

COMMITTEE ON JUSTICE SYSTEM

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUSTICE SYSTEM

September 27, 2018
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Chairperson

COUNCIL MEMBERS:

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

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Senior Trial Attorney in the Brooklyn Adolescent
Representation Team, BART, at Brooklyn Defender
Services

Dawit Getachew
Criminal Defense Attorney and Associate Special
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Joanna Weiss
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Lori Zeno
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Ilana Turko
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Towaki Komatsu
Appealed an Order of the Civil Court

Ras Omeil Morgan
President of Comm-Love-Unity

Robert Brodie
Corrections of Accountability Project

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[gavel]

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CHAIRPERSON LANCMAN: Good morning

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everyone. Good morning everyone. I'm Councilman Rory

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Lancman, Chair of the Committee on the Justice System

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and today we are here to discuss the hidden costs of

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our justice system and how they impact outcomes,

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reentry and successful reintegration for indigent

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criminal defendants. The collateral consequences of a

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criminal conviction for even a minor crime have

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become well known. When an individual tries to

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reenter society, they might have difficulty getting a

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job, be excluded from housing, lose custody of their

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children or access to education and student loans or

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even face deportation but less well known are the

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monetary costs that the justice system itself imposes

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on people. The court system levies a mandatory

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surcharge on every conviction or guilty plea to cover

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cost... court costs along with fees for crime victim,

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victim assistance and DNA database upkeep. Fines are

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imposed as a sentence either in addition to or

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instead of jail time and are added on top of court

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surcharges. The minimum is 25 dollars for minor

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offenses, but the maximum can be many thousands of

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dollars. Penalties and assessments are paid to

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2 outside agencies or organizations like the Department
3 of Motor Vehicles which charges 750 dollars over
4 three years for any DWI offense or for determining
5 at... determining eligibility into a program. Lastly,
6 restitution to victims can be mandated by the court
7 based on the facts of the case up to 10,000 dollars
8 for a misdemeanor or 15,000 dollars for a felony with
9 an additional five percent surcharge, surcharge going
10 to the court system. This is not a problem just
11 hitting those convicted of serious offences, a
12 violation which is not even a crime, costs a
13 defendant at 120 dollars in court surcharges and fees
14 before even calculating in a fine for the actual
15 charge. The starting point for a misdemeanor is 250
16 dollars including a DNA database fee even if the
17 defendant's DNA is already on file and these are just
18 the baseline amounts. For parole or conditional
19 release, release add another 50 dollars per month to
20 reinstate a suspended drivers license, add 100
21 dollars for work release, add a ten dollar a day
22 reporting fee, on and on and on. Even programs
23 offered as alternatives to incarceration or treatment
24 mandated by the courts can come with onerous fees
25 putting them in reach for only some. For any person

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2 these costs would start to add up quickly but for
3 those struggling to get back on their feet after an
4 arrest or time in jail, these debts can cut them off
5 at the knees. Last year, 2017, there were over
6 452,000 different fines, surcharges, restitutions, or
7 various fees charged in New York City criminal cases
8 totaling almost 100 million dollars, but it doesn't
9 even end there. If someone doesn't pay it opens up a
10 whole new world of collections, over 103,000 civil
11 judgments were ordered for nonpayment in 2017. Such
12 judgments come with a nine percent interest rate and
13 can lead to damaged credit, suspension of a driver's
14 license, garnishment of wages, seizure of a car or
15 other property or revocation of a business permit.
16 Parole can even be denied, revoked or extended just
17 for nonpayment. For those trying to reintegrate into
18 society court fines and fees can bar their way and
19 even that is better than those who have warrants
20 issued against them, over 11,000 last year or
21 committed for nonpayment. In 2017, 161 people, more
22 than half of them from my home borough of Queens,
23 were committed to custody in what might as well be a
24 modern-day debtor's prison. It is not enough to decry
25 the high cost of injustice... of justice for those who

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2 can least afford it and it's not enough to call on
3 Albany to make changes to mandatory fee statutes for
4 indigent defendants and fund our courts in ways that
5 don't make them rely on fines and fees. The city
6 itself has an impact, our prosecutors have an impact,
7 where diversion opportunities or alternatives to
8 incarceration are offered many of which are
9 administered by the Mayor's Office of Criminal
10 Justice we must make sure that defendants are able to
11 participate. Where classes such as a batter
12 intervention or DWI program are mandated by the court
13 or made a necessary precursor for a defendant to see
14 their child or regain their driver's license, money
15 should not stand in the way. For example, one program
16 requires 16 sessions at 50 dollars each plus an
17 additional orientation fee, should completion of a
18 program hinge on the ability to find 850 dollars just
19 to participate? Just as important is who we choose to
20 prosecute and for what. A study by the Bronx
21 Defenders found from... that from 2009 to 2013, before
22 this city and its DAs made their first attempt to
23 reduce marijuana enforcement, court fees and fines
24 assessed for low level marijuana possession totaled
25 approximately 11 million dollars city wide. How many

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2 fewer of those individuals are being arrested today?
3 How many of them are receiving a violation and
4 tomorrow how can we make that number zero? How much
5 more can we reduce the effect of our criminal justice
6 system on largely black and brown people that cycle
7 through it? With every arrest we choose not to make,
8 with every case we choose not to pursue, we can
9 reduce the cost of justice for everyone. I look
10 forward to hearing today from the Mayor's Office of
11 Criminal Justice, public defenders, advocates, and
12 others about the impact of this system here in New
13 York City and ideas for how we can improve on it.
14 With that we're going to swear in our witnesses and
15 we'll hear your testimony. So, if you can raise your
16 right hand. Do you swear or affirm that the testimony
17 that you give today will be the truth, the whole
18 truth and nothing but the truth?

19 DAWIT GETACHEW: Yes.

20 CHAIRPERSON LANCMAN: Terrific. Unless
21 you have some other idea why don't we just start
22 from, from my left to, to right, please introduce
23 yourself and, and let's hear your testimony. You have
24 to hit the, the button, the red light.

25

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2 HEMANGI PAI: Thank you. My name is
3 Hemangi Pai, I'm a Senior Trial Attorney in the
4 Brooklyn Adolescent Representation Team known as BART
5 at Brooklyn Defender Services. BART is a specialized
6 unit with dedicated attorneys and social workers
7 representing young people ages 14 to 24 who are
8 charged with crimes from petty, low level crimes to
9 serious felonies in Brooklyn. In my almost eight
10 years at BDS, I've represented hundreds if not
11 thousands of young people; these young people are
12 poor, mostly black and Latin X, most of their cases
13 end with a plea which includes fines and fees. Fees
14 including mandatory surcharges that are routinely
15 imposed without any assessment of a client's ability
16 to pay. The consequences of nonpayment for our young
17 clients are dire; ruined credit, denial of access to
18 housing, inability for college loans, and employment
19 discrimination. I have hundreds of stories of young
20 people who've been disproportionately impacted by
21 fees and fines, but I'd like to share one example
22 that I think best illustrates the consequences our
23 young people face. My, my client and we can call her
24 Katherine, was charged with theft of services for
25 entering the subway system without paying. She

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2 doubled up in the turnstile with her friend, she was
3 immediately arrested and because she didn't have any
4 identification on her she was processed, taking to
5 central booking and then brought to court. When I met
6 her in weekend arraignment on a Sunday night she was
7 terrified. She was offered a plea to disorderly
8 conduct, a violation of the law, not even a crime and
9 she agreed to take the plea and then she was saddled
10 with a surcharge of 120 dollars that she did not
11 have, that her family did not have. She was 17 years
12 old, was in high school and lived in a shelter with
13 her mother and siblings and at that moment she had a
14 choice to make about the surcharge; should she ask
15 for time to pay or ask for a civil judgment to be
16 entered. She asked the court for time to pay and the
17 case was adjourned for about eight weeks for her to
18 pay. Katherine didn't know how she was going to pay
19 the surcharge, but the alternative was so much worse.
20 If she had asked for a civil judgment there would
21 have been a default on her credit report at the age
22 of 17. This young girl who's just starting her life,
23 who was planning to go to college, maybe one day
24 hopefully move out of the shelter into her own place,
25 who would apply for loans and jobs could not afford

COMMITTEE ON JUSTICE SYSTEM

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2 to have a judgment on her credit report for seven
3 years, from 17 to 24, a judgment that would prevent
4 her from taking out financial aid, from getting an
5 apartment, from getting medical insurance, from
6 getting employment, from so much more. So, she chose
7 to ask for time to pay. Katherine's family pulled the
8 money together to pay, it took them some time and
9 they had to ask for an extension which meant
10 Katherine had to come back to court more than once
11 after that first date. The money they used, the 120
12 dollars, was money that her mother pulled from the
13 needs of their household; from their clothing, their
14 food, necessities for the other children and that
15 money could have been used for something so much more
16 productive for that family. It could have been used
17 for something so much more productive for Katherine;
18 for school books, for college applications, for
19 anything else instead it was money that she had to
20 pay because the surcharge is mandatory, cannot be
21 waived and because the alternative was so much worse.
22 And this was all because she doubled up in a
23 turnstile, because she could not afford two dollars
24 and 75 cents for the subway fare. Now this is just
25 one of hundreds of stories I could share with you

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2 about all the negative impacts of fees and fines on
3 our poor clients. Young people from middle class
4 families who can afford to pay the court costs on
5 their behalf face a mere inconvenience while people
6 from poor families face what is in many cases a
7 longer lasting punishment than the sentence. She
8 received time served in this case and had to come
9 back at least two times to deal with the surcharge. I
10 list a number of recommendations in my testimony and
11 I urge the Council to do the following: compile and
12 publish a publicly available list of all the fines,
13 fees and surcharges imposed on New Yorkers by the
14 Criminal Legal System; require reporting on the
15 number of New York City residents who are
16 incarcerated or had their driver's license suspended
17 because of their inability to pay a fine, surcharge
18 or fee and the number of civil judgments issued
19 against defendants by the courts sometimes even in
20 their absence. If the court imposes any user fees on
21 criminal defendants, the council should eliminate
22 them or allow judges or clerks to waive them for
23 indigent people. Additionally, the city should
24 eliminate other costs imposed on incarcerated people
25 and their families such as JPay services, charges and

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2 fines for alleged infractions in city jails. The city
3 should address... or I'm sorry, assess current criminal
4 debt collection practices with particular attention
5 to the practices of private debt collection agencies.
6 Often there are little to no enforceable regulations
7 when people attempt to seek recourse against these
8 entities for abuse or misconduct and the Council
9 should join advocates to call on New York State... on
10 the New York State Legislature to eliminate or
11 significantly limit most court fines and fees and
12 call for broader discretion for judges to waive them
13 for indigent defendants including calling for the
14 passage of A7... A9786S7917, a bill that passed in New
15 York State Assembly earlier this year that would
16 authorize judges to waive certain surcharges and fees
17 for a defendant under the age of 21 under certain
18 circumstances. Brooklyn Defender Services strongly
19 believes that people should never be incarcerated due
20 to failure to pay criminal court debt especially if
21 the court has not made an ability to pay
22 determination. People should never be saddled with a
23 civil judgement for failure to pay criminal legal
24 debt absent a court determination that they are not
25 indigent, i.e., able to pay without unreasonable

COMMITTEE ON JUSTICE SYSTEM

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2 hardship. Fees and fines should be tailored to an
3 individual's ability to pay and court should be
4 allowed to reduce or eliminate such fines and fees
5 based on a person's change in circumstances. Thank
6 you so much.

7 CHAIRPERSON LANCMAN: Thank you.

8 DAWIT GETACHEW: Good morning Chair and
9 Chairman Lancman and members of the Committee. My
10 name is Dawit Getachew, I'm a Criminal Defense
11 Attorney and Associate Special Counsel at the Bronx
12 Defenders and I'm grateful for the opportunity to
13 testify about this important matter. The Bronx
14 Defenders is a community based holistic, public
15 defender office dedicated to serving people of the
16 Bronx. The Bronx Defenders provides criminal, family
17 defense, immigration representation, civil legal
18 services and social services to approximately 28,000
19 Bronx residents every year. Now for many of our
20 clients the financial penalties imposed as a result
21 of an open criminal case or a conviction are perhaps
22 the most common forms of, of punishment levied
23 against them by the criminal legal system. Those who
24 plead guilty regularly face fines of... or monetary
25 sanctions including fines, mandatory surcharges, and

COMMITTEE ON JUSTICE SYSTEM

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2 court fees, program costs that can add up to
3 staggering sum far beyond their ability to pay. For
4 those who choose to fight their case, just the act of
5 appearing in court numerous times waiting for their
6 day in court, has significant financial costs in the
7 form of lost wages, school absences, transportation
8 and childcare expenses, which further strains the
9 resources of individuals already living on the
10 economic margins. I agree with my colleague from BDS
11 who stated with the respect to the mandatory court
12 surcharges, which are imposed whenever people are
13 convicted of an offense and represent... which
14 represents the largest pool of money that's extracted
15 from people involved in the criminal justice system.
16 For example, a guilty plea to the non-criminal
17 violation of disorderly conduct, which is one of the
18 most common dispositions across the city carries with
19 it a mandatory court surcharge of 120 dollars and
20 this year alone the Bronx Defenders, the clients that
21 we have represented have taken over 1,700 pleas to
22 disorderly conduct for a total of over 200,000
23 mandatory, mandatory court surcharges and this
24 represents just a fraction of these costs both in the
25 Bronx as well as city wide. I would like to highlight

COMMITTEE ON JUSTICE SYSTEM

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2 a particular area that has... that hasn't been
3 addressed specifically the cost of treatment services
4 or programs that often serve as an alternative to
5 incarceration, which can be a significant financial
6 burden to many of our clients. This is especially
7 true for people without health insurance and those
8 with limited English proficiency. For example, Angelo
9 a Bronx Defender's client and a father of seven was
10 arrested and pled guilty to a family offense rising
11 from his struggle with alcohol addiction. The
12 condition of his sentence required him to complete an
13 alcohol treatment program as an alternative to
14 incarceration. Now Angelo sought a free or low cost,
15 cost treatment program because although he was
16 employed, did not have insurance and it would have...
17 would have been difficult for him to pay for these
18 programs which can cost up to 50 dollars per session
19 or more. Now we conducted an exhaustive search for a
20 free or sliding scale program offered in Spanish that
21 could also fulfill the conditions of the sentence,
22 the only program that, that was available was in a
23 different borough and was untenable due to the hours
24 it offered treatment. Unable to complete the program
25 and unable to pay the cost for a more convenient one,

COMMITTEE ON JUSTICE SYSTEM

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2 Angelo cannot comply with the mandated conditions. As
3 a result, he was resentenced to seven days of
4 incarceration. Now Angelo is not alone, many of our
5 Spanish speaking clients are disproportionately
6 impacted by this financial burden of the criminal
7 justice involvement. Now this financial burden is not
8 limited to fees that are assessed after people enter
9 a guilty plea, the fees begin to accumulate as soon
10 as people step into the courtroom. For example,
11 individuals who are accused of DWI offenses are
12 ordered to, to undergo an alcohol screening and
13 assessment as... following arraignment. The cost for
14 these screenings' can range anywhere between 75
15 dollars to 150 dollars even for those with health
16 insurance, the costs only escalate if individuals are
17 found to be in need of treatment. More significantly
18 fees for programs and services can also be a
19 significant barrier to a meaningful resolution of a
20 case. Often our clients express a desire to actually
21 participate in programs during the pendency of the
22 criminal case to address the issues that may have
23 brought them into the system in the first place.
24 Prosecutors and defense attorneys also turn to these
25 programs with an eye of a more favorable resolution

COMMITTEE ON JUSTICE SYSTEM

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2 to, to a case. I'd like to tell you about a young
3 client of mine as an example, Glen who... he was
4 arrested for a misdemeanor and Glen had expressed an
5 interest in attending a program to address sexual
6 behavior issues while his case was open, the
7 prosecutor in the case also believed that it would be
8 helpful for the purposes of reaching a, a plea
9 agreement. Now there's no question that these types
10 of programs play an important role of rehabilitation
11 and support, long term concerns of public health and
12 safety however such treatment programs can be very
13 expensive beyond our client's abilities to pay. Some
14 of these programs can cost 50 dollars a session for a
15 period that'll last several months or even longer and
16 in the case of Glen we were unable to find any
17 programs that actually accepted his insurance and
18 could accommodate his work schedule. The option to do
19 a program such as Mustard Seed was out of pocket was
20 simply impossible for someone with his income. Given
21 that he was unable to do a similar program the court
22 sentenced him to probation. Now this was a moment
23 that was a missed opportunity for all parties for
24 people to address long term issues that could have
25 helped everyone. Now we would ask that expanding the

COMMITTEE ON JUSTICE SYSTEM

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2 access and availability of programs at low... at low or
3 no cost to individuals especially those programs
4 which are serving those who might be deemed as
5 unpopular is extremely important, it would not only
6 ease the financial burden to low income individuals
7 but also... it's also good public policy that addresses
8 important public health and safety concerns.

9 Financial sanctions that disproportionately punish
10 the poorest amongst us and the interest of raising
11 revenue has no place in our justice system. The Bronx
12 Defenders finds it encouraging that the committee...
13 the committee's inquiry into this issue and we're
14 eager to support your efforts to address the
15 obstacles faced by the most economically vulnerable
16 New Yorkers. I thank you for the opportunity to
17 appear before you today and your attention to this
18 subject.

19 JOANNA WEISS: Good morning. I want to
20 thank you for your interest in fines and fees and for
21 creating a forum to discuss how we can stop punishing
22 New Yorkers for their poverty. My name is Joanna
23 Weiss, I'm the Co-Director of the Fines and Fees
24 Justice Center, we're a national organization that
25 seeks to eliminate fees in the Justice System and

COMMITTEE ON JUSTICE SYSTEM

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2 make sure that fines are equitably imposed and
3 enforced. Fines and fees are hurting New Yorkers and
4 they're hurting New York City; they make our
5 communities less safe, they perpetuate and exacerbate
6 poverty and they extract millions of dollars from our
7 most vulnerable communities and particularly from
8 communities of color. A lot of the fines and fees
9 that we've discussed this morning are state mandated
10 and in my written testimony I go into detail about
11 some of those and ask that the council advocate for
12 an end to this state-imposed fines and fees
13 particularly the end of drivers license suspensions
14 for outstanding fines and the use of mandatory fees
15 and surcharges. But I want to focus this morning on
16 some of the things that I think that the council can
17 do without the assistance of Albany. First, in all
18 five boroughs prosecutors and courts are offering
19 diversion programs and alternatives to incarceration
20 for people who are accused or convicted of crimes but
21 really don't pose a danger to society. Inexcusably
22 and perhaps illegally, many of those diversion
23 programs are only available to people who can pay the
24 cost and fees associated with them. For example, in
25 Staten Island there is a DUI diversion program where

COMMITTEE ON JUSTICE SYSTEM

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2 if you participate in this program, it's a 90-day
3 program, at the end you will avoid incarceration and
4 you will not end up with a criminal record. However,
5 that program costs up to 14 dollars a day. So, if you
6 have access to up to 1,260 dollars in 90 days you can
7 participate in this program and leave the system. For
8 people who can't afford to pay they're incarcerated
9 and end up with a criminal record. The vast majority
10 of justice involved people are indigent and they are
11 disproportionately people of color. Diversion and
12 alternatives to incarceration are good for everyone
13 and the council should ensure that all diversion
14 programs are offered for free or at a minimum they
15 should be free for anyone who can't afford to pay so
16 that they don't have to choose between important
17 diversion programs and the financial security of
18 their families. New York City also imposes a 30
19 dollar per month DWI probation supervision fee. Now
20 this isn't a fine or a punishment that's meant to
21 deter DWIs, this is a tax and it's an extremely
22 regressive one that tries to charge the cost of the
23 justice system to the so-called users. User fees have
24 no place in the justice system. The justice system is
25 a core government function that serves all of us and

COMMITTEE ON JUSTICE SYSTEM

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2 should be funded by all of us and so the council
3 should, should abolish any and all probation fees.
4 Third, the council should also abolish fees that are
5 charged to people who are currently incarcerated in
6 New York City, including money transfer fees, fees to
7 access voicemail, fees for disciplinary tickets and
8 ensure that no one's commissary is ever garnished to
9 pay off fines and fees that they can't afford. We
10 call on Council to eliminate all discretionary fees
11 that imposes in the justice system, fees that under
12 state law, the state may but doesn't have to impose.
13 Last month the city of San Francisco became the
14 first... [cross-talk]

15 CHAIRPERSON LANCMAN: The city, the city
16 may... [cross-talk]

17 JOANNA WEISS: That the city may... [cross-
18 talk]

19 CHAIRPERSON LANCMAN: ...that doesn't have
20 to impose... [cross-talk]

21 JOANNA WEISS: ...but does not have to
22 impose, yes, thank you. Last month the city of San
23 Francisco became the first city and county in the
24 United States to end the use of all discretionary
25 fees, including probation, including supervision

COMMITTEE ON JUSTICE SYSTEM

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2 fees. Alameda County and several other counties in
3 California are considering following suit. We ask the
4 City Council for New York City to follow San
5 Francisco's lead in equitably funding the justice
6 system and abolishing these fees. And finally, in
7 addition to eliminating the fees that I identified in
8 this testimony, the council should also follow San
9 Francisco's lead and create an office for economic
10 justice. That office would identify all of the fines
11 and fees that this city imposes, collect relevant
12 data and work with the council, the Mayor's Office
13 and city agencies to eliminate discretionary fees,
14 reduce racial disparities and make sure that fines
15 are proportionate to the offense and to a person's
16 ability to pay. An office for economic justice could
17 also help the city overcome one of the biggest
18 hurdles that we have in grappling with the impacts of
19 fines and fees on the people of New York City and
20 that's the availability of data. We ask the Council
21 to ensure that going forward.. that going forward this
22 city will track and transparently share data on the
23 imposition of fines and fees. I include in my written
24 testimony some of those data points that I think we
25 should be tracking as a city. The city for... the

COMMITTEE ON JUSTICE SYSTEM

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2 office for economic justice should also pilot
3 graduated economic sanctions or day fines. The Fines
4 and Fees Justice Center would be very glad to
5 support... to provide any assistance to the Council or
6 to a newly created office for economic justice to
7 implement means adjusted fines. For example, at the
8 Office of Administrative Trials and Hearings at no
9 point in that process is a person's ability to pay
10 ever considered. The office for economic justice
11 should also investigate all fines and make sure that
12 they're not disproportionately issued to people of
13 color and they should investigate all allegations of
14 perverse incentives to issue fines such as those
15 alleged in a recent lawsuit by 12 New York City
16 police officers. I want to thank you for the
17 opportunity to address these important issues and
18 again reiterate that the Fines and Fees Justice
19 Center stands ready to help the Council to implement
20 or... any of the reforms that I discussed.

21 CHAIRPERSON LANCMAN: Thank you all for
22 you... for your... for your testimony and particularly
23 the, the examples that you brought forth of
24 individuals who were negatively impacted by the, the
25 system that we have in place and, and particularly

COMMITTEE ON JUSTICE SYSTEM

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2 also for your, your focus on things that the city
3 can, can do itself. Later we're going to hear
4 testimony from, from MOCJ and we're going to ask them
5 their thoughts on, on, on those things but let me...
6 let me ask... go through some of, of the suggestions
7 that you had in your... in your testimonies. In your...
8 in your... and I guess this is for the public defenders
9 but, but maybe you have experienced as well, have,
10 have you asked the court or, or, or individual
11 programs to, to waive the, the, the costs of
12 participating in these... in these programs, is that
13 something that is... that is... that is ever considered,
14 do some programs do that and others don't, tell me
15 about any efforts that you've made to say, hey, my
16 client just can't afford XYZ program what, what kind
17 of relief can he or she get?

18 HEMANGI PAI: So, in my experience I
19 have asked the court to consider a program... consider
20 waiving fees unfortunately the court doesn't have a
21 lot of authority I don't think to do that because
22 it's the program itself, right who charges the client
23 whatever they charge the client. I've had many
24 conversations with various programs... providers asking
25 if they can reduce the fee, set a sliding scale,

COMMITTEE ON JUSTICE SYSTEM

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2 anything like that, many of them require health
3 insurance which often our clients don't have so
4 they're eliminated from doing the program or
5 ineligible for the program to start off with and
6 those that require payment up front sort of have,
7 their sliding scale is at minimum 50 dollars, right,
8 that's the least amount that they will accept and
9 that is a lot of money for our poor clients who, you
10 know can't even sometimes afford \$2.75 for a subway
11 fare so there's not a lot of... we, we try, I mean I
12 can speak for the people in my office, we try, we try
13 to push back on that but there's not a lot that we
14 can do to change provider's minds when it comes to
15 billing, right and so that's, that's difficult for
16 us. There are... and, and when it comes to the... to the
17 surcharges we are not in a position... well we've asked
18 for surcharges to be waived and courts have
19 repeatedly said no.

20 CHAIRPERSON LANCMAN: Do, do the courts
21 have the authority to waive the surcharge?

22 HEMANGI PAI: No.

23 CHAIRPERSON LANCMAN: No, okay.

24 HEMANGI PAI: And particularly with
25 felonies there's absolutely no... there's not even a

COMMITTEE ON JUSTICE SYSTEM

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2 civil judgement so, you know you're doing of state
3 time may be... and you're working in and of state
4 prison for two cents an hour all... half of your money
5 is going to, to... most of your commissary is going to
6 paying your fines.

7 CHAIRPERSON LANCMAN: Uh-huh...

8 HEMANGI PAI: If your mom puts 20 dollars
9 in your account, ten of it is going to pay your fines
10 and surcharges.

11 DAWIT GETACHEW: Uh-huh. With respect to
12 your question regarding waiver of surcharges my
13 understanding is New York State law allows deferment
14 of surcharges but not remission or waiver of those
15 surcharges and that was actually legislation that
16 changed over the years, I believe it was in the 90's
17 where judges actually had the authority to waive such
18 fees however that be... for various reasons that and
19 including being the ideas of being tough on crime and
20 raising revenue which is an important piece here led
21 to changes in the law.

22 HEMANGI PAI: If I could just say one
23 other thing, I think in the context of youthful
24 offender we've had success, when a client is afforded
25 youthful... a youthful offender adjudication there is

COMMITTEE ON JUSTICE SYSTEM

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2 some waiver but that.. I mean I, I would.. I would ask
3 the council to consider a resolution on raising the
4 age for youthful offender adjudications because there
5 are some instances where we can get some of the
6 fines, fines and surcharges waived because of
7 youthful offender but that doesn't apply in the
8 context of a disorderly conduct where that's not even
9 implicated because it's a violation of the law and
10 not even a crime.

11 CHAIRPERSON LANCMAN: Is it common for it
12 to be explained to defendants who are pleading to
13 these low level offenses who at, at the moment might
14 just be grateful to, to put this behind them in, in
15 their mind or they're not pleading to the felony,
16 they're pleading to the misdemeanor, they're not
17 pleading to the misdemeanor they're pleading to the
18 violation that, that there are these, these fees
19 that.. and surcharges that are going to come, come
20 with it?

21 HEMANGI PAI: Yes, in my practice every
22 time I speak with a client about taking any kind of
23 plea I tell them about all of the consequences
24 including the surcharge that is attached and what
25 that.. you know what the consequences are like in my,

COMMITTEE ON JUSTICE SYSTEM

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2 my example with, with my client Katherine there was a
3 conversation that I had with her, if you take this
4 plea there's also a 120 dollar mandatory court
5 surcharge, I can't... the court cannot waive it, you
6 can ask for time to pay, these are the consequences
7 if you don't pay and you know we always take that
8 into consideration when we're... when we're negotiating
9 a plea and when we're speaking to our clients about
10 taking a plea.

11 CHAIRPERSON LANCMAN: Let me... and yes
12 sir.

13 DAWIT GETACHEW: Just to add to that
14 while we generally advise people about the
15 consequences of not paying the mandatory surcharge
16 what's particularly difficult is for example in DWI
17 offenses which have numerous sorts of, of fines as
18 well as civil penalties that makes it difficult for
19 defense attorneys to properly and fully advise to the
20 full plethora of like financial consequences that may
21 occur, we may tell them about the fines and
22 surcharges that are being assessed by the court but
23 not necessarily what the program is going to be
24 charging them, what DMVs going to be charging them,
25 how long that process is going to take and that is

COMMITTEE ON JUSTICE SYSTEM

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2 certainly something that's going to be significant
3 as... for fulfilling the conditions of the sentence.
4 For example, installation of an ignition, antilock
5 device costs money for installation as well as
6 monthly, monthly maintenance, the, the amount is
7 decided by individual businesses that actually profit
8 of the installation and maintenance of the IAD and it
9 can be very costly for individuals so... some
10 individuals pay up to 90 to 100 dollars a month for
11 maintenance of these machines as well as additional
12 costs that are associated with installing and
13 deinstalling the... these machines.

14 HEMANGI PAI: And even in, in the context
15 of traffic infractions like driving without a license
16 there often is a fine attached like a 75 dollar fine
17 when you take a plea to vehicle and traffic law
18 section 509 which is driving without a license and
19 then there's a surcharge on top of that and in my
20 experience and what I've learned is that when you go
21 to pay the amount at the... at the cashier's office the
22 first amount that comes out is the mandatory
23 surcharge so if I... but the... but the amount that
24 attaches to potential jail consequences is the 75
25 dollar fine so you if you're poor and you have 75

COMMITTEE ON JUSTICE SYSTEM

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dollars and you would like to attach that to your fine so you can pay off your fine which could potentially if you don't pay it land you in jail for 15 days its not going to that first, it's going to the mandatory 88 dollar court surcharge and you're left with the fine.

CHAIRPERSON LANCMAN: Right, so the... so if you've got 100 bucks in your pocket the first 88 dollars are going to the surcharge which if you couldn't pay the surcharge the... not paying the surcharge... failure to pay the surcharge doesn't result in a warrant, correct?

HEMANGI PAI: No, it results... [cross-talk]

CHAIRPERSON LANCMAN: It's the fine... [cross-talk]

HEMANGI PAI: ...in a civil judgment.

CHAIRPERSON LANCMAN: Right, it's the fine and it's the restitution... [cross-talk]

HEMANGI PAI: Right... [cross-talk]

CHAIRPERSON LANCMAN: ...that will result in, in, in a warrant.

HEMANGI PAI: In our experience, yes.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: Yeah. Have you had
3 clients, are you aware of people who are... who are in
4 a program and then cannot make the 50 dollars a month
5 or whatever it is and then they are... they're kicked
6 out of the program?

7 HEMANGI PAI: Yes, I, I think some
8 providers try to work with clients on that but there
9 have been... I've had maybe... you know I've, I've done
10 hundreds of cases, but I can think of at least three
11 in the context of, you know an intervention program
12 maybe in a domestic violence situation where the
13 client is unable to pay and their sessions are
14 suspended until they're able to make payment. In the
15 DWI context it's similar where they're... where they
16 owe a tremendous amount of money and their services
17 may be suspended keeping them coming back to court
18 for longer and longer and longer to resolve their
19 case and then we have instances, many instances
20 especially with programs such as Mustard Seed and
21 others where there's a requirement for insurance and
22 if you don't have insurance and often times our poor
23 clients do not have insurance they are ineligible
24 right at the gate, right at the door so they don't
25 even have the opportunity to begin the program and,

COMMITTEE ON JUSTICE SYSTEM

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2 and as my colleague here said, a much needed program
3 for everyone in the community, for everyone involved.

4 CHAIRPERSON LANCMAN: Yeah, I mean it's
5 very troubling the story that you told about the, the
6 young man who was arrested for... [cross-talk]

7 HEMANGI PAI: Uh-huh... [cross-talk]

8 CHAIRPERSON LANCMAN: ...for... I think it
9 was public lewdness and... is this yours... [cross-talk]

10 DAWIT GETACHEW: That's mine... [cross-
11 talk]

12 CHAIRPERSON LANCMAN: ...testified he
13 wanted to participate in a program and he was offered
14 to participate in a program and he couldn't do it, so
15 he got a year probation, who, who, who wins there? We
16 call that a softball, you're to swing... [cross-talk]

17 DAWIT GETACHEW: It's very... it's like you
18 are absolutely right... [cross-talk]

19 CHAIRPERSON LANCMAN: Swing hard... [cross-
20 talk]

21 DAWIT GETACHEW: ...I, I do think that
22 especially when it comes to programs that... such as
23 this which may be deemed as unpopular but certainly
24 very necessary, the options for our clients are very,
25 very limited precisely because of the reasons that my

COMMITTEE ON JUSTICE SYSTEM

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2 colleague just stated but more importantly the, the
3 sheer financial cost for these programs even when you
4 have insurance it's incredibly expensive, 50 dollars
5 a session, some sessions... it could be multiple
6 sessions a week or at least at the minimum once a
7 week and, and these programs last several months or
8 six months to a year so it can have a tremendous
9 impact, impact on our clients and we do have
10 experiences where clients have been unable to
11 continue because they cannot afford to pay the, the
12 out of pocket costs for these programs... [cross-talk]

13 HEMANGI PAI: I also... [cross-talk]

14 CHAIRPERSON LANCMAN: And then... and then...
15 sorry, and then what happens to them like they're
16 back into the, the criminal proceeding and they're
17 going to get some kind of... some kind of sentence?

18 DAWIT GETACHEW: The determination ends
19 up before the court and it really depends on a lot of
20 factors and the advocacy that's being presented may
21 perhaps... our roles as defense attorneys at, at those
22 moments is to figure out other options as best as we
23 can. It's possible if probation is mandating these
24 programs or parole is mandating these programs they
25 can certainly be a violation if they're not complying

COMMITTEE ON JUSTICE SYSTEM

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2 with, with, the orders and there's often very little
3 that our clients can do in those situations.

4 HEMANGI PAI: And the reality is they're
5 facing a jail alternative in most of those situations
6 because those are mostly... not, not all, all the time
7 but often post plea cases where there's a plea taken
8 and there's a jail alternative handing over the
9 person's head so that if they don't complete the
10 program then there is a likely chance depending on
11 which judge you're in front of, the circumstances of
12 the case, all of that you can be facing whatever the
13 jail alternative is, if it's a misdemeanor plea it
14 can be up to year in jail because you're poor and you
15 can't afford to do the program that you want to do.
16 The other thing is just in terms of paying, when it
17 requires a person who could have resolved their case
18 right there in arraignments or on that particular day
19 in court to come back to court to pay, they... in
20 Brooklyn you have to... you're either paying with a
21 money order so then you have to pay additional money
22 to get a money order or you pay with a credit card
23 and we're not sure exactly if there's a charge for a
24 credit card, if there's a credit card fee. If there's
25 restitution there is a five percent surcharge on the

COMMITTEE ON JUSTICE SYSTEM

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restitution amount so there's just a... there are also additional costs that come with all of these fines and fees such as maybe taking a day off from work to be able to come down and pay so that you're not in violation and who knows how long the line is that day in the cashier's office, who knows how long the line is in... at security so you could be missing an entire days' worth of work just to be able to pay, pay these fines and fees.

CHAIRPERSON LANCMAN: And the, the, the monthly probation supervision fee, could... I, I was surprised to learn about, about that one.

JOANNA WEISS: I actually will say readily I was at the smart on crime conference at, at John J. College a couple of days ago and I confronted the Commissioner of Probation about that and she didn't feel free to speak about it when she was on the panel, she was talking about the progress that had been made in probation but it is a New York City bill that allows DWI probation to be charged 30 dollars a month for everyone who's... [cross-talk]

CHAIRPERSON LANCMAN: And, and is it just DWI?

JOANNA WEISS: Just DWI.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: Uh...

3 JOANNA WEISS: And I will say in other
4 counties... we can be proud in other counties everyone
5 under parole and probation is charged 30 dollars a
6 month but there's really no place at all for
7 probation fees.

8 CHAIRPERSON LANCMAN: Yeah. Are you aware
9 of instances where, where somebody couldn't make that
10 fee, what happens if they couldn't make the fee,
11 does... the city eventually converts it a civil
12 judgement or they... or they... is... are they... are they
13 violated, what, what, what happens do you know?

14 JOANNA WEISS: I don't know, and I think...
15 [cross-talk]

16 CHAIRPERSON LANCMAN: Okay... [cross-talk]

17 JOANNA WEISS: ...we need to know from the
18 Department of Probation what happens.

19 CHAIRPERSON LANCMAN: Right.

20 JOANNA WEISS: But because it's such a
21 disproportionate tax that are only hitting really
22 vulnerable communities and tend to be
23 disproportionately hitting communities of color we
24 really shouldn't be having probation fees at all in a
25

1 COMMITTEE ON JUSTICE SYSTEM

2 city that's as progress... as interested in, in
3 progressive values and economic justice.

4 CHAIRPERSON LANCMAN: Right. Well thank
5 you very much, this has been very, very helpful, each
6 of you your testimony was very comprehensive and,
7 and, and I appreciate particularly the, the examples
8 of what the city could do to improve the, the system.
9 So, thank you.

10 HEMANGI PAI: Thank you.

11 CHAIRPERSON LANCMAN: The Drug Policy
12 Alliance, the Fortune Society and the Bronx Freedom
13 Fund and then we'll break that up with MOCJ and then
14 have other folks testify. Is anyone who needs to... who
15 was planning to testify in any particular rush, this
16 is not going to be an excessively long hearing but,
17 you know we were try... Lori yes, you're in a rush? Oh,
18 that's okay so Queens Law Associates come on down.
19 Yeah, well you're in a rush so..

20 COMMITTEE CLERK: There's only... there's
21 only three seats, right?

22 CHAIRPERSON LANCMAN: We'll make another
23 seat... [cross-talk]

24 COMMITTEE CLERK: Okay.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: We got plenty of
3 chairs. Alright, let's get everyone sworn in and
4 we'll get started. If you could all raise your right
5 hand. Do you swear or affirm that the testimony
6 you're about to give is the truth, the whole truth
7 and nothing but the truth?

8 [panel affirms]

9 CHAIRPERSON LANCMAN: Terrific. Lori why
10 don't you lead us off since, since you're in a rush.

11 LORI ZENO: Press it, oh okay there we
12 go. One, I thank you very much Councilman for this
13 courtesy and... but also, I thank you for being
14 interested in this subject and, and being interested
15 in what the city can do in order to make a
16 difference. I know that I'm following the other
17 public defender groups so I'm actually going to sort
18 of... just sort of... okay, sorry. I just want to sort of
19 pick up on some of the things that the other defender
20 offices were talking about so I'm, I'm not repeating
21 what they said. One of the things that... well in
22 Queens obviously... you know both criminal and Supreme
23 Court our clients have to choose on a daily basis;
24 can they pay or do they stay, you... and there are two
25 different ways in which clients have to make that

COMMITTEE ON JUSTICE SYSTEM

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2 choice, one is it... the diversion way that the... you
3 know the other offices were talking about the
4 batterers intervention programs, the pre-plea
5 programs and then there's the post-conviction fines.
6 Now with regard to the pre-plea programs I think that
7 the city can do a lot because the programs that our
8 clients are going to are already funded by the city
9 to give those services to their communities just like
10 we're funded to represent 30,000 people a year in
11 Queens County when they are charged with a crime so
12 when they come to our office and we then represent
13 them in court we don't charge them because we're
14 already getting funded by the city so, you know just
15 as these other diversion programs are being funded.
16 I'm not... I actually don't understand why they then
17 are allowed to charge the client when they come in
18 for that service. So, in my opinion I think that
19 that's a place that can be, you know sort of looked
20 into and, and maybe there needs to be a little more
21 funding or... I, I... you know I don't know what their
22 issues are but... you know because it is true that
23 these programs are very prohibitive for our clients,
24 you know when you look at the people who tend to be
25 arrested, you know you're talking about, you know

COMMITTEE ON JUSTICE SYSTEM

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2 African American, Latino communities, you're talking
3 about people with mental illness, people who are drop
4 outs from high school or... you know they don't...
5 they're not people that are wealthy, right and so one
6 of the examples I wanted to point out on... say that
7 the, the vehicle and traffic laws, there's a section,
8 section... VTL 511 that's... you're driving with a
9 suspended license so there are two... there's the 511A
10 and a 511B and C... you know there's little subsections
11 so, you know what we use a lot is we, we're concerned
12 about a, a VTL 511 is actually a misdemeanor so it's
13 a... there's a conviction, a criminal conviction versus
14 there's another subsection on the 511 that is not,
15 it's a violation and.. or traffic infraction but in
16 order to take a plea to that section the fee is like
17 500 dollars, right and... but if you take it on the
18 other section and you get the criminal conviction
19 it's less so, for those people who can afford, you
20 know to pay those kinds of things they get this great
21 deal, right, they, they've done the exact same crime,
22 they've pled to the exact same thing but because they
23 have more money they get to pay the higher fine and
24 walk away without a criminal conviction and then the
25 other people if they're lucky and, and even can, can

COMMITTEE ON JUSTICE SYSTEM

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2 pay that, you know they're, they're walking away with
3 a criminal conviction. So, it's not just whether or
4 not they have to stay in jail, it's really what they
5 plea to as well for the very same crimes. So, these,
6 these programs are... they charge in Queens anyway
7 like... you know I had my social worker, you know unit
8 put together a list of these intervention programs
9 and what they're charges are and they range... you know
10 they all have registration fees so that's usually
11 around 35 dollars but can be up to 65 dollars just to
12 registered for the program then you have an intake
13 fee after you've registered because somebody's going
14 to meet with you and find out your information, right
15 so that's going to cost an average of 70 dollars so
16 just to walk in the door you're... it's 100 dollars
17 then if you're going to sign up for sessions whether
18 they're individual sessions or group sessions that
19 ranges between 25 and 50 dollars per session. Now
20 some of these programs are 12 weeks long, some of
21 them are 24 weeks, some of them are 36 weeks and.. you
22 know especially the programs involving DWIs, those
23 programs go on forever and the fees that you have to
24 pay in criminal court do not take into consideration
25 the fees that you have to pay through DMV as well and

COMMITTEE ON JUSTICE SYSTEM

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2 summer programs have like... to be even ROR'd , right,
3 you can put a monitoring device on and... because the
4 people... the person can't afford bail so you go and
5 you try to get them to give them a... how about if we
6 monitor them or whatever, right, you got to pay ten
7 dollars a day to have that device on in order for,
8 for that to happen. Now, we in Queens have a
9 particular problem, you ask the other offices, you
10 know what do they do to try to reduce this problem
11 for their clients, right, so we, we try to find other
12 programs all the time that have lower fees, that have
13 lower... you know they'll waive a registration or
14 they'll combine sessions, right, so that you can...
15 instead of going one hour a week you can go two hours
16 a week and pay the same amount of money but cut your
17 fees in half because you're cutting your time in
18 half, right, even though you're still getting the
19 same number of hours. So, we do things like that all
20 the time and we'll... you know we'll even go to the
21 DA's office and we'll say listen, you know this
22 client really should get this program but can't
23 afford it and there are times where we'll get a
24 scholarship, you know where the DA will call the
25 program and say listen, you know don't charge them or

COMMITTEE ON JUSTICE SYSTEM

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2 whatever and they work out whatever they work and,
3 and that'll happen. It doesn't happen often, but it
4 does happen. However, there seems to be like a list
5 in Queens of the programs that have been vetted
6 through the DA's office, right, so they vet these
7 programs and then they get them together and then
8 they all decide what the fees are going to be. So,
9 you know if I'm program A, right and I come to the
10 meeting and I've been vetted and the DA's office
11 likes me and I say, okay, my fee to come into my
12 program is 25 dollars a session but, you know B, C
13 and D their fees are 50 dollars a session, the DA's
14 office says to me well if you want to be on our list
15 you need to increase and charge 50 dollars a session
16 like the other two groups...

17 CHAIRPERSON LANCMAN: I'm sorry, what,
18 what is the DA's office's... [cross-talk]

19 LORI ZENO: I knew that would get your
20 attention... [cross-talk]

21 CHAIRPERSON LANCMAN: ...incentive... what
22 is the DA's office's incentive in, in having higher
23 fees, the fees go to the DA's office?

24 LORI ZENO: No, they don't go to the DA's
25 office, but the DA's incentive is to control the

COMMITTEE ON JUSTICE SYSTEM

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2 programs that are selected or approved by the court,
3 right, to allow the clients to go. For instance, we...
4 in my office we found a program where he'll charge
5 ten dollars a session and he'll double the sessions
6 so that instead of paying 20 for two sessions you're
7 paying ten and... like that, right and... but the DA's
8 office needs to vet that program so they'll vet it
9 and they find if they like it or whatever but for... I
10 don't really know why they do it to be honest with
11 you, I think it's only been in recent years that
12 that's been done but I think it, it enables them to
13 control who they choose to be a program and whether
14 or not they approve and, and then they don't want it
15 to be, well we're going to pick... 20 people are going
16 to pick this group because they're only ten dollars
17 and two people will pick this group because it's 25
18 dollars, right, so he wants it to even out for
19 everybody and then everybody is happy and then
20 everybody like that and so... [cross-talk]

21 CHAIRPERSON LANCMAN: I see. So, the, the
22 DA might have an incentive in order to distribute
23 clients?

24 LORI ZENO: Yeah, and, and... to programs
25 that they think are good enough... [cross-talk]

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: Right... [cross-talk]

3 LORI ZENO: ...right or that... [cross-talk]

4 CHAIRPERSON LANCMAN: They don't want one
5 program under, undercutting other programs... [cross-
6 talk]

7 LORI ZENO: Exactly... [cross-talk]

8 CHAIRPERSON LANCMAN: ...too low, got it,
9 alright. Alright, good so let's... we'll go along and
10 then we'll ask questions of everybody... [cross-talk]

11 LORI ZENO: Thank you.

12 CHAIRPERSON LANCMAN: Yeah, good.

13 LORI ZENO: Uh-huh.

14 CHAIRPERSON LANCMAN: Alright...

15 ELENA WEISSMANN: Okay.

16 CHAIRPERSON LANCMAN: That's you.

17 ELENA WEISSMANN: Good morning. Thank
18 you, Councilman, for the opportunity to testify and
19 again for your interest in this matter. I'll try to
20 be brief, there's more details in my written
21 testimony but anyway. My name is Elena Weissmann, I'm
22 the Director of the Bronx Freedom Fund, we're a
23 community bail fund which for over ten years has
24 provided bail assistance to thousands of New Yorkers
25 in the Bronx and in Queens who would otherwise be

COMMITTEE ON JUSTICE SYSTEM

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2 incarcerated for their poverty. And today I'd like to
3 discuss the cost of justice for our clients and for
4 their loved ones, all of whom are directly impacted
5 by a system that criminalizes poverty and so I'll be
6 focusing on a stage earlier than the public defenders
7 which is pre-trial, not in terms of diversion but in
8 terms of the cost of paying bail. And we're excited
9 to see the city taking strides to end the unnecessary
10 and unjust incarceration and what I want to do today
11 is to talk about how the... these administrative
12 reforms should halt the practice of extracting wealth
13 from New York City's most impoverished and vulnerable
14 communities. So, we were excited to see the council
15 make phone calls free from jail and to regulate the
16 exploitative bail bonds industry and I think that the
17 topics that we're talking about today are definitely
18 coming on the heels of that and we hope that the
19 council will use that same moral reasoning for other
20 modes of wealth extraction. And in particular what
21 I'm referring to is online bail payment, credit card
22 bail payment, cash transfers to people's commissary
23 accounts when they're incarcerated and posting one-
24 dollar bail. And I won't go into detail about the
25 first three of those but there... it goes into, to

COMMITTEE ON JUSTICE SYSTEM

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depth... greater depth in my written testimony but just briefly there's a 2.49 percent non-refundable fee to pay bail online, a seven percent non-refundable fee to pay bail with a credit card and a 20 percent fee to deposit money online in a commissary account. And so, each of these methods are supposed to increase access to paying bail and... [cross-talk]

CHAIRPERSON LANCMAN: I just want to do it, so it's a 2.9 percent fee to pay online...

ELENA WEISSMANN: 2.49, yeah...

CHAIRPERSON LANCMAN: 2.49, it's... [cross-talk]

ELENA WEISSMANN: Seven percent... [cross-talk]

CHAIRPERSON LANCMAN: Seven percent... [cross-talk]

ELENA WEISSMANN: ...to pay with a... [cross-talk]

CHAIRPERSON LANCMAN: ...to pay with a credit... [cross-talk]

ELENA WEISSMANN: ...credit card... [cross-talk]

CHAIRPERSON LANCMAN: ...card...

ELENA WEISSMANN: At a jail...

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: At a jail...

3 ELENA WEISSMANN: Yeah...

4 CHAIRPERSON LANCMAN: Alright and the
5 cash transfers to commissary count, there's... what is
6 that?

7 ELENA WEISSMANN: I think it might be up
8 to 20 percent, that's like what people have told us,
9 I don't know... I haven't seen a written policy of what
10 it is and it's less if you go... [cross-talk]

11 CHAIRPERSON LANCMAN: Well we'll, we'll,
12 we'll ask MOCJ... [cross-talk]

13 ELENA WEISSMANN: ...at the facility..
14 [cross-talk]

15 CHAIRPERSON LANCMAN: Okay... [cross-talk]

16 ELENA WEISSMANN: So... right, but you... so,
17 each of these things are for paying online which are
18 supposed to increase ease of access and, and with
19 average bails around 2,500 dollars that could mean
20 238 dollars non-refundable and that really could mean
21 the difference between incarceration and freedom
22 especially when there's only 12 percent of New
23 Yorkers who can afford their bail whatsoever. So,
24 I'll just skip over to the dollar bail system which I
25 think is easier to illustrate in person. So, this is

COMMITTEE ON JUSTICE SYSTEM

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2 I think one of the most particularly outlandish fee
3 structures imposed by the courts, it's the, the one
4 dollar bail system and it serves a purpose, its to
5 track multiple cases at once, I'm sure you know but
6 what ends up happening and from our end what we see
7 is that we receive referrals almost every day for
8 individuals who are trapped in jail on a single
9 dollar and there are people whose other cases have
10 been dismissed or otherwise resolved and are now in
11 one, two or three dollars, these individuals often do
12 not even know that they could be released and even if
13 they do they might not have funds in their commissary
14 in order to self-pay it or anyone on the outside who
15 can make a trip to the jail and even for those who do
16 have the necessary commissary funds the Department of
17 Correction automatically docs the outstanding funds
18 and fees from their commissary before it can be used
19 for bail and I really think the dollar bail system
20 can underscore the need for systemic bail reform that
21 can halt the practice of incarcerating people based
22 on their financial access and so we urge the city to
23 explore creative solutions to that in the meantime.
24 And I know a lot of people have talked about kind of
25 waiting for Albany and, and I do think that absent

COMMITTEE ON JUSTICE SYSTEM

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2 systemic reform that happens at the state level that
3 would end the criminalization of poverty in terms of
4 bail all together, a system that grants accommodation
5 to low income New Yorkers is imperative and I
6 understand that the New York Court System has an
7 existing metric for determining indigency and this
8 calculus we think should be extended to the
9 collateral cost of fighting a criminal case and what
10 that would look like was that if an individual is
11 deemed indigent and granted a public defender they
12 should also have their fees waived from online and
13 credit card bail payment, money transfers and dollar
14 bail. Access to cash however small the sum may seem
15 should not determine a person's liberty. New York
16 City council already demonstrated its leadership in
17 this field by making phone calls from New York City
18 jails free and by calling up the bail bonds industry
19 for exploiting those ensnared in the court system.
20 This proposal again comes on the heels of those
21 changes and its part of a trend towards a system that
22 humanizes instead of criminalizes. This conversation
23 must be underscored by an acknowledgement of the
24 broader cost born by individuals trapped in pre-trial
25 detention, their loved ones and our communities at

COMMITTEE ON JUSTICE SYSTEM

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2 large. The bail system is the fuel for mass
3 incarceration and it's what makes these costs of
4 justice that I've discussed so pronounced. When
5 people are incarcerated on bail they can't afford
6 they risk losing their housing, livelihood, even
7 custody of their children. Their loved ones lose
8 hours of work, childcare and other responsibilities
9 when they spend time and money going to visit their
10 loved ones in a facility, attempt to post bail or
11 deposit money in their accounts. With the exorbitant
12 fees required for online money transfers and bail
13 payments many people are turned away from these
14 options even when they are a possibility. New York...
15 New York already pays 116 million dollars every year
16 to incarcerate thousands of people for their
17 inability to post bail and we shoulder an even
18 broader cost in lost wages, shelter costs and most
19 importantly moral capital when these individuals are
20 locked up. Our work at the Freedom Fund is temporary
21 stop gap measure focused on harm reduction before we
22 reach meaningful reform. These proposed changes will
23 further mitigate the harm of a system that even
24 allows wealth-based detention while we focus our
25 long-term energies on fighting for systemic change.

COMMITTEE ON JUSTICE SYSTEM

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2 So, thank you for your commitment to ending the
3 criminalization of poverty and for hearing my
4 testimony today.

5 CHAIRPERSON LANCMAN: Thank you, sir.

6 DIONNA KING: Ma'am.

7 CHAIRPERSON LANCMAN: Sorry.

8 DIONNA KING: Yep. My name is Dionna
9 King, I'm the Policy Manager with the Drug Policy
10 Alliance. We are an organization that advocates for
11 policy that advances attitudes around drug use and
12 supports harm reduction in the instance of
13 prohibition of drug use while promoting sovereignty
14 of individuals over their minds and bodies. A lot of
15 the issues that I wanted to focus on were already
16 touched on by our... my allies, by the defender's
17 organizations and people on this panel so I won't
18 bore you by repeating all that stuff and you also
19 touched on a lot of issues during your opening
20 testimony so I just want to use this opportunity to
21 highlight some of the things that the council can do
22 to remedy some of these issues while also calling out
23 the perverse nature of the criminal courts using low
24 income, communities of color as a source of revenue
25 to fund the courts. One of the things that hasn't

COMMITTEE ON JUSTICE SYSTEM

1
2 really been touched on in this morning's testimony
3 was just how much money criminal courts is garnering
4 from low income communities and how they categorize
5 that money. So, looking at the New York City's
6 Comptroller Report from 2016 they have under their
7 milestones that they were able to generate some...
8 upwards to 30 million dollars from fines and fees
9 derived from summonses and the criminalization of
10 communities so I think it is a little reprehensible,
11 morally bereft to, to, to put that amount of money as
12 a milestone in the ways that the courts function, it
13 shouldn't be about the amount of money that they're
14 receiving to fund the courts but how they are
15 supporting public safety and the wellness of the
16 city. So, the fact that they are considering that an
17 area of, of success as opposed to a place of harm is
18 really problematic when we're looking at this issue.
19 Going forward like as someone who works specifically
20 in drug policy I'm really shocked to hear about the
21 amount of money that people are being charged to put
22 in the ATI diversion program, that's one of the
23 things that we always promote instead of putting
24 people in the justice system put them in areas where
25 they can better serve themselves and reduce the harms

COMMITTEE ON JUSTICE SYSTEM

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2 of their behavior but if they can't enter those
3 programs based the amount of money that they're
4 charged for treatment or diversion programs in
5 general like that is a barrier in and of itself and
6 as my colleagues have said there's no... the courts do
7 not have to provide any funding to make sure that
8 people can have access to those programs and there's
9 also the other problem, problems that a lot of these
10 programs aren't really measured for effectiveness.
11 The commercial sector is able to both pocket from the
12 courts by having people in these courts being, you
13 know sent to their programs without even
14 demonstrating any kind of functionality that these
15 programs are effective so you've touched on this but
16 the, the programs that exist in your community and
17 the fact that they are charging fees per day without
18 any kind of... and also getting the funding
19 specifically from the city so they're both... they're
20 being charged up... people are being charged to enter
21 the programs but they're also... the program are being
22 supported by the city themselves. My colleagues have
23 also touched on the surcharges and I know this is not
24 an area where the council can really intervene, this
25 is really a state issue but it is another challenge

COMMITTEE ON JUSTICE SYSTEM

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2 where the state is really vocal about the fact that
3 they have been using this money as a source of
4 revenue when the, the city's not being funded by the
5 state... the courts aren't being funded appropriately
6 by the state, they're increasing the surcharges and
7 making that money from the, the people that are
8 entering the courts and this is problematic but I do
9 think the area where the council can take this issue
10 up is just determining how, how much the defendants
11 are going to have to pay in fines. Like recently
12 quality of life offenses, a number of them were moved
13 down from misdemeanors to, to become violations and
14 that is something that we support, it creates people...
15 keeps people out of the criminal justice system and
16 away from arrest and incarceration but it keeps them
17 in the loop where they're going to have to keep
18 paying these fines and the city council does have the
19 space to determine like what those fines should be
20 and that's something that the drug policy recommends.
21 You enter... you get a specific fine when you come in
22 but inability to pay the fine you can... that can lead
23 to an increase in the amount that you pay and that's
24 essentially the city charging interest on low income
25 community members as opposed to just considering the

COMMITTEE ON JUSTICE SYSTEM

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2 fact that they're unable to pay and coming up with
3 different forms of restitution like community service
4 or fee waivers or anything else when there's an
5 indigent client that can't pay that particular fee
6 and I think the council should consider lowering the,
7 the fines overall like that's something that you can
8 do right now and not, you know charging people
9 increased fines because they demonstrate an inability
10 to pay. People shouldn't be charged interest for
11 being poor in the criminal courts. Another thing
12 that, you know even in writing this testimony that
13 kept coming up for me is just the lack of data in
14 this area. A couple of my colleagues have hit a... on
15 this issue BxD, I don't know demographically who is
16 being hit with these fines, I can figure anecdotally
17 in just how law enforcement is practiced in this city
18 is that it's mostly going to be low income,
19 communities of color just... that's the types of
20 communities that are targeted but the city is not
21 necessarily tracking who is paying, how much they're
22 paying and I think it's mostly problematic when it
23 comes to diversion programs that they're recommending
24 like what are the costs of these that's something
25 that Drug Policy Alliance would definitely support

COMMITTEE ON JUSTICE SYSTEM

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2 and would be a benefit to the kind of policy that we
3 promote on a city and state level just knowing the
4 harm. Another thing I wanted to highlight is just the
5 ways that we can work with prosecutors and judges to
6 inform them about the, the impact of these fees to
7 get them to work with clients to come up with
8 different forms of payment, different forms of
9 restitution, I think this is a, a moment for
10 traditional education for them to know ways in which
11 they can decrease the harm done to, to these
12 communities. A lot of these things are written in my
13 testimony and I won't... it's very long and passionate
14 so I will spare you and go to Khalil. Thank you.

15 CHAIRPERSON LANCMAN: Thank you.

16 KHALIL CUMBERBATCH: Testing. Good
17 morning, thank you to the City Council and of course
18 to you Councilman for giving us the opportunity to
19 talk about this very important issue. I too will
20 follow the lead of my colleagues and say that my
21 written testimony is also filled with fervor and,
22 and, and many other words I probably can't say but I
23 just wanted to kind of shy away... I wanted to move
24 away from that in terms of taking the two and a half,
25 three minutes that I have here today... [cross-talk]

COMMITTEE ON JUSTICE SYSTEM

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CHAIRPERSON LANCMAN: Just one second, do you have written testimony?

3

4

KHALIL CUMBERBATCH: I do but it's in my bag somewhere. So... [cross-talk]

5

6

CHAIRPERSON LANCMAN: Take a moment... take a moment to get it because it's very helpful to me and I make notes and then I ask questions so... [cross-talk]

9

10

KHALIL CUMBERBATCH: Okay... [cross-talk]

11

CHAIRPERSON LANCMAN: Go ahead. Yeah, go ahead.

12

13

KHALIL CUMBERBATCH: Now?

14

CHAIRPERSON LANCMAN: Yeah, yeah. Okay, not helpful, I don't have my written testimony on me, my apologies.

16

17

CHAIRPERSON LANCMAN: It's, it's okay just... you'll get it to us.

18

19

KHALIL CUMBERBATCH: I will... [cross-talk]

20

CHAIRPERSON LANCMAN: Okay.

21

KHALIL CUMBERBATCH: Yes. I wanted to just take some time to... as some of my colleagues already have done is to tell a story about folks that we serve at Fortune and how they're impacted by fines and fees related to criminal, legal system

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COMMITTEE ON JUSTICE SYSTEM

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2 involvement. So, I work at the Fortune Society, my
3 name is Khalil Cumberbatch and I'm the Associate
4 Vice-President at the Fortune Society and Fortune is
5 a 50-year-old organization as you know Councilman and
6 other folks in the room that services about 7,000
7 people annually on a plethora of services; housing,
8 employment, mental illness, substance abuse, so on
9 and so forth. We have delivered these services over
10 the past 50 years with the understanding that it
11 doesn't take one particular thing for someone to
12 become stabilized when they leave prison and or jail.
13 With that understanding we also know that there are
14 other systems involved that impede a person's healthy
15 and successful reentry and so for example, fines and
16 fees are one of those things. We have serviced people
17 who are still struggling decades after they have been
18 convicted, after they served substantial amount of
19 times in prison and still have not been able to
20 successfully pay off restitution fees, other fines
21 and fees associated with their criminal conviction
22 and then when they are reentering are expected to
23 find a job and then use the income that they have
24 from that job to not only survive in a very expensive
25 city but to also pay off these fines and fees and

COMMITTEE ON JUSTICE SYSTEM

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2 restitutions and we're not even including other
3 things like back child support, so on and so forth.
4 So, one of the stories that I would love to tell you
5 today is of an individual that we serviced at Fortune
6 Society who was assigned a, a restitution fee and
7 other fines and fees associated with his criminal
8 conviction, didn't have much family during... didn't
9 have much family support during his incarceration and
10 so as it goes with most people that don't have family
11 support the money that they... what little money they
12 earn while incarcerated from being involved in
13 programs or working they use that money to buy
14 commissary and other items related... you know in, in
15 the commissary; food, cosmetics, so on and so forth
16 however when you have a mandatory surcharge you have
17 fines and fees and restitutions associated you're
18 your criminal conviction the money that comes into
19 your account there's a certain percentage that is...
20 that is automatically withdrawn and so if you're
21 trying to pay off a restitution fee in and of itself
22 that is in the tens of thousands of dollars before
23 you even address surcharges and other fees that are
24 associated with the criminal conviction you can
25 already see that its almost insurmountable. This

COMMITTEE ON JUSTICE SYSTEM

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2 individual came home about three years ago, we were
3 able to help him stabilize by finding some
4 employment, housing was not an issue for him. Well on
5 top of the restitution and fines and fees that he has
6 that he's trying to pay off, he also is required to
7 pay a community supervision fee, he's on parole and
8 there is a monthly fee that parole charges you to be
9 on supervision. That fee is five, 15- or 30-dollar
10 increments; if you're working you're expected to pay
11 the maximum amount which is 30 dollars and although
12 30 dollars may seem to many folks as a very
13 affordable amount when... again when you have thousands
14 of dollars of debt related to criminal justice
15 involvement it's very difficult. This individual was
16 unable to make his monthly payments of 30 dollars a
17 month, he then had an unfortunate death in the family
18 and he applied... he went to his parole officer and
19 told this person that he had a death in the family in
20 a different state in the U.S. and needed to travel.
21 One of the first questions that a supervisor in
22 parole will ask the parole officer when they... when
23 they ask for someone to travel is has this person
24 been paying their supervision fee, the answer for
25 this individual was no and who knows what explanation

COMMITTEE ON JUSTICE SYSTEM

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2 was given on why the individual was not able to pay
3 the supervision fee but in the end this person's
4 travel pass was denied. Removing the fact that this
5 individual was deeply hurt about this family member
6 dying, having to couple the, the experience of that
7 and being denied something as simple as being able to
8 just see the person, their body for the last time you
9 can imagine the experiences and the perception of
10 community supervision, court systems in general,
11 legal system overall on how quote, unquote fair it
12 is. This individual had left that experience feeling
13 as if there is a never-ending perpetual punishment
14 associated with his criminal conviction. I share this
15 example obviously understanding that a lot of it is
16 state level and that there are issues that city
17 council can't necessarily address. I also want to
18 highlight the fact that one of my colleagues
19 mentioned earlier that there is a role that district
20 attorneys can play and the role that prosecutors can
21 play in how they aggressively go after restitutions
22 and other fines and fees, in the end a judge is
23 responsible for that, but district attorneys and ADAs
24 have a role to play in that. I think overall what
25 we're talking about is monetary on surface level but

COMMITTEE ON JUSTICE SYSTEM

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2 as some of my colleagues have mentioned what we're
3 really talking about is this perception that we
4 somehow have to continually punish people and
5 monetary... and doing it monetarily is one of the ways
6 that that is achieved. So, I share this story with
7 you Council Member to one, highlight how it is more
8 complex than just a number given to someone because
9 again 30 is a relatively low amount of money to pay
10 for many people but when you have tens of thousands
11 of dollars of debt associated with a criminal
12 conviction it becomes even more difficult for an
13 individual to navigate that process and that there
14 are other long term effects that are associated with
15 those fines and fees that are not always measurable
16 by dollar amounts. Here we have an individual who
17 from my perception is trying as hard as he can to
18 stable his life to not go back to prison and at the
19 same time to lend to his community but for something
20 as small as a 30 dollar fee he was denied something
21 that would have meant a tremendous amount to him to
22 be able to attend the family member's funeral. So,
23 thank you for listening and I hope that, you know
24 Fortune Society will continue to be looked at as a
25 resource for the city council on how we could work

COMMITTEE ON JUSTICE SYSTEM

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2 with district attorneys and judges in educating them
3 on the long term impact that fines and fees have that
4 are associated with criminal convictions on
5 individuals but more importantly the impact that they
6 have on their families and the impact that it has on
7 communities. Thank you.

8 CHAIRPERSON LANCMAN: Well let me ask...
9 let me ask you and I don't... and I don't know if you
10 know the answer but Fortune is a five borough
11 organization even though your headquarters is in
12 Queens, what is... can you say what your experience has
13 been with the different district attorneys' offices
14 in the boroughs and who have been more or less open
15 to working with people or, or not, who's been less
16 zealous or more zealous in, in, in going after people
17 who owe fines or restitution?

18 KHALIL CUMBERBATCH: So, I can't... I don't
19 have statistics to spout out about that, I know that
20 as one of the members of the alternatives to
21 incarceration and reentry coalition the Queens
22 district attorney has been historically very
23 difficult for the lack of a better term to work with
24 in terms of not only simple referring people to ATI
25 programs and more particularly simply referring

COMMITTEE ON JUSTICE SYSTEM

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2 people to our ATI program where based in Queens
3 someone has a criminal charge in Queens whether they
4 live in Queens or not that is besides the fact but
5 most people with charges in Queens reside somewhere
6 in the borough and so here we are an organization
7 that is based in that borough and yet we still have
8 problems with referrals. So, I say that to be fair on
9 the record that I don't know what the numbers are in
10 terms of who is more zealous or not, I do know that
11 there are certain district attorneys who have found
12 more creative ways to use the money that they have
13 garnered from forfeit asiture [sp?] and other fines
14 and fees associated with criminal, legal involvement
15 and I think that that example in some respects could
16 be followed by other district attorneys across the
17 city.

18 CHAIRPERSON LANCMAN: Got it. Okay, you
19 know I, I appreciate your, your laying out the
20 different fees and, and, and surcharges because some
21 of... you know seven perfect fee to pay with credit
22 card at the institution, I remember when the city was
23 doing online bail we were unhappy with even the 2.49
24 percent fee and we'll ask MOCJ about what the
25 percentage is on, on the, the, the commissary

COMMITTEE ON JUSTICE SYSTEM

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2 programs. The, the, the dollar bail just for the
3 record, we've got a bill, Intro 944 which would
4 require notice I think within 24 hours when someone's
5 one dollar bail case is triggered meaning that's,
6 that's the case that's left in the.. in the system
7 and, and then the, the, the figure that you gave in
8 your testimony was with bail payments averaging
9 around 2,500 that means an additional non-refundable
10 238 dollars might be diverted from, from, from what
11 people could otherwise.. that, that, that money for.
12 Math was not always my strong point but I'm going to
13 say that's probably somewhere.. that's a few
14 percentage..

15 ELENA WEISSMANN: It's a 2.49 percent and
16 a seven percent.

17 CHAIRPERSON LANCMAN: Yeah.. [cross-talk]

18 ELENA WEISSMANN: If someone wants to pay
19 with a credit card.. [cross-talk]

20 CHAIRPERSON LANCMAN: Right.. [cross-talk]

21 ELENA WEISSMANN: Yeah.. [cross-talk]

22 CHAIRPERSON LANCMAN: Right, right,
23 right. And then you know we, we look at jurisdictions
24 around the, the country where Ferguson is a.. is a
25 spectacular example where the municipal government is

COMMITTEE ON JUSTICE SYSTEM

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2 more or less funded off the, the backs of, of poor
3 people mostly black and Latino and Ferguson probably
4 mostly black because New York's budget is so large
5 and the many, many billions of dollars, the 15
6 million or the 30 million dollars that you cite kind
7 of gets lost in the shuffle but, you know we're,
8 we're, we're doing similar things... [cross-talk]

9 ELENA WEISSMANN: Yeah.

10 CHAIRPERSON LANCMAN: Do you find since
11 you're from the Drug Policy Alliance, do you find
12 that the participation in drug treatment programs are
13 particularly onerous, I mean my understanding is they
14 tend to be more expensive, more intensive and I don't
15 know if you're prepared to talk about it what role
16 does the availability of insurance or not insurance
17 play in, in people's ability to participate in those
18 programs?

19 DIONNA KING: I mean treatment... when you
20 talk about treatment in drug courts it gets
21 complicated, to start judges aren't the best
22 determiners of what is effective treatment for a
23 person and sometimes they partner with treatment
24 providers that aren't best suited to provide care for
25 a particular patient but because they have that

COMMITTEE ON JUSTICE SYSTEM

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2 relationship between the provider they are not
3 necessarily considering the, the medical impact of
4 putting a person under treatment setting that's not
5 beneficial to them either because the type of
6 treatment being afforded. We've come across a lot of
7 judges that are reluctant to put someone in a
8 treatment setting where they're going to be offered
9 methadone or Buprenorphine or any kind of medication
10 assisted treatment because of their own biases
11 towards that and that is a violation of that person's
12 like medical needs and that is problematic but then
13 when you talk about the cost of it, if you are... if
14 you're insured, if you have Medicaid which is
15 probably better the cost of going into the treatment
16 setting you can probably offset that but if you're
17 uninsured you're being placed in the treatment
18 setting that one is inappropriate for you or that's
19 unnecessary you're responsible for paying that out of
20 pocket cost. Another challenge when you... when it
21 comes to criminal court and someone's substance use
22 is... this sort of... any kind of substance use is
23 considered addiction and problematic and a person who
24 has... is using recreationally can be put in a
25 treatment setting that is not necessarily appropriate

COMMITTEE ON JUSTICE SYSTEM

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2 for them because if the judge determines that they
3 have a drug problem as opposed to just drug use in
4 general and so now they're paying the, the cost to be
5 in a treatment that is not necessarily best suited
6 for them and we've had a lot of anecdotal information
7 from different treatment providers saying that they
8 have to keep a person in a treatment setting when
9 they don't have a drug problem so someone comes in
10 there and their only drug use is marijuana, it isn't
11 interfering in their life in any kind of detrimental
12 way but they have to be in a mandated program so
13 they're forced to stay in longer than they have to be
14 and then the treatment provider can't necessarily
15 work with them so you're taking a bed from someone
16 who is... could be better suited for it and then that
17 person has to stay in the program and hit all these
18 metrics that are determined by the drug court in
19 order to get out of the, the proceeding so it's... when
20 it... that particular relationship is frack for a
21 myriad of reasons not just because of cost but also
22 just because judges aren't treatment providers and
23 they are given a lot of space to make decisions about
24 a person's care.

25 [off mic dialogue]

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: Alright, thank you
3 very much, it was all very helpful and very
4 informative and now we'd like to invite up MOCJ and,
5 and hopefully get some answers to some, some of the
6 questions that, that have been raised.

7 ELENA WEISSMANN: Thank you.

8 CHAIRPERSON LANCMAN: Alright. Good
9 morning.

10 ILANA TURKO: Good morning.

11 CHAIRPERSON LANCMAN: Let's get sworn in
12 and get started. Do you swear or affirm the testimony
13 you give today is the truth, the whole truth and
14 nothing but the truth?

15 ILANA TURKO: I do.

16 CHAIRPERSON LANCMAN: Thank you. Now do
17 you have written testimony for us or are you just...
18 or, or any... do you have testimony for us or just
19 would you rather answer questions at... [cross-talk]

20 ILANA TURKO: No, I'm, I'm happy to
21 answer questions from Council.

22 CHAIRPERSON LANCMAN: Okay, so I, I think
23 I would... I would break down the, the, the issues for
24 MOCJ into two categories; one is what is MOCJ's role
25 and how does it fulfill that role in choosing these

COMMITTEE ON JUSTICE SYSTEM

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2 providers of, of, of services who might charge fees
3 and, and the second category would be the information
4 that MOCJ has and, and collects regarding the various
5 fees, fines and, and, and surcharges so, let's, let's
6 start with the, the, the first one, what is... what is
7 MOCJ's role in selecting and, and, and even
8 contracting with the various programs that are, are
9 used in the courts as alternatives to incarceration?

10 ILANA TURKO: So, I just want to
11 introduce myself. My name is Ilana Turko, I'm Senior
12 Counsel at the Mayor's Office of Criminal Justice. As
13 far as our role in choosing programs the... there's a
14 series of programs that are... that run specifically
15 through the Mayor's Office of Criminal Justice as ATI
16 or ATD programs that we fund, and the selection
17 process is typically through a procurement. We also
18 as you're likely aware run the diversion and reentry
19 counsel which brings together many, many, many
20 stakeholders from the Criminal Justice System
21 including providers, individuals with lived
22 experience, defense attorneys, and prosecutors to
23 glean their expertise on all of the various
24 providers. So, that is our role in terms of selecting
25 providers.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: So, about how many
3 providers... when you say selecting providers, how, how
4 many providers does MOCJ enter into a, a contract,
5 contract with and, and provide city funding in some
6 way, shape or form to?

7 ILANA TURKO: Sure, so MOCJ provides
8 funding to support programs that provide alternative
9 to incarceration services, there are 15 ATI programs
10 and five ATD programs in family court which results
11 in about a dozen providers. In fiscal Year '19 there
12 was a total annual award of two and a... 21 and a half
13 million to cover MOCJ's ATI portfolio and none of
14 those ATI and ATD programs charge people a fee. None
15 of those programs charge a fee however our office
16 does fund one program, the Batterers Intervention
17 Program which the current contracted provider is QCC
18 PACK that is not included in our ADT and ATI contract
19 but in a sense serves as an ATI as judges use the
20 program as an option at sentencing rather than jail
21 and this, this one program does in fact charge a fee.

22 CHAIRPERSON LANCMAN: And you, you, you
23 said family court, you... do you... are these only
24 programs in family court, I didn't understand where,
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COMMITTEE ON JUSTICE SYSTEM

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where... you, you had mentioned family court, it's just not clear to me...

ILANA TURKO: Sure, so there's 15 ATI programs and... [cross-talk]

CHAIRPERSON LANCMAN: Right... [cross-talk]

ILANA TURKO: ...additionally five ATD programs in family court.

CHAIRPERSON LANCMAN: Got it, so there are 15 ATI programs in the criminal courts... [cross-talk]

ILANA TURKO: Uh-huh... [cross-talk]

CHAIRPERSON LANCMAN: ...non-family court, right?

ILANA TURKO: Uh-huh.

CHAIRPERSON LANCMAN: And five ATD in family court?

ILANA TURKO: Correct... that's my understanding, yes.

CHAIRPERSON LANCMAN: Right, okay. And, and those 20 programs in total are, are provided by 12 different providers?

ILANA TURKO: Yes.

CHAIRPERSON LANCMAN: Alright and only one of those programs' charges a, a fee?

1 COMMITTEE ON JUSTICE SYSTEM

2 ILANA TURKO: There's an additional
3 program that's not considered within that portfolio
4 that does charge a fee and that's the QCC PACK
5 program that's an abusive partner intervention
6 program for intimate partner violence.

7 CHAIRPERSON LANCMAN: Got it. So, all of
8 these other programs that you've heard people testify
9 about where fees are charged... [cross-talk]

10 ILANA TURKO: Uh-huh... [cross-talk]

11 CHAIRPERSON LANCMAN: ...they are not in
12 any kind of contractual relationship with the city?

13 ILANA TURKO: That... [cross-talk]

14 CHAIRPERSON LANCMAN: Correct?

15 ILANA TURKO: They're not in a contract
16 through MOCJ.

17 CHAIRPERSON LANCMAN: Do you know if
18 they're in a contract through other... some other city
19 agency and they're getting funding from some other
20 city agency?

21 ILANA TURKO: I don't have those
22 specifics in front of me, no.

23 CHAIRPERSON LANCMAN: Okay, would you be
24 able... so, from this hearing there's a number of
25 things that we would like MOCJ to give us more

COMMITTEE ON JUSTICE SYSTEM

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2 information on, right, so one of those would.. since
3 you're the Office of Criminal Justice in charge with
4 coordinating with the administration's policies on
5 criminal justice issues it would be very helpful if
6 you could figure out for us which programs are
7 present in criminal court and family court that are
8 getting funded by the city and which of those
9 programs charge fees and whether or not those
10 programs have sliding scales or somehow they're fees
11 are based on what people can pay.

12 ILANA TURKO: Certainly, happy to take
13 that back to the office for a further discussion, I
14 think this is a really important question. I should
15 note that there are programs that are not within
16 MOCJ's purview so we're happy to look into the issue
17 because we, we think this is a really important area..
18 [cross-talk]

19 CHAIRPERSON LANCMAN: Right.. [cross-talk]

20 ILANA TURKO: ...as well.

21 CHAIRPERSON LANCMAN: Yeah and, and I
22 guess we're, we're... my next question would be, I... it
23 sounds like there are programs that are brought into
24 the criminal justice system that the city has no
25 involvement with; the DA decides this is a good

COMMITTEE ON JUSTICE SYSTEM

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2 program or the court decides the program. Does, does...
3 is MOCJ made aware of all of the programs that exist
4 in the five boroughs and which... obviously some are
5 funded by the city through MOCJ, it sounds like some
6 are funded by the city through, through other
7 contracting agencies and then there's this universal
8 program that, that have nothing to do with, with the
9 city. Do you know if MOCJ maintains any kind of list
10 or, or record of all these various programs because
11 they obviously play a very important role in the
12 criminal justice system here in this city?

13 ILANA TURKO: Absolutely, the... whether we
14 maintain a list I, I couldn't speak to, I think again
15 it's an important question and there are a lot of
16 different venues through which the, the larger
17 discussion and questions can be addressed, the
18 diversion and reentry counsel. I think one of the
19 previous witnesses was discussing counsel of all
20 these diversion providers as well so yes, absolutely
21 that's important.

22 CHAIRPERSON LANCMAN: Right, but, but we
23 would... we would ask you and you know we'll reduce
24 this to a letter but, but we look to you to figure
25 out what's going on in the criminal justice system

COMMITTEE ON JUSTICE SYSTEM

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2 and when you have figured that... by... that out by the
3 way please let us know.

4 ILANA TURKO: And I, I think it's
5 important to also distinguish that the courts at
6 their discretion are ordering defendants into
7 programs all, all the time and those are pleas that
8 are negotiated sometimes between defense attorneys
9 and prosecutors and sometimes it's after conviction
10 and simply at the discretion of the judge so, I think
11 it's a little bit of a moving target to be totally
12 fair... [cross-talk]

13 CHAIRPERSON LANCMAN: Uh-huh... [cross-
14 talk]

15 ILANA TURKO: ...so I just want to make
16 that distinction.

17 CHAIRPERSON LANCMAN: Yeah... no, I, I
18 understand it and I think that... I think most people
19 would be surprised that that would have... I don't want
20 to be too critical, what a... what a... kind of ad hoc,
21 Hodge podge system there is of providing programs and
22 alternatives to people and, and possibly no... there's
23 no one place where you can go to understand all of
24 the programs that are being made available let alone
25

COMMITTEE ON JUSTICE SYSTEM

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2 their effectiveness and for the purpose of the this
3 hearing there, their fees and costs... [cross-talk]

4 ILANA TURKO: And I'm, I'm... [cross-talk]

5 CHAIRPERSON LANCMAN: So... [cross-talk]

6 ILANA TURKO: ...very pleased to be here to
7 testify about the programs that MOCJ funds and runs
8 through our office.

9 CHAIRPERSON LANCMAN: I understand. Just
10 so you know I think we have an interest, at least I,
11 I have an interest in, in imposing on MOCJ the
12 responsibility and I don't know if we can talk about
13 that just voluntarily or a bill of being... opposing
14 the responsibility of seeing and understanding and,
15 and, and knowing and then being able to share all the
16 programs that are going on in city courts effecting,
17 effecting city residents. The one program that you,
18 you know that does charge a fee, the batter
19 intervention program, what, what are the fees for
20 that, do you know?

21 ILANA TURKO: So, there's... I just want to
22 make sure I'm 100 percent here... there's an initial
23 intake fee of 30 dollars and each group session is
24 then 25 dollars, the program does make available a
25 sliding scale and in some instances a scholarship.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: So, is it billed
3 into the contract with the program that there will be
4 this sliding scale and what the... what the metrics are
5 for that and, and who might be so slid down the scale
6 that they can't pay anything at, at all and... is that
7 in the... in the MOCJ contract... [cross-talk]

8 ILANA TURKO: Yes... [cross-talk]

9 CHAIRPERSON LANCMAN: Yeah... [cross-talk]

10 ILANA TURKO: ...the contract does contain
11 a provision concerning the sliding scale and at the
12 bottom end of the income range it leaves open to the
13 program at their discretion to determine the, the,
14 the... I should say at the lowest end of the range of
15 income which is 23,500 dollars the fee is five
16 dollars per session and below that threshold's income
17 level it's, it's determined on an individual case,
18 yes.

19 CHAIRPERSON LANCMAN: So, you know I
20 assume we have these batterer intervention programs
21 because we think that they are successful and
22 productive and I know there's actually a lot of
23 debate on, on that but, but we have the program so...
24 we have to start from the principle that, that we
25 think if they're worthwhile and as a practical matter

COMMITTEE ON JUSTICE SYSTEM

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2 I think... my understanding is in the circumstances
3 people are choosing that over some alternative
4 sentence which would... which they would rather not
5 have to do, is it fair that, that people who are
6 extremely poor, below that 23,000 or whatever that,
7 that, that limit is that they might not be able to
8 participate in this program that benefits them and by
9 extension their families and society and... because
10 they can't afford and why don't we as a condition of
11 the contract with, with the providers say anyone
12 below this threshold you just have to... you have to
13 treat them and, and maybe we have to pay more on our
14 contract but, but at least people aren't being
15 excluded from a program because they're too poor?

16 ILANA TURKO: Right, I think that's a
17 incredibly valuable, important point, I want to also
18 bring your attention to sort of a new step we're
19 taking with this program; first... to your first point
20 I do think it's worthwhile to highlight the
21 availability of a full scholarship and... in some
22 instances for indigent defendants similarly I think
23 our work in this area is quite progressive in the
24 sense that we recognize that we want to constantly be
25 rethinking these approaches and how effective our

COMMITTEE ON JUSTICE SYSTEM

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2 programming is and to that end we're currently
3 working on the procurement and contracting process to
4 develop a new trauma informed abusive partner
5 intervention curriculum and implementation plan that
6 potentially moves away from an accountability
7 monitoring type of model which is the current
8 curriculum to one that centers on as I said a trauma
9 informed approach and attitudinal and behavior change
10 and the work may result in recommendations for this
11 trauma informed curriculum to be offered free of
12 charge if funding and program objectives permit.

13 CHAIRPERSON LANCMAN: A question arose in
14 the, the testimony about what is the, the percentage...
15 what is the cut of the... for, for cash transfers to
16 commissary accounts, it was suggested it might be as
17 high as 20 percent, do you know what that is?

18 ILANA TURKO: I don't, I'm happy to take
19 that back to the office to get more details but that
20 was not within the scope of the hearing as we
21 understood it when we were preparing.

22 CHAIRPERSON LANCMAN: Okay, well we'll
23 add that to the list of... you could find that out for
24 us... [cross-talk]

25 ILANA TURKO: Sure.

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: Great. It's...

3 there's also been testimony and, and I think it was a
4 comptroller's report about millions of dollars in
5 fees and fines, etcetera coming into the city's
6 coffers, does, does, does MOCJ have a breakdown on
7 some... annual basis of all the, the revenue that is
8 generated from fees and fines and other costs
9 associated with the criminal justice system, now... so,
10 now we're moving into the, the... we're moving right...
11 away from the programs and, and into the, the
12 information collection part of what I'm interested in
13 what MOCJ does and, and maybe could do?

14 ILANA TURKO: Sure, I think that all the
15 questions about the mandatory fees and fines that are
16 lodged within the courts are... it's a really important
17 question and again we share concern over it but those
18 court fees and surcharges that are assessed are
19 collected by the state. Like I said we are very
20 interested in this topic as well, but I don't think
21 we have any of the data necessarily available and
22 that might be something that the state would have
23 available.

24 CHAIRPERSON LANCMAN: Uh-huh. Well I know
25 that MOCJ and its role is coordinating the mayor's

COMMITTEE ON JUSTICE SYSTEM

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2 criminal justice policy and interacts with state
3 actors on a regular basis whether it's the courts or
4 the district attorneys who are kind of have an in
5 between status, does MOCJ think that its' important
6 to understand the costs that are being imposed on
7 defendants in the criminal justice system in the five
8 boroughs and looking at what that impact might be on,
9 on them and the criminal justice system and maybe
10 just as MOCJ has convened and, and doing task forces...
11 task forces on speedy trial issues or bail reform,
12 maybe the cost of justice might be an issue so, does...
13 do you know if MOCJ has any objection to attempting
14 to collect this data and be able to have a picture of
15 how much is being collected in, in the city even if
16 some of those things are being collected by, by the
17 state?

18 ILANA TURKO: I think MOCJ is always
19 interested in what inside data can provide to our
20 work but as you know our director has testified at
21 previous budget hearings including as recently as, as
22 May of this year in, in great detail regarding the
23 funding that flows through our office and what I'm
24 here to testify about today is the scope that we were
25

COMMITTEE ON JUSTICE SYSTEM

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2 provided which was the ATI and ATD programs that MOCJ
3 funds.

4 CHAIRPERSON LANCMAN: Do you... do you have
5 an opinion whether or not the city should be imposing
6 the 30 dollar a month probation supervision fee for,
7 for DWI cases, it seems like we, we want to get away
8 from adding burdens to people because of their
9 poverty in the criminal justice system in many
10 spheres whether it relates to bail or, or what it
11 means to be stuck on Rikers Island and not being able
12 to go to work, etcetera, why are we charging people
13 30 dollars to participate in a DWI program?

14 ILANA TURKO: So, I with great interest
15 have also been listening to this testimony and I'm
16 definitely going to take that concern back to our
17 office unfortunately it's not something that I
18 understood to be within the scope of today, but I do
19 think it's important for us to discuss, discuss with
20 the Department of Probation.

21 CHAIRPERSON LANCMAN: Okay. Look who's
22 here. Joined by Council Member Keith Powers who also
23 Chairs the Committee on Criminal Justice, do you have
24 any questions? Fire away.
25

1 COMMITTEE ON JUSTICE SYSTEM

2 COUNCIL MEMBER POWERS: Well thank you
3 for, for hosting this hearing and I've... I was at
4 another hearing on lead, so I apologize for, for
5 coming late. I think some ground was covered here
6 but... and I've, I've heard the... so far, the answers so
7 I... but... so I may... I may be expecting what the answers
8 might be but I think you asked a question about bail
9 and the cost of, of fees on... related to bail and
10 paying bail through a credit card so I just wanted
11 to... we've been looking at that issue as... well we've
12 been thinking about that issue as well since it's
13 come up, I know that maybe it came up already in the
14 question but I just wanted to ask it so I can hear
15 it, is there a position from the administration on
16 whether there should be some relief provided to
17 either all or, or a certain population around paying
18 fees for credit card... posting bail through a credit
19 card?

20 ILANA TURKO: I know that this is an
21 issue that our, our office also believes is important
22 to discuss, I don't know of any specific position
23 that has been taken at this point.

24 COUNCIL MEMBER POWERS: Would you know
25 when credit card bail was put into place?

1 COMMITTEE ON JUSTICE SYSTEM

2 ILANA TURKO: I don't know, are you... are
3 you referring to online bail or... [cross-talk]

4 COUNCIL MEMBER POWERS: Well online bail
5 was put into... this year, right and then... and so
6 that's new and then you've been able to pay with a
7 credit card I presume for some period of time, is
8 that... [cross-talk]

9 ILANA TURKO: I, I don't know.

10 COUNCIL MEMBER POWERS: Okay, so, so
11 online is new and what's the fee for paying online if
12 you... so, what, what is the fee for paying bail
13 online?

14 ILANA TURKO: I believe that was covered
15 by previous testimony, I don't have that information
16 available but I'm happy to report back.

17 COUNCIL MEMBER POWERS: Okay, so... and
18 what... [cross-talk]

19 CHAIRPERSON LANCMAN: I think in the
20 prior testimony it was 2... [cross-talk]

21 COUNCIL MEMBER POWERS: 2.7 percent or
22 something like... [cross-talk]

23 CHAIRPERSON LANCMAN: Well 2.49 percent
24 for online and if you show up at a facility it's
25 seven percent to pay with a credit card.

1 COMMITTEE ON JUSTICE SYSTEM

2 COUNCIL MEMBER POWERS: Okay, so if I pay
3 online, I'm using my credit card I pay 2.7, if I go
4 to the facility I pay seven percent on top of what
5 the bail... seven percent over the bail, I'm paying a
6 fee. The... what... can you explain the differences why
7 you're paying seven and why you're paying 2.7 in the
8 two different places?

9 ILANA TURKO: Again I, I think that what
10 I'm prepared to talk about today was about the, the
11 cost associated with the ATIs and the ATDs that MOCJ
12 runs through our office, so I don't have that answer
13 available right now.

14 COUNCIL MEMBER POWERS: Is anybody else...
15 [cross-talk]

16 ILANA TURKO: I'd be... [cross-talk]

17 COUNCIL MEMBER POWERS: Is anybody else
18 here from the city that does have, have answers to
19 those questions?

20 ILANA TURKO: We, we would have to take
21 it back to discuss with other folks internally.

22 COUNCIL MEMBER POWERS: okay, are you
23 prepared to talk about commissary and fees related to
24 commissary... [cross-talk]

25 ILANA TURKO: It depends on the question.

1 COMMITTEE ON JUSTICE SYSTEM

2 COUNCIL MEMBER POWERS: The... I think this
3 has been a... I think a topic covered as well but fees
4 on commissary, there's a bill before the city council
5 now about... well some... part of it... some of it's about
6 fees but also about returning money to people who
7 have money in the commissary, I was wondering if
8 there was a position for the administration on that
9 bill?

10 ILANA TURKO: We, we don't have a
11 position on the bill at this time.

12 COUNCIL MEMBER POWERS: No position, okay
13 and, and perhaps a, a topic for a hearing in the
14 future. And the other... I think you covered some of
15 the other topics, so I won't... I won't... it sounds like
16 we need to do a follow up with, with MOCJ around this
17 but I think... I wanted to thank the, the Chair for
18 doing the hearing because I think we've heard from a
19 lot of folks about extra costs related to
20 incarceration obviously one concern is it's, it's,
21 it's preventing people from getting out of jail when
22 they have to pay more money than is already put up
23 for the bail, of course bail on it's own is a... is an
24 issue that we, we care about and, and, and reducing
25 the use of bail but, but... cash bail but the... but also

COMMITTEE ON JUSTICE SYSTEM

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2 the fees that then add up and, and, and could lead to
3 worse outcomes because of that, I, I guess we'll do a
4 follow.. I, I may have more questions in the future
5 but, but I would love to talk to you guys about the,
6 the, the online bail and the credit card payment of
7 bail as an extra cost and I think there's an interest
8 on I think probably with the Chair as well about
9 removing those costs from, from the folks.

10 ILANA TURKO: Sure.

11 CHAIRPERSON LANCMAN: Thank you. I have
12 one last question just to clarify, the, the, the
13 programs that are.. that are free of charge do any of
14 them require that the person participating have
15 insurance?

16 ILANA TURKO: There are five of the
17 programs that do provide clinical treatment.. [cross-
18 talk]

19 CHAIRPERSON LANCMAN: Uh-huh.. [cross-
20 talk]

21 ILANA TURKO: ...and will bill insurance or
22 work with folks on enrollment in insurance but nobody
23 will be turned away for inability to pay.

24
25

1 COMMITTEE ON JUSTICE SYSTEM

2 CHAIRPERSON LANCMAN: So, if you, you
3 don't have insurance and for whatever reason you
4 cannot get insurance you can still participate?

5 ILANA TURKO: There's no fee.

6 CHAIRPERSON LANCMAN: Right, okay good.
7 Good. Okay, thank you very much, we'll follow up with
8 some stuff.

9 ILANA TURKO: Thank you.

10 CHAIRPERSON LANCMAN: Alright, our last
11 panel is the Corrections Accountability Project, Ras
12 Omeil Morgan and... from Comm, Love, Unity if I'm
13 reading that right and I'm sorry I can't read the
14 handwriting, but I think it's Towaki Komatsu, I'm
15 sorry I just can't read the, the handwriting. There
16 you go. Are we ready? Let's get sworn in. If you
17 could raise your right hand. Do you swear or affirm
18 the testimony you're about to give is the truth, the
19 whole truth and nothing but the truth?

20 RAS OMEIL MORGAN: Yes.

21 ROBERT BRODIE: Yes.

22 TOWAKI KOMATSU: Yes.

23 CHAIRPERSON LANCMAN: Terrific, thank
24 you. Why don't we go from left to right, please
25 introduce yourself and deliver your testimony.

COMMITTEE ON JUSTICE SYSTEM

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2 RAS OMEIL MORGAN: Yes, blessed love and
3 give thanks to you Council Member. I am Ras Omeil
4 Morgan and I am with Comm-Love-Unity, it's an
5 unincorporated association that we started through
6 Medgar Evers College to celebrate and commemorate the
7 ending of slavery in the United States of America. I
8 am here to testify and to actually seek support of
9 the city of New York Resolution 181 through the
10 honorable Jumaane Williams and Mr. Cabrera if I'm
11 saying it correctly. The Resolution was proposed
12 this, neither slavery nor involuntary servitude
13 accept as a punishment for a crime whereas the party
14 shall have been duly convicted. The 13th amendment to
15 the U.S. Constitution has a clause that is tied to
16 the cost of to what the topic of today addresses by
17 the city council. On... to know that the city in terms
18 of addressing criminal justice has not really looked
19 at the root cause in terms of 1619 to today's date
20 which we're looking at 400 years of slavery in 2019
21 on the thought that seven years after the start of
22 slavery the city of New York was incorporated. So, in
23 being a victim to the criminal justice process I feel
24 as a current litigant in Eastern federal district
25 courts that the cost to the city becomes more in

COMMITTEE ON JUSTICE SYSTEM

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2 terms of the injustice that person's that look like
3 myself and others of experience so the overall cost
4 becomes more to us as taxpayers because now more
5 litigation is going to happen as to the civil matters
6 for the false arrests, for the false imprisonment,
7 for the kidnapping and for the... for the basic
8 enforcement of slavery via the, the 13th amendment.
9 So, I feel the council did something tremendous or
10 brave in even proposing an amendment to the United
11 States Constitution's 13th amendment. With that said
12 we feel the city of New York should look into... the
13 day that slavery should have ended December 6th, 1865
14 should be a national holiday throughout the United
15 States but for it to reach the United States we need
16 to start it right here in the five boroughs in New
17 York City. So, we are inviting the city of New York,
18 the Mayor of New York and all well-wishers to come to
19 Medgar Evers College on December 6th so we, we could
20 start the hearing because if we're not addressing the
21 root cause we're going to kick this ball down the,
22 the road for another generation to continue the
23 process that is being discussed here today. So, I am
24 here of one who has gone through the criminal justice
25 process, I am promoting prosy in my community and our

COMMITTEE ON JUSTICE SYSTEM

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2 organization is around bringing the community
3 information that they can use to help to defend
4 themselves not just to take an ACD as I had no clue
5 what that was or just, just the whole plea process
6 that eventually impacts a lot of immigrants, we're
7 not able to travel outside of the United States
8 because they'll take a plea for like a penal code
9 22105 marijuana possession which now is being
10 discussed to be decriminalized completely in the... in
11 New York State and the United States so the city has
12 their work to do to correct a lot of the abuse that
13 has gone through and I feel the discussion is right
14 that the, the chair has started here today and it
15 needs to continue amongst the other committees
16 specifically what the honorable Jumaane Williams has
17 proposed and I would love to see that Resolution 181
18 pass the city council. Give thanks.

19 CHAIRPERSON LANCMAN: Thank you.

20 TOWAKI KOMATSU: Good morning...

21 CHAIRPERSON LANCMAN: You have to...

22 [cross-talk]

23 TOWAKI KOMATSU: Sorry. Good, good
24 morning. I recently read that you were going to be
25 running to become the next Queens DA, so a question

COMMITTEE ON JUSTICE SYSTEM

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2 is... I was recently in the Bronx Criminal Court and
3 that was only after I got a letter from the IAB
4 essentially exonerating me of charges that were
5 frivolously filed against me last December. So, the
6 question is I had a conversation with the Bronx DA
7 apprising her of the fact that I had a letter from
8 the IAB to essentially ask her well if IAB is
9 exonerating me why do I still have to come to this
10 Bronx criminal proceeding and this hearing today is
11 about cost, the cost of justice, right? So, if you
12 could save taxpayer cash why not do so. The other
13 thing is in that particular case I was appointed two
14 defense counsels both of them refused to follow up
15 with me. I sent emails to those defense counsels,
16 didn't get a reply back within three weeks so if
17 you're funding I guess public defenders and people
18 who are seeking adequate representation are having
19 absolutely no follow up by their counsel how many
20 times do, do they have to actually fire their counsel
21 to get decent representation. Also, I got a copy of
22 NYPD reports in regard to that case essentially the
23 basis for that case, I was walking from my apartment
24 to a drug store, I was illegally stopped, seized,
25 assaulted and arrested in a public area. They've

COMMITTEE ON JUSTICE SYSTEM

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2 fraudulently claimed that I was trespassing when I
3 was not, so they dropped the trespass charge, I then...
4 you also proposed legislation in, in... sorry, in
5 regard to body cameras, they were wearing body
6 cameras so that happened last December, I've been
7 looking to get that body camera footage since then,
8 there's been nothing done in that regard. So, if the
9 body camera footage itself exonerates me how much
10 longer I have to wait to get that body camera footage
11 to I guess present it to you during a hearing like
12 this and the last point is, in... he was talking about
13 the Eastern district, Jack Langston, he's a federal
14 judge in the Eastern district. There was a case with
15 Cordero where he wanted to find out how often do you
16 police officers lie so my case is essentially one
17 about credibility, they're making claims out of
18 trespassing, they dropped the charge, they
19 essentially claim that I was stalking them, not true
20 I was asking for their badge numbers and they
21 wouldn't give it to me to make a complaint to the
22 CCRB. So, the point is how many more times I have to
23 keep coming to your hearings for I guess you to go
24 home, think about things and then propose appropriate
25 legislation so that people like me, people like him,

COMMITTEE ON JUSTICE SYSTEM

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2 everybody who comes to your hearings don't have to
3 show up and testify too.

4 ROBERT BRODIE: Hello, hello. My name...
5 [off mic dialogue]

6 ROBERT BRODIE: Oh, okay, thank you.
7 Alright. My name is Robert Brodie and I'm, I'm here
8 to speak on behalf of the Correction of
9 Accountability Project, excuse me, I'm kind of hoarse
10 and first I want.. I want to thank the council for
11 allowing me the opportunity to speak today on behalf
12 of how I feel about the courts of justice and what it
13 means to me basically. Right.. I'm one.. like a lot of
14 other colleagues that was up here I was formerly
15 incarcerated as well, I was just released last year
16 in November, right and throughout my whole
17 incarceration, right, everything cost me when I went
18 in all the up until now. At this present time I'm
19 homeless, I'm living in the shelter, right and I got
20 to pay 30 dollars just to be out and sometimes I
21 don't have it and I have to go to my parents, my, my
22 mother has to pay the 30 dollars for me, sometimes my
23 brother has to lend me the money to pay the 30
24 dollars because it was a surcharge that was imposed
25 upon me, it was mandatory and I had to sign a piece

COMMITTEE ON JUSTICE SYSTEM

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2 of paper stating that if I didn't sign it I wouldn't
3 be released so I had to... had to sign it in order to
4 get out, right, I mean I'm not... I'm not complaining
5 because I, I want to get out, right and I'm doing
6 good so far, right and I'm going to continue to do
7 good as well, right. And I don't want to be redundant
8 because a lot of people have spoken about a lot of
9 things as far as surcharges and commissary is
10 concerned, right and it's kind of odd because we work
11 for six dollars in there for... every Tuesday you get
12 paid six dollars and the cost of commissary, right,
13 the prices are way more than six dollars, the things
14 you... you got to eat and the money that the parents
15 send you is not worth it as far as the commissary is
16 concerned, all they got basically is junk food, junk
17 food and a lot of heart attack food because a lot... a
18 lot of people be coming home catching heart attacks,
19 you know and another, another thing that their quick
20 chill, question, are you all familiar with the quick
21 chill is the meal that they serve you, it comes in a
22 big plastic bag, it goes inside of a big canister and
23 they feed people like that, that's how they feed you
24 and we all know anytime you put enough heat on
25 something, right, the plastic is going to get into

COMMITTEE ON JUSTICE SYSTEM

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2 the food and this is what they eat up in there, you
3 know and so people there is not fortunate, they have
4 no money, send no money to support their needs and
5 they live, live like that, they're forced to eat
6 that, you know and this is why a lot of medical bills
7 in, in prison are going up higher and higher,
8 people's cancer, a lot of people in there die from
9 cancer and it's a known fact, right and I also want
10 to speak on like the parole supervision, right, now
11 they call it JPAY, right and we have to send the
12 money to Florida and I'm... and I'm trying to figure
13 out if we're in New York why do we have to send the
14 money to Florida if we're in New York the money for
15 anything we got to pay it, of course it should be
16 generating in, in, in New York to help us the best
17 way they can and that's one of my questions why is it
18 going to Florida and... if, if we in New York have to
19 pay 30 dollars a month and a lot of people that be on
20 parole selected for three years at the 1,080 dollars
21 they got to pay within the three years and all that
22 could be helpful to the people over here in the... in
23 the United States, in New York but it's... but it's
24 going somewhere else, I don't know why, I'm just
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COMMITTEE ON JUSTICE SYSTEM

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2 curious about that part right there and what like..
3 you know...

4 CHAIRPERSON LANCMAN: We are too, we're
5 going to find out.

6 ROBERT BRODIE: Yeah, because, you know
7 answer to the master question maybe somebody can help
8 and maybe we, we can look into that, you know because
9 you know... and I want to speak on... it's kind of hard
10 as far as prison is coming home and, and try to
11 readjust back into society. For me for instance and
12 I, I got to say I'm somewhat kind of fortunate
13 because I have family that, you know helps me out but
14 what about the people don't have no family, you know
15 and they have to keep on paying and paying and paying
16 and paying, paying for some... I'm trying to get my
17 life together but yet, you know it's preventing me
18 from getting my life together because I'm still
19 paying 30 dollars which I don't have, I don't have
20 it, you know and it's like a lot of soups, like I got
21 over here now, I got that from the... from one of the
22 places that they give you free soups, you know and
23 I'm, I'm glad they got programs like that because it
24 helps me out, you know but a lot of people is not
25 really, I got to say fortunate, you know and.. I'm

COMMITTEE ON JUSTICE SYSTEM

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2 going to say I'm still out there trying to find me
3 some work and I'm adjusting pretty well, I got... I
4 got... I must say so, you know and... [cross-talk]

5 CHAIRPERSON LANCMAN: I'm, I'm... [cross-
6 talk]

7 ROBERT BRODIE: ...I'd just like to... I'm
8 trying to say thank you for giving me the opportunity
9 to share what little experience I did have because
10 like I said, you know... by a lot of things surcharges
11 and the restitution and everything was so... I don't
12 want to sound redundant... but I appreciate you giving
13 the opportunity to speak, what we have of the
14 Commissioner. Thank you very much.

15 CHAIRPERSON LANCMAN: Good, well, well
16 thank you very much for, for coming and sharing...
17 [cross-talk]

18 ROBERT BRODIE: And hoarse... [cross-talk]

19 CHAIRPERSON LANCMAN: ...your personal
20 experience, you got to get some teakwood honey that's
21 my recommendation.

22 ROBERT BRODIE: Okay, I'm going to take
23 your advice on that.

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CHAIRPERSON LANCMAN: Oh, good. Thank you very much, thank you all very much, I appreciate it. That concludes our hearing, thank you all very much.

[gavel]

C E R T I F I C A T E

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



Date

October 9, 2018