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COMMITTEE ON CRIMINAL JUSTICE

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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February 3, 2020

Start: 10:13 a.m.

Recess: 2:18 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Keith Powers,
Chairperson

COUNCIL MEMBERS:

Alicka Ampry-Samuel

Robert F. Holden

Rory I. Lancman

Carlina Rivera

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COMMITTEE ON CRIMINAL JUSTICE

A P P E A R A N C E S

Cynthia Brann
Commissioner of the New York City Department of
Correction

Hazel Jennings
Chief of Department

Brenda Cooke
Chief of Staff

Margaret Egan
Executive Director of the New York City Board of
Correction

Emily Turner
Deputy Executive Director of the New York City
Board of Correction

Frederick Fusco
Legislation Chairman of the Correction Officer's
Benevolent Association

Mary Lynne Werlwas
Legal Aid Society

Shari Vrod
New York County Defender Services

Candie
J.A.C.

Donna Hylton
A Little Piece of Light

Deborah Lolai
Bronx Defenders

Martha Grieco
Bronx Defenders

Darlene Jackson
Speaking on behalf of Sarita Dafrary[SP?],
reading statement of Anna Pasloressa

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COMMITTEE ON CRIMINAL JUSTICE

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

Zachary Katznelson
Lippman Commission

Brooke Menschel
Civil Rights Counsel with the Brooklyn Defender
Services

Melissa Clarke
Youth Justice and Child Welfare Policy Associate
at Children's Defense Fund New York

Raymond Ortega
18 years old and live in Far Rockaway

Vidal Guzman
Just Leadership USA

Sander Cordero
Just Leadership

Jennifer Parish
Urban Justice Center

Alexa Adams
Urban Justice Center

Brandon Holmes
Just Leadership

Victoria Phillips
Mental Health Project and Jails Action Coalition

Herbert Murray
Just Leadership

Kelly Grace Price
Close Rosie's

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2 CHAIRPERSON POWERS: [GAVEL] Good morning,
3 welcome. My name is Keith Powers, I am the Chair of
4 the Committee on Criminal Justice. We are here today
5 for an oversight hearing on violence in our New York
6 City jails, which follows up with a hearing we had
7 roughly two years ago and hearings that proceeded me
8 here in the City Council as well.

9 Over the years and over the years I've been here
10 in the City Council, both the public and the City
11 Council have been increasingly concerned about jail
12 violence. The Council has passed various reporting
13 bills and held numerous hearing on the topic,
14 including one earlier this session and three in the
15 last session to increase transparency and
16 accountability, and various parties have given
17 significant attention to the issue including
18 advocates, union officials, United States attorney,
19 the Board of Correction, the State Commission on
20 Correction and many more. But despites efforts by
21 the administration to keep staff and people in
22 custody safe, our jails have become more dangerous.
23 In Fiscal Year 2019, the rate of fights between
24 people in custody increased by 12 percent and the
25 rate of assault on staff increased by 37 percent.

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2 And according to the most recent Mayor's Management
3 Report, slashing and stabbings increased by 1.4
4 percent in 2019. These indicators of violence have
5 been steadily increasing since 2009 with no sign of
6 abating, though some signs of progress which are
7 noted in the Monitors report.

8 This is happening despite jail population
9 decreasing over these years and continue to increase
10 even further with the new roll out of the bail
11 reform.

12 At the same time, according to the recent 8th
13 Nunez Report, Use of Force incidents have continued
14 to rise reaching their highest levels, since the
15 Consent Judgement took effect. All these findings
16 are deeply concerning to myself and many folks here
17 in the City Council.

18 So, today, we're interested in examining why
19 violence in jails is higher than it ever has been and
20 what sort of changes the city can make to stop it.
21 We must know that the steps that the Department is
22 taking to address the findings of the new Nunez
23 Monitor and how it plans to mitigate violence today
24 and looking forward to new facilities. We also must
25 know whether the Department is continuing to pursue

1
2 the 14 point plan to address violence, whether the
3 plan is having any impact and where we can do better.

4 With that being said, I want to thank the staff
5 here at the City Council. I want to thank the
6 Department, the Board of Correction and all
7 stakeholders here for being here today. I want to
8 note we are joined here by Council Member Holden,
9 Council Member Ampry-Samuel, Council Member Rivera,
10 and I will note all three's advocacy on behalf of
11 this topic. We've all discussed you know, ways that
12 the City Council can be a partner in reducing jail
13 violence in our city jails.

14 With that being said, we look forward to
15 testimony from the Department and all of those who
16 are here to testify today. I will ask Alana to
17 please swear them in.

18 COUNCIL CLERK: If everyone could **[INAUDIBLE**

19 **5:19]**

20 HAZEL JENNINGS: Hazel Jennings.

21 CYNTHIA BRANN: Cynthia Brann.

22 BRENDA COOKE: Brenda Cooke.

23 COUNCIL CLERK: Do you affirm to tell the truth,
24 the whole truth and nothing but the truth in your
25

1
2 testimony before this Committee and to respond
3 honestly to Council Member questions?

4 PANEL: I do.

5 CYNTHIA BRANN: Good morning Chair Powers and
6 members of the Committee on Criminal Justice. I am
7 Cynthia Brann, the Commissioner of the New York City
8 Department of Correction. I am joined today by Chief
9 of Department Hazel Jennings and my Chief of Staff
10 Brenda Cooke.

11 I thank you all for this opportunity to discuss
12 the Department's ongoing efforts to prevent,
13 deescalate and investigate violent and potentially
14 violent incidents in our facilities.

15 The safety, security, and wellbeing of every
16 person living and working in the Department's
17 facility is my top priority. Under this
18 Administration, the City has made a critical and
19 necessary investment in jail infrastructure,
20 technology and staff. In the past five years, we
21 have installed 14,000 cameras ensuring complete
22 camera coverage of our facilities, redefined for our
23 staff what it means to use force and reissued our use
24 of force policy with a clear use of force definition.
25 We've developed a centralized electronic tracking

1
2 system to track uses of force and slashing and
3 stabbings, instituted a procedure whereby every use
4 of force across the Department is investigated by the
5 Investigations Division and trained over 10,000
6 officers on a revised use of force policy as well as
7 providing them training in de-escalation and crisis
8 intervention techniques.

9 As a result, the reporting we have today is more
10 thorough, more detailed, and more accurate than the
11 statistics that we were able to provide you five
12 years ago, or even three years ago. We are building
13 on these successes by evaluating the trends presented
14 by these comprehensive statistics and making data
15 driven decisions that take a holistic look at the
16 drivers of violence in order to improve overall
17 safety.

18 At the same time, the Department is expanding its
19 culture change efforts to support an agency wide
20 understanding that safe facilities are built upon a
21 foundation of respect, understanding and humanity.

22 While there are not quick fixes, I believe we
23 have positioned ourselves in the best manner possible
24 to address the work ahead.

1
2 This November marked four years since the
3 effective date of the Nunez Consent Judgement. In
4 this time, we have achieved an overall 85 percent
5 compliance with the consent decree, including areas
6 related to the promulgation of new use of force
7 directive and corresponding disciplinary guidelines,
8 an anonymous reporting system, and the development
9 and deployment of the new training curricula
10 including conflict resolution, crisis intervention,
11 and safe crisis management.

12 This month, the Department continued to build on
13 this work by rolling out the second phase of its
14 transfer of learning use of force training module and
15 continuing valuable training sessions between the
16 Chief of the Department and the leadership of the
17 facilities.

18 Despite an overall increase in the total
19 aggregate number of uses of force, the Department has
20 made important progress over the past year. From
21 2018 to 2019, the combined total of use of force with
22 serious injury and use of force minor injury
23 decreased by nine percent. Additionally, 74 percent
24 of the total uses of force in 2019 were classified as
25

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2 Use of Force C, which means no injury resulted from
3 that use.

4 Further, in 2019, officer intervention to save
5 someone involved in a fight from physical harm
6 remained one of the top two drivers of the overall
7 use of force across the Department. In respect to
8 our safety indicators, the total number of fights
9 between people in custody decreased by two percent
10 from 2018 to 2019, and there has been a 14 percent
11 reduction in assaults on staff involving serious
12 injury in the same period.

13 Using force is a valid component of correctional
14 practices and is expressed in the monitor's report,
15 force by staff in a correctional setting is at times
16 necessary to maintain order and safety. The mere
17 fact that force was used does not mean staff acted
18 inappropriately. As I have stated, every use of
19 force is now documented and in the context of this
20 hearing, it's also important to note that the use of
21 force is not synonymous with violence. Use of force
22 is defined as any instance where staff use physical
23 intervention to gain compliance and can include a
24 range of qualifying action from placing a hand on an
25 individuals elbow to guide someone down the hallway

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2 who is resisting, even if only passively, to using
3 force to break up a fight.

4 To support safer operations, we must focus not
5 only on the total number of uses of force, but on the
6 force that is avoidable. To that end, within one day
7 of an incident, each use of force is closely
8 scrutinized to evaluate if the force used was a
9 result of something we did or didn't do that caused,
10 contributed or escalated the circumstances leading up
11 to the use of force. And if, had we acted
12 differently, could the use of force have been avoided
13 all together.

14 When a review determined that a use of force is
15 avoidable, action to address the circumstances,
16 including retraining and potentially discipline, is
17 taken immediately.

18 I am proud to say that between January 2019 and
19 December 2019, there has been a 66 percent reduction
20 in avoidable uses of force across our facilities as a
21 result of this effort. This tells us that staff are
22 improving in their compliance with operational
23 policies and taking steps to conduct themselves in a
24 way that avoids creating or contributing to
25 circumstances that require the use of force.

1
2 The Monitor's report makes clear, however, that
3 we still have hard work ahead of us in order to fully
4 achieve the goals of the Consent Judgment and we are
5 not shying away from that work. Since the release of
6 the Eighth Monitor's Report, which covers the period
7 of January through June of 2019, the Department has
8 been in close collaboration with the Monitoring team
9 to develop new initiatives and solutions to support
10 safer facilities.

11 That said, the core of making our facilities
12 safer must come from an internal shift within this
13 institution. Cultural change is not just about
14 changing the way the Department treats people within
15 its custody but changing the way we treat each other
16 and how we approach our jobs.

17 We have made substantial strides in this effort,
18 including increasing the transparency of our
19 operations, hosting regular meetings with community
20 members and advocates at our offices and with the
21 Board of Correction, and participating in dozens of
22 community based meetings to discuss the future
23 placement and design of our new facilities.

24 In furtherance of our efforts to create a culture
25 based on respect and appreciation of our shared

1
2 humanity, staff have also been directed to refer to
3 people in custody using professional, person forward
4 terminology.

5 In addition, our Training and Development
6 Division has taken on a mission driven effort to
7 support leadership training at all levels, because we
8 know that if we do not develop the leaders of
9 tomorrow, any progress we make today risks being lost
10 in the future.

11 In addition, we are continuing to look outward
12 and are gathering advice and information from around
13 the country and around the world in order to truly
14 modernize practice. This Department recently joined
15 criminal justice experts and community leaders on a
16 trip to Norway is immediately transferable, this trip
17 was enlightening and has continued to shape the way
18 we are devising solutions to some of our most
19 challenging situations.

20 Throughout the latter half of last year, the
21 Department was establishing the next phase of its
22 cultural change effort, a training program, known as
23 Outward Mindset, which connects facility safety with
24 a human approach to jail management. In January, the
25 entire executive team and facility uniform leadership

1 participated in Outward Mindset training, and DOC
2 academy trainers have been certified to lead these
3 trainings for our staff.
4

5 This month, the two day Outward Mindset training
6 will be rolled out for all personnel working in one
7 of our jails including uniform staff, nonuniform
8 staff, staff from DOC and CHS, program providers, and
9 volunteers. Outward Mindset training promotes the
10 belief that in most cases, a healthy and successful
11 organizational culture can be achieved by embracing
12 principles of understanding, communication, and
13 mutual respect. It instructs and uses credible
14 messengers to prove tht everyone in a jail facility
15 is made safer by interacting with each other with an
16 appreciation for the full scope of a person's
17 humanity rather than viewing people as objects.

18 Through the Outward Mindset program, staff will
19 be supported in conducting themselves and engaging
20 with people in custody in a way that minimizes
21 situations that necessitate the use of force. Which
22 will in turn create an environment where force as a
23 path towards compliance and safety is needed less
24 frequently. This course has yielded positive results
25 for law enforcement agencies, including the Utah

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2 State Department of Correction. We are bringing in
3 this program because it works, it aligns with our
4 goals and we believe it will be successful.

5 Meaningful, sustained culture change is a process
6 we are fully engaged in but it takes time. We see
7 evidence of culture change every day and that
8 sustains us and encourages us to keep pushing
9 forward. There are no easy answers or quick fixes
10 but we have put ourselves in the best position
11 possible to tackle the challenges ahead. This work
12 is critical to the success of our agency and our
13 collective commitment to ensuring a New York City
14 correctional system that matches the values of our
15 great city.

16 By approaching this work together as public
17 servants, public officials and community members, I
18 know we will be successful in this important mission.
19 I would like to take this opportunity to share a
20 video used in the Outward Mindset training that
21 exemplifies our new approach to safety and
22 compliance, after which my colleagues and I are happy
23 to answer any questions that you might have.

24 VIDEO BEGINNING 19:46-24:35

1 CHAIRPERSON POWERS: Okay, you guys, you're done.
2
3 Okay, thank you. You know, I'll just note, I read
4 the report last night from the Monitor. I didn't
5 read the 300 pages of it but I read you know, the
6 substantive parts of it and then I read the testimony
7 and there just seems - to me, there seems to be a
8 disconnect here and I mean that with respect. I
9 think it does not a number of areas where the
10 Departments made progress and is moving towards
11 compliance and I know the number around 85 percent
12 compliance. It seems to ignore though that there are
13 still significant elements here that the Monitor
14 notes and I'll just read to you some of the pieces
15 that we picked out, which is that you know, almost
16 every indicator seems to be that our jails are more
17 dangerous than they've been.

18 In the Eighth Report, the Nunez Monitor found
19 that from January to June 2019, use of force reached
20 the highest level since the Consent Judgement went
21 into effect with the average use of force rated 7.41,
22 a 98 percent increase since 2016 and I think I was
23 just looking at the charts, it was down, it was in
24 the 3 percent level earlier than.
25

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2 Even since the end of the most recent reporting
3 period, public reports under Local Law 33 of 2016
4 indicate the use of force rates in every category
5 most importantly Class A Use of Force, which is the
6 most serious class have continued to go up with ten
7 incidents of Class A Use of Force in June 2019 and 43
8 incidents in November.

9 Even violence between people in custody has gone
10 up as well. According to recent reports, there was a
11 spike in violent incidents between people in custody
12 starting August 2019. Between July and August, the
13 number of assault between people in custody involving
14 serious injury went from 6 to 27. From August to
15 September that number nearly doubled and there were
16 51 assaults between people in custody involving
17 serious injury. The number have then remained high
18 with 42 incidents in October and 41 incidents in
19 November.

20 I'll just be honest; this doesn't seem to reflect
21 the numbers I read. I don't discount for a second
22 that you take the issues, the Department takes these
23 issues seriously. That you are trying to shift
24 culture and make meaningful impact here but there
25 does seem to be something reflected in the report

1 that is not substantively addressed in the testimony
2 and I think that is one area that I am particularly
3 concerned about. And so, can you share with us more
4 and if you want to contest this, I'm happy to hear
5 the counter to it but it does feel like we're getting
6 presented a picture of - we're missing a piece of
7 this which is substantively addressing the issues
8 that are outlined in the Monitor's report.

10 So, can you share with us, in your testimony for
11 instance, you mentioned the Department has been in
12 close collaboration with the Monitor team to develop
13 new issues and solutions to support safer facilities.
14 I think you outlined some of those, but can you share
15 with us what those - what can we expect that in the
16 next year, if we have another hearing, what do we
17 expect to see in terms of meaningful progress towards
18 solving this issue and what are those solutions and
19 initiatives that you're collaborating with the
20 Monitor team on to get safer facilities?

21 CYNTHIA BRANN: So, first, I have read all three
22 hundred and something pages several times over and I
23 take that report very seriously. In fact, the entire
24 executive team has read it, as have the facility
25 leadership.

1
2 I don't think there's a disconnect. I think in
3 my opening remarks, I wasn't misrepresenting our
4 understanding of the report. I was trying to
5 highlight some of the progress that we've made and
6 where we're going in the future.

7 With regard to the 85 percent, that was a
8 significant lift for the agency because we had to
9 build the systems that laid the foundation to move
10 forward in culture change and process improvement.
11 So, systems that did not exist, policies that were
12 outdated and had to be changed, curriculum that had
13 to be developed from scratch and approved from the
14 Monitor. That all took time and for that to be
15 completed in four years' time, I think was successful
16 and should be applauded. Our staff worked very hard
17 to get to that point.

18 With regard to the Use of Force numbers
19 increasing over the past four years, with regard to
20 the Consent Judgment, I think we have to take a look
21 at the reality was that, we didn't have cameras
22 everywhere in our facilities. We didn't have 14,000
23 cameras. We do now. There is absolutely no place in
24 any of our facilities where an event can happen and
25 not be captured on a camera. We have body cameras

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2 now in one facility and are rolling that out across
3 the agency, and so, as we redefined our use of force
4 for staff, as we mentioned earlier that a use of
5 force could be guiding somebody by touching somebody
6 touching them by the elbow and moving down the
7 corridor. Prior to the Consent Decree, that was not
8 classified as a use of force. It is now, and so,
9 every incident like that has to be documented. A
10 report written, counted and investigated by the
11 investigations division.

12 So, we don't know accurately what our numbers
13 were of use of force in 2012, 2013, 2014, because we
14 just did not have the camera coverage that we do now
15 and to that end, in December, we completed that roll
16 out of cameras. The entire calendar year of 2019, we
17 were fairly consistent in our uses on a daily basis
18 and so, I'll let the Chief of Staff talk about those
19 numbers but I just want to be clear, that yes, the
20 Monitor does report accurately that the numbers have
21 increased but we cannot be sure of what our accurate
22 numbers were when we did not have the tools necessary
23 to report accurately at the time.

24 BRENDA COOKE: Sure, yeah, and I just wanted to
25 elaborate on the point that Commissioner Brann was

1 making with respect to the data. And so, where we've
2 seen the increase, the substantial increase in the
3 count of recorded use of force has been in that C use
4 of force category where there has been no injury to
5 any person in custody or staff member and that force
6 is largely driven by that definition that the
7 Commissioner identified which is to compel, to act or
8 not act in a particular way, including you know,
9 guiding even with passive resistance and we see that
10 in the PMRR that was just released for that four
11 month period for Fiscal '19, July to October, there
12 was actually a decrease in the serious injury to
13 staff as a result from assaults from people in
14 custody. That's a violence indicator and that
15 improvement.

17 Where we saw an increase in the total number of
18 assaults on staff, again, assaults on staff are
19 categorized with a serious injury, minor injury and
20 no injury. The number went from 401 to 440 for that
21 PMR period. That 440, the bulk of the assaults on
22 staff are no injury and that includes someone
23 throwing an object for example. A t-shirt, a piece
24 of paper and if that strikes the staff, it is
25 recorded as an insult on staff.

1
2 CHAIRPERSON POWERS: Yeah, with respect though,
3 we don't want people throwing objects at staff
4 either.

5 BRENDA COOKE: Absolutely, it's not an acceptable
6 you know, behavior and our staff should be treated
7 with respect and people in custody should be treated
8 with respect as well. But I'm qualifying for you
9 that what the numbers represent, I think really have
10 to be understood before we go and just say that a
11 greater number equals a greater presence of harm or
12 violence.

13 CHAIRPERSON POWERS: I understand that, I'm not
14 even injecting my own personal opinion, I'm reading
15 from a 300 page report of a Federal Monitor that -

16 BRENDA COOKE: Sure, but the Monitor and the
17 Nunez Consent Judgment is focused on use of force and
18 harm and I think again, we just have to be really
19 cognizant of when we're talking about use of force,
20 understanding what that means and I'll turn it over
21 to Chief Jennings at this point to talk about the
22 serious injury use of force, which is that Class A
23 and the realignment of data collection that was
24 driven by a Board of Correction rule making change
25 with respect to serious injury in a year in calendar

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2 '19, which is the reason we see that increase in
3 those small in number but serious injuries. So,
4 we're talking the Class A Use of Force or the Class A
5 injuries to staff as a result of an assault or
6 serious injury to person in custody.

7 HAZEL JENNINGS: So, good morning.

8 CHAIRPERSON POWERS: Good morning.

9 HAZEL JENNINGS: So, back in July and August, one
10 of the things that we did as a recommendation from
11 the Board of Correction is that we work with the
12 Correctional Health Service on our line and our data
13 and what they did for us was they defined what –
14 there were nine categories that they would define as
15 being a serious injury. And so, we work with them to
16 revise our policy. We also worked with them to
17 revise our injury reports to persons in custody and
18 so, what we came up with was that we went back and we
19 trained up hundreds of persons and they to also had
20 to train up their staff.

21 We now receive a daily report, which we call an
22 End of Tour report where they are identifying
23 injuries that they have classified as serious. They
24 are now checking off one of the nine boxes to
25 indicate if it's a serious injury or not. If a

1
2 person has to go out for some x-rays or additional
3 treatment, they will identify that it's pending and
4 then the End of Tour report will actually close the
5 Injury Report out and also, on a monthly basis, they
6 are giving us all of their injuries that they have
7 defined as serious injuries. We also began closing
8 out every injury report that was generated during the
9 month to make sure that it was properly investigated
10 and we're also making sure that where we find trends,
11 where things are happening at, we're actually coming
12 up with plans to abate those issues.

13 CHAIRPERSON POWERS: Okay, I want to know, so
14 some of the things that we're talking about I think
15 are after the fact measures of reporting and cameras
16 which I think are good, I'm not downplaying the idea
17 that we should have more ability to sort of
18 understanding what's happening and report. I think
19 that we also are looking for proactive measures, some
20 of the recommendations that are in here related to
21 making sure that staff are appropriately equipped to
22 be able to deescalate a situation. There's
23 discussions around staffing - I'll go through all
24 these different topics as well but also, just sort of

1
2 management of the population and not exasperating
3 situations.

4 I'm literally just reading through this and you
5 know, unsafe and ineffective techniques. I will go
6 through those. Can we just go to the 14-point plan
7 the Department of Corrections, this is under your
8 predecessor Commissioner, had announced to reducing
9 violence. Is that still being implemented and can
10 you share with us what the Department is doing within
11 that 14-point plan or any changes that have been made
12 to it? Well, let's start with, is the DOC still
13 implementing the 14-point plan?

14 HAZEL JENNINGS: That is correct.

15 CHAIRPERSON POWERS: Okay.

16 BRENDA COOKE: Just to be clear, the 14-point
17 plan, many of those elements of the plan were
18 implemented and it's about maintaining. So, it's not
19 about completion to the extent that it's about
20 implementation and maintaining.

21 So, for the most part, many of the items in the
22 14-point plan were something we could put in place
23 and then that was it, but there are components where
24 it's implement and then maintain.

25 So, we're maintaining those that are ongoing.

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2 CHAIRPERSON POWERS: Okay, has anything changed
3 from the 14-point plan? Has the Department made any
4 changes to it?

5 BRENDA COOKE: We haven't made changes to it but
6 I would say we have built upon it to the extent that
7 you know, one of the points of the plan is keeping
8 weapons out of our facilities and we've introduced
9 the use of ionizing body scanners in calendar '19
10 with the authority of state legislation. We've you
11 know, added to our comprehensive obviously, security
12 camera coverage from the time that the 14-point plan
13 was issued to you know, what the Commissioner
14 referred to as 14,000 cameras to date.

15 We continue to identify and enhance our first
16 line incident response. We've continued to improve
17 leadership, development and culture and again, I
18 think that what the Commissioner highlighted in her
19 testimony and as evidence by the video with the
20 **[INAUDIBLE 44:02]** Institute and our outward mindset.
21 Culture change you know that we are establishing
22 there, a framework for sustainability and support and
23 facilitation of staff actions in custody that can
24 find a greater and more appropriate path to safety
25 without the use of what I would refer to as command

1
2 and control techniques, that's through building
3 relationships and you know, understanding people in
4 their scope of their humanity.

5 We've continued to focus on - one of the 14-
6 points was redefining the investigation division.
7 We've continued to build and are continuing to this
8 day to enhance and improve and really work with the
9 Monitor in particular to retool some of those
10 component parts of the Consent Judgement with respect
11 to the investigation division that have bogged us
12 down and proven to be in practice. You know,
13 cumbersome at a level that is counterproductive for
14 everyone's goals.

15 Obviously, the performance metrics and analysis
16 the Department has embraced and added a tremendous
17 amount of technology and data and systems that allow
18 us to both capture activity and metrics of our
19 operations but then to be able to conduct analysis
20 and report out to oversight and within ourselves as
21 an agency to understand what we're doing and to make
22 decisions that are driven based on data.

23 We continue to improve our custody management
24 process and as our population is decreasing, the
25 percentage of our population that are in custody on

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2 violent felony charges is increasing. The percentage
3 of our population with mental health diagnoses or
4 serious mental illness is increasing and the
5 percentage of those who have been identified as gang
6 affiliated are increasing. And so, it's important
7 that while our population decreases, we continue to
8 stay focused on how we can best maintain the custody
9 of the individuals in our care.

10 We've also obviously extended and continued to
11 extend the targeted training, which was a point of
12 the 14-point plan. Prior to this administration,
13 training had been something that had been
14 significantly downsized due to both staffing. The
15 Department had been understaffed and people were only
16 making it out really to training that was absolutely
17 necessary as a matter of requalification. And so,
18 anything that was considered extra, which was
19 certainly everything else and I would put that in you
20 know the weeks of training that our staff now receive
21 on an annual basis as members of the Department.

22 And then, raising our facilities to a state of
23 good repair. We're continuing to invest or adding
24 air conditioning in our facilities as we can with
25 limited capacity due to the infrastructure. We're

1 making ADA modifications; we've continued to maintain
2 and will maintain the facilities in good working
3 order for the extent of the duration of their life
4 before we have borough based facilities.
5

6 And so, that's a general overview of the points
7 of the 14-point plan and where we are and where we
8 continue to press forward.

9 CHAIRPERSON POWERS: Okay, and we will probably
10 have some for follow up information on that. Can you
11 give us the last two months of data related to use of
12 force incidents December of 2019 and January 2020
13 with use of force incidents Class A, Class B and
14 Class C?

15 HAZEL JENNINGS: Yes, and I can give you the four
16 months trend. So, in October of 2019, we closed out
17 with 688 total uses of force. That was 20 A's, 129
18 B's and 539 C's.

19 CHAIRPERSON POWERS: And can you do that
20 breakdown again, sorry. 688.

21 HAZEL JENNINGS: 688, 20 A's, 129 B's and 539 C's
22 uses of force.

23 CHAIRPERSON POWERS: Okay.

24 HAZEL JENNINGS: For November, we closed out with
25 648; that was 19 A's, 113 B's and 516 C's. For

1
2 December, we closed out with 636; that was 24 A's,
3 134 B's and 478 C's and this month, January, we
4 closed out with 579 uses of force and I don't have
5 the breakdown as of yet for the A, B, and C's because
6 that data won't finalize until the 5th of the month.

7 CHAIRPERSON POWERS: Okay, and can you give us a
8 number for assault on staff for those, that same four
9 month period?

10 HAZEL JENNINGS: For?

11 CHAIRPERSON POWERS: October, November, December,
12 January.

13 HAZEL JENNINGS: Yeah, hold on one second. So,
14 for assault on staff for the month of October was
15 102, November 86, December 90 and January we closed
16 out somewhere a little under 80, so it was about 78.

17 CHAIRPERSON POWERS: And do you have the numbers
18 for serious injuries?

19 HAZEL JENNINGS: Sure. October, serious injuries
20 numbers were 88, November 80, December 90 and for
21 January 101.

22 CHAIRPERSON POWERS: So, we're going the wrong
23 direction on injuries on staff.

24 HAZEL JENNINGS: So, I think the difference is
25 for the serious injury was that prior to this new

1
2 policy, there were things that H+H did not state were
3 actually serious injuries. We have a definition for
4 serious injuries and then there are things that they
5 added on where they clearly define and they gave us
6 nine categories.

7 So, this is why we're seeing an uptick with
8 serious injuries because they are telling us
9 specifically what classifies as a serious injury.

10 CHAIRPERSON POWERS: So, we're attributing, I'm
11 going to ask a couple more questions and then I want
12 to make sure my colleagues can get questions in
13 because I know they are interested in this category.
14 But are we saying the staff injuries, serious
15 injuries are going up because of reporting?

16 HAZEL JENNINGS: So, serious injuries that I just
17 gave you the numbers for, only speaks to persons in
18 custody. It has nothing to do with staff, separate
19 and apart.

20 CHAIRPERSON POWERS: Sorry, the numbers I was
21 asking for were assault on staff and serious injuries
22 on staff.

23 HAZEL JENNINGS: So, no, those are numbers. The
24 numbers that I just gave you -

1
2 CHAIRPERSON POWERS: Those are serious injuries
3 to?

4 HAZEL JENNINGS: Serious injuries for people in
5 custody.

6 CHAIRPERSON POWERS: Okay.

7 HAZEL JENNINGS: Nothing to do with staff.

8 CHAIRPERSON POWERS: Okay, can you give us -

9 HAZEL JENNINGS: I gave you assaults on staff.

10 CHAIRPERSON POWERS: Okay, you gave us assaults
11 on staff and then the second category, I was asking
12 for serious injuries to staff. I was asking for
13 assaults on staff, serious injuries.

14 HAZEL JENNINGS: So, no, I will have to provide
15 you with that data to tell you specifically out of
16 the assault on staff what has been categorized as a
17 serious injury.

18 CHAIRPERSON POWERS: You don't have that with you
19 today?

20 HAZEL JENNINGS: I don't have that number with
21 me.

22 CHAIRPERSON POWERS: Does anybody here in the
23 Department have that number?

24

25

1
2 BRENDA COOKE: We don't have the Class A assault
3 on staff breakdown for that four month period that
4 you're asking for, no.

5 CHAIRPERSON POWERS: Okay, we will ask for a
6 follow up.

7 BRENDA COOKE: Yes.

8 CHAIRPERSON POWERS: And now, your numbers make
9 more sense to me because -

10 BRENDA COOKE: Yes.

11 CHAIRPERSON POWERS: Okay. I'm going to take a
12 break and I want to come back to some of the
13 recommendations from the report, but I will ask if
14 colleagues have questions to give them an opportunity
15 to ask.

16 I think we're starting with Council Member Holden
17 and then Council Member Rivera.

18 COUNCIL MEMBER HOLDEN: Thank you for your
19 testimony. I just have a few questions on I want to
20 follow up with the assaults on staff.

21 There was a 37 percent increase according to our
22 charts of assaults on staff in 2019, is that correct?

23 BRENDA COOKE: You're looking at the PMMR for the
24 four month period, is that what you're referring to?

1
2 COUNCIL MEMBER HOLDEN: No, I have the whole
3 year.

4 BRENDA COOKE: The calendar year.

5 COUNCIL MEMBER HOLDEN: Yeah, 2019, COBA says 35
6 percent. I think the numbers that we have are 37
7 percent increase assaults on staff.

8 BRENDA COOKE: So, according to the Department's
9 data, the total number of assaults on staff increased
10 13.4 percent calendar year '19 to calendar year '18.

11 COUNCIL MEMBER HOLDEN: 13?

12 BRENDA COOKE: 13 for total assaults. I think, I
13 have assaults on staff with serious injury increasing
14 32 percent from calendar '19 to '18 but that number
15 and I can give you the count, the count is 66 in '19
16 and it was 50 in '18.

17 COUNCIL MEMBER HOLDEN: Alright, but just total
18 assaults. I'm not saying what's serious.

19 BRENDA COOKE: Yeah, total assaults in calendar
20 '19 were 1109 and in calendar '18, it was 978.

21 COUNCIL MEMBER HOLDEN: Okay, we have different
22 stats on ours. So, you know, like, I'd like to get
23 to the bottom, I mean, they're both bad. Let's say
24 assuming that our stats are correct, we have 15, I
25 guess we have assaults on staff per 1,000 average

1
2 daily population is 1,512, which is a 37 percent
3 increase. That's what we have and the Correction
4 Officer's Union say 35 percent and you're saying it's
5 lower. Why though, why with our less population, why
6 are assaults on staff increasing not decreasing?

7 BRENDA COOKE: Thank you, that's a complicated
8 question because obviously where it's involving a
9 dynamic of you know, not just your know, our staff
10 and what they bring to the opportunity of these
11 assaults, but also the people committing the
12 assaults, people in custody. And so, I think you
13 know, what we look at is that while the behavior I
14 described earlier in response to Chair Powers, that
15 where we see that increase of volume in the assaults
16 on staff are in the assaults of staff that actually
17 result in no injury.

18 And while that is unacceptable behavior to throw
19 in object, even a soft object like a piece of
20 clothing and strike a staff member, that is recorded
21 as an assault on staff in these numbers.

22 The focus where we look at is in the volume of
23 assaults on staff of injuries as well. And so, where
24 we see that decrease from calendar '18 to calendar
25 '19, we saw a 20.6 percent decrease in the minor

1 injuries to staff after an assault and then we see
2 that increase between calendar '18 and '19 in the
3 serious injuries from 50 to 66 but the prior year in
4 '17 it was 63. And so, we are focused obviously on
5 the harm and the risk of harm and that's where we're
6 working both with the outward mindset, the culture
7 change, adding additional tools as we reduce our
8 population in our facility footprint to deploy our
9 staff as additional support in various positions
10 including housing positions where possible. We're
11 rolling out for proof of concept, a unit management
12 structure at our young adult facility at RNDC that
13 began in this year in calendar '20 and again, we're
14 looking at ways where we can identify the use of our
15 resources in a way that's most effective at reducing
16 the risk of harm and the actual harm to those both in
17 custody and our staff.

19 COUNCIL MEMBER HOLDEN: Okay, so assaults, I know
20 it's complicated, you just explained it and it is
21 complicated; however, they're increasing and the
22 assaults on staff, like you said, is unacceptable.
23 How many rearrests were made based on assaults on
24 staff? I'm assuming that if somebody assaults a
25

1
2 staff member, or other detainee, there's a re-arrest,
3 especially if they are more serious.

4 CYNTHIA BRANN: I don't think we have that
5 number.

6 BRENDA COOKE: I don't have the breakdown of how
7 many of the rearrests were due to an assault on staff
8 versus a re-arrest due to an assault on a person in
9 custody but we can get that breakdown for you.

10 COUNCIL MEMBER HOLDEN: Okay, in splashing, which
11 can mean a lot of different things but incidents have
12 increased I guess and with that, is there any
13 punishment for splashing; throwing urine at a staff
14 member or correction officer? Is there a punitive -

15 HAZEL JENNINGS: So, we have, what we do when we
16 have persons who are splashing's, we have splash
17 guards that have been fabricated that staff could put
18 in front of the cell if the person is actively
19 splashing.

20 We also, the staff member has the right to elect
21 to surrender their uniform for testing, in which the
22 person can be re-arrested. We also have the formal
23 process, which is the infraction. The person who is
24 splashing, we put them at the end of the tier, we
25 make sure that they are subjected to searches on each

1
2 tour. So, those are some of the formal things that
3 we have and we're coming up with informal resolutions
4 as to different things in which we can take away for
5 you know, as a disincentive for their behavior.

6 COUNCIL MEMBER HOLDEN: Still, it's not clear
7 that we have any measures of discipline for somebody
8 - you're saying we put up a shield for the correction
9 officer. The intent to attack somebody, whether it's
10 throwing urine, feces, whatever at, spitting, there
11 should be some actions of discipline that's taken on
12 the detainee.

13 There has to be, I mean, we did away with
14 punitive seg, we also have a waiting list I think for
15 the people that are on the punitive, or at least are
16 scheduled to do punitive segregation, right. Is
17 there a waiting list this year?

18 HAZEL JENNINGS: No.

19 CYNTHIA BRANN: So, first, I'd like to say -

20 COUNCIL MEMBER HOLDEN: Where it hasn't been,
21 people are just waiting for discipline.

22 CYNTHIA BRANN: So, we did not do away with
23 punitive segregation.

24 COUNCIL MEMBER HOLDEN: For 18-21 did.
25

1
2 CYNTHIA BRANN: For 18 to 21 and seriously
3 mentally ill.

4 So, every incident of splashing is investigated
5 and there is a method for infracting someone who is
6 alleged to have splashed somebody. Everyone in
7 custody who is charged with an infraction has the
8 right to due process and there will be a
9 determination made at the end of that hearing and
10 then a penalty imposed.

11 So, we don't ignore splashing's, we respond to
12 each and every one and as the Chief said, the officer
13 can surrender their uniform, so it's tested for the
14 substance as to what was actually splashed and to
15 protect the officer splash guards are put up and
16 cells are searched, so that we can take away
17 implements that are used to splash the officers as
18 they come by.

19 COUNCIL MEMBER HOLDEN: So, and when we did away
20 with punitive seg for 18 to 21 year old's, do we have
21 numbers for incidents, violence against staff or
22 incidents against staff for the 18 to 21 year old's?
23 Has that gone up, because if it has then obviously
24 the measures aren't working because if punitive seg
25

1
2 is taken away as a punishment for any incident
3 against staff, has the assaults gone up?

4 BRENDA COOKE: I don't have the breakdown for the
5 18 to 21 year old incidents, but I can tell you that
6 our violence incidents whether or not it be towards
7 people in custody or towards staff, our population
8 under the age of 26, 27, or so is our population
9 driving those violent acts. And so, the 18 to 21
10 year old's are obviously still in that category of
11 that population which we know to be our most
12 problematic with respect to acts of violence while in
13 our care and custody.

14 COUNCIL MEMBER HOLDEN: You know, I asked a
15 simple question and I get that. I asked for 18 to 21
16 because that's something that we could measure. So,
17 if punitive seg, we take it away automatically for
18 any incident, yet, the county surrounding New York
19 City all use it; punitive seg and I'd like to know
20 what their numbers are.

21 BRENDA COOKE: We will get you for the 66 -

22 COUNCIL MEMBER HOLDEN: But see, this is
23 something you should know right away to measure. We
24 did something that no other city had done, 18 to 21
25 take away punitive seg automatically. No matter how

1
2 violent that person is, we're taking that away, yet
3 we don't know, we can't measure of its working.
4 Anybody here, everyone here should know that
5 automatically.

6 BRENDA COOKE: We will get you the number of the
7 66 serious assaults on staff injuries that were
8 attributed to 18 to 21 year old's.

9 COUNCIL MEMBER HOLDEN: Okay, thank you.

10 CHAIRPERSON POWERS: Thank you and we can come
11 back. Council Member Rivera will be followed by
12 Council Member Ampry-Samuel and we've been joined by
13 Council Member Rory Lancman as well.

14 COUNCIL MEMBER RIVERA: Thank you so much for
15 being here and for your testimony. I guess, I want
16 to ask, you mentioned culture change. There's a
17 current culture of violence within the Department of
18 Correction and that's why we're here today and you
19 mentioned, I'm going to ask you a couple question
20 about training and some of the initiatives that have
21 failed and what you're doing but what efforts are you
22 undertaking to praise the staff who has actually had
23 positive performances?

24 HAZEL JENNINGS: So, when we have incidents, we
25 engage staff and we provide staff recognitions. They

1
2 get employee of the month, they also, when we look at
3 video and video selections, so we have what's called
4 the transfer of learning where we chose videos that
5 give good or bad incidents, so that when we recognize
6 that we have these incidents, it's not just about
7 someone looking at a bad incident. It's about also
8 praising the person who did their job effectively and
9 professionally.

10 So, I think it's important to note that staff
11 wake up every day and they come in ready to do their
12 job and we've actually began to build a lot around
13 staff wellness and for you know, things that they
14 could use to destress themselves. Rather it's
15 exercise rooms, rather having faith ministries that
16 walk around in the facility to actually talk to and
17 engage staff. And anytime there is an incident, we
18 have the care unit that actually go out to meet with
19 the staff to make sure that they are okay and it's
20 comprised of not only uniform staff but we have a
21 psychologist and we have counselors. So, that they
22 are actually engaging with them and you know, they're
23 seeing about their wellbeing because they too, you
24 know, are actually coming into work and no one comes

1
2 in to say, I'm going to hurt someone today. They are
3 coming in to do their best.

4 CYNTHIA BRANN: I would just like to add to that,
5 that our public information office has a very robust
6 internal coms plan. We highlight staff who do a good
7 job in our bold print magazine, on our DOC TV, on
8 social media platforms, and our fraternal
9 organizations often times recognize those staff who
10 have done well with awards at their events.

11 COUNCIL MEMBER RIVERA: Thank you and in your
12 testimony, you mentioned that you trained over 10,000
13 officers on the revised use of force policy, as well
14 as providing them training in de-escalation and
15 crisis intervention techniques. Over how long did
16 this training occur, to train these 10,000 officers?

17 BRENDA COOKE: So, the new Use of Force Policy
18 was revised and promulgated as part of the Nunez
19 Consent Judgment that went into effect in November of
20 2015 and so, the policy between November of 2015 and
21 the end of 2017, was the period where we conducted
22 that training for existing members of service.

23 Since 2017, anyone who is newly hired between
24 2017, end of '17 and calendar '19, those folks
25 received that use of force training as part of their

1
2 six months of academy training. Our staff then are
3 receiving annual refresher training in the use of
4 force policy. So, that's all staff and so, that's
5 ongoing as well as with the Chief was mentioning with
6 respect to using videos and so part of our in
7 calendar '19 we were doing the transfer of learning,
8 which was identifying both positive, you know, well
9 executed policy compliant force and then also force
10 that was outside of guidelines or concerned or
11 reflected something that we wanted to readjust and
12 realign staff on in compliance with the policy and
13 so, those transfer of learning and the use of force
14 videos with our mentoring captains who are academy
15 staff at the facility level occurs daily.

16 COUNCIL MEMBER RIVERA: How is the retention at
17 the Department of Corrections? Has there been a high
18 turnover in the past few years?

19 CYNTHIA BRANN: So, our average rate of attrition
20 is approximately 100 people per month and it's been
21 steady over the past few years.

22 COUNCIL MEMBER RIVERA: So, every new person that
23 come into work at the Department of Correction
24 receives the training. Are you upgrading, adapting,
25

1 including new information in your training to reflect
2 this culture change that you continue to mention?

3
4 CYNTHIA BRANN: Absolutely. Historically,
5 correction officers are trained in custody and
6 control and we are changing that to include now the
7 outward mindset, a different way of interacting with
8 people in our custody, using evidence based practices
9 and core correctional practices in the training. So
10 that we don't have to go back and retrain people when
11 they come through the door, they'll get the training
12 that provides the mindset that we want them to have
13 right from the start. And I believe that's a
14 practice going on across the country as correction
15 agencies change with the changing times.

16 COUNCIL MEMBER RIVERA: And I ask because you
17 recognize that some initiative haven't been effective
18 and that the report actually mentions an inability to
19 manage those in custody.

20 So, what are you doing differently? What are the
21 most pressing issues that the report has identified
22 that you feel is something that you're going to take
23 on? Two or three problems outlined in the report
24 that the DOC sees as the most pressing, considering
25 that it is reported. That there is an inability to

1
2 manage some of those in custody and you recognize
3 that some initiatives haven't been effective. So,
4 what are you doing differently?

5 BRENDA COOKE: Thank you for that question. So,
6 absolutely I think you know, and that's getting at
7 the crucks of where we have pivoted in the latter
8 half of 2019 based on the establishment of you know,
9 revised policies, training and you know, as the
10 Commissioner mentioned in her testimony, a reduction
11 of our use of force that was identified as avoidable
12 by 66 percent over the course of calendar '19. We
13 have gotten really good at some of the operations
14 with respect to that forced policy and our staffs
15 understanding of it but where we are not seeing the
16 success is in making a difference in the
17 circumstances that give rise to the need to be using
18 force to begin with. And that, is where we are now
19 taking that through with the outward mindset training
20 to culture to building relationships because clearly,
21 the command and control is not yielding the results
22 that we all desire and so, by building relationships
23 by you know, teaching and learning. By asking
24 questions, like the video demonstrated, a simple
25 question about why, to understand others motivations.

1
2 To really see people as people, our staff to look at
3 each other as people, to look at people in custody as
4 people and to understand our shared objectives and
5 how we can get there through a more humane
6 application of our policies and procedures and yield
7 better results. And so, a piece of that that is
8 demonstrated in operations is what I mentioned
9 earlier with respect to unit management and so, one
10 of the things that we agree with, with respect to the
11 you know, Monitors Report, with our frontline
12 supervision and the ability of a supervisor to be a
13 guiding force in a positive way to support de-
14 escalation and the resolution of conflict, so that it
15 doesn't require the application of even appropriate
16 and necessary force to gain compliance.

17 And so, that's where we are focusing, the unit
18 management is engaged in the process of studying up
19 all staff at our young adult facility at RNDC and so,
20 all of the staff there are studying, we are taking
21 6,000 units in one building and doing a proof of
22 concept with respect to how we can use a housing area
23 captain as the unit manager to again, provide
24 additional support and on the ground instruction to
25 our staff, our officers in order to understand you

1 know, that understanding people in custody.
2 Understanding their needs, understanding their
3 frustrations and resolving those can be the way and
4 the path forward towards both compliance with
5 directions, rules, policy and better outcomes.
6 That's where we're headed.
7

8 COUNCIL MEMBER RIVERA: And I understand all of
9 the things that you are trying to do and I think
10 there's a lot of advocates in this room who really,
11 we all want you to be successful but what are you
12 doing to hold abusive officers accountable and how
13 many have you fired in the past year?

14 CYNTHIA BRANN: So, before we talk about the
15 specific numbers in the disciplinary process, I do
16 want to say first off, that staff is our greatest
17 asset and the City spends a lot of money and time in
18 both recruitment and training of our staff. And the
19 outcome isn't necessarily to terminate somebody if
20 they've done something wrong. Who in this room has
21 not made a mistake at work in a new job and not
22 gotten fired for it.

23 So, the intent of an investigation or discipline
24 is to change the behavior and redirect someone. All
25 of our staff under civil service rules are afforded

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2 due process and so, when there's an event, there is
3 an investigation, a determination and a
4 recommendation and the range of discipline can be
5 anywhere from a verbal reprimand to a written
6 reprimand, retraining, days off, a demotion, a
7 combination of things and then finally, termination.

8 And the agency does not determine termination if
9 an officer, an employee, chooses to elect to go the
10 entire route and go to OATH and then an
11 administrative judge would determine whether or not
12 that person would be terminated.

13 If they decide to terminate, that's the end of
14 that matter or if they decide not to recommend
15 termination, then there's what we have called the
16 action of the commissioner, where I can overrule that
17 and can choose to terminate someone, which I have
18 done.

19 We also have the EISS, which is the early warning
20 system. So, when an officer starts to get a high
21 number of uses of force attributed to them, and it's
22 not necessarily whether it's unnecessary or excessive
23 use of force, but they may be in a post. For
24 example, the intake, where the opportunity is greater
25 for them to get involved in a use of force. We place

1
2 them in the early warning system where they have
3 mentorship and oversight to make sure that they don't
4 get in trouble in that area.

5 So, and now I'll let Chief of Staff talk about
6 the numbers.

7 BRENDA COOKE: So, I'll focus first on calendar
8 '19. So, in calendar '19, related to only folks in
9 non-use of force terminations, a total of 20 people
10 were terminated. Five of those 20 were actual
11 terminations, 10 of them were retirements in lieu of
12 termination and 5 were resignations in lieu of
13 termination.

14 So, 20 people related to use of force in 2019.
15 In addition to that, and so those were staff. There
16 was an additional 20 who were what we refer to as a
17 personnel determination review, so when you're on
18 probation, we can terminate you but it's referred to
19 as a PDR and so, there was an additional 20 who were
20 in a probationary status. And so, a total of 40
21 individuals for use of force only terminations from
22 the Department.

23 In addition, in 2019, there was 2012 negotiated
24 plea agreements related to use of force and those
25 included a range of punishment, usually suspension

1
2 and a number of days. So, days lost, monetary days
3 and so, suspensions last for 15, 20, up to 45 days
4 including then the actions of the Commissioner for
5 those who went to OATH and she terminated.

6 COUNCIL MEMBER RIVERA: Okay, I think I
7 understood all of that, but I'm going to go over the
8 acronyms and I just have two more questions. Mr.
9 Chair, thank you for being so gracious.

10 So, the three officers and the one captain who
11 watched Nicholas Feliciano as he attempted to commit
12 suicide the night before Thanksgiving, are they still
13 employed with the Department of Correction?

14 BRENDA COOKE: I'll let the Commissioner answer
15 that question.

16 CYNTHIA BRANN: So, currently there is an active
17 investigation going on, so I cannot speak to the
18 specifics of that. The officers that were alleged to
19 be involved in that served a suspension and they are
20 still currently employed with the agency and we are
21 awaiting the outcome of the investigation. We will
22 follow the recommendations. They are currently on
23 modified duties, which means they have no inmate
24 contact.

1
2 COUNCIL MEMBER RIVERA: Modified duty, okay, my
3 last question is, since this is a hearing on jail
4 violence unfortunately, I want to ask about when
5 violence occurs and people get hurt. So, the BOC
6 found significant disparity between the number of
7 serious injuries reported by CHS and the number of
8 serious injury incidents reported by DOC with DOC
9 reporting 80 percent fewer serious injuries than CHS.
10 Can you explain the disparity?

11 HAZEL JENNINGS: So, as I had previously stated,
12 in reference to the serious injury reporting, we have
13 collaborated with CHS and it has been about them
14 positively identifying what criteria's for under a
15 serious injury and now, with the new injury report
16 policy. They clearly indicate which they have nine
17 categories in which they check off or if the person,
18 if they have to go out for further exams or x-rays,
19 then it's pending report and then the injury report
20 actually gets closed out with an end of tour, which
21 there is an automatic fee which notifies us what
22 injuries have now been classified as serious injuries
23 and that's done. The reconciliation happens on a
24 daily basis and it also happens on a monthly basis to
25 ensure that the numbers are more aligned.

1
2 COUNCIL MEMBER RIVERA: And I just want to – I
3 know you have to coordinate medical responses and we
4 want to make that we're tracking those responses and
5 BOC recommended that DOC and CHS jointly publish data
6 on the number, type, cause and location of injuries
7 to people in custody. Will you commit to doing that?

8 HAZEL JENNINGS: That's data that we provide to
9 the Board of Correction on a monthly basis.

10 COUNCIL MEMBER RIVERA: And I'm saying that DOC
11 and CHS that you jointly publish data. So, that way
12 there can be consistency and transparency. It's just
13 my ask of you for that commitment.

14 CYNTHIA BRANN: Well, since we're both reporting
15 data and now, we're aligned in the collection of
16 data, I can't speak for CHS but certainly, I'm
17 willing to co-author a report for the Board of
18 Correction if they are as well.

19 COUNCIL MEMBER RIVERA: Is CHS here?

20 CYNTHIA BRANN: No.

21 COUNCIL MEMBER RIVERA: Violence causes injuries,
22 injuries is healthcare. Okay, so, I just want to say
23 thank you for answering all of my questions and I
24 want to thank the Chair again and I'm glad that you
25 mentioned the Department of Corrections really seeing

1
2 people as people and I hope that we can come to I
3 guess, some sort of conclusion on solitary
4 confinement and finally ending it.

5 Thank you.

6 CHAIRPERSON POWERS: I just want a follow up
7 question and then I want to hand if over to Council
8 Member Ampry Samuel for questions and I appreciate
9 Council Member Rivera's questions.

10 Just to clarify this, I know you've said it a few
11 times. I just want to clarify this. Right now, when
12 we talked about, let's say talked about serious
13 injuries, DOC is reporting this and CHS is reporting
14 this, is that correct?

15 BRENDA COOKE: Correct.

16 CHAIRPERSON POWERS: Okay, and now, as of last
17 year you are coordinating or matching in terms of
18 your numbers?

19 BRENDA COOKE: Correct, I'll give you an example.
20 Yes, and so, we always the Department classified
21 based on injuries our incidents, at an incident level
22 and then CHS as the medical provider was capturing
23 incidents in injuries for people in their care. Our
24 definitions are now aligned and we are getting
25 anything that we qualify in our incident data as

1
2 serious, we've been told that the injury meets a
3 serious definition by CHS.

4 CHAIRPERSON POWERS: Okay, so, are they
5 reporting, moments when you report that your numbers
6 would be different?

7 BRENDA COOKE: Not, we report incidents, CHS you
8 know, reports patients, so individuals. And so, we,
9 our incident is classified by the highest level of
10 injuries sustained by anyone involved in an incident.

11 CHAIRPERSON POWERS: So, this is where - why
12 isn't CHS the one reporting the serious injuries?
13 They're the medical professionals who are examining
14 the person when they come into see them. With
15 respect, why would DOC be reporting serious injuries
16 if - why wouldn't CHS be the reporting entity for
17 that?

18 BRENDA COOKE: I think we both report and I think
19 again, we have a slice of reporting that focuses on
20 incident, operations and incidents in addition to
21 capturing the underlying injuries as to each
22 particular person involved. CHS reports on injuries
23 that they treat for patients in their care.

24 CHAIRPERSON POWERS: Okay, I'm going to now hand
25 it over to Council Member Ampry-Samuel. Thanks.

1
2 COUNCIL MEMBER AMPRY-SAMUEL: Good morning
3 everyone. I had one question when I came in and now,
4 I have like ten but I'll ask two.

5 Commissioner, you stated that staff is your
6 greatest asset. So, with that, have you included the
7 union at all or offices directly in your feedback and
8 input and suggestions for decreasing the number of
9 violence and if so, can you explain how you have been
10 able to incorporate that?

11 CYNTHIA BRANN: Sure, I have meetings regularly
12 with the union president. We have discussed all of
13 the issues within our jails and how to make things
14 better. We frequently have townhall meetings with
15 staff where people from each facility gather in an
16 area where they're free to ask questions, make
17 suggestions and talk about what's bothering them.

18 We do that with executive leadership and then the
19 facility leadership does that on a routine basis.

20 COUNCIL MEMBER AMPRY-SAMUEL: So, how do you take
21 that feedback and that information and include it in
22 policy changes in the work that you're doing. And
23 the reason why I feel some kind of way about the
24 testimony, is when you first started, just watching
25 the video of an officer who is from some place else

1
2 and how everything that he said was like a lightbulb
3 and you know, this is great and this is what we're
4 doing and I'm just trying to figure out because
5 sometimes it's like no brainers, but how do you
6 include the work? You know, the people that are on
7 the ground, that know, that's been working there for
8 20 years and you know, they have been doing this
9 forever.

10 HAZEL JENNINGS: So, one of the things that we
11 began to do differently is that anytime there is a
12 change to policy, I have working groups and I involve
13 all different levels of staff to bring them in
14 collectively to go over the policy, to talk about how
15 it will affect them operationally, to get their input
16 as to what they think will or will not work. So, I
17 can make sure that their voice is actually heard and
18 that's something we started doing differently. So
19 that this way, when the input is done in the
20 beginning, the outcome becomes so much better and
21 they automatically buy in because they now feel like,
22 I have a voice.

23 We've also done survey's, where people can
24 anonymously talk about how they feel with the
25 changes. We've done that on more than one occasion

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2 that we have the PMO to do. So this way, they have a
3 reporting mechanism that they can say what they feel
4 in case they don't feel like they could say it to one
5 of us but I think there's a lot of transparency that
6 has happened, so that staff understand that they can
7 say what exactly it is that they feel and that they
8 do matter.

9 COUNCIL MEMBER AMPRY-SAMUEL: Okay, so, I'm done
10 with that question but I just want to state that it's
11 different when you allow someone to be able to
12 express themselves in how they feel about something
13 that they have to do or something that has to change,
14 compared to if someone says, this is what I go
15 through and this is what I suggest we should do
16 different. It's like two different things and so, I
17 have not heard how you are actually incorporating the
18 feedback and if you are, can you give me an example
19 of something that was overwhelming coming from the
20 officers or the union heads?

21 HAZEL JENNINGS: So, we've added Mentor Captains
22 to the facilities and so that they're engaging with
23 the staff because 75 percent of our staff have under
24 five years on the job and so, what maybe significant
25 for them, I may feel somewhat different because I

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2 came up through the ranks and I once was a correction
3 officer. So, my experience maybe very different from
4 their experience and so, those are the things that we
5 try to get at the root causes of. How is your job
6 hard? What's making it hard? What are some of the
7 things that we could do to assist you, because let's
8 face it, it is that one or two or multiple correction
9 officers who are on the ground that matters the most
10 because when they fail, the failure goes all the way
11 up the chain to myself.

12 So, it's important for them to understand their
13 job. To be able to have the tools that they need to
14 do their job and that they feel safe.

15 CYNTHIA BRANN: I think what the Chief said is
16 very important in that, that was part of feedback
17 that we received from the 3,000 new officers that we
18 hired. That they didn't know their job, they were on
19 posts with other people who had also graduated with
20 them. There were no senior staff to guide them and
21 so, we implemented the Mentor Captains who aren't
22 there to discipline anybody or catch anybody doing
23 something wrong. They are actually there to support
24 them in learning their jobs.

1
2 Part of the safety and compliance center was also
3 a support system, so that we have officers watching
4 in live time, real time. Housing areas where they
5 can call and say to a brand new officer, you have a
6 gate that's not closed. If you go close that gate,
7 you're going to avoid a lot of problems today. And
8 so, there's support from many people on the ground
9 and that was part of their feedback is, we don't know
10 what we're doing and we need some help.

11 COUNCIL MEMBER AMPRY-SAMUEL: Okay, thank you,
12 and my next question which is my last question is
13 related to the report. When you look at eleven of
14 the report, it states the Department has not been
15 able to keep pace with timely investigation of staff
16 misconduct and there is a backlog of approximately
17 6,815 investigations. The backlog delays the
18 imposition of appropriate discipline for staff
19 misconduct and it goes on to talk about effectively
20 managing staff and to reduce the misuse of force if
21 your able to clear the investigations.

22 So, in addition to that pending investigations of
23 staff misconduct and 2,001 pending cases were lost to
24 the 18 statute of limitations. So, at the last Board
25 of Corrections meetings, you testified that DOC is

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2 instating an intake squad to clear up the backlog of
3 investigations. Can you just give us a little bit
4 more background on what the progress is instating the
5 intake squad and how DOC came up to the conclusion
6 that this was the best solution and just, can you
7 just give us the overall as to what's happening.

8 BRENDA COOKE: Sure, thank you. So, yeah, so the
9 intake squad is up and running and the intake squad
10 is staffed by 40 investigators plus attorneys from
11 the Charles and Litigations division and then support
12 paralegals. And so, the purpose of that intake squad
13 is to address what has been identified as the backlog
14 of volume that has been created by the operations for
15 the investigation division as outlined in the Consent
16 Judgment. So, all use of force investigations under
17 the Consent Judgment need to be investigated by the
18 investigations division and that's referred to as a
19 preliminary review.

20 And then in addition to that, investigations
21 division would take a category of cases, a volume of
22 those cases for what was referred to as a full ID
23 investigation. The remainder, a balance of those
24 force incidents would be returned to the facility for
25 a facility level investigation.

1
2 So, we're really talking about two investigations
3 for each use of force incident. One, by ID and then
4 the second either by ID or the facility depending on
5 the category and what we saw and what the Monitor
6 identified as well through four years of operations
7 of the Consent Judgement, protocols was that that was
8 unduly necessary in its burden and its volume. And
9 so, those preliminary reviews are in fact in most
10 cases not preliminary. They can and should be full
11 fledged investigations that should be terminated at a
12 conclusion to pursue discipline or not at that point
13 but by operation of the rules of the Consent
14 Judgement, they do not.

15 And then, in addition, we saw that the volume of
16 cases being returned to the facility for
17 investigation, that that facility investigation
18 process was yielding potentially disparate outcomes
19 and then, you're talking about incidents that are
20 being managed at a facility level across you know,
21 what was it, one time, twelve facilities and now ten
22 and so, what we have done is then through the intake
23 squad centralized all use of force investigations,
24 will be still conducted by the investigations
25 division. That that intake squad will then conduct

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2 those investigation in a timely manner and within 30
3 days. The bulk of those investigations will be
4 completed because those investigations will be done
5 you know thoroughly and completely and then resolved
6 with a pursuit of then discipline or closed with no
7 actions.

8 The remaining investigations that aren't you
9 know, able to be completed in 30 days because they
10 require you know, more extensive evidence collection,
11 the testimony of witnesses under OATH that has to be
12 scheduled etc. That smaller number of investigations
13 will be at some point during those first 30 days,
14 returned to an investigations division investigator
15 whose not on the intake squad to commence and
16 complete that investigation in a longer time period.

17 So, what this has done is, really identified a
18 way to really harness the value of what the Consent
19 Judgement identified in terms of the quality and the
20 content of an investigation but to eliminate some of
21 that what has been really, clearly identified as a
22 level of duplicity and then an administrative burden
23 which has not yielded the outcome and the ability for
24 us to build upon as you referenced on the
25 identification of unnecessary and excessive force and

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2 to really take that timely and apply that and learn
3 from it.

4 The investigations intake squad, in order to
5 commence that here in 2020, they had to clear their,
6 those investigators, those 40 investigators had to
7 clear their backlog first. So, they've started clean
8 and so, through the end of calendar '19 in the last
9 few months of calendar '19, investigations division
10 worked closely with the Nunez Monitor and his Deputy
11 Monitor and Associate Deputy Monitor to identify a
12 way for those intake investigators to bucketize and
13 then resolve their investigations, to in fact clear
14 that backlog.

15 And that process yielded accurate and agreed upon
16 and really productive results and so, that same
17 process that cleared about 2,000 cases for those
18 intake investigators is now the process that the
19 remaining investigators in ID are using with the
20 Monitors oversight to clear any remaining cases on
21 their backlog. And so, we expect that all of those
22 use of force backlog cases from up and in through
23 calendar '19, which is referred to in the Monitors
24 report, will be resolved in these coming months and I
25 would note that you know, the ID unit on a much

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2 smaller scale had identified and you know, aligned
3 with a similar process of a case review investigation
4 and closure that was effective as it related to our
5 PREA Prison Rape Elimination Act investigations and
6 streamlined and identified a process to become very
7 successful at the timeliness of those cases,
8 investigation and any resolving any backlog that
9 previously existed in years past.

10 And so, we absolutely believe with work that has
11 been done with the Monitor and with their oversight
12 and concurrence that these are the paths to success
13 to maintain the quality of investigations but a more
14 timely investigation removing duplicity, taking
15 investigations away from and returning to the
16 facility level because that was you know, again, for
17 the reasons I identified. It's all going to be
18 centrally located out of ID. We can move swiftly to
19 charges and discipline through trials by partnership
20 in that intake squad where appropriate.

21 COUNCIL MEMBER AMPRY-SAMUEL: Okay, thank you.

22 CHAIRPERSON POWERS: Okay, I have a number of
23 questions and then I think there is a follow up
24 question from Council Member Holden. I just wanted
25 to go through some of these first.

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2 I wanted to go through some of the
3 recommendations from the Nunez Monitor. The first
4 being, they made a whole host of recommendations; one
5 being that the DOC scale back its overreliance on
6 prob teams, who they state at times can escalate
7 rather than deescalate a situation. Does the
8 Department agree with that assessment?

9 BRENDA COOKE: Yes, we do because I think if we
10 are all under the same understanding of a prob team,
11 a prob team is a B-level incident response in the
12 Departments incident command system. And so, an A-
13 level response still has assistance provided to staff
14 arrive on the scene of an incident or alarm or some
15 precursor disturbance but that A-response is referred
16 to as a de-escalation team. The B-response team,
17 which is a prob team comes with you know, their
18 suited up in their gear. It's a group of officers
19 plus the supervising captain and so, when you arrive
20 on scene with that extra equipment and tools, the
21 presence of that prob team certainly signifies
22 something and communicates something and we
23 acknowledge and we recognize that. We want to see
24 more incidents in precursor disturbances resolved at
25 the A-level.

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2 And so, we agree with the Monitor, we made
3 revisions to our command level policy with respect to
4 that B-level response, the prob teams because what we
5 identify and the Monitor shares in that
6 identification is that supervisory assistance and you
7 know, things that the Commissioner and the Chief were
8 referring to before.

9 And so, what we made clear in revisions to the
10 policy, with respect to the response prob teams is
11 really about not so much the prob team but actually
12 the supervisor who should be responding to the area
13 first, while the prob team is responding to the
14 staging area to get their equipment and their prob
15 team supervisor.

16 So, who is that area supervisor, that captain,
17 who should be responding to that area first and
18 helping that officer whose you know, sounded an alarm
19 because they have some type of fear or concern that
20 they need support.

21 And so, you know, that captain should be
22 responding to that area and so we provided some
23 additional level of detail and instructions to what
24 the expectations of that captain are and I'll let the
25 Chief talk about that in just a moment but the other

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2 item that we added clarification and expansion in the
3 policy to address the Monitor's stated concern was to
4 the tour commander which is the ADW, the Assistant
5 Deputy Warden.

6 And so, the Assistant Deputy Warden Tour
7 Commander is operating, is overseeing the operations
8 of a jail on any particular tour. And so, again,
9 adding some clarity for expectations for those two
10 supervisory roles, so that not that an officer still
11 wouldn't request that and call for that assistance
12 including it be alarm, a prob team response but that
13 we would be interceding with supervisory support to
14 identify whether or not in fact having that prob team
15 march into that area was in fact necessary and
16 required. And so, I'll let the Chief talk about
17 those supervisory expectations.

18 HAZEL JENNINGS: So, what we had did was that we
19 went into the incident command level which gave
20 levels A through D that Brenda has previously spoke
21 about and we worked with the Monitor just of latter
22 to actually revise our policy to talk about the
23 expectation of the captain, the control room captain,
24 looking at live monitoring feed to be able to provide
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2 the tour commander with tools to make the best
3 decision.

4 So, for us, when a prob team responds, it ties up
5 the entire facility. It actually stops all services.
6 So, we have staff who are predetermined and they are
7 divided up into sectors of the facility, so that when
8 it's isolated, the rest of the facility could
9 actually flow and have normalcy.

10 So, those are some of the things that we had done
11 to correct that behavior.

12 CHAIRPERSON POWERS: Okay, and those policies are
13 in place today?

14 HAZEL JENNINGS: That's correct.

15 CHAIRPERSON POWERS: When did they start?

16 BRENDA COOKE: The policy was revised last year
17 but I think it was October, November.

18 HAZEL JENNINGS: In October I believe.

19 CHAIRPERSON POWERS: Do you have any numbers on
20 the use of prob teams since those changes in terms of
21 use, before use, after?

22 BRENDA COOKE: We can get you the alarm
23 responses, the A's and the B's for the latter half of
24 last year to date.

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2 CHAIRPERSON POWERS: Okay. Another
3 recommendation was about the problem with having
4 staff who are not consistently assigned to the same
5 post within facilities. It essentially creates no
6 continuity in the relationships with both people in
7 custody and supervisors and to "the Monitor has
8 prevented development of constructive relationships
9 between staff and supervisors and these transitions
10 compromise continuity and messaging and supervision.

11 Does the Department agree with that assessment?

12 CYNTHIA BRANN: Yes.

13 CHAIRPERSON POWERS: And can you tell us how you
14 are addressing that recommendation?

15 CYNTHIA BRANN: So, we are addressing that with
16 the Unit Management protocol and we are starting in
17 RNDC, where we have already steadied staff, not only
18 on their tours but on their posts and with their
19 captains as well and breaking down the larger
20 facility into smaller housing units.

21 That develops the relationship between the
22 officers and the people in our custody and we will
23 role that out across the agency. That's not the only
24 place that we've steadied staff, not only on their
25

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2 tour but their post and so, we're doing it as we go
3 along.

4 I do want to remind everyone that our officers do
5 have the right by contract to be on what we call the
6 wheel and that allows them to be scheduled on any
7 tour at any post. And that is contractual and so, we
8 can't eliminate that for them but we agree that
9 steady staff and steady tours and steady posts are
10 the way to go.

11 CHAIRPERSON POWERS: And when do you expect that
12 that is going to be - did you guys just do a new
13 contract?

14 CYNTHIA BRANN: We're in the process.

15 CHAIRPERSON POWERS: In the process and this
16 isn't something you're considering discussing as part
17 of the contract?

18 BRENDA COOKE: I think we weren't going to
19 discuss particulars of the negotiations but certainly
20 to the extent that the Commissioner has identified.
21 You know, we agree and the Department agrees you
22 know, with the steading up of posts, and as I
23 mentioned earlier, we have focused first on our, as a
24 facility wide basis, our RNDC, our young adult
25 facility and studied up the greatest number of post

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2 there possible and then throughout the Department at
3 other facilities, there are a significant percentage
4 of staff have a steady tour, if not also a steady
5 awarded post.

6 CHAIRPERSON POWERS: Okay, and when is the
7 timeline that you expect that will happen at other
8 facilities?

9 BRENDA COOKE: It's underway, it's underway.

10 CHAIRPERSON POWERS: Okay, so, just as a follow
11 up question, when for instance the borough based
12 facilities open, is the expectation that those would
13 have steady staffing or more steady staffing?

14 BRENDA COOKE: That's our expectation for now in
15 moving forward, even before the borough based
16 facilities.

17 CHAIRPERSON POWERS: And why was RNDC chosen as
18 the first one to do that?

19 BRENDA COOKE: Because RNDC, well, RNDC is a
20 young adult population predominantly which the 18
21 year old's are a specific focus for the Consent
22 Judgement and we were identifying that proof of
23 concept for unit management at a building of 6,000
24 units at RNDC and so, we were adding that there and
25 setting up staff for purposes of unit management.

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2 It goes hand and hand, so that makes sense.
3 We're also rolling out the Institutes outward
4 mindset, culture change at RNDC facility wide as our
5 first facility currently. So, that it's a package of
6 training and operations that we are - that are
7 working in synergy with each other at that one
8 facility focused and then we're moving forward
9 through other facilities and Department staff.

10 CHAIRPERSON POWERS: Okay, the Monitor also found
11 an overwhelming lack of consensus about what
12 constitute the use of force or misuse of force across
13 line staff at facility level leadership and more and
14 discrepancies around whether and when force is
15 necessary, unnecessary, avoidable, unavoidable or
16 excessive proportional. Does the Department agree
17 with that assessment?

18 CYNTHIA BRANN: That's not an easy yes or no
19 answer, because we have put things in place that have
20 changed that and that report ended in June of 2019.
21 And so, while we may have had that, we have improved
22 in that and as I mentioned in my testimony, we have
23 been focusing on not solely the number of uses of
24 force but what is an avoidable characteristic and so,
25 we started off the year very high. We ended at a six

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2 percent rate and there was 66 percent decrease in the
3 avoidable use of force.

4 And so, I believe that what we've put in the
5 place with the retraining and with the transfer of
6 learning at roll calls, that has enhanced our ability
7 to agree across the agency on what is an appropriate
8 use of force.

9 CHAIRPERSON POWERS: Okay. Can you give an
10 example of when an incident that was debriefed or can
11 you give us an example of some of that new training
12 and how it is - any sort of changes you've seen in
13 terms of particular incidents?

14 HAZEL JENNINGS: So, what happens with the
15 transfer of learning, is that the mentor captains,
16 they go out at roll call and biweekly, there are
17 video selections where we are giving deliberated
18 scripts. So, that when they address the staff,
19 everyone is saying the same thing. And they are out
20 and they are indulging the staff at roll calls and
21 then once a week, there is a meeting that's held with
22 our Nunez compliance unit, in which we implement it
23 with the management staff, Deputy Wardens and above
24 and in ID.

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2 And so, what happens is that we go over a slew of
3 incidents, we talk about their trends either upward
4 or downward with uses of force, we go over video, we
5 talk about how this happened, if it could have been
6 avoided and then, it's about a concept of now
7 everyone is more aligned. Because when we first
8 started, the facilities felt one way and their
9 investigations division felt another way and now, we
10 have aligned where everyone is seeing it from the
11 same lens with our management staff.

12 CYNTHIA BRANN: I would just like to add in
13 there, in the transfer of learning at the roll call,
14 everyone about to go on tour see video and the mentor
15 captain asks questions and they respond by using an
16 electronic clicker. And so, you can see in real time
17 how many people in that roll call understand whether
18 this was good, unnecessary, avoidable, the different
19 characteristics of different questions.

20 And then, there's a discussion about that
21 particular incident. There's a retesting at the end
22 and so, you can see in real time whether or not they
23 understood the concepts discussed there. And then,
24 you can take that information and you can use it
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2 using a comparative data and overtime to see how
3 we're improving.

4 CHAIRPERSON POWERS: And when did you implement
5 that, the learning, you're talking about with the
6 clickers?

7 CYNTHIA BRANN: 2019.

8 CHAIRPERSON POWERS: Last year.

9 BRENDA COOKE: March of last year.

10 CHAIRPERSON POWERS: Okay. I'm going to shift to
11 a few more categories and the first is use of body
12 scanners in the jails. Something that I believe the
13 Department got authority for in 2018, I believe in
14 Albany and can you tell us about for starters, where
15 are you in terms of implementing the body scanners in
16 the city jails?

17 HAZEL JENNINGS: So, currently, we have body
18 scanners in four facilities. We have two in OBCC,
19 two in AMKC, one in RNDC and one in GRVC, which is
20 fully installed and operational and we have currently
21 one in NIC, in EMTC and VCBC that are currently
22 offline and we're just waiting for the updates so
23 that we can operationalize those body scanners.

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25

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2 CHAIRPERSON POWERS: Okay, and can you tell us
3 about how many weapons have been recovered? Sorry,
4 they started in was it July of last year?

5 BRENDA COOKE: Yes.

6 CHAIRPERSON POWERS: Okay, and can you tell us
7 how many weapons have been recovered since you've
8 implemented body scanners?

9 HAZEL JENNINGS: Yes, so, currently, the
10 contraband recovery is 91 items. So, it's 66 weapons
11 and 25 contraband other.

12 CHAIRPERSON POWERS: Okay, and how many of those
13 were recovered after someone was placed in separation
14 status housing?

15 HAZEL JENNINGS: So, we have — do you have that
16 number because I have how many people refused, 28 and
17 then our contraband numbers are broken down. How
18 much was recovered, do you have the beginning?

19 BRENDA COOKE: Yeah. So, 19 items, 17 weapons
20 and 2 non-weapons were recovered after surrendering
21 prior to being scanned.

22 CHAIRPERSON POWERS: Can you restate that? 19
23 weapons?

24 BRENDA COOKE: 19. 17 weapons and 2 non-weapons,
25 so 19 total items.

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CHAIRPERSON POWERS: Were recovered after?

BRENDA COOKE: Prior, prior to, yeah. So, the person is standing before the machine and says I'll give you what I have.

CHAIRPERSON POWERS: Oh okay, I gotcha, gotcha. Okay, and the rest would be after the person was placed into -

BRENDA COOKE: No, the 59 total items were surrendered after a positive scan. 38 of those items were weapons and 21 were non-weapons. So, those 59 total items came after using the scanner, aware of a positive scan and again, so those folks did not go to separation because they surrendered the items.

CHAIRPERSON POWERS: Are there repercussions for an individual who surrenders an item before they go through the scanner?

BRENDA COOKE: In terms of repercussions, you know, obviously, the extent that an item is an element of contraband, there can be an infraction and should be a Departments disciplinary process pursuit for that but that's the repercussion.

CHAIRPERSON POWERS: So, if an individual before going into the scanner says, I have an item and I

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2 will give it to you, they could face consequences for
3 that?

4 BRENDA COOKE: They could, I mean but obviously,
5 you know, the Department, there is discretion and to
6 the extent that our intent here is to recover
7 dangerous items and remove them from circulation and
8 use in our facilities. You know, there is, I would
9 say certainly latitude for the Chief of Department
10 and the Bureau Chief of Security and their staff to
11 reach compromise in order to obtain the items, create
12 safety and remove the weapons.

13 CHAIRPERSON POWERS: Okay, and am I right saying,
14 is Manhattan the only facility that does not have
15 scanners today?

16 BRENDA COOKE: Correct, in Rosie's the female
17 facility.

18 CHAIRPERSON POWERS: In Rosie's and when is the
19 Manhattan facility expected to -

20 BRENDA COOKE: At this point, I don't believe
21 that we're going to install a machine in Manhattan.
22 In part because of the Bureau based facilities and
23 the logistical challenges of getting a scanner, it's
24 too big to fit into the Manhattan facility.

1
2 So, for Manhattan, we transport individuals. We
3 still have the machine in the Brooklyn space and we
4 can use that facility or other facilities.

5 CHAIRPERSON POWERS: Do you transfer the
6 individual there to get scanned and then every house
7 in Brooklyn.

8 BRENDA COOKE: No.

9 HAZEL JENNINGS: Brooklyn house is currently
10 closed.

11 CHAIRPERSON POWERS: Yeah, right, so you're just
12 bringing them there to scan them.

13 BRENDA COOKE: Correct or another facility, yes.

14 CHAIRPERSON POWERS: Okay, and then there was a
15 question about training with individuals about using
16 the body scanner.

17 BRENDA COOKE: So, if I could just finish the
18 data for you.

19 CHAIRPERSON POWERS: Sure, sorry, yeah sure.

20 BRENDA COOKE: Yeah, so the number of contraband
21 items that were recovered after placement and
22 separation status, there was 23 items, 14 of those
23 were weapons and 9 of them were non-weapon
24 contrabands.

1
2 CHAIRPERSON POWERS: Okay, thank you, thank you.
3 The question I was asking, there was a – the BOC's
4 audit in November of last year found that 30 percent
5 of body scans were connected by staff who had not
6 completed all the required training in both radiation
7 safety and body scanner operations and 44 placements
8 and separation status initiated by those who had not
9 been trained at all.

10 Can you tell us, give us an update on training
11 for using the scanners?

12 BRENDA COOKE: Sure, so, that information that we
13 received from the Board of Correction as the Chief
14 identified was concerning and so the Department went
15 and conducted our own audit of the information
16 received. We referred for action for a full
17 investigations in discipline. Those incidents that
18 we also concurred identified that staff who had
19 either not received training were operating the
20 machine or using the machine had received training
21 possibly but using the machine, using another
22 operators log in.

23 And so, after our video, preliminary video review
24 and review of evidence documentary evidence, we
25 forwarded that to investigations. Since then, we

1
2 have implemented an audit protocol where we are
3 auditing the use of the scanning machines and have
4 provided and posted lists of staff who are authorized
5 and trained to use the machines at each facility.

6 We also identified additional staff that could in
7 fact be trained based on their post assignments that
8 are in that area, so that we have as many staff in
9 the intake area as the facility is trained as
10 possible.

11 We also have staff within the other divisions of
12 the Bureau Chief of Security, who have been
13 identified and have been trained on the image
14 analysis and review in addition as well and because
15 those layers of oversight, in order to review the
16 images and the scans and make determinations about
17 who should be placed into separation housing who
18 believe to be having in their person a weapon or an
19 item of contraband, there's layers of review and
20 process and procedure to that and so, we identified
21 additional people up that chain that can also be
22 trained and they have been.

23 So, that's the current status and we'll continue
24 to review like I said and audit and identify
25 additional staff that get newly assigned to posts in

1
2 those areas to be trained prior to assuming the post
3 as well.

4 CHAIRPERSON POWERS: And I do think individuals
5 should all be trained here and I think as I
6 understand it, some folks are you know, the logistics
7 of it at times where the individual has to go through
8 a body scan in Manhattan and the person who is
9 trained there, there is this sort of you know, you
10 have to get the person, you want to get the person
11 scanned. You may not have an available person there
12 who can go through the training. I think it's
13 important that people recover those weapons and the
14 contraband but also that we have individuals who are
15 trained to be able to do it and I understand that
16 sometimes there's a logistical issue with having an
17 individual nearby who - your shaking your head.

18 HAZEL JENNINGS: So, no, so what we've done is
19 that we've made sure that we have a lot of additional
20 training sessions to persons and that each tour
21 commander has a list of available staff in their
22 facility who are trained to operate the body scanner.

23 CHAIRPERSON POWERS: Okay. Just one last
24 question here. The body scanners was a bill in
25 Albany that if I understand it, the city had back and

1
2 forth with Albany in terms of trying – or actually
3 had the scanners and then had to get authority to use
4 them from Albany.

5 You know, I think there is certainly need for
6 training. I think there is certainly a need for
7 appropriate use and making sure that we're
8 maintaining appropriate use of the scanners. On the
9 other hand, if you look at some of the numbers,
10 they're recovering weapons and I think it's one tool
11 of many that can be helpful to the Department in
12 terms of ensuring that we are recovering weapons and
13 as long as they are being appropriately used, can be
14 used to be an important measure for safety and
15 reducing serious injuries in the jails.

16 Are there other measures, whether it's
17 legislation in Albany or legislative measures down
18 here in the City Council, budgetary or others that
19 the Department is, let's talk about Albany or in the
20 City that the Department is asking for, doesn't have
21 the authority or doesn't have the resources for when
22 we talk about any of the issues, whether it's around
23 reducing use of force, training, whether it's
24 reducing staff assaults. Any of the things we're
25 talking about today. Are there other measures that –

1
2 and I add that because the Council did add its voice
3 to that discussion in Albany. Are there other issues
4 or measures or resources that you feel the City
5 Council can be helpful to or support of in terms of
6 ensuring safety in our facilities?

7 BRENDA COOKE: I think that you know, the City
8 Council did its biggest and obviously most dramatic
9 show of support in granting the ULURP application for
10 new facilities which are new borough based facilities
11 will be a tremendous step forward in safety and
12 modernization and for those both who live and work in
13 those facilities.

14 Aside from that, which we obviously are very
15 grateful and thank the Council and the Council Member
16 for your support. I can't think of anything
17 particular that comes to mind presently that is a
18 legislative item or something along the lines of you
19 know, body scanners or training. We certainly have,
20 the Department has been provided and we acknowledge a
21 tremendous support in resources from this
22 administration and you know, it is work that we are
23 putting in every day and I think what you saw and
24 heard from us today reflective of the culture change
25 outward mindset and that what we saw in our trip to

1
2 Norway and what we've taken from dynamic security and
3 how we get there from here. It's not about a body
4 scanner tool, it's about as referred back to me
5 conversation with Councilwoman Rivera, it's about
6 seeing people as people and how can we find and
7 identify and support our staff in a path forward that
8 creates safety through something other than you know,
9 a physical implement or a tool, a physical variety or
10 a command in control and how can we actually gain
11 greater compliance through understanding each other
12 in that way.

13 I would also add that you know, I know we're here
14 today and a lot of the talk has been with respect to
15 the Monitor's report which the data that the
16 Monitor's report covered and in June 30th of last
17 year. And obviously the Department has you know,
18 been working every day throughout the calendar year
19 of '19 and through calendar year '20 to date and we
20 take these matters seriously every day. And we just
21 closed out, I know that Chief Jennings mentioned when
22 she was rattling off all of her data to you earlier,
23 with respect to the use of force over the four month
24 period at the end of 2019 and then January 2020's
25 numbers.

1
2 That when we look at our force numbers and our
3 other violence indicator numbers from 2020 compared
4 to calendar year January of 2019, that we are seeing
5 improvement that is heartening and that tells us that
6 what we are doing is making a difference and making a
7 difference in the right direction.

8 And so, we had approximately 100 fewer uses of
9 force in January of 2020 then we did in January of
10 2019 and that far exceeds any rate reduction of you
11 know, in consideration of our reduced population, we
12 saw fewer assaults of staff including assaults of
13 staff with serious injury in January of 2020 than
14 January of 2019.

15 And so, while I know that we all would want to
16 see progress that is greater and with greater speed,
17 you know, this is a process that takes time and rest
18 assured we are working every day very hard and our
19 staff are working very hard and we are going to get
20 this right.

21 CHAIRPERSON POWERS: Just in terms of we're going
22 to have a budget hearing not in short order, I assume
23 you are talking to the Mayor's Office about budgetary
24 needs and we certainly, this is I would say the
25

1
2 highest priority issue for everybody here including
3 City Council.

4 We certainly would like to see and I see the
5 Mayor's Office here as well, resources here to help
6 reduce this problem as part of the City budget and
7 notably, I think in the last two budgets, we've been
8 asking questions about a training facility for folks
9 that work in the Department. We, I think last year,
10 asked about some technological upgrades to move us
11 off from paper to using technology. I would restate
12 our strong interest in seeing those items. I'll
13 speak as Chair, my interest in seeing those items be
14 reflected and not just reflected in monetary value
15 but reflected in actual commitment to do that, and I
16 say that because in addition to the ULURP, I think
17 you know, it would be fair criticism of all of us to
18 say we did a ULURP and we failed to address the issue
19 of the training facility for instance.

20 And so, I'm saying this as we approach budgetary
21 time that I think our budgets reflect our values here
22 in addition to our needs and I think that we should
23 be looking to addressing many of those needs in this
24 budget in a very real way.

1
2 I just want to add, I think there's a follow up
3 question from the two colleagues and then we will be
4 moving on but I'll give a question to Council Member
5 Holden and then Council Member Rivera.

6 COUNCIL MEMBER HOLDEN: Thanks for round two
7 Chair. Just to follow up on the academy or the
8 training facility, which is in my district in Middle
9 Village and you know, I visited there when I first
10 came to the Council, it's not good to put it mildly,
11 it's not good. So, where are we with the academy,
12 the training facility?

13 BRENDA COOKE: So, I'll let the Commissioner
14 answer with respect to what we're presently doing in
15 terms of training space, but the Administration is -
16 we're still working closely with the Administration
17 to identify an appropriate site to move forward with
18 but there is certainly pressure from our Nunez
19 Monitor and an interest, I know Council Member Holden
20 we appreciate your interest and support and
21 identification of potential sites for us to consider
22 as well.

23 And so, it's a process that is underway but we
24 don't have a site that can -

1
2 COUNCIL MEMBER HOLDEN: Yeah, we heard that two
3 years ago and that's the problem here because we just
4 keep kicking the can down the road here. So, we're
5 either going to get a good facility and respect the
6 correction officers and give them the proper training
7 and the proper facility or we're just going to keep
8 saying we're looking for a location.

9 We have to make it a priority and the
10 Administration has to do that and you know, I
11 appreciate your efforts but we - I mean, it's not up
12 to me to find a site. I can say rebuild you know,
13 Rikers and put it over there or put it on Rikers
14 where you have space now or take an existing building
15 and renovate it. That should be a plan but you know,
16 that's another issue but we should give the
17 Correction Officers proper facilities and proper
18 training. The police have a great facility in
19 College Point. I don't know why the Correction
20 Officers don't deserve the same.

21 I just want to talk about you know, in speaking
22 direct to Correction Officers, they tell me that the
23 same individuals are committing the same acts of
24 violence against, not only other inmates or detainees
25 but Correction Officers.

1
2 So, they go into punitive seg, they get out, they
3 do it again, they go back to punitive seg, it's a
4 revolving door. What could be done with those
5 individuals that are doing the same thing, it's
6 really a small percentage that are committing much of
7 the crime, according to the Correction Officer.

8 BRENDA COOKE: And I don't disagree with that
9 characterization from our Corrections unions. You
10 know, the Department historically and even most
11 currently, when we look at data and we look at who is
12 driving incidents, whether or not it be incidents of
13 violence, you know, fights between each other,
14 assaults between each other, assaults on our staff or
15 even involvement in necessitating the use of force.

16 When we look at those numbers, the drivers of
17 about a quarter to a third of the incidents month
18 over month is about 50 individuals and so, we're
19 talking about some folks who have persistent - we
20 have persistent challenges managing you know, both
21 their behavior and their compliance and quite frankly
22 their violence.

23 And so, the department is working to identify
24 with the use of data and greater technological
25 advancements that we have established over the past

1
2 couple of months to really drill into the specifics
3 of data to see times of day, days of week, you know,
4 a staff who have been you know, working well or
5 working maybe, and we've seen this by incidents. And
6 so, how can we really through an analytical
7 presentation of a level of detail of our captured
8 data. We've brought that together into a platform
9 referred to as a facility risk dashboard and you can
10 drill down into the levels of specificity with
11 respect to both staff and people in custody.

12 And so, the facilities are working on data driven
13 solutions to identify how can we partner with each
14 other and Department of Corrections, with the
15 Correctional Health Services to really develop
16 individualized plans to approach the management most
17 successfully. Because clearly, with those
18 individuals and that cycle of volume of activity you
19 know, what we've been presently doing is not working
20 consistently if it's working at all.

21 And so, I think you know, the Chief, without
22 discussing the particulars of identities, I think can
23 talk about you know, an example of that from NIC
24 Chief I think if you want to talk about that one.

25

1
2 HAZEL JENNINGS: Alright, so, I'm sorry. So,
3 what we have put together on a weekly basis is to
4 discuss these challenging persons and how best to
5 engage them and to provide them with mentoring
6 officers also. So, that they have relationships with
7 to kind of help control the behavior and then,
8 working with CHS to come up with behavior programs
9 for each one of the persons because sometimes it's
10 done on a small scale.

11 You know, most of them, we know, everyone knows
12 by their name and you know sometimes it takes for
13 other people to go out to have these conversations to
14 talk about what could be done. You know, if it's a
15 matter of reducing commissary, because the reality of
16 it is, is that no one can live in punitive
17 segregation. So, just having alternative housing,
18 smaller settings, more staff, better staffing levels
19 to those persons so their not in the average general
20 population.

21 COUNCIL MEMBER HOLDEN: Right, but could I just
22 jump in there for second because much of it could be
23 - I mean I heard stats from, let's talk about Rikers,
24 40 percent of the people that are housed there or
25 incarcerated there have mental illness.

1 HAZEL JENNINGS: Right.

2 COUNCIL MEMBER HOLDEN: And if the same person
3 keeps doing violence in the jails, why don't we have
4 a mental health facility there or do we? Why can't
5 we have a separate facility where these people have
6 moved into - and get the help they need, rather than
7 just keeping this punitive seg, they get written up,
8 they have to go to trial and then they get charged
9 with another crime and then we go back and you know,
10 and then even when they get out they commit another
11 crime and they're back.

12 So, I think we need and that would be for the
13 Commissioner, has that come up? A mental health
14 facility just separate and apart?

15 CYNTHIA BRANN: Not on Rikers, but I believe as
16 we're moving towards the borough based jails, we have
17 plans in place for therapeutic housing for those
18 individuals.

19 COUNCIL MEMBER HOLDEN: No, but was it talked
20 about in Rikers? This has gone on for years.

21 CYNTHIA BRANN: There was a 1,500 bed mental
22 health facility that was planned prior to 2014 and
23 those plans were shelved.
24
25

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2 COUNCIL MEMBER HOLDEN: Just shelved and so now
3 we're seeing the ramifications of that in increased
4 violence and when people get out, they just come
5 right back. So, that should have been done in 2014
6 and I don't know why it wasn't done but that was a
7 good idea. Because we're seeing mental health issues
8 in you know, everywhere in the population but
9 certainly in Rikers. It seems to be the same people
10 are doing the same thing over and over again that
11 it's a mental health issue.

12 BRENDA COOKE: So, we have AMPC is our largest
13 facility with those that have either mental health,
14 mental observation or serious mental illness needs
15 and are housed there in large part.

16 And so, the Department is working with CHS to
17 double the number of what's referred to as PACE,
18 Programs for Accelerated Clinical Effectiveness,
19 which are in fact units designed for those with
20 mental illness and so, the Department is doubling
21 that capacity and will be completed with that
22 doubling this year in calendar '20.

23 And so, we are expanding those specialized mental
24 health units. We have mental observation units, we
25 have added some additional program units for mental

1
2 health program services that CHS has requested over
3 the last year in order to again, to concentrate the
4 housing of those individuals who are their patients
5 who can receive the best care in that setting.

6 And so, we are working everyday with CHS to
7 identify you know the best housing for them and many,
8 many, many of them are at AMPC. We have a lot of
9 specialized clinical health treatment opportunities
10 at that facility and so that's why the majority of
11 them are in fact housed there.

12 CYNTHIA BRANN: I would just like to give you one
13 example of what the Chief was talking about at NIC.
14 So, there is a gentleman there who is one of the
15 drivers of use of force and incidents and after the
16 team got together and spoke about his needs and his
17 issues, it was determined that this gentleman likes
18 attention. And so, he'll engage in activities to
19 garner attention from the staff.

20 So, we gave him positive attention. We gave him
21 a job, which he wasn't engaged in before. So, now he
22 has positive attention, he has a Mentor Officer, he's
23 out and engaged in the facility and doing something
24 positive. And so, not everyone with a mental health
25 issue needs the care of a PACE unit or a mental

1
2 health facility. They just need their individual
3 needs addressed and it might be as simple as -

4 COUNCIL MEMBER HOLDEN: No, it's complicated I
5 know and I appreciate that part of it but that's what
6 we, we need actually mentors or somebody to talk to
7 the person sometimes to get you know, into their
8 psyche but yes, it is complicated but that's why we
9 need personalized attention. But you just mentioned
10 a case which is encouraging but we need more of that,
11 rather than just like get over there, discipline
12 stuff. We really need a mentor, especially for the
13 younger population and I guess that's happening.

14 COUNCIL MEMBER HOLDEN: One other thing -

15 CHAIRPERSON POWERS: We have to move on. We have
16 to keep going. We have Council Member Rivera.

17 COUNCIL MEMBER HOLDEN: Alright, okay, okay,
18 alright, I got the hook. Thank you, alright, that's
19 alright.

20 COUNCIL MEMBER RIVERA: That Bob. I just have a
21 question on the culture change, the trainings, the
22 plan. Is there any special attention given to some
23 of the violence that is experienced by our
24 transgender, gender nonconforming, nonbinary
25 individuals?

1
2 CYNTHIA BRANN: so, we have – that’s a broad
3 question and that’s not an easy answer with regard to
4 how we are reacting to that, it’s multilayered. So,
5 when folks come into our custody, they are assessed
6 for risk for victimization or for aggression and they
7 are housed according to gender identity and
8 preference.

9 And so, the staff have been trained in issues
10 that effect transgender population. There is
11 constant contact with our Director of LGBTI issues in
12 the facilities. So, she makes personal visits to
13 folks in our custody to address any concerns and
14 issues. Our PREA team is also involved. There’s
15 PREA Ambassadors and PREA Compliance Managers in
16 every facility who also make those rounds on a daily
17 and weekly basis to make sure that folks are housed
18 accordingly and the issues are addressed.

19 BRENDA COOKE: We also have trauma informed care
20 training that is rolling out throughout the
21 department including, as I know Deputy Commissioner
22 Townsend has testified before the Board of Correction
23 previously FETI training and I won’t tell you what
24 the acronym stands for because I’m not sure, but it’s
25 FETI and that is in fact trauma interviewing and

1 training as their investigators are working on both
2 PREA and non-PREA related investigations and
3 incidents and addressing you know, how to approach
4 and how to interview and gather information from
5 those that have experienced trauma in the past and
6 including if trauma during our care.
7

8 And so, I think raising our level of opportunity
9 and awareness and sensitivity to how to approach
10 circumstances with folks who have come to us with a
11 variety of backgrounds and experiences but to be as -
12 to give our staff the greatest amount of tools
13 possible through both training and facilitation and
14 support in carrying out those duties and
15 responsibilities is one of our primary focuses.

16 COUNCIL MEMBER RIVERA: And thank you Mr. Chair
17 for the time. I just want to ask, you said, trauma
18 informed care is rolling out. What does that mean
19 exactly? What's the timeline? Thank you so much.

20 BRENDA COOKE: Yeah, so, we've been in
21 partnership with the office in gender and domestic
22 based violence. We've had trainers trained in that
23 trauma informed care training and those trainers are
24 now - we are identifying staff and the staff are
25 going through training in the Department of

1
2 Corrections. So, that's an initiative that began in
3 2019 and is continuing to date.

4 CHAIRPERSON POWERS: Just one follow up question.
5 Use of force in the Captain PACE units, can you tell
6 us how many use of force incidents there were last
7 calendar year in Captain PACE?

8 BRENDA COOKE: I don't have that level of - I
9 don't believe we have that level of specificity
10 instead of the housing unit type but we can certainly
11 get that back to you.

12 CHAIRPERSON POWERS: Do you know how many use of
13 force in a Use of Force A there were?

14 BRENDA COOKE: I don't know of the 66 use of
15 force, I mean, the assault on a staff member. I
16 don't know of the 141 I believe there was in calendar
17 '19. I don't know how many were in either CAPS or
18 PACE, but I can tell you that both CAPS and PACE see
19 far reduced levels of incidents including those
20 serious incidents than other units in our Department.

21 CHAIRPERSON POWERS: I'm asking because I think
22 the answer might be zero and so, that does at least
23 suggest there's something in the units we're talking
24 about with the severe mental illness that may be
25 working including the increased presence of staff and

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2 layers of staff in there and I think you know,
3 without having a conversation about that particular
4 set of units relative to others, it does suggest
5 there's something that works there.

6 BRENDA COOKE: Yeah, I think what we see that's
7 transferable and I think what you're getting at. I
8 just don't want to misspeak in terms of the data but
9 those are very, very low levels of incidents with
10 those in those units. But I think what we see is a
11 close collaboration in those units and a unit
12 management type approach but the unit management is
13 conducted by both correctional health, CHS staff and
14 clinicians and Department of Corrections staff.

15 And so, I think as we identify that as certainly
16 transferable regardless of you know, mental health or
17 other service type need, that that unit management
18 approach and everyone working together in concert to
19 meet the needs and to minimize the you know, the
20 negative outcomes and those circumstances that can
21 lead to that is our best approach. And that is why
22 we are rolling that out presently at RNDC and then
23 we'll be through proof of concept at the rest of the
24 department.

1
2 CHAIRPERSON POWERS: Okay, thank you for your
3 testimony. Thank you for answering the questions and
4 one thing I noticed somewhere in this report and I
5 was looking for it, you know, mentions the
6 Departments need to navigate various regulatory
7 hurtles that exist between City and state and I think
8 maybe potentially federal entities here and I don't
9 assume that excludes the City Council here.

10 So, we are always you know, happy to coordinate
11 with other agencies and regulatory bodies to figure
12 out how to be most helpful to solving some of the
13 problems we're talking about. I couldn't mention the
14 other recommendations and not raise that one that was
15 in there and certainly will seek opportunities to do
16 that, but the oversight and the ability for us to do
17 I think is also important and helpful. But where we
18 could be helpful to helping solve some of the
19 problems, you certainly have our support to do that.

20 CYNTHIA BRANN: Thank you.

21 CHAIRPERSON POWERS: Thank you for your
22 testimony. We are going to move on and we will send
23 over some follow up after the hearing as well. Thank
24 you.

25 CYNTHIA BRANN: Okay, thank you.

1
2 BRENDA COOKE: Thank you.

3 HAZEL JENNINGS: Thank you.

4 CHAIRPERSON POWERS: We will now be calling up
5 from the Board of Corrections Margaret Egan and Emily
6 Turner. Thank you for everybody's patience here.

7 Thank you, before you start, we have to swear you
8 in.

9 COUNCIL CLERK: Could you both raise your right
10 hand and state your names please.

11 MARGARET EGAN: Margaret Egan.

12 EMILY TURNER: Emily Turner.

13 COUNCIL CLERK: Do you swear to tell the truth,
14 the whole truth and nothing but the truth and answer
15 honestly to Committee questions?

16 MARGARET EGAN: Yes.

17 EMILY TURNER: Yes.

18 COUNCIL CLERK: Thank you.

19 MARGARET EGAN: Good afternoon, morning,
20 afternoon Chair Powers and Members of the Committee
21 on Criminal Justice. I am Margaret Egan, the
22 Executive Director of the New York City Board of
23 Correction, the independent oversight agency for the
24 City's correctional facilities. I am joined by Emily
25 Turner, the Deputy Executive Director.

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2 As you know, our role is to regulate, monitor and
3 inspect the City jails in support of safer, fairer,
4 smaller and more humane jails. The Board monitors
5 conditions of confinement and compliance with our
6 Minimum Standards, documents systemic issues of a
7 problematic nature and informs policy decisions and
8 policy improvement with respect to the City's jails.

9 Since it's creation in the 1950's, the Board has
10 focused on data driven oversight to provide planning
11 assistance to the Department of Correction. While
12 the Board does not have the power or mandate to
13 manage the operations and services within the jails,
14 it does serve an important role in providing ongoing
15 transparency and accountability.

16 I recently joined the Board of Corrections as the
17 Executive Director and in my view, the Board has an
18 incredibly important role to play in moving the jail
19 system forward, particularly as we plan to move into
20 a borough based jail system. New buildings along
21 will not solve the challenges currently faced by the
22 Department. With a focus on data and research, as
23 well as qualitative assessment, the Board's
24 development, oversight and monitoring of thoughtful
25 progressive standards can assist the Department and

1
2 the City as it seeks to build a criminal justice
3 system that reflects the City's values and brings
4 dignity and respect to people held within, working in
5 or connected to the system.

6 We are here to discuss unacceptable levels of
7 violence in the jails. There is no one response that
8 will reduce levels of violence in the facilities and
9 the Board is committed to working with the Department
10 and all of our partners to identify a broad,
11 strategic approach to creating a safe and humane
12 environment for staff and people in custody.

13 Today, I will focus on just three of those areas;
14 restrictive housing, serious injury reporting and a
15 detection of contraband.

16 As you know, the Board has been working with the
17 Council, Department, Correctional Health Services,
18 COBA, City Hall and advocacy organizations to develop
19 comprehensive restrictive housing rules. The
20 Department has made great progress in developing
21 alternatives to punitive segregation, particularly
22 eliminating punitive segregation for adolescent and
23 young adults, excluding people with serious mental
24 illness and those with serious physical disabilities,
25 and limiting certain PSEG sentences. We believe that

1
2 a comprehensive set of disciplinary and non-
3 disciplinary – sorry, comprehensive set of rules for
4 disciplinary and non-disciplinary housing options can
5 improve safety for all in the jails.

6 The proposed draft rules on restrictive housing
7 are based on four core principles:

8 One, ensuring that people are held in the least
9 restrictive setting for the least amount of time
10 necessary to ensure their own safety, the safety of
11 staff, the safety of others held in custody and the
12 public.

13 Two, ensuring that those placed in restrictive
14 housing units or restrictive statuses are done so in
15 accordance with due process, and procedural justice
16 principles, including explaining disciplinary rules
17 and sanctions when people are first admitted to
18 custody, imposing proportionate sanctions and
19 applying rules fairly and consistently.

20 Three, promote the rehabilitation of people in
21 custody and reintegrate them into the community by
22 incentivizing good behavior, allowing people placed
23 in restrictive housing as much out of cell and
24 programming time as practical, consistent with safety
25

1
2 and security and providing necessary programs and
3 resources.

4 And finally, four, developing performance
5 measures and regularly reporting outcomes to monitor
6 and track compliance with these rules and core
7 principles.

8 The Board has held two public hearings, solicited
9 feedback from the advocacy community, COBA, the
10 Department, CHS, and the general public and as of
11 Friday, the period of public comment has ended and
12 the Board will seek to finalize the rules.

13 Turning now to the Board's reporting work as an
14 important component of its oversight, this work can
15 also aid the Department in and CHS in identifying and
16 working to solve these problems. One example is the
17 Board's work on summarizing data on serious injuries
18 to people in custody and auditing those serious
19 injury reports.

20 In January of 2019, the Board released the first
21 public accounting of serious injuries over time. The
22 report found that the Department reported 81 percent
23 fewer serious injuries than were diagnosed by CHS.

24 Following this report, in July of 2019, the Board
25 unanimously approved rules on prevention, reporting

1
2 and investigation of injuries. These rules require
3 the Department and CHS to issue joint, monthly public
4 reports on serious injuries. Both agencies have
5 committed significant resources to developing these
6 reporting protocols. WE are now closely working with
7 the Department and CHS to fine tune the protocols and
8 the reports themselves and hope to make these reports
9 public shortly.

10 We believe these reports will be an important
11 tool for the Board, Department, CHS, the Council and
12 the public to understand the types, circumstances and
13 rates of serious injuries occurring in the jails and
14 take informed, meaningful steps to address.

15 Finally, I want to discuss the Board's reporting
16 around the implementation of body scanners and
17 Separation Status, which as we talked about is
18 another form of highly restrictive housing. Body
19 scanners are a new tool that uses low-dose ionizing
20 radiation to detect contraband. When someone has a
21 positive scan or refuses to be scanned, the
22 Department concludes that the person possesses
23 contraband and places them in Separation Status. We
24 believe the detection of contraband is incredibly
25 important to the safety and management of the jails

1
2 and the Board fully supports the use of the body
3 scanners.

4 The Board released a report in January evaluating
5 the implementation of the scanners and the
6 Department's initial use of the scanners and
7 Separation Status. Our findings showed a chaotic
8 rollout of the scanners, which included unnecessarily
9 restrictive conditions in Separation Status. In all,
10 the report made 22 recommendations to the Department
11 and CHS on improvements to the body scanner and
12 Separation Status practice and policy.

13 One critical issue raised in our analysis was the
14 operation of the body scanners by those who had not
15 received the appropriate training. This creates a
16 risk of radiation exposure to staff and people in
17 custody and the potential for misinterpretation in
18 scans.

19 False negatives undermine the Department's
20 ability to use scanners effectively as a tool to
21 identify contraband while false positives lead to
22 unnecessary placement in Separation Status.

23 To its credit, the Department has responded to
24 this training issue and begun to address other
25 findings in the report including referring verified

1 instances of improper scanner operations to the
2 Investigation Division for investigation and
3 discipline, issuing security memorandum reiterating
4 the training requirements, ongoing revisions to their
5 training curriculum and monthly audits to assess the
6 impact of these efforts moving forward.

7
8 We look forward to continuing to work with the
9 Department to ensure the efficacy of the body
10 scanners and appropriate use and operation of the
11 Separation Status unit.

12 Again, these are just a few areas of our focus in
13 addressing the disturbing and complicated issue of
14 violence in the jails. We look forward to continue
15 working closely with the Department and CHS on these
16 issues and others to meet the goal that we all seek.
17 To meaningfully reduce violence in the City's jails.

18 Thank you for the opportunity to address you and
19 I'm happy to take your questions.

20 CHAIRPERSON POWERS: Thank you, thank you for
21 that testimony. Congratulations on your new position
22 here.

23 MARGARET EGAN: Thank you.

24 CHAIRPERSON POWERS: Can you tell us just
25 generally in response towards view on the

1
2 responsiveness of the Department to the
3 recommendations that have been made in the recent
4 report and prior reports?

5 MARGARET EGAN: So, specifically on the body
6 scanner and Separation Status report, as I mentioned,
7 when the Board staff raised the issues that we were
8 discovering in our reporting, again, both
9 quantitative and qualitative, the Department
10 responded quickly and we're continuing to work with
11 them on their response.

12 On the Serious Injury report and I will also let
13 Emily jump in because she is here.

14 CHAIRPERSON POWERS: And what about the Monitor
15 reports?

16 MARGARET EGAN: So, the monitor report, the
17 Board asked the Department to comment on the
18 Monitoring report in November and I think the Board
19 felt like the response from the Department was again
20 a disconnect between what was stated in the report
21 and what was stated by the Department and the Board
22 asked the Department to come back in January. The
23 Commissioner did and said many of the same things
24 that she said here and that gave a more full response
25 to the report by the General Council.

1
2 So, I would say in general, the Department has
3 been responsive. We continue to work with them as we
4 raise issues.

5 CHAIRPERSON POWERS: Okay, and with regard to
6 Secure housing and scanners, can you give us short of
7 additional insights to what the Board is looking at
8 with regard to that?

9 MARGARET EGAN: I will let Emily go into those
10 details.

11 EMILY TURNER: The Separation Status unit that's
12 been put in place. So, the Board receives
13 notification anytime someone is processed for
14 placement in the unit. We track all of the
15 information from the Department including all of the
16 paperwork that's used to process that placement. We
17 also have staff that visit the unit on nearly a daily
18 basis to monitor conditions in that unit and then, as
19 the Board staff have identified issues, we've been in
20 direct communication with the Department and they've
21 been able to respond and address situations that
22 we've come across.

23 CHAIRPERSON POWERS: Has the Board found it to be
24 effective since they've been implemented?

25 EMILY TURNER: The use of Separation Status?

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2 CHAIRPERSON POWERS: And scanners.

3 EMILY TURNER: That is something that we believe
4 the Department needs to track carefully and
5 investigate and develop an assessment plan to
6 determine the efficacy of these scanners and their
7 use of Separation Status. So, we found that in our
8 report, we analyzed all placements that occurred from
9 July through November and we found that of those 45
10 placements, contraband was recovered in five of those
11 placements.

12 So, the Board definitely has more questions about
13 why individuals are being placed and yet contraband
14 is not being recovered and so, there will be more
15 questions that the Board has on that and when the
16 variance the Department has requested is addressed at
17 next weeks Board meeting.

18 CHAIRPERSON POWERS: Okay, and the report talks a
19 lot about use of force and focuses on use of force.
20 When you talk about staff assaults, does the Board
21 have recommendations in terms of how to reduce
22 injuries or assaults on staff?

23 EMILY TURNER: I think a lot of the
24 recommendations that we've made over the years still
25 hold true today in terms of the steady staffing and

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2 we're encouraged to hear the level of commitment the
3 Department has made to that steady staffing because
4 we do see that that plays an important role in
5 developing relationships between officers and people
6 in custody goes a long way to creating a culture
7 that's an environment that's safer for everyone.

8 MARGARET EGAN: What I would add is the
9 Departments comments on culture change are really
10 important and culture change will take a long time
11 and is only achieved through sustained thoughtful
12 recruiting, training, and performance management and
13 I think this is where the Board's work with the
14 Department and CHS is particularly important. We,
15 you know, through our oversight mechanisms, we can
16 look at data and raise issues that the Department
17 needs to follow up on. I mean, I think data is an
18 incredibly important piece to from day to day
19 management and that culture change.

20 CHAIRPERSON POWERS: Okay thanks, I think Council
21 Member Holden wanted to ask some questions.

22 COUNCIL MEMBER HOLDEN: Yeah, I just, thank you.
23 I just want to go back to the body scanners because
24 I'm not quite understanding. So, people were put in

1
2 charge of these scanners without training, the proper
3 training?

4 EMILY TURNER: So, we conducted – so, as I
5 mentioned before, we receive all the documentation
6 for people who end up placed in the separation status
7 unit as a result of either a positive scan or a
8 refusal to scan. We audited that documentation and
9 we found that a significant portion of the staff
10 involved in operating the body scanners had not
11 received the appropriate radiation safety training or
12 image evaluation training.

13 And, we immediately shared our audit findings;
14 the specifics of those findings with the Department
15 and they have taken immediate steps to make sure that
16 staff understand they are not allowed to operate that
17 scanning machine without being trained.

18 COUNCIL MEMBER HOLDEN: What's the requirement
19 for training? Wasn't that just standard operating
20 procedure on those kind of machines and what was the
21 recommended training? I just want to get to the
22 specifics on this.

23 EMILY TURNER: All staff per DOC policy, all
24 staff operating the scanners were required to receive
25 operator training, which includes some level of image

1
2 evaluation, so that they would be able to understand
3 those scans and we found that a significant portion
4 of people who had ended up being placed or who had
5 been conducting scans in the logbooks that we
6 audited, had not gone through that training and so,
7 you know, there's a lot of different reasons for how
8 that could have happened.

9 We did find one instance where someone had used
10 somebody else's pin to log into the machine. So,
11 there's much tighter oversight of whose using those
12 machines now in response to that training and the
13 Department has implemented their own auditing
14 protocols so that they're doing a similar audit to
15 what we did when we discovered this issue.

16 COUNCIL MEMBER HOLDEN: Now, the exposure to
17 radiation, was that because they had to go through
18 multiple times through the machine or are there
19 settings on the machine?

20 EMILY TURNER: So, there is a certain level of
21 radiation that the machine administers, so that if
22 you are going through a scan, you receive that amount
23 of radiation but there's also safety protocols for
24 staff who are operating the machines that they need
25 to know where they should stand exactly. How to use

1
2 the machine in a safe way because it is administering
3 radiation and so, it's very important for the safety
4 of people in custody who are being subjected to the
5 scans but also, staff operating those machines that
6 they have been trained properly, so that they don't
7 put themselves at risk when using them.

8 COUNCIL MEMBER HOLDEN: Yeah, it's strange that
9 this could happen. Thank you Chair.

10 CHAIRPERSON POWERS: Okay, thank you for the
11 testimony and we'll be looking forward to seeing the
12 new rules that are coming out soon and we'll continue
13 working together. Thanks so much.

14 MARGARET EGAN: Thank you.

15 EMILY TURNER: Thank you.

16 CHAIRPERSON POWERS: Thank you. Next up we have
17 Fred Fusco from the Correction Officer's Benevolent
18 Association.

19 FREDERICK FUSCO: Good morning Chairman Powers
20 and distinguished members of the Committee. My name
21 is Frederick Fusco, I am the Legislation Chairman of
22 the Correction Officer's Benevolent Association. The
23 second largest law enforcement union in the New York
24 City area. I'm also a Correction Officer. We
25 represent over 10,000 actives members and over 9,500

1
2 retired correction officers. Or members, as you
3 know, provide care, custody and control. Over 6,000
4 inmates in our custody on a daily basis and over just
5 40,000 inmates in the last year.

6 We are her today to discuss the topic of jail
7 violence in New York City Department of Correction.
8 This Committee first had an oversight hearing on the
9 issue of safety in DOC facilities back in April 23,
10 2018. As we expressed in testimony at that hearing
11 and previous testimony and in press conferences,
12 reports and conversations with other individuals of
13 City Council Members, we are eager to discuss the
14 most important issue facing the City jails, safety
15 and security.

16 For the past two years, the "Close Rikers" debate
17 has pushed this critical issue aside when in fact
18 this issue should be everyone's immediate priority.

19 New jails, whenever they are built, will never be
20 safe and secure if the current DOC and BOC policies,
21 which have been made buy our facilities and had made
22 them less safe, are permitted to continue. Every
23 indicator on jail violence revealed in the Mayor's
24 Management Report, year after year, has shown a steep
25 increase in jail violence. Most concerning to our

1
2 members is the 37 percent increase in assaults on
3 Correction Officers last year and over the previous
4 year.

5 There can be no doubt there was a 37 percent
6 increase in the Use of Force by Correction Officers,
7 I must ask, would this Council be an uproar right
8 now, as well as the City?

9 In addition, there was a 3 percent increase on
10 sexual assaults on female Correction Officers over
11 the previous year. These figures I'm talking about
12 are not being revealed for the first time. They have
13 been included in the Mayor's Management Report, as I
14 stated, they have been reported to the City Council
15 by the DOC and BOC. They have bene featured in the
16 press and they have been repeated time and time again
17 by us, the COBA.

18 Sadly, despite years of notice and continuous
19 increases of violence, there has been no meaningful
20 effort to stop it and to keep our correction officers
21 safe and as well as the civilian staff and the
22 inmates. And while the voices of many members of
23 this body are loud and clear expressing concern for
24 safety of inmates, the voices expressing concern for
25 the safety of Correction Officers are much more muted

1
2 today. Correction Officers are concerned with
3 everyone's safety in our jails and so should you.

4 I want to frame my testimony today by making it
5 very clear that decreasing jail violence and creating
6 safer jails is not just a question of achieving the
7 correct policy, it is a question of doing what is
8 morally correct as well.

9 In his 2018 State of the City address, Mayor Bill
10 de Blasio referenced the vicious attacks that occur
11 on Correction Officer Jean Souffrant on February 10,
12 2018. The Mayor said, "We will hold those
13 responsible for this heinous attack fully accountable
14 and we will take the actions necessary to protect our
15 brave Correction Officers who do so much for us. We
16 will not allow our Correction Officers to be
17 assaulted, period. As well as civilian staff and as
18 well as inmates assaulting each other."

19 Yet somehow, there was a 35 percent increase in
20 assaults on Correction Officers last year. So,
21 there's no getting around the fact that jail violence
22 has not decreased because the policies that have been
23 in place have not focused on decreasing jail policy.
24 So, when you look at the assaults on Correction
25 Officers, the inmate on inmate slashings and

1
2 stabbings, the 150 splashing incidents last year, and
3 the staggering number of weapons recovered, even as
4 the number of inmates that are detained has declined,
5 and our staff has gone up, it is unmistakably clear
6 that our current policy have only accelerated the
7 jail violence we see today.

8 In front of you, we have the Commissioner, Chief
9 of Staff and as well as the Chief of the Department.
10 They spoke about their numbers. Even though they sat
11 there and they explained to us that while only
12 serious injuries up 14 percent, but the overall
13 number is extravagant. How do we get to that point
14 when we could just talk about one portion of what's
15 going on when we have a 37 percent increase.

16 For the past four in a half years, we have heard
17 a great deal of rhetoric about jail reform but if
18 your going to impose radical reform, then that reform
19 must be anchored by a security system, a balance that
20 puts law and order ahead of politics and ahead of
21 ideology with no exceptions. The COBA will not allow
22 Correction Officers to be continued to be demonized
23 when those reforms fail.

24 We are not shrinking from our responsibility, in
25 fact, as evidence by my testimony today before you,

1
2 we are proposing more ideas on how to actually make
3 the safer that I have supplied you in my written
4 testimony.

5 We are all asking for a shared accountability
6 among all the stakeholders in our Criminal Justice
7 system. And that means accountability from the
8 Committee, the City Council as well, ourselves, the
9 DOC and the BOC. The question before you, is whether
10 your allegiance is to political ideology should trump
11 our obligation to do what is morally correct or what
12 is morally correct is making the jail safer. What is
13 morally correct is protecting correction officers and
14 inmates alike and giving us the tools necessary to
15 do just that. What is morally correct is helping us
16 actually reduce jail violence as opposed to just
17 talking about our concerns in jail violence.

18 I would like just to add when you spoke about the
19 adolescents 18 to 21 year old's, those numbers come
20 out of the Chief's Office. The Chief that sat in
21 front of you today. Those numbers are significant.
22 Those numbers, even though they are the smallest
23 class of individual that we have, they're rated in
24 the highest uses of force. Those numbers come out of
25 that office but I am here today as a union to tell

1
2 you what those numbers are because they effect the
3 safety of my members and we need to figure out what
4 we're going to do.

5 Thank you.

6 CHAIRPERSON POWERS: Thank you. I will note that
7 you have a number of recommendations here in your
8 testimony related to sanctions, visits, commissary
9 recreation, splashing and spiting incidents and a
10 number of others.

11 I wanted to ask and we will review these and they
12 will be reflected in the record as well.

13 FREDERICK FUSCO: Thank you.

14 CHAIRPERSON POWERS: Some of the recommendations
15 that we had discussed earlier related to staffing and
16 steady staffing within the jails. I think, as you
17 know, it appears there was a law in 2006 that allowed
18 for, I think allow not require the Department to use
19 steady staffing and to change prior law that did not
20 allow it. Understanding there are difficulties in
21 terms of how to make decisions around how to staff
22 different facilities, there are considerations that
23 are I think both part of collective bargaining and
24 related to how decisions are made. Is there an
25 opportunity or would the Department go about to move

1
2 forward beyond RNDC and what they're doing now to
3 implement different staffing or steady, what I'm
4 calling steady staffing here. You know, it does seem
5 to me just logically that an individual who has
6 constant contact with the same person, there would be
7 a relationship in terms of understanding, them
8 understanding you and you understanding them and
9 their needs.

10 Is that something that the union supports to move
11 closer to model that? And second, what challenges
12 lie in the way of doing that?

13 FREDERICK FUSCO: Well, first and foremost, the
14 wheel is not a contractual agreement. Okay, bidding
15 for steady posts you know, there's contractual spoke,
16 we speak about that. When it comes to tours and
17 posts, I think the first idea of it is to steady up
18 tours first before you even go and think about
19 setting up certain areas to work in because there's
20 so many different random tours within facilities.
21 The facilities are different sizes, so that has to
22 take into consideration as well and then also, the
23 workload. There's different housing areas that are a
24 little bit tougher than others. The same officer
25 that comes in a class of 200, if there's 40 officers

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2 in that facility, it would be hard to go by the
3 seniority factor. How do we figure out who has to
4 work here today and they're going to steady there.

5 The best way of going about starting it all off
6 would be bidding. How they award posts, so they
7 would put up tours, then they would put up posts and
8 I think that would be the fastest way to start. As a
9 union, we're pushing, we always promote seniority
10 within the Department for the members but we also
11 push to steady everybody up as far as, if there is
12 budget in line and there is a post out there, we are
13 always pushing the agency to post that post. It goes
14 up for 21 days and then people will go through a
15 bidding process to bid for it.

16 So, as we stand here and we speak about it,
17 that's something that we've actually been promoting
18 from day one. Staffing and manning is a managerial
19 position for the DOC. Other than that, that's all I
20 really can give you on that.

21 CHAIRPERSON POWERS: Okay, I didn't get to ask
22 this question of the Department and I meant to, which
23 is, one of the things the Nunez Report talks about
24 the Wardens, a lot of change over in the Wardens.
25 I'm not asking you to speak on their behalf but the

1
2 idea was that there, or the impression that there are
3 challenges related to running the facilities and not
4 having continuity. Staff would certainly all
5 together be part of that. Do you have any insights
6 into why there is a change over in terms of
7 leadership at the different jail facilities on Rikers
8 Island and in the boroughs?

9 FREDERICK FUSCO: Well, historically its been you
10 know, from a 20 year retirement position to, I was
11 promoted to a Warden and I'm only speculating.
12 Perhaps that Warden knows that there's no more
13 promotions or maybe they've done their time, so that
14 turn over rate is a little bit higher than most
15 areas.

16 When I was in C76, the sentence jail, that
17 they're closing down now, there was four different
18 Wardens there and it had all different types from
19 retiring to getting promoted and an individual
20 unfortunately going out sick. So, there's all
21 different circumstances that create that and that's
22 one of the reasons why we have a high turnover rate.

23 CHAIRPERSON POWERS: Okay, the report obviously
24 focuses on use of force and we're talking about both
25 the use of force and also staff assaults and your

1 testimony obviously focuses on staff assaults. But
2 you know, when we talk about use of force and the
3 numbers going in the wrong, what I think we all agree
4 is the wrong direction. Understanding that there's
5 more reporting and there are different categories
6 here. Does the union have a recommendation in terms
7 of how to decrease the use of force across the board
8 but particularly in the Category A?

10 FREDERICK FUSCO: In the Category A, when you
11 look at the proposals in my written testimony, see,
12 everything has something to do with the other, right.
13 So, if we have a use of force, we have to look at
14 protocols and we have to look at compliance. 90
15 percent of uses of force are due to no compliance.
16 Then there's a 10 percent that we have to look at a
17 mental health, as you discussed earlier.

18 So, as long as there's rules to follow and
19 there's compliance to follow, we can deescalate the
20 uses of force. In my officers out of 10,000 in
21 change, 43 percent of them are female, about 7,200
22 came on from 2012. We are one of the most educated
23 law enforcement groups in the nation. My officers
24 are smart, intelligent, they got law degrees, they
25 got bachelor's degrees. They don't want to go to

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2 work and have to get into a use of force. They don't
3 want to have to go to work and get hurt. They don't
4 want to have to go to work and get something thrown
5 on them.

6 So, the idea everyday that they're at roll call,
7 they're just hoping to go in and making sure that day
8 goes right. So, if we give them the tools and they
9 have the proper, as I mentioned in the proposals, the
10 proper tools you use in the toolbox, we wont be in
11 the situation where use of force is going to keep on
12 going up.

13 When you look at assault on staffs, last year it
14 there was 176 of them that were rearrested on
15 assaults on staff. Serious injury to assaults,
16 serious injuries, like Officer Souffrant, there was
17 four cases of that. There was 104 rearrests on
18 splashing's, 28 on spitting's. There was 15
19 rearrests on sexually assaults on females.

20 How do we stop this? There has to be rule
21 making. There has to be right reform, a balance. We
22 have to hold individuals accountable. Nobody wants
23 to go into work and mistreat anybody, no matter what
24 side your on. We want everybody to be safe.

1
2 CHAIRPERSON POWERS: I don't disagree, I mean,
3 nobody's accusing of, I'm not certainly accusing any
4 officer of coming to work deciding to do harm. I
5 think one of the issues here that at least the report
6 analyzes is whether there's appropriate training in
7 terms of de-escalation and appropriate protocol. So,
8 do you have recommendations related to training?

9 FREDERICK FUSCO: Yes, absolutely thank you. I'm
10 sorry, I didn't. For clarity, and again, I
11 appreciate you bringing up the Correction Academy.
12 The gentleman in the Council. The Correction Academy
13 for the last I think you said two year, but it's been
14 about four years. To my understanding, there's \$100
15 million set aside. They keep kicking the can down
16 the street, as the Councilman said. We need a better
17 facility. We need a longer academy. We need more
18 training.

19 See, they keep talking about programs, and they
20 keep throwing programs out there that sound like
21 great ideas but how many hours of training do my
22 officers get to implement those programs. See, and
23 it's as simple as the scanner. Everybody wants to
24 say a Correction Officer wasn't trained to use that
25 scanner but ladies and gentleman, we do not walk in a

1 facility and decide we're going to go work somewhere.
2 We're officers, there are supervisors, ADW's, Deputy
3 Wardens that make scheduling and they put us in an
4 area and when an officer goes in and the supervisors
5 say, no, you stay here and I don't even know if
6 that's the case, but one thing I can tell you, I got
7 for delegates in each facility and they are all very
8 diligent in their jobs.

9
10 So, somebody who is working in an area that their
11 not trained in, the first person they are going to
12 tell is that delegate. Then, they're going to reach
13 out to the board member and the unions going to come
14 in there and make sure that Captain or that Deputy
15 Warden or that supervisor removes that officer off
16 the post that he is not trained for.

17 So, there's a lot of holes that we're dealing
18 with but again, BOC sits up here, the Department sits
19 up here and nobody wants to speak about who put the
20 officer there. Because he certainly just didn't walk
21 in the facility and say I'm going to work this
22 scanner today.

23 CHAIRPERSON POWERS: To be fair, I don't know,
24 I'm not going to speak for the Board. I don't
25 believe or I don't know that that is an indictment of

1
2 an individual officer. I think it's an indictment of
3 the Department as you are noting, which is that, they
4 need to get people properly trained for the jobs that
5 they're asking them to do including using scanners.
6 I think the concern is, making sure that the person
7 is trained so they know how the protocols.

8 I don't view that as an indictment of you know,
9 an officer who is doing it, who is doing the job as
10 they are told and certainly would expect or hope that
11 they would report that, so that they are taken off
12 for that but I think that is to me, is reflective of
13 the Department. It's not a criticism of your members
14 to be fair, it's an idea here that the Department has
15 to go and appropriately train people and/or staff, so
16 that they are able to use the scanners because that
17 is - that process leads to a disciplinary process
18 beyond that.

19 FREDERICK FUSCO: Well, of course, and for
20 clarity, that's why I think it was fair to mention
21 though that as an officer, when they talk about
22 officers aren't trained, working in an area that they
23 shouldn't be working in.

24 I would just like to know how that statement
25 exists. The question as it was imposed to them and

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2 it was and it was brought around the block a
3 different way but they did not answer the question.
4 How is that officer in that area? Who put that
5 untrained person in that area because that's where
6 they have to start looking at and that's my point.
7 So, they put programs, they put everything together
8 but they're not piecing together the policy and how
9 it works. If there's a part of a policy that does
10 not work, instead of just wiping the policy out, why
11 don't we reform the policy. Everybody is about
12 reform, so that's simply the point that I was just
13 trying to make and I definitely agree with you and
14 trust me, my gratitude to the BOC and the Department
15 as well with those questions that you are asking of
16 safety for everybody and the concerns.

17 But at the end of the day, we start talking about
18 reforms again and I'm passionate about it because I
19 am a Correction Officer, but I certainly don't want
20 an advocate looking at me today, saying well, you
21 know what, your because of the bad experience my
22 family member had or you're the one that caused that
23 bad experience. I want to be able to give them
24 answers like they're seeking today.
25

1
2 They should have a balance just like my officers
3 should have a balance and collectively, if they just
4 start taking things away and they're calling it
5 reform, see, when you wipe something out and abolish
6 it, that's not a true reform. That's a start over,
7 like they tried to do with Commissioner **[INAUDIBLE**
8 **3:46:54]**, \$27 million for a start over program on
9 Rikers Island three years ago. I haven't heard
10 another word about the start over program. They had
11 Mackenzie group come and pay them \$5 million off the
12 bat. Why are we pointing the finger at those people
13 and saying, what did you do wrong. My guys in blue,
14 the ladies in blue that represent this beautiful City
15 of New York, all they do is go to work hoping they
16 can home in the same condition they went there in and
17 they want to make some money to buy a house, educate
18 their children.

19 So, when we start talking about all these things
20 and polices that we want to change, we got to look at
21 ourselves and say, wait a second, certain things we
22 can't change but we have to balance out. Let's fix
23 it before we destroy it. The academy could go on
24 Rikers Island. \$100 million could go right to Rikers
25 Island. \$8 million that they talk about that it's

1 going to take to build borough jails, the properties
2 on Rikers, rename it. Put another name on it, wipe
3 it out and I know we're not here to talk about that
4 but there's so many beautiful things that we can
5 build there. We could put a trades building that's
6 over 10,000 square feet, have different unions come
7 in while people are incarcerated there waiting to go
8 to learn how to get in the union, learn how to become
9 a carpenter.
10

11 We have plenty of officers that could be mentors.
12 We had high impact 20 years ago that worked
13 beautifully. There's so much we can do with the
14 Island for reform but that's really not what the
15 agenda is. So, we have to talk about jail violence
16 but they also want to look forward into four years
17 from now. How do we get back to where we are right
18 now? How do we fix where we are right now? And
19 that's all I'm asking every single day. I thank you.

20 CHAIRPERSON POWERS: Yeah, absolutely, I think
21 Council Member Holden had a question.

22 COUNCIL MEMBER HOLDEN: Thanks Mr. Fusco for your
23 testimony and thank you Chair. One thing that the
24 Department of Corrections, I was surprised it didn't
25 have an answer for. When they eliminate punitive

1 segregation for the 18-21 years old's, we're the
2 first city in the United States to do that. They
3 don't have the numbers to measure its effectiveness
4 or lack thereof. I asked them, is there a reduction
5 in violence in that population because your not
6 giving them punitive seg. They don't know. You
7 would think that's the first thing they should know.
8 If they eliminate something that could jeopardize the
9 staff, the Correction Officers or other inmates. You
10 would think they would have that answer but you said,
11 that's the most violent population the 18 to 21 year
12 old's historically?
13

14 FREDERICK FUSCO: They're the smallest population
15 that we have out of our population and they have the
16 highest assaults.

17 COUNCIL MEMBER HOLDEN: And, I'd like to measure
18 that now versus this past year, since there was no
19 punitive seg, has it gone up the violence or has it
20 gone down? We can't get that. They said they'll get
21 it to me; we'll see but we should have that.

22 FREDERICK FUSCO: I believe the Mayor's report,
23 if you look at it, everything in there has gradually
24 risen. The only thing like again, they want to talk
25 about serious injury. But again, that's all about

1 categorization. How are you going to categorize
2 something? What area? Like I don't really know who
3 is going to say breaking a thumb is a serious injury
4 or not. I really don't know how they do and I think
5 that's something that we have to learn about as well.
6 Like, how do they categorize that whole situation?
7

8 COUNCIL MEMBER HOLDEN: Yeah, since a lot of my
9 colleagues seem to be asking questions on use of
10 force, which I discovered today that if you just put
11 your hand on somebody and tell them, go that way,
12 it's called use of force. You have to actually tell
13 them, they are going the wrong way, you put your hand
14 on them. That's use of force and we have to do a
15 report on that?

16 FREDERICK FUSCO: Yes sir.

17 COUNCIL MEMBER HOLDEN: And is a lengthy report?

18 FREDERICK FUSCO: Yes, it is. Yes, it is. It's
19 a detailed report describing the incident, the time,
20 the place, who else was involved. Then it will go to
21 the supervisors which will do their investigative
22 report on it and that's when we talk about discipline
23 and officers getting in trouble. There's some
24 officers that they might have forgot that part of the
25 training or when it changed in the directive, in the

1
2 use of force directive and they left one part of the
3 use of force out where they had their hand on the
4 person's back and they didn't review a video.

5 So, now they are getting written up because they
6 feel, the investigator feels like they were
7 disingenuous. When meanwhile, if they had a chance
8 to sit there and review the video, oh yeah, I
9 remember doing that. See, everything happens so
10 fast. So, if we have time to review what we did, but
11 everything is considered. If somebody doesn't want
12 to leave a cell and you say, come on let's go. You
13 put your hand on them, come on let's go pal. That's
14 considered a use of force.

15 COUNCIL MEMBER HOLDEN: Right. So, was that
16 always the case or that's changed in the last -

17 FREDERICK FUSCO: That's changed with the Nunez
18 **[INAUDIBLE 3:54:09]** that have come out from the Nunez
19 lawsuit.

20 COUNCIL MEMBER HOLDEN: And what year? Do you
21 have an idea?

22 FREDERICK FUSCO: I would have to look but
23 recent, the last few years, the last couple of years.

24 COUNCIL MEMBER HOLDEN: It's the last few years
25 that things have changed. So, if you actually touch

1
2 somebody on the arm, you have to then fill out a
3 report for use of force. So, it's changed, the
4 standards have changed.

5 FREDERICK FUSCO: Yes.

6 COUNCIL MEMBER HOLDEN: Okay. Just one other
7 question. Not training officers on the body
8 scanners, to me and again, they put you on a machine
9 and they don't train you and they're supposed to
10 train you by all accounts, that's common sense.

11 Did the officers or the union say, wait a minute,
12 we don't know how to operate these machines. What
13 are you doing?

14 FREDERICK FUSCO: Well, first, that's exactly
15 what I was talking about before, we haven't gotten
16 those calls. We have a board member that covers the
17 scanners, I dealt with the legislation of it. We
18 have board members and delegates in every facility.
19 We haven't had a person approach us and say, hey
20 look, they keep putting us on here every day. So,
21 I'm trying to figure, I can't fathom on how that data
22 got collected.

23 COUNCIL MEMBER HOLDEN: But isn't it consistent
24 with what we know. We get reports and I seen the
25 facility, the training facility, the academy in

1 Middle Village. It's from the 1980's, it's just big
2 old rooms without windows, claustrophobic in fact,
3 substandard.
4

5 So, they give you and it's not real life training
6 in there. Yet, you're expected to be trained and you
7 know, go into a facility with violent people and many
8 time gang members, where we're seeing more and more
9 gang members and just housing individuals who were
10 from the same gang in a unit. That also jeopardizes
11 staff doesn't it, Correction Officers. When you have
12 gang members of the same gang protecting one another.
13 Let's say one is acting up, the Correction Officer
14 has to use force, the other one's jump in. We've
15 seen video evidence of that. We've seen some serious
16 injuries from staff. Correction Officers who have
17 been seriously hurt.

18 Do you have any comment on housing so many of the
19 same gang in the same unit? Do you have any
20 recommendations on that?

21 FREDERICK FUSCO: Absolutely, smaller housing
22 units, more diverse. When you monopolize an area
23 with so many gang members, you are left no choice if
24 you or somebody, a detainee in that area. When
25 there's one Correction Officer for 50 inmates, 45

1 inmates, we cannot watch everything that's going on
2 at all hours of the day. We are going to miss
3 something and not at our own fault, it's just the
4 eyes, we don't have enough of them.

6 So, with what you're saying, yes, it can be very
7 harmful to an individual that is not affiliated, an
8 individual that's been in jail for the first time.
9 It can be deemed as a weaker person. He could be
10 extorted. He could be physically injured. It's a
11 bad situation and again, if we go to get involved in
12 something, we don't know who is who at that point.

13 So, now we have to be careful as an Officer,
14 getting in the middle of something to break something
15 up because let's face it, there are gang members that
16 stick together and they're going to stick together in
17 those facilities, so yes.

18 COUNCIL MEMBER HOLDEN: So, your union has made
19 recommendations and have they done anything on that?
20 Because obviously, we're seeing the jail violence
21 increase.

22 So, have they responded to any of your requests
23 or recommendations?

24 FREDERICK FUSCO: No, we've sat at the table and
25 we've made such proposals that I put in my written

1 statement today and they still have not been played
2 out.

3
4 COUNCIL MEMBER HOLDEN: So, how often do they
5 meet, the Administration or the Department of
6 Corrections meets with your union?

7 FREDERICK FUSCO: Well, we have a labor agreement
8 where there's a monthly labor management for every
9 area for facility once a month. So, at least once a
10 month there should be a meeting.

11 COUNCIL MEMBER HOLDEN: So, you review the stats
12 and every month there up, right, the violence is up
13 and yet there's no response.

14 FREDERICK FUSCO: 100 percent.

15 COUNCIL MEMBER HOLDEN: Thank you. Thank you,
16 Chair.

17 CHAIRPERSON POWERS: Thank you, thank you for
18 your testimony and we have your full comments here as
19 well which will be on the record as well.

20 FREDERICK FUSCO: Thank you.

21 CHAIRPERSON POWERS: Thank you, thank you for
22 your patience.

23 FREDERICK FUSCO: Thanks again, Mr. Powers again,
24 thank you for your time.

1
2 CHAIRPERSON POWERS: Thank you. We're going to
3 call up a panel now, I think of six. We're going to
4 start with Mary Lynne Werlwas, I can never say that,
5 Legal Aid Society. Shari Vrod from New York County
6 Defender Services, Candie from J.A.C., Donna Hylton
7 from A Little Piece of Light, Deborah Lolai from
8 Bronx Defenders and Martha Grieco from Bronx
9 Defenders.

10 Okay, just give us one second. Okay, thank you,
11 you can begin. We will begin over here on the right.
12 We're going to have two minutes on the clock and we
13 will have an opportunity to ask questions afterwards.
14 So, thank you, you can begin.

15 MARY LYNN WERLWAS: Thank you, Chair Powers and
16 the Committee. I am Mary Lynn Werlwas, the Director
17 of the Prisoners Rights Project at Legal Aid Society.
18 We hear daily from our client who are incarcerated in
19 the New York City jails about their suffering and
20 about the lack of medical care and the violence at
21 that hands of officers. We are also to be clear,
22 plaintiff's counsel in the Nunez lawsuit that is the
23 subject of discussion here and both of those inform
24 our remarks.
25

1
2 We have provided written testimony but want to
3 zero right in on a few of the things that have been
4 discussed here today. I am very grateful that the
5 extreme paradox of our city's criminal justice system
6 right now is being discussed here, which is this
7 declining population of people incarcerated and yet,
8 those who are remanded to the custody of our city
9 jails are facing ever higher rates of violence and
10 this is not withstanding four years of a federal
11 consent decree governing use of force. Eight
12 different monitors reports, not just the most recent
13 one detailing increasing violence and increasing
14 incompetence in the New York City jails.

15 We suggest the reason for this was not properly
16 aired today, which is that this Administration has
17 been fundamentally unable or unwilling to address the
18 depts of supervisory and leadership incompetence at
19 the Department of Correction. We don't say this
20 lightly but it is at this point and time simply
21 unacceptable for any governing agency let alone
22 agency that is responsible for literally the lives
23 and bodies of our New Yorker to have this degree of
24 institutional failure.

1
2 There reports describe a failed state. They
3 describe a crisis in governance, a crisis in
4 accountability in New York City and we agree with our
5 union representative, pointed at the focus, needs to
6 be on these supervisors and the leadership of this
7 Department.

8 CHAIRPERSON POWERS: Can I ask a follow up
9 question to that?

10 MARY LYNN WERLWAS: Yes.

11 CHAIRPERSON POWERS: The recommendations are
12 clear on the report that this is an issue when it
13 comes to management and the failure to manage and
14 appropriately train and make sure that frontline
15 staff are trained, know the use of force protocols
16 and are in a position to be able to succeed here.

17 What are the recommendations that you think that
18 the Department can make imminently to fix those
19 issues.

20 MARY LYNN WERLWAS: Imminently, it's to start
21 leading and start supervising. We hear a lot about
22 the very frontline, talk about training. We talk
23 about the training academy. These are important
24 things which I'm not minimizing. The roll call
25 training that the Department spoke about, which is

1
2 like a pre-shift meeting, if you've ever worked in a
3 restaurant for example. Saying, here's what's going
4 to be going on tonight, it's important.

5 What needs to happen right now and needs to
6 happen yesterday is hearing from the Department of
7 how they're going to supervise this municipal
8 workforce. How they are going to lead this municipal
9 agency. Those may sound abstract but if any of us
10 have ever held a job, we know that actually it's not
11 abstract. That management is a day to day function.

12 For example, and what we would need to see
13 perhaps the place to start, would be to go back to
14 this issue about the body scanners and the failures
15 that the Board of Correction identified to the
16 Department of Correction. Failures they should have
17 been able to find out on their own, but that the
18 Board of Correction identified.

19 No one sat here today and specifically said and I
20 think this would be a concrete thing that would be a
21 model, like almost like a pilot for accountability in
22 this Department to come here and say, this is a
23 public policy that you lobbied for years for, you
24 drafted it for years. This was no surprise, who was
25 in charge of implementing it. Which white shirt,

1
2 which white shirt under them, which white shirt under
3 them. Which civilian leadership and which uniform
4 leadership and who failed and let's start solving the
5 problem there.

6 That is not an approach we hear from the
7 leadership in this room. Without that, until Wardens
8 and the uniform leadership of this Department are
9 standing here taking responsibility for what happens
10 in their facilities, then I think the rest, this and
11 these reports will be useless.

12 CHAIRPERSON POWERS: Okay, thank you. I'm going
13 to give the others an opportunity to testify and then
14 I'll come back for questions. Thank you.

15 SHARI VROD: Good morning, my name is Shari Vrod,
16 I'm a Senior Trial Attorney at New York County
17 Defender Services. I've practiced in New York for
18 half of my 34 year, the other half in Florida. I can
19 tell you; I've been around the circuit of jails and
20 prisons including death row and Rikers is by far
21 anecdotally without research, the most violent.

22 I practice in court; I have my clients come into
23 court regularly with slashes down their face and this
24 I this is the clientele that I'm dealing with.
25 Slashes down their face, numerous stitches, families

1
2 up in arms and I feel powerless to help because
3 that's just the sort of - I can't think of an
4 appropriate word. The sort of violent atmosphere
5 that they have at Rikers and I think that everybody
6 at Rikers, inmates and staff included have descended
7 into this sort of savagery because it's just sort of
8 an acceptable thing in that environment.

9 I just want to tell you about one really, really
10 egregious case. I had a client who came into port in
11 arraignments. He was talking words, he might have
12 called me an animal, not in a bad way but thought I
13 looked like an elephant. I couldn't talk to him; I
14 couldn't find out what was going on but he was
15 charged with a violent felony. I asked for a 730
16 review to see if he was fit to stand trial, five days
17 later he was attacked in Rikers. Just a chop across
18 the neck but everything was idiosyncratic. He would
19 lay in his cell for seven days on end, no body
20 looking after him. He couldn't move. At the end of
21 the seven days, he was taken over to Bellevue and he
22 had neurosurgery and he was a quadriplegic.

23 This is impossible, I was the only person.
24 There's a horror story, it's a tragedy, it's a truth.
25 I was the only person who went to visit him. I was

1
2 appalled. It's influenced my practice over the past
3 number of years.

4 CHAIRPERSON POWERS: When was that though?

5 SHARI VROD: That was May of 2019, not long ago
6 and he's actually calling me now as I'm testifying
7 because he's back in Rikers and you were talking
8 about the confluence commissioner of you now,
9 psychiatric problems and so on and so forth,
10 obviously this guy had psychiatric problems but the
11 upshot of it all was at the end, it wasn't glass
12 bottles, it wasn't physical injury, it wasn't a
13 violent felony. It was at best a misdemeanor where
14 he threw plastic Snapple bottles causing no physical
15 injury, should not have ended up in Rikers in the
16 first place.

17 Thank you for your time.

18 CHAIRPERSON POWERS: Thank you, thanks.

19 CANDI: Good morning, my name is Candi AKA
20 Solitary Survivor. **[INAUDIBLE 4:14:41]**. I was in
21 solitary for over three years as a detainee waiting
22 trial for a speedy trial and I hear everyone talking
23 about gangs. I was beat and abused by the Department
24 of Corrections. The officers are the gang. They are
25 the one's that gang raped me; gang abused me. They

1
2 are the one's that did not give me toilet tissue,
3 they are the one's that gave me supplies to commit
4 suicide and told me to hurry up because they have
5 eight hours until the body gets cold. And I keep
6 hearing them say gang this, gang that but if you want
7 to be honest, officers are affiliated with gangs to.

8 I saw an officer, she did not want to take my
9 post as a suicide, I was on suicide watch and she was
10 a Crip. She didn't want to take my post because the
11 officer was a blood and they were arguing about it.

12 So, gangs are also affiliated with DOC. Okay,
13 they have bachelor's degrees, okay they have attorney
14 degrees, as he said but they also are representing
15 red, yellow, blue, gang colors. They are the gang
16 and it needs to be stopped. Every day I have
17 nightmares because of the gangs beating on me. The
18 gangs raping me. I never had problems with the
19 inmates. It was the officers that took everything
20 from me. It was the officers that took my soul from
21 me.

22 Thank you for listening to me. I've tried to put
23 three years into two minutes.

24 CHAIRPERSON POWERS: Thank you.
25

1
2 DONNA HYLTON: I'm going to try to do this in two
3 minutes. My name is donna Hylton, approximately 35
4 years ago in 1985, as an adolescent, I was sent to
5 Rikers Island to await pre-trial and trial
6 proceedings.

7 I had never been in jail prior, never had any
8 interactions with law enforcement in the capacity of
9 a so called criminal or juvenile delinquent. My only
10 interaction with the law was to report my abduction,
11 rape and abuse by an older man. I was 16 years old.

12 That interaction left me distrusting and afraid.
13 The detective who handled my case carried out his own
14 brand of justice. He raped me right after taking me
15 to the hospital to be treated for burns and
16 contusions.

17 Even so, I did not believe all law enforcement
18 officials and agencies were bad. I held on to the
19 belief that there were some good people, good adults,
20 in this world until I was detained on Rikers Island.

21 I was placed into Protective Custody, what is
22 also called Administrative Segregation for a reason
23 yet to be explained to me. I was isolated and alone,
24 afraid, hungry and experiencing nightmares which left
25

1
2 me sleep deprived as I was afraid to go to sleep. I
3 was 20 years old.

4 I told a Correction Officer some days later what
5 was going on and they took me to the social service
6 unit to be screened. I cannot tell you what the
7 screening process was. All I can say is that later,
8 a Correction Officer brought me medication and told
9 me I had to take it because it was an order.

10 I did as I was told because it was an order, not
11 advice. I later found out that it was psychotropic
12 medication Sinequan. I became extremely delusional,
13 more afraid, swollen and numb, so swollen, numb and
14 dehydrated that I had no other choice but to go into
15 the toilet to get water to put on my lips.

16 I asked to be taken off the medication, staff
17 told me no and that I had to get a court order. I
18 told my attorney and was told there was no such
19 order, no such practice. Months later, I returned
20 from court to be moved to the Bing, aka Solitary
21 Confinement, which actually was only a cell three
22 doors down from the one I was currently in.

23 All this happened as I was going through the
24 judicial process fighting to be heard, fighting to be
25 understood and fighting for justice. Fighting for me

1
2 adolescent life. But before I was released from the
3 Bing, I was let out for one hour rec and as I was in
4 the recreation room, I saw a movement out of the
5 corner of my eye and the officer who was in the
6 control bubble at the time had let another woman into
7 the recreation area and did not let me out. I saw
8 that young woman, because she was young, just like
9 me, take her cup, put it under the sink where the
10 boiling scolding hot water is that we use to make
11 tea, soup and coffee and I saw a motion like she was
12 going to throw it at me and for whatever reason, my
13 instincts kicked in thankfully and I prevented her
14 from burning my face beyond recognition. And the
15 officer, I promise you, set up that scenario.

16 I can't say much more because my time is limited
17 but I will say that, as I've heard today, we also
18 have friends and family that are Correctional
19 Officers. We also have friends and family who are
20 Correctional Officers who say the violence needs to
21 stop. There is a culture of violence on Rikers
22 Island that is beyond our imagination. I promise
23 you, most of you in this room, would not be able to
24 live through it. It takes you someplace else, you
25 have no other choice but to be violent to survive.

1
2 CHAIRPERSON POWERS: Thank you.

3 DEBORAH LOLAI: Good afternoon, thank you for the
4 opportunity to testify today. My name is Deborah
5 Lolai and I am the Supervising Attorney of the LGBTQ
6 Defense Project at the Bronx Defenders.

7 Each year I represent hundreds of transgender
8 people who are facing criminal charges, many of whom
9 are or have been incarcerated. Over the past several
10 years, much attention has been paid to the abuse of
11 transgender people who are incarcerated in City jails
12 and many improvements have been made. However, there
13 are many transgender incarcerated people whose needs
14 continue to be unmet and whose safety is compromised.

15 For example, many transgender women continue to
16 be housed in men's jails against their will. The
17 factors that DOC considers to determine placement are
18 problematic and often use pass incidents where
19 transgender people were defending themselves as a
20 reason to deny them housing consistent with their
21 gender identity.

22 DOC continues to suggest that some transgender
23 people who don't fit stereotypical gender norms are
24 pretending to transgender and transgender men are
25

1
2 always housed in women's facilities because a safe
3 alternative does not exist for them.

4 I'd like to share one of our clients recent
5 experiences. Mr. Sylestine[SP?] is a transgender man
6 who entered into custody in October of 2019. He
7 started off at the men's intake facility. No one
8 knew he was transgender until an officer recognized
9 him and outed him to all the other officers and
10 started arguing about where he should be placed. All
11 in front of the cisgender men Mr. Sylestine was
12 sharing a cell within that moment.

13 In Mr. Sylestine's own words, "I could have been
14 safely housed in the men's jail, but the officers
15 were the one's who made it unsafe for me. They put a
16 target on my back." He was transferred to Rose M.
17 Singer Center where he would endure endless
18 humiliation, harassment and abuse. He was housed in
19 a general population unit with only cisgender women
20 who would not allow him to shower in peace and would
21 constantly harass him. He applied to be housed in
22 the special consideration unit but his application
23 was denied multiple times because DOC "did not want
24 him to be become pregnant". He was constantly
25

1
2 misgendered and his pronouns were routinely and
3 intentionally ignored.

4 One day, Mr. Sylestine asked an officer to stop
5 calling him Miss and she responded with "you know,
6 you're in a female facility and in order to be here
7 you need to be female. I'll prove it to you that you
8 are a female" and proceeded to forcibly pull down Mr.
9 Sylestine's pants in public.

10 There were many, many more incidents as horrific
11 as this one and it took a severe tole on his mental
12 health. He began struggling with the worse dysphoria
13 he had experienced in years and began to have
14 suicidal thoughts.

15 CHAIRPERSON POWERS: We just need you to -

16 DEBORAH LOLAI: Sure. Mr. Sylestine's story is
17 unfortunately not uncommon. Again, we recognize the
18 significant improvements that DOC has made, however,
19 a lot of work remains to be done to ensure the safety
20 of all transgender, nonconforming intersex and
21 nonbinary people in the custody of the Department of
22 Correction.

23 CHAIRPERSON POWERS: Thank you and before we move
24 to the next testimony. This is something we had done
25 a hearing on I think it was last year, specifically

1
2 on the THU and ensuring, trying to ensure there was
3 an appeals process to your housing decision that was
4 separate from those who were making the decision in
5 the first place. I know there's been some changes in
6 the rules and I still have bill related to it, but
7 we still would like to make sure that that process
8 works the way it's intended to which is that, you
9 have different people making different decisions
10 about housing.

11 The second thing I would note is, we went to see
12 some of the training last year and when you
13 specifically talk about the trans population there,
14 there was a various, I think we were all quite
15 surprised in terms of how the training dealt - I
16 think it was quite outdated in terms of the training
17 and particularly the attitude that was given towards
18 that and it is one thing to say we have the training
19 in place but it's different how you actually do it
20 and how the people who are performing it to other
21 officers are giving it and I think that is one area
22 that we believe the Department has a long way to go
23 in terms of shifting attitudes and understanding of
24 how people identify and particularly reducing phobia
25 around populations people may not understand or to

1
2 prepare a package. Something we will follow up with
3 you on particularly around how to fix some of the
4 policies and culture around that as well.

5 Thank you.

6 DEBORAH LOLAI: Thank you.

7 MARTHA GRIECO: Thank you to the Council, my name
8 is Martha Grieco, I'm also at the Bronx Defenders.
9 I'm one of the Bronx Defenders First Prisoner Rights
10 Attorney's and I'm also a Criminal Defense Attorney.

11 The Department of Correction routinely imposes
12 forms of torture on people, 24 hour isolation,
13 shackles, mitts, loss of visits with loved ones, even
14 extensions of a person's sentence as a purported
15 resolution to conflict in the jails.

16 I'm going to talk today to the Council about a
17 particular solution which is access to counsel in
18 disciplinary hearings. When DOC decides who is
19 responsible for a violent incident, there's no real
20 due process, no check on their narrative. Every
21 single person in the jails already has a lawyer yet
22 those lawyers are not allowed to represent them in
23 hearings that result in these extreme punishments and
24 the Bronx Defenders and probably every public
25 defender office in the city, lawyers already follow

1
2 their clients to ancillary hearings that are not
3 necessarily part of their criminal defense case such
4 as hearings at the DMV, hearings at OATH, hearings at
5 the TLC. Advocates should be able to represent their
6 clients in disciplinary hearings as well.

7 Yet many people we visited in punitive
8 segregation report confusion as to why they are even
9 there. Many are serving owed boxed time from an
10 incident they were involved in many months before.
11 Our attorney's have no access to the paperwork DOC is
12 supposed to give someone explaining their conviction
13 and sentence. Clients report to us that they are
14 being punished as much as nine to ten months after
15 their infraction and they are understandably
16 frustrated.

17 If someone is placed in solitary, unlawfully,
18 there is little that the person can do to self-help.
19 Attorney's visiting a client in solitary confinement,
20 that's even more onerous than the already trying
21 process of visiting a client in the general population.
22 On average, when our attorney's visit clients who are
23 un-solitary, they wait two to three hours just to
24 begin the interview. Materials from the law library
25 are supposed to be available to people in solitary

1
2 units to allow them to write to the Warden, to appeal
3 their infraction, to file writs, but every single
4 client in solitary reports to us that their requests
5 for law library materials are denied.

6 When it come to representation at disciplinary
7 hearings, New York is actually well behind the curve.
8 I have in my report a number of states that already
9 implement this but especially, I want New York City
10 to look at Washington DC as a model. The public
11 defenders in Washington DC have an entire unit of
12 their office devoted to reentry and advocacy for
13 incarcerated people including representing them at
14 disciplinary hearings at the jail and they meet
15 regularly with the DOC Commissioner in a friendly
16 exchange of information. It's not so novel.

17 Denying incarcerated people due process is
18 counter productive to the goal of reducing violence
19 in the jails. Our clients are experiencing the
20 torture of 24 hour isolation and they rarely
21 understand why. They are shackled to a desk and they
22 don't understand why. They are wearing mitts 14
23 hours a day and they don't understand why. They
24 can't explain their side of things to anyone, the
25

1
2 powerlessness that people feel in custody is the root
3 of the harm and the root of the violence.

4 The supportive and advocate, even just to help
5 demystify some of what's happening to people during
6 disciplinary hearings would make a tremendous
7 difference. Our clients feel completely ignored
8 there and that's because they are.

9 Thank you.

10 CHAIRPERSON POWERS: Thank you. I wanted to just
11 ask some follow up questions on that topic because
12 it's something that we've discussed with the
13 Department around access to representation.

14 Number one is, well, I just want to start by
15 saying on the library side of this, I suppose law
16 library and normal library are different from each
17 other but we had a hearing, I think it was last year
18 related to access in solitary that were punitive
19 segregation related to library and access to
20 materials. Council Member Holden and Council Member
21 Dromm had both pushed very hard on the Department to
22 provide more resources when it comes to library. I
23 don't think we honed on particularly law library
24 services. They had then come back to us the next day
25 saying, I think it was the next day or maybe the same

1
2 day saying they would agree to start providing those
3 services to individuals who are in punitive
4 segregation.

5 If you want to send us follow up information that
6 proves that otherwise, we'd be happy to follow up on
7 that point. It's something that came out, I think it
8 was a hearing last year in 250 and both Council
9 Member Holden and Dromm had persuaded the Department
10 to change its policy related to some access to
11 materials.

12 On the access to Council, one of the replies or
13 comments back when we've talked about this the
14 Mayor's Office and the Department has been funding
15 resources and challenges related to providing that,
16 although potentially could look at it in a smaller
17 bases as an opportunity to analyze those.

18 Can you tell us what - do organizations have the
19 funding to be able to provide that today and then,
20 also when it comes to challenges related to that with
21 sort of providing that within the correctional system
22 here in New York City. Can you talk about -

23 MARTHA GRIECO: Sure. Well, there's a difference
24 between appointed counsel and just access to counsel.
25 We're not asking for appointed counsel because people

1
2 already have lawyers. Right, I mean, when I follow
3 one of my clients who is facing a criminal charge to
4 the DMV, that's not some extra service that I'm
5 providing, there's not extra payment for that.
6 That's just part of what it means to do holistic
7 defense.

8 So, again, this isn't saying the city must
9 provide brand new lawyers. It's not saying that the
10 hearing cannot occur if their lawyer is not
11 available. In fact, in DC, it's a best efforts, you
12 know, the attorney makes the best effort to appear at
13 the hearing. The hearing will go on unless you know,
14 they can make some sort of an agreement that can
15 adjourned but we're not actually asking for appointed
16 counsel, we're just asking for access to counsel that
17 they already have.

18 CHAIRPERSON POWERS: Okay. Are there any other
19 particular challenges you see? As you're saying,
20 you're basically saying, let your lawyer today be
21 able to be your lawyer and accompany you to
22 disciplinary hearings. What are other challenges
23 that might be standing in the way of that?

24 MARTHA GRIECO: I don't see any challenges. I
25 mean, I go to Rikers every single week. There's

1
2 shuttles, there is the family bus that leaves from
3 Harlem. A shuttle leaves from ten minutes from where
4 I live in Brooklyn every day. There's one that
5 leaves from every single borough.

6 In terms of transportation, that's actually
7 improved immeasurably over the past ten years. The
8 biggest challenge is when I go to visit a client in
9 solitary confinement is how many hours it takes to
10 put that person in a booth.

11 So, the challenge is really from DOC's
12 perspective in getting people into the room. But you
13 know, parole attorney's meet with their clients
14 privately before their parole hearings at the
15 judicial center. There's already writ court where
16 people meet with their attorney's if they are
17 appealing their infraction. If they've done the
18 first level of appeal and have actually gotten to a
19 third and fourth level of appeal.

20 So, you know, there's attorney's there. There is
21 already a structure in place. There's already a
22 judicial center, it's just permission.

23 CHAIRPERSON POWERS: Understood. There has been
24 discussion around what their challenges may be in
25 terms of access and things like that but something

1
2 we're certainly interested in and we'll follow up but
3 I think even in the testimony that I provided to the
4 Board of Corrections related to punitive segregation
5 changes we had discussed you know even in a sort of
6 starting point basis allowing for representation to
7 analyze whatever those challenges or resource
8 challenges maybe.

9 So, thank you all for your testimony and we're
10 going to call up the next panel.

11 PANEL: You're welcome, thank you.

12 CHAIRPERSON POWERS: Thank you. Okay, we have
13 Sarita Dafrary[SP?], Zachary Katznelson, Vidal
14 Guzman, Brooke Menschel, Donald Powell, Raymond
15 Ortega and Melissa Clarke.

16 Thank you, you can start over here. Okay, we'll
17 give you two minutes and we'll get you one more
18 chair. Thanks.

19 DARLENE JACKSON: So, my name is actually Darlene
20 Jackson, I'm speaking on behalf of Sarita who had to
21 leave.

22 CHAIRPERSON POWERS: Okay.

23 DARLENE JACKSON: So, I'm going to send in my
24 written testimony online.

1
2 So, this testimony is on behalf of Anna, who is a
3 Close Rikers Campaign Leader. My name is Anna, I
4 visited my son each weekend for six years from 2010
5 to 2016, while he was held pretrial on Rikers Island.
6 The weekend trips to that infamous island has
7 affected me for the rest of my life because my son
8 and I witnessed the violence and endured abuse from
9 correction officers on multiple occasions.

10 I have encountered very nice and humane
11 correction officers. It is unfortunate that they are
12 outnumbered by the majority of violent, aggressive,
13 abusive, ignorant and inhumane officers. My visits
14 became my nightmares because each time I went to
15 Rikers Island I either suffered some kind of abuse or
16 witnessed abuse toward others by the officers.

17 Each time, I prayed that nothing extreme would
18 happen. I witnessed a lot of violence that should
19 have ben deescalated by the officers. Instead they
20 loved to instigate violence between others and had
21 fun watching it.

22 I was stripped and searched many times, in front
23 of other female visitors while they were waiting to
24 be stripped and searched too. The female correction
25 officer who searched us, seemed to take pleasure in

1
2 yelling orders at visitors. She made us open up our
3 pant zippers and expose our crotches, pull up our
4 sweaters to expose our stomachs and back, shake our
5 bras out before an officer hand squeezed our breasts.
6 We had to remove socks to expose our feet and legs,
7 let them search inside of our mouths and run their
8 hands through our hair. This procedure was part of
9 the routine at the GMDC building prior to entering
10 the visit room.

11 On other occasions, I was randomly stripped and
12 searched in a special room where I had to remove my
13 clothes to prove that I had no contraband. These
14 practices made me very angry, shameful and depressed.
15 A few times while in the visiting room at the AMKC
16 building, I had witnessed five officers pull visitors
17 from the main room and beat them on the claim that he
18 was passing drugs to the detainees. I remember that
19 it took the entire one hour visit for an ambulance to
20 arrive and help the visitor who was dripping blood
21 from his face and head.

22 I witnessed male visitors being denied a visit
23 because of a small crack on their ID cards or for
24 minor misuses, which were escalated by the officers.

1
2 When visitors complained and asked to please be let
3 into the visit room, the — so this is —

4 CHAIRPERSON POWERS: You can submit it and we'll
5 put it on the record for you.

6 DARLENE JACKSON: Okay, so let me just read the
7 last sentence that she put, I'm sorry.

8 CHAIRPERSON POWERS: Okay.

9 DARLENE JACKSON: So, I truly believe that DOC
10 cannot be reformed or retrained. Their abusive ways
11 are embedded in their culture of violence which has
12 gone beyond what is considered acceptable. The only
13 way to remove the violence from New York City jails
14 is to completely remove and dissolve the DOC once and
15 for all.

16 Thank you.

17 ZACHARY KATZNELSON: Hi, good afternoon, I'm
18 Zachary Katznelson with the Lippman Commission.
19 Thank you for the opportunity to testify.

20 I just want to say there has been discussion,
21 Chair Powers, you asked about resources the
22 Department might need. This is as I'm sure you know,
23 the most heavily resourced, richly resourced
24 department in the world probably. The officers, 1.7
25 officers roughly today for every single person

1
2 incarcerated. That is absolutely unheard of and so,
3 the resources are already in the Department if they
4 are needed at all.

5 I'd also note that more and better training is
6 always welcomed but the officers have been trained,
7 even the de-escalation training as discussed, they
8 have received that already in the academy and it's a
9 slightly different version the Department talked
10 about today. They just aren't putting it to use. It
11 really is about accountability, about management,
12 about oversight.

13 A few ideas about what they could do; consolidate
14 operations, have as few jails as absolutely possible.
15 The fewer jails you have the fewer management teams
16 you need. Actually, let them get a grip on things.
17 They spread people far to thin moving Wardens around
18 all the time to put out fires. Concentrate the
19 resources where they're needed.

20 Immediately analyze staffing in every unit. When
21 I go to Rikers, I see officers standing around in the
22 hallway sometime upwards of a dozen and a single
23 officer is in a housing unit with dozens of people
24 who are incarcerated. That should not be.

1
2 Everyone has to be not just assigned to steady
3 posts, but actually work those posts. That's not
4 what actually happens today. Even people who have a
5 steady post, they don't actually work that post day
6 to day. We need to have cohesive teams hold everyone
7 accountable, get to know each other. That's how
8 teams work in life, not just in the DOC.

9 A few other things that someone mentioned already
10 but what about something else, what about putting DOC
11 leadership in the jails instead of keeping them in
12 Bulova. What about violence and interrupters in
13 every unit of every jail. It's only been done on a
14 pilot basis, and this is not just all in the
15 Department of Correction.

16 Parole authorities lock up now a quarter of
17 people in Rikers are there for accused of parole
18 violations. The City should be doing everything it
19 can to put pressure on the state, not to lock so many
20 people up on parole for so little.

21 And the last thing I'd mention is that people who
22 are drivers of violence often according to DOC are
23 people that have been there an incredibly a long
24 time. DOC used to meet repeatedly with district
25 attorney's to say, why can you not speed up these

1 cases. That needs to be a priority for judges,
2 district attorney's and for defenders as well.

3 Thank you.

4 CHAIRPERSON POWERS: Great, thank you.

5 BROOKE MENSCHER: Good afternoon, my name is
6 Brooke Menschel, I'm the Civil Rights Counsel with
7 the Brooklyn Defender Services. Thank you to the
8 Committee and Chair Powers for the opportunity to
9 come today and share some of the reports we regularly
10 hear from, the people we represent.

11 We're all very well aware of the findings of the
12 Nunez Monitor, which of course, as we all know,
13 reported the highest rates of use of force since the
14 Monitor has been in place.

15 The Departments response that we heard this
16 morning was disheartening. They attempted to
17 undermine the data in part by claiming that use of
18 force is not equal to violence but we should make no
19 mistake, use of force is the very definition of
20 violence.

21 In the face of the Department's efforts to
22 minimize the report and justify violence in the
23 jails, it's hard to believe their statement that they
24 take its findings seriously. We routinely hear
25

1
2 evidence of the failure to reduce the violence in the
3 jails. The Department claims that nowhere in DOC can
4 something happen without being recorded because the
5 facilities are blanketed with cameras but that's
6 simply not true or at least it's not true that the
7 cameras are always working.

8 We hear at least weekly reports of officer
9 misconduct in areas that don't have cameras or at the
10 very least, where the cameras are not working. We
11 hear regular reports of pushing, shoving and grabbing
12 by officers in response to minimal verbal misconduct.
13 We hear frequent incidents where officers subject
14 people to chemical spray as retribution for
15 insubordination and on a daily basis, we hear reports
16 of people who are placed in isolation as retaliation
17 for insubordination, which in turn perpetuates the
18 cycle of violence.

19 We hope that the city will view the Nunez report
20 as a call to action. We urge the City Council to be
21 a leader in the charge. To push for the Monitor's
22 recommendations to be integrated into Department
23 policies, contracts, and where possible, into Council
24 legislation to support the Board of Corrections
25 efforts to adopt and revise minimum standards and

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2 encourage the Board to ensure strict limits on
3 restrictive housing. To insist that the Department
4 reduces its reliance on tactics that perpetuate
5 violence, specifically chemical spray and isolation
6 and instead recognize officers who successfully
7 employ de-escalation tactics. And certainly, we also
8 support the implementation of a program that would
9 allow representation at disciplinary hearings and
10 would welcome the opportunity to be a part of any
11 conversation about the resources and the mechanisms
12 that we can put in place to allow that to happen.

13 Thank you for the opportunity to address this.

14 CHAIRPERSON POWERS: Thank you.

15 MELISSA CLARKE: Good afternoon, the Children's
16 Defense Fund would like to thank you Chair Powers and
17 the Committee for the opportunity to testify today.
18 My name is Melissa Clarke and I am the Youth Justice
19 and Child Welfare Policy Associate at Children's
20 Defense Fund New York.

21 At Children's Defense Fund, our mission and sole
22 purpose is to ensure that every child receives a
23 healthy start, fair start, safe start, and moral
24 start at life, so that they can achieve a successful
25 passage into adulthood and their communities.

1
2 We serve on the Department of Correction's Youth
3 Advisory Committee, and our Freedom School summer
4 literacy program serves youth in the Administration
5 for Children's Services Detention Facility, Horizon.

6 With that mission in mind, I am here to speak for
7 the youth who are behind the walls experiencing
8 extreme violence while in the City's custody. The
9 Department of Correction manages eight facilities on
10 Rikers.

11 On Rikers Island, individuals of all age groups
12 are experiencing violence; however, young people
13 between the age of 16 and 18 are experiencing bonds
14 at a much higher rate than their adult peers. DOC's
15 use of force against adolescents and young adults
16 have reached the highest they have ever been since
17 2016. In the adult jails, young adults from ages 18
18 to 21, the use of force against them have increased
19 174 percent. The Department's use of force against
20 young people 18 years of age has reached the highest
21 its ever been since 2016 at 202 percent.

22 The states Raise the Age law allowed for us to
23 begin to remedy a culture of violence that has harmed
24 our young people in unspeakable ways. As a result of
25 this law, 16 and 17 year old's who were once

1
2 incarcerated on Rikers were relocated to Horizon
3 Juvenile Center. However, with the declining youth
4 population, the violence that our young people are
5 experiencing continues to rise.

6 The Federal Monitor reported that the use of
7 force that the DOC staff uses against young people
8 was higher in June 2019 than any period since the
9 adolescents were moved to Horizon.

10 It is essential that the DOC makes progress
11 towards its obligation to move away from these failed
12 tactics and move with more urgency to better support
13 our young people.

14 Thank you for holding this hearing and focusing
15 attention on the lack of safety for our young people
16 in jails.

17 CHAIRPERSON POWERS: Great, thank you. Thanks
18 for being here.

19 DONALD R. POWELL: Good afternoon Chairperson
20 Powers and Members of the Committee on Criminal
21 Justice. My name is Donald R. Powell and I have
22 worked for the last decade at Exponents. A
23 nonprofit organization which provides critical
24 services for individuals living with HIV, those
25 struggling with substance use and other behavioral

1
2 health conditions and persons incarcerated or
3 recently released from New York City jails.

4 On behalf of Exponents Board of Directors,
5 dedicated staff and our participants, I thank you for
6 organizing this hearing and permitting me to testify
7 as someone who has firsthand experience with New York
8 City jail based violence.

9 While I am certain we will hear and have heard
10 additional testimony that highlight the atrocities of
11 violence in our city jails, I would like to point out
12 that my story took place almost 30 years ago. Let
13 that be a wake up call that this is not an issue that
14 has just surfaced in recent years. While being
15 detained in the Otis Bantum Correctional Facility, I
16 was sexually harassed by an inmate repeatedly and
17 eventually attacked by him and three other inmates in
18 a stairway on my way from breakfast. When I was able
19 to break free and run up the stairs toward my housing
20 unit with my assailants in pursuit, the Housing
21 Officer closed and locked the door and would not
22 reopen it. I was attacked again.

23 In the last six months, we've witnessed the death
24 of Layleen Polanco, a 27 year old transgender woman
25 with a history of epilepsy found dead in her cell in

1
2 the segregated housing unit and Nicholas Feliciano,
3 an 18 year old Latinx male from Queens, who attempted
4 suicide after being attacked by several other
5 inmates. Why was this young man arrested for a
6 technical parole violation, housing complex with the
7 highest security classification despite the Young
8 Adult Directive mandate to separate those classified
9 as young adults be detained separately from their
10 older counterparts. Why was he left in his cell for
11 several hours after his attack instead of being
12 referred for immediate medical attention? How do
13 stewards of care, custody and control stand by for
14 almost seven minutes watching camera feed of him
15 attempting to hang himself before making a decision
16 to intervene?

17 I share this painful story to underscore the non-
18 negotiable fact that neglect and abuse of power are
19 also forms of violence. As a Black man with justice
20 involvement I am proud of the reforms that we've made
21 thus far. I look forward to a time where I can
22 literally see with my eyes open. The closing of
23 Rikers Island. I am concerned though that if we
24 don't come up with solutions to excessive force,
25 mistreatment of our youth defenders, sexual

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2 exploitation of those detained and a lack of
3 culturally responsive services for those among us
4 daily managing severe mental illness. We will
5 witness the same atrocities in the borough based
6 facilities that we've seen and heard testified her at
7 Rikers Island.

8 If it is indeed true that the market for society
9 can be measured by how we treat our brothers and
10 sisters, fathers and mothers, sons and daughters
11 involved in criminal justice system, we have a far
12 way to go.

13 Thank you.

14 CHAIRPERSON POWERS: Okay, thank you.

15 VIDAL GUZMAN: My name is Vidal Guzman, I'm a
16 Community Organizer for the Close Rikers Campaign. I
17 experienced violence in New York City jails in
18 Manhattan, Rikers Island. Violence inside, our jail
19 is not different from violence in our communities
20 because people in jail are people from our
21 communities.

22 First, as a person who was formerly incarcerated
23 and also a former member of the bloods, I lived the
24 effect of violence and seen the ripple effects of
25 violence in my community. I have watched some

1
2 individuals come home from jail and prison and be
3 more violent then when they went in. Instead of
4 blaming them, the real question I ask myself what's
5 going on with them? Are we doing enough and I also
6 know that violence is caused by trauma of those who
7 witness this and lived in fear of it.

8 I lived in on a block that was beefing with a
9 housing complex blocks away from each other. That
10 beef started in 2000 and it was just done in peace
11 and peace treaty was actually created in 2012 while I
12 was actually upstate. This beef kept going on for
13 years. Fights between jails and Rikers Island,
14 Greene Correctional Facility and other different
15 facilities, right.

16 That was into individuals who was in prison took
17 a chance to take action. They took us to start this
18 program called Alternative Violent Program, it's AVP,
19 it's an international program that creates conflict
20 resolution based on affection and respect for all
21 community incorporation and trust. They had people
22 who was incarcerated leading and facilitating the
23 workshops in Greene Correctional Facilities. In
24 these workshops, we learned about personal growth,
25 community development, creative conflict management,

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2 founded in prison, developed from real life
3 experience of detainees AVP encouraged every person
4 to grab and gain the power to positively transform
5 them first in themselves and then the world that we
6 lived in. Alternative Violent Program brought
7 together diversity groups of people, including active
8 and former gang members to end violence.

9 So, while I was in Greene Correctional Facility,
10 I was still active, a high ranked member of the
11 bloods and I was actually facilitating with someone
12 who was our brotherhood. And I want to end, I have
13 two things, because I know it's really finishing.

14 **[INAUDIBLE 5:04:23]** across the country has worked
15 to not just ending violence but helping young people
16 in our community inside while they were incarcerated
17 to become mentors for them. In New York City we have
18 a cure violence program that have been doing great
19 jobs in our community. We know that the most people
20 accused of violent acts has experienced real trauma
21 and violent very often their life. The lines between
22 nonviolent victim are really nonexistent. These
23 lines only exist so the power and the system holds
24 power, police, prosecutors, CEO's, exercise their
25 power and control over people they chose to target.

1
2 And we believe everyone has access to justice and
3 equity and this is what we should – and I haven't
4 really heard this because one, I want to make sure
5 that when we talk about gang members, my block is
6 Bloods, Crips, and there is no war, it's strictly
7 peace and I think in reality we can actually create
8 peace treaty's in our neighborhoods, then we could
9 create peace treaty's inside our jail system. It's
10 time for us to end our war. The city or this
11 countries war between the Bloods and the Crips and we
12 are able to do that.

13 People who are detained and incarcerated need
14 access to leadership, opportunity to learn the
15 importance of being a leader while incarcerated and
16 in the community.

17 Successful reentry begins from the moment someone
18 enters the system. Learning how to participate in an
19 advocacy campaign and learning how laws effect their
20 community, we can create an individual blueprint
21 successfully while people are in jails. Offer space
22 for our expression, resources for learning and other
23 opportunity for youth, adults and their family who
24 are just as involved.

25 Thank you.

1
2 CHAIRPERSON POWERS: Okay, thank you.

3 RAYMOND ORTEGA: Good morning, my name Raymond
4 Ortega, I am 18 years old and live in Far Rockaway.
5 I would like to thank you Chair Powers and the
6 members of the Committee on Criminal Justice for the
7 opportunity to testify today.

8 I am a Research Assistant with the Youth Justice
9 Collaborative Initiative and work alongside great
10 organizations like the Children's Defense Fund. I am
11 here today to speak about the violence youth
12 experience in city's jails and detention centers.
13 The youth experience in jail is not much different
14 than an adult. Teens are still experiencing the same
15 levels of violence in Horizon as they did on Rikers
16 Island. Even thought moving the youth from Rikers to
17 Horizon was done to provide a more structured and
18 secure facility where young people could feel safe
19 and protected, that has not been the experience for
20 many young people.

21 Young people may experience situations where
22 brutal force is used against them, even though they
23 are teenagers. This shows a lack of concern for the
24 traumatic experiences that young people maybe facing
25 every day.

1
2 So, I am here today to ask all of the members of
3 the Committee on Criminal Justice to investigate the
4 harm being done to teenagers while incarcerated in
5 these facilities. To seek out the answer to this
6 issue in order to help our future policemen and
7 women, doctors, lawyers and teachers, to allow them
8 to serve their time in the safe haven as they were
9 promised.

10 Thank you.

11 CHAIRPERSON POWERS: Thank you, thank you for all
12 the testimony. I just had one follow up question
13 here and thank you everybody for sharing your stories
14 as well. Well, two things. One, is I think two
15 folks had mentioned, I know Lippman Commission and I
16 think somebody else mentioned ways to celebrate or
17 have positive, just to be positive around folks who
18 are staff who help counteract violence or reduce it.
19 Are there measures by which one, like how does that
20 actually happen in real life?

21 ZACHARY KATZNELSON: I think some of the things
22 the Chief mentioned but they could be doing much
23 more. They mentioned employee of the month for
24 instance, there wouldn't be so many employees of the
25 month, but hopefully there are more staff that are

1
2 actually stopping violence day to day. The key is
3 for the captain for instance, on every shift, if
4 someone has done something good, call the people
5 together at the end of the shift and say they've done
6 something good. Use each shift as a learning
7 opportunity, not this roll call once a week. This
8 should be a day in day out lesson from the people who
9 are in leadership. And that needs to be at every
10 level. Captains, ADW's, Deputy Wardens, Wardens,
11 everybody use every opportunity to praise and praise
12 publicly and that's not done right now.

13 BROOKE MENSCHER: Can I just add one thing and I
14 think in addition to that, we routinely see that
15 officers who are involved in violence or in other
16 things that we would certainly consider to be
17 misconduct, end up advancing through the ranks. And
18 so, being able to highlight those people who are
19 effectively using de-escalation tactics and putting
20 them forward first, so that they're the ones who are
21 advancing into leadership, will be a really critical
22 component of the culture change that I think we all
23 recognize we need.

24 CHAIRPERSON POWERS: Okay, thank you and when we
25 talk about violence interrupters in the units of the

1
2 jails, that's a pilot, that has been a pilot program?
3 It's discontinued or it's still ongoing?

4 ZACHARY KATZNELSON: I'm not sure the extent it
5 still continues. It was a pilot, it was then
6 abandoned, the Department had talked about bringing
7 it back but I haven't heard anything definite
8 recently about it actually happening.

9 CHAIRPERSON POWERS: Can you provide us follow up
10 information on that?

11 ZACHARY KATZNELSON: Absolutely.

12 CHAIRPERSON POWERS: Thank you and my last
13 question, just to Vidal, who talked a little bit
14 about the connection between a neighborhood and the
15 city jails and upstate. Can you talk about existing
16 efforts in the city right now to do that? I mean,
17 there's obviously a number of programs the city.

18 VIDAL GUZMAN: Yeah, I think one thing that we
19 can kind of follow is the Jail Action Coalition.
20 Their blueprint to in solitary, it talks about harm
21 reduction in a way that we as a correctional and also
22 advocates can agree of how do we push from an
23 isolation place, a solitary confinement that harms
24 people and I think one of the most important things,
25 when I did three in a half years, I also did 905 days

1
2 in solitary confinement and the reason why I say
3 that, before I became a Facilitator for AVP,
4 Alternative Violent Program, you should look it up,
5 they have a thousand facilitators who are directly
6 impacted and been through this and are incarcerated
7 and are other individuals who are facilitating the
8 classes and I know on Rikers Island, they tried to
9 put AVP but the Department of Correction did not like
10 the way that was handled because they found out that
11 the individual detained is the one that's
12 facilitating. So, there was a power structure that
13 they didn't like that was happening there.

14 CHAIRPERSON POWERS: Okay, thank you. Thank you
15 all for your testimony and your patience. Thank you.

16 This is our last panel here. We have Sander
17 Cordero from Just Leadership, Jennifer Parish from
18 Urban Justice Center, Alexa Adams from Urban Justice
19 Center, Brandon Holmes from Just Leadership, Victoria
20 Phillips from Mental Health Project and Jails Action
21 Coalition, Herbert Murray from Just Leadership and
22 Kelly Grace Price from Close Rosie's.

23 Good thank you. You can begin.

24 SANDER CORDERO: Yeah, how you doing? My name is
25 Sander Cordero, I'm here with Just Leadership, Close

1 Rikers Island. I'm here on behalf of myself just to
2 say, you know, speak on my experience in Rikers
3 Island as a youth and all I got to say is that Rikers
4 Island was a contribution of violence back to the
5 community because what it taught in there was that
6 violence is what makes the world go around and what
7 controls everything around us and people that come
8 from the street and especially in certain urban
9 environments, they actually grow up around this, so
10 when you end up in a place like Rikers Island, it
11 actually justify that type of mentality and they
12 actually confirm it and they actually solidified it.

14 In my personal experience also in Rikers Island
15 as a youth was you know, I've been incarcerated, I've
16 been in segregation and I've been assaulted by the
17 officers like in previous encounters, one encounter
18 was when I had a fractured wrist and I went to the
19 hospital and I was in full restraints, leg shackles,
20 hand shackles, and one of the officers was talking
21 with another officer and they were basically
22 expressing about their beliefs and how they feel that
23 inmates. And you know, there was two officers and
24 they were talking on their beliefs about how they
25 feel that inmates are getting it to easy and how

1
2 certain inmates, they need to bring the death penalty
3 and this and that and you know, and they were having
4 a conversation and they actually, one of the officers
5 used me as an example and I actually got involved in
6 the discussion and we got into like a verbal
7 disagreement or whatever the case might be. So, it
8 left off and the officer told me that he was going to
9 see me when it's time to go back. Basically, when
10 it's time to go back in transportation, is when they
11 were going to pull the you know, the full restraints
12 back on with the belts and all that.

13 So, to make a long story short, I was sleeping,
14 it was like what two or three in the morning when my
15 transportation came and when I opened my eyes, I just
16 see the officer and two of them rush me and grab me.
17 So, when they grabbed me, they threw me down and one
18 pinned me while the other one was on the top of me
19 you know, hitting me, hitting me and then another one
20 grabbed my legs because I had the shackles and he
21 pulled me, so I could just be laid straight on my
22 back and they would just keep beating me, keep
23 beating me and you know, I was just so, like I didn't
24 expect it. And they ain't stopping until a female
25 officer couldn't take the blood and screamed to the

1
2 top of her lungs and just said stop, but it was a
3 while after they went on and then after that, they
4 were trying to clean it up. They kept me hidden.
5 They didn't want me to make any phone calls. They
6 told my parents, my mother that I wasn't even in the
7 building. They gave her the run around. They didn't
8 even want me to make personal calls in there and the
9 only way I was able to see my parents eventually was
10 you know, I had to get support from the outside to
11 reach out you know, to the reporters and stuff like
12 that and then my lawyer went and got a you know, long
13 story but just to say that my experiences there, it
14 was just, how to put it. What it showed me was that
15 all they do is teach more violence and teach people
16 that being humane is just being that way sometimes
17 where you got to just be a certain type of aggression
18 or just be cold hearted toward another human being.

19 And I truly believe that Rikers Island is a
20 regime that need to get broken up because it's a
21 traditional way. They got to run it from centuries
22 where they believe that there's a certain way that
23 they got to deal with prisoners and you know, it's
24 like a gang itself.

1
2 You know what I mean, they call people in the
3 street gang but Rikers Island is a gang itself and
4 they got a serious code and like I said, it really
5 should get broken up and you know, but I just hope
6 for the future that things could get better.

7 CHAIRPERSON POWERS: Yeah, thank you.

8 SANDER CORDERO: Alright, thank you.

9 JENNIFER PARISH: Good afternoon. My name is
10 Jennifer Parish, I'm the Director of Criminal Justice
11 Advocacy at the Urban Justice Center Mental Health
12 Project. I'm also a member of the Jails Action
13 Coalition in the Solitary Campaign and a member of
14 the Department of Correction Crisis Intervention Team
15 Advisory Board. Thank you for the opportunity to
16 testify.

17 Today, I want to focus on one intervention for
18 reducing violence with respect to people with mental
19 health concerns. The use of crisis intervention
20 teams. This intervention is a solution that has
21 shown promise, unfortunately Department of Correction
22 leadership has not embraced and fully implemented
23 CIT.

24 In November 2014, the Mayor's taskforce on
25 behavioral health and criminal justice included the

1 development of CIT and its recommendation for
2 ensuring that people with behavioral health disorders
3 in the jails receive treatment that is therapeutic
4 rather than punitive. The CIT model was originally
5 designed to improve the police response to mental
6 health crisis. But in 2015, the City adapted CIT to
7 the jail setting. CIT in the jails consist of
8 Department of Correction and health staff who have
9 received a five day training that includes education
10 regarding mental health symptoms and methods of de-
11 escalation and one of the key features of this
12 training is role playing mental health crisis
13 situations with actors. Staff have the opportunity
14 to practice the de-escalation skills that they're
15 learning and receive feedback from the trainers.

17 As a member of the advisory board, I've observed
18 the training. I was impressed with the content which
19 includes people with mental health concerns who have
20 been incarcerated coming in and sharing their
21 experiences. This training has the potential to help
22 officers better understand people with mental health
23 concerns and to engage them to deescalate crisis.

24 Deploying CIT has shown promising results. The
25 first year of evaluation documented significant

1
2 reduction in injury rates and the Mayor's Management
3 report for February 2017, showed that use of force in
4 the units that had CIT, decreased by 43 percent.

5 Unfortunately, this is not measured in the most
6 recent Mayor's Management Report.

7 To their credit, DOC and CHS work together to
8 plan and deliver CIT trainings and are committed to a
9 success but it doesn't have the leadership from the
10 top that it needs.

11 I have written testimony that describes what's
12 necessary to make that a reality and I hope that the
13 City Council will embrace this method of violence
14 reduction but before I seed my time, I just have to
15 take issue with what Council Member Holden said. His
16 characterization of people with mental health
17 concerns. He perpetuated stigma in this chamber and
18 I really appreciate that Commissioner Brann spoke up
19 and gave a very concrete example of how things can be
20 addressed with people who do have mental health
21 concerns that do not involve hospitalization and
22 institutionalization.

23 And in fact, when I've been on the CIT advisory
24 board, in our meetings, DOC staff had talked about
25 how the post within the mental health units have

1
2 actually become more desirable because there's
3 actually less use of force there and part of that has
4 detracted from steady staffing in those posts but I
5 think it's unfortunate that he's not here.

6 CHAIRPERSON POWERS: No, I appreciate that and we
7 in fact, as we noted, I think to some of the use of
8 force stats in some of the mental health units are
9 far better than other units and certainly should at
10 least look at those units in terms of what's working
11 as a model for other units. Thank you for that.

12 We'll also read your testimony with regard to the
13 recommendations around the CIT's. Thank you for
14 that.

15 BRANDON HOLMES: Good afternoon. My name is
16 Brandon Holmes and I am testifying today on behalf of
17 the Close Rikers Campaign and as a member of the New
18 York City Jails Action Coalition.

19 Close Rikers Campaign and all of New York City
20 counted a substantial victory in October when Council
21 voted to shrink the system 75 percent, improve
22 conditions for anyone still detained and make
23 parallel investments in community resources. But the
24 jail population has been shrinking for years with
25 minimal progress towards eradicating the culture of

1
2 violence and abuse within the Department of
3 Correction.

4 As New York City celebrates being the least
5 incarcerated big city in the nation, there has been
6 little to no effort from the agencies leadership or
7 the administration to confront the challenges of
8 actualizing cost savings or holding individual
9 officers who perpetuate violence accountable.

10 The Administration strategy to achieve a
11 reduction in DOC staff through attrition is both lazy
12 and dangerous. For decades, we've seen Correction
13 Officers leave their work and struggle with mental
14 health concerns, suicide attempts and extreme levels
15 of stress. Many choose to leave because they cannot
16 bear to continue working in such a toxic violent
17 environment or witness the daily violence inside city
18 jails.

19 We must believe that anyone who can tolerate this
20 culture of violence and abuse has adapted to it and
21 has accepted its history of opposition to reform. As
22 the Mayor and DOC leadership allow their staff to
23 quit or collapse within this agency, there must be a
24 better plan. A plan that identifies and incentivizes
25

1
2 good behavior in order to truly transform our jail
3 system.

4 In early 2018, Close Rikers Campaign leaders
5 called for the complete elimination of the Department
6 of Corrections. Before several officers were
7 indicted on sexual assault charges, before the Nunez
8 report confirmed a 98 percent increase of use of
9 force and before the agency was operating at a ratio
10 of nearly 2-1 staff to people in custody.

11 In December of that same year, we published this
12 letter by survivors of Rikers Island, which I have
13 included with my testimony. Naming that we identify
14 that the safety of all staff and people who are
15 detained behind those walls is important but as this
16 Department of Corrections opposes the elimination of
17 solitary confinement, as this Department fails to
18 comply with key components of the Federal Monitor's
19 Consent Judgement for the 8th year in a row, and as
20 the Department puts individuals like Kalief Browder,
21 Layleen Polanco and 18 year old Nicholas Feliciano
22 who hung for seven minutes as Correction staff
23 neglected their duty, please ask yourselves, is this
24 an agency that has a role in a de-carcerated New York
25 City. How will they possibly reflect our values of

1 ending mass incarceration and improving conditions
2 for incarcerated people.

3 CHAIRPERSON POWERS: Just one follow up question
4 because you didn't an opportunity. I know you have
5 some recommendations in here and questions but one of
6 them is, you asked that the, in the testimony, the
7 Federal Monitor requires DOC to report around
8 disciplinary actions being taken. Do they report
9 that to the Federal Monitor?
10

11 BRANDON HOLMES: They should be reporting that to
12 the Federal Monitor and BOC, we've requested that the
13 Board request that report and make it public and now
14 today, we're asking that the Council also get that
15 information because we have not seen it from the
16 Board yet.

17 CHAIRPERSON POWERS: And the Board has requested
18 it?

19 BRANDON HOLMES: I cannot confirm.

20 CHAIRPERSON POWERS: Okay, we'll follow up, thank
21 you.

22 VICTORIA PHILLIPS: Good afternoon Chair. My name
23 is Dr. Victoria A. Phillips and I am a member of the
24 Jails Action Coalition and I work at the Mental
25 Health Project at the Urban Justice Center. I've sat

1
2 on the advisory board for DOC for the past six years
3 and I have been advocating around DOC inhumane
4 culture and practices for the past nine years.

5 The Federal Monitors Report continues to validate
6 everything I say on the record. I've worked with
7 Commissioner Ponte and Commissioner Shapiro but no
8 Commissioner Brann.

9 Yes, she often comes before Board of Corrections
10 and City Council in boast of the very things us
11 advocates have demanded and work with City Council to
12 implement. The Officers union today mentioned rape
13 and sexual assaults, but let me be clear, last April,
14 the Bronx DA testified on the record that for the
15 calendar year 2018, 60 percent of the alleged sexual
16 assaults reported to her office were from the Island
17 against officers. The Manhattan DA said she received
18 nine.

19 I've experienced myself violence behind the walls
20 while doing cognitive behavioral therapy, yet
21 ironically, the situation was set up by officers,
22 actual gang members who were resolving street beef.

23 When we speak of safety and actually testified
24 before you, Chair to extend the DOC budget for
25 additional officers against even other advocates,

1 because I've worked behind the wall. I've seen
2 officers stuck for two and three chores and yet
3 expected to be back on tour in less than eight hours.
4 That is part of safety. This has not changed,
5 although the staff has increased greatly. Their
6 mental and physical wellbeing directly impacts the
7 population. When DOC speaks of culture change let's
8 be clear that DOC has replaced half of their staff
9 within the last four or five years and yet, while
10 being aware that they are being monitored, change has
11 not occurred.
12

13 To me that shows failed leadership. Now is the
14 time for this Council to hold DOC accountable across
15 the board. Read the Federal Monitors Report. For
16 example, two or three years ago, I sat before your
17 chair and requested additional funds for the
18 investigation department, yet DOC sat on that funding
19 and last December started that squad that that spoke
20 about today.

21 The improper use of scans exposes individuals
22 with unhealthy amounts of radiation. These are your
23 constituents who will lay to suffer because of
24 carelessness of DOC and this Council continues to not
25 want to offend and refuses to hold them accountable.

1
2 Uniform staff aren't reporting working scans,
3 working the scans without being trained because their
4 supervisors will place them in the worst posts.

5 Another example of how bullies with badges are
6 able to continue the culture of corruption and
7 violence. DOC will immediately re-arrest and
8 incarcerate an individual yet allow their officers
9 who should be fired to resign or wait until an
10 individual has left the Island to follow up on the
11 report. Where's the accountability. Give me one
12 more second please.

13 If Council Member Holden was here, I would tell
14 him on the record, one out of five New Yorkers has a
15 mental health concern. He referred to those with
16 mental health concerns committed alleged acts of
17 violence and yet data shows that this very population
18 is the majority of those who are often victimized.
19 Individuals have no place, people with mental health
20 concerns have no place in the correctional system and
21 this Council needs to push the City forward with
22 implementing mental health diversions throughout the
23 city.

24

25

1
2 In addition, there are a little uses of force in
3 PACE and CAT Units due to the least amount of
4 Department of Correction members running those units.

5 And lastly, books was mentioned and access to
6 library and law, right. I just finished a book in
7 DVD drive for a facility on the Island because I saw
8 a need that I could change immediately and I begged
9 the Council to immediately follow up on this basic
10 minimum standard which is steadily ignored.

11 Thank you for your time.

12 CHAIRPERSON POWERS: Thank you.

13 ALEXA ADAMS: Hi, good afternoon. My name is
14 Alexa Adams, I'm a member of Jails Action Coalition
15 and I'm also a social work student currently
16 interning with Urban Justice Centers Mental Health
17 Project.

18 I'm new to New York and moved here just this past
19 year to start school and jumped into my work. I have
20 limited knowledge coming in of how New York City
21 jails operate and the culture of violence that is
22 present upholding racism, classism, heterosexism,
23 transphobia, and xenophobia.

24 I started out doing research to familiarize
25 myself with what is going on in these jails and I'm

1
2 appalled with what I have seen and heard this far.
3 Violence in New York City jails is killing people.
4 Information from the New York Correctional
5 Association and a report in the Brooklyn Daily Eagle
6 reported that there have been 374 deaths in NYC jails
7 since 2001. The majority of those relate to medical
8 emergencies.

9 DOC often ignores those having emergencies and
10 results in this form of medical violence. Take for
11 instance Carlos Mercado who passed away in 2013 as
12 the result of a diabetic emergency. He was under
13 DOC's care yet did not receive care for 14 hours
14 despite clear warning signs that he was in need of
15 help. The most recent examples of this medical
16 violence is that of Layleen Polanco and Nicholas
17 Feliciano.

18 DOC has shown that they are not capable to handle
19 medical emergencies and it is resulting in
20 preventable deaths which are often time slow and
21 agonizing. DOC has also shown time and time again
22 that they are not equipped to handle those
23 experiencing mental health emergencies and often rely
24 on means resulting in physical, emotional and
25

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2 psychological violence or relying on isolated
3 confinement.

4 As you know, the Independent Monitor has found
5 that the use of force for this period is the highest
6 it has ever been. This is unacceptable and we must
7 take action now to fix this.

8 Lastly, due to this violence, there are over 374
9 families, parents, siblings, friends and loved ones
10 who no longer have these individuals in their lives.
11 I urge you to listen to the voices of survivors and
12 their loved ones and to take what they have to say
13 seriously. Those who have survived know how to start
14 fixing this broken and violent system until we can
15 imagine a world where jails and prisons are
16 nonexistent.

17 Thank you.

18 CHAIRPERSON POWERS: Thank you.

19 HERBERT MURRAY: Hello, my name is Herbert Murray
20 and I am the Close Rikers Leader for Just Leadership
21 USA. When I was 21 years old, I was arrested,
22 trialed, convicted and sentenced to 15 years to life
23 and subsequently did 29 years.

24 During my time in Rikers Island, I went to Three
25 Block and when they placed me in Three Block, they

1
2 had contained two TV's, three telephones,
3 approximately six showers, for approximately 120
4 individuals. That right there generated a balance in
5 itself.

6 When the individual officers were placed outside
7 the gate of the cell block, when those competitions
8 happen, she didn't run in there or he did not run in
9 there to resolve the issues. They pressed a button
10 and that informed the riot squad and that riot squad
11 consists of various individuals throughout the jail
12 and it takes like approximately a half an hour for
13 them to get information, get in their uniform, and
14 all the time, all hell is breaking loose in that cell
15 block and then when they finally come, they come in
16 there busting heads. They don't come in there and
17 try to ascertain what happened, they come in here
18 making example by anybody that gets in their way.

19 Someone didn't see some officer; he's getting
20 knocked in the head with the stick. So, this is the
21 kind of culture that was generated during my time
22 which happened almost 40 years ago. The CO, very
23 abusive, especially to Black and Brown people, every
24 time you turn around, they harassing us. They are
25

1
2 jumping us. Making us an example for everybody to
3 see and this is what they did.

4 New York City must hold all its law enforcement
5 agencies accountable including Department of
6 Correction in order to achieve diversion of the
7 smaller, safer jail within the borough facility.

8 Thank you.

9 CHAIRPERSON POWERS: Thank you.

10 KELLY GRACE PRICE: Hi, good afternoon. Kelly
11 Grace Price from Close Rosie's. I wanted to talk
12 specifically about sexual violence in the city jails
13 and the lack of the Department's response to the
14 issue. A lot of the things that I've said, I have
15 testified to before. I have been testifying about
16 being finger popped on my way into the jail to visit
17 people since 2015. We've been talking about these
18 issues for a long time and they haven't been
19 addressed.

20 I want specifically to call your attention first
21 to point number in my testimony. Point number Seven,
22 because Councilman Powers, this is something that you
23 and I have been speaking about since 2017 when you
24 were still advocating to different democratic clubs
25 around town to get elected and I remember

1 specifically talking to you at Trinity Church up on
2 East 89th street about a PREA reporting bill and a
3 sexual assault reporting bill, which as you know, you
4 voted, it was written into law in early 2019 but is a
5 POS. It doesn't even give us a basic number of
6 complaints over the past year. Alana knows very well
7 that this something I'm upset about. It needs to be
8 addressed immediately and remedied.
9

10 We still don't know the total number of
11 complaints from 2018, sexual assault complaints.
12 That's an anathema, there's no reason that the
13 language should be so anemic to not even proffer that
14 basic level of data.

15 There's some other things that I would like to
16 discuss very quickly in my testimony that I haven't
17 written down. Of course, I've been speaking about
18 the jail borough rebuild plan that sticks all women
19 in Queens, or further isolate women and girls, make
20 us more susceptible to sexual violence and it's a
21 blatant Title 9 violation, I've sent my briefs about
22 this to all the City Council Members. No one's done
23 anything about it. Helen keeps saying oh, we're
24 going to open up a jail on Central Park north but
25 still one jail is not going to solve the Title 9

1
2 issues and the sexual violence issues of the current
3 plan.

4 I want to talk about quickly the Board of
5 Correction. Please look at the glassdoor.com reviews
6 by former Board of Correction employees. They are
7 horrible. We cannot cure the violence problem
8 without proper oversight. You must pay attention to
9 what's going on in the Board of Correction.

10 The last thing I will say is that I noticed that
11 back in 2017, two months before Mayor de Blasio
12 announced his plan to close Rikers Island, that the
13 Chair of the City Planning department who also
14 conterminously was the Chair of the City Planning
15 Commission, the famous Carl Weisbord stepped down.

16 Now, at the same time, a number of very large
17 payments were made to a number of the same entities
18 that are in charge now of the borough jail rebuild
19 plan, including HRNA Advisors, different PR firms,
20 that seem to have been invested in in order to direct
21 the community outcry around closing Rikers Island.

22 I'll send you my brief on this issue but if the
23 Mayor already knew he was going to close Rikers back
24 in 2014 when he appointed Weisbord and Weisbord
25 stepped down and HRNA advisors as you know, are the

1
2 drafters of the one New York City plan which was
3 touted last Thursday in this hearing as for what will
4 happen with Rikers Island. If the Mayor can align
5 his planning all the way back in 2014 and full the
6 city into thinking that it was community groups that
7 actually pushed for the closure when he was investing
8 in it in the first place, back in 2014 with Weisbrod,
9 why can't he scheme and come up with a plan to cure
10 the violence in the jails? It looks to me like the
11 entire Close Rikers movement is a parity. It was all
12 directed by the Mayor's Office. It was all paid for
13 in 2014, 2015, far before any of these groups came
14 forward. We must hold our Mayor's feet to the fire.
15 We cannot allow him to pull the wool over our eyes if
16 he is able to orchestrate this kind of behemoth
17 community planning behind our backs, he can certainly
18 figure out a way to cure violence in the City jails.

19 CHAIRPERSON POWERS: Okay, thank you and I won't
20 speak on behalf of the Mayor but I know I can tell
21 you that from my standpoint, having coming in before
22 I came to the body, and then after I was certainly
23 educated by folks who had been organizing in this
24 space who the many who are impacted by the system as
25 well, who and then came to my meetings and other

1
2 before to advocate for the Closure of Rikers based on
3 their own personal experiences. But I won't speak on
4 behalf of the Mayor or his Office, I'll let them
5 speak for themselves.

6 Thank you for everybody, I'm sorry for a very
7 long day and hearing. Thank you for everybody's
8 patience and we will be taking all of your
9 suggestions as follow items. Thank you. [GAVEL]

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C E R T I F I C A T E

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



Date April 1, 2018