

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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March 14, 2019  
Start: 10:00 a.m.  
Recess: 4:00 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Keith Powers,  
Chairperson

COUNCIL MEMBERS:

Alicka Ampry-Samuel  
Robert F. Holden  
Rory l. Lancman  
Carlina Rivera

## A P P E A R A N C E S

Ana Bermudez  
Department of Probation

Sharun Goodwin  
Department of Probation

Gineen Gray  
Department of Probation

Michael Forte  
Department of Probation

Wayne McKenzie  
Department of Probation

Cynthia Brann  
Department of Correction

Angel Villalona  
Department of Correction

Hazel Jennings  
Department of Correction

Patricia Lyons  
Department of Correction

Joseph Antonelli  
Department of Correction

Serena Townsend  
Department of Correction

Martha King  
Board of Corrections

Dr. Robert Cohen  
Board of Corrections

Emily Turner  
Board of Corrections

David Freudenthal  
Carnegie Hall

Chris Heinrich  
Midtown Community Courts and for Court Innovation

Shane Correia  
Midtown Community Courts and for Court Innovation

Michael Pope  
Youth Represent

Alexander Anderson  
Ritual4Return

Sarita Daftary  
JustLeadershipUSA

Darlene Jackson  
Women's Community Justice Association

Minister, Dr. Victoria Phillips  
Mental Health Project

Coco Culhane  
Veteran Advocacy Project

Jordyn Rosenthal  
Collee and Community Fellowship

Brittany William  
Worth Rises

Turquoise Juanita Martin

Kelly Grace Price  
Close Rikers

## A P P E A R A N C E S (CONT.)

Michael White  
Citizens Defending Libraries



1  
2 Criminal Justice Reform and we have been pleased at  
3 the Departments effort stopping the cycle of  
4 incarceration through programs like NeON Art and the  
5 ARCHES mentoring program.

6 At the same time, we have big challenges ahead in  
7 this city with continuing to implement Raise the Age  
8 and the city's efforts to close Rikers Island. The  
9 budget today does not always seem to reflect those  
10 challenges here, if we're going to have questions  
11 about that but as the city works towards Criminal  
12 Justice Reform, DOP's mandates are sure to expand.

13 We certainly don't want the department to be  
14 under resourced so I'm interested in why the Budget  
15 does not include new funding and how the Council can  
16 be a partner in making sure the Departments Budget  
17 needs are met.

18 The Committee looks forward to learning more  
19 about the Department's initiatives, the Departments  
20 ongoing efforts to create programs and reduce  
21 recidivism budget priorities for Fiscal Year 2020 and  
22 the Departments overall roll in the Criminal Justice  
23 Reform efforts ahead in the city.

24 I also want to make sure that we thank all the  
25 staff that have worked really, really hard to make

1  
2 sure that we're ready for today's hearing and have  
3 put in work all the time to make sure that this  
4 Council is able to ask the right questions and  
5 support the work of the agencies that are doing  
6 important work here. I want to first thank our  
7 Financial Analyst, Jin Lee who I must mention this is  
8 her last budget hearing here and I think her second  
9 to last hearing in the Council. She is going to the  
10 FDNY, so we are very proud of her and very thankful  
11 for all the work she has done. If you could give her  
12 a big round of applause, thank you and good luck.

13 JIN LEE: Thank you.

14 CHAIRPERSON POWERS: Don't forget to help me out  
15 here today. Our Unit Head, Eisha Wright, Committee  
16 Counsel Alana Sivin, Policy Analyst **[INAUDIBLE 5:15]**,  
17 my Chief of Staff Emily Walsh and my Legislative  
18 Director Abigail Bessler and I just want to take  
19 because we don't say this often, we have unbelievably  
20 great staff here in the City Council. We should  
21 thank them more; I thank them at the beginning and at  
22 the end and as we send off people like Jin, but we  
23 welcome new people into the Council. They really do  
24 a lot of hard work to make sure that we all can do

1  
2 our jobs effectively. So, I want to make sure we  
3 give them a very big thank you.

4 We are now going to hear from Department of  
5 Probation. Before we can hear from you, Commissioner  
6 and anybody on your team who will be testifying  
7 today, we're going to swear you in.

8 CLERK: If everyone could raise your right hand  
9 and we'll start from the left to the right with  
10 names.

11 WAYNE MCKENZIE: Wayne McKenzie, General Counsel.

12 MICHAEL FORTE: Michael Forte.

13 ANA BERMUDEZ: Ana Bermudez.

14 GINEEN GRAY: Gineen Gray.

15 SHARUN GOODWIN: Sharun Goodwin.

16 CLERK: Do you affirm to tell the truth, the  
17 whole truth and nothing but the truth in your  
18 testimony before this Committee and to respond  
19 honestly to Council Member question?

20 PANEL: Yes.

21 CHAIRPERSON POWERS: Great, thank you and I just  
22 want to before we start, recognize my colleagues who  
23 are here today from our Committee from Brooklyn  
24 Alicka Ampry-Samuel, who I know has to go to a really  
25 important oversight hearing we're having on NYCHA

1  
2 today but is here for I know the beginning of it and  
3 Council Member Rory Lancman here from Queens who also  
4 Chairs the sort of other Committee here on Criminal  
5 Justice issues, the Justice Committee here in the  
6 City Council.

7 So, with that being said, Commissioner, you and  
8 your team can begin when you're ready.

9 ANA BERMADEZ: Good morning. Good morning to you  
10 Powers and the members of the Criminal Justice  
11 Committee. I am Ana Bermudez, Commissioner of the  
12 New York City Department of Probation. Joining me  
13 today is my cabinet: Deputy Commissioners Sharun  
14 Goodwin, Gineen Gray, and Michael Forte, and General  
15 Counsel Wayne McKenzie. Thank you again for the  
16 opportunity to testify about the important work that  
17 our Department does and our Fiscal Year 2020 Budget.

18 Before getting into the budget, I want to outline  
19 Probation's unique role in the community safety  
20 continuum. Probation as you know, is preventive.  
21 It's an alternative to incarceration essentially.  
22 Where a judge has determined that a person can  
23 redress their actions while safely remaining in the  
24 community under our supervision. Too often, public  
25 safety is narrowly defined as the absence of crime.

1  
2 However, true safety is much more than that. It is  
3 about trust and having a strong connection to fellow  
4 human beings in ones community.

5 Often when people come onto Probation, that trust  
6 and connection has been eroded. We work to restore  
7 that trust by helping people change their behavior  
8 and connect to opportunities, thereby preventing  
9 incarceration. And we do this for more than 27,000  
10 people on probation each year by leveraging both risk  
11 management; which is the supervision level and  
12 monitoring intensity and then risk reduction; the  
13 supportive elements that help people to change. The  
14 combination creates the individual accountability  
15 needed for someone to get out and stay out of the  
16 justice system. We do all of this through the work  
17 of our incredible staff, along with our government  
18 and community partners. This holistic approach helps  
19 to ensure that people on probation are supported as  
20 they create what we refer to as their new now.

21 As the city's largest alternative to  
22 incarceration, I am proud of DOP's critical role in  
23 reducing the use of incarceration while keeping New  
24 York the safest big city in the nation.

1  
2 In 2018, Probation provided intake,  
3 investigation, and supervision services for nearly  
4 50,000 cases, and directly supervised 25,195 adults  
5 and 2,258 juveniles. Our intelligence unit completed  
6 2,253 field enforcement actions including gang  
7 relation investigation, DUI field visit check,  
8 failure to report home visits, bench warrant  
9 enforcement actions, response to NYPD domestic  
10 incident reports and the transportation of prisoners  
11 to and from various jurisdictions. These enforcement  
12 actions resulted in the recovery of firearms, drugs,  
13 and other contraband, making them critical risk  
14 management tools that allow us to safely supervise a  
15 sentenced population more than double the City's  
16 daily jail census in communities throughout New York  
17 City.

18 For Fiscal Year 2020, the Department of Probation  
19 has a Preliminary Budget of \$116.2 million as  
20 compared to our Fiscal Year 2019 Adopted Budget of  
21 \$119.7 million. When compared to our current budget  
22 of \$121.4 million, the Fiscal Year 2020 Preliminary  
23 Budget is \$5.2 million or 4.5 percent less, which is  
24 primarily attributable to intra-City funding  
25 historically added to our budget post-adoption.



1  
2 undertaken by this Department to ensure a successful  
3 implementation. All under the leadership of Deputy  
4 Commissioner Gray, who is sitting right here.

5 Much of this was accomplished through building  
6 upon the robust range of evidence based juvenile  
7 services we have been steadily developing by  
8 expanding our current operations. As part of that  
9 expansion, we recruited and trained seven new  
10 Probation Academy classes totaling an additional 243  
11 new Probation Officers. This hiring also paved the  
12 way for important new promotional opportunities for  
13 current staff and for the agency to benefit from new  
14 supervisory expertise.

15 Additionally, we expanded our Family Court  
16 alternative to detention Program known as ICM, which  
17 stands for Intensive Community Monitoring, to the  
18 newly created Youth Parts in criminal court. ICM in  
19 the Youth Parts is specifically available to young  
20 people who otherwise would be detained while their  
21 case gets resolved, and now connects young people and  
22 their families to credible messenger mentors, which  
23 as you know from previous testimony, is an effective  
24 intervention that helps to prevent further justice  
25 involvement.

1  
2 We also work closely with the court system to  
3 secure dedicated space for our officers in the Youth  
4 Parts to ensure that young people and their families  
5 immediately connect with our staff and begin the  
6 restorative work of Family Court right away. Our  
7 leadership also maintains on-going open communication  
8 with system stakeholders to ensure that collectively,  
9 we are working toward the best possible outcomes for  
10 New York City's young people.

11 While Raise the Age ensures fewer young people  
12 are in the criminal court system, in the juvenile  
13 justice system we also want to minimize the use of  
14 out of home placement. To that end, last fall,  
15 together with the Mayor's Office of Economic  
16 Opportunity, we released the findings of an  
17 independent evaluation conducted by the Urban  
18 Institute for Advocate, Intervene, Mentor, or AIM,  
19 our individualized alternative to placement program  
20 for high risk youth ages 13 to 18.

21 At roughly one tenth the cost of placement, AIM  
22 instead utilizes credible messenger mentors who are  
23 available 24/7 to the youth and their families. The  
24 evaluation found that over two-thirds of AIM  
25 participants completed the program without having to

1  
2 go to out of home placement and that over 90 percent  
3 avoided felony re-arrests within one year.

4 During the evaluation period, AIM participants  
5 collectively spent a total of 52,663 days in the  
6 community, thereby avoiding placement and creating a  
7 cost avoidance for the City of more than \$29 million  
8 which as you know, placement is exceedingly  
9 expensive. Preventing even just one more youth from  
10 going to placement is a success then for the young  
11 persons wellbeing, their family, and their community.  
12 And considering that the \$29 million in cost  
13 avoidance, or savings, for the City from just this  
14 one program amounts to nearly one-third of our total  
15 agency budget. It exemplifies for me the critical  
16 role of community supervision and this Department in  
17 helping to make New York City the least incarcerated  
18 and safest big city in the nation.

19 As mentioned previously in our work, it is not  
20 only the services and resources that we offer but  
21 also, how they are offered and by whom, that makes  
22 the real difference. Credible messengers make that  
23 difference, as their life experience, including their  
24 own criminal or juvenile justice involvement helps  
25

1  
2 them to engage young people and their families in  
3 ways that other system stakeholders alone cannot.

4 In addition to AIM, we also address the needs of  
5 juveniles on probation and their families by working  
6 with the parent coaches who are credible messengers  
7 in our Family Court Peer Support Program. Parent  
8 coaches, whose own children have been justice  
9 involved, provide individual support to parents,  
10 guardians, and families, who are often confused,  
11 frustrated, and overwhelmed by both the behavior of  
12 their loved one and how to navigate the juvenile  
13 justice system. We have served over a thousand  
14 families, seen an increased parental understanding of  
15 the system, and achieved a reduction in out of home  
16 placement as parent, coaches, and families work  
17 together to find community-base options to support  
18 their children.

19 As you recall from previous testimony also, in an  
20 effort to grow and further leverage this important  
21 work, we launched the Credible Messenger Justice  
22 Center, a clearinghouse and technical assistance  
23 provider for government and community partners  
24 nationwide, to learn how to effectively utilize the  
25 credible messenger approach. CMJC amplifies the work

1 already underway in program like AIM, Parent  
2 Coaching, and Arches, which was recently by the way,  
3 a semifinalist in the Harvard Kennedy School's  
4 prestigious Innovation in American Government Awards.  
5 CMJC is also committed to ensuring that credible  
6 messengers have the personal and professional support  
7 they need to thrive and grow. To that end, in  
8 partnership with CUNY's School of Labor and Urban  
9 Studies, last year we began offering a 16-credit  
10 certificate program in Community Leadership for  
11 credible messengers. Our CMC Scholars recently met  
12 with Council Member Barron to share their personal  
13 stories and discuss the need for scholarships and  
14 other educational supports for credible messengers,  
15 and we look forward to the possibility of further  
16 partnership with the Council. And thank you again,  
17 Chair Powers, for attending the annual CMJC  
18 Conference last June, and recognizing the unique and  
19 profound impact of credible messengers in keeping our  
20 communities safe and thriving. This year's  
21 conference is shaping up to be even bigger and  
22 better, with credible messengers from New York City  
23 and across the nation, so be on the lookout for your  
24 invitation, all of you.  
25

1 Part of why the credible messenger approach is  
2 such a strong, proven, and cost-effective  
3 intervention, is because it is deeply rooted in the  
4 community. This could not have happened without the  
5 existence of our community probation offices called  
6 NeONs, that were created in and more importantly,  
7 with the seven communities that many people on  
8 probation call home; the South Bronx, Harlem, Jamaica  
9 Bed-Stuy, Brownsville, East New York, and Northern  
10 Staten Island. As this model of community  
11 corrections is rooted in partnership with community-  
12 based providers, it gives us the opportunity to  
13 contribute valuable resources to those communities.  
14

15 In addition to meeting with one's Probation  
16 Officer, people on probation and other members of the  
17 community can access a variety of needed services at  
18 their local NeONs, such as IDNYC, High School  
19 Equivalency or OSHA classes, and voter registration.

20 Wellness has also been a staple within the NeONs  
21 for many years. Last year for example, we enrolled  
22 nearly 1,200 people in health insurance, and we are  
23 excited to continue that work as part of the Mayor's  
24 Health Care for All initiative announced in January.  
25 To ensure we do our part to combat the opioid crisis,

1  
2 many Probation Officers have received training in how  
3 to administer Narcan, and we also provide kits and  
4 training to people on probation and other community  
5 members.

6 Our NeON Nutrition Kitchens continue to be a  
7 source of stability in the community, feeding  
8 approximately 84,000 people last year, and in  
9 response to the government shutdown, we extended our  
10 hours and outreach to furloughed federal workers  
11 through our We Are Here for You campaign.

12 All these supports ensure that time on probation,  
13 mandated or not, is a holistic experience that  
14 connects people to new opportunities. As you heard  
15 at the hearing last December one of our most visible  
16 initiatives that does precisely that is NeON Arts,  
17 our public-private partnership with Carnegie Hall.  
18 Independently evaluated by Westat and Metis  
19 Associates, NeON Arts increases engagement, builds  
20 stronger relationships, particularly with adults and  
21 other community members, and creates change within  
22 the participants in how they view themselves and  
23 their hope for the future. It is a strong model of  
24 how the arts can reduce stigma and increase  
25

1  
2 understanding between individuals, institutions, and  
3 communities.

4 Thank you again, Chair Powers, and the members of  
5 this Committee, for allowing us, a law enforcement  
6 agency essentially, the opportunity to speak on the  
7 record about the importance of providing access to  
8 arts and cultural programming for the justice  
9 involved. I can honestly say that that hearing was a  
10 transformative moment for this Department. The  
11 opportunity for our staff, NeON Stakeholder group  
12 members, arts and cultural partners, and most  
13 importantly, the participants to be formally  
14 recognized and speak about how NeON Arts has  
15 positively affected their lives, was just remarkable  
16 and it was especially moving to see the NeON  
17 Photographers learning in real time from City Council  
18 Photographer Will Alatraste as they photographed that  
19 hearing.

20 Clearly, the word got out after that hearing  
21 about NeON Arts. Since the hearing, we have seen  
22 more than double the number of applications from  
23 local arts organizations. This increase in outreach  
24 and awareness is why partnership with the Council on  
25 this community-focused work is so critical. Last

1  
2 Friday, we held an opening reception for the NeON  
3 Photography Exhibition at the Hunter College East  
4 Harlem Gallery, and I don't know if you all know  
5 this, but a surprise attendee was Council Member  
6 Holden. If he was here, I would thank him personally  
7 for generously giving his time and expertise. He  
8 already had, for those of you who were not there, he  
9 had a profound impact on our participants at the  
10 December hearing, when they learned that someone in  
11 his position had a similar experience to theirs and  
12 the role that arts played in providing direction in  
13 their lives. We appreciated the time that he spent  
14 with the photographers on Friday at the opening, and  
15 he actually offered to teach some of the classes. It  
16 was unbelievable. So, for those of you have not seen  
17 it yet, the exhibit runs until the end of March and  
18 includes photos from New York City Fashion Week,  
19 where six of our NeON Photographers received  
20 photographer credentials and their work is truly  
21 remarkable. I encourage you to visit the Hunter East  
22 Harlem Gallery to see their beautiful portrayals of  
23 the city.

24 Lastly, I would be remiss if I did not thank you  
25 Council Member Ampry-Samuel, as well as Council

1  
2 Member Gibson, for your support of NeON Arts over the  
3 years. Thank you truly for supporting this powerful  
4 neighborhood program.

5 Last year, in addition to discretionary funding  
6 requests from the individual NeON Stakeholder Groups,  
7 a City Council Speaker Funding Request for NeON Arts  
8 was submitted by Carnegie Hall, so that we can  
9 further expand the reach and impact of this  
10 incredible life transforming initiative. As allies  
11 of this program, I ask you all for your help in  
12 sharing the impact of NeON Arts with our colleagues.

13 As I said earlier, true safety is about trust.  
14 True safety happens when community residents have a  
15 strong connection to each other. True community  
16 safety is knowing that there is a village around each  
17 and every one of us made up of family, neighbors,  
18 community organizations, and government, all working  
19 together. All of the work I have spoken about today  
20 helps to build and strengthen that village for people  
21 on probation and their communities.

22 Developing a New Now, as we call it, is helping  
23 the people in our care figure out what new role in  
24 the village they will play; mentor, photographer,  
25 parent, and what steps we need to take together to

1  
2 help them get there. That is the essence of our  
3 work; creating a New Now for people on probation in a  
4 one size fits one approach, that that together we are  
5 successful in our mission of Strengthening  
6 Communities and Changing Lives.

7 Thank you for the opportunity to testify and  
8 thank you Council Members for the incredible and  
9 continued support you have shown this Department and  
10 the people we serve. We are pleased to answer any  
11 questions that you may have.

12 CHAIRPERSON POWERS: Great, thank you. Thank you  
13 for that testimony and for those who were not there,  
14 it was an illuminating hearing that we had on NeON if  
15 you, I guess, no pun intended NeON illuminating but  
16 many know Council Member Holden actually did creative  
17 Arts, have taught at graphic design before, so I am  
18 glad to hear that he has continued to participate in  
19 the program.

20 I just wanted to start with some basic questions  
21 around the budget particularly and then we will go  
22 into some of the programming and of course, I will  
23 let the colleagues have some questions as well.

24 There's no new spending in the Budget for  
25 Department of Probation, but I am curious to know if

1  
2 there were any new needs at the Department requested  
3 from OMB but did not receive funding for in the  
4 Preliminary Budget?

5 ANA BERMUDEZ: No, so we've been in the throws of  
6 Implementing Raise the Age, that has taken up all our  
7 efforts and actually expansion has been around  
8 staffing mostly and, a couple of initiatives that we  
9 had received funding for Raise the Age. So, now we  
10 are in the process of sort of figuring out where  
11 everything lands to see if there's more needs  
12 eventually and you know, we are constantly looking at  
13 our work, so there may be some in the future, but  
14 right now, thankfully we are in a good place to do  
15 all the work that we need to do.

16 CHAIRPERSON POWERS: Okay, thank you and noting,  
17 we are also joined by Council Member Carlina Rivera.  
18 The Administration set forth a goal of saving \$750  
19 million which will be achieved in part by the first  
20 program to eliminate the gap, kindly called PEG  
21 program and expanding of the partial hiring freeze  
22 that was put in place before this Fiscal Year.

23 Your target is currently \$2.9 million, can you  
24 tell us what areas of the budget you are planning to  
25 get savings from? Are you anticipating cuts or re-

1  
2 estimates or how are you getting to the PEG for the  
3 \$2.9?

4 ANA BERMUDEZ: Yeah, so we are still working on  
5 how we are going to handle that, so we don't have a  
6 specific report right now but even though this is a  
7 PEG, we have to do savings plans before and we have  
8 been able to meet those requirements. So, we are  
9 pretty confident that we will be able to meet that  
10 without compromising public safety. If as we're  
11 going along that doesn't seem to be possible, we  
12 would go back. Our plan would be to go back and say,  
13 we can't do it because if we cut anything it is  
14 compromising public safety, and so, we really can't  
15 do that. So, that's our current approach at least.

16 CHAIRPERSON POWERS: Okay, and is there a  
17 timeline the Administration set for when you have to  
18 set, when you have to submit your plan for cutting?

19 ANA BERMUDEZ: We are in discussions on that  
20 right now.

21 CHAIRPERSON POWERS: You are in discussions on  
22 that right now?

23 ANA BERMUDEZ: As to by when we need to do that.

24 CHAIRPERSON POWERS: Okay, so, you, until you  
25 know, won't know your impact on overall operations

1  
2 until you know your timeline and your funding's,  
3 right?

4 ANA BERMUDEZ: Right.

5 CHAIRPERSON POWERS: You had mentioned something  
6 in your testimony around state funding, which was  
7 previously reimbursed. Almost half of local  
8 probation costs now provides only 13 percent of  
9 operating costs. Can you talk to us about why that  
10 change?

11 ANA BERMUDEZ: So, there was a change some years  
12 back of how the state reimbursed local Probation  
13 Departments and it went from specific costs to a  
14 block grant essentially and that then was frozen -

15 MICHAEL FORTE: So, awhile back when the funding  
16 shift happened, it used to be reimbursing on the  
17 actual costs that you incurred, the localities  
18 incurred, and they would reimburse the portion of it.  
19 A while back about eight or ten years ago, it got  
20 switched to a flat block grant and at that point the  
21 numbers were frozen at the last reimbursement level  
22 and since that time, as you know, from all of the  
23 programs that we have testified about, there have  
24 been significant investments by the city in  
25 additional programming. So, their share keeps going

1  
2 down and down as our costs keep going up, their share  
3 is completely flat.

4 CHAIRPERSON POWERS: And they would say they are  
5 contributing the same amount of money but in terms of  
6 a portion to your budget, it's a different number.  
7 And what was the explanation for that change eight or  
8 ten years ago?

9 ANA BERMUDEZ: So, I was not part of the  
10 Administration at the time, so I am not certain.

11 CHAIRPERSON POWERS: Okay, and have there been,  
12 as the State reconsiders Criminal Justice efforts,  
13 and in the budget now has there been any discussion  
14 around changing reimbursement?

15 ANA BERMUDEZ: We try to raise that every year.  
16 The Council of Probation Administrators that I belong  
17 to, we try every year.

18 CHAIRPERSON POWERS: You tried last year?

19 ANA BERMUDEZ: Yeah.

20 CHAIRPERSON POWERS: Okay, and presumably not  
21 successful?

22 ANA BERMUDEZ: No, it was not successful.

23 CHAIRPERSON POWERS: Understood, okay. And then  
24 there was a mention of an intra-City funding that  
25

1  
2 historically was added to budget post adoption, can  
3 you give us more information on what that refers to?

4 ANA BERMUDEZ: So, we have some memoranda of  
5 understanding with various agencies that one of our  
6 alternative placement programs is funding through an  
7 MOU with ACS for example that comes in later after  
8 all the budgets are done and there is a couple of  
9 others that happen the same ways.

10 MICHAEL FORTE: And also, some of that funding is  
11 actually state funding but it's not Probation funding  
12 that flows through the Social Services District, so  
13 that's why we can't access that funding directly.  
14 So, it's provided to ACS and then we receive the  
15 money as an intra-City.

16 CHAIRPERSON POWERS: And when does that usually  
17 happen, that's post adoption?

18 MICHAEL FORTE: Yeah.

19 CHAIRPERSON POWERS: Okay, and then one more  
20 clarifying question here from your testimony. You  
21 talk about we expanded our Family Court alternative  
22 to Detention Program known as ICM, did you get new  
23 funding for that or you use existing resources to  
24 expand that?

1  
2 ANA BERMUDEZ: So, that was all part of Raise the  
3 Age funding. So, we were able to expand services –  
4 there was an expansion in terms of staff. So, we  
5 were able to have enough staff to provide that  
6 resource to the youth parts and then the programmatic  
7 piece of it, we were able to use as well of Raise the  
8 Age funding to add the credible messenger mentors to  
9 that.

10 CHAIRPERSON POWERS: Okay, thank you and we are  
11 also joined by NeOn supporter Bob Holden.

12 ANA BERMUDEZ: Oh, okay, now I have to re-  
13 testify.

14 CHAIRPERSON POWERS: You got a very big shout out  
15 earlier.

16 ANA BERMUDEZ: Yes, we want to thank you. The  
17 shout out is to thank you and that we are looking  
18 forward to the classes.

19 CHAIRPERSON POWERS: Great, thank you. Welcome  
20 Council Member Holden.

21 COUNCIL MEMBER HOLDEN: I do want to teach a  
22 photography class again. So, I do want to do that,  
23 so take me up on it. Thank you.

24 ANA BERMUDEZ: Oh, absolutely, you're on.  
25

1  
2 CHAIRPERSON POWERS: We look forward to seeing  
3 your work, thank you. Just to go through some  
4 additional spending, you've recognized accruals of  
5 \$2.1 million in Fiscal 2019 and \$1.6 million in  
6 Fiscal Year 2020 as a result of delayed hiring of  
7 Probation Officers and promotions to Supervising  
8 Probation Officers that occurred once, I guess once  
9 those positions were filled. You have been running  
10 and I think you mentioned you had seven academies,  
11 you have been running them throughout the Fiscal  
12 Year. Can you just tell us more about the Probation  
13 Academy's? Is there a facility where you hold them  
14 and where do they take place?

15 ANA BERMUDEZ: I wish. We do them locally, but  
16 the Academy is an eight-week training session for  
17 newly hired Probation Officers and newly promoted  
18 supervising Probation Officers and so, they go  
19 through Peace Officer training because our officers  
20 are certified Peace Officers, which includes all the  
21 farm training and all that. Then, we also go through  
22 the state requirements of supervision and all the  
23 regulations that they need to attend to and then our  
24 programmatic approach to the work, how to do a case  
25 planning, you know, all the resources that we have.

1  
2 The essentially the one size fits one approach we  
3 want to take in Probation Speak, so all the evidence-  
4 based practices that they're going to use and then at  
5 the end of that, they get assigned to their various  
6 units and then they start their work, and then we  
7 continue booster sessions through our training unit.

8 CHAIRPERSON POWERS: Okay, and how big are the  
9 class sizes normally?

10 ANA BERMUDEZ: They are usually about 35 at a  
11 time. Oh, yeah, so, yes, and we have been very busy  
12 actually as Michael is reminding me. Over the past  
13 year we have had two classes going on at the same  
14 time in their own academies, but they don't get  
15 together, but we run two classes at a time.

16 CHAIRPERSON POWERS: Got it, okay, thank you.  
17 And how much of your staff and budget are dedicated  
18 to that portion of the training or the Academy's, I  
19 guess?

20 ANA BERMUDEZ: Well, we have a dedicated training  
21 unit called the Division of Staff and Organizational  
22 Development and so, there's about twelve staff  
23 assigned to that unit. So, those are partly the  
24 costs and then the costs of course the fire arms and  
25 the cost of renting as you can tell, I'm not a gun

1 person, but it's important for our staff to be able  
2 to do all this. So, all those costs, we don't  
3 separate that cost though from the rest of the  
4 operating class of Probation though.

6 CHAIRPERSON POWERS: Okay, and just a follow up  
7 question on that. Do Officers purchase their own  
8 uniforms, or they are supplied by the Department?

9 ANA BERMADEZ: Yeah, so we do not have uniforms  
10 in that sense of the word, okay.

11 CHAIRPERSON POWERS: Okay.

12 ANA BERMADEZ: So, what we believe is - and we  
13 are not going to go that route. But it is important  
14 for Officers to have identifying clothing for many  
15 reasons, both for the work and also for the comradery  
16 that that instills and that also can convey the role  
17 that we play in the community, right. We play this  
18 kind of coach role, not the referee, the you know,  
19 who's committing the fouls and whatever, right. And  
20 so, therefore, there has to be that conveying of like  
21 we can form a trusting relationship here or at least  
22 a relationship that leads to better outcomes right,  
23 so we have what we call Probation gear and it is  
24 available for the Probation Officers and that's how  
25 we've approached that particular issue.

1 CHAIRPERSON POWERS: Is it mandatory?

2 ANA BERMUDEZ: No, it is not.

3 CHAIRPERSON POWERS: So, it's voluntary if you  
4 wan to choose to do it, and what's the cost?

5 ANA BERMUDEZ: It is discretionary depending on  
6 what they are doing right, so somebody who writes  
7 investigation reports basically in a court office or  
8 whatever may not opt for that but anybody who's going  
9 out in the field will mean they have it.

10 CHAIRPERSON POWERS: But it's mandatory to wear?

11 ANA BERMUDEZ: No, it is at their discretion.

12 CHAIRPERSON POWERS: Is there a reason that the  
13 Department doesn't cover that expense?

14 ANA BERMUDEZ: The uniform, all uniform  
15 allowances my understanding, is it's under the  
16 collective bargaining process.

17 CHAIRPERSON POWERS: Okay. Do you have any  
18 understanding how much it would cost if you did  
19 provide?

20 ANA BERMUDEZ: No, I do not have that.

21 CHAIRPERSON POWERS: Okay, I want to go through  
22 Raise the Age, closing Rikers, NeON and a number of  
23 other things, but I know that Council Ampry-Samuel  
24 has to get to a very important hearing shortly, so I  
25

1  
2 want to give her an opportunity to ask some questions  
3 before I keep going.

4 COUNCIL MEMBER AMPRY-SAMUEL: Thank you Chair  
5 Powers. My question is related to Raise the Age and  
6 the work that you're doing in collaboration with ACS  
7 and Department of Corrections. So, have you been  
8 working with ACS and DOC to identify the work that  
9 Probation has to absorb in light of Raise the Age?  
10 Like, any specific things that you're working on?

11 ANA BERMUDEZ: Well, we work mostly with ACS and  
12 we are in constant communication and in fact, Deputy  
13 Commissioner Gray and Deputy Commissioner Franco at  
14 ACS are how many times on the phone? All the time,  
15 so yes, we are in constant communication. Our role  
16 is really to divert young people from the system  
17 especially when they get removed, the cases get  
18 removed from Adult Court to Family Court and within  
19 Adult Court as I said, we have essentially you might  
20 know it in these terms better, Supervised Release for  
21 the young people who remain in the adult system to  
22 have the not have to go into a DOC/ACS facility and  
23 we are constantly trying to figure out what more one  
24 can do as a Department to really keep the young  
25 people out in the community.

1  
2 COUNCIL MEMBER AMPRY-SAMUEL: So, with that, you  
3 know, Crossroads is in my district. Crossroads is  
4 around the corner from the NeON program and 444 time  
5 is boiling and there has been conversations around  
6 the use of the building itself 444 with ACS for a  
7 training facility and there's been conversations  
8 around utilizing the parking lot space for ACS  
9 vehicles as well as the other vehicles even from  
10 Horizon. So, have you had any conversations or been  
11 at the table during those discussions about the use  
12 of that particular facility.

13 ANA BERMUDEZ: Not to my knowledge, no.

14 COUNCIL MEMBER AMPRY-SAMUEL: So, do you see at  
15 all - are you having any issues in that particular  
16 space, in that facility that can be a part of this  
17 overall conversation about Raise the Age and the  
18 Youths from ACS and this Administration?

19 ANA BERMUDEZ: So, at Crossroads we have staff to  
20 manage any potential admissions post court or  
21 business hours and we have not had, we still have the  
22 available space. We have a small staff there and so  
23 we have not been part of those conversations and we  
24 don't have current needs for that either.

1  
2 COUNCIL MEMBER AMPRY-SAMUEL: Do you think you  
3 should be part of the conversations at all?

4 ANA BERMUDEZ: I'm always happy to be part of  
5 conversations because you never know what issues  
6 comes up that then one can resolve. So, I would not  
7 be opposed to that.

8 COUNCIL MEMBER AMPRY-SAMUEL: And the reason why  
9 I bring this up is because there is a Capital Funding  
10 discussion about the facility and eventually the  
11 conversation can lead to not utilizing the space for  
12 some time. And there's like ongoing construction  
13 that will take place and I know that that particular  
14 facility is thriving, and we really do appreciate the  
15 work that's in there, the art, and everything else.  
16 And as we're talking about alternatives to  
17 incarceration, I see an increase in the participation  
18 on your end and so, if that is the ongoing  
19 conversation that's being had with ACS and the  
20 Administration about a facility that's just around  
21 the corner and now they're going to be utilizing the  
22 space, all of the building for trainings in the  
23 building that you're operating from, I would think  
24 that there would be some collaboration and a way for  
25 you to be able to tap into some of those resources

1  
2 that are coming in. And so, I think that would be a  
3 critical piece of it.

4 ANA BERMUDEZ: Yeah, so, we will definitely,  
5 given all that you've said, which some of it is news  
6 to us, we're definitely following up on this for sure  
7 and we will be in touch with you.

8 COUNCIL MEMBER AMPRY-SAMUEL: Okay, and please  
9 let me know how I can help.

10 ANA BERMUDEZ: Yes, absolutely.

11 COUNCIL MEMBER AMPRY-SAMUEL: Thank you.

12 CHAIRPERSON POWERS: Thank you and I want to also  
13 just pass it over to Council Member Holden as well.

14 COUNCIL MEMBER HOLDEN: Thanks, Commissioner for  
15 the shout out, I just read it. Sorry I am late, just  
16 I wanted to get to your testimony and be here.

17 Rocky, our office cat had a vet visit this morning,  
18 that's why I got a little delayed along with the BQE.  
19 That exhibit by the way, I just want as a side note,  
20 that exhibit was so professional and speaking to the  
21 artists, the photographers was a joy. I wanted to  
22 stay longer and I did stay as long as I could because  
23 we had another event that night but that was so  
24 impressive, so professional and you can see by  
25 talking to the photographers how they were so into

1  
2 this and wanted careers and it reminded me of like,  
3 in 1974 when one teacher at Queens college, she was  
4 actually a year older than I was at the time. So, we  
5 thought she was a student, but she was so impressed  
6 with my work and gave me such encouragement that I  
7 never got before and I brought this up at a previous  
8 hearing, but it actually gave me a purpose, like I  
9 said and focus and self-worth. That was an  
10 incredible year in 1974 for me and I could see it in  
11 these photographers how important it was, just for me  
12 to speak to them and just talk about their work.  
13 Everyone was proud, we took photos. We took photos  
14 with their work. They were pointing at their name  
15 that was on the wall and I just think that we should  
16 have a whole gallery for this because it does a lot  
17 more than people know for that person because many of  
18 them are lost. You can see that they were lost, and  
19 I said, well, you have a talent. You should  
20 definitely pursue this. You should make this your  
21 career and you know, you can go in different paths,  
22 like I started off as a designer. I branched out  
23 into photography went into teaching and had gallery  
24 exhibits and each time I could feel myself going up  
25 and up and this is very important that we fund this

1  
2 program, this NeON Program. And I said at last  
3 hearing in December that we should double, I think  
4 triple the budget. And I will fight for that because  
5 I believe it does save lives and it does give people  
6 purpose. So, are we increasing the budget or are we  
7 at least attempting to do that?

8 ANA BERMUDEZ: So, this is an area we're  
9 partnering with the Council is critical because - so,  
10 this program is never going to be baselined in our  
11 budget because it shouldn't be. It is a partnership  
12 with public-private and citizens and government  
13 entities, and so, we are always looking for more  
14 funding. So, yes, I mean, we're trying to. There  
15 are some open requests to foundations as well as the  
16 Speakers request and you all also get a request from  
17 the NeON Stakeholders to participate in it because  
18 part of to is for example, we have some  
19 intergenerational participants, right. We have a  
20 father/son, we've had a father/son and a  
21 mother/daughter participants and that's all very  
22 critical and important to have a variety of funding  
23 and it's very nimble, the funding, that's what's good  
24 about it. That NeON Arts adjust to the amount of  
25 money we have.

1  
2 COUNCIL MEMBER HOLDEN: Alright, thank you so  
3 much. Thank you.

4 CHAIRPERSON POWERS: And as noted, the Council  
5 does do a small piece of it but a piece of it as  
6 well, I know we could always try to do more. Thank  
7 you for that Council Member Holden.

8 I just want to get to you on Raise the Age. So,  
9 since the Legislation went into effect last October,  
10 can you just give us data on your case load so far?

11 ANA BERMUDEZ: Let me get that for you. Okay, so  
12 as you know, this is sixteen-year old's. Seventeen-  
13 year old's are starting in October of this year of  
14 2019. We've had 585 intakes; we've processed 585  
15 intakes. Of the newly added to Family Court, so this  
16 is not our total universe. And of those, 28 percent  
17 we've diverted from Court, so 28 percent have been  
18 resolved through community-based options. And we've  
19 seen 79 cases in the youth parts and 23 cases in ICM  
20 in the youth parts. So, that gives you a sense of  
21 what we've seen so far.

22 CHAIRPERSON POWERS: And a question around, the  
23 State obviously passed a lot here. Did the State  
24 provide funding as well for programming, or not  
25

1  
2 programming, I'm sorry, for new funding around Raise  
3 the Age?

4 ANA BERMUDEZ: Yeah, there was some state funding  
5 and Michael has more details on that.

6 MICHAEL FORTE: So, the state is extensively  
7 supposed to cover all the costs of Raise the Age  
8 Implementation. There's an application process to  
9 get that funding. The City has submitted an  
10 application and we're waiting to see but, in the  
11 meantime, we've been funded through the City funds.  
12 So, what we're hoping to achieve working with OMB is  
13 that that funding will be reimbursed by the state.  
14 Whether or not that happens you know, is an open  
15 question at this moment but we definitely have the  
16 resources that we need at this moment to do Raise the  
17 Age.

18 CHAIRPERSON POWERS: Okay, and I just want to  
19 know, you have I think \$13.7 million in Fiscal Year  
20 2019, \$15.1 in 2020, \$16.7 million in Fiscal Year  
21 2021 and the out years. Do you feel that's an  
22 adequate in order to meet your demands, to carry out  
23 the mandate under Raise the Age?

24 MICHAEL FORTE: At this moment, yes. The  
25 projections are running a little bit lower than what

1  
2 was expected in terms of the number of kids coming  
3 through, but we expect an uptake for the seventeen-  
4 year old's which should kind of balance things out.  
5 So, right at this moment, we feel good and confident,  
6 but we're carefully watching the numbers.

7 CHAIRPERSON POWERS: Okay, thank you and \$2.1  
8 million now there is for contractual services. Can  
9 you tell us what kind of contracts or services that  
10 supports?

11 ANA BERMUDEZ: Under Raise the Age, that would be  
12 the Credible Messenger Mentors for ICM is one of  
13 them. We've expanded our AIM, the program I talked  
14 about in the testimony, as an alternative to  
15 placement for young people in Family Court and we  
16 also as you know from the evaluation from Arches,  
17 that showed that the impact was greatest for sixteen  
18 and seventeen year old's, we've now then added Family  
19 Court sixteen and seventeen year old's into that  
20 group.

21 We also are about to design and implement a  
22 restorative justice option for diverting cases in  
23 family court and so, that's represented already in  
24 this budget.

1  
2 CHAIRPERSON POWERS: That's in your budget  
3 already?

4 ANA BERMUDEZ: Yeah.

5 CHAIRPERSON POWERS: Okay, and we know you have  
6 177 positions dedicated to Raise the Age, is that  
7 correct?

8 ANA BERMUDEZ: Yes.

9 CHAIRPERSON POWERS: Can you share with us the  
10 roles of those 177 positions and are they all filled?

11 ANA BERMUDEZ: Yeah, so, it's mostly Probation  
12 Officers and Supervising Probation Officers. We are  
13 about 90 percent to filling those.

14 CHAIRPERSON POWERS: 90 percent?

15 ANA BERMUDEZ: 90 percent, yes.

16 CHAIRPERSON POWERS: Okay, I want to move on to  
17 some other topics, but I think Council Member Rivera  
18 had a question, so I want to give her the opportunity  
19 to ask it.

20 COUNCIL MEMBER RIVERA: Hi everyone, thank you  
21 for being here. I just had a quick question. I saw  
22 some of your testimony about the peer support program  
23 with the parent coaches and then specifically what is  
24 great is in the conclusion of your testimony you  
25 mentioned that you're trying to figure out what new

1  
2 role in the village they will play, and you mentioned  
3 parent. So, I want to know whether there are any  
4 programs tailored one for new parents or people who  
5 are parents and then secondly, for female  
6 Probationers?

7 ANA BERMUDEZ: Okay, so we've always had  
8 fatherhood initiatives that are young men who have  
9 children, can participate in but close to 70 percent  
10 or more actually, of our people on probation are male  
11 and so, we make sure to have both parenting resources  
12 for females who are parents and males who are parents  
13 who are on probation. We have also in Family Court,  
14 at the moment and we are starting to think through in  
15 our adult services. In Family Court we have several  
16 initiatives for girls. We have what we call the  
17 Venus Groups where the young women get together  
18 regularly for gender specific conversations, events,  
19 etc. We have a yearly Garden of Roses event that if  
20 you are interested, we would love to have you. Come  
21 and participate where it's a celebration of the young  
22 women and their potential strength and etc., and  
23 that's once a year. And right now, actually, I just  
24 went to a conference recently where I learned about  
25 some great options for young women who are system

1  
2 involved that we're considering right now. So, yes,  
3 it's something that's front and center in our world.

4 COUNCIL MEMBER RIVERA: I would certainly love to  
5 join you all and please keep us updated as to kind of  
6 what you're exploring and then of course we can be  
7 supportive. Thank you.

8 CHAIRPERSON POWERS: Thank you. I want to move  
9 to now the process related to closing Rikers Island  
10 and the new borough-based jails and the role of  
11 Department of Probations in that effort. As you may  
12 know, I think sometime in the near future, that  
13 effort, the land use process at least will begin that  
14 heavily involves the Council and other Stakeholders.  
15 Can you just talk to us about how you envision DOP's  
16 role in continuing to lower incarceration numbers as  
17 the City looks towards closing Rikers Island?

18 ANA BERMUDEZ: Right, so we basically do a bulk  
19 of that work. You know, you think of Probation as an  
20 alternative to incarceration. We are keeping people  
21 out of Rikers and as we add evidence-based  
22 programming and the courts have some trust in that,  
23 then we can have people not get incarcerated, don't  
24 got to prison actually or serve their shorter  
25 sentence at Rikers and be placed on Probation, right.

1  
2 So, we do that already a lot. Then in terms of, you  
3 know, I am part of the task force to close Rikers, so  
4 we're constantly thinking about what other role  
5 Probation can have. So, under Supervised Release  
6 previously, 16 to 24 but you know, in the case of  
7 Raise the Age, we took advantage of Raise the Age to  
8 say okay, 16- and 17-year old's, let's do a different  
9 type of Supervised Release because they weren't  
10 qualifying for what was existing. So, with our  
11 expertise in family grow, we were able to bring that  
12 into the youth parts, so now we're diverting  
13 incarceration days at that point.

14 More and more as we are more successful and we've  
15 been very successful in reducing the population at  
16 Rikers, as a City, we're going to need to think  
17 through what it's going to take to really reduce it  
18 further because then both the intensity of services  
19 that are going to be needed, or - it's that balance  
20 again. That balance of structure and support needs  
21 to start happening then and so, we have to make sure  
22 that we can reduce the population safely. So, we're  
23 part of conversations, we're part of the mix, we're  
24 already doing a great deal we believe in that  
25 reduction. Oh, and our violation of Probation rate

1  
2 is super low and it's significantly less than one  
3 percent on purely technical violations. If anybody  
4 is in Rikers on a violation of Probation, it's  
5 usually because there is a new crime and they are  
6 held on that new allegation, right?

7 Still in conversation about, can we do something  
8 about that? If it's a lower level crime for example,  
9 have them still be on Probation during the pendency  
10 of that case. So, we're working diligently on that.

11 CHAIRPERSON POWERS: In that particular incidence  
12 where you are talking about potentially reviewing  
13 that process to say, maybe we can continue to hold  
14 that person on Probation, could you just give us  
15 status of where that conversation is, and can you do  
16 that today or does that require approval.

17 ANA BERMUDEZ: No, that's a whole series of you  
18 know, that involves a judiciary. I mean, I don't  
19 know, do you want to address that Wayne briefly?

20 WAYNE MCKENZIE: So, that will involve  
21 conversations where the Mayor's Office of Criminal  
22 Justice not so much Corrections but the Court system  
23 as well.

24

25

1  
2 CHAIRPERSON POWERS: Okay, and what would be  
3 required? What would need to change for you to be  
4 able to start doing that?

5 WAYNE MCKENZIE: Well, we actually have the  
6 capacity right now to do that. So, the conversation  
7 is around actually having the other involved  
8 Stakeholders sort of examine it and get onboard, but  
9 as far as Probation, we are already prepared, and  
10 we've got the resources to accomplish that.

11 CHAIRPERSON POWERS: Okay, do you have a cycle of  
12 reductions in recidivism rates now and certainly as  
13 we enter into the conversation around closing Rikers  
14 Island?

15 ANA BERMUDEZ: I'm sorry, the recidivism rates,  
16 we have the MRR targets you know in terms of  
17 rearrests rates which we have been lowering, so  
18 that's you know, our bread and butter work is how can  
19 we keep reducing arrests, right. From a behavior  
20 change perspective. That sometimes takes time but by  
21 and large we've been able to continue driving down  
22 that.

23 CHAIRPERSON POWERS: What are your targets in the  
24 MMR?

1  
2 ANA BERMUDEZ: The target is three percent and  
3 right now we are at 2.5 percent.

4 CHAIRPERSON POWERS: You're at 2.5?

5 ANA BERMUDEZ: Yes, 2.5.

6 CHAIRPERSON POWERS: You had mentioned I think  
7 one percent are on technical violations, when you  
8 talk about violation of Probation. How many people  
9 are on Rikers annually due to Probation violations?

10 ANA BERMUDEZ: I'll tell you that is less than  
11 seven percent of the Rikers population. I don't know  
12 what number that - but when we were in negotiation  
13 trying to figure out in the task force what groups of  
14 people needed attention, Probation Violation was not  
15 one of them because our numbers were very low. I  
16 just don't have the raw numbers.

17 CHAIRPERSON POWERS: Okay, so in the ballpark of  
18 less than seven percent or less, if you could follow  
19 up with us with a number on that?

20 ANA BERMUDEZ: Yeah, we can follow up on that.

21 CHAIRPERSON POWERS: Okay, I'm just going to go  
22 through a few more questions to round it out and I  
23 know we have Department of Corrections here to come  
24 up as well. Just going on to NeON, I think that at  
25 our Programming hearing in December on DOP, on NeON,

1  
2 you expressed looking to expand in the Bronx, is that  
3 correct?

4 ANA BERMUDEZ: The what, I'm sorry?

5 CHAIRPERSON POWERS: The NeON is looking to  
6 expand the Bronx; I think that came up in our hearing  
7 in December.

8 ANA BERMUDEZ: Oh, yeah, oh, that's right, I'm  
9 sorry, I had to re-shift my head. Yes, we would love  
10 to be able to have a NeON in Eden Wald in the North  
11 Bronx.

12 CHAIRPERSON POWERS: Where does that stand today  
13 in terms of planning and what funding do you need for  
14 that?

15 ANA BERMUDEZ: So, it's less funding than  
16 location. I mean, you know, it would be great to  
17 have money to build something but that's not  
18 realistic and so, we have maybe Sharun, do you want  
19 to because you've been on that.

20 SHARUN GOODWIN: So, at this time, we are going  
21 around, we're working with DYCD to look at space and  
22 collocate in the beacons.

23 CHAIRPERSON POWERS: In where?

24 SHARUN GOODWIN: In the beacons throughout the  
25 city.

1  
2 CHAIRPERSON POWERS: Oh, okay, I got it.

3 ANA BERMUDEZ: There is also a new YMCA that  
4 opened in that area that we haven't yet met with them  
5 but that's on the list of people to.

6 CHAIRPERSON POWERS: And the timeline, what does  
7 the timeline look like?

8 ANA BERMUDEZ: We don't have a specific timeline  
9 right now.

10 CHAIRPERSON POWERS: Okay, please keep us updated  
11 on that.

12 The last just couple of questions. Out of your  
13 testimony you mentioned the Program Advocate  
14 Intervene Mentor which having a rate of 90 percent of  
15 participants avoiding a felony re-arrest within one  
16 year. Do you have stats on two and three years after  
17 that?

18 ANA BERMUDEZ: No, not right now. Oh, good  
19 point, it hasn't happened yet, so we can't have that.

20 CHAIRPERSON POWERS: Oh, it's only one-year in.

21 ANA BERMUDEZ: Yeah.

22 CHAIRPERSON POWERS: Okay.

23 ANA BERMUDEZ: Well, because you know, the cohort  
24 in the group of young people that we've been  
25 following had to complete. You know, the program is

1  
2 X amount of time then their probation ends and then  
3 so, we haven't been able to get to that marker yet.

4 CHAIRPERSON POWERS: Okay, and you'll be tracking  
5 that?

6 ANA BERMUDEZ: Yes.

7 CHAIRPERSON POWERS: This is the last question.  
8 You mentioned; I think you mentioned Probation  
9 Officers being trained related to opioid overdose.

10 ANA BERMUDEZ: Yeah.

11 CHAIRPERSON POWERS: Can you just talk more about  
12 any other work around opioids and any intersection  
13 between that in Department of Probation?

14 ANA BERMUDEZ: Yeah, so the borough that has most  
15 been effected by this has been our Staten Island  
16 borough and our Assistant Commissioner in that  
17 borough participates in all the Task Forces and so,  
18 we keep abreast of all the trends so that if they at  
19 any point intersect with people on Probation, that  
20 we're ready to act. Thankfully, that has not been  
21 the case even though that's the borough that's been  
22 effected the most. The impact of the opioid crisis  
23 is not being felt in our Probation clientele - do you  
24 want to add anything to that?

25 SHARUN GOODWIN: Thank is correct.

1 CHAIRPERSON POWERS: She affirms.

2 ANA BERMUDEZ: Yeah, she confirms, yes.

3 CHAIRPERSON POWERS: Okay, thank you for your  
4 testimony. Please keep us updated on funding needs  
5 and requests as you move forward. Thank you again  
6 for the hearing in December and we'll be able to take  
7 a quick pause and then we'll hear from the Department  
8 of Correction.  
9

10 COUNCIL MEMBER RIVERA: We will now resume with  
11 the Department of Correction. My name is Carlina  
12 Rivera and I am just subbing for Keith Powers until  
13 he returns.

14 The Departments Fiscal 2020 Preliminary Budget  
15 totals \$1.4 billion, a modest decrease of  
16 approximately \$3.1 million when compared to the  
17 Fiscal 2019 Adopted Budget. The Departments budgeted  
18 head count totals \$12,106 with \$10,063 uniform  
19 positions and 2,043 civilian positions for Fiscal  
20 2020.

21 The Departments Fiscal 2020 Preliminary Budget  
22 does not introduce any new needs; however, the  
23 Department has derived additional savings from the  
24 closure of GMDC by recognizing a reduction of \$7  
25 million in Fiscal 2019 and \$14.1 million in Fiscal

1  
2 2020 and in the out years. DOC's Capital Commitment  
3 Plan includes \$2.1 billion for Fiscal Years 2019 to  
4 2023 including major capital projects such as the new  
5 jail facility and construction of a new training  
6 academy. The Departments 10-year Capital strategy  
7 provides \$1.8 billion for Fiscal Years 2020 to 2029.  
8 There are some real concerns with the Capital plan  
9 and the strategy. 67 percent of the Capital strategy  
10 is reflected in Fiscal Year 2020. The site for a new  
11 training academy has still not been identified and  
12 the new jail facilities budget totals \$1.1 billion so  
13 far. With \$300 million in Fiscal 2019 and \$765.6  
14 million Fiscal Year 2020.

15 This plan does not reflect the actual timeline or  
16 cost for transitioning to the borough-based  
17 facilities. Furthermore, the ten-year strategy does  
18 not include \$300 million for the new jail facility  
19 which is only recognized in the Commitment Plan so  
20 far.

21 With only about four months left in the Fiscal  
22 Year, I am concerned that the Department won't be  
23 able to spend down \$300 million and the funding would  
24 have to be rolled into the next Fiscal Year, yet  
25 again.

1  
2 We understand that the Capital Project Scope  
3 Development, the CPSD study will help determine the  
4 real cost estimate to build four new borough-based  
5 jails. However, we'd like to start seeing real  
6 commitments from moving off Rikers Island which could  
7 include demolishing facilities like GMDC that are  
8 closed and are no longer in use and that could happen  
9 without the CPSD study.

10 In addition to the closure of Rikers Island,  
11 we've got other tremendous work ahead. The  
12 Department is funded through Fiscal 2021 to aid with  
13 the implementation of Raise the Age. We have to  
14 improve the grievance process, make sure every inmate  
15 is getting five hours of programming, make it easier  
16 for individuals to post bail, improve coordination  
17 between DOC and Correctional Health Services and the  
18 Council continues to monitor sexual abuse and  
19 harassment in the jails.

20 Today, I am interested in learning more about how  
21 the Departments specific needs and plans to address  
22 the increase in violence and update on the 14-point  
23 plan. The plan for body scanners, now that the state  
24 has passed the legislation and how we can divert  
25 funding for more reentry and alternatives to

1  
2 incarceration programs, which would not only help  
3 inmates and their families but would also help the  
4 city save money in the long run.

5 I'd like to welcome and thank Commissioner Brann,  
6 and our Correction Officers and Staff on Rikers  
7 Island and throughout all Correctional Facilities for  
8 the work that they do.

9 The Committee Council will swear you in now.

10 CLERK: If everyone from left to right could  
11 please state your name and everyone please raise your  
12 right hand.

13 ANGEL VILLALONA: Angel Villalona.

14 HAZEL JENNINGS: Hazel Jennings.

15 PATRICIA LYONS: Patricia Lyons.

16 JOSEPH ANTONELLI: Joseph Antonelli.

17 CLERK: Do you affirm to tell the whole truth and  
18 nothing but the truth in your testimony before this  
19 Committee and to respond honestly to Council Member  
20 questions.

21 PANEL: I do.

22 COUNCIL MEMBER RIVERA: Great and with that  
23 before you begin. I just want to remind you that we  
24 are on a 20-minute time limit, so if you can just  
25

1  
2 keep your remarks as briefly as possible. Thank you  
3 so much.

4 CYNTHIA BRANN: Good morning, Chair Powers and  
5 Members of the Committee on Criminal Justice. I am  
6 Cynthia Brann, the Commissioner of the New York City  
7 Department of Correction. Joining me at the table  
8 this morning are members from my leadership team who  
9 will assist in answering questions today; First  
10 Deputy Commissioner Angel Villalona, Chief of the  
11 Department Hazel Jennings, Acting Deputy Commissioner  
12 Patricia Lyons and Acting Associate Commissioner  
13 Joseph Antonelli.

14 I am pleased to join you this morning to discuss  
15 the Department's Fiscal Year 2020 Preliminary Expense  
16 Plan, the Capital Commitment Plan, and the Fiscal  
17 Year 2019 PMMR. I thank you for affording me this  
18 opportunity to describe my vision for the Department,  
19 discuss our goals and various challenges, and share  
20 with you some of the good work we have done over the  
21 past Fiscal Year.

22 As you all know, DOC is a vast, complex  
23 organization, more in the public eye now than ever  
24 before which is quite the change from just six years  
25 ago before this Administration took over. We have

1 more than 12,000 members of staff and process more  
2 than 45,000 admissions every year. We currently  
3 operate eleven separate jails on and off Rikers, as  
4 well as two hospital prison wards and court  
5 facilities in each borough. In addition, we operate  
6 support services divisions including our  
7 transportation division and facility maintenance.  
8 Our staff are responsible for the care, custody, and  
9 control of approximately 7,900 to 8,000 individuals  
10 every day. While jail and prison populations around  
11 the country increased, New York City's jail  
12 population has fallen by half since 1990. New York  
13 City's jail population is now approximately 1,000  
14 lower than at this time last year, which is a  
15 decrease of 11.5 percent, giving us the lowest  
16 incarceration rate of any big city and the steepest  
17 four-year decline in the jail population since 1998.

19 We recognize that those in our custody have  
20 unique needs and challenges, which we strive to meet  
21 every day. Even before realizing the significant  
22 reduction in population, we took a conscious effort  
23 to move away from one size fits all model and  
24 specifically look at how we could provide more  
25 tailored management, a combination of both security

1  
2 and care to smaller sub-populations that all have  
3 different needs. We are responding to the lowering  
4 population by identifying means to better serve  
5 unique populations. We have vastly increased  
6 programming, services, training, and tools, all while  
7 changing our custody management models.

8       Since I last testified to this body one year ago,  
9 the Department has made significant and impactful  
10 changes. We modernized our bail process by  
11 implementing online bail and are working directly  
12 with public defenders to improve the bail process.  
13 The Department now has bail facilitators and bail  
14 kiosks in courts in all five boroughs so that anyone  
15 eligible to pay their bail online can do so without  
16 having to enter the Department's custody first. The  
17 Department is continuing to make progress in caring  
18 for special populations and this year, the Department  
19 opened a transgender housing unit at the Rose M.  
20 Singer Center, our female facility to more  
21 appropriately meet the needs of our transgender  
22 population. In October, we moved our adolescents  
23 from Rikers Island to the Horizon Juvenile Center in  
24 the Bronx. Despite a tough first month, the Horizon  
25 Juvenile Center has made tremendous strides and I am

1 proud of the dedication and efforts by my staff, in  
2 coordination with ACS, to apply new training  
3 techniques in challenging situations to create a  
4 culture of safety at that facility.  
5

6 We have continued our commitment to the reduction  
7 of the use of punitive segregation for adults ages 22  
8 and older, focusing specifically on violent  
9 infractions and sentence durations that are directly  
10 proportional to the specific act committed. Since  
11 2015, the Department's use of punitive segregation  
12 has declined by 77 percent, with punitive segregation  
13 only used as a last resort.

14 At the same time, the Department has worked  
15 collaboratively with the Board of Corrections to  
16 develop and refine alternative housing options in  
17 order to safely house a limited number of violent  
18 young adults in both a structured and secure setting  
19 that manages their contact with other inmates and  
20 staff but also provides for the delivery of enhanced  
21 programming that focuses on facilitating  
22 rehabilitation, addressing the core causes of  
23 violence, and minimizing idleness. Eliminating the  
24 use of punitive segregation for young adults age 18-  
25 21 was a dramatic change in policy and did not happen

1  
2 overnight. It has taken a lot of training and  
3 readjusting for staff to reach a level of confidence  
4 and comfort that this can work. Over the past year,  
5 through consistent hard work, adherence to program  
6 fidelity and the establishment of an operational  
7 structure that is now embedded within the agency and  
8 that has the full support of staff, the Department  
9 has seen significant progress in our limited use of  
10 these alternative housing options.

11 The Department is committed to lasting culture  
12 change and shares the City goal of smaller, safer,  
13 and fairer justice system. For the Department,  
14 closing Rikers is an opportunity to build new, modern  
15 jails, which we need.

16 DOC's facilities are old and outdated. They have  
17 antiquated designs that do not align with modern  
18 correctional best practices and require ongoing and  
19 significant capital investment in order to maintain  
20 them in a state of good repair. Modern jails are  
21 designed to improve safety but also fundamentally  
22 integrate services and programs to give staff and  
23 those in our custody the best opportunities to  
24 succeed. The Department is proud to partner with  
25 city agencies, criminal justice policy experts, and

1  
2 passionate community voices to profoundly reshape and  
3 reimagine correctional services in New York City.

4 In the past year, Department staff have attended  
5 hearings and community meetings to answer New Yorkers  
6 questions about the borough-based jail plan and  
7 listen to their concerns surrounding jail facilities  
8 in their communities. The Department is committed to  
9 being a good neighbor and I am proud that these  
10 conversations have led to some positive immediate  
11 changes, including a community beautification effort  
12 outside of the Manhattan Detention Center.

13 Looking ahead, my goal is to make our Department  
14 a national leader in corrections and establish  
15 procedures for long-term success. My vision is  
16 clear, to maintain safety and security in all DOC  
17 facilities. If staff and individuals in our custody  
18 are not safe, then no other policies or reforms  
19 matter; to make an investment in our uniform and non-  
20 uniform staff that gives them better tools to work  
21 with the population under their care; to enhance and  
22 strengthen programming, which will improve the  
23 Department's ability to meet individuals critically  
24 important educational, vocational, and therapeutic  
25 needs while in custody; and to move the population

1  
2 off Riker's and ensure that individuals in our  
3 custody are better prepared to contribute to their  
4 communities on their way out of custody than they  
5 were when they entered.

6 A few update on our Reforms. The Department is  
7 dedicated to operating a system that is safe, humane,  
8 and produces positive outcomes for those in our  
9 custody.

10 We ae committed to managing our incarcerated  
11 population in a way that addresses individual needs,  
12 the foremost of this is being personal safety.  
13 First, we have eliminated the Prison Rape Elimination  
14 Act or PREA, cases backlog and successfully met our  
15 hiring targets to expand the PREA investigations  
16 team. In addition, the Department continues to meet  
17 its mandate to investigate all sexual assault  
18 allegations within 72 hours and ensure that we  
19 separate any individuals who should not be together.  
20 Further, PREA investigators now have dedicated spaces  
21 that enable them to speak with witnesses and victims  
22 in private spaces and all PREA investigators have  
23 recently received the Department of Justice training  
24 on investigating sexual abuse in confined spaces.  
25 Sexual abuse in a jail setting is completely

1  
2 unacceptable and I am proud of this Department's  
3 effort to uphold the PREA mandate.

4 Over the past Fiscal Year, the Department  
5 continued to work closely with reentry providers to  
6 improve the visitor experience and encourage visits  
7 between children and their mothers. Sadly, women  
8 held in the Rose M. Singer Center receive few  
9 visitors than any other facility in the Department's  
10 jurisdiction. The Department has undertaken several  
11 steps to combat obstacles to visitation faced by  
12 children and families. We have instituted a free  
13 shuttle bus service in both Central Brooklyn and  
14 Harlem that provides hourly transportation to and  
15 from Rikers Island. The bus has been extremely  
16 successful and between April 2018 and December 2018,  
17 there were over 32,000 free rides taken on the  
18 visitor shuttle bus.

19 In addition, we have created expedited visit  
20 times for visitors and have partnered with ACS to  
21 offer Saturday visit hours for children in foster  
22 care. The Department also hired greeters for our  
23 central visit house and investing in customer  
24 training programs for all visit staff.

1  
2 Furthermore, the Department is partnering with  
3 the Children's Museum of Manhattan to provide off  
4 island visits for incarcerated mothers with at least  
5 one child under the age of sixteen. We remain  
6 committed to providing gender responsive services to  
7 the women in our custody and recently hired an  
8 Executive Director of Women's Initiatives to support  
9 these important efforts. The Department also  
10 recognizes the need to support the LGBTQI population  
11 within our care and is hiring a Director to focus on  
12 the needs and services for that community as well.

13 In recent years, with the support from the  
14 Committee, the City Council, and the Mayor, the  
15 Department has made significant advances in growing  
16 its network of program providers, its range of  
17 program offerings, and its responsivity to the  
18 distinct needs of different populations.

19 As a component of the Department's commitment to  
20 housing young adults in young adult specific housing  
21 whenever possible, we strive to provide education and  
22 programming services consistent with young adults'  
23 development and needs. It is our responsibility to  
24 ensure that people are better prepared to contribute  
25 to their communities on their way out of custody than

1  
2 they were when they came in. The Department is  
3 dedicated to a programming vision that promotes  
4 prosocial behavior and provides individual services  
5 targeted to specific needs.

6 In partnership with the Mayor's Office of  
7 Criminal Justice, we facilitate several reentry  
8 initiatives that provide pathways following  
9 incarceration. As noted in the Fiscal Year 2019  
10 PMMR, the Department saw increased enrollments in the  
11 Individualized Corrections Achievement Network, or  
12 the I-CAN program, which provides comprehensive re-  
13 entry services, including job readiness, hard-skills  
14 training and post release employment assistance to  
15 those in our custody. From July to October 2018, the  
16 number of I-CAN enrollments increased 25.1 percent  
17 from 2,335 to 2,922 while the number of I-CAN  
18 workshops offered increased 68.8 percent from 4,902  
19 to 8,273. We remain committed to ending the cycle of  
20 incarceration and look forward to working with the  
21 Council in the coming year to enhance our efforts to  
22 reduce recidivism in New York City.

23 With regard to our Security Indicators,  
24 protecting the wellbeing and safety of everyone who  
25 stays and works in our facilities is our primary

1 goal. We recognize that violence remains a concern  
2 and do not deny our obligation to address these  
3 issues. While there is still much work to be done, I  
4 remain proud of our officers' efforts to reduce  
5 violence despite an increasingly challenging  
6 population. As per the PMMR, from July through  
7 October of 2018, compared to the same period in 2017,  
8 the percentage of inmates in a Security Risk Group or  
9 gang affiliation increased from 15 to 16 percent.  
10 The percentage of inmates with serious mental health  
11 diagnosis increased to 17 percent and there was a 25  
12 percent increase in the number of inmate assaults on  
13 staff. While the rate of use of force increased  
14 overall, the rate of use of force resulting in any  
15 serious injury declined through this PMMR period.

17 The Department is dedicated to finding and  
18 removing dangerous contraband. Total searches  
19 increased 14 percent from the last PMMR period, while  
20 weapons recovered decreased by 20 percent. Given  
21 that the total number of weapons recovered has  
22 increased 156 percent from 2008 to 2018, even with a  
23 rapidly declining population, we take this recent  
24 drop in recovered weapons to mean that would be  
25 smugglers are getting the message that if you attempt

1 to bring weapons into the facility, you will be  
2 caught. As noted in the Fiscal Year 2019 PMMR, the  
3 number of stabbings and slashings between July 2018  
4 and October 2018 declined by 22 percent. This is no  
5 small achievement; although we have seen an overall  
6 reduction in population, we are concurrently  
7 experiencing a concentrated rise in violent  
8 offenders.  
9

10 Despite the challenges faced, our officers remain  
11 dedicated to maintaining a safe environment in every  
12 jail facility and I thank them for their efforts.  
13 Officers who work in our jails not only need but must  
14 have the confidence that this administration can keep  
15 them safe in return. In the coming weeks, the  
16 Department will be taking further steps to prevent  
17 weapons from entering the facility through the use of  
18 ionizing body scanners that will assist in recovering  
19 non-metallic weapons and blades.

20 The PMMR also highlights areas where we must  
21 improve. During the reporting period, inmate fights  
22 and assaults increased by 11.4 percent and the  
23 overall rates of incidents involving uses of force  
24 increased by 31 percent. Force by DOC officers  
25 defines a broad range of actions that are necessarily

1 violent. IN fact, our internal audits show that our  
2 officers are often using forces to rescue detainees  
3 who have been injured by another detainee. We take  
4 these increases seriously, and we know that we have a  
5 lot of improvement to do in this area. Reducing uses  
6 of force remains a challenge, but we are committed to  
7 taking a holistic approach to force and violence  
8 reduction. Moving forward, we will continue to work  
9 wit the Nunez monitor team to address the root causes  
10 of violent incidents and reduce unnecessary force  
11 within our facility.

12 We could not talk about our violence reduction  
13 efforts without highlighting the good work of the  
14 Department's Correction Intelligence Bureau or CIB.  
15 Located in the New York, New Jersey High Intensity  
16 Drug Trafficking Area or HIDTA, Fusion Center on  
17 Rikers Island, CIB works alongside law enforcement  
18 professionals from local, state, and federal agencies  
19 to monitor group with gang affiliation, intercept  
20 contraband, and disrupt smuggling networks.

21 In 2018 alone, CIB prevented over 100 acts of  
22 violence and provided information that led to the  
23 discovery of nearly 200 items of contraband.

24 Information initially uncovered by CIB led to a  
25

1 coordinated, interagency takedown of 29 individuals  
2 both inside the jail and in the community, who were  
3 engaged in a coordinated criminal enterprise. CIB's  
4 effort led to the successful breakup of a ring of  
5 individuals who planned to smuggle weapons and drugs  
6 onto Rikers Island and prevented a murder in the  
7 community of the Bronx. I remain thankful to CIB for  
8 their work and I am grateful to our partners in law  
9 enforcement for their partnership in addressing any  
10 attempt to compromise the safety of New York City's  
11 jails and in the community at large.

12  
13 With regard to training, it is at the very heart  
14 of our efforts to maintain safer, fairer jail  
15 facilities. We have recently reimagined the  
16 structure of our training and development programs,  
17 consolidating officer training, leadership and  
18 professional development and volunteer services  
19 training under one umbrella. Going forward, anyone  
20 entering our facilities will receive a uniform  
21 message on safety, on procedure, and on my  
22 expectations for a culture of mutual respect between  
23 everyone working and living in the facilities.

24 The closure of the George Motchan Detention  
25 Center or GMDC has allowed the Department to

1  
2 reimagine this space for a number of staff related  
3 services, including providing some training courses  
4 for officers directly on the island and scenario-  
5 based training within a genuine jail setting. GMDC  
6 will also soon be the home of our new staff wellness  
7 center, which will offer a range of opportunities for  
8 physical wellness and stress reduction, all of which  
9 support our officers and their work within the  
10 facilities.

11 The Department continues to refine its training  
12 courses and tailors trainings to the care of specific  
13 populations. For example, officers located in mental  
14 health observation units receive crisis intervention  
15 and mental health first aid training whereas officers  
16 located in young adult housing units receive training  
17 in conflict resolution and motivational interviewing.  
18 Regardless of their post, our goal is to ensure all  
19 of our officers are equipped with tools to properly  
20 respond to violence and disruption with the most  
21 appropriate tools. By incorporating on the job  
22 training and simulation components early on in the  
23 academy curriculum, recruits will have a better  
24 understanding of their fit in the Department and be  
25 more likely to develop successful careers at the

1 Department. To that end, for the past nine months we  
2 have been operating a mentorship program. Mentor  
3 Captains are outstanding, specially trained staff who  
4 serve as the primary support for probationary  
5 officers by coaching, counseling, and nurturing their  
6 targeted growth needs. They serve as an individual  
7 resource for staff, who may seek support outside of  
8 their supervising captain. In December of 2018, the  
9 program was expanded to thirteen Mentor Captains  
10 across both daytime tours.  
11

12 With regard to the Fiscal Year 2020 Preliminary  
13 Budget and Its Impact on DOC, the Department's Fiscal  
14 Year Expense Budget is \$1.4 billion. The vast  
15 majority of this 88 percent is allocated for  
16 Personnel Services, and 12 percent for Other than  
17 Personnel Services. The Fiscal Year 2020 Budget is  
18 \$27 million more than this year's budget of \$1.38  
19 billion. This increase is mainly due to a one-time  
20 Personnel Services accruals taken as part of a prior  
21 financial plan that only impacted Fiscal Year 2019.

22 Included in the Preliminary Budget are decreases  
23 of \$5 million in Fiscal Year 2019 and \$12 million in  
24 Fiscal Year 2020 and the out years.  
25



1 through 2029. In this plan, no additional funding  
2 was added to the Department's Capital Budget.  
3

4 With regard to Headcount, during the past five  
5 years, the Department has been able to achieve  
6 unprecedented levels of Correction Officer  
7 recruitment and hiring. The Department has hired  
8 over 6,500 new Correction Officers since May 2014.  
9 These new Officers have enabled us to enact the  
10 reforms necessary to provide a safer and better  
11 environment for the people housed in our facilities  
12 as well as our own staff. With the graduation of our  
13 last Academy class in December of 2018, Fiscal Year  
14 2019 will be the first year we will be fully staffed  
15 in our jails for the entire Fiscal Year since our  
16 reform agenda began in 2015, which has led to further  
17 overtime reductions and more efficient use of  
18 resources. In addition, over the past few years, we  
19 have been able to reduce uniformed overtime spending  
20 from \$240.4 million in Fiscal year 2017 to \$198.1  
21 million in Fiscal 2018. Through January 31<sup>st</sup>, Fiscal  
22 Year 2019 uniformed overtime spending has totaled  
23 \$89.3 million, which is down 28 percent from \$124.3  
24 million for the same period last year in Fiscal Year  
25 2018.

The following is a summary of the changes to the Department's civilian and uniformed authorized staffing levels included in the Preliminary Plan:

The civilian authorized full-time headcount is 2,274 in Fiscal Year 2019 and 2,043 in Fiscal Year 2020 and the out years. The authorized headcount decreased from Fiscal Year 2019 to 2020 is mainly due to a savings initiative taken in the Fiscal Year 2020 November Plan that will not begin until Fiscal Year 2020.

The uniformed authorized headcount is 10,226 in Fiscal Year 2019, 10,063 in Fiscal Year 2020, and Fiscal Year 2021 and 9,904 in Fiscal Year 2022, 2023 and the out years. The authorized uniformed headcount decreases from Fiscal Year 2019 to Fiscal year 2020 due to the additional headcount reductions from the closure of GMDC, which takes effect in Fiscal Year 2020, and the expiration of staffing funded for the Horizon Detention Facility, which takes effect in the Fiscal Year 2022. The average uniformed headcount is estimated to be 10,542 in Fiscal Year 2019, which represents a decrease of 170 compared to an average of 10,712 in Fiscal year 2018.

1  
2 Thank you for the opportunity to testify today  
3 and for your continued support. Without the Mayor  
4 and the Council's vision for Criminal Justice Reform,  
5 we would not be able to talk about the many reforms  
6 we have already undertaken. I look forward to  
7 working with all of you in the years to come. And  
8 now my colleagues and I are available to answer any  
9 questions that you may have.

10 CHAIRPERSON POWERS: Okay, thank you. Thank you  
11 for that testimony and for providing us lots of  
12 information about ongoing efforts and spending. So,  
13 I want to kick it off, I still want to recognize  
14 we're still here joined by Council Member Rivera and  
15 Council Member Holden. Thank you both for being  
16 here.

17 Just to start on some broad budget questions  
18 here, were there new needs that the Department  
19 requested from OMB but did not receive for funding  
20 for in the Preliminary Budget?

21 CYNTHIA BRANN: We did not include any new needs  
22 in the budget.

23 CHAIRPERSON POWERS: Okay, and in many of our  
24 hearings we have talked about the need to update  
25 various systems within the Correctional system,

1  
2 whether its technical, you know, a lot of  
3 technological upgrades to help to make your jobs  
4 better but also to help us and the DOC and others  
5 have a better understanding of sort of what is  
6 happening and I think the famous example, and I don't  
7 mean this to be insulting, was finding out that  
8 stamps were running out of ink for the grievance  
9 system. Is there a reason why there were no new  
10 requests?

11 CYNTHIA BRANN: So, currently we're in process of  
12 procuring our jail management system, which we are  
13 fully funded for. We have a one-year procurement  
14 timeline and after we have someone on board as a  
15 vendor, it will be a three to five-year full  
16 implementation roll out which will roll out in  
17 different phases. In the meantime, while we have  
18 been working on that, we have rolled out case  
19 management system already. We are currently in the  
20 Phase 2 of that development which will include PREA  
21 and all other remaining case types that the  
22 Department works on and our learning management  
23 system will be starting in March of this year. We  
24 didn't wait for all of these things to happen.  
25 Currently, we have 31 technological solutions in

1  
2 place. I can list them all for you but I will  
3 provide that in writing for you is not to take up  
4 time, but we have modernized a lot of our  
5 technological needs in the agency and are continuing  
6 to work on things like health management and  
7 electronic medical records, our records management  
8 system, inmate tracking, inmate free calling, which  
9 we will start very soon. We have developed all of  
10 those but right now, we believe we are funded  
11 appropriately for our technological solutions.

12 CHAIRPERSON POWERS: Okay, and I will come back  
13 to that part of it. Around the PEG, the  
14 Administrations has been asking all agencies to  
15 participate in a program to eliminate the gap,  
16 commonly known as the PEG with a goal of saving \$750  
17 million for this Fiscal Year. You are expanding the  
18 partial hiring freeze that was put in place before  
19 this Fiscal Year. The DOC's targeted amount is \$42.2  
20 million. Can you tell us your plans in terms of  
21 where to derive savings from and how you'll achieve  
22 that PEG?

23 CYNTHIA BRANN: So, we will achieve it. We have  
24 several options on the table now. We have not come  
25 to a final decision. I believe our decision is due

1  
2 tomorrow. It would be premature for me to announce  
3 all of the options that we have on the table until we  
4 make that final decision. We plan to meet our  
5 target.

6 CHAIRPERSON POWERS: Your decision is due  
7 tomorrow and you have to provide a final answer, or  
8 you have to provide options?

9 JOSEPH ANTONELLI: We have to provide a proposed  
10 solution that equals the \$42.2 million but through  
11 the back and forth with OMB, they may ask us for  
12 alternates. You know, it's a back and forth, it's  
13 not solid tomorrow.

14 CHAIRPERSON POWERS: Can you give us any - I know  
15 it's due tomorrow, but I presume you have the answer  
16 today, but can you just give us any understanding of  
17 what the impact might be on current uniform staff and  
18 scheduled uniform hiring?

19 JOSEPH ANTONELLI: We haven't made any decisions  
20 yet, so it would be premature to share that  
21 information.

22 CHAIRPERSON POWERS: Okay, can you share us some  
23 more information when that is available. It should  
24 be tomorrow.

25 JOSEPH ANTONELLI: Absolutely.

1  
2 CHAIRPERSON POWERS: We noticed that there was a  
3 vacancy rate in civilian staff which was about I  
4 think it was exactly 496 vacancies for Fiscal 2019,  
5 that's part of the Preliminary Plan. Can you tell us  
6 why there is so many empty civilian slots and what  
7 positions that are unfilled?

8 JOSEPH ANTONELLI: Quite a few of those positions  
9 are in trades positions or hard to fill positions,  
10 like IT and Tradesman's as I pointed out earlier.

11 CHAIRPERSON POWERS: But I mean a quarter of your  
12 - almost a quarter of your civilian staff is  
13 unfilled, that seems incredibly high.

14 JOSEPH ANTONELLI: So, one of the challenges that  
15 we have particularly with civilian staff is actually  
16 when it comes to retention, our civilian attrition  
17 rate is about 15 percent right now, which is very  
18 high. So, even as our HR and the Department really  
19 does a good job with recruitment and hiring efforts,  
20 we're having trouble holding on to civilian staff,  
21 which is really preventing us from being able to fill  
22 our headcount.

23 CHAIRPERSON POWERS: Do you anticipate you're  
24 going to be achieving savings by not filling those  
25 spots?

1  
2 JOSEPH ANTONELLI: So, as a part of the November  
3 plan, 230 civilian vacancies were taken from us for  
4 next year, so we already are working towards  
5 absorbing that. So, our vacancy rate will go down  
6 significantly for 2020 just by virtue of that.

7 CHAIRPERSON POWERS: Okay, the Fiscal 2020  
8 Preliminary Plan recognizes additional savings from  
9 the closure of GMDC of \$7 million. It sounds like  
10 you are still using GMDC now, you repurposed it from  
11 your testimony?

12 CYNTHIA BRANN: That is correct.

13 CHAIRPERSON POWERS: And it is used for training,  
14 is that correct?

15 CYNTHIA BRANN: Yeah, so we have built two  
16 computer labs for staff to take online training. We  
17 have repurposed the school area for academy classroom  
18 space for staff and we've repurposed some of the  
19 housing areas, so that we can provide realistic hands  
20 on training for our recruits who can see what it's  
21 like to be in a housing area prior to entering the  
22 jails on day one of their full-time employment.

23 CHAIRPERSON POWERS: Got it, and so, there is a  
24 \$7.5 million allocated for GMDC, that would be for  
25 the training?

1  
2 JOSEPH ANTONELLI: No, the \$7.5 million is a  
3 reduction in the budget.

4 CHAIRPERSON POWERS: Oh, sorry, sorry, sorry.

5 JOSEPH ANTONELLI: Basically what that was is  
6 when we initially submitted the savings for GMDC, we  
7 had submitted it based on what posts we believed were  
8 going to be eliminated and then there was the  
9 subsection of posts, which were these that we thought  
10 that we may have to reallocate to another facility  
11 when moving the population, but after we moved the  
12 population the dust settled and we figured out what  
13 the staffing would be elsewhere. We realized we  
14 didn't need those positions; we were able to give  
15 them as additional savings.

16 CHAIRPERSON POWERS: Okay, and I meant to note  
17 that there was still some funding associated with  
18 GMDC and the budget and we were wondering the reason  
19 why.

20 JOSEPH ANTONELLI: Okay, yeah, that's why.

21 CHAIRPERSON POWERS: So, Council Rosenthal I know  
22 has to run in a minute. I am going to give her an  
23 opportunity to ask some questions but then I'm going  
24 to come back and I'm going to talk about the plan to  
25 close Rikers Island and the new jail facility.

1  
2 COUNCIL MEMBER ROSENTHAL: Thank you so much  
3 Chair. Nice to see you Commissioner and thank you  
4 for all the work that you do. I actually would like  
5 to find out how you are doing on the PREA Corrective  
6 Action Plan. So, if you could start with the backlog  
7 cases, where you are on that?

8 CYNTHIA BRANN: At this point and time, I'd like  
9 to bring up Deputy Commissioner Townsend who is in  
10 charge of investigation and the pre-improvement plan.

11 COUNCIL MEMBER ROSENTHAL: Great, my questions  
12 are going to be how many of the PREA investigators  
13 have been trained on FEDY and who does DOC work with  
14 to provide those trainings. If you could talk about  
15 the backlog cases and what the status is of cleaning  
16 out the backlog and where you are and whether or not  
17 now hearing about vacancies being taken away, just  
18 wanting to make sure that you're still on track to  
19 have an investigative staff of at least 30 people.

20 CLERK: If you could please state your name.

21 SERENA TOWNSEND: Yes, Serena Townsend.

22 CLERK: Do you affirm to tell the truth, the  
23 whole truth and nothing but the truth in your  
24 testimony before this Committee and to respond  
25 honestly to Council Member questions?

1  
2 SERENA TOWNSEND: Yes. Good morning, so to  
3 answer your questions, how many of our investigators  
4 have been FEDY trained, we have had four FEDY trained  
5 thus far. All of our PREA investigators are training  
6 in PREA investigations. In fact, all of our  
7 investigators in our entire investigative division  
8 are trained in PREA but specifically in FEDY, we've  
9 had four. We've worked with the NYPD in securing  
10 those seats which are very difficult to secure, which  
11 is why we have had a limited number thus far but  
12 we're continuing to partner with them to try to get  
13 additional seats in the near future.

14 COUNCIL MEMBER ROSENTHAL: Got it, so NYPD  
15 provides the training?

16 SERENA TOWNSEND: NYPD does not provide the  
17 training, FEDY is independent of NYPD but NYPD  
18 assisted us in getting seats at that training.

19 COUNCIL MEMBER ROSENTHAL: Thank you.

20 SERENA TOWNSEND: Sure, with respect to our PREA  
21 backlog Corrective Action Plan, so, that plan which  
22 we set forth in June of 2018 to eliminate 1,216 PREA  
23 cases by February, we have completed and successfully  
24 eliminated all 1,216 cases at this point. As I had  
25 testified when I announced the Corrective Action

1  
2 Plan, there would be a secondary backlog that  
3 occurred as a result of our focusing; however, all of  
4 those cases that are secondarily backlogged have all  
5 been investigated within the first 72 hours as  
6 mandated, and we have a plan to close those out as  
7 they need to be administratively closed out at this  
8 point.

9 COUNCIL MEMBER ROSENTHAL: Out of the 1,200 that  
10 are backlogged, how many were substantiated?

11 SERENA TOWNSEND: I can get that data to you. I  
12 don't have it today. The vast majority were  
13 unsubstantiated.

14 COUNCIL MEMBER ROSENTHAL: And of the ones that  
15 were substantiated, what corrective actions were  
16 taken?

17 SERENA TOWNSEND: So, anytime a case is  
18 substantiated with our investigation division, that  
19 case is sent to our trial division, which I also  
20 oversee for internal prosecution. If there are any  
21 cases where we find that it rises to the level of  
22 criminal activity, we refer those cases to the  
23 appropriate DA's Office.

24 COUNCIL MEMBER ROSENTHAL: How many cases were  
25 referred out? I'm sorry, I cut you off.

1  
2 SERENA TOWNSEND: That's okay, I just wanted to  
3 mention that every single PREA sexual abuse  
4 allegation that comes through to our investigation  
5 division is immediately sent to the Department of  
6 Investigation to first have them assess whether they  
7 want to go forward with a criminal investigation and  
8 potential prosecution.

9 COUNCIL MEMBER ROSENTHAL: Before you  
10 investigate?

11 SERENA TOWNSEND: Correct.

12 COUNCIL MEMBER ROSENTHAL: Sorry, I'm just really  
13 trying to understand. I am not in your world.

14 SERENA TOWNSEND: I know, that's okay.

15 COUNCIL MEMBER ROSENTHAL: So, you get a  
16 complaint and the first thing that happens is it goes  
17 to DOI and simultaneously, you're team is -

18 SERENA TOWNSEND: I'll tell you the process. It  
19 comes through to us as an allegation. We immediately  
20 send it to the Department of Investigation for them  
21 to assess whether they want to take that  
22 investigation on. If they decide to take that  
23 investigation on, we stand down. They get back to us  
24 typically very quickly within like an hour usually to  
25 let us know whether they want to investigate or if we

1 should be the ones investigating. So, every case  
2 that comes through to us, is first screened by them  
3 and then typically it is sent back to us for  
4 investigation. When I say that we could refer it to  
5 Criminal Prosecution, if it's substantiated, that's  
6 if DOI had passed it on to us. We subsequently  
7 conduct an investigation and then uncover some sort  
8 of criminal activity and so, the cases that for  
9 example, we referred to the District Attorney in 2018  
10 we referred eight cases and in 2017 we referred six  
11 cases, so we've had cases referred to the District  
12 Attorney's Office even after DOI had given us the  
13 leeway to investigate.

14  
15 I did want to address your staffing question, if  
16 you don't mind.

17 COUNCIL MEMBER ROSENTHAL: Please.

18 SERENA TOWNSEND: You did ask about the  
19 vacancies. We do have a fully staffed PREA unit. We  
20 met our goal of having 30 investigators, we have six  
21 supervisors, we have one Deputy Director, one  
22 Director and we have two data analysts. So, we put a  
23 lot of resources into our PREA investigation unit and  
24 we've met our commitment on the Corrective Action  
25 Plan on that.

1  
2 COUNCIL MEMBER ROSENTHAL: Would it be possible  
3 if someone left tomorrow that that would become one  
4 of the vacancies that could be susceptible to a PEG?

5 SERENA TOWNSEND: I don't believe so, no.

6 COUNCIL MEMBER ROSENTHAL: No.

7 SERENA TOWNSEND: We have no intention of  
8 submitting any reductions to the investigation  
9 division staffing.

10 COUNCIL MEMBER ROSENTHAL: So, from the time  
11 let's set aside the backlog numbers because you had  
12 said you would get back to us on that and then I'll  
13 stop. I'm just - because this is a budget hearing,  
14 but just very quickly, what were the - since you've  
15 been doing completion within 72 hours, since that's  
16 begun, how many did DOI keep and how many after your  
17 investigation went over to a DA?

18 SERENA TOWNSEND: So, we have always conducted  
19 those investigations within the first 72 hours as  
20 long as DOI has cleared us to do those  
21 investigations. So, like I said, after we've  
22 investigated, in 2018 six cases went to a District  
23 Attorney's Office.

24 COUNCIL MEMBER ROSENTHAL: How many were kept by  
25 DOI?

1  
2 SERENA TOWNSEND: So, we had in 2018 none of  
3 them. I don't really like speaking for other  
4 agencies, but from what I have gathered from their  
5 statistics, I believe in 2016 they kept eight. In  
6 2017 they kept two and in 2018 they did not keep any.

7 COUNCIL MEMBER ROSENTHAL: So, why wouldn't you  
8 know whether or not they keep them. Why isn't that a  
9 statistic that you would - I'm not asking the outcome  
10 of the DOI investigation, just how many you punt over  
11 there?

12 SERENA TOWNSEND: Well, it depends on how quickly  
13 they get back to us with either a rejection of the  
14 investigation or not, but typically, when we ask  
15 them, they get back to us immediately. And so, for  
16 example, in 2018 they did not keep any.

17 COUNCIL MEMBER ROSENTHAL: Okay, have they every  
18 kept a case longer than 72 hours before getting back  
19 to you?

20 SERENA TOWNSEND: Not in my memory. Typically,  
21 not, they usually give us an answer, or they'll keep  
22 it, but they'll tell us. What I mean to say is  
23 they'll tell us that their keeping it or not keeping  
24 it within a very short period of time and then yes,  
25

1  
2 they could absolutely keep it pass those 72 hours,  
3 yes.

4 COUNCIL MEMBER ROSENTHAL: Oh great, got it. So,  
5 all the PREA investigators have been fully trained in  
6 PREA, so far four of them have been trained in FETY,  
7 you are hoping to get the remaining 26 trained in  
8 FETY?

9 SERENA TOWNSEND: Absolutely.

10 COUNCIL MEMBER ROSENTHAL: And once an  
11 investigator is trained in PREA, they would have to  
12 first be trained before they could talk to any of the  
13 - not just the complaints but the other officers, are  
14 they the ones that trained PREA people who then talk  
15 to the other officers about whatever new policies are  
16 in place, stuff like that?

17 SERENA TOWNSEND: Yes.

18 COUNCIL MEMBER ROSENTHAL: So, they are fully  
19 trained before they talk to anyone?

20 SERENA TOWNSEND: Before they get any case, they  
21 are fully trained, yes.

22 COUNCIL MEMBER ROSENTHAL: Okay, thank you very  
23 much. I appreciate your time.

24 SERENA TOWNSEND: Thank you.  
25

1  
2 CHAIRPERSON POWERS: Thank you. I was going to  
3 hold this question, but since it came up, I wanted to  
4 ask. We received a letter back from DOC yesterday  
5 related to PREA, the Prison Rape Elimination Act,  
6 that came from Council Member Rosenthal, myself and  
7 Council Member Lancman and I just wanted to read a  
8 sentence back to that and I have a question for  
9 clarification.

10 The sentence is, as of February 2019, so a few  
11 weeks ago, the Department has successfully eliminated  
12 all 1,216 backlog cases. The next sentence is, at  
13 this time, 540 PREA and 978 non PREA cases that are  
14 older than 90 days remain open or pending. Two cases  
15 from 2015, 82 from 2016, 490 from 2017 and 944 from  
16 2018. Can you translate that to me? It says you  
17 have eliminated all the backlog cases from more than  
18 90 days ago, but then give us statistics that seem to  
19 counter to be completely contrarian to that belief  
20 that they are all backlogged.

21 SERENA TOWNSEND: Yeah, I will definitely clarify  
22 that, no problem. So, the backlogged cases that we  
23 cleared out were the 1,216, actually we cleared more  
24 than that but the 1,216 cases that we referred to in  
25 the June Corrective Action Plan. So, at that time,

1 we have 1,216 cases that were over 90 days old and  
2 the commitment was that we were going to close those  
3 cases and even though they had already been  
4 investigated within the 72 hours, we understood  
5 administratively they needed to be closed out. So,  
6 we had made a commitment knowing that in the interim  
7 there would be additional cases that although  
8 investigated right away would also lag a bit with  
9 their administrative closure and that is what's  
10 representative of the 540 open PREA cases for the  
11 most part. The vast majority of those 540 cases that  
12 are still open over 90 days are the ones that  
13 occurred post June of 2018, but we frequently also  
14 audit our own case load. We want to make sure that  
15 we have things categorized in the correct fashion and  
16 so we will audit our cases. Sometimes a case will  
17 come in our PREA unit as non-PREA but after  
18 investigation we'll realize that actually it should  
19 have been categorized as PREA and so, there's also  
20 some case that fall into this category that we  
21 reclassified after we audited our caseload. So,  
22 that's what the 540 PREA caseload is representing.  
23  
24  
25

1  
2 CHAIRPERSON POWERS: But I think the commitment  
3 was to close all the cases before June of 2018, is  
4 that correct?

5 SERENA TOWNSEND: Well, we can't close for example  
6 a July of 2018 case before we know about it. So, in  
7 June of 2018, we committed to closing all of the  
8 cases that had at that point we froze time and said,  
9 all of these cases that are over 90 days old, we have  
10 1,216, we're going to close those by the end of  
11 February 2019 and then, we will address the secondary  
12 backlog. Although still addressing them in real time  
13 within those 72 hours, but not necessarily being able  
14 to close them out administratively at that moment and  
15 so, that was a very much expected secondary wave that  
16 we knew that we were going to be addressing as soon  
17 as we finished out the 1,216. And so, that's where  
18 we find ourselves now, but like I said, we've already  
19 investigated within those first 72 hours. In fact,  
20 we've closed out approximately 30 of those cases  
21 already kind of in real time.

22 CHAIRPERSON POWERS: Are there any cases before  
23 June of 2018 that are currently open?

24 SERENA TOWNSEND: Yes.  
25

1  
2 CHAIRPERSON POWERS: I don't understand how you  
3 can say you eliminated all 1,216 in backlog cases.  
4 Is that saying that those are new cases that came  
5 forward?

6 SERENA TOWNSEND: No, most of the cases in the  
7 540 are newer than June of 2018.

8 CHAIRPERSON POWERS: Sure, but you have two from  
9 2015, is that correct?

10 SERENA TOWNSEND: There are two that might be  
11 non-PREA. So, the numbers that you're looking at are  
12 combining the PREA and non-PREA the 540 and the 978.

13 CHAIRPERSON POWERS: Okay, so the 1,216 are PREA  
14 backlog cases. Are any of the ones before June of  
15 2018 PREA?

16 SERENA TOWNSEND: The only ones that would be are  
17 the ones that we audited that came in as non-PREA and  
18 in June we were not aware that they were PREA and  
19 then post investigation got resonated as PREA.

20 CHAIRPERSON POWERS: Reclassified cases based on  
21 that?

22 SERENA TOWNSEND: Correct.

23 CHAIRPERSON POWERS: And then 944 from 2018 are  
24 either reclassified or post June of 2018?

25 SERENA TOWNSEND: Yes, or non-PREA.

1  
2 CHAIRPERSON POWERS: Or non-PREA, correct. Okay,  
3 and when do you anticipated to be able to close that  
4 backlog?

5 SERENA TOWNSEND: So, the 540 is our PREA backlog  
6 at this point and we anticipate August.

7 CHAIRPERSON POWERS: This August?

8 SERENA TOWNSEND: Correct.

9 CHAIRPERSON POWERS: Okay.

10 COUNCIL MEMBER ROSENTHAL: I just want to  
11 emphasize that the goal is not just to close them.  
12 There would be a real concern if people are just  
13 stamping paperwork.

14 SERENA TOWNSEND: Completely agree.

15 COUNCIL MEMBER ROSENTHAL: It's concerning that  
16 non are substantiated. So, of all the backlog cases,  
17 we clear them and non are substantiated, none were  
18 sent anywhere.

19 SERENA TOWNSEND: So, just a couple of comments  
20 on that. I completely agree that we should not just  
21 be closing cases, which is why I think it would  
22 actually be more alarming if we had nothing open, not  
23 the 540. We take very great pride in making sure  
24 that we don't close out a case without a full and  
25 fair investigation. I never want to prioritize a

1  
2 number, a closure number over the integrity of an  
3 investigation which is why we do have the 540 open.

4       The fact that the vast majority of the cases have  
5 not been substantiated is not reflective of an issue  
6 with the investigation. A lot of the cases are not  
7 going to be substantiated. The national average  
8 substantiation rate is pretty low and the other thing  
9 that I think is important is when we do these  
10 investigations in the first 72 hours, it's important  
11 that we do that because if we're able to manage that,  
12 which we are, and see that there's a case that might  
13 be substantiated, we can prioritize those cases for  
14 the full on investigation and the cases that have  
15 been backlogged that we were focusing on that dated  
16 back to 2015, 2016, there's potentially a reason why  
17 they are not being substantiated just because they  
18 weren't necessarily prioritized in the very beginning  
19 over the ones that seem to be substantiated.

20       COUNCIL MEMBER ROSENTHAL: So, just to confirm.  
21 Since you started being in time, so getting cases  
22 done within 72 hours, in the initial investigation,  
23 how many cases have come in and how many have been  
24 substantiated? Or of the number that came in, how  
25

1  
2 many after the first 72 hours have you decided to  
3 continue investigating or not, just those two?

4 SERENA TOWNSEND: I can get that data for you but  
5 just to clarify we've always done our investigations  
6 within the first 72 hours, so it's not that this is a  
7 new thing. We've always done our Preliminary  
8 investigation within the first 72 hours, but I can  
9 get the data for you with respect to how many we've  
10 substantiated of the new cases.

11 CHAIRPERSON POWERS: We'll ask for that data,  
12 that would be great.

13 Of the 540 PREA cases that are over 90 days, of  
14 the 540 PREA cases that continue to be 90 days open,  
15 how many of those are from post July 2018?

16 SERENA TOWNSEND: I'm going to get that data for  
17 you.

18 CHAIRPERSON POWERS: Okay, and are there two  
19 cases from 2015 for instance, are those non-PREA or  
20 PREA?

21 SERENA TOWNSEND: I am going to get that data for  
22 you as well.

23 CHAIRPERSON POWERS: But it's possible they're  
24 PREA?

1  
2 SERENA TOWNSEND: It's possible they're PREA but  
3 most likely not. If they are PREA, it might be that  
4 they're open because of a potential criminal  
5 investigation but I want to be able to check that for  
6 your before making an affirmative statement.

7 CHAIRPERSON POWERS: Okay, we will ask in follow  
8 up questions. I want to move to the plan to close  
9 Rikers Island and the new jail facilities. Before I  
10 do that, I want to offer Council Member Holden an  
11 opportunity to ask a few questions. Thank you.

12 COUNCIL MEMBER HOLDEN: Thank you, Chair. Thanks  
13 for your testimony Commissioner. I just have a few  
14 questions. The Horizon outside yard facility, the  
15 recreational area, is that open yet?

16 CYNTHIA BRANN: In Horizon?

17 COUNCIL MEMBER HOLDEN: Yes.

18 CYNTHIA BRANN: The basketball court and the yard  
19 will be open at the end of this month.

20 COUNCIL MEMBER HOLDEN: End of this month, okay.  
21 Are there any provisions for security there because  
22 it looks like you can through anything over the wall,  
23 the outside wall? Do you have any ideas on securing  
24 that? When I visited the facility, I don't know if  
25

1  
2 the soccer field goes right up to the edge of the  
3 wall.

4 JOSEPH ANTONELLI: So, I do recall during the  
5 time period, the planning and construction time  
6 period that situation being looked at and that was  
7 handled, the construction itself was handled by DDC;  
8 however, internally from an operational point of  
9 view, we do use security staff to do internal and  
10 perimeter security checks.

11 COUNCIL MEMBER HOLDEN: Right, but somebody with  
12 a good arm can fling something pretty far.

13 JOSEPH ANTONELLI: Understood, that was a concern  
14 and I know it was looked into. I just don't have the  
15 answer to the specific reason why. There may not  
16 have been a solution in terms of raising some type of  
17 wall or other -

18 COUNCIL MEMBER HOLDEN: Well, if it's going to  
19 open soon, we have to resolve that, so with a large  
20 net or some kind of scanner or something because I  
21 know it's right against the street, essentially  
22 right?

23 JOSEPH ANTONELLI: Yes, the other side is a  
24 street and we will look into a potential solution.

1  
2 COUNCIL MEMBER HOLDEN: Alright, any other  
3 improvements at Horizon because visiting that wasn't  
4 great and many Council Members felt the same thing.  
5 It is claustrophobic, it was inadequate, so I know  
6 that changes were made but any major other the  
7 outside yard, any other changes to Horizon?

8 CYNTHIA BRANN: With the regard to the facility  
9 itself, the rooms and the school?

10 COUNCIL MEMBER HOLDEN: Yeah.

11 CYNTHIA BRANN: We have beautified it, so to  
12 speak. It's been painted, it's been decorated.  
13 We've engaged the youth in keeping their housing  
14 areas neat and clean but with regard to physical  
15 space, we did not alter any physical space.

16 COUNCIL MEMBER HOLDEN: Yeah, okay, so the  
17 incidents have gone down. The attacks on Correction  
18 Officers or other detainees, that's gone down?

19 CYNTHIA BRANN: Correct.

20 COUNCIL MEMBER HOLDEN: Because of all the  
21 improvement, I guess. I know some of the windows in  
22 some of the classrooms were not frosted and then  
23 somebody saw somebody they didn't like in there and  
24 it was a problem. So, that's been all corrected?

25 CYNTHIA BRANN: Yes.

1  
2 COUNCIL MEMBER HOLDEN: Alright, I want to get to  
3 the body scanners, the ionizing body scanners. That  
4 was overturned, that challenge, in October from the  
5 state legislature of 2018. We had body scanners  
6 originally and they were put in storage, why are they  
7 not in service now?

8 CYNTHIA BRANN: So, the original body scanners  
9 that we had are currently being removed. There is a  
10 plan for the new body scanners that are going to be  
11 implemented and thus far, we have one that was going  
12 to be installed in AMKC, so there is a roll out  
13 phase. So, for early March, we're supposed to have  
14 two installed. Phase 2 requires three facilities  
15 that's early mid-April. Phase 3 will be four  
16 facilities and that will be done mid-May, so by the  
17 end of June, we should have every facility done.

18 COUNCIL MEMBER HOLDEN: Because they also catch  
19 drugs right, contraband.

20 CYNTHIA BRANN: That is correct.

21 COUNCIL MEMBER HOLDEN: They catch almost  
22 everything. If you have something in your pocket or  
23 anywhere, it's going to get it.

24 CYNTHIA BRANN: Most of it, yes.  
25

1  
2 COUNCIL MEMBER HOLDEN: So, it's really urgent  
3 that we get them in operation.

4 CYNTHIA BRANN: Absolutely.

5 COUNCIL MEMBER HOLDEN: But none of the previous  
6 ones were adequate that we had?

7 CYNTHIA BRANN: Well, I'm not going to say they  
8 weren't adequate, so it depend on and it's really  
9 about the training of the operator, so there was a  
10 lot of training that went on to show you how to look  
11 for, how to have the inmate position on the platform  
12 and then later on, we got a better machine that was  
13 able to detect more because we did go around to other  
14 jurisdictions to see about the hobby blades and  
15 scalpel blades that other machines were not able to  
16 detect. So, these machines are supposed to be a  
17 better machine to be able to detect those type of  
18 contraband that we have problems with per say.

19 JOSEPH ANTONELLI: I also just wanted to add that  
20 the machines that we had prior, you know, had old  
21 technology, the technology has changed significantly  
22 since then as well as we had made a commitment as  
23 apart of getting the law passed that we would buy new  
24 machines.

1  
2 COUNCIL MEMBER HOLDEN: Okay, so that was the  
3 agreement. I didn't know that, that makes sense.  
4 So, there's less radiation, they are safer?

5 JOSEPH ANTONELLI: They are safer to use, yes.

6 COUNCIL MEMBER HOLDEN: Okay, alright, good, yeah  
7 that makes sense. Talking about training facilities,  
8 I have the training facility in my district in Middle  
9 Village, since you closed the GMDC facility and you  
10 said that's for staff, it's staff training within a  
11 jail facility and there's also a computer lab in  
12 there. Any thought of closing the Middle Village  
13 facility and relocating? Because that would make  
14 sense if you have empty buildings at Rikers.

15 CYNTHIA BRANN: We still have an active lease in  
16 that building.

17 COUNCIL MEMBER HOLDEN: There's an active lease  
18 and we can't get out of that for -

19 JOSEPH ANTONELLI: Typically, we can't get out of  
20 leases.

21 COUNCIL MEMBER HOLDEN: Whats the year that we  
22 have until?

23 JOSEPH ANTONELLI: 2023.

24 COUNCIL MEMBER HOLDEN: 2023. Because that  
25 facility is depressing to say the least and it's not

1  
2 adequate and I know if we can get out of it and  
3 sublease it, but I would think that if we some empty  
4 building on Rikers, that would make perfect sense in  
5 the future to put everything in that area but that's  
6 a different kettle of fish.

7 The population, I just want to go to the borough-  
8 based jails just for one second. We had originally  
9 heard that the jail population was going to be  
10 decreased to \$5,000, that was the target and we're on  
11 our way to that apparently. Almost \$9,000 at any  
12 given time in all the jail facilities, \$8,000 at  
13 Rikers about?

14 JOSEPH ANTONELLI: It was \$7,929 total in all of  
15 our facilities.

16 COUNCIL MEMBER HOLDEN: \$10,900.

17 CYNTHIA BRANN: No, \$7,000.

18 COUNCIL MEMBER HOLDEN: \$7,000, I'm sorry.

19 JOSEPH ANTONELLI: Yes, combining Rikers and the  
20 borough facilities.

21 COUNCIL MEMBER HOLDEN: Okay, yeah, and the  
22 population getting it down to five is a target, it  
23 doesn't mean it will happen and we don't want to  
24 force that if people need to be incarcerated or  
25 helped but Commissioner, you did say at one of the



1  
2 might have more crime in the future, and this is 2027  
3 we're talking about these jails being opened, right?  
4 We are closing Rikers. So, we have to have a backup  
5 plan I would think if we have to house 1,000 or 2,000  
6 more.

7       JOSEPH ANTONELLI: I mean just overall Criminal  
8 Justice strategies have changed dramatically. I  
9 mean, if you look at that time period, you know,  
10 people who are drug users were being incarcerated at  
11 rates that just don't happen today. So, I think the  
12 risk of that happening is significantly less now with  
13 a lot of the changes that have been made.

14       COUNCIL MEMBER HOLDEN: But the drug activity  
15 does fuel the crime many times and that's what I'm  
16 saying, if we have another outburst in drug activity,  
17 which we've seen, the crime goes hand and hand and I  
18 think there has to be some kind of backup plan and I  
19 don't know what the uses of Rikers in the future will  
20 be but that needs to be discussed. Alright, thank  
21 you.

22       CHAIRPERSON POWERS: Thank you, I wanted to just  
23 continue on the conversation around the new borough  
24 facilities and the budgets reflection around that but  
25 first, I just wanted to get an update. We are

1  
2 anticipating the Ulurp application for the new jail  
3 facilities to begin at the end of this month and if  
4 you could give us any updates on the process in  
5 general, where it stands and where it stands as we  
6 head into the Ulurp?

7       JOSEPH ANTONELLI: Sure, so right now, you know  
8 we are on schedule to certify the Ulurp application  
9 on March 25<sup>th</sup>. Then at that point the Ulurp process  
10 if all goes to schedule it is approximately seven  
11 months. You know at that point, that's when the  
12 community board reviews will start and I believe that  
13 process goes for approximately two months and then it  
14 goes into the borough president reviews and then in  
15 August, the City Council review period will begin and  
16 then by the end of October we anticipate the process  
17 being over. But all through that there will be  
18 public hearing soliciting feedback. The important  
19 thing to know is just the certified Ulurp  
20 application, it doesn't set in stone that what they  
21 look like on that day is necessarily what it will  
22 look like at the end of the process, so you know,  
23 throughout the entire Ulurp process we are going to  
24 be getting feedback and we can make changes to the  
25 program as we do that engagement.

1  
2 CHAIRPERSON POWERS: And what sort of changes are  
3 you hearing from the communities or even the Criminal  
4 Justice community that is focusing on the jails, what  
5 kind of changes are you hearing?

6 JOSEPH ANTONELLI: I think the mean biggest thing  
7 that we've heard is the height of the buildings. You  
8 know, from the Council Members directly and from the  
9 public. So, that's something that we are actively  
10 working on trying to reduce.

11 CHAIRPERSON POWERS: And the Ulurp process allows  
12 for those to be changed through that process?

13 JOSEPH ANTONELLI: Yeah, so basically our  
14 application that we certify on March 25<sup>th</sup> will have a  
15 maximum building envelope, so we couldn't go bigger  
16 than that, but we could make reductions from there.

17 CHAIRPERSON POWERS: Okay, and in the testimony,  
18 you mentioned old and outdated facilities antiquated  
19 design and significant capital investment that if you  
20 needed to continue to do maintenance and rebuild  
21 those facilities. Can you tell us a few things, one  
22 is the anticipated changes to then the new jails that  
23 would update antiquated design and provide safer  
24 facilities or better opportunities for programming or  
25 services? Two is the cost that would associated if

1  
2 you just - what that cost would be on significant  
3 capital investment and any other opportunities  
4 afforded in the new jail facilities?

5 JOSEPH ANTONELLI: So, when we talk about  
6 antiquated design, I think the big thing that we do  
7 talk about is programs and services. So, when all of  
8 our facilities were built, that wasn't really  
9 something that was contemplated as regular course of  
10 business. So, somethings as simple as having program  
11 rooms and interview spaces and things built into the  
12 housing area, so that the programs and services could  
13 come to where people are housed, that's something  
14 that we are incorporating into new building design.  
15 As far as renovating our current facilities, we don't  
16 have a cost estimate on that, but I think whats  
17 really important to note though is that some of these  
18 things aren't necessarily possible in our facilities  
19 even with all the money in the world. You know,  
20 housing area, the way it's laid out, we wouldn't  
21 really be able to now add programming spaces in every  
22 single housing area and be able to deliver services  
23 the way a modern correctional facility should.

24

25

1  
2 CHAIRPERSON POWERS: Meaning, if I'm correct,  
3 that you would either need to demolish and rebuild if  
4 you wanted to accomplish some of those goals?

5 JOSEPH ANTONELLI: Yes.

6 CHAIRPERSON POWERS: Okay, is there a cost  
7 estimate in terms of demolishing and rebuilding?

8 JOSEPH ANTONELLI: We don't have one at this  
9 time, no.

10 CHAIRPERSON POWERS: Okay, you know, one of the  
11 discussions around the new jail facility, this has  
12 also been sort of an increasing, as you guys noted in  
13 your testimony, population around mental health needs  
14 in a population that has serious mental health needs.  
15 Has there been any consideration around looking at  
16 that population particularly whether it's providing  
17 you know, most folks, many folks I think believe that  
18 that's a population that probably doesn't even belong  
19 in jail. And has there been any consideration about  
20 better treatment or services or even, more  
21 centralization around providing those services in the  
22 new jail facilities?

23 JOSEPH ANTONELLI: So, absolutely. Correctional  
24 Health Services has been one of our partners in this  
25 entire project. So, they have been involved every

1  
2 step of the way. Definitely all of their feedback  
3 and everything is being contemplated into the new  
4 facilities to have specialized units that are built  
5 to deal with this specific population.

6 CHAIRPERSON POWERS: And would it then be that  
7 every jail would have it's own units that serve the  
8 mental health needs or is it anticipated there would  
9 be a centralized facility that would - I think one of  
10 the things that has come up is that if you had an  
11 understanding of all the other considerations  
12 proximity to family, things like that, that if you  
13 had centralized facility to have an opportunity to  
14 train staff and improve outcomes. And I'm wondering  
15 if there is any that's being considered as part of  
16 the new plan?

17 JOSEPH ANTONELLI: I mean, given how large the  
18 population we have that requires this type of  
19 setting, it would be difficult to centralize it in  
20 its entirety, so we do anticipate that we would have  
21 it in every facility.

22 CHAIRPERSON POWERS: In every facility?

23 JOSEPH ANTONELLI: Yes.

24 CHAIRPERSON POWERS: Okay, thanks. On to Council  
25 Member Holden's point around fluctuations in

1 population which its average daily census can change  
2 for obvious reasons, but we've seen a steady  
3 reduction in terms of the overall annual population.  
4 Can you talk to us about other efforts that the  
5 Department of Corrections and the City are taking to  
6 look at further reducing the population. Obviously,  
7 all the people play a big role in terms of what they  
8 do with their reforms this year or in the future and  
9 there's potentially other opportunities afforded to  
10 reduce population to offset even that concern, that  
11 the population will go up. Can you talk to us about  
12 other efforts, whether it's around parole or city or  
13 state techniques for diversion and to prevent that  
14 number from continuing to going up at any point and  
15 time?  
16

17 CYNTHIA BRANN: So, this is a collaborative  
18 effort on everybody's part. So, the Police have to  
19 police in a different way and only bring those people  
20 forward for incarceration that are risk to the  
21 community. The District Attorney's also having to  
22 buy into that concept that not everybody has to be  
23 incarcerated that if they are a risk to themselves or  
24 the community or a risk for flight and there's a need  
25 for incarceration so that you don't diminish the

1  
2 seriousness of the crime, those are the people who  
3 need incarceration. And the Judge has to listen to  
4 professionals with regard to probation and parole as  
5 to whether or not somebody's technical violation or  
6 violation of their release standards, needs, and  
7 incarceration or it can be dealt with a graduated  
8 sanction.

9       It is a collaborative effort. We have to have  
10 more services in the community so that people are  
11 engaged before they engage in criminal activity and  
12 we have to have more services inside of the jails so  
13 that we prepare people to go out and have a job and  
14 to make better choices on peer selection, on actions  
15 that they take, on their future and get to the root  
16 of what caused them to make the decisions that got  
17 them to where they are.

18       So, it's the entire Criminal Justice System that  
19 has to work as a whole, it cant just be one or the  
20 other. So, we've taken the programs step to help  
21 individuals be better off then when they came in, but  
22 we've also, the online bail system where people don't  
23 even have to come through our doors, that keeps the  
24 population down has also had a big benefit.

CHAIRPERSON POWERS: And I just want to state and not to editorialize too much, I do think that the opportunity as you're moving to new [inaudible 3:03:16] there's an opportunity to have a conversation about the entire system and ways – and for our core partners in Albany who are probably not watching right now because they are in session, but to be partners in the effort whether it's around technical parole or whether its to help us to be part of the commitment to do that but I think that for many of the folks who `have concerns about new jail facilities opening up, I think there's an opportunity to have a real conversation around the Criminal Justice system and the folks that shouldn't be there in the first place and I think for some of the colleagues, the question about the mentally ill population, the seriously mental population, and perhaps looking at ways to offer them diversion and services and treatment beyond the new jail facilities. That's quite important and that would also obviously help with goals around density and so forth.

The Capital Budget has \$1.1 billion allocated for the borough-based jails which is a ten-year capital

1 strategy, which is by my understanding a fraction of  
2 what we need to spend to actually open up the new  
3 jail facilities. \$300 of that million is I think in  
4 this years budget but not reflected in that capital  
5 strategy. So, can you explain both why the \$300  
6 million I think is in this year's budget, if that is  
7 being spent and if so, how much and how? And second,  
8 you know, why is the city allocating \$1.1 billion for  
9 new jail facilities in the ten-year capital strategy  
10 when by almost every estimate it would cost much more  
11 than that?  
12

13 JOSEPH ANTONELLI: So, we don't anticipate  
14 spending of any of the \$300 million this year. Just  
15 by virtue of the fact that the Ulurp certification is  
16 going to happen on March 25<sup>th</sup> and we don't think  
17 Ulurp will be completed until October. That would be  
18 the first point at which we could spend capital  
19 dollars because it's not capitally eligible until the  
20 Ulurp is certified.

21 As far as a cost estimate is concerned, we don't  
22 have a cost estimate yet just because the program  
23 isn't complete. You know, as we're continuing to do  
24 our community engagement in addition to all the  
25 formal steps that we're going to be going through as

1  
2 a part of the Ulurp process, as a part of the  
3 environmental impact we had public hearings, we've  
4 also had neighborhood advisory committee meetings  
5 with all four communities, so as we continue to get  
6 their feedback, that impacts the program and it does  
7 impact the cost as well.

8 CHAIRPERSON POWERS: I understand that. I guess  
9 my point is that when we as a Council try to  
10 understand the Mayor's Budget and we get a ten-year  
11 Capital strategy that has \$1.1 billion in it for new  
12 jails and we know that's not the case. That may be  
13 the cost of one facility and maybe more. It does not  
14 reflect good faith budgeting to have placeholders  
15 that are made up numbers and I mentioned this to OMB  
16 as well. It doesn't let us get a clear understanding  
17 of how much money is going to be spent for the  
18 members who are going through the Ulurp process as  
19 well and have to have a better understanding of  
20 costs, it doesn't help them make better decisions and  
21 it's not a transparent way to budget money. To me,  
22 what is the point of doing a ten-year plan if you  
23 don't have ten years of spending or anticipated  
24 spending in that. So, I understand that the Ulurp  
25 will reflect the ultimate cost and the EIS will help

1  
2 offset that and will help explain that but \$1.1  
3 billion is in there and it's a made up number and so,  
4 I suppose it's an OMB issue as much as it is a DOC  
5 issue in this but this is an important plan for many  
6 folks and it doesn't to me reflect seriousness from  
7 the Administration if they don't even put the real  
8 money into the budget to reflect what it's supposed  
9 to cost.

10 Is there an anticipated - \$10 billion has been  
11 the number that's been estimated for the new jail  
12 facilities, is that a number that you can confirm?

13 JOSEPH ANTONELLI: No, I actually don't know  
14 where the \$10 billion came from.

15 CHAIRPERSON POWERS: Okay, I suppose we could go  
16 back and find out.

17 JOSEPH ANTONELLI: I mean I read it in the  
18 newspaper, I just don't know what the source was.

19 CHAIRPERSON POWERS: And I believe the Department  
20 has stated that we wouldn't know the cost of the new  
21 four buildings until the Capital Project Scope  
22 Development study is released. When is that study  
23 released?

24 JOSEPH ANTONELLI: We don't have a release date  
25 yet. I guess, because a part of it is you know, in

1  
2 order to have the completed study, we have to have a  
3 complete program and the program keeps shifting as we  
4 continue to get more community feedback.

5 CHAIRPERSON POWERS: Okay, is there an estimated  
6 timeline?

7 JOSEPH ANTONELLI: I don't have a date at this  
8 time.

9 CHAIRPERSON POWERS: Okay, I think Council Member  
10 Holden, do you have a follow up question?

11 COUNCIL MEMBER HOLDEN: Yeah, just a quick  
12 question on mental health counseling. Have you been  
13 in touch with ThriveNYC? Have they given resources  
14 or hired more personal to handle that area?

15 CYNTHIA BRANN: Thrive does not work within the  
16 facilities. We are engaged with the First Lady's  
17 Thrive Initiative and we're aware of it, but we don't  
18 have staff on Thrive in our jails.

19 COUNCIL MEMBER HOLDEN: So, there's no staff,  
20 there's no resources from Thrive other than not in  
21 the jails, just outside? Is it counseling?

22 CYNTHIA BRANN: So, our mental health services  
23 are provided by CSH.

24 COUNCIL MEMBER HOLDEN: Okay.

25 CYNTHIA BRANN: Not by Thrive staff.

1 COUNCIL MEMBER HOLDEN: Okay, alright, thank you.

2 CHAIRPERSON POWERS: Thank you. I just wanted to  
3 keep going on but as we go through this new plan and  
4 especially as the four colleagues who have proposed  
5 sites in their facilities, I think it would be  
6 helpful to have a formulated plan with costs  
7 associated with it. Can you commit to coming back at  
8 Executive, for the Executive Budget hearing with a  
9 plan around the Rikers jails and costs?  
10

11 JOSEPH ANTONELLI: I can't commit because I just  
12 don't know the date of when that will be completed,  
13 because the work is being done by the consultant  
14 Perkins Eastman, so it's not something being  
15 developed by us. So, I don't want to give you false  
16 information and say that we would have it. I am  
17 hopeful and that will be our goal, but I can't tell  
18 you with certainty that we would have it.

19 CHAIRPERSON POWERS: When we are back here for  
20 the Executive Budget, commit to giving us an estimate  
21 on the cost of the new facilities?

22 JOSEPH ANTONELLI: If an estimate exists at that  
23 point, I can commit to giving it to you.

24 CHAIRPERSON POWERS: Okay. Can you commit -  
25

1  
2 JOSEPH ANTONELLI: You're killing me over here  
3 with these commitments.

4 CHAIRPERSON POWERS: When I read a budget and I  
5 can't even understand what the cost of something is,  
6 imagine I'm trying to do my job.

7 JOSEPH ANTONELLI: No, I totally understand.

8 CHAIRPERSON POWERS: Well, I will say this, we  
9 are going to ask a lot information at the next  
10 hearing. It will be during the initial siting of it.  
11 The Community Boards will be reviewing the  
12 applications and we'll be expecting to have much more  
13 information about where that plan lies. I know MOCJ  
14 is involved, I know the Mayor's Office is involved  
15 and many others but at the end of the day, you are  
16 the ones who have to operate it and I think an  
17 important stakeholder in that, and we will be  
18 certainly asking more information. There will be  
19 colleagues who have those facilities will be here to  
20 ask many hard questions as well, if not the  
21 communities who are here for that.

22 I wanted to move on to jail operations and  
23 violence, which is something you noted in your  
24 testimony as something that is - in the conversation  
25 around the new jail facilities but a much larger

1 conversation. We're going to put up some slides just  
2 to show a few numbers along the way that I want to  
3 talk about. The changes in the Department of  
4 Corrections and the populations over time. In this  
5 case, this would be about the last decade and where  
6 we have seen the incarcerated population our cities  
7 jails go down by a third and the budget for DOC  
8 climbing to, I think by about \$440 million on this  
9 scale here. You can see the yellow representing the  
10 expenditures and the red representing the population  
11 there going from 13,850 down to I think 8,000 and I  
12 can't read that well, but I think you're even at 7  
13 something as you stated today.

14  
15 The cost per inmate and recognizing there are a  
16 lot of things we want to accomplish together and cost  
17 resources and where and supporting those goals  
18 financially has purpose, but still, I want to go  
19 first to the **[inaudible 3:15:37]**, this is a  
20 **[inaudible 3:15:38]** inmate increases here as well.  
21 Their now about 300,000 per individual, per year and  
22 the ratio of officers to detainees as an all time  
23 high.

24 You can look at these and these are really from  
25 the Mayor's Management Report, these numbers and sort

1  
2 of how high we have climbed in terms of cost per  
3 inmate, which is new money plus reduced population,  
4 which I think we created a [inaudible 3:16:20] that  
5 violence would be down in city jails. But as you  
6 noted, there are some statistics that are still  
7 concerning that we are concerned about. About the  
8 rates of violence in the Mayor's Management report  
9 that was released or the PREA management report that  
10 was released, and I just want to go to those as well  
11 and take a look at those.

12 This is fights and assaults infractions  
13 increasing. This is FY 2016 going up in 2017, going  
14 down in 2018, and our projection based on the four  
15 months in the Mayor's management report puts this at  
16 much higher from the year before. I want to just go  
17 to the next one which is assault on staff, which  
18 we've heard a lot about and read in the news as well.  
19 These are obviously projections based on the four-  
20 month data, so we understand there could be some  
21 fluctuations here but that's assault on staff and I  
22 want to go to use of force incidents as well. Same  
23 number, we're going in the wrong direction when it  
24 comes to use of force. They have increased by 31  
25 percent during the first four months of Fiscal 2019.

1  
2           These increases go back to ten years but even in  
3 the last three years, we're seeing an increase in  
4 these categories. So, you addressed some of this,  
5 but this is concerning to the staff that works there  
6 for obvious reasons, including assault on staff.

7 It's concerns of the people that are detained because  
8 of all of these numbers that are going up, use of  
9 force incidents, fights and assaults, and so, we're  
10 spending so much more money per individual and we see  
11 violence going in the wrong direction. And I would  
12 like to hear what the Department, the steps that the  
13 Department is taking to address this issue because  
14 even as we talk about adding more resources and we  
15 want to be supportive to your needs, this is going in  
16 the wrong direction and the money has tripled per  
17 detainee. Understanding that's an all-in number.

18 Can you give us corrective measures that the  
19 Department is taking to address all these numbers?

20           CYNTHIA BRANN: Sure, I want to reference the  
21 first slide that you put up which was a comparison  
22 between 2000— you don't have to go back there, I know  
23 what it says. It's a comparison between 2008 and  
24 2018, so you cant look at that as a pure mathematical  
25 equation to explain the difference there. So, it's

1  
2 easy to say population has gone down, so it should  
3 cost less and there should be less violence, but we  
4 are a completely different organization now then we  
5 were in 2008. There was a long-standing hiring  
6 freeze for the agency. There was a \$250,000 budget  
7 for programs and now were in multi-million-dollar  
8 numbers. We have added 14,000 cameras. There is  
9 nothing that you can do in a jail without being  
10 captured on camera. That didn't exist back then, and  
11 it wasn't until 2015 when we actually implemented the  
12 14-Point Reform Agenda which is going to increase our  
13 costs. That Reform Agenda was 75 very specific  
14 projects that led to some of these changes in the  
15 costs. We now have accurate reporting. Quite  
16 frankly, we don't know what our real numbers were in  
17 2008 up until 2015 because cameras weren't  
18 everywhere. We have more violent inmates now and  
19 yes, the population has gone down but we don't have  
20 turn style jumpers or traffic offenders in the jails,  
21 we have serious violent people in the jail, and they  
22 need to be there.

23 CHAIRPERSON POWERS: Can I ask a follow up  
24 question on that. It would strike me that your  
25 numbers would go down when your population goes down.

1  
2 I understand you're saying the population that's in  
3 the jails today are the population that have more  
4 violent crimes. The turn style jumpers aren't there  
5 and most of us agree, probably shouldn't be spending  
6 a night in jail or more, but even taking all of those  
7 individuals out of jails, that to me wouldn't explain  
8 why they would be more violent on its own. In fact,  
9 more people would seem to be - of that violent  
10 population plus the other turn style jumpers, that  
11 seems like, it's always struck me as an odd  
12 explanation offered. That less people means that the  
13 violence would go on.

14 CYNTHIA BRANN: Not necessarily because most  
15 people come into our jails and do their time there  
16 without any incidents of violence. But when you  
17 concentrate serious violent offenders in an area,  
18 they behave in a different way. So, that's not all  
19 of the explanation but to say that 20,000 people in a  
20 general statement would result in increased violence,  
21 that's not an accurate statement of the risk and the  
22 classification of all those people in the jails.

23 CHAIRPERSON POWERS: I just want to go back to  
24 this number here and I stated it, but I'll say it  
25 again. I understand that staff numbers are going up

1 in this number, that you have capital construction.

2 I understand this number reflects all in spending at  
3 the DOC but let's just talk about the other ones then  
4 because I understand we can go to the fight and  
5 assault in fractions. We can talk about the last  
6 three years after the 14-Point plan was put in.

7 That's the projection for this year, if you do a  
8 mathematical estimate upwards for the 12 years,  
9 that's going up. If you go to the use of force  
10 incidents, that's 16, 17, 18 into 19 at Fiscal Years,  
11 that's going up. Those are in the 14-Point plan.  
12 Those are when the 14-Point plan is implemented.

13 That's with better reporting, so I think we  
14 rightfully and I hope you do to have concerns and  
15 assault on staff also going up, have real concerns  
16 about what is taking place in terms of safety for  
17 those not working and detained in our city jails and  
18 I think the question is, what are the steps that the  
19 city is going to take and the DOC is going to take in  
20 order to fix that and second, what can the City  
21 Council do to be helpful to that goal?

22 CYNTHIA BRANN: So, we do take this seriously.  
23 We take all these numbers seriously. With regard to  
24 the use of force increase, again, the cameras play a  
25

1  
2 role in that because everything is recorded, but also  
3 we redefined our use of force when we signed on to  
4 the Nunez Consent Decree and so anytime an officer  
5 puts hands on an individual, whether that is to break  
6 up a fight, to guide them down a corridor, to move  
7 them into their housing area, that's considered a use  
8 of force, it has to be reported and it has to be  
9 counted.

10 So, prior to 2015 we did not have that  
11 definition. So, that can account for some of the use  
12 of force incidents increase. We also have 6,500 new  
13 officers who are learning their craft and sometimes  
14 react more quickly than more seasoned officers and we  
15 have enhanced that training and given them other  
16 tools in their toolbox to be able to use de-  
17 escalation and crisis management to avoid putting  
18 hands on in a use of force incident.

19 So, we have also created the compliance and  
20 safety center which mentors our new officers in the  
21 housing areas, so that they can watch live time, real  
22 time, in the housing areas and assist them in  
23 remedying something that may be happening in the  
24 housing area to avoid a use of force. I will say  
25 that with our use of force and our assaults on staff,

1  
2 our serious injuries statistics is in a downward  
3 trend. Our slashing and stabbings are down and our  
4 assault on staff with serious injuries are also down.  
5 So, while these numbers don't reflect where we want  
6 to be, we are taking concrete serious steps to reduce  
7 these incidents in our facilities.

8 CHAIRPERSON POWERS: Can you tell us the metrics  
9 that you are using to determine whether the 14-Point  
10 plan to come out of violence is successful? Are  
11 there metrics that you are measuring and what are  
12 they?

13 CYNTHIA BRANN: There are many metrics that we  
14 use. All of these, we're looking at sick rate,  
15 injury rate for the officers. We look at how many  
16 de-escalations we have during a day and I will let  
17 the Chief speak to more of these with regard toward  
18 the uniform staff is doing that we report on and have  
19 our managers analyze and make adjustment in their  
20 daily operations.

21 HAZEL JENNINGS: So, one of the things that we  
22 did last year in 2018 is that we came up with the  
23 incident command system which would allow a staff  
24 member to call for different levels of assistance.  
25 So, whereas we would normally respond to incidents in

1 full gear if they call for a level eight possibly  
2 then a supervisor and several staff members would  
3 show up with a camera and it was there job to de-  
4 escalate. So, were tracking A levels versus B levels  
5 and versus how many time a prob team is actually  
6 responded. We're also looking at how many times the  
7 de-escalation tactics are being used in a command and  
8 in the mental health population, they are also using  
9 crisis intervention and CIT responses, that's also  
10 being tracked. We have a new video monitoring unit  
11 that's looking at video live time in archive to make  
12 sure that they are preventing incidents from  
13 occurring. They're actually calling the housing  
14 areas and the supervisors to respond down before  
15 incidents are actually responding.

17 CYNTHIA BRANN: Monthly we have what would be  
18 considered similar to PD's CompStat, we hold a teams  
19 meeting. All of the facilities are required to  
20 attend, and we highlight areas of concern, so we are  
21 doing very targeted interventions with housing and  
22 classification and violence and all of those metrics  
23 that we look at every month.

24 CHAIRPERON POWERS: I know, I'm just questioning  
25 whether we're getting the outcomes that we are aiming

1  
2 to achieve and particularly I understand the concern,  
3 I mean, I understand the comment around whether the  
4 budget climbs are accurate, but nevertheless, I think  
5 there is an expectation here that with more resources  
6 and with a 14-Point plan and the Nunez compliance  
7 unit and many other changes in the system.

8 Since 2015 and beyond that we are seeing those  
9 numbers climb and so, there are some categories where  
10 you have been successful, but I think that there is a  
11 reasonable concern from Council to Council and  
12 probably the public as well, that the jails are  
13 getting more dangerous in a number of incidents.

14 And I'm glad that there is more reporting and all  
15 that, but I think that we still have a lot of work to  
16 do. And I say that and I say this all the time, that  
17 I don't view us as of combative with you like  
18 business partners to fix problems and to make peoples  
19 lives better and so, you know, and I will happily  
20 speak to the Mayor's Office about this as well, but  
21 if there are no asks in the budget from us, and we  
22 can be supportive to making those numbers go down, we  
23 should be asking for that.

24 You talked about serious injuries, I wanted to  
25 add just a recent issue that came up. The Board of

1  
2 Corrections, I know there was a dispute around  
3 serious injuries and the waivers relaying to the  
4 Board of Corrections and the Department sought a  
5 decision from the Law Department to not require the  
6 DOC's approval related to and I know there was a few  
7 details related to this, when it come to the serious  
8 injuries. And you know, my concern and I said this  
9 to the Law Department as well is that we are  
10 undermining the Board of Corrections ability to do  
11 their jobs and setting a precedent where the law  
12 department can go around their authority.

13 I wanted to ask if you can give us a  
14 clarification and why the Department sought to have  
15 the Law Department intervene in that particular  
16 incidents?

17 HAZEL JENNINGS: So, we took what the Board said  
18 very seriously, and I think what happened was that  
19 CHS felt that they could provide us with the accurate  
20 information without having a variance. So, what we  
21 did was we got together, we created a working group.  
22 We have now revised our injury report in the way that  
23 H&H would be reporting to us the incidents that they  
24 considered to be serious and we've also revised our

1  
2 policy. So, we're going to start training on that,  
3 so we can role that out.

4 CHAIRPERSON POWERS: Yeah, but my real concern is  
5 that by deciding to not adhere to the DOC's rules and  
6 their waiver is creating a dangerous precedent by  
7 which you are eroding at their authority and I say  
8 that seriously. I don't say that as a gotcha. I  
9 think that the Boards role here is to provide - they  
10 provide oversight obviously on the DOC but also assist  
11 with our ability to understand what's happening in  
12 the city jails and also to provide us with  
13 information that can help us fix problems and I'm  
14 wondering whether - well, do you see that as a  
15 precedent setting?

16 CYNTHIA BRANN: I think ultimately both agencies  
17 CHS and DOC want to work together to make sure that  
18 we're reporting accurately, and we have come up with  
19 a method of doing so and we believe our numbers will  
20 be more in line now that we're getting updated  
21 information from CHS. We took the Law Departments  
22 advise that we did not need a variance and we just  
23 got to work with CHS to revise our processes to be  
24 able to report accurately and ultimately, I think

1  
2 that's what everybody wants is accurate data in  
3 transparency.

4 CHAIRPERSON POWERS: Okay, I won't belabor the  
5 point, but I am concerned about removing the BOC from  
6 that.

7 I want to go back to contraband and searches, but  
8 I think I want to offer Council Member Rivera an  
9 opportunity to ask questions before I move on.

10 COUNCIL MEMBER RIVERA: Hi again. I just wanted  
11 to ask very briefly about access to services and of  
12 course wanting to know whether it it's a resource  
13 issue in the end.

14 So, the first is about women who are incarcerated  
15 and their access to feminine hygiene products. So, we  
16 passed the Menstrual Equity Act, making sure that  
17 people had access to whether or not it's tampons or  
18 its pads and taking into concern whether or not they  
19 have any allergies. On average, how long does an  
20 incarcerated woman have to wait to receive requested  
21 hygiene products. So, is there a wait, is there a  
22 limit as to how many she can receive, and does she  
23 have a choice in the matter?

24 HAZEL JENNINGS: So, we offer those items at the  
25 onset when we take them in from court during the new

1 admission process and its ongoing and there is no  
2 limit as to what she can have.

3  
4 COUNCIL MEMBER RIVERA: Okay, that's great,  
5 that's great to hear. I know because even as a city  
6 we struggle to supply even the women that are  
7 employed.

8 HAZEL JENNINGS: No, that's not an issue for us.

9 COUNCIL MEMBER RIVERA: Okay, and then in your  
10 testimony, I guess Commissioner, you touched on how  
11 you have the new transgender housing unit that was  
12 open this year, right? When did it open?

13 JOSEPH ANTONELLI: So, the transgender housing  
14 unit moved from the Manhattan Detention Complex to  
15 Rose M. Singer in June or July, I believe June. July  
16 of 2018.

17 COUNCIL MEMBER RIVERA: Okay, so you know in  
18 terms of the closing of Rikers, I know that we're  
19 still a ways from that but what measure are being  
20 taken to make sure that there's a gender equity lens  
21 on this transition and specifically how will the  
22 closure impact incarcerated individuals who are  
23 transgender and how is the safety of transgender and  
24 gender nonconforming individuals ensured during the  
25 closure?

1  
2 CYNTHIA BRANN: There is a lot in that question,  
3 so I'm going to try to remember all of your points.

4 COUNCIL MEMBER RIVERA: I understand, I  
5 understand.

6 CYNTHIA BRANN: To secure the women's gender  
7 specific programming, we have hired a director who  
8 works specifically with the women in Rosie's to make  
9 sure that the programs that they need are there and  
10 they have access to them. We are in the process of  
11 hiring a director of LGBTQI to make sure that those  
12 special needs are also met. So, as far as the new  
13 facilities, our Assisting Commissioner of PREA is  
14 involved in all of the discussions with regard to  
15 content of the building because that's a PREA  
16 standard, so she has to be involved in safety issues,  
17 design and programming space.

18 COUNCIL MEMBER RIVERA: Okay, so I just want to  
19 ensure, so you have the housing unit that's been  
20 relocated. You have directors that exist that help  
21 not just with the housing situation but medical  
22 service, any sort of supportive services and you're  
23 looking to hire a director of LGBTQIA I guess  
24 programs and services.

25 CYNTHIA BRANN: Yes.

1  
2 COUNCIL MEMBER RIVERA: Okay, thank you very much  
3 Mr. Chair.

4 CHAIRPERSON POWERS: Thank you. I wanted to just  
5 go back to we were talking around contraband and  
6 search. You noted that you've enhanced - I believe  
7 you've enhanced your contraband search efforts and  
8 increased the searches by about 14 percent in at  
9 least what we saw in the PREA Mayor's Management  
10 Report. You recovered few weapons; which I know you  
11 declare victory on in terms of making people better  
12 understand that they can't do it. That could also be  
13 interpreted a different way which is that we're not  
14 finding weapons, but I would just love to hear your  
15 thoughts on those stats and other efforts the  
16 Department is taking to reduce both contraband and  
17 weapons into the facilities?

18 HAZEL JENNINGS: So, one of the things that we've  
19 done is that we have increased our searches within  
20 all of the facilities. We have a dedicated special  
21 search team consisting of about 30 officers and two  
22 captains who are out searching daily on two tours.  
23 We've also increased the use in the K9 unit where we  
24 went from twelve dogs thirty-five that have a single  
25 and dual-purpose detections. We've also changed the

1 way that our front entrances are designed to keep  
2 weapons and drugs out. So, we have staff members who  
3 are assigned to the Special Operations Division and  
4 they're rotated just for integrity cases and we've  
5 also hired a dedicated specific staff member to our  
6 visit front entrances also, so that this way there is  
7 consistency with the searching and we've put nine  
8 ionized scanners at our visit to we've installed and  
9 we have a plan and a rollout to install them in our  
10 visits in every visit house currently.

12 CHAIRPERSON POWERS: And you'll have 20 total  
13 scanners by end of - is that many you plan?

14 HAZEL JENNINGS: For the non-ionized scanners  
15 that we're utilizing to enhance the visit scanners,  
16 there will be nine.

17 CHAIRPERSON POWERS: Oh, nine, okay. What is the  
18 cost per scanner?

19 ANGEL VILLALONA: The cost per scanner is I think  
20 about roughly \$150,000 but I don't have that number  
21 off the top of my head, but we can certainly get that  
22 to you.

23 CHAIRPERSON POWERS: Okay, thank you. I just  
24 wanted to move through a few questions since we have  
25 to hear from the public and the Board of Corrections

1  
2 as well. We have few bills I wanted to ask a couple  
3 questions on because we have some legislation in the  
4 Council that would impact, I think cost and budget to  
5 DOC. There is one around a credit card fees on bail  
6 payments, I'm the sponsor of the bill. How much does  
7 the city currently pay or would pay or how much money  
8 would be lost, I guess is the question or how much  
9 money would we need to cover as a city if we covered  
10 the fees for the bail payments?

11 ANGEL VILLALONA: So, right now, we're working on  
12 a Contract Amendment to eliminate the user fee that  
13 you're referencing for online bail and at this time,  
14 we don't anticipate that effect in the current  
15 capacity in the contract. So, I don't have an  
16 estimate as to what that impact might be once that, I  
17 think we're at 2.95 percent right now and that will  
18 be reduced and that will be eliminated through this  
19 contract amendment. We can certainly get it for you  
20 what we've been spending year to date on that  
21 contract and then assuming that percentage fee in  
22 tandem with what's the user calculation been since  
23 online bill has been introduced to give you an idea  
24 of what we might be spending annually on online bill.

1  
2 CHAIRPERSON POWERS: Okay, and we also had a  
3 hearing on the grievance system in January, the end  
4 of January and the DOC testified the costs  
5 associated. If there were electronic kiosks, do you  
6 know what the cost would be to the Department for the  
7 electronic kiosks related to that bill, it's Intro  
8 1340?

9 ANGEL VILLALONA: It would be the same, I'd have  
10 to get that information to you as the contract is  
11 under amendment.

12 CHAIRPERSON POWERS: Okay, and on bail right now,  
13 I think you noted in your testimony, but can you tell  
14 us the current - how much staff are assigned to bail  
15 windows currently and increases to staff for that?  
16 How many bail facilitator department have and any  
17 plans to hire more?

18 ANGEL VILLALONA: So, currently, we have a bail  
19 facilitator in each facility and we've also  
20 designated them in the courts. In September of 2018  
21 we opened up a bail window at Queens House of  
22 Detention which is a 24-hour operation. We have  
23 found space in the Bronx courts in which we just  
24 started doing the work and the plan is to open up a  
25 bail payment in Bronx Criminal Court and we're also

1 looking for space in Staten Island. So, currently,  
2 in all facilities, we have kiosks that the inmates  
3 can utilize credit cards if they're already  
4 incarcerated to bail themselves out. We also install  
5 kiosks in all of the court commands, so if an inmate  
6 comes in after arraignment and they have a credit  
7 card in their possession, they can also utilize it to  
8 bail themselves out.  
9

10 We've installed video monitoring so that we have  
11 a tape which specifically speaks to bail. We are  
12 issuing out pamphlets, we are issuing the Q and IQ  
13 screen out which will give the inmate all of his or  
14 her information pertaining to the case in their bail.

15 Currently, we have two data feeds that comes out  
16 daily which defines which inmates are currently  
17 incarcerated on a dollar bail or which inmates have  
18 credit card bails and those inmates are interviewed  
19 to ascertain if they have the funding to bail  
20 themselves out and for the dollar bails, we do have  
21 the administrative chaplains posting those bails.  
22 The inmates are provided information during their new  
23 admission orientation and we've had several inmate  
24 council meetings letting them know as to all of the  
25 different bail reforms in which we have enacted.

1  
2 CHAIRPERSON POWERS: Gotcha thanks and Council  
3 Member Lancman has a bill around the one-dollar bail,  
4 so I didn't hear, if somebody has a one-dollar bail  
5 today, you have staff that goes and talks to see if  
6 they have -

7 ANGEL VILLALONA: That's correct, they actually  
8 interview the inmate to ascertain if they want to be  
9 bailed out and they are posted the bails.

10 CHAIRPERSON POWERS: Okay, and when did that  
11 start?

12 ANGEL VILLALONA: We started that back in  
13 November of 2018, that fee.

14 CHAIRPERSON POWERS: Yeah, so relatively new and  
15 do you know how many individuals that's helped get  
16 bailed out?

17 ANGEL VILLALONA: I don't have that information;  
18 however, daily inmates are being notified that they  
19 have a dollar bail. So, all of those inmates the  
20 next day the new list comes out. So, that we are  
21 making sure that those inmates are released.

22 CHAIRPERSON POWERS: Okay, one-dollar bail is  
23 truly incredible to me. How much of the budget  
24 supports wages for incarcerated individuals as they  
25 do different jobs in the city jails.

1  
2 JOSEPH ANTONELLI: In FY 2018 we spent  
3 approximately \$6 million.

4 CHAIRPERSON POWERS: \$6 million and what jobs  
5 does that cover?

6 JOSEPH ANTONELLI: It covers a wide range but  
7 mainly like housekeeping type duties, different types  
8 of work details that are helping maintain the  
9 facilities.

10 CHAIRPERSON POWERS: And how does somebody become  
11 eligible for those jobs?

12 PATRICIA LYONS: So, normally what would happen  
13 is that they would fill out an application and  
14 application would be reviewed by the Deputy Warden of  
15 Programs and Security and it's on a case by case  
16 basis. It depends on the crime in which they've  
17 committed, their bail, their SRG status is taken into  
18 consideration if they've been targeted as an incident  
19 contraband recipient, so it's each done by case by  
20 case basis to take into consideration as to where  
21 when they can work.

22 CHAIRPERSON POWERS: Got it and what's the  
23 average pay per hour?

24 JOSEPH ANTONELLI: The average for FY 2018 was  
25 \$.54 cents an hour.

1  
2 CHAIRPERSON POWERS: \$0.54 cents an hour, how is  
3 that number determined?

4 JOSEPH ANTONELLI: What is it?

5 CHAIRPERSON POWERS: How is that number  
6 determined?

7 JOSEPH ANTONELLI: So, the rates that we pay are  
8 consistent with national practices. So, the range is  
9 within that.

10 CHAIRPERSON POWERS: And where does the money go  
11 when you get paid? Does it go into your commissary?

12 PATRICIA LYONS: It goes into the inmates  
13 account.

14 CHAIRPERSON POWERS: Into their account.

15 PATRICIA LYONS: Yeah.

16 CHAIRPERSON POWERS: What's the minimum wage in  
17 New York State?

18 JOSEPH ANTONELLI: Is it \$15.00 now?

19 CHAIRPERSON POWERS: It's \$15.00 now, it's \$15.00  
20 in New York City, I should say so I think it's  
21 outside.

22 I want to give it to the public. I want to make  
23 sure the public has an opportunity. I know many have  
24 been waiting here and we have the Board of  
25 Corrections up next as well. I just want at the end

1  
2 of this say the numbers that we put up here are  
3 numbers that we really take seriously and I know you  
4 do to but I think that as we talk about Rikers Island  
5 and closing and opening new jails, that offers  
6 opportunities but that is ten years away by the  
7 Mayor's own estimate.

8 I think some of us, myself included think we can  
9 do that sooner, but we have to do it carefully and  
10 that offers opportunities but in that timespan,  
11 whether it's a decade or not, if those number keep  
12 spiking, we are failing a population of this city  
13 that has to spend a night or more in any of the jail  
14 facilities here in New York City. And I think I  
15 speak on behalf of the members of the committee who  
16 are here, the Council, the Speaker and others that we  
17 want to be supportive of efforts to reduce that  
18 number because even as you graduate more folks, I've  
19 been to the graduations and you can see many of the  
20 people are proud to start putting the uniform on and  
21 their families are there.

22 We do not want to send them into an unsafe  
23 environment. We don't want to retain people because  
24 as you know, I think retention and  
25 professionalization helps drive those numbers down

1  
2 and we want to make people see that as a long-term  
3 career, as many do. But if they feel unsafe, they  
4 won't stay, and it will just continue to be a  
5 problem. So, you have our commitment to help you  
6 with that, but we also need the administration to  
7 come to us with serious needs and concerns about how  
8 we can help with that and finally I note that we had  
9 a good hearing on programming. You know, I think the  
10 numbers we heard, there is still not enough  
11 programming being offered.

12 I do thank the Department for giving us an honest  
13 assessment about that and I see the Deputy  
14 Commissioner here who testified and gave us an honest  
15 assessment where that is but similar things, I think  
16 that if we are trying to keep people safe and reduce  
17 people from returning back to city jails, the  
18 programming becomes a big part of that and whether  
19 it's job training or reducing idol time or both.

20 And so, we would also like to see ways to be able  
21 to get ourselves seriously to the five-hour mandated  
22 programming, not the \$2.8 or 3 or whatever the number  
23 is, so with that being said, thank you for your  
24 testimony and we will look forward to seeing you back  
25 in a couple months. Thank you.

1  
2 CYNTHIA BRANN: Thank you.

3 CHAIRPERSON POWERS: We are now going to have the  
4 Board of Corrections and then we will be going to the  
5 public.

6 Okay, we're going to swear you in and then we  
7 will swear her in when she gets here. So, we'll  
8 start by swearing you in.

9 CLERK: Names please.

10 MARTHA KING: Martha King.

11 ROBERT COHEN: Bobbie Cohen.

12 CLERK: Do you affirm to tell the truth, the  
13 whole truth and nothing but the truth in your  
14 testimony before this Committee and to respond  
15 honestly to Council Member questions?

16 PANEL: Yes.

17 CHAIRPERSON POWERS: Okay, thank you. I am just  
18 going to give an opening statement. We are now  
19 hearing from the Board of Corrections on the Fiscal  
20 2020 Preliminary Budget. Just a reminder, if you  
21 want to testify, you can submit a form here and sign  
22 up to testify if you are here for the public. The  
23 Boards Preliminary Budget totals \$3.1 million which  
24 is an increase of \$259,000 when compared to the  
25 Fiscal 2029 Adopted Budget. The Boards budget

1  
2 supports a headcount of 38 personal and does not  
3 include any new needs.

4 Just a brief overview that BOC is a nine-person  
5 oversight Board that regulates, monitors, and inspects  
6 the correction of facilities of the city. The Board  
7 establishes and ensures compliance with minimum  
8 standards, regulating conditions of confinement and  
9 correctional health and mental health care in all  
10 city correctional facilities.

11 As we discussed earlier during the Department of  
12 Corrections Budget hearing, DOC budget continues to  
13 increase but the city jails are still plague by  
14 violence and I believe the Board has an important  
15 role as the oversight entity for the city jails. We  
16 are interested to hear about the implementation of  
17 Raise the Age Legislation, closing Rikers as well as  
18 the role in the Administrations overall criminal  
19 justice efforts.

20 We would like to welcome all members here to  
21 testify today and thank you for your staff as well.  
22 We'll just actually testify; well we'll just swear in  
23 Emily as well.

24 CLERK: Please state your name.

25 EMILY TURNER: Emily Turner.

1  
2 CLERK: Do you affirm to tell the truth, the  
3 whole truth and nothing but the truth in your  
4 testimony before this Committee and to respond  
5 honestly to Council Member questions?

6 EMILY TUNER: I do.

7 CHAIRPERSON POWERS: Okay, you can begin your  
8 testimony.

9 MARTHA KING: Good afternoon Chair Powers and  
10 Members of the Committee on Criminal Justice. My  
11 name is Martha King, and I am the Executive Director  
12 of the New York City Board of Correction, the  
13 independent oversight agency for the City's  
14 correctional facilities.

15 Today, I am joined by one of our Board members  
16 who was appointed by the City Council, Dr. Robert  
17 Cohen, and our Deputy Executive Director of Research  
18 Emily Turner. The City Charter outlines the Board's  
19 broad mandates including to establish local  
20 regulations, investigate any matter within the  
21 jurisdiction of the Department and to evaluate the  
22 Department's performance.

23 The Board of Correction is using much needed, new  
24 resources to strengthen its effectiveness as one of  
25 the City's key levers in creating safer, fairer,

1  
2 smaller, and more humane jails. New funding and  
3 staff, a renewed commitment from Board members, a  
4 focus on data and research, and collaboration with  
5 the Department has re-established the Board as a  
6 partner in the critical work to build a justice  
7 system that reflects the City's values and brings  
8 dignity and respect to people held within, working  
9 in, or connected to the system. Today, I will  
10 explain our current budget and share some highlights  
11 of our oversight during the past year.

12 The Board had 16 staff and a budget of \$1.6  
13 million in June 2015. With the increased support of  
14 the City Council and Administration, a Fiscal Year  
15 2019 budget of approximately \$3 million will allow  
16 our staff to grow to 36. We have 29 staff today and  
17 currently are hiring for seven positions and expect  
18 to reach our headcount in the coming year. This  
19 recent growth has supported our development of  
20 groundbreaking new rules on restrictive housing;  
21 strengthened monitoring in the areas of sexual abuse,  
22 health care access, and grievance; and increased  
23 transparency and data driven policy making in the  
24 jails.

1  
2 We look forward to continuing our discussions  
3 with Council and OMB on our need for a new secure  
4 information technology system that will keep pace  
5 with DOC's technology and the Board's mandates to  
6 investigate and evaluate jail conditions and monitor  
7 compliance with the Standards. In 2018, an  
8 independent consultant identified serious  
9 deficiencies, inefficiencies, and risks in the  
10 Board's current technology. The Department of  
11 Information Technology and Telecommunications  
12 uncovered similar concerns in their 2019 review.

13 In 2018, the Board voted to approve 21 variance  
14 from the minimum standards. This process requires  
15 DOC and CHS to explain the reasons why they cannot  
16 meet the relevant minimum standard and to propose  
17 alternate plans. The process also allows for public  
18 comment prior to voting. At the 2018 public  
19 meetings, the Board received over 90 public comments.  
20 Most of last year's variances related to changes in  
21 restrictive housing practice by DOC. In these cases,  
22 the Board imposed conditions, often reflecting  
23 recommendations from its studies, that have led to  
24 safety improvements and increased fairness in  
25 restrictive housing units.

1  
2 In one of the Department's largest restrictive  
3 housing units, Enhanced Supervision Housing, Board  
4 interventions led to faster review of individuals'  
5 progress through the program, a multidisciplinary  
6 team leading these review and the participation of  
7 the person being reviewed in the process. As a  
8 result of Board conditions and oversight, the amount  
9 of time young adults spend I ESH has decreased 29  
10 percent from 86 days in 2017 to 61 days by the end of  
11 2018. The percent of young adults in ESH placed into  
12 restraint desks decreased from 90 percent in 2017 to  
13 56 percent in 2018. Furthermore, in the last quarter  
14 of 2018, 58 percent of young adults who left ESH did  
15 so because they successfully moved to a less  
16 restrictive unit, compared to zero in the first  
17 quarter. These are significant steps toward  
18 fairness, transparency, and the goals of the program,  
19 and the Board continues to commend DOC on this  
20 progress.

21 In 2016, the Board voted to pursue rules  
22 regarding restrictive housing in the jails. In 2018,  
23 the Board completed fact-finding, which included  
24 meeting with more than 30 stakeholders. These rules  
25 will establish oversight over the continuum of

1 restrictive housing options so they safely, fairly,  
2 and in the least restrictive manner necessary respond  
3 to safety and security risks. The rules will  
4 emphasize restorative justice and accountability in  
5 restrictive housing and the jail's response to  
6 violence. They will also emphasize procedural  
7 justice through a commitment to improve due process,  
8 perceptions of fairness, and the overall  
9 effectiveness of restrictive housing. Finally, the  
10 rules will require transparent public reporting that  
11 allows for more effective Board monitoring.  
12

13 Our monitoring staff, whose work is based in the  
14 jails, conduct site visits, resolve and refer  
15 complaints from staff and people in custody, monitor  
16 compliance with the Minimum Standards and help  
17 facilitate the delivery of basic services. Through  
18 this work, staff play an important role in calming  
19 tensions in the facilities and helping DOC identify  
20 issues which may escalate if left unresolved.

21 Increased funding has allowed more frequent  
22 monitoring of the hospital prison wards and courts,  
23 extended observations of specialized units, and a  
24 focus on improving the grievance system,  
25 investigations, and health care access.

1  
2       Following recommendations from the Board's annual  
3 study of the grievance program and our oversight  
4 efforts through an interagency team, the Department  
5 updated their grievance policy. They now provide  
6 more information to people in custody about the  
7 process. They also improved their response to  
8 grievances submitted through 311. Finally, the  
9 Department now tracks all complaints in a centralized  
10 electronic system and has provided the Board direct  
11 access to check the status of complaints, review  
12 patterns, and inform future audits.

13       If the Department of Correction limits a person  
14 in custody's access to any of eight key programs or  
15 services, including visits, law library, and  
16 religious services, then that person can appeal the  
17 restriction directly to the Board. In 2018, we  
18 investigated and responded to approximately 400  
19 appeals, including the Board's first appeals  
20 regarding limitations on the practice of religion.  
21 This is a 200 percent increase in the number of  
22 appeals received by the Board since 2014. The  
23 Board's role as an independent and neutral arbiter on  
24 appeals is a national model for jurisdictions that  
25 are trying to improve their jail grievance systems.

1  
2 In 2018, we also focused on monitoring DOC's  
3 investigations into sexual abuse and harassment,  
4 releasing an audit of these investigations. This led  
5 to corrective action by the Department to improve the  
6 process and close the backlog of cases sitting open  
7 for more than 90 days. The Board has scheduled a  
8 special hearing for April 23<sup>rd</sup> that will focus solely  
9 on compliance with the Minimum Standards on the  
10 elimination of sexual abuse and harassment in the  
11 jails.

12 We continue to focus on access to health and  
13 mental health care. In addition to monitoring  
14 monthly reports o health care access, we released a  
15 report on jail sustained injuries to incarcerated  
16 people and found significant underreporting of  
17 serious injuries. We will release a report on  
18 hospital specialty clinics this year.

19 Evaluating operations and outcomes in the jails,  
20 increasing transparency, and sharing data is crucial  
21 to maintaining compliance with Board Standards. In  
22 2018, the Board released 25 reports on issues such as  
23 visiting, lockdowns, health care access, injuries,  
24 grievances, violence, and investigations. This is  
25

1  
2 more than double the number of reports issued by the  
3 Board in 2014 and 2015 combined.

4       Additionally, we have worked with DOC to develop  
5 multiple public reports to track compliance and  
6 performance. In 2018, DOC released 60 reports  
7 required by the Board on segregation reform,  
8 restrictive housing, and young adult programming.  
9 The Board's conditions led to unparalleled data  
10 access for the public about young adults in custody  
11 and the first public audits of jail conditions in New  
12 York City. These new sources of information inform  
13 policy making and make the City a national leader in  
14 correctional transparency. This higher level of  
15 transparency and increased engagement by the Board  
16 has meant more fact-based and data-driven policy  
17 decisions in the jails. After Board investigations  
18 this year, the Department pursued reforms and new  
19 policy in areas such as transgender housing, young  
20 adults, injury prevention, and lockdowns, including a  
21 20 percent decrease in lockdowns.

22       We are thankful that the City Council and this  
23 Administration have shown increased commitment to a  
24 strong, active, and effective Board of Correction and  
25 we look forward to collaborating with the Council and

1 its man members who are engaged on these issues.

2 Thank you for the opportunity to testify today. We  
3 are happy to take any questions.

4 ROBERT COHEN: Thank you Council Member Powers  
5 and other Council Members for the opportunity to  
6 speak today.

7 The Department of Correction has a very difficult  
8 project. It is very hard to run jails. These are  
9 defective institutions; we know that we've gone in a  
10 very bad direction in this country over the past 50  
11 years and we're beginning to correct it and  
12 correcting it is harder than screwing it up and that  
13 is the state we're in right now.

14 As you know, my experience is national in terms  
15 of this. I have overseen care in jails in  
16 Philadelphia, in prisons in Michigan, Ohio, Florida,  
17 and in Washington. I am working with the Justice  
18 Department, whats left of the Civil Rights Division  
19 of the Justice Department right now in California and  
20 Virginia at jails that are extremely violent and need  
21 oversight. So, it's important to note that very  
22 little is known nationally, and you can't rely on the  
23 Department's claim that we are whatever we are when  
24 it can't be compared with any place else. I do know  
25

1  
2 that that level of violence in the New York City  
3 jails is higher than it is in almost any other jail  
4 in the country and that's been true for many, many  
5 years and it has to change.

6 I would specifically not though on the Budget  
7 issues in violence, I don't think you heard the best  
8 answers that you could have from the Department on  
9 that very critical question and the Board has been  
10 working very closely with the Department and we have  
11 achieved something which I think will effect  
12 violence. We have working with the Department  
13 demonstrating certain serious problems locally in  
14 AMKC and in RNDC, the young adult and the largest  
15 adult jail that with one officer in the housing unit,  
16 they do not know what is going on. That officer  
17 often isn't even in the housing unit. When you look  
18 at the Genentech of the movies of what happened  
19 during violent incidents, it is sometimes or often  
20 the case that there is no officer around when it  
21 happens. So, we have urged and gotten agreement with  
22 the Department that for any mental observation  
23 housing in AMKC they will have two officers present  
24 in that unit rather than one. That in any unit in  
25 RNDC where there are more than fifteen or more

1  
2 people, they will have two officers in the unit  
3 rather than one. If there are two officers there,  
4 that can really decrease violence. It will make the  
5 individual officer less frightened, give them more  
6 control, and also will protect the individuals,  
7 residents from fighting with each other. So, the  
8 budget has to be looked at very, very carefully but I  
9 would look at using the budget to increase the  
10 staffing. Where the people are living, and also look  
11 at how many officers are in the equivalent of rubber  
12 rooms right now. How many are in administrative  
13 tasks that could be used within housing areas.

14 I want to speak specifically to the question  
15 which I know the Council has been entertaining both  
16 in these hearings and I believe in its Charter  
17 Revision, which is the linking of the budget of  
18 certain city agencies to a fixed amount rather than  
19 to being stuck on an annual budget not at the whim  
20 but at the political needs of a moment. The Board  
21 has a relatively small budget compared to the size of  
22 its responsibility. I know that the Council has  
23 endorsed the CCRB notion that their oversight budget  
24 would be one percent of the Police Department Budget.  
25 We think that that's the right idea. We could not

1  
2 spend \$13 million this week and we are responsible  
3 enough not to propose an increase like that but we do  
4 have serious needs both in terms of personal,  
5 technology which is very important in upgrading it  
6 and strongly urge the Council to follow the lead that  
7 you've begun in CCRB and which is a national  
8 consensus that organizations that oversee agencies  
9 have to be funded as a reflection of the size of the  
10 agency that they're overseeing.

11 I would like to make one final point and then be  
12 happy to answer questions, which is to comment on the  
13 - you probably would ask me, but I'll just bring it  
14 out first. On the injury reporting, the Board issued  
15 a report showing that substantial numbers of serious  
16 injuries were not being reported and investigated and  
17 this is a very, very serious problem in the jails.  
18 It has led to deaths on multiple occasions. The fact  
19 that things are not being reported leads to a culture  
20 of not reporting and although, I'm sure that in the  
21 whole world and probably all of us in the different  
22 parts that we play, when we hear the word  
23 transparency, we just say oh, God, they're saying  
24 transparency again. This is really obscured jails.  
25 It is not - you know, you want to know what'

1  
2 happening with the police, you want to know whats  
3 happening with fire, you want to know everywhere, but  
4 jails are really hard to look at and the Board  
5 provides you and the country an opportunity to see  
6 whats going on in these facilities and injuries are a  
7 critical element and we have not yet seen the seventh  
8 report of the Nunez commission but I don't hear  
9 anything positive-based upon the non-rumors that I  
10 haven't heard and you've shown your data here showing  
11 that this is still a problem. So, we issue this  
12 report and we are very concerned, and the Department  
13 did not say that this is not true and health and  
14 hospitals, CHS did not say we're doing the right  
15 thing. So, they are all not doing the right thing  
16 here. It is really important and our conditions in  
17 contrast to what the Law Department said to you  
18 yesterday, are absolutely related to the issue at  
19 hand which is the availability reverence to allow  
20 information for individual diagnostic information  
21 from patients chart to the Department of Correction  
22 so that they can investigate it. And it is the  
23 quality and the character and the frequency and the  
24 timeliness of these investigations that are critical.

1  
2 Historically, as you know from PREA, these  
3 investigations happen in five years, that's not an  
4 investigation, that's covering something up. And so,  
5 I don't know why the Department of Correction and why  
6 the Law Department and why health and hospitals are  
7 not taking this issue head on and understanding that  
8 control and monitoring investigation of injury is a  
9 critical function in today's New York City Department  
10 of Correction. Thank you very much.

11 CHAIRPERSON POWERS: Great, thank you. I'm going  
12 to forgo for the second questions that we sort of  
13 started about the PEG and new needs. I want to talk  
14 about the point that was made around having an  
15 independent budget which came up actually in the  
16 conversations in the Council side as we were talking  
17 about in a group, we were talking about Charter  
18 revision, CCRB, as you noted came up and has come up  
19 a few times as one and the BOC and some other  
20 oversight entities have also come up in the  
21 conversation.

22 You're budget today is \$3.1 million is that  
23 correct? And what would it be under a let's say it  
24 was a one percent of the DOC budget, what would that  
25 be?

1  
2 MARTHA KING: \$14 to \$15 million.

3 CHAIRPERSON POWERS: \$14 to \$15 million, got it  
4 and what was the highest historically, whats been the  
5 highest pledge for the BOC?

6 MARTHA KING: This.

7 CHAIRPERSON POWERS: The current.

8 ROBERT COHEN: Yes.

9 CHAIRPERSON POWERS: Got it and is it fair to say  
10 Dr. Cohen, when did you join the Board?

11 ROBERT COHEN: 2009.

12 CHAIRPERSON POWERS: Oh, you're newer than I  
13 though you were.

14 ROBERT COHEN: I worked for the City.

15 CHAIRPERSON POWERS: I know you've been involved.  
16 Is it correct to say that under Mayor Giuliani  
17 the BOC staff was reduced by roughly 50 percent?

18 ROBERT COHEN: Excuse me, I'm sorry.

19 CHAIRPERSON POWERS: The Board of Correction  
20 staff in 1994 under Rudy Giuliani as Mayor, is it  
21 correct to say that the budget was reduced to about  
22 50 percent?

23 ROBERT COHEN: Yes Chair, the Mayor at that point  
24 suggested closing down the Board of Correction. That  
25 was a serious budget proposal that he made which was

1  
2 actually supported by the Chair of the Board of  
3 Correction at that time.

4 CHAIRPERSON POWERS: Nothing like eliminating  
5 your own job, right?

6 ROBERT COHEN: And that's why the independent  
7 oversight of this is critical.

8 CHAIRPERSON POWERS: I understand, I just want to  
9 continue to ask questions. What was the population,  
10 the census population in the jails around 1994? An  
11 estimate.

12 ROBERT COHEN: Around 22,000.

13 CHAIRPERSON POWERS: 22,000, and if you got your  
14 budget cut by 50 percent today, what would happen?

15 ROBERT COHEN: We have certain functions which  
16 we're not able to carry out, but we have to carryout  
17 because they were important in terms of review of  
18 deaths which require expert consultants. We will not  
19 be able to cover the jails adequately. I mean, right  
20 now, there are fewer jails, so our work is more  
21 concentrated but we're in Horizon right now and  
22 spending a lot of time at Horizon which I think has  
23 been helpful. I certainly hope so. We have a major  
24 IT project that we have not revised our ability to  
25 collect and analyze data for a long time. I don't

1  
2 know twenty years is it? I don't know when our last  
3 significant computer update, do you know Emily?

4 EMILY TURNER: So, for many years our entire IT  
5 operations have been the product of one sole IT staff  
6 member and all of our entire current system is custom  
7 built and operating on outdated technology that is  
8 not compliant with the City's security standards and  
9 we are looking to do a complete rebuild. But to  
10 answer your initial question, for one, none of the  
11 research team, the research team would not be a team,  
12 the research team at the Board plays an important  
13 part in terms of translating data received by the  
14 Department for the public and in public reports.  
15 It's a team that didn't previously exist until the  
16 budget came up to the level it's at right now. So,  
17 it would significantly impact the information the  
18 public receives about what's happening in the jail  
19 and not to mention other important monitoring  
20 activities mentioned by Dr. Cohen such as  
21 investigations.

22 ROBERT COHEN: Yeah, I think the Board at its  
23 current staffing level has been critical in  
24 identifying the problems with investigations of PREA.  
25 We're supportive of the work in Nunez and at some

1 point, we'll be taking over the work of Nunez, I  
2 mean, I hope the city eventually gets out of it but  
3 then it's going to be our responsibility to make  
4 these things - because you should have cameras and  
5 you should check to see whether they are working.  
6 You should not hit people in the head when it's not  
7 necessary. So, those rules will become part of our -  
8 we don't want to run the complete evaluation of the  
9 health services but it's just the case right now that  
10 there is no independent evaluation of the health  
11 services. Health and hospital monitors itself at  
12 this point. DOC doesn't monitor health and we have a  
13 very important role, which you are aware of in  
14 providing data and in analyzing access to specialty  
15 care which we really would like to think we need to  
16 expand to assure access to care.

18 CHAIRPERSON POWERS: Yeah, thank you.

19 MARTHA KING: May I comment on your question?

20 CHAIRPERSON POWERS: Sure.

21 MARTHA KING: So, even now with our budget, we  
22 have a very lean staff, so any cut to our budget now  
23 even it wasn't half is very destabilizing to us. We  
24 have to decide between serious priorities and meeting  
25 our existing mandates and their tradeoffs. We cannot

1 do all of it at our current level. If the staff were  
2 to be cut in half, the up and down movement of our  
3 budget is of course is really inefficient  
4 reorganization, redistribution of work and the  
5 cutting of priorities. We cannot possibly meet the  
6 numbers of requests that come to us from  
7 stakeholders, city stakeholder and community  
8 stakeholders can't meet all of them now and certainly  
9 if our staff were cut in half, we couldn't do that  
10 and I think Emily is correct, the primary impact if  
11 we were to be cut in half would be that the agency  
12 would be forced back into a position of being solely  
13 reactive to things that were happening in the  
14 Department and really operating at an anecdotal  
15 individual level intervening on crises when we can  
16 but not being proactive in identifying the systemic  
17 issues that we have over the past two to three years.

19 CHAIRPERSON POWERS: So, with all being said, it  
20 would be devastating to the Board of Corrections if  
21 you were cut by 50 percent. Is that a fair  
22 statement?

23 MARHTA KING: That's fair, yes.

24 ROBERT COHEN: That's very fair.

25

1  
2 CHAIRPERSON POWERS: And not that there is an  
3 envision 50 percent cut any where in the future but  
4 as you talk about independent budget and we have in  
5 our lifetimes a Mayor who has proposed that. At the  
6 minimum, I think it raises the question of whether  
7 even a 10 or 20 percent cut in a moment where there  
8 are cuts being either asked to be made or because  
9 they don't like the work the BOC is doing or it's  
10 part of a new jails plan. They try to reduce the  
11 role of the Board. I think you understand my  
12 questions.

13 \$14 million is it was allocated to you through an  
14 independent budget, what would be - I know you said  
15 you can't probably spend it all today. You are  
16 better than other agencies then in that regard, but  
17 what do you envision expanded role of the Board under  
18 a budget that's \$14 million or more?

19 MARTHA KING: Certainly, we would expand the  
20 growth that we've pursued already. So, we didn't  
21 have a research team, we need a larger research team,  
22 a larger legal team. I mean we have hundreds of  
23 standards and complex provisions that touch every  
24 aspect of the jail and really, we need additional  
25 legal experts to review potential violations of those

1 standards. You know the Board has never had the  
2 capacity to for instance deliver training and formal  
3 technical assistance to the Department of Correction  
4 Correctional Health who actually are supposed to know  
5 our standards and implement our standards. The more  
6 growth at the Board would mean actually solidifying I  
7 think in many important ways the implementation of  
8 the standards. Obviously, we have mental health and  
9 we have correctional medical standards and the Board  
10 hasn't had the capacity to have that kind of inhouse  
11 public health expertise, that would be another  
12 important growth area and technology.

14 CHAIRPERSON POWERS: Okay, and what's the CCRB's  
15 Budget today relative to the DOC's Budget?

16 MARTHA KING: What is?

17 CHAIRPERSON POWERS: I mean, I'm sorry NYPD's  
18 budget as a percentage?

19 MARTHA KING: The portion is approximately .2  
20 percent. It's about the same as we are of the  
21 Department of Correction.

22 CHAIRPERSON POWERS: Okay, thank you. Okay,  
23 thank you for that and I certainly think that whether  
24 you want -

25 MARTHA KING: They're .28, we're .2.

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COMMITTEE ON CRIMINAL JUSTICE

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CHAIRPERSON POWERS: .2, and what would their actual budget be number wise if they were one percent of the Police Department?

MARTHA KING: They're at I think, about \$16 million now and that's .28 percent.

CHAIRPERSON POWERS: Okay, so times three point whatever. Okay, moving on and I just raise that because I think that we have had a discussion in the City about the CCRB, borough presidents, public advocates, so forth, having independent budgets. IBO is I think independently set right now relative to OMB's budget. If we believe in a mission of an independent body, I think we should believe in a mission to fund it outside of our normal budget process. CFB I think set their own budget for what it's worth.

Moving forward, can you talk about this years budget? Are there new needs that the Board requested from OMB but did not receive in the Preliminary Budget?

MARTHA KING: We have this emerging technology need. We've known that we've had this for the past few years. Now, we have more specificity around the

1 ask then I think we did even in November and the ask  
2 has grown. I will let Emily speak to the technology.

3  
4 EMILY TURNER: Sure. So, since March of 2016, we  
5 have identified some urgent technology needs and  
6 repeatedly requested funds. That sort of came to a  
7 head this year with the unexpected retirement of our  
8 IT Director. At which point, we were able to engage  
9 a consultant and then work very closely with DoITT to  
10 keep us operational and then make a plan for what our  
11 future technology state could be and should be.

12 In working with DoITT we have received a cost  
13 estimate and shared that estimate with OMB.  
14 Currently, the ask is for a total of \$1.3 million in  
15 year one. \$974,000 of which would be just the  
16 procurement and development, design and development  
17 of a new system and then \$325K would be for ongoing  
18 software subscriptions and additional staff to  
19 support the system.

20 CHAIRPERSON POWERS: And sorry to ask this  
21 question, that's reflected in the budget now or  
22 that's an ask that was not reflected in the budget?

23 MARTHA KING: It is not reflected.

24 CHAIRPERSON POWERS: It is not reflected in the  
25 Preliminary Budget, okay. And you've been asked like

1  
2 other agencies to meet a goal around the program to  
3 eliminate the gap. Yours is \$93,000, can you tell us  
4 what areas of the budget the Board is planning to  
5 derive savings from and any impact on operations?

6 MARTHA KING: Sure, as I mentioned, it's very  
7 destabilizing when you have such a small staff to  
8 make any size cut with the \$93K, I anticipate that we  
9 will either cut in analysts that would have been  
10 working on PREA or health care or violence and  
11 otherwise if we can, we might be able to find it in  
12 unspent funds.

13 CHAIRPERSON POWERS: Okay, and you had \$86,000 I  
14 think last year in the budget for a special  
15 investigator to review inmate deaths. Can you tell  
16 us if that position is filled and if it's not, can  
17 you tell us the delay in hiring somebody?

18 MARTHA KING: So, sure, that's right, we revised  
19 our death review process to reflect best practices in  
20 the field and created what we thought was going to be  
21 a great process. We made an offer to someone who  
22 unfortunately, she was fantastic but had to relocate  
23 on an emergency basis and so, we offered the job that  
24 was in September and she left and wasn't able to  
25 accept the job. We subsequently in November got a

1  
2 cut of \$78,000 to our budget and thus had to rethink  
3 how we were going to implement that cut which would  
4 mean the loss of either that position or a Director  
5 of Health or some other person at that level of  
6 salary.

7 CHAIRPERSON POWERS: So, it's unfilled today?

8 MARTHA KING: It is unfilled today, the death  
9 investigator job, yes.

10 CHAIRPERSON POWERS: And have you requested new  
11 funding to fill that position?

12 MARTHA KING: Have we, I'm sorry?

13 CHAIRPERSON POWERS: I think the \$76,000 got cut  
14 for which could be that position, have you asked an  
15 increase in funding to fill that position?

16 MARTHA KING: Yes.

17 CHAIRPERSON POWERS: Okay, we put up a number of  
18 statistics that we think are still concerning related  
19 to violence in the jails. You guys have noted in  
20 your report around serious injuries and  
21 underreporting of that and it continues to be an  
22 issue. I know the Board is concerned about, we're  
23 concerned about and we are asking the Department to  
24 take more seriously including finding ways if needed  
25 to fund improvements in the jails to help reduce

1 violence and we've heard from folks who work in it.

2 I know you've heard probably from folks in the health  
3 care side of it who may have concerns about their own  
4 safety at time and obviously from those who are  
5 providing security as the officers. Can you give us  
6 the Boards thought on those numbers and  
7 recommendations that you've made to help reduce  
8 violence in the City jails.

9  
10 ROBERT COHEN: Yes, I'm just going to give you  
11 the example of RNDC. The Department decided in  
12 January, or a year ago, to close down GMDC. I have  
13 not heard a good reason for why it had to close down.

14 CHAIRPERSON POWERS: They closed GMDC.

15 ROBERT COHEN: They closed GMDC immediately. We  
16 heard there was a decision made by the Commissioner  
17 in City Hall to close GMDC. GMDC was a place where  
18 there were a large number of young adults with  
19 extensive programming, with a beautifully newly  
20 constructed piece in some other kind of center where  
21 there was training, there were classrooms, and all of  
22 a sudden they decided to close it down and within  
23 three months, that group of people, those young  
24 adults were moved into RNDC and none of the programs  
25 went with them.

1  
2 RNDC had other issues because they were moving  
3 the 16 and 17 years old's out by October 1<sup>st</sup> and that  
4 created lots of complications, but beginning in  
5 November, December and January, the violence in that  
6 facility sky rocketed and it sky rocketed I believe,  
7 because none of the officers who – generally the  
8 officers who came to the facility were not trained.  
9 They were where as in GMDC for these young adults,  
10 they always had two officers on the unit plus one in  
11 the bubble, the enclosed protected area. When they  
12 move them, the same people to RNDC, they only had one  
13 officer. When they were in GMDC, they were housed by  
14 their educational levels. These are people who don't  
15 have to go to school because they are over 18 but  
16 lots of them were in school and so, they could bring  
17 them to the education area. When they brought them  
18 to RNDC they didn't house them by their education  
19 area. They allowed the creation of certain  
20 dormitories in certain housing areas in RNDC which  
21 were all one gang and the number of violent incidents  
22 in December was 149, in January it was 151, and there  
23 were other problems where the locking mechanisms of  
24 the cells were defective, and I would say, and the  
25 Commissioner would glare at me and disagree. That

1  
2 this was a management failure. They should have  
3 brought over two officers for every one of these  
4 housing areas. They should keep the housing areas  
5 small. They should have reconstructed the PREA  
6 center before they moved people into this unit.

7       So, I think the things that can be done right now  
8 which don't involve saving money but do involve  
9 increasing the number of officers within the units  
10 requiring that officers be in the units at all times,  
11 two officers and that all the doors are checked very  
12 carefully every day to be locked and also, a system  
13 of engaging violence when it occurs which has what we  
14 call restorative justice and particularly that means  
15 that in distinction with the Departments current  
16 approach. That whenever there is a conflict between  
17 an officer, between two - usually men because they  
18 can't move the women anywhere, so it's a different  
19 unit. Two men, they move one to another place  
20 instead of having them cool down and have a  
21 discussion mediated at the right time, that what  
22 happened? Why did this happen at this moment? Or  
23 even between an officer and someone but instead the  
24 Department just moves people whenever anything  
25 happens and so, there is no continuity. The officers

1 don't get to know who is there. They don't have  
2 steady officers who are familiar with the people  
3 living in the unit.  
4

5 You know, we believe and I think everybody body  
6 in the field believes that the traumatic experience  
7 of both the Correction Officer and of the men and  
8 women living in these facilities makes them have very  
9 short handles and if you're there and you know the  
10 people then you can respond to their tendency to go  
11 off quick. So, I think the most serious problem that  
12 there is on Rikers Island and I would reallocate  
13 staff to have smaller units, more officers, and a  
14 restorative justice component rather than moving  
15 people everywhere whenever there is a problem.

16 CHAIRPERSON POWERS: Okay, thanks and I just want  
17 to do some wrap up questions. So, we can offer an  
18 opportunity to get to the public as well.

19 We've talked in the last two panels about the  
20 roles that each agency is playing and the relocation  
21 of the new borough-based jails and is the Board  
22 involved in those discussion. Obviously, there is a  
23 citing conversation, but also the programming reform,  
24 operations conversation. I'm wondering what role the  
25 BOC plays in that conversation.

1  
2 MARTHA KING: So, generally the Board has been  
3 supportive of the overall plan. Not involved in any  
4 of the siting discussions and currently meets with  
5 the relevant agencies on a quarterly basis to check  
6 in on developments related to policy, programming,  
7 space and how the minimum standards will be executed  
8 in those new locations.

9 CHAIRPERSON POWERS: Have you issued your own  
10 recommendations about what the new jails might look  
11 like or how they might operate in housing or  
12 otherwise?

13 MARTHA KING: We have not done that formally, no.

14 CHAIRPERSON POWERS: Is there a plan to do so?

15 ROBERT COHEN: We've been asking questions. I  
16 mean, we meet quarterly, and a lot of people come to  
17 the meeting. To me, they are not very satisfying  
18 because the Department is not yet engaged in any  
19 questions about how they're going to make the jails  
20 safer and different when they move them. They are  
21 going to have very tall jails, I hope not. They are  
22 going to not have people move off their areas, so I'm  
23 not sure that's a good thing. It might be, but just  
24 being stuck in one area and never moving off it, you  
25 know, but they are not engaging any of the issues of

1  
2 how to control violence. Of how to have a different  
3 approach to justice, how to have a different training  
4 approach to the officers and I know everyone is  
5 committed to that as a key element, but I don't think  
6 that so far that has taken place and we are pushing  
7 for that.

8 MARTHA KING: Can I answer your question more  
9 formerly.

10 CHAIRPERSON POWERS: Yes.

11 MARTHA KING: So, yes, we will issue  
12 recommendations formerly. The question is timing and  
13 I think right now, you can hear from Bobbie you know,  
14 some details are not yet, their not in a position to  
15 know. Their not in a position really to be shaped  
16 yet, so I think it's just a question of when is the  
17 right time for the Board - like, when is there enough  
18 of a framework there for the Board to respond to and  
19 when there is, we will.

20 ROBERT COHEN: I know there is other things to  
21 but the fewer people the better. I mean it's really  
22 important to get that number now as low as possible  
23 and 5,000 is floating around right now. I don't know  
24 that that's the right number, I hope it is lower than  
25 that.

1  
2 CHAIRPERSON POWERS: Yeah, thank you and I do  
3 think you should be in that conversation as the  
4 entity that oversees the city jails. And I wanted to  
5 just a final question for you. I raised this to the  
6 Law Department and to the DOC if you were here  
7 earlier about the recent, I guess, we could call it a  
8 debate about the role of the BOC in terms of the  
9 variance in the serious injuries. Can you give us an  
10 update on where that stands from the BOC view point  
11 and you know, my concern has been around precedent.  
12 Can you share us any concerns really to precedent  
13 around that decision?

14 MARTHA KING: Sure, I think the Board is equally  
15 concerned about a precedent here. Just to sort of  
16 state where we are now, the Board had been granting a  
17 variance four or five years to allow Correctional  
18 Health to share injury information, injury diagnoses  
19 with the Department only so that the Department could  
20 effectively investigate injuries, respond to injuries  
21 and then prevent injuries. Having done that for five  
22 years, this year we did something a little different.  
23 We studied, we did an in-depth study about these  
24 serious injuries and you know what we found 80  
25 percent under reporting, delayed investigations, a

1  
2 lack of accountability around the investigations and  
3 the Board sought to do what it normally does in that  
4 kind of circumstance which is to take the  
5 recommendations from the study, the findings from the  
6 study and turn those into conditions that would be  
7 attached to the variance.

8       Subsequently to that, the Law Department issued  
9 three successive but different opinions to the Board,  
10 but all of those opinions resulted in the same  
11 outcome which was to remove the Boards oversight over  
12 this issue.

13       The Board was very vocal in their concerns about  
14 it. They unanimously passed a resolution siting  
15 their strong disagreement with cooperation council on  
16 this issue siting the fact that they believe the  
17 Minimum Standard is still in effect and siting the  
18 fact that they believe the Board has the authority to  
19 impose and attach those conditions that it sought to  
20 attach. There has been no other action from CHS,  
21 DOC, or Law Department since then, so the Board has  
22 decided to create new rules to enforce the Minimum  
23 Standards, create additional requirements to ensure  
24 that injuries are effectively investigated, responded  
25 to, and hopefully prevented.

1  
2 CHAIRPERSON POWERS: The Law Department testified  
3 here where you are sitting a few days ago that the  
4 Board was, that it was reversed. I don't know if you  
5 had an opportunity to see their testimony and that in  
6 said was putting peoples, that the Boards rules were  
7 putting folks in harms way. Do you agree with that  
8 assessment?

9 MARTHA KING: No.

10 CHAIRPERSON POWERS: I didn't anticipate you  
11 would.

12 ROBERT COHEN: We made our own transcript. I  
13 mean, it's not true that the conditions of the Board  
14 as Corporation Council said to you that the  
15 conditions of the Board sought to impose on the last  
16 variance request were completely unrelated to the  
17 subject matter of the variance. The subject matter  
18 of the variance was to facilitate investigations of  
19 serious injuries by allowing diagnosis to be provided  
20 by the medical provider to the Department and our  
21 variance, our conditions were all related to making  
22 that investigation process functional.

23 MARTHA KING: There is a natural tension and  
24 conflict obviously in a lot of the work we do. We've  
25 discussed it in this topic of the Independent Budget,

1  
2 this is a particularly serious conflict and I hope it  
3 doesn't set a precedent as you suggested. I think  
4 the only way to do that is that we remain committed  
5 to our independence and articulating that and keep  
6 talking with stakeholders like you and others who are  
7 bringing this issue to light and hopefully we can  
8 prevent this from becoming any precedent.

9 ROBERT COHEN: And there is another conflict of  
10 interest which is that the corporation Council is  
11 DOC's lawyer.

12 CHAIRPERSON POWERS: Aren't they your lawyer to?

13 MARTHA KING: No.

14 CHAIRPERSON POWERS: They're not your lawyer?

15 ROBERT COHEN: No, me, I'm a doctor which is like  
16 a lawyer. So, theoretically there are some relations  
17 with the city that we have but this is an issue where  
18 DOC does not want us looking at stuff.

19 CHAIRPERSON POWERS: Understood.

20 ROBERT COHEN: Therefore, they have a conflict in  
21 putting out a rule and I don't understand, and they  
22 have never given us an explanation of this, how they  
23 can just declare a rule, a city rule, null and void.

24 CHAIRPERSON POWERS: I agree with you and to loop  
25 this back when the Administration decides to

1  
2 interfere with the oversight body's ability to  
3 perform oversight that supports the need to also  
4 budget a budget independently.

5 So, thank you. Thank you, guys.

6 PANEL: Thank you very much and thanks for all  
7 your support.

8 CHAIRPERSON POWERS: Thank you. We're going to  
9 call up our first panel. Thank you everybody for  
10 waiting. We are going to call up first four folks  
11 up. David Freudenthal from Carnegie Hall, Chris  
12 Heinrich and Shane Correia from Midtown Community  
13 Courts and for Court Innovation, Michael Pope from  
14 Youth Represent, and Alexander Anderson from  
15 Ritual4Return. Please come on up.

16 Alright, thank you and I just want to thank  
17 everybody for their patience. I know these hearing  
18 can go on for a long time. Thank you for sticking  
19 through it and hopefully got an opportunity to grab  
20 lunch or something like that along the way. Thank  
21 you, so we don't have to swear you in, but we will  
22 just ask you at the beginning of your testimony to  
23 say your name and your organization as well and then  
24 we'll provide an opportunity to give testimony. Just  
25 because of time constraints, we're going to ask for

1  
2 three minutes on testimony. You'll hear the bell, if  
3 you could close your remarks then and then we'll have  
4 an opportunity to follow up with questions.

5 Thank you, you can start, we'll start over here.

6 CHRIS HEINRICH: Chris Heinrich and Shane Correia  
7 from Center of Court Innovation.

8 CHAIRPERSON POWERS: Great, go ahead. You can  
9 start.

10 CHRIS HEINRICK: Okay, good afternoon Chairman  
11 Powers. My name is Chris Heinrich. I am the Project  
12 Reset Program Manager at the Midtown Community Court,  
13 a project of the Center for Court Innovation. Again,  
14 I am here with Shane Correia, who is the Associate  
15 Director of Strategic Partnerships at the Center for  
16 Court Innovation and we thank you for the opportunity  
17 to speak today and really want to thank you  
18 personally for all your continued support at Midtown  
19 Community Court and our community programs that we're  
20 working together with your office and I hope you'll  
21 come by for a visit soon.

22 I am here to request the Council to support the  
23 Center for Court Innovation as it seeks to renew and  
24 strengthen the work, we do with over 75,000 New  
25 Yorkers annually. Researches have documented that

1  
2 our operating programs throughout the City have  
3 decreased violence, aided victims, reduced the use of  
4 jail, and transformed neighborhoods. To continue to  
5 accomplish this work and as we look to reduce the  
6 Rikers population, which is a stated goal of this  
7 committee, we seek continuation funding for our core  
8 Citywide Speaker request, our youth-focused  
9 supervised release programming, and our pre-  
10 arraignment diversion project reset programming.

11       Reset specifically permits New Yorkers to resolve  
12 low-level misdemeanors without ever setting foot in  
13 court. Reset cases have been evaluated to be  
14 resolved significantly more quickly than traditional  
15 criminal court cases, and participants have a lower  
16 likelihood and frequency for new arrests. Council  
17 provided mid-year FY 2019 support to begin borough  
18 wide implementation of Project Reset in Brooklyn and  
19 we seek Council's support of our application to  
20 continue this implementation in FY 2020.

21       We also seek Council's support to bring  
22 innovative public safety models to more New Yorkers.  
23 In targeting opportunities for low-level diversion  
24 and decreasing recidivism, we ask for Council to  
25 expand our Driver Accountability Program pilot to all

1  
2 borough. Since 2015, this group-based intervention  
3 for traffic related offenses has been found to reduce  
4 the likelihood of rearrests by 40 percent for those  
5 who complete the program.

6 And finally, we request Council to expand funding  
7 available under the Mental Health Initiatives for  
8 Vulnerable Populations, and for Court-Involved Youth.  
9 We have submitted several applications to permit us  
10 to increase mental health access where demand  
11 outstrips our current capacity. This ranges from  
12 increasing bilingual therapists who assist mental  
13 health defendants, with demonstrated success in court  
14 compliance, to hiring a psychiatrist to manage client  
15 prescriptions while they complete court mandated  
16 mental health treatment sessions in community and a  
17 summary of our applications has been submitted with  
18 our testimony.

19 SHANE CORREIA: And also, to kind of categorize  
20 the applications that we're submitting under the CCI  
21 and Mental Health Initiatives, they contribute in two  
22 major ways to responsibly reducing the Rikers  
23 population. The first is low-level diversion  
24 programs, free up court resources.

25 CHAIRPERSON POWERS: You can go on.

1  
2 SHANE CORREIA: I appreciate that. While having  
3 a data proven reductions in recidivism and these  
4 applications are also informed by our on the ground  
5 projects to address certain needs that aren't met but  
6 are chronic barriers to reintegration to the  
7 community such as providing prescription oversight  
8 for individuals who are mandated to mental health  
9 treatment while in community but not necessarily  
10 receiving it otherwise. Thank you, Council, for your  
11 time and consideration.

12 CHAIRPERSON POWERS: Great, thank you. I just  
13 have one question to follow up. What are your new  
14 asks in terms of the City Budget, I think some of  
15 these are stabilized or enhancement and which ones  
16 are new asks?

17 SHANE CORREIA: Sure, so under the Center for  
18 Court Innovation Initiative, the two renewal asks are  
19 the CCI 500,000 central wide ask, as well as the  
20 Project Reset Applications which were initially  
21 funding in the Bronx and received continuation  
22 funding this year as well as expansion funding for  
23 Brooklyn for new applications. We are seeking  
24 funding for the Driver Accountability Program to be  
25 expanded from Staten Island and Brooklyn to the rest

1  
2 of the city as well as our expansion of the Mental  
3 Health Initiatives which has six sub applications  
4 that serve Staten Island, essentially the outer  
5 boroughs.

6 CHAIRPERSON POWERS: Got it and I think you know  
7 that we have a bill in the Council right now about  
8 Driver Accountability and I think it's in your  
9 testimony. Council Member Lander carries, I think  
10 I'm a sponsor of it around folks with multiple speed  
11 camera violations. That your application would be  
12 impartially to help support that legislation if it  
13 was passed, is that correct?

14 SHANE CORREIA: That is correct, it is a  
15 compliment to that and in fact on April 5<sup>th</sup> we'll  
16 actually be having a site visit with Council Member  
17 Lander's Office as well as Council Finance and if you  
18 would like to attend, we extend the invitation as  
19 well.

20 CHAIRPERSON POWERS: Okay, send it to my office.  
21 Thank you, thank you for being here and testifying.

22 SHANE CORREIA: Thanks.

23 DAVID FREUDENTHAL: Hi, David Freudenthal  
24 Government Relations at Carnegie Hall. Thanks for  
25 the opportunity to testify. First. I want to say you

1 know; I am thrilled that Carnegie Hall's gets to be a  
2 distinguished company in these awesome organizations  
3 that are doing such great work to make our  
4 communities safer and great opportunities for young  
5 people and you know, I love the Carnegie Halls in  
6 this space and I also want to note your comment  
7 earlier Mr. Chair. Thanking your staff, I couldn't  
8 agree more. It's the Council staff that make the  
9 Council so strong, so thanks for pointing it out.

11 So, Commissioner Bermudez spoke about this work  
12 earlier, the NeON program as one of the many  
13 fantastic innovative programs that several programs  
14 that probation has undertaken to provide opportunity  
15 for their clients and to move individuals on the  
16 pathways for success and keep folks out of the  
17 system.

18 And NeON Arts and you heard about all that and  
19 you know it and NeON Arts as the Commissioner  
20 referenced is a component of that project and  
21 Carnegie Hall is their partner and I want to also  
22 just call out you Mr. Chair for bringing Carnegie  
23 Hall and Department of Probation together in this  
24 chamber in December to raise awareness of this work  
25 and I mean, you heard her speak to how it's raised

1  
2 interest by connecting more young people to this, so,  
3 that's fantastic.

4 You are familiar with this, so I don't want to  
5 take too much of your time. You know, its our view  
6 that every young person regardless of the  
7 circumstances at Carnegie Hall, we believe that they  
8 all have the opportunity to be creative, to explore  
9 their talents and develop skill sets, to help them  
10 grow and overcome challenges. Carnegie Hall has been  
11 at this since 2013 and then we have dozens of Arts  
12 partners around New York City that are contributing  
13 to the NeOn's in the seven neighborhoods where many  
14 people on probation reside.

15 We are partnered with probation in seeking  
16 funding for this program. We have been fundraising  
17 from the foundation sector like crazy, working hard.  
18 We have roughly 200,000 shortfall this year, so we  
19 are scrambling. We are hoping the City Council will  
20 be able to help us. The Commissioner spoke to the  
21 challenges in the agency directing and supporting  
22 this work although they certainly see the need and  
23 they get how this helps but it really is a core of a  
24 community-based solutions to be helping folks. That's  
25 pretty much it.

1  
2 CHAIRPERSON POWERS: Thank you. Thank you, very  
3 time efficient David, but we want to thank the  
4 Carnegie Hall for your commitment to the Department  
5 of Probation and NeON and I got to see it first hand  
6 at Carnegie Hall, which is one of the finest  
7 institutions in the fourth Council District but  
8 offering, you know, many people want to step on the  
9 stage at Carnegie Hall. I don't have the voice for  
10 it but certainly offering the people an opportunity  
11 to be at Carnegie Hall and to do that work is  
12 wonderful and I want to thank you guys for your  
13 continued partnership. Thank you.

14 DAVID FREUDENTHAL: Thank you.

15 MICHAEL POPE: Good afternoon everyone, my name  
16 is Michael Pope and I am the Interim Executive  
17 Director of Youth Represent. Youth Represent is a  
18 holistic youth defense and advocacy non-profit with a  
19 mission to ensure that young people affected by the  
20 criminal justice system are afforded every  
21 opportunity to reclaim their lives of dignity, self-  
22 fulfillment and engagement in the community. We also  
23 provide policy advocacy and we have an incredible  
24 youth speakers institute. Hopefully at some point  
25 you'll have a chance to hear some of our youth

1  
2 speakers. I want to thank the Chair as well as the  
3 Committee for this opportunity to talk briefly.

4 Youth Represent is fortunate enough actually to  
5 partner with the City and Friends of Island Academy  
6 to provide comprehensive legal services to young  
7 people on Rikers Island. Our staff is on Island  
8 weekly providing individual legal consultants to  
9 youth on Rikers Island and we identify and  
10 proactively respond to any legal barriers that can  
11 prevent successful reentry while that individual is  
12 returning home from Rikers Island.

13 We also serve youth at Horizons and at Cross  
14 Roads Juvenile Centers, our office specifically  
15 focusing on ensuring Raise the Age Implementation  
16 happens thoughtfully and in a way that actually was  
17 what it was intended to do.

18 Since beginning our or work on Island, we have  
19 had legal consults with over 250 young people and we  
20 have supported them on matters related to everything  
21 from school suspensions and transfers, family court  
22 representation, summons court representation,  
23 criminal records and error corrections,  
24 antidiscrimination employment work, all the way to  
25 providing bail and mitigation support.

Two brief points that I'd like to raise today.

One is just the critical need for client centered legal services for youth as they're reentering and two, is just our hope that you support the Speakers request for continuation of our services.

As to the first point, any time spend in jail can jeopardize housing, housing stability, employment, education, and a vast array of other opportunities trapping people in a cycle of incarceration and poverty and we collaborate with our community partners to break the cycle of this by providing pre- and post- release legal representation. My office cannot be prouder to stand with the many incredible young people who through tenacity and grit have overcome incredible barriers to ensure that their experience in the system does not define their lives.

Two such stories are outlined in my written testimony and hopefully you'll have the chance to read those.

As to point two, our hope is that you support our Speakers request to continue our services. These holistic efforts not only align with what I believe is the Council's vision to promote successful community reentry but also specifically address these

1  
2 barriers that youth will face and ensure that these  
3 legal barriers don't prevent what we're all hoping  
4 that they will be able to achieve.

5 With reduction in funding, youth on Rikers Island  
6 and in detention will lose access to the full breath  
7 of these services at a moment when as I said, when  
8 Raise the Age Implementation, these services are in  
9 the greatest of need.

10 With the support of Council however, we hope that  
11 Youth Represent can continue this work and I  
12 appreciate the time here today.

13 CHAIRPERSON POWERS: Pretty good, pretty good.  
14 Just a couple questions for you. How many young  
15 individuals do you serve per year?

16 MICHAEL POPE: In total, if I remember last year  
17 was 1,800 from direct client services and providing  
18 workshops and community-based workshops.

19 CHAIRPERSON POWERS: Got it and you're getting  
20 \$75,000 right now from the Speaker and asking for  
21 that to be continued in this Fiscal Year?

22 MICHAEL POPE: Yes, we are making requests for  
23 the \$75,000 for the Speakers request.

24 CHAIRPERSON POWERS: Okay, and you're in all  
25 jails with the young people and to Raise the Age?

1  
2 MICHAEL POPE: Yeah, we are in Rikers Island and  
3 in the different facilities that Rikers are present  
4 at. Our home bases are at our NDC and then we'll be  
5 expanding as I said to the juvenile facility  
6 locations.

7 CHAIRPERSON POWERS: So, you're a subcontractor  
8 right now, or friends of Island Academy?

9 MICHAEL POPE: Exactly.

10 CHAIRPERSON POWERS: Great, thank you. Thanks  
11 for being here, thanks for waiting.

12 ALEXANDER ANDERSON: Good afternoon everyone. My  
13 name is Alexander Anderson. I am a social worker for  
14 the Ritual4Return. I am here to share information  
15 about an initiative, an arts-based program for  
16 formerly incarcerated individuals making the  
17 difficult transition from prison and jail back into  
18 our communities.

19 The program is called Ritual4Return. We are a  
20 new program. It is an intensive 12-week experience  
21 in which formerly incarcerated people are led through  
22 the process of developing the rite of passage using  
23 art and performance, drumming, writing, storytelling,  
24 and mindfulness practices like meditation and yoga.

1  
2 At the end of the 12-week program, the  
3 participants enact a one time only threshold crossing  
4 in front of an invited audience of witnesses of  
5 family and friends, project partners, sometimes their  
6 parole officers or case managers and other members of  
7 the community. The crossing of the threshold is a  
8 powerful moment in which the men and women shed old  
9 identities and step fully into new identities that  
10 they have defined and articulated during the program.

11 Although Ritual4Return is anchored by the healing  
12 and transformative powers of art, culture, and  
13 community, it is inspired by over 50 years of  
14 academic literature in criminology and sociology that  
15 has suggested the potential for rites of passage to  
16 help in the healing of the shame, stigma, and trauma  
17 of incarceration.

18 I also speak firsthand about the powers of  
19 Ritual4Return because I am a formerly incarcerated  
20 individual who spent 15 years in and out of New York  
21 State facilities. I am also one of the first  
22 original participants of the program and I crossed my  
23 threshold in 2009. I can attest to the unique and  
24 life changing nature of this work. Even though I  
25 have been out of prison for almost a decade when I

1  
2 began, the experience took me from feeling like I was  
3 always stuck in prison to feeling like I'm completely  
4 out. It helped me heal with my family and gave me a  
5 new perspective on my journey. Without  
6 Ritual4Return, I truly believe I would have gone back  
7 to prison at the age of 50 years old.

8 I encourage the members of this Council to learn  
9 more about our program at our website,  
10 [ritual4return.org](http://ritual4return.org) and with proper funding and  
11 support, we believe we could transform and heal  
12 formerly incarcerated individuals across the five  
13 boroughs and by extension, their families and our  
14 communities.

15 Thank you very much for your time.

16 CHAIRPERSON POWERS: Thank you. Thank you for  
17 being here. Thanks for waiting to testify. Do you  
18 guys receive city funding right now?

19 ALEXANDER ANDERSON: No, we receive no funding.

20 CHAIRPERSON POWERS: Okay, got it and you work at  
21 Ritual4Return right now?

22 ALEXANDER ANDERSON: Say it again?

23 CHAIRPERSON POWERS: You work at Ritual4Return  
24 right now?

1  
2 ALEXANDER ANDERSON: I'm working at  
3 Ritual4Return. I am the social worker; I receive no  
4 salary. The staff receives no salary.

5 CHAIRPERSON POWERS: Okay, well thank you for  
6 offering your time and to help many others. Are you  
7 in any jails right now at Rikers?

8 ALEXANDER ANDERSON: We are not at any jails in  
9 Rikers. We currently receive the individuals who are  
10 coming out of Rikers Island and in prison.

11 CHAIRPERSON POWERS: Great, thank you for being  
12 here. Thanks for testifying. Thank you guys and we  
13 have all your budget requests and we will follow up  
14 with the Speaker about them as well. So, thank you  
15 for taking the time to be here. I know it's a long  
16 day but thanks for waiting through. Thank you.

17 We are going to have our next panel. I think we  
18 have two more panels, so we're going to call up the  
19 next one. I can't read the hand writing I think but  
20 Sarita from JustLeadershipUSA, Darlene Jackson,  
21 Minister, Dr. Victoria Phillips, and for the Veteran  
22 Advocacy Project Coco Culhane.

23 Thank you, I think we had four, so we'll see if  
24 anybody can take the seat, perhaps somebody left.  
25 So, we'll see what happens but anyway, we can begin.

1  
2 Just again, if you can we will have three minutes on  
3 the clock. If you can state your name, your  
4 organization and you can begin your testimony.

5 COCO CULHANE: Hi, I am Coco Culhane from the  
6 Veteran Advocacy Project and we're here today  
7 requesting support for a new program which is  
8 bringing Veterans Law out to Rikers. We're doing  
9 four units, we're working with treatment courts and  
10 we are partnering mainly with the Department of  
11 Veterans Affairs, Veterans Justice Outreach. And so,  
12 in my testimony you will see the collateral  
13 consequences of basically having access to the VA and  
14 being incarcerated because after 60 days you're  
15 supposed to notify the VA that you're in jail which I  
16 don't think is happening a lot on Rikers, so we would  
17 see people coming back with these massive debts and  
18 their disability compensation being cut off and  
19 that's just one of the problems and so, we wanted to  
20 get out there and basically catch the problem  
21 upstream. Also, all of these benefits can be  
22 apportioned to the family while the veteran is  
23 incarcerated. So, we were also seeing spouses who  
24 ended up being evicted because the money was suddenly  
25 gone.

1  
2 So, we just think we can have a huge impact for a  
3 lot of these vets and finally, there's a population  
4 over 60 percent is one estimate from a social worker  
5 at the Brooklyn Treatment Court that they have bad  
6 discharges. So they are actually cut off from the  
7 various services that we're going out there with so  
8 they can't be connected to mental health care and all  
9 those things and we have medical-legal partnerships  
10 and all kinds of collaborations that we can connect  
11 those veterans to, to improve reentry and hopefully  
12 create an easier reentry and a way for them to  
13 rebuild their lives a little faster.

14 CHAIRPERSON POWERS: Oh, sorry. Just a few  
15 questions to follow up and thanks for testifying. Do  
16 you have any stats in the city jails what percentage  
17 are veterans?

18 COCO CULHANE: No, and I have spent a year  
19 trying. I have not been successful. I am told the  
20 national average goes anywhere from eight to twelve  
21 percent, which is higher than the overall percent of  
22 veterans in the population.

23 In New York city, the best that I could get was  
24 that there are about 300 vets at Rikers on any given  
25 day.

1  
2 CHAIRPERSON POWERS: 300?

3 COCO CULHANE: Yeah, and I know the Veteran  
4 Treatment Courts, those numbers are available. We  
5 are just starting this. We're just starting to work  
6 with the misdemeanors in felony court in Brooklyn and  
7 in Queens.

8 CHAIRPERSON POWERS: Okay, are you at any of the  
9 city jails right now?

10 COCO CULHANE: Yeah, so we've been going out to  
11 Rikers, we've been going to the Veterans Unit but  
12 starting next week we are going to be bringing people  
13 from other units because the veterans unit is getting  
14 a lot of services already, but as far as we know no  
15 one is doing Veterans Law. Like, nobody is working  
16 on Department of Defense matters or VA matters. So,  
17 that's why we want to partner with all the experts  
18 who are out there and just bring this as another  
19 resource and tool.

20 CHAIRPERSON POWERS: Do you do any work at the  
21 Manhattan VA Hospital? It's in my district, so let  
22 me know if there is ever anything that you guys are  
23 doing related to Veterans especially those who are  
24 criminal justice involved. And you have a funding  
25 request to the Council?

1                   COCO CULHANE: Yes.

2                   CHAIRPERSON POWERS: For what's the amount?

3                   COCO CULHANE: We asked for \$125,000 so that we  
4 could pay for part of an advocate and a part of an  
5 attorney to be doing this work.

6                   CHAIRPERSON POWERS: Okay, great, thank you. We  
7 will follow up with that and thank you for taking  
8 time to testify.

9                   COCO CULHANE: Thank you.

10                  MINISTER DR. VICTORIA PHILLIPS: Good afternoon.  
11 My name is Minister Dr. Victoria Phillips or Ms. V.  
12 and I am the Community Health and Justice Organizer  
13 at the Mental Health Project Urban Justice Center.

14                  City Council should assist to limit the  
15 disproportionate harm that many vulnerable New  
16 Yorkers with a mental health concern experience when  
17 engaging with New York City Department of  
18 Corrections.

19                  Today, we are reminding you that City Council has  
20 the duty to be accountable for budgeting according to  
21 the direct needs of the people. Stigma often hinders  
22 people in mental health crisis from seeking or even  
23 receiving the care that they need. The Mental Health  
24 Project at UJC has played a consistent role in  
25

1  
2 advocating for incarcerated individuals, populations  
3 impacted by individuals with disabilities and reform  
4 with the New York City Department of Corrections.

5 Previously, while working on Rikers and in other  
6 DOC facilities, I personally witnessed some of the  
7 worst inequities in our criminal justice system. At  
8 a time where advocates across the nation are tackling  
9 the very system that criminalizes mental health  
10 issues, poverty, race and substance abuse, the people  
11 of New York City need this Council to hold New York  
12 City Department of Corrections accountable for the  
13 increase in Budget yet constant failures to properly  
14 document and submit reporting's in a timely fashion.

15 It is not the responsibility of New York City  
16 Department of Corrections to act as a housing cohort  
17 to our most vulnerable populations. As an Army brat,  
18 this is a personal concern of mine. That over  
19 230,000 veterans documented reside in New York City  
20 and one out of four is believed to have a diagnosis  
21 of PTSD and/or major depression.

22 New York City Department of Homeless Services  
23 report 35 percent of their shelter clients present  
24 with a serious mental illness SMI. Their numbers  
25 rise when addressing the street homeless population.

1  
2 In which, I might point out are often cycled  
3 throughout the hospitals ER, the Department of  
4 Corrections and the shelter system.

5 Now ask yourselves and ask DOC when they are  
6 sitting before you again, how many in their range of  
7 populations are actual veterans? Which is why we  
8 encourage the Council to assist in ending the war on  
9 drugs. For example, vets who are nation has often  
10 left to debrief themselves often begin in substance  
11 abuse or misuse by self-medicating due to the  
12 experiences while deployed. We continue to call for  
13 the decriminalizing of poverty ending broken windows,  
14 police and in prosecuting and reinvesting in  
15 accessible health care, schools, housing, vocational  
16 training for all marginalized communities. In fact,  
17 how about funding a program to assist people in  
18 accessing expanded benefits under Medicaid.

19 We can begin the holistic process immediately by  
20 viewing all demographics with substance abuse as a  
21 medical issue which currently is a diagnosis in the  
22 DSM5, making it a mental health issue. In need of  
23 home reduction strategies and a support system or  
24 residential treatment instead of criminalizing them  
25 and falling throughout the entire justice system.

1  
2 In addition, DOC Fiscal 2018 reported a mind-  
3 blowing cost of \$302,296 per incarcerated  
4 individuals.

5 CHAIRPERSON POWERS: Sorry, you can make a  
6 closing statement.

7 MINISTER DR. VICTORIA PHILLIPS: Yes, I have like  
8 three more sentences. Okay, so Black and Latino  
9 residents make up 90 percent of those incarcerated.  
10 People of color are not revenue for the city. DOC  
11 spent millions on GMDC in the last three to four  
12 years, yet only to decide to close it in 2018. Where  
13 is the accountability? With over 60,000 homeless  
14 individuals entering in our shelter system each day,  
15 many upon reentry from DOC. We must look for  
16 progressive ways to develop solutions outside of this  
17 vicious cycle. At the time, DOC has submitted a  
18 budget that lowers the Administration Academy and  
19 Training Projections decreased them by almost two-  
20 thirds which leaves us advocates to ponder on how  
21 much of the coaching change that they claim they are  
22 committed to that they will actually uphold. The  
23 Council should decrease their budget while making  
24 them uphold all human rights. They have always been  
25 budgeted in yet overlooked or blatantly ignored.

1  
2 Never forget, people in medical crisis literally die  
3 in New York City Department of Custody. I have had  
4 the pleasure of working with and advocating next to a  
5 voice that all Council Members should respect, Dr.  
6 **[Inaudible 5:37:54]**, Former Chief Medical Officer for  
7 the City's Correctional Health Services. The Council  
8 can recall any number of his testimonies when he  
9 spoke out.

10 CHAIRPERSON POWERS: Can you make a closing  
11 statement?

12 MINISTER DR. VICTORIA PHILLIPS: Yes. When he  
13 spoke out on the working in the Correctional System  
14 and what they call medical care. Please recall the  
15 reports on the abuse in medical clinics reported by  
16 the US Attorney's Office for the Southern District of  
17 New York and lastly, the report this year January  
18 2019 released by the New York City Department of  
19 Corrections, where they reported DOC's irresponsible  
20 actions and lack of adequate reporting on the very  
21 lives of your constituents. I'll end there.

22 CHAIRPERSON POWERS: Thank you and just to follow  
23 up on both testimonies here on the issue around  
24 veterans particularly I think it's something that we  
25 can with the Committee, we have a Committee on

1  
2 Veterans that I think Council Member Deutsch is the  
3 Chair of we could certainly look at sort of the  
4 Criminal Justice side of those who have served the  
5 country and as both of you mentioned, we have issues  
6 with folks who have served, given services and I  
7 think many of us feel like we don't provide adequate  
8 support to them upon returning. So, it is an issue I  
9 think we can look at as a Council particularly around  
10 interactions with, I mean it's a federally operated  
11 hospital, both things like the VA hospitals in the  
12 city and other services with the Department of  
13 Veteran Affairs, things like that. So, thank you.  
14 We'll keep going.

15 SARITA DAFTARY: Thank you. My name is Sarita  
16 Daftary. I am an Organizer with JustLeadershipUSA.  
17 Thank you for the opportunity to testify at today's  
18 hearing. You know our work on the close Rikers  
19 campaign and an essential component of that campaign  
20 has always been the second part, Build Communities,  
21 which refers to the investment that must happen in  
22 communities that have suffered decades of divestment  
23 and seen community services and resources starve for  
24 funding while funds are disproportionately allocated  
25 to Law Enforcement. We can not get to the point of

1 making those community investment unless we start  
2 reducing Law Enforcement Budgets including the vastly  
3 over resourced and underperforming Department of  
4 Corrections.  
5

6 So, on the point of over resourced, not just the  
7 cost per detainee but eh overall Department of  
8 Corrections budget has continued to grow. Over the  
9 past ten years, the Department budget grew 46 percent  
10 while the number of people detained fell 36 percent.  
11 More specifically, the number of uniformed officers  
12 increased 51 percent over that time while the number  
13 of detainees fell 36 percent. This last fact flies  
14 directly in the face of excuses DOC makes for their  
15 increases in staffing. That they are providing more  
16 programs or that they are dealing with a population  
17 with an increasing rate of mental illness.

18 First, uniformed officers do not and are not  
19 qualified to provide programs and services. In fact,  
20 the president of the Correction Officers Benevolent  
21 Association is on the record saying, we are not  
22 mental health workers, we're not social workers,  
23 we're the police of the jails.

24 Second, effective treatment for people with  
25 severe mental health needs, approximately 16 percent

1 of the current jail population must be provided  
2 outside of the criminal punishment system. The  
3 health care providers who work with these people on  
4 Rikers are clear that their treatment would be more  
5 effective anywhere else.  
6

7 Third, the 44 percent of people in city jails  
8 with an M designation does not mean severe mental  
9 illness, just that someone has a need for mental  
10 health care, including managing the stress,  
11 depression, and anxiety of being in jail especially  
12 on Rikers, and not knowing when they'll get out.  
13 This is a fairly natural response to being locked in  
14 a cage on an isolated island with no end in sight.  
15 High rates of health challenges should result in more  
16 de-carceration and better conditions and more  
17 resources for the people while they are detained not  
18 more guards who have a poor track record in treating  
19 clients with mental health needs humanely.

20 On the point of underperforming. Underperforming  
21 is an understatement. Despite the oversight of an  
22 independent, court appointed monitor, the number and  
23 rate of uses of force continues to rise. The  
24 Department underreports serious injuries as we've  
25 talked about before, is also in violation of Minimum

1 Standards due to its untimely and inadequate  
2 investigations into sexual abuse and harassment. DOC  
3 also fails to bring people to mental health treatment  
4 appointments about 19 percent of the time, as  
5 reported by CHS and the Department of Corrections  
6 either cannot or will not fulfill the role of  
7 correcting anything. Either way, they are not. The  
8 Department of Corrections often fails at its most  
9 clear and simple purpose, to make sure that people  
10 appear at their court dates when people are brought  
11 late for their hearings or not at all.

12  
13 So, rather than continuing to pour this level of  
14 resources into a failed agency, we must start to  
15 imagine and plan for a just transition. I have three  
16 more sentences.

17 Union jobs are important, but the City must move  
18 to create those jobs in other agencies, and in roles  
19 that are not based in brutalizing, caging, or  
20 controlling people. The city must also plan for ways  
21 to transition people to those jobs. This Committee  
22 and the Council as a whole must push the Mayor to  
23 appropriately reduce the DOC budget in scale with the  
24 reduced jail population, and to shift those funds to  
25

1  
2 create living wage jobs in ways that build  
3 communities.

4 CHAIRPERSON POWERS: Thank you and well, I do  
5 have questions, we have actually the Veterans  
6 Committe come in her basically now to start -

7 SARITA DAFTARY: Some of your questions might I  
8 add, I gave you all a copy of our build communities  
9 platform with the mental health elements highlighted.  
10 So, that may elaborate.

11 CHAIRPERSON POWERS: Got it. Thank you, thanks  
12 so much.

13 DARLENE JACKSON: Can I just add a quick strong  
14 suggestion before you start my three-minute clock? I  
15 think that it would better serve this Committee to  
16 have your advocates speak first and have the folks  
17 you come in to hold accountable sit and actually  
18 listen to the people who is directly impacted because  
19 I think it's awfully rude for them to just walk out  
20 while we stand here and listen to what they have to  
21 say. But I think they could learn a lot from the  
22 people who are impacted, and they could actually come  
23 prepared to the next hearing.

24

25

1  
2 CHAIRPERSON POWERS: Okay, I appreciate that, and  
3 I will note to staff and both BOC and DOC who are  
4 here as well.

5 DARLENE JACKSON: Okay, so my name is Darlene  
6 Jackson and I'm actually a Project Coordinator with  
7 the Women's Community Justice Association. I want to  
8 say thank you actually to your staff members who are  
9 sitting here today. Steven Levin, Helen Rosenthal  
10 and even the MOCJ folks who have made a tremendous  
11 effort to hear from women who are directly impacted  
12 from incarcerations specifically detained at the Rose  
13 M. Singer Center. So, we can all agree that there is  
14 a pressing need for Criminal Justice Reform in New  
15 York City and until the 17<sup>th</sup> following years of  
16 advocacy by the peers.

17 The Mayor committed to closing the Rikers Island  
18 by 2027. Some information about the women at Rikers,  
19 nearly 81 percent of women at Rosie's are detainees  
20 many of whom remain there for several months simply  
21 because they are homeless and are considered reliable  
22 bail candidates despite there bail being low, the  
23 conditions on Rikers are notoriously troubling as  
24 well as the 207,000 annual which has now increased so  
25 \$302,000 cost to the detainee individual. Although

1  
2 there is growing consensus that better jails are  
3 needed, there has been no clear path to a solution.  
4 Fewer than 500 women are housed at Rosie's. Many  
5 having a failing profile. 80 percent report a  
6 history of trauma and violence. 60 percent suffer  
7 from mental illness, 85 report substance abuse  
8 disorders, two-thirds are experiencing homelessness,  
9 and many are on the verge of homelessness. Two-  
10 thirds are mothers, 86 percent are women of color.  
11 So, why start closing Rosie's? Here are our thoughts  
12 and it's valued on how it can proceed the larger  
13 efforts to close Rikers and help in other ways,  
14 because one, there are a relatively small number of  
15 detained women and the success to reduce the number  
16 even further, closing Rosie's can be accomplished  
17 relatively quickly with a handcrafted approach.

18 Two, gender specific factors require that women  
19 now at Rosie's would be better served in the  
20 community-based facilities as soon as possible. 80  
21 percent are mothers of young children, far to many  
22 need mental health care and our victims of physical  
23 and sexual abuse and trauma, services they require  
24 cannot be given on Rikers effectively and there are  
25

1  
2 services that should continue seamlessly in the  
3 community when they return home.

4 Third, closing Rosie's would be a strong  
5 demonstration of a **[inaudible 5:48:39]** in the public  
6 reaffirmation of the commitment to close Rikers.

7 Four, the process of closing Rikers now would  
8 maximize the reduction of detainees alternatives to  
9 detention incarceration and the creation of a secure  
10 state of the art facility is a good way to uncover  
11 and examine issues which will arise during the large  
12 efforts to close Rikers. Starting now will permit  
13 the hypothesis and alternatives on the broad efforts  
14 to be tested and there are existing models now that  
15 has successful efforts. We have the Woman's  
16 Community Justice Project in the partnership with  
17 Green Hope, Our Children, Housing Plus, private  
18 houses serving alternative to a detention that is  
19 targeting women detained at Rikers who are homeless  
20 or unstable house.

21 CHAIRPERSON POWERS: You got to do a closing  
22 statement, sorry.

23 DARLENE JACKSON: Closing statement is progress  
24 to date includes 49 **[inaudible 5:49:45]** in the  
25 housing units across Brooklyn, Manhattan, Queens

1 managed by women community agencies, 324 women  
2 referred for intake. Out of that 137 women enrolled  
3 in housing programs assessing need of public  
4 benefits, mental health services, health care and  
5 reconnecting their children.  
6

7 So, this is a model that already exists for over  
8 25 years that we can women off of Rosie's now instead  
9 of 2027.

10 CHAIRPERSON POWERS: Thank you, sorry to make you  
11 rush. You can also send a copy over. I don't know  
12 if we have a copy of your testimony.

13 DARLENE JACKSON: I'm going to email it to you  
14 guys if that's possible.

15 CHAIRPERSON POWERS: Okay, that's great, yeah,  
16 thank you. Thanks guys, thank you so much. I'm  
17 sorry to rush you.

18 The last panel here. Thank you for waiting is  
19 Jordyn Rosenthal, Brittany Williams, Turquoise  
20 Juanita Martin, and Grace Price.

21 Okay, thank you for waiting through a long day  
22 and we will let you begin, go ahead and you under  
23 three minutes and I'm sorry we have to keep you  
24 short; we have the Veterans Committee right outside.  
25

1  
2 KELLY GRACE PRICE: Hi, good afternoon. I am  
3 Kelly Grace Price Cofounder of Close Rosie's and I am  
4 here to talk about the Preliminary Budget report. I  
5 want to talk about the committee report that was  
6 published along with this particular hearing today.  
7 There is a fundamental misunderstanding of DOC  
8 failures and by the way, I emailed you my testimony.  
9 So, you have it already.

10 CHAIRPERSON POWERS: Okay.

11 KELLY GRACE PRICE: There's a fundamental  
12 misunderstanding of DOC failures to implement PREA  
13 expressed in the March 14, 2019 Committee Report and  
14 these failures need to be aired and fully vetted.  
15 The Departments the DOC's shortcomings must not be  
16 glossed over with a blind acceptance of the  
17 misinformation that is routinely produced by the DOC  
18 in regards to PREA. I'm going to repeat that. We  
19 cannot keep blindly accepting the misinformation that  
20 the DOC is producing regarding PREA and it's  
21 implementation deficiencies. I ask the Council to  
22 withhold monies from the DOC until it accounts for  
23 every cent that it has spent on alleged PREA  
24 implementation since 2012.

1  
2 In addition to the gross oversight of accepting  
3 the DOC's corrective action plan submitted in  
4 February 2019 at its face value as a ubiquitously  
5 healing document that charts all of the steps that  
6 need to be taken to implement PREA, the facts and  
7 statements presented in the document are wholly  
8 inadequate. They boarder on falsities. I'm being  
9 polite and you guys know me, I'm not very restrained  
10 usually when it comes to these matters.

11 DOC PREA reporting is flawed and money must be  
12 added to the City council's budget to hire specific  
13 data analysts to fact check and track everything the  
14 DOC presents, even though this is the BOC's rule, we  
15 saw in the September Committee hearing that the BOC  
16 intentionally obfuscates information. You  
17 specifically Councilman Powers asked about the  
18 content of the investigative report by the BOC. They  
19 had that report done months ago, it had gone back and  
20 forth in various revisions between the DOC and the  
21 BOC. Martha King knew what was in that report but  
22 that waited, and they delayed the release of it until  
23 a week after the hearing. This is not a coincidence,  
24 and this will keep happening until the City Council  
25 dedicate resources to oversight. The DOC budget

1 should include money spent broken down by jail.

2 There is abysmal lack of program completions on  
3 Rosie's over the last five years. I presented  
4 testimony about this before in the last hearing.

5 Even at Rosie's when people aren't faced with  
6 movement from jail to jail that it's prohibited of  
7 program completion in other Rikers jails. The rate  
8 of graduation certificates completions that spring  
9 from DOC programming is abysmally low and it appear  
10 resources are not flowing in the programs for women  
11 which is further proof that women's facilities should  
12 be separate in geography and physically from the  
13 men's.

14  
15 I also want to make closing Rosie's a priority in  
16 the DOC budget for obvious reasons. Times up for  
17 this and the city needs to include in its budget  
18 debits and credits for all of these goals being met  
19 and not met. Thank you very much for listening to my  
20 testimony.

21 CHAIRPERSON POWERS: Good, thank you, and the one  
22 thing I know is we have been asking for new units of  
23 appropriation so we can understand how much each jail  
24 facility is getting and then lump summing it which

1  
2 would help us get at least a better understanding of  
3 the money going into one facility like Rosie's.

4 KELLY GRACE PRICE: And I want to make one quick  
5 final point.

6 CHAIRPERSON POWERS: I think you've gone - sorry,  
7 I have to be tough because we have another committee  
8 here, but I'll talk to you after. Thank you.

9 BRITTANY WILLIAMS: May I give her 20 seconds?

10 CHAIRPERSON POWERS: It's your 20 seconds, yeah.

11 KELLY GRACE PRICE: I really appreciate you. I  
12 just wanted to say that the report that the City  
13 Council is relying on as the remediation report, the  
14 DOC remediation report, only addresses PREA rules 530  
15 and 540. That's only two of the 40 rules in PREA, so  
16 don't be whitewashed and think that this remediation  
17 report covers the whole gamut because it's just two.  
18 It's just two of the rules. They want you to believe  
19 it's all of them.

20 CHAIRPERSON POWERS: Okay, thank you. Thank you  
21 for seating your time.

22 BRITTANY WILLIAMS: Hi, everyone my name is  
23 Brittany Williams. I am the Director of Campaigns  
24 for Worth Rises, formerly known as the Corrections  
25 Accountability Project. We are a non-profit,

1  
2 criminal justice advocacy organization committed to  
3 dismantling the prison industrial complex and ending  
4 the exploitation of all that it touches. Black and  
5 Brown communities, we know in New York City. I  
6 wanted to thank everyone, the Council for allowing me  
7 to speak as a part of the Preliminary Budget hearing.

8 I am here today to speak about the role of the  
9 arts that plays out in our mission to decommercialize  
10 our criminal justice legal system. We have been  
11 doing important work around eliminating costs  
12 associated with incarceration, and we have recently  
13 utilized art as a tool to communicate the gravity and  
14 urgency of this issue.

15 We are currently, we have an exhibition up, we're  
16 actually opening tonight. We're inviting everyone on  
17 the Council to.

18 CHAIRPERSON POWERS: It's on my calendar.

19 BRITTANY WILLIAMS: But this exhibition allows  
20 for people who are in the inside of jails and prisons  
21 across the country to submit their work. Some of the  
22 contraband, like we get lots of shipments of art  
23 through the mail and we find that most people who say  
24 - most of the people on the inside says that art has  
25 given us a voice. It has humanized me on a personal

1  
2 note, I wanted to also come here to talk about how I  
3 have been directly impacted by mass incarceration and  
4 how art has saved my life.

5 And so, in this budget we're asking for more  
6 money for the arts to fund projects and tying the  
7 importance of criminal justice with like art  
8 restoration.

9 Currently, the DA, Brooklyn DA just released a  
10 report that identifies and wants to change community  
11 justice, coining community justice as a way for us to  
12 think about alternatives to mass incarceration,  
13 interventions and diversion programs. Well, the art  
14 plays a role in us reimagining what this could  
15 actually like, right? Inherently we know that art  
16 provides restoration, healing, ways for people to  
17 have shared experiences outside of the trauma of the  
18 mass incarceration and we're asking you to find a way  
19 to not - to find a way to include this inside the  
20 budget. When you're talking about actually using -  
21 this is my final closing. When you're literally  
22 talking about using money to build new jails in the  
23 city, how can we use that money to divest in  
24 programs, in art program that we know that have  
25 inherently helped our communities.

1  
2 CHAIRPERSON POWERS: Great, thank you and do you  
3 want to share the event tonight?

4 BRITTANY WILLIAMS: Yes, it is the NY Gallatin  
5 Galleries at 6pm, One Washington Place. We hope to  
6 see you all there.

7 CHAIRPERSON POWERS: Great, thank you. Thanks  
8 for testifying. We'll finish up over here, thanks.

9 Hi, I would like to thank the Committee on  
10 Criminal Justice for holding this hearing regarding  
11 the Preliminary Budget for the Department of  
12 Corrections and allowing public testimony. It is  
13 essential that those most impacted by the system have  
14 the opportunity to be heard.

15 TURQUOISE JUANITA MARTIN: My name is Turquoise  
16 Juanita Martin and I have been directly impacted by  
17 incarceration. During my youth, I was placed in the  
18 foster care system due to my parents' substance abuse  
19 and my dad's incarceration. I met a young man who  
20 shared similar experiences as me and we fell in love,  
21 his name was Jason. Jason spent most of his youth on  
22 Riker's Island and other New York state correctional  
23 facilities.

24 Jason was paroled to my apartment in the Bronx.  
25 He didn't have his GED and had no employment

1  
2 opportunities. Only three months after being  
3 paroled, he was murdered, and his case is still  
4 unsolved.

5 I was overcome with depression and grief and it  
6 affected my overall wellbeing. One day, I ran into a  
7 woman from my church who was a Director of an ATI  
8 program in the Bronx and I told her of my struggles.  
9 She invited me to an event for loved ones effected by  
10 gun violence. I began to attend regularly and with  
11 encouragement from my peers, sought counseling. I  
12 became a part of the CURE Violence movement and  
13 earned a certification as a First Responder. I went  
14 on to receive my CASAC certification and with the  
15 assistance of the non-profit College and Community  
16 Fellowship, I will be graduating in May with my  
17 Associates in Human Services.

18 I wish Jason was here to see me now. I wish he  
19 was also given the opportunity to access programs  
20 that could have allowed him the opportunity to  
21 thrive.

22 Have you ever been afraid of the very people and  
23 agents meant to protect you?

24 Have you ever been misinformed by the  
25 misinformed?

1 Have you every been black, brown, or oppressed?

2 Have you ever lost a brother, sister, cousin,  
3 friend of violence and not receive the proper support  
4 and services to grieve?  
5

6 These circumstances are representative of issues  
7 that people face daily. I am here today sharing my  
8 experience because I want the council to understand  
9 the importance of expanding investments in diversion  
10 and alternatives to incarceration and community-based  
11 programs. I ask that you follow the recommendation  
12 of the Lippman Commission and establish an annual  
13 \$270 million investment in diversion and ATI  
14 programs. Expand the CURE Violence program with each  
15 site having a minimizing funding stream of \$1.5  
16 million for services, not including the cost for  
17 space. Actively fund programming that supports  
18 communities, where that's creating paid opportunities  
19 for community members and for community members to  
20 learn conflict de-escalation techniques or investing  
21 in public libraries to expand educational and  
22 recreational services. What you cannot do, is invest  
23 this money back into the Law Enforcement Agencies.

24 Thank you for your time and consideration.  
25

1  
2 CHAIRPERSON POWERS: Thank you and probably the  
3 best way we could end this hearing is with a story of  
4 somebody who knows the system very well and I want to  
5 say a very big congratulations to you on your  
6 Associates Degree coming this May and your story is  
7 obviously a powerful one and a powerful reminder of  
8 the work we have to do here in the city to help  
9 divert people from entering the Criminal Justice to  
10 begin with and I think that the Council shares your  
11 belief that the reclamations from the Lippman  
12 Commission and investment in programs that can  
13 provide us alternatives is a powerful and meaningful  
14 investment. I will note that last year we increased  
15 our commitment to ATI's but it's a far cry from the  
16 amount that I think we need in this City. So, thank  
17 you for being here and being a part of this hearing  
18 today and that is the end and I am sorry to the  
19 Veteran's Committee for holding them up as well but  
20 with that thank you again to the staff, thank you to  
21 Jin who is leaving us and with that we are adjourned.  
22 Thank you so much. [GAVEL]

23

24

25

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