posthumous wiki to
17 allow for people to post stories and photos about
18 the buried listed in our database. This should go
19 live in March 2013.

20 I wish to comment on the two
21 amendments to the administrative code. Number 803
22 needs to specify that all information pertaining
23 to the Hart Island burials be listed in the DOC
24 database and that means also the burial permit
25 numbers and the dates of the burial permits.

2 These should be published within one month of each
3 burial. In the past, our lawyers have had to file
4 motions to get burial records without redacted
5 information. It generally takes a year for our
6 lawyers to get these burial records.

7 Two volumes of infants from 1977
8 through 1981 are missing after repeated requests.
9 Elaine Joseph's child is among those. I have
10 several women who are still looking for their
11 infants buried on Hart Island from those two
12 volumes that are missing.

13 These bills must specify that the
14 DOC database must lists permit numbers, dates of
15 death, place of death. I have several; I would
16 say at least 30 people in the database who died at
17 the VA hospitals. Those are definitely veterans.
18 So they're in our database currently. So the
19 place of death information is quite important to
20 families. All the information for families to be
21 able to confirm a burial at the Medical Examiner
22 must be listed.

23 Additionally, the DOC needs to post
24 information on how to contact their agency
25 regarding visitation, which was testified but has

2 not been clear until today. They need to ensure
3 that email is checked, calls are returned, emails
4 read. I want to thank Elizabeth Crowley's office
5 for helping several family members to just get a
6 hold of the correct people at the DOC when family
7 members arrived to visit this past year.

8 That being said, I have two
9 important recommendations to this Committee.
10 Firstly, I recommend that the Council accept my
11 offer from last year that we partner and work out
12 a licensing agreement whereby data already entered
13 in The Hart Island Project can be used on the DOC
14 server. The data is already entered on Excel
15 spreadsheets. This includes data through 2011
16 that the DOC is not yet planning to put on their
17 database and make it available.

18 We are continually updating and
19 checking our online database for errors in
20 spelling. I can tell you that it is incredibly
21 difficult to read those records from the 1980s.
22 You really have learn correction officer
23 handwriting. Because I had so many volunteers and
24 so many eyes on it, that's what makes our database
25 likely more accurate.

2 My second recommendation is that
3 the Bill number 848 that has not yet had a public
4 hearing, and updates the administrative code
5 transferring jurisdiction over Hart Island from
6 the Department of Correction to the Department Of
7 Parks and Recreation be passed and that the
8 Department of Parks handle visitation. If you
9 enact number 848, we don't need Bill 804.

10 Here is why we should pass bill 848
11 not 804. For the past, year I have had ongoing
12 complaints about the DOC being unresponsive to
13 families who have scheduled visits or ordered
14 disinterments through the Office of the Chief
15 Medical Examiner. On a couple of occasions, I
16 have had to work through Councilwoman Crowley's
17 office because voicemail boxes on DOC phones are
18 full and correction officers are unresponsive to
19 people arriving from abroad.

20 Similarly, for the Medical
21 Examiner, there is no way to know how long the
22 Department of Correction will take to disinter a
23 body and families have difficulty planning
24 memorial services.

25 With regard to Bill Number 804, The

2 Hart Island Project is advocating on behalf of
3 Laurie Grant and Elaine Joseph who are here today
4 representing hundreds of women who wish to visit a
5 grave of an infant. Last year, I testified on
6 behalf of Mae Jean Adams who traveled here from
7 South Dakota. These mothers each want to visit
8 the actual grave of their child. The gazebo is
9 not sufficient.

10 The analogy I use to describe the
11 difference is if the Metropolitan Museum decided
12 as a nonprofit organization to only let people
13 visit their gift store and look at art in books or
14 on posters but not to enter the actual galleries
15 and see original art, this would be like going to
16 the gazebo. It is not acceptable for the DOC to
17 decide that people visiting Hart Island should
18 stay within a fenced area near the ferry, nowhere
19 near any burials and not actually permitting
20 anyone to visit the public cemetery.

21 Setting foot on Hart Island is not
22 the same as access to the cemetery. A visitation
23 policy needs to involve visiting gravesites. None
24 of the more than 850,000 burials are located
25 within 150 feet of the ferry or with 100 yards, as

2 Mr. McLaughlin testified.

3 Additionally, it is inappropriate
4 for the Department of Correction to claim to be
5 providing spiritual solace and closure. Families
6 are not asking New York City to provide emotional
7 comfort. The people who come The Hart Island
8 Project are asking New York City to provide access
9 to graves.

10 Further, it is not appropriate for
11 DOC to subject people to prison processing.
12 Families should not be required to share personal
13 information with correction officers. For
14 example, last March, Elaine Joseph was questioned
15 by the DOC regarding whether I was her friend and
16 therefore qualified to accompany her to Hart
17 Island. Elaine is retired military personnel.
18 She told me that she felt that the questions were
19 inappropriate.

20 I believe that the City Council has
21 excellent intentions in presenting these
22 amendments. However, I worry that they are not
23 nearly sufficient to make any difference regarding
24 public access to Hart Island. I really hope to
25 soon be able to testify on behalf of transferring

2 jurisdiction to the Department of Parks and
3 Recreation and I hope they will soon arrive at a
4 better plan for public visitation.

5 Thank you for inviting me to speak
6 on behalf of The Hart Island Project. Do you want
7 to go next?

8 DR. LAURIE GRANT: I want to thank
9 you for giving me a chance to speak in front of
10 you. My name is Laurie Grant. I'm an
11 Obstetrician/Gynecologist and the mother of a
12 stillborn daughter, one of the 27,769 infants
13 buried on Hart Island between 1981 and 2011.

14 My daughter was not homeless, not
15 unidentified, unplanned or unclaimed. She was
16 born at Lenox Hill Hospital July 13, 1993, but
17 buried on Hart Island without my knowledge or
18 consent on August 11, 1994.

19 A nurse at Lenox Hill told me that
20 the City would take care of the burial of my child
21 and that I would be able to visit her grave. I
22 did not give legal consent for her burial in a
23 mass grave. For eighteen years, I was unable to
24 get any information from city agencies about the
25 site or cemetery until 2011 when, through The Hart

2 Island Project database, I found my name listed.

3 This database is an extensive and
4 important resource that should be purchased by New
5 York City and hosted on the Department of
6 Correction website. The Hart Island Project
7 provided me with a copy of the handwritten ledger
8 page including my name along with the names of 35
9 other women. The death date and year are listed
10 incorrectly by the Department of Correction. I
11 have not received a certificate of stillbirth.
12 I'm asking the City Council, are you going to
13 allow the DOC to continue to require families to
14 produce death certificates?

15 I had no opportunity to bury my
16 child. Now, having finally located her place of
17 burial, I cannot visit her grave because the
18 Department of Correction is free to invent closure
19 visits to Hart Island and define spiritual solace.
20 All they have to do is post whatever they come up
21 with on their website. Does a gazebo with prison
22 guards constitute appropriate access to Hart
23 Island?

24 As a physician who has delivered
25 stillbirths, I am concerned about women like

2 myself, who are not informed or offered any
3 choices regarding the handling of their infants.
4 To that end, I have requested an opportunity to
5 visit my child's gravesite on Hart Island rather
6 than sue New York City for violating of my rights
7 to sepulcher.

8 In May 2012, my lawyers received a
9 written response, which I attach, from the
10 Department of Correction, which buries infants,
11 1,000 per grave, informing me that I cannot go to
12 the actual grave. Instead, I have been offered a
13 closure visit to a gazebo, not in view of the
14 gravesite, and spiritual solace among correction
15 officers. In June, we appealed and received no
16 response.

17 The provisions laid out in these
18 two bills are insufficient, as number 803 does not
19 provide a deadline for when the DOC database must
20 appear online. Will future mothers wait 18 years
21 as I did, and can people expect to find burials
22 listed within 6 months? This must be specified in
23 the administrative code. Will the DOC cross check
24 their data with the Department of Health and the
25 Medical Examiner, to include margins of error and

2 make sure there are no people left out or there
3 are no mistakes? The City Council must specify
4 the timeframes and specific standards to be met in
5 that fashion. The data is presently available
6 through The Hart Island Project. Therefore, there
7 is no need for delay.

8 Internal number 804 is grossly
9 insufficient because it does not direct the DOC to
10 take visitors to gravesites. I am not interested
11 going to a gazebo, nor am I interested in begging
12 for relief in court. However, as a physician
13 licensed in New York State, I contend that it is a
14 basic human dignity issue having a direct impact
15 on the emotional and physical health of a family
16 or a mother to be able to visit the grave of her
17 child.

18 I was hospitalized for two weeks
19 following the cesarean delivery of my daughter and
20 was unable to see or make arrangements for her.
21 Now, I want to see where my baby is buried, in
22 person. I am here today because I am not alone in
23 my sincere belief that a woman and/or her family
24 has the right to visit the grave of her child
25 buried on publicly owned land in New York City.

2 ELAINE JOSEPH: Good afternoon,
3 members of the City Council. I appreciate you
4 hearing my testimony. My name is Elaine Joseph.
5 I live in Fresh Meadows, New York. In January of
6 1978, during a large snowstorm, my infant daughter
7 died at Mt. Sinai Hospital in Manhattan. She was
8 five days old. For several days, I was unable to
9 contact the morgue to discuss how I needed to
10 proceed to have my daughter buried. I was
11 informed that due to a massive snowstorm, the
12 morgue had been un-staffed and that her body was
13 sent to the city cemetery for burial. I, again,
14 never signed away my daughter. A few months
15 later, I received a death certificate but it did
16 not list the name of the cemetery.

17 For years, I tried to track down
18 her whereabouts. It wasn't until about five years
19 ago that I came about The Hart Island Project. It
20 was through the project that I was directed to the
21 New York City Department of Corrections to request
22 a visit to Hart Island. I was told that I had to
23 have a death certificate with the city cemetery
24 listed on it in order to visit the island. I
25 tried searching the New York City Archives on

2 Chambers Street but was unable to come up with the
3 records from 1978. I was told by the clerk these
4 records were missing.

5 With encouragement from The Hart
6 Island Project, I again requested a visit to Hart
7 Island despite not having a cemetery listed on the
8 death certificate. I was approved to visit the
9 cemetery by the Department of Corrections. When
10 asked who would accompany me, I gave my friend's
11 name, Melinda Hunt. I then received an email and
12 phone call from the deputy commissioner for public
13 relations who asked me if Ms. Hunt was a family
14 member of the deceased. I explained that she was
15 my support person. She tried to encourage me to
16 bring someone else. After I insisted, and with
17 assistance from Elizabeth Crowley's office, I was
18 given permission to bring Ms. Hunt.

19 On March 21, 2012, I was scheduled
20 to visit Hart Island. The entire journey from
21 beginning to end was like being in a bad novel. I
22 had to meet correction officers on City Island and
23 be chaperoned on an old standup ferry boat. I got
24 off the boat and was escorted 75 yards to an old
25 run down gazebo. This was as far as I was able to

2 go. From there, all I can see was a dilapidated,
3 run down island that looked like a ghost town. I
4 saw no graves; not even a grave marker. I was not
5 able to take photographs or even use my phone to
6 call my son who lived out of town. I was not
7 afforded any privacy.

8 How do I know that my baby is
9 buried there? How do we confirm that anyone is
10 buried there? Why do I need an escort from the
11 Department of Correction? Neither my child nor I
12 are criminals. I am a retired United States Navy
13 Officer, having served 23 years. I had to show
14 identification to visit the island. After almost
15 35 years of waiting, I did not feel any sense of
16 closure. I actually felt worse knowing that if
17 she is buried there, and I have no record to prove
18 that because infant record books from 1977-1981
19 are missing. What an awful place to spend
20 eternity.

21 I am asking the city to locate the
22 infant records from 1977-1981. I am also asking
23 the city to define Hart Island's visiting policy
24 to include visits to gravesites and make maps
25 available. I do not feel that the Department of

2 Corrections is the proper city agency to handle
3 family visits.

4 In response to the warden, there
5 are ways. I spent many years with the Marine
6 Corps, and when we didn't have facilities, we
7 brought in porta potties and what's called a water
8 bowl, which is a truck that provided water, which
9 could easily fit on a ferryboat over to Hart
10 Island. I ask that the City Council look into
11 doing something such as that so that we can make
12 visits more available to family members. Thank
13 you.

14 CHAIRPERSON CROWLEY: Thank you.
15 Thank you all for your testimony. Melinda, you've
16 done so much for hundreds of families with The
17 Hart Island Project. I know you're not satisfied
18 with the two bills that we are hearing today,
19 however I do think that good will come about from
20 them and has already, on the part of the
21 Department of Correction. If 803 does become a
22 law, the Department of Corrections will have to
23 put the database together right away. I mean they
24 have 30 days after the law is passed, and that's
25 outlined in the Introduction.

2 As it relates to taking the
3 authority away from the Department of Correction
4 and putting it to the Department of Parks, it's
5 not something that could easily be done. Whether
6 the Department of Parks is the right agency or not
7 is something that we're working on and we're not
8 ready to hear just yet.

9 I do believe it is good that now if
10 any individual wants to visit the island, they do
11 not need to show proof of relation to whom they
12 want to visit that is buried on the island.

13 I agree with both Elaine Joseph
14 and--I'm sorry.

15 DR. LAURIE GRANT: Laurie Grant,
16 that's okay.

17 CHAIRPERSON CROWLEY: --Laurie
18 Grant. I can't imagine the suffering that you've
19 been through. I, too, had the opportunity to
20 visit the island last year or earlier this year
21 and I believe there's a long ways to go in making
22 it more accessible. I also agree with you that we
23 should know exactly where on the island
24 individuals are buried, to be able to go closer to
25 that sight, as any normal person would in visiting

2 a loved one at a cemetery. So there is much work
3 ahead of us, but I do think that these two bills
4 that we heard today are a step in the right
5 direction.

6 I'd like to acknowledge that we've
7 been joined by my colleague from Brooklyn, Brad
8 Lander. Do either of my colleagues--and recognize
9 Council Member Vincent Gentile for questions.

10 COUNCIL MEMBER GENTILE: I just
11 want to clarify. Did you say that the records now
12 have been found from 1977 to 1981?

13 MELINDA HUNT: Adult, two volumes
14 of adult records were located. I think it was the
15 second or third request from lawyers. It took a
16 couple of years. So I have those. We do not have
17 infant burials from 1977 through 1981. Each
18 record has 100 pages, 36 names per page. It's
19 over 5,000 babies.

20 COUNCIL MEMBER GENTILE: And in
21 each case that you've gotten these records, it too
22 a Freedom of Information request in order to--

23 MELINDA HUNT: [interposing] Yes,
24 and a lawyer, and several requests and pressing
25 the DOC on required responsiveness. Yes, it took

2 a long time. It takes about a year to--

3 COUNCIL MEMBER GENTILE:

4 [interposing] It's just amazing the lack of
5 cooperation here, it's amazing. Am I correct,
6 because I missed the testimony earlier, the reason
7 that they won't allow you to the gravesite is
8 because there are no facilities to accommodate
9 people going to then gravesite? Is that the
10 reason?

11 MELINDA HUNT: I believe that's the
12 testimony. What they cite--Laurie requested
13 through a lawyer to visit and we include the DOC
14 response in writing is attached to her testimony--

15 COUNCIL MEMBER GENTILE:

16 [interposing] Okay.

17 MELINDA HUNT: --so you can read
18 it. But they cite security concerns concerning
19 visitation. In fact, Hart Island is not secure.
20 There are vandals going there all the time. There
21 are medical records that are in buildings that are
22 blowing in the breeze, things like that. It's not
23 a secure location at all. If the public were
24 going there and they were reporting things that
25 they were seeing, it would become more secure,

2 because the public complains about things.

3 COUNCIL MEMBER GENTILE: Well, it's
4 a shame that you've had to go through this type of
5 suffering and it's just shameful on behalf of the
6 DOC that you've been treated this way. The City
7 of New York owes some apologies, really.

8 CHAIRPERSON CROWLEY: I agree with
9 my colleague, Council Member Gentile. I think
10 that we're going to follow up with Melinda and
11 both of the ladies who are here, on reaching out
12 to the Department of Correction and pressuring
13 them to do whatever they can in their capacity to
14 find those missing records. I know that there was
15 a fire, but many of these records that we're
16 looking for happened after. Those happened after
17 the fact of the fire. So it is my hope that they
18 are somewhere, for your sake and for the city's.
19 I'd like to recognize Council Member Lander for
20 questions.

21 COUNCIL MEMBER LANDER: Thank you,
22 Chair Crowley. Thank you so much for this
23 testimony and for continuing to come out and get
24 through what's got to obviously be longstanding
25 grief to keep pushing. I'm one of the four, or I

2 guess one of the three prime cosponsors, along
3 with Council Member Crowley, of 803, 804 and 848.
4 I want to give real credit to Chair Crowley for
5 championing this issue and for pushing this along.
6 It's obvious some steps have been taken already,
7 from where they were, largely due to your advocacy
8 and the pushing. Intro 803 and 804 are an
9 additional step forward, but certainly, this is
10 not the end of the process, this is the middle of
11 the process.

12 Hopefully having that database will
13 mean more people will come to recognize and be,
14 you know, their connection to Hart Island, become
15 part of the constituency pushing for us to treat
16 it the way that it must be treated, given the
17 history and the tragedy and the suffering.

18 So it sounds to me like all the
19 issues related to visitation will have to be
20 solved with money. Let's just be straightforward.
21 The reasons have to relate to infrastructure,
22 security and transportation and those are things
23 that have to be paid for, so to be able to get people
24 there, to provide the infrastructure, to provide
25 the facilities. You could do it sooner, cheaper

2 with porta potties but over time we need to do it
3 right and we'll need to find a way to work
4 together, the Council, the Administration and the
5 conservancy essentially, to figure out what's
6 going to be necessary to do it.

7 So I'm committing that in addition
8 to supporting 803 and 804 and being glad that
9 they're moving forward, to continue to be a
10 partner and ally in the effort to get to the point
11 where there is some access, some closure and
12 something that can right the suffering that's been
13 taking place here. So thank you very much for
14 your time. Thank you, Madame Chair for pushing
15 this issue.

16 CHAIRPERSON CROWLEY: Thank you to
17 Melinda Hunt and Elaine Joseph and Laurie Grant
18 for being here today and for your advocacy. We're
19 going to hear the next panel. We have Mark
20 Taylor, from Rankin and Taylor. We have Jeanne
21 Frey, from Miss Foundation. Is that Jean Ann?

22 JEANNE FREY: Jeanne.

23 CHAIRPERSON CROWLEY: Oh, Jeanne.
24 And Peggy Regensburg--

25 DR. PEGGY REGENSBURG: Regensburg.

2 CHAIRPERSON CROWLEY: --from SIC 8
3 Resource Center?

4 DR. PEGGY REGENSBURG: It's the
5 Sudden Infant and Child Death Resource Center,
6 formerly known as the Sudden Infant Death
7 Syndrome--

8 CHAIRPERSON CROWLEY: [interposing]
9 Okay. Are you here today to testify?

10 DR. PEGGY REGENSBURG: Yes.

11 CHAIRPERSON CROWLEY: Okay, great.
12 If you could, come up and sit at the table.

13 [Pause]

14 CHAIRPERSON CROWLEY: We generally
15 limit testimony to three to five minutes, so if
16 you can keep that in mind. Please identify
17 yourself for the record and begin your testimony
18 once you're ready.

19 MARK TAYLOR: Thank you. My name
20 is Mark Taylor. I'm an attorney with Rankin and
21 Taylor and I've had the privilege and honor of
22 working with Melinda Hunt and The Hart Island
23 Project over the past four years. As we've
24 touched on earlier this afternoon, we had to sue
25 the Department of Corrections to get them to

2 release the burial records regarding who was
3 buried on the island. They would not comply with
4 the Freedom of Information law.

5 We brought an Article 78 lawsuit in
6 2008. The public is entitled to these records, so
7 we were successful, but it was a lot of effort
8 that was required to get the most basic compliance
9 with not only the law but just human decency as
10 far as allowing people to know that their loved
11 ones are buried on the island.

12 Getting these records was important
13 to get the information to the public, it was
14 important to preserve them. Many of these records
15 have been lost. Some were lost in a fire. Others
16 were not provided to us despite the lawsuit in
17 2008 and just recently we learned that they
18 existed and we're happy to get our hands on them.

19 The reality is that Hart Island is
20 very poorly managed as a cemetery. It fulfills
21 none of the most basic requirements of what we
22 look for from a cemetery. It's hard to confirm
23 who is even buried there and you can't visit. I
24 mean the idea of having one of the largest
25 cemeteries in the county that you cannot visit the

2 gravesites, it's crazy.

3 It was no one's intention that the
4 Department of Corrections alone would be running
5 this cemetery. It is an accident of history that
6 it comes out this way. You know, it is in some
7 ways unreasonable to expect Corrections to do a
8 good job. This is not what they do. Corrections,
9 they run Rikers Island. They have thousands and
10 thousands of prisoners in their custody at all
11 times. That's where their focus and to some
12 extent needs to be.

13 So, you know, you know how hard
14 you've had to work for even the most basic changes
15 here. I mean these are really straightforward
16 things and I know and I'm really appreciative of
17 the interest you all have taken. Basic changes
18 take a lot of work with the Department of
19 Corrections. Getting information you're legally
20 entitled to takes a lot of work with the
21 Department of Corrections. The way you can
22 fundamentally affect this situation is to bring
23 another department in with Corrections or instead
24 of Corrections in administering the island.

25 I'm glad that the prisoners work on

2 the island. There are very few opportunities for
3 people at Rikers to do anything productive with
4 their lives and times out there. There have been
5 tremendous cutbacks in educational opportunities
6 out there. So I don't want to see that end. I
7 know many of those prisoners are very proud of the
8 work that they get to do out there.

9 Having Corrections administer a
10 cemetery of this size just doesn't make sense. I
11 think you all see that. You do have an
12 opportunity to change that. I know that that is a
13 lot more work and you'll encounter a lot more
14 resistance than you have here. So I do appreciate
15 that but I hope that you will remain focused on
16 that as a goal. I do think that's the way to
17 fundamentally change what has been a disaster and
18 is so painful for the people who have their loved
19 ones buried out there.

20 We have sued Corrections before and
21 we will sue them again to get people access to the
22 island, because that's one of the tools that we
23 have. You all are really in a position to make a
24 tremendous amount of difference here and I hope
25 you'll do so. Thank you, again.

2 DR. PEGGY REGENSBURG: My name is
3 Peggy Regensburg. I am the program director of
4 the Sudden Infant and Child Death Resource Center
5 here in New York City. We are a state funded
6 program from Title V funding, and have been in
7 existence, up until recently known as the Sudden
8 Infant Death Syndrome program, since 1976.

9 We're housed in the Office of the
10 Chief Medical Examiner here in Manhattan. Our
11 mission regarding bereaved parents is that we get
12 the medical examiner's log on a daily basis, which
13 informs us of all the stillbirths, miscarriages
14 and infant deaths that fall into our criterion.
15 We outreach to these parents by mail and by phone
16 in order to provide information and condolences
17 and also referrals to counseling, plus we offer
18 our own bereavement counseling services,
19 particularly in crisis situations.

20 The reason that I came here is
21 because of a series of events that led me to find
22 out about the Hart Island Foundation, which I had
23 no idea of, happened because we were getting phone
24 calls requesting information on how people could
25 find where their stillborn child had been buried.

2 In many cases, these people were not English
3 speaking and they were not born here.

4 So, when they were given the
5 information that they needed to contact the
6 Department of Corrections that was the end of the
7 story for them. They're not going to call the
8 Department of Corrections. They're not going to
9 go to Hart Island, you know, as long as it's under
10 the auspices of the Department of Correction.
11 That proves an insurmountable barrier to an awful
12 lot of people.

13 The other part of that is the folks
14 that spoke to you about their loss have a loss
15 that's quite distant in time. However, the losses
16 that I deal with on a daily basis have just
17 happened to these folks. What has happened to
18 them is that while they're still under the
19 influence of the drugs that they were given, to
20 relieve their pain or to anesthetize them during
21 their surgery, they are forced to sign--not
22 forced--but they're given papers to sign under the
23 idea that this is part of their discharge, because
24 that happens immediately after a person goes into
25 their patient room. So while they're still fogged

2 up with medication and in many cases not speaking
3 the language that they're being given these papers
4 to sign, they sign off on having their children
5 taken to Hart Island and it's not until later when
6 they realize that no it's not in the city morgue,
7 no it's not in the hospital morgue, no there is no
8 funeral parlor that took the child away, that they
9 end up calling us to ask us to help them find
10 their babies.

11 I think that's unconscionable. I
12 know that the lifelong impact of that is
13 catastrophic to women and the unseen members of
14 the families who are not here to testify, such as
15 the fathers of these children and the siblings of
16 these children.

17 So, I am here to support the effort
18 of everybody else that's here, to thank you and
19 the City Council for the efforts that you've put
20 in so far and to hopefully alert you to the fact
21 that something needs to change around how people
22 find themselves in the position of signing a paper
23 that has their child taken to Hart Island when
24 they have no idea that that in fact is actually
25 what's happening to them. These people would

2 happily bury their own children, given the chance.
3 So there's a win/win situation here. People would
4 be assisted and the City of New York would save a
5 whole heck of a lot of money if they didn't have
6 to bury these children themselves. Thank you for
7 letting me testify.

8 JEANNE FREY: Good afternoon.
9 Thank you for allowing me to testify in front of
10 your committee. My name is Jeanne Frey and I'm a
11 legislative advocate with the Miss Foundation.
12 We're a nonprofit-based corporation that provides
13 immediate and ongoing services, supports and
14 resources for grieving parents, children and
15 families, whose child has died or is facing death.
16 We do risk management programs having to do with
17 infant mortality, improved maternal health,
18 endowment through community volunteerism, economic
19 assistance, public policy analysis and legislative
20 calls to action. Our board of directors is a
21 merge of professionals in the field, including
22 physicians, nurses, mental health professionals,
23 public service officials and families from a
24 diverse religious, socioeconomic, ethnic and
25 racial background.

2 We recently were part of a group
3 that got the 32nd state of New York to pass the
4 stillbirth certificate legislation. This is a
5 very important piece of legislation because it now
6 gives parents of stillborns the ability to
7 document their children, to have a piece of paper
8 that shows that these children did exist.

9 I wanted to bring in front of the
10 Council the fact that there are now three bills
11 within the federal congress that will further
12 this: HR 1037, HR 3418, S1862. These are
13 stillbirth and sudden infant death prevention,
14 education and awareness acts of 2011. This will
15 further create registries for these stillborns to
16 identify them, to locate where they are, to also
17 put into these registers why these children died.
18 So the records that New York City keeps in regards
19 to this becomes even more important in the future.

20 I'm also, coincidentally, a sister
21 of Angelina Frey, who was a stillborn that was
22 buried on Hart Island in 1942. I went through the
23 city system to obtain a visitation. Unlike the
24 problems that the ladies are having now, I did not
25 have such a problem, and felt that I should and

2 state exactly what my experience was.

3 As far as the city records,
4 Commissioner Cobb and the New York City Department
5 of Records were able to locate my sister at no
6 charge. They did tell me where her grave was and
7 did tell me how I could set up a visitation. I
8 did contact Officer Zisk [phonetic] and
9 approximately a month later, I did go to Hart
10 Island.

11 I guess this makes me a little
12 unique because I did have a visitation, and I did
13 have a visitation to a gravesite. It was the type
14 of visitation that I wish that the two mothers
15 that are here now will be able to have in the
16 future. I know the Department of Corrections is
17 capable of providing a visitation and one that is
18 consoling. I did document this visitation by
19 writing to Commissioner Moriello [phonetic], and
20 I'd like to read you my letter to him.

21 "I am writing this letter to you to
22 highly commend your staff at Hart Island. My
23 family and I were there on May 15th to visit my
24 sister's burial site. Thanks to Commissioner Cobb
25 and his staff in the municipal archives, we were

2 able to locate her."

3 "She was stillborn on May 24, 1942,
4 some 67 years ago, at Caledonia Hospital in
5 Brooklyn. She was 30 weeks but because of
6 toxemia, she did not go to term. My mother was
7 there by herself and my father was in the Air
8 Force serving our country. We were at war at the
9 time. Because of religious beliefs common at this
10 time, stillborn children were not always allowed
11 to be buried in private cemeteries. This was not
12 a financial issue."

13 "A decision had to be made: burial
14 at City Cemetery or to be discarded as medical
15 waste. My mother, as so many others, chose the
16 obvious one a mother would make. The opinion of
17 psychologists at this time, were that these
18 children should be forgotten, as it was best for
19 the mothers. Families did not always discuss
20 these matters as they would today. So siblings
21 such as myself would find out about these babies
22 and my sister late in our own lives. But New York
23 City did bury these babies, in numbers hard to
24 comprehend."

25 "Now, 67 years later, we entered

2 your facility on Fordham Street. We were offered
3 a parking space on the dock. From the moment we
4 entered until we left, your officers and ferry
5 crew could not have been nicer. As a result of
6 childhood polio, I am handicapped. I wear a brace
7 and I walk with a cane. Your officers escorted me
8 and helped me every inch of the way. They helped
9 me on and off the ferry. They had a van waiting
10 for us at the dockside. Officer Zisk and Captain
11 Auberry [phonetic], physically lifted me in and
12 out of the van at each stop. I found them both to
13 be incredibly kind and patient."

14 "The ferry waited for us at the
15 dock in case of an emergency. So if there was any
16 problem, we were able to go back. We felt safe
17 and welcomed on the island. It is a naturally
18 serene and beautiful island."

19 [Background noise]

20 JEANNE FREY: God bless you. "We
21 were driven slowly around the island, as Officer
22 Zisk and Captain Auberry explained the history of
23 the island, and we paused at each and every
24 building. We were amazed at their knowledge and
25 their willingness to share this knowledge with us.

2 They answered our many questions in great detail."

3 "When we arrived at the baby
4 section, Officer Zisk pointed out the older
5 sections where my sister would have been buried,
6 not the exact plot, but the section where she
7 would have been. As the inmates positioned
8 statues for us by the large granite cross and the
9 Blessed Virgin Mary statue, we placed many rose
10 bouquets around and on the graves. They were well
11 maintained, especially considering the natural
12 environment. The inmates would mow around the
13 nesting birds nest and that particular part of the
14 cemetery was maintained."

15 "No, there are not individual
16 markers, there are no headstones as you may
17 traditionally see in a traditional cemetery, but
18 we felt it no less comforting. After all, are we
19 not equal in the eyes of the Lord? The blessed
20 site has been created for generations and
21 generations and generations by the sweat and toil
22 of tears of many good and compassionate souls.
23 Yes, this is a true potter's field, one that
24 teaches us about true forgiveness and charity."

25 "This entire experience has been

2 most comforting for me and my family. I am sure
3 now that my mother did make the right decision so
4 many years ago. For without this decision, I
5 would not have been able to go. My sister would
6 have been nonexistent."

7 The City of New York did bury her
8 and that's why we were able to go there.

9 Commission Moriello's letter back
10 to me. "Thank you so much for taking the time to
11 write."

12 CHAIRPERSON CROWLEY: Mrs. Frey?

13 JEANNE FREY: Yes, sorry. Too far?

14 CHAIRPERSON CROWLEY: Could you
15 wrap up your testimony please?

16 JEANNE FREY: Okay. He wrote a
17 letter back, thanking me very much about the
18 things I said. Basically, what I want to say is I
19 know the Department of Corrections can do this. I
20 was personally there with my family.

21 CHAIRPERSON CROWLEY: Your
22 situation is unique. I'm actually very surprised
23 to hear about it.

24 JEANNE FREY: I know. I was almost
25 embarrassed to come up and say it, but the truth

2 be told.

3 CHAIRPERSON CROWLEY: Some officers
4 may get in trouble.

5 JEANNE FREY: But if there is a
6 visitation policy--

7 CHAIRPERSON CROWLEY: [interposing]
8 When you visited this year? Was it early this
9 year?

10 JEANNE FREY: No, 2009, May of
11 2009.

12 CHAIRPERSON CROWLEY: Okay.

13 JEANNE FREY: I do not know of the
14 situations now or why things may have changed.
15 But again, I do hope that the Department of
16 Correction and the Council will come to an
17 agreement--

18 CHAIRPERSON CROWLEY: [interposing]
19 I also hope--

20 JEANNE FREY: --positively forward
21 on this.

22 CHAIRPERSON CROWLEY: I hope that
23 the accessibility of the island as it was made for
24 you that day does in the future become as
25 accessible to families looking to visit. You did

2 have to wait a few weeks and that was okay by you,
3 but there are people that would like to go
4 frequently.

5 JEANNE FREY: I'm sure.

6 CHAIRPERSON CROWLEY: I believe as
7 any other cemetery in the city, families should
8 have the right to visit as frequently as possible,
9 or more frequently than currently allowable.

10 JEANNE FREY: But as was stated,
11 this was a problem that has been generations in
12 the creating. And the people--

13 CHAIRPERSON CROWLEY: [interposing]
14 I agree. It's not going to be fixed overnight.

15 JEANNE FREY: --that are now
16 maintaining it, the people in the record
17 department, most of them weren't alive when the
18 mistakes were made.

19 CHAIRPERSON CROWLEY: I agree.

20 JEANNE FREY: So I think anything
21 that's done in the future would just be
22 commendable for the city to do.

23 CHAIRPERSON CROWLEY: Absolutely.
24 I thank you for being here today. Thank you for
25 your testimony. Also, the other two who

2 testified, Ms. Regensburg--

3 DR. PEGGY REGENSBURG: Regensburg.

4 It's doctor, actually, Dr. Regensburg.

5 CHAIRPERSON CROWLEY: We'll have to
6 put that on your... I, too, agree, and we have a
7 resolution. I forget the name of the resolution,
8 but asking that when people enter hospitals, they
9 fill out a form consent to burial, whether they
10 want to receive a grant from the city that would
11 help pay towards a private burial or if they're
12 religious and want to be sent to a religious
13 cemetery.

14 DR. PEGGY REGENSBURG: Most of
15 these families can come up with the means to bury
16 their own child. For the people that we're in
17 contact with, most of the time, we don't get that
18 many requests for assistance, cash assistance or
19 anything like that. We have places we could refer
20 them to when we get those requests.

21 For the most part, these are
22 situations where people would have wanted to have
23 a wake, you know to have a mass or some other
24 service and a burial in a cemetery or a cremation
25 and they didn't know what they were signing. They

2 were not aware that they were signing that off.

3 Most people in the hospital are
4 also not aware that should the fetus weigh less
5 than 500 grams, it's disposed of as medical waste,
6 period. I mean you have to specifically state
7 that you don't want that to happen, which means
8 you specifically have to know about it. Which
9 most people, of course the average pregnant woman
10 doesn't.

11 CHAIRPERSON CROWLEY: I agree.

12 Also, once a woman loses her baby, the emotional
13 stress involved that you wouldn't be--

14 DR. PEGGY REGENSBURG:

15 [interposing] It's extreme.

16 CHAIRPERSON CROWLEY: --necessarily
17 thinking clearly, such as when a hospital
18 approaches you upon whether you would like your
19 infant to be buried on the island, they may not be
20 in the right state of mind.

21 DR. PEGGY REGENSBURG: Well, not
22 only that, it's not explained to them that that's
23 where they're going. They're told the city takes
24 care of the burial. So what they're thinking--I
25 don't know what they're thinking but they're not

2 thinking that the baby is going to a potter's
3 field. They're not thinking that.

4 JEANNE FREY: I'd like to just say
5 one other thing on that. I know the burial of the
6 County of Richmond in Staten Island does not send
7 anyone to potter's field, including the children.
8 I had the honor of being at a ceremony for nine
9 infants that would have normally gone to potter's
10 field, because the parents did not claim their
11 bodies. Public Administrator Gotlin and Mr. Oddo,
12 the Councilman, was there. They have an area in
13 Resurrection Cemetery where they do the burials.
14 The burials are done very nicely and with
15 religious services being said.

16 That being another point, I don't
17 believe there are any religious services at all at
18 the time of burials in Hart Island. I'm not sure,
19 but that would be a nice thing.

20 Also, I'd like to mention an
21 organization I work with, Tim Jaccard's Safe
22 Haven, the Children of Hope. These are the police
23 officers that go when a baby is found in the trash
24 or a mother wants to relinquish the baby and is
25 afraid of being prosecuted. They take possession

2 of the baby. They attempt to find adoptions.
3 They also do burials in Long Island and Holy Ruth
4 Cemetery. They have full funerals for these
5 children. Their last names are given as Hope.
6 The person who finds the baby is able to name the
7 first name.

8 There are organizations that go out
9 of their way to find a type of burial for these
10 children, outside of potter's field or Hart
11 Island, because these situations have existed over
12 there in the past. I think if you were to see
13 these funerals, you would feel that they are a
14 best practice example. I think their input into
15 how a burial should be done with children like
16 this would be very helpful. That's all. Thank
17 you.

18 CHAIRPERSON CROWLEY: Okay, thank
19 you all for your testimony. That concludes the
20 Fire and Criminal Justice Committee hearing of
21 September 27, 2012. I thank you all for being
22 here in attendance.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Donna Hintze

Date October 18, 2012