

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE  
JOINTLY WITH COMMITTEE ON GENERAL  
WELFARE

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October 2, 3029  
Start: 10:24 a.m.  
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HELD AT: Council Chamber - City Hall

B E F O R E: KEITH POWERS  
Chairperson

STEPHEN LEVIN  
Chairperson

COUNCIL MEMBERS:

- Ritchie J. Torres
- Vanessa L. Gibson
- Rafael Salamanca Jr.
- Barry Grodenchik
- Antonio Reynoso
- Brad Lander
- Mark Treyger
- Carlina Rivera
- Mark Levine
- Rory Lancman
- Robert Holden
- Donovan J. Richards
- Alicka Ampry-Samuel

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

Dana Kaplan, Deputy Director  
Mayor's Office of Criminal Justice

Brenda Cooke, Chief of Staff  
Department of Corrections

Erin Drinkwater, Deputy Commissioner of  
Intergovernmental and Legislative Affairs  
Department of Social Services

Chatodd Floyd, Director of Intergovernmental  
Affairs  
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Patricia Yang

Chelsea Davis

Michelle Ovesey, Acting Executive Director and  
General Counsel  
New York City Board of Correction

Robert Cohen, Board Member  
New York City Board of Correction

Emily Turner  
New York City Board of Correction

Vivian Nixon, Executive Director  
College and Community Fellowship

Frederick Fusco, Legislative Chairman  
Correctional Officers Benevolence Association

Serrita Dafty [sp?]  
Just Leadership USA

Victoria A. Phillips

Kayla Simpson, Staff Attorney

Prisoner's Rights Project  
Legal Aid Society

Darlene Jackson, Project Coordinator  
Women's Community Justice Association

Bitsy Bentley, New York City Resident

Adelaide Matthew Dicken  
No New Jails

Shawn Hudson  
No New Jails

Joel  
No New Jails

Wendell Walters, Senior Policy Associate  
Osborne Association

Tyler Nims  
Lippman Commission

Misaiel Sildor [sp?], Program Association  
Lippman Commission

Sharon White Harrigan, Executive Director  
Beyond Rosies 2020

Zachary Katz-Nelson  
Lippman Commission

Janelle Puzzle Nesbit, New York City Resident

David Moss, New York City Resident

Unidentified

Wendy O'Shield, Cofounder  
Urban Justice Safety Net Activists

Peggy Herrera  
Close Rikers Campaign

Josh Dean, Executive Direction  
Human.NYC

Anton Robinson  
Vera Institute of Justice

Alexa Adams, New York City Resident

Unidentified, Executive Director  
Providence House

Noel Frees  
No New Jails

Claire Schapiro  
No New Jails

Luke Figueiredo Miller [sp?]  
National Lawyer Guild

Calvin  
No New Jails

Michael Dunn, New York City Resident

Brittney, New York City Resident

SERGEANT-AT-ARMS: This is a mic check.

This is a mic check. Today's date is October 2nd of 2019 on the Committee on Criminal Justice and General Welfare recorded by Stephen Sudowski [sp?].

[background comments]

[gavel]

SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON POWERS: Good morning. Thank you everybody for being here this morning. I am City Council member Keith Powers. I am joined here by the-- I'm the Chair of the Committee on Criminal Justice. I am joined by Council member Steve Levin of the General Welfare-- Chair of the General Welfare Committee for today's joint hearing on four pieces of legislation. The bills we will be hearing today are designed to accompany the vote on a land-use action pursuant to the ULURP, which will permit the construction of four new borough pays jail facilities to replace the current jail facilities in the boroughs and on Rikers Island. We know that to close our acres, we have to do more than build new jails and we know that if we are to build new facilities, we must do everything in our power to make sure that they are better than what we currently

have and that people are only sent there as an absolute last resort. That is why we are here today is that we are hearing pieces of legislation today. Today, we will be hearing four bills. I'll let Council member Levin discuss his legislation related to reporting, reinvestment, and drug treatment and discuss my bill, a bill related-- I will discuss my bill, a bill related to jail design. This bill contains various requirements such as mandating larger cells space and natural light, letting people decorate their space and call the people in custody by their names. We know this bill alone is not enough to change the culture, but it is a small step and I should add that it memorializes many of the conversations that we have had throughout this process about what the future should hold when we talk about criminal justice and we talk about jail settings. It ensures that no matter who visited City Hall in the future that this city and that whoever those people are cannot allow for the construction of jail facilities that resemble and reflect and look like Rikers Island today. With that being said, I want to thank the committee staff and my staff for helping put together this hearing. I want to thank

all the Council members from both committees who are in attendance here. Let's acknowledge them quickly. We are joined by Council member Holden, Council member Ampry-Samuel, Council member Grodenchik, Council member Reynoso, Council member Levine, and we will be joined by more shortly. And Council member Lancman. I will now pass it over to the Chair Levin for opening remarks.

COUNCIL MEMBER LEVIN: Good morning everybody. Thank you, Chair Powers. Good morning everybody. I am Council member Stephen Levin, Chair of the Council's committee on general welfare. I want to thank you all for being here today on legislation regarding the closing of Rikers Island and investing in our community social service's needs. I would like to thank my colleague and co-chair, Keith Powers for joining this hearing and for his dedicated commitment to this topic. The time to close Rikers Island is now. The unconscionable treatment of people detained at the jail, including the abuse faced by women and sure hands and gender nonconforming residents, inhumane conditions, and the severe isolation of the island necessitates that we close it as soon as possible. The Council helped

elevate the push to close Rikers since former speaker Melissa Mark-Viverito stood with formerly incarcerated New Yorkers and demanded a system wide change that, at the time, was called impossible. It's incredible to see how far we've come in our thinking how we are pushing ourselves to further our commitment to T cars duration and criminal justice reform in New York City. The campaign took close Rikers is, at its core, has been about investing in large-scale change. It requires that we examine what is needed to move from a system of detention of over 10,000 people to envision the name better way forward that doesn't rely on jail or policing as our cities first response to somebody in need. That cannot be done without policy reform and deep investments in communities across the city that I've been harmed by a system of criminalization in incarceration. Which is what brings us here today. Investing in our community starts with addressing our housing, social services, healthcare, and criminal justice needs. Shifting away from criminalization demands that we ask ourselves what is next. What programs and support systems do we need in place to address the root causes of why people are put in the carceral



[sic] system in the first place. Over and over again, I hear from constituents who have been let down by our safety net failures and I see the gaps that exist in the system on where we need to better connect people to the mental health care, to affordable and supportive housing and treatment, and to the public benefits without the burdens men bureaucratic challenges that further disparage already vulnerable New Yorkers. Failing to address these needs are wise so many people are arrested and sent to Rikers in the first place. Let's not forget Jasmine Hadley or Kalon McCain, homeless gentleman who was recently featured in the daily news who is charged with a felony for stealing a few pairs of socks from Bloomingdale's. And who sat on Rikers Island for nine months before being transferred to a mental health court. That happened just this year. The issue is especially pronounced in our cities shelters system. In 2017, more than 54 percent of individuals released from prison to New York City were released directly to the DHS system, an increase of 23-- an increase from 23 percent in 2014, often with little connection to resources, reentry programs, and trauma support that they need. And,

yet, individuals experiencing homelessness in New York City are especially vulnerable to criminalization and incarceration, facing violation or arrest for minor actions like asking for money in public, sleeping in a train car, or lying down on the subway. This cycle needs to stop. Now, what I want to clarify-- I want to clarify a few things today. On October 17, the City Council is expected to vote on the land use action to construct four borough-based facilities in place of demolishing the 12 jails that includes Rikers Island. New York City has a pathway to dramatically reduce incarceration across the city and teardown jails that fail to meet any basic necessary standards of fair treatment. I recently toured the Brooklyn House of detention and it was nightmarish and very construction. Whether you believe that incarceration has a place in our society are not, knows facilities should be allowed to exist in that state. In Brooklyn House is not the only one. We cannot ignore the importance of conditions in this process. However, there are still unanswered questions and needed commitments to ensure that this process is done right. The pills that we are discussing today provide us tools to monitor and

oversee the closure of Rikers after this administration has left office and set up an ongoing commission to have those directly impacted determine what city investments and resources are needed in communities affected by underinvestment and disproportionate policing. We are also hearing legislation today that would require greater access to the medically assisted treatment, MAT, and shelters along with coordinated counseling and on-site providers. This bill came out of meetings that we had with the provider community and medical community over a year ago as we saw the spike in overdoses and overdose related tasks and are New York City shelters system. This bill would help connect more New Yorkers to care, one of the challenges too often lead to incarceration. We have an incredible opportunity to reshape to tension and criminal justice in New York City and we must ensure that decisions are made with the most affected communities at the center. We owe New Yorkers a clear plan and vision for reforming this system, one that provides concrete assurances that Rikers will be closed after we leave office and that enables our neighbors to have a path to, home and future opportunities for

healing and restoration so that we do not repeat the same cycles of trauma. I look forward to hearing feedback on the bills that we are considering today, as well as other ideas that advocates, community organizations, and those impacted by the criminal justice system have on further steps that the city can take to ensure that human services support-- support and stabilize individuals and families. I would like to take one moment before the testimony to recognize Curtis Bell, a tireless community leader with the Katal Center for health, equity, and justice. I've been consistently impressed with Curtis's advocacy encourage in speaking out about the horrors of occurs Island and the need for parole reform, especially while he himself is on parole. I was appalled to hear last week that Curtis was remanded for an allegedly technical parole violation, a violation that otherwise would never have led to an arrest. That is why I and several other councilmembers, the speaker, Council member Powers, Ayala, Chin, Koslowitz, Levine, Rivera, and Ampry-Samuel, signed on to a letter of support in his favor. Curtis should be here today testifying in the state needs to pass less is more so that no one is

ever placed in this position. For those advocates that are here today on his behalf, please let them know that he is in our thoughts and that we will continue to think of him as we work towards a better future. At this time, Council member Powers acknowledged all the council members that are here, but I would also like to acknowledge the General Welfare Committees staff, Aminta Kilowan [sp?], senior counsel, Krystal Pawn, senior policy analyst, Natalie Omari, policy analyst, Dohini Sampura [sp?], unit head, Frank Sarno [sp?], Finance analyst, and the staff of the Criminal Justice Committee for putting this hearing together. I would also like to thank my chief of staff, and Jonathan Boucher and my legislative director, Elizabeth Adams, for putting an immense amount of work in preparing for today's hearing. And now we will turn it over to the administration. I'll ask committee counsel to swear you in. Thanks.

LEGAL COUNSEL: Everyone could raise your right hand and say your names from left to right.

BRENDA COOKE: Brenda Cooke.

DANA KAPLAN: Dana Kaplan.

CHATODD FLOYD: Chatodd Floyd.

ERIN DRINKWATER: Erin Drinkwater.

LEGAL COUNSEL: Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth and to respond honestly to Council member questions?

BRENDA COOKE: I do.

CHATODD FLOYD: Yeah.

LEGAL COUNSEL: Thank you.

CHAIRPERSON LEVIN: Thank you. You can begin your testimony.

DANA KAPLAN: Good afternoon, Chair Powers, Chair Levin, and members of the Criminal Justice Committee and General Welfare Committee. My name is Dana Kaplan and I am the deputy director of the Mayor's Office of Criminal Justice. Thank you for the opportunity to testify today. The Mayor's Office of Criminal Justice advises the mayor on criminal justice policy and is the mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ designs, deploys, and evaluates citywide strategies to increase safety, reduce unnecessary arrests and incarceration, improve fairness, and build strong,

vibrant neighborhoods and ensure durable peace. One of the major strategies of our office is overseeing the creation of a smaller, safer, and more fair detention system in New York City. We are on track to close the eight remaining jails and Rikers Island and moved to a smaller borough based justice system, while also focused on supporting culture change within the city's jails. Today, our jail population is just over 7000, down from over 11,000 people when the mayor took office. Since 2013, the number of people in the city's jails has fallen across almost every category, with jail admissions down 55 percent, those detained on misdemeanor charges down 40 percent, those detained on bail of 2000 dollars or less down 67 percent, and those serving city sentences down 43 percent, and the number of 18 to 21-year-olds in jail reduced by 40 percent. In the next few weeks, as the city continues through the uniform land use review procedure for community-based facilities, we take another step towards realizing the smaller, safer, and more fair justice system. While the formal ULURP conversation has focused on the buildings, this plan is always been about to incarceration, as well as about reimagining the way

incarcerated individuals, families, lawyers, and facilities staff will interact in this new system. Today, this administration supports several of the measures proposed by the Council, which will codify into law many of the priorities and best practices this administration embarked upon with the creation of the master plan for our borough based facilities. We thank the Council for their leadership to ensure that successive administrations remain committed to transparency and continual reinvestments into neighborhoods that have been impacted by decades of mass incarceration. If given the opportunity to have a favorable ULURP vote, the city will begin a multi-year journey to realizing the successful closure of Rikers Island. In furtherance of our commitment to provide the public with information and transparency, MOCJ supports the intent behind the pre-considered counsel intro that would amend the administrative code to require MOCJ to report on the progress in closing jails on Rikers Island. MOCJ already provides regular reports as envisioned by local law 86, which requires quarterly reporting regarding bail criminal justice system. MOCJ will pay required to work with the Department of Correction in order to



produce the bulk of the report content, as well as with the Department of Design and Construction as we move forward with the demolition of existing facilities and the construction of the new borough based facilities. Given the significant amount of time the city's procurement process requires, we believe that by annual reporting would produce higher quality content rather than quarterly reporting. Reports on our declining population would still be provided on a quarterly basis, subject to local law 86. We look forward to working with the Council on amendments to the legislation and well, increase transparency throughout this process. MOCJ also supports the pre-considered counsel intro in relation to amending the Bill of Rights for incarcerated individuals and ensuring minimums tenders of design in newly constructed jails and setting standards for housing and common spaces for borough based facilities. Most facilities on Rikers Island, as well as those in the borough facilities, were built more than 40 years ago and reflect jail design from another era. As safer, fairer system cannot be achieved through renovating an antiquated and poorly designed facilities on Rikers Island or the existing

borough facilities. Better design promotes well-being and dignity, housing areas with fewer people, improved interior layouts for officers to better supervise people into tension, and access to natural light and therapeutic spaces that will result in safer environments for those who stay and work inside the facilities. The pre-considered intro is aligned with our goals broadly and we stand ready to support this legislation, subject to ongoing changes working with our colleagues and the Department of Correction and correctional health services. The work of this administration has brought crime in the jail population down to unprecedented numbers and we will anticipate we will see further reductions as criminal justice reforms take place early next year. We have reached an inflection point. As we face new and ongoing challenges, we are presented with a rare opportunity that we must seize to ensure history doesn't repeat itself. This city is committed to investing in neighborhoods and communities had been disparately affected by mass incarceration. Confronting this legacy requires tipping the balance from relying primarily on law enforcement to co-creating solutions with residents of all ages,

community-based organizations, justice impacted individuals, and city agencies as diverse as the Department of Social Services to Housing Preservation and Development to the Parks Department.

Accordingly, MOCJ support preconsidered intro that would establish a commission to make recommendations on investments in communities impacted by incarceration. And, with that, returned to Deputy Commissioner Brenda Cooke from the Department of Corrections.

BRENDA COOKE: Good morning, Chair Powers, Chair Levin, and members of the Committee on Criminal Justice and the Committee on General Welfare. My name is Brenda Cooke and I am the chief of staff at the Department of Correction. As Commission Brann testified before this Council last month, the Department of Correction is committed to closing Rikers Island and replacing our existing facilities with modern jails that support modern correctional practices. I am pleased to have this opportunity to affirm the department's commitment to smaller, safer, and failure correctional system and to provide you with the department's comments on the pre-considered intro that outlines important

principles for the design of our new facilities. It is no secret that the department's current facilities are woefully out of date and we can all agree that these facilities have outlasted their usefulness. Our current jails were built to match the best correctional practices at the time, but that was more than 40 years ago. They clearly no longer reflect the city's criminal justice values. Importantly, the city's criminal justice calls cannot be achieved through renovation of our existing and inadequate jail facilities. Since the announcement of the plan to close Rikers Island, the department have been proud to partner with the Mayor's Office of Criminal Justice and experts in modern jail architecture to reimagine the design of correctional facilities for the city of New York that would provide a safe and humane environment for all of those who live and work in these spaces. These new facilities would be designed to provide direct access to fresh air and natural light, aspects lacking in most locations across our current facilities. New jails would also be designed with better sightlines for our officers to achieve more efficient movement across our facilities. This would ensure everyone could have

increased access to the program and recreation space in a safe and secure manner. Further, the proposed borough based jails will also enhance the cities to incarceration goals by making it easier for individuals to maintain connections with their communities and their families, both of which are important factors for successful reentry following incarceration. However, the department recognizes that new facilities are only a part of creating a safer and fairer correctional system. In order to meet these calls, our institutional culture would need to modernize, as well. I am proud to say this department is not the same department as it was five years ago. Since the announcement of our 14 point in time violence agenda, we have continued to support a wide range of culture change efforts from de-escalation training for our staff to staff wellness initiatives. In just a few years, we have become national leaders in some forward thinking correctional practice and we are ready to bring today's Department of Correction into a borough based jails system. In regards to the pre-considered intro that addresses principles for design in newly constructed jails, the department supports the intent

behind the bill including many of the design principles proposed. We be adequate space and the provision of certain basic amenities are absolutely a right of people in the department's care. The department also agrees that modern jail practices require a modern electronics management system. There are certain provisions of this spell we are continuing to review for their feasibility, such as the requirements to use certain building materials in order to ensure that any concerns are addressed, especially as it relates to fire safety. We look forward to continue to discuss these issues with counsel in the days and weeks to come. Thank you for the opportunity to testify before you this morning. I will now turn it over to DSS.

DEPUTY COMMISSIONER DRINKWATER: Good morning, Chair Levin and Chair Powers and members of the General Welfare and Justice Committees. My name is Erin Drinkwater and I am the Deputy Commissioner of intergovernmental and legislative affairs at the Department of Social Services. The Department of Social Services, Human Resources Administration, and the Department of Homeless Service, are committed to providing services that fight poverty and income

inequality, prevent homelessness, and promote employment, ensuring New York sorry able to live healthy, safe, and self-determined lives. We need to our work each day in a city where prior administrations criminalize poverty, access to benefits was littered with hurdles, and client's needs were met with the back of the hand, not the helping hand they so deserved. Today, we've come a long way, but each day we to our work recognizing that brown and black communities are overrepresented in our caseload, as well as the justice and legal system. We've recognized that time spent on Rikers Island can have devastating consequences, including the disruption of work, loss of jobs, disruption of childcare, inability to pay rent, and loss of housing, and further increasing debt. As we work collectively towards the goal of decreasing the prison population and ensuring robust reentry programs for those with it justice and legal system involvement, I would like to summarize key programs and support administered by HRA. HRA is the nation's largest social services agency, assisting more than 3 million New Yorkers annually through the administration of over 12 major public benefit

programs, including cash assistance employment programs, food stamps, and other supports helping New Yorkers remain in the workforce and in their homes. HRA also plays a role in the administration of housing programs and services, including individuals with HIV, survivors of domestic violence, attendance facing eviction, and New Yorkers who need supportive housing. And much of our work plays a key role in advancing one of this administration's chief priorities: reduce the income inequality and leveling the playing field for all New Yorkers. As my colleague mentioned, this administration has made a commitment to decreasing the number of persons were incarcerated and more effectively meeting the needs of New Yorkers who, in the past, or unnecessarily entangled in the criminal justice system. At the department of homeless services, using a variety of tools from robust prevention services to the reinstatement of rental assistance, and aftercare programs, we have held the overall census flat for the first time in a decade and we have begun to move the census downward. We have actually achieved a decrease of 2500 people in the family and children's census. Our plan to address homelessness has four



core pillars: preventing homelessness whenever we can, addressing Street homelessness, rehousing families and individuals so they can move out of shelter or avoid homelessness altogether, and transforming the haphazard approach to providing shelter and services that are built up over the last four decades by decreasing the department's footprint by 45 percent and ending the use of 360 clusters shelter and commercial hotel locations, opening a smaller number of borough based shelters and all five boroughs. So far, we have achieved the following results. Evictions by city marshals are down more than a third as we have begun to implement the first in the nation in universal access to counsel in eviction cases and provide increase access to rent arrears grants. 120,000 children and adults have moved out of shelter or avoided entry into the shelter in the first place through our rental assistance in rehousing programs. We have gotten out of more than 200 shelters sites that did not meet our standards, there my already shrinking the DHS shelter footprint by more than 30 percent and we have cited 15 new borough based shelters to give families and individuals an opportunity to be sheltered as close

as possible to the anchors of their lives with 26 open and operating. We helped more than 2200 people come off the streets who have remained off the streets, including more than 600 people from the subways. Homeless New Yorkers come from every community across the five boroughs, so we need every community to come together to address homelessness. As we implement our borough based approach, we are working to meet the needs of those experiencing homelessness by implementing human centered approaches to our work, delivering services grounded in dignity. In response to the Council member Levin's bill in relation to the establishment of a task force to make recommendations on investments and communities impacted by the overuse of incarceration, we support this bill. The Department of Social Services would chair a task force focused on community investment upon the closure of Rikers Island. The task force would be required to provide an annual report on its work on addressing, among other things, the root causes of crime and preventing crime and alternative responses with persons with mental health crises, substance use disorder, homelessness, or other situations to avoid contact

with the criminal justice system. DSS believes that the proposed task force can have a positive impact in directing resources as it relates to the impacts of over policing and mass incarceration. On intro 1190, which would require drug treatment services at HASA [sp?] facilities, defined as single room occupancy hotels or congregant facilities managed by a provider under contract with DSS, and shelters as defined as temporary emergency housing provided to homeless individuals by the Department of Homeless Services or by a provider under contract with it. Providing health and safety-- protecting health and safety of New Yorkers they need as they get back on their feet is our number one priority. That's why we have worked with Council member Torres on legislation and codifying training for staff and clients and we have distributed more than 31,000 Naloxone kits across DSS while equipping every shelter with trained staff to prevent overdose deaths and save lives and offering training for clients, as well. Thanks to these efforts, last year, staff reversed more than 500 overdoses, nearly double the number of overdoses reversed the prior year. As the national feel and misuse reaches epidemic proportions, we remain

undeterred in our efforts to combat this challenge, promote healthy outcomes, and, ultimately, address the root causes as we are continuing to transform the shelter system that was built up in a haphazard way over decades. We look forward to working with the sponsor on this proposed legislation as we believe extending medical assisted treatment is key to further addressing the opioid epidemic. Thank you. I look forward to your questions.

CHAIRPERSON POWERS: Thank you. I wanted to start with just a few questions related to the legislation that I've introduced related to the jail design. And before we start, I just want to know that we-- this is really primarily the-- I'm sure this is for members, as well. The, you know, sort of discussion and not around what the new facilities will happen inside the new facilities. We've had a land use hearing about the actually siting of them, but, you know, today's is really to make sure-- as I noted, to make sure that we do something new as we move forward. So, I know-- I'm really asking the questions to be kind of focused on the legislation and operational and design elements of the borough based facilities. And now, and with that in mind,

you know, the bill that I introduced is really just to create minimum standards. It's not saying that that's aware of the-- you know, many of the department of corrections, MOCJ, DDC, where they should end in terms of how to design the new facilities and have mostly designed elements of operation, as well. Are there other things that are being discussed in terms of the design of the new facilities that are not in the minimal standard bill that I have, but are being discussed as helping to meet the goals of the new borough based facilities or things that are not included in there to help the-- and as we reduce the population to help meet the programming goals, safety goals, healthcare access like that. Are there other things that are being considered and can you share those with-- what's not in the legislation, but is being discussed?

BRENDA COOKE: Good morning and thank you. I think, you know-- I appreciate your legislation. The department supports it. You know, we've discussed at the prior period and the land use hearing some of the other elements of the program that are reflected at each of the sites from everything including the design-- the request for

the design to include, you know, a separate entrance and lobby and appropriate space for visitors and service providers and folks to enter versus, you know, underground below grade parking and things for staff. I think both of those contribute directly to elements of both safety and operational access and flow. There are, you know, certainly, you know, components of modern technology that we will be requesting be provided for in the design of these facilities and the control mechanisms for doors and elevators and, you know, reduce the need for staff posts in some respect because of the technology and modern improvements that could be reflected in design. Certainly, that's been part of our discussion and we discussed that here and in other forms, recently.

CHAIRPERSON POWERS: When it comes to new technology, we have some minimal standards here that reflect some upgrades to the facilities with regard to technology. Can you share with us what that might-- with that might either resolve or help and assist in terms of what goals the department is seeking by having facilities that have upgrades with regard to technology as you had noted?

BRENDA COOKE: Sure. I think that, you know, something that might be overlooked or not appreciated in the sense of the normative environment that we are looking to provide in the modern jail design is the key control, right? So, how you open and access stores, whether or not that the doors to the rooms where people live or the housing units themselves or other places and the use of technology in place of keys, for example. And now, either a keypad or some type of biometric access or RFID. You know, there's a lot of technology that is available presently and we'll, you know, continue to advance in the future. In the elimination of the noises keys. You know, and the nature of the physical space and the doors that we have presently, vacates that we have opened and closed that are kind of clinking or are, you know, kind of loud. So, the opportunity to, again, to contribute to the greatest extent possible to the normative environment with both the materials and the technology because that is reflective of, you know, how people live outside of jail.

CHAIRPERSON POWERS: And here we have talked a lot. We have had a back and forth around modernizing the agency in terms of giving the

Council, the Mayor's Office, the public, you know, better understanding of what is happening inside the facilities when it comes to access. Like, you know, data. Essentially data. And there's two problems. Wine news, you know, just having the data and then two is all the different sets of data about one works with when we tried to figure out things around like safety environments. When we talk about, you know, access to important resources that-- programming and things like that. Is there going to be any changes with regard-- or does this allow for any changes in regard to resolving the issues that I think we have reflected or a desire we have had to be able to both, you know, collect and assess data in a better way?

BRENDA COOKE: Absolutely. So, we are working furiously currently two, you know, create and we are in the procurement process for jail management system that would be a creation of a comprehensive more singular system for and replace the lot of our existing legacy systems which, as you mentioned, are individual or separate systems and are not necessarily linked or speaking to each other and are limited in their capacity to, you know, produce information that I know was useful for both the



department and for others to have access to. So, certainly, their efforts underway now to modernize those systems and create more particularized special approach to the management of that data. The availability of modern design and the introduction of direct access technology, whether or not it would be for the officer who is supervising the housing unit for who would then have technology available to them in place of paper logbooks and, you know, recording-- could record necessary and required information immediately into systems and could pull up systems in order to access information. Certainly, that certainly is part of our vision and more illuminating some of the difficulty in collecting and accessing that information and aggregating and, you know, translating it or understanding it on a broad scale when you have to go to either a manual paper logbook or you take paper and we-- we need to a lot of data entry into other systems from paper. So, that is absolutely part of streamlining and modern design.

CHAIRPERSON POWERS: Okay. I appreciate it. Would it be fair characterization to say that the design elements of the bill are sore of

memorialize the conversations that have been had during this process around the new jail facilities?

BRENDA COOKE: Absolutely. Yes.

CHAIRPERSON POWERS: Okay. Do you see operational challenges with any parts of the bill for the department?

BRENDA COOKE: Not necessarily operational challenges, but, as I mentioned in my testimony, I think we have absolutely a desire to create a design aesthetic and utilize materials that are as normative as possible, but we need to have a level of safety and security that will be required in order to have-- use products and materials that will meet the needs of our oversights, including the state commission on correction who will certify and enable us to open and operate as the jail facility.

CHAIRPERSON POWERS: Okay. I just want to do a few more because I know that I have a lot of colleagues who want to ask questions. In terms of housing, this is always a large part of the conversation. How to, you know, meet-- you know, safety, security, ensuring that certain populations are housed appropriately, whether it's in-- I think the names changed, but the transgender housing unit

and making sure that-- you know, we have fought for access to that and having a process for appealing for that. Talking about mental health units. And as I understand, the department still has a plan to expand that. How do these jails, the new jail facilities, do they deal with some of these housing challenges and while we have, in the new facilities, the caps and pace units that are anticipated to be expanded? It's the Special Consideration Unit.

BRENDA COOKE: Yes.

CHAIRPERSON POWERS: It's not the trans--

BRENDA COOKE: Yes.

CHAIRPERSON POWERS: I think is the name of the new THU. Can you talk about the housing part of this because I think that's an important part of the conversation that, you know, I think in the land use hearing it didn't get a lot of attention, but how will this deal with housing challenges and also populations that might desire to have a different type of housing?

BRENDA COOKE: Sure. Think you further question and I appreciate the opportunity to discuss it here. Absolutely we are intending for the

needs of those populations and other individuals special populations to be reflected in the jail design of the housing units and I think something in particular-- and I know you been with us a lot in our facilities, is the signs of the living units and we operate with the living units of the populations just described often with a much lower total number of individuals that are living in the unit that is far greater in size and number of beds than they really need, but then is inadequate and its other available space for, you know, clinic all assessment or programming space or, you know, some other services and service providers. So, a lot of thing units, then, for those populations you have identified, have been requested to be smaller living units. To not be double tiered, and double height. So those will be the single height living units. They would otherwise have all of the supportive and normative aesthetic design and adjacent recreation space and so forth, but would be more right sized for the populations that would be living within that unit and then have the additional program and treatment space available directly on the unit, which we've had to try and fashion out of, you know-- we've taken

like cells off-line then tried to create a clinician's office, for example, in our caps or pace [sic] units. So, we would be able to design these units intentionally with the space we know we need.

CHAIRPERSON POWERS: Okay. My last questions, in addition to the whole entire conversation around design and some operational changes, training in terms of-- I've heard this from advocacy groups, have heard this from staff, you know, and changing some of the training curriculum, expanding in and, obviously, having an actual place to do the training. Can you give us an update on the Academy and other changes related to the curriculum and training that might be anticipated? Not necessarily part of this plan, but, you know, as we aren't talking about, you know, moving forward with the new plan around the criminal justice system?

BRENDA COOKE: Sure. Thank you for that. You know, we are, over the past year, under the leader of the new Deputy Commissioner of training and development and assistant commissioner for that division that we have added. They have been doing significant work developing a variety of different types of training, including, importantly, management

in leadership training for our supervisory staff both on the uniform and nonuniformed side. We have been focusing on those skills which, I think, had been, you know-- on the uniform side, it's promotional is an exam. A civil service test. And, you know, we gave people a couple of weeks of training related to their promotional rank and then set them out and expected them to, you know, to be managers and leaders in a way that we didn't provide them the tools to do. And so, that leadership and management development and partnership with John Jay, we have an advanced certificate in correctional management, which is a Masters level II year program. We've just started our second cohort in that and so we really moved and advanced the ball and the expectation of performance and leadership in the agency that way. Across the board on the uniform side, we have revised and revamped and focused on training related to, you know, operations and mastery of those skills and, in addition, adding additional topics. For example, we are pursuing some gender-based training directly related to the trauma informed, you know, issues with our female population in particular. We are partnering with, you know, providers and city-- other

city agencies. The Office to the End Gender and Domestic Violence and we are continuing to pursue and reissue and revise our curriculum to focus on more a human services approach to the work that are offers centers and those that work in the facilities with our population are expected to carry out.

CHAIRPERSON POWERS: okay. And just finally, when was the last time curriculum was updated?

BRENDA COOKE: Oh, it's currently been significantly added to and updated over the last five years and now that we have just graduated our last Academy class in July and we know have another one planned here in fiscal 20, we are taking this time to refresh a whole lot of curriculum and add in new areas of curriculum during this time of--

CHAIRPERSON POWERS: And do you have a timeline for implementing new-- like if you are anticipating changes and implementing new curriculum?

BRENDA COOKE: It's as it happens. It's rolling out. It's continual and we are working to create a-- I think the commissioner-- I believe the commissioner might have spoken about this during the last hearing, but, you know, creating really a

model Academy curriculum and we are relying on some guidance from the national Institute of corrections and some materials that they put out in that regard and that is our effort. And our goal is to create the most optimal complement of curriculum that reflects, you know, current modern correctional practices, plus this human services focus community-based jail approach that we are taking.

CHAIRPERSON POWERS: Okay. I have more questions, but I am going to hand it over to Chair Levin and then we will members. Thanks.

CHAIRPERSON LEVIN: Thank you, Chair Powers. Thank you all for your testimony. Let's see. I will start with Intro 1190. Thank you Deputy Commissioner for your testimony. I would like to just try to get a clear picture as to how medically assisted treatment and use distributed and administered to individuals within the shelters system. Two we have a clear picture of how many individuals that are currently residing in shelter either have access on a medically assisted treatment option or have requested it or have asked for it?

ERIN DRINKWATER: So, I think you for the question. We have, with the national opioid



epidemic, have paid particularly close attention about making sure that clients who are in DHS shelters have access to information, as well as making sure that our staff have access to information. We have, as reported in our local law reporting for local law 115, reported on the medical services available at DHS shelters. This can include article 28 clinics, federally qualified health centers or private physicians and relations with that. There are individuals who read his hide in DHS shelter who to have access to medical assisted treatment through these channels as well as through connections to care in the community. In regard to an exact number, we don't have that exact number, but when we are focused on is making sure that our staff, through his substance use disorder toolkit have access to information about use and misuse of opioids, of how to identify an overdose, and making sure that our Naloxone training is saturating the shelters both through our staff and through the clients. As I said in testimony, since 2016 we have distributed more than 31,000 Naloxone kits and have successfully reversed, excuse me, 500 overdose deaths. Overdoses.

CHAIRPERSON LEVIN: And that's great and I think that, you know, we have a standing prescription in New York City for any pharmacy for anybody who wants to get a Naloxone kit. So, everybody should be trained in administering Naloxone and everybody should have it somewhere at the ready, if they're home or their office. The question I'm kind of trying to drill down on is access to the buprenorphine which is right now, along with methadone, the most effective treatment for opiate use disorder because they will be administered by a primary care physician. Individuals are able to take it home with them as a prescription just like any other medication, unlike methadone where you have to go every single day to methadone clinic. Only can be really administered at the methadone clinic, which is a significant imposition on some monies day-to-day activities. Buprenorphine doesn't have those types of barriers, however, we don't have the breath of physicians and physician assistants and New York practitioners throughout our city that have received the federal waiver in order to administer it. And there's a stigma among provider and that they don't want to go through the theocratic hurdles to be a

prescriber of buprenorphine. Maybe they may be concerned about how it affects their practice overall and so we've asked-- this is going back a year and a half now and asked Dr. Katz at Health and Hospitals how there can be a partnership at Health and Hospitals. A lot of physicians and physician's assistants and nurse practitioners affiliated with the Health and Hospitals Corporation, that they can really make the effort to get prescribers up and able to fill out patients. And so, what-- that's what I'm trying again at with this legislation is making sure that people have access not just to naloxone as they have an overdose, but that they have access to long-term medically assisted treatment. Like real access. Not just a referral to an FQHC, but a-- or directions to an FQHC, but there is onsite availability. Maybe that's a partnership with the Health and Hospitals physician. What's the partnership right now with health and hospitals in DHS or DSS around that coordination between clientele that have either requested or leave you with an opiate use disorder manifesting or-- and Health in Hospitals physicians on linking those two

populations that there can be an effective intervention there?

ERIN DRINKWATER: So, as part of the substance use toolkit that I mentioned for shelter staff, and includes a listing of current prescribers, so that way staff can make referrals to clients in shelter. Upon return to shelter, as a client has overdosed, we make sure that at the sort of prime opportunity, not only do we refresh on the Naloxone training, but we work with them again on making sure that we are connecting them and referring them to care. We work closely with the health department. I know they have a physician's toolkit that they get out about making sure that physicians have information about what it means to become a prescriber and caring for this community.

CHAIRPERSON LEVIN: So, does every shelter have been a game plan for-- I mean, I don't know what the--- I haven't seen the toolkit, but does it-- if you were in Brooklyn-- if you're in a catchment area of a Health and Hospitals hospital, so you are in North Brooklyn. You are in Woodhull, and Central Brooklyn, you are in Kings County. During various catchment areas. Like if you are a shelter

provider in that area, that you know these are the list of providers that Woodhull. These are the list of providers at Kings County. These are accepting new patients, etc. Like every shelter kind of has that--

ERIN DRINKWATER: That's correct.

CHAIRPERSON LEVIN: Okay.

ERIN DRINKWATER: They have information about the prescribers in the area that are broken down by borough. There's a contact number that they can call--

CHAIRPERSON LEVIN: And in practice that--

ERIN DRINKWATER: people to--

CHAIRPERSON LEVIN: that works? I mean, in practice, we are seeing the-- I mean, other than the every provider feels they have the resources that they need to connect people to the type of care?

ERIN DRINKWATER: I mean, our call is to make sure that, whether it be through the coordinated care in community or through the on-site medical--

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: services, then individuals who are experiencing substance use disorders are able to be best connected to care.

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: That might mean that there is the on-site medical services in it might be through the caring community. That, either way, it is our objective and call making sure that the staff have the information necessary to be able to refer to those individuals to that treatment.

CHAIRPERSON LEVIN: Okay. There's a lot-- I mean, you know, shelter provider is stealing with a lot of things on a day-to-day basis and just want to make sure that this is a kind of strategic framework that I think is-- I just want to make sure that every single one from your tier twos to your single adult providers to your hotel providers have that type of depth of resources that we are talking about through this legislation. How about on domicile individuals? How are we assessing the need for medically assisted treatment and is there a way-- do street outreach teams ask or are there any method to ascertaining whether people want access to a physician to access MAT?

ERIN DRINKWATER: Sure. So part of the work that the street teams do is, each day, engage clients and determine what their specific and individual needs are. And this can include information about determining whether or not access to substance use treatment might be helpful to them. We have clinical staff who are part of our street outreach teams who are able to do on-site assessments and connect and refer individuals to care. So, yes. We are, similarly, focused on our street population in terms of connecting them to care, whether that be MAT or giving them information on harm reduction approaches, if they are users.

CHAIRPERSON LEVIN: Okay. And drop-in centers, as well? What is the story drop-in centers?

ERIN DRINKWATER: Same. We want to make sure that our providers across the DHS system have access to the information on our substance use toolkit. Recognizing that individuals, at any point in time, might respond positively and get connected to care, if they are given that information, so we make sure that that toolkit is provided, that there is information about substance use and misuse in

terms of fact sheets, but also the training around Naloxone across the DHS system.

CHAIRPERSON LEVIN: How does DHS or DSS manage a framework for services that may not be billable to Medicaid for individuals with substance use disorder?

ERIN DRINKWATER: So, we want to ensure that we are getting reimbursement wherever possible. For example, the bill, as written, would have some significant costs because there would be nonreimbursable costs associated with it.

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: And so, we want to make sure, and all instances, that we are monitoring it reimbursement. So, whether that be enrolling somebody in Medicaid, getting them connected at H&H clinics, etc., we want to make sure that we are able to get the care and also get the reimbursement.

CHAIRPERSON LEVIN: Does DHS have specific concerns about the legislation or reasons why they don't think we should pass this bill?

ERIN DRINKWATER: So, I think, as written, there are concerns around costs and making sure that we are targeting the investment tool area and is most



needed. Currently, as written, it would require the department to have prescribers on-site at every shelter. We want to be thoughtful in terms of making sure that clients are able to access MAT, or in community and I know that we have had conversations about thinking through what the best approach is and look forward to continuing those conversations. As I had mentioned, there are some shelters that to have prescribers or--

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: linkages through the federally qualified health centers and the article 28 clinics aware those services and resources are already available on site.

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: So, again, determining which way is best in terms of targeting a resource to best meet the needs of the client, I think that is something that will require additional study to make sure that we can determine what the best approach is.

CHAIRPERSON LEVIN: Uh-hm.

ERIN DRINKWATER: And certainly look forward to your partnership on that.

CHAIRPERSON LEVIN: Right. And that's where I think health and hospitals can play an important role. If we are talking about 24-hour access, you know, Health and Hospitals are 24-hour facilities. In that type of partnership-- They are in every community, really. Every part of New York City, so that linkage, I think, is key to this. I mean, they had to have-- they had about 200 prescribers a year ago. I expect that has gone up, but they were very far behind, again, because of all those to being a prescribed. It's not an easy saying general factors should prescribe buprenorphine, but it takes a significant effort and support from health and hospitals as part of our public health system.

ERIN DRINKWATER: We agree.

CHAIRPERSON LEVIN: Okay. And to the airline installation. So, this is for MOCJ or for TOC. Have we done a point in time analysis at any time of individuals that are in the city jail system and exactly why they are? So like to like the kind of snapshot of what exactly are people there for? I know that we have it broken out by charges, but that doesn't give us-- it's not particularly helpful, honestly, in determining why people there. So, for

example, if you were to just look at what is publicly available under our reporting requirements, you know that an individual like Mr. McCain is incarcerated at Rikers for nine months for stealing a pair of socks and that socks charge got trumped up to a felony charge. So, has anyone ever done-- enough, it's not possible universe. We are talking about at the moment 7000 individuals. Why those 7000 people are actually there?

CHATODD FLOYD: Thank you for that question, Chairman. While we definitely try to research and figure out why certain individuals keep coming into custody, we generally don't have a breakout of every individual housed in TOC custody that granular. We can certainly get that information on a one off.

CHAIRPERSON LEVIN: Yeah. I mean, the reason-- you know, because there's only so much information you can glean from such broad categorizations as the charges. So, ACS, for example, does child start where once a week they take an actual case and do a deep dive into the case and identify if there are gaps in case practice, how it is reflecting the norms throughout the city and in

each borough office and it is their way of kind of doing randomized quality assurance. Is there any analogy within the DOC or MOCJ system of doing a kind of-- that type of analysis of cases, again, so that somebody-- I mean, nobody-- I assume that nobody at your table-- I assume that nobody at your table accepts that somebody should be at Rikers Island for nine months for stealing a pair of socks from Bloomingdale's or four pairs of socks from Bloomingdale's and is charged with a felony and then, after nine months, and gets diverted to mental health court where the individual has a documented case of schizophrenia and it should have been identified immediately. And so, you know, child stat at ACS serves a purpose in that regard and they actually weren't doing it for a few years went to the real scaled-down version. Commissioner Ansell, when he came to ACS, actually reinstated it in a much more rigorous way. What do you think about that?

DANA KAPLAN: So, I can open with just some of the ways that we've looked at this and then, I think, DOC has some other examples. So, one, I think that you are right that if you just look at kind of the summary categories and what charges people are in

on. You don't necessarily get the full picture, so I think this is something that our research department has looked at. Our research department is looked up both, you know, what do you see data is, CJA data, also court data is available and also trying to drill down--

CHAIRPERSON LEVIN: Yeah.

DANA KAPLAN: on particularly when there might be holds or some other type of warrant or different issues and, you know, understanding what the root of that is is part of how we have had to inform projections, for example, who has been looking not just start charges, but also what other underlying issues are--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: As it relates to where we have done more of a case-by-case analysis to make some operational responses, I would say that in some of our case processing efforts, there is been particularly focused at the longer same population of multi-stakeholder and multi-agency effort to look at every single case.

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: And I would say that that is part of the progress that has been made on the people who've been staying for the longest and really at understanding exactly what the issue is.

CHAIRPERSON LEVIN: Right.

DANA KAPLAN: The other thing that we have done is been with young adults and the-- With the young adult population, we've looked at every single case and there are some providers that are doing almost like a second look program. So, for the young adult population, Friends of Island Academy, has been focused on that for the female population. Osborne Association is a contract that does a second lock-in that is with the intention of locating and every individual case--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: And understanding if there is someone that could be referred to a community program or in 180-80 [sic] hearing. There was an opportunity to go back before the charge and--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: try to address something that was unnecessarily causing someone to be in detention. If someone could be eligible for a community-based

supervision program in a case could be made, those are some of the efforts that we've done.

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: You know, I think it is something that we are certainly interested in continuing to look at and I think this is something that DOC also might--

BRENDA COOKE: Yes. So, everything Dana just said for sure I was going to address, as well, but so all of those are avenues where we are engaged with-- I think the complexity is what you are getting at. The complexity of the reasons why people are in custody is far more complex than just, you know, the criminal charge or their criminal history. And so, trying to understand why they are in custody and then me and then, you know, the alternative programs like Dana was describing which may be more appropriate. We have some additional avenues that we regularly consult and address with-- in partnership with Correctional Health Services.

CHAIRPERSON LEVIN: Uh-hm.

BRENDA COOKE: You know, to see if, you know, persons in custody-- I'm sure you are aware. Mental health needs and the placement of people in

jail when possibly where they really mean and be somewhere else and the--

CHAIRPERSON LEVIN: Or--

BRENDA COOKE: [inaudible 01:00:44]  
defacto, you know, institution in that regard. And so, to the extent that we can work with our CHS partners and then the lawyers for those individuals on those cases and the district attorneys, you know, on this case is to really identify. And I think some of that is what Dana was getting at because certainly some of those longer stayers in custody are people who are, you know, of the fitness for them--

CHAIRPERSON LEVIN: Right.

BRENDA COOKE: to stand trial to begin with. And so, we certainly have targeted approaches in partnership with CHS and DAs and the individual defendants counsel to try and, you know, to determine why this person is with us and should they really be with us and, you know--

CHAIRPERSON LEVIN: Right.

BRENDA COOKE: where can we all work to--

CHAIRPERSON LEVIN: mean, this is, again, one case that has percolated up to the daily



news, but it illustrates-- I mean, under no circumstances should somebody me, for a charge like that, which was just-- is shoplifting. It was repeated shoplifting. He was given-- this is something that, by the way, that I just want to put that Macy's and Bloomingdale's and Duane Reed and I don't know which other stores on blast for this because they have it so that they give people, if they are caught shoplifting, a notice that says if you come back, you're going to be trespassing. And then, when they come back, a get arrested and charged with a felony charge. And that happens in New York County under the New York County DAs office, charging people with felonies for shoplifting. That's happening. It happened like 47 times last year. There is just-- Again, it's like kind of a-- It's an anecdotal case. It's like one out of however many thousand people have entered Rikers in the last year, but, when we talk about mental health diversion, when I was at Brooklyn House two weeks ago, I asked correctional health how many people have a mental health diagnosis? Right? Or do you think should have a mental health diagnosis? They said over-- the gentleman that is doing the medical side said he

refers 60 or 65 percent of the people that come to him over to mental health and the guy that does mental health said 90 percent of them he thinks he can confirm on mental health diagnosis. We are talking about over half of the people that have entered have some either confirmed mental health diagnosis or suspected mental health diagnosis and, I mean, the vast majority of those people are, a, jails setting exacerbates any mental health condition. Isolation and just the trauma of being incarcerated is going to exacerbate the mental health condition. That is fairly obvious. And that they should be there in the first place and they should be connected to long-term mental health treatment in the communities. Most mental health conditions, when treated with a level of rigor and wraparound services, can stay in communities. So, it's just I think that-- it's just it seems we should be on this stuff. We should be understanding these drivers more thoroughly and I think it's-- I mean, it's obviously in the interest of the Department of Corrections not to operate as a defacto mental hospital. I mean, that is not what you are trained to do. That is certainly not what correction officers are trained

to. It's not created or constructed and/or informed in any of that-- You know, and at Brooklyn, it was like two guys, four guys, they are at correctional health on like one floor with like a very little access to the detainees because of the problems with Brooklyn house being so antiquated. So, I don't know. This is just-- There needs to be a strategic vision here as to how we are going to be looking at all this and I can't-- and, honestly, they'll reform is wonderful. Speedy trial reform. All those things are wonderful. We want them. We have to have the programs and the community is now on January 1 to be able to provide that level of support in the communities. It's not just-- I mean, we're talking about community investment. It's not just-- we're not just saying that because we need to say something and we are trying to appease an interest group. We are saying that because, on January 1st, there is going to be a bail reform in place in New York City where we need the community investments in the community because the people that are otherwise on Rikers are going to be in the community.

DANA KAPLAN: So, Council member Levin, you know, I think we fully appreciate and could not agree

with the-- agree more with the points that you are making. NL, and, obviously, I think that there is a number of different things that need to happen. It's about case processing time. It's about what are the diversion opportunities? What are the community-based supports? How are we working with, you know, the courts and the five district attorneys and the judges on, you know, having confidence in these. There's a whole range of things that we have to address. You know, obviously, I think we have made some success in this area terms of going from 11,000 people in detention to 7000. So, you know, we have seen real progress and you are very right, though, that, you know, we are not planting the flag and declaring that, you know, we are where we want to be. And that is why, when we are talking about what is the future of our justice system, we are planning for capacity that is, literally, you know, thousands fewer than who is currently in detention and, to get there, it's not just-- Obviously, legislative reform will help. We agree that, you know, less is more would also help with that, but it is also about making sure that we have that right infrastructure at the neighborhood level in, and particularly, in

diverting people who have mental health issues that could be safely in the community. Then I think that is something that we are-- you know, we're very focused on and we are very--

CHAIRPERSON LEVIN: Yeah.

DANA KAPLAN: focused on working with you and the Council on this, as well.

CHAIRPERSON LEVIN: Obviously, the Thrive initiative is a, you know, 750 million dollar a year initiative in New York City. That is a prime opportunity that have level of connection-- interagency connection to mammal to move the needle on this. And, again, this stuff has to be in place on January 1st, so, you know, I really urge the administration to think of it in that context. So, I'll turn it over to my colleagues and then I will come back.

CHAIRPERSON POWERS: Thank you. We are going to hear from Colleens now and then the Chairs can ask follow-up questions. We have also been joined by Council member Rivera, Council member Torres, and Council member Salamanca, as well. We're going to go to Council member Grodenchik followed by Council member Holden.

COUNCIL MEMBER GRODENCHIK: Thank you, Chairs. Good morning. I think it is still morning. Good morning to the panel. Ms. Cooke, in your testimony on page 2, I underlined it. It said, new jails will also be designed to provide better lines of sight, etc., etc., but these jails haven't been designed yet and when we heard testimony two weeks ago, from somebody. I don't remember the person's name, about the fact that-- and I asked the question we are going to vote two weeks from tomorrow on improving this plan and we really don't have details that I am satisfied with and I think that's true of some of my other colleagues, as well. And while we certainly want to improve the climate in New York City jails and I agree that Rikers should be closed, I'm not there yet because I just don't have details on what's going to happen when we build these other jails. We're going to spend-- The administration acknowledges that we're going to spend close to 9 billion dollars, which is, according to the administration, the people that testified at the last hearing I was that, that is all city tax levy dollars. So, there is no federal, there is no state money coming to us and I am very concerned as a

Councilman, as someone who has been in and around government for over a third of a century, that the city of New York takes a long time to do almost anything and I can ask any of my colleagues here how long does it take to get the most basic things constructed and I don't have guarantees. The mayor is leaving office at the end of 2021 and I don't know how many of you are going to be in your jobs. Maybe some of you. Maybe none of you. And I don't have-- thank you. I don't have any guarantees that this is going to proceed. I don't know the next mayor is going to be I don't know if he or she is going to be as committed to this as Mayor DeBlasio is. So, I guess I want to put on the record that I am a skeptic about this. I don't want to say I'm cynical because I'm not. I want this to happen. But when might we see a plan from the city of New York? We have not built a new jail in 30 years. That is an awful long time. There've been many, many changes in correctional policy and all kinds of different things. When are we going to see a design?

BRENDA COOKE: So--

COUNCIL MEMBER GRODENCHIK: Anybody can answer this.

BRENDA COOKE: Thank you. Thank you.

COUNCIL MEMBER GRODENCHIK: Except for the woman [inaudible 01:10:23].

BRENDA COOKE: Thank you for your question. I'll just address briefly at the lines of sight question with respect to my testimony and then let Dana Kaplan provide some additional information to your question. But, absolutely. You know, we have expectations that are being-- that will be described in our requirements for the design builders to meet and mandates that they won't need to meet in terms of the layout. And so, how we have approached the master plan, the scoping for this program is we have identified the square footage that is necessary and we know that the layout of many of our-- most of our jail facilities are not direct supervision supportive of layouts. They have a long corridor or tier with the living unit, the cells and then there is, you know, a noncontiguous dayroom space and it doesn't provide the officers the ability to engage in the direct supervision and then development of the relationships and safety.



COUNCIL MEMBER GRODENCHIK: In your testimony, if I just heard you correctly, this is something that hasn't happened yet. Is that correct?

BRENDA COOKE: Correct. The design--

COUNCIL MEMBER GRODENCHIK: So we're really--

BRENDA COOKE: has not been--

COUNCIL MEMBER GRODENCHIK: We're really kind of talking theory here.

BRENDA COOKE: So, yeah. So I'll let Dana Kaplan address the process.

DANA KAPLAN: So, the--

COUNCIL MEMBER GRODENCHIK: And that theory could theoretically be changed in the future, as well. This is what I am trying to get out. We really need concrete plans. Excuse that. There was no pond to use the word concrete, but, we need plans that we can live with. I'm not an expert. You know, I have visited some jails, but I am certainly not an expert, but I don't know where the expertise is and I just don't know that I am going to be satisfied in the next 15 days that this is something that I could cast a vote on behalf of my constituents.

DANA KAPLAN: so, a little bit of the context of what that history is been for the development of the master plan, the master plan is the building blocks of the ULURP application. It's, basically, the assumptions behind what we are seeking approval for from the square footage. It's been a year of work with the master plan Perkins Eastman consulting team and then city agencies: Department of Corrections, Correctional Health Services, Department of Education. There is been a creation of a set of design principles that were informed and developed by two different working groups, culture change and design working group. Collectively, there is about 75 different individuals, both internal to the city government and external that are part of a task force that help to develop the use and provided design principles that undergird the master plan. We have done focus groups with attorneys, formerly incarcerated individuals, people who staff the facilities currently, and people who have visited the facilities. So, those are some of the inputs that we have had into the master plan.

COUNCIL MEMBER GRODENCHIK: I appreciate that--

DANA KAPLAN: What the master plan is and I'll go on-- But I think it's very-- I appreciate your question about wanting to have this information and I want to make sure that we explain it to you as best as possible. So, what the master plan is is it is a square footage calculation and layouts for what the housing units will look like. Those housing units are, as DOC said, include things such as beds no more than 30-- a unit size no more than 32 beds, a direct supervision model, which is in contrast to the long tears. That's the thing that provides better lines of sight. Outdoor recreation off of every single housing unit so that people can move freely to outdoor recreation and have much better access to recreation space and is currently available in Rikers Island and in the borough facilities, and then there is program area so that there is more of an opportunity for the service providers, many of whom currently provide services and programming in the city's detention system to be able to do that in dedicated program space. There is better visiting rooms and more space for child center visitation.

COUNCIL MEMBER GRODENCHIK: I appreciate--

DANA KAPLAN: And the last--

COUNCIL MEMBER GRODENCHIK: at that. I don't want to cut you off--

DANA KAPLAN: No. But I'd like to-- And I just, I'll wrap up quickly, but what we shared last time was the square footage that was allocated for each of these different areas then I'm happy to follow up and give that to you again.

COUNCIL MEMBER GRODENCHIK: I would appreciate that.

DANA KAPLAN: We'll be happy to. And then how this would be--

COUNCIL MEMBER GRODENCHIK: I don't know that you have it, but--

DANA KAPLAN: translated--

COUNCIL MEMBER GRODENCHIK: I would appreciate it.

DANA KAPLAN: It was part of the last presentation and we will make sure that we get you this information, Council member, and make--

COUNCIL MEMBER GRODENCHIK: I'm just about done, Chair.

DANA KAPLAN: it available.

COUNCIL MEMBER GRODENCHIK: I just want you to-- I want to put in context the amount of

money was being spent here is almost 1/5 of what we plan on spending, the state and the city and the feds on the MTA capital plan, which I don't have a vote on, but just that affects millions and millions of people over the course of the next decades. This is going to incarcerate upwards of 4000 people.

DANA KAPLAN: Uh-hm.

COUNCIL MEMBER GRODENCHIK: It just seems to me that the numbers are incredible and that's what I'm going to leave it. And I think you, Mr. Chairman.

CHAIRPERSON POWERS: Thank you. And I just want to reiterate the reason I introduce this legislation around the minimum design is to address some of the issues you are raising which is about creating a standard so that the conversations are having about what should be in the new facilities which is actually a part of our administrative code moving forward and that we actually set the standards now so the questions you have raised are addressed before we go to-- as we vote on it. I want to move over to Council member Holden followed by Council member Salamanca.

COUNCIL MEMBER HOLDEN: Thank you, Chair.

Good morning and thank you for your testimony. I just want to read a line in the Council's notes here. In 2017, more than 54 percent of individuals released from prison to New York City were released directly to the city's shelter system. An increase from 23 percent in 2014. We're spending all this money on jails, community jails. And, again, this is my opinion, but I don't think going from prison or jail to a shelter is ideal at all. Why not spend more money percentage on transitional or supportive housing? Going into the dormitory style shelter from a jail, you can see the problems arising with people saying I don't like it here. I'm getting out of here. And they don't get the support that they need. They don't get the counseling that they need. So, by putting more money into supportive housing-- and, again, I'd like to ask social services is that-- are they going into a, let's say, a men's shelter directly? Does anybody go into supportive housing on a regular basis or transitional? Because I think, again, supportive housing would work much better than a shelter.

ERIN DRINKWATER: So, and intake-- thank you for the question. We refer individuals to assessment shelters so they can undergo an assessment to determine the best place in independent living plan to get them back into independent living, which might include supportive housing. Individuals can be connected to complete the 2010 E application to determine whether or not they are eligible under the criteria the floor supportive housing. So that is chronically homeless and individuals with severe and persistent mental health diagnoses, as well as substance use disorders. So, that is an option if the individual is eligible and meets the criteria for supportive housing.

COUNCIL MEMBER HOLDEN: So, they go-- that's on when they get out. Like, you couldn't do it within the jail environment? Assess that rather than I'm going to a shelter. Which he could see the problems that could come up. So, that's where I'm concerned about. We can eliminate a step here and actually assess them inside before they get out and say, all right, we are going right into this facility. It would actually be more, I think, more beneficial and less time-consuming. Yeah.

DANA KAPLAN: Yeah. And I think there already is a focus on doing that assessment within detention. It's something that, I think, correctional health services status. We also have reentry services and just recently issued an RFP for expanded reentry services that will to that type of discharge in planning all people are in detention. I think, you know, the question of supportive and transitional housing is an important one and, you know, I think that is something that we are very supportive of. You know, we need to have justice involved supportive housing that has been successful and we have [inaudible 01:19:07] beds and we have more of those bed coming online soon and I think that that's, you know? I think that it's an important point.

COUNCIL MEMBER HOLDEN: Right. I just don't-- Supportive housing. How much are we spending on supportive housing or transitional housing compared to building jails?

DANA KAPLAN: So, I will have to get back to you on the number is that we are currently spending on supportive housing.



COUNCIL MEMBER HOLDEN: All right. Just one other question, DOC. When was the last time Mayor DeBlasio visited Rikers Island?

BRENDA COOKE: I'd have to get back to you with that exact date.

COUNCIL MEMBER HOLDEN: Do you know when he-- Well, you don't remember when he visited.

BRENDA COOKE: I don't want to misspeak on the exact date.

COUNCIL MEMBER HOLDEN: But it hasn't been recent, right? It's just--

BRENDA COOKE: It hasn't been--

COUNCIL MEMBER HOLDEN: He hasn't been around.

BRENDA COOKE: in the past couple of months. No.

COUNCIL MEMBER HOLDEN: He hasn't been around-- He hasn't been to Rikers. Because I haven't seen anything of him visiting Rikers. But has he visited like the Brooklyn jail near his own district? His old district? What was that?

BRENDA COOKE: I'm not aware. I'm not aware that he has or has not.

COUNCIL MEMBER HOLDEN: It's across the street from his-- Okay. All right. So you weren't aware of that, either. Okay. All right. Thank you. Thank you.

CHAIRPERSON POWERS: Okay. Thank you. We're going to go to Council member Salamanca and Council member Ayala and then Council member Rivera.

COUNCIL MEMBER SALAMANCA: Thank you, Chair. Good morning, panel. My question is geared towards the task force that Chair Levin is proposing, the preconsidered introduction regarding-- to establish a commission to make recommendations on reinvestments in communities impacted by Riker's Island. My question is-- And I don't know if you-- I hope you can answer this. Are you aware that Rikers Island falls within the confines of the Bronx? We're aware of that, right?

DANA KAPLAN: Yes.

COUNCIL MEMBER SALAMANCA: But yet it's-- I'm not in my-- I'm not the Council member that represents that area. Costa Constantinides represents that area. But the local community board, which is community board two, they represent Rikers Island. We're aware of that, correct? What happens

when there is a crime that occurs inside Rikers Island? Where do those-- There's an assault and so new charges are pressed on someone. Where do those crime numbers go? Who get affected by those crime numbers?

DANA KAPLAN: That is counted in the Bronx.

COUNCIL MEMBER SALAMANCA: Yes. But what precinct does those crime numbers go to?

BRENDA COOKE: I would have to confirm. I believe it's the 40th precinct.

COUNCIL MEMBER SALAMANCA: The four-- Yeah. So, it's in the 41 precinct which is in Hunts Point. So we are aware that when crime happens inside of Rikers, the south Bronx gets those crime numbers and those states get attached to the crime stats in the 41 precinct and, as a result, my community looks more violent than what it actually is. And, as a result, my homeowners insurance, car insurance gets affected by that. These are recommendations. I see that you are in favor of this task force. Would this be something once-- you know, should this vote pass and this borough based jails as being presented comes to fruition, would this task force be reporting back to communities as

to crime that's happening inside the jails and how it's affecting the local communities.

DANA KAPLAN: So, I think this is a Chaired by DSS taskforce, so I don't know. I would-- I'll open just by saying that-- you know, I think that we would be happy to work with the Council on, you know, what the expectations are of reporting for the taskforce and if that's a recommendation.

COUNCIL MEMBER SALAMANCA: I would love the expectations--

DANA KAPLAN: Yeah.

COUNCIL MEMBER SALAMANCA: to [inaudible 01:22:55] and it not be attached to my local precinct because my local precinct cannot control what's happening inside the jails. It would be the Department of Corrections who controls what happens inside of the jails.

DANA KAPLAN: Uh-hm. So, yeah. I think we, you know, welcome your input on that and take that seriously, if that's the recommendation. And I certainly appreciate the perspective you have on this and note that it is a fully legitimate concern.

COUNCIL MEMBER SALAMANCA: All right. Then my last question. My time is up. The barge.

DANA KAPLAN: Uh-hm.

COUNCIL MEMBER SALAMANCA: Can I get an answer from you as to when are you planning on closing the barge? I'd like a definite answer. Not, Salamanca, it's going to happen in a 10 year period.

DANA KAPLAN: So, Council member Salamanca, I know we've talked about this and I, you know-- I think that the points that you have continued to make about just the urgency of the closure of the barge and the concerns that it was supposed to be a temporary facility and, you know, it has long exceeded what its lifespan should be are points very, very well taken. It is, you know, why we think that, in addition to the closure of Rikers, we must be focused on the closure of the barge. We are working very hard on looking at what opportunities might be foreclosure and I think that, you know, the same kind of operational constraints that we have discussed in the past are things that we are still working on. I don't have an updated answer for you today on a time that is different than 2026, but, you know, we are continuing to look at this issue.

COUNCIL MEMBER SALAMANCA: All right. You to understand that, by not giving us a time

frame, it's just difficult for communities to trust government. The last Democratic mayor made a promise to the community that he was going to close down the barge. It was going to be a temporary thing. 27 years later, it is still there. Is this mayor wants us to trust him, he needs to fulfill those commitments that prior administrations have done. Thank you, Mr. Chair.

DANA KAPLAN: Thank you, Council member.

CHAIRPERSON POWERS: Thank you. Council member Ayala and then Council member Rivera.

COUNCIL MEMBER AYALA: Thank you, Mr. Chair. Good morning, everybody. Well, good afternoon. I am Council member Diana Ayala, Chair on the committee on mental health, disabilities, and addiction. I would like to thank Chair Levin and Powers for holding this important hearing today and I have a few questions for the administration related to my bill being her into tape. So, in regards to the reporting bill, this bill requires reporting on the procurement of contracts related to closure and construction of jail facilities including any relevant timelines. When well the RFP for

construction of the new jails be released and is there a timeline that you can share with us today?

DANA KAPLAN: So, assuming that we have approval of the ULURP, that is the point at which we can issue an RFP. So, we cannot go out with an RFP until ULURP is approved. We, you know, will be working on this too, you know, trying to get the first RFQ and then RFP out as quickly as possible. And I think, you know, we have heard that-- I think the DDC, at the last hearing, spoke generally about the timelines for construction and demolition and, you know, we are working on a more granular timeline that we will be able to share.

COUNCIL MEMBER AYALA: I mean, but how quick is as quickly as possible after ULURP? Is not a week? A month?

DANA KAPLAN: Uh-hm.

COUNCIL MEMBER AYALA: Six months?

DANA KAPLAN: Uh--

COUNCIL MEMBER AYALA: Anticipate. I mean, I'm sure you don't have a-- You know?

DANA KAPLAN: Yeah.

COUNCIL MEMBER AYALA: An exact timeline.

DANA KAPLAN: So, there's the RFQ which is the request for kind of qualified vendors and then there will be RFP. So, I think that the first procurement document will go out within a period of a few short months.

COUNCIL MEMBER AYALA: Okay. Does the TOC have a plan for the order in which facilities are going to be constructed and will people currently in borough based jails be moved to other facilities?

BRENDA COOKE: So, the plan with respect to the construction of new facilities as part of the process that Dana was just describing with the RFQ's and then each of the four sites have different considerations. Both three of them have some buildings that would need to be demolished and then the foresight [inaudible 01:27:14] is the former site of Lincoln Hospital has some remediation even though it doesn't have a building structure on it. And so, as well be worked out then, as we move forward with the RFQ's and the RFPs and the schedules for that. With respect to the existing facilities that are borough facilities that are operating as we assess our population and the size of our current jail footprint, as our population continues to reduce, we



will assess the needs for facility operations and the populations that we serve. That the will then require then, at some point, variously, the borough facilities that are operating [inaudible 01:27:55], Brooklyn and Manhattan, would need to be vacated in order to be demolished. And so, we would approach that in a systematic and methodical way to ensure that we could use natural discharges and releases from custody to the greatest extent possible so as to avoid having much, if not any, individuals that would need to be housed five time those facilities need to close.

COUNCIL MEMBER AYALA: Well all this be happening simultaneously between the boroughs or is this-- are you anticipated-- because, I mean, some boroughs require demolition. You know, some require remediation. Is all of this work projected to happen at around the same timeline so that we are breaking ground, you know, accordingly?

BRENDA COOKE: I think there is necessarily overlap because of the four sites and because they're-- we independent-- you know, independently build projects. And so, there will be necessarily some overlap, each of them have some,

like I said, unique considerations that will drive, you know, the duration of time for each of the steps.

DANA KAPLAN: And I think that, to build off of Brenda's point, that is very important. You know, just what we've seen is a year-by-year continued significant reduction in the number of people who are in detention. So, there's about 7000 today. There was, you know, 8000 last year, 9000 a year before. We are seeing just really significant declines in the number of people in jail on a given day and we expect that that will be even further reduced following the January 1st implementation of jail reform and so, you know, while we are considering the demolition of those facilities, obviously, we are working out the exact timeline and I think important, you know, that Brenda, you know, noted that that will happen through attrition then not relocation of individuals, primarily. In fact, you know, we will be able to, essentially, shrink the footprint overall just because we have such significant declines in the number of people in jail and were not going to be having to, you know, CEO larger population on Rikers Island, as a result.

COUNCIL MEMBER AYALA: So, for the individuals that are incarcerated in doings any time, are they all going to be kept in one facility or will they be in facilities-- in the facility of their borough or residents? Like how is not going to happen?

DANA KAPLAN: Yes. So, we would house people in their borough of residence including people who are city-sentenced.

COUNCIL MEMBER AYALA: Okay. Thank you.

CHAIRPERSON POWERS: Thank you. We've also been joined by Council member Treyger and we're going to go to Council member Rivera.

COUNCIL MEMBER RIVERA: Thank you so much for being here and thank you to the Chairs for and giving me this time. I just want to say, you know, over the last few weeks and I know in the next few weeks I have been reading a lot of quotes and I've been hearing a lot of speeches about how we should spend money and I hope that to my Council members and to the community leaders in the room, that if the administration calms forward with a 30 story building of supportive and transitional housing, that we are open to having that conversation instead of blatantly

rejecting it, which happens all the time and we cannot be hypocrites. I just had to say that. I want to talk a little bit about healthcare and reinvesting in our communities. So, I have heard from some advocates that the Department of Corrections, the discharge planners, they are still giving incarcerated individuals wrong information for health providers. Can you tell me a little bit about that process and how people have access to healthcare when they are released and back into their neighborhoods?

BRENDA COOKE: I think I will invite Patsy Yang from CHS to respond to your question. Thank you.

COUNCIL MEMBER RIVERA: Thank you.

PATRICIA YANG: Good afternoon. Do I need to be sworn in?

LEGAL COUNSEL: Please state your name.

PATRICIA YANG: Yeah. Patricia Yang.

LEGAL COUNSEL: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth and respond honestly to Council member questions?

PATRICIA YANG: Yes. I do.

LEGAL COUNSEL: Thank you.

PATRICIA YANG: So, correctional health services conducts discharge planning. Actually, we're moving to beginning that process on intake. A few years ago, we were only doing it for certain populations. We are under efforts to expand that and extend that to other populations, not just people with mental health issues, but people with substance abuse issues and other chronic medical issues. Sorry. And that includes everything from assessing people's needs prior to discharge, making referrals for appointments with people outside, [inaudible 01:32:32] prescribing so that people can pick up their minds at pharmacies after they are released. We recently, in July, roll down another innovative program. We call it the point of reentry and transition. Our port program, it includes a lot of things like a poor line where anybody can call before or after discharge for any assistance with public assistance, appointments, medical appointments. Any questions that they have it all. Correctional health services has hired community health workers with lived experience both to work with people while they are still in detention to make more linkages to

services outside in the community, as well as community health workers who are based and to health and hospitals facilities, currently Bellevue and Kings County to help pull, so we are actually pushing people into appointments and pulling them in and, basically, navigating. Our providers, who are the medical providers in the jail are also rotating through these clinics, these port practices, so you have not only the support in the community to link, but you actually have [inaudible 01:33:36] provider.

COUNCIL MEMBER RIVERA: Okay. I just wanted to make sure that there was frequency in terms of following up, especially when it comes to mental health needs and making sure that we are kind of-- that we are looking at severely mentally ill people and making sure that we are filling out the right forms and that CHS is doing that. And so, we just wanted to-- I wanted to get some insight on the process and thank you, Doctor, for being here. Thank you.

CHAIRPERSON LEVIN: Thank you, Council member Rivera. I just have a few more questions around kind of strategies for community investments, if you were to look big picture. One of the things

that we have heard a lot about, as of their Council members have said, is housing and the lack of housing for people that have a criminal record. Issues around criminal background checks. If they are trying to get an apartment on the market, it's hard enough to find an apartment in New York City without a criminal record. How does the city want to approach that particular issue around criminal background checks and private housing? We're looking at legislation around that right now, but--

DANA KAPLAN: So, you know, anything just generally, we appreciate the overall folk is that there is been recently about how we can reduce barriers to reentry as a result of criminal convictions and I think that that has been an area of focus of the administration, as love, so, as it relates specifically to any pending legislation and on, you know, reducing barriers to accessing private housing, I think we would, you know, Paul, conversation on that. I don't, you know, know that this is specifically something that we have an official position on that this point, but--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: I think it very much fits within this. I want we have been trying to into to improve reentry and, again, make sure that there is not collateral consequences of incarceration that are making it harder for people to reintegrate effectively. So, we would welcome that conversation.

CHAIRPERSON LEVIN: With transitional housing, I know that-- I mean, there is fortune society has a program. I know that MOCJ or-- MOCJ has a-- or I think it's DHS has a contract with Osborne to into transitional housing. My understanding is that those are both for people coming out of upstate prison on parole. What is the city looking into for people coming out of Rikers that might not-- or the city jails that might not-- that will have barriers to housing? You know, the various barriers that ensue out of involvement in the system?

DANA KAPLAN: Uh-hm.

CHAIRPERSON LEVIN: You know, because those types of beds are not accessible to them, necessarily.

DANA KAPLAN: You know, I think the couple of things we talked about earlier, and justice



involved supportive housing, you know, there will be additional [inaudible 01:36:58] beds--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: coming online soon. I think about 150 beds.

CHAIRPERSON LEVIN: Right.

DANA KAPLAN: We are working on the additional 5 million dollars that was committed recently for transitional housing in partnership with the Speaker's office. And so--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: that is something that we are, you know, focused on the rollout of right now. I think--

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: you know, obviously, the need is great and it is something that we can continue to look at and we are--

CHAIRPERSON LEVIN: Right.

DANA KAPLAN: you know, committed to working on this moving forward.

CHAIRPERSON LEVIN: Right. I mean, the criteria to qualify for a JISH bed is high because it's, you know, the same criteria to qualify for

supportive housing. So, if you talk to anybody that is trying to get into supportive housing from a New York City shelter, it's not so easy. And now, there is not enough fence. The process itself is pretty cumbersome. And no, and I speak from some experience just in working with constituents that is desperately tried to get into supportive housing for years and have not been able to. And have we done an assessment around JISH to see-- you know, there is always a tension between the need as, you know, close to objectively identified as we can get to objective and our budgetary constraints. Have we done an assessment of what the actual need in New York City is for JISH beds?

DANA KAPLAN: I'm going to actually--  
Chelsea Davis is here and can speak to this issue.

LEGAL COUNSEL: Please state your name.

CHELSEA DAVIS: Chelsea Davis.

LEGAL COUNSEL: Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth and respond honestly the Council member questions?

CHELSEA DAVIS: Yes. I do. So, first, thank you for prioritizing this and starting this

conversation. I want to clarify that, for the JISH program, it's actually an attempt to ameliorate some of the difficulties of this population accessing regular supportive housing, so it is actually a no application process.

CHAIRPERSON LEVIN: Oh. Okay.

CHELSEA DAVIS: So, that's very helpful for ensuring that people who are eligible can get into the housing and don't get kind of weeded out during the application process in the way that can normally happen. So, we are looking forward to bringing on those new beds, as well, and expanding that program. In terms of assessing the need for the entire population, I do think that there is a huge need for regular supportive housing. The JISH program specifically targets people who are the highest utilizers of both jail and shelter.

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: We are conducting really rigorous evaluation of the JISH program and we hope to be able to share information about that soon and that will contribute to improving the program for the next 150 beds. I also think we are working to make sure that more-- all other kinds of supportive

housing, as well, are more accessible for people who are leaving jail or who have justice involvement and also be extremely helpful for improving access and eligibility for supportive housing.

CHAIRPERSON LEVIN: And then, what does DSS see as its role in this process both in terms of assessing the overall needs for JISH beds and then the DSS's role in coordinating with DOC or whichever entity this individual house involvement with at the moment?

ERIN DRINKWATER: The JISH contract is held by the Department of Mental Health and Hygiene. Certainly, you know, would be involved in conversations and exploration around what any expansion could look like.

CHAIRPERSON LEVIN: Okay. So, do you-- We should reach out to DOHMH then and find-- there's nobody here from DOHMH, right? So, we could find out a little bit more about that level of coordination and how-- where there are obstacles, where there may be opportunities to make that relationship better. Okay.

CHELSEA DAVIS: I can also add about your question about transitional housing--

CHAIRPERSON LEVIN: Yeah.

CHELSEA DAVIS: in the new program. So, that will be able to serve people upon reentry who need transitional housing. It will also be for people who are diverted who are doing an alternative to detention or incarceration program--

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: who, but for that housing, might not have been eligible for that program.

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: So, we are really looking forward to rolling that out, as well. And that will be 100 additional beds.

CHAIRPERSON LEVIN: Okay. And, again, same question about assessing the need as objectively as we can versus the limitations of, you know, programs and budgets, you know, it would be helpful to know what a clear assessment is in terms of our need without-- as a clear eyed assessment. If anything, it's-- I think it's-- you know, it's not helpful to not identify the needs and best we can for fear of the number being so big that we can't necessarily achieve it in a year or two.

CHELSEA DAVIS: I agree.

CHAIRPERSON LEVIN: We want to do--

CHELSEA DAVIS: Yeah. I certainly appreciate the need. We are working with--

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: correctional health services and the pretrial--

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: and research team at MOCJ to make sure that we understand better--

CHAIRPERSON LEVIN: Uh-hm.

CHELSEA DAVIS: those bell reform and what that mean it is going to be and how it will change.

CHAIRPERSON LEVIN: Yeah.

CHELSEA DAVIS: So, we will certainly--

CHAIRPERSON LEVIN: Yeah. Yeah.

CHELSEA DAVIS: keep everyone updated and we look forward to-- agree with that need and look forward to having better information to--

CHAIRPERSON LEVIN: Right. Because no matter what happens, you know, a lot of us will be gone in 2 1/2 years and, you know, Rome wasn't built in a day, so we need that kind of Vallejo road map

out for future administrations to do all of these things and I think it is important to be able to identify that, you know, with the knowledge meant that we might not be able to achieve everything we want to achieve in the next two years. And then my-- I think mental health was talked about a lot. In terms of just reimagining our relationship to incarceration, what are the efforts around restorative justice that this administration has invested in and how are we seeing that in the continue on as an example of common justice in Brooklyn and in the Bronx which is working with serious felonies? Very serious felonies: attempted murder and assaults. And, essentially, providing an alternative paradigm for doing this and how are we investing-- How much do we invest in a, these programs? Can these programs be scaled up? Is it not happening in Queens and Manhattan and Staten Island? What are we doing to try to build up that capacity and bring on additional providers? It's my understanding that common justice is the only one mine is doing and on a kind of-- for the very serious cases. Maybe there are others, but I'm not sure. I know that there is restorative justice in

schools and that is very important, as well, but as we look at kind of felony use and more serious issues, how are we supporting those efforts?

DANA KAPLAN: So it's a great question and a great point and I think, as you mentioned, restorative justice is really something that there is a benefit and a value of that kind of the full spectrum of--

CHAIRPERSON LEVIN: Can we just explain--

DANA KAPLAN: the system.

CHAIRPERSON LEVIN: what restorative justice is because it's a term that not everybody knows what it means.

DANA KAPLAN: Oh, goodness. The formal definition, I think it's really, you know, kind of the notion of bringing together both the person who is, you know, where the-- who is committed or alleged to committed an offense and a more restorative process or practice with the people or community that has-- where there is harm that has been dying and, you know, really moves just some motion of kind of a strictly punitive response to looking at, you know, how do people actually heal



from what's happened in kind of recognizes-- and I think this is a point that common justice is often well made themselves that, you know, often people who, where violence has been perpetuated, that they're, you know, that people might-- also themselves have gone through violence or be subject to a lot of trauma. And so it is, I think, a more comprehensive way of addressing both the individual and community harms that still is accountability for one people's behavior has been, but, you know, I think there has been a lot of evidence that points to where there can be accountability as well as handling that can, you know, rent is reoffending and maybe even be better-- you know, have particularly helpful outcomes for victims, as well. So, I would say Joe's, at high level, it is something that we have been invested in and focused on in all aspects, so, yes. There is been a real emphasis on restorative justice practices in the schools. I think we recently announced that there will be restorative justice training and services available at every school, so that is a significant expansion. We have seen in, you know, obviously, the Department of Education can speak to this, but we have seen a real

reduction in the number of suspensions and expulsions in the school system and one of the factors that has been buildup of restorative justice supports and training at the school level and it is been, you know, particularly piloted in certain districts and, as a result of its success, the DOE has made a commitment to expand it. I think it's also something that we see in the juvenile justice system and this is something that--

CHAIRPERSON LEVIN: Yeah.

DANA KAPLAN: for instance, the Department of probation can speak to. But, waving their adjustment process and, you know, obviously, with raise the age, that adjustment process is available to old or young people, as well. That there is been a real adoption of restorative justice practices and principles in family court system and I think, you know, there is been some real indications of success that. And then, as you mentioned, we have-- there is restorative justice that operates as kind of a formal alternative to incarceration and is available for some of the more serious copper you know, felony level of sentences. Common justice is a provider that the city funds.

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: And we have great respect for  
and--

CHAIRPERSON LEVIN: It's about 300,000  
dollars a year, I think.

DANA KAPLAN: So, I would have to check the  
exact numbers, but I--

CHAIRPERSON LEVIN: Uh-huh.

DANA KAPLAN: don't question number. And,  
you know, we have a solicitation out for alternative  
to incarceration programs.

CHAIRPERSON LEVIN: Uh-hm.

DANA KAPLAN: And I would say, you know, to  
the extent that there has been a solicitation for  
alternative to incarceration programs.

CHAIRPERSON LEVIN: Yeah.

DANA KAPLAN: You know, we, within that,  
would, you know, support the expansion of restorative  
justice programs, whether it is common justice  
specifically you are, you know, other organizations  
that are using similar principles and that type of a  
model.

CHAIRPERSON LEVIN: There's a product practitioner of restorative justice, Sujatha Baliga in--

DANA KAPLAN: She just became--

CHAIRPERSON LEVIN: San Francisco and--

DANA KAPLAN: MacArthur fellow.

CHAIRPERSON LEVIN: she just got a MacArthur Fellowship and listening to an interview this weekend, she said that, with the fellowship, she wants to build capacity for restorative justice, you know, all over the country.

DANA KAPLAN: Uh-hm.

CHAIRPERSON LEVIN: And so, this is something that I think is an area that we can make additional strides and allow this conversation that we have been having now to the, you know, allow us to focus on these meaningful ways to reimagine--

DANA KAPLAN: Uh-hm.

CHAIRPERSON LEVIN: how we approach the issues of incarceration and harm and crime as we have to find it in society and how we can really reimagine that relationship that we have. So, I think that this is a good concrete way to do that. And so, I encourage strongly that we kind of expand that

capacity. And not just expand the capacity with the system as it exists, but tried to build up a broader foundation for it across New York City. That's it for me.

CHAIRPERSON POWERS: Thank you. We're going to do Council member Treyger and then like a very brief question from Council member Rivera and Grodenchik so that we can move on to the next panel.

COUNCIL MEMBER TREYGER: Thank you to the Chairs. I don't think it's a surprise I'll ask education centric questions from my end. In addition to the name, you know, obviously, to break the cycle in terms of housing, supports, I think I've raised the issue of four of the inadequate number of social workers that are also dedicated to help support those in need. I think that continues to be an area of crisis that must be addressed. We are working hard in the Council, as well, to break the school to prison pipeline so that we don't need any jails, quite frankly, anymore. But, I am questioning, from the education standpoint, who in the DOE is responsible for the education and for the social mobility of folks in our justice system? Can you give me a name? Aside from Chancellor Carranza who I

know is in charge of the whole system, who is dedicated to folks who are core involved, justice involved?

BRENDA COOKE: Thank you for that. So, East River Academy is the school that the district covers on Rikers Island and Nick may or not she is the superintendent who oversees the DOE teachers and providers who were going and then our Department of Corrections facilities.

COUNCIL MEMBER TREYGER: You might want to tell them to fix their website. I can't access it. We need to understand-- the superintendent, how often does anyone meet with them or discuss issues pertaining to their education and their academic record? Can anyone speak to that?

BRENDA COOKE: Sure. The Department of Correction works closely with DOE and the service that they provide, educational services. And when a young person under the age of 22 who is eligible for voluntary education services, enters department custody, it's part of the intake process to connect to them with the information about the schooling opportunity. DOE teachers partner with the Department of Correction and visit the young people

in their housing unit upon admission and, you know, I'm praying for them their transcripts and show them their records to indicate and encourage the continuation of their education while they are in custody and identify paths forward for them to complete and achieve either a high school equivalency's or high school diplomas. And so, that is an ongoing process and then they will be continued engagement and re-encouragement for those that are, maybe, not attending school who have elected not to attend school, but are still school eligible and we are always working to encourage participation and they education.

COUNCIL MEMBER TREYGER: Just very quickly and last two seconds, Chairs. How many students are enrolled?

BRENDA COOKE: I'd have to get back to you with that number.

COUNCIL MEMBER TREYGER: I would like to know that number and I need to know who we hold accountable. And also chose to flag, are you aware that the DOE also has an office of continuing-- Adult Continuing Education?

BRENDA COOKE: Yes.

COUNCIL MEMBER TREYGER: Are they at all involved here in any capacity with--

BRENDA COOKE: Yes.

COUNCIL MEMBER TREYGER: folks who are over-- they are?

BRENDA COOKE: Yes.

COUNCIL MEMBER TREYGER: And is there any terms of accountability on folks and getting high school equivalency courses or building up their educational capacity? Is there any type of data that you could share that folks are obtaining educational degrees or--

BRENDA COOKE: We can provide that data to you, as well, as well as the enrollment--

COUNCIL MEMBER TREYGER: Yeah. I am concerned here about the-- this is not just about-- this can't be just about a place. We have to help people. Lift them up. So, the fact that there is an inadequate number of social workers concerns me because, quite frankly, garments and agents are not social workers. So, Chairs, I would like to circle back to this and work with your office, as well, because I am deeply concerned about the disconnect that I see here between DOE that should be deeply



involved in the social mobility of our families.

They think you for your time.

CHAIRPERSON POWERS: Thank you. We are going into one question each from Council member Grodenchik, Rivera, and then we are going to move on to the next panel.

COUNCIL MEMBER RIVERA: I'll be very quick because I know there are a lot of people that want to testify. I just wanted to ask about some of the conditions currently. I saw, from an advocate recently that there was scalding hot water at RNDC in Queens and just making sure that, with some of the situations that-- the issues that happened last year with heat and hot water, that there are some serious plans on just how to take care of conditions as is as we move forward.

BRENDA COOKE: Yes. Thank you. Thank you for that question. I am not aware of the incident you are referring to, so I will come off-line afterwards if you provide me additional information I can provide the fax back to you on that, but, absolutely, though we, you know, take very seriously the health and safety of those in our custody and to the extent that it relates to heat and

water and air conditioning and other things in the summer months. We have processes and procedures in place and we will continue to do so. We have a deputy commissioner of quality assurance and overseas matters related to environmental health and those issues of heat and hot and cold water would also be under her purview, as well as the operational management, the uniform management of each facility. We have maintenance. Our facility maintenance division and they are-- I mean, it's supervisors assigned and dedicated at each facility and they have staff who include trains or crews, plumbers, and maintenance and mechanics who can respond and address, you know, issues with our boilers and issues with, you know, others steam man he. We were, you know, closely with Con Edison when necessary and appropriate with related to gas and heating. So, thank you.

COUNCIL MEMBER RIVERA: I know it doesn't feel like it, but eight season started yesterday, so I just wanted to make sure that we could somehow figure out the best way considering how cold it will get. So, thank you for that and thank you, Mr. Chair, for the additional question.

COUNCIL MEMBER GRODENCHIK: Thank you, Mr. Chair and Mr. Chair. Ms. Kaplan, in your testimony, you acknowledge that procurement in this city, in your words-- let me see if I can find your words. Hold on one second. Given the significant amount of time the city's procurement process requires, which we are certainly all familiar with, can you give us an idea when you might expect if the Council approves the ULURP in two weeks construction to begin?

DANA KAPLAN: So, I think just one of the things that is important to note is that we have, by a state legislation, authorization for design build procurement for the project.

COUNCIL MEMBER GRODENCHIK: I know. I appreciate that.

DANA KAPLAN: So, yeah. So, I think, you know, certainly note and acknowledge the fact that, you know, that hopefully this will provide--

COUNCIL MEMBER GRODENCHIK: You want to take a guess?

DANA KAPLAN: a--

COUNCIL MEMBER GRODENCHIK: I'll take a guess because that's, basically--

DANA KAPLAN: [inaudible 01:58:11]

COUNCIL MEMBER GRODENCHIK: all we are getting here.

DANA KAPLAN: over the design build we will get a more expedited timeline for new construction. I have two, I would say, that I think that the Department of Design and Construction, at the last hearing, might've spoken as to when we could expect the construction to being in, so I don't want to provide misinformation. So I would, you know, happily follow up with DDC and we can get you specifics.

COUNCIL MEMBER GRODENCHIK: Thank you very much. Thank you, Chairs.

CHAIRPERSON POWERS: Thank you. We're going to move on to the next panel. Thank you for your testimony. We're going to hear now from the New York City Board of Corrections, Dr. Robert Cohen and Michelle Ovesey.

LEGAL COUNSEL: If everyone can raise the right hand and say her name from left to right.

MICHELLE OVESEY: Michelle Ovesey.

ROBERT COHEN: Bobby Cohen.

LEGAL COUNSEL: Do you swear and affirm to tell the truth, the whole truth, and

nothing but the truth, and respond honestly to Council member questions?

MICHELLE OVESEY: Yes.

ROBERT COHEN: Yes.

CHAIRPERSON POWERS: Thank you. You can testify.

MICHELLE OVESEY: Good afternoon, Chair Powers, Chair Levin, and members of the Committee on Criminal Justice and General Welfare. I am Michelle Ovesey, the acting Executive Director and general counsel of the New York City Board of Correction. The independent oversight agency for the city's correctional facilities. Today, I am joined by one of our board members who was appointed by the city Council, Dr. Robert Cohen, and our acting deputy executive director, Emily Turner. The city charter outlines the board's broad mandates, including establishment of local regulations, investigation of any matter within the jurisdiction of the Department of Correction, and evaluation of the department's performance. The Board of Correction has monitored the city's jails for the past 62 years. In this time, the board and its staff have monitored the development and redevelopment of jails across Rikers

Island and the Burroughs. And powered by the city charter and decades of expertise, we stand committed to independent oversight of the city's plan to close Rikers. Much needed recent investments and the board have strengthened its effectiveness and solidified the board as a critical partner and building a criminal justice system that reflects the Sandy's values and brings dignity and respect to the people held within, working in, or connected to the system. With dedicated board members and expanded staff, focus on data and research, and ongoing collaboration with the department, the board is committed to creating safer, fairer, smaller, and more humane jails. Since the 1970s, and reports and public meetings, the board has stated that the Rikers Island infrastructure and its isolated location create major barriers to compliance with the board's minimum standards. Including access to health and mental health care, connections to the community via visiting, and access to courts and legal counsel. The physical structures of the current borough based facilities also pose serious barriers to compliance. As an example, last month the board published a report documenting jail conditions during the July

2019 heat emergency. The report presents findings of our tourers and review of relevant documentation prior to and during the heat emergency impose on and off island. We found restrictive housing cells as hot and 97.9 degrees Fahrenheit, over 500 people who medical staff had teamed heat sensitive, but warehoused in the units without air conditioning, and relatively ineffective heat mitigation practices throughout the system. We ultimately concluded, quote, jail areas without air conditioning are too hot and the mitigating responses are too limited, despite concerted efforts by DOC leadership, correction officers and other staff who work in the jails. People should not be detained or required to work under these conditions, which are inhumane, pose health risks, and make DOC use violence prevention efforts more challenging. End quote. This is an infrastructure problem that must be addressed immediately. Today's hearing in the city's work over the past five years make clear that there is an opportunity right now to change the future of the New York City channels. However, it won't take more than new jails to solve entrenched problems that the board's independent monitoring has documented over

the past 62 years. The board is monitoring the opening of many jails on Rikers Island which showed great promise, but, in the end, fell far short of operating humanely, safely, or effectively. The board has provided independent oversight of every major jail construction initiative over the past 15 years. In 1974, the board held three days of public hearings on the future of the tombs and available alternatives. In 1979, we conducted investigations, issued reports, and facilitated multiple days of public hearings on the proposed transfer of Rikers Island to the state. In the 1980s, maintain jurists overcrowding, the board issued reports and recommendations to the Mayor Koch on jail construction on Rikers Island. In the 80s and 90s, the board monitored blueprints and operational plans for sprung housing, modular units at RNDC, the Staten Island ferry, and three barges. In the late 80s and early 90s, the board monitored and reviewed plans for construction of GR VSC or MSC and OCBC expansion. In the early 90s, the board's executive director traveled to Louisiana to inspect VCBC, the boat, prior to its delivery in New York City. In the 2000's, DOC presented to the board blueprints for a



new punitive segregation jail, and the list goes on. The city now has a plan for new air-conditioned jails which ink seeing minimum standards for light recreation, programming, visiting, and clinical services. These structural conditions will help as well proximity to the courts and population centers. Equally important, the city needs a plan for how operations within the new facilities will be managed. For example, the board of correction is currently working on new rules that would govern restrictive housing, both punitive segregation and the different housing types established as alternatives to punitive segregation in 2015. These rules would serve to minimize the harms associated with restrictive housing and afford to process connections in connection with placement in such housing. Similarly, as the city seeks a new criminal justice model, stakeholders need to develop new program and staffing plans across all aspects of jail operations, including medical and mental health services, young adults specific services and programming, information technology and infrastructure and data analysis efforts, and support and training for correction officers. We must not expect new buildings, and

another themselves, to be a cure-all for problems that have plagued the jails for decades. Ultimately, all jails and prisons need strong independent oversight. When the current Council and administration are gone, current federal consent decrees have been terminated, in this moment of criminal justice reform has passed, the board's minimum standards and its independent oversight on behalf of New Yorkers will remain as the front line defends to ensure safer, fairer, and more humane jails. Whether on Rikers Island or in the boroughs, the board of correction must be empowered to document and report on conditions inside of jails where the public and reporters are, and generally, not well come and to engage stakeholders in improving those conditions for people in custody and staff. Finally, since its inception, the board has advocated for alternatives to incarceration and decreases in the jail population. The city's jail population is around 7200 people today with a plan to reduce the population to 4000. In 1991, the average jail population was 21,669 people. The board applauds our colleagues inside and outside of local and state government who have contributed to this historic and

long-overdue to incarceration effort. We look forward to collaborating with the Council and its many members who are engaged on these issues. Thank you for the opportunity to testify today and, before we address any questions you might have, I would like to turn this over to Dr. Cohen.

ROBERT COHEN: All right. Thank you, Michelle. I just wanted to make a few points for the Council. I don't think it's too important to demonstrate-- you know, to add more evidence to the need to replace Rikers, but I will tell you that last week I was on Rikers Island in the infirmary area and I met an area, earlier in September, had fallen through the floor of the infirmary. He was a disabled person and is spent an hour before staff from the Department of Corrections were able to get him out of the floor. The Department is aware of this. The CHS is aware of this, but, just as an example of the kind of situation though we are coping with there. Michelle mentioned rulemaking. I just wanted to-- we will be coming to the Council individually and collectively for support in this project and sending you a copy of our proposed rules, but, it is-- the purpose of these rules is that,

while we recognize that the minimum standards requiring access to recreation, access to lawyers, access to visitors, access to medical and mental health care are essential, when people are in a restrictive housing setting, which means punitive segregation, solitary confinement, or administrative or transitional segregation like the ASH unit where today there are 19 men who are in leg restraints. When they leave their cells, the only way they can leave their cells is to sit and a desk with both of their legs in chains and attached to it desk, our rule, as currently proposed, will eliminate that and will decrease the basic amount of time spent in punitive segregation off from 30 to 15 days. And that will, hopefully, decrease the-- the current number, there are 231 people still in a segregation or administrative segregation status right now in the jails. I want to talk now briefly about the role that the board can and should play going forward. I want to talk particularly about the relationship to the violence that occurred this year that was in the Mayor's Management Report. We don't have a complete analysis of this, yet, but we watched it happen and, substantially, the increase in violent activities,

which are injuries to staff and injuries to people living in the prisons, was derived from a very problematic decision by the department to close GMDC abruptly, to move the young adults from GMDC to RNDC and almost all of the violence spiked in RNDC when these people were moved there without training for the officers, and the third part of this was the opening of horizon. Now, it's wonderful that the 16 and 17-year-olds are out of Rikers Island, but instead of being a careful roll out with a few each day going there and training the staff how to work in the new facility-- I mean, some of that happened, but, basically, all of that-- all 100 people left the day before it opened instead of having a careful roll out. So I think the board has an important role in you have to oversee that, when this transition from Rikers Island to new facilities occurs, it is done safely. And that means that the people are adequately trained to receive the new people there and that it goes slowly and as nonviolently as possible. Finally, just to say that there are also many parts of the rules which will require that the department, in building these new facilities, be responsive to concerns we have both about

segregation, about recreation. I've been talking to the department-- We have been talking to the department about what kind of-- for example, what kind of recreation people and segregation will have and we don't have an answer to that question and I think it's very important to enforce the city's laws, the board of correction minimal standards that the board have an import and oversight role in this process and thank you for giving me the opportunity to speak to you today.

CHAIRPERSON POWERS: Thank you. I'm going to ask a few questions and Chair Levin has a few questions, as well. When you talk about the violence and the transfer of folks from one facility to another, plus horizon, are there-- either in the jail design sort of-- you guys use the term minimum standards. We are using it in our bill. I know they are separate things, but in the standards that we are setting forth, you know, this has been an ongoing conversation about how to keep everybody safe and safer. You know, are there other recommendations you have in terms of how to ensure safety in the new facilities?

ROBERT COHEN: Well, we--

CHAIRPERSON POWERS: Beyond just a--

ROBERT COHEN: We do have an item which is currently in our rule which says that for certain areas in the jails, particularly for areas in segregation, that there be adequate staffing. And, in all areas where there are specialized housing, that there be adequate staffing. So that is--

CHAIRPERSON POWERS: And do you prescribe that adequate staffing would be?

ROBERT COHEN: There would be at least two people if there are more than 15 people-- 15 or more people in a unit.

CHAIRPERSON POWERS: Okay. Other suggestions the board has, you know, on the legislation I have about jail design and part of it is around the operations, but also on the jail design, are there other recommendations--

ROBERT COHEN: Well, we have in our rule a requirement that the city create a de-escalation capacity and an area in each housing unit so it is not necessary when any of event happens, to remove people from their housing area and take them to the central receiving area. That will decrease-- both decreased movement and also address-- right

now, the department always separates people when anything happens and it's important, as I think you were discussing here-- as you were discussing here earlier, the notion of restorative justice, as in every place else, that the answer to everything on Rikers Island is not to move people to another jail, to another facility, but rather to engage, when possible-- not in a moment of acute-- people being out of control, but as soon as possible and, therefore, to maintain an area for de-escalation on each housing area. I think those are the areas I can think of right now where we are specifically addressing violence-- prevention of violence in our roles.

MICHELLE OVESEY: In terms of the specifics of your bill which we clearly support, your legislation codifies a number of our minimum standards which have been in effect since the 1970s and this includes requiring space for visiting, recreation, 24 access to toilets. We also support the girl's requirements which actually exceed our minimum standards, which is terrific, such as like clinical services and cell size.



CHAIRPERSON POWERS: Okay. Appreciate it. On the staffing issue for-- The mental health unit seems to be, for like Pace, for example, some of the units in the jails that work better than other units in turn was of addressing folks who have mental illness and, I think, partially because of staffing. I think, a large part due to the extra staffing in the air. Do you see in the anticipated changes that can be made in the new channels or even immediately in terms of addressing, you know, extra staffing in terms of, you know, adding units around that? I think we have had this discussion around having more mental health units just as needed.

ROBERT COHEN: Right.

CHAIRPERSON POWERS: There's people today, I realize and understand, should be in a unit to treat a mental illness and don't have-- are not in one. And, second, around changes around staffing to help address some of those issues. If we want to use that as a model because this sort of combined staffing there and extra staffing, is there-- are there changes we can make or recommendations to be made in terms of in the future? How to staff--

ROBERT COHEN: Well, I think a couple of things. We think it's important and we'll be, you know, as it goes forward, that the-- that the units be architecturally both-- be at some point dedicated. The department and the building process been quite generic at this point. It's been concerned about just areas for programs, but as this goes-- in the next change it's very important that there are concrete things that happen in jails. There are segregation's that have been in jails. There are mental health services, which are complex, to be delivered in jails. They are just not like everything else in that the design build process be specific rather than as generic as I understand the department has had to be so far. Certainly, when there are more than 15 people in any unit, there should be at least two staff present.

CHAIRPERSON POWERS: But what is it today? What is the staffing ratio?

ROBERT COHEN: Right now we have an agreement-- right now, there is no rule that the department has. We have an agreement with the department which we have negotiated to have in the mental observation units, not in pace and caps. At

least two people present and in RNDC, whenever there are 15 or more people, to have two officers present. The basic staffing is one person in a bubble and one person in a housing area. The department has not yet committed to any housing-- any staffing model for any areas, as far as I know, and I think that is very important going forward.

CHAIRPERSON POWERS: Okay. I appreciate it. There is a bell here in our package that relates to reporting requirements during this process. Are there other metrics that you see as not including, but necessary, as part of this process? Part of that bill?

EMILY TURNER: Yes. So we will be providing some more detailed feedback on specific recommendations for the bill with Council staff and we are very encouraged to see the inclusion of required digitization of department records because that is a challenge that we routinely face in trying to determine compliance with minimum standards. Much of the records and information about whether or not minimum standards are being met is currently captured on paper form. So, any effort to move away from the paper lockbox is certainly something that we support.

In terms of management systems, it's critical that there be milestones for this transition so we have a clear sense of when we are going to be able to-- be able to work with the department to develop those metrics.

CHAIRPERSON POWERS: Okay. Thanks. Any other recommendations around housing in the units? I mean, we're doing and design, but not the operations as much, but are there recommendations in terms of-- I think there is actually discussion--

ROBERT COHEN: Yes. Well, there is one particular thing that I am the board has always been concerned about. Currently, for recreation for people who are in segregated housing status, they recreate in cages, individual changes without any equipment. They just go outside to the cage and sit there. There are no pull-up bars. There is nothing in these things, so we are trying to-- we are encouraging the department and asking them, without response so far, what is their plan for creating adequate recreation for people in segregation status.

CHAIRPERSON POWERS: Okay. I'm going to hand it over to Chair Levin.

CHAIRPERSON LEVIN: Thank you so much for your testimony and for the work you are doing. I went to Rikers last week and I went to [inaudible 02:20:02] Singer Center and talked to two individuals-- to trans women who are in restrictive housing and, as you described, they are both outside of their cells handcuffed to a table. I had asked them-- I had talked to them for a while. I asked them how long they had been at Rikers. Both said over a year. One was serving a city sentence and the other was pretrial, remanded, both for identity theft, a class E felony. Nonviolent, obviously. And what struck me was, first off, why on earth are they being handcuffed to a table. I mean, not that there was anyone ago or any activities or any type of other types of either exercise or any type of engagement. No programming. Nothing available. No reading material. But the idea that they would have to be handcuffed to a table for the hours that they are allowed out of their cell seems unconscionable to me. I think that you spoke to that in terms of the rulemaking process. But what struck me was that-- and this was what I-- when I asked why they were even there in the first place, the DOC staff said

that this was a housing unit where there may be some mental health ideation, and maybe somebody got into an altercation at some point and not lead to a more restrictive-- but what struck me was just the dial only one way towards more punitive, more restrictive, and I was kind of astounding that they were even there. Why were they there in the first place? And why-- so the question I want to ask is are we-- is the board looking at, since this is going to be, essentially, creating-- if this passes and if the borough based jails go into effect in the Brooklyn House of detention is to knowledge, which I think it should be demolished. It is just as bad condition wires as anything on Rikers that I have seen, at least--

ROBERT COHEN: It is.

CHAIRPERSON LEVIN: that we are not just building the buildings. We are not just reimagined name, but reconstituting how we would have her conceive of restrictive housing in the system. Because the system is-- I mean, it just seems as if it's been cobbled together over the years and it doesn't seem to be-- it seems somewhat arbitrary. It seems, obviously, punitive at its core, which

punitive-- is punitive even a principle that shouldn't even be in this conversation? I don't think so. It's not around-- The question of safety is not the same thing is punitive. And, you know, how are we creating a system to, essentially, curtail or disallow any type of arbitrariness on the part of the CEO that may have a grudge against somebody or how are we allow-- or how are we going to eliminate all of these abuses? Structural abuses and structure-- in these systems that seem to be created to only geared towards the punitive in the system?

MICHELLE OVESEY: Well--

CHAIRPERSON LEVIN: Sorry. I know it's a broad question. I'm just-- I think that's--

MICHELLE OVESEY: I think that's the major goal of the proposed restrictive housing rules. That to, basically, take what now exists as a system that is not individual specific, but applies to everybody, and I think, is characterized, as you say, primarily by a punitive approach even for types of restrictive housing where people are placed not because they committed or they were found guilty of a disciplinary infraction and I think the major goal of these rules is to create restrictive housing that limits whatever

restrictions are necessary for safety and security to the bare minimum that's needed to ensure the safety of everyone in the jails. And it's to take a more humanistic approach as to how we operate housing where people are segregated from the general population and are subjected to various restrictions.

CHAIRPERSON LEVIN: I mean, I--

EMILY TURNER: Ensuring due process.

CHAIRPERSON LEVIN: Go ahead. Yeah.

EMILY TURNER: Ensuring that there's due process and communication with the person in custody about why they are there, what exactly they would need to do to progress out of that restrictive setting. The rules, the proposed rules, anticipate requirements that would account for that.

CHAIRPERSON LEVIN: I mean, they asked the CO, and it was a senior CO, hey, can I get out of here today? He said, oh, maybe. I don't know. Let me look at the list. Let me, you know? So and so go out, but I don't know. Maybe you can. I mean, it obviously seemed very arbitrary. Very arbitrary.

ROBERT COHEN: Councilman, were they in the RHU? These two--



CHAIRPERSON LEVIN: That's what I understand. Yeah.

ROBERT COHEN: Yeah. I mean, it's interesting. Historically, both of these chain-- that chaining process and the enchainment process in ESH-1 were both responses of the department to demands to get rid of solitary confinement and they ended up with that instead. With ESH-1 where they put people into chains and in RHU where people are-- have only a certain time that they spend in RHU and then the next day they are not in chains, but when they are there, they are. I agree it doesn't--

CHAIRPERSON LEVIN: But like what purpose does that serve?

ROBERT COHEN: It doesn't--

CHAIRPERSON LEVIN: Like I don't even get--

ROBERT COHEN: It doesn't serve a purpose.

CHAIRPERSON LEVIN: And then they're-- Like what's that to solve for? A physical altercation? These people--

ROBERT COHEN: Right.

CHAIRPERSON LEVIN: were sitting around a table talking and coloring.

ROBERT COHEN: Well, you know, I do think--

CHAIRPERSON LEVIN: That's what was going on.

ROBERT COHEN: You know, the department is very quick to construct things that allow people to chain themselves to. They allow chaining. They were very quick to create these desks in DSH and have people chained to them. It's going to be hard, I think, in the process to prevent places where you can attach chains and they should be there in certain places where it's actually appropriate. But our goal specifically in our rules is to say that you cannot restrain people except for very serious reasons that they are a serious danger to themselves, others, or property and then for only as long as it's necessary so that that is no longer the case. Not you just send someone to indefinite time in that kind of setting.

CHAIRPERSON LEVIN: So, just one more question, actually, and then a quick comment. But I brought up to DOC and MOCJ before that ACS has this

child stat, you know, based on Comp Stat, but whatever. It's been in place, child stat, for over 10 years. And I'm not endorsing Comp Stat. I'm just saying that this is the structure as to how-- it's an accountability metric within ACS where they take a case. I'm sure you know about it. They take a case, a child welfare case, randomly selected from a random borough office and examine that case on a commissioner level, [inaudible 02:28:18] every single week. So like Thursday mornings, the ACS commissioner is examining with deputy commissioners and borough directors all the way down to case managers to an ACS case specialist, the process and outcomes of an individual case as a means toward quality assurance. Not just a-- This isn't just a one-shot thing. This is every single week. I may go around the boroughs and it's very labor intensive, but the value-- and I do give Commissioner Ansell credit. He is very systems oriented. He understands about accountability and what it does is it elevates real-life practice to the policy discussion and so that there is no-- and it allows for commissioner level discussions to be informed by what is really happening on the ground. That seems like a no-

brainer for DOC. To examine somebody's experience at Rikers. So, the guy that stole four pairs of socks and has schizophrenia diagnosis, you know, we kind of lie can look at that case and say, well, that's not the outcome that should have happened.

EMILY TURNER: So, I do know that the department holds weekly PINS meetings. They call persons in need of support.

CHAIRPERSON LEVIN: Sure.

EMILY TURNER: Where they are taking a more holistic look at what is driving the behavior of the person in custody and how what kind of plan could be developed to help modify that person's behavior so that they aren't a problem to the staff or to other people in custody.

CHAIRPERSON LEVIN: Uh-hm.

EMILY TURNER: So, I do know that that approaches happening for certain individuals in custody. Whether that spans to the full spectrum of why they are in their, as far as I know, it's mostly focused on their time and behavior while in custody and not taking, necessarily--

CHAIRPERSON LEVIN: Right.

EMILY TURNER: [inaudible 02:30:34]

CHAIRPERSON LEVIN: I can imagine that taking place just by visiting in terms of like them saying-- them troubleshooting how to deal with some money that is behaving in a way that they deem inappropriate. That's a different approach than a quality assurance randomized selection of case approach, which I don't think that they're doing.

ROBERT COHEN: I don't Inc. that they are doing it right now and we would discuss it as the board about encouraging it.

CHAIRPERSON LEVIN: Yeah.

ROBERT COHEN: You know, you wouldn't want to-- I think you wouldn't want to, necessarily, have someone who has just been there for five days P the subject of that discussion, but--

CHAIRPERSON LEVIN: Yeah. Maybe.

ROBERT COHEN: Well, maybe you would.

CHAIRPERSON LEVIN: Yeah.

ROBERT COHEN: You know, it's--

CHAIRPERSON LEVIN: It's just, I think, it would allude--

ROBERT COHEN: But I understand about getting [inaudible 02:31:22]

CHAIRPERSON LEVIN: My point in all of this is-- So, my last comment slash question is I am hoping that the board of corrections, throughout this process, is looking to do ongoing rulemaking and really approach this from the ground up. We don't have to-- This is dismantling the system, basically. But we are going to-- But we hope to-- It should. Physically dismantling the physical structures that are in place and that allows us, as the city, and the board of corrections is an important part of this conversation, to create this system that is responsive to people's real needs and that is-- and that reflects what we collectively want to establish as our values as a city and society in the 2020s, not the 1950s.

ROBERT COHEN: And that's my task. I take it seriously. We will work with you on that.

CHAIRPERSON LEVIN: Thank you.

CHAIRPERSON POWERS: Okay. Thank you. We're going to go to Council member Holden for questions.

COUNCIL MEMBER HOLDEN: Thank you for your testimony. I wanted to follow up on Councilman Levin's remarks about being shackled to a table.

I've seen that at Rikers, a young man. And it is no good. I mean, and absolutely-- there is no reason other than just temporarily a couple of minutes, but leaving someone for hours on end shackled to a table is not going to the situation. It's going to make it worse. And there was no book for him to read. There was nothing for him to watch. Just sitting there. I mean, everybody has to put themselves in a situation. What if you were shackled to a table for hours on end and days on end? What would that do to you? It will make the situation worse. So, I've seen it. I felt sorry for the young man. And even in solitary confinement, we recommended-- we said, what is in solitary? Are there bookshelves there when we went to DO-- when we were speaking to DOC had a hearing, now. There are no bookshelves. And I asked the question. I think we all did. Why? Shouldn't there be self-help books or something where somebody could actually learn something, read something, and the answer is they looked at each other. So, I think we need a different strategy because what we are seeing and what I am hearing from DOC, it's the reason why there is an increase in violence and Rikers is the brick-and-mortar. It's the layout of the jail, which

I don't think that's the situation. I don't know why. I don't know why is, Dr. Colin, you can reason why there is more violence with less of a population. Is it the gangs? We are hearing gangs. We are hearing this. We are hearing that. But why do we see increased violence in the jails with a smaller, much smaller population?

ROBERT COHEN: Is, obviously, a critical question. We are analyzing the latest reports, but as I-- there was huge spikes in violence where normally there would be 30 or 40 incidents a month, there were 120, 140, 150 incidents a month in RNDC where the young adults were moved from GMDC without having trained staff there to care for the young adults. And all the programs that had existed for the young adults. All the vocational programs and all of the tablet programs and the counseling programs were not fair when they moved to RNDC. Similarly, the movement of the 16 and 17-year-olds the horizon, I think, was always fraught. Was always going to be a difficult and complex process, the NASA had happened with 20 people every week rather than 100 people in one day, there would have been a lot more control of the situation by DOC. And



as they had been trained to-- this was a training issue, really, because they were using large amounts of pepper spray against the 16 and 17-year-old on Rikers Island. State law prevents that in horizon and DOC did not train its staff how to work in a situation where they would not have access to-- and that caused a lot of violence.

COUNCIL MEMBER HOLDEN: But it doesn't explain Rikers. It doesn't-- I mean, I think--

ROBERT COHEN: No.

COUNCIL MEMBER HOLDEN: it-- there needs to be-- like we are doing it wrong, obviously, is there is an increase in violence. We are not doing it well.

ROBERT COHEN: Yeah. And I agree we are not doing it great.

COUNCIL MEMBER HOLDEN: Now, just a last comment on horizons when we first visited. It was just open or was just about to open. I wasn't impressed with the facility. I thought it was outdated already. Just when they opened it, the recreation areas outside weren't completed. I think they rushed died and they should have built a first

and then put them in-- I mean, everybody needs to go outdoors. For a whole year--

ROBERT COHEN: It's terrible.

COUNCIL MEMBER HOLDEN: these young men were, essentially, cooped up indoors and that is not good for anybody's parent, yet, they did that. So, we are making the same mistakes. So, that's why I am worrying about these community jails that we are going to make the same mistakes. We're just kind of being a different location. So, I think we need a new strategy and we need not just words. We need implementation of them were not seeing it. So, I'm not too hopeful on the community jails unless we come up with a different strategy. Thank you.

CHAIRPERSON POWERS: Okay. Thank you. We're going to-- thank you. Thanks.

MICHELLE OVESEY: Thank you.

CHAIRPERSON POWERS: We're going to call up our next panel. We have Vivian Nixon from College and Community Fellowship and we have Fred Fusco, legislative chairman for the Correction Officers Benevolence Association.

[background comments]

CHAIRPERSON POWERS: Okay. Thank you.

We don't have to swear you in, but you can start when you are ready and just tell us your-- if you could just restate your name for the record. Thank you.

Turn the microphone on.

VIVIAN NIXON: Thank you and good morning. My name is Vivian Nixon. I am the executive director of college and Community Fellowship located in Manhattan. I want to thank the joint subcommittee use for allowing public testimony and for working to try to refine a plan to create smaller, safer borough based facilities that work for all New Yorkers. At College in Community Fellowship, we spent the last 20 years working with women who have come out of correctional facilities. Many of, been on Rikers Island. I myself have never spent time on Rikers Island, that I have spent time in county jails and I understand that jails that were built during the time that Rikers Island was built are not places that are designed to accomplish the results that we want to accomplish as the community. I appreciate this opportunity to address you and I want to thank the Chairs and the members for holding this hearing as we move closer to a vote from the

City Council on closing Rikers. People on both sides of this argument need to remember that abolition is not just the demolition of buildings. And as that dismantling of systems and policies that cause and perpetuate harm. It requires a 360 degrees view of where we came from and where we are going to holistic Lee addressed the years of injustice imparted on communities who have been impacted by the criminal legal system. Whether as a landfill or jail, Rikers Island has always been a blight on New York Sandy. For 77 years, abuses have abounded with little to no action taken by past administrations for the human rights atrocities that have now become synonymous with this archaic facility dubbed torture Island by those who called for its closing years ago and now wonder whether or not its closing is really the answer. In the face of continued accusations about the intentions for closing Rikers, what I have seen in my participation with committees in sine government, is that they have remained steadfast at least in theory to a commitment to ensuring that all sides are heard. Opportunities to address the Council and all supporting bodies have been a valuable tool to educate the public and policymakers

on the need to close Rikers once and for all. Even with the policies before you today, we can say that the Council is doing its part to further safeguard the process. It is important to establish at the outset that any vote needs to track progress. The Council must invest as much as they have invested in an antiquated and an unsuccessful system in the building of communities so that the people who have been most harmed by systems of injustice that include racial, economic, and other types of injustice, receive the biggest investments that will allow the natural reduction of crime and the increase in public safety that comes with investment in communities. We see that there are some propositions to make those investments, but they need to go a little further. I stand here today or sit here today hoping that we are able to push the envelope to realize that the harms our communities have faced cannot be fixed with a Band-Aid. That our communities have been harmed in bleeding for years, but in no way can Rikers Island or any of the current antiquated facilities stay open. They are designed for one purpose only and that is the warehousing and then distraction of the human spirit. The warehousing and destruction of the

human spirit is what causes violence. It is what creates an atmosphere for decay and it is what makes our communities less safe. Those facilities must close and we must build facilities that are integrated into our communities that have full transparency and where people can get the help, they healing, and the opportunity for full rehabilitation, reconciliation, and reintegration that they deserve.

CHAIRPERSON POWERS: Thank you. Thank you so much. Thank you.

[applause]

CHAIRPERSON POWERS: Thank you. Thank you for your testimony.

FREDERICK FUSCO: Good afternoon everybody. My name is Frederick Fusco. I'm the legislative Chairman for the Correction Officers Benevolence Association. I am a New York City correction officer. I sit here before you to talk about the introduction that is being considered of 5170. I speak on the facts that where you see giving the right to decorate a cell, we see a security concern. But we are not against our forms. We see where you think about designing it with wood and ceramics as you to set your home, we see weapons

being made, carved out of wood, and ceramics where not only an assault on staff is concerned, but also in made on inmate assaults. We are about custody, care, and control. We believe that every day there should be a balance between the uniform members, then nonuniform members, that people that are being detained in our care custody. Where you see a need for to consider a local law to call an individual by others name and pronounce it correctly, we find that blatantly disrespectful. We talked and the detainees by their name if we know them. Some of them we have known for years and come through the revolving door. Some of them I called them by ma'am or sir. Sometimes we have to call them by a booking case number because we don't know who they are and they have to answer out to the design and policy of an agency. 5701 has a lot of suggestions, but wasn't God through properly. Stabbings and flashings are up. Assaults on CEOs are up 37 percent. Sexual assaults on correctional officers are up three percent. Violent inmate on inmate incidents are up 22 percent. All from the most recent mayor's management report, those are the statistics. I'd like to make a valid point. And excuse my throat.

My son that is seven years old on Sunday wanted to ride his bike without his tricycle wheels. I looked at my wife and I said, let him do it. She sent, he's not ready. He never did it. So, in the driveway, I took off those wheels. He got on the bike and, to her surprise but not mine, he rode it. He rode it to the end of the driveway and back without failure. When she looked at me, she is like, I'm surprised. I said, I'm not. Because I've been instilling balance in the fundamentals of his life. The politicians have to stop putting the politics in front of the safety of New York City. From the uniform side to the civilian side, they need to look at-- and I challenge them. Create a balance where the advocates, the uniforms, all of us can live the way this beautiful city of New York lives, diverse and versatile because that's who we are. We need to keep the public safe, as well as ourselves.

[background comments]

FREDERICK FUSCO: Thank you.

CHAIRPERSON POWERS: Thank you. Just a few questions.

FREDERICK FUSCO: Yes, sir.



CHAIRPERSON POWERS: First of all, I just want to go back to bill you are discussing in the bill-- it's my belt. And it's essentially saying that, when the new facilities open, there being conversations about what they should look like. What the future showed look like here to close Rikers Island down. Close all these other channels down and to create an experience where you don't have people don't have air conditioning. You know, better conditions in this setting. That's the intention and there've been conversations along the way in this process. The idea is to uphold those conversations so that, when the next administration comes in, when the Council is gone, perhaps many of these people in the room aren't involved in the conversation in the same way, that the-- that there is something as sort of a baseline here. So, just ask a couple questions. The one criticism here was about the materials. About regulating what materials should be used in it. The criticism, I think, ultimately, is that we are saying that nonmetallic-- should be nonmetallic as a minimum standard. Are you saying it is less safe-- you saying it is safer if we create jails as they are created today and using the same materials?

FREDERICK FUSCO: Well, you're generalizing the question.

CHAIRPERSON POWERS: I mean, I'm asking a question.

FREDERICK FUSCO: Yeah. The way they are making them today. So, my answer is, if you use a ceramic toilet, and is known, it's factual, statistical, as well that they will make a weapon out of that toilet. On about porcelain toilet, ceramic floor tile. Their weapons can be made and they have been.

CHAIRPERSON POWERS: I don't think anybody denies that you can make a weapon out of many different materials, but what do you recommend, then?

FREDERICK FUSCO: My recommendations to talk to the Department of Correction and the talk to the security and let them sit there and design of policy. Let them design a policy that is going to be safe to the individuals that are there being detained in their uniformed members, as well. So, I'm not going to give you Fred Fusco's opinion because my opinion, yeah, it is harsh to see a cell that has nothing but metal and cement, but, again, after

January 1st, we are talking about the most violent people in New York City.

[Background comments]

CHAIRPERSON POWERS: I guess my point is-- if the recommendation is that that DOC is part of the conversation, I think you are also saying the staff should be, as well. They have been in this is, again, kind of memorializing some of the conversations that have been had around safety and security. I think they are always open to hearing recommendations about how to improve and the legislation, how to improve any plan, but I think that if there is a recommendation not to regulate the materials, the first question was are you saying or making it less safe and the second is, then, what is the recommendation?

FREDERICK FUSCO: Well, here we have-- we had the scanner bill passed, right. The scanner bill picked up anything that was nonmetallic. Okay? Anything that was created, hidden, that was nonmetallic. Anything that can go through that machine should be considered not ever used in the facility, obviously, right? So why we passed the bill. Brought the scanners down there. We fought

and lobbied to get that bill and now we've got--  
amnesty is up from people turning things in because  
they just don't want to go through the machine and  
get caught. The finding of weapons, handmade  
weapons, are now that either were brought in at one  
point or have been hidden for a long time or were  
designed from pieces of metal that they were able or  
Plexiglas that were able to be snuck in are now being  
found. So, anything that you considered that  
shouldn't be used as a material, anything that can go  
through that machine and being detected by that  
machine should be considered not to be used. So I  
can set your own and long and I don't have the  
material list to explain to you what should be used,  
but I can tell you certainly what shouldn't be used  
because that the experience of being a New York City  
correctional officer.

CHAIRPERSON POWERS: Okay.

VIVIAN NIXON: May I address the  
committee?

CHAIRPERSON POWERS: Yeah.

VIVIAN NIXON: I think they are  
fundamentally starting in the wrong place because  
violence is not of the materials that people have

access to. Islands is about the conditions of confinement, the atmosphere of violence, and the response to inhumane treatment. When people are in fear and feel hopeless and are provided with no other alternatives but to turn on themselves and to turn out word, you are creating an atmosphere for violence and end times and matter what materials are in these facilities. Anything can be turned into a weapon. People can turn their bodies into a weapon. I think we need them. Having that conversation about, in addition to the physical construction of facilities that are actually humane and that are not built as warehouses and cages, we need to be talking about what are the underlying values and Marine training people referred to people as inherently violent to understand that no one is born inherently violent.

CHAIRPERSON POWERS: I appre-- I understand.

VIVIAN NIXON: And that there are other ways to go about lessening the violence in our society and in any facility that we might create as a society.

CHAIRPERSON POWERS: Thank you. I appreciate that. I was just responding to a part of

that testimony, to be fair, and bad I appreciate the comment.

FREDERICK FUSCO: And, in all honesty, just to piggyback on a little bit of what she said, we are so focused on the future. We're not focused on what's going on now. We need to make these jails safe now for everyone. That balance has to be created now. If we want to talk about going back and we want to talk about the way things should be distributed and should be even unfair across the board, let's stop talking about what may or may not have been five, six years from now. Let's start drafting legislation now that is going to protect all of us now. That's why a balance should be creative. Think of is safer in New York for everyone, not just for one group and what may have been four or five years from now. What is going on now that we are making this city of New York safe from the detainee's side to the uniform side, to the public safety side. That's what I'm asking.

CHAIRPERSON POWERS: Okay. I appreciate it. I think Council member Holden has a question.

COUNCIL MEMBER HOLDEN: So, I'd like to ask you. We see violence increasing in the jails. And I

asked Dr. Cohen why and he really didn't have an answer. What would you say is the number one cause or at least causes of the increase violence against correction officers and their detainees?

FREDERICK FUSCO: Well, first and foremost, in my opinion, the way they categorize and the way they house. Right? Throughout the years, we have seen them change it up quite a bit. The assaults now, as far as weapons being used for deadly instruments being used, are going to go down and we have seen a significant, you know, declined since the scanner machines have started being brought into the facilities, as well. DHS housing that you and the others cc and brought up was, basically, the person that is shackled to the desk, handcuffed to the desk, is somebody that multiple he had slashings or assaults on staff. So, that was for the safety of the individuals going to visit that day. But there are all causes of reasons why the assaults are up. It could be everything from the failed 14 point plan to [inaudible 02:55:24] degrees that don't make sense that the policy could never adhere to. To the fact that we need more ratio of officers per individuals because one on 50 is not going to help. We can't

watch everything. One on 50, when you talk about one officer and a housing area that has to deal with 50 individuals with different personalities, it doesn't help. We need something to do with status change. We need punitive segregation in a manner that is used in a proper way to take an individual out of a situation and take that individual and place him in an area that is not going to harm himself or others. That's what the tools are needed for. We need more training. A better Academy, longer curriculum. I have the most educated officers since 2012. 7800 officers came on the job out of 11,000 and active. Those officers are all well-educated and well-trained, but training should never stop. It should always get better.

COUNCIL MEMBER HOLDEN: Thank you. Thank you.

CHAIRPERSON LEVIN: Thank you for your testimony. I just want to-- as a [inaudible 02:56:51]. The two individuals that I saw in that restrictive housing unit that I spoke about that were handcuffed to the table, no one was claiming that they had assaulted a staff member. The correction



officers that I was with-- and I was with a deputy warden--

FREDERICK FUSCO: Okay.

CHAIRPERSON LEVIN: No one was saying that they had--

FREDERICK FUSCO: But you're speculating to the audience that--

CHAIRPERSON LEVIN: No. No. No.

FREDERICK FUSCO: something else other than-- See, listen. Department of Corrections--

CHAIRPERSON LEVIN: Nobody was able-- I asked them at the time, why are they here? And nobody was actually able to give me a response, but they didn't say that they were there because they assaulted a corrections officer or that they were involved--

FREDERICK FUSCO: [interposing] With all due respect, you're not part of their staff, so they may not give you their manifest on why they are there.

CHAIRPERSON LEVIN: I'll get the manifest then.

FREDERICK FUSCO: And that's fine.

CHAIRPERSON LEVIN: I wasn't even  
going--

FREDERICK FUSCO: That's fine.

CHAIRPERSON LEVIN: To be honest with  
you, the--

FREDERICK FUSCO: But when you suggest  
that--

CHAIRPERSON LEVIN: Sir, excuse me.

FREDERICK FUSCO: the CO does not know--

CHAIRPERSON LEVIN: But you're--

FREDERICK FUSCO: he's doing or what he's  
doing there, there's an issue with that because  
you're speculating--

CHAIRPERSON LEVIN: Actually--

FREDERICK FUSCO: to the audience.

CHAIRPERSON LEVIN: quite the contrary.  
I had a very good--

FREDERICK FUSCO: Not quite the contrary.

CHAIRPERSON LEVIN: No. No. No.  
quite the contrary. I wasn't-- I'm not doing this  
to attack your CO's. I actually had a productive  
conversation with every CO that I talked to.

FREDERICK FUSCO: Well now that you say  
that, but you didn't say that five minutes ago when

somebody else was up here and you were portraying to the audience when I asked the CO why he was here, oh, I don't know. What time is he going to go back?

CHAIRPERSON LEVIN: Yeah.

FREDERIC FUSCO: Oh, I don't know what he's--

CHAIRPERSON LEVIN: Nobody--

FREDERICK FUSCO: You made it pretty clear that they didn't know what they were doing.

CHAIRPERSON LEVIN: I'm just telling you what happened. Okay?

FREDERICK FUSCO: And I'm just--

CHAIRPERSON LEVIN: I'm just saying publicly what happened.

FREDERICK FUSCO: And I'm [inaudible  
02:58:20]--

CHAIRPERSON LEVIN: Yeah. Yeah. Yeah. I'm just--

FREDERICK FUSCO: What you had said, sir.

CHAIRPERSON LEVIN: I get it. I get it. Okay? I'm not making-- I'm not out there to make a judgment, okay? I'm out here to tell you what happened and so all I'm saying is that the-- that that particular instance, there was no and on its

face compelling reason. I will go back. I will report-- all communicate back to you--

FREDERICK FUSCO: Pleased to.

CHAIRPERSON LEVIN: What the rationale was. I will get that information and I will--

FREDERICK FUSCO: Please do.

CHAIRPERSON LEVIN: report that back. But my point is this, actually. Is the CEOs that I spoke to all acknowledged that most of the people that were there shouldn't really be there. And that--

FREDERICK FUSCO: That's clearly hearsay. I mean, is talking to an audience that--

CHAIRPERSON LEVIN: I mean, I was--

FREDERICK FUSCO: Once again--

CHAIRPERSON LEVIN: I'm reporting to the--

FREDERIC FUSCO: Don't--

CHAIRPERSON LEVIN: I'm not making a--

FREDERICK FUSCO: Please do not put the politics in front of the public safety. See, if somebody is in--

CHAIRPERSON LEVIN: [interposing] I'm actually not--

FREDERICK FUSCO: ESH and--

CHAIRPERSON LEVIN: Sir--

FREDERICK FUSCO: they are handcuffed to a desk, they have multiple assaults and they have done slashings. That is not something to take lightly. That was done for your protection.

CHAIRPERSON LEVIN: Yeah. It didn't--

FREDERICK FUSCO: So, you can keep speculating in saying what they want to hear, but you are playing to--

CHAIRPERSON LEVIN: I'll-- I'll--

FREDERICK FUSCO: your politics, so please--

CHAIRPERSON LEVIN: I'll make sure--

FREDERICK FUSCO: refrain from that.

CHAIRPERSON LEVIN: to get the information and I'll contact you directly--

FREDERICK FUSCO: Please do, sir.

CHAIRPERSON LEVIN: about that.

FREDERICK FUSCO: Please do, sir.

CHAIRPERSON LEVIN: My question actually is this for COBA. Okay. So, the population continues to decline of people in detention. It is anticipated that it will decline significantly as a

part of bail reform, speedy trial reform, discovery reform. The new facilities themselves will be a fraction of the overall capacity in that exists in the system now. In addition to that, it will require less staff because--

FREDERICK FUSCO: If that's-- If honestly that's what you believe, but I believe your colleagues don't believe the same.

CHAIRPERSON LEVIN: I'm just going to ask a question.

FREDERICK FUSCO: Okay. No problem.

CHAIRPERSON LEVIN: That because, I mean, in Brooklyn--

FREDERICK FUSCO: Well, just--

CHAIRPERSON LEVIN: Sir-- Sir.

FREDERICK FUSCO: Get to the point.

CHAIRPERSON LEVIN: Sir, hold on. Hold on.

CHAIRPERSON POWERS: Just let him ask-- Let him go ahead.

CHAIRPERSON LEVIN: Listen--

FREDERICK FUSCO: Get to the point.

CHAIRPERSON LEVIN: You're in the city council, okay. Right now I'm going to ask a

question. If you want to be here to answer, I'm asking you a question. So just--

FREDERICK FUSCO: Then, sir, perhaps you should read a government of the people, by the people, for the people.

CHAIRPERSON LEVIN: Yeah. That's right. That's right.

FREDERICK FUSCO: Don't forget that.

CHAIRPERSON LEVIN: I don't. My boss is the public. Those that elected me. Okay? That's my boss.

FREDERICK FUSCO: 100 percent.

CHAIRPERSON LEVIN: Those people that elected me.

FREDERICK FUSCO: Exactly. Exactly.

CHAIRPERSON LEVIN: My question for you is-- This is actually not a hostile question. My question for you is, is that number decreases-- I mean, things like in Brooklyn, for example, in a housing unit, there are five COs that are needed, right? In the housing unit because of sight line issues. And that is going to be reduced. Per detainee-- the number of COs per detainee should come down because of issues around the configuration

of the housing units. My question is how is COPA working with the city to, essentially-- for those that are looking-- that will not-- that are either going to retire or are heading there 20 years and are looking to do something else with their lives, if they entered-- if they became a correction officer at the age of 23 and their 43, hit there 20 years, and want to leave that service, what type of preparation are we doing with the city does see as-- what other jobs they can have at the age of 43 when they have many years left to work? We might not want to work as a correction officer, but might have-- if they are in it for the right reasons in the first place, to work with-- I mean, we should be doing all of these-- everybody--- every correction officer that I spoke to and every DOC employee that I spoke to over the last few weeks has said we should really be putting all of this money into communities to keep kids out of here in the first place. To keep kids from ever interacting with the system in the first place. I think that was across the board what I heard. So, do correction officers-- are you hearing from your rank and file that people want to-- as they are leaving corrections, hitting 20 years, that



they want to go into the communities to start working in the kids out in the communities?

FREDERICK FUSCO: Well, first and foremost, even prior to leaving and retiring, we have many officers have goodwill foundations and not for profits that are in their communities. They do everything from Thanksgiving dinners, turkeys. COBA does everything from Thanksgiving dinners, turkeys.

CHAIRPERSON LEVIN: I--

FREDERICK FUSCO: They are always fundraising for groups. We just stand a big thing with going back to school with the officers and way out to couple foundations were not-for-profit that helped raise money for book books for kids that can't afford it. We do on personality haircuts. So, we have given-- we are always in our communities. See, every single community in every one of these boroughs are members live. All your districts-- we have many members, right?

CHAIRPERSON LEVIN: That was the one thing that actually struck me was that a lot of the COs were from communities close to my district.

FREDERICK FUSCO: Right.

CHAIRPERSON LEVIN: They were in my district.

FREDERICK FUSCO: And so, a lot of them, at the end of the day, are always giving back throughout their career to the communities.

CHAIRPERSON LEVIN: Okay.

FREDERICK FUSCO: Not only for when they retire. As they decide to do when they retire, I can't speculate that. Some of them have law degrees. Some go into law. Some are psychologists that continue psychology.

CHAIRPERSON LEVIN: The guy I spoke to had an MBA.

FREDERICK FUSCO: Exactly. And at the end of the day, I can't really answer that because there are so many different areas they all can--

CHAIRPERSON LEVIN: No. No. No. Right. What I'm saying is that made me at my make sense, as there is going to be a significant amount of attrition over the next few years, that there is-- that they are looking as to how-- if they want to continue to be involved in changing the world to be a better place, that there is some opportunities to

work with the city in a kind of not adversarial footing--

FREDERICK FUSCO: So, you know, that's an excellent thing that you just mentioned. So, maybe I could come see you for a homeroom message because we need to change the way you can have a salary especially if you do another municipality job after you leave our job. There is a cap on and, so it keeps it very hard for people to stay in New York, as well. So, maybe back could get lifted and they could come back in the could work with another municipality within the city civil service itself, and, perhaps, maybe they would be interested to stay here, as well, other than moving out of state where it's a little bit less--

CHAIRPERSON LEVIN: Okay.

FREDERICK FUSCO: [inaudible 03:05:18]

CHAIRPERSON LEVIN: I do agree with you that it's important that we don't paint all correction officers with a single brush and say-- I mean, there are a lot of people that are doing it either for the right reasons or--

FREDERICK FUSCO: I don't think we should paint any of them.

CHAIRPERSON LEVIN: because that's where their life led them that they want to do the right thing. I think that is important to acknowledge.

FREDERICK FUSCO: But it's a civil service position where you are kind of making it sound like they are obligated to-- that they have to continue their--

CHAIRPERSON LEVIN: No. No. No.

FREDERICK FUSCO: 20 year work.

CHAIRPERSON LEVIN: I'm saying that those that I want to.

FREDERICK FUSCO: Yeah. And some of them, like a said, and continue to do both at the same time.

CHAIRPERSON LEVIN: Okay. We'll keep talking.

FREDERICK FUSCO: There's nothing else to speak of.

CHAIRPERSON POWERS: Okay. Thank you. Thanks. Thanks for your testimony.

FREDERICK FUSCO: Thank you very much. Thank you, City Council.

CHAIRPERSON LEVIN: Next panel. Marvin Mayfield, Just Leadership USA. Dr. Victoria A. Phillips, Mental Health Project, UJC and Jails action coalition minister Dr. Victoria Phillips. Fidel Guzman, Just Leadership USA. Sharon White Herrington.

SERRITA DAFTY: Marvin--

CHAIRPERSON LEVIN: Darlene Jackson.

SERRITA DAFTY: Marvin Mayfield and Fidel Guzman both had to leave. Can I do testimony on their behalf?

CHAIRPERSON LEVIN: Kayla Simpson. Okay. Whoever wants to begin? And there's three minutes for testimony.

SERRITA DAFTY: Okay. I'll start. My name is Serrita Dafty. I'm testifying for Just Leadership USA. Both Marvin Mayfield and Fidel Guzman who were called had to leave, so I'll read some pieces of testimony on their behalf. I also want to just say, before I proceed, that although I'll focus on the bills and the testimony, I just want to note that the display from the member of COBA a moment ago really drives home the point that we have been making for all file which is that the

Department of Corrections should not be in charge of the management of the new facilities. So, in regards to the community reinvestment act, we know that there are communities across the city that have been targeted, over policed, criminalized for decades. We support the idea of creating a commission to put a focus on the community reinvestment that needs to happen, however, we feel that the commission must be composed primarily of people who have direct experience of Rikers. Meeting people who have been detained there and their loved ones. The commission-- those are the people who know what harm was done to communities by Rikers Island and we look at this community reinvestment not as general community reinvestment, but as reparation for the harm was done to people and communities by Rikers Island. Those people who are prepared to think about how to repair that harm need to be on that commission. In addition, on the-- on 1190, we support that introduction. Advocates who we work with who are specifically focused on the needs of people who use drugs support that intro and we hope that it is implemented and fully funded. On the minimum standards, we have a range of comments on

those that we will forward on to the Council, but want to know that, when there was a recognition that language matters, that needs to be applied to a range of all of the language that is used around correctional facilities and people within them, so we will be sending comment along on that. Certainly, on the reporting, we support the move for greater transparency. I think multiple people spoke to the ways-- including the Board of Corrections spoke to the ways that that could go further and we support those efforts. So, I will stop there and I will turn in those testimonies, as well.

VICTORIA A. PHILLIPS: Hello. How are you doing? So, I am Minister Dr. Victoria A. Phillips, but everyone calls me Ms. V and there was many things to actually speak on today, but I am going to just give key points to all of the bills being presented. Right off the bat, I want to just say that Rikers is the corrupt COs place of refuge. I joined the jails action coalition in 2012 after being threatened by my current employer-- well, not my current, but my employer then, to stop reporting to IG all of the barbaric treatments that I witnessed, but that fueled me as an Army brat to move forward and continue to

keep my feet on the ground and make changes. So, over the years, we have ended solitary confinement for 16 to 21-year-olds. We have gotten visiting-- certain concerns changed and we've done so many things to change the culture of violence in Rikers and it has not helped, so we definitely believe that you must close Rikers. Rikers is the foundation. Rikers is the home base for the culture that was obviously displayed a little bit a few minutes ago by the-- by COBA. So, I just want to say, to reiterate, I agree with close Rikers, Serrita, that people on the task force should be formerly incarcerated and not just formally incarcerated, but people who have professional experience working behind those walls not attached to any contract from DOC because someone like me, I go up against DOC anywhere. City Hall, board of corrections and I don't have to worry about my paycheck coming from them and that silence is a lot of people. Having worked in the ER, ICU, psych units, DHS shelters, I know for a fact what is needed by the incarcerated individuals and many times they are not properly prepared through discharge. Today, Councilmember Holden brought up in another member brought up around 2010 E's and things that they



probably didn't even understand themselves. Because 2010 E's aren't done on Rikers except for the SMI population, the severely mentally help population. I often do BRAT H [sic] monitoring on Rikers and I'm not even allowed to refer someone to them for a 2010 E unless they fit a certain criteria. That is something that many of your peers should be brought up and aware of and I am willing to train them on that. As far as the jail designs, there are so many issues. Many injuries are reported to me through my monitoring because of slips and falls coming out of the shower. As far as-- Council member-- What's her name? Ayana? She brought up today and advocate reporting scorching hot water. I am not advocate in September 13 I visited Rikers RNDC, spent about six hours there, and many housing units immediately brought to my attention, miss, it's too hot to come into the shower and I physically had them turn it on and addressed it with the warden at that time to call maintenance to fix this because people couldn't enter. In RNDC, many people reported to me that the average wait time for my own personal survey for sick call was 3 to 4 days if they were actually taken the medical. User direct problems. And I wanted just

say one more thing. In April this year, the Bronx-- since you are talking about sexual assaults, in April of this year, the Bronx TA reported to the board of corrections-- and you can pull that video up-- that for 2018, there were over 600 sexual assaults reported to her office and 60 percent of those were against officers. Now, what makes that so unique is that the Manhattan TA was also at that meeting and she reported for 2018 she received nine. 27 she received nine. And so, I pointed that out because Rikers is an island on its own. Rikers harbors culture. Rikers harbors bullies. Rikers harbors everything that is evil within our human society and the officers are becoming bold. The officers become brave to do corrupt things on that island because it is their place.

CHAIRPERSON LEVIN: Thank you. Thanks.  
Can I just ask a quick question to that?

VICTORIA A. PHILLIPS: Please do.

CHAIRPERSON LEVIN: How then would we ensure that borough-based channels don't become the same refuge?

VICTORIA A. PHILLIPS: That's a good question. I think immediately just taking people out

of that safe place where they feel comfortable, they feel that they are used to a certain protocols being done I think will do it. I think, in the borough-based channels, you have the right to vote, yes, and put those conditions in. Conditions mean there are no longer blind sites. So many things-- we have a lot of cameras on Rikers and now that us advocates, me, myself, have advocated for for the last eight years, there are still many, many blind spots that the officers are aware of in the utilize. There are many women who are still being told, you can't get a pad if you don't perform oral sex. And they are taking to those blind spots to do that. As far as-- okay. So, I'll just say that we can have a further conversation on this, but you have to close Rikers. You have to close Rikers. There are so many issues with the structure and nine allows the officers to utilize those blind spots in different issues with structure to create harm. To bully people. To abuse human rights. To create injury is that they ride up on their paperwork because they don't have anything computerized he had and put forth as-- as far as like incarcerated individual on incarcerated in

individual when it really was an officer on an incarcerated individual.

CHAIRPERSON LEVIN: Thank you. Let's keep on talking. Thanks.

VICTORIA A. PHILLIPS: And I forgot about the [inaudible 03:16:24].

KAYLA SIMPSON: Hi. I'm Kayla Simpson. I'm a staff attorney at the Prisoners' Rights Project that the Legal Aid Society. Thank you so much, Chairman Levin, Chairman Powers. And I won't belabor a lot of points that my fellow advocates have made and no doubt will me. Obviously, the legal aid Society has represented countless New Yorkers who have suffered brutality at the hands of the Department of Correction here in the city. And I think it bears repeating the point that Ms. V and Serrita made. You saw on the testimony of correction officer from COBA who is a representative, right? He told you that where you saw humane reforms, he saw weapons. He told you that. And I think that underscores the point that we have been trying to make over and over again in these public forums that there are countless evils perpetuated in TOC the name of security and safety. That is the name given to

cover abuse. And it's these understandings of the representation that Rikers is of a toxic culture of dehumanization that affects people who work there as well as people who are detained there and people who visit loved ones there. That's what has to drive all of our comments and all of these actions taken by the city. And so, always support the effort by the Counseling Intro 5171 to require the city to report on specific actions taken to decommission Rikers. Obviously, the information given to the Council by the city has been piece of mail, it's been unsatisfactory. This is a tremendous undertaking. There needs to be more comprehensive plan when the well-being of so many New Yorkers hangs in the balance. But we also need to focus not just one, of course, closing Rikers, the building, but how is the city going to prioritize closing Rikers, the culture? They are not telling you that. In the topics that the bills focus on, cores, structural ones, but we need to demand from the Department of correction that they demonstrate how it is transforming the culture of incompetence and impunity that covers and those facilities from passive video of wardens and top leadership, day-to-day security and operational

failures, and staff hostility and aggression towards, apparently, also council members. There is too much reliance on the city's proclamations of change into little demonstration to facts-- I'm sorry. Too little attention to the facts demonstrating the persistence of toxic culture and there is no better example of that the Nunez, the Legal Aid Society class action on brutality in the details. I am co-counsel on that case and I can tell you that over and over and over again, despite rhetoric, the city does not comply with their own commitments under a federal court order in the most fundamental respects year after year. Despite the low population, systemically high numbers of use of force. They continue to fail to investigate and identify misconduct and it goes unchecked and unpunished even when they do. It's very frustrating and the new buildings not going to care of those issues. And so, I think we bring that up representative that, if the city can't comply with the obligations and undertakes a Nunez, for example, we cannot trust that they will come into these new buildings changed agencies, right? So I think the things that we require them to report on should reflect some of those metrics, too. Cultural

metrics. And I'm happy to talk to you more about what we think those are. And, of course, just to say quickly comments on the three other bills. Intro 5170, obviously, it seeks to codify a floor of minimum physical requirements for the buildings and we support codifying that floor even though there is nothing, of course, humane about incarcerating people, but the current city jails are unsafe. We also support Intro 5172, as Serrita said. We would suggest that the bill expand membership components to include directly impact people and we do support Intro 1190, medication assisted treatment as the standard of care. That should be available to everyone in the city and state correction facilities. Period. Thanks.

CHAIRPERSON POWERS: Thank you.

DARLENE JACKSON: So, my name is Darlene Jackson. I am a project coordinator with the women's Community Justice Association with the Beyond Rosie's 2020 campaign. So I am going to submit written testimony, but I have to agree with everyone on this pan all that Department of Corrections only role in any facility in the borough base community should be simply safety and security and no more than that.

I'm talking about front and back doors and that is it. It should be operated by nonprofit organizations that asset track record with justice involvement and I'm going to go by my previous experience. I just visited the Rose M. Singer Center on Friday to do the voter registration drive, you know, to-- because there's knowledge and education in the ballot box and that people who are incarcerated need to know that they have a right to vote. But what I witnessed was that, there's about 300 women at Rosie's right now and they are, basically, sleeping their time away. The formatting of the-- that they currently have is like dormitory-- a shelter system. They have like 20 beds lined up and there is no type of programming being provided. There is no type of empowerment to encourage these women to engage them in any type of services to rehabilitate them back into the communities. I have seen pregnant women there. I think in any new facility they should be diverted into a specialized ATI program. There shouldn't be any women detained that is pregnant. There was very young women that was under the age of 18 years of age should not be incarcerated on Rikers Island with the raise the age Bill that were unable to participate



because they were not 18 years of age to vote. What I noticed was that the person who is doing the tour, himself, has been drenched in the-- he's been so institutionalized that he couldn't even foresee-- he had normalized them behavior on Rikers Island and any new facility for women-- any new facility, period, should be trauma informed, gender responsive. The Muslim facilitation be completely separate standalone and right now on Rikers, you have a male fac-- you have male officers that are overseeing women in a common area where they sleep. It is inappropriate. There should be no male officers in any-- there should be no male officers in the new facility for women in the showers or no type of privacy. The cells themselves like the size of a closet with a toilet inside. It is inhumane. And what I do want to drive is that-- sorry. What I do want to drive is that, as part of the bill today is that as far as like MOCJ being responsible for the progress, the city needs to be very transparent with the timing and demolition and construction of any new borough base facilities. More importantly, it would transfer current detainees in city jails. Demolition means to begin with the 5400 empty beds on Rikers and begin

construction that the Queen's proposed site to remove the 300 women over at Rikers as soon as possible and construct a new site in the Bronx to expedite the closure of the boat. Thank you.

CHAIRPERSON POWERS: Great. Thank you. You are submitting testimony, as well? Or you have? Okay. Thank you.

DARLENE JACKSON: No problem.

CHAIRPERSON POWERS: We're going to call up our next panel. It is-- I'm sorry if I can't read handwriting, but Jocelyn Chen, Sean Hudson, Bitsy Bentley, and Joel Northan. Okay. Thank you. We can start from the left, I guess. And you just say your name before you testify. If you want to submit testimony, you can hand it in, as well. Thanks. Sure. Sure.

BITSY BENTLEY: Hi. I'm Bitsy Bentley. I am a private citizen and I am here because I was absolutely thrilled when I heard that Rikers was finally going to get closed and I absolutely incensed that it hasn't happened yet. And on top of that, the fact that we will be in-- there is a proposal that is going to be voted on in a couple of weeks to invest over 1000 dollars per New York City resident

in what is supposedly a public safety program that doesn't actually provide safety. My grand question is really safety for home? And we just saw with the COPA representative that is justification of violence in the name of public safety, but violence in and of itself is not safe. And one of the things that I am very concerned about, as well, is that this plan involves no clear public oversight and implementation by a legislative body that doesn't exist yet. With the massive turnover that is going to be happening within New York City Council and New York City government in the coming years, I find it very disturbing that a project that is an enormous capital investment that changes the fabric of New York City for a generation in terms of the way that we approach public safety and the way that we approach criminal justice. That there is no citizens assembly that is being convened. There is no participation in what that budget might look like. The recommendation of the known new jails group, I think there are fabulous projects that are in there that I would love to vote for in participatory budgeting, if possible, which I know both of you are engaged in and I appreciate that. But given the scope and scale of this

investment, over 1000 dollars per New York City resident, that's too large of an investment to have so little public input and so little organized public input. I think one of our great challenges that we have is that we live in a white supremacist patriarchy. And the racism that is inherent in our current system of incarceration is never actually-- it wasn't talked about it all so far. I haven't heard anybody talk about racism and the way that that impacts power structures that we currently have when it comes to what public safety really looks like. And so, I would like to see you citizens assembly of some sort, a representative group of all New York residents, not just voters, but all new York residents convened to really talk about racism and public safety and come up with some solutions that we can all decide together to commit to. Thank you.

CHAIRPERSON POWERS: Thank you. Thanks.

ADELAIDE MATTHEW DICKEN: Jocelyn needed to step out, so you can swap out our cards. My name is Adelaide Matthew Dicken. Council member Levin, 13 days ago you told me, quote, there is no plan. It's not a strategic plan. It's not a vision in any way for how to address justice -related matters for the

next 40 years. You said, quote, you know, everyone that I'm talking to, even as they are supportive of trying to do something like yes. They want to vote yes. But like no new jails has a very valid point here. That what's being put forward now, if we were to vote up or down now, you know, that would be very difficult for a lot of people to vote yes because it's not-- it doesn't have anything behind it. It's a two-dimensional plan. You said it yourself, Steve. Bill DeBlasio's plan is two-dimensional. We are not fooled. So are your bills. We don't need a commission designed to only have five directly impacted voices to think about communities. Fuck your commissions. Thousands of us have already told you what investments we need and where the money can come from. NYPD divestment. Helen Rosenthal's TGNC taskforce from June won't create a report for a year and now she thinks DOC will call my sisters by their names and pronouns while killing them? Y'all are a legally toothless and ethically spineless joke. Meanwhile, Council member Levin, like you just told the Council, last Friday you met two black trans women chained to tables in solitary confinement where Layleen Polonco died. Justice for Layleen. You

bought that lie that COs told you that they had gotten in fights. You don't have to ask DOC what happened. I can tell you. Lady K was fighting for her life. She was retaliated against and put in solitary confinement for 29 days when she had an infraction from March that she was not put in Bing for for 15 days because she met with Layleen's lawyer and was resisting the conditions that killed Layleen. Texting me about your experience on Rikers Island, you said, quote, I did find the COs I spoke to to be very conscientious, as we've seen you demonstrate in this hearing, as well. Council member Levin, you would like to believe the No New Jails demanding you act immediately to stop DOC's violence against incarcerated New Yorkers is a distraction from the slope. You would like to believe technocrats from the mayor's office and numbers from DOC will exonerate you. You, the Savior, would like to believe you can vote to incarcerate our futures for decades and sleep soundly. I'm here to say quit your job, Steve. You and other members deferring to you will never live down a vote to build more jails. Go home and do your fucking dishes. No matter how hard you wash, the blood isn't coming off your hands.

[background comments]

SHAWN HUDSON: My name is Shawn Hud--  
Oh. Are we-- Oh, it didn't start yet.

CHAIRPERSON POWERS: We'll reset it.  
You can--

SHAWN HUDSON: Oh, okay. All right.  
Okay. Now? All right. My name is Shawn Hudson. A member of No New Jails NYC and Take Back the Bronx. I want to start this off today by saying that Jill reform is nothing more than a game of musical chairs inside of a burning house. I want to also take this time to talk about all the bills, but particularly Stephen Levin and Diana Ayala's bill to require the DOC to report on the impact on incarcerated people of closing jails on Rikers Island. We have all the reports that we need. The idea that DOC is going to be truthful with you and everyone else on what's impacting people who are incarcerated on Rikers Island is nothing more than a joke. As you know, they have been moving people from facility to facility behind your backs even while you are ready are available-- you're trying to establish an oversight. The data and information that this bill is trying to find is already available for public use

to see. Regardless, just because you have this bill doesn't guarantee that anyone, and I mean anyone, will pay attention and have any conditions change or that the data will be turned over to begin with. The bill requiring design standards is an even bigger laugh. Do we really think better architecture and interior design is the answer to centuries of violent oppression? Come on now. Let's face the facts, people. This commission is nothing more than a distraction from the fact that neither you or Diana Ayala care about the fact that we are endlessly caging the city's black and brown people at an alarming rate. If you two truly cared about the communities of color, you would be going all out to invest every single penny of our tax money into things we actually need to be funded when, instead, you are holding our resources hostage until you shove new jails down our throats. All you two are doing is trying to whitewash New York City and this jail plan is nothing more than ethnic Ajax. The last thing I want to say is for Diane Ayala who, surprise, surprise, isn't here now. Diana, you've been nothing more than a dead beat to your constituents in the Bronx. You grind your feelings because people like



me hold your ass accountable each and every single time. It's funny how you start ducking hearings just like you are ducking today, but you have to duck anymore because, on the half of Take Back the Bronx and No New Jails NYC, we're going to make sure your ass doesn't hold any public office in the city ever again. The last few seconds of this on takes a moment of silence for everybody who lost their life on Rikers Island. Thank you.

CHAIRPERSON POWERS: Turn on-- red light needs to be on.

JOEL: Hello. My name is Joel and I'm with the No New Jails Coalition, a group which is one of the few here and consistently present that is not astroturfed by the Mayor's Office, big foundations like Open Society or the Ford Foundation which, might I remind some of you, have boards of directors full of some of the richest of the rich who hold Darwinian, Malthusian philosophies that poor people should die off or otherwise be disposed of, hence new jails. I am here to echo the sentiments of my comrades and saying close Rikers now and no new jails on stolen Lenape a land. No new jails with the latest technological innovations and architecture.

That means no new jails with Starbucks. That means no new jails where sadistic corrections officers are required to say the phonemes in the preferred gender pronouns of inmates or any other cosmetic upgrade to the torture houses that so-called progressive officials tried to conjure up to make themselves appear to be of stark distance away from the same fascist stick to displays of longitude additional violence of the trump administration. That career opportunists in New York city Council who co-opt radical progressive ethers can, and one breath, say the names of victims of the system and, indeed, seek the expansion of that same system that you won't even stomach the willpower to concoct a solution to the crisis of mass incarceration that doesn't involve further entrenching criminalizing systems to the detriment of the needs of the vast majority of New York's working class and poor majority poor which are people of color indicates that the problem is that of you not being presented with better alternatives that the No New Jails coalition actually has, but it's that your class consent is precluded. 11 billion dollars can easily go toward repairing NYCHA, toward housing, towards mental health programs, towards

equal education, towards community programs that could act as an alternative to the brutality of New York's military occupation known as the NYPD. But, instead, you only ought for the piece mail solution of assembling the commission of organizations invested in the jail plan to adjust, what? Look into it? The cynical attempt to reform these systems, that is to form again cars several systems to be preserved generations down the line utilizing Pro noon channel, Mayor's office funded community nonprofits as a Trojan horse for this regressive process is nothing new. It's the same carrot and stick method the Pentagon uses whenever they invade a country and steal its resources. They send in the Army and the Peace Corps. We are tired of city officials playing with our tax dollars. Playing with our lives. Playing with our children's lives. To this day, there are absolutely no guarantees that the closure of Rikers will be binding on new political leadership and the idea that the horrors of Rikers Island simply be exported to a year friendly, hip, cosmopolitan, vegan diet, Starbucks jails is nothing short of a pipe dream, if not an empty political promise. Vote no on this plan.

CHAIRPERSON POWERS: Okay. Thank you.  
Thanks. Okay. Thank you.

ADELAIDE MATTHEW DICKEN: To be clear,  
this is no business as usual. The city will be on  
fire.

SHAWN HUDSON: Yeah. We're going to be  
on your ass.

CHAIRPERSON POWERS: We're going to call  
up our next panel. We have-- sorry for the  
mispronunciation. Misaiel Sildor from the Lippman  
Commission. Zachary from the Lippman Commission.  
Taylor Nims from Rikers Commission. Wendell Walters  
from Osborne and Sharon White Harrigan. Thank you.  
And just state your name and your organization before  
you start and then you can testify. Thanks.

[Background comments]

WENDELL WALTERS: Good afternoon. My name  
is Wendell Walters. I am a senior policy associate  
at the Osborne Association. A core part of Osborne's  
mission for the last 85+ years is to transform jails  
and prisons for the people who live there, work  
there, and visit there. Over the last 25 years,  
we've probably served more than 75,000 incarcerated  
people at eight New York City jails. We continue to

have a large presence there today. We support 1190. We support increasing access to substance use disorder treatment services. Many of our returning citizens are coming home and going straight into the city shelters system and they are often coming home in need of continued support for substance use history use. Shelters should certainly offer this service. We do ask, though, that the city Council consider additional support and funding to build capacity for existing treatment providers who already serve this population and are operating as a shelter or HASA facility. We also support the reporting bill. There is a need for transparency and open communication in this historic and multifaceted process. It is critical that the public is informed regarding the timeline for jailed closures, relocations, and construction. We need to make sure that the jails are closing as new ones are being built. The Bronx needs to know when VCBC will close and updates of DOCs staffing and community impact due to construction is critical. We also support the establishment of a commission, but we need to think that there should be more representatives from the health departments. We know the root causes of crime

and crime prevention. We have studied them for decades. We should be investing in communities as the guiding principle Paul regardless of reinvestment. This is what government is supposed to do. We must not wait for the savings that are to occur in the future. It must happen now. As for the design guidelines and changes to the Bill of Rights for the incarcerated, Osborne was first on the committee to develop the design concepts for the plan. We worked hard to ensure that there would be adequate space for a modern jail that includes room for programming, recreation, and child sensitive visiting. We do support the reduction of the height to the buildings as long as the reduction of the height is not at the expense of the well-being of the incarcerated visitors or staff. There should also be consideration for a separate facility for the women and for serious mental illnesses. We do not think that the DOC should run those facilities. We deeply appreciate the intention to build an environment that respects the humanity of everyone who lives, works, and visits jail. We believe that the path to achieving this goal should involve those who live, work, and visit jails and must be part of a broad,

deep, and bold culture change strategy. It cannot wait for new jails. Thank you.

TYLER NIMS: Good afternoon. My name is Tyler Nims. I leave the staff of the Lippman Commission. The four bills that are under consideration today have to be part of a much larger effort to make changes in the criminal justice system so there are many fewer people in jail and that the people who do remain in jail are safe and treated as well as possible. These efforts are embodied by the goal of putting an end to the massive jail complex on Rikers Island which has been a place of pain and misery for decades. Today, we are closer than ever to this goal which was viewed as impossible a few years ago. Thousands fewer people are in jail today. More reductions are on their way and there is a real incredible path ahead, but ultimately there is no simple way to accomplish this task. It demands changes at every level and at every institution and it's obvious from the testimony we have heard today that it demands changes to the culture of impunity and violence that are prevalent in all of our jails. It will also require for redesigned borough facilities that we will need those to put an end to a

jails on Rikers, to current jails in Manhattan and Brooklyn, and the jail boat in the Bronx and we cannot cram 3000 people into the today's borough jails. No way. To get this right, oversight and scrutiny are essential. The reporting bill that is introduced today is a step in the right direction and it will help this process stay on track in the months and years ahead. My colleagues will focus on the other bills on the modifications to those bills that we seek, but, for now, I'll ask you to pass all of these bills as one more step along the way to a New York City without the stain of Rikers Island. Thank you.

CHAIRPERSON POWERS: Thank you.

MISAIEL SILDOR: Thank you for the opportunity to speak. My name is Misaiel Sildor. I'm the program associate for the Lippman Commission. I am encouraged by the intention of these bills as they are indicative of our city's concerted effort to guarantee that we move toward smaller car sorrel system with improved conditions. I am in favor of all four bills introduced and would like to offer suggestions on Council member Levin's bill to create a reinvestment commission. One of the main goals of



closing Rikers is addressing the root cause of mass incarceration. This requires large investments in community wellness, particularly communities that have historically entered and continue to endure over policing and surveillance. If we don't guarantee large investments in community infrastructure outside of law enforcement or the criminal justice system, we will have missed a vital opportunity to disrupt the intersections of systems of oppression that have impacted black and brown people for generations. I appreciate that the makeup of the commission will include directly impacted leaders and I encourage the city Council to create more opportunities for other directly impacted leaders and community voices to be a more integral part of this commission. Community engagement with the commission could be improved in a number of ways. First, consider adding a community liaison for every identified neighborhood for investment to ensure that community members and community boards can regularly give suggestions and feedback to commissioners. Community members should also have the ability to request meetings with commissioners or host forums with them in their communities and should be given sufficient time to

critique in question commission recommendations before they are published. Second, consider having public meetings more frequently and, with each public meeting, reduce the barriers people may have to attending these meetings, including but not limited to staying more than one forum in each neighborhood at different times and providing childcare and metro cards. There should also be no presence of law enforcement at these meetings as that can discourage more vulnerable members of our communities from participating. Finally, the commission should consult a robust composition of community organizations based on the identified neighborhood, not only citywide service providers, to ensure that their recommendations are individualized for each community. Thank you.

CHAIRPERSON POWERS: Gray. Thank you. And thank you for the recommendations.

SHARON WHITE HARRIGAN: Good afternoon. Thank you for having me. And I did submit a three page written testimony, however, I'm just going to freestyle this. So, my name is Sharon White Harrigan. I am the executive director of the Beyond Rosies 2020 campaign movement and so I just, you

know, first want to say that we do-- we are in favor of the four bills, but I also just want to say to everyone here that this is not just about location, you know? This is not just about closing Rikers and creating something else. This is about dismantling the criminal justice system. I have testified on many occasions. I think many people already know that I have spent a lot of time in the prison system at one shot and I've done more than enough time on Rikers Island, so me, myself, here more than probably anybody in here know firsthand what that is like, right? And so, I think that we all can say we envision a world without jails. We envision a place that is not punitive, but the reality is that there is a process and, if we stop that process, then that means that our brothers and sisters continue to be on that deplorable, inhabitable island. So I think that if we all come together, because we are all working towards the same thing. And I think that just even we talk about the dimensions and the creations of these buildings, we just want to ensure that the programming, that people receive the proper and necessary services that the people that suffer from mental illness receive the services. That the people

that have addictions receive the services. That everyone receives a trauma informed care. That everyone gets counseling. That we move forward in a way that is on a strength perspective and we treat everyone with human decency and dignity. And so the bottom line is that everyone deserves respect, right? And that's what we're looking for, right? We all come to the table. We need to keep people who are directly impacted with lived experience not just at the table, but as leaders that is informing these decisions. People can say a lot of things because they've got care and concern and their compassion, but it's the people that lived through it that is affected by it is the ones that should inform what is going on. Thank you.

CHAIRPERSON POWERS: Thank you.

ZACHARY KATZ-NELSON: Good afternoon. My name is Zachary Katz-Nelson. I am also with the Lippman Commission and picking on what Ms. White Harrigan is saying, I really want to speak to three fundamental truths today. The first is that we are here in this room today because of people like her. Because of leaders who were directly impacted, formerly incarcerated people and allies across the

city who stood up and said no more to Rikers Island. And the city, to its credit, has responded. The Council and the Mayor's Office has responded and brought us here today. And people are looking for guarantees about how to close Rikers. I say we the people are the guarantee. Together we got us here and together we will close Rikers forever. Together, hopefully, with the Council and with the Mayor's office, whoever that may be. The second fundamental truth is that, Councilman Levin, as you and others know, the existing borough based facilities are, in many ways, just as bad as Rikers Island. They're not as isolated, of course, but they are decrepit. They are unsafe. Brooklyn House has no air conditioning. It has cells so small they would not be approved if they were being built today. And so all those buildings need to come down, too, because you can't renovate your way out of those problems. Number three, the city must be investing in people and in communities so that incarceration never happens in the first place. I think everybody here agrees with that. But the fundamental truth remains, that even with that investment, for the foreseeable future, people in our city will be incarcerated. Thousands

of new Yorkers every single year will be incarcerated in our jails. And the question is what conditions will they be living under when they are inside? Will they be left behind either in Rikers, God forbid, or in the existing borough based jails. And the answer is it's unacceptable to leave anyone behind in such conditions. Simply unacceptable. The cells in the borough based facilities now have room for about 2100 people legally, right? You can't cram more and more people into those facilities that are already substandard for every human being that's inside there now. It's simply not a fundamental solution. We need different jails and we need them now as long as anyone is incarcerated in our city. And so these bills, we think, are a real step forward. The design bill, for instance, I think there are a lot of other issues that we need to address when it comes to design. Issues like intake areas and legal meeting space and law libraries. Things like that. But they are a key process as we move forward and we believe that all these bills must pass just like on October 17th ULURP must pass, as well. And as we continue this process, as this is all stages in the same process working towards a better future for all of

New York, we the people will see it to the end. We the people will ensure that Rikers closes. People that will ensure that the borough based jails come down and that something new and better is in their place. Thank you very much.

CHAIRPERSON POWERS: Great. Thank you. Thank you to the panel. Thank you so much. We are going to move to our next panel. Again, sorry if I can't read handwriting. Martha Larson. Janelle Nesbit. Andrea Morel. Tawaki Kamatsu. Sorry if I got the wrong-- And David Moss. Okay. And we will add one more since I understand somebody left. Wendy O'Shield. Thank you. And I just want to add. I usually do ask questions of all the panels, but since I want to be respectful of people's time and give them an opportunity to testify so we can use all those comments after the hearing, we're going to ask some where needed, but we're going to make sure we offer everyone an opportunity to get up here in a timely fashion. So, thank you for being here. Just again, you can start. You can state your name and then you can testify. Thank you.

JANELLE PUZZLE-NESBIT: Hello, everybody. My name is Janelle Puzzle Nesbit. I'm going to get

right to it since we've only got three minutes. I've spent six years in street after I got kicked out of high school. Then I spent two years in college studying to be a paralegal. Then I got locked up for 11 unjust years that is still unanswered, but we'll get to that. Let me see where I'm going to go from there. Five years on parole. Four years of college. CUNY BA student. John Jay and two years in philanthropy. So, this is where my experience comes from. Now, as soon as you get to prison, or, rather, jail, you're supposed to strip naked, right? And be inspected for gang tattoos so you can go into a gang database if they at least allege that one of those tattoos are gang. Right? But what we're not addressing here is the state violence and the safety of the community. And all of the white-- hundreds of white correctional officers in Beakon Correctional Facility, Bedford Hills Correctional Facility, Taconic Correctional Facility, and Albion Correction Facility, not every single one, but hundreds of them, they had tattoos of black babies tatted on their arms with a noose around their neck and they wear it proudly. And I'm sure if we took off some of these uniforms and some of these suits and ties, we will



see those same black babies with nooses around their neck. This is about culture. This is not about structure. In 11 years, I lost nine appeals. I lost the clemency. I lost the violent felony override even though there was no allegation on any side of any violence, just mere possession of a weapon. Denied. Denied. Denied. Also given four extra months in prison time and, if you hear the way I'm speaking today, you're going to know why. So, in Bayview Correctional Facility, which is a medium correctional facility for women that was located on West 20th Street and Chelsea Piers, organizers like the one from No New Jails was out there screaming no jails and I had no idea why they were screaming that. We were just looking at the penthouse across the street and the porno shows that we used to see. Guards told us to hurry up to go to our rooms and close our ears. No books. It's 2011. The book in the library, why are they dated 1996? I'm looking for one in 2000. I'm looking in one for current information. It's absent. In Bayview Correctional Facility, I spend two years there. I worked inside of the grievance committee and the reason why I chose that position is because hundreds of women from every

facility that I was in were telling me stories about them being molested and raped and ignored. And then having to watch that same officer and have to ask him for a sanitary pad is humiliating. Women and girls should not be in jails. They should not be in prisons, but I'm going to calm down so you all can hear me. With over 700 unanswered grievances and denials washed away into hurricane Sandy and all these women do is close their eyes and see those horror stories and these correctional officers still keep their jobs while we are locked in cages, held captive. Now, the abuse that's in there is going to have-- we cannot run out of time because this is important. Bayview Correctional Facility washed away, but the memories that I have from all those grievances and investigations did not. 22 percent sexual abuse rate is because I demanded that women wrote it down. Do not be afraid. Speak out. In comparison to all four other facilities, it was 2.2 percent complaints. Now you do the math on that. One last thing. One last thing I will say because there's a lot to say. I'm a BPI fellow. I'm a college and community fellowship fellow and I'm also a Ford Foundation fellow. In 2011, over 2000 people

in jails and prisons filed for NYC 210 tax forms. It was a scandal that the state robbed those people both men and women and I need the state to do an investigation on that now. Everything that I say here is documented. My whole entire incarceration, I made sure everybody documented every complaint so before this construction of these new jails, if you're going to be fair to the people, seriously, do that investigation first and talk to women and girls who had wrote those complaints. One other thing. Hurricane Sandy-- I need you all to do another investigation. We were not allowed to see our families, call our families for two days. And after we called them, we were not allowed to tell them when we would go back to see them in this new, nice jail that was close to home, we did not know when we would see them. Over 700 complaints of theft from guards in which we all filed complaints and did get compensation for. There was a significant spike during this time of mental illness and new cases after the evacuation of hurricane Sandy and displace to all four prisons. Nobody cared about their feelings because they are property of the state and they will be shipped wherever the state wants them to

go. Inside of a mental health cell, from this situation, I was stripped naked, put in a cell with a camera. No tissue. No pen. No books. No soap. No toothpaste. No toothbrush. No shower. No lotion. Freezing cold. No panties to hold the bloody pad between my legs for the entire duration that I spent there. I ate with my hands. Never in my life have I ever attempted suicide. Never in my life have I ever felt suicide. Never in my life will you find that document and never in my life will I ever do it. In 2012 in Bedford Hills Psychiatric Center, I witness horrifull [sic] horrific screams coming from a woman who was mentally ill as guards and mental health beat her to a bloody pulp and I don't even know if she's alive today. That needs to be investigated, as well. Thousands of these stories need to be investigated before this decision. No new jails and I put out a new song today. Holler if you hear me. It's Puzzle.

CHAIRPERSON POWERS: Okay. Thank you.  
Thanks. Thank you.

DAVID MOSS: Thank you. My name is David Moss. I am a constituent of Council member Levin's. I'll keep it brief. If you want recommendations about how to help communities that have been

devastated by Rikers, here is a recommendation.

Don't build new jails. Jails are the problem. The DOC is the problem. It's individuals, but really these are institutions that devastate black and brown communities in New York and you won't fix anything by tinkering around the edges. You're not going to build some new type of good jail because such a thing simply does not exist. To use a rough analogy, putting 10 billion dollars in two new jails while proposing to look into the effects of Rikers on communities of color is like proposing a commission to study the possible existence of climate change while investing 10 billion dollars in offshore drilling. It's duplicitous. It's disingenuous. And it's a chance. Attempt to save face while you prepare to lock future generations of black and brown New Yorkers in cages and we can see right through it. So, again, here is a recommendation. Invest that 10 billion dollars directly into the communities that have suffered from state violence for far too long. This is a crossroads for the Council. You can help and the tide of oppression or you can extend it indefinitely into the future while kicking around little baby measures about forming commissions. But

if you take that latter approach, every atrocity committed in those new jails will take place because of you. The communities that are devastated by those jails will be right to blame you for it. You don't need a commission to tell you this. You don't need me to tell you this. There is a city full of brilliant, energized people whose lives are directly impacted by these decisions every single day. They are the ones telling you this. They are the ones you should be listening to and they will never let you forget how you voted in October 2019. No new jails. Thank you.

CHAIRPERSON POWERS: thank you.

UNIDENTIFIED: Okay. Cool. Hi, everyone my name is Martha. It's not, but I'm reading for Martha. So-- hi. My name is Martha and I am a healthcare worker, social worker, and member of the NYCDSA. I am not full by any of these three bills that are clearly being introduced at this moment to try and gather support for the borough base to jail plan that has vocal and growing opposition from New Yorkers. I stand firmly with No New Jails to oppose both the jail plan and these toothless bills that are attempting to humanize the jails.

Councilmembers Powers and Rosenthal's bill regarding minimal standards for city jails is meaningless because it allows for variances or exceptions to be made. The DOC has been in continual violation of minimum standards since their implementation in the 70s. This bill also includes design provisions as if poor design was the problem. Rikers, itself, was originally envisioned as humane. As a humane-- sorry. One second. As a humane alternative to jails. Using more aesthetically pleasing materials does not change the fact that these are jails. They cannot be therapeutic. If you truly cared about improving the lives of incarcerated individuals, you would vote against these useless bills and the borough base jail plan. Shut down Rikers, invest money from the NYPD and the DOC, and actually invest that money in communities. Also, I have another essay to read. Okay. I've got a minute. Alright. This one is from Andrea who I am also reading for because they had to leave because this meeting is taking place in a really inconvenient time for everyone. Where the hell is her essay? You've got to give me a second. This essay is not loading up.

Okay. That's cool. I'll read her essay later. It's not loading right now. Thanks.

CHAIRPERSON POWERS: Okay. Thank you. I just want to just clarify on the variance point, but I am happy to hear if they-- What's that?

[Background comments]

CHAIRPERSON POWERS: The legislature were doing, as I know, doesn't allow for any variances. In fact, it actually eliminates the possibility of some variances, but, I think your reading testimony on behalf of somebody. If they believe that's not true, I am happy to hear why, but, in some cases, we are eliminating the opportunities for the Department of Corrections to ask for variances. Or to request variances. Alright. Thank you.

WENDY O'SHIELDS: My name is Wendy O Shields. I'm an advocate in the city of New York and the cofounder of the Urban Justice safety net activists. I am opposed to Intro 1190 requiring the city of New York's Department of Social services, DSS and the Department of Homeless Services DHS to provide drug treatment services on site within DHS shelters. DHS will need to comply with many federal,



New York State, and New York City laws to become licensed and accredited to legally handle and dispense narcotics to homeless residents, if they can send. DHS must comply with the United States FDA, FDA, the United States Department of Health and Human Services, HHS, the United States Drug Enforcement Administration, DEA, the United States Substance and Mental Health Service Administration, SAMSA, the New York State office of Alcoholism and Substance Abuse Services, OASIS, the Joint Commission on Accreditation of Healthcare Organizations, JAHCO, and likely additional agencies governing narcotics. These agencies enforce strict standards for the safe dispensation of narcotics to human beings. They inspect facilities with narcotics frequently and have many processes to follow as to the proper handling, storage, of these controlled substances. If DHS proceeds with their noncompli-- is DHS proceeds, their noncompliant facilities will be fined, face the loss of their operating license, and criminal charges rendered for the willful disregard for policy, procedure, and the laws governing narcotics. 18 CRRNY 485.2 adult care facility definitions does not codify the handling or dispensing the medicine or

narcotics and I don't care facilities or shelters. Currently, many DHS shelters are unlawfully handling and then properly storing methadone and other controlled substances on site. This needs to stop. Let the record show that Department of Homeless Services shelters are not drug treatment facilities or methadone clinics. I thank you for considering my suggestions.

CHAIRPERSON POWERS: Thank you thanks for the testimony. I think you submitted it, as well. Okay. Thank you. Thanks for your testimony. We're going to call up the next panel. Josh Dean from Human NYC. King Downing from El Barrio. Peggy Herrera from Just Leadership. And I have folks from Coalition for the Homeless and Giselle from Coalition for the Homeless and Josh from Legal Aid Society. Okay. We're going to call up others. Anton Robinson from Vera Institute. Danielle Pegnatta from Providence House and Alexa Adams from the Urban Justice Center. Okay. Go ahead. Yes, sir. I think turn your microphone on.

PEGGY HERRERA: Hi. My name is Peggy Herrera. I'm one of the leaders of the Close Rikers Campaign. The Close Rikers Campaign had demanded

improved conditions for incarcerated people in sees in extreme urgency in achieving this across the system. We have to acknowledge that the minimum standards proposed in this bill cannot be met in any of the existing borough jails and not on Rikers, definitely. It is good to raise the minimum standards, but the standards we are starting from our so low that we have to do even better than this build. Here are a couple of ways to do that. Provide anyone detained with a light that they can control so that people who are working on their case or just want to be able to read after lights out can do so. Implementing electronic communications is a good idea and should create more accountability, but there also needs to be oversight of about how that information is being shared and protected and to make sure that people have ways to submit a grievance or request a social services meeting or whatever they need in private and any spaces that they use including common areas, libraries, and their living quarters. Also, you recognize that language matters and calling people by their names is a good idea, the living quarters or individual rooms in the new facilities cannot be called cells and they cannot B

cells. We will not accept any facilities designed with bars or cages. If someone is detained in these facilities for any period of time, they can be in a room that is sick your while also being recognized as human. We also know that even where rights exist now, they are often not protected. The city must hold agencies accountable to honoring the rights of human beings who are incarcerated and, speaking of accountability, have you ever wondered why COBA wants to keep working on a toxic island in toxic facilities? Because the isolation of Rikers makes it immune to accountability and they can continue their abuses. As they so confirmed today.

CHAIRPERSON POWERS: Thank you.

JOSH DEAN: Council member Powers, my name is Josh Dean. I'm the executive director of an organization called human.NYC. We work exclusively with folks who are living on the streets and subways who are currently homeless. I want to speak today about the criminalization of homelessness, specifically the challenge that the folks that I work with face in the very, very simple task of finding a place to lie down where they feel safe. People that we work with have been to the shelter system most

likely enough left for a number of reasons, primarily because they don't feel safe there and, in the meantime, they're working towards housing, but until that becomes available, the place that they feel the safest sleeping is on the streets, on the subways, or in the train stations. And lately what we've seen from both the city administration and from the state is increased enforcement of, quote unquote, quality of life violations on the subways. In my team's been out on the subways monitoring this between the hours of midnight and 8 AM and what we're seeing is NYPD officers and state officers using their batons to wake people up and insist that they set up right instead of sleeping lying down, even when the car is empty. And that's concerning for a number of reasons. I'll spare you the-- my spiel about the humanity of it all, but I think we can both agree that, in the city as resourceful as New York, it's unacceptable that the only place that someone can feel safe to sleep is on at the subways. So let me speak about a few things. The logistics of it, the fiscal effects of it, and the health effects of it. Logistically, the way our outreach system is set up was we have different teams canvassing different

areas of the city. So we have one team specifically contracted to conduct outreach on the subways and separate teams, specifically, to conduct outreach above ground. So, when we have officers using their batons to wake people up and criminalizing folks on sleeping on the subways, one of the things that we risk is that they are going to move from the subways to above ground. In the best case scenario, someone is just going to have to build rapport with the new outreach team, and that's already a large task, but, in the worst-case scenario, that could set them back weeks, months, or years in their venture towards housing, which is gravely concerning and I have seen on a number of occasions people move from the subways to the Straits in which case they do need to work with a new outreach team. It also has devastating effects on people's health. Just waking someone up repeatedly on the subways is leading them to be deprived of their sleep. And when we see someone who is homeless and we maybe make an assumption that they have a mental illness or a substance abuse disorder, what we may actually be looking at is someone who has been deprived of sleep because they keep being woken up when they are lying down by agencies that are

typically there to criminalize that. Additionally, if you've ever seen someone who's homeless and their ankles are swollen up, is a good chance because they have been sleeping sitting upright and that is not how the body is supposed to sleep. So, when we see police officers waking people up who are lying down and asking them to sit upright and then you see someone on the subway whose ankles are massive, there's a good chance that is the very reason why. And, finally, there has been research for decades now that shows that housing first, getting someone in from the streets or the subways into housing is so much more cost-effective than having them cycled through the criminal justice system through the healthcare system, and through homelessness. So were very, very concerned about the efforts that are going on to criminalize homelessness, especially in the subways, and I'm grateful to you and to Council member Levin for holding this hearing and for your efforts to combat that. Thank you.

CHAIRPERSON LEVIN: Thank you, Josh, and thanks for everything you're doing. Of the people that you talk to or have talked to, what

percentage do you think would go into a safe haven bed if it was available?

JOSH DEAN: 80 to 90 percent, I would guess. The supportive housing, as you know, the placements are at a 14 year low, and when you look at-- the Coalition for the Homeless put together a chart where they had lines of the Safe Haven census and the Safe Haven capacity.

CHAIRPERSON LEVIN: Uh-hm.

JOSH DEAN: And if you look at the lines, they virtually overlap.

CHAIRPERSON LEVIN: Yep.

JOSH DEAN: So, while the administration has tripled the number of Safe Haven beds, they are still far below what they need to actually meet the demand of the folks on the street.

CHAIRPERSON LEVIN: And what percentage of people you talk to would be willing to-- like would be willing to go to Ward's Island or Bedford or Franklin or many of the main intake shelters?

JOSH DEAN: Zero PERCENT.

CHAIRPERSON LEVIN: Zero percent.

JOSH DEAN: The people that I work with are always aware that that is an option.



CHAIRPERSON LEVIN: Uh-hm.

JOSH DEAN: They have either taken that option and left for what I can only consider a very rational and legitimate reason--

CHAIRPERSON LEVIN: Uh-hm.

JOSH DEAN: or they have been scared off by other folks on the street who speaks so lowly of it. But the majority of the people have tried it and when I ask someone about their experience in the shelter system and they tell me what happened and I ask which shelter was it that maybe not want to sleep in the shelter system and, instead, sleep on the streets and subways, those shelters that you just mentioned, Bellevue 30th Street, any of the shelters on Wards Island, but especially the Schwartz Assessment Shelter, and the Bedford Atlantic Armory, if I ask a single adult man on the streets which shelter it was, I'm willing to bet 80 percent of the time it will be one of those three.

CHAIRPERSON LEVIN: Right. So, you think that increasing the number of Safe Havens would actually have a meaningful impact on getting people into stable situations? Housing situations off of sleeping on the street?

JOSH DEAN: Yeah. Absolutely. I'm happy to say that in the data certainly says that, as well. If we saw in the data that the Safe Haven capacity was increasing, but the Safe Haven census wasn't--

CHAIRPERSON LEVIN: Uh-hm.

JOSH DEAN: then I would say no. But what we are seeing now is clearly that the demand for Safe Havens is far exceeding the supply.

CHAIRPERSON LEVIN: Last question about-- because I know that you have socks that you--

JOSH DEAN: Yes.

CHAIRPERSON LEVIN: and that was what Mr. McCain was arrested for. Was stealing socks. Can you just talk about why socks are important?

JOSH DEAN: Yeah. Socks are the most needed and leaves donated article of clothing in homeless shelters and the reason that I was so compelled by Mr. McCain story, just by reading the headline, was that what he was stealing and what he ended up serving, nine months in Rikers before he was moved to mental health system, was a very basic necessity and, again, it goes back to some of the issues that folks have with their feet when they have

to sleep sitting upright. It can also be one of the main reasons that a fresh pair of socks is especially something that this community needs. And another thing that's concerning and I usually speak very, very highly of the street outreach teams. I think that they are doing the best that they can in what is, otherwise, a broken system--

CHAIRPERSON LEVIN: Uh-hm.

JOSH DEAN: But they don't give socks or they really don't give any sort of basic needs items to folks and their methodology for that is that they've told us that it will make it harder to convince someone to come off the streets. And if you think that a pair of socks is a make or break between whether someone is going to come off the streets or stay off the streets, you better take a really horrible look at what you're offering them.

CHAIRPERSON LEVIN: Yeah. We should examine them. Okay. Thank you. Thanks.

CHAIRPERSON POWERS: Thank you.

ANTON ROBINSON: Good afternoon. I'm Anton Robinson from the Vera Institute of Justice. I'm here to testify in support of the bills proposed by the Council today. Importantly, I want to also

urge you to go further to make the use of jail in New York City a last resort and, for this small number of people who remain incarcerated, to make the conditions such that only-- such that the only harm they experience is the temporary loss of their liberty. I am a former public defender and I have worked for the better part of five years in courtrooms in our city. For most of the people I represented, being on Rikers Island were the worst days of their lives. With a deep-seated culture of violence and neglect that plagued Rikers Island, the fact is that it was often fear that coerced their decisions, often times leading to pleas of guilty in their cases. This is unacceptable. We applaud the city's proposal for measures that increase dignity and safety for people behind bars. Not only should people be addressed by their names, but they should be allowed to express themselves by wearing their own clothes, I have privacy in their own rooms, including a private shower, toilet, and sink. They should be able to choose and cook their own food, even shop for groceries beyond the canned and packaged food available and commissaries. Such a jail exists. In fact, and is, and in places like Germany and Norway.

For the few people we incarcerate here in New York City, these are the conditions that we, too, should embrace. We have already come far to cut the average daily jail population by well over one half of what it was a few decades ago and we can go further. The city should strive to get to well under 3500 jail beds. Even 3000 as an upper limit. And how do we get to as few people as possible behind bars? The answer is community investment and it is critical to deploy money and resources to support communities and to help people thrive. These investments will result in fewer arrests, more housing, more diversion programs, more health and safety and less crime. Before the city spends a time on building new jails, it should commit to investing 2.6 billion dollars or 260 million a year for 10 years in these community investments. Importantly, people from the communities most impacted by the justice system should lead the decision-making for what happens to that money and where it goes. There are two other key points as we move forward to closing Rikers. The first is to make sure that Rikers actually closes. So, the city should plan to sequence the closing of jails on Rikers Island, at least two jails a year, as

the new borough base facilities are built so that we guarantee our end goal of closing Rikers Island is achieved. And then the second and final is that we build new facilities-- as we build new facilities, the city should think to the future date when we won't need them at all and develop them in a way to accommodate evolving use as future community centers, libraries, grocery stores. We must invest in the design that we would be proud to repurpose for another use. All and by saying the idea of Rikers used to seem impossible. Today, it is within reach. As we all worked to create a city where no jails are necessary, we must take concrete steps to make that vision more and more possible for our future. Thank you.

CHAIRPERSON POWERS: Thank you.

ALEXA ADAMS: Hi. My name is Alexa Adams. I'd like to give my time to Ms. V Phillips today, if possible.

VICTORIA A. PHILLIPS: Well, thank you very much. Yes, very quickly. Minister Doctor Victoria Phillips, again. And Ms. V. I just want to address some structure issues that I forgot to mention earlier. On 9-13, I did, like I said, the

six-hour tour on Rikers and I will come either one of you Council members to tour with me in the near future very soon because it's a tour like no other. And I was privy to going into a housing unit where it was very interesting. They recently had the cell doors replaced. And so, everyone in DOC comes to city Council and Board of Corrections and they speak about these amazing cell doors, but the one thing that was very striking is that the lights on the doors did not work and that the people who needed assistance in the cells after being locked in after 9 PM were not able to get the officer's attention. And, many times, the officers did not make the rounds every 30 minutes like they were supposed to and so, it was brought to my attention that a young man was suffering from an asthma attack. His light did not work and the officer did not make the rounds every 30 minutes like he was supposed to. One officer in the bubble and one officer. Now, I wanted to just make certain, when you walk down the corridor of the housing unit, it wasn't like he was at the end of the unit. He was the second door on the right hand side, so very close to the bubble. And, still, the officers were unable to hear him. He brought it to

my attention and the warden's attention and what I also would like to say is that I had the officers go down to the bubble and I stepped into the young man's unit because he almost died on an asthma attack and it was the other people in the other cells that heard him that started all banging that got the officer's attention. So I asked the officer to go down by the bubble and I asked the other officer to stand in front of the bubble and the award in and I stepped into the cell and it was closed and I proceeded to yell and say certain things in the officers could not hear me. Also, I asked the officers to repeat back what I yelled. One, they couldn't hear me in, too, they could not, obviously, tell me what I had yelled and I was only two doors from the bubble. That's very important when we think about the structure and that's very important when you think about voting to close Rikers. And I just want to throw in here real quick. Something someone it came on the mic and talked about DHS shelters. I actually worked in DHS shelters. Actually helped to build certain shelters for mentally ill and chemically addicted individuals and there are doctors that can be on staff to give out medication. That was false information on the



record. I also would like to mention that many people who are opposed to building any type of new jails have not spent time on Rikers. Many of No New Jails individuals have not spent time on Rikers and so, as an Army brat, I believe that is important to not only fight for people's rights on the outside, but to make sure that people that could be remanded at any given day are put into safe situations.

CHAIRPERSON POWERS: Great. Thank you.

UNIDENTIFIED: Good afternoon. I appreciate the opportunity to address the joint subcommittees as the executive director of Providence House. We are an organization that provides transitional housing for women coming out of correctional settings and also homeless women and their children. I am a current member of the Beyond Rosies 2020 campaign and also a board member of the Women's Criminal Justice Association. Thank you to Chair Levin and Chair powers for holding this public hearing and hearing the testimony. As an organization that strives to address the root causes of injustice and to work with people who have experienced, we strongly encourage the Council to continue to develop and implement the citywide jail

plan. Each of the bills before the Council today aim to ensure that different components of the plan are further carried forward with integrity for both individual and systems levels. As many people who have served time at Rikers also cycle through the DSS system, it's imperative that these sites be amply prepared to address the substance use needs of the population who might be receiving treatment while in the DOC custody. The city has successfully continues to roll out harm reduction strategies, including making Naloxone readily available to different service providers and have decreased the risk of overdoses across the system. The next logical step in facing the opioid crisis is to provide services and tools needed to assist people who aim to cease using substances safely. Under the direction of the medical health professional, buprenorphine can assist individuals in decreasing the body's cravings for opioids, as well as diminishing negative withdrawal systems. The councils should continue to direct city agencies to work collaboratively to address the substance use needs of their shared populations. It should be noted that additional funding and specialized staff will also be needed at the shelters

sites to implement this level of care. The imminent closing of Rikers is a monumental moment for the city of New York and the benefits of a citywide jail system are vast. Bearing that all in mind, it's imperative that the Council requires routine reporting about both the population remaining on Rikers, as well as the progress of the building of new sites, including the development of programming at those locations. Providence House and the WCJA, including members of the Beyond Rosies Campaign, with a lived experience, stand ready to advise the city on the needs of women, in particular, as the plans for new programming take shape. Rikers Island and its impact has-- has had an impact on every person in New York City, but most heavily weighted on those areas from which individuals who are incarcerated are from. Again, Providence House and that WCJA stand ready to advise the city in the form of a committee as they solicit feedback on reinvestment plans as they are made. And as the city moves forward towards the creation of new facilities, it should strive to create environments of healing that begin to undo the traumatic of facts that most people who are incarcerated experience. This includes setting up

new facilities to create the most humane and safe environments. Best practices should be researched and adhered to and minimum standard should be just that. Minimum standards. In most cases, new facility should provide better than the minimum. Adequate areas for programming and services are also absolutely necessary in these new sites. I have provided written testimony and think both Chairs for the opportunity to testify. Thanks.

CHAIRPERSON POWERS: Great. Thank you. Thank you for all of your testimony. Thank you. We have a few folks left. We're just going to call one panel up. So, it's Noel Fries or Frees from CUNY School of Public Health, Michael Dunn, Luke Figueiredo Miller, Claire Schapiro, Brittany Williams, and Danielle Janavis Sylvan, and Callum Miceli Nelson.

[background comments]

NOEL FREES: Hi.

CHAIRPERSON POWERS: One second. We're just [inaudible 04:30:30] Okay. Thank you. You can begin.

NOEL FREES: Thanks. My names is Noel Frees. I am a Masters of public health student at

CUNY School of Public Health and a member of No New Jails. I'm here to say that the culture of violence on Rikers will not be changed with a commission, with reports, or with new buildings. These bills requiring oversight, using people's names, and reporting truly sound as absurd as saying that we can control someone like Trump with oversight with words to tell him to use, and I simply act professionally. This is absolutely outside of his capacity and his determination to oppress and harm people in every moment. Just like trump cannot be fixed with oversight, neither can the DOC, nor the violence that is inevitable behind all bars. The DOC is Trump. Jails are Trump. I'd like to remind the city Council that Rikers was built to be, quote, a model of perfect penitentiary after Blackwell Island was closed due to public pressure due to inhumanity there. Rikers, as we all know, has perpetuated the same culture of violence, as has every jail in the history of this country. Insanity is doing the same thing over and over again and expecting different results. This plan for the jails is doing that. It's expecting that 8.7 billion dollars in two failed reforms will turn something into something but it's

never been before. Before slavery was abolished, ancestors fought underground for freedom freight and people told them it was impossible, unrealistic, and could never happen, but they actually had the vision that we needed and, just like that, we need to stop being dismissive of No New Jails and hold that the vision is a reality and that the only ones can make that happen is city Council in this moment and that people-- following the people. So, we need vision. We need innovation, and we need something that works. These bills will not work. These new jails will not work. What we know from research is that jails do not make communities safe. They do not affect crime rates, and we need to address the root causes of incarceration from a public health scope, not keep putting dirty Band-Aids on centuries-old punitive systems, so restorative justice works. Funding education works. Providing housing for people that are homeless works. New York City spends 21,000 dollars a year to educate a child, while we spend 270,000 to keep someone on Rikers. So, we need to look at these are causes and not keep making modern statics for things that are failing us. No New Jails.

CHAIRPERSON POWERS: Thank you.

CLAIRE SCHAPIRO: Good afternoon. My name is Claire Schapiro and I'm testifying on behalf of myself as a law student and future member of the legal profession and on behalf of Brooklyn Law School's National Lawyer Guild. In addition, I want to say that I am standing with No New Jails. I vehemently oppose these three bills that are being discussed here and I have a lot to say, so I hope you don't mind I'm going to be speaking a little bit quickly. First, I want to address the prison expansion as a whole. The only way to help New York City is too close Rikers now without spending a single cent on any new tools for incarceration. At its heart, incarceration only serves to punish people for the crime of being low income, being black, being brown, queer, trans, and outside of that which is acceptable in our society. Incarceration perpetuates the violence in our communities and perpetuates the root causes of the use of violence by perpetuating economic insecurity and institutional racism. Moreover, calling these facilities will not hide the fact that they are jails that will put people in cages. Do not invest in others sent into caging our

community. Instead, invest in education and social welfare and programs like common justice and restorative justice and housing and all of the things that have been discussed by other panelists today. Second, specifically about the three bills discussed today. Council member Levin's bill to establish a commission to make recommendations on reinvestment in communities does not actually redirect investment from criminalizing systems. It merely establishes a commission to study what we already know.

Incarceration is driven by racism, by classism, and communities need investment in housing, education, mental and physical health, and transformative justice. Communities are harmed by generations of policing and caging and we do not need another commission. We need investment now. Furthermore, Council member Ayala and Levin's bill to require the board of correction to report on the impact on incarcerated individuals on the closing jails on Rikers solely establishes more reporting requirements without establishing any mechanism to change these practices or cultures within the city. They're going to report on the problems and then be told, okay. Go ahead. Keep doing them. The bill also contains--



continues to link the closure of Rikers with the construction of new jails even though there is no legally binding commitment to the closure of Rikers. And, more importantly, Rikers can be closed today without building any new jails. Finally, Council member Powers and Rosenthal's bill to amend the administrative code of the city of New York in relation to amending the bill of rights for incarcerated individuals ensuring minimal standards of design includes new provisions for the design and construction of new jails which assumes that the problem with conditions and city jails is only on how they are built and not that there is incentive to maintain them or incentive to fill them with over policed communities. I know I spoke pretty fast. Please read what I wrote and said and thank you.

CHAIRPERSON POWERS: Great. Thank you. We have your written testimony here, as well.

LUKE FIGUEIREDO MILLER: Good afternoon. My name is Luke Figueiredo Miller. I am also testifying on behalf of the National Lawyer Guild Chapter. Brooklyn Law School. I stand with No New Jails in rejecting each of these three bills. Instead of committing to the health, safety,

inhumanity of our city's most marginalized communities, you are wasting time on bills that are filled with only hollow promises. Proponents for expanding jails in the city have called for nuance and our approach to this process. There is no nuance in a commission studying what we already know. That communities need more resources and autonomy, not more cops and cages. Proposed bill 5172, which has establish another panel to produce another list of recommendations that the city is not bound to follow. This commission will not immediately close Rikers. It will not divest from our punishment system and, instead, invest the 11 million dollars into our communities. And does nothing but scratch at the margins while leaving intact the structures, policies, and practices that caused the harm this commission will further study. In addition, proposed bills 5170 and 5171 our feeble attempts to sell the proposed for new jails as a more humane alternative to Rikers. There will never be anything humane about putting people in cages. No amount of data collection at all on jail conditions or even improvements for minimum standards of design will change that. Without any real mention of how these

bills will be enforced, the DOC will continue to violate these standards with no serious repercussions. Our communities deserve better. I opposed each of these three bills and call on the Council to put our communities first. We do not need new commissions, new data, or new standards and we especially do not need new jails. We need divestment from our punishment system and tangible investment in our communities so that we are empowering to keep each other safe. Thank you.

CHAIRPERSON POWERS: Okay. Thank you.

CALVIN: Hey. My name is Calvin and I am a No New Jails member and I think-- going to submit my written testimony, but what really struck me today was hearing council members talk about how is this helping, right? Like I'm hearing Stephen Levin say, I see someone chained to a desk. Someone in chains. How is this helping? And what I wish was that that kind of questioning could be extended to the entire system, right? It's an obligation that you have to think, how is any of this helping? You know? And is somebody who knows-- somebody who has been caught up in these systems because of people like you love failed to do what is really necessary in time to keep

them out, it's really imperative for me that you take a moment and see that none of this is helping resolve-- jails do not resolve conflict, right? They don't reduce violence. They just relocated away from people like you, right? That's really what you are doing here and I think that it is important that you own up to it if that is what you are going to do. If you want to move violence away from you and your families and relocate it, intensify it, these new jails are a perfect solution for you, but just own up to it. You're not reducing violence. You're not-- I mean, you are reimagining mass incarceration, but that is insane. You really needed to the hard work of looking at what incarceration really is and, to me, it's clear sitting and listening to you talk about how you don't have judgment for any COs. You're not here to place judgment on whether or not people are being shackled to desks. We are asking you to place judgment on shackling people to desks. It is wrong. You should know better. Is this how you treat your family? Is this how you treat people that you respect? It shouldn't be. I mean, it really is just fundamentally disgusting to listen to this and these bills are full of shit. They're not

going to do anything. And so, I just have a question for all of you. What is it that you're doing? Why are you wasting all of our time with this? It's not going to bring about the changes that we need to eliminate the fundamental violence of incarceration. Does anyone have an answer?

CHAIRPERSON LEVIN: Well, I can speak to clarify my remarks earlier. I too think that shackling somebody to a desk or table is wrong. So I'm willing to make a judgment on that. What I said was that I am not here to make a judgment on the goodness or badness of correction officers as people. That's what I'm saying.

CALVIN: Absolutely. We are asking you to make a judgment on whether or not they are doing harm. And I think that the evidence shows very clearly that they are doing harm. We are not here to point blame on who is a good person and who is a bad person. That's the logic of the penal system, right? We're asking you to make a judgment on is this working? Is it causing harm to your constituents? And the answer, it's not an opinion. The answer is, yes. They are doing harm. And we just saw people sit up. And talk about-- I mean, that same guy,

right? He said, well, we shouldn't-- we looked at the desks and the desks were designed for shackles to be here and we should make sure that there is only reasonable places for people to be shackled, right? I didn't hear any response from you about that. I didn't hear any response from you and we are sitting, talking-- COBA is sitting here saying that, basically, saying that when you said someone was mistakenly shackled to a desk, they said there is absolutely no chance there was a mistake. That person must have been involved in a stabbing or slashing or something else. I mean, isn't that a red flag to you that, when you bring up something, they say there is absolutely no chance. He knows for a fact that it was justified. This is the logic that justifies all this violence and I think it is really disturbing for you to sit here and not call that out and not say, look, directly to his face, what you are doing is creating the violence of the system and then justifying it and it is impacting everyone.

CHAIRPERSON LEVIN: Okay. Thank you.

NOEL FREES: Can I add one point really quickly?

CHAIRPERSON POWERS: We have to go to the next testimony. Thanks.

NOEL FREES: Um--

CHAIRPERSON POWERS: I'll come back. I'll come back.

NOEL FREES: Okay.

MICHAEL DUNN: Hello. My name is Michael Dunn. I live in Mr. Lander's district. I'm a licensed master social worker in the state of New York and hold a certificate in public health administration and policy from the University of Chicago School of social service administration. As I mentioned the last time I was here, the American Medical Association has declared that mass incarceration is a threat to public health. We have heard the many forms that that takes and I think it's especially important to remember, as we hear the testimony from people who have these lived experiences, then these are not just numbers on the spreadsheet, but that these are real people's lives and that the trauma is in harms that are inflicted by the state go on to have cascading and generational ripples that go out there this world. So, these harms are not just limited to the single victim of

that harm, but it goes on to affect their tire life and family. Mass incarceration is objectively a failed public policy, unless your goal is maintaining white supremacy and harming black and brown communities. I'm going to give you some credit and assume that that is not what you're trying to do, so I'm going to encourage you to vote against this jails plan. And I just want to say really quickly we have heard about these therapeutic jails and, as a clinician, I want to be clear. There is no such thing as a therapeutic jail. Jails are cages. Jails are dehumanizing. Jails are systemically designed to make us forget about the humanity of our fellow humans, to forget about the suffering that we inflict on them. Indeed, Mary Buser is a licensed clinical social worker. She was the assistant chief of mental health on Rikers for five years and her experience of having her and her client's privacy and medical rights routinely violated led it to her involvement in the Social workers against solitary confinement. As social workers, we often find ourselves putting lipstick on the pigs of capitalism, but the idea of therapeutic jails is particularly vile given the violence we have heard of today and over the decades



at Rikers. I'll take this moment to encourage any colleagues, particularly social workers and other people in the helping professions to sign the open letter that is going around on social media. To paraphrase Eisenhower's cross of iron speech, every jail that is built signifies, in the final sense, a theft of those who hunger and are not fed, those who are cold and not clothed, those who are homeless and one of the wealthiest cities in the world. This world of jails cost more than the money itself. It is spending the sweat of our labor, the genius of our scientists, and the hopes of our children. This is no way of life at all. It is humanity hanging from a cross of iron. And because I had three minutes and not to, let's just be real quick and talk about this public engagement is a farce or a tragedy, depending on your perspective. What percentage of those speaking in favor of this plan receive funds from the mayor's office? Why is the public, especially the critical public, forced to wait all day to speak? You are more concerned with the veneer of community engagement than actual community engagement. Council members Salamanca spoke to this the last time we were a year when he pointed out that the DOC had already

selected in the Bronx community jails site before they even went to the Bronx community. So, that doesn't feel like community engagement to me. And then, the last thing is live the fuck is the strategic response group here? Why are there NYPD with zip ties up in the balcony and in the back of the room, yet they don't show this on camera but they've got the goon squad here. Like why are you all so afraid of us?

CHAIRPERSON POWERS: Okay. Thank you. I think we have one more person to testify.

BRITTNEY: Hey. So my name is Brittney. I've testified before and I just want to say that MOCJ sat in front of all you all's face is with no fucking answers. No answers. You all that much at least to your constituents who use it on this board claiming to serve. Am I right or wrong? MOCJ had no answers for you.

[background comments]

BRITTNEY: Totally disrespectful. And this is a call for everyone who is doing a lack of oral politics, you need to vote these motherfuckers out and make sure they don't go anywhere else. Because they don't give a damn about you and this

meeting shows that. Secondly, if you change the-- if you change Rikers Island over or these jails over to a new department, will that undo all of the sanctuary work for immigrants? Will New York City be a sanctuary city? The detainer bills that actually keeps ICE out of DOC and NYPD, well that protection go over if you change it over to it in the department? Can anyone here answer that to me?

CHAIRPERSON POWERS: I just want to clarify. Right now, as the plan's demands, the Department of Corrections have not-- we've not changed authority from one agency to the other.

BRITTNEY: I know, but do you all-- everyone here is literally saying this. Right? We are going to change. We're going to change. Answer the question.

CHAIRPERSON LEVIN: I think it speaks to that this Council, for the last five or six years, has taken steps to remove ICE from any DOC facility.

BRITTNEY: Has DOC worked with ICE? There's an article that just came out that literally said they have already.

CHAIRPERSON LEVIN: I just want to say that my expectation is and there is no plan to remove

DOC from any future facility, but if that were to have been--

BRITTNEY: Management--

CHAIRPERSON LEVIN: If that were to happen, then the same principle behind removing ICE cooperation from TOC would carry through. I--

BRITTNEY: How would it carry through?

CHAIRPERSON LEVIN: Through the legislative efforts that-- the same legislative efforts that we've already done. So the--

BRITTNEY: The--

CHAIRPERSON LEVIN: The courage efforts, in all likelihood, would continue because they have already been done. We have already demonstrated that we have a commitment to not cooperate with ICE and are DOC--

BRITTNEY: But DOC has been cooperating with ICE. It is true.

CHAIRPERSON LEVIN: Okay. So I just want to clarify that particular question. So, what I'm saying is the sanctuary-- all that work of sanctuary that has been happening will be undone, so you can--

CHAIRPERSON POWERS: I just want to respond to that.

BRITTNEY: of making New York City a sanctuary city.

CHAIRPERSON POWERS: I'm sorry. Unknown to him part of your time, so I'm happy to-- we've passed legislation to place prohibition restrictions on ICE from going into DOC facilities. Today those applied to the new borough based facilities. They would apply. And if they didn't, I think, as Council member Levin says, I will-- there is a lot of reason to believe, including the legislation we have already passed in the past, that that would carry over or we would legislate it to carryover.

BRITTNEY: But will you be in office?

CHAIRPERSON POWERS: Yeah. I might be. Yes.

BRITTNEY: You might. So these are all questions-- has a feasibility study going on on impact of immigration in relationship to this.

CHAIRPERSON LEVIN: What I'm just saying is that the-- we have demonstrated--

BRITTNEY: I don't give a damn what you've demonstrated. Can you prove this?

CHAIRPERSON LEVIN: In reality, we have demonstrated by passing legislation to remove cooperation between ICE and DOC. We would do that again. The policy of this Council has not changed. There is no indication that the policy of this council has changed. We would extend that to any type of fac-- jail that is operated by another entity because it's-- we've already gone on record saying that that is our position. We would extend that position.

CHAIRPERSON POWERS: And nor does it apply in this plan.

BRITTNEY: It doesn't apply in this plan, but everyone is literally saying, oh, we're going to change the department from one to another, but you all have not considered the impact of immigration. With this plan, literally moving jails, surveillance, ICE. Literally, ICE is on record literally saying if we can't get them at the courts, we're going straight into the community.

CHAIRPERSON POWERS: So, I will respond to this. If there is a concern about further jurisdiction and changes related to immigration and

status, I will introduce a piece of legislation to address that myself.

BRITTNEY: Well, you should actually do that. On top of that, being in the use c-- you have-- I really don't give a fuck and I'm literally talking so I'm going to continue to talk. So, if we are literally sitting here having conversation and you all can barely answer these questions, that's one, your assurance--- you have literally-- MOCJ-- two points-- What points are they made? They can't tell you shit. They can't tell you shit. And you actually think constituents should actually believe and you all about these borough based jails. That they will be more humane. That the DOC will actually give a damn about people. Calling them by their names. Have you all created accountability for the DOC within these bills to address the violence and to address the culture. You control their budget. How does that play into legislation? Lady K was literally handcuffed because she spoke with Layleen Polonco's lawyer. How are you going to hold the DOC accountable for that? You're talking like it's fucking normal. This shit is not normal. You-- Listen. When we are in Queens and Community Board

member, you all need to address this shit because you have undocumented people living and telling their stories about surveillance and, guess what? The nonprofits that you all pay literally tell them to shut the fuck up.

[background comments]

BRITTNEY: Because these jails are already bought and sold. You know what that tells us? You don't give a fuck about us. Period. We got time today. All of you all need to be out of office. It does not make any fucking sense. MOCJ don't have answers. You don't have answers. You've been ducking and dodging your constituents.

CHAIRPERSON POWERS: Okay. Thank you for the testi-- Thank you--

BRITTNEY: Thank you.

CHAIRPERSON POWERS: for the testimony. Thank you. Thank you to everybody.

[background comments]

CHAIRPERSON POWERS: Thank you. Please.

[background comments]

CHAIRPERSON POWERS: Thank you. Thank you. Yep. That's the conclusion of our hearing today. Thank you.



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 October 11, 2019