

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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October 11, 2017
Start: 1:17 p.m.
Recess: 2:17 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

YDANIS A. RODRIGUEZ
MARGARET S. CHIN
HELEN K. ROSENTHAL
DANIEL R. GARODNICK
RAFAEL L ESPINAL, JR.
MELISSA MARK-VIVERITO
STEVEN MATTEO
MARK LEVINE
DEBORAH L. ROSE
JUMAANE D. WILLIAMS

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

Dr. Robert Cohen

Physician in Practice in Manhattan, worked on Rikers Island as the Director of the Montefiore Rikers Island Health Services, Represents the American Public Health Association on the National Commission for Correctional Health Care

2 [gavel]

3 CHAIRPERSON LANDER: Good afternoon and
4 welcome to the New York City Council Committee on
5 Rules, Privileges and Elections. My name is Brad
6 Lander, I'm the Chair of the Committee. We're joined
7 today by a couple of Committee Members at the start,
8 thank you to Minority Leaders Steve Matteo and
9 Council Member Dan Garodnick and I know some other
10 members are at another hearing and will be over
11 shortly. We... thanks also to our Counsel Elizabeth
12 Guzman and to the crackerjack staff of our
13 investigative unit at the Counsel, Chuck Davis,
14 Alycia Vassell, and Andre Johnson-Brown. Today the
15 council will consider the re-appointment of Dr.
16 Robert L., Bobby Cohen to the New York City Board of
17 Correction. Dr. Cohen has served as a member of the
18 board appointed by this council since 2009 if re-
19 appointed by the council Dr. Cohen who's a resident
20 of Manhattan will serve on the Board of Corrections
21 for a new six-year term to begin on October 13th,
22 2017 and expire on October 12th, 2020. As I think
23 people know the New York City Department of
24 Correction provides for the care, custody and control
25 of people who are accused or convicted of crimes and

1 sentenced to one year or less of jail time. The
2 department manages 15 facilities, ten of which are on
3 Rikers Island, know many of us are working hard to
4 make that not the case and the department handles
5 more than 100,000 admissions each year and manages an
6 average daily inmate population of approximately
7 14,000. The New York City Board of Corrections
8 oversees the Department's operations and evaluates
9 the agency's performance. By law the Board of
10 Corrections or its members has the power and duty to
11 inspect and visit all institutions and facilities
12 under the jurisdiction of the department, evaluate
13 the department's performance, establish minimum
14 standards, and establish procedures for the hearing
15 of grievances and complaints. The Board is... while
16 the... while the Commissioner of the Department of
17 Corrections is appointed as I think people here know
18 by the Mayor because that's been in the news
19 recently. The Board is made up of nine members, three
20 appointed by the Mayor, three appointed by the
21 Council and three appointed by the Mayor on the
22 nomination jointly by the presiding Justices of the
23 Appellate Division of the Supreme Court for the first
24 and second Judicial Districts. Members are appointed

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2 for a term of six years and vacancies are filled for
3 the remainder of an unexpired term. The Mayor
4 designates the Chair from amongst its members. Board
5 members do not receive compensation but they can be
6 reimbursed for expenses incurred during the
7 performance of their duties. This term in this
8 council we appointed Stanley Richards who's here with
9 us in the chamber today. Dr. Cohen's original term
10 was nominated and passed in the prior term of the
11 council so we haven't seen him before this committee
12 before but he has continued to stay in touch with us
13 and keep us posted as the council's... one of the
14 council's three representatives on the board. So, Dr.
15 Cohen we're, we're very pleased to have you here
16 today, let me ask that you raise your right hand to
17 be sworn or affirmed in.

18 COMMITTEE CLERK MARTIN: Good afternoon
19 Dr. Cohen.

20 ROBERT COHEN: Good afternoon.

21 COMMITTEE CLERK MARTIN: Do you swear or
22 affirm to tell the truth, the whole truth and nothing
23 but the truth?

24 ROBERT COHEN: Yes.

25 COMMITTEE CLERK MARTIN: Thank you.

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CHAIRPERSON LANDER: Rules Committee

Members as normal you can find a written copy of, of the... Dr., Dr. Cohen's opening statement as well as the background research done by our staff in advance and the floor's yours.

ROBERT COHEN: Thank you... thank you very much, thank you members of the city council and good afternoon. My name is Bobby Cohen, I'm here to request your support for my re-appointment as one of the three City Council Representatives on the New York City Board of Correction. I've served in this position for eight years and hope you will recommend me for another term. I was born in the Bronx, I attended public schools in Queens and graduated from Princeton... from Bayside High School. I attended Princeton University and Rush Medical College in Chicago. I completed my residency and chief residency in internal medicine at Cook County Hospital. While in Chicago I did research on the epidemiology of epilepsy in the Illinois Prison System. I returned to New York City in 1981 to serve as the Chief Physician at EMTC, one of the jails on Rikers Island. In 1982 I was appointed Director of the Montefiore Rikers Island Health Services, I worked each day on Rikers

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2 Island until the fall of 1986 when I became the Vice
3 President for Medical Operations of the New York City
4 Health and Hospitals Corporation. After leaving
5 Health and Hospitals in 1988 I started a clinical
6 practice in general internal medicine in Manhattan
7 and in 1989 I was appointed as the Director of the
8 Saint Vincent's Hospital AID Center. I have been
9 appointed by Federal Judges in Florida, New York
10 State, Connecticut, Michigan, and Ohio to monitor and
11 improve clinical services for prisoners who have been
12 denied access to basic medical care. I served for 17
13 years as a Board Member of the National Commission on
14 Correctional Health Care representing the American
15 Public Health Association. The Board of the National
16 Commission is made up of 36 representatives of
17 National Health... of National Health Care Legal and
18 Correctional Organizations including the American
19 Sheriff's Association, the American Medical
20 Association, the American Nurses Association, the
21 American Psychiatric Association, the American Jail
22 Association and the American Dental Association. The
23 Nation Commission creates standards for health care
24 in prisons and jails and accredits them. In New York
25 I served for 17 years as a member of the Board of the

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2 Fortune Society, I lived in Manhattan and my two
3 children attended New York City public schools
4 through their high school graduation. I've worked in
5 and around New York jails for more than 35 years, I
6 was honored to have the opportunity to work on Rikers
7 Island daily for five years although the city jails
8 have always been violent they have also been a
9 national model for medical care, mental health care,
10 drug use services and civilian oversight. I bring
11 more than 35 years of direct experience providing,
12 providing, administering, and monitoring medical and
13 mental health services in jails and prisons
14 throughout the United States. I visited the jails
15 regularly, almost monthly, sometimes several times
16 per month on behalf of the Board of Correction and
17 the city council. We are concerned about the safety
18 of all who work and live in the jails, we need to
19 obtain available technology particularly body
20 scanners to find and remove weapons from the jails,
21 we need to decrease the use of torturous.. of the
22 torturous practice of prolonged solitary confinement
23 because it is inhumane, it does not improve behavior
24 and increases violence in the jails. It is important
25 to me that New York City's jails represent the values

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2 that are, are in the city charter which create and
3 support the Board of Correction. The Board
4 establishes minimum standards for the care, custody,
5 correction, treatment, supervision, and discipline of
6 all persons held or confined under the jurisdiction
7 of the Department of Correction. I believe that this
8 is a critical function and I believe that the Board
9 and those who work and live in the jails benefit from
10 my expertise. I, I thank you for the opportunity to
11 bring this opening statement.

12 CHAIRPERSON LANDER: Dr. Cohen thank you
13 for that opening statement and just thank you even
14 more for your service, I just want to say I feel very
15 proud as a member of this council that you represent
16 us on the Board of Corrections and I think people can
17 see from your opening statement but even more if they
18 have a chance to dig in and look at your resume and
19 our materials here in the book, I mean for someone
20 with your medical education and your track record
21 obviously you could be in... you know you could have
22 had a career in private practice making a whole lot
23 of money and the fact that you dedicated yourself to,
24 to prison health and then even beyond that to
25 oversight with no compensation is a... is a real

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2 testimony and I... you know to me it's just I'll call
3 people to the first sentence in your pre-hearing
4 questions, the one where you were asked why you're
5 interested in continuing to serve on the board this
6 belief that's civilian oversight of jails and prisons
7 is an essential component of a democratic society is,
8 is powerful and I think we're lucky to, to have had
9 you there and I know folks can look at the, the press
10 clips here and see that there are the many times when
11 you have been unafraid to speak up and say something
12 that the Department, you know was not as enthusiastic
13 or City Hall or the Mayor or the Corrections
14 Commissioner whoever was not necessarily enthusiastic
15 to hear and that's what we... that's the job... that's,
16 that's why we have these positions and so I'm
17 grateful to the... for the fact that you have done that
18 work. And I want to... [cross-talk]

19 ROBERT COHEN: Thank you... [cross-talk]

20 CHAIRPERSON LANDER: ...recognize and
21 welcome the colleagues who have joined us, we've been
22 joined by Council Member's Jumaane Williams, Debbie
23 Rose, Mark Levin, and Margaret Chin. I'm going to ask
24 a couple of questions and then I'll throw it open to
25 colleagues as well. Obviously in your time you've...

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2 there've been a lot of issues that have come before
3 the board certainly especially around violence and
4 what to do about it but also around the provision of
5 health care and health services, around solitary and
6 that set of issues and I just wonder if you could
7 give a few examples of how you feel your service on
8 the board, your speaking up when necessary, you're
9 working with your colleagues has helped achieve these
10 goals of sort of making conditions better, making
11 sure there's good, strong and transparent oversight
12 and just give us a sense of what that's looked like
13 up... in a few examples from the last six years?

14 ROBERT COHEN: Sure. When I started on
15 the board there was a trend of increase in the number
16 of men and women and, and particularly young people
17 in solitary confinement. The, the numbers were, were,
18 were rising and they were up close to over 600 people
19 who were in solitary confinement including 25 percent
20 of all of the... all of the adolescents were in
21 solitary confinement, I raised this issue to the... to
22 the... to the... to, to, to the board, I... with, with,
23 with others but I... but I think I played a leadership
24 role in this, put forward a resolution that the board
25 consider a development of a rule to limit the use of

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2 solitary confinement and the first vote was seven to
3 two against but the next vote was, was, was unanimous
4 in, in, in support and so I, I think I was able to
5 demonstrate so collegiality in that process and also...
6 you know the, the, the change represented City Hall
7 understanding that the time had come to, to, to stop
8 increasing solitary confinement in Rikers Island and
9 to... and to address it and then I worked for, for
10 years the... one of the chairs of the committees and,
11 and, and then with the... with the new Mayor and with
12 the new Commissioner together we, we developed a, a
13 plan which knocked solitary confinement from 600 to
14 100 so that's, that's one, one area that I... that I
15 think my, my work has been important although I would
16 say that all these things happen in a national
17 context. There's a national notion that we put too
18 many people in jail and that we put too many people
19 in solitary so it's not an individual. Another
20 example... [cross-talk]

21 CHAIRPERSON LANDER: I... I'll just
22 interrupt you briefly though I mean you're, you're
23 humble to... and of course it's true that the broader
24 move from... you know for confronting and doing
25 something about mass incarceration is a... is a... is a

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2 broad movement, I want to give you credit as someone
3 who is calling out these issues well before this was
4 a, a large national... [cross-talk]

5 ROBERT COHEN: Well, well I thank...

6 [cross-talk]

7 CHAIRPERSON LANDER: ...conversation too...

8 [cross-talk]

9 ROBERT COHEN: ...I thank you for that and,
10 and, and New York coming in early on this made a
11 difference to the rest of the country as well. On, on
12 medical care, you know I, I first worked on Rikers
13 Island in 1981 as a doctor and, and then I was
14 responsible for, for directing the, the, the medical
15 care for Montefiore Medical Center, we had a large
16 contract with the, the Department of Health and
17 that's... we were the major contract in the Department
18 of Health at that time. So, when I became onto the
19 Board I, I wanted to use that expertise to, to, to
20 help it and I think over the past several years we
21 have begun to... we have developed a regular
22 questionnaire basically we asked the Departments of
23 Correction and the Department of Health to report to
24 us on a monthly basis how many people are scheduled
25 to have appointments, how many people get to their

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2 appointments and this is for specialty care, hospital
3 visits and mental health care and this is an area
4 where the city can do a lot better, we've... by, by
5 establishing these... this, this data we can track it,
6 the, the Board... and I've been involved in this, I was
7 involved in the development of that... of that... of that
8 project and I follow it closely, the Board now
9 convenes regular meetings between the Department of
10 Correction and, and Health and Hospitals to improve
11 these numbers. There's, there's unfortunately a great
12 need for improvement but it's an area where I've used
13 my expertise and... is that responsive?

14 CHAIRPERSON LANDER: Thank you, yeah,
15 sure, absolutely and other... my colleagues may have...
16 want to drill down on some of those issues or some of
17 the others that you addressed in the... in the
18 questions but a couple more questions from me. So,
19 first I know you've seen the press release that the
20 Corrections Officers... yeah, union released which I
21 think members have seen as well, you know it's
22 certainly my experience in talking to you over the
23 years that, you know you're thoughtful about what
24 this looks like from all sides and that you care
25 about the health and safety of corrections officers

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2 as well as the health and safety of, of inmates and,
3 and, and folks in the system but I just want to give
4 you an opportunity, you know on the record to address
5 the issues that they raised?

6 ROBERT COHEN: Yes, the, the... you know
7 I've been on the board for a long time and I've met
8 many times with, with, with COBA and I don't... we
9 don't always agree although I have... and when I've
10 done so they've, they've thanked me for supporting
11 having adequate numbers of correctional officers in
12 housing units even if that meant a rearrangement of
13 the budget or, or, or of departmental priorities.
14 This particular issue that they raised and its one
15 specific issue has to do with a particular person who
16 is housed in a special unit on Rikers Island. In
17 March a judge in the Bronx ordered this particular
18 person to be in, indefinite, forever solitary
19 confinement without visits and without recreation.
20 This... that's wrong, there... he's a very complex
21 individual, he needs to be... he needs to be in a
22 special situation, he... when he... when he travels he
23 needs to be accompanied by people who can, can
24 control him but the notion that a... that... and this
25 order by a... by the Bronx judge was requested by the

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2 Department of Corrections, the Department of
3 Correction and, and... actually COBA I believe also
4 wanted this to happen, the order was specifically
5 requested by the Bronx DA but the background and, and
6 detail was provided by the Department of Correction.
7 Where... when I grew up I just learned that, that the,
8 the rights of those who are most in trouble are the
9 ones that you have to... that you have to defend and so
10 we know that prolonged solitary confinement is really
11 dangerous and now this is a person who is being told..
12 the Department is being told by a judge to keep this
13 person forever in solitary confinement and in fact
14 the order says wherever he goes he should be in
15 solitary confinement without visits and without... with
16 his family and without ever getting out of a cell
17 except for a shower, I think that was... that was
18 excessive and that's... and that's what I raised.

19 CHAIRPERSON LANDER: And, and just so I'm
20 clear, I mean I guess this is even from the press
21 release but what you did was at a Board of
22 Corrections meeting expressed profound concern about
23 this issue?

24 ROBERT COHEN: That's what I did.
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2 CHAIRPERSON LANDER: Okay, I... as I
3 understand it that's the... that's what you're supposed
4 to do on the Board of Corrections so... and I'll just
5 note for other... for others, you know if, if you want
6 evidence of, of Dr. Cohen's speaking up when he felt
7 it was necessary when the Department or you know the
8 administration disagreed there's plenty of evidence
9 of, of that as well so it's certainly a, a, a
10 balanced approach to expressing concern and, and
11 paying close attention. So, my last question though
12 it's certainly a big one but I feel I'd be remiss if
13 I didn't ask about the Lippman Commission and the
14 proposal to, to close Rikers as you know our Speaker
15 you know called for the creation of that... of that
16 commission and a lot of us support, support that goal
17 and, and work to get there so I just wonder if you
18 could share your perspective on, on the work to close
19 Rikers?

20 ROBERT COHEN: Yes, I, I certainly
21 support the, the, the council and all its members and
22 leadership in, in bringing this, this issue to the...
23 to the... to where, where it's an extraordinary act
24 that you all took and I'm very proud to be in New
25 York's... a citizen of New York City which, which takes

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2 this move... I, I, I... it's going to be a project, there
3 are a lot of steps that are going to have to be done,
4 I'll, I'll mention the way I see some of the issues.
5 We have to reduce the population, everybody agrees on
6 that, the number... our goal on that should be as low
7 as possible, it shouldn't... if it... rather than 7,000
8 it should be 5,000, if we can... if we can get there
9 and I think we probably can because our numbers are
10 still so astronomical compared to the rest of the
11 world even though New York has done so well compared
12 to itself and say Philadelphia which incarcerates
13 pretty close to the same number of people we do at 20
14 percent of our size. Doing that is going to involve a
15 lot of people as you all know, I would... the police
16 are involved and the District Attorneys are involved
17 and the judges are involved, the defense bar is
18 involved, the Department of Correction is involved,
19 the court and administration is very involved, it's
20 not ironic that Judge Lippman was in charge but the
21 court administration can do a lot to, to make this...
22 to make this better and all these things result in
23 unnecessary... all, all those parties are part of the
24 project of unnecessary incarceration and prolonged
25 processing of, of arrestees and I would suggest that

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2 the DA's and the judges... the ADA's and the judges
3 whenever they have the chance come out to Rikers
4 Island so they'll see what's going on there and, and
5 stimulate them towards, towards working harder on
6 this project. Bail reform, I won't describe how I
7 would solve it which is not important but it's a... but
8 it's got to be part of it and, and I know the city
9 is, is working on that, the administration is, I
10 would just caution that... this often goes towards a
11 mechanical algorithmic approach and it's not that I
12 don't believe in science or mathematics or algorithms
13 but the, the algorithm that's involved in bail reform
14 should take into account the, the injury not just to
15 the... not just the risk of the community which is
16 important but the injury that occurs to a person and
17 their family when they're incarcerated on Rikers
18 Island and I would just add that to, to the... add that
19 to the algorithmic mix, the current ones that the
20 city is looking at I believe don't take that into
21 account. There's got to be a lot of retraining of
22 the... of the staff, just, just bringing the Rikers
23 Island up to date to new facilities in, in, in
24 Brooklyn, Queens, the Bronx, Manhattan is not going
25 to change the, the culture of Rikers Island and the,

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2 the Federal Monitors report just came out yesterday
3 describing a situation that needs dramatic
4 improvement in terms of behavior by everyone and so I
5 strongly feel that there has to be more training and
6 there are a lot of new officers being... who are coming
7 in and you can't... those... they're easy to reach
8 although they have to... then they get... you know get
9 onto Rikers Island and it is a really, really hard
10 job to be there all day long, day after day, year,
11 year after year but, but I think that training is
12 very important that specifically it should be done in
13 conjunction with John J., that the training is not
14 just about de-escalation techniques or, or... and how
15 to... just correctional issues but there should be a
16 training around criminology anthropology and they
17 should be real courses and sociology and law and
18 psychology and they should be encouragement and there
19 should be a recognition within the department and,
20 and promotions of getting AA... getting Associate
21 Degrees, getting Bachelorette Degrees and, and
22 professionalizing the, the, the staff as, as we move
23 forward. This is not to... this, this recognizes that
24 anybody who's been there and worked this hard is not
25 to be, you know denied those advancements but going

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2 forward this is... this is what, what, what we hear
3 about when you hear about the, the, the prisons in
4 Europe that are so... that are... that are modeled that's
5 the... that's the educational basis of those... of those,
6 those systems just a more, more... you know more highly
7 trained group of people, make sure the facilities of
8 course are built close to the courts and
9 transportation that's critical. ATI is very
10 important, I would... I would... you know I would not
11 stop any programs that exist but I would not, you
12 know ATI happened a long, long time ago and it just
13 built up a lot of people in ATI as all the prisons
14 and jails kept increasing as well so we have to be
15 very careful that, that, that new ATI programs not
16 just increase the number of people who are on... under
17 supervision and that... and that... new programs should
18 be developed towards, towards bringing together
19 through a restorative justice model of person's who
20 have committed violent acts and those... and those that
21 they have... those that they have... those that have... the
22 victims that they... that they... that they've hurt and,
23 and that's, that's the direction I think we should be
24 going and that should be built into the process of
25 thinking about a new kind of, of correction system,

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2 drug policy, need to have more... you know more access
3 to, to drug treatment for people leaving Rikers
4 Island although I believe H and H and the Department
5 are committed to that, people should get Naktrexone...
6 Narcan, Naloxone when they leave Rikers Island, the,
7 the Department is trying to do that, it's complicated
8 but everybody... there should be really wide access to
9 prevent deaths from Opioids over... abuse and people
10 coming through Rikers Island use drugs and they
11 should be given this when they leave and people
12 should be given access to apomorphine treatment to,
13 to help them get off of... you know to get them off of
14 heroin and there should be careful... and I know this
15 is happening, there should be work between the city
16 and the state so that people can be initiated on
17 apomorphine when they're in city jails and be
18 continued when they... if they have to serve time
19 upstate. Two last things, one is to... we should... I
20 think we should reduce... I mean probably eliminate
21 incarceration on Rikers, Rikers Island for
22 misdemeanor crimes, that's just not... that's one way
23 to, to get at it and, and... [cross-talk]

24 CHAIRPERSON LANDER: I'm sorry, could
25 you... [cross-talk]

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ROBERT COHEN: ...finally... [cross-talk]

CHAIRPERSON LANDER: ...say that again I had a hard time hearing you?

ROBERT COHEN: For misdemeanors should not be on Rikers Island, we should just figure out another way of taking care of that population and finally and this on New York City issues particularly but it can be in a state... we should eliminate, eliminate or reduce but eliminate the better, the collateral consequences of incarceration and conviction, access to public housing, access to, to, to licenses so that people are not forced into a situation when they, they have fewer options than they... when they, they begin be... way behind once you get off of Rikers Island into... you know into... even... when people have served their terms to give them those collateral consequences as well.

CHAIRPERSON LANDER: Thank you for that very thorough and, and helpful answer obviously this has become something that's, you know at, at some levels more... you know bumper sticker... [cross-talk]

ROBERT COHEN: Right... [cross-talk]

CHAIRPERSON LANDER: ...than a real thorough and so it's really great to have that... have

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2 that detail from you so thank you. Council Member
3 Rosenthal has questions and other colleagues do as
4 well.

5 COUNCIL MEMBER ROSENTHAL: Thank you
6 Chair and thank you Dr. Cohen for being here. I'm... I
7 was struck... I haven't been on the Island recently but
8 I was struck when we were talking to Corizon who I
9 guess had the contract to... [cross-talk]

10 ROBERT COHEN: Uh-huh... [cross-talk]

11 COUNCIL MEMBER ROSENTHAL: ...provide
12 doctors on island, you know before I guess now it's
13 back at H... H and H... [cross-talk]

14 ROBERT COHEN: That's right, yes.

15 COUNCIL MEMBER ROSENTHAL: ...hearing the
16 stories about what the medical professionals saw
17 happening before them and how limited they were to
18 doing anything about it and it struck me at that time
19 that the tension within Rikers or any prison is
20 between the need for security and, and that the
21 notion of health is not in the mission necessarily of
22 the Department of Corrections, I was wondering from
23 all your experience being on an Island, being you
24 know a professional on the board if you see a route
25 to how those two things can... how the Board of

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2 Correction... how the Department of Corrections could
3 expand its mission to include the health?

4 ROBERT COHEN: People always say this but
5 that is a really good question, I spent those many,
6 many years thinking about that and working on it. It
7 is a... it's, it's a contradiction, I mean one is there
8 for security, the other is there for compassion in a...
9 in a... in a good world and they, they often conflict,
10 every time someone... if someone has the right to, to
11 request medical care then they can ask to be moved,
12 right and then they... in order to get medical care
13 they have to be taken from one place to another,
14 it's, it's one of the only things you can do that you
15 can... you can... that a... that a person can ask saying
16 please do this and there's no constitutional rights,
17 you know to do that so that's... so, so that's one
18 thing, you can create rules, policies and procedures
19 by the Department and the... in the... in the health
20 things which will accommodate every issue and they
21 won't. conflicts will arise and in my mind, they
22 should arise because there are fundamental
23 contradictions in, in this thing and if no conflicts
24 are arising it means that people aren't really doing
25 their job because there will be times when medical

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2 has to say this is not working we have to do this.
3 Now in the end corrections always trumps, you know in
4 the most extreme situations, it's their... it's their
5 space and, and, and the medical care is working
6 within it but the things that you can do and what New
7 York City has done better at sometimes than in others
8 is to fundamentally say that the... that the... that the
9 location of the health care services are not in the
10 Department of Correction. So, it's been historically
11 in the Department of Health and the Department of
12 Health and Mental Health now through a slide of hand
13 it's in the Health and Hospitals, I don't think... the
14 Charter hasn't been changed so it's really under
15 Health Department but it's in there. Some... what's
16 important to, to preserve the balance that you're
17 concerned about tipping I'd say... I'd say is to
18 support the autonomy of the health care provider. So,
19 to... when, when the Department of Correction puts
20 pressure on City Hall for example to, to control... you
21 know to limit the interest of the, the, the concerns
22 of the health care provider in terms of these
23 conflicts and that's a problem. Historically I think
24 New York's been very good at that, you know state...
25 New York State the health care is run by the

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2 Correctional Department not by the Health Department,
3 most jails are run... health care is run by jails so
4 having an independent autonomous health care provider
5 is the general strategy that I would recommend
6 towards, towards, towards doing that. New York has it
7 in principle, it varies depending upon the Department
8 of Correction and the Department of Health or Health
9 and Hospitals as to how they... how they look at it and
10 it's something that will always be a conflict and
11 just has to be... and now the... it's, it's hard for the
12 Board of Correction to monitor that in detail because
13 it's a gigantic system but, but I think we have an
14 obligation to assure that when there are... when
15 conflicts come to our attention and then people know
16 they can bring conflicts to our attention that, that
17 we are engaged to, to defend... to engage in that
18 conflict on behalf of our... of, of our mission and I
19 tell you we do that all the time, I mean I was on
20 Rikers Island two weeks ago where there was a person
21 who didn't... who shouldn't of been there, should have
22 been at Bellevue, he's at Bellevue now but, but,
23 but we got involved in, in that process to make that
24 happen so...

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COUNCIL MEMBER ROSENTHAL: What protections do the medical profession, professionals have on island in terms of security if they speak out or try to get help for inmates?

ROBERT COHEN: Well when, when I ran the, the program these conflicts... you know this was a long time ago in the 80's I had the support of an organization, you know I mean I, I was a contract with the Department of Health, I worked for Montefiore Medical Center and, and when those issues came up we worked... I worked directly with the Department of Health and sometimes politically, you know if that was... if that was... it that... if that was necessary. Right now, you know I think that... you know you're relying a lot on the professionalism of the medical staff to speak up when, when they're unable to do their... weren't able to do their job, there has been historically some terrific medical leadership within the Department of Health and Mental Health and Health and Hospitals that has worked toward, toward, towards that at... and it's, it's a... it's a lecture called Dual Loyalty, you know... I mean it's, it's... you know I mean it's, it's... you know I mean that, that should be done... given to every health practitioner on

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2 Rikers Island which, which you explain to them and
3 there's lots of information, you know lots of
4 examples about this so you're working in an
5 institution that has this priority but your priority
6 as a health professional is that, these conflicts,
7 conflicts are going to arise what's the best way to,
8 to deal with them so...

9 COUNCIL MEMBER ROSENTHAL: How do you
10 measure whether or not the city is funding the
11 contract whether it's with Montefiore, Corizon, H and
12 H, whether or not the city is funding a sufficient
13 amount of medical care?

14 ROBERT COHEN: Well the, the board does
15 not do the regular quality assurance, the Department
16 of Health and Hospitals does that right now although
17 there is a growing capacity within the Department of
18 Correction which, which looks at health, health care...
19 health care issues, I'm not... it's hard for me to
20 think that there's not enough money in the budget
21 right now because the population is so much lower
22 than it was before and I don't have any evidence
23 epidemiologically that the persons are so much
24 sicker, they may be more violent, you know they're...
25 you know... you know as we go through these other

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2 processes of bail reform you're going to end up with
3 a different group of people on, on, on Rikers Island
4 but in terms of their health care status I, I don't
5 know, I mean you would... you would... I mean there are
6 basic things which is there have to be coverage of
7 doctors... a certain number of doctors and nurses every
8 shift in every... in every facility, you'd look at the
9 number of times that staff... that, that shifts were
10 not filled, you'd hear about no one's showed up for...
11 you know there's no staff there for sick call but... I
12 mean I know... actually know how to do this, you know
13 in... because I... because I've, I've done that, you know
14 professionally, I mean I, I think you want to rely on
15 the... on the Health and Hospitals Corporation to
16 defend itself here although obviously it's part of a
17 larger budget process in terms of what... where it's
18 priorities are right, right, right now. I personally
19 would not of put the, the health services into the
20 Health and Hospitals because it's a tiny little part
21 of a gigantic organization that is in crisis and so I
22 wouldn't of taken this money right now and, and given
23 it... you know and I wouldn't of taken this program and
24 put it there because it does... it doesn't matter as
25 much to Health and Hospitals as it matters to the

1
2 Department of Health just because of the size and the
3 Department of Health is not in the crisis that Health
4 and Hospitals is, the financial... [cross-talk]

5 COUNCIL MEMBER ROSENTHAL: When was that
6 change made?

7 ROBERT COHEN: That was done I guess a...
8 about a year and a half ago.

9 COUNCIL MEMBER ROSENTHAL: Did you argue
10 against it at the time... [cross-talk]

11 ROBERT COHEN: I did... I did but I wasn't...
12 I didn't... I did.

13 COUNCIL MEMBER ROSENTHAL: Was Stan the...
14 Brezenoff the... [cross-talk]

15 ROBERT COHEN: Stan was at the... was at
16 Health and... was at... was at... [cross-talk]

17 COUNCIL MEMBER ROSENTHAL: DOC... [cross-
18 talk]

19 ROBERT COHEN: ...h was on the board at
20 that... at that... at that time, I mean I was not... I was
21 not at the meetings of City Hall but I was... but I was
22 informed about them and it's a tough... it was a tough...
23 it's a tough situation, I mean everybody wanted to
24 get rid of Corizon and that was the important thing
25 to do I believe and then the problem was... you know

1
2 and then DOHMH doesn't provide care that's what... not
3 what it does right now so that was a difficult
4 problem. There was an alternative proposed to... which
5 if this is too much detail I apologize for taking up
6 all the time but your question... there was a proposal
7 to set up a 501C3 of corporation which would... which
8 would be chaired by the Departments of Health and HRA
9 and H and H and the, the Mayor's Office and would run
10 the... would run the medical care as a smaller
11 responsive organization that would have some autonomy
12 understand... you know that's now what happened, I
13 understand the arguments, you know... you know the
14 city... the... if I were running the city I would want to
15 have more direct control over things than have
16 another board to go through but that was... [cross-
17 talk]

18 COUNCIL MEMBER ROSENTHAL: Do you think
19 that the budget for the contract whether it be
20 through Corizon or an affiliate or directly has gone
21 in tandem with the population at Rikers?

22 ROBERT COHEN: I'm sorry?

23 COUNCIL MEMBER ROSENTHAL: Has it... has it
24 run in tandem with the population at Rikers another
25

1
2 word is it over funded now given the number of people
3 on, on the island?

4 ROBERT COHEN: You know I don't know if
5 it's overfunded, there are a lot of facilities than
6 there were and other... and, and other points and there
7 is a... there is more need for mental health services
8 and there are court orders around mental health
9 services so I, I don't have a sense that it's
10 underfunded right now, I, I would not say that it's
11 overfunded although I believe... I mean I've asked this
12 question of several people recently that the... that
13 the budget is pretty much at the same level it's been
14 for two years and the population has gone down a
15 bunch over that period and I believe it's actually
16 been more than several years so I, I, I think that
17 there probably is... I have not heard a complaint of
18 inadequate, inadequate funding.

19 COUNCIL MEMBER ROSENTHAL: And then
20 lastly, your record is so completely directed to
21 being a member of the Board of Corrections, are there
22 other people like you out there?

23 ROBERT COHEN: Sure... I'm sure there... I'm
24 sure a lot, you actually have... I mean the city... the
25 Mayor appointed Dr. Steven Safier, the President of

1
2 Montefiore who also ran Rikers Island Health... [cross-
3 talk]

4 COUNCIL MEMBER ROSENTHAL: So... [cross-
5 talk]

6 ROBERT COHEN: ...he's on the Board of
7 Correction so...

8 COUNCIL MEMBER ROSENTHAL: So, he and you
9 are the same person?

10 ROBERT COHEN: Yeah, we're... we're
11 colleagues... we're good colleagues.

12 COUNCIL MEMBER ROSENTHAL: Yeah, anyone
13 else?

14 ROBERT COHEN: Well... in terms of my
15 expertise, I think there's a... you're talking about on
16 the board now or who should be... [cross-talk]

17 COUNCIL MEMBER ROSENTHAL: Yes or should
18 be, could be?

19 ROBERT COHEN: Well I mean... you know
20 Stanley Richards one of your appointments is a... is a...
21 you know someone I've worked with for many, many
22 years as I mentioned I was on the... as I was... I was on
23 Fortune Board, I mean I, I would like to be
24 reappointed so I don't want to suggest you replace me
25 with someone else right now but, but I think you know

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2 that the expertise of someone who has spent time as
3 a... as... you know living on Rikers Island would be...
4 you, you know it's very important and that... you know
5 that, that, that would be... that would be the
6 direction I would go, you know in terms of... and if...
7 and whatever other experience they could... that person
8 could bring to it.

9 COUNCIL MEMBER ROSENTHAL: Thank you for
10 your time.

11 ROBERT COHEN: You're very welcome, thank
12 you.

13 CHAIRPERSON LANDER: Thank you Council
14 Member Rosenthal and you know I... like I, I alluded to
15 this before but I... you know I, I want to just... this...
16 it, it doesn't seem like this should have been the
17 first council that appointed a former prisoner to the
18 Board of Corrections but it was and you know that's...
19 [cross-talk]

20 ROBERT COHEN: Yeah... [cross-talk]

21 CHAIRPERSON LANDER: ...at least a step in
22 the right... in the right direction so... Council Member
23 Williams.

24 COUNCIL MEMBER WILLIAMS: Thank you Mr.
25 Chair, thank you Doctor for, for your testimony and

1
2 of course a shout out to Stanley again and I, I
3 concur it shouldn't have been the first time, I think
4 it's... as Glen Martin had always said, those who are
5 closest to the problem also have the solutions or
6 some variation of that and for some reason it's
7 highly progressive and unique to make sure those
8 peoples are in places where their voices are heard
9 but I'm, I'm glad we were able to do that. I, I only
10 have a couple of questions I think it's been really
11 flushed out where you are and I think that's a very
12 good place to be so I thank you for that but I was
13 just reading the press release of COBA, is anybody
14 from COBA going to be testifying, I don't see anyone
15 here, is anybody from COBA going to be testifying?

16 [off mic dialogue]

17 COUNCIL MEMBER WILLIAMS: Which is
18 frustrating because there was one thing that
19 concerned me and I... from the way it sounds Mr.
20 Sidbury is probably not the nicest person in the
21 world and probably someone that should be protected
22 from other folks and perhaps himself I, I don't know
23 but it's... they charge you with being an outspoken
24 voice for the welfare of the most violent inmates
25 incarcerated in Department of Correction which

1
2 certainly sounds to me as a very odd thing to charge
3 somebody with because we are supposed to be
4 responsible for everybody including the most violent
5 inmates incarcerated in the Department of Corrections
6 so I, I just wish COBA was here as I want to talk to
7 them about it, it just seems like an odd space to be
8 coming from because they should also be responsible
9 for the welfare of the most violent, so just a weird
10 thing, I don't know if you want to comment on that
11 particular... [cross-talk]

12 ROBERT COHEN: I... [cross-talk]

13 COUNCIL MEMBER WILLIAMS: ...charge...
14 [cross-talk]

15 ROBERT COHEN: I, I agree with you
16 Council, Councilman, it's... it was... it was sort... this
17 was stated yesterday at our... at our board meeting and
18 I was a little... I was... I was surprised because of
19 course it is our responsibility to defend those who
20 are most in... most in need, I mean he is a very
21 difficult person and I'm not... and I, I did... was not
22 at all defending anything that he did and... I just
23 was... I just thought we, we've gotten... you know we've
24 cut down the sentences for solitary confinement,
25 we've set up special conditions where you... where for,

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2 for particular people you can be continued in
3 solitary confinement but generally they... you're...
4 that, that not and, and there are even... there, there
5 are rules in New York State about visiting for, for,
6 for prisoners and the notion that you condemn someone
7 forever to solitary that... and that's what this...
8 that's what this judge, judge ordered, I don't know
9 if the judge knew what he was doing but he... but that
10 was what the D, DA asked and that's what the
11 Department asked for and, and it's what COBA asked
12 for also so I, I would be happy to answer any
13 particular questions that they have of me but I... but
14 I agree with you this was a... I think that's our job
15 to do what... [cross-talk]

16 COUNCIL MEMBER WILLIAMS: I just want to
17 put on record I think this is highly, highly weird
18 charge because it seems like it's their charge also
19 so I, I mean... and charging to two different terms but
20 that just seemed weird to me but also of course I
21 always want to make sure that correction officer's
22 voices are heard and their concerns are addressed,
23 they... though not of all of them may, may believe me
24 but it's, it's important because they work there, I
25 don't and they go there every single day and I know

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2 based on things that I've heard from them and
3 pictures it is not the nicest place to be and it's,
4 it's dangerous, it's probably not the nicest place to
5 be for the prisoners as well so what about the
6 concerns of taking away solitary, solitary
7 confinement as taking away one of the things that
8 they say stops the behavior, it... have you seen any
9 connection between solitary confinement and a stop to
10 behavior as other things we can do that's besides
11 that, I, I know the mental damage that it does but I,
12 I just want to have an opportunity to flush that out
13 in your mind?

14 ROBERT COHEN: Well just in, in general I
15 mean I... it... I just wanted to restate what you did
16 which is really true walking, you know though... down
17 the halls of Rikers Island, working in those, those,
18 those housing areas day after day, year after year
19 after year is a... an incredibly difficult job and, and
20 I, I, I respect that, it doesn't excuse any... you know
21 it doesn't excuse some of the, the violence that is
22 characteristic of, of Rikers Island. I think that
23 there's no evidence that, that the... when there was
24 more solitary confinement on Rikers Island that it
25 was a... that it was a safer place, the harm is

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2 dramatic that, that, that happens and... you know and,
3 and all over the country this is the... this is what,
4 what's going forward right now even people who are in
5 solitary should have hours out of their cell so they
6 can spend more time... because you, you, you spend a
7 lot of time in solitary and then you're released out
8 into the street then you're really a danger to, to,
9 to other people so I understand, you know that, that
10 a man like this person that we're talking about is
11 extremely scary and... not scary, you know in... like in
12 a... in a... in a horror movie, I mean he is a very... he
13 has done lots of really violent things and threatened
14 to do... to do... to do more and he should be kept in a
15 very, very safe place but he should get out into the
16 yard, he should have a chance to have visits under a
17 very controlled situation and these basic... you know
18 in the situation for someone who's as complex as him
19 it's going to take more work on the part of the
20 Department of Correction and more support in terms
21 of, of, of officers but the more he is... I... you know
22 I, I... you know I, I, I've known him for a long time
23 this person and when he is in... the, the more time
24 that, that he can spend outside of his cell the less
25 violent I believe he's going to be, I don't think he

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2 should be... he can't be in general population but he
3 should not be locked up 24 hours a day and... [cross-
4 talk]

5 COUNCIL MEMBER WILLIAMS: Solitary has
6 affective... psychological effect to make them more
7 violent as opposed to... [cross-talk]

8 ROBERT COHEN: I, I think that's right.

9 COUNCIL MEMBER WILLIAMS: And just lastly
10 in, in the fantasy world obviously my, my content has
11 been that the, the prison system in general, Rikers
12 in particular it's set up to make human beings act
13 unlike human beings and, and so these things that,
14 that occur and the violence is not... I mean if you get
15 a social experiment and set people up like that it's
16 going to happen and so in a dream world what should a
17 prison look like to prevent that kind of inhumanity
18 from being so pervasive and this... I mean this
19 includes... I mean the, the correction officers have a
20 job to do but the way the whole thing functions it's,
21 it's, it's geared towards this..

22 ROBERT COHEN: Yeah... [cross-talk]

23 COUNCIL MEMBER WILLIAMS: ...inhumane
24 place.

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2 ROBERT COHEN: Yeah, I think for, for a
3 long time everybody's approach to Rikers Island, the
4 people who work there and the people who are... who
5 are... who are imprisoned there is, is that you, you
6 get through the, the day by proving that you're
7 strong enough to do that and it's a... and, and, and
8 violence is encouraged at every level as a way of
9 demonstrating your, your... force is encouraged as a
10 way of demonstrating your, your, your... where you are
11 at within the... within, within the system and that's
12 really bad and it results in, in continued levels of,
13 of, of violence and federal court orders and this is...
14 this is not the... this is the second time that a
15 federal court has come... has come in here. I think
16 that, you know the other places that do it better do
17 it better, you have more... you have fewer people in a
18 facility... I mean just go back to the beginning
19 obviously there are all kinds of things about New
20 York which could be better in terms of why people end
21 up on, on, on Rikers... on Rikers Island then it could
22 go back to well education and juvenile law and... but I
23 think that... I'll give you an example; I walked into
24 the jail in Copenhagen a few years ago in Denmark and
25 the first thing that someone said to me is that

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2 everybody who's here represents a failure.. a social
3 failure on the part of the society so, so I think you
4 have smaller facilities, fewer people in them, lot..
5 more correctional officers who are better trained and
6 a design that gives people as much time out of cells
7 as they can... as they can tolerate, that gives them
8 training if that's possible, all the things that you
9 would imagine. Some people are not going to work,
10 there are some people who just are going to have to
11 be in jail and that's... [cross-talk]

12 COUNCIL MEMBER WILLIAMS: I do have a
13 question because I've, I've seen a lot of places, I
14 know Denmark was one, there was a few places I saw
15 where the deals work much better, they, they.. well
16 this is not upon the corrections so their.. the, the
17 other places I've seen that it works actually is
18 trying to correct something, this.. ours is more based
19 on punitive and, and punishment but.. and a lot of
20 those places the one thing I've seen in some of those
21 countries that they're, they're monolithic so.. would
22 some of the.. would it work in a society that's not a
23 monolithic in.. [cross-talk]

24 ROBERT COHEN: I, I think that is a
25 really.. that, that, that.. I, I asked myself, you know

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2 what are the reasons for mass incarceration in this
3 country and what are the reasons for all the violence
4 that occurs and I don't have one answer but here are
5 the element... you know but, but it is absolutely the
6 case that, that, that the heterogeneity of the
7 society is... makes it worse in terms of jails and
8 prisons because it just allow... because it allows
9 people to act in ways that they act and we've watched
10 them act and it's hard to do that if the chances are
11 that someone who's going to be in prison is your
12 cousin or your brother or your sister rather than
13 it's an other, someone that you don't know so I... so,
14 I think that, you know even though it's wonderful
15 that we have all kinds of people in this country
16 there are a lot... not just a hederagenin... you know a
17 homogeneous population I think. It does create
18 conflict so what are the... what are the issues that,
19 that give rise to... you, you know better than I do it
20 has to do with slavery, it has to do with races, it
21 has to do with economics, it has to do with, with
22 class, class, class differences and so we, we do have
23 a much more difficult problem than, than other
24 countries but we didn't have mass incarceration up
25 until '76 so... and so we should be able to get back

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2 down a lot, I'm, I'm... just I'm not really that
3 hopeful but I work, work on it every day to make it
4 better.

5 COUNCIL MEMBER WILLIAMS: Well thank you
6 very much for the work that you're doing, I'm looking
7 forward for Rikers to be closes hopefully sooner than
8 ten years continue the great work that we're doing on
9 the mass incarceration issue, thank you Mr. Chair.

10 CHAIRPERSON LANDER: Thank you Council
11 Member Williams and I'll just note for the record on
12 this question of sort of different perspective on the
13 board that there is a member of the Board, James
14 Perrino who spent quite a lot of years working in the
15 Department of Corrections and was in many of these
16 facilities so... [cross-talk]

17 ROBERT COHEN: Yeah... [cross-talk]

18 CHAIRPERSON LANDER: ...the goal of making
19 sure the board brings a variety of... [cross-talk]

20 ROBERT COHEN: There are... there are...
21 [cross-talk]

22 CHAIRPERSON LANDER: ...perspectives to
23 the... [cross-talk]

24 ROBERT COHEN: ...there are two... there are...
25 there are... [cross-talk]

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CHAIRPERSON LANDER: ...table too... [cross-talk]

ROBERT COHEN: ...and there's another warden also, also on the board right, right now so...

CHAIRPERSON LANDER: So, that's not a... you know it... [cross-talk]

ROBERT COHEN: Yes... no, right... [cross-talk]

CHAIRPERSON LANDER: ...we've got to... [cross-talk]

ROBERT COHEN: There are... there are two... there are two men whose careers were as wardens...

[cross-talk]

CHAIRPERSON LANDER: Thank you... [cross-talk]

ROBERT COHEN: ...the department... [cross-talk]

CHAIRPERSON LANDER: Council Member Rose to close this out.

COUNCIL MEMBER ROSE: Thank you. Dr. Cohen it must be very difficult to be a progressive in a situation that's oppressive and regressive and so I'm, I'm intrigued by why you would like to be reappointed for another, you know term and I'm trying

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2 to understand the construct of the, the board in
3 terms of do you have direct oversight, do you
4 initiate policy, how much input do you have and you
5 know what is your frustration level?

6 ROBERT COHEN: Don't ask my children but
7 I, I... you know I, I... it is... for me it's an honor, you
8 know to do it and I work with, you know some
9 terrific... with terrific colleagues and so it's... I
10 mean it... I've been doing this a long time now a lot
11 of people are... care about it a lot more so in fact
12 it's, it's more... you know it's more... I get a lot more
13 support, you know I mean people... my friends had to
14 put up with my discussions about prisons and jails
15 for, for many years but, but, but now they're doing
16 it too so, so the board... we make... we... I mean it's,
17 it's an interesting organization, it's a... it's a
18 policy making organization, it's a legislative
19 organization, if, if nine... if the majority of nine of
20 us get together after a... after the... a CAPA process
21 occurs we make rules that, that, that bind the
22 Department of, of Correction, can we enforce those
23 rules, that's a little complicated because they are
24 there and we're just, you know here and... you know can
25 our rules be used by others to keep, you know it...

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2 keep it in line for example we ruled that, that you
3 could not have closed custody, closed custody was
4 something that, that was set up by the Department
5 after they closed down the transgender housing unit
6 under a previous administration then the people then
7 transgender women were put it into... [cross-talk]

8 COUNCIL MEMBER ROSE: General pop...
9 [cross-talk]

10 ROBERT COHEN: ...protective custody but
11 they were put in protective custody where they were
12 really in solitary confinement. So, the board ruled
13 that you can't have closed custody, the Department
14 continued with closed custody. The Legal Aid Society
15 also funded by the city of New York sued based upon
16 our rule and in state... you know in Article 78 I guess
17 proceeding... I'm not a lawyer but in Article 78 and
18 the, the court ruled that the Department was bound by
19 our rules and the Department closed down closed
20 custody. When we said... you know we made a rule saying
21 you can't have... be in solitary more than 30 days and
22 modified that to no, no more than 60 if you're... if
23 you're a... it it's an... if it's a very serious injury
24 directed... you know against a correction officers that
25 happened. So, so we, we are a legislative group, when

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2 we find problems we use all kinds of things to, to,
3 to fix them and for example yesterday we... you know we
4 made a rule saying the Department has to screen
5 everyone for, for their risk of sexual abuse or the
6 risk that they will victimize someone else and the
7 Department didn't do... didn't develop the screening
8 tool for that so, we talked with them and they said
9 give a... you know and they asked us to excuse them and
10 give them a variance and it was the board's feeling
11 that they could of done this if they... if they had
12 wanted to and we should not reward this with a
13 variance but actually we said this is a violation and
14 tell us in two weeks what your plan is to, to, to fix
15 it and tell us every month what you've done and also
16 you don't have a computerized system to do it, do the
17 screening anyway because this is very important for
18 safety. So, on our best days, you know that's what...
19 that's what... that's what we do. We issue reports, I
20 think... I think we made a... I think we make it a better
21 place and in some situations if I were the head of
22 the Department of Correction I would use the board...
23 [cross-talk]

24 COUNCIL MEMBER ROSE: Uh-huh... [cross-
25 talk]

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2 ROBERT COHEN: ...to, to, to yell at me for
3 things that I wanted to change that I couldn't get
4 someone else to change.

5 COUNCIL MEMBER ROSE: What is the
6 impediment to actually the follow through of, of the
7 recommendations or even I guess the policy that you
8 write, what are the impediments in terms of actually
9 accomplishing them?

10 ROBERT COHEN: Well generally when we
11 write new policies they are... they are followed, the
12 issue is that there, there... we... there are a number of
13 rules that we have and some of them are... some of them
14 are violated. So, for example there is a facility on
15 Rikers Island where people are routinely denied
16 access to contact visits and legal... you know and
17 access to, to, to the law library and to congregate
18 religious services, it's a complex issue. The
19 Department is in... we've said they are in violation of
20 the rules they keep saying that they're going to fix
21 it but they haven't fixed it yet so... but we have not...
22 you know we potentially... [cross-talk]

23 COUNCIL MEMBER ROSE: Is it the... [cross-
24 talk]

25 ROBERT COHEN: ...could bring... [cross-talk]

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COUNCIL MEMBER ROSE: ...rules, is it shortage of staff, is it lack of money, what...

ROBERT COHEN: No, no I think these are complicated... these are... these are complicated situations where, where, where there has to be... they will require more work on their part to, to meet... to meet our rules and more due process, people can just be brought to this place without a reason, there's a reason but there's no official reason, they're not given the chance to appeal. So, you know I think it's... the department, Departments of Correction like to run themselves, they don't like to be interfered with by outside groups so they... you, you know the board is respected generally but there are times when they don't listen to us then it becomes a operational and a political process to, to try to... [cross-talk]

COUNCIL MEMBER ROSE: And there is a process that then can be followed to make sure that the recommendations are instituted?

ROBERT COHEN: Well I think the board has done a lot of great things but it is made up of nine people and yet you need five of them to sort of pass a rule or something and, and if you were... say, say, say the Department was doing something that four of

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2 the board members thought was really wrong and it's
3 really a problem but five of the board members didn't
4 really agree with that and the Mayor didn't agree
5 with it or, or the city... you know I mean there, there
6 are... it's a... it's, it's an independent organization
7 but it is also... but these are big institutions and,
8 and I don't think we should be saying do this, do
9 this, do that, it's... that would be... that would be
10 impossible for the department to function if the
11 board could just run around and say change this,
12 change that. I think we're, we're, we're effectively
13 should try to be more effective but... I hope that's
14 responsive.

15 COUNCIL MEMBER ROSE: Are you in
16 agreement with the proposed changes to close Rikers
17 Island and do you think we're moving in the right
18 direction?

19 ROBERT COHEN: On... very much... I've been...
20 yes, I'm very much in, in, in support of the... of the
21 commission, of the... you know and, and of the
22 leadership of the city council in doing that and I, I
23 may have spoken a little bit before you, you came in
24 on that but I... it's going to be... I'm very proud to
25 live in New York City where, where, where... and

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2 someone could run for Mayor on the, the, the platform
3 of closing down Rikers Island right now and expect to
4 win to, to... so, yes close it down, decrease the
5 population, there are too many people in jail, fix,
6 fix the systems that, that keep them too long, train
7 the... train the staff so that we're not just moving
8 the culture of Rikers Island onto borough facilities,
9 make them clean to have their... be, be adequate, train
10 officers at a higher level than they're currently...
11 then they're currently trained, try to model behavior
12 of other... of other institutions outside of this
13 country which have, have a better approach I think
14 to, to correctional practice.

15 COUNCIL MEMBER ROSE: And I just want to
16 say I, I was really glad to see that you have a
17 holistic approach, approach that you're looking at
18 the, the person who's incarcerated, you know as an
19 individual who has rights to, you know medical care.
20 I, I was really disturbed by the COBA's statement, I
21 mean by nature you're a doctor, you're supposed to
22 help people and, and care about their general welfare
23 and so I found it a, a little distressing, my father
24 was a correction officer and I never heard him
25 espouse anything that... other than that everybody had

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the right to, you know be cared for and so I, I'm,
I'm proud to hear that you're looking at not only the
prisoners but the safety of, of the staff and, and
especially the medical staff, I had a friend who, who
was a doctor who worked at Rikers Island many years
ago and, and that was issue for the medical staff was
their safety. So, I, I hope that you're looking at
making sure that the medical staff also is, is
protected.

ROBERT COHEN: It's very important, we
will... we'll do that...

COUNCIL MEMBER ROSE: Thank you.

CHAIRPERSON LANDER: Thank you Council
Member Rose, thank you again Dr. Cohen for this...

[cross-talk]

ROBERT COHEN: Thank you... [cross-talk]

CHAIRPERSON LANDER: ...good and thorough
hearing, we'll... we have no one else signed up to
testify so we will close the hearing at this point.
As I mentioned earlier we don't vote on the, the day
of the first meeting of this committee giving an
opportunity for other members to review the
testimony. If we have any additional questions we'll,
we'll come back to you but otherwise we will vote

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next week the 17th, the day of our stated meeting.

So, thank you very much.

ROBERT COHEN: Well thank you very much.

[gavel]

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

October 15, 2017