



Committee on Public Safety

~MINUTES~

Monday, February 25, 2019

3:00 PM

DRAFT

Committee Chair: Margaret A Cunzio

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting was held jointly with Law & Major Contracts. With a quorum present, Chair Margaret A Cunzio called the meeting to order at 3:18 PM.

| Attendee Name | Title | Status | Arrived |
|---------------------|--------------------------------|---------|---------|
| Margaret A Cunzio | Chair | Present | |
| Nancy Barr | D6 Legislator | Present | |
| Gordon A. Burrows | D15 Legislator (Minority Whip) | Present | |
| Kitley Covill | D2 Legislator | Absent | |
| Christopher Johnson | D16 Legislator | Absent | |
| Damon Maher | D10 Legislator | Present | |
| MaryJane Shimsky | D12 Legislator (Majority Whip) | Present | |

Guests: DOC: James Birrittella, Justin Pruyne, Joseph Spano, Louis Molina LASW: Clare Degnan LAW: Linda Trentacoste TLUSA: Katherine Schaffer

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Oversight on the Department of Corrections and commissary.

Guests: Corrections Commissioner Joseph Spano, Deputy Commissioner Lou Molina, Chief James Birrittella

1. **(ID # 11321) Resolution – LEGISLATOR L. WILLIAMS, BOYKIN, A. WILLIAMS, SHIMSKY, BORGIA, JOHNSON, COVILL, MAHER, CLEMENTS, BARR, KAPLOWITZ AND PARKER: Overhaul Pretrial Laws:**

Forwarding a draft Resolution calling on the New York State Legislature to Overhaul Pretrial Laws.

Invited Guests: Free New York and Katie Schaffer from JustLeadershipUSA

Leg. Williams introduced item 11321 - Overhaul Pretrial Laws. Chair Cunzio introduced Katie Schaffer and Clare Degnan, Legal Aid Services Westchester Leg. Williams asked Ms. Schaffer to explain her views on bail and what should be included in the resolution. Ms. Schaffer describe statistics on pre-trial bail hurts people, especially with poor people and can change their life. Free New York is looking for a reform of those pre-trial laws including

bail, discovery and speedy trial. Mrs. Schaffer stated the role of plea deals and how it takes away their constitutional right. She also spoke about the movement to remove cash bail in that there is no burden of proof for pre-trial incarceration which can end after only a few seconds of discussion.

Mr. Schaffer described the current discovery of the case, New York is only one of four states where prosecutors are not required to turn over evidence until after plea deals. That means that people are making huge decisions on their lives without all the information. Due to our outdated discovery laws New York is the only second to Texas in wrong convictions. On the final piece of legislation she discussed speedy trial which has numerous loopholes that don't reflect the timeframe which is 90 days.

Ms. Degnan from Legal Aid stated that discovery is crucial and that often the courts require defendants to return material from discovery back to the DA which creates a problem for defendants. Ms. Degnan stated that if there was early discovery people would be better prepared to enter a court case. Ms. Degnan referred to the case of Kalief Browder on how these discovery, speedy trial and bail reform bills would prevent the next Kalief case.

Leg. Burrows asked for more conversation around bail and how it would work and how it's different from what currently takes place. Katie provided statistics about thousands of people who sat in county jail on bails for lower than \$1000 from 2010-2014. She described it as the criminalization of poverty, she also mentioned that in Philadelphia that they eliminated cash bail and there was not a significant increase in people skipping out on court. Ms. Schaffer said that the best way to remind people to come to court is throughout texting and due to speedy trial laws needing to be reformed most people don't realize how many court cases they have including lawyers. All the proposals included a requirement for a reminder system either through a pre-trial agency or the courts via mail or text.

Leg. Maher referred to how he uses E-track to keep up to date on his court cases and how these can be employed to remind people. Asked about exceptions to law for people who violate certain crimes. Ms. Schaffer discussed discovery first and mentioned protection orders for discovery to disclose particular information to protect people's information. In regards to timeliness of release in domestic situation the governor's plan calls for 3 days while the legislature is 2 days. Additionally, there is legislation that address pre-trial incarceration and there are a set of crimes that clarifies for pre-trial detention. Leg. Maher asked what other exceptions besides flight risk and witness intimidation are there in the proposed.

Chair Cunzio asked how many other states have eliminated money bail. California, New Jersey and DC have eliminated. Additionally, Ms. Schaffer said that the current proposal would eliminate all cash bail. She also clarified that there would be no cash bail, but that people would be entitled to due process. Those who are charged with more serious crimes would be more likely to be detained pre-trial while lower level charges would be released to return at another date. Leg. L. Williams believes that this legislation balances the scale and that justice should not be determined on who can pay and that due process really means due process.

Commissioner Spano stated that the DOC supports the overhauling of pre-trial reforms. Deputy Molina said he was a proponent for ending cash bail and that a lot of person's freedom is tied to money. Cmsr. Spano also said that even without cash bail the courts have ways to curtail these thing.

Chair Cunzio asked for an update on two correction officers who suffered gunshot wounds in an offsite issue. Cmsr. Spano provided an update about the non-job related incident and noted that the investigation is being processed by the Yonkers police department.

Chair Cunzio opened up the conversation about commissary at the jail and asked Cmsr. Spano for his views on the agreement that was before A&C. Cmsr. Spano stated he was pleased with the level of service with Aramark including the expansion of the eye care program. The rates for commissary are competitive and the items that are being purchased

are cheaper than similar items you find in stores. As part of the new agreement the county surrendered 100k of commissions to reduce popular items cost in commissary and it was well received by the population they served. There is also an arrangement with Key Bank that allows folks who have been released to transfer their commissary money to an account with a debit card with no related fees. Also, there is a pending arrangement to set up kiosk in the jail for people can check their balance and report on issues that might arise.

Leg. Borgia asked if there any organization who can help those in jail who don't have outside resources. Cmsr. Spano said he was unaware. Leg. Johnson asked about the food service of Aramark. Cmsr. Spano said there was a few issues regarding the timely deliverance of food to inmates and that any issues were remedied swiftly and effectively.

Deputy Molina gave an update on My Brother's Keeper and how they were selected for MBK and how the jail is working to implement MBK initiatives with Nepperhan Community Center. There's also a new detox unit set up in the jail which is currently in stage one. Leg. L. Williams

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

With a motion by Legislator Shismky and seconded by Legislator Maher the following nineteen items below were received & filed with a vote of 5 to 0.

1. **(ID # 11432) Communication – HON. DAMON R. MAHER: The New Yorker Article - "Sending a mother to prison can have a catastrophic effect":**

Forwarding an article from *The New Yorker Magazine* entitled, "Letter from Oklahoma Separated - Sending a mother to prison can have a catastrophic effect on her children. Why, then does America lock so many woman up?"

RESULT: RECEIVED AND FILED

2. **(ID # 11457) Communication – HON. DAMON R. MAHER: Daily Freeman Article - "Ulster County's New Family Court called 'a model' that others could follow":**

Forwarding a *Daily Freeman* article entitled, "Ulster County's new Family Court called 'a model' that others in NY could follow."

RESULT: RECEIVED AND FILED

3. **(ID # 11470) Communication – HON. DAMON R. MAHER: Dailyfreeman.com Article - "Ulster County's new Restorative Justice Center":**

Forwarding a *Dailyfreeman.com* article entitled, "Ulster County's new Restorative Justice Center aims to steer youths away from crime."

RESULT: RECEIVED AND FILED

4. **(ID # 11471) Communication – LEGISLATORS MAHER AND A. WILLIAMS: Pew Charitable Trust Report - "Prison Health Care Costs and Quality":**

Forwarding a Report from *Pew Charitable Trust* entitled, "Prison Health Care Costs and Quality - How and why states strive for high performing systems."

RESULT: RECEIVED AND FILED

5. **(ID # 11479) Communication – LEGISLATORS SHIMSKY, PARKER, BOYKIN AND MAHER: Correspondence regarding addiction services for County Jail Health Provider:**

Forwarding correspondence from the National Council on Alcoholism and Drug Dependence/Westchester, Inc., regarding addiction services for County Jail Health Provider.

RESULT: RECEIVED AND FILED

6. **(ID # 11480) Communication – HON. MARYJANE SHIMSKY: Correspondence regarding Reporting and Preventing Hate Incidents:**

Forwarding correspondence from Ardsley Mayor Kaboolian regarding a Proposal on Policy and Procedures for Reporting and Preventing Hate Incidents.

RESULT: RECEIVED AND FILED

7. **(ID # 11482) Communication – HON. MARYJANE SHIMSKY: NYTimes Article - "The Kernel of Human (or Rodent) Kindness":**

Forwarding a *New York Times* article entitled, "The Kernel of Human (or Rodent) Kindness."

RESULT: RECEIVED AND FILED

8. **(ID # 11484) Communication – HON. MARYJANE SHIMSKY: Routefifty.com Article - "No Breathalyzer for the Stoned? Maybe that's OK":**

Forwarding a *Routefifty.com* article entitled, "No Breathalyzer for the Stoned? Maybe that's OK".

RESULT: RECEIVED AND FILED

9. **(ID # 11485) Communication – HON. MARYJANE SHIMSKY: Law360.com Article - "Legal Aid Funder Faces Existential Crisis Under Trump":**

Forwarding a *Law360.com* article entitled, ""Legal Aid Funder Faces Existential Crisis Under Trump."

RESULT: RECEIVED AND FILED

10. **(ID # 11491) Communication – LEGISLATORS MAHER AND BARR: New York Times Article - "How a Crackdown on MS-13 Caught Up Innocent HS Students":**

Forwarding a New York Times article entitled, "How a Crackdown on MS-13 Caught Up Innocent High School Students"

RESULT: RECEIVED AND FILED

11. **(ID # 11492)** **Communication – HON. DAMON R. MAHER: Various Articles on County Jails:**

Forwarding various articles on County Jails.

RESULT: RECEIVED AND FILED

12. **(ID # 11493)** **Communication – HON. DAMON R. MAHER: Various Reports on Prison Costs:**

Forwarding various reports on Prison Costs.

RESULT: RECEIVED AND FILED

13. **(ID # 11514)** **Communication – LEGISLATORS TUBIOLO, SHIMSKY, MAHER, BOYKIN, L.WILLIAMS, A.WILLIAMS, BARR, JOHNSON, COVILL, CLEMENTS, BORGIA, PARKER AND PEREZ: NPR Article - "Report: Americans are now more likely to die of an opioid overdose than on the road":**

Forwarding a *National Public Radio* article entitled, "Report: Americans are now more likely to die of an opioid overdose than on the road."

RESULT: RECEIVED AND FILED

14. **(ID # 11516)** **Communication – LEGISLATORS BOYKIN, SHIMSKY, MAHER, L. WILLIAMS, A. WILLIAMS AND BARR : NYTimes Article - "How Does Bail Work and Why Do People Want To Get Rid of It?":**

Forwarding a *New York Times* article entitled, "How Does Bail Work and Why Do People Want To Get Rid of It?"

RESULT: RECEIVED AND FILED

15. **(ID # 11536)** **Communication – LEGISLATORS MAHER, SHIMSKY, BOYKIN, L. WILLIAMS, A. WILLIAMS, BARR, JOHNSON, COVILL, CLEMENTS, BORGIA, PARKER AND PEREZ: Correspondence re: support of addiction treatment in County Jail:**

Forwarding correspondence from Drug Crisis in Our Backyard regarding support of addiction treatment in County Jail.

RESULT: RECEIVED AND FILED

16. **(ID # 11542)** **Communication – LEGISLATORS TUBIOLO AND MAHER: 3DPrint.com Article - "World's First House 3D Printing Factory Opens In Eindhoven, Netherlands":**

Forwarding a *3DPrint.com* article entitled, "World's First House 3D Printing Factory Opens In Eindhoven, Netherlands."

RESULT: RECEIVED AND FILED

17. **(ID # 11552)** **Communication – LEGISLATORS SHIMSKY, BARR, A. WILLIAMS, MAHER AND PEREZ: RouteFifty.com Article - "People Aren't Walking More, But More Pedestrians Are Getting Killed":**

Forwarding a *RouteFifty.com* article entitled, "People Aren't Walking More, But More Pedestrians Are Getting Killed."

RESULT: RECEIVED AND FILED

18. **(ID # 11555)** **Communication – LEGISLATORS SHIMSKY, CUNZIO, MAHER, BOYKIN, L. WILLIAMS, A. WILLIAMS, BARR, JOHNSON, CLEMENTS, COVILL, BORGIA, PARKER AND PEREZ: RochesterFirst.com Article - "Program will provide opioid addiction treatment to Monroe inmates":**

Forwarding a *RochesterFirst.com* article entitled, "Program will provide opioid addiction treatment to Monroe County inmates."

RESULT: RECEIVED AND FILED

19. **(ID # 11559)** **Communication – LEGISLATORS SHIMSKY, MAHER, BOYKIN, L. WILLIAMS, A. WILLIAMS, BARR, JOHNSON, COVILL, CLEMENTS, BORGIA, PARKER AND PEREZ: New York Times Article-"4 Arrested and 23 Guns Seized in Plot Against Muslim Enclave in Upstate NY":**

Forwarding a *New York Times* article entitled, "4 Arrested and 23 Guns Seized in Plot Against Muslim Enclave in Upstate NY."

RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Covill seconded by Legislator Shimsky the Committee adjourned at 4:12 PM.