

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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September 26, 2016

Start: 01:06 p.m.

Recess: 04:06 p.m.

HELD AT: Committee Room - City Hall

B E F O R E:

ELIZABETH S. CROWLEY
Chairperson

COUNCIL MEMBERS:

FERNANDO CABRERA
MATHIEU EUGENE
PAUL A. VALLONE
RORY I. LANCOUNCIL MEMBERAN

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

Mark Peters
Commissioner
New York City Department of Investigation

Alex Crohn
General Counsel
Mayor's Office of Criminal Justice

Timothy Ferral
Deputy Commissioner
New York City Department of Corrections

Frank Dolca
Deputy Commissioner
Financial Facility & Fleet Administration
New York City Department of Corrections

Jeff Thamkittikasem
Chief of Staff
New York City Department of Corrections

Elias Husamudeen
President
Correction Officers' Benevolent Association

Gregory Levine
Executive Vice President
JPay

Sarah Kerr
Staff Attorney
Legal Aid Society

Kelsey De Avila
Social Worker
Jail Services

Tanya Krupat
Director
Osborne Center for Justice Policy & Practice

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

Jane Stanicki
Hour Children

Vivian Velasquez
Resident
New York City

Victoria Phillips
Advocate
Urban Justice Center Mental Health Project

Jennifer Parish
Member
Jails Action Coalition

Faith Barksdale
Member
Jails Action Coalition

Kelly Grace Price
Jails Action Coalition

Craig Levine
Managing Director for Civil Practice & External
Affairs
Bronx Defenders

[gavel]

CHAIRPERSON CROWLEY: Good afternoon. My name is Elizabeth Crowley. I am the chair of the Fire and Criminal Justice Services Committee here at the Council. Today this committee will vote on four bills related to the Department of Correction. I fully support OMB's bills and firmly believe that the council will soon pass all four of these very important bills. I recently addressed each bill individually and then afterwards we'll take a vote. The first bill, Intro 899A sponsored by Council Member Gibson relates to the use of the nursery at the DOC. By state law the DOC is required to allow any children born while their mothers are in DOC custody to be housed with their mothers. The DOC has established a nursery for this purpose and this bill creates procedural requirements to ensure that the DOC does not deny children entry into the nursery without due process. It also requires regular reporting on the use of the nursery to ensure transparency and oversight on this important issue. Intro 10-14A, the second bill, Intro 10-14A sponsored by Council Member Johnson pertains to the ever increasing number of inmates in DOC custody

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who have serious mental health issues. The bill requires regular reporting on the number and the rate at which these inmates are released into our city and the number and the rate at which they are re-incarcerated after one year. Intro 10-64A, the third bill sponsored by myself, sponsored by myself relates to the programming that DOC offers inmates. At the depart, as the department continues to roll out an ever increasing array of inmate programming it is crucial that the department and this council be informed of what the programming costs, what it entails and what results it produces. My bill will require regular reporting on these important issues with a comprehensive report that will allow the public and policy makers deep insight into this critical issue. Intro 11-44A, the fourth and final bill sponsored by Council Member Cumbo requires the training and usage of trauma informed care. Trauma informed care is a method of treating victims of trauma that have been developed and promoted by the federal government and used at a variety of context including in correctional facilities with great success. This bill would require the DOC to train appropriate employees in trauma informed care to

2 utilize this care when appropriate and to regular..
3 regularly report on its usage. I'd like to thank
4 the council members who support and sponsor these
5 bills. And I'd like to thank the staff who also
6 worked on these bills and I'd like to call the
7 committee clerk for a vote. Thank you.

8 COMMITTEE CLERK DESTEFANO: Committee
9 Clerk Mathew Destefano. Committee on Fire and
10 Criminal Justice Services. Roll call on intro
11 numbers 899A, 10-14A, 10-64A and 11-44A. Chair
12 Crowley.

13 CHAIRPERSON CROWLEY: I vote aye.

14 COMMITTEE CLERK DESTEFANO: Cabrera.

15 COUNCIL MEMBER CABRERA: Aye.

16 COMMITTEE CLERK DESTEFANO: Lancman.

17 COUNCIL MEMBER LAN
COUNCIL MEMBER AN:

18 [off mic] Aye.

19 COMMITTEE CLERK DESTEFANO: Vallone.

20 COUNCIL MEMBER VALLONE: Aye on all.

21 COMMITTEE CLERK DESTEFANO: By a vote of
22 four in the affirmative, zero in the negative, and
23 no abstentions the items have been adopted.

24 CHAIRPERSON CROWLEY: Today we will also
25 hear a number of pieces of legislation. Good

1
2 afternoon. Today we'll start the second part of the
3 hearing which is to hear new legislation that has
4 been introduced. One piece of legislation I'm
5 particularly interested in discussing is Intro 12-
6 28A which would require the city to create a more
7 defined formal roll of Inspector General within the
8 Department of Investigation. Within the Department
9 of Investigation to investigate, review, study,
10 audit, and make recommendations regarding system
11 wide jail operations procedures, programs, and DOC
12 practices. This person in this position would focus
13 its attention on the treatment of inmates and
14 behavior and actions of correction officers. The
15 committee will also hear legislation addressing
16 transfer fees which funds are deposited into
17 inmates' accounts which is sponsored by our public
18 advocate who we will hear from shortly transporting
19 inmates in multiple... sorry, other bills and other
20 legislation that we'll be addressing today include
21 transporting inmates in multiple cases to court
22 appearances, the waiver of fees in the collection
23 of cash bail and the circumstances in which inmates
24 are produced in civilian clothing. I look forward
25 to hearing how these measures would impact the

2 efficiency transparency and fairness of every day
3 Department of Correction operations. I'd like to
4 thank the public advocate who was here today to
5 talk about her bill and all my colleagues who have
6 sponsored this legislation now. I'd like to
7 recognize our public advocate who is going to true
8 champion our criminal justice reform.

9 PUBLIC ADVOCATE JAMES: I want to thank
10 the Chair Council Member Crowley for all of her
11 great work and her leadership in this area and her
12 staff for holding this hearing on these critical
13 pieces of legislation. It's also nice to see the
14 Department of Investigation Commission of Mark
15 Peters, thank you for being here as well. More than
16 half of the inmates detained in our jails are there
17 because they and their families cannot afford even
18 a low bail, up to \$3,000. When someone is detained,
19 especially when the reason for the detention is
20 lack of money the system should not further
21 penalize their family and friends by allowing a
22 large cooperation to charge up to 50 percent of the
23 fees on any money sent to them but it's basically
24 unconscionable. And some of these corporations are
25 allowed to put their kiosk like ATMs at numerous

2 locations on Ryker's and in the borough facilities.
3 And DOCs even directs people on the DOC website,
4 straight to the corporate websites... And the
5 corporations do not pay a dime for this opportunity
6 to exploit the family and family members of
7 pretrial detainees. Individuals who are innocent
8 until proven guilty. And so consider this the
9 money, friends and families in the credit card
10 transaction is doubly taxed. First there are fees
11 to the credit card company and then on top of that
12 fees to JPay or Western Union with the deposit
13 transaction. And I just recently learned as a
14 result of... conversation with a media outlet that
15 some of these corporations don't even have their
16 licenses unfortunately have not been renewed. And
17 unfortunately the city continues to do business
18 with some of these companies. So let's say mom
19 sends her, mom or dad sends their son or daughter
20 50 dollars so that they can put money on the phones
21 so that they can engage in conversations with their
22 families. The reality is if she puts \$50 on her, on
23 her son or daughter's commissary account. She is
24 charged an excessive fee for doing that. And DOCs
25 takes a surcharge of \$25 from inmate accounts every

2 time an inmate is sent to solitary. Inmates are
3 already paying high prices to use the phone and to
4 buy basic amenities from the commissary and
5 corporations should not be skimming off the top
6 before the detainees even get the money from mom or
7 dad. State law has capped these fees at \$5 but
8 there has been no enforcement of that law. In fact,
9 it's actually ignored by the Department of
10 Corrections. And we again informed DOCs that this
11 was a problem and unfortunately not much has been
12 done if anything. And so a \$5 fee is basically too
13 much when people are depositing \$10 or \$25 or \$50.
14 And that is why my bill does not allow fees any
15 larger than 1% of the total amount of the deposit
16 and never more than \$5. State law already requires
17 DOCs to keep inmates' money in a trust in inmate
18 accounts which they do. In fact, DOC already has an
19 elaborate system in place to handle deposits and
20 withdrawals from inmate accounts internally. And
21 they do this because state law requires it. The
22 contracts with kiosks and websites are an
23 additional and necessary hurdle, an extra portal to
24 go through for deposits preventing people from
25 accessing the existing DOC system. Deposits used to

2 be three. Families would mail in a money order. And
3 DOCs own website says it used to be free but that
4 JPay improved things. And I ask the question or
5 begs the question improved for whom. This really
6 should be free again. The DOCs own director of,
7 directive says that they will accept money by mail
8 for free. You should be able to take money to the
9 jail for free. And the city should and could sent
10 up, set up a web portal where deposits could be
11 made for free is an unnecessary gift to a private
12 corporation. It may well violate the gift clause of
13 the New York state constitution and I have asked
14 our commissioner to investigate why the contract
15 happened and why DOC continues this practice. The
16 bill we are considering here today particularly of
17 the speaker's bill would basically prevent the city
18 from profiting off of mass incarceration. As a
19 result of this activity, and so I thank the chair,
20 I thank all of my colleagues in government. I thank
21 the Commission of DOI and I thank all of you for
22 being here today. Thank you.

23 CHAIRPERSON CROWLEY: Thank you again to
24 our public advocate for introducing an important
25 bill today and her advocacy all together on

2 criminal justice reform. First we're going to hear
3 from the commissioner of the Department of
4 Investigation, Commissioner Peters, and, and
5 discuss mainly the DOI inspector general bill. And
6 then we will hear from DOC and discuss the DOI bill
7 as well as all the other bills on the agenda. So I
8 thank the commissioner for being here today and
9 before you begin we have to go through the formal
10 procedure affirming you to tell the truth. So if
11 you don't mind if you could raise your right hands
12 and answer the question. Do you affirm to tell the
13 truth, the whole truth, and nothing but the truth
14 in your testimony before this committee and to
15 respond honestly to council member's questions?
16 Thank you. Please begin your testimony.

17 COMMISSIONER PETERS: Thank you. Good
18 afternoon Chairperson Crowley, Public Advocate
19 James, and members of the Committee on Fire and
20 Criminal Justice. I'm Mark Peters Commissioner of
21 the New York City Department of Investigation.
22 Thank you for inviting me here to comment on city
23 council's proposed bill; Intro 1228A, a local law
24 to amend the New York City charter in relation to
25 investigating, reviewing, studying, and auditing of

1 and making recommendations relating to the
2 Operations Policies Program and practices of the
3 Department of Correction by the Commissioner of the
4 Department of Investigation. At the outset I
5 appreciate the city council's concern and the
6 public advocates concern over the important issue
7 of Ryker's Island reform. This issue has been a key
8 focus area for me since I started as DOI
9 Commissioner in 2014. As you know under current law
10 DOI possesses the authority to investigate issues
11 of corruption, waste, fraud, and abuse in the
12 city's jails. Chapter 34 of the city charter states
13 that the DOI Commissioner quote is authorized and
14 empowered to make any study or investigation which
15 in his opinion may be in the best interest of the
16 city including but not limited to investigations of
17 the affairs, functions, accounts, methods,
18 personnel, or efficiency of any agency close quote.
19 Executive Order 16 endorsed by every mayor since Ed
20 Koch grants DOI quote unrestricted access close
21 quote, to city documents and employees to carry out
22 these investigations. These broad provisions
23 establish and mandate DOI's role as the independent
24 inspector general for all city agencies in
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operation. In the context of our oversight of the Department of Correction the work of DOI's DOC IG unit has already led to the arrest of 34 DOC staff since 2014, nearly two dozen staff disciplined, and more than three dozen inmates arrested, all on various charges including assault and smuggling contraband. Those arrests include one correction officer who smuggle seven scalpel blades in to be used as weapons. And most recently a correction officer who sexually assaulted a female inmate. Several more arrests are expected by year end. Under the current law our work looks at both broad systemic issues and individual criminal cases spanning use of force and violence, sexual assault, and contraband. Where appropriate we should report which detail our findings and issue specific recommendations to the Department of Correction for further action reform. Since 2014 we've issued three such reports which have led to implementation of reforms including improves recruitment procedures, the introduction of drug sniffing dogs and new enhanced security screening procedures. Once again I appreciate and support the council's intent to focus energy and intention on the issue

1 of jail safety and human rights. I also appreciate
2 the council's confidence in DOI's work to date and
3 the role as the city's an independent inspector
4 general that has led the council to ask DOI to
5 carry out further work on these issues. My
6 understanding of the intent and purpose of this
7 bill is not to affect or be duplicative of the
8 current robust work of DOI in our oversight of the
9 Department of Correction. The work DOI undertakes
10 to comply with 1228A will not impede or interfere
11 with DOI's ongoing investigatory functions and will
12 produce reports of a type separate and apart from
13 that work with the work being done by others under,
14 under the Nunez Settlement. That is to say the
15 reporting requirements stipulating the bill applied
16 to the new work the office will undertake pursuant
17 to the bill. This new unit must be fully funded and
18 supported by both the mayor and the city council in
19 order to carry out its requirements. And the work
20 contemplated by the bill cannot begin until such
21 funding occurs. In order to accommodate the
22 council's directive to produce system wide reports
23 and studies on an ongoing basis in addition to an
24 annual report DOI would require an additional 25

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staff in accompanying OTPS expenses to bring on auditors, policy experts, and analysts of the type contemplated in this bill. With these understandings which have been discussed with council staff DOI is comfortable executing this bill. Again I would like to thank the speaker, all the members of the city council, public advocate James for their understanding of DOI's concerns, for their confidence in our experience as investigators, and for their ongoing attention to this important issue. Thank you again for the opportunity to address the committee and I'd be happy to take questions at this time.

CHAIRPERSON CROWLEY: Commissioner do you support the bill?

COMMISSIONER PETERS: As written and if funded I do support the bill.

CHAIRPERSON CROWLEY: As long as the funding comes for 25 additional staff.

COMMISSIONER PETERS: Yes. It would not be possible to do this without the funding.

CHAIRPERSON CROWLEY: Would that be just for reporting or for additional investigations?

2 COMMISSIONER PETERS: That would
3 obviously be for additional investigations so that
4 you can then have the report.

5 CHAIRPERSON CROWLEY: Okay. And now can
6 you explain how your office works with the Nunez
7 case.

8 COMMISSIONER PETERS: Our office... so the
9 Nunez case is separate from the work that our
10 office does. There is a Nunez monitor. We,
11 obviously I do not represent the city in a legal
12 capacity and the settlement in Nunez involves the
13 Department of Corrections. So I can't really talk
14 about Nunez. That's something you would need to
15 talk to either DOC about or the Corporation
16 Council's Office about.

17 CHAIRPERSON CROWLEY: Okay.

18 COMMISSIONER PETERS: ...separate
19 settlement.

20 CHAIRPERSON CROWLEY: So your work and
21 the monitor's work doesn't get in the way of one
22 another?

23 COMMISSIONER PETERS: No, absolutely
24 not.

2 CHAIRPERSON CROWLEY: Your paths don't
3 cross?

4 COMMISSIONER PETERS: We have had no, we
5 have had no problems working with one another.

6 CHAIRPERSON CROWLEY: Have you had cases
7 referred to you by the monitor?

8 COMMISSIONER PETERS: We have obviously
9 had a number of conversations with the monitor
10 there has been an exchange of information in both
11 directions. I obviously can't go into the specifics
12 of any specific cases that have been referred. When
13 allegations were made to department, to your
14 deterrent or to the department of correction about
15 one of their staff members doing something, that
16 it's illegal or infringes upon the rights of an
17 inmate. When do you as an agency decide to get
18 involved.

19 COMMISSIONER PETERS: Sure. That's a
20 great question. So we receive roughly 3,000
21 complaints a year from various sources including
22 from DOC ID. The way that it works is we will take
23 a preliminary look at all of those complaints. We
24 will then make a preliminary look at all of those
25 complaints. We will then make a preliminary

2 determination as to whether we think there is
3 criminal activity which we need to investigate or
4 whether there is noncriminal activity that may need
5 to be dealt with that we still need to investigate
6 or whether there is noncriminal activity that could
7 be handled by DOCs own internal group where we
8 believe there is criminal activity we will inform
9 DOC that we are going to be doing that
10 investigation we will then handle the investigation
11 where we believe that there's not criminal activity
12 that requires our intervention. We will then so
13 inform DOC and they can do their own internal
14 investigation.

15 CHAIRPERSON CROWLEY: Like to recognize
16 Council Member Johnson with questions.

17 COUNCIL MEMBER JOHNSON: Thank you Chair
18 Crowley. I don't have a question. I just want to
19 thank Commissioner Peters and you know all the hard
20 work that's been done on Ryker's Island. This
21 administration inherited a total mess and the
22 amount of work that's gone in both on the DOC side
23 where there's still a lot more work to be done but
24 just generally the administration putting forward
25 10s if not 100s of millions of dollars to try to

2 implement some of these changes whether it be
3 reducing solitary confinement, not letting
4 contraband get into the island and actually setting
5 up situations to ensure that there would be strict
6 protocols. There's been an enormous amount done and
7 this is an issue that most of the public doesn't
8 look at because it's a jail system that I just
9 wanted to say thank you for the work that DOI has
10 done in trying to implement some of these really
11 important changes. And I hope we pass this bill and
12 fund your office in the way it's needed to continue
13 these important investigations.

14 COMMISSIONER PETERS: Thank, thank you
15 very much. I really appreciate on, on behalf of my
16 staff who work incredibly hard at this. I really
17 appreciate the kind words. And I also want to say
18 that yes we understand that there is still much
19 work to be done and we are committed to doing it.

20 CHAIRPERSON CROWLEY: Thank you Council
21 Member Johnson. Commissioner, what is your current
22 staff level at DOI for Department of Corrections.

23 COMMISSIONER: For the Department of
24 Corrections... We have a significant number of staff
25 as we do not release the exact number of staff of

2 currently working there for various security
3 reasons.

4 CHAIRPERSON CROWLEY: So the... you
5 wouldn't be able to tell us where the, the
6 additional 25 staff would double your department
7 or...

8 COMMISSIONER PETERS: It would not, it
9 would not double our department. Our department is
10 bigger than that. But we don't go into details much
11 beyond that for a variety of investigative reasons.

12 CHAIRPERSON CROWLEY: And I read through
13 some of your reports and sometimes the time it
14 takes to investigate could be over a year. When
15 they're serious criminal complaints does your
16 office always get involved?

17 COMMISSIONER PETERS: Yes, when there is
18 serious criminal complaints involving DOC staff. We
19 always get involved. There have been times and I
20 cannot go into details or names for obvious reasons
21 where we have said to DOC at the outset of an
22 investigation that we have concerns about a
23 particular officer and have asked that that officer
24 and that officer has ended up on modified duties so
25 they are away from inmates. Obviously

2 investigations, especially the kind of large
3 independent systemic investigations that we have
4 done take a long time but where we believe there is
5 a present danger to an inmate or inmates we will
6 alert and where it is possible to do so we will
7 alert DOCs so that they can modify the relevant
8 officers so we don't continue to have a dangerous
9 situation.

10 CHAIRPERSON CROWLEY: Okay. No I, I did
11 those... that sometimes it takes over a year and all
12 the while we're still paying for the staff so I
13 hope that with the passage of this bill we could
14 expedite the investigations. And especially since
15 the staff is still getting paid full salary. I, I
16 understand and I, and I understand that I deeply
17 sympathize with your point, it is frustrating to us
18 as well. But at the same time it's important that
19 we put together cases that are airtight. Because
20 the worst thing to do is to jump the gun publicly
21 too soon. But I... [cross-talk]

22 CHAIRPERSON CROWLEY: I, I agree. I
23 agree with you completely. You know when there is
24 an allegation of rape or serious or criminal
25 assaults or any type of criminal activity it is

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imperative that we remove the staff from working with inmates and when we... need to make sure that DOCs are always following those rules because in hearings before they have not had specific numbers in terms of those who've been accused of rape. They, they moved them out of areas where they worked with women and then they moved these officers to work with men. So I just want to make sure that your office and the Department of Correction when working together and they make agreements that they're going to adhere to policy changes that they actually follow what they agree to. And in closing because I have no further questions just when it comes to the TSA type of security screening procedures that they agreed to two years ago they never implemented those security procedures and even just this month the mayor announced earlier in September that they're finally going to implement these procedures where they have these high tech screening. So, so it's important to note though... Department of Corrections says they're going to do something they don't necessarily follow their commitment through.

2 COMMISSIONER PETERS: I, I would note
3 that we have a new agreement with the Department of
4 Corrections under which we now have a specialized
5 unit that takes a first look at use of force
6 allegations and we have committed to the Department
7 of Correction and we have done so that we would
8 give them within 30 days we will let them know
9 whether the particular allegation is one that we've
10 decided needs further investigation by DOI because
11 it could be criminal or whether it's one that could
12 be sent back to the disciplinary process which
13 allows them to... where, in cases where the officer
14 has not committed a criminal act but where the
15 officer does need discipline they... DOC can move
16 more quickly on those because we give the
17 notification.

18 CHAIRPERSON CROWLEY: That is good news.
19 I appreciate your commitment to reform on Ryker's
20 Island within our city jails. I thank you for being
21 here today and for your testimony. I have no
22 further questions.

23 COMMISSIONER PETERS: Thank you.

24 CHAIRPERSON CROWLEY: Next we'll invite
25 the Department of Correction up to testify. I... I...

2 if the Department could come up at the same time
3 every representative of the Department of
4 Correction is here today to testify. I think we
5 have enough seats. And also the Mayor's Office of
6 Criminal Justice Alex Chron.

7 ALEX CROHN: Good afternoon Chair
8 Crowley and the Public Advocate. My name is Alex
9 Crohn and I'm the General Counsel of the Mayor's
10 Office of Criminal Justice. Thank you for the
11 opportunity to testify today... and Molly Cohen
12 associate counsels from my office are here to
13 answer any questions that may arise.

14 CHAIRPERSON CROWLEY: Sorry... before you
15 begin your testimony I just want to make sure that
16 the committee has a copy of your written testimony.
17 I haven't received it yet. Thank you. Okay, sorry
18 for the interruption. But what, what we have to
19 swear you in as well and the whole panel, anyone
20 who is going to speak or testify. So if you could
21 all raise your right hands and answer the question.
22 Do you affirm to tell the truth, the whole truth,
23 and nothing but the truth in your testimony before
24 this committee and to respond honestly to council
25 member's questions? Thank you.

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2 ALEX CROHN: The Mayor's Office of
3 Criminal Justice advises the mayor on public safety
4 strategy and together with partners inside and
5 outside government develops and implements policies
6 aimed at reducing crime, reducing unnecessary
7 arrests and incarceration, promoting fairness and
8 building strong and safe neighborhoods. Two of the
9 issues we are here to discuss today, a bill to
10 ensure individuals in DOC custody are transported
11 to all court appearances regardless of bail status
12 and a bill that will eliminate the three percent
13 fee taken from individuals' bail when they plead or
14 are found guilty should be seen in New York City's
15 larger context. New York City's use of jail has
16 declined precipitously in the last several decades.
17 While jail and prison population increased 11
18 percent between 1996 and 2013 in the rest of the
19 country. New York City's jail population fell by 53
20 percent. ...enforcement has also reduced
21 dramatically. The number of summonses issued
22 citywide has dropped 34 percent since 2009 for
23 example. This sharp reduction has happened
24 alongside a 60 percent decline in major crime. You
25 need proof that jurisdictions can both be safer and

2 reduce reliance on jail. The current challenge and
3 one that the mayor's office has confronted head-on
4 is to solve the difficult system problems that
5 remain. Working to solve these problems will allow
6 New York City both to continue to be the safest big
7 city in the country and to reduce unnecessary
8 detention even further. Close coordination between
9 DOC and the state core system is critical to ensure
10 that people who do go to jail during the penancy
11 [phonetic] of their cases do not remain their
12 unnecessarily. Justice Reboot, a system wide
13 initiative, to reduce case delay launched by the
14 city and state courts in April 2015 has proven to
15 be an effective vehicle for coordinating across
16 agencies and achieving significant system gains.
17 Every part of the criminal justice system is
18 necessary to produce change. To reduce case delay
19 in an enduring way it is critical that we recognize
20 the judges, prosecutors, defense lawyers,
21 witnesses, corrections officers, juries, and grand
22 juries of citizens all have a role in determining
23 how quickly or not a case will move. Few of these
24 entities answer to the same boss. The continual
25 challenge is cutting case delay then will be

1 ensuring that representatives from each part of the
2 system continue to see value in working together to
3 improve case processing times despite sometimes
4 differing political interests competing budget
5 priorities and the nature of an adversarial system.
6 Critically then justice reboot is built around the
7 recognition that efforts to reduce case delay
8 require the engagements of all the district
9 attorneys, the defense bar, as well as mayoral
10 agencies among others. To date the city has
11 addressed this issue to productive regular
12 oversight and accountability meetings of a
13 committee representing each part of the system with
14 reform ideas developed in partnership. The
15 committee met initially in mid-April of 2015 and
16 continues to meet regular, to review progress
17 towards goals and make implementation decisions on
18 the borough teams recommendations. The
19 administration supports the goals of Intro 12-60
20 ensuring individuals arrive for all their court
21 appearances regardless of their bail status is a
22 key element of ensuring that cases are resolved
23 without unnecessary delay. As such the
24 administration has already begun discussions with
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2 the Office of Court Administration and in order to
3 determine what can be done to achieve the goals of
4 Intro 12-60. However, our office has concerns about
5 any legislation that would mandate specific forms
6 of coordination with the state court system, an
7 entity that is not within the city's control. Given
8 both this constraint as well as the success we have
9 seen using the Justice Reboot convening model we
10 propose that the aims of Intro 12-60 be achieved
11 through non-legislative means. Last October the
12 city launched the bail lab aimed at reducing
13 reliance on money bail and promoting public safety.
14 The bail lab builds upon New York City's history of
15 leading the nation in pretrial justice reform.
16 Currently New York City is a national leader in the
17 percentage of defendants who wait for trial at home
18 without condition, like supervision or money bail.
19 Even though New York City sets bail amounts that
20 are... lower than a national average. Only 10 percent
21 of people are able to pay that bail at arraignment.
22 Another 30 percent make bail after arraignment,
23 most within a week. This suggests that these
24 defendants may be able to come up with the money to
25 pay bail but that inefficiencies in the bail

2 payment process could be leading to delays that
3 result in unnecessary time behind bars. To identify
4 bottlenecks in the bail payment process the city
5 partnered with a Center for Court Innovation to
6 comprehensively map physical and procedural
7 obstacles to paying bail. Last may the city
8 announced several new tools that will make easier
9 for defendants to post bail. The resources
10 developed as part of the bail lab include ATMs and
11 all of New York City's criminal courthouses and the
12 easy to understand guide to paying bail that
13 describes how to send money to inmates and obtain a
14 bail refund. Since then the city has made
15 significant gains in improving the bail payment
16 process. The city now plans to create a remote bail
17 payment system accessible by internet, phone, and
18 kiosk. This system will allow family and friends to
19 bail out individuals without making the lengthy and
20 burdensome trip to DOC facilities. It will reduce
21 unnecessary incarceration. The city has also
22 created an alert to notify defense attorneys and
23 court staff when the defendant has the potential to
24 be detained solely on dollar bail which is an
25 administrative hold that the court system uses in

2 order to ensure defendants receive credit for the
3 time they are detained on multiple cases. This
4 notificati9on will ensure that court personnel and
5 defense attorneys are aware of the hold and that
6 the dollar bail can be posted before an individual
7 is needlessly detained. In addition to these
8 reforms the city enthusiastically supports
9 eliminating the three percent fee taken from an
10 individual's bail when they plead guilty or are
11 found guilty and... the administration and the
12 council have worked together to develop the bill we
13 are discussing today. The administration therefore
14 is in favor of Intro 12-61 as it furthers the
15 city's bail payment reforms. We appreciate the city
16 council's interest and look forward to working,
17 continuing to work together.

18 CHAIRPERSON CROWLEY: When DOC is ready
19 please begin your testimony.

20 TIMOTHY FARREL: Good afternoon Speaker
21 Mark Viverito, Chair Crowley, and members of the
22 Fire and Criminal Justice Services Committee. My
23 name is Timothy Farrel. I'm the Deputy
24 Commissioner... with the New York City Department of
25 Correction. I'm here to speak about the proposed

2 introduction bill 12-62 which would prohibit the
3 department from producing inmates to court
4 appearances in departmental uniforms in all cases.
5 The department not only recognizes the right of all
6 defendants to a fair trial, it appreciates
7 defendants concerns that appearing in a jail
8 uniform may negatively influence the outcome of a
9 criminal jury trial. We're also cognoscente of the
10 concern that inmates release directly from court
11 wearing a correctional uniform can be stigmatized.
12 For all jury appearances including appearances
13 before grand jury, trial appearances, sentencing,
14 jury selections, inmates are provided with the
15 opportunity to wear personal clothing from their
16 property. Recently the department implemented an
17 institutional uniform plan. As part of that plan we
18 accounted for situations that necessitated the
19 inmates access to personal clothing. To that end
20 the department operationalized procedures for the
21 retrieval of inmates clothing in the facility prior
22 to court production. We began establishing clothes
23 boxes, or clothing storage within each court
24 facility to enable inmates in uniforms being
25 released directly from court the ability to change

2 into street clothing. Currently we are making
3 changes to better supply and improve the clothing
4 for this purpose. An inmate may also elect to
5 simply leave the court in their institution
6 uniform. But it's important to note that in
7 selecting the uniform designs the agency
8 contemplated that an inmate may in fact leave our
9 custody in the uninform so we chose a generic
10 hospital scrub style uniform of a tan/beige color
11 with no correctional identifiers of any kind. The
12 department's decision to transition into the
13 institutional uniform plan was aligned with our
14 overall 14-point anti-violence agenda. More
15 specifically it was based on a fundamental
16 understanding that there was a correlation between
17 an inmate's attire and the entry and concealment of
18 contraband within our facilities. Contraband,
19 particularly weapon contraband, is an ongoing
20 threat to the safety of staff, inmates, volunteers,
21 and visitors alike. Utilization of uniforms has
22 proven successful in reducing violence and
23 promoting safety. Now upon entering the Department
24 of Correction custody all individuals are provided
25 with uniforms for the duration of their

1 incarceration. As I previously stated uniforms
2 resemble medical scrubs and contain no departmental
3 identifiers. These uniforms facilitate search
4 procedures as our officers are familiar with the
5 standard design and better able to assess the
6 limited locations where an item could be concealed
7 where as in contrast civilian attire may have
8 multiple pockets or hidden compartments that may be
9 used to hide contraband. The adoption of uniforms
10 has also eliminated the need for inmates to receive
11 clothing which serve to further limit an avenue to
12 introduce contraband within our correctional
13 facilities. The use of the uniforms is also not
14 meant as a means of eliminating the entry of
15 contraband it's also a tool in its discovery. In
16 2016 in comparison to last year there have been 63
17 percent increase in contraband fines. A number of
18 factors have contributed to this increase. Uniforms
19 are just one of those factors. The establishment of
20 the uniform system further enhances facility safety
21 and security by providing immediate visual
22 identification from our staff to determine who is
23 an inmate and who may be a civilian or non-uniform
24 person in the area. As I stated earlier coupled
25

2 with the adoption of the uniform plan the
3 department... procedures for the provision of
4 civilian clothing for applicable court appearances.
5 The department has a system for retrieving personal
6 clothing. Every evening in preparation for the
7 following day's court production my office provides
8 each facility with a list of inmates who must be
9 produced to court the next day with a notation for
10 those inmates who must be offered personal
11 clothing. The inmate's personal clothing is kept in
12 sealed property bags within property storage units
13 at the facility. Uniform staff must pull the bags
14 for each inmate who will be offered this personal
15 clothing. When the inmates are being produced for
16 court in the morning they are asked if they would
17 like to wear their personal clothing. For inmates
18 who wish to wear their personal clothing uniform
19 staff open the sealed property bags, review the
20 contents with the inmate to ensure that the
21 contents match the bag's inventory receipt, allow
22 the inmate to remove the needed clothing, re-
23 inventory the bag with a new receipt and reseal it.
24 This process is repeated when the inmate returns at
25 the end of the day and the clothing is returned to

1 the bag. Currently on average 70 to 100 inmates are
2 offered the opportunity to wear civilian clothing
3 at court appearances on any given day. The clothing
4 retrieval protocols I just described are conducted
5 for each of these inmates in its totality is a time
6 consuming but essential practice. To provide
7 further context on an average day approximately
8 1,000 inmates are transported to court for a range
9 of court appearances. Jury appearances represent a
10 small percentage, approximately three to five
11 percent. DOC current operational practices
12 distinguishes between routine court appearances
13 such as scheduled motions that don't involve
14 appearing before a jury versus those that may
15 including appearances before grand juries, trial
16 appearances, jury selection, and sentencing.
17 Enactment of this legislation as currently drafted
18 would require the department to complete this
19 process on a daily basis for an estimated
20 additional 900 to 1,000 inmates who will not be
21 appearing before a jury. We share the council's
22 interest in ensuring that all inmates receive a
23 fair trial and have actively instituted necessary
24 safeguards the department must also balance safety
25

2 and security needs while optimizing available
3 resources. As currently drafted this legislation
4 would be unduly burdensome and poach... potentially
5 detrimental to the court production process. We
6 welcome the opportunity to continue our dialogue
7 with the council towards addressing the stated
8 concerns within an operationally feasible
9 construct. Thank you for the opportunity to testify
10 today. I'm happy to answer any questions you may
11 have.

12 CHAIRPERSON CROWLEY: Thank you...
13 Department of Correction and the Mayor's Office of
14 Criminal Justice. Okay I understand now. [cross-
15 talk] one more testifying from DOC.

16 FRANK DOKA: Good afternoon Speaker Mark
17 Viverito, Chair Crowley and members of the, and
18 Public Advocate James and members of the Fire and
19 Criminal Justice Service Committee. I am Frank
20 Doka, Deputy Commissioner of the Financial Facility
21 and Fleet Administration at the New York City
22 Department of Correction. I am here today to speak
23 about the proposed Intro 11-52 which will limit the
24 fee that money transfer agents would be permitted
25 to charge customers who use their services to

1 transfer funds into an inmates personal account who
2 is in DOC custody. Since 2007 the department has
3 had a licensed agreement cured via request for
4 expression of interest solicitation. With Western
5 Union and JPay to provide money transfer services.
6 The services provided by these vendors expand the
7 options available to the public for making deposits
8 into an inmate account to include online by phone
9 kiosk or walk-in service at the vendor's
10 establishment. Prior to 2007 the only avenues
11 available to deposit money into an inmates account
12 or to travel to one of the borough jail facilities
13 or to the cash, central cashier's office on Ryker's
14 Island located in the visit center or to send a
15 money order via US Mail. These options are still
16 available and there is no service fee. I would like
17 to take a moment to briefly describe the process
18 and how it works. Each inmate in the department's
19 custody is provided a personal account to use for
20 all their financial transactions. Family and
21 friends may deposit money into an inmates account
22 and inmates may transfer funds out. The addition of
23 the service provided by JPay and Western Union...
24 family and friends to make deposits in a manner
25

1 that is simple, convenient, and saves time
2
3 regardless of where they may reside. These options
4 eliminate the need to travel to a DOC facility
5 solely for the purpose of making the deposit.
6 Family and friends can select from any one of the
7 following options. By phone, deposits can be made
8 by calling the participating money transfer agent's
9 toll free numbers and using a credit or debit card
10 to deposit the chosen amount. The city's 3-11
11 service maintains contact information for money
12 transfer agents which is given to callers as
13 needed. Via the internet money transfers can be
14 made by going directly to a transfer agent's
15 website. Additionally, DOC's website contains a
16 link to a transfer's agent's website. A credit or
17 debit card could be used to complete the
18 transaction. Walk ins at money transfer agent
19 offices, deposits can be made in person at any
20 money transfer agent office by using a debit or
21 credit card or cash. By kiosk; located at DOC
22 cashier offices allows for the deposit to be made
23 by credit, debit card, or cash. At a DOC facility
24 cash deposits can be made free of charge at the
25 cashier window regardless of whether the inmate is

2 housed in that particular facility. Deposits can be
3 made 24/7 at Ryker's Island central cashier or
4 until 8:00 P.M. at the borough facility cashiers.
5 Mail in deposits, deposits received by mail in the
6 form of a money order, a process at the cashier
7 office. In fiscal year 2016 there was approximately
8 360,000 deposits made by the public of which 29
9 percent were made via walk-in at... location, 26
10 percent via the internet, 22 percent conducted over
11 the phone, 15 percent made at DOC cashier's
12 offices, 7 percent through kiosk, and 1 percent by
13 mail. The average deposit amount received via
14 phone, internet, and walk-in at a agent's locations
15 was 48 dollars per transaction. The fee charged by
16 the vendor for each deposit is based on a set range
17 established by the agents based on the deposit
18 amount. In fiscal year 2016 the average transaction
19 fee was approximately \$7.15. A flat fee of \$2.50
20 per transaction is charged for kiosk deposits.
21 Deposits made at the cashier window in DOC
22 facilities or by mail are free of charge. In fiscal
23 year 2016 it's estimated that the... was
24 approximately two million dollars. The department
25 conducted a review to compare internet and phone

2 transaction fees charged by transfer agents for
3 deposits made into an inmate's account in DOC
4 custody to fees charged to inmates in other
5 correctional facilities. The review... to reveal that
6 the rates DOC vendors charge are comparable and in
7 some instances lower than the fees charge at other
8 correctional institutions. If intro 11-52 limits
9 the fee these vendors can charge to one percent or
10 a maximum of five dollars per deposit based on the
11 average amount and number of deposits made in
12 fiscal year 2016 the estimated annual revenue
13 collected by the vendors would be approximately
14 \$147,000. In revenue lost to the vendor of 93
15 percent. Since there is a \$300 cap per deposit on
16 most of these services the five-dollar maximum fee
17 will most likely never be reached. This legislation
18 would not have a fiscal impact on the department as
19 the department does not collect any deposit fees.
20 However, it may have a negative effect on the money
21 transfers agents who may determine that there is no
22 financial benefit in providing this service. The
23 most significant consequence of the bill would be
24 to the inmate and the inmate's family and friends
25 who no longer be afforded the convenience of

2 remotely transferring funds. Family members or
3 friends who want to make a deposit would be
4 required to travel to a DOC facility in person or
5 send a money order by mail. This option would be
6 especially difficult and costly for those
7 individuals living out of the city or out of the
8 state. We believe that the department's current
9 deposit system is in line with the council's
10 position in ensuring that family and friends have
11 options and convenience in transferring funds into
12 individuals in DOC custody. The current proposed
13 legislation as drafted could undermine the positive
14 changes established since 2007. We welcome the
15 opportunity to continue to dialogue with the goal
16 of maintaining the current options and conveniences
17 while addressing council's core concerns. Thank you
18 for the opportunity to testify. I am happy to
19 answer any questions that you may have.

20 CHAIRPERSON CROWLEY: Thank the
21 Department of Correction and criminal justice
22 coordinators office for testifying today. We're
23 briefly going to go back to the committee vote
24 before we continue hearing this new legislation.
25 I'd like to ask the committee clerk to call on

2 council member Eugene for votes that we took
3 earlier.

4 COMMITTEE CLERK DESTEFANO: Committee on
5 Fire and Criminal Justice Services. Continuation of
6 the roll call. Council Member Eugene.

7 COUNCIL MEMBER EUGENE: Thank you Madam
8 Chair and I vote yes at all.

9 COMMITTEE CLERK DESTEFANO: Vote now
10 stands at five, five in the affirmative, zero in
11 the negative and no abstentions.

12 CHAIRPERSON CROWLEY: I'd like to now
13 call on the speaker of the city council whose shown
14 outstanding leadership on criminal justice reform
15 and who has four of the bills that we are hearing
16 today from the inspector general to transporting
17 inmates in multiple cases to court appearances, to
18 the waiver of fees in the collection of cash bail
19 and the circumstances in which inmates are produced
20 in civilian clothing. I recognized the speaker of
21 the council Melissa Mark Viverito.

22 SPEAKER MARK-VIVERITO: I want to thank
23 you Chair Crowley for, for the, convening and I
24 know that opening remarks have been made. I want to
25 thank you for your leadership on all these issues

2 as well. You've been a strong voice. And so I'm
3 just going to make a couple of comments regarding
4 the bills that I'm sponsoring. So you know
5 obviously it's clear to all of us in the city that
6 long term systemic changes at Ryker's Island are
7 necessary. That's why the administration has put
8 forward its plan. That is why I've also.. the
9 establishment of an independent commission to
10 create a blueprint of the long-term reform in our
11 city's jails so that one day we may make the dream
12 of closing Ryker's a reality. Along the same lines
13 I introduced proposed intro 120, 1228 to establish
14 a permanent independent investigatory body to
15 monitor the DOC and ensured the proper treatment of
16 inmates. The goal of this bill is to compliment the
17 department of investigation's existing work with
18 the department of corrections by specifically
19 focusing the DOI's attention on the treatment of
20 inmates. These issues are already being addressed
21 to some extent by the court monitor in the Nunez
22 case. But that solution is temporary and only
23 addresses a discreet number of issues. The solution
24 I'm proposing is permanent and addresses all issues
25 related to the treatment of inmates in our city's

1
2 jails. And to keep our city, keep our eyes on long-
3 term systemic changes at the DOC we can also make
4 progress in the short term by addressing a number
5 of issues that may seem small but that do add up.
6 That is why the other three bills that I'm
7 sponsoring here today, and that is what... that's
8 what will happen with the three bills that I'm
9 sponsoring today. The issue we're addressing in
10 Intro 12-60 is a simple one. If an inmate has
11 multiple criminal cases he or she should be brought
12 to all their court dates even if they are not
13 technically incarcerated on all of them. Right now
14 this is not happening and it is causing needless
15 delay in case processing and the needless work by
16 our district attorneys, defense attorneys and
17 judges. It also causes inmates to lose out on
18 receiving credit for the time they are actually
19 incarcerated. Intro 12-60 is a simple common sense
20 solution to these problems and I'm proud to sponsor
21 this bill. Also proud of Intro 12-61 which is
22 another simple fix to a simple problem. Right now
23 friends and family who post cash bail for a
24 defendant or charge a three percent fee even if the
25 defendant makes all court dates. If the defendant

1 is convicted of any offense. This fee is charged
2 even if the person is convicted of a non-criminal
3 offense such as disorderly conduct or a traffic
4 infraction. The purpose of bail is to ensure a
5 defendant's appearance in court and the city should
6 not be in the business of taxing the friends and
7 family of criminal defendants, the clear majority
8 of whom are indigent. Intro 12-61 will instruct the
9 Department of Finance to address this issue which I
10 trust will result in our city returning 100 percent
11 of the cash bail we collect. And finally I'm not
12 sponsoring Intro 12-62 which addresses a court
13 issue of fairness in our criminal justice system.
14 Those too poor to afford bail should not be treated
15 any differently than those with more financial
16 means. Everyone charged with a crime is entitled to
17 the constitutional right to be presumed innocent
18 yet reports indicate that based on a recent DOC
19 policy change to house all pretrial detainees in
20 uniforms some people who are supposed be presumed
21 innocent are forced to testify in front of the
22 grand jury in a DOC uniform. And so this is simply
23 just not acceptable. The DOC has tried to address
24 this and I appreciate those efforts but their
25

2 solutions so far have been insufficient. We should
3 not be willing to accept any instance of a
4 defendant being prejudiced because of their
5 financial status. ...would be willing to accept
6 defendants being released from custody onto the
7 streets of our city with nothing but a DOC uniform
8 on their back. Yet despite the department's efforts
9 reports indicate that this too is happening far too
10 regularly and it is unacceptable. This is a
11 humanitarian issue, especially in the winter time.
12 For decades the DOC brought inmates to court
13 appearances in their street clothes and my bill
14 calls for nothing more than a return to that
15 practice. So I look forward to hearing from all of
16 you. You've testified. I will turn it back to Chair
17 Crowley and we can I guess begin by asking
18 questions.

19 CHAIRPERSON CROWLEY: I'm going to ask a
20 few questions on how the Department of Correction
21 feels about the Inspector General bill. So
22 generally does DOC support the bill?

23 TIMOTHY FARREL: As it's DOI we're not
24 prepared to answer that.

2 CHAIRPERSON CROWLEY: So in the
3 testimony that the Department of Investigation
4 Commissioner Peters gave he spoke about how years
5 ago DOC agreed to measures and changes and
6 practices. But information I have today to more
7 than two years later is that you're still not doing
8 these practices such as the level of security
9 screening. Can you at least answer those questions.
10 Have you implemented that level of screening that
11 the DOI Commissioner said the DOC was going to do
12 over two years ago? Or when you have a serious
13 criminal complaint against one of your correction
14 officers, the DOI commissioner said that that
15 particular officer would be removed from working
16 with inmates. I've heard different testimony in
17 prior hearings. Are you able to answer that whether
18 DOC adheres to that strict policy that the DOI says
19 is practiced?

20 TIMOTHY FARREL: I'm not prepared to
21 answer that now.

22 CHAIRPERSON CROWLEY: So you're not
23 going to prepare... you're not going to answer any
24 questions on DOI?

25 TIMOTHY FARREL: Correct.

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COMMITTEE ON FIRE AND CRIMINAL JUSTICE

CHAIRPERSON CROWLEY: Okay? Okay. Can you tell me how many of your inmates are housed in uniforms? Like...

TIMOTHY FARREL: All of them.

CHAIRPERSON CROWLEY: ...what percent...

TIMOTHY FARREL: All of them.

CHAIRPERSON CROWLEY: Every single one?

TIMOTHY FARREL: Yes.

CHAIRPERSON CROWLEY: And so now how many of them are able to change when they go to the court?

TIMOTHY FARREL: It depends on their status. If they're on trial a jury selection, grand jury, anything basically appearing before a public entity to deal with their adjudication they are offered the chance to change into street attire from their property bags or have clothing dropped off for them so they can appear before them.

CHAIRPERSON CROWLEY: So they're never denied the opportunity to have street clothing?

TIMOTHY FARREL: If they're in that status, correct.

CHAIRPERSON CROWLEY: A detainee status?

2 TIMOTHY FARREL: No, appearing before a
3 jury or some type of jury selection, jury trial.

4 CHAIRPERSON CROWLEY: But there are
5 situations when they're not changing into street
6 clothing?

7 TIMOTHY FARREL: Correct.

8 CHAIRPERSON CROWLEY: Well, why is that
9 happening?

10 TIMOTHY FARREL: Those are appearances
11 that appear before a judge through basic motions
12 that would result in a thousand inmates each day
13 being changed into street clothing and then when
14 they return back into their institutional uniform.
15 It would be a operational challenge and could have
16 some impact on our court production numbers as well
17 because of the volume and the activity that would
18 have to take place both with identifying pulling
19 the clothing, having it available, allowing the
20 inmate to change, transporting to court, returning
21 the inmate to the facility, changing them back into
22 the institutional uniform, re-inventorying and
23 storing the property.

24 SPEAKER MARK-VIVERITO: Let me... if I can
25 just interject something.

2 CHAIRPERSON CROWLEY: Yes.

3 SPEAKER MARK-VIVERITO: I just want to
4 ask a couple of clarifying questions on the issue
5 of the, of the, the grand jury in particular.

6 TIMOTHY FARREL: Mm-hmm.

7 SPEAKER MARK-VIVERITO: Right? Because
8 you're claiming that DOC, that not, that you don't
9 do that for grand jury appearances, right, that you
10 don't bring them in the uniforms.

11 TIMOTHY FARREL: Right.

12 SPEAKER MARK-VIVERITO: But a lot of
13 times OCA does not calendar cases for grand jury
14 appearances because a lot of times they operate in
15 secret. So can you explain how the DOC determines
16 when an inmate has a grand jury appearance if
17 that's the normal practice, is that, a lot of times
18 you don't know when that's going to be...

19 TIMOTHY FARREL: Usually, and I say
20 usually, the court communicates with staff within
21 my office indicating if there's a jury, jury
22 selection, or some other type of special status
23 because what we do is we, we get that information
24 because we prioritize the transportation methods
25 for the inmates so they're at court what we call

2 the priority one transports. They're on the first
3 busses out because of the status of the case. So
4 what the court does is they will either fax or
5 email or scan notification that a particular person
6 needs to appear for that particular status. And
7 what we do is we communicate that information via
8 written documentation to the facilities instructing
9 them that the defendant is to appear and be offered
10 civilian attire and that they're included on the
11 priority one transportation team.

12 SPEAKER MARK-VIVERITO: I mean we have,
13 you know we have... Have you spoken to some of the
14 legal groups that represent some of these
15 detainees? Because a lot of them are expressing
16 concerns and have actually documented cases in
17 which they are being brought in in the uniforms.

18 TIMOTHY FARREL: There are situations
19 where we need to improve upon things but when we
20 are notified we remediate them as soon as possible.
21 But the other thing is sometimes we offer the
22 clothing and the defendant chooses not to... they
23 don't want to wear their personal clothing and they
24 go in their tans. But we can always improve and we

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are aware of that and we make concerted efforts to try and do that.

SPEAKER MARK-VIVERITO: So what, you know to me to, to be honest instead of having a standard policy in which you are bringing everyone in their street clothes what you're delineating about how you determine which ones and what to do and what, it just seems much more complicated than just reverting back to the policy of just having everyone appear in their street clothes. It seems like what you've created is a little bit more complicated administratively from the way you're describing it in terms of all the steps taken. What was the primary reason and rational as to why DOC changed the policy it was, it was, that was in place which is that everybody comes in with their street clothes to, to now with the uniforms?

TIMOTHY FARREL: The agency...

SPEAKER MARK-VIVERITO: I don't, you know just the original rational.

TIMOTHY FARREL: Yeah okay. Basically for...

SPEAKER MARK-VIVERITO: Yep.

2 TIMOTHY FARREL: ...visual identifiers and
3 the detection of contraband and to impede upon
4 contraband introduction to facilities.

5 SPEAKER MARK-VIVERITO: Okay so now
6 going to the issue of contraband, that's one of the
7 things that you're saying in your testimony, one of
8 the things that you claim, right, it prevents
9 smuggling of contraband, can you break down for us
10 exactly where there have been issues of contraband
11 when it comes to transporting the detainees to
12 their court dates?

13 TIMOTHY FARREL: With the uniform...

14 SPEAKER MARK-VIVERITO: Is that what
15 primarily the contraband issue comes in or is it in
16 another way?

17 TIMOTHY FARREL: That's... contraband
18 coming in is, that is one of the ways. I'm not
19 going to say it's the only way. I'm not going to
20 say it's the... [cross-talk]

21 SPEAKER MARK-VIVERITO: ...primary reason?
22 The primary way?

23 TIMOTHY FARREL: I don't, I don't, I do
24 not have the statistics to say whether it's the
25 primary or secondary...

2 SPEAKER MARK-VIVERITO: I mean well you
3 would think you would have that if that's the
4 reason why you're saying that you changed the
5 policy, that you would have that data. I mean
6 you're saying the reason that you are changing the
7 policy to uniforms is because of contraband then
8 you should be able to prove to us that the reason
9 by, what the numbers are when it comes to the
10 transporting of the inmates in their street clothes
11 versus uniforms and you're telling me you don't
12 have that information.

13 TIMOTHY FARREL: I don't have it with me
14 but I can look at getting it for you.

15 SPEAKER MARK-VIVERITO: So in the past
16 when all inmates were brought to court in street
17 clothes, right, before you changed the policy, how
18 many instances were there of inmates smuggling
19 contraband from court appearances? Is that data you
20 can provide to us? If not now do you have that
21 data?

22 TIMOTHY FARREL: I can research that.

23 SPEAKER MARK-VIVERITO: Because that is
24 important. I mean I think we would want to see that
25 information. So... because that, again going back

2 that's the reason you're saying that the policy was
3 changed. So we would like to, to look at that. We...
4 I still believe obviously in, in this bill. It's my
5 bill and I believe in importance of everyone being
6 treated equally that is the reason why we proposed
7 a bail fund to begin with, that people that are too
8 poor to pay should not have to sit extra days in
9 Ryker's as opposed to those that can, same policy
10 that someone who does, is in Ryker's and can't pay
11 bail... shouldn't be presented in their... in a uniform
12 versus those that are outside waiting their trial
13 date can bring, can appear in their, in their
14 street clothes. So I continue to be convinced that
15 this is the right approach. I'll leave it there and
16 I'll hand it back to the chair.

17 CHAIRPERSON CROWLEY: Just a point of
18 clarification. When did DOC implement the uniform
19 policy throughout the whole... all of the facilities?

20 TIMOTHY FARREL: We began rolling out
21 the process about a year ago. And within the last I
22 believe three months we were able to completely
23 outfit the entire agency.

24

25

2 CHAIRPERSON CROWLEY: And have you seen
3 a decrease in the number of stabbings and slashings
4 sense then?

5 TIMOTHY FARREL: I'd have to research
6 the statistics.

7 CHAIRPERSON CROWLEY: Just bring this up
8 because you're not prepared today with the number
9 of contraband recovered as per the question the
10 Speaker asked about those coming in from court
11 appearances. But one thing, the data that I've seen
12 is the monthly stabbings and slashings for this
13 year and last year significantly higher than 2014
14 when there was no uniform policy. Now I'm going to
15 identify, I'm going to ask the public advocate who
16 I know has a number of questions to, to start
17 asking her questions.

18 PUBLIC ADVOCATE JAMES: Thank you Madam
19 Chair. I want to limit my questions to 11-52. But
20 before I get there first let me applaud the
21 administration for their support of eliminating the
22 three percent fee taken from individuals, inmates,
23 from an individual when they are, when they either,
24 either plead guilty or are found guilty. I want to
25 thank the administration for their support. But in

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the testimony of Mr., of, of... Well doesn't say, say your name. There's a, in the, the testimony of the individual I believe it was from the Office of Criminal Justice you indicated that there is a oversight in the accountability meeting of a committee representing each part of the city with reform ideas developed in partnership. Can you please tell me who was on this committee and who they represent?

ALEX CROHN: Yes. So there's members of the entire criminal justice system. So it's both city agencies including DOC and the police department. It includes state entities, the Office of Core Administration. It includes the Defense Bar, and the DA's offices.

PUBLIC ADVOCATE JAMES: So can you... can the defense bar... who exactly on the defense bar is part of this committee?

ALEX CROHN: It would be all the institutional providers, so legal aid, Bronx Defenders, Brooklyn Defenders, as well as representatives from the 18-B committees.

2 PUBLIC ADVOCATE JAMES: Okay. And you
3 meet with regards to reforms of the criminal
4 justice system and you meet in a monthly basis?

5 ALEX CROHN: It's a bit narrower than
6 that. It's just focused on case processing so it's
7 really primarily focused on speeding up the, the
8 length of time that cases sort of languish within
9 the court systems.

10 PUBLIC ADVOCATE JAMES: So it just
11 primarily focuses on the speedy trial?

12 ALEX CROHN: Correct.

13 PUBLIC ADVOCATE JAMES: Okay. So it
14 doesn't focus on any of the bills that are before
15 the committee today?

16 ALEX CROHN: No the, the bill that
17 requires production of inmates in all cases, not
18 just cases where they're held in on bail is sort of
19 related to case processing so that would be part of
20 it but not the other bills, no.

21 PUBLIC ADVOCATE JAMES: So the committee
22 hasn't taken a position on any of these bills?

23 ALEX CROHN: No.

24 PUBLIC ADVOCATE JAMES: Third issue in
25 your testimony you indicated that there are ATMs

2 all over the criminal court houses. Who has, who,
3 what company has these contracts?

4 ALEX CROHN: I actually don't have the
5 company's name handy. I can get it to you. IT's
6 administered by DCAS.

7 PUBLIC ADVOCATE JAMES: It's DCAS. And
8 do you, do you have any idea the fees that are
9 being charged at these ATMs?

10 ALEX CROHN: I don't but that's
11 information we can definitely provide.

12 PUBLIC ADVOCATE JAMES: Okay. If you
13 could get that information to my office that would
14 greatly appreciate you. In regards to the bill 11-
15 52 which is a bill that I have sponsored which is
16 basically requesting that we cap the fee. Let me
17 begin with the following, the stats. In your
18 testimony Mr. Doca, Mr. Doca you indicated that 29
19 percent were walk-ins at agent locations, 26 via
20 the internet, and 22 percent conducted over the
21 phone. So based upon my math that means 77 percent
22 of the individuals who were charged on average
23 according to your testimony when they, they're
24 basic, their average transaction is 48 dollars all

2 of them exceeded the fee of five dollars, is that
3 not correct?

4 ALEX CROHN: That is correct.

5 PUBLIC ADVOCATE JAMES: So 70, 77
6 percent of the loved ones and family members of
7 individuals who basically wanted to engage in a
8 basic transaction of 48 dollars or less were
9 charged in an excess of five dollars. And does, has
10 DOCs, has, does DOCs from time to time look into
11 the disparate impact on low income people with
12 regards to fees that exceed five dollars?

13 FRANK DOKA: No, we do not.

14 PUBLIC ADVOCATE JAMES: And are you
15 aware that the state imposed a cap of five dollars.
16 Is DOCs aware that under state law. There is a
17 five-dollar cap that DOCs is currently violating
18 based on the testimony that we just heard.

19 FRANK DOKA: we have a waiver on the
20 five-dollar fee.

21 PUBLIC ADVOCATE JAMES: When were you
22 issued this waiver and by whom?

23 FRANK DOKA: ...get the waiver every year.

24 PUBLIC ADVOCATE JAMES: Every year
25 you've been given this...

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COMMITTEE ON FIRE AND CRIMINAL JUSTICE

FRANK DOKA: From SCOC, yes.

PUBLIC ADVOCATE JAMES: And what are the circumstances surrounding this waiver? What's the basis for the waiver? The company is making two million dollars. What was the basis for the waiver sir?

FRANK DOKA: I'm not exactly sure what the basis is a waiver for is. I think it's basically that to allow the vendors, to license vendors to license vendors to come in and provide the services.

PUBLIC ADVOCATE JAMES: So, so... I'm baffled because the Department of Corrections is more concerned with a company that is earning. Its revenues exceed two million dollars a year and you want to continue that contract despite the fact that it has a disparate impact on low income people.

FRANK DOKA: I don't think it's, that department does not have concerns, the department if... would love to have their rates lowered if it was possible but these are vendor charged rates on the licensed agreements that they charge.

2 PUBLIC ADVOCATE JAMES: Well let me, let
3 me make some recommendations. The city has a free
4 way to make deposits to inmate accounts. Do you
5 know that there are other agencies? In fact, there
6 are 60 types of payments one can make via city pay
7 which is free. All you have to do is get in touch
8 with DoITT or DCAS. And the question is why doesn't
9 the Department of Corrections participate in that?

10 FRANK DOKA: We will look into it.

11 PUBLIC ADVOCATE JAMES: Let me ask you
12 this question. This contract has been going on,
13 this process has been going on since 2007. Why was
14 this contract renewed and what was the process for
15 renewing this contract?

16 FRANK DOKA: There was no renewal on the
17 contract. It's a license agreement and it be in
18 existence until agreed upon to terminate within 30
19 days of writing.

20 PUBLIC ADVOCATE JAMES: So since 2007 a
21 licensing agreement has gone on from year, every
22 year and there have been any, there's not been any
23 oversight or any inquiry into the disparate impact
24 or its, its policies, its performance, its review
25

2 of rates. It's just been renewed from 2007 to
3 present date?

4 FRANK DOKA: Well it's not that it's
5 been renewed. Yes, basically it just... [cross-talk]

6 PUBLIC ADVOCATE JAMES: It's just...

7 FRANK DOKA: ...continue on.

8 PUBLIC ADVOCATE JAMES: It's just... from
9 2007. So your, your testimony from 2007 to, to here
10 we are in 2016 it just continues add... item. And
11 unless this was taken into question it would have
12 continued?

13 JEFF THAMKITTIKASEM: I think that's a
14 mis-, misrepresentation ma'am. Sorry...

15 PUBLIC ADVOCATE JAMES: Okay so then...
16 [cross-talk]

17 JEFF THAMKITTIKASEM: My name is...

18 [cross-talk]

19 PUBLIC ADVOCATE JAMES: Some...

20 JEFF THAMKITTIKASEM: ...Chief of Staff.

21 Just wanted to...

22 PUBLIC ADVOCATE JAMES: Okay.

23 JEFF THAMKITTIKASEM: ...respond. Every
24 year obviously the focus has been on providing as
25 many...

2 PUBLIC ADVOCATE JAMES: Oh, sorry.

3 JEFF THAMKITTIKASEM: Sorry.

4 PUBLIC ADVOCATE JAMES: Madam Chair you
5 know how I can get.

6 CHAIRPERSON CROWLEY: Deputy
7 Commissioner, Commissioner...

8 JEFF THAMKITTIKASEM: Chief of Staff.

9 CHAIRPERSON CROWLEY: Chief of Staff. If
10 you could raise your right hand. Do you affirm to
11 tell the whole truth, nothing but the truth in your
12 testimony or in answering questions?

13 JEFF THAMKITTIKASEM: I do.

14 CHAIRPERSON CROWLEY: And can you
15 identify yourself, your, your name, and your title?

16 JEFF THAMKITTIKASEM: Yes, sorry. Jeff
17 Thamkittikasem. I'm the Chief of Staff for the
18 Department of Correction. Now I just wanted to kind
19 of... because I think that...

20 PUBLIC ADVOCATE JAMES: What's the
21 process for a licensing agreement in terms... as far
22 as you're knowing...

23 JEFF THAMKITTIKASEM: For the details
24 I'll let Deputy Commissioner Doka answer. I wanted
25 to kind of make sure that it was clear that the

2 reviews that happened, the department folks is on
3 trying to give as many opportunities to public to
4 kind of be able to provide those. And so in terms
5 of fees we contract out through a vendor to ease
6 that process each year. The state reviews that and
7 given their analysis of the rates that are used in
8 other areas. They also... they basically grant the
9 waiver to the process in terms of the license
10 agreement.

11 PUBLIC ADVOCATE JAMES: Can I just, can
12 you... [cross-talk] can I stop you right there? Can I
13 stop you right there?

14 JEFF THAMKITTIKASEM: Yeah.

15 PUBLIC ADVOCATE JAMES: So what you're
16 saying is that the state on its own decided to
17 issue a waiver...

18 JEFF THAMKITTIKASEM: No, we submit that
19 in order to provide the spectrum of services...

20 PUBLIC ADVOCATE JAMES: Yeah.

21 JEFF THAMKITTIKASEM: ...that are allowed
22 everything as was described in the testimony in
23 terms of online payment, phone payment, so forth.
24 We put that to them and they review it and they
25 issue the waiver based on that review.

2 PUBLIC ADVOCATE JAMES: But I don't
3 understand why it was...

4 JEFF THAMKITTIKASEM: And I can't speak
5 necessarily to the...

6 PUBLIC ADVOCATE JAMES: Okay.

7 JEFF THAMKITTIKASEM: ...state's review of
8 it but...

9 PUBLIC ADVOCATE JAMES: Yeah.

10 JEFF THAMKITTIKASEM: ...just wanted to
11 let you know that...

12 PUBLIC ADVOCATE JAMES: But I...

13 JEFF THAMKITTIKASEM: ...submit it.

14 PUBLIC ADVOCATE JAMES: So why was it
15 necessary for DOCs to submit an application when in
16 fact 70 percent of individuals were paying above
17 the five-dollar cap for a fee to provide you know
18 financial assistance to their loved ones. Why did
19 DOCs ask for a waiver?

20 JEFF THAMKITTIKASEM: Well in order to
21 get the licensing agreement as we got the proposals
22 from the companies to do this we obviously knew it
23 was going over the five-dollar fee, cap of the
24 state. We checked in with that and provided that to
25

2 the state and the state reviews it every year and
3 provides that waiver.

4 PUBLIC ADVOCATE JAMES: So you thought
5 it necessary that we should, you, you, that
6 individuals, loved ones should pay more than the
7 five-dollar fee, that it was just...

8 JEFF THAMKITTIKASEM: No ma'am, we, we
9 make no judgement on it so much is we looked for
10 the opportunity to get somebody in who could
11 provide as many services as possible.

12 PUBLIC ADVOCATE JAMES: And was it the
13 position of J Capital Western Union? They were no,
14 no longer going to provide that service if, with a
15 five-dollar cap on their fee?

16 JEFF THAMKITTIKASEM: I can't speak to
17 them ma'am.

18 PUBLIC ADVOCATE JAMES: Well obviously
19 you submitted the application. So there had to be a
20 basis for it.

21 JEFF THAMKITTIKASEM: Well we... The basis
22 was basically on the fact that they were providing
23 services that we wanted completed to make sure that
24 family members could provide payment from multiple
25 sources because the limitations on coming in

2 physically we didn't want to cap, we didn't want to
3 burden families on just coming into facilities.

4 PUBLIC ADVOCATE JAMES: And we couldn't
5 submit another request for bids or information from
6 other vendors as opposed to just J Cap and Western
7 Union. Are they the only companies that provide the
8 service?

9 FRANK DOKA: We originally had four
10 companies. And two of them... because it wasn't
11 financial profitable for them to provide the
12 services.

13 PUBLIC ADVOCATE JAMES: And both... and
14 did, was DOC aware that these services are
15 available to taxpayers, to New Yorkers free of
16 charge through DCAS and DoITT since 60 other
17 agencies basically collect deposits free of charge
18 to consumers in the city?

19 FRANK DOKA: We will, we will have to
20 look into that.

21 PUBLIC ADVOCATE JAMES: Okay. So since
22 2007 to this date this licensing agreement has
23 continued with no oversight and you wait, we waived
24 the five-dollar cap. And 70 percent of, of New
25 Yorkers or individuals whose loved ones are

2 incarcerated have been paying in excess of five
3 dollars per transaction. Is that basically
4 summarized your position?

5 JEFF THAMKITTIKASEM: I don't believe
6 that we haven't done any review of it. I mean I
7 think that they, that the, the number...

8 PUBLIC ADVOCATE JAMES: There's been no
9 review. I'll... let me add that too. There's been no
10 review at all since 2007.

11 FRANK DOKA: Well we have compared the
12 rates to other correctional facilities in other
13 states. And actually we are paying less than what
14 they're being charged so...

15 PUBLIC ADVOCATE JAMES: The bottom line
16 is that individuals who are paying on average 48
17 dollars a transaction are being paid, are being
18 asked to pay a fee that exceeds a five-dollar cap
19 that the state put in place which was waived for
20 some reason. And the Department of cost, the
21 Department of Corrections doesn't see a problem
22 with that. That, that concerns me. So let me just
23 make some recommendations. One, I would urge that
24 Commissioner Ponte reconsider his position with
25 respect to 11-52A, two, that the Department of

2 Corrections current, immediately get in contact
3 with DoITT and DCAS. And, and terminate these
4 contracts with JPay and Western Union which are
5 basically exorbitant in, basically are basically
6 unfortunately putting profit over people. And I
7 just think if we are concerned about the interest
8 of low income people that we would do, we would do
9 the right thing and provide services to them which
10 are free of charge and at our disposal. Madam Chair
11 thank you for this opportunity and I look forward
12 to further conversations with Commissioner Ponte
13 and the Department of Corrections. I want to thank
14 them because I did raise this issue to the
15 Department of Corrections as early as 2000 and.. I
16 believe I wrote a letter to the Department of
17 Corrections in, one second, in October 2015 where
18 we asked the question, the following question, is
19 there any internal oversight by DOCs of the manner
20 in which services are provided and the actual rates
21 charge. Explain the manner by which companies are
22 selected. What efforts are made to prevent dispirit
23 impacts on low income people and what is the
24 frequency of review of policies, performance, and
25 fairness of rates. And as of today I have not

2 received a response but it's clear that there has
3 been no review by the Department of Corrections.
4 And I would urge you to reconsider that position or
5 if Department of Investigation is still present I
6 would urge an investigation. Thank you.

7 [applause]

8 CHAIRPERSON CROWLEY: Good line of
9 questioning Public Advocate. I agree with your
10 stance and the city needs to do more. We should be
11 a leader and we should not be charging inmates,
12 inmates families. We should not be contracting out.
13 We should find a way to do it ourselves. We have
14 Council Member Donovan Richards who has questions.

15 COUNCIL MEMBER RICHARDS: Thank you...

16 CHAIRPERSON CROWLEY: ...recognized
17 Donovan Richards.

18 COUNCIL MEMBER RICHARDS: ...Madam
19 Chairwoman and thank you Commissioner and all for
20 being here. Just had a few questions and, and
21 definitely relating to 12-62 and... You know one of
22 the things we're taught in life is don't judge a
23 book by its cover but obviously you know human
24 beings unfortunately in some circumstances do the
25 exact opposite and have those exact opposite

2 tendencies. So when you know a person goes to court
3 obviously there's that preconceived notion that
4 they're guilty if they're coming in in particular
5 with a, a jumpsuit. So I, I think you're not in
6 support I think from what I heard, of 12-62? Or...

7 TIMOTHY FARREL: As it's drafted, no.

8 COUNCIL MEMBER RICHARDS: As it's
9 drafted. So what recommendations would you make to
10 ensure that it could pass if there were any?

11 TIMOTHY FARREL: Well first of all the
12 uniform that the inmates wear, it's not a jumpsuit.
13 Jumpsuit is one of them for our special management
14 group.

15 COUNCIL MEMBER RICHARDS: Okay.

16 TIMOTHY FARREL: But the majority are...
17 it's a two piece shirt and pants ensemble.

18 COUNCIL MEMBER RICHARDS: Okay. But all
19 of them... so I would assume it's jail attire, what
20 we would...

21 TIMOTHY FARREL: With no insignia. It's
22 just simply straight beige...

23 COUNCIL MEMBER RICHARDS: Alrighty
24 [phonetic].

25 TIMOTHY FARREL: ...or khaki color.

2 COUNCIL MEMBER RICHARDS: But I'm
3 assuming most people who come through the system,
4 who go to court, who are not enabled to change
5 their clothing are coming in with that sort of... you
6 would give them that, the same attire?

7 TIMOTHY FARREL: Can you rephrase that?
8 I'm sorry.

9 COUNCIL MEMBER RICHARDS: I'm, I'm
10 saying... so you said it's a basic same shirt and
11 type... uniform that if you're not enabled to change
12 into your own clothing...

13 TIMOTHY FARREL: Correct.

14 COUNCIL MEMBER RICHARDS: ...you would...
15 Okay. So would you acknowledge to a degree that
16 when those, when individuals come in with this
17 uniform that there's a preconceived notion that
18 they are already guilty?

19 TIMOTHY FARREL: No. Matter of fact when
20 the public such as a jury is going to be
21 adjudicating them or making a decision they are in
22 fact afforded the opportunity to wear whatever
23 clothing they choose, whether it be a suit, whether
24 it be clothing that they had when they came in...

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COMMITTEE ON FIRE AND CRIMINAL JUSTICE

JEFF THAMKITTIKASEM: Council... Sorry Council Member to your original question I think that in terms of recommendations we certainly believe that there is a concern in having uniforms when there's a prejudicial...

COUNCIL MEMBER RICHARDS: Can you just speak into the mic a little bit more?

JEFF THAMKITTIKASEM: Sorry, yeah. We do have our own... we recognize the public concern. We actually take that concern pretty seriously about any production of inmates in uniforms when there's a prejudicial... That's why we actually have focused on kind of making sure they do arrive for court in terms of jury trials and other things that would be prejudicial. As you know there are a lot of other circumstances where we might bring them in for appearances that are not in front of a jury trial, that are not prejudicial because they're in front of courts. So I think that as the Deputy Commissioner was talking about as written where all appearances to a court would be in civilian clothing. That's where we just wanted to make sure that there was a separation. Operationally we

2 definitely want to kind of focus on where there is
3 a prejudicial concern.

4 COUNCIL MEMBER RICHARDS: So I think you
5 cited difficulties in your testimony in ensuring
6 everyone could come to court within their own
7 clothing. And I think one of the things you cited
8 was the issue of contraband. I'm not sure if this
9 was covered already. I think you had an issue or
10 concern with contraband so can you just speak to
11 that a little bit more?

12 JEFF THAMKITTIKASEM: Sure. Essentially
13 recently we made the move to actually provide every
14 inmate within the department, in uniforms before
15 all inmates could be wearing whatever clothes they
16 came in with and whatever clothes were brought in
17 by other people. We move to institutional uniforms
18 in order to address three separate things. First
19 obviously was a contraband issue. It's a lot easier
20 to ensure... we've had higher rate of contraband
21 finds over the last two years, everything from
22 drugs to weapons.

23 COUNCIL MEMBER RICHARDS: And how is
24 this contraband getting in?

25

2 JEFF THAMKITTIKASEM: So both... in all
3 ways. Right now we're looking at concerns with
4 visitors. We're looking at concerns with staff.
5 We're looking at all of that. And part of our
6 reform efforts have been to address each one of
7 those things, not to isolate it. We don't believe
8 that there's only one way that inmates are bringing
9 contraband into...

10 CHAIRPERSON CROWLEY: Point of
11 clarification because it gets confusing when you
12 are talking about once... when you implemented the
13 uniform policy we're talking about in the past two
14 years.

15 JEFF THAMKITTIKASEM: Yes, it's...

16 CHAIRPERSON CROWLEY: And you're talking
17 about an increase in contraband recovery in the
18 past two years which contradicts that...

19 JEFF THAMKITTIKASEM: No actually I
20 think...

21 CHAIRPERSON CROWLEY: ...uniforms
22 decrease...

23 JEFF THAMKITTIKASEM: ...proves the point
24 a bit. Because what we have been able to do is
25 isolate and better train our officers to search.

2 Basically with the uniform there are less kind of
3 pockets and other things. There's no pocket on the
4 uniform for which to kind of hide contraband. It's
5 more... we not can actually search a bit more
6 efficiently and there are kind of different types
7 of clothing to go through to try to find...

8 COUNCIL MEMBER RICHARDS: Can you... So
9 can you speak to... So how many instances did you
10 find contraband opposed to a person with a uniform
11 or coming in with...

12 JEFF THAMKITTIKASEM: So we have now
13 increased contraband finds by over 40 percent.

14 COUNCIL MEMBER RICHARDS: You can...

15 CHAIRPERSON CROWLEY: Chief of Staff
16 what is the most serious contraband? What is the
17 contraband that you're looking for?

18 JEFF THAMKITTIKASEM: Well we're looking
19 for all contraband.

20 CHAIRPERSON CROWLEY: Right. But what
21 is, what is it that... [cross-talk]

22 JEFF THAMKITTIKASEM: Because it's
23 everything from... [cross-talk]

24 CHAIRPERSON CROWLEY: ...contraband that
25 pose, poses... [cross-talk]

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COMMITTEE ON FIRE AND CRIMINAL JUSTICE

JEFF THAMKITTIKASEM: ...the blades as...

[cross-talk]

CHAIRPERSON CROWLEY: ...the most... [cross-talk]

JEFF THAMKITTIKASEM: ...weapons and then the drugs as financial gain.

CHAIRPERSON CROWLEY: ...threat to one's safety is usually a, a blade or something that could cause a stabbings or slashings.

JEFF THAMKITTIKASEM: I would not limit it to that ma'am only because I do believe one of the big concerns...

CHAIRPERSON CROWLEY: Well that's a statistic...

JEFF THAMKITTIKASEM: ...has been the gang networks.

CHAIRPERSON CROWLEY: ...you, you provide to the Board of Correction yearly. It's a statistic that judges the level of contraband that's in the jail. It's, it's a serious safety concern when you have an increased number of inmates getting stabbed or slashed...

JEFF THAMKITTIKASEM: Absolutely.

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COMMITTEE ON FIRE AND CRIMINAL JUSTICE

CHAIRPERSON CROWLEY: ...as your numbers show you have in the past two years nearly double years prior. So it just doesn't add up that the uniforms are making the jails any safer.

COUNCIL MEMBER RICHARDS: Right. Yeah and that's... I think that's... that's where...

CHAIRPERSON CROWLEY: The question...

COUNCIL MEMBER RICHARDS: ...that's where I'm going. You know it's... it, it, it does sound contradictory if you're, if you're saying that in one sense these uniforms are supposed to be helpful and they have no pockets but yet...

JEFF THAMKITTIKASEM: I would only...

COUNCIL MEMBER RICHARDS: ...slashings and other things are going on.

JEFF THAMKITTIKASEM: I would only...

COUNCIL MEMBER RICHARDS: So how do you...

JEFF THAMKITTIKASEM: ...that we're using one metric of violence in the jails. One of the big issues that we've been pushing obviously is violence across... slashings and stabbings are up. I mean I, I don't... [cross-talk]

CHAIRPERSON CROWLEY: Nobody's saying...

2 JEFF THAMKITTIKASEM: ...argue with that.
3 With the inability to use some of the... scanners
4 that we could use to detect those specific weapons
5 what we have been able to find are more drugs and
6 more manmade weapons in there because they've got
7 to use them within the cells. Violence overall in
8 terms of uses of force inmate fights, those that
9 result in serious injuries are down from last year.
10 So we're moving in the right direction even if
11 slashings and stabbings are up. So I just would,
12 would push at least to take a look at that as well.

13 COUNCIL MEMBER RICHARDS: So we're
14 saying it's, it's better for defendants to go to
15 court with...

16 JEFF THAMKITTIKASEM: No, absolutely
17 not. I think what I've been...

18 COUNCIL MEMBER RICHARDS: ...uniform on?

19 JEFF THAMKITTIKASEM: ...trying to say is
20 that we would definitely focus on making sure that
21 those appearances would have presidential kind of
22 influence. We would definitely focus... We, we
23 already put those people in civilian clothing.

24 COUNCIL MEMBER RICHARDS: Let me ask you
25 a question. So I know they have to be an assortment

2 of organizations that can be helpful in the areas
3 of ensuring that the civilian clothing that is
4 given is...

5 JEFF THAMKITTIKASEM: Yes.

6 COUNCIL MEMBER RICHARDS: is up to par.
7 So are you working with any organizations like I
8 could just go off the top of my head such as
9 Goodwill or other organizations that tend to focus
10 on this area?

11 JEFF THAMKITTIKASEM: Yes. We have
12 focused out on other institutions to especially
13 focus on clothing that could be provided in the
14 courts before departure so that they are released
15 and they choose to not leave in their uniforms.
16 They would have clothing within the clothes boxes
17 as well.

18 COUNCIL MEMBER RICHARDS: So would you
19 say that more defendants are going to court, and
20 this may just be a repetitive question, I know the
21 answer to it, I just want to hear it, in uniform or
22 in civilian clothing?

23 TIMOTHY FARREL: Uniform.

24

25

2 COUNCIL MEMBER RICHARDS: And could you
3 give a percentage of... what would you say is the
4 breakdown of that?

5 TIMOTHY FARREL: Would probably say
6 it's... we have about 10 percent of our, of our court
7 production, somewhere between 70 and 100 inmates
8 each day go to court in the civilian clothes.

9 COUNCIL MEMBER RICHARDS: 10 percent go
10 in civilian clothing?

11 TIMOTHY FARREL: 10 percent of the... yes.

12 COUNCIL MEMBER RICHARDS: So... You want
13 to...

14 JEFF THAMKITTIKASEM: I was going to
15 say, but to clarify...

16 [gavel]

17 TIMOTHY FARREL: ...those 10 percent go...

18 JEFF THAMKITTIKASEM: We set... We...

19 [gavel]

20 CHAIRPERSON CROWLEY: Excuse me, sorry.
21 Your answers are somewhat misleading. You need to
22 understand that when an inmate appears before a
23 judge a judge is not going to see that inmate in a
24 uniform. They're supposed to wear street clothing.
25 When the... we're talking mainly today about grand

2 jury appearances. So what is the percentage of
3 inmates being produced in uniform to grand jury
4 appearances?

5 TIMOTHY FARREL: I don't have the
6 specific broken down but we present about three to
7 five percent of our court production is on some
8 form of trial, whether it be grand jury, criminal
9 trial, supreme court trial, or jury selection.

10 COUNCIL MEMBER RICHARDS: And from the
11 study I think that came out I think they say grand
12 jury's is happening very little correct?

13 TIMOTHY FARREL: Correct.

14 COUNCIL MEMBER RICHARDS: Alright. So
15 how are we planning on correcting this particular
16 issue?

17 TIMOTHY FARREL: The issue...

18 COUNCIL MEMBER RICHARDS: Of people
19 going to grand juries without...

20 TIMOTHY FARREL: They, they have the
21 option to wear civilian clothes if they go before...

22 COUNCIL MEMBER RICHARDS: Okay. And how
23 many people are actually going to a grand jury with
24 civilian clothing on if that's the case, fi they
25 have the option?

2 TIMOTHY FARREL: The percentage I have
3 is, lumps all trials including grand jury, that
4 three to five percent.

5 COUNCIL MEMBER RICHARDS: So I think we
6 would need that information?

7 TIMOTHY FARREL: I'd have to break that
8 down.

9 COUNCIL MEMBER RICHARDS: But I mean I,
10 I would believe that we know the answer to it and
11 you know we hear it from the advocates, we hear it
12 from you know every day people who, who may have
13 gone through this system in particular. And you
14 know it is my hope that the administration does
15 look at this carefully because you shouldn't be
16 labeled guilty you know before innocent when you
17 stand before a grand jury or any train. And that's
18 just not happening these days. I don't want to be a
19 repetitive because we could go on and on. But I'm,
20 I'm hearing you're not supporting it in its current
21 form and I think that this is just a common sense
22 measure, a very easy measure that if proper systems
23 are being put in place... And we get I don't want to
24 downplay the, the reality of contraband in these
25 particular things but there seems to be no

2 correlation between whether you wear a uniform or
3 not you know if, if... stating that you're, you're,
4 you're, you're guilty. So we, we need to really
5 look at this and take a closer look at ensuring
6 that anyone going to court or... for anything has,
7 ahs the, the basic decency and right to be heard
8 and seen in a fashion that won't necessarily say
9 that they're guilty again before they even tried.

10 [applause]

11 COUNCIL MEMBER RICHARDS: Got to do
12 this. There you go.

13 CHAIRPERSON CROWLEY: I have no further
14 questions from the Department of Correction.
15 Mayor's Office of Criminal Justice. I am
16 disappointed that you are not prepared with answers
17 for a number of significant questions. You know the
18 US Supreme court law and New York State Court of
19 Appeals law states that somebody on trial does not
20 appear in a uniform but comes in regular street
21 clothing. The bill you heard today was specifically
22 about what the Department of Correction does as it
23 relates to Grand Jury appearances and, and the fact
24 that you didn't have your numbers today is
25 disappointing. And the way that you try to

2 correlate it to safety doesn't make any sense to me
3 as Chair of the Committee. Numbers don't make
4 sense. We're not going to hear... I mean I don't have
5 any other questions and we're going to move on.
6 We're going to take a two-minute break and then
7 we're going to hear from people who are... from the
8 public to testify.

9 [pause]

10 CHAIRPERSON CROWLEY: We're going to
11 continue the council hearing on criminal justice.
12 Next from the public we have the president of the
13 Correction Officers' Benevolent Association Elias
14 Husamudeen.

15 ELIAS HUSAMUDEEN: Good afternoon. Good
16 afternoon Chairman Crowley and members of the
17 Committee on Fire and Criminal Justice. My name is
18 Elias Husamudeen and I am the President of the
19 Correction Officers' Benevolent Association which
20 is the second largest law enforcement union in the
21 city of New York. Our members, New York City's
22 boldest are responsible for the care, custody, and
23 control of the inmate population in the nation's
24 largest municipal jail system. I thank you for the
25 opportunity to address this committee concerning

2 the legislation that is being introduced today.
3 With regards to intro 12-60 which would amend the
4 administrative code of the city of New York in
5 relation to transporting inmates in the custody of
6 the Department of Correction and to all criminal
7 court appearances the COBA's position is consistent
8 with our longstanding commitment to execute the
9 safe transportation of inmates to their court
10 appearances. However, there is one caveat. If our
11 responsibilities are expanded under this bill, then
12 it is only logical to expand the number of
13 corrective officers who will now be responsible for
14 transporting many more inmates to a significantly
15 greater number of court appearances. I know that
16 the members of this committee understand the
17 security implications that are involved when
18 transporting anywhere between 900 to 11 hundred
19 inmates daily back and forth through the five
20 boroughs, to the courts, and back to their
21 facilities. There is no room for error. And
22 correction officers perform this essential service
23 every single day without incident. The criminal
24 justice system depends on this seamless process in
25 order to adjudicate the numerous court cases that

2 are processed daily. To add a new requirement that
3 would only increase the number of trips our offices
4 would be required to make would have a major impact
5 on the criminal justice system. We have no issue
6 making more trips with more inmates. However, it is
7 incumbent upon this council to hold the Department
8 of Correction responsible for increasing the
9 staffing level that would be required to meet these
10 new challenges. We cannot do more with less and our
11 offices are already stretched too thin as it is.
12 Before this hearing end I would ask each of you to
13 pledge that you will not pass this bill without
14 ensuring that the men and women at the front lines
15 have the resources they need to take on the
16 additional challenges. I also want to comment on
17 Intro 12-62 which would amend the administrative
18 code of the city of New York in relation to
19 prohibiting the Department of Corrections from
20 producing inmates to court appearances in
21 department to uniforms. We recently met with City
22 Council Speaker Melissa Mark-Viverito and Public
23 Advocate Tish James to express a number of our
24 security concerns regarding this proposal. And we
25 are grateful for their willingness to understand

2 the basis for these concerns. We have, we have not
3 as, as yet seen a detailed plan that would
4 demonstrate how producing inmates and civilian
5 clothes would prevent the concealment of weapons
6 and contraband which we already struggle with when
7 inmates are behind bars. In addition, if an inmate
8 is presented before a judge without a jury present
9 it doesn't matter whether the inmate is in a DOC
10 uniform or not. Furthermore, it is important for
11 the council and the public to be reminded precisely
12 why inmates are transported wearing DOC uniforms in
13 the first place. If god forbid there is an accident
14 and the department vehicle is compromised enabling
15 dozen of inmates to escape and pour out into the
16 streets wearing civilian clothes they would be able
17 to quickly assimilate and avoid capture. We need to
18 maintain optimal security protocols at all times if
19 we are to act, if we are asked to keep the public
20 safe at all times. Our member safety as well as the
21 public safety must be paramount and this must, and
22 this proposed legislation as it is currently stand
23 is deeply troubling. We urge the committee to
24 oppose this measure until a more detailed plan
25 taking into account the security concerns as

2 provide. In closing I want this committee to
3 address a crisis that is unfolding throughout the
4 department and which impacts hundreds of our
5 members, hundred of correction officers. More and
6 more of our members, over 49 hundred who are
7 female, and many of whom are single mothers are
8 being ordered to work triple overtime shifts which
9 is unprecedented in the history of this department
10 and is also a direct threat to safety and security
11 inside the jails. How can this agency ask
12 correction officers to be away from their children
13 for 72 hours straight without proper rest? How can
14 this agency force law enforcement officers to miss
15 meals during these punitive shifts? How does the
16 department even justify mandating triple overtime
17 shifts when the inmate population has actually
18 declined from last year? We are aware that the DOC
19 managers were here today and we ask this committee
20 to pose these questions to them in a written
21 follow-up. Just this past August 335 correction
22 officers were forced to work triple tours because
23 of the numerous programs the DOC has adopted. For
24 example, in the... Center, GRVC, they have a secure
25 unit that began in July. There are only 7 inmates

2 but yet there are 60 correction officers assigned
3 to monitor these seven inmates. In the Lebanon
4 Davoren Center where we have the adolescents there
5 is the TRU program called the Transition Rescue
6 Unit Program and requires 50 to 60 correction
7 officers to monitor less than 10 inmates. Some of
8 the programs such as the accelerated program, Unit
9 APU, the program accelerated clinical effectiveness
10 unit called PACE and the Clinical Alternative to
11 Punitive Segregation Program called CAPS. All of
12 these programs exist in the NM Crow Center [sp?].
13 Just yesterday morning we had 49 correction
14 officers working triples, 21, 22 hours because of
15 these programs. Because of the implementation of
16 programs such as these without proper staffing
17 levels we are firmly in support of Intro 10-64
18 which will require the department to evaluate the
19 effectiveness of the program it utilizes. One would
20 think that giving a million dollars the council
21 have allocated to the department that a robust
22 mechanism to evaluate the program would already
23 exist. This should already be in place. The city
24 council should move swiftly to address this
25 immediately. The COBA will continue to voice our

2 members' concerns on these vital issues and we will
3 work vigorously to assure that safety and security
4 is at the forefront of any legislation that this
5 council passes. It is outrageous to our members and
6 their families that in this public dialogue about
7 jail reform it always appears that the inmate
8 population is the protected class while the men and
9 women of the front lines, New York City Correction
10 Officers, are the forgotten class. We are here
11 today to make sure that the 9,000 men and women who
12 patrol the toughest precincts in New York are not
13 forgotten. With that said at this time I'm happy to
14 answer any questions that you may have.

15 CHAIRPERSON CROWLEY: Thank you
16 President Husamudeen for being here today for your
17 testimony. Thank your members, 9,000 of which work
18 very hard to protect our city. I appreciate their
19 level of commitment to service, to serving our
20 city. And I appreciate how you've taken the time to
21 inform the committee on the various different way
22 the department is being wasteful with the number of
23 officers in certain programs units. This is very
24 important. I couldn't imagine what it's like to
25 have to work in such an important public safety

2 roll working 21 hours a day. It's unheard of. It's
3 also not fiscally responsible for our city. And we
4 don't... we must do more to make sure your members
5 are staffed in the right locations and that we're
6 hiring enough, quick enough, and... So I would like
7 in, in my capacity to make sure my colleagues know
8 this and to look further into your recommendations.
9 I have a question. You know we hear about... what...
10 you know somebody who's been apprehended and
11 escaped from law enforcement here and there but I
12 haven't... I can't remember in my time as chair here
13 and it's almost seven years... Has there ever been
14 one in recent years that has escaped from one of
15 your officers' custody?

16 ELIAS HUSAMUDEEN: It's, it's been a
17 while. We, we, we don't usually lose inmates. We
18 don't really lose inmates.

19 CHAIRPERSON CROWLEY: Right.

20 ELIAS HUSAMUDEEN: Petty much it's
21 something that, it's something that we do every
22 day. We do it...

23 CHAIRPERSON CROWLEY: No I mean that...

24 ELIAS HUSAMUDEEN: ...365...

25 CHAIRPERSON CROWLEY: And... and...

2 ELIAS HUSAMUDEEN: ...days a year. So...

3 CHAIRPERSON CROWLEY: To compliment...

4 ELIAS HUSAMUDEEN: ...have other agent...

5 I'm sorry.

6 CHAIRPERSON CROWLEY: Yes, it's just to
7 compliment your members in the way that they're
8 transporting so many people each and every day of
9 the court and appearances, nearly 1,000 every day
10 right?

11 ELIAS HUSAMUDEEN: Between 900 to 11
12 hundred a day.

13 CHAIRPERSON CROWLEY: So I, I... that,
14 that's important to because I, I understand that,
15 the concern that if, if there was once a escape
16 from your custody and they're not in uniform that
17 would be a concern to the members of public. But
18 they're more likely to escape from the police
19 custody.

20 ELIAS HUSAMUDEEN: Yes.

21 CHAIRPERSON CROWLEY: Because just based
22 on what's happened in, in years prior. So I still
23 don't think that that's good enough reason. I do
24 understand that your members are working longer
25 hours and that...

2 ELIAS HUSAMUDEEN: Absolutely.

3 CHAIRPERSON CROWLEY: The burden of
4 getting the clothing to them in a timely manner may
5 require more staffing hours.

6 ELIAS HUSAMUDEEN: Yes. If I may?

7 CHAIRPERSON CROWLEY: Yeah.

8 ELIAS HUSAMUDEEN: Just, just sitting
9 back there and listening to the agency and
10 listening to the questioning of your colleagues I
11 don't think it's fair that we make this just about
12 contraband. I mean if you really want to know, the
13 COBA, we keep our own statistics. And we already,
14 September 15th in the Sally Port of MDC [sp?] there
15 was an inmate slashed by another inmate. And 9-9, a
16 bus on route to the Bronx Courts an inmate was
17 slashed. We can give you the listing of, of
18 incidents that happened on the bus even with a
19 jumpsuit or with a uniform on. For us it's going to
20 be worse without it because the, the thing that
21 everybody has to remember is that this is not, like
22 I said this is not just about slashing. This is
23 just not about contrabands with inmates. It's also
24 about public safety. Because right now if one of,
25 if one of these busses with my correction officer

2 driving it should catch on fire and I have 50
3 inmates in there and they're all in their street
4 clothes, civilian clothes, and we have to empty
5 that bus how are we going to determine who these 50
6 inmates are. There's a public safety issue. And I
7 don't think the city council or the members of the
8 council or the public advocate should lose focus
9 that there is a public safety issue involved in
10 this, in, in this matter. And it should be
11 considered before any type of legislation is
12 passed.

13 CHAIRPERSON CROWLEY: But do you have
14 any comments on the other legislation you heard
15 today?

16 ELIAS HUSAMUDEEN: Like I said the other
17 on... what is it 10-64 as far as reporting and
18 evaluating the programs. Because part of the
19 problem, the reason why we have triples in the
20 facilities right now is literally because of the
21 programs. I'm for...like, like I said in my testimony
22 GRVC, the commissioner created a program called
23 secure program, secure unit. In, in the six months
24 that it's been opened they've only had seven

2 inmates in this program. But we have 60 correction
3 officers working this program.

4 CHAIRPERSON CROWLEY: The bill has...

5 ELIAS HUSAMUDEEN: Which... which...

6 CHAIRPERSON CROWLEY: From... because of
7 your testimony today I'm going to look to amend the
8 bill and our next go around. Because it doesn't ask
9 for that. It's probably going to be a different
10 version, not the same number, but it doesn't ask
11 for the amount of correction officers working at a
12 particular program. And that's valuable information
13 we need to know.

14 ELIAS HUSAMUDEEN: Well unfortunately
15 they're running the programs but they're running
16 the programs and they don't have the staff to run
17 the programs. And they continue for optic purposes
18 to please the reform movement or board of
19 corrections or whoever it is they're trying to make
20 happy. They're actually doing a disservice to the
21 inmate as well as the correction officer. Because
22 if you don't have the staff to run the programs
23 that you claim that you want to run then you're,
24 you're jeopardizing the safety and the security of
25 the jail, the inmate, the correction officer, and

2 everybody involved. And that's what's happening
3 right now.

4 CHAIRPERSON CROWLEY: I agree. That's
5 very important. That is.

6 ELIAS HUSAMUDEEN: Absolutely.

7 CHAIRPERSON CROWLEY: Well I appreciate
8 your testimony today.

9 ELIAS HUSAMUDEEN: Mm-hmm.

10 CHAIRPERSON CROWLEY: And I'm going to
11 discuss the recommendations that you have with the
12 rest of the committee and the speaker's office,
13 speaker. And we will keep you abreast of any
14 changes. Thank you again to...

15 ELIAS HUSAMUDEEN: Thank you.

16 CHAIRPERSON CROWLEY: ...your leadership
17 and, and for the work that your members do.

18 ELIAS HUSAMUDEEN: Appreciate it. Thank
19 you Ma'am.

20 CHAIRPERSON CROWLEY: Next we have JPay,
21 Gregory Levine from JPay.

22 GREGORY LEVINE: Good afternoon Council
23 Members. I feel it's very unfortunate that the
24 public advocate is not in here to hear my
25 testimony.

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2 CHAIRPERSON CROWLEY: Oh, she might be
3 back. So you know we can hear from the legal aid
4 and then wait for...

5 GREGORY LEVINE: Is she coming for sure.

6 CHAIRPERSON CROWLEY: That's the reason
7 we put you on before legal aid. But let's hear from
8 legal aid first and then I'll call you back. So if
9 I could ask Sarah Kerr from the Legal Aid Society
10 to come up as well as from the Brooklyn Defender
11 Services Kelsey De Avila. Great so you could begin...

12 SARAH KERR: Good afternoon...

13 CHAIRPERSON CROWLEY: ...in whichever
14 order you...

15 SARAH KERR: I'm Sarah Kerr, Staff
16 Attorney at the Prisoner's Rights Project at the
17 Legal Aid Society. On behalf of the Legal Aid
18 Society I provide this testimony and thank the
19 council and the public advocate for continuing to
20 introduce legislation to improve conditions,
21 increase accountability and transparency in the
22 criminal justice system in the city jails. I'm
23 going to start with 12-28A which is the one about
24 DOI. The Legal Aid Society supports ensuring that
25 the position of an inspector general for

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2 corrections is firmly established and codified. And
3 we agree about making it permanent, the monitoring,
4 because having... you know the Nunez litigants. We'd
5 done a number of other cases where, and we've
6 watched improvements based on settlements to only
7 watch those improvements disappear after our
8 monitoring ends. So look forward to working with
9 you on thinking about how to do this best. We're
10 uncertain about exactly what the mechanisms will be
11 and would like an opportunity for ourselves and
12 other stakeholders to discuss this legislation more
13 to understand it better. It's just not completely
14 clear what the intersection between the DOI role
15 would be with the Board of Correction and we think
16 that we should talk more about what it would do. So
17 we didn't really offer many amendments to it at
18 this time but we look forward to further
19 discussions. We support the limit on the fees that
20 can be charged for depositing money into
21 individual's institutional accounts. The proposed
22 fee cap is appropriate in our city jails where many
23 individuals are incarcerated solely due to their
24 indigence and inability to pay bail. We have
25 proposed an amendment to the legislation. Currently

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2 there is no fee charged at the DOC cashier's office
3 when an individual deposits cash into an
4 incarcerated person's account in person. We
5 recommend that incorporating that no fee option
6 into the legislation to ensure that it doesn't
7 disappear. On 12-60 this is the legislation to
8 ensure that people are produced if they're in
9 custody. This is just vital. We've had far too many
10 people kept in custody or having warrants issued in
11 error when they're in the city's custody and unable
12 to make appearances. So we are very supportive of
13 this. 12-61 is the proposed, the speaker's proposal
14 about authorizing the waiver of fees collected in
15 instances of cash bail. We support that also. The
16 impact of the legislation is significant. 85
17 percent of defendants paid bail using cash.
18 Literally thousands of people paid the
19 administrative fees over the years 2011 and 2012
20 for no compelling reason at all. On court clothing..
21 Approximately a year ago the department started
22 using jail uniforms. And we don't oppose jail
23 uniforms inside the jails. But during this year DOC
24 has regularly produced our clients to their court
25 proceedings and appearances in, and other

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2 appearances in jail uniforms. This has included
3 appearances before the grand jury and at trial
4 where the law clearly protects individuals from
5 having to appear in a jail or prison uniform and
6 despite multiple attempts to resolve the issue
7 through discussions with DOC. DOC does intervene
8 and solve the problem in individual cases when we
9 bring the matter to the attention of DOC Council
10 and other high level officials. However, these are
11 adhoc last minute solutions and they are no
12 substitute for consistent policy. I regularly when
13 I get somebody upset about this not having their
14 client produced in uniform I contact Jeff Kitatasm
15 [sp?] and Counsel Heidi Grossman [sp?] and they
16 have never told me that the correct person to go
17 through is Depferral [sp?]. I've never heard that
18 is the process. What I hear is I hear from our
19 attorneys regularly in the courts that they're told
20 something different week to week, courtroom to
21 courtroom, day to day in the same trial. Judges do
22 not know to contact Depferral. The court orders
23 that we get are often ignored. You know it may be
24 an operational challenge to get people their
25 clothes but they have to overcome that. What is

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2 going on is not consistent and, and continues to
3 occur. We made... I'm trying to speed this up. All
4 individuals incarcerated in our jails should have
5 access to civilian clothing that will not prejudice
6 their appearance and we believe that's before a
7 grand jury, a jury, a judge, or the public in any
8 court proceeding. I think the simplest thing to do
9 is to expand the legislation and make it all court
10 appearances so that the process is exactly the
11 same. 180, 80 days which are often when grand jury
12 appearances happen we consistently have everyone
13 brought to those courtrooms in the jail uniforms.
14 And the argue... you know I heard a number of things
15 as you say that it's not even always the jail
16 uniform that's the tan scrubs. Sometimes it's the
17 orange thing that says DOC in big letters. Very
18 recently I had a attorney tell me that their
19 client... they were told that their client was going
20 to be brought in the orange uniform with the
21 security mittens on their hands into the courtroom
22 for a grand jury appearance. And I did get council
23 to intervene and that didn't happen but that's the
24 way it works. It is every single person scrambling
25 for something at the last minute. And that includes

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2 that when our clients are being released to
3 programs and we inform DOC ahead of time that
4 they're getting released at their court appearance
5 even though it's not a jury or grant, or trial
6 appearance we tell them the clothes are needed... a
7 court order, and that's still ignored. Sometimes
8 our clients are told that DOC won't let them leave
9 in the jail uniform so they're going to have to go
10 back to Ryker's to get their clothes even though
11 they got released. Sometimes DOC staff and court
12 staff help us scramble to find clothing. Sometimes
13 they interfere with us providing clothing in the
14 court rooms. So it's completely inconsistent and
15 the statute is very important. But I do think it,
16 we do think it should be expanded to all court
17 proceedings and appearances. And I think you need
18 to include in the language ready access to civilian
19 clothing because the bringing of the property does
20 not happen in the way that was described to you
21 today. I'm not going to comment on the four bills
22 that you voted out of committee today. We did make
23 a few suggestions in our written testimony and I'll
24 leave it at that. But we are in favor of all of
25 those. Thank you.

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2 CHAIRPERSON CROWLEY: Thank you.

3 KELSEY DE AVILA: Hello. My name is
4 Kelsey De Avila. I'm the Jail Service and Social
5 Worker at Brooklyn Defender Services. And BDS does
6 support each piece of legislation that's under
7 consideration today. For today's hearing I would
8 like to narrow my comments on the issue of DOC jail
9 uniforms. You know we do believe that it's critical
10 to ensure people being produced to court be brought
11 in civilian clothing. Producing people to court in
12 jail garments is prejudicial not only to juries but
13 they can inspire implicit biases in judges and
14 court staff. To say that it's an operational
15 challenge to bring someone in civilian clothes is
16 offensive to the individual and our own justice
17 system. It is simply more just for all people to
18 appear in court in their own clothing to appear
19 innocent before proven guilty. You know today we
20 heard DOC comment on, on their procedures and it's
21 our own client experiences that, that contradicts
22 their own statements. You know I'd like to share a
23 few stories that our clients are being produced in
24 the jail uniforms. Most recently an incident with
25 an individual intending to testify their grand jury

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2 was adjourned in order to allow DOC to produce the
3 person again in civilian clothing thereby unjustly
4 extending their incarceration. In another instance
5 after some delay the individual's family was able
6 to provide clothing so that they could testify. And
7 then recently it had two trials were delayed
8 because our clients were denied their trial
9 clothing despite multiple requests to correction
10 officers and calls to DOC from the court as well as
11 our office. Another disturbing side effect of
12 producing people to court in jail garb is that they
13 are released back to the community in jail garb.
14 The nature of criminal proceedings can be
15 unpredictable. Frequently people are released to
16 programs otherwise... particularly I have personally
17 witnessed people on the subway in their jail
18 uniforms and we cannot compare their attire to
19 medical scrubs. It is simplistic and does not
20 address the impact of an individual. You know
21 releasing people in jail uniforms is, is both
22 degrading and dangerous. And you know recently we
23 had a 16-year-old who was, who we represented and
24 it was released from Ryker's. And they were
25 terrified of returning to the neighborhood in the

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2 uniform for fear of the police and gains in the
3 area. You know again we heard DOC testify that they
4 provide clothing boxes to people if they're being,
5 once they're being released. But recently another
6 case the judge was concerned about our young female
7 clients released in jail uniform and refused to
8 release our client until BDS brought clothing to
9 the courthouse for her because the court and DOC
10 staff reported that they would not do so. And our
11 office continuous, continuously provide clothing
12 either by donations from the community or our own
13 closet. And the defense bar should not be made to
14 play this role. And lastly it should be noted you
15 know many people with criminal court cases also
16 have cases in family, housing, and other civil
17 courts. We urge the council to extend the sensible
18 reforms including this bill by amending the
19 language to include other courts. The issues of
20 prejudice and dignity.. these settings as well. We
21 thank the council for its continued attention to
22 the needs of people and city jails and their
23 families. We hope that you continue to adopt an
24 aggressive stance toward making New York City
25 humane for all people. To that end we urge you to..

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2 support legislation that will cap unreasonable fees
3 across the system. We also urge you to investigate
4 the disturbing conditions families endure when they
5 visit their loved ones on Ryker's Island. On a good
6 day the process is degrading and can take many
7 hours. On a bad day it involves sexual assault by
8 correction officers or being denied a visit all
9 together. Thank you.

10 CHAIRPERSON CROWLEY: Thank you both for
11 your advocacy. I just have a quick question for the
12 legal aid society in terms of your attorneys
13 representing their clients who have not appeared
14 for their court dates because they're incarcerated
15 for a different arrest. So how frequently does that
16 happen?

17 KELSEY DE AVILA: I'm not, I'm not sure.
18 I wonder if we can pull that information from our
19 system and I can try to do that.

20 CHAIRPERSON CROWLEY: Yeah, I just...
21 [cross-talk] seems completely unorganized... and
22 unfortunate that we have to legislate this.

23 KELSEY DE AVILA: And I think some,
24 sometimes the judges require the person to be
25 brought in and other judges will issue the dollar

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2 bail in their absence. So there, there may be
3 different solutions to this problem. But people
4 should get to court so that the actual proceeding
5 goes forward. So that, that should be the solution.

6 CHAIRPERSON CROWLEY: And what do you
7 think... and either one of you can answer this
8 question, about the Department of Correction saying
9 that they're transporting inmates in uniform to
10 these court appearances in uniform for public
11 safety reasons or to reduce the occurrence of
12 contraband from entering into the jail system?

13 KELSEY DE AVILA: The, the property has
14 been searched already that's put into the bags
15 that's kept for them. So when they're providing
16 them with, and I think they probably search it
17 again when they provide it at the time that they
18 produce the property. So I'm not sure that I really
19 believe that that's a problem. They remain in DOC
20 custody throughout their court time. So I don't
21 think that was a problem when we didn't have
22 uniforms. And I don't think that's going to add to
23 that problem.

24 CHAIRPERSON CROWLEY: I'm, I'm glad that
25 we discussed that. I have no further questions.

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2 Again I think you and your organizations for the
3 work that they do and for being here today to
4 testify.

5 KELLY GRACE-PRICE: Now we'll try to get
6 you that other information.

7 CHAIRPERSON CROWLEY: I, I would
8 appreciate that.

9 [applause]

10 [background comments]

11 CHAIRPERSON CROWLEY: Alright we still
12 don't have the public advocate here. So we're going
13 to move on to the Osborne Society or OLJPP, Tanya
14 Krupat, and also to share in testimony at the same
15 time, around the same time but to, to come up from
16 our children, Jane Stanicki trying... Okay so let,
17 let's hear from Osborne first and then Hour
18 Children.

19 TANYA KRUPAT: Thank you so much. Good
20 afternoon. My name is Tanya Krupat as you said from
21 the Osborne Association Justice Policy and Practice
22 Center. And I'd like to commend the council,
23 yourself, and the committee for its attention to
24 the issues raised in the bills today. My remarks
25 will focus on four of the nine bills. My

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2 perspective comes from my role coordinating the New
3 York Initiative for Children of Incarcerated
4 Parents. And as a member of the DOC visiting
5 working group whose goal is to improve the visitor
6 experience on Ryker's. And I support Kelsey De
7 Avila's recommendation to also look into the
8 visiting process and the experience of visitors.
9 First was Intro 12-62. This is very important and
10 should be revised with two additions as people have
11 mentioned before. This bill should apply to all
12 court appearances including those in family court
13 and not only trial appearances. Furthermore, it
14 should obligate the department to provide civilian
15 clothing to those in its custody who have no
16 personal clothing. And additionally DOC should
17 consider making it easier for families to deliver
18 clothing in advance of court dates through packages
19 or clothing drop-off procedures. As you've heard
20 and I won't go into, appearing in court in clothing
21 versus the DOC jumpsuits or scrubs that they've
22 been referred to is so important. The odds are
23 already stacked against those awaiting trial on
24 Ryker's with research showing worse outcomes for
25 those fighting their cases from inside of jail than

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2 those fighting from outside. Family members and
3 children attend court hearings and seeing their
4 loved one or parent in a DOC uniform especially
5 when this is pre-trial is painful and unfair. It
6 can also serve to reduce the legitimacy of the law
7 and the meaning of innocent until proven guilty for
8 children, families, and communities. In cases where
9 individuals are released directly from court no one
10 should have to walk into the streets of New York
11 City in a DOC jumpsuit. Intro 12-60 as you've
12 already heard today requires DOC to transport all
13 incarcerated people to their criminal court
14 appearances and should include family court. You've
15 heard about the potential staff concerns or burden
16 that this would present and I encourage the council
17 to work with the courts, the DAs, and bail reform.
18 If we incarcerated fewer people pre-trial we
19 wouldn't have the burden of transporting them to
20 court. In terms of Intro 899A Jane will go into a
21 lot of what's needed to improve the nursery. We
22 agree that someone with expertise in early
23 childhood development should be involved in
24 decision making about nursery acceptance and
25 recommend the bill be revised to ensure that this

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2 perspective as part of the original decision making
3 process, not only appeals. The knowledge background
4 and training needed to decide whether placement in
5 the nursery is in the child's best interest falls
6 outside of the training and expertise of DOC staff
7 including all the way up to the commissioner. The
8 nursery manager should be part of the decision
9 making and appeals process. And the council should
10 specify if the early childhood development expert
11 will come from another city agency or a community
12 based organization. We recommend that this be
13 someone who is outside of ACS. ACS and DOC have
14 recently signed an MOU to guide nursery decision
15 making for mothers with child welfare cases.
16 However, the broader perspective of a child
17 development specialist outside of child welfare
18 should be sought and incorporated and in the
19 testimony we make specific recommendations of who
20 might be considered for the early childhood
21 perspective including our children. Finally, with
22 Intro 12-28A increasing the accountability and
23 transparency of DOC is a laudable and necessary
24 goal. However, in the bill I didn't see any mention
25 of the Board of Corrections and just wanted to ask

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2 what is their role regarding oversight. They
3 already have a mechanism on their website for
4 filing complaints and their charter mandates that,
5 their purpose is to establish and ensure
6 compliance, investigate any matter within the
7 jurisdiction of the department, review grievances,
8 evaluate the performance, it's supposed to function
9 very similarly to that which this bill proposes.
10 Also in front of this committee in May the BOC
11 Executive Director shared the, the budget now has
12 been increased to 38 staff and a budget of over
13 three million dollars. So before we invest further
14 in other oversight bodies we just wanted to know
15 how this will all relate to the Board of
16 Corrections. And we ask the council to consider the
17 city's investment in the BOC. And if its rule is to
18 meaningful that it be included and incorporated
19 into this and other bills being considered today.
20 Thank you for your time and consideration.

21 JANE STANICKI: Thank you. Jane Stanicki
22 from Hour Children and I'll confine comments to the
23 section on the nursery. First I'll endorse
24 everything telling you just said we agree
25 completely with her comments. I want to mention the

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2 item where use of force is referred to in the
3 proposal. There's no reference in Use of Force to
4 the possibility of Use of Force by staff on a child
5 in the nursery. And that should really include not
6 only use of force but any instances of inattention
7 which could result in serious illness or injury or
8 anything else. I can give you, if you want a
9 specific example I can give you one quickly. Last
10 winter I guess I should first tell you that if you
11 haven't seen the nursery mothers sleep in their
12 cell and the infants are in a center room, all
13 cribs in one, in a center room. And there's a...
14 [cross-talk]

15 CHAIRPERSON CROWLEY: Sorry. I visited
16 but I...

17 JANE STANICKI: Okay.

18 CHAIRPERSON CROWLEY: ...thought that
19 there were beds near where the babies' beds are.

20 JANE STANICKI: No, the woman is in her
21 cell at night and the cribs are all in one center
22 room and there is a sound monitor so that any child
23 who's crying is heard by the officer who's on duty.
24 And the monitor is probably a foot away from the
25 officer. It's right on the desk so it's very close.

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2 Last winter there was an incident where the officer
3 was so sound asleep that the officer did not hear
4 an infant whose arm got caught in an awkward
5 position. The child was not injured but it was
6 quite awkward and she was crying. And the officer
7 was asleep and didn't hear it. Now I did learn that
8 and reported it to the warden who immediately took
9 action so it was rectified. But there ought to be a
10 reference in the protocol here in the
11 administrative code. We talk about, about staff use
12 of force on, on the detainee but we don't talk
13 about use of force or inattention where an infant
14 could be injured. So I think that's a real
15 deficiency there. Tanya referred to the fact that
16 there is an MOU now between DOC and ACS which gives
17 attention to admission requirements into the
18 nursery. So I won't mention that. And then the last
19 thing I'll mention is that the denial of the
20 nursery application according to the administrative
21 code here or the proposal is that the commissioner
22 or the chief of department be the appeal. We
23 believe that's too far removed from where the
24 action really is that the person who hears that
25 appeal should not be the commissioner and it's

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2 essential that they have a child, child development
3 expert as a consultant and the nursery manager.
4 There's a nursery manager who knows more about this
5 than anyone else.

6 CHAIRPERSON CROWLEY: Who should hear
7 this appeal?

8 JANE STANICKI: I think it can be an
9 appointee of the commissioner. I understand that
10 DOC wants the central role there but perhaps an
11 assistant in charge of programming or... a debt for
12 programming or someone who has a little closer
13 contact with what happens on a day to day basis at
14 singer and certainly the commissioner is not that
15 individual. And we'd be happy to make suggestions
16 later on if solicited.

17 CHAIRPERSON CROWLEY: Well there,
18 there's a gynecologist right? Maybe the doctor...

19 JANE STANICKI: Yes, there's medical
20 staff that... that... the current medical director is
21 terrific. She's interested in public, comes from a
22 public health background. There are mental health
23 people, there are nurses, there's the nursery
24 manager. There are a number of people available who
25 could do that.

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2 CHAIRPERSON CROWLEY: Okay I think
3 that's going to be a separate bill.

4 JANE STANICKI: And that's it, thank
5 you.

6 CHAIRPERSON CROWLEY: Okay. Thank you
7 for testifying today. Both just question about the
8 Osbourne Center is affiliated with the Osbourne
9 Society. But you're in Brooklyn?

10 TANYA KRUPAT: It's part of the Osbourne
11 Association who has offices in Bronx and Brooklyn
12 and on Ryker's...

13 CHAIRPERSON CROWLEY: Gotcha [phonetic].

14 TANYA KRUPAT: ...Island and...

15 CHAIRPERSON CROWLEY: Wanted to make
16 sure.

17 TANYA KRUPAT: Yeah.

18 CHAIRPERSON CROWLEY: Thank you. Now
19 show of hands how many people from the Jail Action
20 Coalition are here to testify today and are
21 actually going to give testimony? Okay it... five?
22 How many altogether? Can we have them all together
23 on the same... Alright so we're going to do it in two
24 groups of three. So Victoria Phillips, Vivian
25 Velasquez, and Jennifer Parish. For the first panel

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2 and then we'll have second panel. Jennifer does
3 that make sense for your panel. Is there anyone
4 else you want on your panel? Okay who should be on
5 the first panel that I didn't call? You're, you're
6 going to be on the second panel with... okay. Candy?
7 Faith? Okay so first if you could just identify
8 yourselves for the record before you begin your
9 testimony. I, I'm not sure I... so you're Candy. I
10 just want to make sure I have your... You filled out
11 one of these forms right? Okay Candy Johnson.
12 Thanks. So we'll hear from Candy, Vivian, and then
13 Victoria in that order. Thank you. Please begin
14 your testimony.

15 CANDY: Okay. Good afternoon. My name is
16 Candy from the Jails Action Coalition also known as
17 the Solitary Survivor. I spent over three years in
18 solitary confinement where I was awaiting trial for
19 a speedy trial and was eventually acquitted of all
20 charges. As I said before I'm a solitary survivor
21 and yes I'm still a victim of solitary confinement.
22 It's a miracle that I'm alive and after being
23 dehumanized, tortured, raped in solitary
24 confinement it's also a blessing to be speaking
25 here this afternoon. For I was isolated for so long

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2 without human contact that I forgotten how to
3 speak. Being in solitary confinement means an
4 inmate must wear a department of correction uniform
5 at all times. It could be a jumper or it could be a
6 two piece... [off mic comments] When I got into
7 solitary confinement we were to wear brown uniforms
8 while in the building. If we were on Suicide Watch
9 like I was he majority of the time you were to wear
10 a grey uniform. When leaving the building you were
11 supposed to be in orange uniform similar to this.
12 We were given dirty brown uniforms and were being
13 forced to share them until I begged Deputy Johnson
14 to allow us to wear the orange and grey uniform
15 since the orange outnumbered the grey. Department...
16 I mean Deputy Johnson had told me that's a good
17 idea, I'll think about it. Officer Mont [sp?],
18 shield number 15656 had given me a disgusting brown
19 uniform that had looked as if someone had took egg
20 yolk, cracked it, and put it in the crotch of the,
21 the crotch area of the uniform and it smelt of
22 rotten shrimp. I was denied my medical appointment
23 just because I've asked for a clean uniform. Pardon
24 me for sounding so grotesque but this is the god's
25 honest truth. I felt dehumanized, belittle, low,

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2 everything. I had to put on, every time I had to
3 put on that uniform that someone else had on I felt
4 low. Imagine wearing a smelly dirty uniform to
5 court. How can you focus on your case if you have
6 to focus on the stench of the uniform or you're
7 fearful of catching a skin disease from wearing it.
8 The answer is you can't. It was a matter of time
9 before we only worn grey.. orange uniforms because
10 there were not enough brown nor grey uniforms.
11 However, we only had clean orange uniforms for a
12 few weeks. Nope. We only had a few clean uniforms
13 for a few weeks. The orange uniforms were being
14 shared as well as the officer stated no one would
15 take the uniforms to the laundry and no one would
16 pick them up from the laundry as well. Many of the
17 uniforms were utterly soiled resulting in them
18 being put in the trash. Uniforms were getting
19 thrown out or for some.. reason they were not
20 getting replaced. Do you know what that means? Many
21 inmates as well as myself were being denied
22 services due to the lack of uniforms. After I
23 return from Elmhurst one afternoon I saw a Officer
24 Robison [sp?] 11774 take my one jumper from me and
25 give it to Veronica Lewis, another solitary inmate

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2 to wear to her clinic appointment. When we had put
3 on the brown uniform the officers made fun of us.
4 They labeled us as monkeys. They would say put on
5 the quote unquote shit suit. We were labeled as
6 pumpkins as well in the orange uniforms. Can anyone
7 guess what we were labeled as in the grey uniforms.
8 We were called crazy or psychotic bitches. Those
9 names stick with you and it makes you wonder what
10 would the jury label me as? You already saying hey
11 I'm guilty just by wearing a dirty soiled smelly
12 ugly Department of Correction jail suit or uniform.
13 I was awaiting a speedy trial for approximately 39
14 months. The majority of the time my case had gotten
15 adjourned because the Department of Correction
16 could not find a uniform, I hadn't ran out of
17 uniforms. My point is I had to miss many court
18 appearances, family court as well, because of a
19 uniform, a uniform that I had no control over, a
20 uniform that speaks a thousand words. A uniform, a
21 uniform that's unpleasant, that has unpleasant
22 stench, of course I'm... of course I am pleaded for
23 you to prohibit Department of Corrections for not
24 only having detainees miss court appearance but to
25 have each inmate, human man woman, child, a pan...

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2 appear in civilian attire. When you go to an
3 interview you go on your, in your best attire
4 because the employer is judging you. The same.. must
5 go for an inmate that is being viewed by complete
6 strangers that had his or her life in their hands.
7 Thank you and god bless Candy a Solitary Survivor.

8 [clapping]

9 CHAIRPERSON CROWLEY: Just before we
10 hear from the next... we're in a... a... a public round.
11 Everybody spoke before Candy represented an
12 organization, a greater amount of people. Although
13 you're affiliated with the Jail Action Coalition a
14 lot of times when we have the hearings we start
15 right away with just giving two to three minutes to
16 even organizations but since there's going to be
17 six I'm going to each of you two minutes. Candy we
18 gave you a little bit more than two minutes. I
19 appreciate you being here and sharing your personal
20 experience with the committee. The information you
21 gave about the particular officers we will
22 certainly share with the Department of Correction
23 as well as the complaints about the dirty uniforms.
24 And I understand your position and your
25 recommendation as to nobody should wear a uniform

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2 at any time while they're incarcerated in the
3 various different channels and certainly not appear
4 in front of... This committee agrees with you.
5 Certainly myself as a council member agrees with
6 the part about court appearances. Certainly no
7 inmate should have to miss a court appearance and
8 39 months is not a timeframe for a speedy trial.
9 And so we, we could talk more about what types of
10 injustices that you had to experience and I will
11 make sure that various different agencies be it
12 state agencies or city agencies are aware of that.
13 And I do again appreciate you being brave enough to
14 share your personal experiences and I could
15 sympathize and understand and we would like to do
16 whatever we can to make sure that what happened to
17 you doesn't happen to anybody else.

18 CANDY: Thank you.

19 CHAIRPERSON CROWLEY: Okay. Now two
20 minutes everybody after... thank you.

21 VIVIAN VELASQUEZ: Hi, my name is Vivian
22 Velasquez and I am, I'm speaking on behalf of my
23 husband who is recently incarcerated and he was
24 just released. Thank god for... who assisted me in
25 getting the process expedited. While he was in

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2 there his eighth amendment was violated. And I want
3 to also discuss the visitation. And I want to also
4 discuss the visitation and I want to also discuss
5 the fees of how difficult it was for me to be able
6 to give my husband every week commissary money. And
7 it was more than once a week okay because of the
8 simple fact that if I put in 40 dollars a day
9 within two days his money was depleted. There was
10 no...

11 CHAIRPERSON CROWLEY: Sorry, when you
12 put in 40 dollars how much did it cost?

13 VIVIAN VELASQUEZ: It costed me five
14 dollars. If I put in 50 dollars, it costed me 10
15 dollars. So every time I had to put in money. I had
16 to make sure that I had the extra fee to...

17 CHAIRPERSON CROWLEY: And how did you
18 put it in through what agency, Western Union or...

19 VIVIAN VELASQUEZ: Western Union.

20 CHAIRPERSON CROWLEY: ...JPay.

21 VIVIAN VELASQUEZ: Or JPay. And those
22 were the only two options I had available to me at
23 that time. Either it was that or take the train all
24 the way down to Department of Corrections which I
25 refuse to do because they dehumanize you before you

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2 even get into the building. So I did not want to go
3 through that process. And in order for me to get
4 the money that I did have to get. I had to go out
5 there and I had to sell things or beg for money in
6 order for me to be able to support my husband even
7 though he was there for 40 days. It was very
8 difficult for me to support him while he was in
9 there. He has to wear a smelly jumper. There was
10 one time that he went in and the jump suit that he
11 had on was too small. So they took them back and
12 they brought him back out which lost time, which
13 lost our visiting time okay. And then we was able
14 to sit down and talk again because the uniform was
15 too tight for him. They didn't have one in his
16 size.

17 CHAIRPERSON CROWLEY: Right. Okay, so I
18 understand the concern about uniform and also that
19 many other family of inmates may have been in the
20 same situation as yourself and made smaller
21 payments throughout the week rather than one large
22 payment and because of that you're paying more
23 money to...

24 VIVIAN VELASQUEZ: Right because the
25 Department of Corrections what they do is they say

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2 they give them two free phone calls but as soon as
3 you put the money in the Department of Corrections
4 are taking the money back. So it's not a free phone
5 call. You're actually paying for the phone call.

6 CHAIRPERSON CROWLEY: Okay.

7 VIVIAN VELASQUEZ: So that's why the
8 money depletes so fast because the Department of
9 Corrections are taking money away from what I put
10 in. If I put in 50 dollars a day within two days he
11 only has seven dollars because the Department of
12 Corrections already took his money out. So I have
13 to make sure he has enough money to be able to go
14 to the commissary to get a simple deodorant or soap
15 or slippers and every time he's taking out for his
16 medication or for whatever reason or his thing in
17 his building, or his dorm is taken away.

18 CHAIRPERSON CROWLEY: Okay.

19 VIVIAN VELASQUEZ: So I have to go out
20 and he has to buy them again. So his things are not
21 secure when he steps out of his cell.

22 CHAIRPERSON CROWLEY: So you have
23 complaints about his personal belongings being
24 taken, stolen, and also about the payment for...

25 VIVIAN VELASQUEZ: Commissary money...

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2 CHAIRPERSON CROWLEY: ...putting money in
3 his commissary.

4 VIVIAN VELASQUEZ: ...that is paid.

5 CHAIRPERSON CROWLEY: Yeah.

6 VIVIAN VELASQUEZ: That is difficult for
7 me to have paid.

8 CHAIRPERSON CROWLEY: Got it.

9 VIVIAN VELASQUEZ: Every time it was
10 paid it was paid again because the things that he
11 had purchased was stolen out of the place where he
12 was sleeping at in his little cell.

13 CHAIRPERSON CROWLEY: Okay we'll also
14 make sure the Department of Correction looks into
15 that. I thank you for testifying today.

16 VIVIAN VELASQUEZ: Yes, thank you.

17 CHAIRPERSON CROWLEY: And the last
18 person on this panel please.

19 VICTORIA PHILLIPS: Good afternoon. My
20 name is Victoria Phillips. I, I'm an advocate at
21 the Urban Justice Center Mental Health Project and
22 I am a Jails Action Coalition Member simply because
23 of the atrocities and barbaric human, violation of
24 human rights I witnessed while working on Ryker's.
25 That's why I sought out JAC. I, I did not prepare a

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2 thing today to speak but after coming here and
3 listening to DOC I wanted to address some issues
4 because a lot of times they come before city
5 council or the board of corrections and they give
6 straight BS. And a lot of times they lawyer up to
7 not have to answer. Similar to what they did today
8 we don't have the direct data and they should have
9 been prepared. You mentioned earlier, you asked the
10 DOI Chairperson, Chair, Chairman Crowley. You asked
11 DOI would their request interfere with the monitor.
12 And honestly DOI needs to be on top of the
13 department of corrections. At the last Board of
14 Corrections hearing I directly told the board you
15 are the parents for the DOC. They are a direct
16 afflection [phonetic]... reflection of your
17 leadership. And even we, the... can't get correct
18 answers out of DOC or DOC backtracks or double
19 talks them. And even with the monitor I am also a
20 member of the advisory board for the Department of
21 Corrections adolescent and young adults. And one
22 meeting a couple of months ago we had them monitor,
23 the monitor representative come in. And I asked her
24 directly, I said is DOC aware of all your visits
25 and dully visit outside of nine to five hours. And

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2 she told me sitting across the table DOC is always
3 aware and no we do not make unannounced visits. So
4 yes, it is imperative that there's an additional
5 monitoring system over the department of
6 Corrections. And while working in the Department of
7 Corrections I have witnessed and... heard them
8 threaten incarcerated individuals if you don't do
9 something that I, that we said we going to throw
10 you in a orange jumper for you to go to court and
11 you know how the judge going to think if they see
12 you in an orange jumper. These are live threats
13 that I've actually heard them say to people. And
14 quickly I want to talk about the transport. DOC
15 representative came in here and he was saying the
16 bus catch on fire and all this stuff. Yes, if the
17 bus catch on fire it, and public safety but I want
18 you to, and he, and he also quickly mentioned
19 programming and how people always advocate for the
20 incarcerated individuals. But I want you to keep in
21 mind the majority of people that's being
22 transported to these courts have not been convicted
23 of a crime. That is... [cross-talk]

24 CHAIRPERSON CROWLEY: Oh yeah, I know
25 that.

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2 VICTORIA PHILLIPS: That's very
3 important. And I always tell people and I'm a tell
4 you today too, I'm a army brat. My mother's buried
5 in the military cemetery. That flag behind you
6 means something to me. And any, at any given time I
7 could be one of those people incarcerated and I
8 expect all of my rights and liberty. I expect
9 everything and my family served this motion for to
10 be given to me. So I, I advocate wholeheartedly for
11 the people that I witness being tortured behind the
12 walls because they have nobody to listen to them or
13 to see them. And I just wanted to let you know
14 before I shut up that, that he, he mentioned the
15 officers and, and having to protect the officers
16 and when P... incarcerated individuals are talked
17 about they're talked about in the sense of having
18 these animal instincts or just not being human. But
19 I want you to know that as a community organizer I
20 had an officer's mother who was locked up... reach
21 out to me. Someone told her about the work that I
22 do and how I could help because she was being
23 assaulted by officers. And she reached out to me.
24 She was ashamed for her son to even know she had
25 gotten arrested. And she called me to see what I

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2 could do for her. So I have a problem with officers
3 always coming to tell you the negative and, and
4 putting this bad light on people that are their own
5 family members. This is, this is real. I was pro, I
6 was racially profiled by NYPD on Saturday walking
7 down the street with two of my friends. And all I
8 kept saying was my god this was my friend and two
9 of his friends how would he even handle the
10 situation. And those were the type of people that
11 end up incarcerated because of broken windows
12 policing, racial profiling. These are what, and we
13 are not... for the city nor should we have our rights
14 violated on the street or behind the walls. You
15 have a nice day.

16 CHAIRPERSON CROWLEY: Thank you for your
17 advocacy. Thank you to the three of you for
18 testifying. We're going to move to the next...

19 VIVIAN VELASQUEZ: I just want to
20 mention one things. In the dorm where my husband
21 was staying at... CO was talking about contraband
22 being, being brought in by the inmates. He needs to
23 check to see the COs that are bringing in the
24 contraband. The COs are bringing contraband in to
25 the inmates.

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2 CHAIRPERSON CROWLEY: Okay.

3 VIVIAN VELASQUEZ: The COs.

4 CHAIRPERSON CROWLEY: We'll look into
5 that, thank you.

6 VIVIAN VELASQUEZ: Not the...

7 CHAIRPERSON CROWLEY: Next. Second to
8 last panel. This is the rest of the people here
9 today is from the jail action coalition. If you
10 could... start in the order you wish to begin and
11 before you begin your testimony if you could state
12 your name for the record.

13 JENNIFER PARISH: Sure. My name is
14 Jennifer Parish. I'm a member of the Jails Action
15 Coalition. And I'm here to present a portion of
16 JAC's testimony, the written testimony has been
17 given to you regarding the bills under
18 consideration today. The Jails Action Coalition is
19 an alliance of activists that includes formerly
20 incarcerated and currently incarcerated
21 individuals, family members, and other community
22 members who are working to promote human rights,
23 dignity, and safety for people in New York City
24 jails. We strongly support Intro 12-62 legislation
25 that would prohibit DOC from bringing incarcerated

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2 individuals to court in DOC uniforms allowing
3 individuals to wear their own clothes to court is
4 fundamental to promoting basic fairness in the
5 criminal legal system. We urge the council to
6 require that individuals be allowed to wear their
7 own clothes not only to all criminal court
8 proceedings but also to family court proceedings as
9 well. Additionally, if a person's clothes aren't
10 available the court's, court clothes should be
11 provided. Individuals who've been charged with a
12 crime and are awaiting trial also known as
13 detainees are in DOC custody because they cannot
14 post bail. The DOC serves the court system by
15 confining these individuals while their cases are,
16 until their cases are resolved. That is the
17 agency's fundamental purpose. All DOC policies
18 regarding DO, detainees should be in the service of
19 advancing the resolution of their criminal cases.
20 DOC's current practice of bringing defendants to
21 court in uniform flies in the face of the
22 presumption of innocence and the right to a fair
23 trial. It turns the whole system on its head. Being
24 in custody while one's case is pending already
25 places the defendant at a huge disadvantage

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2 compared to those who are able to contest their
3 charges while living in the community. It restricts
4 their access to council and to assist in their own
5 defense. We must not allow yet another obstacle to
6 their receiving a fair trial. Contrary to what DOC..
7 contrary to what DOC told you today we regularly
8 learn of cases, of defendants whose trials are
9 commit while they're, who are being brought to
10 court in their uniforms on the day their trials are
11 to commit. They also because of ineptitude bring
12 them to court even when their trials are going on
13 in their uniforms. I think the issue of the grand
14 jury is a fundamental importance because I believe
15 they never bring people to court in their street
16 clothes for that purpose. Clothing matters. We all
17 know that what we wear says something about us
18 before we utter a word. Recognizing the seriousness
19 of these proceedings none of you came to this
20 hearing in your gym clothes. Incarcerated
21 individuals whose liberty is at stake must be
22 allowed to present themselves to the court and to
23 the grand jury as human beings. They should be
24 permitted to wear the clothing that matches their
25 gender identity. When they are dressed in jail garb

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2 that demeans their humanity their guilt is
3 presumed. They look like a person who's already
4 serving a jail sentence. And I think that the shame
5 and humiliation of people who leave court in those
6 uniforms should also trouble this council. It's
7 certainly an unacceptable burden to place on
8 defense lawyers to address this problem. And the
9 DOC has responsible, responsibility for housing
10 defendants and must be required to allow them to
11 dress in a manner of their choosing in their
12 criminal proceedings. This is a question of
13 fundamental fairness and the recognition of the
14 human dignity of individuals. The vast majority of
15 whom are too poor to pay for bail. Just finally we,
16 we support Intro 12-61 and we must be committed to
17 reducing the jail population and finding as many
18 avenues to enable people to contest the charges
19 against them without being punished in advance.
20 This legislation is consistent with the city's
21 efforts to reform the bail system. However, it
22 should be amended to require the waiver of fees
23 rather than merely allow for the possibility of
24 doing so. Thank you.

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2 FAITH BARKSDALE: Hi. My name is Faith
3 Barksdale. I'm a member of the Jails Action
4 Coalition and I also volunteer as a teacher on
5 Ryker's specifically Rose and Singer Center. I've
6 spent about two or three hours a week for the past
7 18 months there. And I speak in support of Intro
8 11-52 to cap fees charged from family and friends,
9 deposit money into an incarcerated person's
10 commissary account. Currently JPAY and Western
11 Union, private corporations profit off of
12 incarcerated individuals as the public advocate
13 informed us, 77 percent of whom when their loved
14 ones make these transfers. There's no reason that
15 family and friends of incarcerated individuals to
16 be charged with exorbitant rates for transferring
17 money. Almost 50 percent of small deposits and
18 often exceeding the five-dollar cap established by
19 state law. To echo a statement, we heard earlier we
20 should not be in the business of taxing the family
21 and friends of detainees. Providing commissary is a
22 significant means by which families connect with
23 their incarcerated loved ones and ensure their
24 needs are met. We heard from the DOC earlier that
25 the fees that they charge are equal to or lower

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2 than many jurisdictions. This is New York City. We
3 have better standards. We should be trail blazers
4 and vanguards. In the Rosen Singer Center, Rosies
5 [sp?] for example DOC provides 144 non-adhesive
6 menstrual pads per five detainees per week. This
7 load number often leaves menstruating women and
8 trans people held at Rosie's...

9 CHAIRPERSON CROWLEY: Sorry, how many
10 pads?

11 JENNIFER PARISH: 144. Is that what I
12 said? 144 per five detainees per week.

13 CHAIRPERSON CROWLEY: So what is that...
14 what is that for one person?

15 JENNIFER PARISH: I guess if you...

16 CHAIRPERSON CROWLEY: 71? 144...

17 JENNIFER PARISH: 144 pads per five
18 detainees.

19 CHAIRPERSON CROWLEY: So 44 divided by...

20 JENNIFER PARISH: I guess that's about
21 20, 28 maybe?

22 CHAIRPERSON CROWLEY: So it's 26.

23 JENNIFER PARISH: 26.

24 CHAIRPERSON CROWLEY: I'm... yeah.

25 JENNIFER PARISH: Okay 26 but...

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2 CHAIRPERSON CROWLEY: four or five days.

3 JENNIFER PARISH: I'm sorry? Yeah for
4 four to five. But I mean if you take into account
5 variations, women with...

6 CHAIRPERSON CROWLEY: I was just trying
7 to figure out...

8 JENNIFER PARISH: Okay, yeah sure. Okay
9 this low number often leaves menstruating women and
10 trans people held at Rosie's without access to
11 vital hygiene products unless they're able to show,
12 to purchase them from commissary or also ensure the
13 mutilating process of visually showing correction's
14 officers their need for clean menstrual products.
15 On a personal note as you notice voluminous afro
16 type hair it actually requires special cleaning
17 products that are not the standards provided by... at
18 Ryker's. Talking to detainees with similar type
19 hair. They actually have to purchase different
20 products in order to ensure their hair is clean and
21 healthy. ...detainee access to commissary leaves them
22 at risk of not having their fundamental hygiene
23 needs met and denies their humanity and personal
24 violation while confined. Just a couple more. We
25 support Intro 12-28-A investigating, reviewing,

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2 studying, and auditing of making recommendations
3 relating to operations, policies, programs, and
4 practices with the DOC by the Commissioner of the
5 DOI. We support legislation to create independent
6 general, investigator general that'll have
7 oversight of the Department of Corrections. For too
8 long DOC has operated largely in secret. Recently
9 the Board of Corrections has begun to provide more
10 robust oversight in public reporting. But having a
11 designated inspector general in the Department of
12 Investigation will allow for enhanced oversight,
13 transparency, and accountability. Okay. And then we
14 also support Intro 12-60; transporting incarcerated
15 individuals in DOC custody to all criminal court
16 appearances.

17 KELLY GRACE-PRICE: Hi. I'm Kelly Grace
18 Price with the Jails Action Coalition. Three quick
19 notes. 26 menstrual pads seems like a lot for a
20 week but you use those menstrual pads to sit on the
21 toilet. Those toilets are permanently stained and
22 they're metal and they are freezing. You need those
23 menstrual pads to keep your body away from that
24 horror show that you're provided. Secondly this
25 comment about the DOC busses exploding in fire and

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2 having to keep the community safe from us. Remember
3 that inside those DOC busses are cages. You're not
4 sitting on some bench sharing a PB&J and sipping on
5 milk with your neighbor. You are handcuffed and you
6 are inside a cage. So I find it completely
7 offensive that the head of... primary concern is
8 there is a bus explosion or fire is that inmates
9 and detainees will run amuck through our community
10 when in fact those people will be trapped on that
11 bus. And the, the third thing I want to say is just
12 quickly this business of it being so time consuming
13 for the DOC members to go through peoples' personal
14 property and to give them their property every day
15 when they need to make court appearances. I had
16 properties stolen. I'd mentioned many times that my
17 shoes were stolen by CO Rebelta [sp?]. She still
18 has them. I'm still asking for my... she went through
19 my property bags. That is not an isolated incident.
20 If the DOCs has time to go through our property
21 backs and to steal our property they have time to
22 give us our property so that we can show up and
23 make court appearances appropriately. Remember, I
24 was charged with 324 counts of the now
25 unconstitutional CPLR240.30 which mandated that any

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2 electronic communication that annoyed or alarms the
3 recipient was a criminal act. Off I went to Ryker's
4 because Cyrus Vance [sp?] needed to shut me up, the
5 man who was pimping me, beating me, abusing me was
6 his number one confidential informant for Operation
7 Crew Cut which has enabled Cy Vance to pump up his
8 political efficacy regarding gun control and gangs
9 and increase his political power. People like me
10 end up in, in Rosie's all the time. We are victims.
11 I can't believe that was two minutes. I didn't even
12 get a chance to address my testimony. But I'm
13 turning it in and I, I really want to emphasize
14 Laurie, I'm sad that that Councilman, Councilwoman
15 Laurie Cumbo wasn't here. I'm very appreciative of
16 her bill that specifically mandates the
17 introduction of trauma informed care. Please pay
18 attention to my testimony. I've spent a lot of time
19 speaking to all the national experts about trauma
20 informed care specifically regarding rape and
21 sexual assault and the efficacy in evaluating those
22 claims as verified rather as un-fabricated. Note
23 that the DOC numbers that they have released to us
24 about rape and sexual assault, even those mandated
25 by this city council that were voted on in April of

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2 2015, Local Law 33 mandated that the DOC provide
3 information about rape and sexual assault posted on
4 its website yearly and also compared and contrasted
5 between previous reporting period. If you reviewed
6 the, the current posting on the Department of
7 Corrections' website you only have some very..
8 numbers from 2015 I believe that are posted.
9 There's no comparison. They're not even paying
10 attention to the reporting laws that you are
11 mandating. So I would ask the council to please go
12 back and make sure that there's some teeth. And
13 please pay attention to my testimony about rape and
14 trauma... [cross-talk]

15 CHAIRPERSON CROWLEY: I'll, I'll review
16 your testimony. The bill was voted out of committee
17 today so we're looking to have these bills voted in
18 the next stated meeting which is next week.
19 Alright. Wednesday, Wednesday. So... and then we'll
20 continue the discussion you mentioned about
21 reporting and adhering to all the bills that we
22 passed. We want to make sure that DOC abides by the
23 law. And so it's troubling. But I do appreciate you
24 being here today, your advocacy, everybody who
25 testified, and we'll continue to work together to

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2 strengthen the laws. We are going to hear from JPay
3 and then, and then I think we have one more panel.

4 GREGORY LEVINE: Hello everybody. Hello
5 Council Members. My name is Greg Levine. I'm
6 Executive Vice President here at JPay. With all due
7 respect to the public advocate and all the folks
8 that are in favor of IAT11-52 I feel they are
9 terribly misinformed on, on the realities of money
10 transfer and how it works in the Department of
11 Corrections. I think maybe that your council is
12 also misinformed. So I'm going to try to, try to
13 fix that quickly in a, in a minute and 50 seconds
14 here. Put my glasses on here. First of all the
15 public advocate mentioned that City Pay is free for
16 other agencies that is, that is absolutely false.
17 They charge 2.49 percent merchant processing fees
18 which would be 1.49 percent more than she's
19 proposing in this bill. Our fees are more than that
20 as well. All of our services are a convenience to
21 the friends and family members of the DOC. They do
22 not have to use our services or western union
23 services. They could, they could walk in and, and
24 give a money order or give cash for free. The
25 reason that the DOC contracted with our company is

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2 to make it more convenient for mom and dad to send
3 money. So again they don't have to use our
4 services. Number three somebody came up here and
5 said that it was 10 dollars for 50 dollars, 10-
6 dollar fee, it's not true. Our fee for 50 dollars
7 and it's published on the DOC website is \$6.95 so
8 that's not 10 dollars. By the way the average
9 transfer fee is 48 dollars.

10 [background comments]

11 GREGORY LEVINE: You said you weren't
12 sure actually.

13 [background comments]

14 CHAIRPERSON CROWLEY: ...the panel.

15 GREGORY LEVINE: Thank you. The other
16 thing I want you to know about is that the
17 Department of Corrections wanted us to provide
18 intake kiosks and lobby kiosks... intake booking
19 kiosks. Now an intake kiosk costs JPAY thousands of
20 dollars to help the DOC intake inmates safer and
21 quicker. That's something we provide for free. And
22 to think the most important thing before I give it
23 to my written testimony very quickly is the
24 security that we provide to the DOC both the
25 offenders and the agency as well. By using our

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2 services, they have the ability to see who's
3 sending money in and track crime syndicates, drug
4 syndicates etcetera. And the New York City
5 Department of Corrections as well as all of our
6 other customers and incidentally we, we are the
7 money transfer provider for most of the offenders
8 in the united states, two million of them. We have
9 38 state contracts, 33 state contracts and 39 or so
10 county contracts.

11 CHAIRPERSON CROWLEY: Money, do you move
12 through, you said the average was 48 dollars. But
13 how much money do you move through the Department
14 of Correction each year.

15 GREGORY LEVINE: I am not sure the.. the
16 department.. [cross-talk] two million dollars they
17 said a year.

18 CHAIRPERSON CROWLEY: Two million?

19 GREGORY LEVINE: Yeah, that's what they
20 said, two million dollars. I'm not exactly sure if
21 that's accurate or not. I'd have to go back and
22 check.

23 CHAIRPERSON CROWLEY: Well how much does
24 JPay make?

25 GREGORY LEVINE: How much do we make?

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2 CHAIRPERSON CROWLEY: Yeah.

3 GREGORY LEVINE: On two million? I
4 couldn't tell you. I don't know. I mean I can tell
5 you that our fees are...

6 CHAIRPERSON CROWLEY: Alright.

7 GREGORY LEVINE: ...significantly higher...
8 [cross-talk]

9 CHAIRPERSON CROWLEY: I know what your
10 fees are. I see them... [cross-talk]

11 GREGORY LEVINE: No I mean our, our
12 costs are significantly higher than one percent or
13 a cap on five dollars. As a matter of fact, with
14 all due respect council, councilwoman no company
15 will ever provide this service for those fees
16 period. It's not going to happen. You're going to,
17 the friends and family members are going to lose
18 the, the option, the convenience of having, of
19 sending money from their cell phone, of sending
20 money from Walmart.

21 CHAIRPERSON CROWLEY: Does your company
22 give gifts in any way to the Department of
23 Correction?

24 GREGORY LEVINE: Gifts?

25

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2 CHAIRPERSON CROWLEY: Like paid for food
3 or outings...

4 GREGORY LEVINE: Pay for nothing.

5 CHAIRPERSON CROWLEY: Conferences?

6 GREGORY LEVINE: No, we pay for nothing
7 for any of our customers. Absolutely not. We do
8 not.

9 CHAIRPERSON CROWLEY: Do you have a
10 license to do the work that...

11 GREGORY LEVINE: Yes, by the way that
12 was also misinformation from the public advocate.
13 We're fully licensed in all 50 states. And we have
14 been for many... for several years now.

15 CHAIRPERSON CROWLEY: And in order to do
16 the work that you do in New York City jails have
17 you gone through a RFP or you're just... or blindly
18 given the ability to...

19 GREGORY LEVINE: There, there was a,
20 there was a bid several years ago in 2007. We won.
21 And then we had been renewed annually as the
22 department mentioned.

23 CHAIRPERSON CROWLEY: So what is the
24 average. I understand the average is 48 dollars but
25 what is the most occurring so the mode amount?

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2 GREGORY LEVINE: We don't allow more
3 than 300 dollars.

4 CHAIRPERSON CROWLEY: No, no, no like
5 are you more often doing transactions of 20 dollars
6 versus...

7 GREGORY LEVINE: Well the...

8 CHAIRPERSON CROWLEY: I understand the
9 average so you're going to take them... all the money
10 and divide it by the number of the transactions you
11 get 48 dollars which means that...

12 GREGORY LEVINE: I don't want to...

13 CHAIRPERSON CROWLEY: Doesn't know... that
14 doesn't tell me that more often or not you're
15 getting under 20 dollars.

16 GREGORY LEVINE: I don't want to give
17 you misinformation. I don't have that information
18 in front of me. I can tell you the average is 48
19 dollars...

20 CHAIRPERSON CROWLEY: Be good to give
21 the committee like the mean, median, and mode.

22 GREGORY LEVINE: I'm sorry, can you say
23 that again?

24 CHAIRPERSON CROWLEY: The average, the
25 most occurring.

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2 GREGORY LEVINE: Sure. I could provide
3 that to you.

4 CHAIRPERSON CROWLEY: It does seem very
5 high and it's very unfortunate that families have
6 to pay this amount of money. So I, I agree with the
7 public advocate that there needs to be reform.

8 GREGORY LEVINE: Well you know they
9 don't have to pay this amount of money if they
10 choose not to. They can walk in or they can send a
11 money order..

12 CHAIRPERSON CROWLEY: It is an onus.
13 It's very difficult to get to Ryker's Island from
14 most parts of the city.

15 GREGORY LEVINE: Are you aware of the
16 security that we provide by having the intelligence
17 through who sends money from where?

18 CHAIRPERSON CROWLEY: I'm just aware of
19 the needs that many families have to get money to
20 inmates so that they can buy basic necessities. And
21 then I'm aware of the amount of money that you're
22 charging which seems excessive. And Western Union
23 is doing the same and it doesn't seem right that we
24 have families that are often just putting in 30
25 bucks because that's all they could spare that week

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2 or that month. And then to see when they put in 30
3 dollars they, they have seven dollars taken out
4 which is...

5 GREGORY LEVINE: Yeah.

6 CHAIRPERSON CROWLEY: ...yeah it's, it's
7 excessive. It's...

8 GREGORY LEVINE: Well I would tell you
9 this though Commissioner our fees are less than if
10 you went to Western Union and transferred money to
11 your mom or something so... Our fees were not only
12 aligned with...

13 CHAIRPERSON CROWLEY: If I wanted to
14 give money to most of my family members I'm able to
15 do it online and without a... just a quick... most
16 banks these days, no charges. I'm often giving my,
17 my sons money that way and so I know about that.
18 But I have no further questions. Thank you for your
19 testimony today. We do have one last panel.

20 GREGORY LEVINE: Thank you.

21 CHAIRPERSON CROWLEY: That came in late.
22 We have Craig Levine from the Bronx Defenders.

23 CRAIG LEVINE: Thank you very much and
24 at, at the outset my apologies for the late
25 submission of my... I was waiting to be called at

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2 the, the hearing next door which is still ongoing
3 from this morning. I got it. I won't take more. I'm
4 Craig Levine. I'm the Managing Director for Civil
5 Practice and External Affairs at the Bronx
6 Defenders as you likely are aware. We are a
7 holistic public defender organization based in the
8 south Bronx the, in the poorest congressional
9 district in the country. We represent in an average
10 year about 30,000 people in criminal defense,
11 family defense, immigration and a broad range of
12 civil legal matters. I'm here briefly to express
13 our strong support for the panoply of bills under
14 consideration by this committee which collectively
15 represent a set of necessary reforms and oversight
16 provisions. Very briefly. Bringing defendants to
17 courts in street clothes if they have them seems to
18 us the most basic vindication of the, of the
19 foundation of criminal due process, principal of
20 the presumption of innocence. It's as simple as
21 that. There's no way a negative presumption is not
22 drawn by many fact finders, even judicial fact
23 finders from the contrary. Bringing defendants to
24 all of their court hearings, all of them, frankly
25 when we learned of this issue was a little bit

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2 surprising to us... both avoid lots of delay and
3 protracted stays behind bars and also increase
4 efficiency for the court system which as you know
5 is an enormous issue particularly, particularly in
6 the Bronx. And the subject now of pending federal
7 litigation. The bail amounts are an enormous burden
8 for those facing them who we know are vastly
9 disproportionately impoverished allowing fees to be
10 waived strikes us as imminent, reasonable, and can
11 make the difference as we know in our civil
12 practice between food being on the table and
13 otherwise trauma informed care it has been state of
14 the art for many years. It's time to require that
15 and finally given the litany of abuses frankly not
16 a week goes by, often not a day goes by without
17 another report raising collective eyebrows, not
18 just at our organization but around the city and
19 institutionalize, institutionalizing and
20 independent oversight IG function seems long
21 overdue. Thank you for the opportunity to share our
22 views.

23 CHAIRPERSON CROWLEY: Thank you for your
24 testimony. Thank you to all those who came today to
25 testify. This concludes the fire and criminal

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2 justice hearing. We also have the NAACP that
3 submitted testimony for today's hearing. Again this
4 concludes the hearing of a fire and criminal
5 justice September 26th, 2016.

6 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 29, 2016