

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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April 8, 2019  
Start: 11:28 a.m.  
Recess: 11:38 a.m.

HELD AT: City Hall-- Committee Room

B E F O R E: DONOVAN RICHARDS  
chairperson

COUNCIL MEMBERS: Keith Powers  
Ydanis Rodriguez  
Andrew Cohen  
Fernando Cabrera  
Vanessa L. Gibson  
Paul Vallone  
Rory I. Lancman  
I. Daneek Miller  
Adrienne E. Adams  
Carlos Menchaca  
Justin Brannan  
Chaim M. Deutsch

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

2 SERGEANT-AT-ARMS: This is a  
3 microphone check. Today's date is April 8th, 2019.  
4 Committee on public safety being recorded by John  
5 Biondo (sp?). City Hall committee room.

6 CHAIRPERSON RICHARDS: All right. I am  
7 council member Donovan Richards from the 31st  
8 district in Queens. Southeast Queens, that is. And  
9 I am the Chair of the Public Safety Committee. We  
10 are joined this morning by council members Brannan,  
11 Deutsch, Powers, Menchaca, Cohen, Miller, and  
12 Cabrera. We are here to take up one last piece of  
13 legislation introduced at the joint hearing we held a  
14 few weeks ago on the potential statewide legalization  
15 of marijuana. Unfortunately, there was no  
16 legalization bill passed along with the state budget,  
17 but I am hopeful that there are signs that Albany  
18 intends to take time outside of their hectic budget  
19 process to craft a bill, not only legalizes  
20 marijuana, but devotes a sizable share of the  
21 economic opportunity from the new legal cannabis  
22 industry to the individuals and communities most  
23 harmed by the war on drugs. For now, all we can do  
24 is try to minimize the negative consequences of  
25 marijuana prohibition beginning with incarceration.

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2 People who are on probation have been given a chance  
3 to rehabilitate and find a path to a successful law-  
4 abiding life instead of being held back by time we  
5 stayed in jail. While we are working to decrease the  
6 population on Riker's, we should be finding reasons  
7 to keep probationers out of the system, not looking  
8 for more hurdles to trip them up and set them back.  
9 As we are hopefully on the verge of legalizing  
10 marijuana and recognizing that adults using marijuana  
11 is simply not criminal or wrong, we should stop  
12 testing probationers who are doing what they need to  
13 do to stay out of trouble. Introduction number 1427,  
14 which I am cosponsoring-- which I am sponsoring  
15 along with my colleagues, would prevent the  
16 Department of Probation from requiring individuals on  
17 probation to submit marijuana testing unless a  
18 determination is made that abstinence from marijuana  
19 is necessary to leading a law-abiding life. The  
20 passage of this bill would help close one trapdoor  
21 that too many people have fallen into while working  
22 to lead a better life for themselves and their  
23 families. Remember, these are people who are  
24 otherwise not violating their probation conditions.  
25 That means they are working or seeking work, avoiding

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2 police contact, and following all the conditions set  
3 out for them by their probation officers. These are  
4 people who don't need marijuana testing to keep them  
5 on a straight path. The only thing marijuana testing  
6 can do is risk getting them violated and sent back to  
7 jail. And last year we saw over 200, nearly 300 of  
8 those individuals sent back to jail. And for those  
9 who really do need to be abstinent, there is a  
10 narrow-- Let me say that again. A narrow exception  
11 to allow for testing. Last year, five former  
12 probation commissioners express a need to change the  
13 marijuana testing policy. When five former city  
14 probation commissioners and Chief Judge Lippman agree  
15 that testing people who are on probation for  
16 marijuana serves no public safety purpose, it's time  
17 we stopped doing it. I rest my case. With that  
18 being said, we will open the vote.

19 COMMITTEE CLERK MARTIN: Lee Martin  
20 Committee Clerk will call vote Committee on Public  
21 Safety Introduction 1427. Chair Richards?

22 CHAIRPERSON RICHARDS: I vote aye.

23 COMMITTEE CLERK MARTIN: Cabrera?

24 COUNCIL MEMBER CABRERA: Permission to  
25 explain my vote?

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2 COMMITTEE CLERK MARTIN: Yes, sir.

3 COUNCIL MEMBER CABRERA: Mr. Chairman,  
4 I appreciate your bill. Let me just say for the  
5 record, as you know, I am not for the legalizing  
6 marijuana statewide at least at this point in time,  
7 this makes a lot sense. I don't think that on, just  
8 on the basis of someone that is in probation that is  
9 trying to work, was trying to do the right thing,  
10 many of them that we work, personally work with, that  
11 they should be sent back. I don't think it's  
12 productive. I don't think what happens in our  
13 prisons really help them in their future. And so for  
14 that reason, I-- Again, I want to commend you for  
15 this bill. I think to help. The 600-- And also the  
16 stipulation that is placed here that the Department  
17 of Probation or the Judge seeing-- deem it necessary  
18 based on their particular circumstances to put the  
19 stipulation that that's the position I think is very,  
20 very helpful, which in turn will help that person who  
21 is on probation. And with that, I vote aye.

22 COMMITTEE CLERK MARTIN: Cohen?

23 COUNCIL MEMBER COHEN: Aye.

24 COMMITTEE CLERK MARTIN: Deutsch?  
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2 COUNCIL MEMBER DEUTSCH: Permission to  
3 explain my vote?

4 COMMITTEE CLERK MARTIN: Yes, sir.

5 COUNCIL MEMBER DEUTSCH: So, although,  
6 I am opposed to legalization of marijuana, but I do  
7 believe in giving people a second chance. So, this  
8 time I will vote aye.

9 COMMITTEE CLERK MARTIN: Menchaca?

10 COUNCIL MEMBER MENCHACA: Please add me  
11 to the bill as a cosponsor and I vote aye.

12 COMMITTEE CLERK MARTIN: Miller?

13 COUNCIL MEMBER MILLER: Permission to  
14 explain my vote, please.

15 COMMITTEE CLERK MARTIN: Yes, sir.

16 COUNCIL MEMBER MILLER: I'd like to  
17 thank you, Mr. Chair, for once again your leadership  
18 on this marijuana conversation. A conversation not  
19 just about marijuana legalization, but, more  
20 importantly, about marijuana policy. As you can see  
21 by the votes that have already been entered into my  
22 colleagues here who clearly been opposed to  
23 legalization of marijuana, we had [inaudible  
24 00:06:37] beneficial conversation about policy of  
25 marijuana that is disproportionately impacted

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2 communities of color. And this certainly is a remedy  
3 towards that. This is just another thing that  
4 hinders communities, not just individuals, but the  
5 lack of progress and upward mobility that has been  
6 diminished because of these marijuana related either  
7 convictions are ongoing subsequent parole violations  
8 because of marijuana. It's definitely a hinder, not  
9 just to those individuals, but to the communities  
10 that have already been disproportionately impacted and  
11 I think because we have had really robust  
12 conversation about the impact we can get to a point  
13 that, whether or not we agree on legalization, we  
14 agree on policy that has been disproportionate and  
15 had bad impacts on certain communities throughout.  
16 And, with that, I gladly vote aye. Thank you.

17 COUNCIL MEMBER DEUTSCH: Thank you for  
18 your leadership, as well, Council member Miller, on  
19 this.

20 COMMITTEE CLERK MARTIN: Brannan?

21 COUNCIL MEMBER BRENNAN: I vote aye.

22 COMMITTEE CLERK MARTIN: Powers?

23 COUNCIL MEMBER POWERS: Aye.

24 COMMITTEE CLERK MARTIN: A vote of  
25 eight in the affirmative, zero in the negative, and



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2 no abstentions. Introduction 1427 has been adopted  
3 by the Committee.

4 CHAIRPERSON RICHARDS: We'll keep the vote  
5 open for another five minutes. Okay.

6 COMMITTEE CLERK MARTIN: Call Committee  
7 on Public Safety. Council member Rodriguez?

8 COUNCIL MEMBER RODRIGUEZ: Aye.

9 COMMITTEE CLERK MARTIN: final vote  
10 Committee on Public Safety Introduction 1427 has been  
11 adopted by vote of nine in the affirmative, zero in  
12 the negative, and no abstentions.

13 CHAIRPERSON RICHARDS: This vote is now  
14 closed.

15 [background comments] [gavel]

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C E R T I F I C A T E

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



Date May 6, 2019