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COMMITTEE ON JUSTICE SYSTEM

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUSTICE SYSTEM

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March 20, 2018
Start: 2:03 p.m.
End: 4:27 p.m.

HELD AT: 250 Broadway-Committee Room, 14th
Floor

B E F O R E: Rory I. Lancman
Chairperson

COUNCIL MEMBERS:
Alan N. Maisel
Deborah L. Rose
Eric A. Ulrich

A P P E A R A N C E S

COMMITTEE ON JUSTICE SYSTEM

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Elizabeth Glazer

Director of the Mayor's Office of Criminal
Justice

Eric Cumberbatch

Executive Director of the Office to Prevent Gun
Violence

Jordan Dressler

Office of Civil Justice Coordinator

Jonathan Furlong

Director of Organizing and Housing Conservation
Coordinator

Murray Cox

Mayor's Office of Special Enforcement

Charles Nunez

Community Advocate at Youth Represent

Michael Polenberg

Vice President, Government Affairs, Safe Horizon

Mr. Komatsu [SP?]

Kelly Grace Price

Jails Action Coalition

CHAIRPERSON LANCMAN: Good afternoon, everyone. Good afternoon. I'm Rory Lancman, Chair of the Committee on the Justice System. Welcome to the Fiscal 2019 Preliminary Budget hearing for the Mayor's office of Criminal Justice and HRA's office of Civil Justice. MOCJ plays a critical role in the cooperation and coordination of many of the city agencies involved in criminal justice and public safety. Its work provides critical resources, oversight, and policy direction for criminal justice in the city. Critically, MOCJ also manages the City's Indigent Defense System which includes procuring contracts with legal services organizations. MOCJ also contracts with community-based organizations to provide a variety of criminal justice programs. The Fiscal 2019 Preliminary Budget for MOCJ is 6.2 million dollars. Practically unchanged since the Fiscal 2018 adopted budget but that number does not remotely reflect MOCJ's influence as MOCJ oversees the procurement awarding and monitoring of 395 million dollars in criminal

justice related contracts each year. This includes 270 million dollars annually for Indigent Criminal Defense representation, 9.7 million dollars for Supervised Released programs, 14.8 million dollars for Anti-Gun Violence initiatives, 11.4 million dollars for Reentry services, and 1.7 million dollars for consultants to guide the cities implementation of Raise the Age, all just for example. Prior to this hearing, we asked MOCJ to offer testimony at this hearing concerning the projects managed or coordinated internally by MOCJ, rather than contracted out to other organizations. Any formulas or metrics used to determine funding allocations for the District Attorneys offices, an update on the status of the RFP for Criminal Defense Services, old budget items specifically supporting the Mayor's plan to close Riker's Island and old budget and budget request items specifically supporting implementation of Raise the Age broken out by agency. We are also interested in the current status of the online bill payment system and the new risk assessment tool which was forthcoming and any difficulties that have arisen with the transition of so many offenses covered by the Criminal Justice format from the criminal and

summons courts to oath. After MOCJ we will give the Office of Civil Justice another go. Its Fiscal 2019 Preliminary Budget is 118.5 million dollars, a decrease of 10.7 million dollars primarily due to 23 million dollars in City Counsel Initiative Funding that the Mayor did not include in his budget. OCJ's Budget supports a variety of civil legal service contracts in the primary areas of anti-eviction, anti-harassment, and the relation defense. We also look forward to discussing OCJ's 2017 Annual Report and strategic plan for civil legal services. Before we hear testimony, let me thank our committee staff for their hard work. Steve Reister [SP?], is it Rister [SP?] or Reister [SP?]? Reister[SP?] and Sheila Johnson from the finance division and Brian Crow and Cassy Addison from the Legislative Division. I would also like to mention my staff members, Rachael Kaygan [SP?], Joshua Levitt and Jordan Beberman [SP?]. So, lets get going. I will direct to Glazer and whoever else will be testifying, if I can swear you in. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth? Terrific, thank you very much and please proceed.

ELIZABETH GLAZER: Great thank you so much Chair Lancman. Good afternoon to you and to members of your staff. My name is Elizabeth Glazer and I am the director of the Mayor's Office of Criminal Justice. Thank you for the opportunity to testify today. I just want to introduce the folks sitting at the table with me. Dana Kaplan to my right, who heads up in our Raise the Age and Rikers efforts and Debbie Grumet [SP?] who is our budget director. I also have members of my senior staff here who are happy to answer questions if so need it. The Mayor's Office of Criminal Justice advises the Mayor on Public Safety Strategy and together with partners inside and outside government develops and implement policies that promote safety and fairness and reduce unnecessary incarceration. In the last four years in New York City, we have seen an acceleration of the trends that have defined the public safety landscape in the city over the last three decades. While jail and prison populations around the country have increased, New York City's jail population has dropped by 22% in the last four years and by half since 1990, giving us the lowest incarceration rate of any large city and the steepest four-year decline

in the size of our jail population since 1998. This decline in jail use has happened alongside record low crime. Major crime has fallen by 76% in the last 30 years and by 9% in the last four and 2017 was the safest year since we've been keeping records through CompStat with homicides down 13%, shootings down 21%, and so on. New York City's experience is continued and unique proof that we can have both, more safety and a smaller justice system. My offices goal is to invest public resources to help create the safest possible New York City with the smallest and fairest justice system. To drive toward this goal, we're pursuing an array of initiatives that can be grouped under three strategies and I would like to give an update on each of them today. The first strategy is partnering with New Yorkers to co-produce public safety. Historically, jurisdictions across the country have relied primarily on police to provide safety, but there are many other strategies beyond traditional law enforcement that can promote safety. Such as enhancing trust between government and New Yorkers and building neighborhoods with expanded opportunities for work and play. Over the last four years our office has served as the backbone for a

number of these strategies. One way in which we are partnering with New Yorkers to coproduce public safety is through the Mayor's office to prevent gun violence or [inaudible 8:12] leads that office is here today with us. This was launched in partnership with the counsel in 2016. New York City continues to have the lowest incidents of gun violence of any nature US city and 2017 had the fewest shootings in over 30 years. The office to prevent gun violence oversees an expanded Crisis Management System which includes teams of credible messengers who use the Cure Violence Model to mediate conflicts on the street and connect high-risk individuals to services that can reduce the long-term risk of violence. This approach contributed to a 31% decline in shootings in the 17 highest violence precincts in New York City since the program launched in 2015. We're currently studying the results of the Crisis Management System in the catchment areas where its operating and in two studies that have been finalized so far done by researchers at John Jay, we've seen important results. In the east New York catchment area there were 15% fewer shootings then in a comparable neighborhood without the program and in the South

Bronx area, there were 63% fewer shootings than in comparable neighborhoods, but as important as violence reduction, there were also measurable changes in the attitude of the neighborhood both in the use of violence and in confidence in the police. The study found that young men living in neighborhoods with Cure Violence programs, reported sharper reductions and their willingness to use violence to settle dispute, compared with young men without such programs and propensity to use violence in petty dispute declined significantly only in cure violence areas, down about 20%. In addition, confidence in law enforcement rose about 22% in cure violence areas as against 14% in comparison areas. The second major initiative our office oversees to promote safety and partnership with the public is the Mayor's action plan for neighborhood safety or MAP and Amy Sananman who is the executive director of that program is also here today. In the last year, MAP implemented a neighborhood CompStat which brings together residents of 15 public housing developments that drive violent crime in the city together with both an array of city agencies and local community-based organizations. Together they identify key

public safety issues, review relevant data, and worked hand and hand in developing solutions based on their combined expertise. Neighborhood status now operating alongside the other components of the Mayor's action plan for Neighborhood Safety targeted law enforcement, physical improvements, and expanded opportunities for work and play to create a model that's led to a reduction in index crime of 14% since MAP began, compared to crime [inaudible 11:26] which declined 4%. The second major strategy my office oversees is creating a smaller, safer, and fairer, jail system and justice system in New York City. At its core, this is a matter of justice. No one should be detained who could safely remain in the community, but it's also a matter of pragmatism. The smaller our jail system, the easier it will be to close Rikers Island and create a justice system that reimagines and redoes the culture and purpose and location of jails. In the last year, New York City has made the official decision to close Rikers Island and this is now the work each day of the government of New York City and the entities responsible for moving with urgency toward a smaller, safer, and fairer justice system. In the last year, we've made

concrete progress. The number of people in jail continues to fall, as I mentioned by 22% in the last four years and 5% in the last year alone and for the first time in 30 years the jail population fell below 9000 in December of 2017 and remains there today. This did not happen by accident. It is the result of intentional efforts by many to focus enforcement resources on public safety risk, to operate alternative to jail that earn the trust of Judges and Prosecutors and to work with New Yorker's to keep crime low. In the last year, we've partnered with working groups of Judges, Prosecutors, Defendants, the Defenders and Nonprofit program providers to launch several new programs to accelerate safe reductions in the jail population. These include: New behavioral health services for Defendants assigned to supervised release, a pretrial a community-based alternative to jail program, that's diverted over 7000 people from jails since launching in March of 2016. A new program that replaces short jail sentences with community-based sanctions that address issues like housing and employment insecurity, and 55 transitional housing beds are designated for women to allow them to remain in the

community while awaiting trial. Additionally, we've continued our partnership with all parts of the Criminal Justice system to reduce case processing delays. A few examples of the results, the number of people detained on misdemeanor charges is down 34% since 2013. The number of people detained on bail 2000 and less is down by 60% since that same time period, and the number of people in custody with cases pending for longer than three years is down 53% since April of 2015. When the city, courts, DA's and Defenders launched a joint initiative to reduce case processing delays. Notably, the only population in the jail that has seen an increase is the population of people incarcerated on state parole violations up 32% since the beginning of 2014. This population is one illustration of the extent to which reducing the number of people in jail in New York City is a shared responsibility. One that requires the partnership of the state, the court system, the DA's, Defenders, and non-profit providers as well as New Yorker's themselves. While we have reason to be optimistic about the progress today, the shared and the shared commitment to keep driving down the jail population we should note that as the number of people in jail

continues to go down, we will be left with a smaller number of people detained on more violent charges and reaching our goal of 5000 people in jail where we're acquired the sustained partnership of all the entities and all the people that I have mentioned. We launched the Justice Implementation Task Force to ensure that we will not just close Rikers Island but replace it with a changed system that is smaller, safer, and fairer. Zach Carter, The Corporation Counsel for the city of New York and I share this task force which brings together all of the entities from inside and outside government with decision making authority implementation, oversight, and expertise on the key topics to creating a smaller, safer, and justice system. A system that it will allow for among other important gains the eventual closing of Rikers Island. The task force includes leaders whose decisions effect the size of our jail population, police, prosecutors, defenders, state courts, corrections, probations, service providers, all of whom are working with us to identify and implement strategies to reduce the size of the jail population safely. Task Force members also have responsibility for advising on the best ways to

improve safety and opportunity for people inside the jails and to design modern jail facilities. The over 75 leaders and experts who have joined the Task Force are meeting regularly and creating a coordinating mechanism to shape and implement system changes. We announce plans to close the first jail on Rikers Island this summer and have reached an agreement to site new jails in the boroughs. In partnership with the City Counsel, the city has identified the purposed sites for four borough-based detention facilities including the three existing DOC facilities in Brooklyn, Queens, and Manhattan. In the Bronx, the site of the current police department tow pound was selected for a number of reasons including its proximity to public transportation, the court house, the fact that it's a city owned property, so it will not delay our commitment to close Rikers Island and because it has sufficient space to support a facility to house approximately one quarter of the total projected population in jail. A consulting team led by Perkins Eastman has begun work on a master plan for the scope of these borough-based facilities and public community meetings will begin in early April in each borough to

ensure that neighborhood and community input is integrated into the city's plan including the perspectives of neighborhood residents, correctional officers, people in detention, and their loved ones and others. All of these people are essential, so that we design jails that both are civic assets and provide safety and dignity to people who are incarcerated and people who work inside of the jails. While the city has an initial investment of a billion dollars in new jail facilities, the completion of the master plan in December of 2018 will allow for determination of the full cost of the project. Our target is to also have ULURP certification by the end of the year, putting us on an aggressive schedule to advance this critical commitment. The third major strategy my office is working on is promoting fairness. A successful public safety system is not measured only in terms of quantity, how much crime or how many people in jail but also by the quality of justice. We advance several initiatives to promote this, lightening the touch of enforcement while still ensuring quality of life. In the last year in partnership with the City Counsel and other justice system actors, we've taken a number of steps to

prevent minor offenses from snowballing into arrests and detention. Those kinds of actions can imperil a person's job or housing. The Criminal Justice Reform Act which went into effect on June 13th of last year, substituted civil tickets for criminal summonses for low level offenses, like having an open container or littering in most instances and has reduced summonses for these offenses by more than 90%. In addition, the city cut the number of criminal summonses by 50% between 2013 and 2017. Excluding offenses now punished with civil tickets under the CJRA. The Mayor's office also worked with the four District Attorneys to dismiss 644,000 outstanding warrants for minor offenses like drinking alcohol in public or entering a park after hours. In addition to proportionate and enforcement, the city is working to make small, common sense fixes that will enhance compliance with the law. For example, the city worked with the Behavioral Economics Firm to redesign the Criminal Summons Form to make it more accessible to New Yorker's and to begin sending text message reminders for court dates. Together these interventions decreased rates of failure to appear in court by 36%. Last year, in partnership with the

First Lady, and the Police Commissioner, and the Mayor's office to combat domestic violence, our office launched the Domestic Violence Task Force. For years, the overall number of homicides in New York City has fallen, while the number of homicides linked to domestic violence has remained stagnant. To ensure that all New Yorker's live in a city that's becoming safer, the Domestic Violence Task Force is implementing over \$10 million dollars in annual investments to reduce domestic violence by intervening as early as possible, enhancing pathways to safety for survivors, and ensuring swift, effective and lasting enforcement to hold abusers accountable. While the work is in its beginning phase, we're heartened that domestic violence crime is down 8% compared to this time last year. Finally, I'd like to provide a brief update to the Counsel on the city's efforts to implement Raise the Age. The state legislation to treat 16 and 17-year old's as juveniles within the Criminal Justice System. A change long sought and advocated for by the city. My office is leading a planning process with the participation of the relevant city agencies, the courts, DA's, defenders, and non-profit providers.

We are all planning for the significant increase of these young people into the family court system. The development of adolescent defender parts, a full continuum of diversion opportunities and community-based programs and the identification and preparation of juvenile justice facilities to house this expanded population. As we've shared in the past, there is currently approximately \$300 million dollars in capital funding allocated to improve these sites and work is well underway at Cross Roads and Horizon, the cities two existing juvenile detention facilities. We continue to advocate aggressively to the state for the use of the New York State Office of Children and Family Services facility Ella McQueen, to have sufficient capacity to house safely all of the adolescents that are both in the current Juvenile Justice System and that are required to be off of Rikers Island by October of 2018. OMB is currently working with the agencies on the full funding needs required for Raise the Age implementation for discussion within the context of the executive budget. I am grateful to the City Counsel and to all our other partners who work with us in implementing this work, knowing that it is complicated and time

1 consuming. But with this shared responsibility and
2 shared effort, we have a rare and real opportunity to
3 construct a smaller, safer, and fairer justice system
4 in New York City that will endure. Thank you again
5 for the opportunity to testify. I'm happy to take
6 any questions.
7

8 CHAIRPERSON LANCMAN: Thank you. Let me
9 first acknowledge that we have been joined by Council
10 Members Rose, Powers, and Ulrich and let me first ask
11 you just, so we have appreciation of the scope of
12 MOCJ's work. You went through a number of programs,
13 task forces, and other things that MOCJ's involved
14 with. One of the things that we asked you for in our
15 letter is just an itemization of all the projects
16 that MOCJ is coordinating and working on. Other than
17 what you've given us, is there any other projects
18 that you're working on and maybe if you could give us
19 just the briefest of description, just so we have the
20 whole picture?

21 ELIZABETH GLAZER: Sure. So, much of it
22 is up on our website. Some of it is part of our
23 daily work, so some things are more formalized than
24 others. I mentioned the Rikers Task Force, the Raise
25 the Age Implementation, MAP, the office to prevent

Gun Violence. We have two projects grouped under what we call justice reboot, one is related to expediting case delay that we started with then Chief Judge Leitman and the five DA's and the Heads of the Defenders organizations a couple of years ago. The second, is around summons reform and I talked a little bit about that in my testimony, and we also coordinate an effort around gun violence separate from Eric's office called Project Fast Track, which again, brings together the DA's, the police department, the medical examiners office, probation, and a number of others to really sort of focus on the day to day of the investigation and prosecution of gun crimes. We have a group of about 60'ish entities from both inside and outside government who are grouped under the diversion and reentry counsel and through those subcommittees we drive much of the work related to population reduction, mental health issues, and other things. I already referred to in my testimony, the Domestic Violence Task Force, so that's a sort of taste of some of the stuff we do, but our every day work is the work of coordinating multiple agencies, both inside and outside of government.

CHAIRPERSON LANCMAN: Other than what you've given us, is there any other project or task force or specific collaboration? I know on a daily basis your getting calls from all sorts of agencies and you have your appropriately, I hope your figuring so many different Criminal Justice related matters, but is there any other initiative? Anything with a fancy name or title or effort going on that you haven't given us? Its not a trick question. It's not like I'm looking for -

ELIZABETH GLAZER: Yeah, no I mean one often forgets the most amazing things. So, we also have in my office, the office of Special Enforcement and Christian Klossner is here who heads up that office. That is perhaps sort of a very good representation of the way my office works. So that consists of an array of folks detailed to my office from the Department of Building, Sanitation, Fire Department, Police Department, the Sherriff's office and others. So, there are a lot of other things. Some are big, some are small, some are more formalized, some are less formalized. This is sort of the more formalized list.

CHAIRPERSON LANCMAN: Okay, great. So, we have also been joined by Counsel Member Maisel. So, I want to talk about the Budget Hearing. So, I want to talk about so many things. Uhm, because we've had hearings on Justice Reboot and we might have a hearing on Fast Track, because we're interested on what the status is with the Gun Court and all of that. Lots of policy things to talk about with MOCJ, but I want to try to just focus on the money here. So, last week or whatever it was, two weeks ago. We had the DA's, we had the public defenders, and they had specific budget issues, so lets start with the DA's if we can, and the big interest that I have and others have has to do with, how does the city, how does the Mayor come up with the numbers that are put in the Preliminary Budget for the District Attorneys offices whether or not there's fairness, or some rationality behind it and then the big issue of salary for assistance. All of the offices complain that they are losing young to mid-level assistance in particular, other government agencies, in some cases, other city agencies. So, just by way of background our read of the Mayor's Preliminary Budget for the District Attorneys is \$140 million from Manhattan,

\$97 for Brooklyn, \$72 for Bronx, \$64 for Queens and \$14 for Staten Island. There are some very significant disparities, obviously just in the face of the numbers that I read there but for example, Queens which I confess to being a little partial to. There is a \$17 million dollar difference in what the salaries, or the personal budget is for Queens at \$52 million dollars and for example \$70 million in the Bronx, that's as I said a \$17 million dollar difference, and New York and Brooklyn or Manhattan it gets even more significant and what that means on the ground is for example, Queens has 318 Assistant District Attorneys, ADA's 318. The Bronx is 565, Brooklyn is 526, Manhattan is 598. I'm not going to ask you to account for every discrepancy between each office, but let's start with how does the Mayor arrive at what should be the budget of each office? Is there a formula? Is there a rational? And then we can go from there.

ELIZABETH GLAZER: So, I think what your looking at is what the baseline budget is. Meaning that its not as if this is now an extra X-million coming in, but this is what the budget is proposed.

This is sort of the running, the day to day running of the office.

CHAIRPERSON LANCMAN: Yes.

ELIZABETH GLAZER: So, I think the first thing I'd like to do is just to refrain this discussion a little bit as to what the last four years have looked like for these DA's and I don't think that there has been as large an increase in DA's budgets previously, as there has been in the last four years. So, just to give you a sense it's been anywhere from 16% increase to a 68% increase, and obviously percentages can sometimes be misleading because of its off of a low base, but there has been a significant increase in the DA's budget. There is no formula with respect to how we address what the DA's needs are. That is part of a conversation that we have with each DA's offices based on what their concerns are. So, to give you sort of some examples. When DA Clark first came in, she purposed a very substantial reorganization of her office and then transferred to the Vertical Prosecution System, which we funded. She was interested in having a Rikers borough to address cases coming out of Rikers and we funded that. Staten Island wanted a new DV unit etc.

CHAIRPERSON LANCMAN: So, several of the DA's told me that, I guess over the past couple of years they've been sending data to MOCJ. Uhm, which they thought was going to result in some kind of analysis or some kind of final look, or hard look at how the offices are funding it. As you said, the DA's office funding has gone up by the last four years. We voted for them, we've advocated for some of them particularly when Judge Clark became the DA, we wanted to give her the opportunity to start fresh and change that office. Is there any ongoing collection of data from the DA's, any plan?

ELIZABETH GLAZER: So, the DA's offices are very variable. As part of something called the Anti-Violence Initiative, that we started about two years ago, we allocated about 10 million dollars to the five DA's offices with a proposal that they determine among themselves how to allocate it. They decided to divide it up equally among themselves. In exchange for that, we suggested a number of different

things including the quarterly provision of data. Each of the DA's offices is quite variable in their ability to actually produce data. I think it's a frustration for them also, and we have then quarterly meetings with them to look at what that's showing us, usually in the context of our Project Fast Track meetings.

CHAIRPERSON LANCMAN: So, I understand that each office has its own unique needs and agenda and it's very heartening to hear the District Attorney's come and testify to some degree, competing with each other, who is a bigger criminal justice reformer. It's just a change in hearing District Attorney's talk about what they do, but those things cost money, so Staten Island wants to do a conviction integrity review unit and the DA Gonzales wants to do vertical prosecutions and I guess they to some extent have to haggle with the Council and the Mayor or the resources for that, but one consistent theme as I mentioned earlier is the salary that they're able to pay their assistants and meeting with Judge Clark and her own testimony. We gave her all this money to hire assistants, she hired them, and now she can't keep them after three, four, five, years because they're

going to specifically mentioned off and as the law department, Department of Education, Department of Correction, in the court system being a court attorney, you can make more than being an Assistant DA. Can anything be done in terms of thinking about how across the five DA's there can be some city commitment for salary parity? The basic you know, here's are - people are going to get paid a salary that is not going to let them get poached or compel them to provide for their own families to jump to other city agencies? Can MOCJ look at this year?

ELIZABETH GLAZER: So, I would like to just frame this a little bit. Let me just redo a few things. In this administration the Bronx has received an additional \$22 million dollars up 43%, Brooklyn has received an additional \$13 million dollars up 16%, Manhattan has received another \$18 million dollars up 22%, Queens has received an additional \$15 million dollars up 31%, Staten Island has received an additional \$6 million dollars up 68%. Each DA has discretion within their budget as to how allocate things and you read off earlier essentially what their baseline budgets are, so point number one, is there has been an enormous increase in the DA's

1 budgets, for things that we think are absolutely
2 worthy and the DA's are definitely working on all
3 those things. The second point is, we are now living
4 in a time of constrained budgets. We are not where
5 we were even last year, or the year before, or the
6 year before that. So, I think the time has come for
7 the DA's themselves to look within their own offices
8 and to determine how they want to arrange parity,
9 because those things even if we were to arrange with
10 the DA's that everybody started at the same salary,
11 within a year that could be changed and as well
12 within their right and there authority and what they
13 should do to run their offices that they decide to
14 change the starting salaries and instead use it for
15 bonuses for retention, or for something else that
16 different in each office they need. So, right now,
17 we are not considering salary adjustments or an
18 additional infusion of money for the DA's for salary
19 parity.
20

21 CHAIRPERSON LANCMAN: Well let me ask you
22 the big question. We want the DA's to do all these
23 reform things. We want them to have conviction
24 integrity units. We want them to have the Hope
25 Program and the Clear Program or the alternative to

1 incarceration and the alternative to detention. In
2 all of these things, if you look through what the
3 DA's were asking for, it's like one great reform
4 after the other. Is it fair for the city? Is it
5 fair for us? Mayor to counsel, to expect these
6 reform things of these DA's, but not give them the
7 resources to do those things and also pay their
8 people comparable to other city attorneys? Because
9 it sounds like - I get it. They set the salaries of
10 their assistants. They could pay them more, but then
11 they're not going to have this Hope program, or
12 they're not going to have that.

13
14
15 ELIZABETH GLAZER: No, I would take issue
16 with that.

17 CHAIRPERSON LANCMAN: So, tell me your
18 view of that.

19 ELIZABETH GLAZER: So, just yesterday, we
20 funded a Hope program in the Bronx. We have funded
21 McMahon's Hope Program and evaluation in Staten
22 Island. So, with respect to particular issues and
23 with respect to this long list of things that I've
24 read off, I think that the city has really supported
25 the DA's in the important things that they want to

do. Of course, their job is to pursue justice and that's what they're doing and their thinking about things every single day, but it seems to me that those things should be able to be done when we're talking about sort of something like salary parity within the context of their budgets. And I would also note that it is not as if we're living in a time of a crime boom. We're living over the last four years in a time when misdemeanor arrests have dropped by 30%. So, the volume with cases actually going in has been reduced. So, I think that there is opportunity to work within what has been I believe, quite a generous infusion of money to the DA's offices.

CHAIRPERSON LANCMAN: I don't dispute the generous infusion because I voted for them, and I want to move off from this and I want to get to the other side of the equation. The Public Defenders and the difficulties that their having. But I just want to make the observation that we're the ones demanding of the DA's to do all these other things beyond meat and potato, prosecuting people and putting them in jail. I acknowledge that we have given them money to do these other things. It does not look like that we have given them more money to do the basics of paying

their ADA's well enough to keep them. Its undeniable that they all have retention problems.

ELIZABETH GLAZER: So, there are two things that you're raising there. One is how they are paying them and two, whether or not we are paying them enough to do reforms and I would say two things to that. To the second one, what I've already said with respect to it, is within their discretion is to how they allocate their budget. Times are tough, not so tough, but that's what they have to do as managers of their office. But the second thing I would say is, I would so take issue with your characterization that we're asking the DA's to do something extra when we ask them to -- and its not just us, they want to do this to. When we ask them to exercise their prosecutorial discretion in a way that leads to a smaller, safer, and fairer system. This is something they want to do to. That's not an extra money thing. That is something that is part of their job.

CHAIRPERSON LANCMAN: But those things I fundamentally agree, but those things do cost money. If your going to have a conviction integrity review unit you have to assign ADA's to that and staff to that. If you're going to have -- there is one thing

that Judge Kluka [SP?] brought up. If your going to ask us to do more in terms of voluntary disclosure and not be constrained or not adhere to the very, very, restrictive state disclosure laws, well we need the paralegals or assistants who are able to review those documents. So, the things that they ought to be doing, which we want them to do, and which we think are inherent in doing justice, which is their job, do cost extra money and we've been funding that. It just seems as if the nuts and bolts of being able to pay assistants, so they stick around beyond their three or four-year tour of duty has lagged behind.

ELIZABETH GLAZER: Retention is important, and you have my view on what potentially they can do and obviously, we have had very open and productive discussions with them over the last four years about funding and look forward to doing the same.

CHAIRPERSON LANCMAN: Good, alright, so let's turn to the public defenders because they're not five independently elected officials. They live under the contract that we put them under and their testimony and my conversation with them reflect or indicate that they're having a very, very, tough

time. It seems like the city, MOCJ, has really underestimated the cost of the cities indigent defense requirements and particularly the aspirations that we all had for a new contract that included a whole host of Criminal Justice Reform type requirements. At the hearing, the Public Defenders testified to a long chronology of trying to comply with the cities, respond to the city's request for proposals for a new Indigent Defense Contract. Investing resources in that effort, investing resources actually in hiring staff to meet those requirements. It's a process that seemed to have started back in August of 2016. I think we're on the second extension.

ELIZABETH GLAZER: We're still in their contract period.

CHAIRPERSON LANCMAN: Well, the contracts been extended, no?

ELIZABETH GLAZER: We're in the contract period right now. As of July 1, there will be a six-month extension. We anticipate starting their new contract in January.

CHAIRPERSON LANCMAN: Okay, and I think they testified, or they told us that they were told

that there was going to be – the six months extension was going to be a year long extension.

ELIZABETH GLAZER: No.

CHAIRPERSON LANCMAN: Here's the chronology that we got and tell us what's wrong. In August of 2016, MOCJ showed a concept paper for an RFP for \$150 million dollars a year, which included adding homicides, which there was some debate about. Whether that was a good idea, or not a good idea, but things that we really like, like enhancing holistic wrap around services with additional Social Workers, Immigration Specialists and Civil Action Attorneys. All the things that the counsel was very happy about and obviously you put it in the RFP, you believe in it as well. In September of 2016, the defenders issued a joint response to the concept paper. In December of 2016, MOCJ issued a formal RFP with a due date of February 2017 and with an expected start date of July of 2017. In June of 2017, MOCJ told the defenders that the new contract would start in July of 2018. So that's what I was referring to by the extension, but the extension or that added period living under the current contract or the old contract, however you want to phrase it, didn't

include any increases for escalations such as rent, health care, or any of the collectively bargained increases that the defenders are obligated to pay. In August of 2017, MOCJ asked for "best and final offers for new contracts". MOCJ provided staffing ratios and case load numbers that the defenders were asked to submit budgets for. These included increases in Social Workers, Investigators, Immigration Specialists, Civil Action Attorneys. All things that we're you know, cheering you on and the defenders started ramping up. They testified to be able to be ready for the July – for the start date. They were told in 2017, November 2017, they would get a final plan from MOCJ. They've hired these third-year law students. They're not getting any increases in their existing contract, and then they were told that the final plan would be released in February and then in early March this year, early this month, MOCJ told the defenders that they would be seeking another six months extension. So, that the new contract wouldn't begin until January 1, 2019 and that the extension that they would be living under would again, not cover any cost increases for rent, health care, or collectively bargained increases for union

staff. And then in the middle of this month, mid-March, MOCJ told defenders that the six months extension would likely be a one-year extension. So, that's the chronology we got.

ELIZABETH GLAZER: Yeah.

CHAIRPERSON LANCMAN: What's the current status of the RFP?

ELIZABETH GLAZER: Here's what the current status is.

CHAIRPERSON LANCMAN: Okay.

ELIZABETH GLAZER: We're beginning negotiations with them to close on this. Uhm, we obviously can't begin negotiations. We personally, MOCJ, does not hold the purse strings to the city. So, we need to arrange that with OMB. We're now ready to begin that negotiation and I think we're starting at the end of this week, beginning of next week? Next week. So, that's where we are. We have a six-month extension to start in January with a ramp up starting in October of this year.

CHAIRPERSON LANCMAN: So, it's your anticipation that the new FR -- the RFP will turn to contract that will begin in January of 2019?

ELIZABETH GLAZER: Correct.

CHAIRPERSON LANCMAN: And in the meantime, the defenders tell us that they are bleeding money. That they have not had an increase since the current contract has been through its extensions and that they've had to expand resources in anticipation of the new contract starting, which it did not. So, is there any contemplation or anything in the budget, in this budget that helps them out between now and when that new contract would kick in in January? They gave us a number at the last hearing, I think, of almost \$19 million dollars that they are in the red. The group of them.

ELIZABETH GLAZER: So, that is a new number to me.

CHAIRPERSON LANCMAN: Okay, so I have \$18 million, \$755,991 dollars. Someone's figured this out. At least from their prospective. Is there anything in the budget -- at all the Mayor's Preliminary Budget that would help them get through to January? Anything added? We don't see that there is.

ELIZABETH GLAZER: So, I think there are a number of things that still need to be worked out for the Executive Budget. Uhm, we have the

authorization to begin to start in the negotiation.

So, with respect to the contract itself, I think we

have a path forward. With respect to this \$19

million, which as I say is a new number to me. That

is something that we'll have to talk to them about

next week, but I can't promise what's going to happen

in the Executive Budget since I just heard this

number today.

CHAIRPERSON LANCMAN: Their coming with a big bill. So, now you know.

ELIZABETH GLAZER: I am delighted to meet with them.

CHAIRPERSON LANCMAN: And are there any resources -- and I don't know exactly how this works when you've got a Mayor's budget, but you're still negotiating a contract, but that contract will need to be paid within the fiscal year that we're still budgeting. Come January 1st, if it all works out and there's a new contract, in order -- it seems in order to meet the goals of the RFP, the laudable goals of the RFP. There would need to be a very substantial increase in the annual expenditure for those services. Is there anything in the Preliminary Budget that anticipates that significant increase or

you can add that at some later point, or is MOCJ or OMB, or someone in the city said, listen these are great ideas that we had, very aspirational but we can't afford that. We are just going to keep doing what we're doing?

ELIZABETH GLAZER: So, part of beginning the negotiations is that we have a budget within which to work and to work through with the defenders and there will be an increase, but we are starting those negotiations next week.

CHAIRPERSON LANCMAN: Got it, okay. I will have other questions on other issues, but my colleagues are here, and they might have questions as well. Do we have a list?

KEITH POWERS: Hello and thank you.

CHAIRPERSON LANCMAN: And sorry, if we could put five minutes on the clock?

KEITH POWERS: I will do my best to take less than five, but you never know. I just want -- a couple questions that came up with the Criminal Justice Committee Meeting last week that we were told to refer to MOCJ, so I'm here to refer to MOCJ.

ELIZABETH GLAZER: We're here.

KEITH POWERS: Thank you for being here.

One of the questions that came up was just timeline on the Rikers siting of new facilities and then also the Perkins Eastman study.

ELIZABETH GLAZER: Yeap.

KEITH POWERS: And so, I'll just do these in pieces. With the Perkins East study is due to be completed later this year.

ELIZABETH GLAZER: The end of this year, yeap.

KEITH POWERS: When is that supposed to be done?

ELIZABETH GLAZER: So, at the end of this year.

KEITH POWERS: So, at the end of this year. And then, the certification for ULURP begins?

ELIZABETH GLAZER: The target for certification is also to be complete by the end of this year.

KEITH POWERS: Which one happens first if — or are they say, same time?

ELIZABETH GLAZER: We are running on concurrent timelines in which obviously the preliminary feedback that we get back from the master

plan is something that we'll be looking at, but both of those things will happen by the end of this year and one timing isn't dependent on the other.

KEITH POWERS: That's my question. We don't need Perkins Eastman study to be completed in order to certify a ULURP process for new facilities? That strikes me as -

ELIZABETH GLAZER: Both of them will be complete by the end of this year and so, I think we anticipate that we are getting that information back from the Perkins Eastman study along the way inform what will be the ULURP certification and the environmental impact assessment and all of that work is moving ahead, but you know, the target for both of those is by the end of the year. The contract for the Perkins Eastman is a ten-month timeline, so you know, that contract is registered, and the work has begun.

KEITH POWERS: And is there any piece of information out of this study that you need for ULURP?

ELIZABETH GLAZER: So, we will be doing environmental testing and so certainly that will be part of the environmental assessment.

KEITH POWERS: So, is that a yes?

ELIZABETH GLAZER: Yes.

KEITH POWERS: Okay, and design — you don't necessarily I guess, have to put all the design stuff into the ULURP, but certainly, I would think there is some information that you would need. I'm just concerned that we are on two timelines. So, either we are spending money on a study that will not inform the ULURP process for the facilities, or we are spending money for something that will inform it and our timelines are off. I think your telling me I'm wrong on A and B and that we can go into ULURP and then still use the design out of the report to inform the building of them I guess. The final design.

ELIZABETH GLAZER: So, this is something I struggled with too and have had to have it explained to me a number of times. So, its not as if at the of this year we're going to have a perfectly designed jail with electrical outlet renderings, right. What we will have which will permit the ULURP to go forward, it that we'll know enough about how big the buildings will be. What will be happening inside it. What kind of traffic impact it will have.

What some sort of rough idea is of sort of the massing studies. So, its not going to be architecturally designed but you will functionally know how big, what kinds of things are going to happen, what kinds of programs inside each building.

KEITH POWERS: Yeah, I would just know that if I was a — and I support and I'm proud to have local members who are supportive of the facilities and go to the their communities and talk to them, but I would certainly want to see something of a design and a final product that is being purposed before heading into a community conversation and talking about size and scope, and impact and things like that and I think that —

ELIZABETH GLAZER: All I'm suggesting is that there are going to be renderings.

KEITH POWERS: Okay.

ELIZABETH GLAZER: But we still have to go through the process of hiring an architect and doing the actual design of everything inside.

KEITH POWERS: And Perkins Eastman won't do the design?

ELIZABETH GLAZER: No.

KEITH POWERS: Okay so —

ELIZABETH GLAZER: It won't do the architect -

KEITH POWERS: The architectural design, okay. I'm still sometimes - I'm confused about that. The all purpose of that study, but I just want to move on to Ella McQueen for a minute. The city is saying we want it. I have heard the state say they're willing to give it to us. Can you let us know where that stands and if like many things we often hear that often - we want but we don't get. And so, what's the update on that and also, what would it be used for if we did take it over? [Timer goes off]. I used my time.

ELIZABETH GLAZER: No, I'm happy to answer that question. Are we permitted to answer?

ELIZABETH GLAZER: So, the use of Ella McQueen, I'll start with. It is - our hope is that it would act as an intake facility, which is - it is currently an OCFS Reception Center. We've been involved in multiple conversations with the state on this from the Mayor to you know, Liz and the state Legislative Affairs office. Its been requested both in letter and in written conversation and we do have reasons to be optimistic. Its in the Governors

1 budget that there would, you know, be the potential
2 closing of that facility and we'll know that by April
3 1st and so I think you know, we have identified that
4 as the best possible, viable path forward and one
5 that would provide the best environment for young
6 people between Cross Roads, Horizon, and Ella
7 McQueen. So, we will continue to communicate with
8 the state on this, but you know, that remains our
9 plan and we will have additional information soon
10 with the budget.
11

12 KEITH POWERS: So, just one last
13 question, sorry in the back. This is all budget
14 until April 1st and am I correct saying that the
15 state has said they're willing to give it to you? Or
16 you're still waiting for that? The state being all
17 three sides for sure, but has the Governors office
18 expressed to you that they're interested and willing?
19

20 ELIZABETH GLAZER: We're still waiting
21 for a formal notification or of a notification that
22 that facility is something that we will be able to
23 use. So, that's a top priority for the city.
24

25 KEITH POWERS: Got it. Thank you.

CHAIRPERSON LANCMAN: Council Member
Rose.

COUNCIL MEMBER ROSE: Thank you. Uhm, the budget now includes the \$3.9 million for the expansion of crisis management systems for new catchment areas and for new precincts and the counsel had requested that a pair of unit of appropriations be attributed for the office to prevent gun violence. So, as your funding increases for the office of Crisis Management System continues to increase, what efforts are you going to make to do dedicated units of appropriations for – so that there is better transparency. It covers – right now it covers a broad spectrum and so, are there any efforts to dedicate at units of appropriation?

ELIZABETH GLAZER: You may know from the blank look on my face that I actually don't know what in dedicated unit of appropriation is and I apologize, but can you tell me and apologies that I don't know that.

COUNCIL MEMBER ROSE: In the budget, we see that there are item lines. They are line items but their rather vague and they don't indicate what amount is being attributed to –

ELIZABETH GLAZER: Like which precinct or something like that?

COUNCIL MEMBER ROSE: The units that are being funded and so, there is not much transparency and it leads to council not being able to determine where the money is going specifically and if its going where we have added it for it go.

SHEILA JOHNSON: This is actually a conversation that we have to have with OMB. This is a city accounting issue. Basically, its not really within my discretion, so it's a conversation that is larger -

COUNCIL MEMBER ROSE: Is it a conversation that you have at least approached or is it on your agenda to do so?

SHEILA JOHNSON: We just have to - this is something we need to talk through with OMB and the Mayor's office.

COUNCIL MEMBER ROSE: What I'm trying to get you to say, is that there is a commitment to have that conversation with OMB.

ELIZABETH GLAZER: Absolutely, we can have that conversation. Now that we know what it is.

[Laughter]

COUNCIL MEMBER ROSE: Thank you. Uhm and we know that there is going to be some impact to the

1 budget based on Federal budget cuts, but I noticed
2 that you have 39 positions that's attributed to
3 MOCJ's head count. That our Federal Justice
4 Assistance Grant of \$1.5 million what is your
5 forecast? What do you think you know, the
6 probability of the funding is coming is going to be
7 and if not, what contingencies are you making?

9 ELIZABETH GLAZER: So, we don't know.
10 Uhm, I think we're in the position that no one knows.

11 COUNCIL MEMBER ROSE: Right, no one knows
12 and so what is the contingency?

13 ELIZABETH GLAZER: Yeah, yeah so that's
14 actually a conversation that we're having with OMB
15 right now to understand what we do if those lines
16 don't come through you know, if that money doesn't
17 come through for those lines. So, I don't have an
18 answer on that yet.

19 COUNCIL MEMBER ROSE: Is there -- knowing
20 that its \$1.5 million, has there been a request made
21 to supplement that in your budget?

22 ELIZABETH GLAZER: Right, so we submit
23 what our needs are and so we flagged for OMB that
24 we're in jeopardy here. We may not be in jeopardy,
25

but we wanted to make sure its on their radar as they consider the city's budget.

COUNCIL MEMBER ROSE: Okay, and what amount in this fiscal year 19 budget is allocated for mental health services for currently incarcerated or at-risk youth and their families. Not including the expedited mental competency exams.

ELIZABETH GLAZER: So, a not including -

[Many talking at once]

ELIZABETH GLAZER: We may not have that number right at hand but I'm happy to get that for you.

COUNCIL MEMBER ROSE: Okay, thank you and my time is just about out so thank you.

CHAIRPERSON LANCMAN: Good, thank you very much. So, let me ask you about the jail siting issue and again, I don't want to overly parochial but if you recall a few years ago, we were sitting in I think the Queens borough president's office talking about the needs of the Queens District Attorney's office for additional space and their interest in using the Queens House of Detention. Uhm, is there a possibility to have a conversation? Our favorite word of conversation. It doesn't cost anything to

1 have a conversation. Uhm, or any openness from your
2 perspective as a policy [inaudible 1:05:31] to see if
3 we can include the expansion of the Queens DA's
4 office in the concept for what the new Queens house
5 of detention is going to look like.

6
7 ELIZABETH GLAZER: Yeah, so the Queens DA
8 has already reached out on this issue and I think its
9 absolutely worth a conversation. I think part of
10 what the whole scoping study is right now is to
11 understand as we we're talking to the councilman
12 earlier, what is in the building that is rehabbed or
13 built on that site. So, I think that it is a total
14 fair conversation to have.

15 CHAIRPERSON LANCMAN: So, how do we have
16 that conversation? How do I get that into the -- how
17 do I get my two cents in on that? Would it be
18 appropriate for me to meet with these -- are they
19 meeting with council members to get their input into
20 this vision that they're formulating?

21 SHEILA JOHNSON: Yeah, we can absolutely
22 follow up to make sure that we have a meeting with
23 you, but yes, the CVSD consultants will be doing
24 meetings with all interested stakeholders and we'll
25 make sure that you can be part of that conversation.

CHAIRPERSON LANCMAN: Good, I appreciate that. Uhm, lets move to our personal favorite topic of online bail, and if you can tell us where we are with that uhm, the Mayor's Campaign website says that we have an online bail system and I was surprised to read that, but yeah, the [inaudible 1:06:58] administration created an online bail payment system etcetera, etcetera. So, I know your not responsible for the campaign website, but maybe there is something I didn't know.

ELIZABETH GLAZER: Yeah, I don't know what your referring to so, or if I have control over it but I can tell you what the update is. So, I think when we last spoke, I told you that we were starting testing on the system, which we've been doing in a series of sprints that's just about done and it has gone well. We still anticipate an April start. We've been setting up training with all the various components and actors in the system who are going to need to learn how to operate it and we anticipate any unforeseen issues that we will be starting in April.

CHAIRPERSON LANCMAN: April 2018?

ELIZABETH GLAZER: Correct.

CHAIRPERSON LANCMAN: Okay. How are we doing on the updated risk assessment? I understand that part of the Mayor's closed Rikers plan anticipates that the new risk assessment will reduce Rikers population by 1700 beds a year which we are very happy to see. We've been hearing about the risk assessment for some time. Can you just give us an update on where that is? When it will be rolled out?

ELIZABETH GLAZER: Sure. So, uhm you may or may not know that it's been a long time since we've done a risk assessment instrument for the - a new one and that in fact the risk assessment instrument that we have is based on three months of data dating from the 1990's.

CHAIRPERSON LANCMAN: I'm advised at I misspoke. That I said 1700 beds.

ELIZABETH GLAZER: Oh, its 700'ish.

CHAIRPERSON LANCMAN: Its 710. Thank you.

ELIZABETH GLAZER: Yeah, exactly.

CHAIRPERSON LANCMAN: Everybody else caught it but they didn't want to say anything.

ELIZABETH GLAZER: We would have corrected the record afterwards. Uhm, so the first

and most important thing is that we actually have a risk assessment instrument that's based on current data and that's based on more than just the 90 days that our current risk assessment instrument is based on. So, the work of — the significant work of the past — the recent past has been to actually get those data sets, to clean the data sets, to match them from multiple and multiple different agencies and actors and to begin building various versions of what the tool would look like so that we can test it in different ways. We also have had quite an active research advisory group that is populated by researchers from across the country and from across different points of view, because we think its very important to have that kind of input. Uhm, and we're hopeful that by the end of this year we'll be rolling out the FDA tool.

CHAIRPERSON LANCMAN: I assume the part of the review and testing is concerns have been raised about making sure that it is not in any way biased, either not explicitly but implicitly uhm, that there will be no racial bias in it. Just to give people a sense of comfort how you're looking to make sure that that's not going to be allowed to seep into

this aspect of the Criminal Justice System as it is in almost every other.

ELIZABETH GLAZER: Yeah, no it's an absolute crucial thing that we be able to provide a guide and assistance to Judges that is fair and has no racial bias or limits racial bias as much as possibly can. Uhm, and that's the reason why we have assembled both the group of researchers that are working now on the actual building and testing of the tool, and the group of researchers who have access to the data and are able to really test it and test our assumptions at every step of the way, but that's an essential concern for us.

CHAIRPERSON LANCMAN: I want to ask you about supervised release, because it is the biggest chunk -- it seems to be the biggest chunk of bed reduction for Rikers Island. Can you tell us uhm, how many people are being served by Supervised Release a year? Or currently, what the Mayor's budget does to increase supervised release funding and how many additional people are expected to be served as a result of that funding?

ELIZABETH GLAZER: So, uhm we have approximately \$11 million dollars supporting

Supervised Release now. That serves when we started it was about 3300 people a year or its not people its actually spaces. So, its more people than that, but we count it as slots cause' that's how it translates into bed days. So, 3300 cases, lets put it that way a year.

CHAIRPERSON LANCMAN: Is it appropriate to think of it in terms of 3300 less people at Rikers in that year?

ELIZABETH GLAZER: No. So, its about 9 beds per 100 people. I'm not good at math - 1 bed per 100 people.

CHAIRPERSON LANCMAN: You have your people to straighten you out too, like I do.

ELIZABETH GLAZER: So, about 3000 entries, slots, would translate to a little under 300 beds. So, it's a big number of folks coming through.

CHAIRPERSON LANCMAN: And that's 300 beds on a daily basis?

ELIZABETH GLAZER: Correct a reduction and average daily population.

CHAIRPERSON LANCMAN: Got it.

ELIZABETH GLAZER: So, we have expanded since the original investment. We now serve about

1 4400 people a year. Uhm, we anticipate some
2 additional investments both in Brooklyn and in
3 Manhattan. Both of those DA's as you know have made
4 changes in the way in which their own offices
5 operate, and we have already seen a bit of an
6 increase in Brooklyn, not so much in Manhattan.

8 CHAIRPERSON LANCMAN: So, how much extra
9 money is in this year's budget?

10 ELIZABETH GLAZER: So, I think uhm, I may
11 have this slightly wrong.

12 CHAIRPERSON LANCMAN: Oh, they're
13 waiting. They're ready to pounce, don't worry about
14 it.

15 ELIZABETH GLAZER: It's at \$1.6 million.

16 CHAIRPERSON LANCMAN: \$1.6 million and
17 that will be how many more slots divided by 100, how
18 many more --

19 ELIZABETH GLAZER: So that will cover
20 about 450 additional folks in Brooklyn and about 150
21 additional people, slots in Manhattan.

22 CHAIRPERSON LANCMAN: So, that's about
23 600 more slots, which is about 6 more beds.

24 ELIZABETH GLAZER: 60.
25

CHAIRPERSON LANCMAN: Sixty, thank you.

That doesn't seem very ambitious. Is there a reason? Are you bumping up against like policy concerns about who is eligible?

ELIZABETH GLAZER: No, so uhm, so right now we have eligibility criteria, that I think you're aware of and we don't find full usage of the eligibility criteria. So, of the total number of people who are eligible, maybe 25% actually end up in the program. Now, why is that? Uhm, there are a couple of reasons. One could be that on paper they're eligible, but for whatever reason the Judge doesn't agree. There maybe things that we don't see. The second though, which is I think more significant and is the thing that we need to address front and center if we want Supervised Release to expand, is simply what the culture and practice is of Prosecutors and Judges and even in places like Brooklyn and Manhattan where the DA has said, I want my assistants to not ask for bail in low bail cases. We've seen Manhattan relatively flat and we've seen some increase in Brooklyn, so it is variable and that's why when we put out smaller, safer, fairer, we said in order to expand further, we need a seismic

change in culture. People have to be willing to use it, both up to the criteria that we have and if we want to go further, then there has to be a significant change in the way in which people think about who is eligible to be out and who should be in.

CHAIRPERSON LANCMAN: Uhm, your observation in some places maybe the Judges aren't so enthusiastic about it. Maybe the prosecutors aren't - the aids aren't so enthusiastic about it?

ELIZABETH GLAZER: I don't think that's it. We've seen actually quite good uptake and we publish a Supervised Release score card every month, so you can see exactly what it is. Actually, in Queens, a quite high uptake especially among felonies which is interesting you know.

CHAIRPERSON LANCMAN: So, what do you mean by culture? I missed understood. I don't want to miss characterize. What do you mean by culture? I thought you meant a reluctance to recommend or accept.

ELIZABETH GLAZER: So, there is some disjunction between having only 25% of the eligible folks screened and, in the program, and the other 80% that could be in. What's going on there?

CHAIRPERSON LANCMAN: And it's not for lack of slots being available?

ELIZABETH GLAZER: Right now, we have served every single person. We have not turned away anyone. So, and then — so we have some work to do just on our current eligibility filling that and then the question is whether you know, as you've suggested, that we go further. So, right now, I think the council is funding a pilot project in Brooklyn to kind of expand the eligibility guidelines of Supervised Release. We will see how that goes.

CHAIRPERSON LANCMAN: And the defense council play their roles well. I mean —

ELIZABETH GLAZER: The Defense Council play the crucial role. They are the gate keepers. They're the ones who make the recommendation and they're the ones who see the information.

CHAIRPERSON LANCMAN: Are you saying that they are as informed as they should be about that opportunity and are as aggressive as they should be in trying to get that for their clients?

ELIZABETH GLAZER: I think that they — you know this is a good program for them and for their clients.

CHAIRPERSON LANCMAN: Our only problem with the program is not more of it.

ELIZABETH GLAZER: But people have to use it.

CHAIRPERSON LANCMAN: Well - I hear you. We are going to a Raise the Age hearing in April, but if you could maybe give us just a topline preview. Our understanding or at least I believe the administration said somewhere, its going to cost \$200 million dollars to implement Raise the Age. Have you thought about it? Do you have a position on what is it going to cost the city to implement Raise the Age once it kicks in in October and have we budgeted for any of that?

ELIZABETH GLAZER: So, we have \$300 million that is already in the budget for Horizon, Cross Roads and for facility upgrades, and as part of the executive budget process right now, we're working with multiple agencies as to what their budget needs are going to be and there are going to be budget needs, because court counsels, the prosecutor, there is going to be an expanded role for probation that has a significant role to play in adjustment, the police department will need to do various things

because they're obviously they deal with juveniles in a different way than adults. So, that's right now part of the executive budget process.

CHAIRPERSON LANCMAN: Okay, so none of that is in the Preliminary Budget. We haven't seen it, but there's a process going on now that when the Executive Budget comes out there is going to be some itemization of okay, this is what the various agencies in the city will need to spend to be able to meet their Raise the Age obligations and here it is council in the budget.

ELIZABETH GLAZER: Yeah, we don't have that answer right now, and I would also just caution that our answer is our best estimate based on how we think the system is going to flow and will no doubt be adjusted through the year. That is, it depends a lot on how decisions are made. Is the adjustment rate at probation going to be the same, or different? Is the detention rate of family court Judges going to be the same, or different than in Criminal court? Are DA's going to keep the cases, or kick them? So, lots of different decision points along the way where we're working with the agencies now, including the courts obviously and the DA's and the Defenders in

order to understand even their best understanding of how they will operate in this new structure.

CHAIRPERSON LANCMAN: So, certainly some of it, if not a big piece of it will have to – will depend on what practices are once it actually does roll out, but we're going to pass a budget by June 30th. The fiscal year starts July 1. Raise the Age kicks in in October. I assume there needs to be some initial budget and you anticipate that'll be in the Executive Budget?

ELIZABETH GLAZER: Correct.

CHAIRPERSON LANCMAN: Okay. We were hopeful to not have an Executive Budget hearing in May, but I guess now we will. Uhm, unless you can come really fully prepared at our April Raise the Age hearing. Do we have a date for that by the way? April 18th. Alright, last one, its – do you have another one? Absolutely, Council Member Rose.

COUNCIL MEMBER ROSE: Hi, I just have – they always yell at me for asking a specific like Staten Island questions, so I'm going to phrase it a little differently.

CHAIRPERSON LANCMAN: [Interposing] I have a chain full of Queens questions, so you go ahead.

COUNCIL MEMBER ROSE: So, uhm yeah, I see you know the funding included for Cure of Violence expansion of four new catchment areas in the 48th, 52nd, 81st, and 88th precincts. Could you tell me how you determined you know, that these should be the areas –

CHAIRPERSON LANCMAN: If your going to testify, you need to go to the table. You need to get sworn in it's a whole thing. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth? Please state your name for the record.

ERIC CUMBERBATCH: Eric Cumberbatch. So, the expansion was chosen based on the top 20 precincts in the city dating back five years that had the highest rates of shooting incidents. So, we looked at 20 precincts total who had the highest shooting incidents and then we pulled out which precincts do not currently have CMS programing. The remaining precincts that don't have any CMS programing, we looked at what are things we can do in those areas. CMS being one of them, public safety coalitions being another piece, adding things like mobile trauma units and other interventions that our

office is currently working on. So, the 48,52,81 and 88 were decided that those were the precincts that we would launch CMS programming in. The remaining others we looked at public safety coalitions and other pieces that we're aiming to roll out. Now, the 88 precinct is unique in this, in that its located in a Fort Greene section of Brooklyn. So, if you looked at by precinct number of shooting incidents, that one wouldn't pop out in the top 20, but was does pop out in very small areas within the 88, in and around Ingersoll and Whitman houses we see a very high concentration of shooting incidents there. So, that and also looking at a lot of granular qualitative information from PD led us to putting a — making a CMS catchment area in that particular location.

COUNCIL MEMBER ROSE: So, uhm is there any way that the metric looks at increasing Cure Violence programs in an area that might already have one. For example, Staten Island has Cure Violence in the Stapleton Parkhill catchment area, but we have a high need in the Mariners harbor, Arlington area. What metric would you have to look at for that to be included in the funding decisions to expand a program like that?

ERIC CUMBERBATCH: So, a few points uhm, the CMS provider True to Life, Central Family Life Center, they have received state funding to expand into the Mariners harbor area already. So, they're actually replicating in the early stages of replicating, programing, in that area as well. The Mariners harbor area falls outside of the one to all, I believe it's the one to one precinct. So, that would have been a flag for us as we look at all precincts in terms of shooting incidents. We are aware of the spike in shootings in Mariners harbor, and what we've been doing is looking at what else do we do as residents and business owners and organizations beyond Cure Violence, beyond Crisis Management system? So, we've been building public safety coalitions. We funded a number of residents to do Occupied a Block, Occupied a Corner through our public safety, a small grant, Safe in a City grant opportunity and we've also been building with young people to be the voice and leadership on the ground so we have appear leadership committee at MOCJ and many of our members reside in Mariners Harbor house, West Brighton house, Stapleton houses as well. So, we're looking at what are all the holistic things

that we can do, not just relying on Cure Violence or Crisis Management System as the only vehicle but really looking at how do we engage the entire community on behavioral change.

COUNCIL MEMBER ROSE: So, MOCJ would not consider giving any funds to augment the state funding for that catchment area?

ERIC CUMBERBATCH: I wouldn't say that MOCJ wouldn't do it. I think its having access to additional funding and I think the counsel can be very supportive if that's the direction we would like to move in.

COUNCIL MEMBER ROSE: Thank you. Thank you.

CHAIRPERSON LANCMAN: Lastly, how would you assess the shift of so many low level non-violent quality of life offenses from the Criminal Summons Court to oath. I don't know if you would have at your disposal the budget impact of that and how do you think that's going?

ELIZABETH GLAZER: I think its going well. I think the most significant thing has been a big drop in criminal summonses. Uhm some replacement with civil summonses but by no means as many and we

1 actually have some of this up on our website in a
2 summons sheet, but we've seen you know a 92%
3 reduction in open container, 93% reduction in parks
4 offenses etc. Just very, very steep reductions and
5 not equalized by the increase in civil offenses. So,
6 that is very positive. I think the other thing
7 that's very positive is, I think we all had our eye
8 on a concern about kind of the [inaudible 1:30:25] of
9 making civil summonses, because they are fines and
10 worked very hard to have a very swift and brief
11 community service option that you can just do right
12 there instead and that's going along. A little early
13 to tell. Is that a great success, is it not a great
14 success? We have the whole thing being evaluated.
15 We've seen a big reduction in warrants, which I think
16 we all were looking for and it was one of the things
17 that drove this. So, again a lot of that information
18 and all the specifics is up on our website. I am
19 happy to provide it to you otherwise, but we think
20 its going quite well.

22 CHAIRPERSON LANCMAN: Terrific, thank you
23 very much.

24 ELIZABETH GLAZER: Your welcome.
25

CHAIRPERSON LANCMAN: Next, we'll hear from the Office of Civil Justice. Get your people. If everyone could grab a seat or clear out as the case maybe we can proceed. Are we ready to get started back there? Okay, good. Sir, team, ready? Good, lets get sworn in and get going. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

OFFICE OF CIVIL JUSTICE: Yes.

CHAIRPERSON LANCMAN: Thank you very much, good. Can we put ten minutes on the clock? Thank you. Ten for them, yeah. Jordan's not even going to need the whole ten he told me.

JORDAN DRESSLER: Good afternoon, thank you for inviting us to appear before the committee today. My name is Jordan Dressler, I'm the Civil Justice coordinator with HRA's Office of Civil Justice. I'm joined today by the Department of Social Services Executive Deputy Commissioner for finance Erin Villari. The Office of Civil Justice Executive Director Jaclyn Moore. My full testimony is in the record I'm just going to touch on the high points here today. Providing civil legal services for New Yorker's in need particularly for tenants is a

critical element of our homeless prevention efforts as well as our efforts to combat income and equality, address homelessness, and address poverty. By investing in these important services we're already seeing results. Between 2017 and 2017 over 180,000 New Yorker's received legal assistance through the city's legal services programs for tenants facing eviction, harassment, and displacement and at the same time residential evictions by Marshals have declined by 27%. As you know, in partnership with the council we're implementing the nations first universal access to council program. This represents an unprecedented investment in legal services to help New Yorker's to stay in their homes. This initiative is just one of the many programs I'm going to be touching on today and as well as walking through some key points laid out in our 2017 annual report and strategic plan. The report describes growth and civil legal services funding and programs in New York City as well as strategies with regard to key areas of civil legal needs. Specifically, low wage workers facing legal issues including wage theft, discrimination and other challenges, and low and moderate income New Yorker's who face legal jeopardy

due to delinquent debt. As for the budget, in fiscal year 2019, the administration will be committing \$124 million dollars towards civil legal justice programs at OCJ. By comparison, in fiscal year 2013, total governmental funding, that's city, state, and federal funding for civil legal services in New York City was less than half that amount at \$60.4 million. The preliminary budget plan for fiscal 2019 includes baseline funding at OCJ as follows: \$93 million for legal services programs for tenants facing eviction, harassment and displacement which includes \$56.6 million for eviction defense legal services for low income tenants and housing court including further implementation of universal access as well as \$36.4 million for anti-harassment and displacement legal services as well as administrative and staff support and \$30.5 million for legal assistance programs for immigrant New Yorker's, which includes \$5.9 million for legal assistance programs including the Immigrant Opportunities Initiative or IOI, and \$2.1 million in immigration legal programs funded by community service block grants as well as \$8.7 for legal and navigation services and outreach for the Action and YC program operated in partnership with MOIA, The

Mayor's Office of Immigrant Affairs and the City University of New York. In addition to the administration's commitment I want to acknowledge the ongoing commitment the city council to expanding access to Justice. In fiscal year 2018, HRA is overseeing \$24.2 million in discretionary funding added by the city council for legal services for the working poor. Immigrational legal defense services for detained individuals. Unaccompanied minors and families with children facing deportation. Assistance for survivors of domestic violence and veterans, and general support for civil legal services providers. The city's financial and administrative commitment to these important services has perhaps never been more crucial to serving and assisting low income New Yorker's. With funding for civil legal services in the states budget for the judiciary flat this year and with the Trump administrations purposed budget threatening to defund the main vehicle for federal funding for civil legal services in the United States, the legal services corporation and eliminate entirely the CSBG grants used for civil legal services programs here in New York City. Our city's commitment has never been more

important. The loss of these funding streams nationwide and in New York City would be felt acutely by low income litigants and we continue to monitor the situation remaining closed dialoged with our provider partners as we engage the impact of any cuts to noncity civil legal services funding here in New York. Let me turn to legal services for tenants. The centerpiece of our tenant legal services initiative is universal access to counseling. With Mayor de Blasio signing of Counsel Intro 214 B into law in August of last year, New York City has become the first and only city in the United States that will provide access to legal services to every tenant facing eviction in court. Local Law 136 of 2017 establishes programs that will provide to access to eviction defense legal services for all tenants in housing court and in New York City Housing Authority Administrative Termination of Tenancy Proceeding. Implementation of the first phase of universal access is already underway. Low income tenants facing eviction proceedings in housing court in 15 zip codes across the city identified based on factors including high numbers of shelter entries. The prevalence of rent regulated housing and the volume of eviction

proceedings among other factors have access to free full legal representation. A defense lawyer on their eviction case from the beginning until the end of the case. Universal access provides for free legal representation in court to New Yorker's with household incomes below 200% of the federal poverty level, which is roughly \$50,000 for a family of four and we will be establishing a program to provide access to brief legal assistance, a legal counseling session to advise a tenant facing eviction about the law, possible defenses and next steps to take to those households earning more. At full implementation, in fiscal '22 we estimate that 125,000 cases affecting 400,000 New Yorker's will be served under the program annually. To launch the universal access program OCJ increased funding to nonprofit legal providers already providing anti-eviction legal services in housing court through our HPLP program, Homelessness Prevention Law Project. We're in the very early phases of implementation, but we've already seen successes. Last year as part of the implementation process we along with the legal services provider organization with whom we work, and the housing court collaborated to develop robust and

reliable processes for tenants and zip codes targeted for universal access to be connected with available council. This effort built on the Expanded Legal Services Program which we established in fiscal '16 as a precursor and pilot for universal access. In Brooklyn, the Bronx, Manhattan, and Queens OCJ collaborated with supervising Judges, resolution part Judges in the housing court and nonjudicial staff as well as the providers and developed intake processes to connect tenants in need of services with lawyers to provide those services. The court started routing newly calendared cases drawn from those zip codes to their own designated court rooms. Legal service providers have established intake operations in or next to these designated court rooms allowing eligible tenants to access their services in an efficient and effective process. Our investments coupled with the refinements we've made to case referral and intake processes implemented in partnership with the housing court and the providers are already yielding meaningful results and housing court is becoming a significantly fairer place for tenants who now have wider access to legal assistance. Based on an analysis of data provided by

the Office of Court Administration, we are seeing substantially higher rates of legal representation in areas targeted for assistance. In the ten zip codes across the city that were initially selected for targeted legal resources, the legal representation rate for tenants in those zip codes were facing an eviction in housing court has dramatically increased. In the beginning of fiscal '16 roughly 16% of tenants in these zips facing eviction had council in housing court. Two year later, in the beginning of fiscal '18, the rate of representation for tenants in these zip codes tripled with 48% of tenants in court having council. These increased were seen the four boroughs where we implemented these intake processes and naturally, in December of last year, we established the same process in Staten Island. Establishing the Universal Access Program in every borough and on track for further implementation. As access to services has increased, evictions across the city have decreased. As I mentioned, in 2017 residential evictions by city Marshals declined. Year over year 5% compared to 2016 are down 27% since 2013. A period during which New York City substantially increased funding for legal services for low income

tenants. Over that four-year period of 2014 through 2017, an estimated 70,000 New Yorker's remained in their homes as a result of these decreased evictions. We are also seeing the increases in housing legal services are having an impact in the courts. In housing court, the number of eviction case filed continues to fall with approximately 17,000 fewer eviction proceedings filed in 2017 then in 2013, a decline of 7%. At the same time, court statistics provided by the housing court reflect increased substance of litigation. The number of pretrial motions in 2016 was 19% higher then in 2014 while emergency orders to show cause request by tenants for eviction cases to be returned to the court calendar after a judgement of eviction to seek more time, to pay outstanding rent, or to raise new legal arguments that were newly identified, declined 16% over the same period. This year we're also working with legal service providers to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. Following the recent proposal by Chief Judge DiFiore special commission on the future of housing court that Staten Island serve as a

bellwether for universal access implementation. This is expected to begin in the spring. A pilot program focusing on NYCHA tenants in Staten Island facing termination tenancy proceedings is expected to provide such tenants with access to legal services and subsequently serve as a model for expansion across the city.

[Timer goes off]

CHAIRPERSON LANCMAN: Another minute just to touch on Immigration Legal Services.

JORDAN DRESSLER: Another big area of focus for us. Uhm, thank you. In fiscal '18 administration increased its baseline funding commitment for Immigration Legal Services where later legal services progressed to \$30.5 million with the council's investment in legal services programs for immigrants facing removal and other legal needs, the city's total investment in legal assistance programs for immigrants stands at over \$47 million in fiscal '18. That's a traumatic increase from \$7 million compared to fiscal 2013. I will leave it at that and I'm happy to answer any questions.

CHAIRPERSON LANCMAN: Thank you very much. Council Member Rose, you want to go first?

COUNCIL MEMBER ROSE: Oh.

CHAIRPERSON LANCMAN: Cause you're here and your waiting and I don't want you to get punished for sticking around.

COUNCIL MEMBER ROSE: Thank you. Thank you. Uhm, under the expanded universal access to NYCHA Administrative Proceedings in 2017 your office outlined the pilot program for NYCHA set to launch in Staten Island. Why were these services – why are these services being piloted in Staten Island? And what is the estimated number of NYCHA tenants that will be served in Staten Island?

JORDAN DRESSLER: Thank you Council Member. The first question is a very good one and we are in some ways taking our lead from a Chief Judge DiFiore who both for the special commission and in her own state of our judiciary identified Richmond county as a place where we can truly reach universal access, faster and most efficiently. Part of that is due to size. Part of that is due to proximity. Uhm, and part of that is due to the momentum that we've already found moving very quickly after we had sort of proven out a service model in housing court in the four large boroughs. We truly hit the ground running

1
2 in Staten Island housing court and we've been
3 welcomed with open arms both by the court of
4 administration and the presiding Judges.

5 COUNCIL MEMBER ROSE: And the plan is to
6 extend this program throughout -- expanded throughout
7 New York City?

8 JORDAN DRESSLER: Well the plan is
9 certainly to expand throughout New York City and we
10 have our statutory obligation and our designs to do
11 so by fiscal '22. We're starting with Staten Island
12 with respect NYCHA Administrative Proceedings and
13 expect over the course of this coming year to be
14 implementing that and doing so in a way that we
15 expect to scale. We want to see what works and what
16 doesn't, and Staten Island is a very good place to
17 start with.

18 COUNCIL MEMBER ROSE: And of course, I'm
19 not complaining. I really appreciate that. We're
20 going to be first in something of this time. I'm
21 sorry that we need it, but you know, its welcome.
22 And so, INTRO 214A, which is universal access, you
23 know, Staten Island has a very small percentage of
24 regulated housing stock. So, how is this going to
25

1 impact the allocation of funds in the budget for at
2 risk tenants on Staten Island?

3
4 JORDAN DRESSLER: With respect to matters
5 pending in housing court, uhm, I think its important
6 to flag here that there is no determination of merit
7 happening at the point of planning or implementation.
8 This is not a program where providers are obliged to
9 triage cases one way or another. We are really
10 aspiring to universal access and that means having a
11 case, a lawyer on the case -

12 COUNCIL MEMBER ROSE: So, any housing
13 dispute regardless of whether its rent regulated,
14 section 8, or whatever.

15 JORDAN DRESSLER: That's right, that's
16 right and then just to follow up on that point, we
17 have already seen and we expect to continue to see
18 Zealous advocacy and creativity on the part of our
19 nonprofit legal provider partners in finding the
20 right ways to mount defenses even in cases where the
21 whole panoplies of rules and regulations that relate
22 to rent regulation are at play with respect to that
23 eviction case. There is a law out there that just
24 dictates you know, what happens in housing court no
25 matter what the nature of the housing is and we're

very pleased to see that the providers with whom we work are extremely creative and extremely zealous in figuring out the ways to defend their clients to the fullest.

COUNCIL MEMBER ROSE: Thank you. Fiscal year 2018 adopted budget, an agreement was reached between the city council and the administration that would carry over the \$5 million anti-eviction legal services initiative from the council over to HRA as part of the administrations expansion of right to counsel, universal counsel. Are all the groups that were previously funded under the council's anti-eviction legal services initiative now funded and contracted through HRA?

JORDAN DRESSLER: Yes.

COUNCIL MEMBER ROSE: They are, and is it the councils understanding that HRA would be amending the fiscal 2018 contracts to the 13 groups that were previously funded through the council and what is the status of these contracts? Have they been executed? And is this funding available to legal service providers who begin providing services?

JORDAN DRESSLER: Through a combination of direct contracts and existing subcontracts we were

able to work out the contracting vehicles to maintain the continuity of funding for those providers.

COUNCIL MEMBER ROSE: So, there's no interruption in services?

JORDAN DRESSLER: Nope. No, it took some doing and I think we worked very collaboratively with all of our providers to make that happen and so the contracts themselves are in the preregistration process, but the terms have been agreed upon and there just in process.

COUNCIL MEMBER ROSE: And it included all of the previous funded contracts the other 13?

JORDAN DRESSLER: The providers.

COUNCIL MEMBER ROSE: Right, the providers.

JORDAN DRESSLER: Just to be clear I can't speak to the actual number of them because I don't have a list in front of me, but I'll defer to the council members.

COUNCIL MEMBER ROSE: What about the Goddard Riverside Community Center, which is not really a legal service provider?

JORDAN DRESSLER: Well, we would respectfully disagree. They provide a lot of very

valuable anti-eviction and anti-harassment legal services and they are doing so through our contracts. They are subcontractor with the Urban Justice Center, which holds one of our anti-harassment and tenant protection programs and we were able to work that out with all parties to maintain continuity of their services.

COUNCIL MEMBER ROSE: Okay, and how will the administration address the fiscal 2019 contracts? Will the same groups be funded?

JORDAN DRESSLER: We do expect continuity through fiscal '19.

COUNCIL MEMBER ROSE: Okay, and I just have one other question, I'm sorry, I'll be really quick. Uhm, you know, in addition to IOI, OCJ, oversees immigration legal service programs funding through \$2.1 million in federal community service block grants, which is administered in partnership with the Department of Youth and Community Development. Uhm, as we know the Trump administration has purposed to eliminate this source of funding. What is the contingency plan?

JORDAN DRESSLER: It's premature to be making concrete plans to backfill a funding that

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JORDAN DRESSLER: Its hard to drill down into a design backup plan without knowing what, if any funds are actually going to be eliminated.

COUNCIL MEMBER ROSE: But you do know what it costs now, right to deliver those services? So, wouldn't a backup plan include -- just including that amount of money in the budget from another budget line, another source?

JORDAN DRESSLER: I'm not so sure its that simple, but I would have to defer to my finance folks as well as OMB. Obviously, there are a number of broad and very narrow threats to the city's budget and there are a number of contingency plans being made at a very high level about what those threats would look like. This is a small, but important part and so we would be part of a larger effort to --

COUNCIL MEMBER ROSE: I just want to make sure that it's a part of the voices that are raised to make sure that in the outcome of no funding that they do not experience a complete cut.

CHAIRPERSON LANCMAN: Thank you. Your testimony and the report and we met the other day, have covered a lot of the ground that I'm interested in. So, I won't belabor those points. I do however,

1 want to drill down on this issue of the 170 crimes
2 carved out. When the council created its – passed a
3 bill signed into law limiting the city's cooperation
4 with ICE and through the cross of negotiation these
5 170-year fences were carved out of that. It had not
6 been our expectation that that carve out, or that
7 concession if you will, would then travel into other
8 spheres of city operations and government, but as you
9 know there was a dispute as to the extent to which
10 the city, the Mayor would accept additional legal
11 services funding to protect people from deportation
12 who fit under these 170. So, could you give us – can
13 you explain for us where in the contracts that you
14 have anything to do with there is any provision
15 relating to limiting the services or requiring
16 screening based on these 170 offenses?

18 JORDAN DRESSLER: It relates to
19 immigration related legal services. The contracts
20 that pertain to those.

21 CHAIRPERSON LANCMAN: So, its not merely
22 immigration legal services focused on preventing
23 removal or representing someone in deportation
24 proceedings?

JORDAN DRESSLER: Immigration related legal services.

CHAIRPERSON LANCMAN: So, if you have a legal services contract and somebody is showing up at a neighborhood office of X, Y, Z, legal services provider to get advice on how to apply for DOCO or what are their rights if they're interacting with the police? The contract that you are putting out, would that provider - would prevent that provider from providing that advice?

JORDAN DRESSLER: Well, I don't know about prevent. Uhm, that would be up to the provider, but with respect to the contracts, it relates to immigration related legal services.

CHAIRPERSON LANCMAN: So, the contract would no allow any of its contracting funds to be used to represent that immigrant in any kind of legal matter whatsoever?

JORDAN DRESSLER: Immigration related legal services.

CHAIRPERSON LANCMAN: And so, if somebody came and said, I want to know if I'm eligible for DOCO or I want to know what it means, what my legal status is based on Trumps you know, latest tweet or

twist or turns. Would that be a kind of legal services? That rendering of advice?

JORDAN DRESSLER: It would depend on which contract, but with the respect to the IOI contracts that we administer, yes, I believe the answer would be yes.

CHAIRPERSON LANCMAN: And how — are you providing any additional funding to assist these providers with doing the screening necessary so that I wouldn't want to foul this provision?

JORDAN DRESSLER: The providers in the community have very good relationships with all manners of funders, state funding, philanthropic funding and so up until now, and certainly with respect to NIFA the providers have made use of relationships with their philanthropic partners.

CHAIRPERSON LANCMAN: So, the answer is no. The city is not providing any funding for these screenings.

JORDAN DRESSLER: That is correct. With respect to the IOI contracts that we administer.

CHAIRPERSON LANCMAN: Right, and for funders like, I think we might here from say Verizon later, that are providing a wide range of services to

immigrants. The contracts that include this 170-crime prohibition, uhm is it narrowly tailored to just the legal services aspect of their contracts, or does it cover all the services that they provide?

JORDAN DRESSLER: It's our intension for it to be tailored in the way that you've described. If that's proven not to be the case, or we hear that its not the case then we will pick it up with our provider partners as we always do.

CHAIRPERSON LANCMAN: Do you know how many contracts have gone out approximately that have included these provisions?

JORDAN DRESSLER: I don't have that number.

CHAIRPERSON LANCMAN: Have you gotten any complaints from any providers or any questions from any providers of how come this 170 is applying to me?

JORDAN DRESSLER: We have.

CHAIRPERSON LANCMAN: Who are those?

JORDAN DRESSLER: I couldn't tell you who specifically who at this time.

CHAIRPERSON LANCMAN: What kinds of questions did they have?

JORDAN DRESSLER: Implementation questions. How to interpret this or that with respect to that language. Some large offices, some smaller offices and we've done our best to answer every single one.

CHAIRPERSON LANCMAN: Does the language that you're putting in these contracts make any distinction between legal representation and legal advice? If someone comes into the office and they want some advice, that's advice. That doesn't mean that that legal services provider is now representing them in any kind of proceeding or matter.

JORDAN DRESSLER: That's true. In our IOI contracts both advice, consultation, assistance, and representation are referred to as legal services. They are legal services.

CHAIRPERSON LANCMAN: What's the justification for that? Since this is the administrations policy for someone showing up at a legal services providers office and saying, I don't know my eligibility for this or that?

JORDAN DRESSLER: You know I'm going to defer the testimony that was taking last week and with an understanding there is going to be additional

testimony next week at the immigration hearing. I'm here to talk about implementation.

CHAIRPERSON LANCMAN: You can't speak to what the rationalities behind the contracts that your office is putting out and overseeing?

JORDAN DRESSLER: I think the question has been posed as to the rational behind the policy and I know that there is disagreement about that between members of council, members of the administration. I have no additional light to shed on that.

CHAIRPERSON LANCMAN: Okay, because I know that there was disagreement and we know what the base of that disagreement is when it comes to, should the city be expending resources to represent people in removal proceedings if they've been already adjudicated on this long list of crimes. I'm not sure that I've heard anyone from the administration say why that should extend to simply the giving of legal advice in circumstances that have nothing to do with whether or not that person is getting removed or not. I mean whether or not - you can have someone who's a crime victim walk into a legal services providers office and say, listen if I report this

crime to the police, this thing that happened to me, what am I exposing myself to? I've heard the city articulate a rationale for why that person should not get the benefit of legal advice. Do you have anything to offer in that?

JORDAN DRESSLER: As I said, I'm here to talk about the implementation of the policy.

CHAIRPERSON LANCMAN: Well, have you had any providers come and say, we would like to give this person advice and/or if such a person shows up, are we going to run afoul of the contract?

JORDAN DRESSLER: We haven't had any specific cases brought to our attention.

CHAIRPERSON LANCMAN: Okay. Thank you.

JORDAN DRESSLER: Thank you.

CHAIRPERSON LANCMAN: Alright, Jon Furlong, Coalition against the legal hotels. Murray Cox inside Airbnb coalition against the legal hotels. Are you both testifying or just one of you is testifying for the coalition? We would like to have one person testifying for the organization. You're testifying for the other organization, okay. Michael Polenberg, Safe Horizon. Charles Nunez, Youth Represent. You are going to be at the panel so if

your testifying, get on up there. Grab a chair, get on up there. Raise your right hand and get sworn in.

Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth? Good, just go from left to right. Three minutes on the clock.

JONATHAN FURLONG: Good afternoon and thank you to the members of the committee for the opportunity to testify today. My name is Jonathan Furlong, I'm the director of Organizing and Housing Conservation Coordinators and I'm here to give testimony on behalf of the coalition against illegal hotels. I would like to take this opportunity to provide some input on the budget for the Mayor's Office of Special Enforcement, OSC in which falls under the Mayor's Office of Criminal Justice. The coalition is comprised of organizations. The coalitions against legal hotels rather is comprised of orgs spending in New York City, whose work lies in some of the neighborhoods most negatively impacted by legal commercial hotel use. The Goddard Riverside Law Project on Manhattans west side, has the conservation coordinators ECC in the west side neighborhood alliance based in Hills Kitchen serving the west side,

1 the Cooper Square committee in lower east side, St.
2 Nick Alliance and Greenpoint Williamsburg Brooklyn and
3 Flight Legal Services organizing city wide. It should
4 also be noted that 40 other neighborhood-based
5 organizations have endorsed the work and the efforts
6 of the coalition. Organizing and community
7 mobilization is a crucial part of the fight against
8 the legal hotels and neighborhoods all over the city
9 and the work of OSC has been critical as a partner of
10 that fight. The coalition sees OSC as an integral
11 partner in protecting and preserving affordable
12 housing across the city. The coalition would like to
13 urge continued and hopefully increased funding of OSC
14 to ensure that their effort is maintained.
15 Specifically, around inspections and enforcement use
16 of data, legal cases, and engagement. The coalition
17 would like to also urge the council to ensure that the
18 budget allowed for increased enforcement on behalf of
19 OSC of all city and state laws against all that
20 violate them to protect our precious housing and
21 communities. Perhaps the most important one being the
22 states multiple dwelling law which bans entire
23 apartment vacation rentals in most buildings. This
24 law is really being ignored by many residents across
25

1 the city and commercial operators that have multiple
2 listings in a single building. While the coalition
3 had tremendously appreciated OSC focus on the so
4 called worse of the worst actors. For our work to be
5 successful the agency must be funded and staffed
6 appropriately, to address all the illegal hotel
7 activity no matter how big or small. Finally, the
8 coalition requests that allowances be made in the
9 budget that would allow the agency to increase its
10 visibility in the community and help educate and
11 mobilize community groups which are fighting this
12 issue in their neighborhoods. Thank you very much.

14 CHAIRPERSON LANCMAN: Thank you. To my
15 knowledge, there's no cut to OSC in the budget. Okay,
16 good. If you knew something we didn't, we would want
17 to know. Got it.

18 MURRAY COX: Good afternoon council members
19 and city officials. My name is Murray Cox and I'm
20 here today to provide input on the Mayor's Office of
21 Special Enforcement as well and I'll try not to
22 overlap. So, in the area of the illegal hotel
23 enforcement, a recent report from the University of
24 McGill found that up to 13 and ½ thousand housing
25 units have been removed from New York City's long-term

1 housing market. The majority illegally with the
2 complicity of belligerent platforms like Airbnb. I'm
3 the founder of a project called Inside Airbnb, which
4 provides data on the phenomenon around the world
5 including working with elected and city officials in
6 places like Paris, Amsterdam, London, Venice, San
7 Francisco and here in New York City. I'm also a
8 member of the coalition against illegal hotels. Uhm,
9 so I have some specific concerns just on the
10 transparency and accountability of the budget for the
11 Mayor's Office of Special Enforcement to maintain
12 current activities. I don't think we have much
13 visibility and transparency into that budget, so I
14 just wanted to address that point. And then, I also
15 make a call for increasing budget to allow increased
16 enforcement of all city and state laws against all the
17 that violate them. For example, the major state law
18 which bans entire apartment vacation rentals in most
19 apartment buildings. Its being ignored by tens of
20 thousand of residents. Not the lease commercial
21 operators and in boroughs, particularly Brooklyn and
22 Queens one and two-family homes have been converted
23 arbitrarily into tourist accommodation. And then also
24 that allowance has been made in the budget to fund
25

community organizers to help and educate and mobilize community groups, which are fighting this issue in the neighborhoods. Thank you.

CHAIRPERSON LANCEMAN: Thank you Council Member. Michael Polenberg and Vice President of Government Affairs of Safe Horizon, the nations leading victim assistance organization and New York's largest provider of services to victims of crime. We're going to talk very briefly about three initiatives that are funded by the counsel that we contract through MOCJ. The first The Child Advocacy Center Initiative, this is an initiative the council has funded for many years. You'll see in the testimony that I prepared that there has been a rather large increase in cases that we've seen. There's been 115% increase in volume over the last five years. In part, because when there's high profile child fatalities, more and more cases are referred to us that probably should have been referred to us all along, but for whatever reason they though perhaps they didn't rise to the level of a Child Advocacy Center referral. So, we're grateful that these cases are coming to us. That's why we're there is to provide services and a response to victims of child

1 abuse and we're asking that the council restore the
2 funding through the Sexual Assault Initiative of
3 \$748,000 to the child advocacy centers and we're
4 delighted that we understand you're going to be
5 visiting the Queen CAC later this month. So, we look
6 forward to that visit. The Dove Initiative has been
7 around since 2006. Safe Horizon is the program
8 administrator of that contract. We now have over 80
9 grantees selected by the council by all 51 members.
10 We're on the cusp for providing some great, this is
11 going to be the year two of training on evaluation for
12 grantees and we're looking forward to that. The
13 initiative is at its highest level at \$7.8 million
14 dollars for FY18 and we're hoping that that funding
15 level can continue for all the grantees for FY19, and
16 the final piece which I think is probably what you're
17 most interested in is that we get funding through the
18 initiative for immigrants, survivors of domestic
19 violence of through the YWI Initiative for our
20 Immigration Law Project. We do also get IOI funding,
21 that's through HRA. So, all of the funding, the YWI
22 funding, the IOI funding helps us to core services
23 immigration relief for victims of crime. Whether they
24 are fleeing violence abroad or were victimized here in
25

New York and we're hopeful that for the YWY the funding in FY18 of \$75,000, we're hopeful that that can be restored in FY19. I don't know if you had any specific questions about the other issue.

CHARLES NUNEZ: Good afternoon Chairmen.

Thank you for giving us the opportunity to testify and thank you to the Justice Systems Committee as well.

My names if Charles Nunez and I'm the community advocate at Youth Represent. From my testimony today, I will focus on implementation of Raise the Age. In my written testimony, I focus on several Raise the Age aspects and critical elements of them. So, the first element that I focus in in my written testimony is the supervision of specialized secured attention. The second one, is monitoring of outcomes for youth under the Raise the Age Legislation. And the third one, is the Allocation of Funds for Necessary Legal Services but in the interest of time, I will focus on the supervision for 16 to 17-year-olds in specialized secured detention facilities. When Raise the Age — when we're advocating for Raise the Age, there was a consensus that New York must treat 16 and 17-year-olds humanly and put them in a justice system that will hold them accountable, but at the same time nurture

their youth development and focus on rehabilitation.

We know now that the obligation of like removing a 16 or 17-year-olds from Rikers Island by October 2018 is quite the burden, but it is also not impossible. The city's current plan to transfer the correctional officers from Rikers Island along with those 16 to 17-year-olds being held in Rikers Island, is completely contrary to the principals and what was initially the purpose of New York state raising the age of criminal responsibility for 16 to 17-year-olds. And on multiple occasions, it has been proven that the Department of Corrections Officers is not equipped to manage 16 to 17-year-old youth. In 2014 the United States Department of Justice released an investigation on report on Rikers Island concluding that the New York City Department of Corrections systematically has failed to protect adolescent inmates from harm. This harm is a result of the repeated use of excessive and unnecessary force by correction officers against adolescent inmates and these inmates are 16, 17, and 18-year-old detainees. In more recently, in 2017 the Nunez independent monitor report stated that serious and problematic issues involving staff use of force continuing in unabated fashion. This engrained

propensity to staff to immediately default to force to manage any level of inmate threat or resistance continues to produce high monthly incident numbers. The cultural dynamic that permeates so many encounters between staff and inmates and DOC is quite simply a consequence of staff actions and behaviors that too often in gender, nurture and encourage confrontation. So, just like from noticing all these different reports that provide explicit evidence showing that there is force being used by correctional officers on 16 and 17-year-old, we know that this is not the way to have 16 to 17-year-olds supervised by the same Department of Correction Correctional Officers and quite honestly, when there is a will, there is a way and right now we just feel that the city is showing a lack of will to represent and protect our most vulnerable children.

CHAIRPERSON LANCEMAN: Thank you and I agree with you and I and a number of other council members wrote to the city demanding that -

CHARLES NUNEZ: Totally aware of the letter to like the Mayor?

CHAIRPERSON LANCEMAN: Yeah, and we did get a response today or yesterday which wasn't very

1 satisfactory. So, its something that we're still
2 going to be pushing. No disrespect to the
3 correctional officers at Rikers Island who have
4 really, I think the hardest job of any worker in the
5 city, but we want to get young people out of that
6 whole adult corrections environment.

8 CHARLES NUNEZ: And thank you for your
9 support on that Council Member.

10 CHAIRPERSON LANCEMAN: Good. So, if I
11 could ask Safe Horizon. So, can you tell us your
12 experience with the 170 and whether it's consistent
13 with what Mr. Dressler testified?

14 MICHAEL POLENBERG: Yeah, so thank you for
15 the question. You know we're abiding by the terms of
16 the contract. I mean the vast majority - the
17 overwhelming majority of the clients that we see don't
18 have these disqualifying crimes. It's true that a lot
19 of people that we serve have some criminal justice
20 involvement based on the fact that there tend to be
21 people of color in New York City who draw a lot of
22 police attention, but the issue of those particular
23 offenses interfering with our ability to do the work.
24 Again, as a Victim Services Organization aren't seeing
25 that many folks walking in the door with convictions

1 on those offenses. With that being said, we
2 ultimately would like to be the ones who decide
3 whether or not we're going to move forward on a case
4 based on whether or not we think we can win. Can we
5 get this person immigration relief? There maybe cases
6 where somebody comes in with a you know, a record a
7 mile long and we're thinking you know, there's not an
8 immigration Judge in the country that's going to give
9 this person asylum or give this person whatever relief
10 it is that they're asking for and that's a
11 determination that we're going to make in consultation
12 with a client based on our experiences as an
13 immigration legal services provider. That's a little
14 bit different then the city saying, by the way for
15 crimes A, B, C, D, and E and so on and so forth you
16 can't represent them. You can't give advice or
17 consults, and we do work - we have as a Victim
18 Services Organization. You know, there's this myth
19 that there are victims over here and offenders over
20 here and they're two completely different groups of
21 people. We know that's not true. We know there are a
22 lot of offenders who have victims of crime at some
23 point in their lives. We know that there is a lot of
24 our victims that have committed offenses or broken the
25

1 law in some capacity over the years. We still serve
2 them. We still help folks get shelter. We still help
3 — people call our hotline. We see folks all
4 throughout our organization. So, this piece that
5 there are certain crimes that you just can't meet with
6 somebody or represent them feels different than what
7 are normal experience is.

9 CHAIRPERSON LANCMAN: I think the council
10 feels the same way. But you'll keep us posted and
11 alert.

12 MICHAEL PLENBERG: Absolutely.

13 CHAIRPERSON LANCMAN: You know we're very
14 concerned about the creeping nature of this concept
15 that people who near the side of these 170 defenses
16 now for the rest of their life, cant get legal
17 representation in an immigration matter of any kind
18 what's so ever and well, why not extend that to — as
19 objectionable as that is then you know, its going to
20 extend it to other areas. So, you will keep us
21 posted.

22 MICHAEL PLENBERG: Absolutely.

23 CHAIRPERSON LANCMAN: Okay, thank you all
24 very much. Our last visitor is our old friend Mr.
25 Komatsu. Two minutes.

MR. KOMATSU: Oh wow, that's such a long time. Uhm.

CHAIRPERSON LANCMAN: Well, if you add up all the times that you testify, its quite a time.

MR. KOMATSU: I'm sorry but there is something called the First Amendment and you actually impeded my ability to testify the last time we met.

CHAIRPERSON LANCMAN: Will you raise your right-hand sir to be sworn in. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

MR. KOMATSU: I do unlike Jordan Dressler.

CHAIRPERSON LANCMAN: Two minutes.

MR. KOMATSU: Okay, so Jordan Dressler was at this table a short time ago. He actually lied to you. He claimed that lawyers can provide legal assistance without evaluating the merits as to whether to provide such assistance. Uhm, Steven Banks made a comment totally that contradicts that on December 16, 2016 at the Law school, New York law school that is. Uhm, as you may recall I princely informed you that HRA is doing business with a company that stole my pay, that still hasn't paid me. So, you're taking all these remarks from HRA's representatives at face value

1 when you're not actually betting to see is it actually
2 fashionable and you have people like me sitting in
3 this chair making truthful remarks to you with no
4 recourse, no relief. Uhm, I talked to Steven Banks on
5 December 14th of last year. He told me that he would
6 not refer me to another legal services partner. I got
7 rejected by all the legal services organizations to
8 which I was referred by HRA. In the report I gave
9 you, it confirms that yeah, they never made a decision
10 based on merit when rejecting my request for such as
11 legal assistance. Mr. Dressler was also part of the
12 special commission on the housing court that was
13 established by Judge DiFiore. The same Judge Clifton
14 Emhart was on that same commission who illegally
15 evicted me from my apartment in Jackson Heights. He
16 is now going to be the assigned Judge presiding over a
17 case on April 10th involving a 66-year-old lady who
18 used to live in my old apartment building in Rego Park
19 and I have a sworn affidavit from that slumlord
20 confirming they neglected making repairs in an
21 elevator in that building. So, before I begin to be
22 illegally excluded from public meetings at the
23 [inaudible 2:22:21] held on April 27th of last year. I
24 actually reached out to Andrew Hennessey's office to
25

1 try to get legal assistance for that woman I never had
2 any contact with. So, the point is if I took a
3 proactive step totally selfless and I come to these
4 meeting, I ask you guys to try to get this assistance
5 for that woman and nothing is done. The question is
6 how many more victims of judicians conduct do there
7 need to be before somebody takes action?

9 CHAIRPERSON LANCMAN: Thank you very much.
10 That concludes our hearing. One minute.

11 KELLY GRACE PRICE: I'm Kelly Grace Price
12 from the jails action coalition.

13 CHAIRPERSON LANCMAN: Wait let's get one
14 minute on the clock. You get two minutes on the
15 clock, you get two minutes like he got two minutes.
16 Do you swear or affirm the testimony you're about to
17 give is the truth, the whole truth and nothing but the
18 truth?

19 KELLY GRACE PRICE: Wow, I do. I've never
20 been sworn in at a hearing. I'm excited about this.

21 CHAIRPERSON LANCMAN: Well, welcome to one
22 of my hearings.

23 KELLY GRACE PRICE: Thank you Councilman
24 and I do apologize for being late, we had a meeting
25 with the Board of Corrections this afternoon. The

jails action coalition, so I do apologize. I just wanted to say that I had missed the hearing that you had a few months ago about the IDV courts and I'm sorry that I missed that, because as a survivor of domestic violence and trafficking Brian's heard my story many times. Syvance [SP?] accused me with the now unconstitutional CPLR 240.30 threw me in Rikers Island, but before that I was up in Judge Tandra Dawson's IDV Part for two and a half years as the accused violator and I would like to just say that those IDV Parts do not work. They specifically work when there is a designated batterer and a designated survivor, but those two tracks always get conflated in the criminal courts. I could say a lot about this but it's the end of your hearing and I promised to only to take a minute but this is an issue I'd like to spend some time with you and with Rachael on, and I would just like to point out that when you get testimony from groups like Sanctuary for Families that are in lockstep with Syvance [SP?], you're only going to hear one side of the story. So, thanks again for letting me testify at the end of your hearing and thank you for your service to the city of New York.

2 CHAIRPERSON LANCEMAN: Well thank you for
3 taking the time for being here and we'll set up a time
4 for you to talk with Rachael and we would very much
5 like to hear your prospective and your story. Thank
6 you. That concludes the hearing. Thank you all very
7 much. [gavel]

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C E R T I F I C A T E

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



Date April 1, 2018