

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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June 13, 2019
Start: 10:52 a.m.
Recess: 11:00 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: KEITH POWERS
Chairperson

COUNCIL MEMBERS: Alicka Ampry-Samuel
Robert F. Holden
Rory I. Lancman
Mark Levine
Donovan J. Richards
Carlina Rivera

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

2 [sound check] [pause] [gavel]

3 CHAIRPERSON POWERS: Good morning. I am
4 City Council Member Keith Powers and Chair of the
5 Committee on Criminal Justice. I'm joined here today
6 by my colleagues, Council Member Rory Lancman,
7 Council Member Alicka Ampry-Samuel, Council Member
8 Bob Holden, and we will be joined by a few others
9 shortly. We are here today to vote on four pieces of
10 legislation relating to the wellbeing of incarcerated
11 individuals. Before we move to a vote, I want to
12 recon-I want to recognize and express my deep
13 condolences for Layleen Polanco, a transgender woman
14 of color who passed away in Department of Correction
15 custody last Friday. We still here at the Council
16 have a lot of questions about what happened, why she
17 was in jail for \$500, about her medical condition,
18 about the status of the investigation, and we're
19 working tirelessly to get those answers, but before
20 we move onto our vote today, I just ask that we take
21 a moment of silence in recognition of her passing.
22 [moment of silence] Thank you. Moving to today's
23 vote, we will be voting on three bills aimed at
24 improving the grievance process. First, we will vote
25 on Council Member Ayala's bill, Proposed Introduction

2 1340-A, which will require the Department of
3 Corrections to make the grievance process more
4 efficient by creating a central system where it can
5 track all complaints. It will also ensure greater
6 access to the grievance process by requiring at least
7 one grievance sot in each facility and by requiring
8 electronic kiosks. The second is my bill Proposed
9 Introduction 1370-A, which will require all
10 complaints made by incarcerated individuals or on
11 behalf of incarcerated individuals to 311 to be
12 addressed by the Office of Constituent and Grievance
13 Services. Additionally, it will ensure the
14 department informs every incarcerated individual in
15 writing about the grievance process and about the
16 sections against retaliation. I just note that in
17 light of our bill last year to improve access to
18 telephone calls, the 311--and I would expect the 311
19 system will be used more often, and I think this bill
20 goes a long way to help those who will advantage of
21 that. The third is Council Member Ampry-Samuel's bill
22 Proposed Introduction 1334-A, which would require the
23 Board of Correction to issue a report regarding the
24 correctional system's grievance process. Finally, we
25 have one bill, which is my bill focused on medical

2 appointments and sick call, Proposed Introduction
3 1236-A would require the Department of Corrections to
4 track data pertaining to clinical production in
5 greater detail, and to share such information with
6 the Board of Corrections and Correctional Health
7 Services. The bill will also require Correctional
8 Health Services to take a more active role in
9 rescheduling this medical appointment. It will
10 require the Department of Correction to retain all
11 records having to do with sick call for the Board of
12 Correction's review and would codify Board of
13 Correction requirements to make sick call available
14 five days a week excluding holidays. I just—I want
15 to really thank before we get to the vote the staff
16 here on the Council, my staff as well. We spent a
17 lot of time on some pieces of this legislation
18 ensuring that we get them correct, but making sure
19 that they work for all folks who are incarcerated,
20 and ensuring that for sick call and medical call for
21 instance that we have better process today after our
22 hearing where I think many of us felt there were gaps
23 in the process for getting and receiving medical and
24 sick call—medical appointments and sick call. With
25 that being said, I want to invite sponsors or

2 committee members to make a statement prior to being
3 able to vote. Council Member Ampry-Samuel, we'll
4 start with you. Thank you.

5 COUNCIL MEMBER AMPRY-SAMUEL: Good
6 morning and thank you, Chair Powers for the
7 opportunity to speak on Intro 1334-A. This bill
8 involves the Department of Correction's grievance and
9 complaint process, which you mentioned, and many of
10 my colleagues are here who—who know that our purpose
11 is to—to do the right thing, and I say that all the
12 time. We've read the statistics, which prove people
13 in custody have unequal access to the complain
14 system, and it depends on the jail that you are
15 housed in. However, it wasn't until that person
16 visited Rikers Island and then participated in the
17 oversight hearings and heard testimony from advocates
18 where it was realized that transparency and
19 accountability was clearly missing from our policies.
20 Bill Intro 11334-A requires the Board of Corrections
21 to issue a report on the Department of Correction 's
22 grievance and complaint process, and it will also
23 require that the Board of Corrections provide
24 recommendations for improving the procedures and post
25 it to their website. The bill is actually a direct

2 response to the recommendations from the Board of
3 Corrections, and again it shows that people in
4 custody have unequal access to the complaint systems,
5 and this bill deals with the what happens next
6 process, and it will hold the Department of
7 Corrections accountable and will require an actual
8 report on the grievance policies and recommendations.
9 So, I'm excited about the passing of 1334-A because
10 we always talk about transparency and accountability,
11 and this provides a real systematic change that will
12 improve the conditions for everyone at the
13 facilities. So, thanks again. I look forward to the
14 vote.

15 CHAIRPERSON POWERS: Great. Thank you.
16 So, I think with that being said, we can open up the
17 vote. [background comments/pause] Okay, we'll wait
18 momentarily. Thanks. [pause] Okay, and we will
19 begin the roll, and then we've also been joined by
20 Council Member Rivera and Council Member Levine. Go
21 ahead.

22 CLERK: William Martin, Committee Clerk.
23 Roll call vote Committee on Criminal Justice. All
24 items are coupled. Chair Powers.

25 CHAIRPERSON POWERS: I vote aye.

2 CLERK: Lancman.

3 COUNCIL MEMBER LANCMAN: Aye.

4 CLERK: Ampry-Samuel.

5 COUNCIL MEMBER AMPRY-SAMUEL: Aye.

6 CLERK: Holden.

7 COUNCIL MEMBER HOLDEN: Aye.

8 CLERK: Rivera.

9 COUNCIL MEMBER RIVERA: Aye.

10 CLERK: By a vote of 5 in the affirmative

11 [pause/background comments] Council Member Levine.

12 COUNCIL MEMBER I vote aye. Thank you.

13 CLERK: By a vote of 6 in the
14 affirmative, 0 in the negative and no abstentions,
15 all items have been adopted by the committee.

16 CHAIRPERSON POWERS: Thank you. With
17 that vote, we are adjourned. Thanks. [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 June 23, 2019