

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE

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April 22, 2009  
Start: 10:59am  
Recess: 11:25am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JAMES VACCA  
Chairperson

COUNCIL MEMBERS:  
Council Member Tony Avella  
Council Member Elizabeth Crowley  
Council Member Mathieu Eugene  
Council Member Vincent J. Gentile  
Council Member Alan J. Gerson  
Council Member Eric N. Gioia  
Council Member Sara M. Gonzalez  
Council Member Letitia James  
Council Member Miguel Martinez  
Council Member Peter F. Vallone, Jr.

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

None

2 CHAIRPERSON VACCA: Please rise for  
3 the Pledge of Allegiance to the flag.

4 SERGEANT-AT-ARMS: All rise.

5 CHAIRPERSON VACCA: [pledge of  
6 allegiance] This meeting of the Fire and Criminal  
7 Justice Committee of the New York City Council is  
8 called to order. I'm James Vacca, I'm Chairman of  
9 this Committee. I'd like to introduce the members  
10 who are here today: to my right, former Chair  
11 Miguel Martinez, from Manhattan; Elizabeth  
12 Crowley, from Queens; to my left, Alan Gerson from  
13 Manhattan; Tish James from Brooklyn. Today--Oh,  
14 I'm sorry. Oh, Council Member Eugene, oh, well,  
15 sit over here. Council Member Mathieu Eugene is  
16 here, and Council Member Tony Avella, I'm sorry,  
17 are here. Today, we will consider proposed Intro  
18 937-A, a local law to amend the administrative  
19 code of the City of New York in relation to  
20 requiring the Commissioner of the Department of  
21 Correction to report on census data and security  
22 indicators involving adolescents in City jails.  
23 This bill is sponsored by Council Members Tish  
24 James, Sara Gonzalez and Miguel Martinez, along  
25 with several of my colleagues. It imposes new

1 reporting requirements on the Department of  
2 Correction. More particularly, this bill requires  
3 the DOC to post quarterly and yearly information  
4 on its website regarding adolescents in City  
5 jails, including census data yearly, 18 categories  
6 of security indicators quarterly, and three  
7 additional categories of security indicators  
8 yearly. The reports must also indicate the  
9 average daily population for the reporting period,  
10 and the prior fiscal year total for each  
11 indicator. The census data required consists of  
12 information concerning the total number of  
13 adolescent admissions to City jails, broken down  
14 by age and gender, along with information  
15 regarding prior admission to DOC or Department of  
16 Juvenile Justice facilities, if any. The  
17 quarterly security indicators require information  
18 broken down by facility, for the total number of  
19 the following incidents involving adolescents:  
20 stabbings; slashings; assaults on staff; fight  
21 infractions; allegations of major use of force;  
22 incidents of major use of force; allegations of  
23 minor use of force; incidents of minor use of  
24 force; as well as hospital admissions of a use of  
25

1  
2 force; incidents involving use of force that  
3 result in no injury; serious injuries as a result  
4 of fights; hospital admissions as a result of  
5 fights; homicides; attempted homi--suicides;  
6 suicides; and substantiated incidents of  
7 adolescent on adolescent sexual assault; or  
8 incidents of staff on adolescent sexual assault.

9 The yearly security indicators require information  
10 broken down by facility, for the total number of  
11 allegations of adolescent on adolescent sexual  
12 assault, allegations of staff on adolescent sexual  
13 assault, and adolescent on adolescent fights that  
14 result in a) loss of consciousness, including  
15 concussions; and b) internal injuries not  
16 otherwise reported. Since the last hearing on  
17 this bill, there have been several changes that  
18 are detailed in the Committee report, including  
19 the defining of several terms, requiring various  
20 indicators be posted on DOC's website each fiscal  
21 year, quarter, unless a different time period is  
22 specified for a particular indicator; the merging  
23 or clarification of some, of such indicators, and  
24 the elimination or addition of others. I'll now  
25 ask Council Member James to make some remarks on

1  
2 this legislation.

3 COUNCIL MEMBER JAMES: Thank you,  
4 Mr. Chair. The tragic death of 18 year  
5 Christopher Robinson at Riker's Island in October,  
6 and the ensuing investigation and indictment of  
7 three New York City Correction officers, and  
8 twelve adolescent inmates, on charges including  
9 manslaughter, conspiracy, enterprise corruption,  
10 and other offences, was a stark illustration of  
11 what our youth can face in our City jails. While  
12 we can't bring back Christopher, we can help other  
13 adolescents by ensuring that we have access to  
14 information on a regular basis about the  
15 environment in which adolescents are being  
16 detained, or to which they have been sentenced, so  
17 we can react if these conditions become  
18 unacceptable. Currently, the Department of  
19 Correction reports jail data, which contains  
20 various indicators regarding the overall jail  
21 population. However, there is no separate  
22 information being routinely publicly reported or  
23 required to be reported by the City, or the, the  
24 Department of Corrections specifically as it  
25 relates to adolescents who are housed separately

1  
2 from adults on Riker's Island. The bill we vote  
3 on today will change that, and will provide the  
4 Council and the rest of the public information  
5 that is vital to the oversight of the Department  
6 of, of Corrections, and will protect adolescents  
7 in our City jails. Having this information will  
8 enable to the Council to, to develop an accurate  
9 understanding of the living conditions in which  
10 adolescents are currently, in which adolescents  
11 are currently undertaking in City jails, and to  
12 take appropriate action, or call on the  
13 appropriate agencies to take action if and when  
14 necessary. I want to thank everyone involved in  
15 this process, including the advocates, and the  
16 Department of Correction. I'd also like to thank  
17 Chair Vacca, former Chair Martinez, my colleague  
18 Sara Gonzalez, and my Counsel, Lizette Camelia,  
19 for giving me this opportunity to say a few words.  
20 And I urge my colleagues to vote in support of  
21 this bill. Thank you.

22 CHAIRPERSON VACCA: Thank you. Are  
23 there any other council members that wish to be  
24 heard on this bill? Council Member Mathieu  
25 Eugene.

2 COUNCIL MEMBER EUGENE: Thank you  
3 very much, Mr. Chair. I just want to, to say that  
4 I want to add my name as a sponsor of this bill.  
5 This is a wonderful one, and I am very pleased,  
6 and I want to thank Council Member Letitia James,  
7 for the wonderful job, job, and for all, you know,  
8 to all of those who have sponsored and work hard  
9 to make it possible. Thank you. Please add my  
10 name as a cosponsor.

11 CHAIRPERSON VACCA: Without  
12 objection, that will be done. Thank you, Council  
13 Member Eugene. Any further statement from Council  
14 Members? If not, we will call the roll.

15 COMMITTEE CLERK: William Martin,  
16 Committee Clerk, roll call on the Committee of  
17 Fire and Criminal Justice Services, Introduction  
18 937-A. Council Member Avella.

19 COUNCIL MEMBER AVELLA: Aye.

20 COMMITTEE CLERK: Vacca.

21 COUNCIL MEMBER VACCA: Aye.

22 COMMITTEE CLERK: Gerson.

23 COUNCIL MEMBER GERSON: With, with  
24 appreciation to the leadership of Council Member  
25 James, I vote aye, and with a commitment to taking



1  
2 additional action to do right by these children in  
3 our collective care.

4 COMMITTEE CLERK: Martinez.

5 COUNCIL MEMBER MARTINEZ: I vote  
6 aye, and I want to congratulate Council Member  
7 James for her leadership on this issue, and this  
8 is the right thing to do, to avoid the tragedy  
9 that she described to us, that occurred under the  
10 watch of our Department of Juvenile, and  
11 Correction. So, and I'm sure that this is the  
12 right measure to prevent it from happening again.  
13 So I vote aye on all and congratulation to her,  
14 and Council Member Gonzalez.

15 COMMITTEE CLERK: Eugene.

16 COUNCIL MEMBER EUGENE: Aye.

17 COMMITTEE CLERK: Crowley.

18 COUNCIL MEMBER CROWLEY: I vote  
19 aye.

20 COMMITTEE CLERK: By a vote of six  
21 in the affirmative, zero in the negative, and no  
22 abstentions, item is adopted. Members please sign  
23 the Committee report. Thank you.

24 CHAIRPERSON VACCA: Thank you. The  
25 law is passed, of course, but I do request that we

2 hold the roll call open until we start the Finance  
3 Committee meeting, so if additional members  
4 arrive, they will have an opportunity to vote.

5 Before I adjourn, I'd like to remind the Committee  
6 members and the public that the Fire and Criminal  
7 Justice Committee will be meeting on Friday to  
8 discuss Department of Correction changes to  
9 regulations, and I urge members to attend.

10 Without further to do, this meeting is adjourned.

11 [gavel] Well, it's, it's adjourned for, as I  
12 indicated. [pause] Council Member Vallone.

13 COMMITTEE CLERK: Hang on, hang on,  
14 hang on, got the tape on.

15 [background noise] [pause]

16 CHAIRPERSON VACCA: Council Member  
17 Vallone.

18 COUNCIL MEMBER VALLONE: Council  
19 Member Gentile is here, Council Member Gentile,  
20 how do you vote?

21 COUNCIL MEMBER GENTILE: [off mic]  
22 I vote aye.

23 CHAIRPERSON VACCA: And Council  
24 Member Gonzalez, I think, wants to make a  
25 statement as a cosponsor of the bill. Council

Member Gonzales.

COUNCIL MEMBER GONZALEZ: As Chair of the Juvenile Justice Committee, I'm incredibly grateful to my colleagues for supporting this measure. I would like to especially thank Council Member James and Speaker Quinn for their leadership on this issue. Out of breath. As well as the former and current chairs of the Fire and Criminal Justice Committee, Council Members Martinez and Vacca. And all of the advocates who have fought so tirelessly to see these improvements become a reality. This bill is a direct response to concerns raised over recent tragic events, at the Robert N. Davoren Center of Riker's Island, in which an adolescent was murdered while in custody. I'm out of breath. Upon being signed into law, Intro 937, will provide the Council and general public with detailed data about adolescents in City jails, including general census data--age, gender, etc. 18 security indicators such as data, on assaults, use of force, attempted suicides, sexual assaults, use of force on adolescents, etc., the data on allegations. The information will be available quarterly and annually depending

2 on the data in question. I want to thank everyone  
3 involved. Thank you. Thank you, Chair. I'm out  
4 of breath up there.

5 CHAIRPERSON VACCA: Thank you  
6 Council Member Gonzalez. And thank you for your  
7 input. We'll keep the roll open five minutes  
8 more. Oliver, how are you?

9 COMMITTEE CLERK: Final vote on the  
10 Committee on Fire and Criminal Justice Service is  
11 now at eight in the affirmative, zero in the  
12 negative, and no abstentions.

13 CHAIRPERSON VACCA: This meeting is  
14 now closed. Thank you for coming. [pause] I'm  
15 reopening the roll call, Council Member Gioia  
16 would like to vote. Would you please call the  
17 roll?

18 COMMITTEE CLERK: Council Member  
19 Gioia.

20 COUNCIL MEMBER GIOIA: Thank you,  
21 Mr. Chair, I'd like to vote yes and also ask that  
22 my name be added as a prime sponsor. Thank you  
23 very much.

24 CHAIRPERSON VACCA: Thank you.

25 COMMITTEE CLERK: Final vote on

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Introduction 937-A is now nine in the affirmative,

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zero in the negative, and no abstentions.

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[background noise]

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CHAIRPERSON VACCA: Adjourned.

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[gavel]

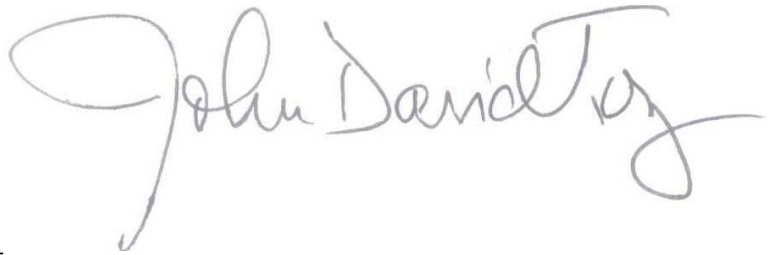
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MALE VOICE: Check.

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C E R T I F I C A T E

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



Signature\_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_May 4, 2009\_\_\_\_\_