

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON CIVIL SERVICE AND LABOR 1

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

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Of the

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COMMITTEE ON CRIMINAL JUSTICE
JOINTLY WITH THE COMMITTEE
ON CIVIL SERVICE AND LABOR

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September 15, 2021

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Start: 10:22 a.m.

Recess: 6:24 p.m.

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HELD AT: REMOTE HEARING - VIRTUAL ROOM 4

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B E F O R E: Keith Powers,
Chairperson for Committee on
Criminal Justice

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I. Daneek Miller,
Chairperson for Committee on Civil
Service and Labor

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COUNCIL MEMBERS:

20

Alicka Ampry-Samuel

21

Darma V. Diaz

Robert F. Holden

22

Kevin C. Riley

Carlina Rivera

23

James G. Van Bramer

Brad S. Lander

24

Adrienne E. Adams

Daniel Dromm

25

Eric Dinowitz

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3 COUNCIL MEMBERS (CONT.):

4 Stephen T. Levin
5 Farah N. Louis
6 Francisco P. Moya
7 Helen K. Rosenthal
8 Eric A. Ulrich
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4 A P P E A R A N C E S

5 Dean Fuleihan
6 First Deputy Mayor

7 Vincent Schiraldi
8 Commissioner of the Department of Correction

9 Stanley Richards
10 First Deputy Commissioner

11 Kenneth Stukes
12 Chief of Department

13 Dana Wax
14 Chief of Staff

15 Melissa Guillaume
16 Deputy General Counsel

17 Patsy Yang
18 Senior Vice President for Correctional Health
19 Services

20 Carlos Castellanos
21 Chief Operations Officer, Deputy Executive
22 Director for NYC Health + Hospitals

23 Jeanette Merrill
24 Director of Communications and Intergovernmental
25 Affairs for NYC Health + Hospitals

Marcos Soler
Chief of Staff at the Mayor's Office of Criminal
Justice

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

Dr. Robert Cohen
Director of the Montefiore Rikers Island Health
Services

Darcel Clark
13th District Attorney for Bronx County

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

3 Kenny Burgos
4 Assembly Member representing the 85th District in
5 the Bronx

5 Alessandra Biaggi
6 Assembly Member represent Riker's Island in the
7 34th State Senate District

7 Emily Gallagher
8 Assembly Member from Brooklyn

8 Zohran Mamdani
9 Assembly Member represent 36th Assembly District
10 in Astoria

10 Jessica Ramos
11 New York State Senator

12 Benny Boscio Jr.
13 President of Correction Officers' Benevolent
14 Association

14 Patrick Ferraiuolo
15 President of the Corrections Captains'
16 Association

16 Kevin Collins
17 Executive Director of Doctors Council SEIU

17 Alicia Butler
18 Registered Nurse working for New York City Health
19 + Hospitals Correctional Health Services

19 Lillie Carino
20 On behalf of 1199

21 Anthony Wells
22 President of SSEU Local 371 District Council 37

22 Mary Lynn Werlwas
23 Prisoners' Rights Project of the Legal Aid
24 Society

24 Julia Solomons
25 Social Worker at The Bronx Defenders

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

4 Orayne Williams
5 Criminal Defense Social Worker from the Bronx
6 Defenders

7 Kelsey De Avila
8 Brooklyn Defender Services

9 Stan German
10 Executive Director of New York County Defender
11 Services

12 Meghna Phillip
13 Public Defender at the Neighborhood Defender
14 Service of Harlem

15 Alice Fontier
16 Manager and Director of the Neighborhood Defender
17 Services

18 Sarita Daftary
19 Co-director of Freedom Agenda and a Member of the
20 Jails Action Coalition

21 Darren Mack

22 Brandon Holmes

23 Jennifer Parish
24 Director of Criminal Justice Advocacy at the
25 Urban Justice Center Mental Health Project

Alana Sivin
Senior Advisor at the Independent Commission on
New York City Criminal Justice and Incarceration
Reform

Michael Rempel
Director of Jail Reform at Center for Court
Innovation

Donna Gould

Jared Trujillo

Melania Brown
Sister of Layleen Polanco

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

4 Scott Paltrowitz

5 Victor Pate
New York Statewide Organizer for Halt Solitary
Confinement Campaign

6 Johnny Perez
7 Director of the United States Prison Program for
the National Religious Campaign Against Torture

8 Eileen Maher
9 Organizer with the Justice for Women's Taskforce

10 Mrs. Dr. Victoria A. Phillips

11 Donna Hylton

12 Leah Faria
Formerly incarcerated

13 Audrey Johnson
14 Formerly incarcerated woman

15 Betsy Ramos
Spent a year on Rikers Island

16 Jordyn Rosenthal
17 Director of Community Engagement at the Women's
Community Justice Association

18 Lucia Alonzo
19 Women's Community Justice Association

20 Daniele Gerrard
Senior Staff Attorney at Children's Rights

21 Melissa Taylor
22 Representing WCJA

23 Shadequa Hampton
WCJA Rosie's Campaign

24 Messiah Ramkisson
25 Senior Director of Programs and Community
Partnerships with the Youth Justice Network

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

4 Susan Shah

5 Managing Director for Racial Justice at Trinity
6 Church Wallstreet Philanthropies

7 Wendall Walters
8 Senior Policy Associate at the Osborne
9 Association

10 Annette Tomlin
11 VOCAL New York

12 Bilal Malik
13 Son is on Rikers Island

14 Mark Moses
15 VOCAL Leaders

16 Jon McFarlane
17 Active Civil Rights Union Leader at VOCAL New
18 York

19 Carl Stubs
20 VOCAL New York Leader

21 Scott Hynes
22 Resident of Brooklyn

23 Andre Ward
24 Associate Vice President of the David Rothenberg
25 Center for Public Policy at the Fortune Society

26 Tamara Carter
27 Mother of Brandon Rodriguez

28 Henry Robinson
29 Member of the Katal Center for Equity, Health and
30 Justice

31 Gabrielle Parks
32 Member of Katal Center for Equity, Health and
33 Justice

34 Marvin Mayfield
35 Lifelong New York City Resident and a Survivor of
Rikers Island and the Boat

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

4 Jane Ehlke (SP?)

5 Advocacy Volunteer in the movement to Close
6 Rikers

7 Elliet Rosa
8 Spent time at Rikers Island

9 Carole Eady
10 Women's Community Justice Association

11 Pamela Neely
12 Member of WCJA, as well as Beyond the Bar
13 Campaign

14 Georgi Page
15 Volunteer Member of 350 Brooklyn

16 Richenda Kramer
17 Volunteer Working for Prison Reform for the last
18 20 years

19 Grace Price
20 Rescinded time to Melania Brown

21 Zara Nasir
22 Deputy Director at New York City Anti-Violence
23 Project, AVP

24 Jessica Gonzalez-Rojas
25 Assembly Member for the 34th District

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3 CHAIRPERSON POWER: Thank you. Good morning
4 everyone. Thank you for being here today. We have a
5 lot of - RECORDING IN PROCESS.

6 Good morning everyone and thank you for being
7 here. I'm City Council Member Keith Powers Chair of
8 the Criminal Justice Committee here in the City
9 Council. I want to thank so many people for joining
10 us today for a joint oversight hearing on the
11 condition of our city's jails. We are joined here
12 today by Chair Daneek Miller, who is Chair of the
13 Committee on Civil Service and Labor and many
14 colleagues who [LOST AUDIO 0:20].

15 I think we have uh, Sergeant if you can mute.
16 So, thank you.

17 Uhm, and we are joined by many folks here today.
18 I want to just acknowledge a number of my colleagues
19 who are here for both Committees. We are joined by
20 Council Members uh, Lander, Adams, Ampry-Samuel,
21 Diaz, Dinowitz, Holden, Levin, Louis, Moya, Riley,
22 Rivera, Rosenthal, Ulrich, Van Bramer and I will get
23 more if they have joined us. We're also joined by
24 our Public Advocate. We're also joined by our
25 District Attorney from the Bronx Darcel Clark. We
are of course also going to be hearing from but I

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3 want to acknowledge a number of state elected
4 officials. I know some who have been to Rikers
5 Island earlier this week. We have Assembly Member
6 Gonzalez-Rojas, Assembly Member Gallagher, Assembly
7 Member Burgos, Assembly Member Ramone Donny and I
8 believe we're going to be joined by a few more. I'm
9 sorry that I did not get to them yet but Senator
10 Ramos is here as well and I'll acknowledge others as
11 they get in here.

12 I want to thank everyone for being here because
13 as many know and have seen in the last few weeks, the
14 city jails have been described as a humanitarian
15 crisis. We have seen the condition of our city's
16 jails deteriorate over the last several months to the
17 point where it's no longer a safe environment for
18 those in custody or those who work in the jails.
19 We've had one staff member recently to sound the
20 alarm on the collapse of basic jail operations. But
21 if you look at the numbers, you can see very clearly
22 situations that were already problematic are going up
23 drastically. We have assaults are up both on staff
24 and on those in custody. Use of force is up. Self-
25 harm is up and we have seen an alarming amount of
deaths, ten so far this year. At least five which

3 were suicides. And I want to send my deepest
4 condolences to the family and friends of those who we
5 have lost and of course anybody who has been attacked
6 or assaulted inside of our city jails. Those in
7 custody are not getting the most basic of services
8 such as food, showers and medical care.

9 I want to be quiet clear and I want this to be on
10 the record and clear that we cannot let things
11 continue to spiral out of control. And this hearing
12 and this is a moment we are sounding the alarm about
13 the state of our city jails. We are calling this
14 hearing to highlight those conditions. To hear from
15 the administration on their plans, some of which they
16 have announced yesterday but to think short and long-
17 term about how to get out of this situation. To
18 advocate for better solutions and to end this
19 downward spiral that we have seen over the last year
20 and a half.

21 One major issue is that DOC has been grappling
22 with is a severe staffing shortage. Despite having
23 one of the most robust staff as any ratio in the
24 nation. We have seen staff calling in in record
25 numbers or some simply not showing up at all. We
also of course see both working double and triple

3 shits. That means often working 24 hours without
4 food, water, bathroom breaks. And I have to be the
5 first – as we all know, it's unacceptable for
6 somebody to be expected to work a triple shift inside
7 of our city jails.

8 We've heard about housing units going completely
9 unstaffed. All these scenarios create life
10 threatening conditions for those in custody and the
11 staff working there.

12 We are going to be hearing today from DOC and
13 we're also joined by our First Deputy Mayor Dean
14 Fuleihan about the specific initiatives undertaken so
15 far to address this crisis. The mayor's plan that he
16 announced yesterday and what steps they will be
17 taking. We'll also ask what immediate steps need to
18 be taken to prevent any more harm to people working
19 inside of our jails and people in custody. And I
20 just want to say one additional item which is that,
21 whether you are in custody, whether you are working
22 there, if you are a doctor who are in uniform, this
23 crisis affects everyone. Everybody should be
24 concerned about this. I know there is lots of folks
25 here who are persuaded by different arguments or
different politics in this Zoom here right now but

3 what we are facing is a crisis and anybody who's in
4 custody, anybody who is going to work there is facing
5 the same safety and security issues at this
6 particular moment.

7 I think the administration could be doing more to
8 look at six-day release and other ways to lower the
9 population there. They are of course taking steps to
10 correct some of the staffing issues. We're going to
11 discuss all those issues today but I'm very
12 appreciative of everybody who is taking time here
13 today. We have over 100 panelists today. So, I want
14 to say thank you to them and you know one programming
15 that we're going have - hear from a lot of folks
16 today, so we are going to be very stretched for
17 timing. Council Members too but of course folks that
18 are testifying, so we can give everybody an
19 opportunity to get to their testimony and hopefully
20 limit the amount of waiting time will be happening
21 here for folks.

22 So, with that, I want to turn it over to Chair
23 Miller and then after that, we're going to hear from
24 our Public Advocate Jumaane Williams.

25 CHAIRPERSON MILLER: Good morning and thank you
Mr. Chair. Good morning, I'm Council Member I.Daneek

3 Miller and I am the Chair of the Committee on Civil
4 Service and Labor. I'd like to thank everyone who is
5 joining us this morning and those who are
6 participating in today's hearing. Thank you Chair
7 Powers for your insight and your leadership and your
8 sincere commitment to a safer and more productive and
9 humane jails.

10 And thank you for having this Committee on Civil
11 Service and Labor and allowing us to join you this
12 morning and bring a voice from labor and a broader -
13 to address the broader, holistically, those impact
14 that we've seen over the past few months on Rikers
15 Island.

16 I'd like to thank the members of the Committee on
17 Civil Service and Labor that have joined us today,
18 all of which are in attendance today and which how
19 just very important this is. But let me clear that
20 the current state of city jails is unacceptable and
21 it must be addressed. This is complex and it is
22 multifaceted and labor relations are no doubt a
23 component.

24 As this City Council dives into today's
25 testimony, I want to ensure that we work - that the
work that we do is grounded in facts and the

3 questions are grounded in facts. First, both
4 incarcerated folks and corrections officers and other
5 employees of DOC are entrapped by these conditions on
6 Rikers Island. Solutions require investment in both
7 parties because the safety and the well-being are
8 codependent. Commissioner Schiraldi in a recent
9 briefing to Black, Latino, Asian Caucus offered a
10 compelling anecdote about surprise and comradery
11 between and cooperation between uh, the CEO's and the
12 incarcerated individuals. It is important that we do
13 not accept a reductive skewed understanding of this
14 dynamic of the two, difficult as it may be.

15 Secondly, we must ensure that we are asking
16 proper questions about the workplace safety and
17 standards as it relates to delivery of services. It
18 is imperative that the Council receives clarity and
19 of definition, so that we can actually understand the
20 context and the scale of the problem.

21 Third, as the Chair of Civil Service and Labor, I
22 must emphasize collective bargaining. I am -
23 represent the 27th Council district, which has the
24 largest population of municipal employees in the
25 city. As a former municipal employee myself, we
recognize and I think that we are all in agreement

3 that this system is broken and has to be fixed. But
4 the workplace conditions are also broken.

5 Scheduled to testify today is organized labor
6 representing not just correction officers but
7 civilian employees and also captains. Who work to
8 support the capacity alongside incarcerated
9 individuals. We can all agree that double and triple
10 shifts without meal breaks is inhumane. Some feel
11 exhausted after 24 shifts, have gotten into their
12 cars and had crashes while driving home. Others have
13 resorted to sleeping in their cars until the next
14 shift. As the pandemic continues to rage, nine have
15 died and all 1,400 have been infected.

16 Given that correction officers are a majority of
17 color and women, I would be remiss if I didn't
18 mention the disturbing trends of sexual assault,
19 harassment against female corrections officers. Such
20 a tremendous physical and psychological toll, whether
21 it be from sleep deprivation, lack of nutrition or
22 threats of safety will inevitably affect the
23 availability of officers. Our civil service system
24 is rooted in the promise of merit and fitness. We
25 must ask, what affect are these terrible conditions
having on the delivery of service. Namely the

3 abilities of the corrections officers to oversee the
4 service of the incarcerated folks in a seamless and
5 humane way. When workers are forced to work double
6 and triple shifts without consideration for workplace
7 standards, seniority compensation, we undermine the
8 workplace and break the promise of civil service.
9 How does this impact the ability of corrections
10 department to manage its workforce and provide
11 services. Questions that must be asked.

12 At today's hearing, the Committee are eager to
13 hear DOC's plan to remedy the crisis, conditions in
14 city's jail. Among them, the Committees want to hear
15 a greater detail about DOT's plan to address staffing
16 crisis as well as the timeframe for which these
17 changes will be implemented and the resources that
18 have been identified to move forward with this plan.

19 Finally, I would like to thank my staff for
20 putting this together as well as obviously uh, the
21 Committee on Criminal Justice staff and I am thankful
22 for the opportunity to cohost this afternoon.

23 Once again, thank you to my Chair and I will turn
24 it over to my cohost and then back to the Public
25 Advocate. Thank you.

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3 CHAIRPERSON POWERS: Thank you Chair Miller.

4 Thank you and your Committee for being here as well
5 today with so many labor issues that the agencies are
6 facing right now. We're going to hear now and pull
7 up our Public Advocate Jumaane Williams to give his
8 opening statement.

9 PUBLIC ADVOCATE WILLIAMS: Uh, thank you so much.
10 As mentioned my name is Jumaane Williams, I am the
11 Public Advocate for the City of New York. Thank you
12 Chair Powers and Miller both for holding this hearing
13 and Chair Powers for always highlighting the issues
14 that have been going on here. And Chair Miller, for
15 always highlighting the issues that have to do with
16 labor.

17 Two days ago, I was one of the elected officials
18 and some of whom you will hear from today to tour
19 Rikers Island. And honestly, no words can describe
20 the inhumane conditions, the trauma and pain that I
21 saw. I visited there this past May; it was bad then.
22 The precipitous drop off to the humanitarian crisis
23 that I saw is simply stunning. Especially for a city
24 that prides itself on how it tries to do its best for
25 New Yorkers. How that city can literally leave
detained people along with vulnerable staff, to fend

3 for themselves in an environment that seems created
4 to breed violent situations.

5 These conditions are so bad that I thought there
6 would be Attica-style uprising. I'm surprised there
7 hasn't been and in fact, it seemed that one might
8 happen while we were there. I don't think anybody
9 there working or housed, feels or is safe. Based on
10 what I saw and what we saw, I can understand why
11 people feel that way. We have people detained for
12 some of the smallest of infractions. People are
13 detained for very long periods for something like a
14 fist fight. Something simple as technical parole
15 violations. They are made to sit across from
16 garbage, rotten food, feces, urine, people using
17 shared bags as toilets with limited access to water,
18 showers or meals. The people on Rikers Island are
19 not afforded recreational time to get fresh air much
20 less to access to phones or transportation to take
21 them to their court dates.

22 Everybody on the Island is on edge. There are
23 people who have made weapons for self-defense or
24 protection. One of those weapons fell out of
25 someone's pocket while we were touring and that
person had to be apprehended. Seeing people with

3 swollen hands who reported that they had fractured
4 arms were denied medical attention. Spoke to someone
5 who is living with HIV, said that they were denied
6 their medication for at least seven days. There were
7 multiple people with mental health issues that did
8 not have their medication as well. We saw one trans-
9 prisoner who was moved from the women's housing unit
10 to the men's and was suffering tremendously. People
11 were seen laying on the concrete.

12 We heard stories of people going hours without
13 food unless they beg for it. We were treating those
14 with mental health conditions who probably shouldn't
15 be there in the first place. We saw several people
16 who were housed in showers. Some of the showers had
17 the ability to lay down, some didn't. We saw two
18 people in those showers that could not sit or stand,
19 I'm sorry, or lay down. I was told one was there for
20 a few days. He was naked. I was not sure if it was
21 urine or water that was dripping from him as he
22 starred off into space. They were standing alone.

23 We fail correction officers as well. Who was
24 mentioned have been working triple shifts. I have
25 officers who have told me they have worked quadruple
shifts and they are facing other conditions that have

3 only eroded morale. Some officers, primarily women,
4 complain about being sexually harassed, abused and
5 assaulted while on tours.

6 Let's be clear, this is a human rights crisis.
7 No one should be treated this way. This city has
8 failed every single person who is detained and works
9 on Rikers Island. And let's remember that most of
10 the folks who are there have not even been found
11 guilty of something. Even if they had, they
12 shouldn't be treated this way.

13 I will remind again that both communities on
14 either side of those bars are primarily Black and
15 Brown. The corrections officers and the people who
16 are housed there. I will again say, if that were
17 different on either side, I don't think we would have
18 been here. With all that I have described as someone
19 who has spent less than a day touring Rikers Island.
20 Why do you think anyone would willingly abide by all
21 of the restrictions and all the issues that we saw
22 that are in place?

23 How long must people go without speaking to their
24 families? I spent a few hours calling. They had
25 people that I was able to get their numbers to let
their loved one's know that they were at least

3 physically for the moment okay. How long must people
4 go without meals? How do they not have a demand – to
5 demand this numerous times? How long must people
6 feel that they are constantly susceptible to
7 violence? Sometimes with no recourse.

8 Let's be clear, this administration has known for
9 months that this would happen and for years, that
10 this is where we were headed. This administration
11 has warned us for months of the problems correction
12 officers experience and seem to wait until we got
13 here.

14 This administration is responsible for the trying
15 standards that I described. And I hope when Dean
16 Fuleihan testifies, it is taking ownership, ownership
17 of the problems that are here. I will say we all
18 have to take some ownership for not listening to the
19 cries of both COBA and the people who are advocating
20 for folks who are housed there. But number one in
21 that would be this mayor and this administration.

22 The families of Layleen Polanco, Kalief Browder,
23 Esias Johnson, Brandon Rodriguez, and so many others
24 have told us time and time again that the city failed
25 their loved ones and this continues to happen. Five
people on Rikers Island have died by suicide over the

3 last nine months and astoundingly from April to June
4 of this year, the Department of Corrections reported
5 539 instances of incarcerated people hurting
6 themselves. Pushing the rate up to 95 such incidents
7 every 1,000 detainees. The highest in the last five
8 years. There have been multiple instances of
9 correction officers being hurt very badly. Further,
10 poor staff management and old administration policies
11 have only led to the detriment of the detained
12 individual to the detriment of the detained
13 individuals and correction officers.

14 The health and the wellness of incarcerated
15 people cannot be fully actualized when there are
16 missed appointments. Little to no recreation time
17 and physical and sexual violence pervasive within
18 these jails. Last week my colleagues and I met with
19 DOC Commissioner Schiraldi to discuss how all actors
20 can play a part in dehumanizing everyone who lives
21 and works at Rikers Island.

22 The proposed improvements are needed and overdue
23 and they are a great mid-term plan. But we must do
24 more right now while we work to close Rikers Island
25 once and for all. Everyone and I mean everyone,
elected officials, district attorneys, judges, the

3 mayor and the governor must act right now. It's time
4 to move beyond myths and blaming that bail reform is
5 the cause of increasing crime. Judges must be
6 trained and learn how to administer the new bail
7 laws. Judges must schedule more cases on the daily
8 court calendar and accept more waits of release. I
9 know people are afraid to come back to work. That
10 includes some of the judges but we cannot continue to
11 protect them and have their concerns heard while the
12 rest of the city suffers because of it.

13 It is time judges to come back to work and start
14 hearing these cases and calendar them. The governor
15 must sign the Less is More Act and release everyone
16 on technical parole immediately. You must ensure the
17 supervised release of women and people who are on low
18 level offenses and continue to shut Rikers once and
19 for all. We can all work together and we absolutely
20 must.

21 I look forward to hearing all the steps DOC has
22 in place to urgently improve the conditions of the
23 Island. And what steps DOC has already taken to
24 alleviate these conditions. DOC must also make good
25 faith efforts to show staff that they are concerned
about their security. The staff must return to work.

3 I do understand that over a term it is difficult
4 to go to Rikers as many times as people may say you
5 should. But to the mayor, over the past year, I have
6 to say it is appalling that after all of the things
7 that you have heard, after reports from a federal
8 monitor, after reports of what we say we heard, there
9 is still a refusal to visit Rikers Island. You must
10 see for yourself what is happening. And I call on
11 the governor to do the same.

12 Until we can figure this out, we must remember
13 that everyone on Rikers Island deserves to be treated
14 with dignity and respect.

15 Thank you Chair Powers and Miller for this time.

16 CHAIRPERSON POWERS: Thank you to Public Advocate
17 for your words and I agree with so much of what you
18 just said including I think a duty for all of us to
19 be at Rikers Island to see those conditions and to
20 witness it personally.

21 I want to just, before we hear testimony from the
22 administration. I want to just have our City
23 Council's Committee set up to do some of the
24 protocols and swearing in of folks here from the
25 administration.

3 COMMITTEE COUNSEL: Thank you. I am Agatha
4 Mavopoulous, Counsel to the City Council's Committee
5 on Criminal Justice. Before we begin, I want to
6 remind everyone that you will be on mute until you
7 are called on to testify. When it is your turn to
8 testify, you will receive a prompt to unmute. Please
9 listen for your name to be called, as I will
10 periodically announce who the next panelists will be.

11 We will first hear testimony from the First
12 Deputy Mayor and the Department of Correction
13 followed by a period of question and answer from the
14 committee members to the administration. We will
15 then hear testimony from members of the Board of
16 Correction followed by a period of question and
17 answer from committee members. After that, we will
18 hear from the Bronx District Attorney followed by a
19 period of question and answer from the committee
20 members.

21 We will then hear from various elected officials,
22 representatives from relevant unions and the public.
23 During the hearing, if council members would like to
24 ask a question, please use the Zoom raise hand
25 function and I will call on you in the order.
Committee members will be limited to two minutes,

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3 including responses. I will now administer the oath
4 to all members of the administration. After I say
5 the oath, please wait for me to call your name and
6 respond one by one. Please raise your right hand.

7 Do you affirm to tell the truth, the whole truth
8 and nothing but the truth before this Committees and
9 to respond honestly to Council Member questions?

10 First Deputy Mayor Dean Fuleihan?

11 DEAN FULEIHAN: I do, yes.

12 COMMITTEE COUNSEL: Commissioner Vincent
13 Schiraldi?

14 VINCENT SCHIRALDI: I do.

15 COMMITTEE COUNSEL: Thank you. First Deputy
16 Commissioner Stanley Richards?

17 STANLEY RICHARDS: I do.

18 COMMITTEE COUNSEL: Thank you. Chief of
19 Department Kenneth Stukes?

20 KENNETH STUKES: I do.

21 COMMITTEE COUNSEL: Chief of Staff Dana Wax?

22 DANA WAX: I do.

23 COMMITTEE COUNSEL: Deputy General Counsel
24 Melissa Guillaume?

25 MELISSA GUILLAUME: I do.

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON CIVIL SERVICE AND LABOR 28

3 COMMITTEE COUNSEL: Thank you. Senior Vice
4 President Dr. Patsy Yang?

5 PATSY YANG: Yes, Patsy Yang, I do.

6 COMMITTEE COUNSEL: Thank you. Chief Operations
7 Officer Carlos Castellanos.

8 CARLOS CASTELLANOS: I do.

9 COMMITTEE COUNSEL: Director Jeanette Merrill?

10 JEANETTE MERRILL: I do.

11 COMMITTEE COUNSEL: Director Marcos Soler?

12 MARCOS SOLER: I do.

13 COMMITTEE COUNSEL: Executive Director Meg Egan?

14 Uhm, not hearing from Meg Egan.

15 CHAIRPERSON POWERS: I think she left and she is
16 on the next panel, so I think right, she is on the
17 panel after this one anyway?

18 COMMITTEE COUNSEL: Okay. Oh, found her.

19 MARGARET EGAN: Sorry, excuse me. I was not
20 unmuted. I yeah.

21 COMMITTEE COUNSEL: Thank you and Board Member
22 Dr. Robert Cohen.

23 DR. ROBERT COHEN: I do.

24 COMMITTEE COUNSEL: Thank you. We will now
25 proceed with testimony from the administration.
First Deputy Mayor, you may begin when ready.

3 DEAN FULEIHAN: Thank you. (COUGHS) Excuse me.

4 Good morning Chair Powers and Chair Miller, members
5 of the Committee on Criminal Justice and the
6 Committee on Civil Service and Labor. Thank you for
7 the opportunity to testify before you today on the
8 conditions of our jails. I am joined by the
9 Commissioner of the Department of Correction, Vinny
10 Schiraldi, and members of his team, as well as
11 members of Correction.

12 I want to thank everyone at the Department of
13 Corrections for the work they are doing, and I
14 particularly want to thank every DOC employee who has
15 worked so hard during this incredibly challenging
16 time for the Department, particularly the officers
17 who have worked throughout the pandemic. We are all
18 grateful for your service. The conditions on Rikers,
19 as we have heard, are unacceptable and we are taking
20 immediate action. We know we are facing a number of
21 serious challenges, some are historic, which this
22 Administration has addressed by reducing arrests and
23 driving crime down. Then we were hit by the
24 pandemic, which has created so many challenges, and
25 we are working hard to address these.

3 As the Mayor said, we must recreate our progress
4 and stay focused on the bigger goal. And we can do
5 it, the city is working together and working with our
6 partners in government to do just that, we can
7 actually change the situation immediately, as we need
8 to do and for the bigger picture. We have been
9 working hard to address the many aspects of this
10 situation but there has no one solution that can help
11 solve everything.

12 As you will hear from all of us today, we have
13 steps to address both our immediate issues and our
14 larger goals. Yesterday, the Mayor announced a five-
15 point Emergency Rikers Relief Plan to provide
16 immediate assistance to the jails. To address
17 immediate staffing shortages, we are using NYPD
18 officers and providing staffing support in the
19 courts, allowing staff to be transferred back to
20 Rikers. We are toughening accountability for Absent
21 Without Official Leave AWOL employees, imposing 30-
22 day suspensions for Correction Officers who do not
23 show up to a post. We'll be using contract medical
24 providers to evaluate officers to make sure every
25 single officer is on duty who should be. Through the
Mayoral executive order, we are expediting emergency

3 repairs on Rikers Island to clean the facilities and
4 make necessary repairs to ensure detainee's and
5 correction officers safety.

6 Finally, we are opening two new clinic spaces the
7 recommendation Correctional Health, to ensure that
8 all detainees are processed in under 24 hours. We
9 will leave no stone unturned to support the
10 Department and the people in custody. On a parallel
11 track, we are working and pushing the state. The
12 first and most immediate step must be signing of the
13 Less is More Act into Law. We are encouraged by the
14 conversations with the Governor and Lieutenant
15 Governor and are hopeful and appreciate the
16 willingness to be active partners in this process.

17 We are also working with the state to speed up
18 transfers of the sentenced to state custody.
19 Additionally, there are over 1,500 people who have
20 been at Rikers awaiting trial for over one year and
21 we need the entire criminal justice system to speed
22 up these cases immediately. We are also calling on
23 Judges also to use supervised release for non-violent
24 offenders, instead of using pre-trial detention in
25 the city jails. New York City led the way in ending
mass incarceration. We drove incarceration rates to

3 the lowest level it had had been since the 1940's
4 while keeping crime at record lows. We have immense
5 challenges ahead but we cannot lose sight of our
6 first and foremost goal also of getting off Rikers
7 Island permanently and creating a correctional system
8 that is fundamentally smaller, safer, and fairer.

9 With that, I am going to turn it over to
10 Commissioner Schiraldi and then happy to answer your
11 questions. Thank you.

12 VINCENT SCHIRALDI: Good morning Chair Powers and
13 Miller, Public Advocate Williams and members of the
14 Criminal Justice and Civil Service and Labor
15 Committees. Thank you for the opportunity to testify
16 before you today on the conditions of our jails. I
17 am pleased to be joined by members of my leadership
18 team, Chief of Department, Kenneth Stukes; Chief of
19 Staff Dana Wax; and First Deputy Commissioner,
20 Stanley Richards.

21 In my first three months as Commissioner, I have
22 been impressed by the dedication of my staff,
23 especially the officers who continue to come to work
24 despite the incredible challenges we're facing that
25 many of you have outlined. Because so much has been
said and will be said during the course of this

3 hearing, about officers AWOLing and calling in sick,
4 I'd like to mention that during the depths of the
5 pandemic, there were 403 officers who didn't miss a
6 single day of work. There were also numerous
7 officers who contracted COBA and, when they were
8 better, immediately returned to work.

9 These officers are my heroes. I don't think
10 anyone is saying that enough. They are right out
11 there on the frontlines confronting some of our
12 city's most dire social problems and caring for our
13 most vulnerable citizens and I can't say enough about
14 how proud I am of the officers who come back day in
15 and day out despite some really grueling conditions.

16 So, I'm here today to tell you all what is
17 happening in the jails and what we need to make it
18 better, I am also here to make a promise to my staff
19 that I am going to do everything I can to make it
20 safer for them to come to work every day and go home
21 to their families safe and sound. I am proud of the
22 plan we have put together working jointly with city
23 hall, but I'm absolutely not satisfied with
24 conditions in our jails. And I'm not going to be
25 satisfied until we get the violence in our jails down
and make our jails a better place to work and to be

3 incarcerated. My standard of care is for our jails
4 to be a place where I'd feel good about my son or
5 daughter working there or feel that if my son or
6 daughter were incarcerated there, they would be happy
7 and I could sleep easy. We're not there yet, but
8 that's my goal, and I think any other standard is
9 unacceptable.

10 The three primary issues facing the Department
11 right now are safety, adequate staffing, and
12 population reduction. These three issues are, of
13 course, intimately interconnected. First I'll talk
14 about staffing. Without enough staff available to
15 work, it becomes increasingly difficult for the
16 Department to provide excellent services and maintain
17 safety within the facilities. By the way, when we do
18 provide robust services and programming for people
19 who are incarcerated, everyone's life inside our
20 jails; correctional officers, health care workers,
21 civilian staff, volunteers, and, of course,
22 incarcerated people, will improve dramatically.

23 I've seen that throughout my 41-year-career in
24 other jurisdictions and in reforms I've undertaken
25 myself. The more people that are productively
occupied, the better facilities run and, the better

3 people do when they return home to their
4 neighborhoods and families. The situation in the
5 jails is worse than I imagined before I came on.
6 Before the pandemic, the Department had about 400-500
7 staff out sick on any given day. Now, out of
8 approximately 8,400 staff, roughly 2,700 or 32
9 percent, so almost one-third are unable to work with
10 incarcerated individuals because they are out sick,
11 AWOL, or medically modified.

12 That means officers have been forced to work
13 triple shifts and that there are sometimes posts with
14 no staff on them and makes it extremely difficult for
15 us to provide basic services and maintain the level
16 of safety that our officers, civilian workers, health
17 care workers and people in custody deserve. Despite
18 all the challenges we're facing, I continue to be
19 optimistic about our ability to turn things around.
20 Our New Day DOC plan focuses on safety of staff,
21 ending triple tours, improving morale, and keeping
22 people in custody meaningfully occupied. We have to
23 do all of those things together, you can't just do
24 one, you have to do it all, and that's what we're
25 going to do.

3 We're engaged in what I consider a balanced and
4 multi-faceted approach to tackling these problems
5 because that's what it's going to take to get the job
6 done. There's no home runs, just a lot of singles
7 will put runs on the board. Let me just touch on
8 each of those and then I'm eager to get to your
9 questions. First staffing, in terms of resolving our
10 staffing issues, in addition to the previous 400 new
11 staff, City Hall committed to hiring before I
12 started, we now plan on hiring an additional 200.
13 Increasing our commitment to a total of 600 new
14 correction officers to fill in the gaps in our ranks
15 and contribute to the overall safety of our
16 facilities.

17 Our first new class of officers will join the
18 academy on October 1st, and we expect the first 75-
19 125 of them to be available to work on January 1. On
20 top of these 600 new officers, we are also making
21 efforts to bring back DOC staff in good standing who
22 have retired or resigned within the last four years.
23 With rapid reinstatement, these officers can return
24 to working after two weeks of refresher training. Out
25 of the 52- uh, I'm sorry, out of 425 former officers
we reached, 58 indicated they were interested in

3 coming back, an additional 77 indicated they may be
4 interested and we're now providing incentives both to
5 new recruits and folks who are going to be
6 reinstated. So, they don't have to pay upfront fees
7 and they don't have to pay for their uniforms. It's
8 going to costly.

9 Further, by partnering with Mt. Sinai Hospital
10 and requiring officers who call in sick to see a
11 doctor, we have reduced by about two-thirds the
12 number of officers who are calling in sick. But
13 we're also trying to make things easier for the staff
14 who are putting in long hours by providing meals to
15 staff on double and triple shifts and offering free
16 rides home and back to work for those people who are
17 working triple shifts. We've created space in our
18 Staff Wellness Center for staff to sleep after long
19 hours if they choose to do so. And we refurbished
20 the staff garden to provide a restful place for staff
21 to relax. Just yesterday we announced that officers
22 who have not been AWOL or called in sick for more
23 than five days since April will receive a bonus for
24 each triple they worked. And that bonus policy will
25 be extended through December.

3 We have also ramped up and streamlined our
4 disciplinary process for the most egregious cases of
5 officers being AWOL or abusing our sick leave policy.
6 As the Mayor announced yesterday, people who don't
7 come to work, don't call in and don't have a real
8 reason for doing so effectively AWOLing, are facing
9 immediate 30-day suspensions. OATH is planning to
10 set aside specified days to hear uncontested AWOL
11 cases so we can resolve them as quickly as possible.
12 But I feel strongly that we will not be able to
13 discipline our way out of this problem. Instead, we
14 need to create belief in the department's mission of
15 turning lives around and that's when we'll have
16 people eager to come back to work.

17 Another facet on our New Day DOC plan that will
18 help improve conditions in the jails is our focus on
19 young adults and people who are mentally ill. The
20 units containing young adults and our mental
21 observation units have some of the highest rates of
22 violence throughout our facilities. By the end of
23 July, we met our goal of fixing half of the broken
24 cell doors at RNDC, which is our young adult facility
25 where most of the young adults are housed. When I
started in June, the timeline to fix the remaining

3 doors was two years, but with focus and pressure and
4 help from City Hall, we now anticipate finishing,
5 fixing those other 250 doors by February and still
6 pushing to do so sooner.

7 We are also working strategically to safely
8 reorganize housing across the Department in order to
9 minimize conflict and reduce the presence of gang
10 activity. Yesterday, for example, we began the first
11 in a six week series of gang interventions with
12 credible messengers from King of Kings and Exodus
13 with some of the key gang affiliated youth in custody
14 as part of our efforts to quell gang activity and
15 increase the peace.

16 Meanwhile, because we recognize that people must
17 be held accountable when they commit serious acts of
18 violence against staff or other incarcerated people,
19 we are working closely with the Bronx District
20 Attorney who personally came and visited Rikers
21 Island and with whom we've been in frequent contact,
22 to prosecute individuals who commit serious acts of
23 violence in our jails. However, we also understand
24 that when conditions in our facilities improve,
25 incarcerated individuals' morale improves, their
behavior improves, and violence decreases. A primary

3 focus of New Day DOC is increasing programming, and
4 there are a few reasons for that.

5 First, it's just the right thing to do. You
6 should not deprive people of their liberty and force
7 them to sit around either. Pure and simple, even if
8 it did nothing else. But second, most of the people
9 who enter our custody are going right back to their
10 communities. It's our duty to ensure that they are
11 better off when they come out than when they came in.

12 And then third, engaging people in programs gives
13 them focus and hope for their futures, which makes
14 them less anxious, less prone to violence, and eases
15 tensions within the facility. And as I said earlier,
16 that makes our staff and everyone else in our custody
17 safer and everyone else who comes into our jails
18 safer.

19 In addition to bringing staff back to work and
20 targeting the root causes of violence in the jails,
21 we need to reduce the number of people in custody.
22 We are actively working on population reduction
23 efforts by identifying areas within our control that
24 contribute to case processing delays. We are also
25 working closely with the District Attorneys and the
Office of Court Administration to get court cases

2 resolved and get people where they are going faster.

3 We are also asking the court system to prioritize the

4 two percent of individuals in our custody who are

5 responsible for 38 percent of the violence we see.

6 The average length of stay for those people is over

7 400 days and one of them on that list has been with

8 us nearly five years.

9 Case processing is vitally important because

10 jails are not meant to be long-term facilities.

11 People are supposed to be here a couple weeks, maybe

12 a couple months but nobody is supposed to be a couple

13 years. Prior to the pandemic, 700 people

14 incarcerated in our jails were incarcerated for more

15 than a year; now that number is 1,500. These long

16 stays can cause frustration which can, in turn, lead

17 to violence on behalf of those whose cases feel

18 interminably unresolved. Moving those cases forward

19 would be of great help as part of our efforts to

20 quell violence and improve conditions. We're not

21 trying to say it's all the courts. We're not trying

22 to say it's all the DA's, all the Defense Attorney's,

23 we know we have our part to doing this. The people

24 have asked us, what can we do to help? When they ask

25 us, we give them an answer.

3 Lastly, the city has been working with the state
4 government to pass Less is More, a bill as Dean just
5 reflected. A bill that will greatly reduce the
6 number of people who violate state parole held in
7 city custody on any given day. There are about 1,000
8 people held on state parole violations, including 275
9 on purely technical violations in our custody, and
10 reducing this number would immensely help ease the
11 strain on everyone who works and lives in the jails.

12 Reducing the jail population is particularly
13 important given the increased COVID risks that we've
14 seen across the country recently. Correctional Health
15 Service has identified people at elevated clinical
16 risk for a serious course of illness, should they
17 contract the virus, and provides documentation to
18 their attorneys and other relevant stakeholders, as
19 appropriate, to help prioritize who they divert in
20 the face of the pandemic.

21 Since March 13, 2020, CHS has provided advocacy
22 letters to 3,767 patients. Of the patients provided
23 letters, approximately 65 percent have been
24 discharged. CHS conducts additional risk assessments
25 to identify its most medically vulnerable patients,
including those under the care of the Geriatric and

3 Complex Care Services, for enhanced advocacy. With
4 your continued support and the support of my
5 colleagues in the Administration, all of these
6 initiatives represent a balanced approach to bringing
7 folks back to work, making the lives of the people in
8 our custody better and more productive, and reducing
9 violence in our jails.

10 Finally, I would also like to address the recent
11 tragedies we have experienced. Over the last 12
12 months, there have been 11 deaths in our custody.
13 Five of them have occurred since I came on as
14 Commissioner. I never thought I would be saying that
15 to you. With everything that is going on it's too
16 easy to forget that human beings are at the core of
17 what we are doing here. Every single life that has
18 been lost on my watch is one that I'm going to carry
19 with me. I want you all to know, and I want the
20 families of the people who died in our custody to
21 know, that I take every incident, every death like
22 this personally. We in the Department owe everybody
23 in our custody and everyone who works in our
24 facilities a measure of dignity, humanity and safety,
25 and losing someone is never acceptable.

3 We recently spoke to a nationally recognized
4 expert in suicide prevention in correctional
5 facilities, and we learned that depression during the
6 pandemic is pervasive across the country everywhere,
7 inside and out correctional facilities, but
8 especially in correctional facilities. We go to
9 remember what happened during the pandemic wasn't
10 just scary like it was for all the rest of us but all
11 sorts of things started happening like, folks
12 couldn't have visits. Folks couldn't have
13 programming; folks didn't get religious services.
14 Folks didn't get basic stuff like haircuts or
15 recreation. So, we understand we must do everything
16 in our power to protect the mental and physical well-
17 being of those in our custody.

18 The Department recently updated its suicide and
19 self-harm prevention policies to better reflect
20 industry standards and move staff with crucial
21 information regarding suicide factors, the
22 identification of people at risk, and procedures for
23 intervention and responses to threats or acts by
24 people of concern. The suicide prevention policy
25 also carries four main tenets that each contribute to
reducing these behaviors among incarcerated

3 individuals: We want to change the perception
4 regarding self-injury. All self-harm actions must be
5 taken seriously. Officers are prohibited from any
6 discussion of "manipulative gestures." They are
7 prohibited for having that conversation and are
8 required to document what they see in terms of self-
9 injurious behavior. We cannot pretend we're
10 clinicians. We are not. The requirement of one to
11 one supervision for suicide watch has been clearly
12 established. We have reinforced the guidance of
13 officers on the immediate steps to take if they
14 observe an individual engaged in self-harm.

15 In addition to relying on correction officers to
16 help prevent suicides, we are also restarting the use
17 of observation aides in housing units which ceased
18 during the pandemic and during the time when so many
19 people committed suicide. These are people in
20 custody who have been trained to identify warning
21 signs in others' behavior and immediately report such
22 behavior to housing unit officers. Underscoring all
23 of these efforts is a robust training plan for staff,
24 which we are ramping up as we bring staff back to
25 work.

3 Finally, the problems we are facing are due to
4 neglect spanning several decades, and as I have said
5 before, I can't fix these problems on my own and my
6 staff can't fix them on their own. No DOC
7 Commissioner can. But I strongly believe that the
8 City of New York can fix this. I need the support of
9 every elected official in this city to take whatever
10 measures are necessary to help us fix these problems.
11 The fact that the First Deputy Mayor is here today
12 with us, says a lot about the commitment the city is
13 making to getting the job done. So, despite
14 everything I'm optimistic we can and will get there.

15 The Department remains committed to ensuring the
16 safety of our staff and everyone incarcerated in our
17 facilities. However, like a lot of you, I am not
18 satisfied where we are right now. We have so much
19 more to do, but we have a plan, and with your help,
20 our plan is going to work. I am asking you to keep
21 supporting us in what we're doing and also to keep
22 the spotlight on what's going on our jails. Keep
23 holding us accountable because that forces us to keep
24 getting better. That's you doing your job to make me
25 better at doing my job and I appreciate all of it.

3 My colleagues and I are happy to answer any questions
4 you might have.

5 CHAIRPERSON POWERS: Thank you. Thank you for
6 the testimony to both the First Deputy Mayor and
7 Commissioner Schiraldi. I want to ask and this is
8 for the First Deputy Mayor and I appreciate you being
9 here today and I know you have been deeply involved
10 in these issues. But I want to ask a basic question,
11 just a yes or no question. Right now, today in your
12 view, can the city and DOC manage the jail safely?
13 Can somebody unmute the First Deputy Mayor please.

14 DEAN FULEIHAN: Sorry, can you hear me?

15 CHAIRPERSON POWERS: We can now yes.

16 DEAN FULEIHAN: Okay, I apologize. Yes, we can
17 manage this everything the Commissioner just
18 outlined. Which are the acknowledgment of the
19 problems and the serious problems. The actions we've
20 taken, the actions we're taking today with everyone's
21 help both addressing staffing, the multiple factors.
22 Staffing, programming, the life we're providing for
23 our staff and our inmates. Making sure no harm comes
24 to anyone and moving forward with these kinds of
25 things and in particular recognizing that we also
need to reduce the population which we never expected

3 to be at this level at this point and time. Yes, we
4 can do that. Not easy but we actually can do it.
5 Taking immediate steps and the steps that the
6 Commissioner outlined. I do believe that. I have
7 the same hope he does. We talk constantly and we are
8 open to all solutions to move forward and we do
9 believe that what has been outlined particularly in
10 that five-point plan plus the issues, plus the many
11 actions that the Commissioner outlined, which often
12 don't get talked about. That will get us there.

13 CHAIRPERSON POWERS: Okay. Ten people have died
14 in custody in the last eight months. Assaults are
15 up, use of force is up, that is why we are here
16 today. We are I think, in a crisis. You have staff
17 working 24 hour shifts and more. What is the point
18 and time where that is answer is no for you?

19 DEAN FULEIHAN: It's now. Like, the Commissioner
20 acknowledged it, I acknowledged it, the Mayor
21 acknowledged it yesterday. It's now. We are not,
22 there is not a minute that goes by. All these things
23 need to happen dramatically and now. This is not
24 normally how we would talk about discipline in a
25 staff. That's a very different approach. But we
26 know that we have, we have correction officers and

3 other employees at the Department of Corrections who
4 come to work every single day, who are actually
5 taking the responsibility to do even more.

6 We acknowledge them. It's quite amazing the
7 effort they are putting. Their colleagues need to
8 provide that same backup, that same support. We can
9 address that. With Less is More can be signed today.
10 It literally, the Commissioners point of 1,000
11 people, it will have a huge effect on the population
12 at Rikers and then what we — and then what we're
13 doing.

14 And look, the entire criminal justices, opening
15 up, I'm pleased the Commissioner said it. This is
16 not a prison, that's not what it's supposed to be.
17 We are not supposed to have people in our jails for
18 well over a s for well over a year and that's exactly
19 what's happening.

20 CHAIRPERSON POWERS: Okay, uhm, as you know the
21 Chief Medical Officer last week in a letter called on
22 the City Council to and called on others requesting
23 federal assistance giving what he called the collapse
24 in basic jail operations. Given the situation at
25 Rikers, do you believe the city should request city

3 or federal assistance with the issues that we've
4 outlined?

5 DEAN FULEIHAN: No, we actually do believe and
6 that's what the Mayor outlined yesterday. That we,
7 and we appreciate at all and the head of Correctional
8 Health is here. We appreciate everything
9 Correctional Health warrants us to do. It is part of
10 the reason that we are now immediately opening two
11 new clinics and we're expanding to take on in intake.
12 We understand that. It's the reason we're asking
13 NYPD to help out in the court system. So, Correction
14 Officers couldn't go back to the correction
15 facilities.

16 We have, using all city agents, we can address
17 this problem. We do need the help of every other
18 city agency and we're getting it and we now have the
19 emergency powers. The Commissioner has the emergency
20 powers to make sure that anything he needs gets done.

21 CHAIRPERSON POWERS: What are the circumstances?
22 We had a meeting last week, I met folks from your
23 office, all the agencies and my top question
24 repeatedly, which I will tell you is, what are the
25 circumstances by which if this plan doesn't work, you
would ask for outside intervention? Or what if this

3 plan doesn't work? Is this plan B or the emergency
4 plan? What is the plan after that?

5 And so, I think it's important we know, Council,
6 public, stakeholders, you have unions here, staff
7 here. What are the circumstances by which you would
8 say the city or the federal government should
9 intervene if this plan doesn't work? And what is the
10 time? What is the timeline for something like that
11 and what is the criteria for you today?

12 DEAN FULEIHAN: So, I apologize. We are asking
13 them to intervene. It can't be lost here. We're
14 asking them to intervene and sign Less is More.
15 We're asking them to intervene on people who are in
16 our jails on technical parole violations.

17 CHAIRPERSON POWERS: I'm talking about staffing.
18 Specifically around staffing.

19 DEAN FULEIHAN: But it, but it and with all due
20 respect, it's every single one of these things needs
21 to happen and we're saying, it's not one thing. It
22 actually is every single one of these things and it
23 has to happen immediately. Simply, simply bringing
24 in other people who, who are trained, we know and
25 we've seen abuse in other correctional facilities
around the country that's not - that can't be our

3 goal. Our goal is exactly what the Commissioner
4 stated. And I do want to just turn to the
5 Commissioner and make sure that you have something to
6 add to that.

7 VINCENT SCHIRALDI: Yeah, I think this is us
8 asking for outside help. It's not that we're not
9 saying that we want outside help. We're asking for
10 the states help, we're asking for the District
11 Attorney's to help. We're asking for the courts to
12 help, NYPD is helping. We're going to get the
13 ability to accelerate contracting, so that we can get
14 private help to clean the place up and you know,
15 engage in programming.

16 So, we're asking for lots of help. Sometimes
17 things that just seem simple like Dr. MacDonald's
18 recommendation aren't quite as simple. You can't
19 just bring bodies in to be correctional officers.
20 You have to train them and we're doing that. Two
21 weeks from now, there will be people getting trained
22 to be correctional officers, but we couldn't just
23 bring other people in to do that.

24 So, we're asking for help in a whole variety of
25 different ways. The Mayor is pressing us heavily to
make everything we're doing happen more quickly and

3 trust me, we are listening to the mayor and doing
4 that and all you know pressures adding to that.

5 CHAIRPERSON POWERS: Okay, uhm, I wanted to pick
6 up on and speaking of the Mayor, I wanted to pick up
7 on a question that was raised by the Public Advocate
8 earlier or maybe a comment was made. And I will just
9 mention, we have a number of folks here from state
10 that will be testifying later who were out there this
11 week. We kind of like people who are working there
12 every single day. I'll be out there soon with
13 colleagues as well.

14 This isn't a political question, it's really
15 actually a real question. When is the last time the
16 Mayor had visited Riker's Island.

17 DEAN FULEIHAN: I will get you the exact date.
18 The Mayor has been to Riker's Island many times and I
19 will get you the specific date. The Mayor did say
20 that - look, let's start here. He is talking to the
21 Commissioner constantly. I am talking to the
22 Commissioner constantly. We understand the issue.
23 The Mayor recognized that, that there was, he
24 declared an emergency. He recognized that and said
25 he is taking emergency powers. Something we have
done many times now over the past year on behalf of

3 the pandemic. He's recognizing that responsibility.
4 He said he will be visiting but he also said, what I
5 have right now in talking to the Commissioner, in
6 talking to the Police Department, talking to other
7 city agencies and finding out what other health
8 expertise we can bring into Rikers, those things we
9 need to do right now.

10 CHAIRPERSON POWERS: I understand that. Has he
11 been there at this term? In his second term?

12 DEAN FULEIHAN: Honestly, I'm going to - I'll get
13 you an exact answer if he had been there the second
14 term.

15 CHAIRPERSON POWERS: Oh, I guess my question is -

16 DEAN FULEIHAN: He has not been there in the past
17 year.

18 CHAIRPERSON POWERS: Okay. I think it is, this
19 is the moment for folks to be - I mean, I think you
20 understand my question. I think that understanding
21 the moment does include being there on the ground,
22 walking through those things, seeing what staff is
23 going through, seeing what the conditions are in the
24 units, seeing what people are going through. The
25 basic sort of seeing it can be extremely helpful to
having anybody understand it. I'm not trying to

1 score cheap political points, making that point. I'm
2 making an actual point, which is I think both going
3 there, going to intake, which we know is a problem
4 right now. Seeing the problems around staffing.
5 Seeing potentially on how its unstaffed units. I
6 think it is part of that equation and I do think it's
7 important that uh, uh, he does go there and see it
8 himself.
9

10 DEAN FULEIHAN: I do want to respond. You know
11 the Commissioner moved his offices onto Rikers
12 Island. That's a major piece and does tours every
13 other day. He reports constantly. He spent hours
14 last night talking about this with the Mayor. The
15 Mayor is hearing this first hand. He is not hearing
16 first hand he is not just reading about it. He is
17 hearing directly from somebody we have an immense
18 amount of confidence in, which is the Commissioner
19 and the team that the Commissioner has put together.
20 So, the Mayor is hearing that absolutely constantly
21 and he did say he will be visiting but right now the
22 issue is immediate, dramatic action of all aspects of
23 the city government working together to make sure
24 that we address these issues.
25

3 CHAIRPERSON POWERS: Okay, I won't harp on that
4 point but I think you understand what the point I am
5 making is. I want to talk about - we talked a lot
6 about there is sort of crisis converting on each
7 other. You have the staffing issues that you are
8 trying to resolve, at same time population has gone
9 up. Both the Commissioner and yourself in the
10 testimony have talked about the Less is More Act.
11 Talked about other measures to help lower the
12 population to help - it helps the staffing issues and
13 it helps with COVID and a number of issues.

14 But there is one directly in your power, those
15 are 6A releases. You had, Commissioner, during the
16 first wave of the pandemic, was a prior Commissioner,
17 exercise the power preferred by correction law 6A day
18 to work release people serving jail sentences. That
19 was a meaningful reduction in jail population to
20 address the COVID crisis and the public health crisis
21 that was being made at that moment. And considering
22 the current conditions that we're talking about right
23 now, why hasn't maybe Commissioner Schiraldi, do you
24 want to start. Why hasn't the department acted to
25 grant work releases to people serving jail sentences?

3 DEAN FULEIHAN: So, I'll start, I'll start and
4 let's remember that when that happened, what you are
5 referring to is also pretrial at the height of the
6 pandemic. What we are saying and I don't want to
7 lose track of this is, there are significant ways to
8 reduce the Rikers population. It's not, it's not
9 successful. It is actually talking about Less is
10 More and it's getting the court system to function.
11 Those are the places we want to focus on and that's
12 the effort we want to — that's where we need to put
13 our efforts.

14 Those are immediate. Those can happen. The
15 process you talked about actually took a long time.
16 It took weeks and weeks of review. Not only NYPD and
17 others. What we are saying is we know things that
18 can happen immediately and they need to happen.

19 CHAIRPERSON POWERS: How many people are in on —
20 how many people would be released based on Less is
21 More being signed in our city jail population?

22 DEAN FULEIHAN: Why don't I, why don't I — we
23 have our Director in the Mayor's Office of Criminal
24 Justice, he will do this more accurately than I will.
25 So, if you don't mind Marcos, do you mind addressing
that please? Hopefully we have him.

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3 CHAIRPERSON POWERS: Yeah, he is here. We'll go
4 unmute him. Could somebody please unmute Mr. Soler?

5 CHAIRPERSON MILLER: Okay, thank you so much.

6 CHAIRPERSON POWERS: Oh, no sorry, we're ready
7 for the MOCJ Commissioner.

8 CHAIRPERSON MILLER: Okay.

9 MARCOS SOLER: I believe I'm unmuted now. Sorry,
10 can you repeat the question? Sorry.

11 CHAIRPERSON POWERS: Just two questions at the
12 same time. How many folks are in custody today for
13 uh, that would be released under the Less is More
14 Act? And then my second question of that is, how
15 many are uh, are in our city sentence right now in
16 your custody?

17 MARCOS SOLER: In total, we have - our estimates
18 are about 400 people that will be released on a Less
19 is More. Now there are 1,000 people in total with
20 parole violations of different kinds. And of those
21 we estimate that 400 will be impacted directly by the
22 decision.

23 Right now, we have a lot, around 224 city
24 sentences. Of those, a much smaller number would be
25 available for a 6A release. Our numbers would be
about 65 percent.

3 CHAIRPERSON POWERS: 65 percent. Okay, so what
4 has the city done at all with the 65 individual - my
5 understanding was the numbers are higher than that
6 but let's just say it is 65. It's a modest number
7 and as you're making it like but nevertheless,
8 whether it's small or large, is not really the thing.
9 It's a question whether the city is taking any
10 measures to look at those individuals. So, why don't
11 you folks tell us what has occurred when it comes to
12 those 124 or 65 individuals with any consideration of
13 doing a 6A work release.

14 DEAN FULEIHAN: Honestly, the focus, the complete
15 focus of what we've done is what would significantly
16 reduce those numbers and that's what we outline. I
17 understand what you're saying and obviously we can
18 continue to have that conversation but we actually
19 think there are significant population reductions
20 that can happen and that's the effort we wanted. We
21 need dramatic action and that's what we're asking.
22 We need the court. We need the entire criminal
23 justice system to be functioning. It means we need
24 Less is More.

25 CHAIRPERSON POWERS: I understand that but do you
understand how it looks? I would hope you would

3 understand how it looks. Because we do everything we
4 can and then be ask the state to do something and be
5 ask the DA's to be doing something and asking the
6 judges to do something and they have to go directly
7 in the power of the Commissioner of the Department of
8 Corrections is not being used, is not being done.

9 I mean, for any elected official sitting here the
10 rhetoric sounds good but the action didn't actually
11 happen and when it comes to looking at something
12 directly within the DOT and the Mayor's control,
13 those things seem to be in conflict of each other.

14 DEAN FULEIHAN: So, again, the Mayor took
15 emergency action yesterday. We are, we are doing
16 everything. We'll take back any, any potential
17 option that we have not, that we are not - that you
18 believe we have not thoughtfully looked at. It is a
19 partnership. I totally recognize that. At the same
20 time, we need your help on what we do recognize as
21 much bigger numbers that actually would reduce
22 significant pressure of you.

23 CHAIRPERSON POWERS: We, look, I'm supportive of
24 it. I have asked the Governor as well to sign the
25 Less is More Act and uh, have that under control. I
think some of the staffing you are doing are right,

3 it's just, we face another moment where there are
4 options here available and it seems like we're not
5 using all of them. But I will move on. I see lots
6 of my colleagues with their hands up.

7 I want to talk to – the announcement on the NYPD
8 yesterday. To use NYPD officers to staff the courts
9 and then free up, as I understand, free up DOC staff.
10 How many staff are we talking about that will make –
11 how many NYPD staff will be going into the courts to
12 replace DOC staff?

13 DEAN FULEIHAN: So, we're working on that right
14 as we speak. I know the NYPD and Department of
15 Corrections are viewing the courts I believe as we
16 are speaking right now. But I'll hand it over to the
17 Commissioner.

18 VINCENT SCHIRALDI: Yeah, that's exactly right.
19 I don't know if it is exactly as we're speaking but
20 the Chief of Department Chief Stukes will be touring
21 with high ranking NYPD officials, so sort of kick the
22 tires on what's going on in our courts so they can
23 better assess how many staff we need and how many
24 they can provide and as soon as we have those numbers
25 we will get them to you.

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2 COMMITTEE ON CIVIL SERVICE AND LABOR 62

3 CHAIRPERSON POWERS: But how many DOC staff are
4 working in the courts today?

5 VINCENT SCHIRALDI: Different courts have
6 different numbers. It ranges from about 160 to the
7 smaller courts to nearly 300 for the larger courts.

8 CHAIRPERSON POWERS: Of your staff that are
9 working there?

10 VINCENT SCHIRALDI: DOC staff at all levels.

11 CHAIRPERSON POWERS: Are you replacing all of
12 them with NYPD staff?

13 VINCENT SCHIRALDI: No. No, we'll be getting a
14 number back from NYPD as to what they can do and what
15 makes sense.

16 CHAIRPERSON POWERS: Okay, staying on the
17 staffing issue. There have been numerous reports of
18 units within facilities that are understaffed and in
19 some cases completely unstaffed. How many units
20 across all facilities today are unstaffed and how
21 many are understaffed?

22 VINCENT SCHIRALDI: Too many of both. We will
23 get you the number.

24 CHAIRPERSON POWERS: Are there units that are
25 unstaffed today?

VINCENT SCHIRALDI: Yes.

3 CHAIRPERSON POWERS: Do you have an understanding
4 what that number is?

5 VINCENT SCHIRALDI: No, I'll get it to you. It's
6 a different number every day.

7 CHAIRPERSON POWERS: Which facilities are the
8 most understaffed currently?

9 VINCENT SCHIRALDI: I got to get you all those
10 numbers. But it changes every day depending on how
11 many people they want. How many people call in sick.

12 CHAIRPERSON POWERS: Okay, is the department
13 tracking the number of officers who are working
14 double and triple shifts?

15 VINCENT SCHIRALDI: Yes.

16 CHAIRPERSON POWERS: Can you share with us that
17 number?

18 VINCENT SCHIRALDI: Again we'll get them to you
19 but it's too many. It shouldn't be anybody.

20 CHAIRPERSON POWERS: It shouldn't be any and we
21 understand the staffing issues but obviously, when do
22 we expect to end the triple shifts in jails?

23 VINCENT SCHIRALDI: Uhm, before I answer that
24 question, I wonder if my Chief of Staff Dana Wax has
25 a better answer on the data part of it?

3 DANA WAX: Good afternoon Chair Powers. What I
4 can tell you and the Commissioner is absolutely
5 right.

6 VINCENT SCHIRALDI: Hey Dana, hey Dana, it's very
7 hard to hear you. You might want to pull that little
8 device a little closer to yourself.

9 DANA WAX: Is this better?

10 VINCENT SCHIRALDI: Yes.

11 DANA WAX: Uhm, okay uh, good morning Chair
12 Powers. Uhm, the Commissioner is absolutely right.
13 We do track this on a daily basis. Uh, but per the
14 Commissioners point, we get the information about the
15 previous day each new day. So, I'm going to give you
16 yesterday's information and of course, I will follow
17 up with you after today's hearing so you have today's
18 information as well.

19 Uhm, yesterday, uhm, there were approximately 40,
20 50, 70 posts. 70 housing units that do not have a B
21 officer in them. And I want to be clear on what that
22 means. There are two officers in every housing unit.
23 The A officer is uh the officer who sits if you've
24 ever been to our jails, uh, behind the plexiglass.
25 The B officer is literally on the floor. When we say

3 that housing unit is unmanned, that means there is no
4 B officer.

5 So, there is always an A officer uh, making sure
6 they have eyes on the people in the unit but there
7 are 70 hosts that at one time yesterday did not have
8 a B officer. We rapidly move at work to identify and
9 relieve officers on triples but prioritize first
10 getting someone on that unmanned post.

11 CHAIRPERSON POWERS: Okay 70, okay you can share
12 with us the other date too. Uhm, okay, I have a lot
13 of questions. I do want to just move it over to
14 Chair Miller and then my colleagues because I know a
15 lot of them are here waiting patiently and a lot have
16 called me in the last few weeks and visited to talk
17 about it. So, I want to go to them. I will just say
18 we are here for urgency. I do think the Mayor should
19 go out into Rikers Island. I think he should walk
20 inside the facilities and I think in addition to
21 emergency plan are not - again, I really want to
22 thank everyone for their, the putting out a plan and
23 I know that Commissioner Schiraldi and his team are
24 working quite hard. First Deputy Mayor's Office and
25 of course all the staff that are there working
triples and stuff. But to see it is to understand it

3 better. The 6A releases, it seems like low hanging
4 opportunity to help one of your goals here in
5 addition to everything else. I may come back with
6 more questions but I do want to be respectful to a
7 lot of folks time who have different question and
8 concerns.

9 So, I'm going to hand it over to Chair Miller and
10 then I see we have a lot of folks here with their
11 hands up and I'll come back after that to follow up
12 with my questions.

13 CHAIRPERSON MILLER: Good morning again. Thank
14 you so much Chair Powers and to everyone. So, I want
15 to focus a little bit about some of the new policies
16 that are being instituted or were announced. That
17 show if they are being instituted which is part of
18 the question, my question as well. And how much of -
19 so, Commissioner Schiraldi and First Deputy Mayor,
20 uh, how much of the new policy has been instituted if
21 any and what portion if any of it was subject to
22 collective bargaining and what role did your labor
23 partners play in these new policies?

24 Uhm, specifically let's, you know, let's say that
25 the best ability is availability. Can we talk about
availability and what we're seeing now. So,

3 obviously now we have the advent of double and triple
4 chores. But quite frankly this is not really a new
5 phenomenon, right? This is something that has gone
6 on for a number of years now. And so, while we're -
7 a lot, we're talking about conditions of those who
8 are in - those who are incarcerated uhm, conditions
9 of the correction officers and the rest of the staff
10 there but could we talk a little bit about the
11 management of the staff and availability? I know that
12 Commissioner, you just came in and there was a
13 turnover but uh, you inherited a workforce that quite
14 frankly is in disarray. What did the availability
15 look like over the past year or two? What is your -
16 uh, uh, I'm trying to get to preparedness, the
17 attrition over the past two years. Uhm, retirement,
18 resignations, terminations and, and how do we get to
19 the point that we are today so woefully unprepared to
20 staff Rikers Island?

21 DEAN FULEIHAN: Let me start and then I'm going
22 to hand it over to the Commissioner. Council Member,
23 there were many questions in there. We have both, I
24 have and I know of Office of Labor Relations and
25 Commissioner of Labor Relations and Commissioner
Schiraldi had regular conversations with the unions

3 about how we address these issues. It doesn't mean
4 we agree all the time but we've had conversations.
5 Some things we agree on. The measures that we took
6 yesterday are not [INAUDIBLE 41:41]. We are taking
7 measures on an emergency basis that we need to leave
8 need to happen.

9 As you know we do have a collective bargaining
10 agreement with the unions in our correction
11 facilities. We negotiated pay increases. We
12 obviously care about every single one of our
13 employees and we want to keep them safe but we do
14 believe that we have enough correction officers to
15 address the immediate, what is immediately
16 confronting us and we need it to take extraordinary
17 actions to make sure that happens. I'll turn it over
18 to the Commissioner.

19 VINCENT SCHIRALDI: Uh, so, uh, a couple of ways
20 of responding to that question and thank you Chair
21 Miller for it and also for the time you allowed me to
22 have with the caucus. That was I felt, very
23 productive.

24 Uhm, if you go back to when the Mayor first
25 started of 2014, we had 11,000 people incarcerated
and 9,000 uniform staff, correction officers at all

3 levels. Today, we have 6,000 people incarcerated and
4 8,400 uniform staff. So, it's been about a 46
5 percent decline in the number of incarcerated people
6 since the Mayor took office and a seven percent
7 decline in correctional officers. So, we now have
8 more CEO's on the books than incarcerated people.
9 Before it was the opposite.

10 And so, that meant to us, I can't just keep
11 coming back to the Mayor. I can't keep coming just
12 back to Council and asking for more and more and more
13 staff. I have to do a combined multifaceted effort.
14 Part would be get people to come back to work and
15 part would be bringing on new staff and training.
16 So, I get all of those things. I tried to do all of
17 those things at once.

18 If you go back to February of 2020, what was
19 happening at the time, was that advocates were
20 getting more and more reductions in solitary
21 confinement and secure housing. The lawsuit, the
22 Nunez lawsuit was requiring us to ratchet up
23 discipline for correctional officers. So, the way
24 this was perceived by our correctional officers and
25 the unions have brought this to my attention but
also, if you just walk around in here, people will

3 just tell you this. Is that we were punishing staff
4 more and incarcerated people less. And that did not
5 feel good to people, so there was a lot of
6 frustration around that and some lowered morale.

7 Then of course in March, the pandemic hit and a
8 lot of people did authentically get sick. Some
9 people tragically died and people started calling in
10 sick, some of whom indeed were sick. And then it
11 started spiraling from that point on. More people
12 called in sick, the staffing compliment got dinner,
13 people had to work triples, violence rose, programs
14 were cut, the more violence rose and the scarier it
15 got, the more staff called in sick. Some of them
16 were absolutely sick and they should call in sick and
17 they should stay home until they feel better. Some
18 of them I don't think were. We have six times the
19 sick rate of NYPD. I don't think we're six times
20 sicker. We had almost three times as many people
21 out.

22 CHAIRPERSON MILLER: I'm sorry, there is a lot
23 and there is a lot of questions that I want to ask
24 and very specifically about sick and AWOL. I kind of
25 want to drill out on what constitutes that because
obviously you know, you guys have a very specific uh,

3 unlimited sick and that I'm told has been changed of
4 recent as well to address the staffing needs. Uhm,
5 but again, and then, and then AWOL, I want to get to
6 where how we got to where we are but also some of the
7 work conditions because what I have been seeing now
8 you know for health and safety is the basic tenants
9 of organized labor. Uhm, and there appears to be an
10 absolute disregard for that. Double and triple
11 chores is the absolute canary in the coalmine, right?
12 And what impact has this not only had on delivery of
13 services but you know, is mental and physical
14 fatigue, does that constitute sick? If someone works
15 a triple tour

16 and falls asleep in their car or, or doesn't
17 wake up, uh, and calls in or out within the
18 prescribed time of their tour, is that an AWOL? You
19 know have the Department of Corrections actually
20 study the health and safety impacts and consequences
21 of officers and other employees working under these
22 conditions and other municipal. Because we're
23 comparing them to you know apples to oranges police
24 and other municipal employees. Like, who is working
25 24 hours a day and if in fact, that is the case, what
are the conditions. I have had the pleasure of being

3 a civil servant for more than 30 years. I've had the
4 honor of representing working men and women and, and
5 uhm, availability and safety that goes into that is a
6 big part of it, right? I've represented the New
7 York City Transit and you know if someone gets into
8 an accident, the first thing they check to see if he
9 is working a double chore. Because that's a
10 liability on the authority. Uhm, you know are people
11 able to deliver the same level of services in our
12 one, two, three, four and five as in hour 14, 15, and
13 24? And if not, should the accountability be the
14 same? Have we taken these things into consideration
15 in doing so?

16 That's just you know, because everything seems to
17 be so cut and dry and that someone just didn't show
18 up but if someone came, those are really, really
19 special circumstances. Not having a meal. Not being
20 relieved for 24 hours. Do we take those into
21 consideration because we're blatantly saying that
22 someone is absent without leave. Absent without
23 leave is probably you could call in within an hour of
24 your chore. Oh, I overslept because I was up for 24
25 hours for the second time this week. How does that
work?

3 VINCENT SCHIRALDI: Deputy Mayor, you want me to
4 take this one or First Deputy Mayor?

5 DEAN FULEIHAN: Yes please.

6 CHAIRPERSON MILLER: I'm sorry, is there a safety
7 officer and a Safety Committee within the agency?

8 VINCENT SCHIRALDI: Chief Stukes, do you want to
9 handle that question?

10 KENNETH STUKES: [INAUDIBLE 46:15]. There is a
11 Chief of Security at [INAUDIBLE 46:21-46:30].

12 CHAIRPERSON MILLER: I didn't quite hear that.
13 Was that a yes or a no? There is a safety officer?

14 KENNETH STUKES: Yes.

15 CHAIRPERSON MILLER: And that is? Who would that
16 be?

17 KENNETH STUKES: That would be Bureau Chief of
18 Security.

19 CHAIRPERSON MILLER: Okay and is there a safety
20 committee?

21 KENNETH STUKES: We don't have a safety
22 committee.

23 CHAIRPERSON MILLER: That's news, I have not
24 heard of a city agency that did not have one that did
25 not include labor and management that has regular
meetings to discuss health and safety of the agency.

3 DANA WAX: Sorry to interrupt you sir. So, I do
4 want to say that the nature of this agency meets
5 regularly with the union representatives. I know
6 Commissioner Schiraldi actually went all the way to
7 New Jersey to go to a union summit. So, I'm not sure
8 -

9 CHAIRPERSON MILLER: With all due respect, the
10 question - with all due respect, the question is
11 simply health and specifically health and safety.

12 DANA WAX: Understood, I don't know that have a
13 health and safety committee but we are in constant -

14 CHAIRPERSON MILLER: But I think what we're
15 talking about is really health and safety here. And
16 in order to get to some of those underlying problems,
17 how did we get to this point if we had a standard
18 health and safety commission or committee, I think
19 that some of these problems would have been addressed
20 and potentially resolved and never gotten this far.

21 Again, we're talking about some management
22 issues, availability. How do you get to the point
23 that all of a sudden, you're down so many people that
24 we had people working 16 and 24 hours daily.

25 DEAN FULEIHAN: We, we, we, let's start at the
beginning. We agree. We have health and safety

3 issues. We have correction officers who should not
4 be working triples. Should not be working except for
5 occasionally doubles. We understand that that is not
6 appropriate. We clearly have tried with the union.
7 It doesn't actually - but we have a crisis today. We
8 have an emergency today that we have to deal with.
9 That's what the Mayor gave the Commissioner the power
10 to do. It doesn't mean that we're not open to
11 constant dialogue to constant conversations. If we
12 need a different structure, I'm quite sure the
13 Commissioner.

14 CHAIRPERSON MILLER: With all due respect First
15 Deputy, how do we, how do we safely, effectively and
16 efficiently deliver services when people are working
17 24 hours a day?

18 DEAN FULEIHAN: But with all due respect, we have
19 -

20 CHAIRPERSON MILLER: Do you believe that that's
21 possible?

22 DEAN FULEIHAN: You know what I do believe is
23 possible is that we have men and women showing up
24 every single day actually doing it. Actually
25 dedicated to do that. They need their colleagues to
join them. It is, it is the commissioner - it is

3 not. It just does not make sense that unlike the
4 other uniform agencies that we have this right to
5 vote AWOL on the sick. Anybody who's is legitimately
6 sick of course but we need these colleagues who have
7 been trained to come and help the people who are
8 showing up every single day.

9 Commissioner, do you have anything to add?

10 VINCENT SCHIRALDI: Council Member?

11 CHAIRPERSON MILLER: Yeah, go ahead.

12 VINCENT SCHIRALDI: Council Member, I just want
13 to add we do have a wellness center that provides a
14 care and response and supports all the services. We
15 have staff at who have dispatched two facilities that
16 have checked on officers who are doing doubles and
17 doing triples. We have a wellness center for staff
18 to participate that has social workers and
19 psychologists to help staff work through crisis, both
20 crisis on the job and crisis in their lives. So, we
21 do have a wellness program set up for officers and we
22 have dispatched wellness staff to each facility to
23 check on officers who are doing doubles and triples
24 in addition to distributing food and some other items
25 that Commissioner Schiraldi spoke about.

3 CHAIRPERSON MILLER: Okay, thank you and again,
4 that information is readily available and aggregated
5 to -

6 Again, there's been a lot of talk about uh,
7 absent without leave. Uhm, and in doing so, so sick
8 - do assess and Commissioner and for those who are
9 responsible for dispensing and oversight of
10 discipline, do you have sick patterns that you look
11 at in terms of discipline when it comes to sick
12 abuse?

13 VINCENT SCHIRALDI: We have some disturbing
14 patterns that seems to go up during the summer and on
15 holiday weekends and on weekends overall. We have
16 our biggest problems with people calling in sick and
17 AWOLing on the weekends. Which suggests to me that
18 they are using it as an unlimited vacation pool
19 rather than summer. Some are sick but some are not.

20 CHAIRPERSON MILLER: And also, before or after
21 RDO's? Which is regular - regular with days off?
22 Before and after regular days off?

23 VINCENT SCHIRALDI: No, they actually - it's not
24 uh, regular days off are not rare, they have regular
25 days off.

3 CHAIRPERSON MILLER: And they call in sick before
4 or after regular days off? In other words extending
5 uh -

6 VINCENT SCHIRALDI: Also, Council Member, one
7 thing that happens frequently is people are in
8 facilities but also we have posts all around the city
9 that are preferred posts and all around Rikers Island
10 that aren't in living units with incarcerated people.

11 CHAIRPERSON MILLER: Right.

12 VINCENT SCHIRALDI: We will sometimes go and ask
13 those people if they are done with their single shift
14 to come and relieve their colleagues in uniform, so
15 that they don't go into triples. And even though
16 they have worked and were completely healthy all day,
17 at that moment they will say that they are sick. And
18 because we're not doctors, we can't -

19 CHAIRPERSON MILLER: So, are you, are you, are
20 you mandating these folks who leave one assignment
21 and come to Rikers Island and work a second
22 assignment?

23 VINCENT SCHIRALDI: Yes, which we are allowed to
24 do.
25

3 CHAIRPERSON MILLER: Okay, so you are not asking,
4 you're mandating and then they are then saying that
5 they are sick, they can't do it?

6 VINCENT SCHIRALDI: We're not just attacking this
7 with discipline. We're giving bonuses for people who
8 work triples. We're also giving bonuses for this
9 exact situation.

10 CHAIRPERSON MILLER: So, that's a good question
11 because I've heard stories that for me is paramount
12 to wage theft that people have worked doubles and
13 triples and they have not been appropriately
14 compensated. It's months out and they have yet to
15 see that premium pay associated with that.

16 When you say a bonus, because you are already
17 paying time and a half right? So, what does that
18 bonus look like?

19 VINCENT SCHIRALDI: Yeah, so it's going to be -
20 you know, we have a plan. We're still resolving the
21 exact details. We didn't announce all the details
22 because we had a meeting set up with our three union
23 presidents tomorrow. So, we want to negotiate them
24 but it will be some compensation for working four
25 hours into a triple, because every triple is not 24
hours.

3 So, four hours into a triple or more than four
4 hours into a triple. That will be the compensation
5 for bonuses for triples. And a different bonus for
6 people who what we call fly and go from one post to
7 another to relieve their colleagues.

8 CHAIRPERSON MILLER: And how accurate is your pay
9 system? So, is it accurate that there are occasions,
10 on occasion that folks are working doubles and
11 triples?

12 DEAN FULEIHAN: I'll jump in.

13 CHAIRPERSON MILLER: Sorry and working through
14 their meal and not being compensated for months?

15 DEAN FULEIHAN: I'll jump in. Every time we have
16 heard this, we have heard this, we have acted through
17 Office of Labor Relations. It's actually taking this
18 over and gone through every single case and we don't
19 believe that's the case. Any time that happens and
20 I'll speak on behalf of the Commissioner and our OLR
21 Commissioner who is not here, we will address if
22 needed.

23 Any name of anybody who that happens to, we will
24 take care of immediately. Of course we've been
25 paying. We understand -

3 CHAIRPERSON MILLER: So, with all due respect
4 First Deputy Mayor, this is the old politics and
5 local. Are people getting paid after they work?

6 DEAN FULEIHAN: We believe they are.

7 CHAIRPERSON MILLER: In a timely fashion?

8 DEAN FULEIHAN: Yes, we believe - my answer is
9 yes. If you know of any case where that's not
10 happening, we will address it.

11 CHAIRPERSON MILLER: Okay, I've seen grievances
12 that I've had.

13 DEAN FULEIHAN: Again, we have gone through
14 these. If we have missed anything, we will make sure
15 that happens.

16 CHAIRPERSON MILLER: Okay.

17 DEAN FULEIHAN: I want to go back though; your
18 questions are all appropriate and they are right to
19 ask and the Commissioner and I talk about this every
20 single day. We do care about those people who are
21 showing up every day and that we are asking an extra
22 burden. We are asking everyone to participate in
23 this because we know we have enough staff to address
24 this problem. If we can address the staff problem,
25 if we can reduce the population with the other

3 measures that the Mayor gave the Commissioner
4 yesterday, we can actually achieve this immediately.
5 We share your concern. We share your concern about
6 every single one of our workers.

7 CHAIRPERSON MILLER: And studying that, how many
8 people have been AWOL or sick after working a triple?
9 If you document that.

10 VINCENT SCHIRALDI: I don't have that data but I
11 will get it to you. But we hate these triples and
12 that's why we developed the plan we have to
13 extinguish them. I have looked these folks in the
14 eyes when they are on triples and it's, it's
15 heartbreaking. And they are hardworking folks and I
16 hate them and that's why we're trying to do all these
17 different things, not one thing but a whole bunch of
18 different things. I know sometimes it feels like
19 we're just picking on staff. We are not just picking
20 on staff. We're trying to help them out. We're
21 trying to compensate them properly for when they need
22 this but we're also trying to extinguish these
23 triples because I hate them.

24 CHAIRPERSON MILLER: Finally, when was your last
25 exam scheduled exam prior to the one that's coming
up?

3 VINCENT SCHIRALDI: It was two and a half years
4 ago. I think our last academy was two and a half
5 years ago. Does anybody – Chief Stukes, do you have
6 an answer to that question? Three years ago.

7 CHAIRPERSON MILLER: Was there anything standing
8 in between?

9 DEAN FULEIHAN: We'll get you the exact date. It
10 certainly has been awhile but I don't have the exact
11 date. We'll get it.

12 CHAIRPERSON MILLER: Okay and I know there is a
13 lot of people waiting and I just for me, this is not
14 a new phenomenon. Friends, family, constituents and
15 neighbors have been complaining about working doubles
16 and triples for years now. And so, I would like to
17 see an emphasis on management and how they manage
18 their workforce, deploy their workforce and, and, and
19 create a better uh, environment for availability.

20 So, with that –

21 DEAN FULEINHAN: We respond on behalf of the
22 Commissioner and me, certainly the Mayor and all of
23 us, any ideas. We are open to any ideas through
24 address this.

25 CHAIRPERSON MILLER: Thank you. Uh, Chair
Powers, throw it back to you.

3 CHAIRPERSON POWERS: Thank you and I have one
4 question before I hand it over to other folks. Can
5 you maybe Commissioner Schiraldi or staff give us the
6 exact staffing. Like, do you have the data from
7 yesterday or recent data. I know you have given me
8 data recently. Can you give us those numbers?

9 VINCENT SCHIRALDI: What specifically are you
10 asking Council Member Powers?

11 CHAIRPERSON POWERS: Uh, you talked about
12 staffing shortage and absenteeism. Could you give us
13 those numbers?

14 VINCENT SCHIRALDI: Dana, do you want to handle
15 that one?

16 DEAN FULEIHAN: Yeah, we'll get you those numbers
17 definitely. I think the question is, will we provide
18 the Chair those numbers -

19 CHAIRPERSON POWERS: We're in a public hearing.
20 I'm asking to provide the most recent data on
21 absenteeism.

22 DEAN FULEIHAN: Yes.

23 VINCENT SCHIRALDI: Dana, you got the data in
24 front of you?

25 DANA WAX: Yes, sure Chair Powers. So, uhm, of
the 8,000; this is yesterday's data. Of the 8,000,

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON CIVIL SERVICE AND LABOR 85

3 370 uniform members of service 1,789 of them were out
4 sick yesterday. 112 of those were newly out sick,
5 meaning it was their first day out.

6 Uh, 727 staff were MMR3 status, meaning that they
7 are fit to come to work and do a post but that post
8 cannot involve custody of an incarcerated person.

9 Uh, 70— I'm sorry, 68 staff members were out for a
10 personal emergency, 93 were out on AWOL, meaning they
11 did not let us know they were not coming in that day.
12 27 were out for an unrelated reason.

13 CHAIRPERSON POWERS: Okay, thank you. We'll hand
14 it over to members now. Thank you.

15 COMMITTEE COUNSEL: Thank you. I will now call
16 on Council Members in the order that they have used
17 the raised hand function. If you would like to ask a
18 question and you did not yet use the Zoom raise hand
19 function, please do so now. Council Members, please
20 keep your questions to two minutes. The Sergeant at
21 Arms will keep a timer and will let you know when
22 your time is up. You should begin once I've called
23 on you and the Sergeant has announced that you may
24 begin.

25 Again, this is only for Council Members. Only
Council Members can be raising their hand at this

3 point. First, we'll hear from Council Member Lander
4 followed by Council Member Rivera, and then Council
5 Member Holden. Council Member Lander, you may begin
6 when ready.

7 COUNCIL MEMBER LANDER: Thank you Chair for -
8 both Chairs for convening this urgent, urgent
9 hearing. And thank you to the Deputy Mayor and the
10 Commissioner for being here. I was out there on
11 Monday with the Public Advocate and with our state
12 legislatures and it was just truly harrowing. I went
13 to RNDC and GRVC. I was not even at OBCC where
14 intake is. Where things are really the worst but I
15 saw in the take unit, our RNDC, like three or four
16 people sleeping on the floor of one cell. I talked
17 to people who hadn't gotten food into the afternoon.
18 I talked to people whose units weren't being cleaned
19 and they couldn't even get cleaning supplies. I
20 talked to doctors and mental health providers who are
21 not seeing 90 percent of the people on their list
22 every day. They got a list of 50 people they are
23 supposed to see but because there is no one to bring
24 them from their unit to the clinic, they are only
25 seeing ten percent of their patients. So, of course,
more people are going to decompensate. Deputy Mayor

3 - well, there is really two levels of emergency here.
4 Rikers is a long-term emergency and that's why we
5 committed to close it but seeing and instead of
6 continuing to bring down the numbers, which were when
7 you go there at 12,000 and then got down to 7,200 and
8 then to 4,000. They are back at 6,000 is an
9 emergency but the short-term emergency created by all
10 these unmanned posts.

11 Deputy Mayor, I know you answered yes to the
12 Chair that you believe you are providing safety but
13 you just are not providing safety when people are
14 locked in suicide watch units without staff to
15 observe. When they are locked in showers. Uhm, it's
16 not safe. So, I guess my questions are these. There
17 have been reports of people locked in suicide watch
18 units without staff to observe. Is that being
19 tracked and how many times has it happened? We saw
20 people locked in showers. Is that being tracked and
21 how many times has it happened?

22 And then finally, will you give detailed reports
23 on all of the 2020 and 2021 deaths in custody? What
24 units and circumstances and what led to those deaths?
25 So, that we can make sure nothing like that happens
again?

3 DEAN FULEIHAN: So, I want to clarify. No point
4 did I say we were not in an emergency situation and
5 that we don't have to do dramatic action to address
6 that.

7 COUNCIL MEMBER LANDER: Okay, I heard the Chair
8 ask, do you believe you are and can currently be
9 operating safely? Maybe you didn't answer that
10 question but you ans -

11 DEAN FULEIHAN: I was answering you. I believe
12 with the powers that the Mayor gave us that we can
13 get there. Without the additional national and the
14 state help and I answered that. Yes, we actually do
15 need state help. But I do believe with these, with
16 these, with these actions, that the Mayor - the other
17 actions that the Commissioner detailed that are
18 happening and with help from the state, that I know
19 you support, that we all support and we need. And
20 opening up the criminal justice system, which I
21 actually also noted. All those measures, that's what
22 I was answering. At no point, please, at no point of
23 my saying that we are - nor did the Commissioner,
24 that we are fine today. We know we're not.
25

3 We can do these actions immediately and move
4 forward. That was the point I was making.

5 Commissioner, do you want to add to this?

6 VINCENT SCHIRALDI: I want to totally acknowledge
7 your, Public Advocate Williams and the two Chairs
8 concerns about safety. I am concerned about the
9 safety of people who live and people who work in our
10 jails. We have a plan that's going to reduce the
11 population, increase the number of staff we have and
12 increase programming's, clean the place and make it
13 safer. But if you ask any today, and I thought I
14 heard the First Deputy Mayor say this as well, we're
15 both concerned about safety.

16 DEAN FULEIHAN: Yes.

17 COUNCIL MEMBER LANDER: I just want to clarify
18 then. What we're saying is, it's not safe today and
19 while there is a longer term plan in place, we don't
20 have a timeline for when we will be operating at
21 safety and when Ross MacDonald says, it's not safe
22 and I just want to praise him here. Like, he rang an
23 alarm bell because his patients are not safe and his
24 job as a doctor and I'm glad to hear more from CHS on
25 this. Is to say, we are not currently operating
these facilities in a way they can guarantee the

3 safety and in some cases, the very lives of people
4 you know who's are entrusted to us and every day we
5 are not doing that is not okay.

6 And so, a long-term plan uhm, is not enough.
7 Like, when outside help is being asked for, what I
8 saw, what I understand Dr. MacDonald to be calling
9 for, is something that moves faster just to guarantee
10 basic life safety. To get people to doctors. To
11 make sure people are getting their medicine. To get
12 intake done in 24 hours, so people aren't going
13 without mental health screenings. Not to have people
14 on suicide watch without staff. Not to have people
15 locked in showers. And we can't wait for a new class
16 or for reductions over time.

17 And so, I just, I hear you that an emergency has
18 been declared, but I don't feel emergency action is
19 being taken to move quickly enough to make sure that
20 people's lives are not at risk in the very near term.
21 And when outside help is being sought or something
22 more is being done, that's what I understand Dr.
23 MacDonald to be seeking. That's what I observed as
24 necessary. But I guess, I just want to put my
25 questions back on the record, because I am you know,
I think some of these things like tracking suicide

3 watch units without staff to observe. Tracking where
4 people are locked in showers and providing good,
5 detailed reports on what happens with deaths in
6 custody, so we can see where you know and what
7 conditions and circumstances caused it. That's
8 what's I'm asking. Anything you could tell us now?
9 I would really appreciate.

10 DEAN FULEIHAN: I will hand it back over to the
11 Commissioner with this.

12 VINCENT SCHIRALDI: I agree with your concerns.

13 COUNCIL MEMBER LANDER: And I know you are both
14 concerned. I don't want this to be about whether you
15 individually - I think very highly of both of you
16 individually and I know that you share these
17 concerns. But that just doesn't mean that we're
18 taking urgent, sufficiently urgent action to make it
19 safe.

20 DEAN FULEIHAN: You're right. There are two
21 parts there and I'm going to hand it over to the
22 Commissioner in a minute. I, at no time, yes, the
23 long term solution we all support. You certainly
24 support, is the borough based jails. We do have a
25 long term solution. We continue to drive down crime
and we continue to drive down incarcerations.

3 COUNCIL MEMBER LANDER: Incarceration is going
4 up. It's not being driven down, it's back up to
5 6,000.

6 DEAN FULEIHAN: To your immediate -

7 COUNCIL MEMBER LANDER: My time is up. I should
8 put my questions on the record and let my colleagues
9 ask theirs. But I mean, can you answer the questions
10 that I asked?

11 DEAN FULEIHAN: No, of course. On the immediate,
12 we do believe the emergency, the emergency and I'm
13 going to answer if you just let me finish.

14 COUNCIL MEMBER LANDER: Okay.

15 DEAN FULEIHAN: We do believe the emergency, the
16 emergency pieces that the Mayor put in place
17 yesterday, allow us to take immediate action on the
18 very specific things of what we're tracking here and
19 now. Let me turn to the Commissioner on it.

20 VINCENT SCHIRALDI: So, I agree with your
21 concerns and with Dr. MacDonald's concerns, who I
22 have a tremendous amount of respect for. And if you
23 would talk to any of the elected officials I have
24 briefed to when I started and today, you will hear
25 that I have been very blunt about my concerns and
I've raised many of the same concerns that Ross has.

3 So, he's issued a clarion call but the, the caucus I
4 briefed of Chairman Miller's, I said very much the
5 same things. I am nothing if I'm not blunt about
6 this stuff. I think that what this package and the
7 package of stuff we've been doing, I don't think it's
8 accurate to consider it a long term plan. There's
9 short, medium and long-term things in there. We're
10 tracking every single bit of it.

11 So, today, if people who were in one facility
12 would go to work in another facility, if a portion of
13 those people, not even all of them were out sick,
14 came to work, folks calling in AWOL, we would have a
15 triple problem. I'm not waiting for that to happen
16 but I am encouraging that to happen both through
17 incentives and through discipline.

18 COUNCIL MEMBER LANDER: Okay, just I'm sorry,
19 suicide watch without staffing, people being locked
20 in showers and reports on deaths in custody. Can I
21 get answers on these things?

22 VINCENT SCHIRALDI: Yeah, so, the staffing does
23 affect all of those things Council Member Lander. I
24 don't understand what you're - oops.
25

3 CHAIRPERSON POWERS: You've been muted but can
4 you answer the question and then I'm sorry, Council
5 Member Lander, then we have to -

6 VINCENT SCHIRALDI: Yeah and the question being
7 what are we doing on those three specific things
8 today. So, it was suicide, I'm sorry, I didn't catch
9 the other two.

10 CHAIRPERSON POWERS: Could you unmute Council
11 Member Lander so he can get his final question out?

12 COUNCIL MEMBER LANDER: Thank you Chair. I'm
13 sorry, yeah, I was asking what data is available to
14 you and what will you make available to us on where
15 there is people on suicide watch units without
16 staffing to observe. How many people are locked and
17 had been locked in showers this year and when can we
18 expect reports on deaths and detailed reports on
19 deaths in custody from last year? And I'll go back
20 on mute. Thank you Chair.

21 VINCENT SCHIRALDI: Okay, great, the suicide and
22 locked in data, we will get you this week. The
23 reports on deaths in custody, generally that's done
24 by CHS. They do post death reports and analysis and
25 so does the Board of Correction. So, I'm going to
have to turn that over to both Dr. Yang and also Meg

3 Egan because they are the one's - this way there is
4 oversight being done of us, rather than us inspecting
5 ourselves. So, I would turn it over to both of them
6 to report out on when they are going to be issuing
7 those reports.

8 I'll go to Dr. Yang first; I know he's got to
9 unmute.

10 DR. PATSY YANG: Yes, hi uh, my name is Patsy
11 Yang, I'm the Senior Vice President of Health +
12 Hospitals for Correction Health Services. Thank you
13 for the question. The cause of death and the reports
14 of death actually come from uhm, thank you
15 Commissioner. From the Office of the Chief Medical
16 Examiner in the City of New York.

17 VINCENT SCHIRALDI: Sorry.

18 DR. PATSY YANG: Uhm, no worries there, yeah.

19 MEG EGAN: And then I can -

20 VINCENT SCHIRALDI: Go ahead.

21 MEG EGAN: Yeah, Meg Egan with the Board of
22 Corrections. Uhm, we, the Board actually conducts
23 death reviews, all deaths in custody. Uhm, and we
24 have a pretty robust process to do a preliminary
25 report and then a longer term investigation. And I
guess kudos to our Deputy General Counsel Kate

3 McMahan who leads that investigation work. Uhm, they
4 take a while. We do, as I said, we do a robust
5 investigation and so, when we finish those reports,
6 we try to make our recommendations public.

7 So, I can't necessarily give you a timeline on
8 these, on these cases, but I assure you we are
9 investigating each and every one of them.

10 COMMITTEE COUNSEL: Okay, next, we're going to
11 turn to Council Member Rivera and then we'll hear
12 from Council Member Holden followed by Council Member
13 Dinowitz. Again, please keep your testimony to two
14 minutes. We will be muting you after two minutes.
15 Thank you.

16 COUNCIL MEMBER RIVERA: Hi there. Good morning,
17 thank you for being here. I'll try to ask my
18 questions very, very quickly and not go over time.
19 Thank you Commissioner for being here. I also have
20 been kind of tracking some of your conversations and
21 interviews that you've been doing publicly and I
22 appreciate your appointment of the First Deputy
23 Commissioner Richards who I know comes from the
24 Fortune Society and has personal experience being
25 incarcerated.

3 So, we recognize that DOC has presented multiple
4 actions to address mass absenteeism but we need
5 urgent intervention, as you've heard again and again.
6 That address inhumane conditions that I have
7 personally witnessed and many others have that
8 respond to staff safety concerns and actively prevent
9 the further spread of COVID now.

10 And as someone who has visited the facilities, it
11 completely changes your perspective on what is
12 necessary and there is no question as you have also
13 mentioned, not only is change urgent but also basic
14 medical services for the incarcerated are in crisis.
15 So, jail data shows that there were 15,009 missed
16 medical appointments just in this year alone in June.
17 What are the primary causes for missed or delayed
18 medical causes according to the administration? If
19 you can answer that and then I just want to follow up
20 with the Chief Medical Officer noted in his letter to
21 the city that for the first time this year, COVID-19
22 rates in the jails seem to be outpacing the spread in
23 the city.

24 And as Chair of the Committee on Hospitals,
25 clearly, very, very alarming. And the Department has
also made changes to its sick leave policy. So, how

3 do these changes include necessary COVID-19
4 precautions and tracking?

5 DEAN FULEIHAN: Commissioner, can I turn it over
6 to you?

7 VINCENT SCHIRALDI: Yeah, so I'll start with
8 missed appointments and changes to the sick leave
9 policy. I'm going to throw it over to Dr. Yang for
10 uh, outpacing the rates in the rest of the city.

11 The largest, the largest reason I would say the
12 sole reason for missed appointments is inadequate
13 staff. We literally do not have enough staff. There
14 is an officer on a post by herself and no one to
15 bring people to the clinic. We're working on this
16 with CHS right now. Part of what we might bring
17 other departments into help to, will be provide some
18 security in the clinics, so that staff can just leave
19 people there and go back. They are working on that
20 but that's the primary reason for missed
21 appointments, is lack of sufficient staff to bring
22 people to medical appointments.

23 COUNCIL MEMBER RIVERA: And just uhm, my brief
24 follow up is that we know that weekly meetings happen
25 between staff unions, DOC and H&H to discuss
solutions to this crisis. So, my last thing and

3 thank you for the time. How is the feedback
4 implemented from frontline workers to improve the
5 solutions and of course, I'll let you finish what you
6 were saying. Sorry to interrupt but I do have a very
7 limited of time. So, thank you for all of those
8 questions.

9 VINCENT SCHIRALDI: Sure. So, I've been
10 receiving also monthly meetings with CHS unions. The
11 doctors, the nurses as well as the weekly ones that
12 CHS has with them and they are harrowing. Uhm, so we
13 are incorporating that. We actually, my uniform
14 staff and CHS regularly triage people who need
15 appointments. If we're going to miss appointments,
16 we miss the least important ones. I don't think that
17 makes it okay. I'm not trying to say it does.

18 What will make it okay is for us to make every
19 single appointment or the vast majority of them like
20 we did before the pandemic. As far as, can you just
21 tell me again the changes to the sick leave question
22 you had? There were three questions, one was about
23 changes to sick leave.

24 CHAIRPERSON POWERS: Just unmute Council Member
25 Rivera very quickly, she's trying to get her
questions -

3 COUNCIL MEMBER RIVERA: So, I asked about uhm,
4 the implementation of solutions from frontline
5 workers with the meetings, which you went into but
6 the changes to its sick leave policy and how do these
7 changes include necessary COVID-19 precautions. And
8 I mention that was written by your Chief Medical
9 Officer. Thank you Mr. Chair.

10 VINCENT SCHIRALDI: Right, COVID-19 and so, I'll
11 answer that one and then I'll turn it over to Dr.
12 Yang about the rates of COVID infection. Uh, there
13 is an exception in the sick leave policy for people
14 who have COVID-like symptoms. They are not to go
15 into a medical clinic. If they do, because then they
16 will potentially infect people.

17 We have as you know instituted the Mayor's policy
18 of requiring everybody to be vaccinated or get could
19 get tested weekly. And that has resulted in an
20 increase in vaccinations. And I'll turn it over to
21 Dr. Yang regarding -

22 DEAN FULEIHAN: I'm gonna - may I jump in for
23 just a minute and then turn over. One of the direct
24 results in the CHS recommendation was to open to
25 clients which we are about to do and to spread out
intake. But I'll turn it over.

3 DR. PATSY YANG: Hi, thank you. It's Patsy Yang
4 again. Uhm, thank you Councilwoman. We continue to
5 prioritize services for our highest risk patients and
6 we work closely with the Department of Corrections to
7 make sure that those patients and we are connected.

8 In terms of COVID, our protocols basically have
9 not changed since last year. They continue to rely
10 on containment, which consists of testing. Uhm, and
11 vaccination most recently certainly as soon as it
12 became available this year, as well as quarantine
13 isolation housing. Each of those of course also rely
14 upon the Department of Correction staffing and their
15 ability to manage appropriately patient movement and
16 quarantine isolation.

17 We do continue to work with the department on
18 that. As the First Deputy Mayor just noted, the
19 opening of the two clinics and the EMT facility will
20 be a great assistance to us. Uhm, it allows us
21 better space in which to handle not only intake but
22 also to take care of patients who need care other
23 than their new admission processing, which includes
24 some of the prior types service that I mentioned a
25 little bit earlier.

3 The rates, I will say that uhm, that early on in
4 2020 when the pandemic just hit, uhm, the rate of
5 positive in the jails among our patient population
6 was higher than that of the city. We enjoyed uh, uh,
7 - at some point in the year 2020 but that regrettably
8 has reversed again. We have always been and I think
9 everybody here is gathered in recognition of the fact
10 that carceral congregate settings are not a good
11 place, that are a healthy place to be period. Much
12 less in a time of pandemic. And one of the very
13 important strategies uh, that helped us contain
14 transmission last year still hold valid now, given
15 the concerns about uhm, the congregate setting, which
16 is the high population in these settings and reducing
17 the population. Which not only protects the people
18 who are vulnerable to serious disease should they
19 contract the virus while in jail but also gives
20 relief to everybody who are in detention. Uhm, it
21 gives both people who certainly live there uhm, and
22 also the people who work and care for them.

23 So, that remains a very important piece and I
24 think people have spoken to the need to deal with the
25 population, the census earlier.

3 COMMITTEE COUNSEL: Thank you. Next we're going
4 to hear from Council Member Holden, then I'm sorry, I
5 spoke earlier, it's going to Council Member Adams
6 then Council Member Dinowitz and then Council Member
7 Rosenthal. Council Member Holden.

8 COUNCIL MEMBER HOLDEN: Thank you. Thank you
9 Commissioner and thank you Deputy Mayor. Uhm, a
10 couple of you know a follow-up on my colleague
11 Council Member Daneek Miller's question. Uhm, it
12 sounds like we don't know why Correction Officers are
13 not coming into work or did we do a survey to find
14 out the reasons as to you know, what's their number
15 one reason? Is it conditions? Is it illness? Do we
16 really know why?

17 DEAN FULEIHAN: I'll start and hand it over to
18 the Commissioner. The answer is to deal with the
19 emergency. We know look, we know that we need to
20 make improvements. We definitely care about or
21 workers. We care about their safety. The
22 Commissioner is working with the DA's. With the
23 particular the Bronx DA to prosecute on any assault
24 on a correction officer. We know all these things
25 have to be addressed but we also know again, I'm
going to keep going back to it and the reason we're

3 taking this action, which we don't take is because we
4 have men and women who are coming every single day
5 and performing their duties at an unbelievable level
6 and we need to get -

7 COUNCIL MEMBER HOLDEN: Right but -

8 DEAN FULEIHAN: I don't have an exact knowledge
9 of why everybody is doing it but I do know we have an
10 emergency.

11 COUNCIL MEMBER HOLDEN: Yeah. My comments are
12 limited, so I just want -

13 DEAN FULEIHAN: [INAUDIBLE 1:08:09].

14 COUNCIL MEMBER HOLDEN: Yeah but first I want to
15 get to - because I understand that uhm, it's the
16 chicken and the egg here. We're at a catch 22 it
17 sounds like. The conditions are horrendous. Uhm,
18 but what we heard is that you know the correction
19 officers are not getting paid for the incentive to
20 work triple shifts, so it's a joke. What you know -
21 the administration is responsible. Hold on, the
22 administration is responsible for not having a class
23 for three years and even having a training center
24 that subpar. It's in my district and I visited that.
25 And uhm, First Deputy Mayor, what did you notice when
you visited Rikers Island recently?

3 DEAN FULEIHAN: I want to go back and I will hand
4 it off to the Commissioner. That, that the number,
5 it is, if we do have to go back and look again at the
6 and I'm going to ask the Commissioner to resight.
7 The number of people that we had when this
8 administration started and the number of correction
9 officers we have now, with a population that was
10 almost 12,000 when we started versus 6,000 now. So,
11 Commissioner.

12 VINCENT SCHIRALDI: So, a couple of things. One
13 is, we have a plan that has many facets. It's not
14 just trying to get more people back to work. It's
15 bringing people in, it's reducing the population,
16 it's treating the people who unfortunately have to
17 work in tough conditions better. So, it's a bunch of
18 things. It's not just one thing. But yes, when the
19 Mayor was first came on, was sworn in, we had more
20 incarcerated people than we had staff. Now, we have
21 more staff than we have incarcerated people.

22 So, there was 11,000 incarcerated people then
23 when the Mayor came on and 9,000 staff. Now, it's
24 6,000 incarcerated people and 8,400 staff. So much
25 so that the Monitor said, we actually have too many
staff. I don't know if I necessarily, if we did what

3 the monitor said, uh, but the real problem is people
4 coming to work. The ability to have them come to
5 work. You have to fair it out better. Who really is
6 sick and cannot come to work and who just needs to
7 come to work.

8 So, that's why we have this plan. We're bringing
9 people to see doctors before they can be considered
10 out sick and then we'll know. And when we know that
11 we'll have to make other decisions about how many
12 more people we hire. But right now, we already have
13 upped the previous commitment by 50 percent plus.
14 Went from 400 to 600, plus we're bringing back a
15 bunch of people who were here before who can be
16 quickly reinstated.

17 COMMITTEE COUNSEL: Thank you. Next, we're going
18 to hear from Council Member Adams followed by Council
19 Member Dinowitz then Council Member Rosenthal and
20 Council Member Riley.

21 COUNCIL MEMBER ADAMS: Thank you so much. Thank
22 you Chairs for holding this really, really important
23 hearing today. Thank you for all who have testified.
24 I've got a lot to say in a very short amount of time.
25 So, please bear with me.

3 For those that don't know, my mother retired as a
4 captain in correction. I have seen Rikers Island on
5 various occasions uhm, and very recently as well.
6 So, I guess my overall statements to administration
7 is that atrocities against detainees and officers
8 have been happening for years. What took you so long
9 to come to the realization that ignoring this would
10 ultimately lead to crisis and chaos? That's my first
11 question off the top.

12 The next thing that I'd like to say is by no
13 other greater means, a crisis of humanitarian is
14 against Black and Brown individuals who are residents
15 in these jails. There is a lack of respect. There
16 is a lack of concern and there is a lack of care for
17 people who are primarily Black and Brown in our jail
18 system.

19 I also like to highlight the sexual assault of
20 women officers of Rikers Island that can today.
21 Which it gets little to no attention when it comes to
22 forums like this. But I will continue to be that
23 voice for these women who continue to be sexually
24 harassed, raped, violated. In fact, one woman was
25 actually violated while she was pregnant inside of
Rikers Island.

3 We have a federal law called PREA Law, it's
4 Prison Rape Elimination Act, it was under President
5 George Bush and it happens to penalize those officers
6 who commit violations against inmates, yet there is
7 no such law protecting female officers inside of our
8 jails against the same atrocities that are happening
9 as we speak right now.

10 So, I am asking for PREA recognition in our jails
11 for our women. I would like to know, to what extent
12 does the DOC keep track of sexual harassment and
13 assault against female officers? What is the rate of
14 assault against female officers in our jail? I'd
15 like to also know when it comes to housing detainees,
16 what was thought process behind creating and keeping
17 gang members housed together? What was that thought
18 process and how has that benefited anyone involved in
19 this scenario today? Thank you. Thank you Chairs.
20 I have a lot more to say.

21 CHAIRPERSON POWER: Thank you. To you guys, you
22 can start answering the questions.

23 DEAN FULEIHAN: I'm sorry Chair, did I, I
24 apologize, did you ask me something at that point?

25 COUNCIL MEMBER ADAMS: I asked very specific
questions.

3 DEAN FULEIHAN: Oh, no, no, I know. I was asking
4 if Chairman -

5 CHAIRPERSON POWERS: No, no, I was asking you to
6 answer the question, sorry.

7 DEAN FULEIHAN: Oh, okay. Look, and I'll hand it
8 over to the Commissioner. I am not - every single
9 thing you are saying, we have, we are recognizing
10 again, the emergency. We have been trying and I
11 compliment the Commissioner and the team he has put
12 together to address these issues. It needed more and
13 the Mayor acted yesterday with the emergency. That's
14 how we believe we are going to address this.

15 Commissioner, you want to add please?

16 VINCENT SCHIRALDI: Yes. Uhm, the uh, this is
17 the only uniformed staff in the City of New York that
18 is predominantly people of color. And the only
19 uniformed staff in the City of New York that is
20 majority of women. And of course, the population
21 that was incarcerated here overwhelmingly people of
22 color and I cannot help but agree with you that for
23 decades, that's been part of why this is a system
24 that suffered neglect.

25 Uh, I have personally spoken to staff members who
raise issues around sexual assault and I'm horrified

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON CIVIL SERVICE AND LABOR

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3 by the issues they have raised. I have asked my
4 Chief of Staff Dana Wax to specifically meet with
5 them and create a plan to address this issue. I am
6 going to turn it over to her on that and then, also,
7 uh, uhm, the detainee questions, the gang question,
8 I'm going to ask Chief Stukes to address that
9 question. But I absolutely am concerned about the
10 issues you raised Council Member Adams.

11 COUNCIL MEMBER ADAMS: Commissioner, before - I
12 just have to get this in there because I have to
13 compliment you and your heart for this work. Be it
14 known on the record that predecessor as a woman, we
15 have to a deployable legacy in correction.

16 VINCENT SCHIRALDI: I feel like you and I have
17 had these discussions Council Member and I value them
18 tremendously. I hate this hearing. Not because you
19 guys are telling falsehoods, but because you are
20 telling the truth. This is extremely painful to sit
21 through as a person who spent his entire career
22 trying to fix the garbage that mass incarceration has
23 left us with. I appreciate you guys kicking me
24 around on it. You should kick me around on it and
25 uh, I don't know what else to say about that but I'm
going to turn it over to Chief of - I'm sorry, Chief

3 of Staff Dana Wax and to Chief Stukes on the gang
4 issue. First, Dana on the uh, sexual assaults.
5 Thank you.

6 DANA WAX: Good afternoon Council Member Adams.
7 Uhm, first I want to thank you for bringing this
8 issue to light and for centering the women of this
9 department and specifically centering and speaking up
10 for the women of color who work in this department.
11 It has not happened in prior years. It should have
12 and I appreciate your advocacy.

13 As one of the highest ranking female members of
14 this department, it breaks my heart that women here
15 are suffering sexual trauma and the effects of that
16 trauma. I am dedicated to seeing that end and I'm
17 dedicated to working with those women and helping
18 them heal from what they've experienced.

19 Uhm, we've spoken about this before but well
20 first, let me say that I have met with the highest
21 ranking female COBA delegates, roughly every two to
22 three weeks over the past three months. Uhm, I'm
23 working with them and the office and generate to
24 develop a plan to address this issue and provide
25 services to our members of service.

3 Uhm, in brief, that involves prosecutions for
4 persons who are assaulting our staff members. Uhm,
5 we have prosecuted or rearrested, I'm sorry, we've
6 rearrested eight people in custody this year alone.
7 One of them for a felony. Uhm, we are also in the
8 process of finalizing dedicated trauma services with
9 some of our city's top providers, including a warm
10 handoff from DOC staff members to those providers
11 through the Office of Gender Based Violence. I am
12 also working to get dedicated training to help our
13 leaders across the department having difficult
14 conversations with staff members. Uhm, and I'm also
15 working external providers to work with the young men
16 who are particular in our custody to help stop this
17 behavior before it starts.

18 Again, uh, I really thank you for bringing light
19 to this issue and I hope that we can continue to
20 partner on this in the months to come.

21 COUNCIL MEMBER ADAMS: We have no choice but to
22 partner. Thank you Dana and my final comment will be
23 that my fear is that some of those who are out right
24 now considered AWOL, have been traumatized because of
25 their experiences of sexual assault within the walls

2 of the jail. Thank you for your testimony today.

3 Thank you Chairs.

4 CHAIRPERSON POWERS: Thank you Council Member. I
5 appreciate you highlighting those concerns which are
6 so important here.

7 COMMITTEE COUNSEL: Next, we'll hear from Council
8 Member Dinowitz then Council Member Rosenthal, Riley
9 and Darma Diaz.

10 COUNCIL MEMBER DINOWITZ: Thank you and good
11 afternoon. Commissioner, I think I agree with you.
12 I hate this Committee hearing as well. I don't think
13 any of us want to be here for this reason. And the
14 word harrowing has come up multiple times. I'm
15 particularly concerned about the youth at Rikers for
16 ages 18-21. I'm interested to know how many, first
17 of all how many are in the age bracket and how many
18 of those children, I'll call them are still enrolled
19 in high school? Of those kids, how integrated are
20 they with people who are older, people who are uhm,
21 we've heard about the atrocious conditions there.
22 Are our youth facing those atrocious conditions as
23 well. Because it pains me you know to think there
24 are youth who may or may not have made one single
25

3 mistake are now because of where they are going to be
4 sent on a terrible path for the rest of their life.

5 VINCENT SCHIRALDI: Thank you. Uhm, I don't know
6 if you know this about me but uh, the first time I
7 worked in government was to run the juvenile justice
8 system in Washington DC. And so, I am deeply
9 concerned about the young people in our system. That
10 is a big part of the Nunez Consent Decree, violence
11 amongst the young people. And violence amongst young
12 people in our system is higher than it is in any
13 other part of our system. It's nine times the rate
14 of violence in the rest of the system.

15 And so, when I came on, my biggest primary focus
16 was to fix the problems in the young adult housing.
17 Uh, I'm going to turn it over to First Deputy
18 Commissioner Stanley Richards in a second because he
19 Co-Chairs the Young Adult Taskforce. But here is the
20 dream Council Member for -

21 COUNCIL MEMBER DINOWITZ: Commissioner,
22 respectfully because of time, I don't doubt where
23 your heart is. I don't doubt what your dream is,
24 right. What I'm concerned with are our youth and if
25 time allows, I'm particularly concerned with the
number of students with - or youth with disabilities

3 including learning disabilities which often go
4 overlooked. We talked a little about mental health
5 but I'm particularly concerned with those including
6 learning disabilities. And if screenings are done,
7 if they are receiving their proper services. Related
8 service providers, the proper services they need to
9 address with disabilities and if our youth are
10 evaluated or reevaluated for their disabilities.
11 Thank you.

12 VINCENT SCHIRALDI: Uhm, so, remember the 16, 17-
13 year-olds are gone now, so there are 250 or so
14 because you asked that question. Young adults
15 between the ages of 18 and 21 who are there, don't
16 have to go to school. They can voluntarily go. They
17 can voluntarily not go. If they go, they are tested
18 and if they are found to have any disabilities, they
19 get special education services.

20 COUNCIL MEMBER DINOWITZ: Sorry to interrupt.
21 Just to be clear, all of those who choose to go to
22 school regardless of whether or not they have an IEP,
23 are tested universally?

24 VINCENT SCHIRALDI: No, not to my knowledge but I
25 will get you that answer. My belief is they are
tested if they show signs of a learning disability or

3 if they already hand one. Not if they don't show any
4 signs. But I don't know that for a fact and I will
5 circle back around with you on that.

6 COUNCIL MEMBER DINOWITZ: Okay and my assumption
7 is that you do not provide that same service for
8 adults who may display disabilities. In other words,
9 you don't test people over the age of 21 or not
10 enrolled in the school?

11 VINCENT SCHIRALDI: So, DOE is increasingly
12 enrolling adults in education and I will get you the
13 answer on how they go about testing on that as well.

14 COUNCIL MEMBER DINOWITZ: Thanks. So, I don't
15 want to be too much over my time. I respect your
16 time and all of my colleagues and all of the
17 advocates here today, but so to be clear, those
18 enrolled in school may or may not be screened or
19 rescreened but there is no universal mandate or
20 pushed to have every inmate or detainee screened for
21 learning disabilities, emotional disturbances, right?

22 VINCENT SCHIRALDI: Not to my knowledge.

23 COUNCIL MEMBER DINOWITZ: And the housing of the
24 youth, they are housed with everyone aged 21 or over
25 21? Or they are also housed in these same areas
where it was described in vivid details of fecal

3 matter and attempted suicide? They are all housed
4 together?

5 VINCENT SCHIRALDI: They are housed in separate
6 facilities 18-21 except in some rare special
7 circumstances where there is only very few of them.

8 COUNCIL MEMBER DINOWITZ: And what is - out of
9 250 youth how many is very few?

10 VINCENT SCHIRALDI: Stanley, do you have the uh,
11 the circumstances under which kids, young people are
12 collocated?

13 STANLEY RICHARDS: Yes.

14 VINCENT SCHIRALDI: I don't know if we have the
15 number. We'll get you the number but I want Stanley
16 to because he is more on top of this than I am to
17 give you the reasons.

18 STANLEY RICHARDS: Thank you Council Member for
19 your question. There are circumstances which we -
20 one of those circumstances is medical. If there is a
21 medical reason, we will comingle. If there is a
22 mental health reason, we would comingle and if there
23 is a restrictive housing reason, we would comingle.

24 But the majority of our young folks are housed in
25 RODC and are not comingled with folks over 21. And
we have established as Commissioner Schiraldi said,

3 the young adults hassle us to really focus on the
4 young adults. We brought in Kings of Kings and
5 Exodus. We engaged in our seven contracted providers
6 and they have now been assigned to each of our young
7 adults housing units. We've expedited volunteer
8 ID's, so that volunteers don't need escorts to go the
9 housing area to be able to provide services.

10 So, we're doing what we need to do to lean in to
11 work with young people. In addition to building out
12 by young people for young people model housing in
13 order to institute or provide them with those units.

14 COUNCIL MEMBER DINOWITZ: Yeah, you know again, I
15 have no doubt that your hearts are in the right
16 place. Uhm, but you don't have a number on the
17 number of youth and you also don't have I guess, you
18 could forward these questions later but the number of
19 youth with disabilities in the facility?

20 VINCENT SCHIRALDI: We'll get you all of those
21 numbers and I just want to say it's not just our
22 hearts are in the right place; we have been doing a
23 lot of hard work on this. We've issued for staff to
24 get preferred posts who want to work with young
25 adults, so that they know exactly who is working with
those young adults. Because they want to be there

3 and are specially trained. And then all of those
4 programs that Stanley just mentioned. That's more
5 than just their hearts, that's actual stuff that
6 we're doing to ameliorate the negativity in the young
7 adult and also, increase the positive programming and
8 engagement the young adults are involved in.

9 So, it's not just a planning process but a deep
10 working process that we've engaged in.

11 COUNCIL MEMBER DINOWITZ: Okay, I'm going to end
12 it there. I know I'm over my time. I want to thank
13 the Chairs, Council Member Powers and Miller for this
14 hearing and I look forward to getting that
15 information and we'll be sending you more questions
16 regarding the youth at Rikers. Thank you.

17 CHAIRPERSON POWERS: Thank you and we'll make
18 sure we follow-up to get that data for you as well.
19 Thanks.

20 COMMITTEE COUNSEL: Next, we'll hear from Council
21 Member Rosenthal followed by Council Member Riley and
22 Council Member Diaz. Council Member Rosenthal.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER ROSENTHAL: Thank you very much.
25 Thank you Chairs for holding the hearing. Thank you
so much Commissioner, First Deputy Mayor and all your

3 staff. Uhm, I appreciate your being here to account
4 for the inhumane conditions in our jail system. And
5 I appreciate the plan that you set forward yesterday.
6 Uh, very quickly, one piece that is missing from your
7 plan is what you're doing to expedite building for
8 new humane jails.

9 You have three and a half months left. There is
10 a lot you can do with procurement, design and
11 construction and laying the ground work for those for
12 jails. And I think that is starkly missing from your
13 plan uhm, because you can be doing that now. Uhm,
14 and, and First Deputy Mayor Fuleihan, that might
15 involve you know strongly encouraging DDC to move
16 quickly and finding out from them what resources they
17 need in order to get it done.

18 So, I'll look forward to hearing back from you on
19 that. What I'd like to ask right now is doubling
20 down on Council Member Adams point about sexual
21 assaults which for some reason the women seem to know
22 about and ask about this issue. So, uhm, I would
23 like to know what resources made available to the
24 survivors of sexual assault? How many people do you
25 know of have been sexually assaulted this year? How
many people have been referred to resources and uh,

3 and let's start there. And Deputy Mayor Fuleihan,
4 I'd love to hear you're, if you know this
5 information.

6 DEAN FULEIHAN: I'm going to hand it over to the
7 Commissioner on your - well, I have to. On the first
8 piece, if there is something you think we're not
9 doing -

10 COUNCIL MEMBER ROSENTHAL: Yeah, I would - I
11 mean, I'm happy to meet with you on the first piece
12 but the problem is that you don't know the answer to
13 the question on sexual assault. It tells me that you
14 have not asked the question yourself.

15 DEAN FULEIHAN: I'm sorry, I'm sorry.

16 COUNCIL MEMBER ROSENTHAL: If that's not true,
17 please.

18 DEAN FULEIHAN: I respect you greatly but there
19 is a reason that I have a Commissioner who has the
20 facts and I'm going to turn it over to him to answer.
21 We are talking about all these issues constantly.

22 COUNCIL MEMBER ROSENTHAL: Yeah, it's not first
23 and foremost and that's my concern. I appreciate you
24 and I respect you. You know that.
25

3 DEAN FULEIHAN: So, uh, I apologize Commissioner,
4 if you want to address that and then I will quickly
5 address the borough based -

6 VINCENT SCHIRALDI: I will get you a number on
7 how many people have been sexually assaulted. People
8 don't have to tell us when they are sexually
9 assaulted, so what's tended to happen is that people
10 have raised it, particularly COBA delegates have
11 raised it very specifically -

12 COUNCIL MEMBER ROSENTHAL: Commissioner, it's of
13 course, no one wants to talk about rape because this
14 society has made women the uh, bad person and we know
15 that the perpetrators are the one at fault. So, of
16 course you don't know the exact number. Of course
17 others have raised it. That is a common thing that
18 people who should be accountable say. But I'm asking
19 you specifically, how many people have reported that
20 they have been sexually assaulted? You tell me any
21 number you want. In the last month, in the last six
22 months, since you've been here, the year prior, I
23 don't care. But what I want to know is that you've
24 ask that question to your staff and that you have a
25 number firmly fixed in your head.

3 And so, I want to know how many people have been
4 raped? You don't know that? How many people have
5 said it's a problem? You don't know that? How many
6 people have been referred? Actually been referred to
7 resources? And to hear that you're reinventing the
8 wheel and working with the Office to End Gender-Based
9 Violence about what to do. I mean, let me just flip
10 my screen for one second. Honestly, here is what you
11 do. Refer them to people who know what they are
12 doing in terms of providing trauma informed care.

13 So, you know hearing that you're now creating a
14 plan is just painful. But do you have any of this
15 information at hand or do you want to refer me to
16 your Chief of Staff?

17 VINCENT SCHIRALDI: I'm going to refer you to my
18 Chief of Staff. I'm also going to get you the
19 information and we have also just separate and apart
20 from the questions you're asking, met with the Sex
21 Crimes Unit of the Bronx District Attorney's Office
22 who prosecute these cases. I know that's not
23 everything.

24 COUNCIL MEMBER ROSENTHAL: How many cases have
25 you brought to them?

3 VINCENT SCHIRALDI: I'm going to - we'll get you
4 that data. Dana, do you want to answer the Council
5 Member's questions?

6 DANA WAX: Sure, so uhm, Council Member first,
7 again thank you. Thank you Council Member Adams as
8 well. We must center the women of this department
9 and you have Council Member Rosenthal has been a
10 champion for women across the city and I really
11 appreciate you bringing your attention to Department
12 of Correction.

13 Uhm, since Council Member Adams had questioning
14 of this, I've been in touch with our head of
15 investigation. We are working on that data. I don't
16 have those data points in front of my right now but
17 we will have them by today or tomorrow.

18 Uhm, I want to let you know that sexual assault
19 is a - or sexual assault, abuse, misconduct, it's a
20 log book and we do track it. It's recorded and
21 tracked every day. I just don't have an accurate
22 count to give you. Uhm, with regards to the
23 dedicated trauma services, again, I can't agree with
24 you enough. And so, what we do have right now on and
25 available for people today is what the wellness
center and those staff have been trained in trauma

3 support care on the Mayor's Office to End Gender
4 Based Violence. We also have reintroduced the
5 employee systems program.

6 Now, that's not enough and I'm not satisfied,
7 which is why in the past month or so, I have been
8 working with the Mayor's Office to End Gender Based
9 Violence to provide dedicated clinical trauma
10 informed care to our staff. And that's going to be
11 available within the next week or two. Uhm, and I'm
12 happy offline to give you the names of those support
13 services.

14 COUNCIL MEMBER ROSENTHAL: And so, when you pull
15 up your dashboard, how many people have been – have
16 said they have been sexually assaulted?

17 DANA WAX: So, that's the number that I will get
18 you.

19 COUNCIL MEMBER ROSENTHAL: So, you don't have a
20 dashboard that tracks it but you track it every day?

21 DANA WAX: I can actually – I'm glad you raised
22 that point and that's the same point that's been
23 raised to me by COBA in my routine conversations with
24 them and we will be adding that staff to our teams
25 meetings which are essentially DOC contact meetings.

3 Because it needs to be raised publicly and attract
4 constantly -

5 COUNCIL MEMBER ROSENTHAL: Thank you. I
6 appreciate that very much. Uhm and you and I, also
7 go way back and I'm happy you're in the position you
8 are in because I know how amazing you are, so thank
9 you. But for the record, you know, we had an entire
10 hearing about that and we were lied to because we
11 were told that all of this was already being tracked.
12 That it was already on a dashboard. That there was
13 already a robust system that everybody had been
14 trained and all cases were being investigated.

15 So, and then the PREA report came out saying that
16 the jail system passed all PREA standards 100 percent
17 and it is on all of us to have not challenged because
18 of course it was a lie. So, I feel now Commissioner,
19 with you there and Dana, with you there, I think we
20 will start to get answers. So, thank you for that.

21 VINCENT SCHIRALDI: Thank you Council Member.

22 COMMITTEE COUNSEL: Thank you. Next, we're going
23 to hear from Council Member Riley.

24 DEAN FULEHIHAN: Just because the Council Member
25 did have questions on borough based jails, Marcos, do
you want to just give us an update?

3 MARCOS SOLER: Totally. Thank you Council Member
4 for your question. As you know we heard MOCJ on
5 other agencies. We remain focus on the ultimate plan
6 at Rikers. As you know, procurement is underway in
7 all four sites of the borough facilities and we will
8 allow them to happen soon. We already have broken in
9 Queens beginning in June. Construction of the
10 parking on community space that will go along with
11 site with people will have access to that
12 programming.

13 On July 1st, we made an initial down payment on
14 the commitment to close Rikers. Transferring
15 jurisdiction of a sheriff facility to DCAS. And
16 again, we are completely committed to closing Rikers
17 as soon as possible. I hear you. It's a good call.
18 We will continue to put pressure to move the
19 timelines. That's always what we aspire to do.

20 COUNCIL MEMBER ROSENTHAL: I think what I was
21 hoping to see was a strategic plan. Maybe sharing
22 your screen, where you could show us your roadmap for
23 closing and building.

24 MARCOS SOLER: I have that and I will be happy to
25 share that with you.

3 COUNCIL MEMBER ROSENTHAL: Great, thank you so
4 much. Thank you Chairs. I really appreciate the
5 opportunity.

6 CHAIRPERSON POWERS: Appreciate it. We'll follow
7 up on that as well.

8 COMMITTEE COUNSEL: Thank you. Now, we'll hear
9 from Council Member Riley followed by Council Member
10 Diaz and then Council Member Louis. Council Member
11 Riley.

12 SERGEANT AT ARMS: Time starts now.

13 VINCENT SCHIRALDI: We can't hear you Council
14 Member Riley.

15 CHAIRPERSON POWERS: Council Member Riley, you
16 are unmuted but we can't hear you. No. We'll go to
17 the next one and then we'll come back.

18 COMMITTEE COUNSEL: Okay, we'll go to Council
19 Member Diaz next then.

20 SERGEANT AT ARMS: Time starts now.

21 COUNCIL MEMBER DIAZ: Good afternoon. Can you
22 hear me? I'm not sure -

23 CHAIRPERSON POWERS: We hear you.

24 COUNCIL MEMBER DIAZ: I want to start by thanking
25 Councilwoman Adams for being hard and asking the hard
questions and also, Council Member Rosenthal to

3 sticking to the fact that women are being sexually
4 abused. As of May, we have 81 women on record that
5 have been abused that is documented. You know 81 is
6 a big number. Over the summer, I did meet with
7 officers, female officers that worked in Rikers and
8 I'm going to stand by the numbers.

9 I'd like to go back to the original conversation
10 in reference to when the federal government went in
11 and made the assessment, it was declared that there
12 was issues with locking the jail cells. I'd like to
13 know what's the turnaround time to correcting that
14 issue?

15 VINCENT SCHIRALDI: Thank you Council Member.

16 Uh, when I got here, there was two year timeline on
17 fixing all the cell doors that were broken. I talked
18 to First Deputy Mayor about that and neither of us
19 found it acceptable, so we've been pushing on that.
20 Offering incentives for the door manufacturers to uh,
21 move that along more quickly. There has obviously
22 been supply chain issues but we've gotten it down to
23 February. We expect to be able to fix all the doors
24 by February. We did just complete 50 more door
25 repairs and that got us to about half way in the
number we're supposed to get and we anticipate being

3 completed by February but we're still pushing and
4 we're still pushing on the door manufactures who
5 happen to be located in Sunset Park.

6 COUNCIL MEMBER DIAZ: How feasible is it to
7 relocate inmates to areas that could both protect the
8 inmates and the staff until this issue is rectified
9 in February?

10 VINCENT SCHIRADI: Thank you for that question.
11 All the facilities right now are pretty much right up
12 at the top of capacity. If we had fewer people and
13 we had more staff, it would be totally feasible and
14 the right thing to do. But right now, we're pretty
15 much at the top of every facility except the women's
16 facility but you know, you can't put men in there.
17 And then we really don't have other staff. The only
18 thing we can do, which we are planning to do through
19 our conversations with CHS is to open up the clinics
20 in EMTC and just a few beds there. But really, it's
21 not, we don't have a lot of ability to expand just
22 because we don't have staff to expand with the
23 expansion of facilities.

24 DEAN FULEIHAN: And to the Commissioner's point,
25 the plans that he has outlined here at the hearing

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3 today and the five-point plan the Mayor put on. All
4 of this will allow us that kind of flexibility.

5 VINCENT SCHIRALDI: That's exactly why we did it
6 with the Mayor.

7 COUNCIL MEMBER DIAZ: Okay and then my last is
8 more of a statement.

9 SERGEANT AT ARMS: Time expired.

10 COUNCIL MEMBER DIAZ: May I please just make a
11 statement?

12 CHAIRPERSON POWERS: Yeah, go ahead.

13 COUNCIL MEMBER DIAZ: I hear numbers. Two shifts
14 which is 16 hours. Three shifts 24 hours. Let's not
15 forget that the staffers are human being, we're not
16 robots. We do not push a reset button where our body
17 just rejuvenates and our brain is clear.

18 So, we need to do better and be more sensitive
19 when we're speaking to numbers and these are our
20 people. So, not only are behaviors impacting our
21 staff but also the inmates. If we want to make sure
22 that we have a clear path for everyone. Thank you.
23 Our people are human it's not numbers, it's not
24 shifts. It's what could happen. We need to be able
25 to prevent the likeliness of anymore negative
occurrences. Thank you.

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3 CHAIRPERSON POWERS: Thank you Council Member.

4 VINCENT SCHIRADI: Couldn't agree with you more
5 Council Member. That's exactly why we're trying at
6 all these different points to have a plan exactly to
7 help make the people who are incarcerated and the
8 staff have better conditions to work in and to live
9 in while reducing the numbers and putting more folks
10 back to work. But I could not agree with you more
11 Council Member.

12 COUNCIL MEMBER DIAZ: I appreciate your efforts.
13 Thank you.

14 COMMITTEE COUNSEL: Thank you. Next, we will
15 hear from Council Member Riley and then Council
16 Member Louis. Council Member Riley.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER RILEY: Can you hear me?

19 VINCENT SCHIRALDI: Yes.

20 COUNCIL MEMBER RILEY: Thank you Chair Powers.
21 Thank you Chair Miller. Thank you Commissioner.
22 Thank you Deputy Mayor. I just want to kind of focus
23 on the culture of Rikers Island. Uhm, within the
24 inmates, I have spoken to some people who are
25 incarcerated at Rikers and they are saying kind of
inmates are kind of running everything in their due

3 to the lack of staffing and kind of speaking today
4 seems like the lack of staffing is a huge issue. But
5 this didn't just happen during COVID, this was prior
6 to this. And actually, one of my staffers used to be
7 a correction officer but it seems like when rookie
8 staffers are uhm, rookie correction officers come in,
9 they are the ones that are kind of put there for the
10 double shifts and the triple shifts.

11 So, is there any plan to kind of mix that culture
12 within Rikers where uhm, we're making space uhm for
13 the staffers, the correction officers and the
14 inmates? And also, I did hear some programs that you
15 had such as Kings helping Kings. Can you kind of
16 elaborate on that and kind of speak on any mental
17 health programming that you have there for CO's and
18 also inmates? Thank you.

19 DEAN FULEIHAN: Commissioner.

20 VINCENT SCHIRALDI: Thank you. I'm going to
21 address the first part and then I'm going to turn it
22 over to First Deputy Commissioner Richards for the
23 programming question.

24 Uhm, you know, it's really been fascinating and
25 troubling to walk around the living units and I've
26 been to every facility, every different shift. The

3 midnight shift and every command that we have, just
4 talking to staff and talking to incarcerated people
5 and for people who haven't been working inside, it's
6 not surprising but for people outside, it is a little
7 surprising that sometimes I'll talk to the
8 incarcerated people and they'll say, can you send her
9 home, she's been here 20 hours and she's tired.

10 Talking about their CO and when I say to the CO
11 and I talk to them, they say, can you get these guys
12 their reck, can you get them commissary? They are
13 frustrated and tensions are rising. So, it's
14 actually heartening in some respect thing to see that
15 even when people themselves are having issues, they
16 are caring in some respects.

17 So, yes, the lack of staffing is causing as you
18 asked, lack of services on occasion on more occasions
19 than I'd like to have happen. Uh, services to the
20 people who are incarcerated. And I'll turn it over
21 to First Deputy Commissioner Richards who can answer
22 the questions about uh, programming.

23 STANLEY RICHARDS: Thank you Council Member
24 Riley. Uh, King of Kings is a messenger provider
25 along with Exodus that created a sort of gang
mediation program. It's the foundation of what we're

3 doing with some of our young adults. As Commissioner
4 Schiraldi said, young adults and people in our mental
5 observation units are the two populations with the
6 highest incidences in the department.

7 So, what Kings of Kings is doing is uh, six weeks
8 ongoing uh, intervention working with some of the
9 most influential gang leaders in our facilities to
10 create the kind of space for them to mediate without
11 violence. So, they can manage their differences by
12 seeing each other. And we have our officers working
13 as part of that. Because what we've been saying is
14 we need to see our officers and we need to see
15 incarcerated people and when we begin to center all
16 of our work on humanity, we can begin to lift them up
17 and create conditions where violence isn't the tool
18 people use to manage the conflict that they have in
19 our institutions.

20 We've also reengaged our providers, the contracts
21 to providers to come back in. We have assigned by
22 specifically skilled and work with young adults in
23 RNVC. They have been assigned to assigned to units.
24 We have 27 correction counselors assigned to those
25 units, so we can provide crisis intervention, social
services and every one of those providers including

3 DOC staff can make a mental health referral if one of
4 our young are - is distressed and need mental health
5 care.

6 COUNCIL MEMBER RILEY: Thank you Mr. Richards and
7 just for the sake of time, are any of those programs
8 actually helping them with the workforce also?

9 STANLEY RICHARDS: Yes, yes. We have SCO, we
10 have Youth Justice Network, and we have our own
11 workforce development program, Department of
12 Corrections as our own workforce development program
13 in the center where they are doing some work with
14 folks and when they get released, they can do the
15 transitional work to help people get connected to
16 employment. We have huge a Huge Jails to Jobs
17 program that was created underneath this
18 administration to guarantee people when they get out
19 access to jobs paying minimum wage or above. Both as
20 a training opportunity for people and for an entryway
21 into the world of work. And we have a number of
22 community partners who manage those programs
23 including Forced to Society, Osborne, and other
24 organizations.

25 COUNCIL MEMBER RILEY: Thank you Mr. Richards and
just for the sake of time, I just -

3 SERGEANT AT ARMS: Time expired.

4 COUNCIL MEMBER RILEY: If I could just leave a
5 statement real quick. Uhm, if there is any
6 programming that we could do moving forward because
7 it seems like there is a culture being built within
8 jail that gives kind of badge of honor in the streets
9 with, especially with our youth. So, I do believe
10 that these programs are great and amazing but there's
11 something in there that's not working because when
12 they're coming back out into the streets to our
13 communities, is giving them a badge of honor instead
14 of you know kind of elevating them to another level.

15 So, I would love to you know speak with you
16 further on how we could kind of you know think about
17 how we can improve that. Uhm, thank you Chair.
18 Thank you First Deputy Mayor, thank you Commissioner
19 and thank you DOC.

20 VINCENT SCHIRALDI: Thank you Council Member. I
21 tended to kickoff of the King of Kings gang and
22 prevention work Monday and they addressed exactly the
23 issue you were just talking about and they said
24 exactly the same thing Council Member. They talked
25 about how uhm, when they were young they thought of
this as a badge of honor and now, you know having

3 done 30 years, 35 years been locked up. Never got to
4 see their kids get raised. Never got to see family
5 members pass away and go to their funerals. I mean,
6 it was really, really emotional and you could see it
7 in the young people's eyes that they really just
8 hadn't you know, because their thinking about now.
9 They are thinking about five minute from now, ten
10 minutes from now. But they're not thinking about 30
11 years from now. It was really, really impressive and
12 now both them and Exodus will be there launching
13 efforts to quell some of the gang tensions while at
14 the same time, First Deputy Commissioner Richards and
15 the taskforce that's been established which includes
16 unions, uniformed staff, advocates, formerly
17 incarcerated people will create the kind of
18 environment for these young people where they are not
19 looking for those kinds of badges. Where instead,
20 they are incentivized to finish their education.
21 They are incentivized to get job skills. They are
22 incentivized to get counseling. So, that it's both
23 peaceful inside and as you talk about more
24 importantly when they go back home.

25 COMMITTEE COUNSEL: Thank you. Now, we'll turn
to Council Member Louis.

3 SERGEANT AT ARMS: Time starts now.

4 COUNCIL MEMBER LOUIS: Can you hear me?

5 VINCENT SCHIRALDI: Yes.

6 COUNCIL MEMBER LOUIS: Thank you Chairs Powers
7 and Miller for holding today's hearing on this
8 atrocious issue occurring in our jails and I do want
9 to thank the Commissioner and the administration for
10 being present today for this conversation.

11 Council Member Diaz ended up asking one of the
12 questions I had regarding the expedition of repairs.
13 Uhm, and with all due respect, it's truly a
14 disappointing response on an urgent matter. So, I
15 hope that we can uhm, get something a little bit
16 better later but in addition, I'm also frustrated
17 that even after last week's briefing with the BLAC,
18 that the Department of Correction still fails to
19 provide the number of cases of female officers that
20 reported violations and that's still not available
21 and that's really, really disappointing.

22 But I wanted to ask, regarding the intake
23 process, how soon can these intakes be expedited and
24 regarding the NYPD now coming in, will they be
25 trained to deal with this population and when will
the NYPD be deployed to Rikers? Thank you.

3 DEAN FULEIHAN: I'll start and hand it over to
4 the Commissioner. The NYPD would be at the facility
5 right now with the Department of Corrections and
6 thank you. Yes, everybody needs to be trained. It's
7 very important. So, they do have their own training
8 and remember this is at the courts where the NYPD has
9 had experience in the past.

10 So, we're not talking about at Rikers, we're
11 talking about in the court facilities. Uhm,
12 Commissioner can I turn it back to you?

13 VINCENT SCHIRALDI: Thank you Council Member. As
14 far as the intake question you raised, we anticipate
15 opening the new intake facility in EMTC as well as in
16 second clinic there with CHS next week.

17 COUNCIL MEMBER LOUIS: Alright, thank you First
18 Deputy Mayor and Commissioner. Thank you.

19 DEAN FULEIHAN: Yeah, so within days.

20 CHAIRPERSON POWERS: Thank you. Thank you
21 Council Member Louis. We have more questions. We
22 were going to send them to the First Deputy Mayor and
23 the agency in respect of time because of how many
24 people are here waiting for us. You know, I think
25 you heard a lot of priorities here today from folks
in the Council when it comes to population and

3 lowering that population and staffing issues and
4 security, the conditions of the cells and much more.
5 And we're going to hear obviously from the public, so
6 we appreciate folks to be here from your respective
7 teams to hear those questions and testimony as well.
8 We'll be of course following up uh, hopefully having
9 a conversation to follow up the concerns of Council
10 Members and the public.

11 So, thank you very much and uhm, thank you for
12 being here today First Deputy Mayor, Commissioner and
13 all your staff.

14 CHAIRPERSON MILLER: Chair Powers?

15 CHAIRPERSON POWERS: Oh, sorry, yes, Chair
16 Miller, yes.

17 CHAIRPERSON MILLER: Yeah, I'm sorry, before they
18 leave, there were a number of questions but
19 specifically, uhm, on the housing and uh, how housing
20 happens in terms of gangs. Uh, there was a question
21 that wasn't answered on that. Commissioner, can you
22 speak to that? Is this still happening and why?

23 VINCENT SCHIRALDI: Yes, thank you Council
24 Member. We do not have an official policy of housing
25 gang members together, however, there are times when
our units are disproportionately housing one or

3 another gang member, gang group. We are in the
4 process of breaking those up but we cannot just break
5 them up and send them out there until we have a
6 proper number of programs and proper number of staff.
7 If we do, there will be violence that is worse than
8 what we have now.

9 So, I do not like having houses with a dominant
10 number of gang members in them. But we have to
11 carefully break them up. We cannot do so in a manner
12 that jeopardizes public safety.

13 CHAIRPERSON MILLER: And then finally there was a
14 question on compensation particularly around uh,
15 overtime. Is the current payroll system equipped and
16 does it have the capacity to pay people after working
17 a triple tour or is there something that has to be
18 done manually.

19 VINCENT SCHIRALDI: Oh, whether it's manual or
20 automated, I'm going to turn it over to Chief Stukes
21 but I do want to reiterate what First Deputy Mayor
22 said, which is we've heard this and we're not denying
23 that it might be so but we've yet to get evidence of
24 it in a specific way that allows us to pay somebody.
25 So, we're always open to anybody telling us, I've
worked overtime on such and such a date and I didn't

3 get it. But we have asked for that and not received
4 it. So, I'll turn it over to automation question and
5 whether it is done by hand or not to Chief Stukes
6 because he is much more familiar than that than I am.

7 STANLEY RICHARDS: Yes, Chief Stukes stepped out
8 of the room for a minute but our current members of
9 services time process is a manual system. At one
10 point we did have the hand scanners for electronic
11 time keeping. During COVID, we had to pull those
12 back. When we came on board, we are looking at
13 reinstating that or another kind of technology to
14 track time but their time is tracked manually. We
15 have time keepers who manage their time and process
16 the payroll.

17 CHAIRPERSON MILLER: Okay, thank you. Thank you
18 Chair Powers. Thank you Deputy Mayor, thank you
19 Commissioner and the rest of your team for giving us
20 a great deal of your time this morning, this
21 afternoon. We look forward to the follow-ups.

22 DEAN FULEIHAN: Thank you.

23 VINCENT SCHIRALDI: Thank you Chairpersons and
24 members of my staff will stay on to hear this and
25 report back to me on uh, any issues are of any
concern.

3 CHAIRPERSON POWERS: Thank you. Thank you. I
4 think we're moving now uh, to our next group and
5 we're going to try to keep this moving because I know
6 a lot of folks who are testifying. We have elected
7 officials and union representatives and of course
8 other folks of the public here. So, thank you to all
9 and I'll hand back.

10 COMMITTEE COUNSEL: Thank you. We will now move
11 on the Board of Correction. First, we will hear from
12 Executive Director Margaret Egan followed by Board
13 Member Bobbie Cohen. Executive Director Egan, you
14 may begin.

15 MARGARET EGAN: Thank you. Uhm, good afternoon
16 Chair Powers, Chair Miller and members of the
17 Committees on Criminal Justice and Labor. I am
18 Margaret Egan; I am the Executive Director of the New
19 York City Board of Correction. I am joined by Board
20 Member, Dr. Robert Cohen. Board Chair Jennifer Jones
21 Austin who is unable to join us today but sends her
22 regards. I first want to thank you for inviting me
23 to share my testimony on the state of the city's
24 jails.

25 As you know, the New York City Board of
Correction is an independent oversight and regulatory

3 agency charged with ensuring that the Department of
4 Correction and the Correctional Health Services meet
5 the Board's Minimum Standards, which cover areas
6 inclusive of the entire experience of persons in
7 custody, including, among other conditions, access to
8 counsel, family visits, religious exercise and the
9 provision of health and mental health services.

10 Despite the challenges of COVID-19, the Board of
11 Correction has continued its active oversight,
12 through monitoring conditions at the City's jails,
13 processing complaints by people in custody and their
14 families and through rulemaking. Just this summer
15 the Board passed a historic rules package eliminating
16 the use of punitive segregation, or solitary
17 confinement, and mandating a new progressive
18 discipline system called Risk, Management,
19 Accountability, which is based on the presumption
20 that the safety of all people in custody and staff is
21 paramount, that people need human contact and
22 programming and that any stay in restrictive housing
23 should be brief, constructive and based on clear
24 rules and processes to ensure forward movement.

25 The Board of Correction has unique insight into
the state of the jails, and what we currently see is

3 a system in crisis on multiple levels, endangering
4 the safety of people in custody and staff. Most
5 recently the Board issued a public statement decrying
6 the sharp spike in suicides and the incidents of
7 self-harm in the jails and calling on criminal
8 justice stakeholders to meet this crisis through
9 urgent efforts to reduce the jail population.

10 It is the Board's belief that without these
11 steps, the problems that I will describe today: staff
12 shortages, extended stays in inhumane conditions and
13 lack of access to mandated services such as basic
14 health and mental health care, will only worsen, and
15 the correctional system will experience a rapid
16 increase in serious injury and death.

17 Throughout the pandemic, the Board has continued
18 to monitor conditions in the jails. When COVID-19
19 hit New York City in March 2020, the Board adapted
20 its oversight model and prioritized monitoring the
21 Department of Correction's and Correctional Health
22 Services' evolving COVID-19 response. In May 2020,
23 the Board began targeted on-site inspections to
24 strategically supplement the remote oversight work
25 that we began doing. Board staff also conducted
tours to monitor facility compliance with agency

3 plans and general operations and to also monitor
4 compliance with BOC Minimum Standards amidst the
5 public health crisis. Departments are carefully
6 planned to be responsive to the ongoing and
7 exceptional health risks as well as the oversight
8 needs.

9 Since the Spring of 2021, BOC has continued to
10 refine this process and our on-site inspection work
11 to allow for more robust, strategic tours as issues
12 beyond the COVID-19 pandemic have emerged. Today I
13 want to provide a brief survey of what we have seen
14 over the course of the last 18 months. The current
15 state of the city's jails cannot be described without
16 acknowledging the extreme challenges posed by the
17 pandemic. The threat to both people in custody and
18 staff living and working in a congregate setting was
19 immediately understood, and the first wave of the
20 pandemic prompted coordinated efforts to rapidly
21 reduce the jail population.

22 By April 29, 2020, the jail population fell to a
23 historic low of 3,832. Over time, however, that
24 trend has reversed. For the week ending September 3,
25 2021, the average daily population in the jails was
6,043, which surpasses the 5,557 count in the jails

3 on March 16, 2020, as the pandemic hit the city. And
4 immediately prior to coordinated efforts that reduced
5 the population to approximately 3800.

6 The Board calls on all stakeholders to again come
7 together to immediately decarcerate. We know that
8 there is not one silver bullet to reduce the jail
9 population. Instead, it must be a multi-pronged
10 approach that utilizes all options. Judges, DAs, and
11 the defense bar should evaluate those held pre-trial
12 for a safe return to the community through release on
13 recognizance and supervised release. For those
14 individuals who have been held for over one year,
15 these stakeholders should review cases for an
16 appropriate disposition. The Commissioner of the
17 Department of Correction should continue to review
18 and release those held on city sentences.

19 And, finally, the New York State Department of
20 Correction and Community Supervision should stop
21 detaining individuals on technical parole violations
22 and review those currently held for release from
23 jail. Not one of these is the only option. And all
24 must be utilized immediately. The increased
25 population and DOC staffing shortages add to the
already difficult challenges presented by the

3 pandemic and have exacerbated unsafe and unsanitary
4 conditions. If the population continues to steadily
5 rise, persons in custody and those who work and
6 protect and work with them are in an impossible
7 position and these troubling conditions will
8 persevere.

9 Our observations over the last several months
10 have revealed four key takeaways. And while these
11 patterns and trends are not necessarily new, again,
12 they have been intensified by the COVID-19 emergency,
13 a steadily rising jail population, and, more
14 specifically, the staffing crisis that is engendered.

15 BOC staff have not seen improvements in these
16 areas in any facility. First, there are severe,
17 prolonged, staffing shortages. DOC has reported that
18 upwards of 35 percent of staff are unavailable to
19 work with people in custody on any given day. While
20 all areas of the jails are impacted by these current
21 staffing shortages, Board staff observed inadequate
22 staffing ratios in restrictive housing units like ESH
23 and Secure.

24 Staff also state there should be four uniform
25 staff assigned in ESH level 1 units. Board staff
have observed two ESH units with only one officer on

3 post during two tours in July and August. Board
4 staff spoke with uniform staff and learned that staff
5 are obviously experiencing low morale and exhaustion
6 from working triple and quadruple tours, and fear for
7 their safety in the current conditions. According to
8 DOC data from January 1 to September 1, assaults on
9 staff without serious injury or use of force have
10 increased 53 percent: from 726 in 2020 to 1,112 in
2021.

11 There were five incidents categorized as serious
12 injury to staff in the same period. Additionally,
13 our analysis of the incident reports show that 530
14 percent increase in still-fires when compared to the
15 first eight months of 2020 with the first eight
16 months of 2021. During that time period in 2020,
17 there were 179 incidents categorized as still-fires,
18 and in 2021, there were 1178.

19 While these fires are not always life-
20 threatening, they present a safety issue for people
21 in custody and staff and are clearly a sign of
22 distress contributing to the chaos present in some
23 units. These incidents make the jails less safe for
24 persons in custody as well as staff. They also lead
25 to massive disruptions to normal processes, including

3 access to services like medical care, because they
4 divert staff, which is already spread thin. When far
5 too few staff are added to a steadily increasing jail
6 population now again now, above pre-COVID levels, the
7 inevitable result is violence, between staff and
8 persons in custody, as well as between persons in
9 custody.

10 Staffing shortages and the increasing jail
11 population are also the result of delays moving
12 people out of intake. Every person entering the New
13 York City jail system must first go through intake,
14 where initial determinations about housing, medical
15 and mental health care are made. Intake spaces are
16 also used to send people to court and process their
17 return from court, as well as process transfers from
18 other jails in the system. It is important to note
19 that intake facilities are not designed for extended
20 stays. For example, they do not have beds. A person
21 staying overnight in intake has a choice between a
22 stone floor or a bench.

23 Due to the pandemic, DOC has made several changes
24 to the physical location of the new admission
25 process, so that it has shifted among the following
facilities this year: EMTC, OBCC, VCBC and AMKC.

3 Despite the changes in location, the same concerns
4 persist. People in custody are spending extended
5 periods of time in intake, with limited or no access
6 to mandated services, like showers, medical care and
7 recreation. Furthermore, staff are not adequately
8 trained to work in intake areas.

9 During a tour on June 24, 2021, staff observed
10 the intake bathroom that is used for showers and
11 decontamination of people in custody, instead being
12 used as a holding space for individuals involved in
13 uses of force. The area was filthy. The Board has
14 also received several concerns from people in
15 custody, advocates, and family members about their
16 loved ones spending extended amounts of time in
17 intake areas or as they will be in intake. The
18 Department has reported, as recently as this weekend,
19 a multidisciplinary approach to managing these intake
20 areas. This team is to include security leadership,
21 health affairs leadership, and custody management
22 leadership and is charged with expeditiously moving
23 people through the intake process and the board will
24 closely monitor these changes to ascertain their
25 success.

3 Third, there is a lack of access to mandated and
4 other services. In June, DOC began providing some
5 congregate services such as religious services,
6 barbershop, and in-person visits. Based on recent
7 observations, review of housing area logbooks, and
8 conversations with incarcerated individuals and
9 staff, these and other mandated services are
10 occurring in a very limited capacity, or sometimes
11 not at all, due to staffing shortages.

12 Fourth, there is a deterioration of the sanitary
13 conditions in the jails. It does not appear that
14 proper sanitation is being maintained in the jails on
15 a consistent basis. During recent tours Board staff
16 observed unsanitary conditions in many housing areas,
17 which were dirty with garbage, ashes, and feces on
18 the floor. Additionally, some housing areas did not
19 have an adequate supply of personal hygiene items or
20 were unable to provide access to showers due to
21 staffing shortages.

22 PPE and cleaning supplies were also not available
23 in one unit during a recent tour. These conditions
24 are unsafe for both people who live and work in these
25 units. One heartbreaking result of these overlapping
crises has been the sharp increase in self-harm

3 incidents, some resulting in fatalities. It seems
4 undeniable that there is a direct link between the
5 COVID-19 pandemic and a growing mental health crisis.
6 And as an article in the city illustrated last week,
7 reported incidents of self-harm spiked dramatically
8 after the appearance of COVID-19 in New York City.
9 And that increase has persisted.

10 We believe the dramatic increase in self-harm
11 incidents is a direct result of the conditions listed
12 above, and that the surest way to alleviate these
13 conditions is to take immediate steps to reduce the
14 jail population. In addition to advocating for
15 decarceration, the Board will continue to conduct our
16 strategic on-site inspections across DOC facilities
17 to measure compliance with Board Minimum Standards
18 and will continue to work with facility leadership as
19 well as the Commissioner and his executive team to
20 highlight concerns observed during tours and aid in
21 addressing them.

22 Thank you for giving me the opportunity to
23 testify today, and I will now take any questions.

24 CHAIRPERSON POWERS: Thank you. I have a few
25 questions but I see Council Member Holden has his

3 hand up, so I'm going to let him go first and then
4 I'll ask my questions.

5 COMMITTEE COUNSEL: Actually, I think was uhm -

6 CHAIRPERSON POWER: What's that? Oh, sorry, of
7 course I want to make sure Chair Miller goes and then
8 Council Member Holden but I can go last.

9 COMMITTEE COUNSEL: Sure, did Dr. Cohen have
10 testimony to provide as well?

11 MARGARET EGAN: I believe so. Is he still on?

12 CHAIRPERSON MILLER: Chair Powers, you can call
13 on Council Member Holden.

14 CHAIRPERSON POWERS: Okay. I think we had one
15 more person from the Board who wanted to testify and
16 then we'll go to Council Member Holden. Thank you.

17 COMMITTEE COUNSEL: Yes. Dr. Cohen, you may
18 begin.

19 DR. ROBERT COHEN: Thank you very much. Thank
20 you Chair Powers and Chair Miller. My name is Robert
21 Cohen. I am a physician. I am the City Council
22 appointee to the City Board of Correction and I speak
23 to you in this time of crisis and tragedy.

24 At this time the jails are unsafe for all, the
25 people who work there and the people who live there.
It is not a moment but an extended interval when

3 death is stalking the people housed in the city's
4 jails and will kill more until there is mass
5 decarceration and an end to the current job action.
6 The Board of Correction was not created because
7 someone thought oversight was a good idea. It was
8 created because of repeated crises which have plagued
9 our jails for decades. I directed medical services
10 for Montefiore Medical Center in the jails from 1981
11 through 1986.

12 In the early 1980's the leading cause of death in
13 the jails, as it is now, was suicide. The Board
14 reviewed the suicides at that time and found that
15 they were the result of a functional absence of
16 effective mental health services. The City asked
17 Montefiore to provide adequate mental health services
18 and, within a year or so, the number of suicides had
19 dropped from twelve to zero.

20 There is an epidemic of suicides in the jails
21 today and it has the same cause; severely troubled,
22 individuals, already identified as mentally ill,
23 receiving inadequate or no access to mental health
24 services who harm themselves or hang themselves, or
25 kill themselves by twisting their heads into food

3 slots in clinic waiting rooms, as Tomas Carlo Camacho
4 did on March 2.

5 Last week, Dr. Ross MacDonald, Chief Medical
6 Officer of CHS, wrote to Councilman Powers and called
7 for help because he could not reliably provide basic
8 clinical services. He told you that persons living
9 in the jails were dying and would continue to die as
10 a consequence of the chaos in the jails. I am
11 surprised and disappointed that CHS did not bring Dr.
12 MacDonald to speak with you today about his clinical
13 concerns. Hopefully, they will.

14 I have visited the jails in recent months
15 investigating deaths in custody and found men who had
16 spent days in intake waiting for housing and medical
17 examination. As we heard, Board staff visited the
18 jails and found that people do not have access often
19 to basic medical, mental health and hygiene services,
20 and that medical staff are sometimes afraid to
21 deliver basic medical and mental health services.

22 Dr. MacDonald has stated that the current
23 conditions are resulting in a rapid increase in
24 COVID-19 infection rate in the jails and that
25 previously effective control mechanisms such as
isolation and quarantine will not be possible because

3 of the Department's dysfunction and overcrowding.

4 The reports of the Board of Correction for the past

5 50 years have repeatedly described crises in access

6 to medical care, preventable deaths of seriously

7 mentally ill persons, and violence. Years of

8 litigation have confirmed that persons living in the

9 jails are routinely subjected to unprovoked violence

10 by staff. During the five years of the Nunez

11 monitorship, the population steadily decreased, while

12 the amount of unprovoked violence increased each

13 year.

14 The 11th Nunez Report stated: "the pervasive

15 level of disorder and chaos in the Facilities is

16 alarming. The conditions that gave rise to the

17 Consent Judgment have not been materially

18 ameliorated." The monitor identified the cause of the

19 chaos: "First, the poor quality of facility

20 leadership hinders progress and must be addressed for

21 the agency to ever become successful." Then,

22 Commissioner Brann resigned the day the 11th Nunez

23 Report was released.

24 Yesterday's at the Board of Correction meeting

25 concerned citizens asked why we are not calling,

citing the department for mass violation of our

3 minimum standards. They said the department was not
4 providing minimally required medical care, mental
5 health care, recreation was not available, there was
6 no access to or limited access to courts, there was
7 limited access to attorney's, to basic hygiene
8 necessities and the department was not assuring the
9 safety of incarcerated people.

10 All of these are true. The Department is, and
11 has been for months, a dangerous and deadly place to
12 live. It is a dangerous place to work. What can the
13 Board do? What can Commissioner Schiraldi do? And
14 what can the Mayor do? And what can the City Council
15 do? The Board of Correction, because we have
16 unlimited access to the jails, must visit all the
17 facilities regularly, and report our observations
18 publicly.

19 It is critical that all New Yorkers know what is
20 happening, and not happening, in the jails today.
21 The Board has an obligation to visit each jail, to
22 write up our findings, and to publish them for all to
23 see. I don't know if this is possible but if it is,
24 this Council should require us, by legislation, to
25 provide this information to the people of New York
during this crisis. I have known Vinny Schiraldi for

1 many years. He is an extraordinary leader. The
2 actions he has taken and the programs he has
3 announced, particularly for young adults, are the
4 right ones for the department right now. The Mayor
5 should lead the effort to decarcerate. He should
6 immediately release eligible persons into the 6-A
7 program despite police commissioner Shay's stated
8 objection. He should call on the governor to sign
9 Less is More. Work with the parties to increase
10 supervised release, encourage DA's and defenders to
11 review all presentenced detainees and identify those
12 for who alternatives are available and for those who
13 are medically vulnerable and are at risk for COVID,
14 death from COVID.
15

16 And of course, increase case processing rates and
17 internal processing delays.

18 Esias Johnson, who died on September 7, a week
19 ago, was incarcerated on \$1 dollar bail. DOC staff
20 failed to take him to his scheduled court hearing
21 that day and he died in AMKC. The Mayor was the
22 national leader in the movement for decarceration.

23 CHAIRPERSON POWERS: Do you mind just
24 summarizing?
25

3 DR. ROBERT COHEN: Yeah, I do. Uhm, I think that
4 how do you change the culture in the jail. The
5 appointment of the Commissioner is the right
6 direction but crucially, we must all understand and
7 remember that jails are intrinsically, terrible and
8 violent institutions. In the United States they are
9 fundamentally racist. They injure and deform
10 everyone who lives in them and everyone who works in
11 them. They should be as few and as small as
12 possible. Mass decarceration as the city did last
13 Spring, will mitigate the violence. It will make
14 every one safer and will shorten and end the long
15 terrifying season of death which is now upon us.
16 Thank you Chair Powers for this opportunity to
17 address the Council.

18 CHAIRPERSON POWERS: Thank you. I think Chair
19 Miller said we could go to members. So, I'm going to
20 call on Council Member Holden.

21 SERGEANT AT ARMS: Time starts now.

22 COUNCIL MEMBER HOLDEN: Thank you and thank you
23 Chairs for allowing me to ask questions first. Uhm,
24 it seems like we're spinning our wheels. And the
25 Board, you know obviously uhm, people aren't
listening to the Board obviously. Your

3 recommendations for years and years. Uhm, but I'm
4 not sure a smaller population will fix things uh at
5 any jail. It's the management that has to you know
6 change obviously. So, you know, I know that for
7 instance there has been a huge amount of sexual
8 assaults on female officers. So, how is the board
9 addressing that? What are the recommendations? What
10 are the recommendations from the Board no dealing
11 with the fact that officers are out sick. How is
12 that being addressed? I'm hearing everything from a
13 prisoner perspective but I'm not hearing actually the
14 correction officers play. Because even when they
15 work triple shifts, they don't get paid. I mean,
16 this is total mismanagement. It's like, we need
17 somebody else to step in here. If the mayor is not
18 listening to the Board and the Board can't solve
19 these issues obviously and the City Council can't
20 uhm, what's the answer? You know take over by the
21 feds? I mean, what is the answer?

22 So, we keep spinning our wheels and it's getting
23 worse. Uhm, and the Board seems to be powerless on
24 this. Do you have a response to at least, I don't
25 even know if there was a survey and I didn't get an
answer as to why correction officers are out sick.

3 Because the conditions are so horrible, right? It's
4 a terrible place. They didn't have locks on 500 jail
5 cells. Can you believe that? That it has gotten
6 this bad?

7 So, it seems to be on all sides out of control.
8 So, I'd just like some response as to the sexual
9 assaults on female officers. What's your
10 recommendations and what's your recommendation on
11 trying to get these correction officers better
12 facilities obviously. And certainly, to have the
13 detainees obviously get services they need.

14 MEG EGAN: Yeah, thank you Council Member. I
15 mean, I think this is a crisis. This is an all hands
16 on deck moment. Uhm, and I think the conditions that
17 our staff sees in the jails, in housing units, in
18 intake areas across the system impact people in
19 custody and staff alike. There is no question that
20 the staff is experiencing the same awful conditions
21 that people in custody are experiencing.

22 I was certainly encouraged to hear that the
23 department is starting to investigate and refer for
24 prosecution incidents of sexual assault against
25 female staff members. That is unacceptable. That is
unacceptable in any workplace. And as we learn about

1 those incidents, we will continue to praise them with
2 the department.
3

4 I think to address the staffing crisis again, we
5 you know, and I think Commissioner Schiraldi spoke to
6 this earlier. The conditions are again, the
7 conditions are awful for everyone and I think that
8 people need to feel safe and respected in their place
9 of work and they will begin coming back to work. And
10 I think taking a multipronged approach addressing the
11 people who are not coming to work, I mean, that
12 impacts their colleagues. And also addressing the
13 population with a lower population, the department
14 will have uhm, can have pure housing areas and can
15 deploy staff more effectively.

16 And so again, I think this is, this is you know,
17 everything needs to be on the table right now and
18 everybody needs to do their part in addressing this
19 crisis. I know again, I don't think there's one
20 person or one group responsible uhm.

21 COUNCIL MEMBER HOLDEN: If I could just interrupt
22 for a sec because I know -

23 SERGEANT AT ARMS: Your time is expired.

24 COUNCIL MEMBER HOLDEN: Yes, but I just want to
25 putting up this - that, have you done a survey? Or

3 did you sit down with correction officers to find out
4 the issues that why there is such a problem in the
5 jails? Why so many people are out? So many officers
6 are out? You have to solve one problem at a time and
7 if the problem is staffing, then that has to be
8 solved first. What recommendation has the Board made
9 to get the officers back and to make their lives a
10 little you know, easier and their jobs? I mean,
11 obviously the Mayor has to control a lot of this but
12 the Board, what recommendations have you made? Other
13 than you know, you have to understand the problem and
14 have to solve that one first because that seems to
15 kind of control everything else, is the staffing.
16 So, if we don't have the staffing to provide the
17 services to any of the detainees, then everything
18 starts to fall apart.

19 DR. ROBERT COHEN: I've walked around with the
20 Executive Director and President Boscio. I've walked
21 around the jails with his Executive Board and I've
22 talked to the - this past summer and I've talked and
23 with Council Members as well. And I've talked to the
24 Officers for years and years and years. And I think
25 that the Monitor actually described the situation
well. There has been terrible mismanagement of the

3 jails for many, many years. And that has resulted in
4 a crisis situation. However, Councilman, emergently,
5 until people come back to work because they feel safe
6 enough to come back to work, we must decrease the
7 population because it's the only way to adequately
8 protect the staff and the people who live in the
9 jails. And that's why I think it's not just spinning
10 our wheels. It's a real solution and it was the
11 city's direction until they reversed it and increased
12 the population. Thank you.

13 MARGARET EGAN: So, what I would add is on each
14 of our tours, we speak directly to staff as well as
15 people in custody. And we get their - so we have not
16 conducted a formal survey of staff but we talk to
17 them on each and every one of our tours. And this is
18 part of our finding on the conditions, which we
19 raised to facility leadership and to the
20 Commissioner's office and, and, you know I think Dr.
21 Cohen is right, we need to immediately decrease the
22 population to take the pressure off of staff. And
23 then I think Mr. Schiraldi can address the staffing
24 issue and address the programming issues and the
25 facilities will be safer for people in custody and
staff.

3 COUNCIL MEMBER HOLDEN: And I think we also have
4 to have officers and find out how many officers are
5 getting the state mandated refresher courses in
6 suicide prevention and so CPR and so forth. I don't
7 know if that's happening even. So, I think a lot of
8 things are happening.

9 DR. ROBERT COHEN: It's not happening and it has
10 to happen, I agree with you.

11 COUNCIL MEMBER HOLDEN: Okay, thank you. Thank
12 you Chair.

13 CHAIRPERSON POWERS: Thank you Council Member
14 Holden and on the around the training, we are going
15 to follow-up on that as well, so appreciate it.

16 I have a just a couple of questions and then
17 we'll move onto the next folks but uhm, and I thank
18 you everyone for being here for a long hearing. Just
19 a quick question. It came up earlier but has the
20 Board undertaken a liberty death review of all the
21 people who have died in city jails '21 and '20 to
22 date?

23 DR. ROBERT COHEN: Yes.

24 MARGARET EGAN: Yes.

25 CHAIRPERSON POWERS: And are you going to do a
more extensive death review for those people? I know

3 you do a preliminary and then a longer term
4 investigation. Have you done both of those for '21 -

5 MARGARET EGAN: We are, yes, we are starting
6 those and we're actually staffing up to bring more
7 resources to there to conduct those investigations.

8 CHAIRPERSON POWERS: Got it and is it on your
9 website or where does somebody find the results of
10 those?

11 MARGARET EGAN: So, so the because they're - so
12 let me back up. So, we have the preliminary report
13 which is a report that we deliver to the Board in the
14 first five days. We do not release those publicly.
15 Uhm, at that point, it's five days after the person
16 has died. So, there are preliminary allegations and
17 of course we want to balance the need to provide the
18 public with information and we're expecting the
19 privacy of grieving families. Uhm, and then you know
20 we conduct on our investigations. Uhm we have not
21 released, uhm, I think the last report that we
22 released was on the death of Layleen Polanco. We are
23 finalizing a couple one's or two other - I have to
24 get back to you on the exact number. One or two
25 other reports.

3 You know we will release those as they are
4 finished. Uhm, I give credit, a huge amount of
5 credit to Kate McMahan Deputy General Counsel who
6 leads these investigations. For the last couple of
7 years, she has basically been the one person
8 investigating. And so, this is why we're
9 incorporating more resources to speed up that
10 process.

11 CHAIRPERSON POWERS: Okay, thank you. Uhm, just
12 for the respect of time, I'm going to end my
13 questions there. We'll have a conversation of course
14 as we do. So, appreciate you guys being here, your
15 testimony and we'll be reviewing it. So, thank you.

16 DR. ROBERT COHEN: Thank you very much.

17 CHAIRPERSON POWERS: Oh, and so, I want to say
18 Chair Miller, did you have any questions or?
19 Apologies.

20 CHAIRPERSON MILLER: No. I do but as you said in
21 the follow-up, in the interest of time, I think that
22 you asked all the relevant questions here. Uh, as
23 Council Member Holden said that the Boards often from
24 a perspective of those incarcerated and we are - but
25 rightfully so, the panel did speak from a more
holistic and not just nuance area that everything has

3 to be on the table in order for us to successfully
4 navigate our way out of this and we hear that the
5 Board is supportive of that and including that of the
6 workforce and those that are being housed as well.

7 So, I look forward to working with them in the
8 future but more importantly, we need to move this
9 thing along.

10 CHAIRPERSON POWERS: Yeah, yup.

11 CHAIRPERSON MILLER: There are tons of folks,
12 voices that have yet to be heard.

13 CHAIRPERSON POWERS: Yeah, agreed.

14 CHAIRPERSON MILLER: Thank you so much.

15 DR. ROBERT COHEN: Thank you.

16 MARGARET EGAN: Thank you.

17 COMMITTEE COUNSEL: Thank you. We will now turn
18 to the Bronx District Attorney Darcel Clark. You may
19 begin when ready.

20 DARCEL CLARK: Uh, can you hear me?

21 CHAIRPERSON POWERS: We can hear you. Thank you
22 for being here.

23 DARCEL CLARK: I started off my comments by
24 saying good morning but it's good afternoon now.

25 CHAIRPERSON POWERS: It's almost good evening.

3 DARCEL CLARK: Yes, well thank you so much to
4 Council Member Keith Powers, the Chair of the
5 Criminal Justice Committee, and as well as members of
6 the Committee and to Council Member I. Daneek Miller,
7 Chair, and members of the Committee on Civil Service
8 and Labor.

9 I am here to provide greater perspective about my
10 office's role in maintaining order and safety at
11 Rikers Island. I want you to know that I have
12 personally visited Rikers Island a few weeks ago to
13 meet with Commissioner Schiraldi and his leadership
14 team. And I also want you to know that I have an
15 office on Rikers Island. When I took office, part of
16 my campaign was that at the time I took office in
17 2016, there was a backlog of cases. There was
18 violence at Rikers. Nothing was happening and I
19 vowed to do more about that. So, I opened an office
20 on Rikers Island, so I, till this day, have an office
21 open on Rikers Island where I have Assistant District
22 Attorney's there. I have Investigators as well as
23 Professional Staff. I've also had the opportunity to
24 meet with correction union leadership as well. All,
25 you know with the goal to talk about the safety and
welfare of everyone who has to be on Rikers Island.

3 First, I would tell you about the level of
4 violence that we are seeing, which I don't have to
5 explain to you because it has been made very clear to
6 you. What we're doing to hold people accountable and
7 the urgency of the situation at hand. Currently, the
8 dangerous environment and staff shortages are
9 impacting the criminal justice system by depriving
10 victims of justice and defendants of their due
11 process and protections for DOC staff. The inhumane
12 conditions are denying those on Rikers Island the
13 basic needs that the city and the nation must
14 provide. Defendants are sitting in jail for over a
15 year because they can't go to trial, they are not
16 receiving much needed services, amid this chaos,
17 which in turn, leads to violence including most
18 notably the suicides that we are seeing.

19 It is clear that something must be done and it
20 has to be done at all levels and by all individuals
21 to resurrect safety and security for inmates and
22 staff at Rikers Island. The current condition is a
23 perilous situation putting lives at risk.

24 I want to emphasize that we are all in this
25 together. We are all united in our shared goal to
make sure the jails are decent places and that

3 everyone who must be there, whether you are a
4 detainee or you are employed there, you must remain
5 safe. My role is interlocked with the Department of
6 Corrections and the courts. My job is to prosecute
7 incarcerated individuals on their underlying Bronx
8 cases. So, those individuals who are accused of
9 crimes committed in the Bronx. But I also have
10 jurisdiction to prosecute those individuals who
11 commit crimes on Rikers Island in the facilities.

12 These prosecutions move forward when the
13 defendants are produced in court and then they need
14 to be arraigned. And eventually they go to trial.
15 During my first year, like I said, I opened up the
16 Rikers Island Prosecution Bureau to increase the
17 speed of justice for holding defendants accountable
18 for violence in jail. Whether that conduct was
19 inmate on inmate or inmate on staff, or contraband or
20 smuggling in by visitors.

21 I have a Public Integrity Bureau that handles
22 crimes that are committed by DOC staff. And we have
23 some investigations open into three of the pending
24 suicides. Of course, the Attorney General's Office
25 now has jurisdiction, so that has changed. Anything
that I'm looking at happened prior to the AG taking

3 over. I lobbied the City Council to fund high-tech
4 scanners utilized to intercept razor blades and
5 undetected contraband that was coming in and I worked
6 with the unions very hard to get that protection for
7 their members as well as for the safety of the
8 detainees.

9 The adjustments in my office's bail policy along
10 with criminal justice reform led to fewer defendants
11 incarcerated. Then, we worked with the city to
12 address the impact of COVID-19 at Rikers, which led
13 to the release of as many defendants as possible who
14 would not pose a substantial risk to public safety.
15 We never stopped working with the defense bar in the
16 Bronx to identify detainees for release or
17 disposition to get them off of Rikers Island.

18 The population of Bronx defendants fell to 700 in
19 the fall of 2020. But as of September 11, there are
20 over 1,100 Bronx defendants in DOC custody. The
21 population has been steadily increasing since 2020
22 due to the surge of violence within the Bronx.
23 Defendants at Rikers are largely accused of serious
24 crimes such as murder, attempted murder, shootings,
25 rape, domestic violence, child abuse, etc.

3 While this population is smaller than historical
4 numbers, it will be more – it's a more volatile
5 population and if conditions persist that are
6 unsanitary, unsafe, and with inadequate supervision,
7 and lacking repercussions for people that commit
8 violence, the situation will become even more dire.
9 Since Grand Juries re-convened in March of 2021, the
10 Rikers Island Prosecution Bureau has indicted 45
11 cases involving assaults on staff as well as assaults
12 on detainees on detainees. One particularly cruel
13 act occurred when seven inmates overwhelmed an
14 officer, then, stomped and punched another detainee
15 while a defendant poured boiling water on the victim
16 causing skin on the face, head, and arms to burn
17 away.

18 Fortunately, the victim survived and so did the
19 officer and they are recovering. We currently have
20 328 open investigations involving assaults on staff.
21 And we are prosecuting violent cases for beatings,
22 slashings, and rape. No one, and I repeat no one
23 should be subject to degradation, harm or fear if
24 they, if they uhm, have to be detained at Rikers or
25 they have to work there. But regardless of how many
cases we pursue, we cannot prosecute our way out of

3 this. The District Attorney and prosecution should
4 be the last resort and not the first to prevent
5 violence and to keep the jails safe.

6 Mayor DeBlasio announced a few measures yesterday
7 and it's a start. Increasing staffing levels is
8 crucial to stabilizing Rikers. Opening more intake
9 centers is a critical step as well. Previously,
10 there were intake centers in each borough. A month
11 ago, all new intakes were funneled into one intake
12 center at OBBC. And OBBC is not built to handle this
13 influx of that many intake cases and due to staffing
14 issues and medical clears and COVID issues, it's just
15 not able to handle that. And there lays the problems
16 that we are seeing right now. The things that those
17 who went to the jail recently saw.

18 Yet and still, new detainees must appear in court
19 within six days and unfortunately, OBCC has not been
20 able to produce defendants for this quick turnaround
21 in many instances. There are homicide cases where
22 defendants are not produced for court appearances.
23 There is defendants that are not produced for all
24 kinds of appearances now because of the staffing
25 issue.

3 We have inmates indicted for violence while in
4 jail who are not being produced for arraignment in a
5 timely manner. I announced an indictment on several
6 cases that have been happening recently of the
7 violence and the Department of Corrections could not
8 even get those individuals to court for them to be
9 arraigned for the process to continue on those cases.

10 We have to of course, work with the courts. We
11 have to increase the courts capacity. There is no
12 other way to do this. We have been held up in
13 processing and going to trial and eventually getting
14 people off the Island because the courts are not at
15 100 capacity. Right now, we're only being able to
16 try three cases at a time. That's simply not enough.
17 We have two backlogs. These trials are very serious.
18 People are being hurt. Staff are being hurt.
19 Inmates are being hurt. We have to do better and we
20 could do more. But the courts opening up will
21 actually help this in a number of ways.

22 The Less is More legislation, which I have
23 publicly supported, releasing parolees who are jailed
24 for curfew and other administrative violations, will
25 help and they should be released. Less is More
should be signed by the Governor. I totally support

3 that and I believe it would be some 400 individuals
4 that would be released right now if Less is More was
5 in effect. Also, there is a number inmates there who
6 have been convicted and are due to go to state prison
7 and they are still being held at Rikers Island. But
8 again, because of staffing and other things, have not
9 been sent upstate. If we were able to remove those,
10 that's another I believe close to 400 individuals
11 that would be removed from Rikers Island. Anything
12 that we can do to decrease the population is
13 important. And like I said, I am working every day
14 with the Defense Bar. We constantly look through the
15 people that are there to see that those who don't
16 need to be there should be released.

17 Also, there needs to be administrative tools that
18 are swift and certain punishment after a violent
19 incident. DOC and the Board of Correction must come
20 up with a plan to address these gradual sanctions
21 that would help the officers and give them the tools
22 that they need to maintain order in the jails.
23 Because again, prosecution must be the last resort.

24 I will continue to do all I can to fulfill my
25 duty, but there must be and we're starting this, an
immediate plan involving all stakeholders to restore

3 sustainable conditions at Rikers. Ladies and
4 gentlemen, the situation is urgent, it's life-
5 threatening, and it's unconscionable. We cannot
6 afford to wait for another incident. We must act
7 now. And at this time, I will take any questions
8 there may be.

9 CHAIRPERSON POWERS: Thank you, appreciate it.
10 Uhm, I had a couple questions, you answered some of
11 them but I was gonna just to turn to Chair Miller to
12 see if he had any questions. I appreciate your
13 testimony.

14 CHAIRPERSON MILLER: No, good afternoon Madam DA.
15 It's always a pleasure and uhm, you brought the facts
16 as usual. Thank you for that. But just you know as
17 you depart, specifically, is there anything, anything
18 that you would prioritize from the Council
19 perspective and the perspective of the other
20 stakeholders that are involved here today that we can
21 do as a priority? And then, what can we do— what is
22 the low hanging fruit that we can manage now? And I
23 know you laid out a few things.

24 DARCEL CLARK: Definitely the low hanging fruit,
25 get the state, set the prisoners that are sentenced
to state prison or other places need to be removed.

3 People that are supposed to be moved to be extradited
4 to different states, get them out of there. Anybody
5 who has awaited sentence or been sentenced, have that
6 happen so that they can move on to the state
7 facilities. That should happen. I think that we,
8 uhm, we need to get the courts open. We have to work
9 with the courts and listen, I've been sitting down
10 with the city, with the - Commissioner Schiraldi has
11 sat down with me. We're all in this together. There
12 is a priority list of those individuals that are
13 causing some of the violence and it's not every
14 detainee. Most of them are decent people that
15 deserve to be treated humanely and I as a District
16 Attorney, am telling you that they should be treated
17 humanely. Some people might think that the DA
18 doesn't care. That as long as they are in jail, I
19 don't care. I don't think that. These are my
20 constituents, just like they are your constituents
21 and they deserve to be treated with respect and they
22 deserve to be treated humanely. We need to move the
23 processing you know more, so that we can get more
24 trials happening, more hearings, so that these
25 people, their cases can be adjudicated to the
detainees, because they haven't been convicted of

3 anything yet, as I think it was mentioned. They
4 haven't been convicted of anything. So, they need to
5 have their day in court. So, the process has to move
6 on in order for us to be able to remove them from
7 Rikers Island.

8 And then, we need to equip the staff so that they
9 can be safe. They should not have to depend on the
10 Bronx DA to prosecute somebody who harms them while
11 they're working on their job. This process takes a
12 long time. You see the detainees awaiting for their
13 day in court, well, so will the officers and the DOC
14 staff. Even when I indict them because the cases are
15 not being processed fast enough.

16 Look, we're coming out of a horrible pandemic.
17 There is a backlog, there is a lot of things but we
18 could prioritize those cases that need to go through.
19 The Mayor has indicated there's some 500 cases that
20 are over one year old. Let's prioritize those and
21 start getting those moving and we'll be able to see
22 you know some progress but also, you got to give
23 those officers some kind of centers that they can
24 deal with. When these things happen swift and
25 certain that they can deal with it and they don't
have to wait for me to investigate and indict and

3 prosecute and then they go to trial. That is not
4 going to solve the problem, nor will it make it
5 anymore safe.

6 So, I think that's some of the things that I
7 would prioritize but I think everybody should sit
8 down, all the stakeholders and we really build a
9 strategic plan on how to get this situation under
10 control.

11 CHAIRPERSON MILLER: Thank you Madam DA for that
12 comprehensive assessment for all that we all
13 collectively need to do. All the stakeholders
14 involved in here and I certainly concur that, that
15 this is not mutually exclusive. That the staff and
16 those that are being detained there are equally
17 suffering because of these conditions and there are -
18 you know there is plethora of reasons why they exist
19 but we are here to kind of figure that out and
20 obviously that this is the impact, impacting you know
21 Black and Brown communities overwhelmingly. I also
22 want to say unequivocally that government has a
23 responsibility to lead. And there has been a lot of
24 conversation about availability of the DOC employees
25 and many of my colleagues and others, we're not
working. There are agencies around the city that you

3 can pick up the phone and can't get through to
4 anybody.

5 There are you know, but yet, our expectations of
6 the men and women that are performing these tasks at
7 Rikers Island, that not only can they work their
8 tour, they are going to work a second tour and a
9 third tour and that's okay. And yet, we that are
10 supposed to be setting the example, we're sitting at
11 home and our offices may or may not be open.

12 DARCEL CLARK: And those offices of DOC staff
13 never got off although many of us for COVID were able
14 to work remotely. Their job can't be done remotely
15 so you are absolutely right.

16 CHAIRPERSON MILLER: Yeah, and, and, and we have
17 to deal with that accordingly and so, thank you so
18 much. I just want to thank you for your insight and
19 your commitment to mitigating the circumstances that
20 we see on Rikers Island and for whatever role that
21 you can play and I know that you will be at the table
22 when we convene once again.

23 So, uhm, Chair Powers, I'm sure, I don't see oh,
24 Council Member Adams, our Chair of Public Safety has
25 her hand raised. Council Member.

3 COUNCIL MEMBER ADAMS: Thank you so much Co-
4 Chairs. Thank you DA Clark for your testimony thus
5 far. Always good to hear you. You always bring it
6 and uhm, my question basically is aligned with the
7 questions that I asked earlier today having to do
8 with uhm, you know the sexual assaults of female
9 officers on Rikers Island. You mentioned 328 open
10 investigations of staff. How many of those are [LOST
11 AUDIO 2:04:34] cases?

12 DARCEL CLARK: Uhm, I have some of the numbers
13 that we've had over the last three years as to what
14 we've prosecuted. I have to get back to you on how
15 many of the number of the 328 are sexual assault.
16 Let me check that but I know that in the recent cases
17 that I indicted at some 37 cases, three of them were
18 for uhm, sexual assaults or sexual misconduct against
19 staff.

20 So, and I have inmate on inmate sexual assault
21 allegations. I've had two staff on inmate, inmate on
22 staff six of them that we've done so far this year.
23 Last year, inmate on staff, another six and uhm, in
24 2019, I don't have that number. So, when we get
25 them, we are doing them. We have to investigate.
Unfortunately the pandemic put the stop to a lot of

3 things because even if we had investigated and it was
4 ready to let's say go to a grand jury or whatever,
5 everything was on pause.

6 So, now there is such a backlog that DA's offices
7 now or at least I am having to prioritize which cases
8 go forward. But I absolutely take serious any sexual
9 assault cases on DOC staff members. I have my Rikers
10 Island Prosecution Bureau. Does those prosecutions,
11 they confer with my uhm, Sex Crimes Bureau as well.
12 And we confer with our Crime Victims Assistance Unit
13 for any member of DOC staff or anyone who needs any
14 type of advocacy or therapy that we're able to give
15 them the services that they need while we continue to
16 investigate the case.

17 COUNCIL MEMBER ADAMS: My final question, just
18 one more. It has to do with exactly what you said,
19 your history in knowing about these instances. In
20 your estimation, does the occurrence of detainee on
21 officer assault happen more frequently than in the
22 reverse?

23 DARCEL CLARK: Uhm, I don't know if I could
24 really speak to that because it depends on the year.
25 It depends on the circumstance. But it does exist.
So, it's not like it's non-existent. It does exist

3 and we take each of them seriously. I've had some
4 very serious inmate no inmate sexual assault cases as
5 well that I've indicted and even people have actually
6 played guilty to. So, it's a problem, it's something
7 - I cannot say that it is nonexistent. I'm not going
8 to say it's a you know, it's an extreme problem.
9 It's something that it's a problem that's a problem
10 and it's that important. So, whether it's one or a
11 million is serious enough that it should be handled
12 and we're doing all that we can to make sure we pay
13 attention to it and that members of the Department of
14 Correction should know that any time they could reach
15 out to me because I do take it seriously and will
16 investigate.

17 COUNCIL MEMBER ADAMS: Thank you DA Clark. I
18 will go on the record by saying it is an extreme
19 issue. It most certainly is and again, from my
20 perspective, it's one that does not get nearly as
21 much spotlight and attention as it should. Thank you
22 so much for your testimony today.

23 DARCEL CLARK: Thank you.

24 CHAIRPERSON POWERS: Thank you. Thank you, such
25 a good attorney. Thank you for being with us and

3 thank you for your patience waiting for us and uh,
4 for your work.

5 DARCEL CLARK: Thank you.

6 CHAIRPERSON POWERS: We'll keep moving. Thanks
7 so much.

8 COMMITTEE COUNSEL: We will now turn to testimony
9 from a number of state elected officials. Please
10 listen for your name as I will be calling individuals
11 one by one. And we'll also announce the person who
12 is next. Once your name is called, please accept the
13 prompt to unmute yourself and the Sergeant at Arms
14 will set the timer and announce that you may begin.
15 Your testimony will be limited to two minutes.

16 I would like to now welcome Assembly Member Kenny
17 Burgos to testify followed by Senator Alessandra
18 Biaggi followed by Assembly Member Emily Gallagher.

19 KENNY BURGOS: Thank you Chair Powers and Miller
20 and member of the Committee for the opportunity to
21 testify before you today. I'm Assembly Member Kenny
22 Burgos, representing the 85th District in the Bronx,
23 which includes Rikers Island. To call Rikers Island,
24 "Horror Island," is an understatement. Since taking
25 office, I've visited on multiple occasions and each
time has been more gut-wrenching and more grim than

3 the last. As my colleagues can attest, the
4 conditions that both detained individuals and
5 corrections officers face are an ever-deteriorating
6 human rights catastrophe that is just short of a
7 concentration camp, of which every person who crosses
8 that 4200-foot bridge becomes its prisoner.

9 Never mind, that close to 85 percent of detainees
10 are simply awaiting trial or intake, or that 89
11 percent are Black and Brown New Yorkers, or that
12 nearly 50 percent are suffering mental health crises,
13 or that the rate of self-harm in city jails is the
14 highest in five years, or that corrections officers
15 are stretched to their physical and emotional limits
16 working triple or quadruple shifts as the jail
17 population has swelled to well over 6000 people.
18 These are our constituents, our neighbors, our family
19 and friends. We wouldn't allow animals to live in
20 these conditions; yet we allow human beings to live
21 in abject squalor. Many without access to showers,
22 toothbrushes, or toilets with 25 people to a room,
23 urinating and defecating in bags, no access to air or
24 sunlight, using sandwiches as pillows to eke out some
25 semblance of comfort in this hellish environment.

3 Ten individuals have died already this year on
4 Rikers Island, and what's even more tragic than these
5 deaths is that death itself feels like the only
6 escape from these conditions. This is on us. This
7 is on the leadership of our city and state. This is
8 an administrative, policy problem and it's on us to
9 solve it, now.

10 Esias Johnson is on the Mayor and Administration
11 who hasn't even visited Rikers in over four years and
12 has seemingly written it off. Brandon Rodriguez is on
13 the Governor who hasn't signed and implemented the
14 Less Is More Act. Thomas Braunson is on you, the
15 City Council, who has the power to reshape the city's
16 correctional system. Richard Blake is on the court
17 system that has slowed to a halt in swiftly hearing
18 cases. Jose Mejia Martinez is on us, the State
19 Legislature, for not doing enough to hold leadership
20 accountable. Tomas Carlo Camacho, Javier Velasco,
21 Michael Tyson, Segundo Guallpa, Juan Cruz, Raymond
22 Rivera, Walter Ance, Layleen Polanco, Kalief Browder,
23 and countless others are on all of us until we solve
24 this crisis in our jails once and for all.
25

3 Decarceration is the only solution to end mass
4 incarceration and we must act now before we lose
5 another human life.

6 COMMITTEE COUNSEL: Thank you. Now, we will hear
7 from Senator Alessandra Biaggi followed by Assembly
8 Member Emily Gallagher followed by Assembly Member
9 Zohran Mamdani.

10 ALESSANDRA BIAGGI: Thank you very much Chair
11 Powers and the members of the Committee for allowing
12 me to provide my testimony today. My name is
13 Alessandra Biaggi and I represent Riker's Island in
14 the 34th state senate district. Which also includes
15 parts of additional areas of the Bronx and West
16 Chester County. My visit to Rikers this past Monday
17 was horrifying beyond the word that I can even share
18 with you now. I've actually really been struggling
19 to find words that I can use to even describe what my
20 eyes saw. I witnessed inhumane conditions that I
21 have never seen before. Never ending piles of
22 garbage and feces covering the floor. Water bugs and
23 lice that have been biting at the skin of the
24 incarcerated individuals who picked up their pants to
25 show us their legs where it looked as if they had
chicken pox but they were actually all of the bugs

3 that bitten them. Clorox bleach that had been not
4 only poured on the walls and the floors but also were
5 on the skin of the incarcerated. People locked in
6 solitary confinement in very narrow shower stalls
7 amidst their own feces because many of the cell doors
8 are broken. In fact 500 of the cell doors are
9 broken.

10 In addition to the fact that those in those
11 solitary cells, don't have running water. Many are
12 actually not even able to see the sunlight.
13 Incarcerated individuals who are given two and a half
14 ounces of water, barely any food, no medical
15 treatment for conditions like diabetes, psychiatric
16 conditions like schizophrenia and HIV. Many have
17 become so hopeless that choosing to end their life is
18 really deemed a better option than remaining in
19 Rikers Island for another day. The conditions are
20 hellish and frankly in any other country engaged in
21 this inhumane treatment against their own people, I
22 believe that the United States and New York State and
23 all of us would be the first to call it out and yet
24 we are here denying our fellow community members, the
25 most basic dignity which all human beings deserve.

3 In fact, in addition to what I mentioned above,
4 many are not able to even call their loved ones.
5 They've mentioned to us, many of them have mentioned
6 to us that their loved ones don't even know that they
7 are there and they have not been able to be in touch
8 with their attorney's.

9 And under the [LOST AUDIO 2:10:06] I believe that
10 Rikers Island and the safety of all inside are
11 jeopardized. Many constitutional rights are also
12 being violated. There are many things we can do. I
13 will happily reiterate that publicly. Thank you so
14 much for the time today.

15 CHAIRPERSON POWERS: Thank you Senator. Thanks
16 for being here and testifying.

17 ALESSANDRA BIAGGI: Yeah.

18 COMMITTEE COUNSEL: Next, we will hear from
19 Assembly Member Gallagher followed by Assembly Member
20 Zohran Mamdani followed by Senator Jessica Ramos.

21 EMILY GALLAGHER: Good afternoon. My name is
22 Emily Gallagher and I am an Assembly Member from
23 Brooklyn. I visited OBCC this past Monday. DOC and
24 the Mayor's Office is trying to tell us that Less is
25 More alone will change the conditions in Rikers will
decarcerate jails and make them safe. That's not

3 true. One tool is Less is More to decarcerate and it
4 must be signed and implemented immediately. But it
5 alone is no enough. The Mayor must release hundreds
6 of people under 6 A and the biggest change must be
7 the ending cash bail. These tools must be used in
8 tandem immediately.

9 I spoke with a 20-year-old named Ishmeal Dowling
10 Jr.(SP?) who was trapped in OBCC on a parole
11 violation. He has been constantly moved around OBCC
12 since August 18, 2021. His sink and toilet were
13 broken and he was begging for water and defecating in
14 a bag. He did not receive his commissary and he did
15 not have a mattress or any bedding. He asked me to
16 call his mother Belinda because he could not contact
17 her for the last week.

18 Belinda told me that Ishmeal has cycocel anemia
19 and has struggled with illness his entire life. He
20 was diagnosed with COVID in OBCC from a shared cell
21 but was not told. The Health Department instead
22 delivered the results to his mother, who was unable
23 to contact her son. Despite being diagnosed with
24 COVID, he had no regular access to water, no health
25 monitoring outside of a daily post check and no

3 aspirin. Belinda told me he has not had a mattress
4 since he arrived in August.

5 Belinda has been trying to contact jail
6 representatives to help her and has not been
7 responded to at all. Emails, phone calls and 311
8 complaints have not been responded to. She and her
9 son are at their wit's end and that's only two of
10 the thousands of people impacted by this experience.
11 Let me clear, cash bail is the single biggest driver
12 of the crisis on Rikers. Thousands of people are
13 being held simply because they cannot buy their
14 freedom. This crisis and these deaths are on the
15 DA's who seek bail and the judges who set it. They
16 must immediately end bail practices. They must not
17 oppose risks brought forward by defense attorney's
18 seeking the release of people held in these torturous
19 conditions on Rikers. Thank you.

20 CHAIRPERSON POWERS: Thank you Assembly Member.
21 Thanks for your testimony.

22 COMMITTEE COUNSEL: Thank you. Next, we are
23 going to hear from Assembly Member Zohran Mamdani as
24 well as Senator Jessica Ramos.

25 ZOHRAN MAMDANI: Hello everyone. My name is
Assembly Member Zohran Mamdani. I have been sitting

3 through this hearing for four hours and I am just as
4 furious as I was when I logged on this morning and
5 that's because person after person is speaking about
6 this issue as if the solution is external to them and
7 it's the other department and it's the other
8 executive and it's the other office that can take
9 action here. We just listened to the DA from the
10 Bronx saying that most people in Rikers should be
11 treated humanely. Every single person on Rikers has
12 to be treated humanely and DA Clark's office
13 continues to request bail on nonviolent offenses
14 sometimes even putting bail above \$100,000.

15 So, it's ridiculous that we have people saying
16 that this is a crisis. We have to take action but
17 not for me. We have the mayor's office not
18 entertaining the possibility of 6A, I do not care if
19 it's just 60 or 65 people you think are eligible.
20 Ten people have died this year and if we save 65
21 people from death, it's worth it.

22 And we have voted for Less is More. We are
23 calling on the Governor to sign Less is More into
24 action but as Emily said and as Alessandra said and
25 so many others have said, we have to pursue every
single thing that we have available to us and at its

3 core, this crisis is about decarceration. We cannot
4 hire our way out of this crisis. And it is just, we
5 talk about people who are on Rikers. We say that
6 these are people for serious crimes, for murder, for
7 assault. What we are doing here in this moment is
8 allowing state sanctioned murder. Ten people have
9 died.

10 I spoke to someone who tried to take his own life
11 two weeks ago. More people will die the longer we do
12 not do anything. To my colleagues in the City
13 Council, I plead, I beg of you to visit Rikers. You
14 can do it on any single day. I am going to go back.
15 All we can do, everything that is in our power, we
16 must use it. Because we have brutality in its most
17 banal forms, where we have medication that is not
18 being given out to people. If you are HIV positive
19 and you missed your medication for HIV than that drug
20 seizes to be effective. I apologize Sergeant but I'm
21 going to go on for a little bit because I've listened
22 for four hours, right.

23 CHAIRPERSON POWERS: I understand but we have a
24 lot of folks here too Assembly Member. I will
25 certainly grant you an opportunity to finish your

3 testimony but I understand and you can finish your
4 testimony.

5 ZOHRAN MAMDANI: Thank you Chair Powers. It's
6 just to make the case that there are many different
7 ways to deal with this. We have to do every single
8 one of them. These are people dying. Their blood is
9 on our hands. The number one thing that can be done
10 is to stop requesting bail. To stop opposing the
11 defenses motions to release people on bail and for
12 all of us to do all that we can in our power to
13 highlight this crisis. Thank you.

14 CHAIRPERSON POWERS: Thank you Assembly Member
15 and I appreciate all of you folks being here for a
16 very, very long time. I know you waited and thank
17 and appreciate your patience.

18 COMMITTEE COUNSEL: Next, we'll hear from Senator
19 Jessica Ramos.

20 JESSICA RAMOS: Alright, well, thank you to the
21 Chairs and to all the Committee members present. My
22 name is Jessica Ramos. I represent the 13th District
23 in the New York State Senate which includes Jackson
24 Heights, Elmhurst, Corona and parts of Astoria,
25 Elmhurst and Woodside. You've all been listening.
Our accounts of our visit earlier this week. There's

3 reports of chronic staff absenteeism, incarcerated
4 individuals languishing in intake, self-harm and
5 more. What we witnessed was really nothing we could
6 have possibly prepared ourselves for. Uhm, there
7 were about a dozen men that we saw packed into small
8 cells with no beds. They are being deprived of food,
9 water, showers and medical attention.

10 I met one transgender woman who had been
11 misgendered and assigned to male housing and abused.
12 Another individual with HIV hadn't received his
13 medicine in over a week and was housed with other men
14 who contracted COVID-19. A few diabetics had not had
15 their sugar checked in many days and a handful of men
16 had been unable to access the methadone clinic. I
17 met a man who admitted he began cutting himself, just
18 that he had open wounds that would get him to medics
19 and maybe he'd actually be given the medicine to
20 treat his mental illness. I met another man who told
21 me that he suffers from schizophrenia and bipolar
22 disorder but had not received medication in weeks.

23 Assembly Member Jessica Gonzales-Rojas and I even
24 witnessed a man try to take his own life before our
25 very eyes. He had tied a blanket at the top of the
bars and made a noose and stepped up as he put the

3 noose around his own neck and jumped. Luckily, it
4 didn't work. But there are images, sounds, and
5 smells we're likely never going to forget.

6 The violations of human rights taking place in
7 Rikers Island are ramped. The population on Rikers
8 is largely comprised of people who have not been
9 convicted of crimes they have been accused of. We're
10 talking about people who are too poor to post bail,
11 which is why we're asking for cash bail to be
12 eliminated.

13 I have a lot more to say but in just you know,
14 it's really unconscionable that we're allowing this
15 to happen. I didn't get to this part but I Chair the
16 Labor Committee. I did want to speak up for the
17 Correction Officers who deserve to work in under safe
18 conditions and I want to pitch of course, my own
19 bills both the Treatment not Jails Bill and I carry
20 the bill in order to do away with triple shifts in
21 our jails. These are things that we must pass
22 immediately as well as have the governor sign the
23 Less is More Bill.

24 But please, we have to refuse to be complicit in
25 this system. Each and every one of us. We cannot -
shame on us for perpetuating this violence because

3 it's cyclical and we can't continue to pretend that
4 anyone in this prison industrial complex is being
5 rehabilitated or being corrected by any means. This
6 isn't making any of us any safer. Thank you.

7 CHAIRPERSON POWERS: Thank you Senator. Thank
8 you for sharing your story. I could see your
9 comments in the press conference too about that
10 situation. I appreciate you being here today.

11 COMMITTEE COUNSEL: Uhm, did either of the Chairs
12 or member have questions for this panel? I don't see
13 any hands raised.

14 CHAIRPERSON POWERS: No, I just want to thank
15 them all for being here. I know that it was an
16 important visit to go at this moment and I know some
17 of the folks who organized and are here today and
18 appreciate them. And I want to say, the comments
19 here are correct. That city level and the mayor, we
20 are all very disappointed to hear that if they would
21 have taken single action that was in their power to
22 help lower the population here. We had the Less is
23 More Act, which I know many folks on this hearing
24 worked very hard to support sitting on the desk and
25 we all together have to make sure that gets signed
into law immediately and I want to work with the

3 folks there. And again, the visit that the folks are
4 talking about is exactly why the Public Advocate and
5 myself and others have said, it's important that the
6 person running the City of New York City is out there
7 as well. And we're not going years without stepping
8 in like many of us do often and ongoing.

9 So, I want to just thank those who spend the time
10 here today because they didn't have to be here. They
11 had to go in there as well but they are doing their
12 duties as representatives of Rikers and we will be
13 following up with all of them further to work on
14 lowering the population, entrusting the issues inside
15 the jails, working on safety and legislation together
16 to trust those and for also being here today. And
17 thank you for your long wait as well.

18 CHAIRPERSON MILLER: I certainly concur with
19 Chair Powers. I want to thank my colleagues in the
20 state government for the work that they are doing in
21 the state to mitigate these inhumane conditions that
22 we find on Rikers Island. Working for the detainees
23 and the men and women that are there to serve and
24 protect them. And we look forward to working
25 collaboratively with you all in the future.
Certainly, Council Member Powers, Chair Powers let's

3 please, if we can facilitate something that we can
4 all get together, all bodies in the near, near future
5 to work collaboratively to make something happen,
6 let's do that.

7 We got to get all stakeholders together but your
8 commitment is beyond approach and it proceeds you at
9 all times and the work that my colleagues are doing
10 in their body as well. So, thank you for being here.

11 CHAIRPERSON POWERS: Thank you. Thanks everyone.

12 COMMITTEE COUNSEL: We will now turn to testimony
13 from a number of relevant Labor Unions. Please
14 listen for your name as I will be calling individuals
15 one by one and we'll also announce the person who is
16 next. Once your name is called, please accept the
17 prompt to unmute yourself and the Sergeant at Arms
18 will set the timer and announce that you may begin.
19 Your testimony will be limited to two minutes.

20 First, we will hear from Benny Bosco followed by
21 Patrick Ferraiuolo followed by Joseph Ferramosca.

22 BENNY BOSCIO: Please allow me extra time. Good
23 afternoon Chairman Powers, Chairman Miller and the
24 members of your Committee. My name is Benny Boscio
25 Jr. and I am the President of Correction Officers'
Benevolent Association. The second largest law

3 enforcement union in the City of New York. Our
4 members as you know provide care, custody and control
5 of approximately 6,000 inmates daily. Today's
6 hearing focuses on the horrific conditions in our
7 city's jails.

8 With the limited time I have, I want your
9 committees and the public to understand how the
10 conditions in our jails have deteriorated. Who has
11 been responsible for this deterioration? And to
12 reaffirm the changes COBA has been calling for over
13 the past year.

14 But before I begin, it must be said that this is
15 not the first time I've testified before you Mr.
16 Powers and your Committee. In fact, I raised the
17 very same issues before in hearings you held in
18 December of last year and in March of this year.
19 Since that time, you have not reached out once to
20 offer any support to our members. We were also made
21 aware of the fact that you recently held a private
22 meeting between various city agencies to discuss the
23 absolute emergency facing Rikers Island. As you
24 described it to the New York Times, why was COBA one
25 of the biggest stakeholders in the city's jail system
not invited to that meeting?

3 So, how did we get to the dire conditions of our
4 jails currently face? Let's start with jail
5 violence. In 2016 when Mayor de Blasio unilaterally
6 ended punitive segregation. For inmates 21 and under,
7 we saw a major spike in violence. In fact, jail
8 violence has risen every year for the past eight
9 years including inmate on inmate violence, stabbings
10 and slashings and assaults on correction officers
11 which roles 23 percent over the past year and we
12 believe that percentage is actually more.

13 Despite the increased violence, Mayor de Blasio
14 and other progressive politicians decided to give out
15 game boys and hold pizza parties for inmates, while
16 seeking to end punitive segregation completely.
17 Without our ability to separate violent inmates from
18 the general population. Repeat violent offenders
19 continue to terrorize nonviolent inmates and
20 correction officers with impunity. And you know,
21 there is a Rikers Island Prosecution Bureau
22 physically located on Rikers Island. The Bronx DA
23 has repeatedly declined to prosecute many cases
24 involving stabbings and slashings, sexual assaults
25 against female correction officers and other violent
felonies committed against correction officers.

3 In fact, the Bronx District Attorney's Office has
4 the highest number of felony cases that were not
5 prosecuted last year. So, here we have two major
6 failures in our criminal justice system. A failure
7 to hold inmates accountable for their violent crimes
8 committed behind bars and a failure to provide us
9 with the ability to separate violent offenders from
10 the general population.

11 A third major failure of our criminal justice
12 system emerged during the COVID-19 pandemic. 1,800
13 officers contracted the virus with nine officers
14 tragically succumbing to it. At the height of the
15 pandemic, the officers were first to work triple
16 shifts. At one time, almost 3,000 officers were out
17 because of the DOC failure to provide us with PPE.
18 COBA filed a lawsuit over the triple shifts and on
19 April 24, 2020, Mayor de Blasio said, "triple shifts
20 were a managerial mistake and they will never happen
21 again." Fast forward to today, and now the entire
22 world knows what COBA has been saying for over a
23 year. Triple shifts and even quadruple shifts are
24 happening every day.

25 When an officer is on a shift, he or she is not
afforded breaks for a meal, breaks to use the

3 bathroom, or even breaks to seek medical attention.

4 It's nothing short of inhumane. Since February 2019,

5 Mayor de Blasio and his administration and even this

6 City Council watched the inmate population rise, the

7 numbers without our workforce dwindle. In fact, just

8 one year, the inmate population has nearly doubled

9 from 3,400 to 6,000. Our workforce has shrunk from

10 over 9,000 officers to 7,600 today. Much of that

11 reduction was the result of nearly 1,300 resignations

12 on top of retirements.

13 In my 22 years as a Correction Officer, I have

14 never seen so many officers leaving their jobs after

15 just a few years because of the horrific conditions

16 in our jails. We are [LOST AUDIO 2:20:12] for the

17 staffing crisis, yet Mayor de Blasio hasn't hired new

18 class of officers since February 2019. Even with the

19 Departments promise to hire 600 more officers this

20 fall, they won't enter the jails until January.

21 Likely to lose 600 officers between now and then.

22 If your Committee's are truly interested in

23 improving the conditions in our jails, then it's time

24 for once to listen to the boots on the ground. Fix

25 the staffing crisis by fixing the humanitarian

crisis. Make our jails safer for everyone by holding

3 assaulted inmate accountable for their attacks on our
4 members and other inmates. The Mayor and the Bronx
5 DA's prosecution of felony crimes committed on Rikers
6 Island, allow us to separate violent offenders from
7 the general population and demanded either this
8 administration or the next administration hire the
9 2,000 officers needed to relieve officers working 25
10 plus hours right now. We didn't create this series
11 of systemic failures that have created these dire
12 conditions and we damn sure didn't turn a blind eye
13 while they were unfolding. We continue to do our
14 jobs in an impossible environment every day. All
15 we're asking is that you do your jobs and give us the
16 support and resources we need immediately to make our
17 jails safer for everyone.

18 With that said, I'm happy to answer any questions
19 you may have and I appreciate you giving me the extra
20 time.

21 CHAIRPERSON POWERS: I'm going Chair Miller, if I
22 may, I got a couple comments directed at the
23 beginning of this, I'd like to respond to uh, Mr.
24 Boscio. As a starting point, I did have an all hands
25 on meeting last week with all the agency. I didn't
invite every stakeholder in the City of New York.

3 This was about an accountability on the agency.

4 You're talking about staffing, about releases, about
5 all these other issues because of the concerns that
6 have been raised. Uhm, I take issue to the
7 allegation that we're not inviting you to that
8 meeting because that meeting was for city agencies
9 that were responsible for the jails and the City
10 Council.

11 I do want to go to another issue. You have a 21
12 percent sick rate right now. 1,789 members who are
13 called in sick today. Undoubtedly, that is
14 contributing to triple shifts and double shifts. You
15 have opposed the Mayor's and the DOC's policy from
16 what I can tell to change the way that we handle sick
17 policy. We have 100 individuals today who are AWOL,
18 not showing up to work, 98 according to their states
19 that they've reported earlier. Why would we need to
20 hire more officers when we have 1,789? And they are
21 hiring more officers of course.

22 1,700 individuals, 22 percent of the population
23 of our staff who have not shown up to work and are
24 calling in sick. So, let me start here. Do you
25 believe that 1,800 individuals are sick today can
calling in sick because they have an illness?

3 BENNY BOSCIO: Yes.

4 CHAIRPERSON POWERS: You do?

5 BENNY BOSCIO: We have Correction Officers that
6 are suffering from major injuries from these assaults
7 by inmates. We have officers recovering from long-
8 term, effects of COVID-19. And to add that this new
9 sick leave policy isn't working because it's forcing
10 officers to be out sick longer than they need to be.
11 An example of that is a correction officer called in
12 sick for one day on September 7th. And they have to
13 report to Mount Sinai, right? But Mount Sinai didn't
14 have an appointment available until September 10th.
15 Now, I'm forced to be on more sick days than I
16 intended to be out. This policy isn't working
17 because Mount Sinai isn't giving us an appointment
18 within 24 hours. So, now you lost a correction
19 officer for four days. So, this is contributing to
20 the sick leave policy. And if you are working 24
21 plus hours a day without meal breaks right, who is
22 expected to be on their best? They are exhausted.
23 Officers are physically and mentally exhausted. Let
24 me ask you a question Keith Powers, if you were
25 forced to work that many hours without being afforded
a meal, would you and not to add insult to injury, my

3 officers are not getting paid their proper amount of
4 overtime being worked. So, this has turned into like
5 modern day slavery. You're forcing me to work 25, 30
6 hours a day with no breaks and then when it comes
7 time to pay me for my overtime work, I'm not being
8 paid. So, you tell me why the officers are not
9 coming to work.

10 CHAIRPERSON POWERS: You said they're sick and
11 now you are saying they are not.

12 BENNY BOSCIO: I just told you a numerous amount
13 of reasons why my officers are out.

14 CHAIRPERSON POWER: Because here is why. Here is
15 why. Because when we have had conversations about
16 and we have and with your representatives about
17 triple shifts and double shifts and even quadruple
18 shifts, which are unacceptable. There are people
19 that are calling in sick that seem to be doing it
20 inappropriately and taking advantage of the sick
21 policy and leaving your other members working triple
22 shifts.

23 BENNY BOSCIO: How do you know that? Did they
24 give you -
25

3 CHAIRPERSON POWERS: The level of sick leave for
4 any city agency in America. It is an unprecedented
5 amount of sick leave.

6 BENNY BOSCIO: No other city agency is working as
7 many hours as we are. The legislator just told you
8 about. Not only are we -

9 CHAIRPERSON POWERS: It's the same policy that
10 the FDNY and the NYPD employ for sick leave.

11 BENNY BOSCIO: They haven't been hired it in
12 three years Chairman Powers. Correction Officers
13 haven't been hired in three years and over 1,300
14 resignations because of the deplorable conditions,
15 inhumane that every legislator just got on here and
16 told you about our reality every day. They came one
17 day. Nice, I'm grateful to everybody that came. The
18 Mayor hasn't been there in four years, right?

19 CHAIRPERSON POWERS: I agree with you. I agree
20 with you.

21 BENNY BOSCIO: The inhumane conditions that we
22 are under every day. So, I'm glad that everybody
23 came because this lesson, Less is More, great.
24 That's great but this is our reality every day and I
25 know everybody came for a nice photo op and to get on
the press conference, that's great. But come on.

3 CHAIRPERSON POWERS: Okay, so let me -

4 BENNY BOSCIO: This is our reality every day sir.

5 CHAIRPERSON POWERS: Let me ask you a question.

6 There's 98 individuals who are AWOL today. I'm
7 asking you honestly, what should the city be doing
8 for individuals who go AWOL?

9 BENNY BOSCIO: Well, look, we have a lot of
10 single parents on this job right. So, just to be
11 clear about why there are some AWOL's, right. If I
12 called the job because I have a personal emergency,
13 right? Because I have a child that I have to take to
14 the emergency room for example. If the tour
15 commander denies my personal emergency, I am now AWOL
16 and if I am a single parent and I have to take my
17 child to the emergency room, the next day, I'm
18 supposed to show documentation proving my personal
19 emergency. But I'm still considered AWOL at that
20 point. If I'm working 24 hours straight, when I come
21 off tour, I'm technically supposed to be starting my
22 second tour. Guess what? I'm not going to be able
23 to work that second day because I'm getting off after
24 working 24 hours straight. This is what is
25 contributing to AWOL's.

3 CHAIRPERSON POWERS: Okay, okay, so let me ask
4 you a different question. This is a serious question
5 because you know, what is the point or how many
6 AWOL's do you believe an individual before there
7 should be serious disciplinary action for somebody
8 not showing up?

9 BENNY BOSCIO: We have policy in place for
10 disciplinary action for officers that are AWOL,
11 right. They are handled at the command level, not
12 suspensions for 30-days. Four days are handled in
13 the command level as informal charges. Now, you want
14 to charge, the example I just gave you of the single
15 parent, right because the tour commander denied my
16 personal emergency. I'll now be in the street for
17 30-days based on what the Commissioner and the Mayor
18 wants to do.

19 And guess what, that's going to contribute to
20 more triple and quadruple shifts. So, how are you
21 fixing the problem, right? Make our jails safe.
22 Clean up the deployable conditions. Give us the
23 amount of officers that we need to backfill because
24 we're recovering from these injuries. Restart our
25 emergency service units that handle the violence.
You know this is - fix broken cells. Like, they told

3 us it's going to take 12 months to fix broken cells
4 on Rikers Island. It's because you guys don't want
5 to fix Rikers Island.

6 That's the reality. This is years of neglect
7 Chairman Powers. Years of neglect. This is the City
8 of New York, we build bridges, tunnels, skyscrapers.
9 You can't get a maintenance team to go fix the cell
10 so that everybody on Rikers is safe including
11 inmates. Inmates are not receiving their minimum
12 standards because we don't have the staff to take
13 them to the clinic and library and all the other
14 programs that they're entitled to get. That's why we
15 need more correction officers, so that inmates can
16 get everything they are entitled to get. And right
17 now, they are suffering and we are suffering as well.

18 And what have you done? Every time I come here
19 to ask for your help, I ask for the City Council - I
20 met with Senators. I met with Senator Salazar
21 talking about uhm, four months ago, about the triple
22 and quadruple shifts. Yet keep paying because Less
23 is More because they want to let more inmates out
24 into New York City.

25 CHAIRPERSON POWERS: This is going to be my last
comment and I'll hand it over to Chair Miller. I

3 think you are seriously failing to acknowledge
4 absenteeism that's happening right now in our city's
5 jails that's contributing more to those problems.
6 The Mayor and their team have put out a plan. They
7 have, tried to acknowledge that they need more
8 officers here. That's obviously something people
9 have argued against. But there is 1,789 people, 22
10 percent and when you add everything else, you get 32
11 percent of individuals who are not eligible today or
12 aren't available to work today.

13 I'm going to hand it over to Chair Miller now. I
14 think you are really failing to acknowledge that and
15 that is contributing to a large increase in triple
16 shifts and other issues too. And I think if you want
17 to - I hear you on the other issues around the
18 conditions but I do think that is a problem that is
19 glaring and staring at us right now in the face and
20 is not being acknowledged. So, with that, I'm going
21 to hand it over to Chair Miller.

22 BENNY BOSCIO: You're failing to acknowledge the
23 assaults on - on how many times we've been assaulted
24 and the broken bones and the injuries we are
25 recovering through. Furthermore, you are failing to
hold the DOC -

3 CHAIRPERSON POWERS: Okay, I appreciate it.

4 CHAIRPERSON MILLER: Mr. President, thank you.

5 Uhm, thank you Chair Powers and I know we have some
6 others that want to get to us. I am going to be very
7 brief in my line of questioning here. And I did want
8 to talk to you about saying that AWOL is a specific
9 problem. Just the nuances of it and you did express
10 some of it. Uh, 30 days a lot of the things that and
11 correct me if I'm wrong. A lot of the time and
12 attendance issues including the AWOL are already
13 addressed in the collectively bargaining agreement.
14 Is that correct?

15 BENNY BOSCIO: Yes.

16 CHAIRPERSON MILLER: And then, and then, if, if,
17 if there is two uhm, if there is specific or crisis,
18 emergencies that, that cause a change in policy of
19 collective bargaining is superseded, then it is then
20 subject to impact bargaining right? Because it then
21 changes the terms and conditions of employment.

22 BENNY BOSCIO: Correct and they failed to bargain
23 with us in terms of this sick leave policy.

24 CHAIRPERSON MILLER: So, in my experience, prior
25 to and I know you're new, fairly new at the position.

3 Has there been negotiation around sick leave policy
4 with COBA over the past two years?

5 BENNY BOSCIO: No. No, they're basically shoving
6 everything down our throat. The same thing about
7 this emergency plan with the Mayor, we weren't even
8 given a heads up about it. We found out after his
9 announcement. This is how they do business with
10 labor in New York City now.

11 CHAIRPERSON MILLER: Okay, so, just, just and
12 then secondly, uhm, has there been grievance filed
13 because of this executive order or is it something
14 that you think can be complied with?

15 BENNY BOSCIO: Well, this executive order just
16 came out yesterday but yeah, we're going to take
17 every legal action possible to deal with this.
18 Especially, that NYPD is going to take over our jobs
19 in the courts. That's another issue that we have to
20 -

21 CHAIRPERSON MILLER: Precisely, is there yeah, is
22 their concern about bargaining unit work and
23 seniority in accordance with their bargaining unit?
24 So, uhm, there was, in my opening statement, we
25 talked about the value of the merit based system
around civil service work. Do you feel that any of

3 the actions taken in recent days is inconsistent with
4 that or in violation of those civil servant, uh,
5 civil service charter?

6 BENNY BOSCIO: Yeah, it's union busting. You are
7 trying to get another union to do our jobs. Instead
8 of you know, not hiring in three years and now we're
9 the blame for everything that's wrong with the
10 criminal justice system. They blame correction
11 officers for everything that's wrong with our
12 criminal justice system and we're tired. We're tired
13 of being blamed for everything.

14 CHAIRPERSON MILLER: President Boscio, let me
15 just - so, let me just and specifically with the
16 AWOL's and the penalties that uhm, we just in the
17 Council uh, passed legislation in the past year that
18 created a matrix around discipline. Discipline is
19 also a term and condition of employment and is
20 generally collectively bargaining, uh, to a certain
21 degree. Not necessarily the penalties but tracks and
22 so forth. Uhm, AWOL, you, you, began to - some of
23 the discipline that was applied because of AWOL and
24 other time and attendance and fractions. Uhm, have
25 they - do you know how many people that are coming
off of doubles and triples or have worked numerous

3 doubles and triples during the course of a week have
4 called in sick? And is sick, fatigue and exhaustion,
5 mental fatigue, physical exhaustion, is that an
6 acceptable reason for calling out sick?

7 BENNY BOSCIO: Absolutely. 25 plus hours without
8 a meal break. If I live up in Orange County, now I
9 got to get out, drive home after working that many
10 hours. You guys have made it - not you perse Council
11 Member Miller. It's now become a public safety
12 concern because if one of my members drives home and
13 crashes you know, behind a truck on a highway or God
14 forbid kills somebody because you guys are forcing us
15 to work that many hours, like, now it's a public
16 safety concern.

17 CHAIRPERSON MILLER: Right, so, but my point is,
18 we think that that is a health concern but is that
19 acceptable and are you then required to go to Mount
20 Sinai because you called out sick?

21 BENNY BOSCIO: Yes. Yes, yeah, so imagine that.
22 And then, and then, not giving me an appointment
23 within 24 hours. I got to go three days later, which
24 nobody wants to talk about that that's contributing
25 to the sick numbers every day.

3 CHAIRPERSON MILLER: Yeah, but I do understand
4 that they are contracting additional independent
5 physicians to do that. But, so, after working 24
6 hours, if you call out sick then you have to leave
7 the house to go to the doctor to do what? Because
8 under normal circumstances, if you're out sick one
9 day, does that require a doctor's note?

10 BENNY BOSCIO: The new policy, yes, the new
11 policy that they've created is now forcing officers
12 to go get an appointment within 24 hours.

13 CHAIRPERSON MILLER: For every time you call out
14 sick?

15 BENNY BOSCIO: Every time they call out sick.
16 This is the new policy change. Before, we didn't
17 have to deal - we would go to the Health Management
18 division and the first eight days out sick you would
19 get 24 hours out of the house. Then nine - the
20 nineth day instead of the 12th day, you would get
21 wreck hours and you know after you hit chronic
22 status, you would have to visit HMD doctors, the
23 Health Management Division doctors.

24 Now, they make you go after one day calling in
25 sick, you have to go to Mount Sinai to see doctors.

3 But now we can't get an appointment in 24 hours. You
4 are causing me to be out sick more.

5 CHAIRPERSON MILLER: Okay, okay I, you know, I
6 could see where that's problematic but that require
7 further conversation but from the parties involved
8 and I would have hoped and again, my question was uh,
9 I think when they talk about bonuses, did they
10 negotiate with COBA or any other units involved
11 around the bonuses?

12 BENNY BOSCIO: No, they sent us an email saying
13 that they wanted to do these incentives. You know
14 we've been trying to meet to discuss this sick leave
15 policy and all the other dangerous conditions that
16 we're under.

17 CHAIRPERSON MILLER: Okay.

18 BENNY BOSCIO: You know look, the communication
19 with Schiraldi is a little better than it was with
20 Brian but look, we have mountains to climb. And you
21 know, these policies are effecting everyone in the
22 jails and this is what we're dealing with. We need
23 help. We need help from the policy makers. I've
24 come here time and time again basically begging and
25 pleading for help. But we're not getting the help

3 and I don't understand why. Four months ago, I go
4 see Salazar. Like, come on, you're coming now?

5 CHAIRPERSON MILLER: So, we want to make sure
6 that everybody has a voice, all the stakeholders have
7 a voice.

8 BENNY BOSCIO: Absolutely.

9 CHAIRPERSON MILLER: And you were allotted
10 additional time.

11 BENNY BOSCIO: Thank you.

12 CHAIRPERSON MILLER: Because you were genuine and
13 the union's involved with genuine stakeholder. And
14 you know, being impacted as well as those that are
15 being detained as well. So, we want to hear from
16 them. We don't have an opportunity to hear from
17 those who are detained today and we will employ to
18 visit. I don't have to you know bs and visit you
19 know, I mean, look at us. It's a part of DNA and who
20 we are and we want to make sure that the condition on
21 Rikers Island is as best that the can possibly be.

22 So, thank you and there will probably be another
23 question but I know that we have some others that are
24 waiting to give testimony.

25 BENNY BOSCIO: Thank you Council Member Miller
and we deeply care about the detainees that we have

3 in our custody. But we need the resources, so that
4 we can better give them the services that they need.

5 CHAIRPERSON MILLER: Okay.

6 COMMITTEE COUNSEL: Thank you. Now we will hear
7 from Patrick Ferraiuolo followed by Joseph Ferramosca
8 followed by Kevin Collins.

9 PATRICK FERRAIUOLO: Can you hear me?

10 CHAIRPERSON MILLER: Yes.

11 PATRICK FERRAIUOLO: Yeah, okay, so uh, first I'd
12 like extra time. Second, Joseph Ferramosca my
13 Legislative Chairman will not be speaking but I would
14 like the opportunity to speak and I would definitely
15 need more than two minutes.

16 I'd like to know first of all, through the
17 Department of Corrections the Commissioner and the
18 Deputy Commissioner and his staff are still on this
19 Zoom meeting?

20 CHAIRPERSON POWERS: The staff are still here.
21 They still have staff here.

22 PATRICK FERRAIUOLO: They're still here?

23 CHAIRPERSON POWERS: Yes.

24 PATRICK FERRAIUOLO: Okay, because I don't see
25 them in the board room. Okay, so a couple of things
I want to - there is more than a couple of things I

3 want to address. The first thing I'd like to address
4 is uhm, I want to acknowledge District Attorney Clark
5 for her support. I appreciate that. I want to
6 acknowledge Councilman Miller, because he's always
7 been supportive of us. And I want to really thank
8 Councilman Holden for his remarks. Uhm, I feel that
9 his remarks are very appropriate and he is someone
10 who sees the real issues that the Department of
11 Corrections has, our unions.

12 A little bit about myself. I'm a union leader
13 for a long time. I've been with the union since
14 1989. I've been with this agency 40 years. So, I
15 take offense to men and women that know really
16 nothing about the inside of the walls of Rikers
17 Island. And what correction officers or what my
18 captains do on a regular basis. I take offense to
19 Dr. Cohen when talks about violent attacks. I take
20 offense to Dr. Cohen when he alleges that there is a
21 job action. That's a very strong accusation to make
22 with no merit to it.

23 As of today, there are at least ten that are
24 illegally shift reduced off of security posts and
25 working other posts leaving their post unmanned with
inmates and violating my collective bargaining. This

3 is an everyday occurrence but yet the Commissioner
4 says, we don't need captains. Well, if you are going
5 to violate my contract every day and continuously
6 blame COVID, when quite frankly, I don't have uhm
7 more captains out than before or after COVID. My
8 number runs around seven to eight percent. It's
9 probably less than that today but yet, the Department
10 continues to violate my contract and shift reduced
11 captains.

12 Uh, Councilman Miller, I want to answer some
13 questions that you posed that were disingenuously
14 answered or not answered at all. Number one,
15 correction officers and captains and anybody who
16 doesn't triple tour cannot get paid that overtime
17 because the system that is set up in payroll does not
18 pay overtime after a double tour is done. So, for
19 someone in the administration or anyone of high power
20 to say that they don't know or we're going to take
21 care of it, is just ridiculous. Because, if they
22 don't know that than they are completely out of
23 touch. That's number one, number two Benny had
24 mentioned it but the answer to your question about
25 the Mayor, the Mayor has not been on Rikers for this
whole second term. As a matter of fact, the Mayor

3 has been so disrespectful to correction officers,
4 that even when I lost a captain and two of her
5 children from a house fire, he didn't have the
6 decency to come to the funeral. He hasn't been to
7 one of my captains funeral and I've been running this
8 union for a very long time. So, has he really cared
9 about corrections, I doubt it. That is my opinion.

10 As far as collective bargaining is concerned,
11 again, I will just be a little repetitive as to what
12 President Boscio said. The Commissioner fails to
13 bargain with us on every policy that he sets forward.
14 He informs us of the policy and then he goes forward
15 with the policy. That is a direct violation of
16 collective bargaining.

17 The answer to your question as to is there a
18 safety officer or a safety mechanism or a unit and
19 the answer from the Administrative team was that
20 there is a Chief of Administration quite frankly is
21 absurd. Your question was, is there a safety unit or
22 a safety officer and the answer is positively no.

23 CHAIRPERSON POWERS: I think Council Member
24 Miller had some actual questions to ask to, so we'll
25 give the time to get to those questions. I just want
to be respectful how many folks we have lined up.

3 PATRICK FERRAIUOLO: Excuse me, are you saying
4 you are limiting me?

5 CHAIRPERSON POWERS: I think we have questions,
6 so we're going to get to them now. I had to cut some
7 colleagues off -

8 PATRICK FERRAIUOLO: I'm not finished and you had
9 my Legislative Chairman speaking -

10 CHAIRPERSON POWERS: I understand. We've given
11 you a lot of time. I'm not trying to -

12 PATRICK FERRAIUOLO: Well, I've waited over four
13 hours, so I deserve my time. Councilman Miller, I do
14 deserve my time.

15 CHAIRPERSON POWERS: You can finish up, then we
16 have questions.

17 PATRICK FERRAIUOLO: Excuse me?

18 CHAIRPERSON POWERS: I said, yes, well you can
19 finish up then we have questions for you as well I
20 believe.

21 PATRICK FERRAIUOLO: That's fine. That is fine.
22 Now, you know a few members of the Council have
23 talked about the amount of correction officers that
24 are out sick and there was this whole discussion
25 between you and President Boscio just a minute ago.
But no one has really addressed the cancer that has

3 occurred after Nunez litigation was settled and how
4 it impacted the morale of the Department of
5 Corrections. That there's has been many litigations
6 that are settled and they've had positive impacts.
7 For one, the Shephard litigation, the Fisher
8 litigation. The uhm, there's a few others. The
9 litigation, the name and states started bringing in
10 the cameras which I you know, supported. Because
11 more cameras, more transparency in the jails. I
12 don't have a problem with that.

13 So, when the Department of Corrections under
14 Heidi Grossman, sat down with the federal judge on or
15 about 2013 and started to come up with new changes in
16 policies. The elimination of CPSU. The new
17 directive on use to force policy. The new directives
18 on discipline without negotiating with the unions was
19 also obviously a direct violation of collective
20 bargaining. How has that impacted and snowballed
21 this agency into where we are today?

22 Well, I'll tell you how. You've seen the violent
23 attacks on correction officers in captive. Yet, when
24 they try to defend themselves, they wind up with
25 charges. A lot of the charges are frivolous, a lot
of the charges should never have been written and

3 they don't start with corrective discipline. They've
4 been taking 60 days, 50 days. They offer you could
5 resign. How do you think that affects the morale of
6 the men and women that put on the uniform each and
7 every day? Uhm, it's a horrific situation and it
8 needs to be changed. The elimination of CPSU is the
9 worst thing that the Department of Corrections should
10 have ever done, okay. I personally was a punitive
11 segregation captain in OBCC for a couple of years.
12 Even the inmates there felt safer. Some of them
13 actually used that tool to get out of general
14 population.

15 Look, I worked on this Island when there was
16 22,000 inmates and we didn't have the problems we
17 have today.

18 CHAIRPERSON MILLER: Mr. President, we have a
19 couple of questions, so if you can begin to wrap up
20 please.

21 PATRICK FERRAIUOLO: Okay.

22 CHAIRPERSON MILLER: We want to make sure we
23 leave time to ask questions.

24 PATRICK FERRAIUOLO: Yeah, yes. So, let's
25 address the cell doors for one second. Myself and
President Boscio have gone to the Commissioner and

3 we've told him yes, the cell doors are broke, why
4 don't you move those inmates to other facilities
5 where the cell doors work.

6 Okay, so look if you have ques- I could go on and
7 on and on. But the truth of the matter is, the men
8 and women in the Department of Corrections like Benny
9 said, have been working these triple shifts. How do
10 you expect them to come back to work? Whether they
11 are physically sick or mentally sick, they are sick.
12 I've had officers myself call me up on quadruples
13 without getting a meal. It's horrendous. I'm open
14 for any questions.

15 CHAIRPERSON MILLER: Thank you Mr. President.

16 CHAIRPERSON POWERS: Okay, we have a question
17 from Council Member Levin.

18 COUNCIL MEMBER LEVIN: Thank you very much
19 Chairs. Uhm, I have a question, uh, I apologize I
20 was on another hearing before but this could go to
21 Mr. Ferraiuolo or Mr. Boscio. Uhm, what it the
22 percentage of your members that are currently
23 vaccinated for COVID-19?

24 PATRICK FERRAIUOLO: I personally couldn't give
25 you a percentage for COVID but I could tell you the
last number I heard that's unofficial was around the

3 50 percent number. At first it was in the 30 range,
4 30 percent range. Now, I'm told it's getting over to
5 50 percent number.

6 COUNCIL MEMBER LEVIN: 50, is that right?

7 PATRICK FERRAIUOLO: Well, I'm just telling you
8 that's a number that's been thrown out.
9 Statistically I can't say for sure but that's a
10 number that I have heard.

11 COUNCIL MEMBER LEVIN: What about COVID numbers?

12 BENNY BOSCIO: That's the whole department
13 Council Member Levin.

14 COUNCIL MEMBER LEVIN: The whole department?

15 BENNY BOSCIO: Yeah, that's all uniformed staff.

16 COUNCIL MEMBER LEVIN: All uniform staff -

17 PATRICK FERRAIUOLO: And I want to while you are
18 asking that question -

19 COUNCIL MEMBER LEVIN: Sure, yeah, go ahead.

20 PATRICK FERRAIUOLO: While you asking that
21 question, I want to bring something up related to
22 that question actually. You know, uhm, the
23 Commissioner said that the inmates are quarantined
24 before they go into population. That's not true at
25 all. Okay, the inmates are packed into bull pens,
they go through their medical and then they get put

3 into housing areas. I was there just the other day.
4 There are no masks available for inmates nor are they
5 given a test when they come in or are they given a
6 vaccine.

7 COUNCIL MEMBER LEVIN: Okay, so, is uh, uh, I
8 think Dr. Phillips just posted 48 percent. So, okay,
9 that's within range of what you were saying. Is that
10 an acceptable number to you of your members? I mean,
11 that's hovering around 50 percent. There is not a
12 person in New York City that does not have access to
13 a vaccine right now, right? That's a fact okay.

14 PATRICK FERRAIUOLO: Right.

15 COUNCIL MEMBER LEVIN: So, is it acceptable to
16 you or to the leadership of COBA that the vaccination
17 rate is so low? Because when we are talking about -
18 look, I appreciate uh, uh, the situation that your
19 members are facing of working double and triple
20 shifts.

21 BENNY BOSCIO: Is that acceptable Councilman
22 Levin?

23 COUNCIL MEMBER LEVIN: I'm asking you.

24 BENNY BOSCIO: Is the 23 percent increase in
25 assaults on our members, is that acceptable?

COUNCIL MEMBER LEVIN: I ask the questions.

3 BENNY BOSCIO: Oh, well, I'm asking you a
4 question.

5 COUNCIL MEMBER LEVIN: No, no, excuse me. I'm
6 asking you the question sir.

7 CHAIRPERSON POWERS: Alright, guys, guys, please
8 let our Council Member ask his question.

9 COUNCIL MEMBER LEVIN: I asked a question.
10 Excuse me.

11 PATRICK FERRAIUOLO: Let me give my perspective.
12 Let me give my answer. Would I personally like to
13 see my membership vaccinated? That's my personal
14 feeling. I am vaccinated. I'd like to see all my
15 members vaccinated. I'd like to see them safe.
16 However, being the President of the union, doesn't
17 give me the right to say -

18 COUNCIL MEMBER LEVIN: Well, excuse me, you're a
19 person of influence. You have membership and you're
20 a leader, so have you called on your members to get
21 vaccinated?

22 PATRICK FERRAIUOLO: I haven't finished. Let me
23 finish.

24 COUNCIL MEMBER LEVIN: Okay.

25 PATRICK FERRAIUOLO: Let me finish. Yes, as a
matter of fact, if you go back to the Chief

3 newspaper, I did encourage them to be vaccinated but
4 I can't force anybody to be vaccinated. It's an
5 individual -

6 COUNCIL MEMBER LEVIN: How do you feel about
7 mandates? Mandates for your membership to be
8 vaccinated?

9 PATRICK FERRAIUOLO: Uhm, you know what, I don't
10 think a mandate would be right because you'd have to
11 weed out religious rights. You'd have to weed out
12 certain you know -

13 COUNCIL MEMBER LEVIN: There are exemptions.
14 Every vaccine mandate has exemptions for religious or
15 medical reasons.

16 PATRICK FERRAIUOLO: Right.

17 COUNCIL MEMBER LEVIN: That's does not, that does
18 not explain a 50 percent vaccination rate among your
19 members when you have a 1,000 correction officers
20 calling out sick or AWOL per day.

21 PATRICK FERRAIUOLO: But they are not calling out
22 sick for COVID.

23 COUNCIL MEMBER LEVIN: Per day.

24 PATRICK FERRAIUOLO: They are not calling out
25 sick for COVID.

3 COUNCIL MEMBER LEVIN: But this situation, you
4 did not have 1,000 correction officers calling out
5 sick prior to COVID. So, what has changed since
6 COVID? COVID has changed since COVID okay.

7 PATRICK FERRAIUOLO: No, no, if you would have
8 heard what I said, okay, this has been a snowball
9 effect.

10 COUNCIL MEMBER LEVIN: I understand that. I get
11 that.

12 PATRICK FERRAIUOLO: And Nunez, Nunez is a major
13 component, okay.

14 COUNCIL MEMBER LEVIN: Morale? That's - you
15 mentioned morale. Morale is not a medical, it's not
16 sick, I'm sorry.

17 PATRICK FERRAIUOLO: It's not morale. I said, I
18 said, whether they are medically sick or physically
19 sick or even mentally sick because of the conditions
20 that they're in they are sick. That's what I said
21 okay?

22 Now, listen, I lost members to COVID. I lost
23 dear friends to COVID. Okay, I would urge men and
24 women to get the vaccine. There is no disputing
25 that, okay. I have no issue with that but we all

3 know that we could not force one to get the vaccine
4 okay.

5 COUNCIL MEMBER LEVIN: Sure we can.

6 CHAIRPERSON MILLERS: Is that - do you have
7 another question Council Member?

8 COUNCIL MEMBER LEVIN: That's it for me. Thank
9 you.

10 CHAIRPERSON POWERS: Alright, thank you. Thanks.

11 CHAIRPERSON MILLER: Okay, any other questions
12 from members?

13 CHAIRPERSON POWERS: Nope.

14 CHAIRPERSON MILLER: Okay, we'll hear from the
15 panelist.

16 COMMITTEE COUNSEL: Yes, thank you. Next, we
17 will hear from Kevin Collins followed by Alicia
18 Butler followed by Lillie Carino followed by Anthony
19 Wells.

20 KEVIN COLLINS: Good afternoon Chairperson Powers
21 and Miller and members of the Committees on Criminal
22 Justice and Civil Service and Labor. My name is
23 Kevin Collins, I am the Executive Director of Doctors
24 Council SEIU and we represent attending physicians
25 and dentists throughout the Health and Hospital

3 system including at Rikers Island and many other
4 cities and states across the country.

5 We thank you and the other elected officials for
6 taking the time to address these issues and we look
7 forward to continuing working together with you. The
8 topic of today's hearing is the condition in our
9 city's jail. The answer, not good, horrible and
10 unsafe for the timely delivery of good care and the
11 safety of the detainees and staff including our
12 members.

13 Basically, our members want two things. Number
14 one, the ability to deliver timely and quality care
15 to detainees and two, be able to work through our
16 shifts without being assaulted or killed. There is a
17 vital shortage of correction officers. A failure to
18 properly assign correction officer and a failure and
19 inability of the Department of Corrections and
20 Correction Health Services and Health + Hospitals to
21 endure existing policies or adhere to and new ones
22 created to address the growing health and safety
23 crisis confronting healthcare workers. And this also
24 impairs the ability of detainees to receive needed
25 care in a timely manner. In July, for example, we
had a doctor who had a shank placed at his throat

3 while trying to deliver care. He could have lost his
4 life and is dealing with the emotional trauma and
5 impact of that. We have doctors reporting to us that
6 while they are trying to administer care to a
7 detainee, other detainees are walking around in the
8 area interfering with that care being delivered.
9 Interfering with the detainee, creating and agitated
10 and unsafe situation.

11 I'm going to focus the balance of my comments
12 because of time on possible solutions. I refer folks
13 to the written testimony that we have submitted.
14 Uhm, when we make suggestions for improvement, what
15 we hear back either from the DOC or the city is that
16 it cannot be done. They cannot make any change or
17 they admit they violated their own policy but there
18 is no clear accountability or follow-up.

19 Uhm, some of the things that we've raised and
20 keep raising is OBCC was not the right facility to
21 have intake at. For months, months, we've been
22 saying go back and use EMTC. It's much better
23 designed. It has three clinics, one mental and two
24 medical, x-rays, it has air conditioning. OBCC does
25 not. It has a house for mental health detainees.
OBCC does not and this was known. This was known.

3 Finally, we were informed last night that
4 tomorrow night beginning at eight o'clock, EMTC will
5 be reopened. One has to ask, what took so long for
6 that to occur? But this is just one step. There
7 used to be six buildings doing admissions and more
8 needs to be done now. Such as doing admissions at
9 AMKC and other areas.

10 As an example, one day last week, we needed 15
11 officers to provide medical and mental services.
12 There was only three. No admissions were done and
13 125 were pending. We need more officers. We call on
14 the use of correction staff from across New York
15 State, other nearby states until the situation
16 stabilizes and more correction officers are hired and
17 working. And we need more medical staff, especially
18 to decrease waiting times including on tours two and
19 three.

20 Other examples I can give you is for example,
21 last week, the situation which is becoming the norm
22 about not having enough officers. No medication
23 distributions occurred. No activity in clinics. No
24 medical follow-up. No mental health services follow-
25 up. On another day, we estimate that less than 25

3 percent of what should have occurred did occur, less
4 than 25 percent.

5 We need detainee patient escorts, bringing
6 detainees in staggered shifts. So, not all at once
7 for a better flow to minimize wait time and anxiety.
8 And other aspects, in terms of opening a medical
9 clinic at the lower level of OBCC. The proper use of
10 detainees in pins should be looked at, so that folks
11 are not interfering with the care administered to
12 other detainees. Uhm, in terms of responding to
13 emergency situations. We need to be able to have a
14 dedicated clinic line to call from the emergency site
15 if more staff or equipment is needed. And the
16 emergency area must also be secure with enough
17 officers before medical personnel can respond. We
18 need a DOC Captain and officer in place prior to
19 medical staff arrival and we need officers in all
20 clinics including dental.

21 The next sentence is just, we need to reduce the
22 waiting times for EMS to get officer escort in order
23 to move detainees to a hospital. Obviously, if a
24 detainee needs to go off the island to a hospital,
25 that is a critical urgent situation. And we

3 shouldn't have to wait for an officer to be found
4 uhm, to get that person the proper and timely care.

5 There are suggestions we have that deal with
6 different policies. That deal with administration
7 and giving of care to people with mental health
8 issues, but for the sake of time -

9 CHAIRPERSON POWER: Yeah, we'll take them in
10 writing if you can send them over.

11 KEVIN COLLINS: Yeah, I do. I sent it over to
12 Chairman Powers and Miller and your staff. You
13 should have gotten that this morning. Uhm, we refer
14 you to that. For the sake of time, I'll wrap up to
15 be respectful to others who have been waiting.

16 I'll just note that part of being a healthcare
17 worker and a union members is advocate for ourselves,
18 our fellow members and those we care for. That is
19 what we're doing and if that advocacy cannot result
20 in solutions, then we'll continue it until it does.
21 We remain willing to work together with the city and
22 the DOC but that must be real, transparent,
23 collaborative and timely. It can be no more business
24 as usual. We hope the follow up will be different.
25 Our members need it and so do the detainees. Please

3 respect us and protect us. Thank you for the
4 opportunity to testify here today.

5 CHAIRPERSON POWERS: Thank you. Thank you.

6 COMMITTEE COUNSEL: Next, we will hear from
7 Alicia Butler followed by Lillie Carino followed by
8 Anthony Wells.

9 ALICIA BUTLER: Good afternoon, my name is Alicia
10 Butler. I'm a registered nurse working for New York
11 City Health + Hospitals Correctional Health Services
12 and I have worked on Rikers Island for 19 years. I
13 am a member of the New York State Nurses Association
14 which represents over 4,300 registered nurses all
15 across the state. Thank you Chairperson Powers and
16 this Committee for holding this hearing on the
17 conditions in our city jails.

18 Just visualize if you were in an intake unit.
19 Detainees first expose you to Rikers. It is a pin
20 with benches and no place to sleep. Yet, detainees
21 may spend up to three nights in the pin with limited
22 food and water and unsanitary conditions. Recently a
23 pin house, 47 detainees, far more than the maximum
24 capacity. Our intake needs to be restored back to a
25 more appropriate setting and with more capacity.
Delays in care are rampant. In any obstacle in

3 examining detainees robs nurses of critical time
4 needed for assessment and treatment for things like
5 COVID-19, diabetes, cardiac conditions and serious
6 illnesses. I want to speak to the paramount issue of
7 safety concerns.

8 Nurses continue to deal with COVID-19 pandemic
9 including the Delta Variance. Causes of COVID are
10 increasing, while efforts to isolate and contain are
11 often met with serious challenges. These challenges
12 increase the risk of spread and possible outbreak.
13 Threats in violence are a daily occurrence at Rikers.
14 Acts of violence against nurses have led to serious
15 injuries and palpable fear. Nurses working in an
16 unsafe environment where chaos rains. Have been
17 victims of violence including physical and sexual
18 assaults.

19 I myself am currently recovering from an attack
20 at Rikers that required surgery. The health and
21 safety of inmates is also an issue. Between July and
22 September of 2020, the self-injury rate for inmates
23 nearly doubled that of the previous quarter. We had
24 over 500 incidents of inmates hurting themselves
25 between April and June 2021. Inmate suicides are
increasing at an alarming rate. Needless to say,

3 there is a mental health crisis among inmates that
4 needs immediate attention but access to care is
5 routinely delayed.

6 We have seen a lack of accountability from the
7 city, DOC and New York City Health + Hospitals
8 regarding conditions in our jails. Whatever reforms
9 and changes are to come to the jail system. It is
10 imperative in the meantime. Day in and Day out, that
11 the city provide safe conditions for civilian staff
12 and quality care to all inmates. What is the plan
13 right now to protect healthcare workers so we can do
14 our jobs and provide proper care? We have seen
15 recent proposals but none of them have what it takes
16 to do so.

17 We seek and I quote, "a safe and effective
18 solution for colleagues who face rape, personal risk,
19 simply by fulfilling their professional duties.
20 Staff work under fear of losing their lives or being
21 assaulted and in fear for their health and safety
22 every shift.

23 CHAIRPERSON POWERS: Thank you. Can you just get
24 to the -

25 ALICIA BUTLER: We implore the city to take
action to protect patients and staff in our

3 correctional facilities. Thank you for your time
4 today.

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

7 COMMITTEE COUNSEL: Thank you. Now, we'll hear
8 from Lillie Carino followed by Anthony Wells.

9 LILLIE CARINO: Thank you. Good afternoon, thank
10 you for this opportunity to testify regarding
11 conditions in our city jails. My name is Lillie
12 Carino Higgins and I am here today on behalf of 1199.
13 We represent 500 healthcare workers in correctional
14 health services working shoulder to shoulder with the
15 civilian and uniformed workforce. We have testified
16 several times before this body about widespread
17 safety issues but the current situation is dire. We
18 have a real emergency on our hands.

19 Our members only seek to treat patients with
20 dignity. Yet, they have been themselves physically
21 and sexually assaulted, splashed with urine and
22 feces, held hostage at knife point, threatened and
23 assaulted with weapons, and have sustained serious
24 injuries and trauma. More recently, last week
25 actually, we learned of a plot by some detainees to
take over the clinics and hold the workers hostage.

3 This is unacceptable. The Department of
4 Corrections has the responsibility to ensure that all
5 staff and detainees are safe. They must adequately
6 staff our clinics or turn that function over to
7 another entity. This is not negotiable. Staffing
8 shortages endanger everyone in the jails. The
9 civilian and the uniformed workforce. Detainees and
10 visitors are also at risk. When detainees are
11 brought to the clinics, they often times have
12 extremely long waits to be seen. Causing them to
13 become agitated and aggressive.

14 Those who are mentally ill decompensate without
15 proper care, spiraling downward toward self-harm.
16 Never before have our members found themselves not
17 being able to do their jobs but as you heard, last
18 week, appointments had to be canceled, medication
19 could not be dispensed.

20 The lack of correction officers meant that
21 detainees in some instances could not be fed, they
22 couldn't be brought to the clinics and the medical
23 staff could not be escorted to the housing units to
24 provide the care that they are there to provide. How
25 long is it appropriate to allow those needing insulin
and on a life sustaining medication to go without?

3 To sum up, I have several recommendations that
4 will be in my written testimony but I just want to
5 state that we have an emergency situation. It
6 requires an emergency and serious response. We
7 cannot – we have to change the culture of Rikers.
8 Thank you.

9 CHAIRPERSON POWERS: Thank you. Thank you for
10 the testimony. Thank you.

11 COMMITTEE COUNSEL: Now, we will hear from
12 Anthony Wells.

13 ANTHONY WELLS: Good afternoon. I would like to
14 thank Chairs Powers and Miller and apologize Chair
15 Miller and Chair Powers for holding this oversight
16 hearing on the conditions in our city jails. My name
17 is Anthony Wells and I'm honored to be the President
18 of SSEU Local 371 District Council 37. We represent
19 Associate Correctional Counselors, Correctional
20 Counselors, Program Specialists, Community Titles and
21 workers from H & H assigned to Rikers.

22 This moment requires blunt and truthful talk.
23 The problems New York City faces at Rikers Island did
24 not appear suddenly it took years. Blaming New York
25 City Correction Officers won't get us any closer to
solutions than we are today. The facts don't need

3 explanations. We need more correction officers,
4 tested, trained and hired. We need more promotions
5 to supervisory ranks done immediately and that
6 includes in civilian ranks also. No post in a jail
7 can ever be left uncovered and that requires trained
8 personnel. It's not surprising we are experiencing
9 more jail violence, more suicides, more assaults on
10 more correction officers and civilians. If you're
11 injured you call in sick. If you can't take a day
12 off because every post in jail must be filled, and
13 you are ordered to work, you get sick. The worst
14 outcomes are happening and people are dying.

15 More uniformed personnel are needed in New York
16 City Correction Department and we need to get them
17 checked and hired. However, without additional
18 social service workers, without our members working
19 at Rikers and throughout the system, our ability to
20 reclaim lives will continue to decline. We know how
21 to help keep families together, bonds that are frayed
22 when detainees await further court action. We
23 understand connections must be maintained. We
24 understand when intervention is required to assist
25 and we know which programs work and don't work.

3 The latest attacks on correction officers,
4 civilians, and the recent rash of suicides and
5 violence are symptoms of larger issues, and they
6 predict clearly what will occur unless thoughtful
7 people work together quickly. Let me add the that
8 the physical conditions are deplorable and
9 unacceptable. We filed a PESH complaint, which was
10 upheld, but the conditions still exist.

11 We are at a turning point. We can be bold, or we
12 can react. My request: be bold. Only more personnel
13 trained social service professionals and sufficient
14 numbers of uniformed personnel will stop this
15 tragedy. I ask you to do that. Let me also tell you
16 that it is hard what's happened to correctional - if
17 correction officers are not safe, the civilians are
18 not safe. My members work intimately with the
19 inmates. We provide programs, we provide services,
20 we establish relationships with the inmates and they
21 have often times got caught up folks in things that
22 are going on. They've been assaulted, sexual
23 assaulted also. So, this is a bigger problem. This
24 is a problem of the system and getting it done.

25 I heard a lot of testimony, my brothers and
sisters from uniform, I totally support them because

3 without them to provide the security and safety for
4 the inmates and for the staff, none of my people are
5 safe. None of them are safe and thank you. Two
6 minutes.

7 CHAIRPERSON POWERS: Thank you. Thanks for being
8 here. Thanks for testifying.

9 ANTHONY WELLS: And I apologize again to you all
10 Chairman Powers.

11 CHAIRPERSON MILLER: Thank you so much President
12 Well.

13 COMMITTEE COUNSEL: Uhm, seeing no questions from
14 any Council Members, we're going to turn to testimony
15 from members of the public. Please listen for your
16 name as I will be calling individuals one by one and
17 will also announce the person who is next. Once your
18 name is called, please accept the prompt to unmute
19 yourself and the Sergeant at Arms will set the timer
20 and announce that you may begin. Your testimony will
21 be limited to two minutes.

22 First, we will hear from Mary Lynn Werlwas
23 followed by Julia Solomons followed by Orayne
24 Williams.

25 SERGEANT AT ARMS: Time starts now.

3 MARY LYNN WERLWAS: Good afternoon. I am Mary
4 Lynn Werlwas of the Prisoners' Rights Project of the
5 Legal Aid Society and we thank you Council Members
6 for holding this hearing. It's a historic time just
7 this week, we reflected on the lessons of Attica and
8 so too will people 50 years from now look back at
9 today and judge how the city must fix this
10 catastrophe. As in any mass casualty, the first
11 priority is saving lives and there's only one way to
12 do that given the immediacy and magnitude of the
13 threat right now. Reduce the jail population through
14 decarceration.

15 The Mayor's five point plan does nothing to save
16 lives right now. It only hopes for results down the
17 road. When the Chief Medical Officer of the jails
18 tells us human health is in danger, immediate action
19 is required. Second, we need the city workforce to
20 come to work. The abuse of public trust has been
21 tolerated is a scandal. The Commissioner and First
22 Deputy Mayor testified very clearly that the city has
23 enough correction officers employed right now to
24 fully staff the jails without triple shifts.

25 So, what possible rationale is there for the city
to hire 600 more correction officers? And to recall

1 retired officers. The city already has more officers
2 than incarcerated people. A staffing ratio
3 unprecedented in modern corrections. This excess
4 workforce the monitor finds is a cause of violence
5 and chaos in the jails. And hiring new staff, bring
6 back old staff, steepen low culture brutality moves
7 us backwards. It will not make us safer or bring us
8 anywhere closer to closing Rikers. We have been here
9 before the house, the Tombs rebelled in 1970, leading
10 to federal courts halting intake and ultimately
11 shuttering the facilities.
12

13 The city has the power right now and the duty to
14 avoid those outcomes and to solve the crisis right
15 now. Ten deaths this year is ten deaths too many.
16 Thank you.

17 CHAIRPERSON POWERS: Thank you.

18 COMMITTEE COUNSEL: Next, we'll hear from Julia
19 Solomons followed by Orayne Williams followed Kelsey
20 De Avila.

21 SERGEANT AT ARMS: Time starts now.

22 JULIA SOLOMONS: Thank you. Chair Powers and
23 Committee Members, my name is Julia Solomons and I am
24 a Social Worker at The Bronx Defenders. We encourage
25 you to invest in true decarceration efforts and

3 resources that uplift communities most impacted by
4 this crisis and shift focus from punishment and
5 neglect to care and support, which starts by truly
6 ending solitary confinement and restrictive housing.

7 People are being denied their basic needs and
8 deny all those necessities is worse the more
9 restrictive of a setting a person is in. One Bronx
10 defenders client housed in a restricted unit has been
11 denied food and showers for days at a time, not
12 brought to court for several appearances and his life
13 has been put intentionally at risk by correctional
14 officers. The officers abuse the current systems of
15 isolation and punishment to exacerbate violence
16 amongst people in custody.

17 This young person is someone who COBA would paint
18 as violent and dangerous but in fact, he is a child
19 subject to torturous condition and acute and ongoing
20 isolation with no access to his family, education or
21 any type of programming. City Council must amend and
22 pass Intro. 2173 to ensure everyone in the jails is
23 afforded true out of cell time and programming
24 conducive to meaningful human interaction. DA Clark
25 didn't address her offices bail request practices but
the Bronx district attorney's continue to ask for

3 excessive bail amounts that our clients cannot pay
4 and judges continue to deny the reality of the
5 conditions in the jails.

6 Our bail application is based on horrendous
7 conditions continue to be largely unsuccessful. One
8 client was beaten so severely while OBCC intake that
9 his eye was swollen shut. And because he didn't
10 receive any medical attention, he was brought to his
11 court appearance days later wearing the same shirt
12 covered in dry blood. The best the judge could offer
13 was the opportunity for his advocate to document the
14 entries before sending it back to the exact same
15 conditions.

16 The City Council and the Mayor's office must do
17 more to facilitate the communication between DOC, CHS
18 and court actors necessary to reduce the pretrial
19 population. CHS must be required to provide detailed
20 letters to the court regarding any mental or medical
21 health risks for individuals in custody, including
22 documentation of requests for medical attention and
23 outcomes of those requests. The Commissioner must be
24 directed by the Mayor to create the five New York
25 City district attorney's, as well as chief
administrative judges on the conditions at each

3 individual facility and explicitly urge increased
4 scrutiny of bail requests and bail practices.

5 SERGEANT AT ARMS: Time expired.

6 JULIA SOLOMONS: Thank you. I'm done.

7 COMMITTEE COUNSEL: Thank you. Now, we will hear
8 from Orayne Williams followed by Kelsey De Avila
9 followed by Stan German.

10 SERGEANT AT ARMS: Time starts now.

11 ORAYNE WILLIAMS: Thank you Chairperson Powers
12 and Chairperson Miller and Committee members. My
13 name is Orayne Williams and I am a Criminal Defense
14 Social Worker from the Bronx Defenders. Today, I
15 want to emphasize the importance of investing in
16 community resources as an effective method to
17 decarceration. Our city jails have been crumbling
18 literally and figuratively for decades. Over the
19 past 18 months, the global pandemic has spread of
20 that deterioration to a point where having bail set
21 in a criminal case is very possibly a death sentence.
22 Yet, the jail population continues to increase. The
23 city must intervene immediately and correct the
24 failures of the carceral and the criminal legal
25 system.

3 Our client basic need not only for every day
4 survival but also medical and mental health are not
5 being met. If clients were to be released and we're
6 able to have their needs met in the community, it
7 could mean a very different outcome for their lives.
8 And in some case, that outcome hinges up on what
9 resource is available to them in the community.

10 Investment in community resources that support
11 people up on release is equally important and has
12 been proven to contribute not only to get people
13 released from jail but also keep them from going back
14 in. One Bronx defender client went in custody
15 already navigating severe medical needs including
16 bullet wounds after being shot by a police officer.
17 Despite being housed in the non-infirmarium command, he
18 went weeks upon intake without medical attention to
19 his wounds and other medical needs. Even with
20 repeated requests from his advocates. Bail
21 application were made on his behalf but they were
22 unsuccessful and he continued to languish without
23 care. And so, very recently a nerve damage from the
24 bullet wound became so severe that he was at risk of
25 losing his entire arm. He lost a finger and is being
told that he may lose another one in the future,

3 simply because the jail was unable to respond to his
4 medical need. The care system within the facilities
5 are beyond repair and the most important thing -

6 SERGEANT AT ARMS: Time is expired.

7 ORAYNE WILLIAMS: The city can do right now is to
8 invest in the community resources that facilitate
9 these people release. One concrete evidence of
10 investment proven to be successful is a creation of
11 the Exodus Run Hotel overseen by MOCJ.

12 In conclusion, community resources that have been
13 proven to increase release is a concrete way to
14 reduce the jail population and to do so safely in a
15 way that offers people what they need to succeed and
16 be successful in the community. Thank you.

17 CHAIRPERSON POWERS: Thank you. Thanks so much.

18 COMMITTEE COUNSEL: Now, we will hear from Kelsey
19 De Avila followed by Stan German followed by Meghna
20 Phillip.

21 SERGEANT AT ARMS: Your time starts now.

22 KELSEY DE AVILA: Hi, I'm Kelsey De Avila with
23 the Brooklyn Defender Services. Alarms about this
24 crisis have been going on for months with no action.
25 This Mayor, the judges, the DA's are woefully playing
ignorant of the situation. Prosecutors continue to

3 set bail at ridiculously high amounts. And I agree
4 with Assembly Member Gallagher who said today that
5 these deaths are on the DA's set bail on people who
6 cannot pay it. In addition, judges are blatantly
7 abusing the bail laws. Judges have gone ahead and
8 named themselves jail and medical experts by
9 dismissing even the jails own chief medical officers
10 pleas for help who is telling us there is a collapse
11 of basic jail functions and the conditions are
12 leading to devastating and deadly consequences.

13 Dr. Cohen just today called it an epidemic of
14 suicides. I was at Rikers recently and I met with a
15 man who had been in an OBCC intake for several days.
16 He begged me not to leave him because he was
17 seriously contemplating with killing himself. He
18 hadn't had a bowel movement since he arrived and the
19 toilets were no longer flushing, for days feces and
20 urine were spilling onto the very floor where people
21 were sleeping, which resulted in violence anytime
22 someone had to relieve themselves.

23 We sat together for hours while at the same time,
24 multiple lawyers from our office are in court,
25 advocating with the judge who was refusing to accept
a partially secure bond from a qualified surety.

3 This person had the money on day one and our client
4 could have gotten out of jail before he spent even
5 one night in that facility. Yet the judge refused to
6 accept it and even at one point, refusing to call the
7 case, forcing the attorney to come back to that court
8 room day after day until they were heard.

9 Our office spent an enormous amount of time and
10 resources pleading with this judge who was abusing
11 the process. And this is happening all the time.
12 This is not a unique situation. We need and must
13 hold judges and DA's accountable. We must listen to
14 medical professionals calling for decarceration and
15 we must stop falling for NYPD's lies and
16 fearmongering. I'm calling on City Council to use
17 any and all authority to make this happen. We must
18 decarcerate to end this crisis. We've done it before
19 and we can absolutely do it again. If we don't more
20 people will die. Thank you.

21 CHAIRPERSON POWERS: Thank you. Thank you for
22 your testimony and all you are doing, appreciate it.

23 COMMITTEE COUNSEL: Now, we will hear from Stan
24 German followed by Meghna Phillip followed by Alice
25 Fontier.

SERGEANT AT ARMS: Time starts now.

3 STAN GERMAN: Good afternoon, my name is Stan
4 German, I am the Executive Director of New York
5 County Defender Services. I've been listening since
6 10 a.m. this morning and I have two specific requests
7 for the Council Councilman Powers and Councilman
8 Miller. The first one is that Corey Johnson should
9 authorize an investigation into how we go to this
10 point. Even if you assume that the prior
11 commissioner somehow didn't share what was happening
12 with the de Blasio Administration. I know for a fact
13 that since Vinny Schiraldi took over, he has been in
14 constant communication with Gracie Mansion and the
15 First Deputy Mayor. He took over on June 1st. Which
16 means they knew about this in June. They knew about
17 this in July. They knew about this in August and
18 they did nothing. The fact of the matter is, was it
19 not for community activists like the Jail Action
20 Coalition, public defenders, the media having press
21 conferences and rallying around this issue, we would
22 not be having this hearing today. We need to have an
23 investigation into why this Mayor ignored this
24 problem and why he was ready to simply wait his time
25 out for the next four months and let this go on to

3 another administration. We have to have
4 accountability and transparency in our government.

5 Secondly, I have a five action plan. Number one,
6 the executive must use 6A. Councilman Powers, you
7 hit on the hypocrisy of the First Deputy Mayor
8 calling on the Governor to do her part. Calling on
9 the courts to their part. Calling on OCA to do their
10 part. Calling on judges to do their part. Calling
11 on DA's to do their part, but they refuse to use uh
12 Section 6A to release individuals.

13 Clearly, they are seeing this through a political
14 lens and that is very disheartening. Number two,
15 yes, the governor should pass Less is More. Number
16 three, I am calling on all city district attorney's
17 to immediate consent to the release of anyone charged
18 with -

19 SERGEANT AT ARMS: Time expired.

20 STAN GERMAN: Non-violent felony. As far as
21 those who remain, they should do a case by case
22 review. Number four, OCA should prioritize
23 incarcerated clients and their cases over all other
24 cases. We should not be bringing out clients to in-
25 person appearances when we have the humanitarian
crisis that we have.

3 And this is my second ask Councilman Powers and
4 Councilman Miller and I do not make this request
5 lightly. I am a public defender for 25 years but I
6 am calling on the federal government to take over
7 Rikers. All of this was summed up by your very first
8 question Councilman Powers, very first one. Are you
9 able to manage the situation at Rikers Island? And
10 nobody having listened to everything over the last
11 five and a half hours could honestly conclude that
12 the answer is yes.

13 The unions and commissioners both agree that they
14 can't provide basic services. Healthcare officials
15 agree. Workers, civilian workers agree. Uhm, I am
16 going to reach out to Jeffrey's. I am going to reach
17 out to Senator Schumer. I am going to reach out to
18 Alexandria Ocasio-Cortez because Rikers is in her
19 district and we have to swallow our pride as New
20 Yorkers and just be honest. We failed. We're not up
21 to the task and we need help.

22 CHAIRPERSON POWERS: Thank you.

23 STAN GERMAN: So, we don't have any more
24 unnecessary deaths on Rikers Island.

25 CHAIRPERSON POWERS: Thank you and I appreciate
you being here. I know you mentioned you have

3 another task as well. We appreciate everyone for
4 being here. Thank you for the recommendations as
5 well.

6 COMMITTEE COUNSEL: Next, we will hear from
7 Meghna Phillip followed by Alice Fontier followed by
8 Sarita Daftary.

9 SERGEANT AT ARMS: Time starts now.

10 MEGHNA PHILLIP: Thank you. My name is Meghna
11 Phillip. I am a Public Defender at the Neighborhood
12 Defender Service of Harlem. The jails cannot house
13 our clients safely. New York City must decarcerate
14 with urgency. As public defenders every day we are
15 witnessing increases in bail requests by prosecutors.
16 A wider range of cases in which they are seeking
17 bail, including even misdemeanors and higher amounts
18 of bail being requested and set.

19 There is a woeful and willful blindness amongst
20 DA's and judges when it comes to the current
21 conditions at Rikers. Thank you to the elected
22 officials who came to Rikers on Monday. I encourage
23 you all to also come sit in criminal court
24 arraignments and observe bail arguments. That is the
25 ever expanding pipeline to Rikers. As my colleagues
have testified, the City Council must put pressure on

3 prosecutors and judges to immediately reduce the
4 population at these failing facilities and to pass
5 legislation to permanently dismantle New York's
6 lethal racist and classist epidemic of mass
7 incarceration. The observations of the elected
8 officials who visited Rikers with us on Monday speak
9 for themselves beyond the irredeemable horror of
10 intake are clients in all facilities at Rikers are
11 also being deprived of their constitutional right to
12 counsel and due process.

13 Our clients are not being produced for legal
14 visits and video conferences. On Monday, at the RNDC
15 facility, I met multiple people who have not been
16 taken to legal visits and desperately asked me to
17 contact their lawyers. My colleagues have on
18 numerous occasions come to Rikers and waited for
19 hours for their clients to be produced to know avail.
20 We are told that there are no escorts available to
21 bring clients down. We are told that our clients are
22 refusing to be produced but this isn't true because
23 when we do speak with our clients, they tell us they
24 are not refusing production and in many instances had
25 no idea about the legal visit or video conference.
This is unacceptable. Our clients have a

3 constitutionally guaranteed right to counsel but
4 because of wealth based pretrial detention and cash
5 bail, they are living in unconscionable conditions
6 that are denying them that right. They can't
7 participate in their legal defense and we can't
8 inform them about what's happening in their cases.

9 SERGEANT AT ARMS: Time expired.

10 MEGHNA PHILLIP: This also contributes to the
11 desperation on the island right now. Clients need
12 contact with their advocates. They need to know what
13 is happening with their cases that are keeping them
14 trapped on that island and they need to be able to
15 report their conditions to us, so we can advocate
16 from the outside for them. And doctors are reporting
17 to us that the lack of access to counsel and
18 information about cases is leading to increases in
19 self-harm and attempted suicides. This all needs to
20 change immediately and the city needs to decarcerate
21 now.

22 CHAIRPERSON POWERS: Thank you. Thank you for
23 your testimony. Thank you for everybody who has been
24 waiting here for a long time.
25

3 COMMITTEE COUNSEL: Next, we'll hear from Alice
4 Fontier followed by Sarita Daftary followed by Darren
5 Mack.

6 SERGEANT AT ARMS: Time starts now.

7 ALICE FONTIER: Hi, thank you. I'm Alice
8 Fontier, Manager and Director of the Neighborhood
9 Defender Services. I am testifying because I am
10 deeply distressed that in this hearing that started
11 at 10 a.m. and is still going at 3:42 is the time
12 right now. You have not yet heard from Correctional
13 Health Services, Chief Medical Officer Ross
14 MacDonald.

15 As many of you know, in a letter to Council
16 Member Powers, Dr. MacDonald stated, unfortunately in
17 2021 that we have witnessed a collapse in basic jail
18 operations. Such that today, I do not believe the
19 city is capable of safely managing the custody of
20 those it is charged with incarcerating in its jail,
21 nor maintaining the safety of those who work there.
22 The break down has resulted in an increase in deaths,
23 which we refer to as jail attributable. The jail
24 conditions meaningfully contributed to the death.
25 Death and injury are predictable consequences of
repeated failures to perform certain essential

3 functions due to unavailability of staff. Throughout
4 this day, you referred about a number of basic
5 essential functions that are not being performed.
6 Chief among them is a lack of medical care. CHS
7 should be testifying about what they are seeing on a
8 daily basis.

9 I can tell you that on Monday, this Monday, in
10 the intake unit at OBCC alone, I personally observed
11 two individuals who are suffering from an obvious and
12 acute mental health crisis locked in showers. One of
13 them was completely naked. Two other men, who
14 appeared to be suffering acute psychotic symptoms
15 were locked in a filthy cell with an overflowing
16 toilet. Another man sat catatonic on dirty floor
17 rocking against the bars. In another cell, filled
18 with about 20 people who reported having been in the
19 cell from three to 13 days. Three different people
20 showed me their open wounds and injuries. They also
21 showed me their discharge papers from Mount Sinai and
22 Bellevue.

23 SERGEANT AT ARMS: Time expired.

24 ALICE FONTIER: They had been here and stuck in a
25 cell. Giving these conditions, it should come as no

3 surprise that a man tried to hang himself in front of
4 Senator Ronald and Assembly Member Gonzalez Rojas.

5 Dr. MacDonald continued in his letter, without
6 the ability to attend basic jail operations, we are
7 fully positioned to control COVID-19 transmission.

8 We are seeing the result of this. Today, defenders
9 were told that no one from a number of houses on the
10 boat BCBC could be produced to court because they
11 were in COVID lockdown for the next two weeks. OBCC
12 is meant to be a two-week COVID clearing intake
13 facility. We met people that have been housed there
14 for months because they cycle back and forth in the
15 COVID units after being exposed.

16 Dr. MacDonald also pointed out that decarceration
17 efforts, which are a proven health response to COVID-
18 19 have not been meaningfully pursued since 2020.

19 Rather the city focuses on case processing through
20 the courts. A slow remedy, which also does not meet
21 the urgency of the moment. Contrary to what the
22 Commissioner and DA Clark have argued today, court is
23 open. Our attorney's are in court every single day.
24 Yes, there are limited trials but on average only one
25 percent of all cases are resolved through trials.

Every other court appearances is currently happening.

3 The problem is that the incarcerated people are not
4 being produced to court. People who could be
5 released, people who could plea and be sentenced are
6 not being produced to make that happen.

7 CHAIRPERSON POWERS: Just, I know you have a lot
8 more to say but we just have a lot of folks -

9 ALICE FONTIER: I have one more line.

10 CHAIRPERSON POWERS: Okay.

11 ALICE FONTIER: They have limited access to
12 counsel and even more limited access to court. This
13 is a corrections problem, not a court problem. The
14 blame game and finger pointing has to stop. 6,000
15 lives on Rikers Island depend on it. Thank you.

16 CHAIRPERSON POWERS: Thank you. Thanks for your
17 testimony.

18 COMMITTEE COUNSEL: Now, we will hear from Sarita
19 Daftary followed by Darren Mack followed by Brandon
20 Holmes.

21 SERGEANT AT ARMS: Time starts now.

22 SARITA DAFTARY: Good afternoon, my name is
23 Sarita Daftary. I am a Co-Director of Freedom Agenda
24 and a Member of the Jails Action Coalition. What I
25 want to say to Council Members for having this
hearing, I have to state the outrage of taking a

3 hearing that was scheduled because people have been
4 losing their lives in rapid numbers on Rikers Island
5 and turning it the first five hours of it into an
6 opportunity for the union that has seven times more
7 officers than every other jail system in the country
8 to complain that they can't do their jobs.

9 With that aside, you are going to hear from
10 everyone else about the need to decarceration.

11 You've heard from Public Defenders that is urgent.

12 In addition, City Council Members should put - every
13 single City Council Member should put out a public
14 statement sent to all of your constituents and media
15 to condemn the police commissioners blatant and
16 repeated lies about release from jails due to COVID
17 and about bail reform. The root causes of crime are
18 complex and the NYPD has no ability to address them.
19 Since most of them are rooted in unmet needs and
20 systemic disinvestment.

21 Dermot Shea has no real answers about how to keep
22 communities safe but wants to maintain and expand his
23 power, so he and his officers decided to launch a
24 coordinated campaign of lies and fear mongering.
25 NYPD's own data debunks the Commissioners efforts to
blame intense violence on decarceration. The public

3 deserved the truth and if the Mayor and the NYPD
4 Commissioner won't provide it, the Council must drown
5 them out. The Mayor may be content to let people die
6 on Rikers to appease Dermot Shea but the Council
7 cannot allow that.

8 Further, there is renewable Rikers legislation
9 that should have meant that EMPC was already
10 transferred out of DOC's hands and now, it is being
11 reopened to accommodate the desire to continue mass
12 incarceration. That should have happened already.
13 That transfer should have happened already and the
14 Council needs to hold the city accountable for
15 maximum transfers in the quickest amount of time.

16 And lastly, I just need to say about the
17 complaints from some officers that their hands have
18 been tied by the federal monitor. I'd like to remind
19 the Council why we have a federal monitor. Because
20 officers were abusing their power with impunity and
21 subjecting incarcerated people to -

22 SERGEANT AT ARMS: Time expired.

23 SARITA DAFTARY: Unconstitutional levels of
24 violence including head strikes, painful escort
25 techniques, improper use of OC spray and force that
is disproportionate to the actual threat. For some

3 officers, like the union leaders, that's their
4 preferred approach. For others, they follow the
5 example of officers who have been on the job longer.
6 Either way, the Council must remember that the only
7 reason that recognizing the human rights of
8 incarcerated people feels like oppression to some
9 correction officers is because they were allowed to
10 operate with impunity for so long.

11 And I just want to emphasize because Council
12 Member Miller stated that the union could have more
13 time because they had represented a genuine
14 constituency. Every single person on this Zoom who
15 is working with people inside, who has been
16 incarcerated, who has lost loved ones in there,
17 should get unlimited time, the way that he did.
18 Thank you.

19 CHAIRPERSON POWERS: Thank you. Thank you.
20 Thanks for your testimony.

21 COMMITTEE COUNSEL: Now we will hear from Darren
22 Mack followed by Brandon Holmes followed by Jennifer
23 Parish.

24 SERGEANT AT ARMS: Time starts now.

25 DARREN MACK: Thank you so much Chairman Powers,
Chairman Miller and City Council. First, I also want

3 to echo that you know we are here because ten people
4 died in DOC's hands and we're not here to give COBA a
5 platform. We are in another crucial moment and
6 simultaneously, for some City Council members, it's a
7 dilemma, a quandary, which is going to take
8 [INAUDIBLE 3:05:44] in order to deal with this crisis
9 we are all faced with. You know COBA has a clutch on
10 its members and the future of New York City. There
11 are officers who believe in rehabilitative
12 approaches, who believe in reform, who believe in
13 closing Rikers, who don't want to see their own
14 children targeted by systems of mass incarceration.
15 And they voice that but those are not the voices of
16 COBA that COBA chooses to represent.

17 COBA has vehemently opposed every reform from
18 treating 16 to 17 year old's like 16 and 17 year
19 old's with Raise the Age to bail reform. But thank
20 goodness electives wisely did not feed into their
21 fear mongering and pass legislation to bring us
22 closer to a more just system. So, COBA for decades
23 of corruption and toxic leadership has created
24 monsters but not the people incarcerated. On August
25 31st, in response to calls for decarceration in the
wake of the suicide of Segunda Gualpa, an active

3 duty correctional office comments that on Facebook
4 and I quote right here, "the inmate population will
5 continue to decrease as long as they keep killing
6 themselves." And that's in bold, keep killing
7 themselves. That will definitely reduce the inmate
8 population. That crook will no longer be in the
9 street. It's a win, win and I'm sad to say that this
10 is from an officer who is a Black woman as is
11 Rebecca, Rebecca Hillman.

12 SERGEANT AT ARMS: Time expired.

13 DARREN MACK: Who stood by as Ryan Wilson hanged
14 himself last year. These women have been
15 indoctrinated to see incarcerated people as less than
16 human. Like too many others at DOC and they cannot
17 be responsible for human lives. Last and I conclude,
18 only two things would immediately address the crisis
19 on Rikers Island. Decarceration and current officers
20 coming back to work and COBA has opposed both. This
21 Council has the power to disband the Department of
22 Corrections and should be working to do so now.

23 Finally, after years of absent leadership, DOC
24 finally has a Commissioner and Deputy Commissioner
25 committed to change. The best thing the Council
could do is enable them to start from scratch. This

3 has been done in New Jersey with the police force and
4 Mexico with the federal prison system. Like Rikers,
5 DOC is too broken to be fixed and how much longer can
6 the Council expect the people of this city to
7 tolerate spending \$450,000 per year per incarcerated
8 person for a department that can't even keep them
9 alive.

10 CHAIREPERSON POWERS: Thank you. Thanks for the
11 testimony.

12 COMMITTEE COUNSEL: Now, we will hear from
13 Brandon Holmes followed by Jennifer Parish followed
14 by Alana Sivin.

15 SERGEANT AT ARMS: Time starts now.

16 BRANDON HOLMES: Good afternoon. In the past
17 nine months, we've talked about countless Rikers
18 Island has claimed ten lives and I think Dr. Bobby
19 Cohen said it best when he said this is a long
20 terrifying season of death. Two weeks ago, survivors
21 of Rikers rallied outside City Hall commanding action
22 from this administration and the Mayor spit in our
23 faces when he said he would task NYPD with relieving
24 DOC in courts. It is shown again and again that any
25 crisis that New York City has, the only response is

3 to double down on law enforcement. This makes no
4 sense.

5 As the Acting DOC Commissioner and Chief Medical
6 Officer have both said in their statements and in
7 their letters, that they need support in holding
8 staff accountable. That DOC needs to be held
9 accountable. That reducing the jail population and
10 improving the immediate conditions, is the solution.
11 Will any of this be realized right? We need to be
12 asking since the Mayor has advocated his
13 responsibility to New Yorkers accused of crimes,
14 despite his lip service to valuing our people, we
15 need to ask, is this Council our last hope? And we
16 believe that you have to use your authority to hold
17 all systems agents accountable.

18 And after years of successful efforts to reduce
19 incarceration and before the emergency release
20 programs implemented in response to COVID, the number
21 of people detained pretrial have been dropped to
22 about 3,200 people in March 2020. Since then, we've
23 seen that pretrial population rise to over 4,600
24 people. Which is more than the entire citywide jail
25 capacity was last year in Spring 2020.

3 So, we need a deeper interrogation into why the
4 administration has slowed or paused their release
5 efforts, such as the 6A program supervised release
6 expanding investments into the hotel placement
7 programs. And we really need to pressure the mayor
8 on not reversing his stance on releasing people
9 sentenced to a year or less.

10 The Council can take -

11 SERGEANT AT ARMS: Time expired.

12 BRANDON HOLMES: And support decarceration
13 including - this will be my last point. The Council
14 can require MOCJ and future administrations to access
15 and report on each defendants ability to pay. We
16 continue to hear this excuse from the administration
17 and from some Council Members that we can't tell
18 judges what to do. We can't change the way judges
19 use their discretion. But we know the 2019 state
20 bail reform laws did not have a specific actor who
21 was assigned to this task of assessing peoples
22 ability to pay. And since it's not happening, judges
23 continue to set excessive bails that make freedom
24 dependent on wealth and now death has become a
25 natural consequence of being poor in New York City.

3 So, we're asking City Council, please create a
4 parallel reporting process so that we can be prepared
5 to ask DA's and judges why they request bail of
6 \$10,000 for people can clearly only pay \$500? Thank
7 you.

8 CHAIRPERSON POWERS: Thank you and I want to
9 know; we had funded through the City Council a pilot
10 program to do an assessment in the Bronx around
11 ability to pay. I think we're going to hear from
12 folks from Vera Institute who had been running that
13 as well but appreciate it. Thank you as always.

14 COMMITTEE COUNSEL: Now, we will hear from
15 Jennifer Parish followed by Alana Sivin followed by
16 Michael Rempel.

17 SERGEANT AT ARMS: Time starts now.

18 JENNIFER PARISH: Good afternoon. My name is
19 Jennifer Parish. I am the Director of Criminal
20 Justice Advocacy at the Urban Justice Center Mental
21 Health Project and a member of the Jails Action
22 Coalition and the Solitary Campaign.

23 Thank you for holding this hearing and calling
24 attention to the emergency in the city jails.
25 Undoubtedly right now, the city cannot keep the
people in its custody safe. The deaths of ten people

3 in the last nine months establishes that. We need
4 the City Council's support to pressure the Mayor, the
5 Governor, Prosecutors and Judges. All of those with
6 power to release people to act now. So, that as many
7 people as possible are removed from these inhumane
8 conditions and that no more lives are lost.
9 Decarceration is clearly the priority at this moment.

10 Now, I understand that City Council itself cannot
11 release anyone. But there is action you can take in
12 addition to what Brandon mentioned. You can pass
13 legislation to end inhumane jail conditions and that
14 is what you should do. We need to end the use of
15 solitary confinement in its entirety. Solitary
16 confinement is torture and has no place in New York
17 City jails. There must be a law prohibiting this
18 practice.

19 The Council should amend Intro. 2173, which
20 Council Member Dromm introduced in December 2020 and
21 passed the bill. The legislation needs to be amended
22 to make clear that ending the use of solitary
23 confinement means that no one will spend their out of
24 cell time alone in a cell.

25 The Department of Corrections should not be
allowed to move a person from their cell into a cage,

3 attached to their cell and call time spent in that
4 cage out of cell time. But that is what the
5 departments plan to end solitary is and it's
6 unacceptable. The City Council must make clear that
7 ending solitary confinement means that people have
8 time out of their cell with other people engaged in
9 congregate programming and recreation. You have the
10 power to pass this legislation and you should do your
11 part in ending inhumane conditions in the city jails.
12 Thank you.

13 CHAIRPERSON POWERS: Thank you. Thanks for your
14 testimony.

15 COMMITTEE COUNSEL: Now, we will hear from Alana
16 Sivin followed by Michael Rempel followed by Helen
17 Skipper.

18 SERGEANT AT ARMS: Time starts now.

19 ALANA SIVIN: Good afternoon, I am Alana Sivin,
20 Senior Advisor at the Independent Commission on New
21 York City Criminal Justice and Incarceration Reform,
22 also known as the Lippman Commission after our
23 Chairperson, former Chief Judge of the State of New
24 York Jonathan Lippman.

25 I was able to speak with someone who as on this
tour that happened at Rikers Island this past week

3 and this person came across his cell that was meant
4 for one person and there five people crammed in there
5 and it was an intake cell with one toilet. People
6 were sleeping on the floor. Cold concrete floors
7 with nothing but cardboard to rest on. And this
8 person described the stench within that cell and the
9 cell where five people were crammed and said it was
10 so unbearable that even with a mask, they couldn't be
11 there for more than a few minutes.

12 The people who were in that cell, some of them
13 had been there for two weeks. People are dying, ten
14 have died this year and more people are going to die
15 if swift action isn't taken. Now, the City Council
16 has the power to decarcerate and must do so. This is
17 something that the City Council assisted with at the
18 onset of the pandemic and can do again. But before I
19 go specifically through some of the specific actions
20 that we have outlined in our report that we Co-
21 Authored with the Center for Court Innovation, I do
22 want to touch on the 6A issue and just say that you
23 know, I would urge the Mayor to reconsider because
24 there are over 200 people who could be released.

25 Uhm, when it comes to City Council actions, we
agree with the ability to pay assessment. It's

3 happened in the Bronx and it can be expanded to other
4 areas because right now the majority of people are in
5 Rikers there because they can't pay. There also
6 should be funding for community based wraparound
7 support for vulnerable populations. We've seen how
8 this has worked with programs like the women's
9 project, the Fed Cap. We can also see funding for
10 psychiatric assessments at arraignments because right
11 now 17 percent of the people who are at Rikers Island
12 are there because they have a serious mental illness.
13 If there are people at arraignments who can assess
14 those folks, then they can get out and get the mental
15 health services that they need.

16 There also should be an expedition of the
17 resolution of cases. The Commissioner talked about -

18 SERGEANT AT ARMS: Time expired.

19 ALANA SIVIN: How people are - so, we recommend
20 that you look at the recommendations that are in our
21 report but that last one is having case expeditors in
22 every court room just has been done in the case
23 processing pilot in Brooklyn and expanding that
24 citywide. Thank you very much and I'm happy to
25 answer any questions.

3 CHAIRPERSON POWERS: Thank you Alana. As you
4 know, these hearings are long, so I am not going to
5 ask any questions but I will be in touch with you and
6 we'll look out for your report as well. And it's
7 nice to see you.

8 ALANA SIVIN: Nice to see you too.

9 COMMITTEE COUNSEL: Next, we will hear from
10 Michael Rempel followed by Helen Skipper followed by
11 Jared Trujillo.

12 SERGEANT AT ARMS: Time starts now.

13 MICHAEL REMPEL: Good afternoon. I am Mike
14 Rempel, Director of Jail Reform at Center for Court
15 Innovation. Like some others, I too will focus on
16 the urgency of decarceration. In less than 18
17 months, the city's daily jail population current by
18 over 2,200 people and 3,800 in the end of April 2020
19 to almost 6,100 today. Nine in ten people now
20 sitting jail are presumed innocent of any crime.

21 Here is how it breaks down. 74 percent are held
22 before trial by the court. Most due to an inability
23 to afford bail. Then, another 17 percent are held on
24 pending on parole violations. Only four percent are
25 held on an actual jail sentence. Black New Yorkers
make up 59 percent of yesterday's jail population

3 compared to less than a quarter of the city's general
4 population. Almost 800 people have been in jail
5 before trial for one to two years and another 630 for
6 over two years. Any response that Council could
7 immediately pass a resolution urging courts and
8 prosecutors to review every single one of the over
9 400 - of the over 4,500 people now in pretrial
10 detention.

11 Common sense reduce criteria could include one,
12 diagnosed with a chronic medical condition. Two,
13 ages 55 and up. Three, women transgender or gender
14 nonconforming. Four, jailed despite a recommendation
15 for release by the city's validated release
16 assessment. Five, jail on the first arrest
17 indicating a lack of past evidence of missing court
18 dates as is required under the law. Six, held
19 pretrial for over six months. The court systems own
20 standard for resolving cases. Or seven, held simply
21 due to an inability to afford bail.

22 The governor could order a swift review of the
23 over 600 people held on technical parole violations
24 or violations stemming from pending misdemeanors or
25 nonviolent felonies. Such as that -

SERGEANT AT ARMS: Time expired.

3 MICHAEL REMPEL: Would mirror state action at the
4 outset of the pandemic and I'll conclude in a couple
5 more sentences.

6 Finally, the mayor could release over 200 people
7 into the effective early release program. We have to
8 address this current emergency but as previous
9 testimony indicated, we do also need a one, three and
10 six month jail reduction plan. We can't only
11 continue to put out fires. Thank you again for
12 having me.

13 CHAIRPERSON POWERS: I agree and I agree with
14 that last point particularly. Thank you. Nice to
15 see you.

16 COMMITTEE COUNSEL: Now, we will hear from Helen
17 Skipper followed by Jared Trujillo followed by Donna
18 Gould.

19 SERGEANT AT ARMS: Time starts now.

20 COMMITTEE COUNSEL: Okay, it looks like we can't
21 get her to unmute uhm, okay. Okay, we'll go to Jared
22 and we'll try to get Helen back on.

23 CHAIRPERSON POWERS: I don't see Jared in my list
24 of - oh, he is here actually.

25 COMMITTEE COUNSEL: He is unmuted.

3 CHAIRPERSON POWERS: Okay, Jared, we can't hear
4 you. Uh, you are unmuted though. Your sounds not
5 on.

6 COMMITTEE COUNSEL: If you try logging out and
7 logging back in, that might work.

8 CHAIRPERSON POWERS: We'll go to the next person
9 and we'll come right back to you if you want to log
10 back in.

11 COMMITTEE COUNSEL: Okay, uhm, let's try Donna
12 Gould.

13 SERGEANT AT ARMS: Time starts now.

14 DONNA GOULD: Uh, thank you. Can you hear me?
15 Yes, so uhm, I'm really humbled by listening to
16 everything that all the people who have been working
17 on working with people in the jail have been saying
18 and I agree with a great deal of what they said and
19 what they recommend. So, I only want to say that you
20 have heard the horrific wave of deaths of people
21 incarcerated at Rikers in the last few months. You
22 have heard the horrendous conditions that our state
23 representatives described. How can we not understand
24 the violence of some prisoners when we hear the
25 conditions they are living under? The Mayor, Judges,
DA's and City Council must fully decarcerate now.

3 Because the city is not able to keep people alive or
4 healthy or meet their most basic needs. Everyone in
5 the jails must be released and not one more person
6 should be sent to city jails. The city can no longer
7 send people to an island, lock them in their cells
8 without access to food or medical care and leave them
9 to die without them or their families ability to do
10 anything about it.

11 The Mayor, Judges and DA's must release people
12 and stop sending people to Rikers and the City
13 Council must pass any and all legislation that can
14 help this decarceration. Thank you.

15 COMMITTEE COUNSEL: Thank you. Uhm, we're going
16 to try Jared again.

17 SERGEANT AT ARMS: Time starts now.

18 JARED TRUJILLO: Hi, can you hear me?

19 CHAIREPRSON POWERS: We can hear you. There you
20 go.

21 JARED TRUJILLO: Okay uh, good afternoon Chair
22 Powers, Committee Members. Thank you for allowing me
23 to speak today. My name is Jared Trujillo, I am
24 Policy Counsel at the New York Civil Liberties Union.
25 And while a lot of my testimony is going to focus on
the lack of notice for this hearing, uhm, I did want

3 to bring up a few points before. First, a lot of
4 people from the city have spoken about the need to
5 pass the Less is More Act and pushing on the Governor
6 to pass the Less is More Act. I just want to be very
7 specific. The effective date for the Less is More
8 Act is March 2022.

9 So, if folks are pushing on the Governor to pass
10 the Less is More Act, which is just one of many tools
11 that are needed to address the humanitarian crisis at
12 Rikers. It is just as imperative that forth
13 immediate implementation and that there are not
14 further amendments to the bill that was passed by the
15 legislature in June.

16 Also, just briefly, I wanted to note that even
17 the Less is More Act is important, there are still
18 very intentional policy failures which has led to the
19 humanitarian crisis at Rikers. That's the Mayor's
20 inability, a refusal to release people on 6A. Every
21 time that DA's ask for bail that people cannot
22 afford, that is a policy failure. Every time the
23 judges set bail that people cannot afford, that is a
24 policy failure.

25 COBA, who just in this very hearing, was asking
for more people be placed in solitary confinement.

3 While people are sitting in feces at Rikers. That
4 was a policy failure. And then there were so many
5 power policy failures that happened when any member
6 of government enables law enforcement to, to talk
7 about, to spread misinformation about bail reform.
8 And to spread misinformation about rising crime
9 rates.

9 I see I only have about ten seconds left. I just
10 want to know that this meeting was initially supposed
11 to be in-person and in-person hearing. Uhm, at the
12 very last minute -

13 SERGEANT AT ARMS: Time expired.

14 JARED TRUJILLO: This was changed to being a
15 virtual hearing. People had almost no notice. That
16 violates the open meetings law. There is no reason
17 for this meeting to have been changed to being a
18 virtual meeting with affectively no notice to
19 advocates that depressed who actually did speak. And
20 finally, I'm wrapping up.

21 I'll just note that that looks particularly
22 nefarious given the fact that on September 11th, the
23 Mayor tried to stop law makers from visiting Rikers.
24 Uhm, a few days later, the Chief Medical Examiner
25 released his letter and given everything that's going

3 on, the City Council should really care about
4 transparency and given the lack of notice for this
5 meeting to be virtual, it appears that that is not
6 the case.

7 CHAIRPERSON POWERS: Thank you. I just want to
8 comment on that last part because we are obviously
9 going through the Delta variant. We have been given
10 to authorities to remote. A lot of people wanted to
11 attend, some who could not make it in person and we
12 had to do a lot of pushes of things and this hearing
13 is I think, I believe important in access and
14 availability for people.

15 I do apologize if you did not receive enough
16 notice to you know change any plans. I definitely do
17 think this offers the opportunity for more people to
18 participate at a 10 a.m. hearing in person. But
19 we'll apologize and ask the City Council [INAUDIBLE
20 3:18:34]. Otherwise, thank you for the testimony.

21 COMMITTEE COUNSEL: Uh, next, we will hear from
22 Melania Brown followed by Scott Paltrowitz followed
23 Victor Pate.

24 SERGEANT AT ARMS: Time starts now.

25 MELANIA BROWN: Hello everyone. First, let me
just say that the victims and the loved ones should

3 have went at the beginning because now, everybody is
4 going. So, who are we really speaking to? That's
5 one. Now, two, I'm going to start off with Ms.
6 Clark. We all heard when she said, some people
7 should be treated like humans, right. We all heard
8 that right?

9 So, I guess my sister did not deserve to be
10 treated like a human right? My sister Layleen
11 Polanco, got on June 7, 2019, in solitary confinement
12 and Ms. Clark watched her two correctional officers
13 open up the cell and laugh at my sister like she was
14 garbage and closed the door. And then, released a
15 statement that she was not going to press charges on
16 her correctional officers.

17 So, everything that she just said today is making
18 more sense to me. She does not care about the lives
19 of these individuals, our neighbors, our loved ones
20 that are incarcerated right now. She does not care
21 about them. Her main concern is her CO why?
22 Because she gets funded by the DOC. That's why.

23 My sister deserves to be here today. She
24 deserves to be here today and Benny, all this
25 jabbering that he does about his correctional
officers, they are out on sick leave but they are

3 taking vacation. What they are doing is using the
4 pandemic alright. The crisis that we're facing to
5 their advantage. The crisis that's going on at
6 Rikers Island to their advantage. There is no
7 testing that they are doing. Asking the correctional
8 officers to give them a test to see if they actually
9 are sick or contracted COVID. There is no test as
10 you heard, they even said a deal is not mandatory for
11 none of the employees to get vaccinated.

12 We're talking about people are in cells and
13 bathrooms, sleeping on feces, on pee, these are
14 humans we're talking about. Enough is enough. Like,
15 I mean, this right here, I've been here logged in
16 since ten o'clock in the morning.

17 SERGEANT AT ARMS: Time expired.

18 MELANIA BROWN: And I was dying to get - excuse
19 me Rosie, the reporter gave me her two minutes.

20 CHAIRPERSON POWERS: You can keep going. Keep
21 going.

22 MELANIA BROWN: Thank you. I've been dying to
23 get on this line and speak to people but people kept
24 just logging off. Now, the CO, like I said, the CO's
25 officers, they aren't scared. They are abusing the
pandemic. Abusing the crisis that's going on in

3 Rikers Island. Also, hiring more NYPD, the same
4 individuals that are out there right now killing
5 people and getting away with it, hiring them to
6 become correctional officers in our facility, do you
7 think that will really make a change? That won't
8 stop people from suffering. That will make it worse
9 for them. That's the next one.

10 Now, let's not talk about - let's talk about
11 actually, let's talk about how the City Council, the
12 City Council banned the medical officer from
13 testifying today after he said we needed outside
14 help.

15 CHAIRPERSON POWERS: I just want clear; we did
16 not ban anyone.

17 MELANIA BROWN: Okay, alright, my apologies for
18 that. I'll take that back.

19 CHAIRPERSON POWERS: Everybody is allowed to sign
20 up.

21 MELANIA BROWN: Okay, I'll take that back. But
22 now, with the mass incarceration, this is when no one
23 is paying attention too. The feds are just building
24 cases and throwing conspiracy on people and throwing
25 them in city jails and, and, and, in county jails and
they are not even being part of - these individuals

3 that are incarcerated in these facilities, they are
4 not even being accountable for the BOP. They are
5 not.

6 So, nobody talks about that. Nobody talks about
7 how they could sweep the nation and throw everyone
8 behind bars. No one talks about how they are not
9 even in federal jails. They are being thrown in city
10 jails. They are being thrown in county jails and
11 these individuals, these loved ones are our
12 neighbors, which most will call them inmates but they
13 are not, they are humans. They are not being
14 accounted for in the BOP. Now, if that's not a
15 concern that people should look into, I don't know
16 what else is.

17 Now, like I said, hiring new officers was not
18 going to save my sister. My sister would have died
19 either way. Why? Because of the neglect. The lack
20 of sympathy. Mrs. Clark just came on here and I
21 almost wanted to go through the screen. One day, me
22 and her will have our day where I will be able to let
23 her know all these emotions that I'm holding inside.
24 But it was no secret to no one on this call when she
25 said, some, some should be treated like a human. We
all heard that right? Why? Because she does not

3 care about these individuals. As long as she keeps
4 getting funded by the DOC, she is going to keep
5 turning her back. She is a disgrace to my kind. She
6 is a disgrace. What she did to my sister, I will
7 never in my lifetime forgive that woman and my day
8 will come where I will sit down with her and I will
9 tell her exactly how I feel.

10 This is enough. Why are we still here when we
11 see the problem right now as we are holding this
12 meeting since ten o'clock in the morning, there is
13 someone right now trying to kill themselves. There
14 is someone right now sleeping on the floor calling
15 for their mother, calling for their brother, calling
16 for anybody to come rescue them. God.

17 There is nobody. You heard legislators talk
18 about the conditions in this facility. You heard how
19 the DA Clark basically said she doesn't care about
20 them. Only some people should be treated like
21 humans. Okay, we hear how Benny comes on here and
22 despite of him knowing that his correctional officers
23 are wrong and taking the proper precautions of making
24 sure that they do their job, he comes on here every
25 single time and makes, and makes excuses for them.

3 While these people are dying, his correctional
4 officers are using a pandemic and using the crisis
5 that we got on hand right now to take vacation time.
6 This is not okay. This needs to end. I mean, I
7 don't know how clear today - well, today was very
8 clear to me. It was very clear to me. It was Black
9 and White. It was right there. It doesn't need to
10 go on a piece of paper. We've been in this meeting
11 since ten o'clock this morning. These individuals do
12 not care about our loved ones sitting behind those
13 walls. They do not care and it is our job to end
14 this, okay.

15 You want to talk about Correctional Officers
16 getting hurt, but please explain to me how many got
17 killed because my sister is dead. How many are dead?
18 I mean, I'm pretty sure when you take a job, they
19 give you your job description. They tell you that
20 you may get hurt on the job, just like with cops.
21 They tell you these things. So, if this is not the
22 job for you, then you need to find another one. You
23 need to find another one because there is no excuse
24 as to why these humans are being tortured. It is not
25 our job to judge them and what rehab? What rehab are
jails doing? All you guys are doing - all they are

3 doing is creating monsters. They are going to come
4 out in the society one day. They are going to be
5 around our children. They are going to walk around
6 our parks. They are going to be in the movie
7 theatres. They are going to be in the mall and the
8 supermarket after coming out of a trauma that
9 happened to them behind those walls. They are
10 creating monsters yet they want to complain about how
11 people react.

12 Let me tell you something, when someone doesn't
13 feel like they are being heard, they start causing
14 riots. That's just in our nature. They start
15 causing riots. Until these correctional officers
16 start being held accountable for their actions, this
17 will keep happening. This crisis will keep going on
18 and on and on and on. It's just that now, these
19 loved ones, our neighbors are sitting behind those
20 walls, they come to a point that they are causing
21 riots. They are killing themselves. They are doing
22 whatever it takes. Whatever it takes to bring light
23 into their situation. That's what they are doing. I
24 mean, what do you expect them to do? Just lay there
25 and get beat. Lay there and die.

3 CHAIRPERSON POWERS: I want to - I want to give
4 you a lot of time to speak but I just want to make
5 sure we can get to other folks. I'm not trying to
6 cut you off but -

7 MELANIA BROWN: No, I get it and other people
8 should deserve to talk because we've all been on this
9 call since ten o'clock in the morning.

10 CHAIRPERSON POWERS: Yeah, I apologize for the
11 long hearing.

12 MELANIA BROWN: No, it's okay and I do appreciate
13 you guys giving me your time but seriously was
14 everything was really clear right now. They make
15 excuses for the CO's and they are saying that only -
16 that DA Clark says, only some humans are - some
17 people behind those walls should be treated like
18 humans. That means the rest are not humans to her.
19 That means to me, it was a clear message that my
20 sister was not a human to her. When she decided not
21 to press charges after I released the video through
22 NBC news of her correctional officers laughing at my
23 sister when they opened that cell. When they could
24 have helped her. Thank you Councilman Powers.

25 CHAIRPERSON POWERS: Thank you. Appreciate as
always your words.

3 COMMITTEE COUNSEL: Next, we will hear from Scott
4 Peltrowitz followed by Victor Pate followed by Johnny
5 Perez.

6 SERGEANT AT ARMS: Time starts now.

7 SCOTT PELTROWITZ: Thank you Chair Powers and
8 everybody for holding the hearing. I am just crushed
9 you know by the weight of harm and death discussed
10 today. It cannot be said enough that at least ten
11 people are dead in the last nine months because our
12 city and state institutions killed them.

13 People being locked in solitary confinement in
14 showers amidst their own feces or in supposed suicide
15 watch units without anyone watching. People not
16 getting food or medical care. People being stuffed
17 in crowded intake cells in the midst of a pandemic.
18 I know and appreciate that so many of you officials
19 and policy makers also feel that weight and I only
20 hope that the actions taken at every level, rise to
21 the gravity of this deadly crisis.

22 I'm just going to highlight two urgent and
23 necessary of those action steps. First, the city
24 must release every person in its jails that it is
25 capable of doing and not send one more person there.
We cannot have a government program that takes people

3 and locks them in an environment in which its own
4 Chief Medical Officer says exposes them to the risk
5 of death and in fact, continues to cause death. We
6 are all responsible for each of the ten people who
7 died this year and we all must do everything in our
8 own power as so many people have highlighted today to
9 stop the horrors and get people out. The Mayor, the
10 Commissioner, DA's, Judges, Council Members, state
11 law makers, all have the power to get people out of
12 these jails and you must do everything that is within
13 your own power to do so. Do what you can do.

14 Second, and as one thing the City Council can and
15 must do immediately is to amend and pass legislation
16 to end all forms of solitary confinement and utilize
17 alternatives that are proven to actually reduce
18 violence and improve the health and wellbeing of
19 everyone. Whatever it is called, a shower cell,
20 RMAS, whatever the name. If someone is locked alone
21 in a cell, it is solitary, it is violent, it causes
22 devastating -

23 SERGEANT AT ARMS: Time expired.

24 SCOTT PELTROWITZ: It worsens violence in jails
25 and outside communities and it must finally end by
City Council legislation. You have the power to do

3 it and you must do it immediately. There are
4 programs that involve separation without isolation.
5 Like caps that already exist in the city jails and
6 the RSVP program in San Francisco jails that have
7 been proven to be so much more effective to actually
8 reduce violence. If we're actually concerned about
9 safety, use these programs that work while they also
10 improve peoples wellbeing.

11 Just one example and I know my time is up. The
12 RSVP program involves people who had carried out
13 assaults, sexual assaults, other actions labeled as
14 "heinous." And yet over a one year period that it
15 was studied. Violent incidents in that program
16 dropped to zero. So, we know what works. Let's do
17 it. I appreciate what Council Member Powers said
18 earlier about the Mayor's Office doing what is in
19 their control. I now urge the City Council to do
20 what is in your control, amending and passing this
21 legislation has been long overdue. Brandon Rodriguez
22 is dead because he was locked in solitary confinement
23 in a shower and left to die and he was 25-years-old
24 and he is just one of the ten people who have died in
25 the last nine months. It is long past time to
address this crisis. The city has literally killed

3 New Yorkers with its jails and it cannot continue to
4 do so. And everyone must do what is in your power to
5 decarcerate immediately to end solitary, to end
6 medical neglect, to end abuse and to address this
7 humanitarian crisis. Thank you.

8 CHAIRPERSON POWERS: Thank you. Thanks Scott.

9 COMMITTEE COUNSEL: Next, we will hear from
10 Victor Pate followed by Johnny Perez followed by
11 Eileen Maher.

12 SERGEANT AT ARMS: Time starts now.

13 VICTOR PATE: Good afternoon. Thank you Council
14 Member Powers for creating this platform to hear from
15 the voice of the people. My name is Victor Pate, New
16 York Statewide Organizer for Halt Solitary
17 Confinement Campaign formerly incarcerated. Healing
18 survivor of solitary confinement. September 1971, I
19 was incarcerated on Rikers Island and to think 50
20 years later, I'm hearing horror stories, horrific
21 stories of things that are going on at Rikers Island
22 that was going on then. Not much has changed from
23 1971 to now. In light of the Attica riot, in light
24 of the conditions that led to the Attica riot.

25 We are still living in these inhumane conditions
that people should not be living in. We heard these

3 stories. We heard the same stories. I don't want to
4 be repetitive but all I can say is outrage. I am
5 sick. I am tired. To listen to the stories and fear
6 and horrors of things that are happening to our
7 fellow human beings at the hands of other human
8 beings. We need to decarcerate. We need to really
9 truly end solitary confinement. I heard both CCO
10 tell a bold face lie that solitary confinement had
11 been ended. He lied, it has not ended and if they
12 tell you that it has, they have deceived the public.
13 They have deceived this panel and they should be
14 fired and they should not be allowed to hold the
15 position because they are not people of moral
16 principle. If they believe and tell the people that
17 they have ended solitary confinement and they have
18 not, it is a blatant lie.

19 It is just reprehensible. It is morally
20 reprehensible to think and hear of the stories that's
21 going on to our fellow human being. I happened to
22 visit Rikers Island the week before last.

23 SERGEANT AT ARMS: Time expired.

24 VICTOR PATE: I'm sorry, I have to finish this
25 statement. I visited AMKC. I spoke personally with
the people in there. Horrible. They are living in

3 conditions where you have up to 80 people in the
4 dorms. They do everything in the dorm. They are
5 living in solitary like conditions. No recreation,
6 no religious services, no counseling, no medical care
7 or nothing. I happened to visit the women's facility
8 yesterday, at Rose M. Singer, hearing the same
9 stories from the women. No recreation. I was almost
10 a witness to an incident where the people were asking
11 and begging the correction officers for recreation of
12 which they never got. Where I seen the squad was
13 ready to roll in the dorm and subdue only because
14 they was asking for recreation.

15 What I say to you, you have the power to make
16 policy, to make things happen. Each and every one of
17 you should visit Rikers Island. You should not allow
18 this continuation of human rights abuse to continue.
19 Thank you.

20 CHAIRPERSON POWERS: Thank you.

21 COMMITTEE COUNSEL: Now, we will hear from Johnny
22 Perez followed by Eileen Maher followed by Dr.
23 Minister Victoria Phillips.

24 SERGEANT AT ARMS: Time starts now.

25 JOHNNY PEREZ: Hey good afternoon everyone. My
name is Johnny Perez, I work as a Director of the

3 United States Prison Program for the National
4 Religious Campaign Against Torture. We're comprising
5 more than 300 religious organizations and today my
6 remarks reflect over 75,000 leaders we represent.

7 I'm also a person who's been directly impacted by
8 the system having spent a total of 13 years in
9 prison. Three of those years in solitary
10 confinement, much of that time on Rikers Island C74
11 OBCC NBBC. I want to be clear about the fact that
12 the Mayor, the City Council and the DOC has a
13 responsibility to protect the people with race,
14 social class, sexual identity and yes, even those who
15 mentally transgress against society.

16 They continue sending people into known imminent
17 danger on Rikers Island as it was made very clear
18 today. We can all agree that Rikers Island is
19 dangerous but to know that it is dangerous and then
20 to continue sending people there is not only a
21 miscount of justice but a direct contradiction to the
22 offer which all of you legislators who are still
23 hear, for the one or two that are still here, taken
24 into office.

25 We heard some of the names before we, actually we
really didn't even mention the names throughout this

3 hearing. We've been talking about officers jobs and
4 their benefits and bringing more officers and
5 everybody is judging, nobody is talking about the
6 people. Nobody is talking about how Richard Blake
7 died after telling the staff he wasn't feeling well.
8 Nobody saw how Robert Jackson died while locked in
9 solitaire for 15 hours and I'm going to tell you, I
10 spent three years in solitary confinement and that is
11 the worst.

12 You do not have a right. When you have complete
13 control of another human being, you are caring
14 custody and control. You don't have a right to
15 neglect them. It's a felony. It's a felony. Ask me
16 how I know that. It's called neglect. If I have my
17 daughter locked inside her room for 24 week on end -

18 SERGEANT AT ARMS: Time expired.

19 JOHNNY PEREZ: I would literally be facing; I
20 would literally be facing time and we can talk about
21 the time. Because I think how the department and the
22 human respondent to the time is just a glimpse Mr.
23 Powers. When they spoke over you, I saw that vein on
24 your forehead, you didn't like that. When he cut you
25 off, when he didn't let you talk, now imagine if this
person was under your complete control, you wouldn't

2 feel safe. Nobody here would feel safe, we saw that.

3 We felt, in fact, we felt that. We also felt when

4 Melania said when she said, some people - DA Clark

5 said deserved to be treated like humans, some but not

6 all. We're not reaching. This is a reflection of

7 what we're dealing with. And the only thing I can

8 agree with is that yes, this has been happening for

9 years. So, it makes us feel like what are we doing?

10 We organized, we put you people in position to

11 represent the people and you turn around and give the

12 entire meeting to DOC and the effected people last.

13 Where is DOC now? Who cares about the people? Where

14 are the rest of the Council Members who care about

15 the people? Somebody just checked off again, look.

16 Right, because the advocates, the folks who are at

17 most harm who are the bottom of this conversation are

18 always left to the end. And then oh, look at him,

19 he's animated.

20 You know, if your son died, you'd be animated

21 too. I heard oh man, I'm sorry about the meeting

22 here and you know what? Say sorry to the families.

23 I'm still alive. Right, the City Council can no

24 longer send people to Island, lock them in a cell

25 without access to food and medical care and access to

3 the courts and leave them to die without their
4 families ability to do anything about it. If you are
5 a parent, you feel me right now. If your son or your
6 daughter was in a position and you couldn't help. We
7 do not need to expand the failure of this system
8 right and the answer is not more punishment, neglect
9 or reopening any more facilities that are centered on
10 punishment. The only way to keep our existing staff
11 and our family members safe is by investing
12 legislation that increases the rate of decarceration.
13 And my colleagues already spoke about that. This is
14 nothing new.

15 The city wants to - I am going to confirm was
16 amending legislation to truly and solitary
17 confinement. [INAUDIBLE 3:30:56] that they, they
18 said no solitary. So, all those odd numbers. I know
19 I'm not the only person who saw it. I'm almost done.

20 CHAIRPERSON POWERS: Alright, thanks. Alright,
21 thank you.

22 JOHNNY PEREZ: So, we need to make sure that we
23 hold them accountable. Lastly, because and I
24 appreciate the apologies but when you change a
25 meeting without little to no notice, people get
excluded. So, lastly, I'm going to add two sentences

3 from two mothers who will not be able to come here
4 because as a result. Really short and only two
5 sentences. It says Mr. President I'm writing because
6 my brother is at Rikers Island jail. He told me that
7 there are people starving now cutting each other.
8 Sex abuse, my brother is in danger. No officers
9 there. He says after 12 a.m., my brother says the
10 purge begins. I know I'm not the only one that seen
11 that movie. And I fear for my brother's life. I
12 hope this message reaches to those who it has to go.

13 Written from the second mother. There is so much
14 corruption there. You are locked for 23 hours a day
15 most days, [INAUDIBLE 3:31:23]. The girls are
16 withdrawn and thrown in a cell like garbage and left
17 and never being checked on.

18 Leaders have to really ask themselves why did we
19 take this job? It's not about jobs. It's about
20 people and this is definitely not about politics,
21 this is about the truth. Thank you Council Member.

22 CHAIRPERSON POWERS: Alright, thank you. Thanks.

23 COMMITTEE COUNSEL: Now, we will hear from Eileen
24 Maher followed by Dr. Minister Victoria Phillips
25 followed by Donna Hylton.

SERGEANT AT ARMS: Time starts now.

3 EILEEN MAHER: Good afternoon and thank you for
4 allowing me to speak today. My name is Eileen Maher,
5 I'm an Organizer with the Justice for Women's
6 Taskforce and I'm also a Member of Halt Solitary and
7 a Civil Rights Union Leader with Vocal New York. I'm
8 a woman who has been formerly incarcerated spending
9 over 14 months at Rosie's on the Island prior to
10 drafting upstate. I've been a long time advocate for
11 all of my past and present incarcerated sisters at
12 Rosie's as well as my male and male identifying
13 brothers behind the bar, behind those bars.

14 A few weeks back, I had the opportunity to tour
15 part of the Rose M. Singer Center and to be blunt, I
16 feel it was a horse and pony shop. Some nicety such
17 as the implementation of new programs and services
18 were paraded in front of us in the hopes of curbing
19 our complaints and putting on a good show.

20 However, it only reinforced my passion and
21 calling to advocate for my sisters. Frankly, I
22 didn't see anything had changed since my departure
23 from Rosie's six years ago and the COVID epidemic has
24 only heightened those poor conditions. I met and saw
25 women and female identifying women who are living in
units without properly working HVAC systems and a

3 steady infestation of insects and black mold, an
4 epidemic that can only be remedied via trained mold
5 removal specialists. [INAUDIBLE 3:32:31] no longer
6 works if they are even getting it.

7 Women confided in me then as well as prior to and
8 following my visit as recently as this past weekend
9 that they are not getting sanitary products, AKA
10 Kotex on a consistent basis and sometimes not at all.
11 Some officers, when they can get a hold of one to ask
12 have even resorted to asking the women for "proof"
13 that they require a new pad. Via showing the said
14 officer a fully used and soaked product.

15 SERGEANT AT ARMS: Time expired.

16 EILEEN MAHER: They had to show a CO a personally
17 used pad soaked in blood. Women are not receiving
18 routine and emergency medical care including mental
19 health care, finger sticks, medicine for diabetes and
20 hyperglycemic medication and anything else under the
21 son. In fact, a woman has recently confided in me
22 that as a means to treat chronic pain from Cycocel
23 disease, they wanted to give her methadone rather
24 than the nonnarcotic pain reliever she has used with
25 success for the entirety of her life.

3 And she has never had a history of using any
4 opiates, making it dangerous for her to use the
5 methadone. And yes, sexual assaults are on the rise
6 at Rosie's. However, these assaults are being
7 perpetrated by CO's towards the detainees. This was
8 rampant six and a half years ago, 60 years ago and
9 today. And yes, there are chronic and excessive
10 instances of short staffed and officers working
11 triple shifts as well as units going without staff
12 for entire shifts. As a result of this, individuals
13 are locked in their cells for days at a time with no
14 human contact, living in their own feces, no showers,
15 medicine, food, etc., etc.

16 Thus creating an on the spot solitary confinement
17 unit, AKA the Bing. Something that is now supposed
18 to be illegal. However, have you ever heard of the
19 blue flu? Myself and many of my comrades firmly
20 believe that the AWOL's and utilization of sick days
21 are preplanned with the blessing and orchestration of
22 the officers and COBA. This must be stopped and they
23 must be held accountable.

24 CHAIRPERSON POWERS: I need you to wrap up.
25 Thanks. We have a lot of folks left.

3 EILEEN MAHER: I'm almost finished. These
4 individuals detained are our mothers, brothers,
5 sisters, and brothers. They are not convicted but
6 regardless, they are still human beings. No humans
7 should be treated in such a manner whether it be by
8 accident or with intention and with the epidemic of
9 the officers using their blue flu, it becomes
10 intentional. And this on top of an international
11 pandemic of a highly infectious virus.

12 In conclusion, I am appealing to the city and
13 state to step in and remedy all of these actions
14 inside Rikers Island, Rosie's and the borough jails
15 that I have just described. I also urge the signage
16 and passage of Less is More and the abolition of cash
17 bail. Thank you.

18 COMMITTEE COUNSEL: Next, we will hear from Dr.
19 Minister Victoria Phillips followed by Donna Hylton
20 followed by Leah Faria.

21 SERGEANT AT ARMS: Time starts now.

22 DR. MINISTER VICTORIA PHILLIPS: Peace and
23 blessings everyone. Can you hear me? I see some
24 acknowledgement. Can you hear me yes?

25 CHAIRPERSON POWERS: We hear you. We hear you.

3 DR. MINISTER VICTORIA PHILLIPS: Okay, thank you.

4 So, first I'd like to point out on the record, well,
5 my name is Minister Dr. Victoria A. Phillips and that
6 wasn't actually put on today. I had to put a sign up
7 to have my credentials added. But I would like to
8 say I'm from the Jails Action Coalition. Longtime
9 member just for women taskforce and many other
10 coalitions around the criminal legal system and
11 fighting for your constituents rights.

12 Uhm, I'd like to point out today that if White
13 people were detained or the majority working on
14 Rikers were White, this conversation wouldn't even
15 need to be had. Let's be clear on that and we do
16 need to decrease population, clear the drums out, get
17 the officers back, and have DOC follow minimum
18 standards.

19 And so, I want to say that I actually sat on DOC
20 Board for the last six years and now, I'm Co-Chair
21 for the young adults taskforce. So, for all a decade
22 now, I've come before City Council providing direct
23 unknown facts and stats regarding all that are
24 detained or work behind New York City DOC walls. I'm
25 disgusted at this Council today. Where three Council
Member females, one Council Member male asked about

3 sexual assaults regarding staff, yet not one of you
4 asked about sexual assaults regarding the detained.
5 And you know, what's crazy? I've testified before
6 City Council regarding this exactly and today for the
7 first time, you had DA Clark right here on the Zoom
8 with us and none of you asked her about this. Over
9 600 cases are brought to you several times on the
10 record from 2018, that she testified April 2019
11 regarding the PREA in front of BLC and said over 60
12 percent of that over 600 cases were against officers.
13 How many has she followed up on to City Council or
14 the Board of Correction. I'm still waiting for those
15 numbers. Today, Council Member Powers, no disrespect
16 but I'm disgusted with you as well.

17 SERGEANT AT ARMS: Time expired.

18 DR. MINISTER VICTORIA PHILLIPS: Because you know
19 - is one of two medical doctors on the oversight for
20 DOC yet, you cut him off. You silenced him when his
21 entire testimony should have been placed on the
22 record. Lives are being uhm, lost because of this
23 and I really want you to understand this because in
24 2021, detained still can't call City Council. So,
25 City Council is not going to Rikers in the boat they
way they should. How are the people that's being

3 detained in violations and have their human rights be
4 unviolated reaching out to City Council if you are
5 not going to them?

6 Five years ago, I testified in front of you
7 Council Member Powers to increase DOC's budget. Why?
8 So officers could take people to programming and so
9 investigation units could expand themselves to
10 actually do proper investigations. They all have
11 fallen short pre-COVID. So, now COVID is an excuse
12 but it cannot be allowed.

13 And lastly, I want to point out that we talk
14 about the deaths. Today was supposed to be about the
15 conditions in Rikers. You could have given part of
16 the meeting for officers but not the entire meeting
17 and not speak about the detained.

18 And I want to point out, the new units for
19 solitary are supposed to open November 1, 2020, yet
20 DOC Commissioner and all underneath him have told
21 you, they have no control of the jails. Their
22 officers are not showing up. We have two people in
23 2021 that died in solitary. One person in 2021 had
24 died in the MO unit and yet you are still not ending
25 solitary confinement in New York City, allowing DOC

3 to open up a new solitary unit and you have blood on
4 your hands.

5 Five people have passed away this summer. In
6 June 2021, I asked the BOC Chair how many more people
7 have to die under her hand. I want to ask City
8 Council, why is the Chair still the Chair at DOC when
9 she comes late and she leave early. She has never
10 sat in a full meeting this year alone and she has no
11 follow up and five people have died this summer under
12 her watch. Make change. Do your jobs. Step up.
13 Now is the time and actually listen to us before
14 another death happens. You are thanking people like
15 this is all new but incarcerated individuals have
16 come to you, poured their hearts out. I've come to
17 you poured my heart out and you do no follow up.
18 Shame on all of you and blood is on all your hands.
19 Peace and blessings.

20 COMMITTEE COUNSEL: Next, we will hear from Donna
21 Hylton followed by Leah Faria followed by Audrey
22 Johnson.

23 SERGEANT AT ARMS: Time starts now.

24 DONNA HYLTON: I don't know what else could be
25 said behind Dr. V. But my name is Donna Hylton(SP?).
I'm not even going to go into any roles or anything

2 like that right now because it doesn't make sense.

3 I'm preaching to the choir, the same choir. So, the
4 choir that's left, I'm going to direct this at you.

5 Keith, we've been talking about this for years now.

6 Since I came out nine years ago, I've been testifying
7 and talking about Rikers Island since what 2013,

8 2014. I don't know what else to say. I'm just

9 saying this, you have the power in your hands to

10 remove the Mayor who right now is a public health

11 problem. We have ten deaths in nine months and no

12 one is really talking about that. Everybody has

13 left, no one wants to hear anything. We have

14 families of people sitting here right now who should

15 be heard. They should have been first. Forget about

16 everybody else.

17 If I committed a murder, you want to so,

18 something with me. So, I am saying now, I'm

19 challenging you to do something with our city

20 government. It's inhumane and it's cruel. De Blasio

21 has to go like everybody else. The Deputy Mayor that

22 was talking, half of what he was saying didn't even

23 make sense. He had do stats. He was running around

24 circles and thought that we were going to fall for

25 it. We're not falling for it. It's too much.

3 So, I'm saying circumvent the crime bill. The
4 money that was poured into the police unions and law
5 enforcement and everything else, circumvent that.
6 Put monies into communities in the programs that can
7 help the people. We have people right here doing the
8 work. We have organizations that are better able to
9 support and serve the people that are on Rikers
10 Island being murdered and being slaughtered. Being
11 abused, being victimized. It's not just that we feel
12 for the officers, we feel for them. They are the
13 same people in our communities but don't tell me that
14 right now, we're going to allow people to use COVID
15 as an excuse, as an excuse to exacerbate the inhumane
16 conditions that we know that's Rikers Island. Shut
17 that island down. We don't need to wait till 2027.
18 Shut it down.

19 SERGEANT AT ARMS: Time expired.

20 DONNA HYLTON: And we should do that right now.
21 This Council has the power to do it. Those of you
22 that are left, mimicking Dr. V right now. Those of
23 you that are left, you know what we can do. We've
24 been saying this for years. We're tired of saying
25 this. No more, enough is enough. These are
murderers. Exercise your power. This is a public

3 health crisis. This Mayor is a public health threat.
4 Shut that island down and decarcerate and get rid of
5 de Blasio right now.

6 CHAIRPERSON POWERS: Thank you.

7 COMMITTEE COUNSEL: Next, we will hear from Leah
8 Faria followed by Audrey Johnson followed by Betsy
9 Ramos.

10 SERGEANT AT ARMS: Time starts now.

11 LEAH FARIA: Good afternoon, my name is Leah
12 Faria and uhm, I'm here as a person that's formerly
13 incarcerated and we heard a lot of testimony today, a
14 lot of blah blah. From you know, politicians they
15 came forth and spoke about issues that you know
16 really affected more of the staff. The correction
17 officers more so than the individuals that were
18 detained on Rikers Island. And in 1997, I was sent
19 to Rikers Island and I spent two years on Rikers
20 Island fighting my case. As the mental, physical and
21 emotional abuse that I endured, you know it
22 traumatized me to the point to where to this day, I
23 feel like I would rather experience death than be
24 incarcerated at Rikers Island.

25 I lived in constant fear for my safety. I
isolated myself in a cell for an extensive amount of

3 time. You know, just because of the condition that
4 was around me. And you know, I was in the situation
5 today and it's sad because you know lives are being
6 lost. Families are being you know destroyed and
7 nobody is here. You know, I'm just baffled at DA
8 Clark and something just has to be done with her and
9 it's just sad to the point to where people continue
10 to be you know saying that it's a problem. Let's
11 change the P into a D and let's get it done. That's
12 what should be done. Rikers Island should be closed
13 by yesterday.

14 You know, I mean, just to think about the history
15 of Rikers Island. You know, you house garbage on
16 Rikers Island, so you're basically saying that human
17 beings, the lives of human beings are worth garbage.
18 You know, that says a lot. That needs to be
19 dismantled and people need to be released. People
20 are being housed there on technical violations and
21 for what, extensive amount of time. It's just
22 ridiculous and it's a straight violation to our human
23 rights. So, I just feel like Rikers Island needs to
24 be shutdown like yesterday. Thank you.

25 CHAIRPERSON POWERS: Thank you. Thank you.
Right on time, your clock, thanks so much.

3 COMMITTEE COUNSEL: Next, we will hear from
4 Audrey Johnson followed by Betsy Ramos, followed by
5 Jordyn Rosenthal.

6 SERGEANT AT ARMS: Time starts now.

7 AUDREY JOHNSON: Uh, yes, my name is Audrey
8 Johnson. You know, I came here to testify. I am a
9 formerly incarcerated woman. I've been out for 24
10 years but it doesn't mean that I wasn't impacted.
11 You know, this has been going on for decades. You
12 know I don't even really want to testify with my
13 personal experience, but what I do want to touch on
14 is the fact and being an echo of what everybody else
15 said, right? Like, we are left last to talk to one
16 another. The [INAUDIBLE 3:40:26] is not here to hear
17 our voice right? So, it's like to me it's a total
18 disrespect. To me personally, I'm taking this real
19 personally. I really am right because I sat here for
20 hours waiting to testify, waiting to be heard. You
21 know because I'm out here but I also have a cousin
22 that's in there that has a mental illness right. His
23 mental illness is not being addressed right. He has
24 been in and out of the prison system but yet still no
25 one addressed the mental illness aspect of it right.

3 So, we sit here to talk to one another but I sat
4 here to listen to the leaders basically argue with
5 each other. That's what they did and I said to
6 myself and I was listening and they're just talking
7 about the dreams and the hope of change. Most are
8 waiting for a new possibility to arise right. We're
9 talking about the Less is More spiel right. Less is
10 More, it should be less talk more action, right?
11 Let's build a foundation here to make change for
12 Rikers Island. Let's start by closing it down.
13 Let's start by you know the parolees right, not being
14 violated just because of a curfew, a two minute
15 curfew and the first thing they do is be
16 incarcerated. Not being a new crime being met. They
17 are being incarcerated you know, because they have
18 drug addiction. They are being incarcerated because
19 they have a mental illness but nobody is addressing
20 the underlying issue and it's been going on for
21 decades.

22 My first incarceration, I was an adolescent.
23 They offer nothing for young -

24 SERGEANT AT ARMS: Time expired.

25 AUDREY JOHNSON: Nothing, nothing. So, I really
don't want to talk to the people that's here right

3 now. I could judge that however is left here that
4 the next one on, we'd do this differently. Like a
5 lot of the people would be heard before everybody
6 else leaves. We sat here a whole eight hours to
7 listen to them and they are not here to stay on the
8 platform and listen to us. That is a total
9 disrespect and if you - you know what I'm saying, you
10 are giving us the opportunity to do something. This
11 is not doing anything. We are only listening to one
12 another. Nothing is being heard. We are not being
13 heard. As a community, you know, we are not being
14 heard. It needs to be changed.

14 CHAIRPERSON POWERS: Alright, thank you.

15 AUDREY JOHNSON: That's the only way change is
16 going to happen. Thank you.

17 CHAIRPERSON POWERS: Thank you.

18 COMMITTEE COUNSEL: Next, we will hear from Betsy
19 Ramos followed by Jordyn Rosenthal followed by Lucia
20 Alonzo.

21 SERCEANT AT ARMS: Time starts now.

22 BETSY RAMOS: Uhm, hello, my name is Betsy. Can
23 you hear me? Can you hear me?

24 CHAIRPERSON POWERS: We can hear you.
25

3 BETSY RAMOS: Okay, my name is Betsy Ramos and I
4 spent a year on Rikers Island 24 years ago awaiting
5 trial. I arrived at Rikers Island over domestic
6 abuse and due to the media publicity surrounding the
7 crime, I was treated horribly. My trauma as a victim
8 of domestic abuse was never recognized by the
9 Department of Corrections while I was there.
10 Instead, I was assaulted by a female correctional
11 officer and rearrested because of the publicity
12 surrounding my case. And as a result of that, I
13 tried to kill myself three times.

14 I was placed in a mental health unit for in depth
15 treatment and the mental health unit recommended that
16 I be given in depth treatment and I be placed in
17 solitary confinement. Department of Corrections
18 overruled that and put me in solitary confinement.

19 Uhm, I never received any type of help for my
20 trauma nor my mental health. 24 years later, nothing
21 has changed in Rikers Island. People are still being
22 assaulted, rearrested for being assaulted. Being
23 denied mental health treatment but most devastatingly
24 still dying.

25 The Department of Corrections and most
specifically Rikers Island has failed to provide a

3 safe and humane environment for those who are placed
4 in their institution. Please, let us not forget that
5 those who are placed in Rikers Island are innocent
6 until proven guilty and should be treated as such.
7 Thank you.

8 CHAIRPERSON POWERS: Thank you. Thank you for
9 the testimony.

10 COMMITTEE COUNSEL: Next, we will hear from
11 Jordyn Rosenthal followed by Lucia Alonzo followed by
12 Daniele Gerrard.

13 SERGEANT AT ARMS: Time starts now.

14 JORDYN ROSENTHAL: Hi, so my name is Jordyn
15 Rosenthal and I'm the Director of Community
16 Engagement at the Women's Community Justice
17 Association. And I want to thank the Chairs for
18 having this important hearing. But more importantly,
19 what I really need to say is that this hearing should
20 have been a visit to the jails themselves that
21 included Rosie's.

22 I have heard people talk about the women. We've
23 heard so little information about the conditions that
24 women are currently facing. I wrote this whole
25 testimony and I will submit that separately but I
want you to also think about the conditions that they

3 are facing. I've heard from an anonymous source that
4 during the really intense weather we've had, it
5 actually flooded in Rosie's. Can you imagine being
6 in a cell and then there starts to be flooding?
7 Thinking like that's another way that I'm going to
8 die. How can you even like - we need to have better
9 conditions. We need to release people. The number
10 of women and gender expansive people who have been
11 detained since the beginning of the pandemic has more
12 than doubled. We need to close the Rose M. Singer
13 Center and I want to have a moment to thank Carlina
14 Rivera, Stephen Levin and Helen Rosenthal for
15 publicly committing and signing on to the Beyond
16 Rosie's Campaign, saying that they want the closure
17 of the Rose M. Singer Center as soon as possible.
18 And I urge you as well Council Member Powers. I know
19 you are an advocate for this and it probably,
20 hopefully haven't seen it but you know, this is
21 urgent. We can start decarcerating. I've seen the
22 data myself as people have said, people are still
23 being held on any misdemeanors who have bail that
24 don't have parole holes. But we shouldn't even be
25 talking about that. There is - we need to put the
violent verse nonviolent binary away and talk about

3 the fact that people are innocent. And even if they
4 aren't innocent, we are talking about human lives.
5 Regardless of what other people may have said -

6 SERGEANT AT ARMS: I thank you and I'm sorry for
7 getting so emotional. I really appreciate everyone
8 who has stayed on and for your time Council Member
9 Powers and if there are any other Council Members or
10 staff people on it. Thank you.

11 CHAIRPERSON POWERS: Thank you. Thanks so much.

12 COMMITTEE COUNSEL: Next, we'll hear from Lucia
13 Alonzo followed by Daniele Gerrard followed by
14 Melissa Taylor.

15 SERGEANT AT ARMS: Time starts now.

16 LUCIA ALONZO: Good morning members of the New
17 York City Council and thank you for the opportunity
18 to testify. My name is Lucia Alonzo and I work with
19 the Women's Community Justice Association. I am
20 infuriated and disgusted. This is despicable. I've
21 been listening all day about people speak about the
22 humanitarian crisis on Rikers but everyone continues
23 to point fingers at each other and not to
24 accountability for their own departments and agencies
25 failings.

3 I keep hearing people being incarcerated, people
4 for the violence on the island but they are the one's
5 dying and being forced to live in inhumane
6 conditions. The answer to stopping the horrific
7 violence on the island is not additional correctional
8 officers but to release people from the island. The
9 city has shown us time and time again that they are
10 unable to keep people alive and healthy and meet the
11 most basic human needs. The city must stop sending
12 people to an island locking them in cells without
13 access to food, medical care, hygiene products and
14 leaving them to die without their loved ones ability
15 to know or do anything about it.

16 In regards to women detained on Rikers; we must
17 close the Rose M. Singer center immediately. The
18 number of women detained has more than doubled since
19 the beginning of the pandemic. Rosie's is a decrepit
20 building that is vulnerable to flooding as seen in
21 the past two severe storms we have had. We have
22 gotten reports from women on Rikers that there is no
23 access to hygiene products including pads and
24 tampons. Leaving people to bleed on themselves and
25 through their clothes. There is no access to mental
health support for weeks at a time and no one to

3 speak to about general health issues. What is meant
4 to be a jail sentence has turned into a death
5 sentence. The Mayor, Judges, DA's and City Council
6 have the responsibility to fully decarcerate now and
7 stop sending people to city jails in order for this
8 crisis to end. Thank you for your time.

9 CHAIRPERSON POWERS: Thank you. Thanks for your
10 testimony.

11 COMMITTEE COUNSEL: Now, we will hear from
12 Daniele Gerrard followed by Melissa Taylor followed
13 by Shadequa Hampton.

14 SERGEANT AT ARMS: Time starts now.

15 DANIELE GERRARD: My name is Daniele Gerrard and
16 I am a Senior Staff Attorney at Children's Rights, a
17 Member of the New York City Jails Action Coalition.
18 As you have heard, people incarcerated in the city
19 jails are suffering a life and death crisis. They
20 are doing without food, water and basic medical care.
21 At least nine have died in 2021 alone. The most
22 recent man to die on Rikers was 24-years-old.
23 Hundreds of correction officers are on sick out or
24 just not coming to work. Violence is way up and nine
25 times higher for young adults than for adults. Youth
report there is more violence than they have ever

3 seen on the island. They also state is there were
4 meaningful programming, there would be less violence.
5 The Commissioner himself has acknowledged the
6 programming and supportive services are not simply
7 tools for safety and security, they are safety and
8 security. The endless finger pointing we read about
9 in the press is not saving lives on Rikers. It is
10 not making incarcerated safe. It is not improving
11 conditions for the correction officers working double
12 and triple shifts to make up for the third of their
13 Co-workers who don't bother showing up at all.

14 Responsible officials have taken action before,
15 must do so again. Early in the pandemic, the number
16 of people incarcerated here dropped by thousands. We
17 urge you to pass legislation immediately to deal with
18 this crisis and should prioritize decarceration,
19 increase mental health diversion, eliminate bail
20 payments and otherwise get as many people out of jail
21 as possible.

22 Data concerning just who is incarcerated, make
23 this legislation critical for the fair, just, and
24 humane treatment of persons accused of crimes in New
25 York City. Ask yourselves, what kind of society
throws thousands of people in jail and then abandons

3 them? You can and you must stop this treatment of
4 our fellow human beings. Especially the more than
5 1,200 who are under 26-years-old and who will surely
6 be scared for life. The time to act, the time to
7 force the Mayor to act is now. How many more people
8 must die before our elected officials take action?
9 Thank you for the opportunity to testify today. I
10 refer you to my written testimony for data and other
11 details.

12 CHAIRPERSON POWERS: Thank you. Thank you for
13 the testimony. Thanks for being here.

14 COMMITTEE COUNSEL: Now, we will hear from
15 Melissa Taylor followed by Shadequa Hampton followed
16 by Messiah Ramkisson.

17 SERGEANT AT ARMS: Time starts now.

18 MELISSA TAYLOR: Hi, my name is Melissa Taylor. I
19 am representing WCJA. I thank you for hearing me, my
20 testimony, Committee and Chairmen. I'm telling you
21 the reports of conditions in Rosie's we are getting
22 are deplorable. Between flooding and way hotter than
23 what you would call humane heat in their cells, you
24 know being you are treated like a caged animal.
25 Would you leave your beloved dog at boarding in these
conditions? No. I know these people are

3 incarcerated but I'm formerly incarcerated myself and
4 I know the normal conditions in that you go through
5 being in Rosie's. These conditions are not
6 acceptable because being locked in a cell alone makes
7 you lose your freedom. Why the torturous conditions
8 on top of all of this? Staff shortages, inmates
9 running around with open wounds? I just can't imagine
10 the chaos. Can you imagine this being the daily life
11 for your relative?

12 CHAIRPERSON POWERS: Thank you. Thanks for being
13 here.

14 COMMITTEE COUNSEL: Now, we'll hear from Shadequa
15 Hampton followed by Messiah Ramkissoon followed by
16 Susan Shaw.

17 SERGEANT AT ARMS: Time starts now.

18 SHADEQUA HAMPTON: Good evening. Thank you to
19 the Chairs and Committee for holding this meeting.
20 My name is Shadequa Hampton and I am here as part of
21 the WCJABR Rosie's Campaign.

22 When it was announced the Rikers would be closed
23 down and that the Renewable Rikers Act will be
24 implemented, I was filled with hope and pride as a
25 New Yorker. I thought we were well on our way to show
how America could truly be the land of the free.

3 Now, it saddens and frustrates me to know that people
4 have plans to reopen two facilities. This is a
5 breach of confidence and we must demand more
6 integrity. Instead of taking an egregiously
7 backwards, I proposed after 317 women in the Rose M.
8 Singer Center a release, as they should have been in
9 2020.

10 We can't continue holding people captive in these
11 increasingly deployable conditions. Flooding, poor
12 air circulation and adequate access to physical and
13 mental hygiene necessities are some of the issues
14 that can be remedied by decarceration and alternative
15 to detention programs. Spend more money to keep
16 citizens locked away is like insulting,
17 counterproductive and embarrassing to say the least.
18 Over crowding is an issue in jail and again, it can
19 be easily solved by the immediate decarceration of
20 Rosie's. Also, getting rid of cash bail is another
21 way to ensure people are not stuffed into cramped
22 cages simply because they are low income.

23 Lastly, investment of affordable, supportive
24 housing programs will decrease recidivism and improve
25 the outcomes for families and communities. I'm
asking we do the right thing for the most vulnerable

3 among us. Starting with the 317 women at Rosie's.
4 Supporting this cohort is a feasible drop in the
5 bucket that signify a commitment to uplifting,
6 healing and reconciliation. It's beyond time to move
7 beyond Rosie's. Thank you.

8 CHAIRPERSON POWERS: Thank you and just while we
9 have a moment, I want to recognize we're - uh, thank
10 you. We've been rejoined by Council Member Riley and
11 of course Council Member Adams and Council Member
12 Gibson are here as well. Thanks so much.

13 COMMITTEE COUNSEL: Now, we will hear from
14 Messiah Ramkisson followed by Susan Shah followed by
15 Wendall Walters.

16 SERGEANT AT ARMS: Time starts now.

17 MESSIAH RAMKISSOON: Chairman Keith Powers and
18 all present. On behalf of the Justice Network, I
19 would like to express my sincerest condolences to the
20 families of the ten lives who are lost. I'd also
21 like to thank you for the opportunity to speak. My
22 name is Messiah Ramkisson and I serve as the Senior
23 Director of Programs and Community Partnerships with
24 the Youth Justice Network.

25 I ask the Council and this city to act with
urgency to keep Black and Brown lives alive on Rikers

3 Island and to put in place a tangible supportive
4 infrastructure, so they may be able to make a life
5 and future for themselves upon being released.

6 Youth Justice Network formally known as Friends
7 of Island Academy, was founded in 1990 on the school
8 floors of EMTC. Where there were 21,000 people a
9 night on Rikers Island. 3,500 of whom were Black and
10 Brown teenagers. Our founders were teachers and
11 advocates who worked inside and outside Rikers and
12 who created an intentional response through the
13 absence of transition and aftercare services for the
14 youngest people in custody. 18-months ago, the
15 COVID-19 pandemic, produced an intentional effort by
16 the city to keep people alive. Literally, by getting
17 them off of Rikers. Through these collaborative
18 efforts and multiple points along the case process,
19 daily population at Rikers dropped to below 3,809 on
20 April 29th. The city's lowest since the 1940's.

21 Last night the census was 6,082, nearly 1,100 of
22 those people are between ages of 18 to 25. We must
23 keep the close of Rikers Island on track. Today, we
24 can take intentional, swift and collective action to
25 reduce the average of the population by reducing
admission and accelerating the releases. I recommend

3 this to our responders. Release any young person who
4 is not otherwise demanded by the courts and has a
5 cash bail that they cannot post by expanding use of
6 supervised release. Release any person who is held
7 on a technical parole violation, reducing the number
8 of technical parole violators -

9 SERGEANT AT ARMS: Time expired.

10 MESSIAH RAMKISSOON: Please give me a few just to
11 wrap this up, I'll make it fast. Reduce the number
12 of technical parole violators will reduce the number
13 of technical parole violators. Will reduce the
14 population by 272 people.

15 Governor Hochul can immediately take action by
16 signing the Less is More legislation. Invest in
17 private resources and work with the city and DOC to
18 build on alternatives to detention, pending
19 disposition of the case process. Especially during
20 the pandemic. Clear bureaucratic pathways. The city
21 justice agencies contract with many exceptional small
22 and medium sized organizations who stand ready to
23 help. Accelerate in the process of payments and
24 contracts to the organization so they can devote all
25 their energies to the job at hand and to meet payroll
or laying off Committee Staff.

3 Speed intake and service connection. Do not
4 allow young people to languish in intake and
5 admissions units and connect it immediately to case
6 process and triage services to determine whether
7 early bail advocacy can help secure their release.
8 Invest in community based reentry, access to in
9 custody programs and services, mental health
10 services. Last but not least, use data about
11 different gate keepers and pathways into detention
12 and tailor alternative pathways and alternative
13 policy approaches to minimize decisions which result
14 in detention or extended detention. As a correlation
15 of partner organizations working with young people,
16 we stand ready to intervene and to provide support.
17 Thank you for your time.

18 CHAIRPERSON POWERS: Thank you. Thanks for the
19 testimony.

20 COMMITTEE COUNSEL: Next, we will hear from Susan
21 Shah followed Wendall Walters followed by Annette
22 Belk Tomlin.

23 SERGEANT AT ARMS: Time starts now.

24 SUSAN SHAH: Good afternoon Chair Powers and
25 members of the Criminal Justice and Civil Service and
Labor Committees. My name is Susan Shah and I am the

3 Managing Director for Racial Justice at Trinity
4 Church Wallstreet Philanthropies.

5 Thank you for this opportunity to testify on
6 behalf of Trinity. Trinity carries out our mission
7 of faith and social justice through advocacy and
8 grant making to break cycles of mass incarceration,
9 mass homelessness and housing instability in New York
10 City. I've submitted detailed written testimony, so
11 today, I will focus on five imperatives for
12 addressing the immediate and long term crisis in our
13 city jails.

14 First, provide the DOC Commissioner Vinny
15 Schiraldi with all of the support and the resources
16 that are needed to effectively address this crisis
17 through the end of the current mayoral administration
18 and into the next administration.

19 Second, recognize and acknowledge that more jail
20 produces less safety in New York City, especially
21 during a pandemic and we must shrink the population
22 immediately in our jails. This means closing the
23 Rose M. Singer Center on Rikers, improving the
24 pretrial decision making process and speeding up case
25 processing times and funding alternatives to
incarceration for people with serious mental illness.

3 And also, sentencing more people to existing
4 community-based ATI's.

5 Third, reaffirm the city's commitment to
6 equitable jails by advancing the plan to close Rikers
7 by 2026. As faith leaders, we believe that there is
8 no humane path to make Rikers an acceptable place to
9 detain our brothers and sisters.

10 Fourth, implement a series of measures to protect
11 the health and safety of those who are released from
12 Rikers and other city jails during this pandemic, by
13 providing everyone who is detained with access to the
14 vaccine, COVID testing upon release and immediate
15 access to Medicaid coverage upon discharge.

16 We also encourage you to pass Council Member
17 Gibson's Intro. 2394 before the end of this current
18 session, which would provide IDNYC cards to all New
19 Yorkers upon discharge.

20 SERGEANT AT ARMS: Time expired.

21 SUSAN SHAH: Really quickly, five, invest in
22 comprehensive coordinated reentry by strengthening
23 Local Law 103 of 2026 to improve coordination of all
24 reentry initiatives citywide. Thank you very much.

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

3 COMMITTEE COUNSEL: Next, we will hear from
4 Wendall Walters followed by Annette Belk Tomlin and
5 Bilal Malik.

6 SERGEANT AT ARMS: Time starts now.

7 WENDALL WALTERS: Good afternoon. My name is
8 Wendall Walters and I am a Senior Policy Associate at
9 the Osborne Association. Osborne has worked in DOC
10 facilities for more than 25 years and we have staff
11 on Rikers Island providing services on the housing
12 and visiting areas five days per week.

13 New initiatives to address the long term issues
14 for the betterment of our city jails are very
15 important. But now is not the time for long term
16 planning. Now is the time for action.

17 First, we call for the immediate reduction for
18 the amount of people sent to Rikers and this relies
19 on the collaborative efforts of those outside of DOC.
20 Prosecutors, defense attorneys and judges should
21 aggressively explore alternatives to detention and
22 diversion programming wherever possible. They also
23 should be based on ability to pay and any decision to
24 detain must take into account the cost and risks of
25 the overwhelmed nature of detention in DOC custody.

3 Second, greater decarceration efforts are also
4 needed and we know this can be done. Both action
5 that lead to the census of 3,800 people in custody
6 during the height of the pandemic a year ago should
7 be reinvigorated. The census has now almost doubled.
8 We call for a utilization of Article 6A and for the
9 release of those on parole violations.

10 We also call on our DA's to use the power of
11 their offices to expand the use of community
12 supervision. The state ready is to be transferred
13 and DOC must prioritize, still prioritize getting
14 defendants to court.

15 And lastly, the glaring staffing shortages
16 negatively effects all aspect of jail operation,
17 unsafe conditions for living, working and visiting
18 the island. The burden put on those who come to work
19 for doubles and triples leads to even more dangerous
20 conditions, as some units are without supervision as
21 well as lockdowns and other unit staff by other
22 officers who are sleep deprived.

23 We know this can't continue. We hope the Mayor's
24 emergency action effectively address staff shortages
25 and improve the really poor attendance.

3 It's obvious that the department needs immediate
4 staffing assistance and Osborne supports the help of
5 other jurisdictions to alleviate this condition. We
6 know there are many other critical issues -

7 SERGEANT AT ARMS: Time expired.

8 WENDALL WALTERS: Like the intake and the impact
9 on programming. We want to help amplify the most
10 important. We echo all those who call for immediate
11 action. This urgent call is not a critique of the
12 current DOC leadership. We believe they are sincere
13 working around the clock to fix these problem.

14 We need a transparent, all hands on deck approach
15 in order to ensure safety for all on Rikers as we
16 work to strengthen the population and ultimately
17 close the island in favor of borough based jails that
18 are smaller and more humane. Thank you.

19 CHAIRPERSON POWERS: Thank you. Thank you for
20 the testimony. Thanks for being here.

21 COMMITTEE COUNSEL: Next, we will hear from
22 Annette Belk Tomlin followed by Bilal Malik followed
23 by Mark Moses.

24 SERGEANT AT ARMS: Time starts now.

25 ANNETTE BELK TOMLIN: Good afternoon, greetings
to all. My name is Annette Tomlin and I am proud

3 member and leader of Vocal New York. Although I have
4 never been incarcerated, my loved ones have been. I
5 am horrified more so now than ever of what's going on
6 in our city jails and totally inhumane. It is a
7 reminiscent of the horror of the transatlantic trade
8 ships. Where people were stolen and they were forced
9 to live in tight unsanitary spaces. People are
10 dying, not just because of the pandemic, but the
11 conditions because it has been in existence prior to.

12 The fact that millions of dollars are being spent
13 to warehouse people for days, weeks, months and years
14 without access to services that they need is
15 outrageous and it is criminal. These same monies
16 that can be utilized to revitalize the communities
17 that are suffering and that are in wreck of the
18 investments and permitted houses and job
19 opportunities such as also food securities and access
20 to health care. We would truly like for you to
21 actually build a city that is fair with equity and
22 true transparency and accountability and we need you
23 to meet the demands of the moment and it has to be to
24 close Rikers.

25 Stop this million dollar industry and corruption
and abuse of power that has been plagued since the

3 beginning and I expect you all and your comrades to
4 step up to the plate and do the right thing of step
5 aside and willing to have integrity allowing to do
6 so. Close Rikers and decarcerate right now and thank
7 you for your time.

8 CHAIRPERSON POWERS: Thank you. Thank you for
9 being here and to everyone, thank you for waiting. I
10 know it's been a very long day.

11 COMMITTEE COUNSEL: Next, we will hear from Bilal
12 Malik followed by Mark Moses followed by John
13 McFarlane.

14 SERGEANT AT ARMS: Time starts now.

15 BILAL MALIK: Good afternoon. My name is Bilal
16 Malik. Uhm, I am here to testify. My son is on the
17 island. He has been there almost a year and back
18 and forth, the courts are closed. They need to open
19 up the courts because people sitting there that could
20 be on the street with their loved ones. He has five
21 kids that's missing him a lot and he's got a big
22 family and we miss him a lot in the street. They
23 scooped him up, one Black kid in New York, sitting in
24 Rikers Island for nothing. They don't have nothing.
25 The criminal law said the same things on the case,
how long they are going to hold him in there.

3 That six months like they were saying, it's over.
4 It's over. Get my son out of there. He mentioned on
5 the phone that he's not getting the proper
6 medication. So, why does his family suffer. My son
7 needs to be home with his loved ones. Open up them
8 gates. Close it down. Back in 1968 when they
9 cleaned out the tombs because of the same trash
10 that's going on in Rikers Island, living like that.
11 That whole Rikers Island, there is a special housing
12 unit right now living in feces or in closed rooms,
13 stuff like that. It's not healthy. It's wrong.
14 It's human life. You got a death trap there. Death
15 trap for custodians. Death trap for the
16 administration. It's a death trap and also, I'm a
17 veteran.

18 SERGEANT AT ARMS: Time expired.

19 BILAL MALIK: And the veterans, they suffered.
20 Schizophrenia, bipolar, you got a lot out there. You
21 ain't got no doctors there for that and that so
22 called medical building, it's not updated. It's not
23 updated for the people. People shot and put back in
24 the cell to die. That's it.

25 CHAIRPERSON POWERS: Alright, thank you. Thank
you for being here today and testifying.

3 COMMITTEE COUNSEL: Next, we will hear from Mark
4 Moses followed by Jon McFarlane followed by Carl
5 Stubs.

6 SERGEANT AT ARMS: Time starts now.

7 MARK MOSES: My name is Mark Moses. I'm with
8 VOCAL Leaders and a member. I've been in jail -

9 CHAIRPERSON POWERS: Can you speak up just a
10 little bit -

11 MARK MOSES: I've been in jail 1,000 times back
12 and forth. I've been in jail since 1979 back and
13 forth. I've been through COVID. I've been over -
14 the jails are overcrowded and it's the same stuff.
15 And that's that. The CO's, the CO's there's a
16 problem. They bring guns in there. They have gang
17 members too, so they re part of the problem too. And
18 the judges and the police officers, judges just hang
19 on to that. Change the whole judicial system. You
20 need to fix that because that's where it starts from.
21 Arrested, see the judge, go to Rikers Island. It's
22 simple, that's it right there. You all heard from
23 the people, the real people. Alright, thank you.

24 CHAIRPERSON POWERS: Thank you. Thanks for
25 testifying.

3 COMMITTEE COUNSEL: Next, we will hear from Jon
4 McFarlane followed by Carl Stubs followed by Scott
5 Hynes.

6 SERGEANT AT ARMS: Time starts now.

7 JON MCFARLANE: Okay, thank you. Good afternoon
8 to the Council Members and all interested
9 stakeholders. My name is Jon McFarlane, I am an
10 Active Civil Rights Union Leader at VOCAL New York.

11 There is a growing crisis on Rikers Island that
12 is quickly turning into an extinction level event. I
13 term it as such because people are dying in Rikers
14 and other jails around our city at an alarming rate.
15 There have been ten deaths this year alone and if you
16 have to ask why then tune into the words of our
17 elected officials. Just this week witnessed the
18 unbearable and inhumane conditions that detainees and
19 others are enduring on this island.

20 The people caged on Rikers have to share cells
21 with insects the size of small birds. Others are
22 forced to sit in their own feces under conditions of
23 excruciating temperatures due to recurring New York
24 City heatwaves with no access to clean water or fresh
25 air.

3 Individuals lock themselves having resorted to
4 sharing a jug, one jug of water in order to stay
5 hydrated. There is little to no access to standard
6 medical care, recreational activities. Combine these
7 deficiencies with COVID-19 and you have a perfect
8 storm resulting in continuous fatalities under a
9 system unwilling to reform in the name of
10 humanitarian.

11 Some might suggest that more funding to employ
12 additional counsel, I'm sorry, to employ additional
13 correction officers would significantly improve both
14 the working conditions and living condition on Rikers
15 Island. I respectfully argue that this action will
16 simply enable more correctional officers to neglect
17 individuals who are languishing behind bars. Who
18 will continue to be denied access to medication,
19 lifesaving treatment, nutritional food services and
20 recreational activities, all in the name of staffing
21 shortages.

22 A reason that the ultimate solution to the
23 growing problem is to close Rikers Island, the whole
24 facility and release individuals from an institution
25 that is responsible for imposing the ultimate penalty
upon pretrial detainees without due process or just

3 cause. Our elected officials, policy makers, legal
4 professionals, judicial advocates, criminal justice
5 activists, and the public at large, must all have a
6 role to abolishing a penal system that punishes and
7 often time kills rather than rehabilitating.

8 The time to act was yesterday. The time to act
9 was decades ago and we can't wait any longer to act.
10 Crack those cell doors open and let these people
11 live.

12 And I want to conclude by saying this. I
13 understand its been a long day. But time and time
14 again, and I'm not blaming the Council Member Powers
15 or any of his comrades, but Black people are always
16 left. The most impacted are always left to testify
17 at the end of these hearings. That is
18 discrimination. And maybe we need a new speaker
19 that's a woman of color who understands the
20 significance of allowing Black people to testify
21 among COBA officials, among union officials and
22 prisoner officials. We shouldn't be relegated to be
23 testifying at the end of these sessions talking to
24 each other. Everybody that's left here understands,
25 understands that what we're talking about is life and
death.

3 We want to talk to the people that are opposed to
4 releasing people from prison. That are opposed to
5 changing the standards of living on Rikers Island and
6 it's not fair that we are always left to talk to each
7 other and social justice activists and criminal
8 justice reform activists. Thank you for your time.

9 CHAIRPERSON POWERS: Thank you. Thanks.

10 COMMITTEE COUNSEL: Next, we will hear from Carl
11 Stubs followed by Scott Hynes followed by Andre Ward.

12 SERGEANT AT ARMS: Time starts now.

13 CARL STUBS: Hello, my name is Carl Stubs. Hello,
14 my name is Mr. Carl Stubs and an all time member of
15 VOCAL New York Leader. Okay, this is my second time
16 - seven years ago, I testified about closing Rikers
17 Island alright. And still, it got worse than what it
18 was seven years ago, okay. It's a shame how you all
19 people are working for the billionaires to keep
20 Rikers open alright. When I was at Rikers Island, I
21 had rats jumping on me. Working in the mess hall.
22 Alright, I was in solitary confinement because I
23 refused to work at the island for the very bodies I
24 didn't even know about. Alright, 14 days in
25 solitary, alright. I am very tired. I am 69-years-
old now and going through the same thing, alright.

3 Rikers Island is run by billionaires. Why? And I'm
4 asking the Council, please close Rikers Island now.
5 It's filthy and it needs to be closed. Thank you.

6 CHAIRPERSON POWERS: Thank you. Thanks for being
7 here. Thanks for the testimony.

8 COMMITTEE COUNSEL: Now, we will hear from Scott
9 Hynes followed by Andre Ward followed by Tamara
10 Carter.

11 SERGEANT AT ARMS: Time starts now.

12 SCOTT HYNES: Hi everyone. My name is Scott
13 Hynes. I am a Resident of Brooklyn. I am grateful
14 to be here with VOCAL today but I'm not a lawyer, I'm
15 not a public defender. Uhm, I don't work at an
16 agency or foundation and I'm certainly not an
17 experienced activist but I do have a dear friend of
18 mine who is in Rikers right now, as I know many
19 others on this call today and hearing have. And I'm
20 here today to see if I can just help give her some
21 sort of a voice in all of this.

22 My friend Amy was locked up in Rikers and has
23 bene there since the middle of the summer. She has
24 several months left on her sentence. Amy is not her
25 real name and I'm not going to use her real name
because we definitely are afraid of any sort of

3 retaliation that might happen. Even just by me being
4 here sharing her words in this hearing.

5 Uhm, she calls me multiple times a week and her
6 stories of what's going on at Rikers Island and what
7 she experiences at the hand of the Department
8 Correction staff are absolutely horrific. The abuse
9 and aggression that is carried out on her and her
10 other inmates.

11 I want to say that I think it's shameful today
12 that this hearing is being held without any
13 incarcerated people present and allowed to testify.
14 And that the people that are most impacted by the
15 decisions of Council Members and union leaders here
16 have been kept out of the entire conversation.

17 I spoke with Amy earlier this week and I'm going
18 to now read some of her words that are her first hand
19 of account from what's going on at Rikers right now.
20 Please, I ask you to take this to heart. These are
21 Amy's words and not mine now.

22 The conditions of Rikers Island have turned my
23 life into a living hell. I am a bird trapped in a
24 cage. The suggestion that more money for the DOC
25 will fix the situation here at Rikers is a lie. It
is a lie. Things are terrible here now and the CO's

3 brag to me about how much money they make. But at
4 the same time, they do not care about my safety or my
5 wellbeing. They see people here that need help and
6 they do nothing about it. The CO's harass us. They
7 join in when there is an argument and join in on the
8 fights or they completely ignore us. If we make a
9 statement -

10 SERGEANT AT ARMS: Time expired.

11 SCOTT HYNES: It goes nowhere. The staff at
12 Rikers read your statement and throw it in the trash.
13 If you are in here and you call 311, you face
14 retaliation.

15 If you are a correctional officer, you are
16 supposed to correct. But anyone in Rikers who
17 reaches out to help or for oversight, gets treated as
18 an outcast. They say you are supposed to shut up and
19 take it. If you complain about clogged toilets, they
20 say you clogged it to get attention. In my time here
21 at Rikers, I have seen fellow incarcerated people put
22 on suicide watches. The CO's say, it's just to get
23 attention. I know if I were suicidal, if I were up
24 on a ledge, they wouldn't talk me down. They would
25 tell me to just go ahead and jump. If I could talk
to the bosses at the Department of Corrections, I

3 would ask, why are you even working? Why did you
4 sign up? Why put on your uniform if all you are
5 going to do is harass us and hurt us every day? If
6 you are in jail in New York, the CO's are just
7 another form of punishment against people.

8 If I could talk to the politicians that know
9 what's going on in this jail and still keep it open,
10 I would say, stop using us. Stop ignoring us. Stop
11 putting us in jail. The lawyers, the courts, the
12 police, the jail, it's all getting so much money for
13 every incarcerated person and it's all so wrong.

14 My public defender pushed me into jail. They
15 made it seem like I didn't have a choice. Everything
16 about the system is wrong and you on the City Council
17 need to shut it down. Thank you folks.

18 CHAIRPERSON POWERS: Thank you. Thanks for being
19 here.

20 COMMITTEE COUNSEL: Next, we will hear from Andre
21 Ward followed by Tamara Carter followed Henry
22 Robinson.

23 SERGEANT AT ARMS: Time starts now.

24 ANDRE WARD: Yes, good evening Chairman Powers
25 and Chairman Miller and thank you for giving us this
opportunity to speak. Although to someone's point

3 earlier, we serve as the last to speak, which is
4 rather unfortunate. But my name is Andre Ward and I
5 am the Associate Vice President of the David
6 Rothenberg Center for Public Policy at the Fortune
7 Society. The Fortune has been around for over 54
8 years serving folk in the community to essentially
9 build and strengthen the lives of the people that we
10 serve. I'm also a former incarcerated Black man who
11 spent three and a half years on Rikers Island from
12 1988 to 1992, as both an adolescent and an adult.
13 And during this period, I experienced and witnessed
14 countless episodes of abuse, neglect, including
15 overcrowding of dorms, people not being treated
16 because of their mental health conditions. I've even
17 witnesses people who were detained themselves harming
18 each other that resulted in their deaths and
19 correction officers harming those who were detained
20 that resulted in a death as well.

21 Fast forward now 29 years, and according to
22 research and the experience of the people that we
23 serve, Rikers Island continues to bear the conditions
24 of the past, as we all know. The dorms still remain
25 overcrowded, people who have mental health issues are
not being supported and addressed, people are harming

3 each other both on the correction side and those who
4 are detained themselves, right? And we know that
5 those who had the most mental health needs are not
6 being supported, especially when you know Rikers is
7 one of the three largest providers of psychiatric
8 care in the country. So, it's a really, really
9 important issue for us to know.

10 And so, COVID-19 as we know has exacerbated the
11 conditions on Rikers Island. Everyone who spoken
12 before me and we thank them for their time for being
13 here, has mentioned some of those things. So, there
14 are four things I just want to stress really quickly
15 is that one, decarcerate. Others mentioned earlier
16 that the Mayor could use Article 6A right? Through
17 that program itself, 312 people have been sentenced -

18 SERGEANT AT ARMS: Time expired.

19 ANDRE WARD: And only a few people have returned,
20 maybe four or five or six people. So, it's really
21 effective and it works.

22 Provide greater transparency, right? The Board
23 of Correction, City Council, the Mayor can create
24 more transparency, more oversight on what's happening
25 in terms of the deaths and those who ultimately have
COVID-19. Pass legislation like Less is More and

3 ending solitary confinement. We know that many of
4 the elected officials, City Council and those in the
5 senate has said how the ending of solitary
6 confinement is more a name only rather than a
7 practice.

8 And lastly, disband the New York City Department
9 of Corrections, right? For decades, the culture of
10 the New York City Department of Corrections has made
11 for the insufficient practice in providing for the
12 safety and health of those incarcerated. From
13 January 2019 to August 2020, 56 percent of the more
14 than 270 correction officers who were disciplined,
15 including the dozen supervisors, lied, mislead
16 investigators or filed incomplete or inaccurate
17 reports. At least 17 officers made false statements
18 and interviews with officials investigating those
19 allegations.

20 So, I want to thank you Chairman Powers and
21 Chairman Miller for allowing me to testify today and
22 thank all of the advocates and activists for the
23 sacrifice of time. Thank you.

24 CHAIRPERSON POWERS: Thank you and thank you
25 always for the important work you are doing and for

3 being patient today and of course, for your testimony
4 as well.

5 COMMITTEE COUNSEL: Next, we will hear from
6 Tamara Carter followed by Henry Robinson followed by
7 Gabrielle Parks.

8 SERGEANT AT ARMS: Time starts now.

9 TAMARA CARTER: Hello, my name is Tamara Carter.
10 I am the mother of Brandon Rodriguez. His name was
11 mentioned a lot of times today, which made me cry.
12 There is nobody here that I really want to talk to
13 anymore that's going to give me answers. I don't see
14 DOC up here anymore. They don't care enough. I
15 don't see the Mayor; he doesn't care enough. Nobody,
16 I don't really know what to say. Our family is
17 broken. We have no answers. We're in pain right
18 now. My son is not here. He is not coming back and
19 it's been 35 days that we have been crushed. The
20 shower cells that you all are talking about, that's
21 where my son died. Who is here to answer to that?
22 Nobody. Where are the Councilmen right now? I don't
23 see - nobody's faces. Why? I want to say, I want
24 you to say sorry to me but I'm tired of hearing sorry
25 because regardless of how many sorries, he's not
coming back. We need answers and immediate action.

3 While we're sitting here today, there's people not
4 eating. People just like Brandon. Nobody cares.
5 It's been 35 days since he's past and if people on
6 Rikers Island are going through the same thing, no
7 one cares. So, why am I even speaking? The Board of
8 Corrections, why is uh, uh, I can't even read this.
9 Can you read it for me?

10 SERGEANT AT ARMS: Time expired.

11 TAMARA CARTER: As far as the report. The
12 Preliminary Report, it's available after five days.
13 Is it also released to the family? I have no answers
14 to why my baby is not here no more. Why? 25-years-
15 old, he hasn't lived his life and he's gone, a week
16 after someone else. Two weeks after him, someone
17 else. Nobody cares and it's disgusting. I would
18 like answers. Our family would like answers. His
19 sister, his brothers, his father, we want answers.
20 We want something to happen today. I wish it would
21 have happened before he was gone. I wasn't even
22 notified by DOC that my son was gone. I found out
23 through Facebook. Why? Everyone here that's left,
24 that has some sort of pull should be ashamed of
25 themselves. You should be ashamed. While you are
going to sleep with your loved ones tonight, I'm

3 going to sleep with one less one, my baby. That's
4 all I have to say.

5 CHAIRPERSON POWERS: Thank you for your
6 testimony. I know you don't want to hear it but we
7 are all very sorry what happened and I do know DOC is
8 here and have text me as we are here saying they are
9 listening to the testimony. But I will say to them
10 that uh, a mother should not find out about this on
11 social media or anywhere else. We shouldn't have any
12 deaths. This shouldn't be the 11th or 12th, 13th death
13 in custody this year and our duty and I'm an elected
14 official and it's all our duty to protect people and
15 keep them safe from harm. But anything that we can
16 do in terms of getting you information, getting you
17 answers, we are here to do that. It will not help
18 bring anyone back but we certainly, you have our
19 deepest condolences and to the Department and
20 everybody here who is still watching, I hope you
21 heard this testimony and could add another level of
22 urgency to everything we are talking about today when
23 it's taking people out of custody, getting people out
24 of harms way. We're talking about situations that
25 are putting people into further harm. And I wish the
folks that we were talking about earlier when we

3 talked about things like people not showing up do to
4 their duty, shouldn't they be here to hear that
5 testimony. That's what we're talking about.

6 Thank you and I'm sorry. Of course, we will talk
7 to the Department and the Board if needed, so we can
8 help you get more information.

9 TAMARA CARTER: I hope so, we've been waiting 35
10 days. I really hope so.

11 CHAIRPERSON POWERS: Okay, we'll talk to our
12 staff here and we'll follow with them and the
13 Department I think is, they told me they are still
14 watching, obviously do the same. Thank you.

15 COMMITTEE COUNSEL: Next, we will hear from Henry
16 Robinson followed by Gabrielle Parks followed by
17 Marvin Mayfield.

18 SERGEANT AT ARMS: Time starts now.

19 HENRY ROBINSON: Yes, hello, my name is Henry
20 Robinson, as a community member for Brooklyn, a
21 member of the Katal Center for Equity Health and
22 Justice. I strongly urge the city to decarcerate our
23 jails to the plans to close Rikers Island jail
24 complex.

25 You know, as I listen to what's going on and I'm
a person who has been in Rikers Island. You know

3 what I'm saying and went through the things that's
4 there and I would like to say my condolences for
5 those who lost people while they was in there. And
6 something that as a prisoner, they fear. I know that
7 they fear that because I felt it myself. To fear you
8 know to die in prison alone without your family and
9 friends and everything and you know, just the fear of
10 the unknown. Not knowing when I'm going to get out
11 of this situation. We're speaking on mental health
12 and not only go for the people that's coming into
13 Rikers Island but also the CO's that's there.
14 Because a lot of times people don't even know that -
15 they don't even know how to handle mental health
16 people. And a lot of the people that's even
17 governing the prisoners have mental health issues
18 themselves. You know what I'm saying and the only
19 reason they are in the position they are at is
20 because of the opportunity.

21 So, when the individuals in there, like I was in
22 there for uhm, you know a violation, curfew violation
23 that was made up from my parole officer. You know,
24 because the parole officers didn't like that I had a
25 voice, that I wanted to speak up for myself and it
was another parole officer where they made false

3 allegations just to get me in Rikers. Subsequently
4 put me in a situation where I was jumped by 15 or
5 more individuals and I got medical attention 17 hours
6 later and I was the victim. I got hit with crutches
7 on my back and we had a riot. They rioted for me and
8 another individual for medical attention because I
9 had a broken foot where I had uhm, -

10 SERGEANT AT ARMS: Time expired.

11 HENRY ROBINSON: Where I had pins and needles in
12 my foot. The next individual had nails and wires in
13 his foot. We didn't get no medical attention while
14 we was there. We had to call 311. We had to get
15 outside forces and that's the only time change is
16 going to happen when you have somebody on the outside
17 to help. You know, to monitor what's going on. The
18 officers in there, they are not good people. What's
19 going on in the street with police in general is the
20 same thing that's going on these correctional
21 facilities but more so on Rikers Island because of
22 the culture. You know what I'm saying? Because of
23 the culture on Rikers Island and it's not right. It
24 should be shut down and restarted and they need
25 classes for people. They need to know it's a
different time. People that are coming in Rikers

3 Island are having mental issues, they are coming out
4 with worse mental issues.

5 They need to escape. They don't know when they
6 are going to get out because there is not court date.
7 They don't know when they are going to get out of the
8 cell, out of those conditions that's not normal.

9 It's inhuman for individuals to be in those
10 situations and even to ask the federal government for
11 help. When I was in the feds just recently in 2018,
12 I was involved with a Black out where the feds, where
13 they got a class action lawsuit that I'm a part of
14 because of due to their negligence and the people of
15 authority being negligent in their job duties. You
16 understand, so we need everything changed. We need
17 Rikers Island closed down and out of the way and
18 started over appropriately and we need outside - we
19 need a way for people from the outside to connect
20 with people in the inside more, so that they could
21 feel more security, you know what I'm saying?

22 Because that's what it is and that's why they acting
23 like that. They are scared and they don't know
24 what's going to happen and right now, they are in a
25 position where it's like, they don't care what
happened because everything - they are in the worst

3 conditions that they could be in right now. You
4 understand?

5 CHAIRPERSON POWERS: Thank you. Thanks. Thanks
6 for being here.

7 HENRY ROBINSON: Alright, thank you.

8 COMMITTEE COUNSEL: Next, we will hear from
9 Gabrielle Parks followed by Marvin Mayfield followed
10 by Jane Ehlke.

11 SERGEANT AT ARMS: Time starts now.

12 GABRIELLE PARKS: Hello, my name is Gabrielle
13 Parks and as a member from Brooklyn and a member of
14 Katal Center for Equity, Health and Justice, I
15 strongly urge the city to decarcerate our jails,
16 accelerate plans to close Rikers Island jails and
17 demand Governor Hochul to sign the Less is More Act
18 now.

19 The current crisis on Rikers is unacceptable and
20 it's putting incarcerated individuals in life
21 threatening situations. People are being forced to
22 sleep in showers, toilets and overflowing inside the
23 cells and incarcerated people are being left without
24 their medications, no access to medical care, or
25 recreation time. And without transportation to the
hearings which may lead to their release.

3 This situation is right for disaster and more
4 preventable deaths will occur without action by both
5 city and state level officials. It is immoral and
6 unconscionable to treat human beings this way.

7 Throughout this summer, I had a loved one
8 incarcerated on Rikers Island. My loved one has
9 three existing health conditions and contracted
10 COVID-19 while incarcerated on Rikers. This caused
11 stress on myself and my family. As we know there is
12 no healthcare access much on the island as far as
13 services, it is extremely hard to get. It was
14 incredibly hard telling my children that he would be
15 alright that in reality I didn't know what was going
16 to happen if I would make it to hear from him again.

17 This put immense stress on my entire family
18 network all locked up with him. Unfortunately the
19 situation happens to thousands of people across New
20 York City. My loved one was not sentenced to die on
21 Rikers, so he should not have been put in the
22 situation that negatively effected his mental and
23 physical health.

24 To the children, siblings, fathers, mothers,
25 daughters, you know aunt's and it's disgusting how we

3 treat incarcerated individuals in this city and
4 states. They are all part of the human family.

5 SERGEANT AT ARMS: Time expired.

6 GABRIELLE PARKS: Every single person, his family
7 and they deserve to be treated with dignity. The
8 Mayor, City Council, Governor, must do everything in
9 their power to address the crisis. This year alone,
10 we have seen record numbers of deaths on Rikers
11 Island, which is only getting worse with district
12 attorney's and judges continuing to send people to
13 jail pretrial and correction officers are missing
14 work by the thousands. This combination has led to
15 the population on Rikers to over 6,000 from below
16 4,000 at the height of the pandemic. Which is
17 leading to overcrowded and unsafe conditions. To
18 address this current situation, the city needs to
19 immediately start decarcerating the jail system.
20 Accelerate to close Rikers and incarcerated people
21 who are alleged for technical parole violations.
22 Uhm, I just have an important question, why does the
23 city and state feel that they have the right to take
24 human life. Because for as long as human life
25 continues to be treated inhumane and the longer it
takes for the Less is More bill to be signed, that's

3 exactly what you're doing. Let's not wait another
4 few numbers to go up in deaths again for something to
5 be done. At the end of this meeting, those shouldn't
6 be put up for consideration or debate, it should be
7 decided. And that's, that's my time.

8 CHAIRPERSON POWERS: Thank you. Thanks for being
9 here.

10 COMMITTEE COUNSEL: Now, we'll hear from Marvin
11 Mayfield followed by Jane Ehlke followed by Elliot
12 Rosa.

13 SERGEANT AT ARMS: Time starts now.

14 MARVIN MAYFIELD: Thank you Councilman Powers.
15 Thank you for the opportunity to speak today. I
16 appreciate it but I'm a little disheartened that the
17 people who most need to hear this message are not
18 here. I look around the Zoom boxes and I see my
19 comrades. I see people who have been hurting. I see
20 people who have been directly impacted and effected
21 by this, which as others say, we've been preaching to
22 the choir.

23 So, I hope that in the future meetings, future
24 hearings that the directed impacted people have a
25 greater role to reach those who we need to speak to.

3 But my name is Marvin Mayfield, I'm a lifelong
4 New York City resident and a survivor of Rikers
5 Island and the Boat. I'm hear to demand swift action
6 to stop the death and the atrocities of Rikers
7 Island. Since the day that Rikers Island opened in
8 1932, it has been synonymous with violence and death
9 and it is unconscionable to know that in this present
10 day and age, we are still faced with a horrific
11 reality of death and despair in a place that has
12 never been proven conducive to the so-called
13 rehabilitation objectives of the criminal legal
14 system.

15 So, for years, we as advocates have stood on the
16 steps of City Hall and warned this administration of
17 the city that Rikers is a death trap and if things
18 were left as they are that further life will be lost.
19 So, it's a real tragedy that we are once again here
20 carrying the names of the dead. Carrying the names
21 of those who died needlessly because of violence,
22 apathy, brutality and negligence of a failed system.

23 So, today, while we mourn the loss of our loved
24 ones. We are demanding that Mayor, the DA's, the
25 City Council move quickly to end the torture of

3 Rikers Island. It's not only the right thing to do.
4 It is now a humanitarian rescue effort.

5 We're already too late for all the people who
6 have suffered and died there but before we lose
7 another life -

8 SERGEANT AT ARMS: Time expired.

9 MARVIN MAYFIELD: To torture island, we call on
10 our law makers to pass any and all legislation that
11 can help decarcerate our jails in New York City and
12 to use your legislative power to save the lives of
13 those who are suffering as we speak. I have seen
14 experienced things there that I cannot forget and I
15 deal with trauma to this day. We may never know the
16 real toll of the trauma which may reveal itself long
17 after a person has endured the hell of Rikers Island.

18 As we all know, Kalief Browder made it out of the
19 cage only to carry the weight of those cell bars with
20 them. Just yesterday, I received a call from a man
21 in OBCC who details the horrible conditions that they
22 are forced to endure. He explained to me that meals
23 are hours and hours late. The medical treatment is
24 being denied. The correction officers are not
25 manning their posts, which allows the gangs to take

3 over. People are not being taken to court, etc.,
4 etc., etc., you've heard it all day.

5 I have 13 minutes of testimony from this man who
6 is in the belly of the beast as we speak. So, I
7 challenge any of our legislators who still maybe on
8 this call to listen to this urgent plea. This is not
9 some game. This is an urgent public health crisis
10 that is unfolding in New York City jails and the only
11 way to stop the death toll from rising and to stop
12 the suffering is to stop sending people to this
13 hellish place. And yes, we call on the governor to
14 sign the Less is More Act and stop caging people
15 needlessly for technical parole violations. Rikers
16 Island is a tool of a bygone era which has proven to
17 be noneffective and that includes the Vernon C. Bain
18 Detention Center, which was supposed to be a
19 temporary fix. If the DOC can't live up to its claim
20 of care, custody and control, then there is no longer
21 any justification for its existence.

22 Ten people have died this year at Rikers, many by
23 suicide and I'd be interested to know how many
24 attempts there were during this same period. And I'd
25 like to offer a piece of observation. It seems like
it's painfully obvious as to why employees are not

3 showing up for work. It's because Rikers Island is
4 sustained on the spirit of every body that it
5 touches. And to our City Council and our state
6 legislators and we know that many of you stand with
7 us and I'm grateful and encouraged by your support.
8 But no, that we will not sit still while the lives of
9 our brothers and sisters are being valued and placed
10 in jeopardy and we call on you to free them now.

11 CHAIRPERSON POWERS: Thank you. Thank you
12 everyone for waiting such a long time today.

13 COMMITTEE COUNSEL: Now, we'll hear from Jane
14 Ehlke followed by Elliot Rosa followed by Christina
15 Sparag(SP?).

16 SERGEANT AT ARMS: Time starts now.

17 JANE EHLKE: Hi, I'm Jane Ehlke and thank you for
18 this opportunity and thanks to all of you have hung
19 in for this long day. I live in Brooklyn. I'm an
20 Advocacy Volunteer in the movement to Close Rikers
21 and I do want to say to Ms. Tamara Carter,
22 testimonies, stories like yours are what fuel our
23 compassion and those of us in the private sector and
24 volunteer wise or nonprofits and advocates. It keeps
25 us going. It keeps us caring. Keeps the stories in
front of us.

3 And few of you have mentioned there is a major
4 glaring deficiency in the hearing today. We don't
5 have anybody who is currently held at Rikers. I
6 can't believe that the state and city legislature are
7 just now seeing the problems and the extent of what's
8 going on. Uhm, I'm thankful to those who today who
9 have emphasized the need for a whole new system. I
10 realize today we are addressing the immediate crisis
11 that we're currently in.

12 I'm going to use my time to speak on behalf of a
13 very close friend who has been held pretrial at
14 Rikers for almost nine months this year, since early
15 January. His case is actually still in the discovery
16 stage. So, uhm, I hope you'll give me a little grace
17 time so I can pass on what I hear from him.

18 He is not wealthy, he is 59-years-old. He was
19 working two minimum wage jobs to try to get out of
20 the shelter and stay out of the shelter, be
21 independent. During his arrest and his time at
22 Rikers, he's had bail set too high for him to pay.
23 So, he can't buy his freedom. It keeps him in
24 Rikers. It means he has lost his employment. He
25 can't be working with his attorney directly. He
can't get even any information on this case because

3 he has to get it through the law library that's not
4 been open.

5 SERGEANT AT ARMS: Time expired.

6 JANE EHLKE: For most of the year. For nine
7 months his discovery court dates have been postponed
8 off and off again, partly due to staff not able to
9 get him the scheduled video court times or getting
10 him there late and a judge saying, well, come back in
11 two months. Partly due to district attorney's
12 negotiating for extensions.

13 When he has access to one of the four phones in
14 his dormitory housing, 50 some men now at Ana Cross.
15 He calls and he tells me the conditions he has been
16 living with. So, I ask you again for a little grace
17 time while I read from my notes that I've taken from
18 my phone calls with him.

19 CHAIRPERSON POWERS: I can give you a little more
20 time but we do have a lot of other folks who are
21 still signed up, so 30 more seconds.

22 JANE EHLKE: I will go right through this since
23 he can't be here, I want to speak on his behalf. Men
24 who are seriously mentally ill are being traumatized,
25 brutalized, subjected to gang violence. They are
mostly not able to sleep. They are not able to grasp

3 what's going on. There's scarce attention to people
4 with mental health issues. When my friend see
5 mentally ill individuals transferred to another unit
6 or facility for their mental problems, it's after
7 they have already suffered days in the general
8 population.

9 The increased overcrowding for COVID conditions,
10 many beds or most of them are just three feet apart.
11 New comers are sometimes not receiving any bedding
12 for days, which means they are standing up against a
13 wall at night while they can, trying not to call
14 attention to themselves until they collapse and fall
15 to the floor.

16 People aren't being escorted on time to video
17 conferences for court appointments, medical services,
18 time with family. Sporadic mail service, sometimes
19 no mail coming in or going out for up to a week.
20 Delayed pick up resulted in his absentee ballot for a
21 primary getting sent out after the postmarked
22 required date. Incoming mail is not forwarded and
23 individuals move from other facility. I've had that
24 happen.

25 Sporadic violent outbreaks as frustration builds
among people. His basic needs are routinely ignored.

3 The chaos and violence have been escalated. There is
4 more drug abuse in the dorm at Rikers. There is more
5 access to it and along with the mentally ill, there
6 is people with addiction problems who need separate
7 treatment.

8 Days at a time with no toilet paper. Men using
9 rags for toileting. Some weeks at a time with no
10 clean laundry, no clean sheets, towels or wash
11 cloths. No or limited time outdoors. No drinking
12 water available other than from bathroom faucets and
13 limited bottled water from the commissary.

14 CHAIRPERSON POWERS: We have to wrap it up
15 because we have to keep going, yeah.

16 JANE EHLKE: Okay, thank you.

17 CHAIRPERSON POWERS: Thank you. Thanks so much.

18 COMMITTEE COUNSEL: Next, we will hear from
19 Elliet Rosa followed by Christina Sparag followed by
20 Carole Eady.

21 SERGEANT AT ARMS: Time starts now.

22 ELLIET ROSA: Hi, good afternoon. My name is
23 Elliet Rosa and I'm going to give you my testimony.
24 Being at Rikers Island was terrible. I stayed in
25 intake for seven days. Oh, I'm on mute. Oh, no, I
stayed in intake for seven days. There was no beds,

3 no bed sheets. There was no blankets, no mattresses
4 at night. There was no uhm, hygiene supplies for any
5 inmates and the toilets were broken. People had to
6 still use the toilets while there was urine and feces
7 still overflowing from the toilets.

8 Uhm, when it was time to eat, not everybody got
9 food because they ran out of food. I didn't eat for
10 three days. Uhm, can you hear me?

11 CHAIRPERSON POWERS: We can hear you.

12 ELLIET ROSA: I hadn't ate for three days when I
13 first went there. Uhm, it was - and when I did eat,
14 it was half of a portion. It was something that you
15 wouldn't even want to eat and there was people
16 throwing up, asking for medical and the CO's was
17 looking at them as if it was a joke. And as well,
18 they was looking at it as they were waiting for it to
19 get worse. Also, I didn't get to use the phone
20 because other inmates was controlling the phones.
21 Another thing, I had no access of my family or talk
22 to my family on the outside of the jail. As well as,
23 going to court. I missed my court date because of the
24 fact that I was explaining to the CO's that I had
25 court.

SERGEANT AT ARMS: Time expired.

3 ELLIET ROSA: And they just looked at me like
4 they didn't care. Uhm, there was about 30-50 people
5 in one cell and most of them haven't seen medical.
6 It was overcrowded, some people didn't even get to
7 lay down or you know, rest. Besides that, the urine
8 and feces, everybody felt like you know, it was - oh
9 no, I'm kind of nervous.

10 CHAIRPERSON POWERS: Alright, we'll give you - I
11 think we hit our time, another minute just to finish
12 up.

13 ELLIET ROSA: What people was going through, it
14 shouldn't happen. What people were going through,
15 they shouldn't happen. Everybody was treated wrong.
16 When I said it was a hold lot of people fighting in
17 the cells and I didn't feel safe. There was no where
18 to hide and uhm, I sincerely give my condolences to
19 the people that really lost somebody that's in Rikers
20 Island because Rikers Island is really hard. The
21 CO's don't care. Several things that happened, CO's
22 just look and wait until it you know, escalates and
23 see blood or you know, some are really hurt and
24 that's not cool. And that's all I have to say.
25

3 CHAIRPERSON POWERS: Thank you. Thank you for
4 testifying and for being here and for waiting so
5 long. I really appreciate it.

6 COMMITTEE COUNSEL: Next, we will hear from
7 Carole Eady followed by Pamela Neely followed by
8 Angie.

9 SERGEANT AT ARMS: Time starts now.

10 CAROLE EADY: Good afternoon. My name is Carole
11 Eady. I represent the Women's Community Justice
12 Association and [INAUDIBLE 4:21:52] Campaign. I
13 thank you for allowing me to testify.

14 This mornings New York Times describe Rikers
15 Island as chaotic and violent. Yesterday, the Mayor
16 had committed some mandates as response to this
17 chaos. Some of these should have been in place a
18 long time ago but were not. And I feel the reason
19 for that is the Mayor hasn't been to Rikers in more
20 than four years. Now he's quoted as having said he
21 plans to visit at some time. If he were to visit, he
22 could see the conditions of confinement there.

23 We've heard reports of flooding, lack of air
24 conditioning, subpar meals and 10 detainee deaths in
25 just the last year. One detainee stated he was
housed in the shower area, which didn't have a toilet

3 and he vomited and defecated in the same place where
4 he had to sleep.

5 If Mr. Blasio were to visit, he might be more
6 amenable to releasing the approximately 225 charged
7 to release immediately. He agreed nearly three years
8 ago to decarcerate full deplorable set of facilities.
9 We should not be reopening and closed jails. As we
10 know, challenges to the new locations of the pandemic
11 has slowed down implementation of the four borough
12 model but we could still close Rose M. Singer now.
13 It holds women, the smallest but fastest growing
14 population. It's a decrepit facility where women
15 have been sexually abused and have no access to
16 feminine hygiene products and mental health support
17 for weeks at a time.

18 Due to officer callouts, people are unable to
19 attend visits, programming and court visits which
20 recently resulted in Esias Johnson's mental illness
21 related death while being held on a dollar bail. We
22 are asking that Rikers Island be closed immediately
23 and that Rosie's be closed immediately and that
24 decarceration efforts continue in the midst of these
25 closings. Governor Hochul, please sign the Less is
More bill. Thank you.

3 CHAIRPERSON POWERS: Thank you. Thanks for your
4 testimony.

5 COMMITTEE COUNSEL: Next, we will hear from
6 Pamela Neely followed by Angie followed by Georgi
7 Page.

8 SERGEANT AT ARMS: Time starts now.

9 PAMELA NEELY: Hi, my name is Pamela Neely and
10 I'm a member of WCJA, as well as Beyond the Bar
11 Campaign. I have a speech prepared but I don't even
12 know like, this hearing, that sister Ms. Carter and
13 Layleen's sister speak. I just know that there are
14 rules and regulations. There are things to be done
15 but we have had 1,000 meetings. We have heard 1,000
16 sorries and still people are dying. It just seems to
17 me that in my mind, something else can be done. And
18 I just say that for myself, I know I'm going to keep
19 praying because that's where my belief is but I also
20 know that what's happening to people is not right. I
21 don't even understand how some people can sleep at
22 night knowing that they are cutting ropes down of
23 people's bodies. Knowing that they are lying to
24 family members. Knowing that they are doing the
25 things that they do.

3 I know we are at the end of the day and I know
4 everybody on this call is tired. But I think as a
5 human being we owe something more to ourselves. We
6 owe something to those people whose lives are gone.
7 There is no coming back. There is no rehabilitation.
8 There is no reentry. There is nothing. They are
9 dead. And this is just sad. I just feel like, why
10 are we continuing to try to fix a problem that's not
11 fixable. I just feel that we should close down and I
12 agree with everything everyone else has said on this
13 call. Not only should we close Rosie's down but we
14 need to just look at what Rikers Island was built on.
15 And just hold each other accountable for the part we
16 all played in this.

17 I'm going to continue to fight. There are too
18 many powerful people on this call today that's
19 teaching me everything. I'm going to continue to
20 fight and what I don't know, I don't have an area
21 asking how I can help. So, I'm asking you who are
22 still on this call, how can you help? Thank you.

23 SERGEANT AT ARMS: Time expired.

24 COMMITTEE COUNSEL: Thank you. Next, we'll hear
25 from Angie followed by Georgi Page followed by
Richenda Kramer.

3 SERGEANT AT ARMS: Time starts now.

4 COMMITTEE COUNSEL: It looks like we don't have
5 Angie, so we will go to Georgi Page.

6 SERGEANT AT ARMS: Time starts now.

7 GEORGI PAGE: To the City Council Committee on
8 Criminal Justice, I am attending this meeting to
9 voice my support for immediate decarceration inside
10 NYC jails starting with Rikers.

11 The city's so-called leaders must commit to
12 emptying the cages immediately with a transparent and
13 public plan to shutdown Rikers, not by 2027 but
14 immediately. You must take back your lie that Rikers
15 is closing and take real action to radically
16 decarcerate. 6,000 people are in deadly conditions
17 right now and the city must commit to releasing
18 people caged on Rikers, fewer arrests, ending broken
19 windows, policing, improving conditions inside and
20 providing holistic noncarceral reentry support.

21 The only solution is release and care for those
22 inside, not more CO's who have proven unable to
23 manage the violence inside Rikers. Not more cages,
24 which will not prevent the violence of its
25 characteristic of New York City jails and not more
cops who send more people inside every day. As the

3 City Council, the best of those inside are on your
4 hands as much as anyone else. You must ensure
5 immediate release is in the thousands. Thank you for
6 your time.

7 CHAIRPERSON POWERS: Thank you. Thanks for being
8 here.

9 COMMITTEE COUNSEL: Thank you. Now, we will hear
10 from Georgi Page followed by Richenda Kramer followed
11 by Grace Price.

12 SERGEANT AT ARMS: Time starts now.

13 COMMITTEE COUNSEL: Not hearing from Georgi, so
14 we will go to Richenda Kramer.

15 SERGEANT AT ARMS: Time starts now.

16 GEORGI PAGE: Hello, I'm sorry, it's Georgi, I
17 just did the same thing as the previous caller. Can
18 I go after the next person?

19 COMMITTEE COUNSEL: No, go ahead.

20 CHAIRPERSON POWERS: You can go ahead.

21 GEORGI PAGE: Good evening. My name is Georgi
22 Page and I am a Volunteer Member of 350 Brooklyn, a
23 local environmental group working to counter the
24 global climate crisis. Which means that all of my
25 advocacy work is unpaid. I serve as Chair of 350

3 Brooklyn Action Committee and I'm also a member of
4 their steering committee.

5 I am basically liquidating my savings so that I
6 can do this work and hold our elected representatives
7 accountable to the people. This work that I feel is
8 critical. I dedicate my testimony today to honor
9 Kalief Browder and the 4,600 pretrial detainees being
10 held and brutalized at Rikers Island today.

11 As I have joined in the fights for electric
12 school buses and against Peaker plants, I have also
13 worked to help make 350 Brooklyn more inclusive. As
14 environmentalists it might seem to others that the
15 plight of detainees is beyond our scope. And the
16 reality of it is that whenever we think that we are -
17 wherever we think we are going as a movement and as a
18 people, we cannot get there by leaving any of our
19 brothers or sisters or our humanity behind. In fact,
20 our humanity must come first. To paraphrase a famous
21 quote, humanity is not a station we arrive at, it is
22 how we will get there.

23 So, through that lens, I ask each one of us to
24 take personal responsibility for what is happening
25 right now on Rikers Island. For the pretrial
detainees standing in pools of waste. For the

3 brutality killings and the suicides, ten killings and
4 counting in 2021 alone and for motivating DOC
5 employees with a new sense of mission as well. I'm
6 going to skip ahead.

7 And since the site seems irredeemable and is
8 built on methane leaking pile of waste, it must
9 continue to close. We must amend and pass Intro.
10 2173, legislation to end the barbarism of solitary
11 confinement. We must release detainees being held
12 for technical parole violations. We must hold
13 perpetrators of abuse and brutality accountable with
14 independent oversight agreed upon by the Mayor, the
15 City Council and the BOC. And the BOC must
16 immediately release their reports about deaths, the
17 number deaths in custody.

18 SERGEANT AT ARMS: Time expired.

19 GEORGI PAGE: Personally, I think that detainees
20 should be involved in the oversight. I had more to
21 say, I've submitted it as written. I would also like
22 to request that uhm, my organization and least our
23 coalition be provided with the timeline that was
24 spoken about earlier in the testimony for the closure
25 of Rikers and the opening of the borough based jails.
Thank you.

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON CIVIL SERVICE AND LABOR

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3 CHAIRPERSON POWERS: Thank you.

4 COMMITTEE COUNSEL: Next, we will hear from
5 Richenda Kramer followed by Grace Price.

6 SERGEANT AT ARMS: Time starts now.

7 RICHENDA KRAMER: Okay, I've been a Volunteer—
8 I'm Richenda Kramer, I live on Staten Island. I've
9 been a Volunteer working for Prison Reform for the
10 last 20 years.

11 Today, we've been hearing about the CO's abusing
12 people in their charge across the years and yet,
13 nothing changes. We learned from police brutality
14 through videos and the videos have really changed the
15 way the people look at the police now. Uhm, but
16 there is no such protection for being incarcerated as
17 there are so many prisons with no cameras or broken
18 cameras. There needs to be more surveillance of CO's
19 and recognition that Par can corrupt them.

20 Another issue I'd like to address is solitary
21 confinement. Which the DOC is intent on maintaining
22 despite the Halt bill which was passed in Albany this
23 year and which mandates 14 hours out of cell with
24 programming out of cell with other people.

25 I add my voice to others asking City Council to
amend Intro. 2173 to stress that out of cell does not

3 mean sitting on a platform in a cage in front of the
4 solitary cell for 14 hours. And that programming
5 must be a group activity. This is something that you
6 can do that is long being recognized as torture. To
7 relieve something that's wrong being recognized as
8 torture.

9 And the third thing I would like to mention is
10 that there needs to be more programming in every
11 prison in this country but especially in New York.
12 And that it's very easy to get volunteers to come in
13 to teach. There are enormous numbers of people who
14 are -

15 SERGEANT AT ARMS: Time expired.

16 RICHENDA KRAMER: This country who would enjoy
17 teaching. So, I pass that on as a suggestion for
18 programming in all of the jails in New York City.
19 Thank you and thank you for your patience.

20 CHAIRPERSON POWERS: Thank you for your patience.
21 Thank you for being here.

22 COMMITTEE COUNSEL: Next, we will hear from Grace
23 Price.

24 SERGEANT AT ARMS: Time starts now.

25 GRACE PRICE: Hi, thank you so much for giving me
the time, but I rescinded my time to Melania Brown

3 and I'm going to stick by that but please pay
4 attention to my written testimony. I outline a plan
5 for the DOC specifically with the upcoming Council.
6 Thank you so much.

7 CHAIRPERSON POWERS: Thank you. Thanks so much.

8 COMMITTEE COUNSEL: This concludes the public
9 testimony. If we have inadvertently forgotten to
10 call on someone to testify, could you please raise
11 your hand using the Zoom raise hand function now and
12 we will try to hear from you.

13 CHAIRPERSON POWERS: I have Zara who is
14 testifying, so would you call - But I also believe we
15 have an Assembly Member who will be joining us
16 shortly. So, let's just wait for a few more minutes
17 to see if they are attending but uh, I see Zara with
18 her hand up and I'd like her to testify.

19 SERGEANT AT ARMS: Time starts now.

20 ZARA NASIR: Uhm, hi everybody. Good evening
21 Chairs Powers and Miller and Committee Members if
22 you're present. My name is Zara Nasir and I am the
23 Deputy Director at New York City Anti-Violence
24 Project, AVP.

25 A little bit about AVP. We are the only LGBTQ
specific victims services agency in this city. We

3 operate a bilingual 24/7 hotline and provide legal
4 and counseling services and advocacy for LGBTQ and
5 HIV effected survivors of all forms of violence. We
6 also have counselors that work with incarcerated
7 survivors inside the jail system and we've been
8 saying for years, Rikers is a death trap but now, the
9 level of overcrowding and lack of sanitation, safety,
10 water, meals, and medical care means that we are in
11 crisis.

12 And in this chaos, LGBTQ people and people
13 effected by HIV are extremely vulnerable to violence
14 and death. Esias Johnson, the young Black gay
15 disabled man who died in Rikers last week is just the
16 latest LGBTQ New Yorker to be killed in the system.
17 LGBTQ and HIV effected people face increased violence
18 and elected officials touring the facility this week
19 reported seeing a transwoman placed in male
20 facilities, deprived of hormone treatments. And
21 people living with HIV deprived of lifesaving
22 medication.

23 As a top doctors, as Rikers top doctor has said,
24 the city is not capable of safely managing those in
25 its custody. We join the New York Campaign for
Alternatives to Isolated Confinement and the Jails

3 Action Coalition and calling for immediate
4 decarceration and an end to solitary.

5 The jail population has doubled since July 2020.
6 The Mayor, Judges, DA's and the City Council must do
7 what it take to decarcerate immediately. Use the 6A
8 program, push for Less is More, utilize city bail
9 funds. And most of all, stop sending people to jail.
10 When CO's are unable to produce them for court
11 appearances anyway as indicates with Esias Johnson.

12 The City Council must also end solitary
13 confinement by amending and then passing the -

14 SERGEANT AT ARMS: Time expired.

15 ZARA NASIR: And this practice among the Staten -
16 uhm, we've been calling for an end to solitary since
17 Layleen Polanco's death in 2019 and three years
18 later, we're still waiting. I just want to echo
19 Melania's testimony that this needs to end and the
20 city must stop stalling and relieve people in jails
21 from these horrific conditions now. Thank you.

22 CHAIRPERSON POWERS: Thank you. Thanks Zara.

23 Nice to see you.

24 COMMITTEE COUNSEL: Uhm, I see Assembly Member
25 Gonzalez-Rojas has joined us.

SERGEANT AT ARMS: Time starts now.

3 CHAIRPERSON POWERS: Yes, I got to call the
4 Assembly Member up uh to testify.

5 ASSEMBLY MEMBER GONZALEZ-ROJAS: Uh, hi everyone.
6 Thank you for having me and accommodating me at this
7 time. Uhm, Chairperson Powers, Miller and the
8 members of the Committee on Criminal Justice and
9 Civil Service and Labor. Uhm, as mentioned my name
10 is Jessica Gonzalez-Rojas. I am the Assembly Member
11 for the 34th District. I am also testifying as an
12 advocate, a neighbor and as a New Yorker.

13 On Monday, I visited Rikers Island with several
14 of my colleagues in the state legislature. This was
15 the second time I visited the jail and it was the
16 fourth visit I had made to a jail or prison in our
17 state in eight months in office. So, I'll be direct.
18 Rikers Island is in an absolute state of emergency.
19 The conditions are inhumane and we must act if we
20 truly want to save lives. Because no person deserves
21 to go without food, without healthcare, without
22 lifesaving medication and without basic sanitary
23 conditions. No worker deserves to work triple shifts
24 under unsafe conditions and there is legislation that
25 I am a co-sponsor of at the state level that would
address this persistent problem.

3 Rikers Island is as it has been known for so long
4 as torture island. So, I'm going to name a few
5 names. Esias Johnson, Brandon Rodriguez, Robert
6 Jackson, Segundo Gualpa, Wilson Diaz Guzman, Tomas
7 Carlo-Comacho, Javier Velasco, Thomas Earl Braunson
8 III, Richard Blake and Jose Mejia Martinez. These
9 are all people who were incarcerated on Rikers Island
10 and who had completed suicide. And why? Because the
11 carceral system is not public help. The carceral
12 system is not public safety and we, as elected
13 officials, should be sick to our stomach that these
14 deaths happened under our watch. It nearly happened
15 under my watch.

16 On Monday, I witnessed an attempted suicide. A
17 young man trying to hang himself in my presence.
18 This is a crisis -

19 SERGEANT AT ARMS: Time expired.

20 JESSICA GONZALEZ-ROJAS: So, we need to act now.
21 As I'm aware that the city has proposed a plan of
22 action for Rikers Island but as you know as much as I
23 do, that reform is not working. It has not worked.
24 You can not reform an inherently deadly institution.
25 We must abolish it. I want to ensure that all people

3 are safe including all workers and all people who are
4 incarcerated.

5 So, I'm asking for your help in accomplishing the
6 following. One, the Mayor, Judges, District
7 Attorney's and the Council must take immediate steps
8 to decarcerate the jails. Two, we can take a step in
9 doing so today by calling on Governor Hochul to sign
10 the Less is More Act. And three, we must truly,
11 truly end all forms of solitary confinement.

12 While this may seem radical to some but to have
13 something we've never had, we must do something we've
14 never done. We have never known a decarceral world
15 that prioritizes our humanity and provides housing
16 for all universal health care and relieves hunger.
17 But we can achieve it only if we have the political
18 will. So, thank you for the opportunity to testify.

19 CHAIRPERSON POWERS: Thank you and thank you and
20 all your colleagues. Thank you for being our
21 potentially last person to testify eight hours into
22 our hearing. I appreciate you coming and being here.
23 And also, the folks that you joined on Monday for the
24 seeing the physicians themselves. I do think it's
25 important to understand the folks that are dealing

3 with the conditions there. Doctors, staff, people
4 that are being held there, so appreciate that.

5 One thing I want to reflect and I also mentioned
6 to some of your colleagues when we talked about the
7 Less is More Act and especially hoping that Governor
8 Hochul will sign that bill urgently. Uhm, as I hope
9 for and I know you have as well. There is a, I
10 believe somebody [INAUDIBLE 4:33:44]. The start date
11 of that is March 2022 and I think we would all like
12 to see that moved up. So, even long they are signing
13 will potentially be even a chapter amendment to help
14 move that date to be even more effective, so I am
15 going to ask for your support.

16 JESSICA GONZALEZ-ROJAS: Yes, she needs to sign
17 it and authorize immediate execution of the program.

18 CHAIRPERSON POWERS: Yeah, well, thank you for
19 being here and taking time and taking time to go
20 there as well and appreciate it. I think we're going
21 to do just one more. So, thank you and I think we're
22 going to do one more survey of anybody who we've
23 missed. I am going to head back to my Committee
24 Counsel.

25 COMMITTEE COUNSEL: Yes, if anyone still hasn't
testified, you may use the Zoom raise hand function

3 now. I am not seeing any hands; I think we're good
4 to close out.

5 CHAIRPERSON POWERS: Thank you. I think the
6 Assembly Members testimony is and the testimony
7 throughout the day you know provide a proper ending
8 to this to the folks who have been there and who have
9 experienced it who work there, have all been saying
10 the same thing throughout this day, which is that the
11 conditions at our city jails, we're in an urgent
12 crisis moment. That's why we're here today. That's
13 why folks are going there to witness these conditions
14 and that's why we are calling for things to close
15 Rikers Island. Sign the Less is More Act to do a lot
16 more. For now, eight and a half hours into this
17 hearing and the message has been consistent
18 throughout it. And we appreciate everybody who has
19 been patient with us throughout this day as we've
20 tried to give everybody an opportunity to testify and
21 for folks that obviously could not today because of
22 the length of the hearing, we certainly will look out
23 for written testimony and obviously more ideas.

24 And I want to thank the Council with us leading
25 up to this hearing as well, and of course all staff
here at the City Council and my office who have been

3 helping to work and manage this hearing today and my
4 colleagues, I see a couple still here. Council
5 Member Rosenthal, Council Member Riley, Council
6 Member Adams and of course Chair Miller, who I know
7 is still on and paying attention and listening to the
8 stories here. I want to thank them for continuing to
9 be here for a very long day.

10 But I want us to make sure we end it with a sort
11 of a recognition of the urgency here and when we
12 started, it was sort of making sure that the
13 agencies, the Mayor's office and others understood
14 the urgency that was being reflected by people that
15 have been there and working there. We've heard hours
16 of testimony from people saying the same thing. I
17 think it's kind of important that all the leaders are
18 going there and, and, and witnessing conditions.
19 That we are using all the tools at our disposal to
20 address them and I think one thing we have talked
21 about today is we still believe we are not doing all
22 of that. We're not using all the tools at our
23 disposal to help address this.

24 I will be out at Rikers myself imminently and I
25 hope others will do that as well. Uhm, I want to
thank all the folks who are trying to fix these

1
2 problems as difficult as they are and I want to thank
3 everyone whose contributing to that. Uhm, I don't
4 have to repeat my opening statement but we are in a
5 crisis and it requires all hands on deck and I'm
6 heartened to see my state elected officials being
7 here and understanding our relationship to fix it
8 together.

9 And with that, I'll say thank you to everyone for
10 being here today. For adding your voices and we are
11 not ending at this hearing today. This is one moment
12 to spotlight all the issues here and we have a lot of
13 work to do and I am part of that solution as everyone
14 else here.

15 And so, with that, I will close the hearing. I
16 want to say thank you to everyone for being here and
17 we will continue to do our work together to add that
18 urgency and highlight at the city and state level.
19 I'm potentially federal level to do everything we can
20 to get these conditions of safety, security, staffing
21 and much more. So, thank you everyone for being here
22 today. And with that, we are adjourned. Thank you.

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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 October 13, 2021