

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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December 20, 2023
Start: 11:01 a.m.
Recess: 11:15 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH
FLOOR

B E F O R E: Carlina Rivera, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Shahana Hanif
Mercedes Narcisse
Lincoln Restler
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Jumaane Williams, Public Advocate

1 COMMITTEE ON CRIMINAL JUSTICE

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2 SERGEANT-AT-ARMS: Good morning, this is
3 a microphone check for the Committee on Criminal
4 Justice. Today's date is December 20, 2023, located
5 in the 16th Floor Committee Room, recording done by
6 Pedro Lugo.

7 SERGEANT-AT-ARMS: Good morning and
8 welcome to the New York City hybrid hearing of the
9 Committee on Criminal Justice.

10 Please silence all electronic devices.

11 At no time, please do not approach the
12 dais.

13 If you have any questions, please raise
14 your hand, and the Sergeant-at-Arms will kindly
15 assist you.

16 Thank you for your kind cooperation.

17 Chair, we are ready to begin.

18 CHAIRPERSON RIVERA: [GAVEL] Good morning.

19 I am Council Member Carlina Rivera, Chair of the
20 Council's Committee on Criminal Justice. I'd like to
21 welcome you to our vote today on Introductions 549-A,
22 1203-A, and Resolution 241-A.

23 I want to recognize my Colleagues who are
24 here, Council Members Abreu, Schulman, Carr, and
25 Narcisse, and we've also been joined by Public

2 Advocate Jumaane Williams who you'll hear from in a
3 second.

4 Intro. number 949, which Public Advocate
5 Williams and I introduced and which has support from
6 a large majority of the Members of this Body, bans
7 solitary confinement and modifies other forms of
8 restrictive housing in our city jails. Solitary
9 confinement has devastating consequences and
10 dramatically increases incidences of self-harm,
11 including fatal self-harm for those who are forced to
12 endure it. We know that solitary can cause
13 hallucinations, panic attacks, and paranoia. We also
14 know that too many people, and I do not invoke these
15 names lightly, Layleen Polanco, Jason Echevarria,
16 Bradley Ballard, and Kalief Browder are among those
17 who might be alive today if the City of New York
18 hadn't put them in solitary.

19 We are here today to begin a new chapter
20 by passing legislation that ends this barbaric
21 practice. Securing this support and momentum has been
22 years in the making and is almost entirely thanks to
23 the advocates who have led the way and helped develop
24 the legislation that we are voting on today. For
25 decades, solitary confinement has been used as a

2 disciplinary tool in our jail system, and the reality
3 is this no matter what you call it, solitary
4 confinement is abusive, horrific, and inhumane. Human
5 rights experts have declared that solitary
6 confinement is torture. According to Vera Institute,
7 people who spent any time in solitary confinement
8 were 24 percent more likely to die in the first year
9 after their release from prison than those who had
10 been incarcerated but had not been placed in solitary
11 confinement. Additionally, those who spent time in
12 solitary confinement were found 78 percent more
13 likely to die from suicide and 127 percent more
14 likely to die of an opioid overdose in the first two
15 weeks after release. We must strive for a criminal
16 legal system that leads the nation in reforms rather
17 than accepting a status quo where our neighbors are
18 locked away in violent and dangerous conditions.

19 I also want to acknowledge the efforts of
20 the correction officers, deputy wardens, wardens, and
21 others who have dedicated their working lives to
22 providing for the safety and security of those in our
23 jails. Solitary confinement does not keep anyone
24 safe. It's a practice that exacerbates mental illness
25 and destabilizes people in a way that increases the

2 likelihood of violence, which undoubtedly runs
3 counter to all of our goals.

4 We will also vote on Intro. 1203-A
5 introduced by Council Member Riley to require
6 Department of Correction to provide a letter of
7 incarceration, also known as discharge papers, to
8 every person who gets released from the Department's
9 custody. With the cuts to individualized transition
10 services that help connect people leaving custody to
11 the social safety net, it is crucial that DOC provide
12 individuals with the paperwork they need to get their
13 feet on the ground after their release. Federal law
14 prohibits people from collecting from programs like
15 Social Security and Medicaid while incarcerated so
16 they need to show proof that they're out, their
17 discharge papers, to get their benefits back.
18 Council Member Riley's bill will require DOC to
19 provide a letter of incarceration to every person
20 that gets released from the Department's custody.
21 Instead of requiring individuals to proactively
22 request such a letter, issuing one would be the
23 default.

24 Finally, we will vote on Council Member
25 Hudson's Reso. 241-A to urge our Colleagues in Albany

2 to swiftly pass the Elder Parole and Fair and Timely
3 Parole Act as a result of outdated and racist law and
4 order practices and policies. The share of the jail
5 and prison population comprised of older adults has
6 been steadily rising in recent decades. Passing these
7 bills would save our state money and reform the
8 broken parole system that has left too many of our
9 elders behind bars.

10 I'm proud to support all the measures we
11 are considering today. I urge my Colleagues to vote
12 aye.

13 With that, I will now turn to the Public
14 Advocate to give a statement on his bill.

15 PUBLIC ADVOCATE JUMAANE WILLIAMS: Thank
16 you so much. Peace and blessing, love and light
17 everyone. Good morning. My name is Jumaane Williams,
18 and I am the Public Advocate for the City of New
19 York. I want to thank the co-prime sponsor and Chair
20 Rivera for giving me an opportunity to speak and the
21 work done on this and the Members of the Committee on
22 Criminal Justice for holding this vote.

23 I want to begin by calling solitary
24 confinement and associated isolation what it is,
25 torture. It is cruel, it is inhumane, it can ruin

2 people's lives, and too many don't survive. Many try
3 to mask the practice of isolation with euphemistic
4 names like punitive segregation, but there often is
5 no difference. It is solitary confinement. Prolonged
6 isolation that looks like, feels like, acts like
7 solitary confinement is likely solitary confinement.
8 Physical isolation coupled with the lack of
9 meaningful social interactions causes or exacerbates
10 trauma as well as other mental health issues. People
11 who experience isolation in jails and prisons suffer
12 socially, mentally, emotionally, and financially,
13 both while incarcerated and after release. No one
14 leaves solitary confinement whole. They struggle with
15 the lasting effects of trauma and are
16 disproportionately more likely to die by suicide or
17 homicide. They are also at risk for homelessness and
18 substance abuse. Re-emphasizing some of the stats
19 that the Chair mentioned, a 2019 North Carolina study
20 found that survivors of solitary confinement were 127
21 times more likely to die from an opioid overdose
22 within two weeks of their release. There's also data
23 that shows that people of solitary confinement are
24 twice as likely to be rearrested after they leave
25 incarceration.

2 That is why we are today voting on Intro.
3 549, which would ban the use of solitary confinement
4 in City jails as implemented by the Department of
5 Corrections as well as provide individuals in DOC
6 custody due process protections following the
7 incident and prior to being placed in restrictive
8 housing or continued use of restraints.

9 I want to acknowledge that there are
10 situations in which separation from the general
11 population is necessary to protect the safety of
12 those incarcerated and staff and individuals
13 themselves. I also want to acknowledge many of the
14 issues that corrections officers are bringing up and
15 people who work there including sexual assault of
16 female correction officers, including assault of
17 correction officers, particularly sexual assault,
18 which is not much, unfortunately, is being done, but
19 I also want to mention that's happening right now
20 without this bill which says that what we're doing
21 and the use of isolation and use of solitary
22 confinement is not working, more likely it is making
23 things worse and if we want something different, we
24 have to do something different. I have worked with
25 all of those who are willing to engage to design a

2 bill that addresses safety concerns while ending the
3 harmful practice of solitary confinement and
4 isolation but also allows for necessary separation.
5 This bill outlines a simpler procedure, separate, de-
6 escalate, and investigate. I also want to express my
7 gratitude to Speaker Adrienne Adams and all my
8 Colleagues in the City Council for sponsoring the
9 bill.

10 I urge Mayor Adams to re-evaluate his
11 position on solitary confinement. Ending this
12 practice in our jail will provide a safer environment
13 for everyone. It is life-saving, it is urgently
14 needed, and is long overdue. I also want to thank all
15 the Staff that has worked on this for over two years.
16 First, our First Deputy Nick Smith. I want to thank
17 Jeffrey Severe, Deputy Public Advocate for Justice
18 and Safety; Solomon Acevedo, Deputy Public Advocate
19 for Housing and Health Equity; Gwen Saffran, Senior
20 Policy and Legislative Associate as well as the Halt
21 Solitary and Jails Action Coalition. I want to give
22 two special shoutouts to two particular Staff Members
23 over the past few months really helped grind this out
24 and take us over the hump, and that's Veronica Aveis,
25 Chief Deputy Public Advocate for Policy, and Rosie

2 Mendez, former Council Member, Director of
3 Legislation and Policy. Huge shoutouts to them and
4 the work that was done. Thank you so much.

5 CHAIRPERSON RIVERA: Thank you so much for
6 carrying this bill for so many years and for your
7 advocacy.

8 PUBLIC ADVOCATE JUMAANE WILLIAMS: Sorry,
9 just one more thing. I want to just shout out former
10 Council Member Danny Dromm for all the work that he
11 did prior to this Council. We wouldn't be here if he
12 had not first introduced it.

13 CHAIRPERSON RIVERA: Absolutely. Special
14 thanks to Danny Dromm and all of the Staff that got
15 us to this moment, and I also want to thank the
16 Speaker for her leadership.

17 I now turn to the Clerk to call the roll.

18 COMMITTEE CLERK MATTHEW DISTEFANO:
19 Matthew DiStefano, Committee Clerk. Committee on
20 Criminal Justice, roll call vote, all items are
21 coupled. Chair Rivera.

22 CHAIRPERSON RIVERA: I vote aye.

23 COMMITTEE CLERK MATTHEW DISTEFANO: Abreu.

24 COUNCIL MEMBER ABREU: Permission to
25 explain.

2 I just wanted to say very briefly today
3 is a momentous day. It's a day that we're going to
4 look back on for as long as we can remember, and I
5 want to thank all the advocates, everyone who fought
6 for this. It's a big deal, and this is all in the
7 pursuit of justice and treating people with dignity
8 and respect and treating them as humans so I vote aye
9 on all. Thank you so much to everyone.

10 COMMITTEE CLERK MATTHEW DISTEFANO: Hanif.

11 COUNCIL MEMBER HANIF: Aye.

12 COMMITTEE CLERK MATTHEW DISTEFANO:

13 Narcisse.

14 COUNCIL MEMBER NARCISSE: One second to
15 explain my vote. As a registered nurse for over three
16 decades, did re-entry program, and I have seen it
17 close and personal how detrimental it can be. Some
18 folks say solitary confinement; I say, solitary is
19 more than that, it's just like a cage, and if you're
20 putting people in a cage, and you're treating people
21 like animals, then you will need another animal to
22 deal with that person as well so both cycles are not
23 good for society. We're building a society that's
24 kind of not humanized, not human approach. We're
25 supposed to treat people like people. Like Freud

2 would say, Pavlov's dogs. Certain things you expect
3 from a behavior, you expect that's what you will get,
4 and we cannot do the same thing over and over. I
5 understand some folks have difficulty of change, but
6 if we don't change, and we don't treat human as
7 human, what do you expect? What message we're sending
8 out? We're supposed to be a city of love, city of
9 respect, and in the way that we're doing things,
10 we're not doing it the proper way. Like the Public
11 Advocate just said, we have to do different things to
12 get different results, and you cannot do the same
13 thing over and over and expect different result,
14 we're going to get the same thing back. I want to say
15 thank you to the public advocate. This is very
16 emotional because I'm hearing so many things out
17 there, but the people that suffered, that come to
18 you, I have been in a room where I have folks that
19 caused so many things in their lives and they come,
20 they never had a chance to stand out so I want to say
21 thank you, Public Advocate, and thank you to the
22 leadership, Adrienne Adams, and I do appreciate my
23 Colleagues. Thank you so much.

24 COMMITTEE CLERK MATTHEW DISTEFANO: Your
25 vote, Council Member.

2 COUNCIL MEMBER NARCISSE: Sorry. I vote
3 aye.

4 COMMITTEE CLERK MATTHEW DISTEFANO: Thank
5 you. Restler.

6 COUNCIL MEMBER RESTLER: Permission to
7 explain my vote?

8 I just firstly want to express gratitude
9 to the most prolific legislator in the city of New
10 York, our Public Advocate Jumaane Williams, and his
11 esteemed co-prime, the Chair of this committee,
12 Carlina Rivera. Thank you both for your leadership on
13 this, and thanks to Adrienne Adams, our Speaker, for
14 pushing this through. When we all came into office
15 two years ago, this was one of the first things that
16 this City Council said we are going to fight for, and
17 by the conclusion of this term, we got it done. We
18 are ending torture in New York City once and for all,
19 and I am profoundly honored to play a small part in
20 voting aye. Thank you.

21 COMMITTEE CLERK MATTHEW DISTEFANO:
22 Schulman.

23 COUNCIL MEMBER SCHULMAN: Aye.

24 COMMITTEE CLERK MATTHEW DISTEFANO:
25 Stevens. Carr.

2 COUNCIL MEMBER CARR: I'll be voting yes
3 on introduction 1203-A and no on the rest.

4 COMMITTEE CLERK MATTHEW DISTEFANO: Okay,
5 by a vote of seven in the affirmative, zero in the
6 negative, and no abstentions, the items have been
7 adopted with the exception of Intro. 1203, which
8 passed by a vote of six in the affirmative, one in
9 the negative, and no abstentions. Thank you.

10 COUNCIL MEMBER CARR: I'm sorry. It's the
11 other way around. I voted yes on 1203-A and no on the
12 others.

13 COMMITTEE CLERK MATTHEW DISTEFANO: I
14 apologize. The items Intro. 549-A and Reso. 241 pass
15 six in the affirmative, one in the negative, no
16 abstentions.

17 CHAIRPERSON RIVERA: Thank you so much to
18 the Committee and to all of the Staff that allowed
19 today to happen.

20 With that, we adjourn. Thank you. [GAVEL]

21 TRANSCRIPTION NOTE: Vote Revision: INT 1203-A (7
22 affirmative, 0 negative, 0 abstentions).

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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 December 23, 2023